

**TOOELE CITY PLANNING COMMISSION MINUTES
May 24, 2017**

Date: Wednesday, May 24, 2017

Time: 7:00 p.m.

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

Commission Members Present:

Matt Robinson, Chairman

Shauna Bevan, Vice-Chairwoman

Chris Sloan

Ray Smart

Melanie Hammer

Phil Montano

Brad Clark

Commission Members Excused:

Russell Spendlove

City Employees Present:

Roger Baker, City Attorney

Rachelle Custer, City Planning & Zoning Administrator

Jim Bolser, Director of Community Development/Public Works

Council Members Present:

Councilman McCall

Council Members Excused:

Chairwoman Winn

Minutes prepared by Amanda Graf

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Robinson

2. Roll Call

Matt Robinson, Present

Shauna Bevan, Present

Chris Sloan, Present

Ray Smart, Present

Melanie Hammer, Present

Phil Montano, Present
Brad Clark, Present

3. **Public Hearing and Motion on Conditional Use Permit for Outdoor RV Storage to be Located at Beehive Storage 1498 North Main Street**

Presented by Rachelle Custer

The applicant, the owners of Beehive Storage, was unable to attend the meeting and requested the motion on this permit be tabled until the Planning Commission meeting on June 14. A public hearing still needs to take place on this item as it was publicly advertised and notices were sent out regarding the public hearing on this item.

Beehive Storage is located at 1498 North Main Street. The company is adding additional storage units as well as outdoor RV storage. Beehive Storage currently has outdoor RV storage but does not have a conditional use for it. The conditional use permit for outdoor storage will bring the company into conformance with city code.

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

Commissioner Sloan motioned to table the item until the June 14, 2017 meeting. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Clark, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye." The motion passed.

4. **Public Hearing and Recommendation Ordinance 2017-14 an Ordinance of Tooele City Amending Tooele City Code Regarding Home Occupations**

Presented by Roger Baker

The purpose of this ordinance is to clarify the definition of a home occupation. The current home occupation definition is combined as a regulation and definition. It is best to separate the definition of an item and its accompanying regulation. This ordinance simplifies the definition of home occupation to be, "an accessory use consisting of a vocational activity conducted inside a dwelling unit or a structure accessory to a dwelling unit." All of the regulatory provisions included in the definition are being moved into the regulation of home occupations. Conflicting regulations are being eliminated. One of the conflicting regulations is regarding home occupation signage; the definition stipulates that home occupations can have a small sign but the regulation indicates they could not have a sign for a home occupation. The city is keeping the regulation in place disallowing signs and eliminating the definition that allowed for signs.

This ordinance also adds to the list of prohibited activities for businesses run out of a home. There are some activities that can't be conducted in a home without changing the nature of the home from a residential nature to a commercial or industrial nature. The added prohibitions include: vehicle repair

work, firewood sales, nursing homes, and welding. This ordinance also adds a provision that home occupations must comply with state regulations that pertain to their business. The traffic regulation was also moved from the definition to regulation section.

Existing code states that home occupations are not allowed to operate outside of a home, for example firewood being stored in the yard, small engine mechanic operations like lawnmower repair, etc. Strict interpretation of the existing code would not allow children of a home daycare to play in the backyard of the house. The city feels home daycares should be allowed an exception to this part of the code so the children have a place to play outdoors.

Commissioner Bevan asked about people who are currently running a nursing home in their home. Mr. Baker stated that an elderly person living in their own home can hire someone to take care of them in their house; however, an individual cannot invite elderly individuals to come live in their home for a fee; that would become an illegal home occupation. Mr. Baker stated that current city code does not allow for a nursing home; this ordinance moves it from a definition to another place in the city regulations.

Jim Bolser stated that the definition for a nursing home under city code is, "a facility which provides 24 hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility and who do not meet the definition of family under this code. A nursing home provides some level of skilled nursing or medical service to the residents, and includes convalescent care facility."

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for Ordinance 2017-14 amending Tooele City Code regarding home occupations. Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "No," Commissioner Clark, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye." The motion passed.

5. **Public Hearing and Recommendation Ordinance 2017-13 an Ordinance of Tooele City Amending Tooele City Code Section 7-25-6 Regarding Permits for Temporary Special Event Signs**

Presented by Roger Baker

A few years ago the city council enacted a provision regarding temporary off-premise signs that advertise special events. The new provision specified that some of those signs require permits. An older provision of the code exempted the same signs from permits, creating a conflict in the city code. There are a number of days and periods of time called floating periods where businesses can put up temporary special event signs. There are also holiday periods wherein businesses can put up temporary signs. The holiday periods do not require a permit but the floating periods do require a permit.

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

Commissioner Hammer moved to forward a positive recommendation to the City Council for Ordinance 2017-13 an Ordinance of Tooele City amending Tooele City Code section 7-25-6 regarding permits for temporary special event signs. Commissioner Smart seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Clark, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” The motion passed.

6. **Review and Approval of Planning Commission Meeting Minutes for Meeting Held May 10, 2017.**

Commissioner Robinson moved to approve the minutes for the meeting held May 10, 2017.

Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Clark, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

7. **Adjourn**

Commissioner Smart moved to adjourn the meeting. Chairman Robinson seconded the motion. Chairman Robinson adjourned the meeting at 7:20 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 14th day of June, 2017

Matt Robinson, Chairman Tooele City Planning Commission