

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, September 13, 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/@tooelecitey or searching for our YouTube handle **@tooelecitey**. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecitey.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 Kay Thomas Reese to re-assign the zoning for approximately .49 acres located at 215 South 200 East from the existing Zoning designation of R1-7 Residential Zone to MU-G Mixed use General Zone.
4. **Public Hearing and Decision** on a Conditional Use Permit request by Shane Stafford to authorize the use of "Automobile sales and rental" for .18 acres of property located at 351 Ease Utah Avenue in the MU-B Mixed use Broadway zoning district.
5. **Public Hearing and Decision** on a Conditional Use Permit request by Travis and Kelly Dunaj to authorize a detached accessory structure that exceeds 8% total lot coverage and exceeds the 15 foot height limit for .18 acres of property located at 857 South 730 West in the R1-7 Residential zoning district.
6. **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 (*tabled from July 26th Planning Commission meeting*).
7. **City Council Reports**
8. **Review and Approval** of Planning Commission Minutes for the meeting held on August 23, 2023.
9. **Planning Commission Training** on Tooele City's ordinances applicable to the Planning Commission's responsibilities.
10. **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

August 30, 2023

To: Tooele City Planning Commission
Business Date: September 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Reese Dental Office – Zoning Map Amendment Request

Application No.: P23-842
Applicant: Kay Thomas Reese
Project Location: 215 South 200 East
Zoning: R1-7 Residential Zone
Acreage: .24 Acres (Approximately 10,625 ft²)
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone to re-assign the zoning for the subject property to MU-G Mixed Use General.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately .24 acres located at 215 South 200 East. The property is currently zoned R1-7 Residential. The applicant is requesting that a Zoning Amendment be approved to re-assign the zoning for the subject property from R1-7 Residential to MU-G Mixed Use General in order to permit commercial and other non-residential activities to be conducted within the existing structure located on the site.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Mixed Use land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The R1-7 Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Mixed Use land use designation. Properties to the north, east and south are all currently zoned R1-7 Residential. Property to the west is currently zoned MU-G Mixed Use General. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant has in the past operated a dental office in the existing commercial / non-residential office structure located on the property. The structure was constructed in 1985 and since that time ordinances and zoning have evolved to the point that the structure became a legally non-conforming dental office in a single-family residential zone as the R1-7 zoning district currently does not permit dental offices. A legally non-conforming designation permits a non-conformity to continue on in perpetuity as it was when the zoning changed as long as it maintains the following:

1. The non-conforming use does not cease for a period of one year.
2. The use does not change.

The applicant has not operated a dental office in the structure for a period longer than one year and therefore the legal non-conforming status of the structure has expired. When this happens the use of the

property and the structure then must conform with the uses permitted in the overlying zoning district which, in this case, is the R1-7 zoning district. This zoning district limits the structure to essentially single-family residential uses.

The applicant has not indicated on the application their intentions with the existing structure, however, in numerous conversations with the applicant in the Community Development office it was determined that they would like to operate a mental health counseling center at the facility. In order to accomplish this the property must be rezoned to a zone that will permit commercial and non-residential uses. Hence the reason for the request to re-assign the zoning to the MU-G Mixed Use General zone.

The property owner recently petitioned to have the land use designation for the subject property changed to Mixed Use to facilitate or enable the property to qualify for consideration of a Zoning Map amendment to the MU-G Mixed Use General zoning district. The City Council approved the request and the property was re-assigned to the Mixed Use land use designation.

The MU-G Mixed Use General zoning district permits a mix of commercial, office, single-family residential and multi-family residential land uses. In a MU-G zoning district a property can be utilized as commercial, office, medical, single-family residential, multi-family residential and in some cases even permitting a mix of these uses in one building. A change to the MU-G Mixed Use General zoning district would permit an existing legally non-conforming structure to become legal, enable greater use of an existing non-residential structure, provide additional commercial space for small businesses and provide the property owner with greater flexibility in utilizing an existing non-residential structure to its greatest and most effective use.

It should also be noted that property across 200 East is currently zoned as MU-G Mixed Use General and is utilized as a community center housing a wide variety of retail and personal services type commercial uses.

Further more, the MU-G zoning district also permits single-family residential, so a change in the zoning to MU-G Mixed Use General doesn't prohibit this property from being converted to a residential use or even a duplex if the applicant desired to utilize the building for that purpose.

Site Plan Layout. This is an existing structure that has expired its legally non-conforming status. See the aerial view for site conditions.

Subdivision Layout. The subdivision conditions of this property are complicated and not easy to understand, even for staff. The county records indicate that the dental office sits on a .46 acre parcel, however, the applicant insisted that he had previously approved a subdivision of the .46 acre parcel into two quarter acre lots. The applicant has even provided a plat that was approved by the Tooele City Planning Commission in 1966 splitting the .46 acre lot into two quarter acre lots as well as a quit claim deed from Tooele County showing lots 5 and 6. Staff doesn't entirely understand why the County's property records do not accurately reflect these lots but the applicant has provided documentation that demonstrates the lots do exist. The LUMA applies only to lot 6.

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. A change to the MU-G Mixed Use General zone eliminates an expired legally non-conforming designation and enables greater use and flexibility for an existing commercial / non-residential structure.
2. A change to the MU-G Mixed Use General zone will enable a structure to be utilized for commercial, office or personal services as well as single-family residential and even two family residential.
3. Changing to the MU-G Mixed Use General zone is a good solution for the non-conformity complications associated with this property.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions do not typically review legislative matters such as a Zoning Map Amendment and as such have not issued any comments regarding this application.

Tooele City Fire Department Review. The Tooele City Fire Department does not typically review legislative matters such as a Zoning Map Amendment and as such have not issued any comments regarding this application.

Noticing. The applicant has expressed their desire to re-assign the land use designation 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 Reese Property Zoning Map Amendment request by Kay Thomas Reese, to re-assign the zoning for .24 acres, to the MU-G Mixed Use General zone, application number P23-669, based on the findings listed in the Staff Report dated August 3, 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 Reese Property Zoning Map Amendment request by Kay Thomas Reese, to re-assign the zoning for .24 acres, to the MU-G Mixed Use General zone, application number P23-669, based on the following findings:”

1. List findings...

EXHIBIT A

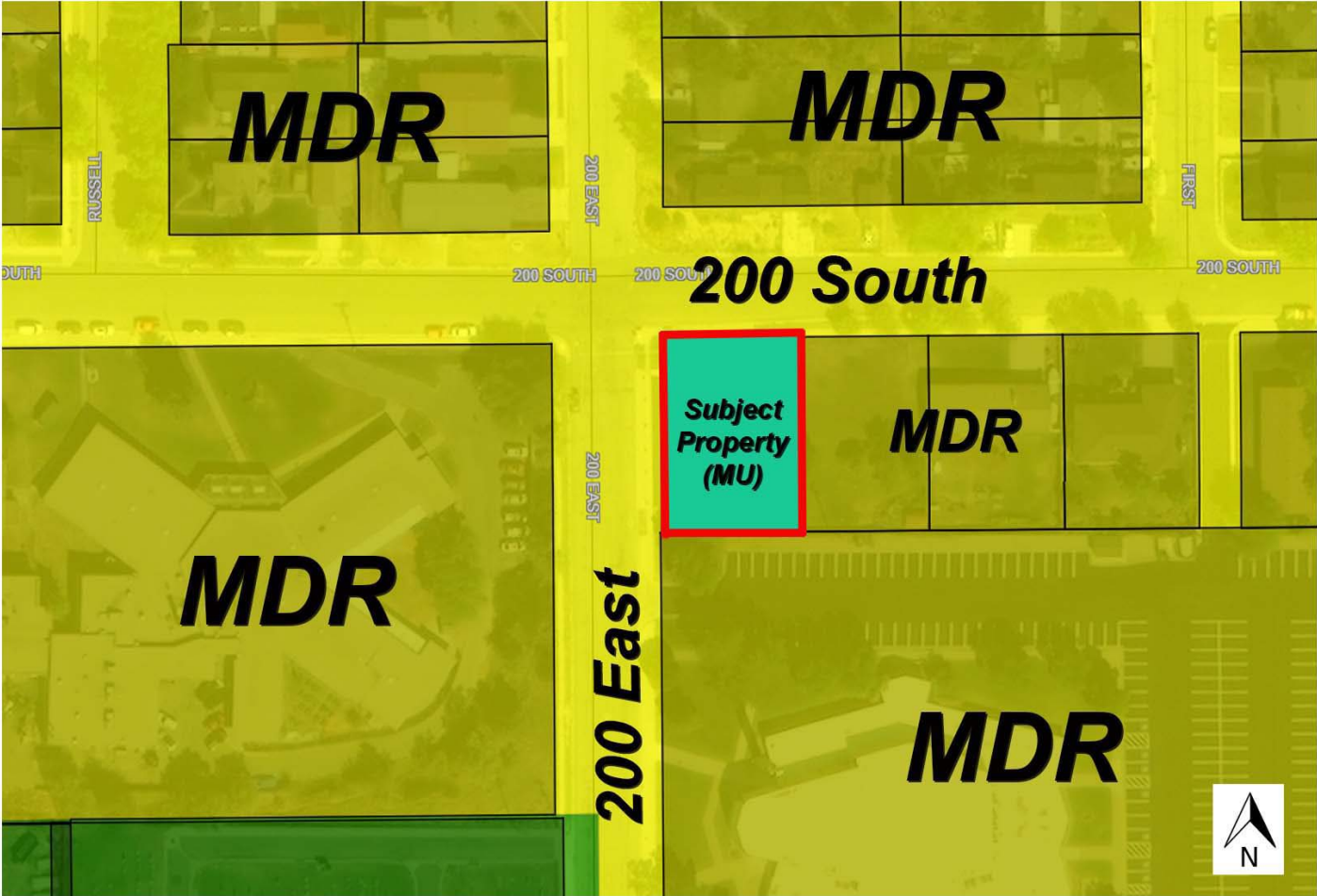
MAPPING PERTINENT TO THE REESE DENTAL OFFICE ZONING MAP AMENDMENT

Reese Property Zoning Map Amendment



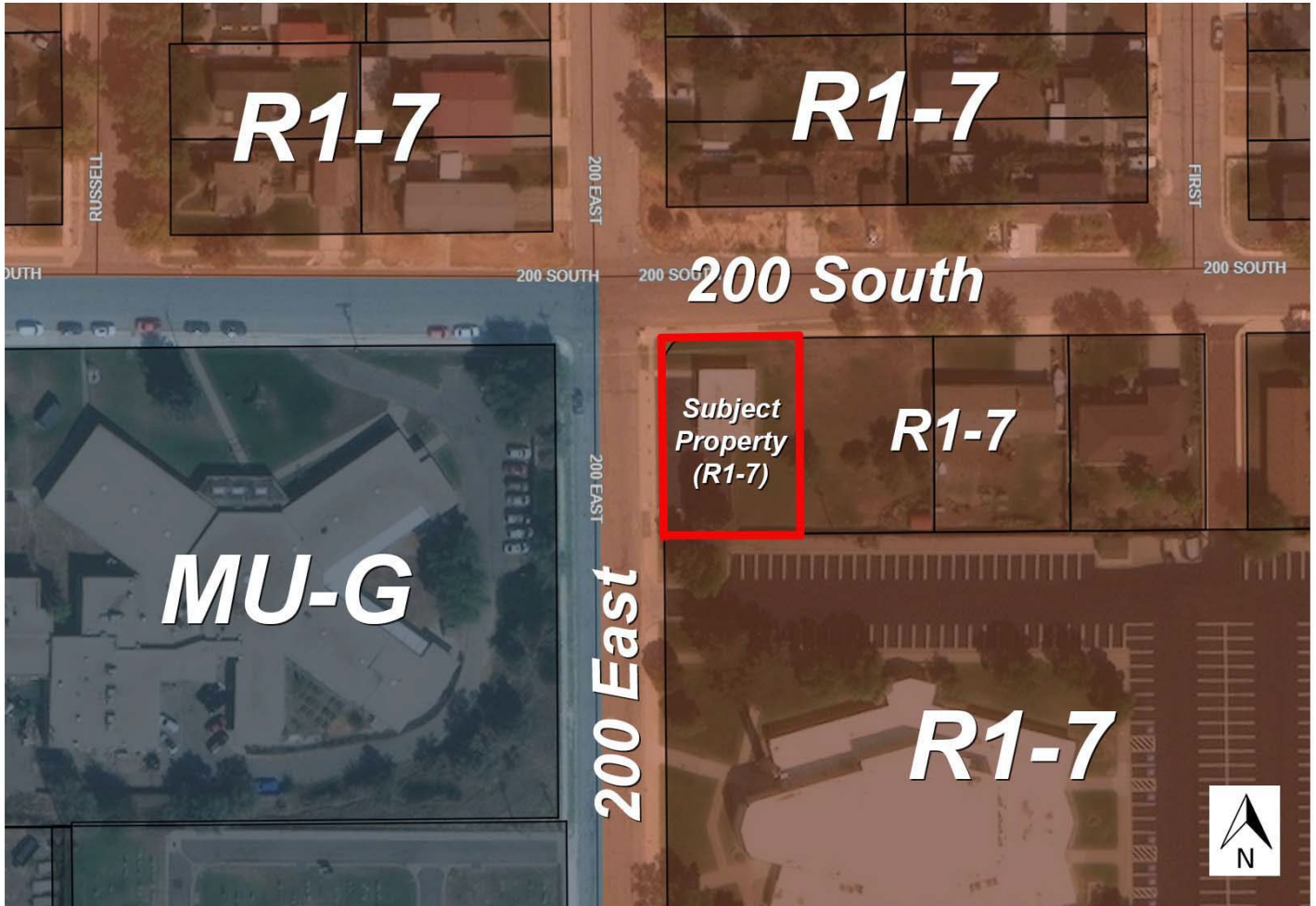
Aerial View

Reese Property Zoning Map Amendment



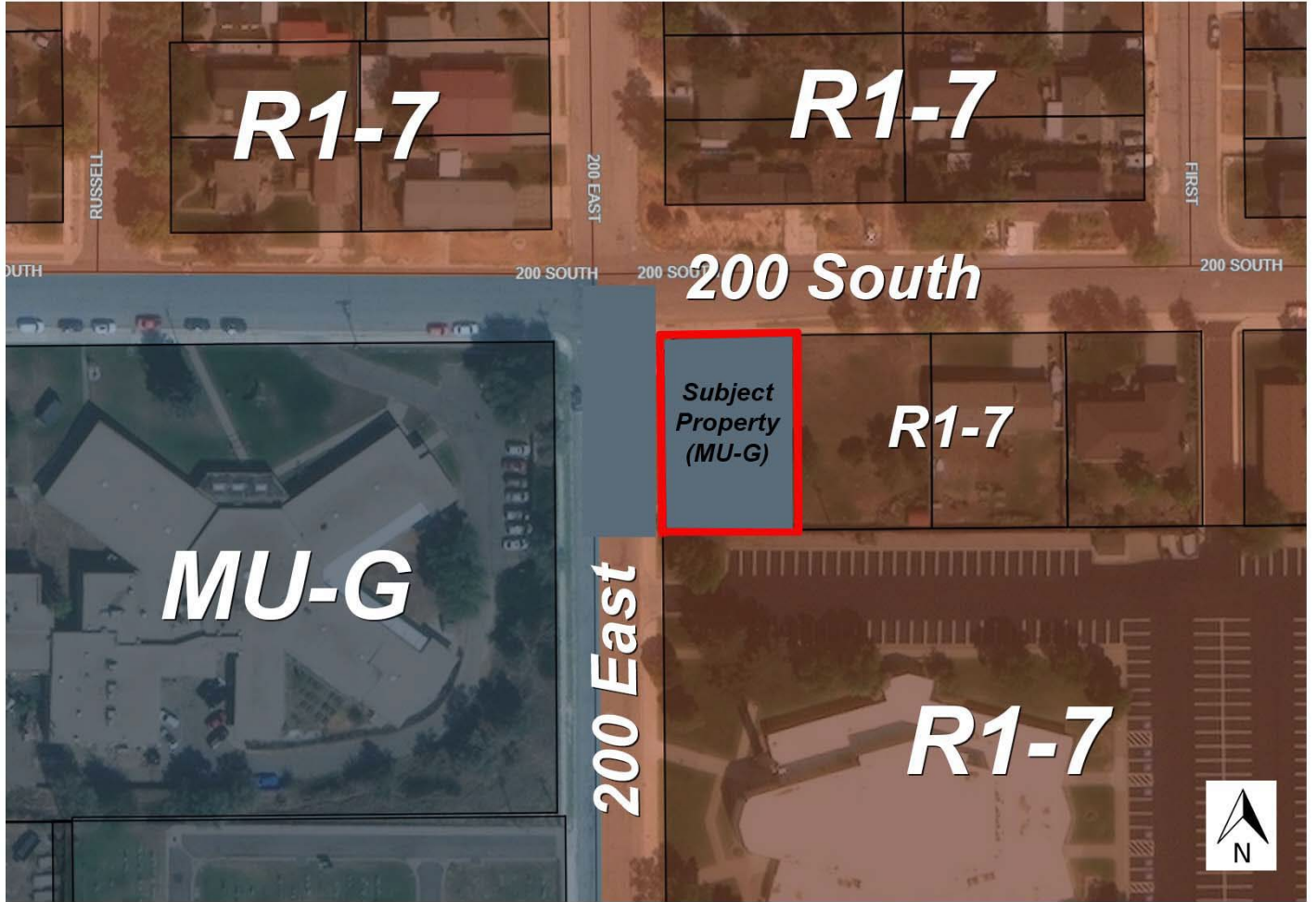
Current Land Use

Reese Dental Property Zoning Map Amendment



Current Zoning

Reese Dental Property 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



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			
23-842			
Date of Submission: <i>August 16, 2023</i>	Current Map Designation: <i>RI-7</i>	Proposed Map Designation: <i>MU-9</i>	Parcel #(s): <i>0900400002</i>
Project Name: <i>Dr. K.T. Reese Dental Office</i>			Acres: <i>0.49</i>
Project Address: <i>215 S 200 E Lot 6</i>			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary:			
Property Owner(s): <i>Kay Thomas Reese</i>		Applicant(s): <i>Kay Thomas Reese</i>	
Address: <i>170 E 200 S</i>		Address: <i>170 E 200 S</i>	
City: <i>Tooele</i>	State: <i>Utah</i>	Zip: <i>84074</i>	City: <i>Tooele</i>
Phone: <i>435 882-0685 cell: 801 867 5876</i>	Phone: <i>435 882-0685 cell: 801 867 5876</i>		
Contact Person: <i>Kay Thomas Reese</i>		Address: <i>170 E. 200 S</i>	
Phone: <i>435 882-0685</i>	City: <i>Tooele</i>	State: <i>Utah</i>	Zip: <i>84074</i>
Cellular: <i>801 867 5876</i>	Fax:	Email: <i>ktreese66@msn.com</i>	

*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			
2230935			
Received By: <i>Jessi</i>	Date Received: <i>8/16/23</i>	Fees: <i>1100.00</i>	App. #: Receipt #: <i>5010842</i>

STAFF REPORT

August 31, 2023

To: Tooele City Planning Commission
Business Date: September 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Smitty's Auto Sales – Conditional Use Permit Request

Application No.: P23-836
Applicant: Shane Staffon, representing Smitty's Speed Shop
Project Location: 351 East Utah Avenue
Zoning: MU-B Mixed Use Broadway Zone
Acreage: .18 Acres (Approximately 7840 ft²)
Request: Request for approval of a Conditional Use Permit in the MU-B Mixed Use Broadway zone to authorize the use of “Automobile Sales and Rental” to be conducted on the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .18 acres located 351 East Utah Avenue. The property is currently zoned MU-B Mixed Use Broadway. The applicant is requesting that a Conditional Use Permit be approved to permit the use of “Automobile Sales and Rental” to occur thereon.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Mixed Use land use designation for the subject property. The property has been assigned the MU-B Mixed Use Broadway zoning classification, supporting approximately 16 dwelling units per acre. Properties to the north, east and south of the subject property are all zoned MU-B but are utilized largely as single-family residential. There is some R1-7 Residential zoning to the west on the adjacent side of Broadway. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The property is currently used as a legally non-conforming automotive repair and restoration business. The applicant wishes to expand their operations on the property and engage in automobile sales on the lot to sell some of the vehicles they restore. Automobile sales and rental are permitted in the MU-B Mixed Use Broadway zoning district but require a Conditional Use Permit approved by the Planning Commission.

The applicant has not indicated which business will be more prominent on the site, the auto repair and restoration or the automobile dealership and has not indicated the number of vehicles they intend to sell on the lot and how this will co-exist with the necessary storage of vehicles awaiting repair and service. Staff did reach out to the applicant for this information but was unable to reach them.

Site Plan Layout. This is an existing site and building. The aerial map accurately communicates the conditions of the site.

Parking. The biggest question involving an automobile dealership is the parking. Parking areas cannot be used for vehicle display only. There must be sufficient parking for employees and for customers who are visiting to view or test drive the vehicles being sold. Staff estimates that the larger parking area south of the building could

potentially hold 10 vehicles. There is also space along the west side of the building that could park another 5 to 8 vehicles. However, it also needs to be considered that the applicant will continue to perform automobile repair and restoration at the site. Where are vehicles awaiting maintenance or pick up from vehicle owners going to be stored?

There is nothing prohibiting a customer from parking on Broadway or Utah Avenue as these are public streets, however, parking on public streets cannot be considered towards satisfying required parking counts and vehicles cannot be stored or displayed on the public streets. Tooele City ordinance requires all business related parking to be accomplished off-street.

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. In order to maintain safe visibility, to maintain sufficient rights-of-way for travelers and to maintain sufficient space for emergency vehicles it is essential that the public rights-of-way remain as unencumbered as possible. Tooele City ordinances also require that all businesses contain their required parking off-street and on their own site.

REVIEWS

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

proposed condition:

1. All business related parking for customers, employees, vehicle display and automobile repair shall be contained on-site with no on-street parking.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Division have completed their review of the Conditional Use Permit submission and have not issued a recommendation or comments regarding this request.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has not issued a recommendation or comments regarding this request.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Shane Staffon, representing Smitty's Speed Shop, application number P23-836, subject to the following conditions:

1. All business related parking for customers, employees, vehicle display and automobile repair shall be contained on-site with no on-street parking.

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 Shane Staffon, representing Smitty's Speed Shop to authorize the use of “automobile sales and rental” to occur on the property, application number P23-836, based on the findings and subject to the conditions listed in the Staff Report dated August 31, 2023:”

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

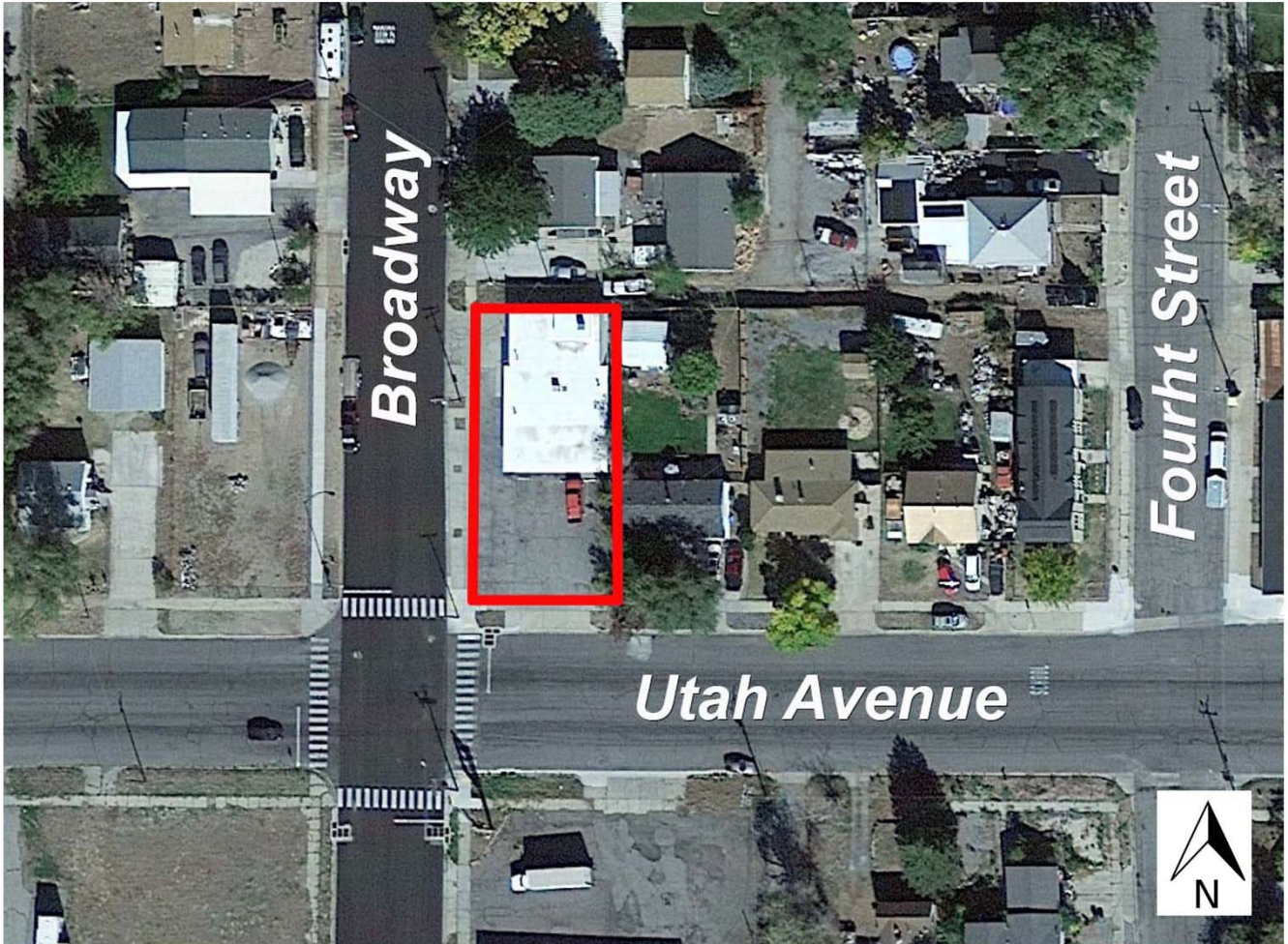
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Shane Staffon, representing Smitty's Speed Shop to authorize the use of “automobile sales and rental” to occur on the property, application number P23-836, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

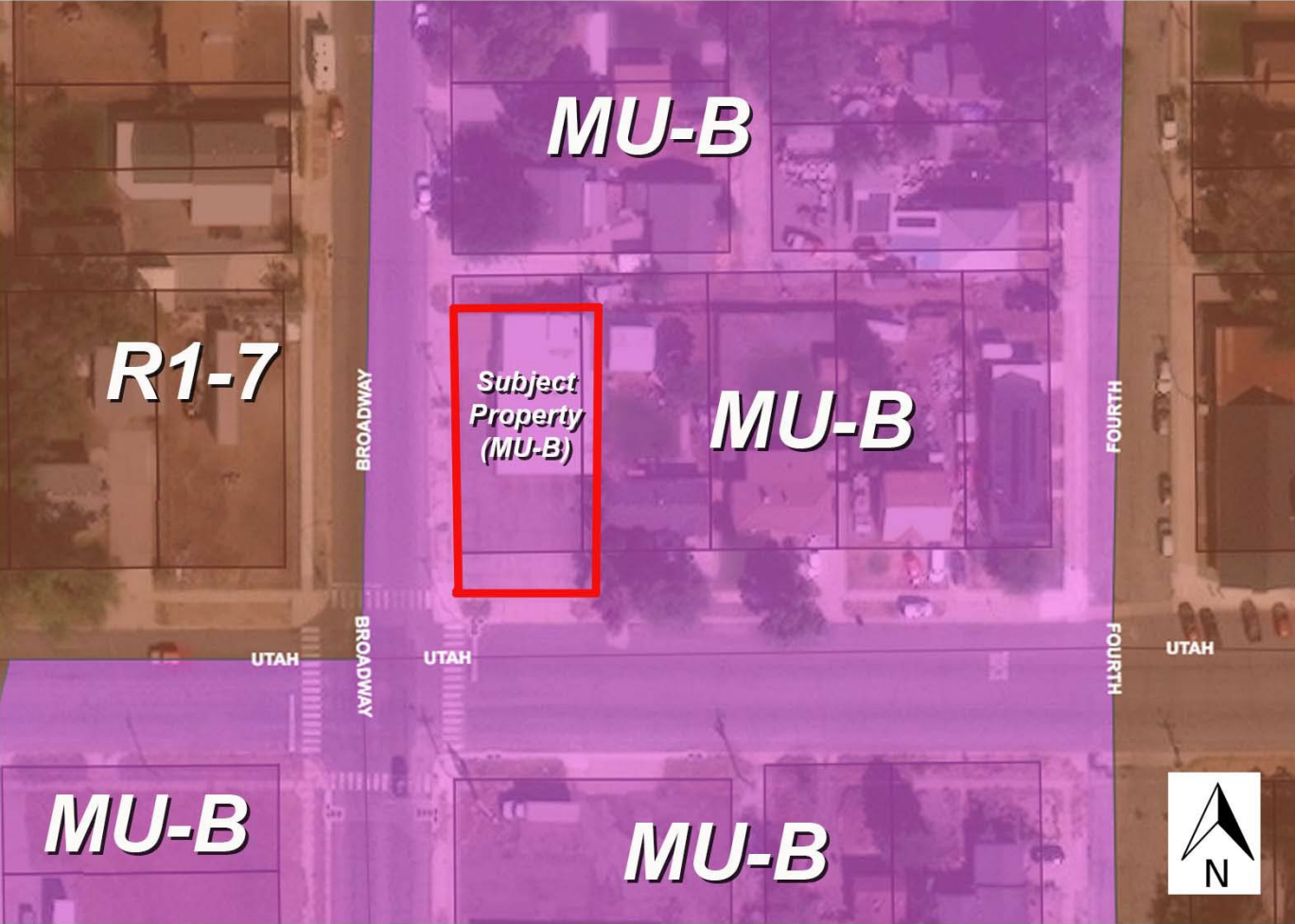
**MAPPING PERTINENT TO THE
SMITTY'S AUTO SALES CONDITIONAL USE PERMIT**

Smitty's Auto Sales Conditional Use



Aerial View

Smitty's Auto Sales Conditional Use



Current Zoning

Smitty's Auto Sales Conditional Use



Aerial View

EXHIBIT B


APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

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




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

Project Information					
Date of Submission: 8-15-2023		Current Zoning: Mixed Use Broadway		Parcel #(s): 02-098-0-0008	
Project Name: Smittys Auto Sales				Acres:	
Project Address: 351 E. UTAH AVE.				Units:	
Project Description: Would like to add Auto sales to current Business lot.					
Current Use of Property: Auto Repair + Restoration					
Property Owner(s): Great West Investments			Applicant(s): Smittys Speed Shop		
Address: 12885 S Springs Wk RD			Address: 351 E UTAH AVE		
City: PAYSON	State: UT	Zip: 84651	City: Tooele	State: UT	Zip: 84074
Phone: 801-828-8151			Phone: 435-849-7078		
Contact Person: SHANE STAFFORD			Address: 351 E UTAH AVE		
Phone: 435-849-7078			City: Tooele	State: UT	Zip: 84074
Cellular: 808 4915939	Fax:		Email: smittyspeed@gmail.com		
Signature of Applicant: 					
Date 8-15-2023					

*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			
Fee: 600.00 (213)	Received By: 	Date Received: 8/16/23	Receipt #: 2230934 586821







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ACE

STAFF REPORT

August 31, 2023

To: Tooele City Planning Commission
Business Date: September 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Dunaj Garage – Conditional Use Permit Request

Application No.: P23-835
Applicant: Travis Dunaj
Project Location: 857 South 730 West
Zoning: R1-7 Residential Zone
Acreage: .18 Acres (Approximately 7840 ft²)
Request: Request for approval of a Conditional Use Permit in the R1-7 Residential zone to authorize a detached accessory structure that exceeds the 8% lot coverage restriction and that exceeds the 15 foot building height restriction.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .18 acres located at 857 South 730 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Conditional Use Permit be approved to permit the construction of a detached accessory garage that is taller than the 15 foot maximum height restriction and larger than the 8% total lot coverage restriction for detached accessory structures.

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 five dwelling units per acre. The property is zoned R1-7 Residential as are all of the surrounding properties. All properties in the area are also utilized as single-family residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Tooele City Code 7-14-6 Accessory Structures Requirements, sections 3 and 9 specifically authorize the Planning Commission to permit structures that exceed minimum size requirements after a public hearing to consider any adverse impacts the proposed structure may have on adjoining properties.

8% Lot Coverage. The building as proposed by the applicant is 960 square feet in total foot print area. The total lot size is 7840 square feet. 960 square feet of the total lot size yields a lot coverage of about 12.2% of the total lot area. The structure is proposed to be located in the rear yard to the east of the existing home and will still meet the required setbacks from property lines, remain outside of established public utility easements (PUEs) and maintain the necessary 6 foot separation from the main dwelling. Looking at aerial photographs of the subdivision small detached accessory structures in the neighborhood are common but larger detached garages are fairly uncommon in this area. However, staff cannot identify any significant impacts this proposal would generate as the structure will still be meeting all accessory building requirements.

15 Foot Building Height. The City Code measures building height from the point of finished grade on the ground up to the mid point between the roof peak and eave. The plans provided by the applicant show a 15 foot building height up to the eave of the roof and an additional 4 feet 4 inches to the peak. That would place the building height at the mid point of roof pitch at approximately 17 feet 2 inches above finished grade. The applicant is asking that the building be permitted to exceed maximum building height by 2 feet 2 inches. The proposed structure will not exceed the building height of the ramblers in the subdivision and would not be out of character for structures in the area. Staff cannot identify any significant impacts this proposal would generate. It should be noted that maximum building heights in the R1-7 zoning district are 35 feet.

Site Plan Layout. The applicant has provided a site plan drawing showing the proposed layout of the structure. It should be noted that the lot depth on the plan is incorrect. The actual depth of the lot is 112 feet instead of 79 feet. Staff has redlined the correct lot depth on the plans.

The drawings are also showing a secondary garage gaining access to 730 West on the north side of the home and a second lot access. This second access creates some unique ordinance compliance issues in regards to maximum amount of drive approaches permitted by the code, however, that issue is not pertinent to the building height and lot coverage issue. Staff will address the other issues on the site during the building permit process.

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. It is possible that if building height and lot coverage amounts are not clearly identified in this

Conditional Use Permit that the applicant could exceed those maximum restrictions without clear indication of how far those restrictions can be exceeded. Therefore it is critical that the Planning Commission approve the CUP with conditions limiting the maximum lot coverage and maximum building height to slightly more than those necessary to accommodate the proposed building.

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

REVIEWS

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

1. Maximum lot coverage for detached accessory structures shall be limited to 12.5% and maximum building height for the structure shall be limited to 17 feet 5 inches.
2. The applicant shall obtain all necessary building permits prior to commencing construction and shall obtain all subsequent building inspections during the construction process.

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

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has not issued any comments regarding this request.

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

STAFF RECOMMENDATION

Staff recommends approval denial of the request for a Conditional Use Permit by Travis Dunaj, application number P23-835, subject to the following conditions:

1. Maximum lot coverage for detached accessory structures shall be limited to 12.5% and maximum building height for the structure shall be limited to 17 feet 5 inches.
2. The applicant shall obtain all necessary building permits prior to commencing construction and shall obtain all subsequent building inspections during the construction process.

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. Staff cannot identify any detrimental impacts the proposed structure would generate on adjacent properties.
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 Travis Dunaj, for the purpose of permitting a detached accessory structure to exceed the 8% total lot coverage restrictions and exceed the 15 foot building height requirement, application number P23-835, based on the findings and subject to the conditions listed in the Staff Report dated August 31, 2023:”

1. List findings of fact and conditions...

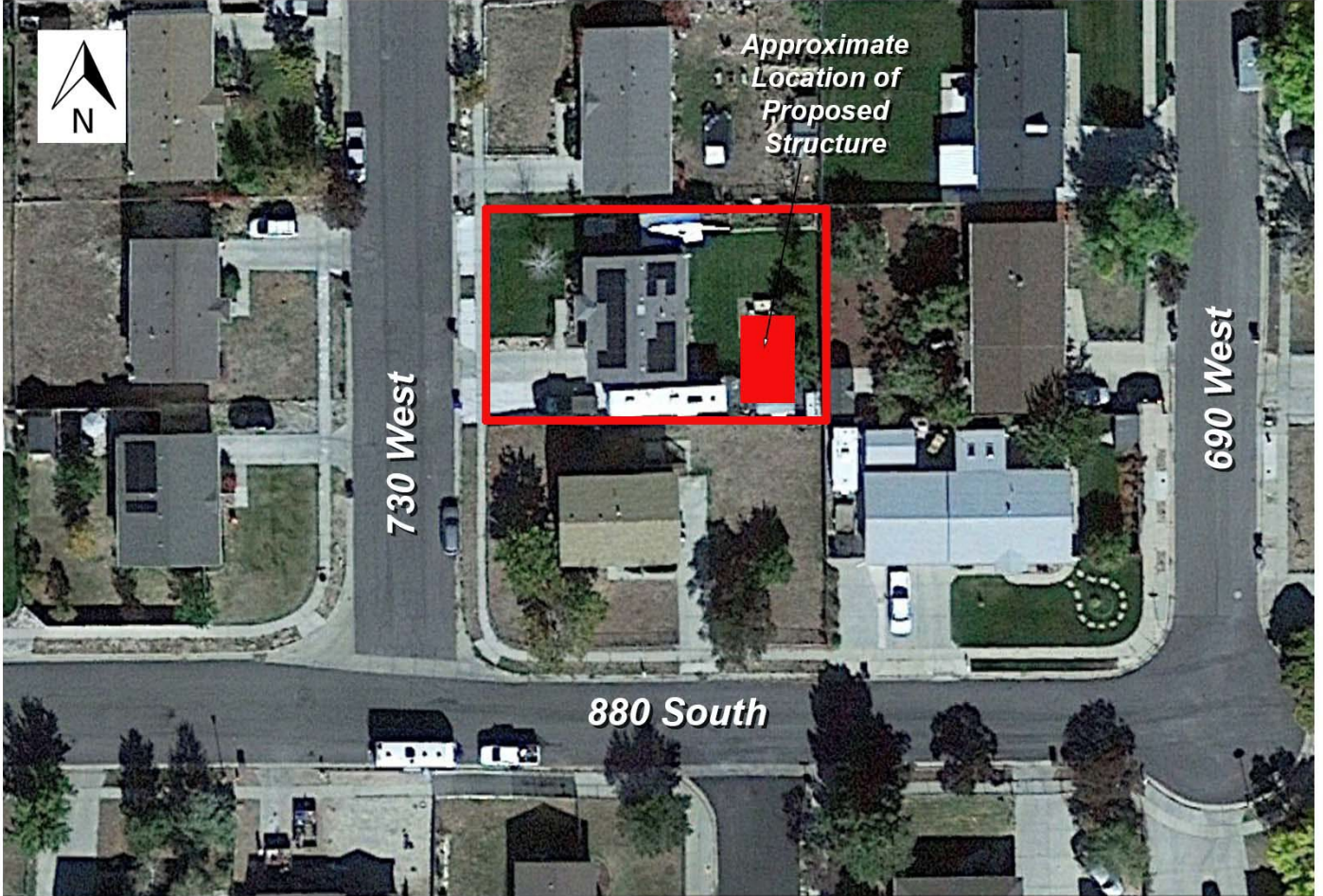
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Travis Dunaj, for the purpose of permitting a detached accessory structure to exceed the 8% total lot coverage restrictions and exceed the 15 foot building height requirement, application number P23-835, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

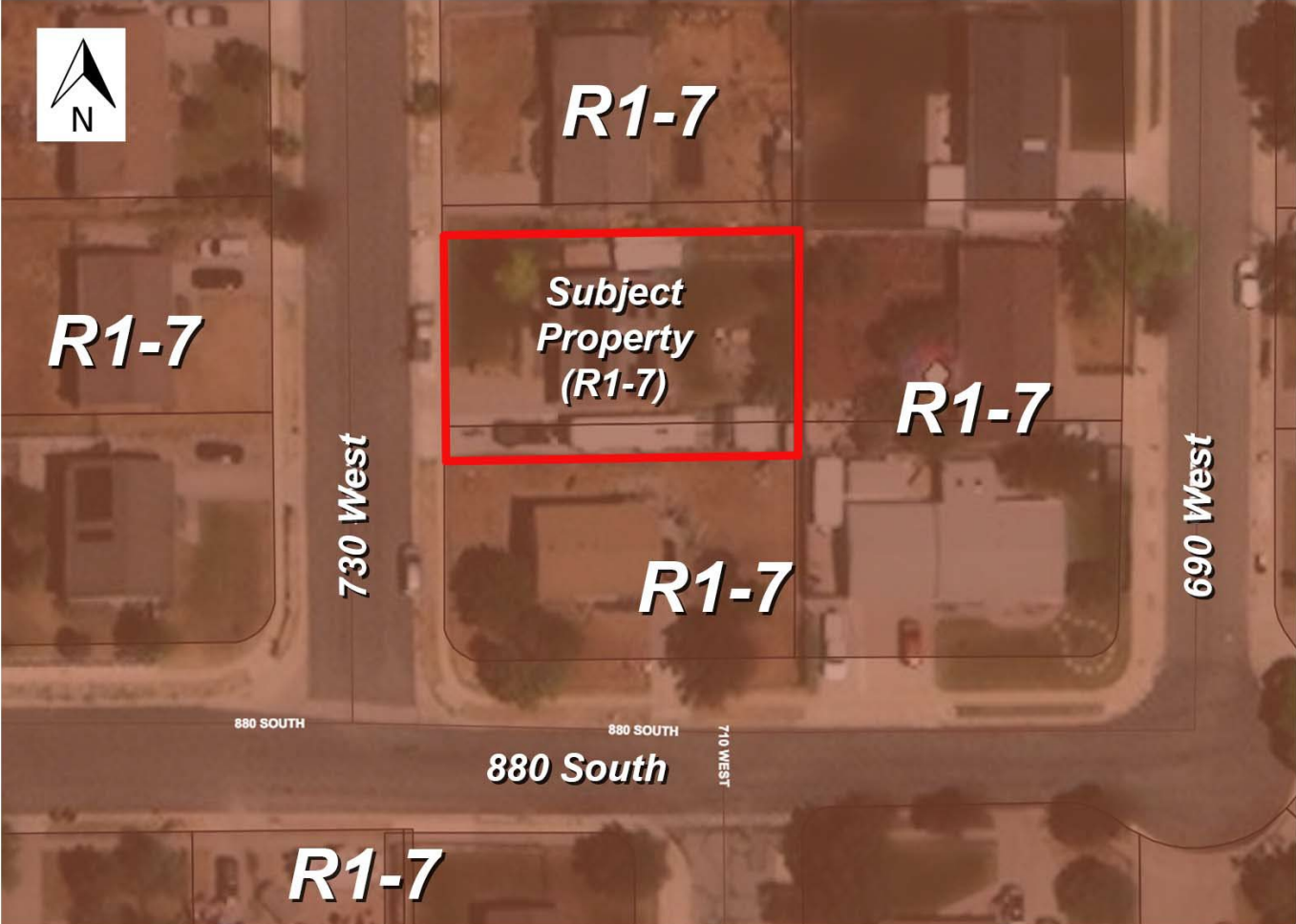
**MAPPING PERTINENT TO THE
DUNAJ GARAGE CONDITIONAL USE PERMIT**

Dunaj Garage Conditional Use



Aerial View

Dunaj Garage Conditional Use



Current Zoning

EXHIBIT B


**PROPOSED DEVELOPMENT PLANS &
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.

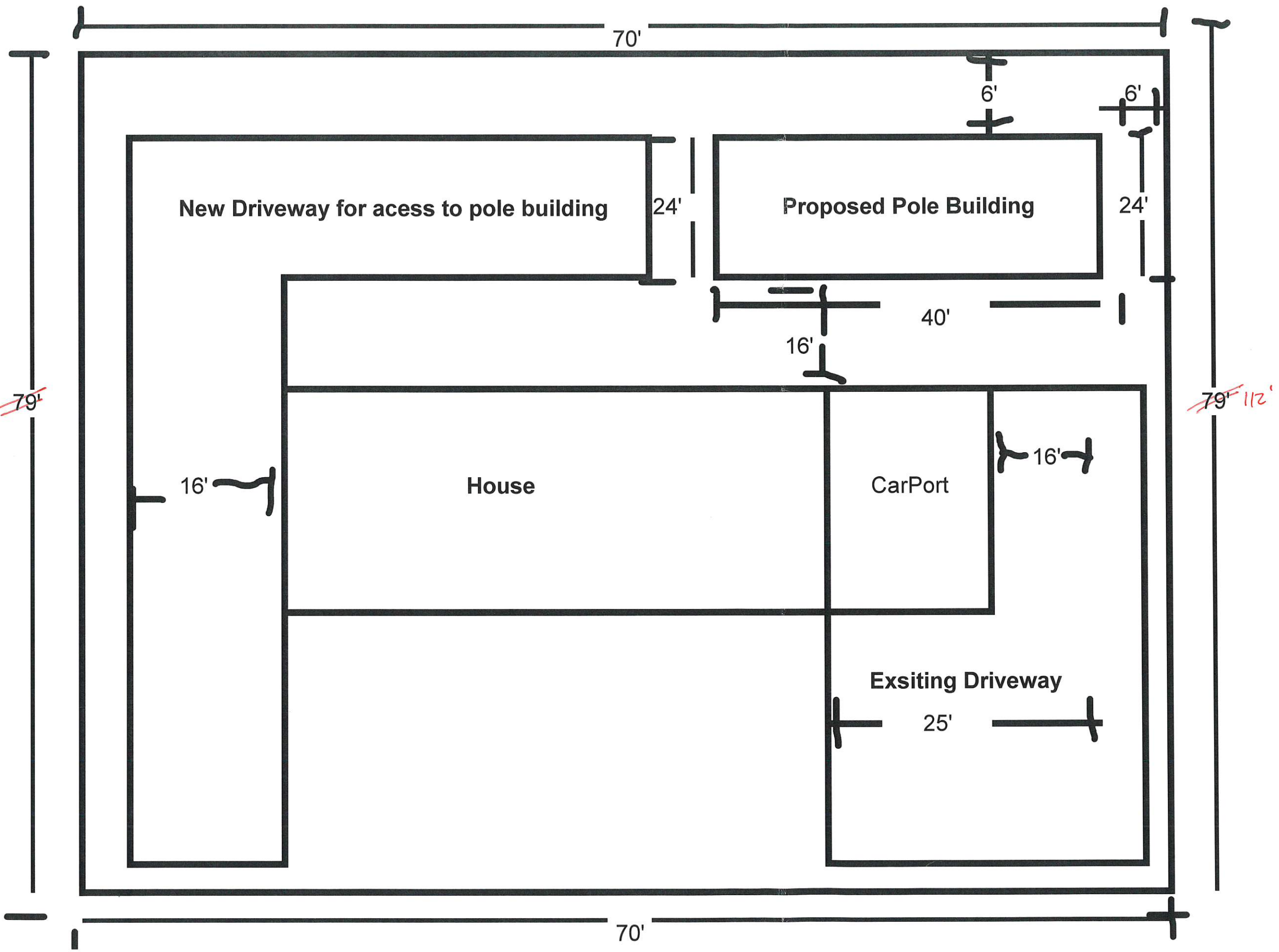
Project Information				23-835			
Date of Submission: <i>16 Aug 2023</i>		Current Zoning: <i>I</i>		Parcel #(s): <i>1201200563</i>			
Project Name:						Acres: <i>0.18</i>	
Project Address: <i>857 S. 730 W. Tooele UT 84074</i>						Units: <i>One</i>	
Project Description: <i>Backyard Garage</i>							
Current Use of Property:							
Property Owner(s): <i>Travis & Kelly Duraj</i>				Applicant(s): <i>Travis & Kelly Duraj</i>			
Address: <i>857 South 730 west</i>				Address: <i>857 S. 730 W</i>			
City: <i>Tooele</i>		State: <i>Utah</i>		Zip: <i>84074</i>		City: <i>Tooele</i>	
						State: <i>UT</i>	
						Zip: <i>84074</i>	
Phone: <i>435-840-0532</i>				Phone: <i>435-840-0532</i>			
Contact Person: <i>Travis Duraj</i>				Address: <i>857 S. 730 W</i>			
Phone:				City: <i>Tooele</i>		State: <i>UT</i>	
						Zip: <i>84074</i>	
Cellular: <i>435-840-0532</i>		Fax:		Email: <i>tduraj73@gmail.com</i>			
Signature of Applicant: 							
Date <i>16 Aug 2023</i>							

*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.

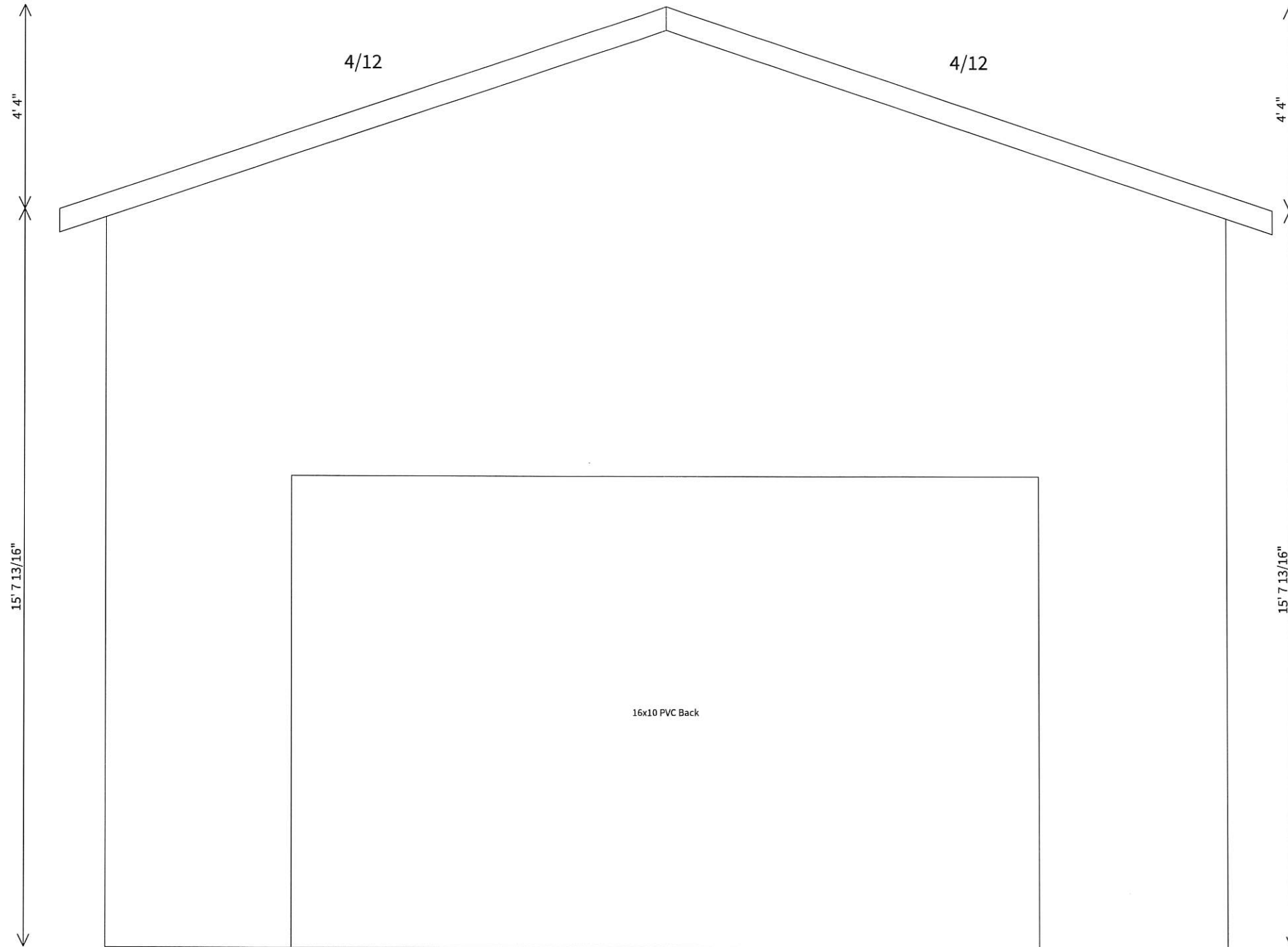
2230933

For Office Use Only			
Fee: <i>600.00</i> (213)	Received By: 	Date Received: <i>8/16/23</i>	Receipt #: <i>586800</i>



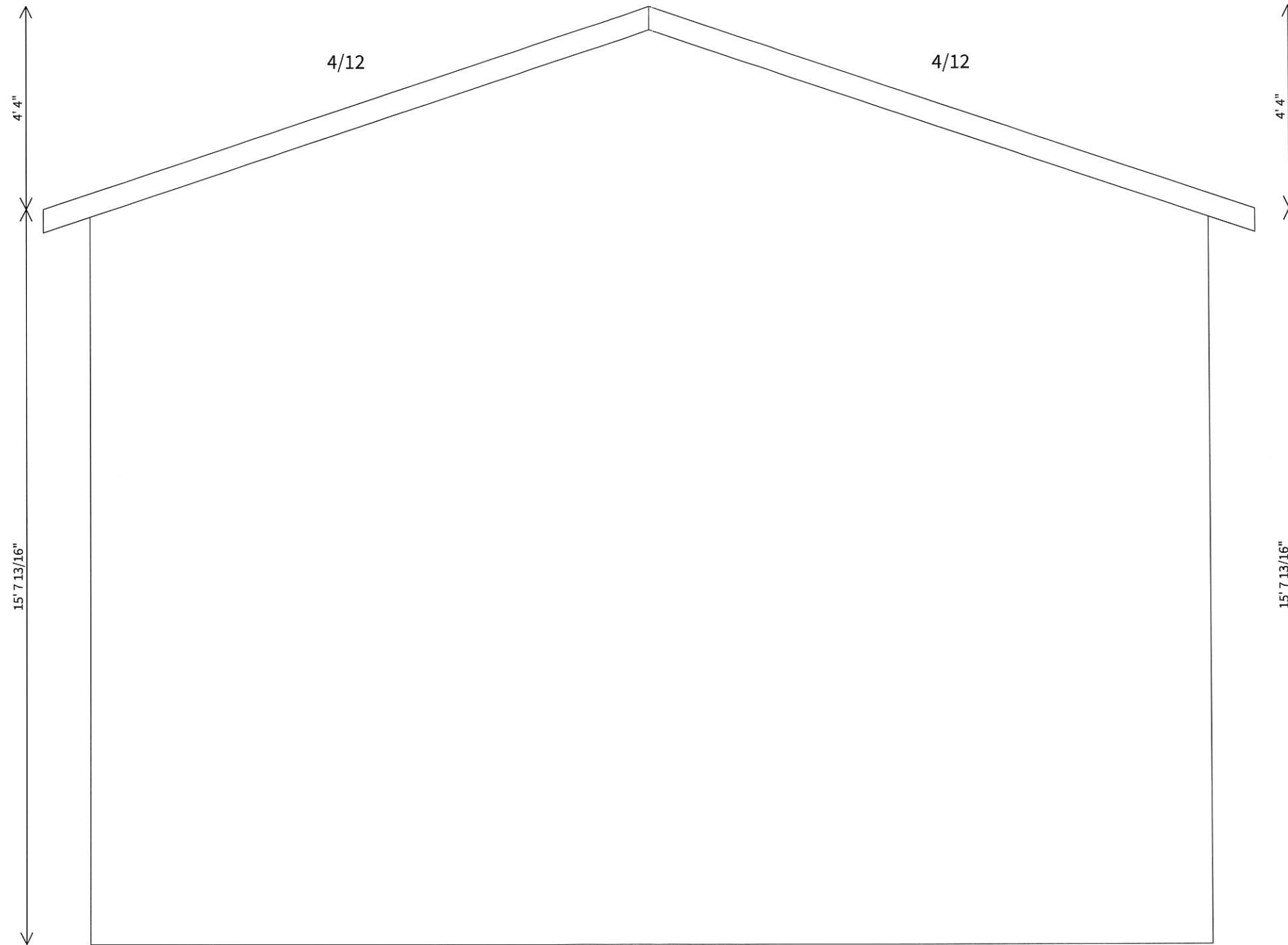
Job: Travis Dunaj
Date: 7/25/2023
Time: 12:52 PM

Front Elevation



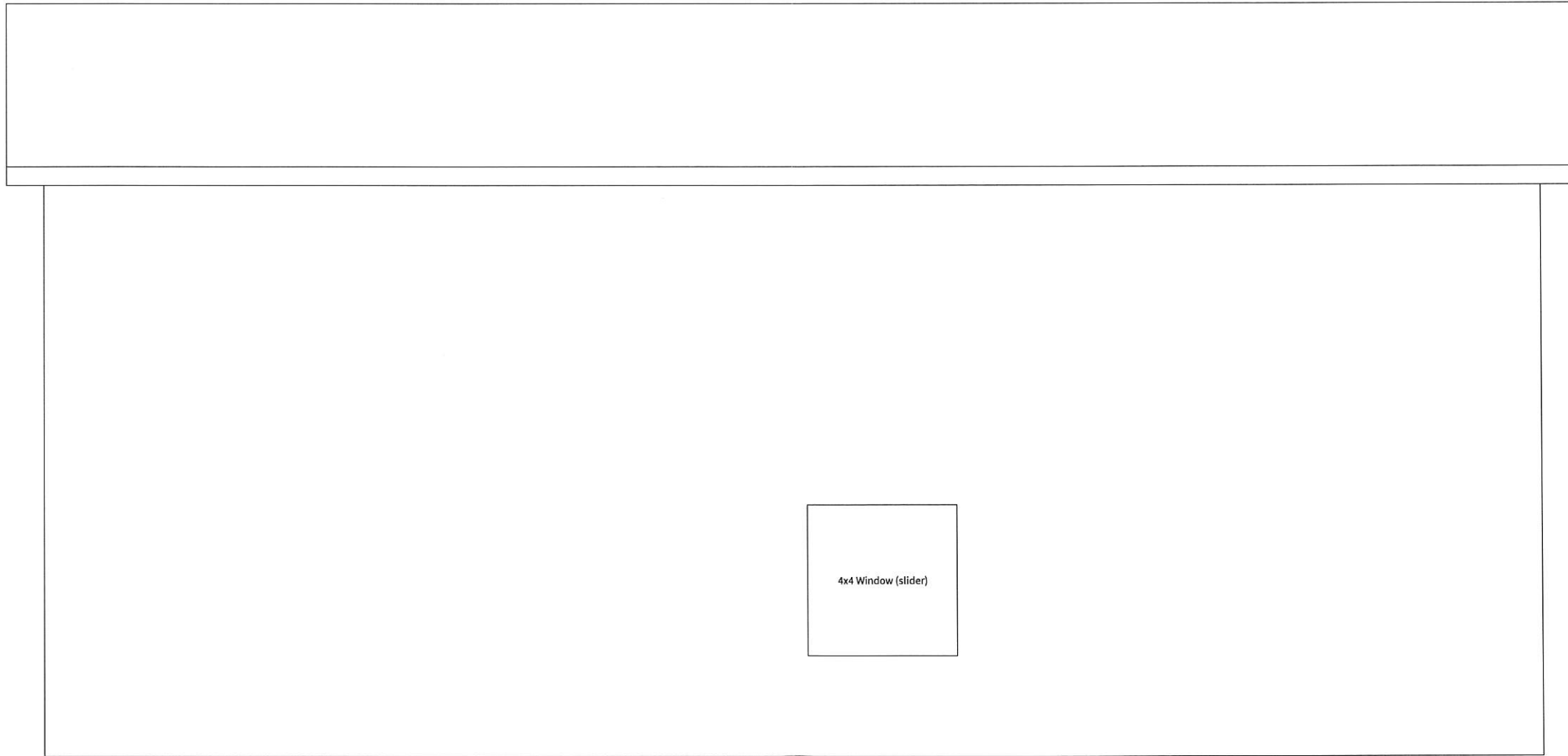
Job: Travis Dunaj
Date: 7/25/2023
Time: 12:52 PM

Back Elevation



Job: Travis Dunaj
Date: 7/25/2023
Time: 12:52 PM

Right Elevation



STAFF REPORT

September 7, 2023

To: Tooele City Planning Commission
Business Date: September 13, 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 ft²)
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.”

The Planning Commission held a public hearing on July 26, 2023. The request for the CUP was tabled in order to provide time for the applicant to conduct a traffic study to address the vehicle storage areas for the drive through facilities and the impact on the site as well as the number of parking stalls. The traffic study has been completed and has been included in the packet for the Commissioners’ reference. Staff has also provided a brief summary of the report findings in the staff report below. New information added to this staff report is indicated in bolded italics.

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 on 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.

Vehicle Storage for Drive Through Facilities. Each drive through facility has been re-designed in order to provide enough space to store 10 vehicles. Each storage aisle is away from public streets and directs waiting vehicles internal to the site. Traffic study estimates a need of between 7 and 13 storage spaces during peak times. The most important issue to consider here is that the vehicle storing for these drive up windows will be away from public streets and internally addressed.

Parking. The traffic study also provides an in depth parking analysis of existing parking and the amount of the existing parking that is utilized by existing businesses. Currently, there are 121 available parking spaces. The study has provided data regarding the average usage of the available parking stalls at 44% or 62 parking stalls. The proposed amendments to the site will reduce the number of available parking stalls to 115 spaces. With the new buildings in addition to the existing buildings on the site the City's parking code requires 132 parking stalls. This is not in compliance with the City code's base zoning parking requirements.

HOWEVER, Tooele City Code 7-4-5 Parking Calculation Ranges, provides an adjustment to the parking requirements due to factors that are not considered in the numbers of the parking requirements. A deviation from the parking standard of up to 15% is permitted by this code. The applicant's traffic study has provided hard data that shows a reduction in the required amount of parking by 13% will not be detrimental to the site as currently only 44%, or 62 parking stalls are utilized on average. Therefore, using this natural adjustment range the parking as proposed in the traffic study will satisfy the City's parking requirements.

Site Plan Layout. The site plan has changed from what was originally presented to the Planning Commission. The changes include the following:

- 1. The new multi-tenant retail building has been moved closer to Main Street with the drive through facility shifted to the west side of the new structure. Vehicles utilized the drive through aisle will enter from the far west, near the existing building, travel east to the window and then exit onto the drive aisle with access to Main Street.***
- 2. The drive through aisle for the new building single-tenant retail building is located in the same place but instead of accessing the drive aisle to the north, landscaping has been added directing vehicle storage for the drive through facility to the west towards the existing building.***

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.

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.

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. The changes of the drive through aisle locations will require vehicles to queue into the site and away from public streets. Interior congestion issues resulting from long queues of vehicles are the purview of the property owners.
2. The traffic report provides sufficient data that the proposed additions of the new structures will not result in significant parking problems on the site and that the parking requested falls within the natural adjustment range authorized by Tooele City Code.
3. Staff is confident that the applicant has done everything they can to mitigate potential vehicle queuing issues, to keep vehicle queuing away from public streets and has sufficient parking to meet the needs of the existing development and the new development combined.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their review of the Conditional Use Permit submission and are comfortable with the recommendations of the traffic study.

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.

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.
9. The changes of the drive through aisle locations and the additional landscape barriers will require vehicles to queue into the site and away from public streets. Interior congestion issues resulting from long queues of vehicles are the purview of the property owners.
10. The traffic report provides sufficient data that the proposed additions of the new structures will not result in significant parking problems on the site and that the parking requested falls within the natural adjustment range authorized by Tooele City Code.
11. Staff is confident that the applicant has done everything they can to mitigate potential vehicle queuing issues, to keep vehicle queuing away from public streets and has sufficient parking to meet the needs of the existing development and the new development combined.

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...

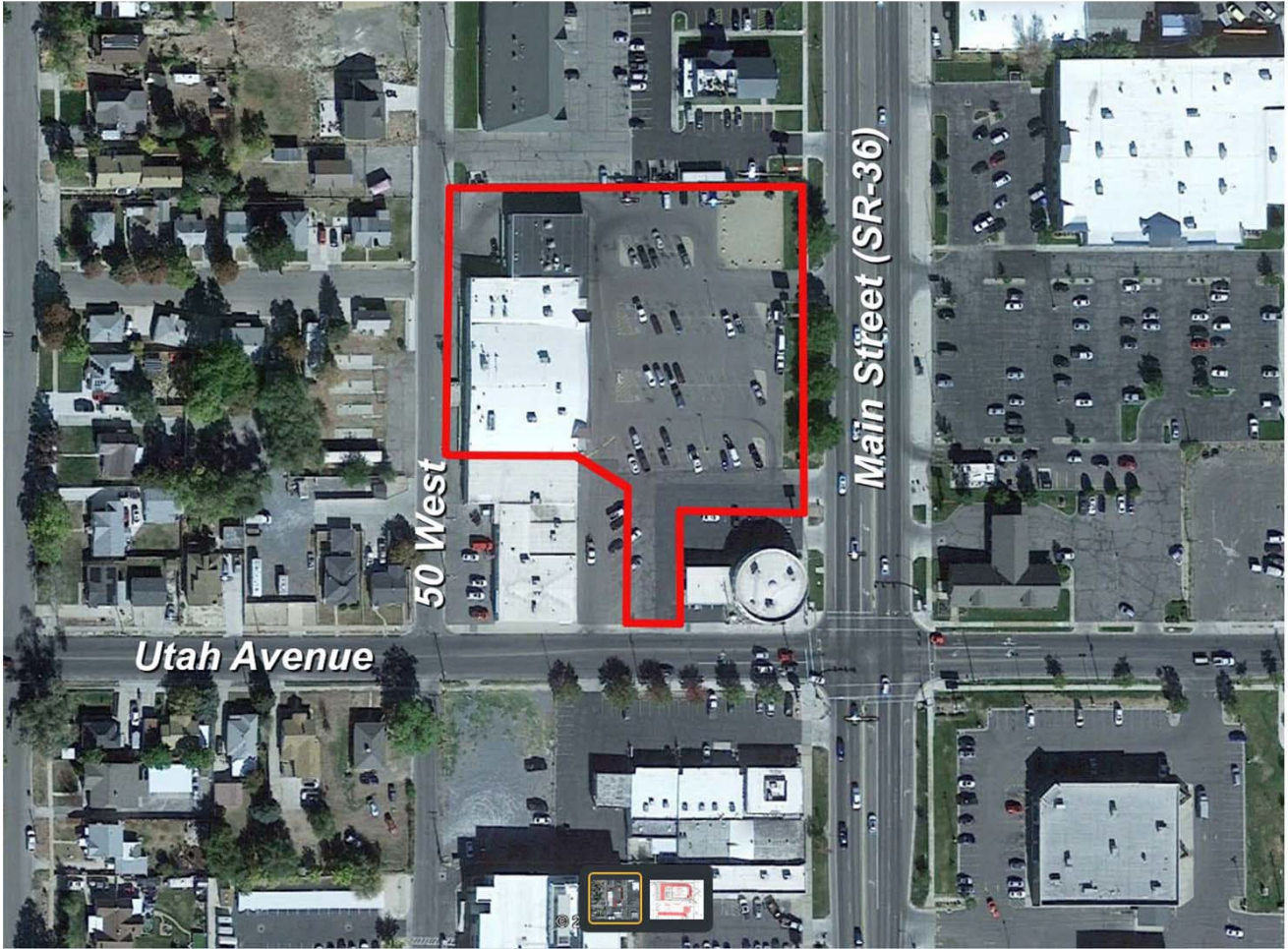
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Elliot Abel, representing IRVA Development to authorize the use of “Accessory Drive Through Facility” for property located at 245 North Main Street, application number P23-605, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

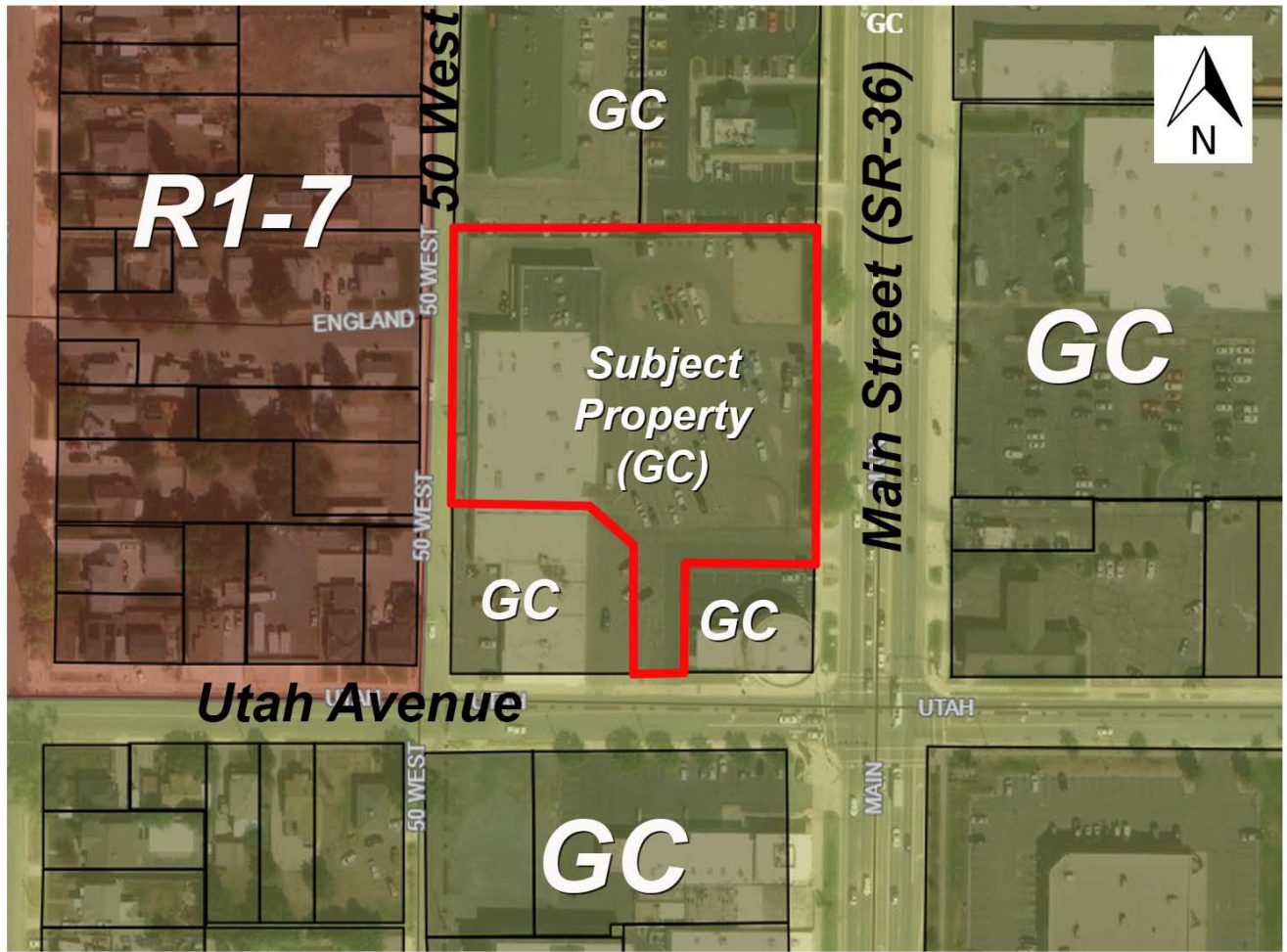
**MAPPING PERTINENT TO THE
IRVA TOOELE RETAIL CONDITIONAL USE PERMIT**

IRVA Tooele Retail Conditional Use Permit



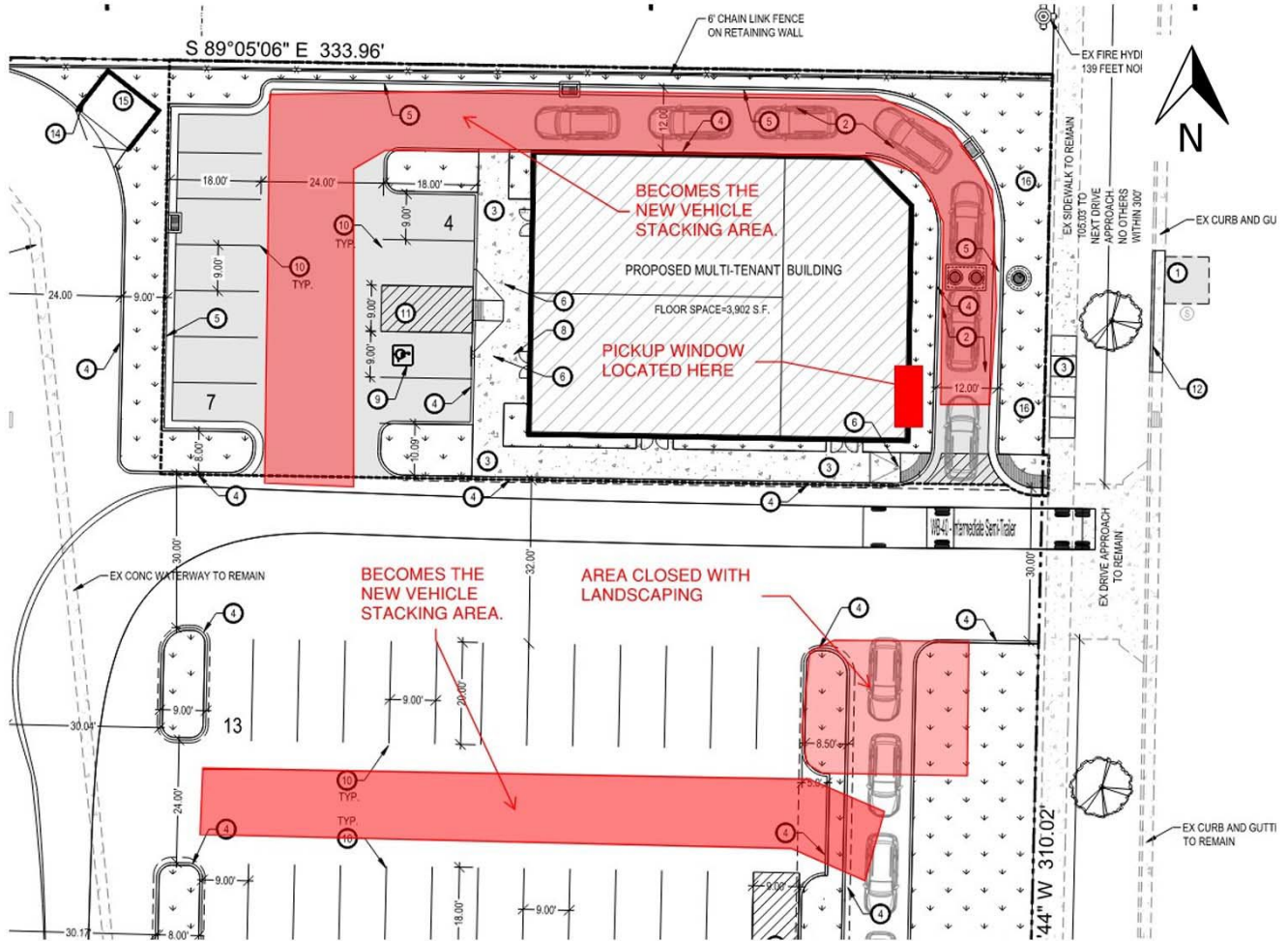
Aerial View

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



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.

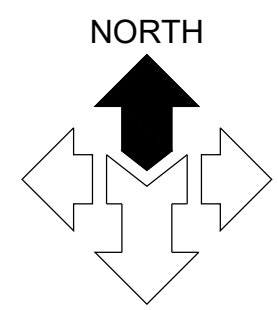
** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

2230649

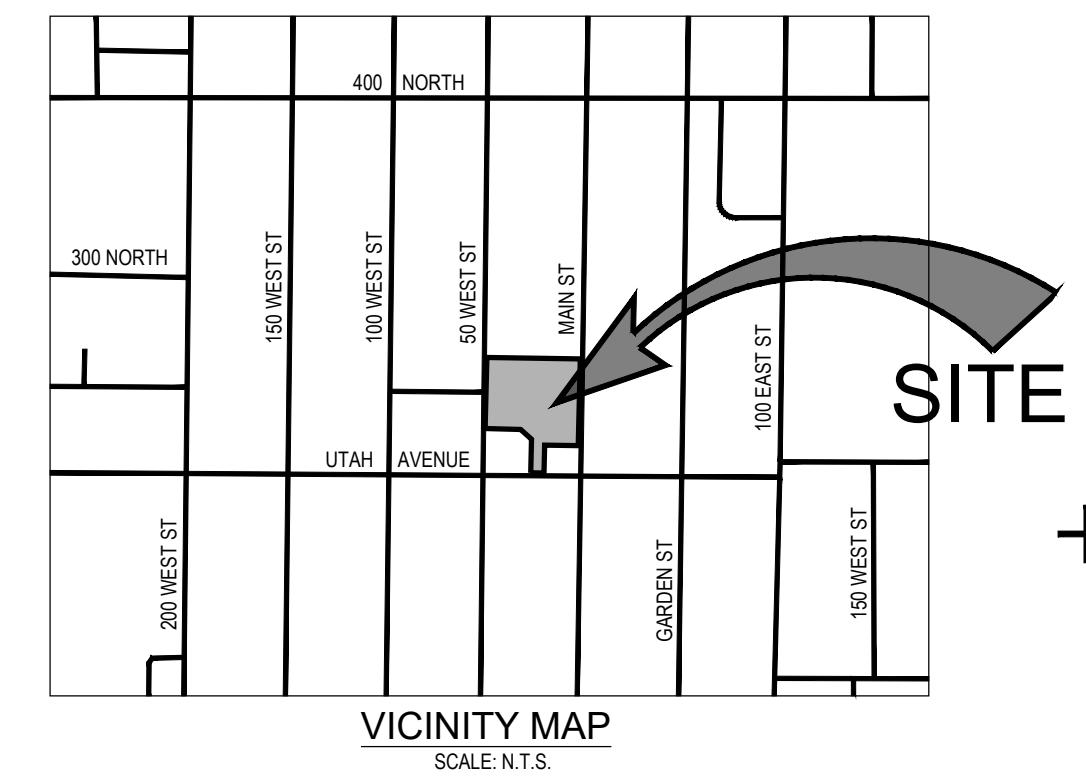
For Office Use Only			
Fee: 1000.00 (213)	Received By: 	Date Received: 7/3/23	Receipt #: 074780

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

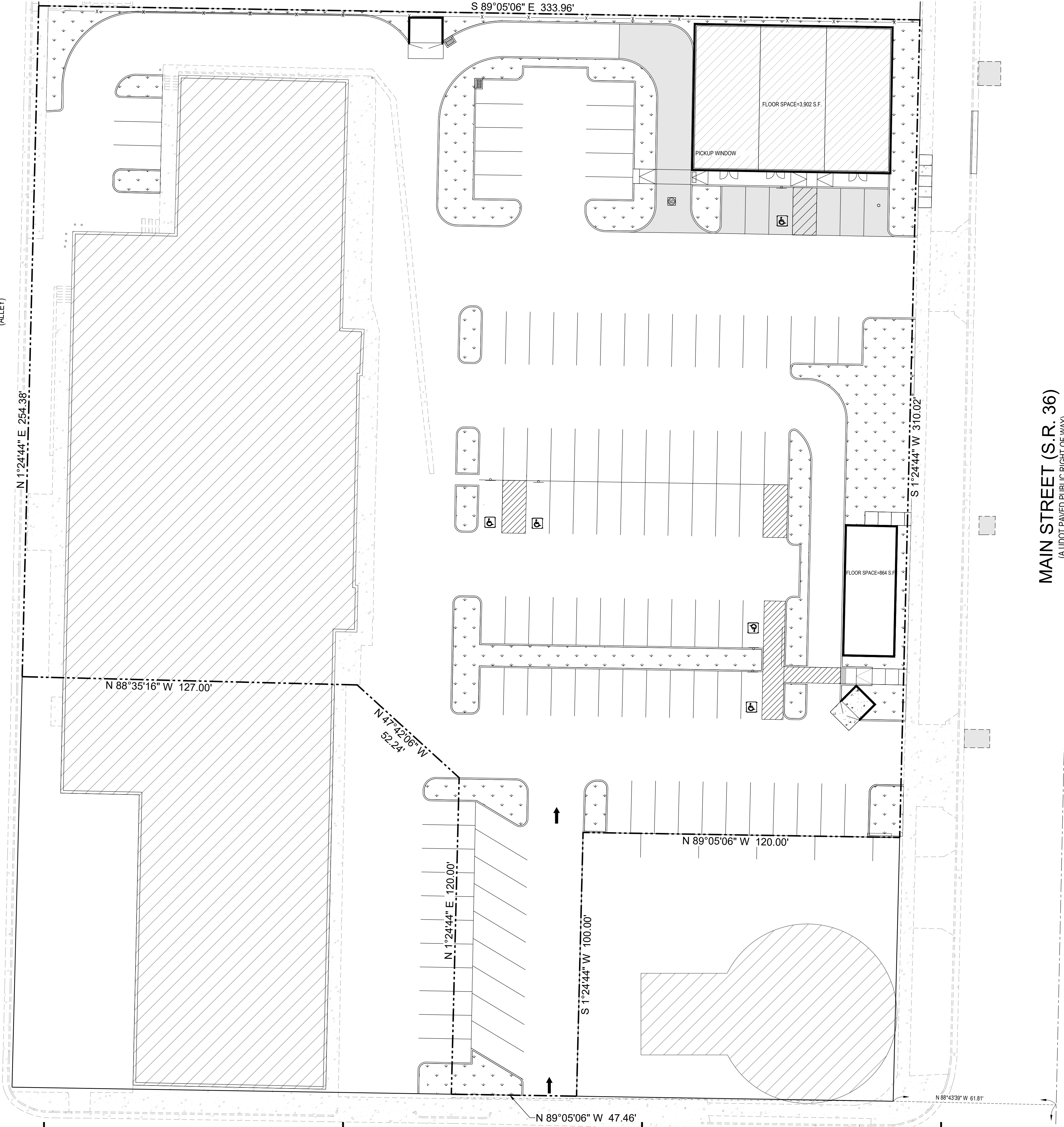
DEVELOPER & OWNER

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)

MAIN STREET (S.R. 36)
(A LIDOT PAVED PUBLIC RIGHT OF WAY)
S 1°18'27" W 1559.45' (MEASURED BETWEEN MONUMENTS)



**IRVA Tooele Retail
Utah Ave / Main Street
Traffic Impact Study**

Tooele, Utah

August 2023



**A-Trans Engineering
P.O. Box 521651
Salt Lake City, Utah 84152
(801) 949-0348 telephone
(801) 582-6252 fax**

TRAFFIC STUDY



IRVA Tooele Retail Utah Ave / Main Street Traffic Impact Analysis

Tooele, Utah

Category II

August 2023

Prepared by:

A-Trans Engineering
Joseph Perrin, PhD, PE, PTOE
P.O. Box City, 521651
Salt Lake City, Utah 84152
(801) 949-0348
atrans@comcast.net



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I. Introduction and Summary

The following is an update to the July 2023 traffic study where it was recommended that the queue for the proposed drive thru be reviewed. The re-review of the queue has led to new site circulation patterns to increase the queue space available for the drive thru land uses and minimize the chances of blocking the primary site drive isles or potential for backing onto the public roadways.

The proposed IRVA Tooele Retail site is located on the northwest corner of Utah Ave / Main Street in Tooele, Utah. This parcel is planning to add a drive through soda on the east side of the parking lot and a coffee / retail pad on the northeast corner. The site is planning to utilize the existing accesses to Main Street and Utah Ave that serve the surrounding development. The purpose of this traffic analysis is to provide level of service analysis for the access points, an on-site queuing evaluation for the accesses and drive through facilities, and a parking evaluation.

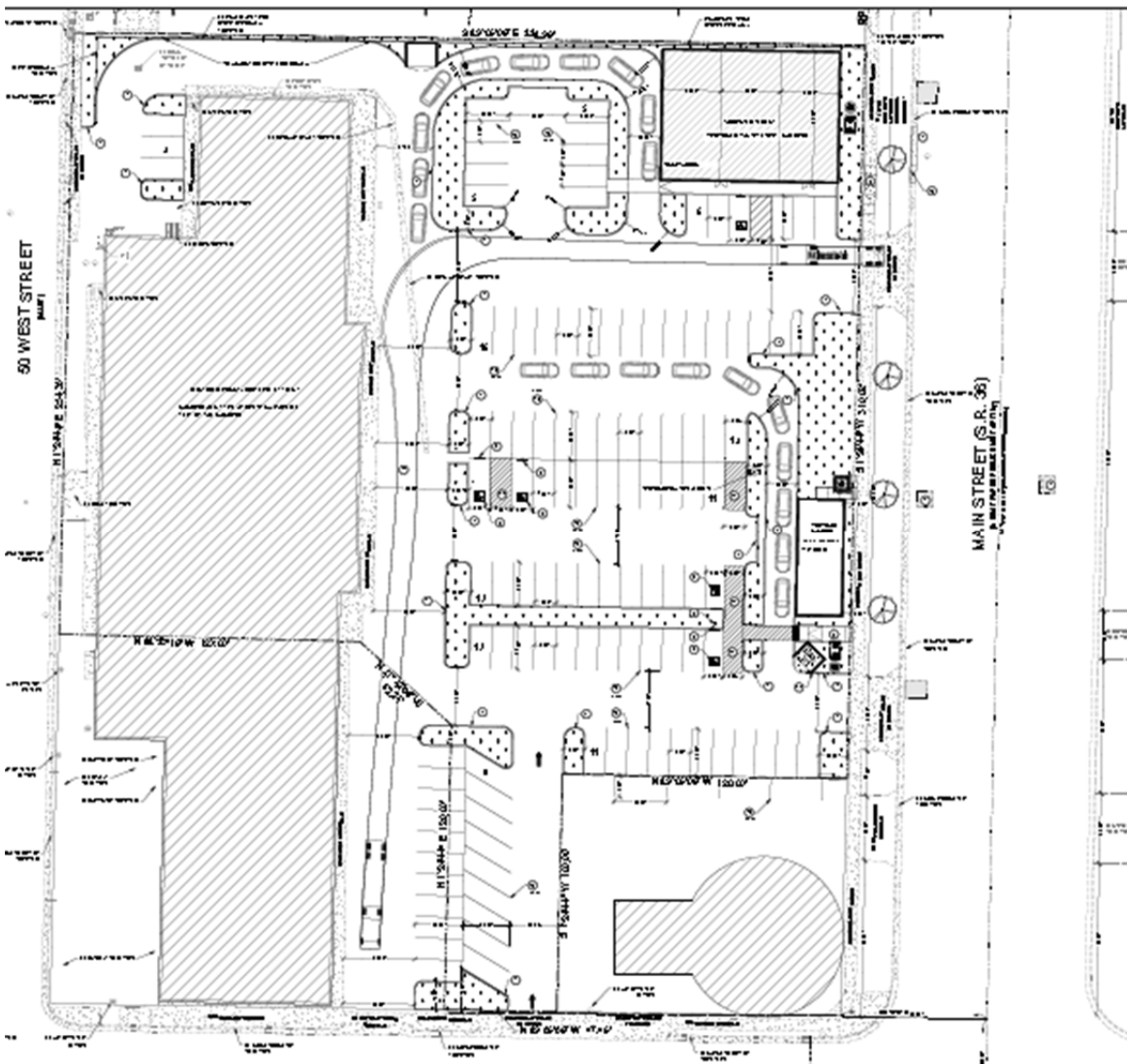
Comments:

- The proposed coffee/retail pad and drive through soda are projected to generate 252 AM peak hour trips with 128 entering and 124 exiting and 204 PM peak hour trips with 102 entering and 102 exiting.
- The total traffic scenario analysis shows that full motion access (Access X) along Main Street operates with LOS C in the AM and LOS E in the PM peak period for left turn egress. The right in right out access (Access Y) along Main Street and the full motion access along Utah Ave (Access Z) operate at LOS B.
- The required parking spaces for the current development are 116 spaces and there is 121 spaces provided. With the new out pads developed, the required parking for the site increases to 132 spaces (Tooele City Code section 7-4-4). This would be an increase in parking code requirement of 12%. With the new out pads, some of the existing parking will be eliminated by the pad development. Therefore, the developer is requesting a 13% reduction in parking spaces from the Code requirement (132 spaces down to 115 spaces).
- The current utilization by the existing land uses was observed to be 62 vehicles of the current 121 spaces. If the new pads required 16 spaces is assumed occupied, then this would be a demand of $(62+16=78)$ spaces and the proposed 115 spaces would accommodate this demand.

On-Site Storage Recommendations:

- Storage for 2 Vehicles (50 feet) is recommended for the EB approach at Access X. The projected on-site queuing is projected at 2 vehicles.
- Storage for 1 Vehicles (25 feet) is recommended for the EB approach at Access Y. The projected on-site queuing is projected at 1 vehicle.

- Storage for 1 Vehicles (25 feet) is recommended for the SB approach at Access Z. The projected on-site queuing is projected at 1 vehicle.
- Based on the data collected for drive through soda it is recommended that storage for 13 vehicles (325 feet) be provided on site. (10 spaces provided)
- Queue data for a coffee shop is not available but as it is a similar land use type to drive through soda, a prorated analysis is provided to determine recommended queue storage. It is recommended that storage for 11 vehicles (275 feet) be provided on site. (10 spaces provided)



II. Proposed Project and Study Area

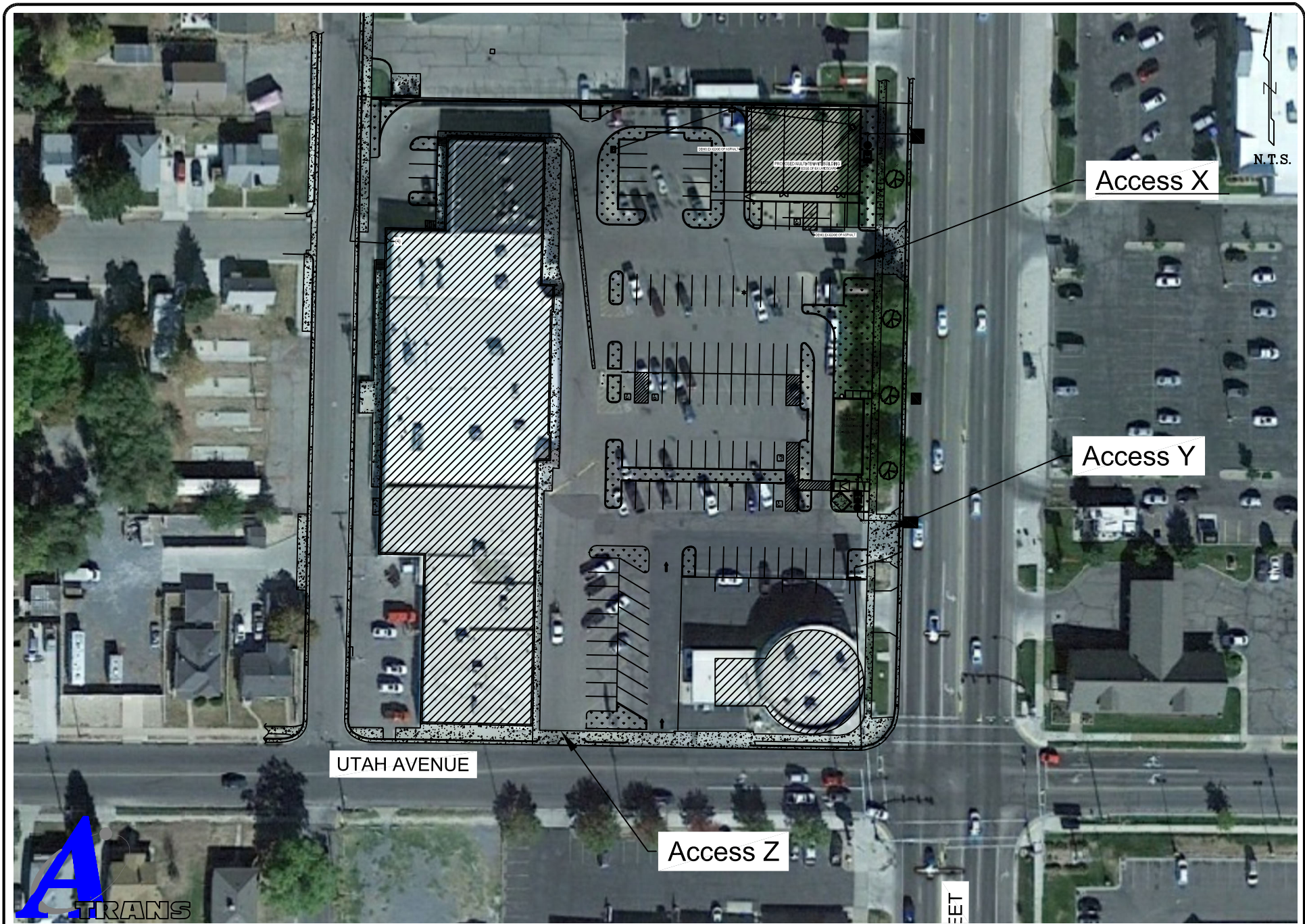
The proposed site is located on the northwest corner of Utah Ave / Main Street in Tooele, Utah. This parcel is planning to add a drive through soda on the east side of the parking lot and a coffee / retail pad on the northeast corner of the pad. The new development will access the network via the existing accesses to Main Street; Access X – full motion access and Access Y – right in right out access. Also, the site will access Utah Ave via Access Z – full motion access. The proposed site plan is shown in Figure 1.

Main Street

Main Street (SR 36) is a 5 lane facility with two lanes in each direction and a center turn lane and shoulder. The 2020 AADT is 28,000 vehicles per day with a posted speed limit of 40 MPH. UDOT classifies SR 203 as a Category 6 roadway. Tooele City classifies Main Street as a Principal Arterial to the north of Utah Ave and an Arterial to the south of Utah Ave.

Utah Ave

Utah Ave (Rt 2665) is a two lane facility with one lane in each direction. The 2020 AADT is 6,200 vehicles per day with a posted speed limit of 30 MPH. Tooele City classifies Utah Ave as a Major Collector to the west of Main Street and Minor Collector to the east of Main Street.



A-TRANS TRANSPORTATION ENGINEERING
 P.O. BOX 521651, SLC, UT 84152
 Phone: 801-949-0348 Fax: 801-582-6252

Figure 1

Conceptual Site Plan

III. Analysis of Existing Condition

The existing traffic counts at the accesses were performed Thursday July 13, 2023 during the AM (7:00 – 9:00 AM) and PM (4:00 – 6:00 PM) peak periods. Parking data was also collected during these times. 2023 Existing Traffic volumes used in the study are shown in Figure 2.

The 6th Edition Highway Capacity Manual defines the Level of Service (LOS) for both signalized and unsignalized intersections as a range of average experienced delay. LOS is a qualitative rating of traveler satisfaction from A to F whereby LOS A is good and LOS F poor. Table 1 shows the LOS range by delay for unsignalized and signalized intersections and accesses.

Table 1: Intersection LOS-Delay Relationship

Level of Service	Unsignalized	Signalized
	Total Delay per Vehicle (sec)	Total Delay per Vehicle (sec)
A	≤ 10.0	≤ 10.0
B	> 10.0 and ≤ 15.0	> 10.0 and ≤ 20.0
C	> 15.0 and ≤ 25.0	> 20.0 and ≤ 35.0
D	> 25.0 and ≤ 35.0	> 35.0 and ≤ 55.0
E	> 35.0 and ≤ 50.0	> 55.0 and ≤ 80.0
F	> 50.0	> 80.0

The existing analysis shows that full motion access (Access X) along Main Street operates with LOS C in the AM and LOS E in the PM peak period for left turn egress. The existing on-site queuing is projected at 1 vehicle. The right in right out access (Access Y) along Main Street and the full motion access along Utah Ave (Access Z) operate at LOS B. Table 2 shows the Existing LOS.

Table 2: Existing Level of Service

Main Street / Access X					
		NBL	EBL	WBL	SBL
AM	Delay (sec)	8.9/	16.5/C	12.3/C	9.1/A
	Queue (ft)	25	25	25	25
PM	Delay (sec)	11.4/B	37.8/E	16.2/C	10.2/B
	Queue (ft)	25	25	25	25
Main Street / Access Y					
		EBR			
AM	Delay (sec)	10.4/B			
	Queue (ft)	25			
PM	Delay (sec)	13.2/B			
	Queue (ft)	25			
Utah Ave / Access Z					
		EBL	SBL		
AM	Delay (sec)	7.6/A	10.0/A		
	Queue (ft)	25	25		
PM	Delay (sec)	7.7/A	11.9/B		
	Queue (ft)	25	25		

AM (PM)



UTAH AVENUE

MAIN STREET

N.T.S.



IV. Projected Traffic

A. Trip Generation

Drive Through Soda Trip Generation

Trip generation is typically done per The Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) handbook. However, there is currently no land use that appropriately represents the traffic patterns seen at other drive through soda locations. Therefore 4 existing drive through soda locations within Salt Lake County were counted to determine trip generation rates. The results of those counts are summarized in Table 3.

Table 3: Trip Generation for Drive Through Soda

Location	Two Hour Volume	Peak Hour	Peak Hour Trips	Max Queue	Average Time in Line (sec)	Average Time at Window (sec)
196 West 12300 South	125	4:45- 4:50	61	13	435	50
437 East 12300 South	105	4:40- 4:45	62	16	492	58
900 East 5575 South	118	4:40- 4:45	72	11	295	43
2300 East 3300 South	132	4:00- 4:05	71	10	225	42
Average	120		67	13	362	48

The 4 sites averaged 67 in trips and 67 out trips spending 48 seconds at the service window and 362 seconds in line. The max queue observed at any site was 16 vehicles and the average queue was 13 vehicles. The trip generation for the site is estimated at 134 AM and 134 PM peak hour trips.

Coffee / Retail Trip Generation

Trip generation for the site was done using The Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) handbook. The proposed pad to the north of the site is planned as a coffee shop with drive through with two additional retail pads for a total of 3,902 sf. The pad is projected to generate 118 AM and 68 PM peak hour trips with 836 daily trips. The trip generation for the site is shown in Table 4.

Table 4: Trip Generation for Coffee / Retail

Land Use Type	Density	Land Use #	Trip Rate	Trips	% In	% Out	Trips In	Trips Out
AM								
Coffee	1,301 sf	937	85.9	112	51%	49%	57	55
Retail	2,601 sf	822	2.36	6	60%	40%	4	2
Total				118			61	57
PM								
Coffee	1,301 sf	937	38.99	51	50%	50%	26	26
Retail	2,601 sf	822	6.59	17	50%	50%	9	9
Total				68			35	35
Daily								
Coffee	1,301 sf	937	533.57	694				
Retail	2,601 sf	822	54.45	142				
Total				836				

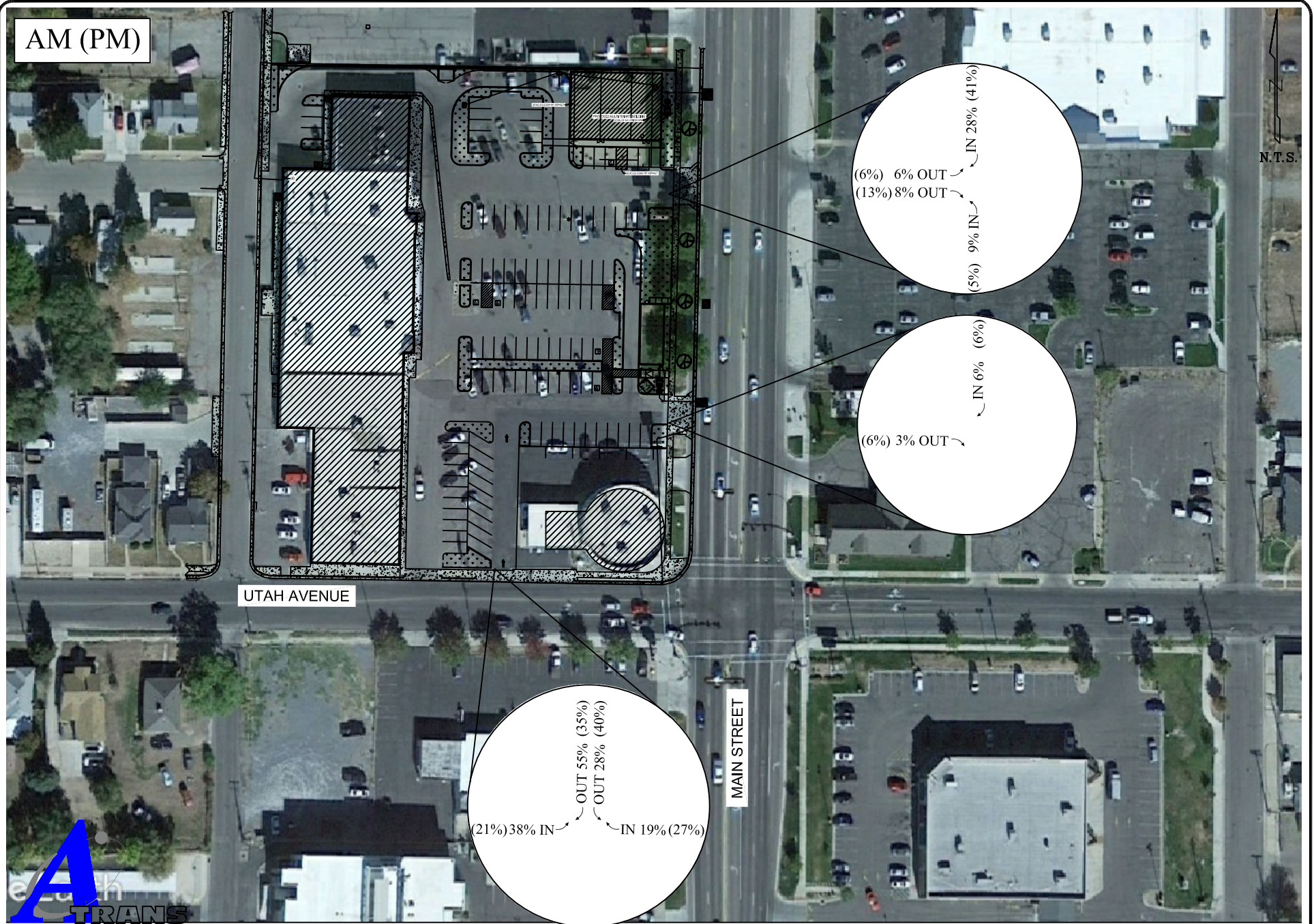
Total Trip Generation

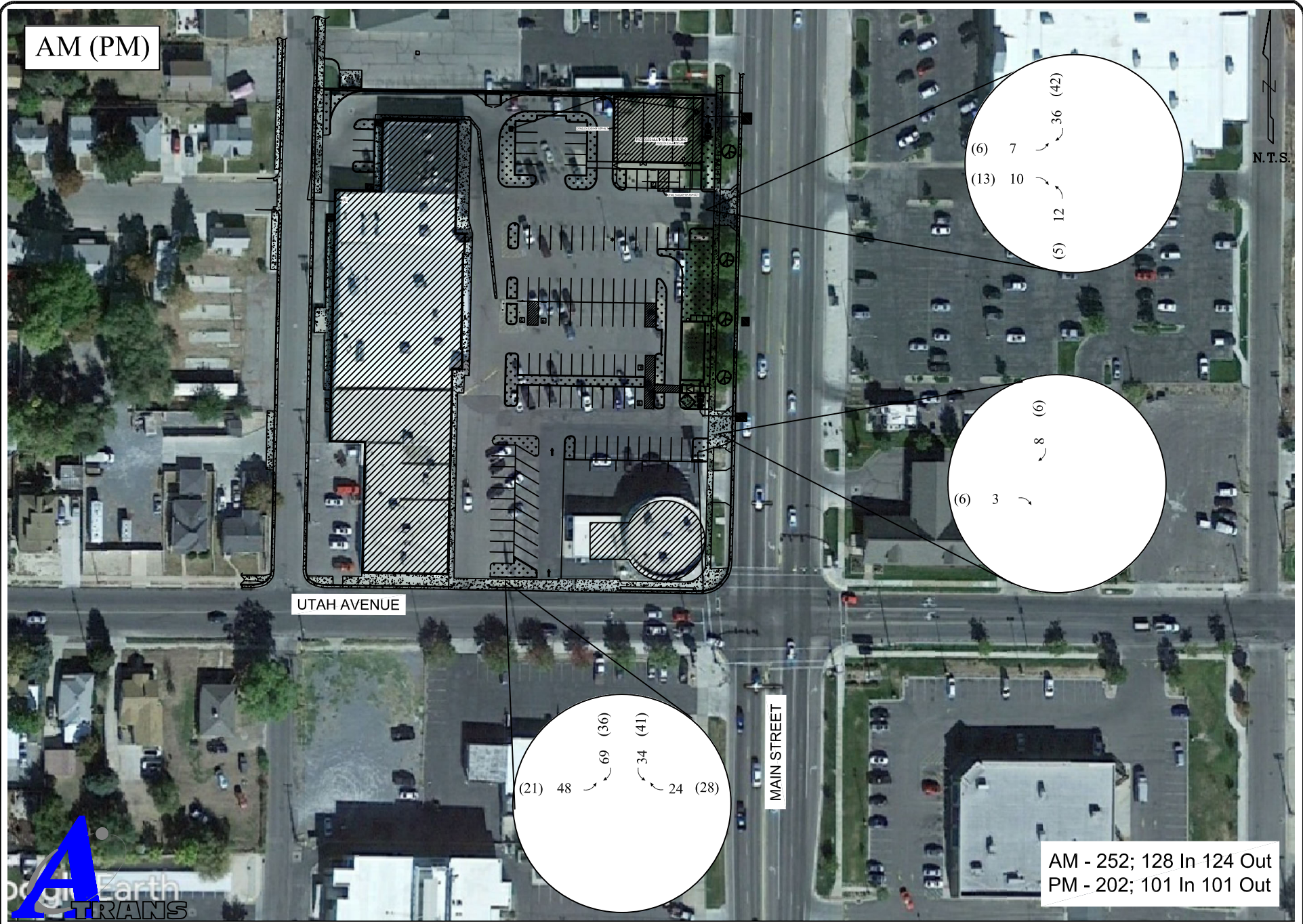
The proposed coffee/retail pad and drive through soda are projected to generate 252 AM peak hour trips with 128 entering and 124 exiting and 204 PM peak hour trips with 102 entering and 102 exiting.

B. Trip Distribution

Origin-destination was determined from evaluating the current retail traffic at the accesses to the site and the location of neighboring residential development and commercial centers. This was used as a baseline for origin destination and engineering judgment was applied to this to determine the following OD for the site. The Origin Destination is shown in Figure 3. Site trip distribution is shown in Figure 4. Total Traffic at the accesses is shown in Figure 5.

AM (PM)



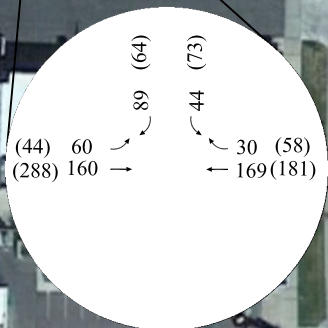
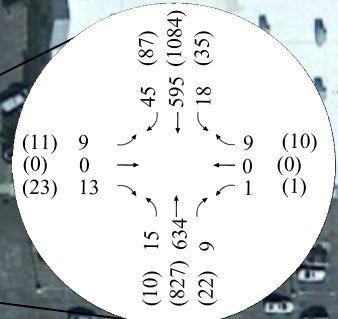
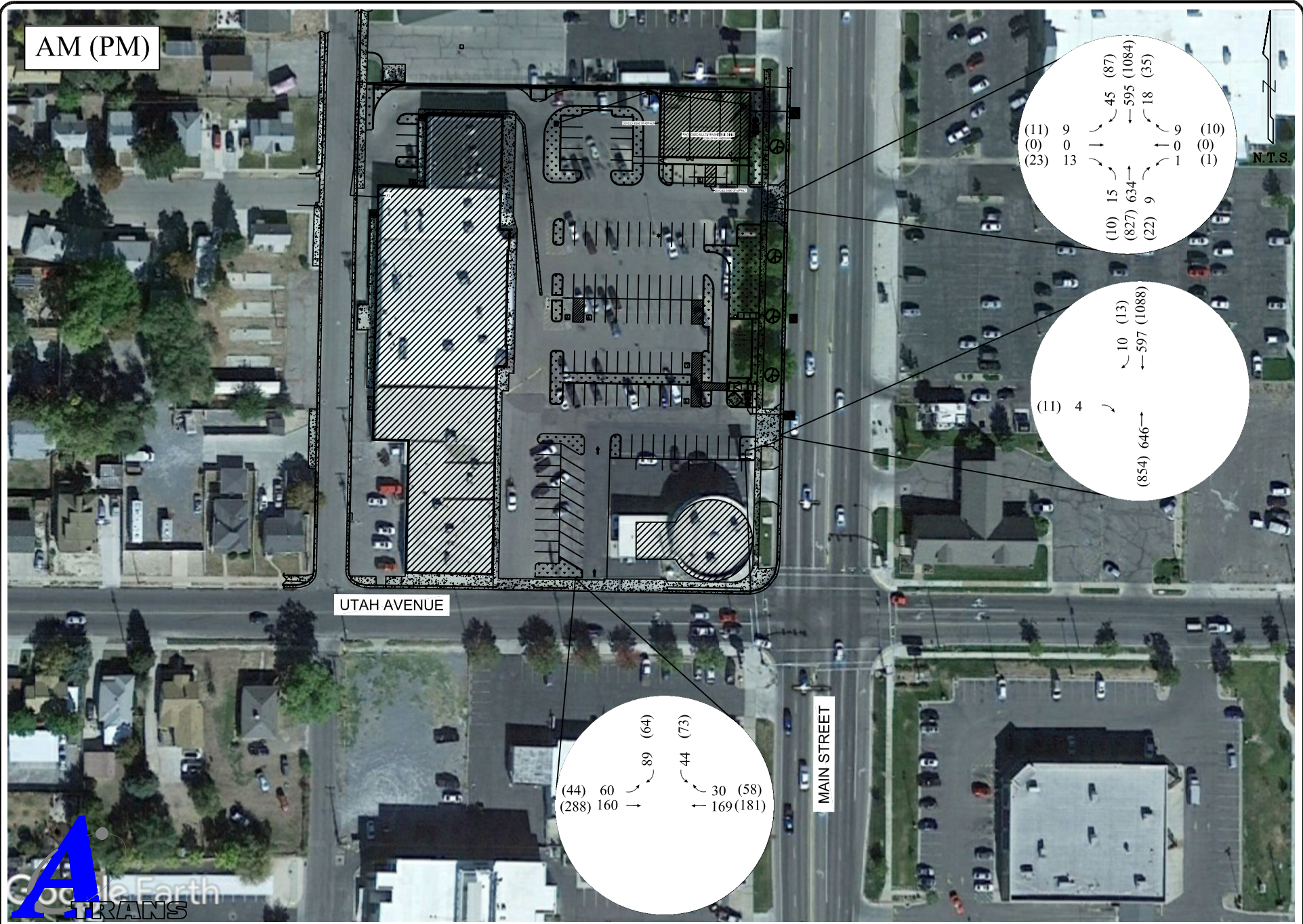


(6) 7 36 (42)
(13) 10
(5) 12

(6) 3 8 (6)

(21) 48 69 (36)
34 (41)
24 (28)

AM (PM)



UTAH AVENUE

MAIN STREET

N.T.S.



V. Traffic Analysis

A. Level of Service Analysis

The accesses were analyzed with the total site traffic to evaluate the performance of each access using the measure of performance of delay and level of service (LOS). Table 5 provides a summary of the analysis. The total traffic scenario analysis shows that full motion access (Access X) along Main Street operates with LOS C in the AM and LOS E in the PM peak period for left turn egress. The right in right out access (Access Y) along Main Street and the full motion access along Utah Ave (Access Z) operate at LOS B.

Table 5: Analysis Results

Main Street / Access X					
		NBL	EBL	WBL	SBL
AM	Delay (sec)	9.1/A	18.5/C	12.4/B	9.1/A
	Queue (ft)	25	25	25	25
PM	Delay (sec)	11.8/B	47.8/E	16.6/C	10.2/B
	Queue (ft)	25	50	25	25
Main Street / Access Y					
		EBR			
AM	Delay (sec)	10.4/B			
	Queue (ft)	25			
PM	Delay (sec)	13.3/B			
	Queue (ft)	25			
Utah Ave / Access Z					
		EBL	SBL		
AM	Delay (sec)	7.8/A	11.7/B		
	Queue (ft)	25	25		
PM	Delay (sec)	7.9/A	14.1/B		
	Queue (ft)	25	25		

B. Queue Analysis

On site storage and projected queueing is an important issue for this site as it will now host two land uses with drive through isles. *There have been efforts to maximize the drive thru queue space and provide sufficient queue outside of the primary drive isles and minimize the chance of backing onto the public roadways.*

Site Plan Evaluation

The current site layout has on-site storage for 7 vehicles for the coffee shop and 7 vehicles for the drive through soda. The coffee drive through access is located approximately 20 feet from the entrance to Access X along Main Street. The drive through soda drive through access is located approximately 35 feet from the entrance to Access X along Main Street. With this layout if there is 1 vehicle queued to make an EB egress movement at Access X the coffee drive through will be blocked. If there are 2 vehicles queued to make an EB egress movement at Access X the drive through soda drive through will be blocked. Additionally, if there are more than 7 vehicles queued for either land use, Access X will be blocked. There is approximately 35 feet from the drive through soda drive through exit to Access Y which can hold 1 vehicle. There is approximately 15 feet from the closest parking space to Access Z which will be blocked if there is a vehicle queued for the SB movement.

Projected Queue Analysis

Storage for 2 Vehicles (50 feet) is recommended for the EB approach at Access X. The projected on-site queueing is projected at 2 vehicles.

Storage for 1 Vehicles (25 feet) is recommended for the EB approach at Access Y. The projected on-site queueing is projected at 1 vehicle.

Storage for 1 Vehicles (25 feet) is recommended for the SB approach at Access Z. The projected on-site queueing is projected at 1 vehicle.

Based on the data collected for drive through soda it is recommended that storage for 13 vehicles (325 feet) be provided on site. **(10 spaces provided)**

Specific field queue data for a coffee shop is not available but as it is a similar land use type to drive through soda a prorated analysis is provided to determine recommended queue storage. It is recommended that storage for 11 vehicles (275 feet) be provided on site. **(10 spaces provided)**

There are some national studies provided regarding coffee facilities in the mid-west.

<http://www.mikeontraffic.com/queue-data-for-the-top-5-drive-through-uses/>

<http://www.mikeontraffic.com/wp-content/uploads/2022/06/Spack-Drive-Thru-Queue-Study-2019.pdf>

The findings indicate that the average coffee drive thru queue is 10 vehicles with a range of 7 to 13 vehicle maximum queue observed in the peak periods.



3.2 Coffee Shops

Data collection was done at four coffee shops with drive-thru services between November 2018 and March 2019. Seven days of data were collected. The coffee shops were located in the cities of Bloomington, Edina, Richfield, and West St. Paul, MN. Vehicles being served at the drive-thru window were counted as being in the queue.

Table 3.2 – Drive-Thru Coffee Shop Maximum Queue Statistics

Number of Data Points	7
Average Maximum Queue (Vehicles)	9.57
Standard Deviation (Vehicles)	1.90
Coefficient of Variation	20%
Range (Vehicles)	7 to 13
85th Percentile (Vehicles)	12.40
33rd Percentile (Vehicles)	8.64

VI. Parking Evaluation

An inventory and survey of the existing parking was performed for the development. Table 6 shows the existing land uses within the development as well as their operating hours. Table 7 shows the parking usage by time period.

The current parking configuration has 121 available parking spaces. The average usage in the AM is 11 spaces with a maximum of 14 spaces, which represents 9% average occupancy. The average usage in the PM is 54 spaces with a maximum of 62 spaces, which represents 44% average occupancy.

Table 6: Existing Development

Store Name	Hours
Taco Stand	10:30 AM-8:00 PM
Anna Nails	10:00 AM-7:00 PM
Smokin Time	9:00 AM-10:00 PM
Little Caesars	10:30 AM-10:00 PM
Hunan Village	11:00 AM-9:00 PM
Drop Zone	10:00 AM-9:00 PM
Anytime Fitness	24 hours appointment
Rock Star Pets	10:00 AM-8:00 PM
Pearl Boutique	11:00 AM-6:00 PM
Premier Commercial	9:00 AM-6:00 PM
Key Bank	9:00 AM-5:00 PM

Table 7: Parking Data

Time	Occupied Spaces
AM	
7:30	7
7:45	10
8:00	11
8:15	10
8:30	12
8:45	14
9:00	13
Average	11
PM	
4:00	41
4:15	51
4:30	50
4:45	53
5:00	62
5:15	58
5:30	52
5:45	60
6:00	57
Average	54

The current land uses are using less than 50% of the available parking on site.

The proposed site plan includes 115 parking spaces. Tooele City Code section 7-4-4 provides the following parking requirements. Restaurants require 1 parking space per 100 sf and commercial center or general retail required parking space per 300 sf. Table 8 summarizes the site and the requirements for parking. This development consists of mostly of general retail (no more than 10% food/restaurant) and is a commercial center with multiple uses. It is assumed that a rate of 1:300 be applied to the development.

The required parking per this methodology for the site WITH the new drive-thru pads is 132 spaces.

Table 8: Parking Requirements

	Size (sf)	Rate 1:100	Rate 1:300	Required
Existing Building	34,666	346.7	115.6	116
Proposed drive through soda	864	8.6	2.9	3
Proposed Coffee/Retail	3,902	39.0	13.0	13
Total	39,432	394.3	131.4	132

The site is requesting a 13% reduction in parking spaces. The current utilization of the existing land uses as was observed on the count day was 62 vehicles of the 116 required. With the additional 16 required spaces from the new land use, the site parking utilization is projected at 78 spaces (62+16). With the proposed 115 spaces, the site should provide sufficient parking for the site demands under the current land uses.

VII. Conclusions

The IRVA Tooele Retail site is planning to add a drive through soda on the east side of the parking lot and a coffee / retail pad on the northeast corner. The site is located on the northwest corner of Utah Ave / Main Street in Tooele, Utah and is planning to utilize the existing accesses to Main Street and Utah Ave that serve the surrounding development.

This analysis addresses the level of service expected at the site accesses, the on-site queueing evaluation for the accesses and for the drive through facilities, and a parking evaluation. The following comments are made regarding the site.

Comments:

- The proposed coffee/retail pad and drive through soda are projected to generate 252 AM peak hour trips with 128 entering and 124 exiting and 204 PM peak hour trips with 102 entering and 102 exiting.
- The total traffic scenario analysis shows that full motion access (Access X) along Main Street operates with LOS C in the AM and LOS E in the PM peak period for left turn egress. The right in right out access (Access Y) along Main Street and the full motion access along Utah Ave (Access Z) operate at LOS B.
- The required parking spaces for the current development are 116 spaces and there is 121 spaces provided. With the new out pads developed, the required parking for the site increases to 132 spaces (Tooele City Code section 7-4-4). This would be an increase in

parking code requirement of 12%. With the new out pads, some of the existing parking will be eliminated by the pad development. Therefore, the developer is requesting a 13% reduction in parking spaces from the Code requirement (132 spaces down to 115 spaces).

- The current utilization by the existing land uses was observed to be 62 vehicles of the current 121 spaces. If the new pads required 16 spaces is assumed occupied, then this would be a demand of (62+16=78 spaces) and the proposed 115 spaces would accommodate this demand.

On-Site Storage Recommendations:

- Storage for 2 Vehicles (50 feet) is recommended for the EB approach at Access X. The projected on-site queuing is projected at 2 vehicles.
- Storage for 1 Vehicles (25 feet) is recommended for the EB approach at Access Y. The projected on-site queuing is projected at 1 vehicle.
- Storage for 1 Vehicles (25 feet) is recommended for the SB approach at Access Z. The projected on-site queuing is projected at 1 vehicle.
- Based on the data collected for drive through soda it is recommended that storage for 13 vehicles (325 feet) be provided on site.
- Queue data for a coffee shop is not available but as it is a similar land use type to drive through soda, a prorated analysis is provided to determine recommended queue storage. It is recommended that storage for 11 vehicles (275 feet) be provided on site.

The original study had recommended the following:

“It is recommended that the site plan be reviewed to identify alternative queue storage alternative to increase the queue space such that it does not block the designated fire lanes which are also the primary site circulation lanes within the parking field.”

The new layout and circulation for the proposed drive thru land uses does maximize the queue space for the drive thru operations while minimizing the backing on the primary drive isle (fire lanes) and also minimizing the chances of backing onto the public roadways.

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, August 23, 2023

Time: 7:00 p.m.

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

Commission Members Present:

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

Commission Members Excused:

Matt Robinson

City Council Members Present:

Maresa Manzione
Ed Hansen

City Employees Present:

Holly Potter, Deputy City Recorder
Andrew Aagard, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation 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
Tyson Hamilton, Present
Weston Jensen, Present
Chris Sloan, Present
Alison Dunn, Present

Doug Newell, Present
Jon Proctor, Present
Melodi Gochis, Present
Matt Robinson, Excused

3. Public Hearing and Decision on Conditional Use Permit request by Darwin Cook to authorize the use of “Public Use” for a Restroom facility on 1.35 acres of property located at 44 West 520 South in the MU-G Mixed Use General zoning district.

Mr. Aagard presented a Conditional Use Permit to authorize a restroom facility located at 44 West 520 South. It is zoned Mixed-Use zoned. It is permitted under the category of public use. Parks Department is proposing a restroom on the south end of the park.

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

Commissioner Gochis motioned to approve Conditional Use Permit request by Darwin Cook to authorize the use of “Public Use” for a Restroom facility on 1.35 acres of property located at 44 West 520 South in the MU-G Mixed Use General zoning district based on the findings and subject to the conditions listed in the staff report. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Dunn, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

4. Public Hearing and Recommendation on amendments to Tooele City Code 7-16-4: Table of Development Standards regarding maximum building height for storage structures in the Industrial zoning district, amendments proposed by Tooele City.

Mr. Aagard presented an amendment of Tooele City Code 7-16-4: Table of Development standards regarding the increase of the maximum building height for storage structures. Currently the Industrial Zone permits a maximum building height of 70 feet for all structures. What is proposed, is storage containers in the Industrial Zone are permitted up to 100 feet for non-flammable or non-hazardous material with a Conditional Use Permit.

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

The Planning Commission asked the following:

How does the Fire department reach fire access at a 100 feet height?

What kind of liability does the City look at, if they pass the proposed amendments?

Mr. Aagard addressed the Commission’s questions. Through discussion with the Fire department, it could be a challenge for the fire department to safely get up that high.

Mr. Baker addressed the Commission. They cannot quantify liability, but the amendments do try to mitigate concerns.

Commissioner Jensen shared a point of view and mitigation from a fire fighter.

Commissioner Proctor motioned to forward a positive Recommendation on amendments to Tooele City Code 7-16-4: Table of Development Standards regarding maximum building height for storage structures in the Industrial zoning district, amendments proposed by Tooele City based on the findings and subject to the conditions listed in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Nay” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Dunn, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

5. Recommendation on a request for a deviation from the multi-family residential design guidelines for the Towns and Mountain View development in the MU-G Mixed Use General Zone by Hamlet Homes

Mr. Aagard presented a deviation for design standards for the Towns at Mountain View proposed on the south of town. Tooele City code provides developers a way to ask for deviation from the required design standards. The ordinance requires the request in writing with a written description and analysis. Developers must meet three design standards in code, in order to qualify. The applicant is asking for a reduction in brick and stone requirement on the front.

The Planning Commission asked the following questions:

Was the applicant aware this was on the Planning Commission’s agenda?

How long ago did the City Council change the ordinance for Lexington Greens applicant?

Would hardy board meet the definition in the code?

Council Member Manzione shared the discussion from the City work meeting. The Council did not show favor of the deviation.

Mr. Aagard addressed the Commission. The applicant was asked if he wanted to move forward after the discussion with the City Council at the business meeting. When another applicant came forward, he has reasonable argument. At that time, the City Council did modify the ordinance of what was required for the front facade. Hardy board would not meet the requirement and would have to be changed in the code.

The Planning Commission discussed updating the current ordinance.

Commissioner Sloan motioned to forward a negative recommendation on a request for a deviation from the multi-family residential design guidelines for the Towns and Mountain View development in the MU-G Mixed Use General Zone by Hamlet Homes based on the findings and subject to the conditions that they do not do spot deviations and looking at the code as a whole. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Dunn, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

6. Decision on a site plan design review request for the Slatewood Townhomes Development by HMS Development, LLC, proposed to be located at 1252 North 680 West in the MR-16 Multi-Family Residential zoning district.

Mr. Aagard presented a site plan design review for the property located at Lexington Greens. The property is zoned MR-16. The structures run east to west. The project will have three points of access. The interior streets are privately owned and maintained. They are intended to be rental homes. The site plan does meet or exceed the setbacks as written by code. The landscape is entirely dry-scape other than the trees and sod in the child play area. The structures are rear-loaded. Staff is recommending approval with the basic conditions listed in the staff report.

Commissioner Jensen motioned to approve site plan design review request for the Slatewood Townhomes Development by HMS Development, LLC, proposed to be located at 1252 North 680 West in the MR-16 Multi-Family Residential zoning district based on the findings and subject to the conditions listed in the staff report. Commissioner Dunn seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Dunn, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

7. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: The Council changed the zoning for the proposed Holiday Oil at 3 O'clock drive, including the 2 acres parcel next to it. They reassigned the Land Use designation at the old dentist office. They increased the recycling fees. The Council adopted the budget and tax rate.

8. Review and Approval of Planning Commission Minutes for the meeting held on August 9, 2023.

There are no changes to the minutes.

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

9. Discussion of Planning Commission training topics.

The Planning Commission discussed training including City codes, general plan, and land use.

10. Adjourn

Chairman Hamilton adjourned the meeting at 7:45 p.m.

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

Approved this ____ day of September, 2023

Tyson Hamilton, Tooele City Planning Commission Chair

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