

TOOELE CITY PLANNING COMMISSION MINUTES
October 24, 2018

Date: Wednesday, October 24, 2018

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

Commission Members Present:

Tony Graf
Tyson Hamilton
Shauna Bevan
Chris Sloan
Matt Robinson
Phil Montano
Melanie Hammer

Commissioner Members Excused:

Bucky Whitehouse

City Employees Present

Mayor Debbie Wynn
Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Member Present:

Council Member McCall
Council Member Gochis

Minutes prepared by Kelly Odermott

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Hamilton

2. Roll Call

Phil Montano, Present
Tyson Hamilton, Present
Chris Sloan, Present
Tony Graf, Present
Shauna Bevan, Present
Melanie Hammer, Present

Matt Robinson, Present

Mr. Bolser notified the Commissioners that the public notice for agenda items 3 and 4 inadvertently listed a start time of 7:30 pm. Those two items could not be discussed until the public notice time of 7:30 pm. He provided the Commissioners with two options; one to move the agenda items 5, 6, 7, and 8 to 7:00 p.m. because they had a public notice of 7:00 p.m. or hold off on all agenda items until 7:30 p.m.

Commissioner Sloan moved to move agenda items 3 and 4 to the bottom of the agenda to meet the 7:30 public notice time. Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

3. Recommendation on a Subdivision Preliminary Plan request by Howard Schimdt for the 48-lot Providence at Overlake Subdivision, Phases 3-6 in the R1-7 Residential zoning district on approximately 31.4 acres located at approximately 1200 North 400 West.

Presented by Andrew Aagard

This item tonight is a preliminary plan for Providence at Overlake Subdivision phases 3 through 6. The zoning is R1-7 as are the properties located to the West and East of the property. There is an existing road connection at Clemente Way. As part of the proposal road connections will be made at Berra Boulevard to the existing Berra Boulevard and to Zenith Properties which is currently under review as a subdivision. There will be a temporary turn around at the end of Clemente Way until it is continued to Berra Boulevard. All lots have been reviewed for compliance with lot standards under the R1-7 code. Staff is recommending approval with the staff conditions listed in the Staff Report.

Chairman Robinson asked the Commission if there were questions or comments in regard to the project; there were none.

Commissioner Bevan moved to forward a positive recommendation to the City Council for the Providence at Overlake Subdivision, Phases 3-6, preliminary plan request by Howard Schmidt for the purpose of creating approximately 48 single family residential lots at approximately 1200 North 400 West, application number P18-526 based on the findings and subject to the conditions listed in the Staff Report dated October 11, 2018 . Commissioner Sloan seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

4. Recommendation on a Subdivision Final Plat request by Joseph Earnest of Lone Star Builders for the 2 lot Quick Quack Tooele Subdivision in the GC General Commercial zoning district on approximately 1.01 acres located at 1262 North Main Street.

Presented by Andrew Aagard

A map was shown on the screen. There is an existing car wash on the property. The car wash will be removed for the new development. The zoning of the property is general commercial. This is really a lot line adjustment done through a plat amendment, but because there was a prior plot line in place it is being processed as a typical final plat subdivision. This is the final plats being proposed and shifts the plot line a little to the East. This provides a little more room for the development. There is a sewer line in the center of the property that is being vacated and will be brought to the City Council. Staff is recommending a positive recommendation based on the conditions listed in the Staff Report.

Chairman Robinson asked the Commission if there were any questions or comments, there were none.

Commissioner Hammer moved to forward a positive recommendation to the City Council for the Quick Quack Tooele final plat request by Joseph Earnest representing Lone Star Builders for the purpose of redeveloping a 2-lot commercial subdivision, application number P18-294, based on the findings and subject to the conditions listed in the Staff Report dated October 11, 2018 . Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye" Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

5. Public Hearing and Recommendation on a Zoning Ordinance Text Amendment request by Tooele City regarding amendments to Table 1 of Section 7-14-3 of the Tooele City Coded dealing with the minimum project size for multi-family residential developments.

Presented by Jim Bolser

This is a text amendment proposal. The City staff and City administration routinely look for areas of complication or inefficiencies in the City ordinance and look for ways to correct those. One that has been identified is a notation in the provisions of Section 7-14-3 that addresses residential zoning. In the land use table for that section, Table 1, there is a small notation under the listing for permissibility of multi-family residential developments that puts a minimum acreage requirement on projects. The City's proposal is to strike that note. It does not change the permissibility of any land use. It simply removes the minimum project area requirement and lets the market do what it needs to do.

Chairman Robinson asked the Commission if there were any questions or comments; there were none.

Chairman Robinson opened the public hearing and asked if there were any members of the public that would like to step forward and comment.

Andrew Aston asked why it is necessary to eliminate the text from the Table. It eliminates the areas that are predetermined zone for housing, that sounds like it is a good thing.

Kristine Jackson asked what the minimum lot size is currently for multi-family residential units. Why would we want to change that because I feel like for multi-family units you wouldn't want to cram a bunch of people in and have no parking or facilities.

Andrea Cahoon stepped forward and stated that from the real estate side there are parcels that may be able to have multi-family units but are four acres and fall below the minimum of 5 acres. If a developer must have 5 acres, it may not be the best use of the property. With property rights, owners do not want the government dictating what a property owner can do with their property. There are reasons to have zoning requirements. Ms. Cahoon stated that she is aware of a 3-acre parcel that a developer is looking at putting multi-family units on, but with current code they are limited to the type of unit they can build. The code dictates what they can do there but does not change the nature of what they are doing.

Ben Sandgern stated obviously the notation was put into the text originally for a purpose. He is curious as to why it was put in and why the City needs to change that purpose now.

Howard Schmidt was not aware that there was a minimum size requirement. It does make sense for some of the smaller infill areas. With multifamily there is code that needs to be met for a multi-family residential unit request. He thinks it sounds like a reasonable text adjustment.

Alan Snarr stated that he gets nervous when he hears the comment, "let the market take care of it." Because the people have a right to shape their communities as well, not just the market, not just the developer, not just the cash. And for some reason in the past, this was coded a certain way by people who had an idea of what they wanted their community to look like. And now we let the market solve our problem or do we ask the people what is in their interest and why the notation was put in the table in the first place.

Chairman Robinson asked if there were any other members of the public that would like to come forward; there were none. Chairman Robinson closed the public hearing.

Mr. Bolser stepped forward to address questions made during the public hearing. Currently the notation that is proposed to be stricken is a minimum of 5 acres needed for multi-family units. The rationale behind it, is twofold. Speaking to historical rationale, the City employees present do not know the reason it was put in place because it was put in place prior to any of them working for the City. Any explanation they would have would be speculative as to why the notation was placed on the table. The reason the City feels comfortable in bringing this amendment to the Planning Commission and City Council is that there is already a twostep check and balance on projects of this nature. Number one the actions of the Planning Commission and the City Council can control that on a case by case basis through public meetings and voting on the zoning assignment for different areas and properties. There are already design standards and development requirements in the City Code that specify additional amenities, such as parking and green space based on project size. Those factors determine the property size or conversely how many units to put on a property. There are multiple levels of review to ensure this requirement is in place that serve this purpose. The proposal is to allow those checks and balances to occur and allow property owners to exhibit the rights they

have, not only to request zoning but to develop their property according to the zoning applied to a piece of property.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Multi-Family Project Area City Code Text Amendment Request by Tooele City to address minimum project size requirements for multi-family residential developments, application P18-750 based on the findings and subject to the conditions listed in the Staff Report dated October 18, 2018. Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

6. **Review and Approval of Planning Commission minutes for meeting held October 10, 2018.**

Chairman Robinson asked the Commission if they had any questions or concerns; there were none.

Commissioner Hammer moved to approve minutes from the meeting held on October 10, 2018. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

Mr. Bolser addressed the Commission and recommended that the Planning Commission recess until 7:30 p.m. for the remaining items on the agenda.

Commissioner Sloan moved recess the meeting until 7:30 p.m. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

The meeting was recessed until 7:30 p.m.

Chairman Robinson opened the meeting at 7:30 p.m.

7. **Public Hearing and Recommendation on a Zoning Map Amendment request by Jack Andrews representing Metro West Developers, LLC, to reassign the zoning designation from the R1-7 Residential zoning district to the HDR High Density Residential zoning district for 31.88 acres, creating PUD provisions, and assigning the PUD zoning overlay designation for 23.9 acres currently assigned the R1-7 Residential zoning district located for the Berra Boulevard Development located at approximately 1600 North along Aaron Drive and Berra Boulevard.**

Presented by Andrew Aagard

A map of the property was shown on screen. The property is a total of approximately 57 acres. The zoning of the property currently is R1-7. There is a small parcel of property in the

surrounded by the 57 acres that does belong to Tooele City. The R1-7 zoning is a medium density code that allows single family lots of 7000 square feet, in a density of five lots per acre. The developer is proposing to rezone the property into two separate zoning districts. The northeastern parcel 31.88 acres is proposed at the HDR high density residential zone. The HDR zone allows for 16 units per acre. The types of units that can be constructed in this zone are single family detached, single family attached, townhomes, condominium, apartments. It is the City's most liberal zone in regard to the types of properties that can be constructed. It provides a wide variety of housing types to be constructed. The Tooele City parcel, the City would also like to see that rezoned to HDR for uniformity in zoning and allow for greater ability for development in future regardless of who owns the property. The southern portion of property, which is 23.9 acres, is being requested for a PUD designation. A PUD is a planned unit development. It provides flexibility in the development standards for lots. It can reduce lot sizes, setbacks, and widths. The PUD does not increase density. The density is determined by the underlining zone, which is R1-7 and allows for five units per acre. The applicant submitted some standards for what they would like to see in the PUD development. A minimum of 50 lots shall be 5000 square feet, 50 feet wide. That is slightly smaller than what is currently allowed in the R1-7 zone. The other lots remaining in the PUD the developer is proposing the lots go down to 2500 square feet, 30 feet wide. That is smaller still, but they wanted some flexibility in the development of the lots and provide for open space. A conceptual map was shown on the screen. This is what the developer would like to do and not what is approved. This area was intended to be part of Overlake and be a park. Due to recent settlement agreements resulting from litigation this area is no longer part of the Overlake Development. Its development will be determined by the City.

There have been many comments received from the public concerning this item. Most comments had been forwarded to the Commission. A few comments were received just prior to the meeting and had not been forwarded. They were pretty similar to all the comments already received.

Staff is recommending approval for this rezone request. There are some conditions that staff would like for Planning Commission to forward to the City Council. One of those conditions is to include the Tooele City parcel in the rezone request for HDR zoning. The City would like to include that the developer provides for access to the Tooele City parcel, so it does not become land locked. Another condition requiring the cost and planning of utility upgrades resulting from the change in use of the property from potential park space to HDR residential development shall be born and conducted by the developer, not the City. The developer shall provide and maintain provisions to route all storm water through the property per City Code and shall maintain their own storm water run-off site. That condition was requested by the City Engineer.

Mr. Aagard added one additional condition for the Planning Commission to consider. This was not included in the Staff Report. Require a six-foot solid masonry fencing along the railroad. That requirement may be in the ordinance, but Mr. Aagard was not familiar if it was in the City ordinance.

Chairman Robinson asked if the Commission had any questions or comments.

Commissioner Hammer asked what areas in Tooele City are already zoned HDR high density residential. Mr. Aagard stated there are areas located East of Albertsons and Macey's that have HDR zoning designations. He thought there was a senior residential development that had just been zoned as HDR PUD. Commissioner Hammer asked how much each of these lots were in acreage. Mr. Aagard stated he did not know off the top of his head. Commissioner Montano stated he thought the senior development was 14 acres off 1000 N. Mr. Aagard stated he believed the parcel behind Albertsons was approximately 5.5 acres. There is an HDR parcel at the southern part of the City that is approximately 5.5 to 6 acres. Mr. Aagard stated he is still new as an employee of the City and is not familiar with all the areas of the City that may have these zones. He could come back with that information.

Commissioner Bevan stated she is concerned that if this property gets rezoned to an HDR there is a bottleneck of traffic at SR36. She is concerned already about the traffic situation and if we add more homes and more cars it will create more congestion, which is already an issue. Mr. Aagard stated that the development would bring more traffic. The City can require a traffic study be conducted by the applicant with recommendations on how to deal with the increased traffic. Development is occurring to the west which will provide additional access to 1000N through Berra Boulevard. Future connections are coming. The Planning Commission can require a traffic study.

Commissioner Graf asked regarding the traffic study. Is this just a recommendation that the developer look into the traffic study as informational or would there be something binding in the traffic study. Mr. Aagard stated that the Planning Commission could make a recommendation that the approval is based on the recommendations of the traffic study. That would make it binding if the City Council approves.

Commissioner Montano wanted to make the conditions of the Staff Report clear. Item number 5 in the Staff Report is the two-acre City parcel. Item 6 is the utility upgrades for the development. Item 8 is the developer shall provide for storm water and the Planning Commission could add 9 for the railroad fence. Commissioner Montano stated that he had read and gone through the emails from the public and he understands and appreciates everything that everyone wrote. He understands their concerns and he would like Paul Hansen to get up and address those concerns related to the research done on the traffic, water, and sewer.

Chairman Robinson asked Paul Hansen, City Engineer to address Commissioner Montana's comments. Mr. Paul Hansen stepped forward. He stated any time the City considers a new development the city does a traffic study and reviews water and sewer. This costs the City money and he didn't want to imply that they didn't do them because they cost money. But in this case the tax payer's money would be used because there was no plan for final approval. Typically, the City looks at it from a general standpoint and then a detailed water modeling, detailed sewer modeling, and required traffic modeling is done. The conditions that the Commission is considering tonight would be required by the City on the developer. The City uses it's the modeling to ensure that nothing is inappropriate or doesn't significantly impact. He can't say that no one's water pressure would drop based on development, but the City makes

every reasonable effort that they can as part of any development approval to make sure the impact is as minimal as possible and as allowed by law. Should the Planning Commission recommendation include each of the conditions, the City will follow up on those conditions.

Chairman Robinson asked Commissioner Montano if that answered his questions. Commissioner Montano stated it did and thanked Mr. Hansen.

Commissioner Graf asked a question. The map that the Commission received is conceptual, but one the outside of the development on the street, does this allow for street parking. Mr. Agard asked if he was referring to Berra Boulevard. He stated he was referring to the entirety of the HDR section. Mr. Aagrad stated that it is a public street and therefore there could be parking there, but that it is in place currently. Mr. Baker addressed Commissioner Graf. The City Code does have specific code requirements for parking. The City Code intends for parking to be on the interior of the project. Parking on public streets is allowed, but the City Code development requirements intend to require sufficient parking onsite. That has not been the case with all previous projects including one in Overlake, but that was part of an old development agreement. This new development would have to follow the current City Code. Commissioner Montano made the comment that the developer would be required to provide parking for all dwellings. They have to supply enough parking for all units. Anyone can use the street, but the development must provide what is required by code. Mr. Agard stated that the code requires two spaces per unit. Commissioner Hammer commented that the developer has to supply the two spaces for each unit, but in the case with The Cove at Overlake the residents are charged for use of those two spaces. A lot of them do not use their two spots and park on the street because the fee is in addition to their rent. So, these conceptual apartments could very well do the same thing. We again have the same traffic and parking issues along Berra Boulevard and Aaron Drive that is currently in place, effectively making it a one way road.

Commissioner Sloan wanted to clarify, is it appropriate in the conceptual phase of the project to put conditions in, such as the masonry six-foot fence and a traffic study, which would normally be required in an actual application for a specific project. The Commission does not have that here. Is now the time for that or do those conditions, if we assign those things to the rezone and an applicant comes in with R1-7 lots, would they be affected with the conditions? Mr. Baker stated that it is appropriate at this stage of the process. The conditions the Commission is being asked to impose would apply regardless of the final layout proposed; the traffic study, the requirement to pay for water, sewer, and storm water modeling, and infrastructure to make sure there is adequate utility capacity to serve the development. The masonry wall to have sound and safety barriers against the railroad would need to be in place no matter what the development is.

Chairman Robinson asked Mr. Baker how the settlement with Tooele Associates affects what happens with this property. He recognizes that the land now falls under City Code and the park that was originally planned has gone away. Are there binding factors that the City now needs to deal with? Mr. Baker stated that it is a complex question. The park went away not because of the settlement agreement. The park went away because the development agreement went away. That was a direct result of the result in court. There is nothing the City can do to change or alter that result. The settlement agreement did not establish the zoning for this property

because the Planning Commission gets to make land use policy recommendations to the City Council and the City Council determines land use policy with input from the public. The City cannot sign a contract regarding zoning that does not have public input. The settlement agreement did not establish zoning. The settlement agreement does provide however that the City and Planning Commission would go through a process to establish new zoning for these properties that were formerly part of the Overlake plan, that were not developed. The City did go through a public process in February of 2015 to amend the land use plan, the general plan, and establish zoning districts for the area. Almost four years ago the City went through the process and the City did establish the medium density residential land use designation and in that it identified the uses that would be allowed in that area for this rezone request. The HDR is one of those zoning districts that is allowed for this property and other former Overlake properties.

Commissioner Graf had an additional question directed towards City employees. Is the City aware of any other HDR applicants or proposals at this time? Is this the only one? Mr. Aagard stated there was one in the following agenda item and he was not aware of any other than the two on the agenda. Commissioner Graf clarified if there were any other HDR zones in the City. Mr. Baker stated that there is one five to six acre lot in South Tooele that is zoned HDR and development is in the process.

Chairman Robinson asked if the Commissioners had any other comments or questions for City staff.

Commissioner Bevan stated she was a little concerned about the recommendations based on the findings in the Staff Report state these will meet the general requirements of the general plan, master plan. Who decides what the general master plan would be for this development? Does the City? Mr. Baker stated that the City Council determined in 2015 that HDR was an appropriate zoning district for this property.

Chairman Robinson asked if the Commissioners had any other comments or questions; there were none.

Chairman Robinson opened the public hearing. Chairman Robinson stated the comments were limited to three minutes. The Commission will take down all questions and at the end after all comments City staff will address all questions. He stated that the emails were received by the Commissioners and the Commissioners were aware of the concerns stated in the emails.

Katie Carlie who is the chair of the Overlake HOA. First this parcel of land, the residents express concerns over the land. The residents of Overlake thought this would be a park and now they understand that agreement is gone. She wanted the Commissioners to consider and understand that the park is what the residents were anticipating and expecting when they purchased their homes. She wanted to address the apartment in Overlake, The Cove. She stated that she wanted to have a good attitude about them, but there has been harassment, vandalism, two cases of arson, and an accidental fire in the two years since it was developed. Drysdale Street has become a one-way street due to parking. It has been a burden and hardship

to have The Cove. She wanted the Commissioners to understand and consider the expectations that the residents of Overlake had when they bought their homes.

Ryan Olson thanked the Commissioners for being able to share his family's thoughts tonight. Nearly 20 years ago after finishing university studies, he, his wife, and two small children began looking for a home, a place to lay down their roots. They were exhausted from the constant congestion and noise that accompanied their life in the big city. They had lived many years in high density housing. They were eager to purchase their first home in a stable, family friendly community. Their search for a home ranged over Utah. After months of research they had money down on two lots, one in Eagle Mountain, Utah and one in Overlake. After weeks of consideration their hearts were set on Overlake in Tooele. They love this community. They knew that Tooele offered the kind of neighborhood they had been looking for. We were seeking a community neighborhood free of congestion, noise, and traffic. Overlake is and was perfect for them. Mr. Olson stated there were three factors that moved them to Overlake. They loved the idea of a Homeowners Association. While expensive, an HOA requires all members to respect and care for their properties. Second the park. They are deeply saddened that the funds they spent when they built their home are no longer going to be used for that purpose. Green space was very important to the Olson family and that was one of the major reasons they chose Overlake. Three they love the residents they have met. When looking for a home they would stop and visit with residents of Overlake and ask what they liked and didn't like. They asked about schools and crime. Each answer satisfied their needs for a community. As the years have passed they have been blessed. In the years since living in Overlake they have stayed because they love their neighborhood. They plead with the Commission and the City Council to leave the zoning designation as is. They strongly oppose the HDR zoning. It will change their quality of life by adding congestion and traffic. Less green space will place strain on already strained sources, especially water. He further stated that their water pressure was already very difficult.

Jayson Stenquist stated he appreciated the time to come before the Commissioners. He is a resident of Overlake and one who lives directly across the street from The Cove. He wanted to share some of his concerns with additional high-density zoning. He brought a laptop with pictures from the neighborhood. He approached the Council to share the pictures. He showed a picture of the corner of Drysdale and Berra Boulevard. A picture of Drysdale and the cars parked on the street. He had several pictures of the cars on Berra Boulevard. He showed a picture of the portion of the street that is on the undeveloped road. It had RVs parked there. With the concerns with the parking on the road and the small green space at the apartments and Parkers Park which is just a short distance away; he stated there are always children in the road running back in forth. He is concerned that residents of The Cove use his parking strip to shoot off fireworks. This has been a concern because he hears sparks hitting his roof on July 4, 24, and the neighboring days. He has had to deal pet droppings in his yard, due to The Cove being pet friendly. For the safety of his community he asks that he Commission do not rezone the land.

Andrea Rawlings stated she is an educator at Overlake Elementary and a resident of Overlake. She loves the kids at the school. She wants to make sure a safe environment is provided at the school. She stated they had already talked about the traffic report in the meeting and she is so happy with that. She wonders if the traffic report will consider the new builds that will be coming,

including a new high school that is proposed to be on the other side of Overlake. That is going to add traffic that will affect the neighborhood. Some of the other concerns are the traffic that crosses the train tracks. She lives right across from the train tracks and has seen from the other side of the wall that people have jumped the tracks. She knows there have been accidental people on the tracks and even with a wall there are people getting to the tracks. Another concern is fire danger. If there is a fire and those two roads are blocked how can a firetruck come in. She stated getting access for a firetruck to the new apartments will be pretty hard. She knows that the seconds count in an emergency. She stated there is not enough green space. As more bodies are added there needs to be a place to be active. She stated Tooele County does not have the best record with obesity so there needs to be places for people to go to be active. Currently the lot under question is used for people to walk and run and they will be losing that as the development comes in. Ms. Rawlings stated that she is fine with growth. As a staff member of Overlake Elementary she is excited to see the new kids come to Overlake. But she hopes the safety concerns are done responsibly and not injected with steroids to make this faster than what the infrastructure can handle. She wants Overlake to be a beautiful community. She wants people to come and feel how awesome Tooele is. As the Commission looks at the zoning she wants the Commission to ask if it is responsible.

Malory Sandgren and she is a resident of Overlake. She wants to address the high-density residences proposed and others already designated as high-density areas in Tooele. If you look at the Tooele City Map the general land plan that there are three places currently zoned for high density in Tooele. There are two that were talked about the five acres south of town and east of Macey's and Albertsons. The big one that is a huge concern for the residents of Overlake is the big one that is already zoned and south of 1000 North. It is bigger than the 58 acres in Overlake. So, if we add another huge section of high-density housing in Tooele, in a small area, the infrastructure will already be taxed. There is no reason to have more high-density housing if we already have a large chunk already zoned for that. It was mentioned that the lot count is determined by the City. Well we as residents are the voice of the City and you represent us. We are hoping that you will help us keep the zoning as is and keep the medium density residential housing. The proposed plan has 600 units on 58 acres. That is huge. On the west side of Overlake, the lots that already designated for development is 70 lots on 30 acres. There is a big difference. It is high density, but really high density in one parcel of land. The residents of Overlake propose that the Commissioners consider keeping it as a medium density and not high density residential.

Kari Scribner stated she appreciates the time to talk to the Commissioners. She is a resident of the Overlake development. She takes what the Commissioners do seriously. She wants to discuss the building that is already going on. She provided a map for the Commissioners. She stated that she got the information from the Planning Commission. The Providence has 30 acres and 70 lots. The Overlake Phase two has 150 acres and 122 lots. The Lexington Green has 85 acres and 164 lots. She asked Mr. Aagard the size of those and states that he stated over 365 new developments on 270 acres. What the developer for this project is saying is 711 dwellings on 59 acres. That is not responsible building. That will make changes for everyone. She doesn't see how there will be water for everyone. She has to water in the middle of the day because she has no water pressure at night because of everyone watering. She is told not to water during the day, but she has to keep her lawn green. Please think about 611 units in less than 59 acres compared to 356 on 270 acres. Already you are looking at another 700 new cars in what has already been approved.

The new development would add an additional 1200 cars. Please keep that in mind. She understands they are not getting a big park. She is asking that the Commission restrict the builder to a responsible pace. Please remember that the residents love living in Overlake. She loves Tooele and cares about the community. Please take the recommendation seriously.

Andrew Aston, he is a resident of Overlake and a full-time fire fighter in Salt Lake. He stated that this size of apartment complex rivals any complexes in Salt Lake. Tooele City does not have full time fire department. There is one fire station right next door to the City offices. How are we going to protect the people in the apartments? A multi family dwelling is one of the scariest apartments fires that he goes on. It is one of the most labor intensive. They need lots and lots of people to fight them; to save people and property. How are we going to protect these people? We cannot change the zone until we have a way to protect these people. Tooele should have had a full-time fire department long ago. Eagle Mountain has less people than Tooele City and has two full time stations. That is irresponsible of Tooele, that is not adequate and is not adequate to support a high-density apartment complex. His question for the City is how they are going to protect these people?

Whitey Sivill stated she is a resident of the Overlake development and a mother of three. She stated that one of the biggest draws was the fact that she had two small children and there was a park across the street from her house. In the preceding weeks that they lived in their house they discovered that because 1000 North had not been taken out to the state road, that their street was used by speeding cars. Now that 1000 North has gone in, it has gotten better, but not fixed. It is hard for her to send her kids out to the place spaces, when she is concerned they will get hit by a car. The reason she has a problem with the high density is that if the cars don't go out to 2000 North, the cars will be going down her street. That's a big problem for her. Another big problem is that Tooele has been notoriously slow at building schools to adequately service the children that the community has already. If the Commissioner's put in high density housing where are the children going to go. They could go to Overlake Elementary, but when her kids went to Overlake the teachers had 30 kid in a class. That's a lot of kids for a teacher to deal with. Ms. Sivill stated that if the Commissioners bring in the high-density development there is nowhere for the kids to go. As far as she knew there were no new schools planned. The builder will build as fast as he can and get people in as fast as he can, then Tooele will be in an education crisis.

Brandon Ushio thanked the Commissioners for their time. He stated public service is important. He stated that he had not lived in Overlake for as long as some of the other residents who had spoken. He had been in Overlake for four years It had been a five-year plan, but it has become a 20 year plan. The community is great. He loves that he can send his kids out on bikes, which is something you can't do in Salt Lake. He works for Granite School District. He stated that there are schools that he has overseen that have 10 relocatable classrooms behind them. He stated students don't get the same experience when in one. If there is not adequate space, there will not be adequate education. He stated that there needs to be more housing in Tooele, but he doesn't believe that this is the way to do it. He urges the Commission to deny the application. He states that the City needs to add infrastructure to be able to have buildings like this. He stated that Tooele is a commuter City. A large chunk of resident's travel into Salt Lake to work. He does this for his family. If we add that many cars to the road a big chunk of them will be driving into Salt Lake to work. He stated that Tooele is not an island, we are part of a larger community.

Overlake is part of Tooele and Tooele City is part of Tooele County. We need to make sure that there is infrastructure to support residents. SR 36 and proposed UDOT improvements are only band aids in outgrowing community. Tooele is the best kept secret in Utah. He tells people he lives in Tooele and they raise their brow. He doesn't want Tooele to become the dumping ground for the states problem. Please vote no.

Julie Watson and she would like to address some of the concerns about the fire department. The city needs a fire department. We all love Tooele and we love our beautiful places. We don't want higher taxes, but in order to get the revenue in Tooele, we need to have commercial business. We can't get commercial business without higher density in certain areas. I'm not saying it has to be Overlake, but it has to come from somewhere. That is how most cities get their fire department. Everybody wants a quant little city but we can't build our fire department, or police department without some high density and commercial buildings coming because of the high density. Everyone says they want an Olive Garden or a Texas Road House, but that's why they don't come out here because there isn't high density in certain areas. We would love to have commercial, but commercial won't come out here without more high density. She would like to thank the City for what they do and the new Police Department coming in.

Ed Rasmussen wanted to tell the Commissioners something that happened when he moved out to Overlake 18 years ago. They had rented and had a condo previously, but this was the first house they had owned. The first night he is laying in bed. Sometime during the night he awoke to something and he realized it was the train. There was a train going by. He can see the train tracks from his front porch. He can feel the train going by. Nobody is going to want to live next to these train tracks. If you develop this area the people won't want to live there, stay there and this will become a low income area. If you put a wall in there it will give another wall for the graffiti artists to work on. Along Maverick gas station if you look during the winter, you will see that deer come down and follow the tracks down into that area. If you build a wall in that area, you force the deer up into SR36 and it will be a traffic hazard along the road This development is looking at 1200 cars, if you put that many cars there and deny access to the hospital because there is only one way to get into the hospital. You could have some major problems with people trying to get there. He stated to the Commissioners to please consider these things. This is for the safety of the people and future of property development. If he was to come into your home and build a railroad track from your home, you would state that your home would lose property value. This area will not maintain property value. It needs to be considered a park again. Maybe go back to thinking about a park, everyone in the city will benefit from a park.

Dave Quist stated he as a resident of Overlake for 18 years. He came from a small community in Payson and Spanish Fork area. Worked changed and he was brought up to Tooele. During the winter there is a City ordinance that limits on the street parking. He doesn't know if that has ever been enforced. He knows that residents park there all the time. He wants to know what will happen with all these people. If what happened at The Cove with parking he thinks the owners of The Cove, should know their residents shouldn't park on the street. He stated economic development has been mentioned already. Where are these people going to go? He stated the people will be working in Salt Lake. The City needs to get on the ball and start going. He has heard about water. Who owns the water rights? He had heard that Kennecott owned the water rights. There is limited water on this side of the mountain. The development, we need to work with the

county to develop access. He states there has been talk about the Midvalley Highway for years and work might start in 2022. He mentioned speed control before the timer sounded for the end of his three minutes.

Melissa Brimhall thank the Commissioner for letting her speak and express her concerns. She stated several people have mentioned schools, safety, and green spaces. She wanted to put some numbers on those things. The schools have an ideal capacity and a stretched capacity. Clark N. Jonson Middle School can accommodate 942 bodies, including children, staff, people, they are currently at 820. They are 122 away from stretched capacity. There are already planned building happening that will increase numbers by next year. Overlake Elementary can accommodate 675 and the school is currently at 579. It is only 96 bodies away from stretched capacity. By the time the medium density is developed and moved into the schools will be full. She asked a question. How do the City Council or Planning Commission regulate these things? When people want to come in and build where is the accountability to determine if there is room for the students that come to the schools. Who is planning for elementary and junior highs to accommodate for the influx of students? There is a high school planned but the new developments won't just have high school students. Where are the children supposed to be put and where are the children supposed to be put and when is that decision raised?

Allen Snarr has been a resident of Overlake for 18 years. When his family moved to Overlake, they couldn't believe such a place existed. They liked the idea of a planned community. The plan has gone askew. The two-diamond baseball park was supposed to be four and there were supposed to be more green zones. It was all zoned R1-7. There was a challenge to the R1-7 zone to the north before and it seems that we are fighting this battle every decade. Mr. Snarr asked why they have to change? Why do we have to high density housing in an area that was zoned for single family homes. Why the constant need? He realizes that the City was in a lawsuit and has a lot of debt, but that is not Overlake residents' fault. Overlake residents bought homes in Overlake, they did not cause the lawsuit. They do not need to be punished for the lawsuit. He wanted to talk about the aesthetic concerns of the development. He stated that there was a certain artistry to Overlake. He would like to preserve what they have and instead of thinking about higher density zoning in this area. Maybe we need to be thinking about even less than R1-7. Maybe we need to be thinking about zoning for parks and green space and things that will benefit the residents of Overlake. He is a tax payer of the community. He expects his taxes to go up, especially if we have less contributors. He likes where he lives, the beauty of it, the shape of it, and he doesn't want that to change. He sees no reason to rezone this unless he has a better one than this. He held up his wallet for the public record.

Narda Emmitt is a resident of Overlake. She has lived there for 20 years. She has six children. They moved to Overlake because it was so family friendly. They love it and can't think of a reason to leave. As far as looking at the map, she sees the need for people to need high density housing. Not everyone can afford a house. There is a need for it. There is a benefit for it. She understands that it would benefit the City to have more people paying into the tax base. There is a place for it too. When looking at the map the whole backside of acreage is lined by a railroad track. There is no way to get in or out of that part of the neighborhood. The only exits are through the neighborhood, where the kids are playing and riding their bikes. There is a safety concern. The only way you could have exit points is to build overpasses over the train tracks, to the Walmart

area. There are only two exit points. It's a problem. If there are already areas zoned for high density lets encourage people to build there. Do they have better access points to accommodate the sheer numbers of cars that live there?

Jimmy Clayton has lived in Tooele for four years. He grew up in rural Riverton and spent a good number of years in Logan. As he has been looking at the map. The development is right up against the train tracks. You would be taking some of the most densely populated areas of Overlake and cornering them back against the wall and the tracks. He stated that the Council room is a similar layout and if we densely packed the people into the corner behind the Commissioners, it would be hard for people to make their way out and hard for people to make their way in.

Ben Clayton stated that he is an Environmental Professional. He is pro-growth, pro-development, but he thinks it should be regulated. He considers himself a groundwater specialist. The point has been made over and over again on water. The only way we are going to overcome this is to put in more wells and more infrastructure. He comments on the water report every year. To do that, the development with the amount of water we have is irresponsible. He is a father and he is concerned about traffic safety. He is concerned that the traffic study has not been done already. He strongly encourages the Commission that a traffic study with modeling occurs. What also has not been talked about yet is the risk of high-density housing next to the railroad. There are buffer zones and risks associated with that. Mr. Clayton stated that the company he works for wouldn't build that close to a railroad at all. Now there are already apartments close to the railroad in Tooele, but you need to think about what would happen if you had an incident there. Also, he is a certified safety professional and the six-foot wall is adequate for pedestrian isolation, but that won't do anything for hearing and noise. You can overcome that by landscaping and a higher wall.

Jeremy Bastao thanked the Commissioners for their time. He has only lived in Overlake for about five years. He is an architect and designer. He deals with this process often. There is a reason that the land was a park. It was designed, planned as a park because no one wants to live next to railroad tracks. He thinks R1-7 is a poor zone to be right there. He stated that as a designer that creates low income, blight and value is not put by the people living in those houses. It creates problems. It is budding up technically against an industrial activity. He wanted to read one thing, because it gets noted many times. From the general purpose plan, " This Title is designed and enacted for the purpose of promoting health, safety, morals, convivence, order, prosperity, and welfare the present and future inhabitants of Tooele City, including among other things, the lessoning of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy and other expenditures. He stated that he though the only thing being protected was the tax base. He thinks it is poor zoning ad he thinks it should be mixed use. Either a park or daytime activities as office spaces. Not residences.

Ben Sandford asked a couple of questions. Is there potential or Section 8 housing or subsidized housing? He stated the question had been asked if there were high density areas that are being developed or planned. He wants to know if there is land that is already zoned for high density? Are the Commissioner's considering high density zoning if they already have high density land sitting in Tooele? Also, he thought he saw in documentation, that the park that would be placed in the development would be privately owned. Who would own that and if it would fall to ruin,

what recourse would the residents have? Linear park became unsafe and the playground was pulled from the park. The park then became a plot of grass. Several years later the park did get four swing sets which was wonderful, but that is not exactly a park. He believed that at that time it was privately owned, and it took some negotiations between the HOA and City. He is worried that if we put in a park and it is privately owned the residents of Overlake would have no recourse if it was to happen again. What is already zoned presently when we have other HDR? Documentation that the park, would be privately own, what recourse would happen?

Heather Herriman, she wanted to give the Commissioners her view point as a parent who used to live in the apartments directly across the rail road tracks from Overlake. She stated she didn't know how many times her children and their friends wanted to jump the fence to the railroad tracks. She saw eight-year old's jumping the fence. She caught her eight-year-old jumping the fence. She doesn't think that even a fence is safe with an apartment complex. She knows the parents at her complex were not watching their kids. How many parents did not know her kids were jumping the tracks? She confronted several parents and was told their kids couldn't climb the fence. She told them the children could. She thinks that it is an important thing to analyze. When looking at high density housing, the parents aren't out watching the kids all the time. They won't know their kids are climbing the fences. Her kids are always asking to walk to Walmart and she says no because you can't walk along the highway and you can't jump the tracks. Another concern is the traffic. Her son was hit by a car when he was 20 months old. She lived by a stop sign. People don't watch and if you look around Overlake there are plenty of intersections that have traffic going both ways and no stop sign. She stated that it is already unsafe to teach her 15-year-old how to drive in Overlake. Then add in more young people who are renting an apartment and don't have a care in the world because they don't have a house and are not paying for something that has equity . She can see how that will cause a lot of problems. Ms. Herriman stated she is a teacher. She teaches a class of 30 six graders. Her classroom is wall to wall desks. She has taught in a portable and it is not ideal. There are distractions and safety issues with portable classrooms. She doesn't want a portable Overlake Elementary. She urges the Commissioners to look at the aspects that have been brought up tonight and it is not a good idea.

John Slaugh, he thanked the Commissioners for their time. He is new to Tooele. One of the reasons he came to Tooele was because of the those, he pointed to the concept design on the screen. He was in safety for 34 years. He stated that the development will become a ghetto. You will not have enough law enforcement to protect the people who live there or the surrounding communities, unless you hire more. That type of a development goes downhill rapidly. Within five years he stated it will not be the same.

Chris Devry is a resident of Overlake. He stated he has a few questions. A traffic study was discussed, but from everything has heard there are still only going to be two roads in and out of Overlake. He hasn't heard a proposal for more. Doesn't really matter if you only have two roads, you are only going to have bottlenecks. Are there any current plans for additional roads out to the main roads? The other question, since the City owns the land are there any stipulations in the ordinances for green spaces in any of the zones discussed tonight? The third question is, that he agrees with planned and managed growth, but are there alternatives? Just because one developer wants to have high density doesn't mean it is the right decision for the City. If we have alternatives or can make alternatives that would make the whole City better.

Heidi Snarr stated she concurred with what had been already stated. She has been commuting for 20 years. She stated that Tooele does not have the capacity to move people in and out of the County and there are no plans to change that. Ms. Snarr stated that if she wants to go to Olive Garden, it is a special event for her family. They get ready and drive into Salt Lake and there are a lot of them to choose from. And if she doesn't want to do that, if she is running an errand in Salt Lake she can stop in and grab a pint of their sauce and breadsticks and do it at home. When she goes out to eat, they eat at Kraver's. They support Casas Del Ray in Grantsville. She doesn't complain about taxes going up because she appreciates the privilege it is to live in Toole. It costs a little bit more and she must drive to Salt Lake to go to Costco and Olive Garden. She is okay with that. They support local businesses, such as Kraver's, American Burger. They employ people in the community and support the community. She appreciates that there is a need for this type of housing. Let's spread it around. We don't need everybody all in one spot. She sees that this will spiral out of control as the safety managers, the professionals have stated that it is not a good thing. When they purchased this was not what they saw on the map. She appreciates that there needs to be high density housing, but you don't need it all in one place and spread it around to be responsible. This seems irresponsible. She is frustrated to see this knowing there is no access out of there. If you drive by the Maverick in the morning when all the busses are driving in, it's not a good thing. All those apartments are going to have two cars. They will drive down in the morning. It's not safe to have all those cars on the road. Please be wise.

Gene Jackson lives across the street from Clarke N. Johnson Junior High. He stated he has seen the traffic getting worse and worse. And the hosing is getting worse and worse. Don't build it.

Heather Roy she is a home owner in Overlake. She has a rule in her household that you can't complain unless you help with what you are complaining about, which is why she is in attendance. She has heard the concerns. The traffic, the safety, the firefighters the policeman, the green spaces the schools, those are all important. She asked the Commissioners that if they are voting yes tonight, she would like to hear the reason why, they think it would help the community. She wants to hear the reason why and how that will cancel out these concerns.

Kara Wood has been in Overlake for four years. She is grateful that she gets to speak at the meeting. She moved to Tooele to get away from a bad neighborhood, bad allergies. She likes to tell people that she moved to get away from the sirens every day. The high school from the prospective of having high schoolers. This last year the bus for the schools, after the first couple of stops there wouldn't be room for the students. The School District got a second bus, but the point is that was this year. Crime has increased with The Cove apartments. Her kids' backpacks were stolen out of the car in her driveway. People walk up and down the street casing the properties. Residents of The Cove peer into her neighbor's window and they have them looking into the car twice. She knows that there is a need for high density housing.

Kim Young has lived in Overlake for 12 years. She is the crossing guard for Overlake Elementary. She has seen a large increase in traffic since the new homes have gone in. The cars do not pay attention to the speed limits. She doesn't believe they are aware they are in a school zone, even if she has flashing lights. Cars speed. We need more speed limits posted in Overlake.

Bob Wood asked the question, that if this is already zoned residential, shouldn't the train be going through at a much slower speed? It seems it goes through fast considering it is a residential area.

Kristine Jackson was raised in Tooele. She saw the first stop light. She doesn't want to see this. It took 33 years to find their dream home. She doesn't want it in the community.

Travis Brady is a resident of Overlake. He has a question because he believes that the only people benefiting from this are the developers. Everyone who has come has opposed this as high-density housing. He asked what is the property tax revenue for the City for this high-density housing as compared to homes? If it doesn't really make that much of a difference to the City, the Commissioners should do what the residents want. He knows that a park isn't going to provide any revenue. What is the difference in tax revenue? And second what type of people will this attract. Will these be people who come to Tooele to live here a year or two while their house in Salt Lake is being built? The whole point of having housing in Tooele is to have people shop and live in Tooele and if this is not going to bring in that benefit, he doesn't see the point in having it. The only people benefitting here are the developers.

Ken Mitchell stated that his home sits directly across from Parkers Park. From his back yard he could throw a ball and hit The Cove, hit the park. In looking at the map, the corner that it peaks and the distance to The Cove is about a 30 second walk. Mr. Mitchell stated that we are not talking about adding high density to a mixed zone area, we are talking about adding more high density to an area. This is increasing what has already been done. If you want to do a study look at what has already happened with The Cove and do the math. He believes in mixed area housing. It is good for families, people and neighborhoods. But what we are doing is throwing the entire balance out. Mr. Mitchell stated that the cost of The Cove on the church welfare system has not been in the hundreds or the thousands, but hundreds of thousands of dollars. That is how much money that has been absorbed by an apartment complex and the size it is. Take that number and multiply it by the new development. Speaking to the Commissioners, you cannot throw that much housing on one neighborhood, in that tight of space. We can't absorb this in one space, it has to be spread out. We love our neighbors in The Cove, but there are only so many resources and this is beyond what we can handle.

Paki Olive stated that she works with the homeless community. She is a resident of Overlake. Housing is a challenge for the homeless people.; She would love to keep the homeless in the community. She asked if this development would ever be turned into a subsidized development?

Chairman Robinson asked if there were any more comments or questions from the public; there weren't. Chairman Robinson closed the public hearing.

Chairman Robinson asked staff to address the questions.

Mr. Bolser stated he would take the first efforts on answering the questions. There were a number of comments made that were personal perspectives on the matter and he will not be addressing those. He will address the questions specifically. He wanted to thank all that had spoken and all that attended for their participation in this process.

There were a number of questions in regard to traffic and access points. There was testimony prior to the public hearing about traffic studies and the requirements. Those traffic studies are what determines what the applicant has to do with development. That includes access points. If additional access points are required in order maintain a level of service on roads, that would be a condition on the amount of construction until roads are built or a requirement to build additional roads. The City does have a Master Transportation Plan that identifies those corridors, but often those corridors are built with development. A lot of that is determined and constructed with development and determined with traffic studies.

Mr. Bolser stated that there was a question in regard to who owns water and water rights. All the water in the City system is owned by the City. There is a water special service district operated by the City under the guidance of the Mayor and Council. The City does own all the water in the system. As new developments come online, they are required to provide additional water rights and impact fees to address the impact of that development specifically. As with all developments, regardless of their development type, they are obligated to provide additional water into the City's system in the form of water right to accommodate their impact.

There was a question regarding additional developments beyond what this traffic study would address. Those projects require their own traffic study. Those are being addressed. There are accommodations in traffic studies that address other developments that are under way or developed. What the City cannot require is to say there is another project that is coming over there and now add that to yours. If something is under construction or has been built, the City can require and does require that it is included in the traffic studies.

Mr. Bolser stated in regard to schools. There were questions about who is responsible in the planning of schools. That is the State and the School District. By State law, Cities are removed in large part from planning and construction for schools; including site design. The only thing the City can say when a school is built is utilities, water and sewer. The City is prevented from addressing them by State law. He encouraged the audience to speak with their local school board representative.

Mr. Bolser stated that here was a question about accountability for how many people come into an area and who is responsible for that. That is why we are here this evening. The Planning Commission and following their recommendation, the Council. The Council will be charged with that duty. The Commission has that ability through zoning decisions to address that concern. There were a couple questions in regard to subsidized housing. That is a private determination. That is something the developer would determine on his own through his own due diligence. That is not something the City can dictate.

Mr. Bolser addressed the question about who owns the park. That is something that is determined during the development process. There was also question about if the City has regulations requiring parks, Mr. Bolser stated, "yes we do." In those circumstances there are different aspects that need to be taken into consideration, one being is that park or open space area going to be dedicated to the City, thereby maintain by City open space. Or is there going to be a development with an HOA, that will be responsible for the development of the park if it stays

private. The question on who determines who owns the park is done during the development process with developers working with the Planning Commission and City Council.

Are there alternative solutions? Mr. Bolser stated that is why we are here this evening. There are a whole range of zoning classifications that are available. This is an applicant driven application, so the City is obligated to respond to their specific request. The Council and Planning Commission do have a whole range of classifications in the ordinance to choose from. There was a question regarding voting, that is for the Planning Commission to answer, how you are voting and if you will explain your vote. That is for the Commissioners to determine.

Mr. Bolser stated that there was a question about the speed of the trains. All rail traffic is federally regulated. The City has no input and cannot influence that process in determining what the speed limits are. The question about the property tax revenue. That is a question for the City Finance Department. Mr. Bolser stated that he could not answer that question specifically but generally speaking with any residential product type there would need to be a study done to determine the cost benefit of any one product type in order to compare them or answer this question with any specificity.

Chairman Robinson asked the Commission if there was any other questions that need to be addressed. An individual in the public stated their question had not been addressed about green space. Mr. Bolser stated that there are requirements in the City Code that require open spaces based on the type of development. If there was a standard subdivision such as R1-7, there are not requirements beyond impact fees on the individual homes for open space or parks. Projects with a PUD consideration or high density multi family there are performance standards in City ordinance that require open spaces and park space among other things. They are specific to certain types of development. What is being proposed would have those requirements on it.

Commissioner Graf stated he had a comment. He wanted to thank all for coming out. He disclosed that he lives in the Sunset Estates and the schools that were talked about are the schools his children attend. He recognizes friends and neighbors in the audience. He wanted to recognize staff and their time to make this meeting possible. He stated that he took the time to visit the three largest apartment complexes and they are at the 98% capacity. There is not a whole lot of room. He spent time looking at research and looking at things such as property values when high density comes into neighborhoods. He stated that it was interesting that it didn't affect it too much. Notwithstanding that there were areas where Section 8 housing could affect. He has benefited from lived in an apartment. He stated that if his kids were 18 or 19 where would they live. He recognizes that there isn't much that is affordable. Commissioner Graf stated that this is a request for a zoning change and he respects property rights. He has taken that all into consideration for when he votes.

Commissioner Montano wanted to make a few comments. He wanted to say one thing on the fire fighters. Tooele City has the finest fire department probably in the State of Utah. We have more than two fire stations, we have as quick or quicker response time as Salt Lake City. We have a great fire department. Addressing Mr. Hansen, Mr. Montano stated that he has been in predevelopment with this project. Mr. Hansen has done all the modeling on it, he is the Engineer and we need to put our faith in him and Mr. Baker. He asked about the water and they met all

the requirements. They will have to meet all the requirements. Mr. Hansen stated that the modeling is yet to be finalized, but they will have to meet all aspects of City policy. The only other comment he wanted to make about green space. A member of the public had asked if there was another alternative to this, Commissioner Montano state he didn't think there was. We have to allow high density apartment buildings to serve the community. When this was done in 2015, this was part of the plan. This is what we do here. Mr. Roger Baker stated that his statement was that HDR is one of the allowable zoning districts for residential developments in this area. It is one of about 10 different districts allowed and it is the highest density residential allowed. It is on the high-density spectrum for this property.

Commissioner Hammer stated she had a comment. On Monday October 15, she did have a conversation about this item on the agenda. It was before she received her planning packet for this meeting. It will not in fact sway how she will vote tonight. She would like to talk about things she thinks are important. There are alternatives to this rezone tonight. She does not believe that it is in the best interest of the city or the residents in Overlake. There are other areas in Tooele where they can build. She thinks that apartments are good. This is too much in one area. When she came to the rezone for The Cove apartments and Mr. Sivill sat on the Commission and stated that he wanted to see the growth rate be a comparable rate not higher than the single families. If this is the highest density possible there are other things that we can do. Commissioner Hammer stated that she does not think that much high density on that size of acreage is what we need to do. She stated that she lives in Overlake and it is troublesome now and she can't imagine adding 365 residents, 700 cars. It can't withstand that much traffic. She believes we need more green space, and although we lost the park and we can't get it back but putting in that much housing is not the smart thing to do.

Chairman Robinson asked if there were any other comments from the Commission.

Commissioner Sloan stated he would be reticent if he did not comment. He wanted to talk about a little bigger issue, whether this project moves forward, or zoning moves forward, but it is something we need to talk about. What does the number 80,000 mean to you? That's your population at 2040, projected. We have talked a little bit tonight about infrastructure out in the County. That is obviously a hot topic Highway 36 is not adequate and it's at 105% capacity now. It's not safe. Companies would like to relocate but are hesitant to do so. There are a lot of reasons for that. There is nowhere else to go. Tooele City is our little corner of heaven. His wife was born and raised in Stockton. The reality is the things that drew most of us here are still in play to the rest of the world. We all started out somewhere, in an apartment, a single wide trailer. We all aspire to be wherever we are right now. Again, I don't know if this is necessarily the right place for this, but from an affordability stand point. Commissioner Graf mentioned the 98% occupancy rate in places, that is probably light. He is in the real estate business and he does this every day. He loves this community. All your comments tonight, well not all of them, were wonderfully thought out at the Overlake level. Fortunately, unfortunately the Commissioners must view things with what is best for our City. We are not always going to be perfect. We do the best we can. We have heard a lot about infrastructure tonight; water, sewer, traffic, schools. The debacle that is Highway 36 has taught us anything, until there is a tragedy or need, infrastructure never comes before the growth. That said schools are the same way. Those are valid. Again, the school district, who indecently the property taxes 70% goes to the School district. We can't afford new

schools with the tax base we have now. The legislature gave us some equalization last year, but that is still not going to get it done. Schools are million of dollars a piece. When we talk about this nasty circle that is growth, we all want commercial because they pay taxes at 100%, but those commercial people don't come until there are 70,000 rooftops. The tax revenue does not come around to help us until it's passed the time we need them. Whether we pass this particular rezone tonight or subsequent ones, understand that all commissioners have heard you. People will live were they can afford to live. We are \$70,000 to \$90,000 dollars cheaper than Salt Lake County. I appreciate your time, but understand that we will have to have these tough conversations whether it is tonight, next week, or next year. We also seem to agree we want high density, but we all seem to agree we don't want it here, in our backyard. I urge you to look at it but understand that there is some context that we the Commission and your elected officials will have to do from a long-term stand point. We have to do what we believe is best for the Community. We are not going to agree with each other. Mr. Sloan once again thanked each of the public for being in attendance and for their input.

Chairman Robinson commented that the Planning Commission is not passing anything tonight. The role of the Planning Commission is to make recommendations. Those recommendations go to the City Council. Some mentioned that you are voters, you didn't vote for us. What we do tonight will be a recommendation that goes to the City Council and then they will take it on their agenda. It's a zoning map amendment. There is a whole lot of things that have to happen before anything goes in that spot. So tonight, the Planning Commission is going to make a recommendation based on what we have studied and what we have observed and that goes to the City Council, which is the legislative body of the City. The Planning Commission is a community-based recommendation body. Regardless of how you feel about what we do, this is not being approved or denied tonight.

Council Member McCall wanted to comment quickly. In the event that the Commission does pass this, he would like to make a recommendation that they add to the conditions that the parking, that is required for the developer; two parking spots per dwelling; that those two spots are free. It cannot be fair for The Cove in Overlake to be charging people to park in those required spots. Commissioner Hammer asked how they could do that? The Commission can dictate what someone can do on their land? Mr. Baker stated that it is not a legal question he has researched before, but the two onsite spaces per unit are a required City development standard. He is concerned that a developer can discourage tenant use of the parking that the City requires for them. He stated that there is a good likelihood that it is a legal condition to impose. Council Member McCall also stated that the Planning Commission should require the wall by the train tracks be bigger than six feet.

Mr. Bolser added a follow up to Chairman Robinson's comment for the public's general knowledge and the Planning Commissions as well. Regardless of the Planning Commission's decision this evening, whether in favor or opposed, it will go on to the City Council. The City Council will be holding their own public hearing. Essentially the process that would happen, following a decision this evening, the information collected this evening would be provided to the Council Chair. They will assign a meeting for this to be heard again. The public will not be receiving a specific letter stating when the hearing is. Please keep an eye on the agendas and information in the newspaper to be aware of when that will occur. Mr. Bolser did not know if that will be the

next City Council meeting, which is on November 7th, simply because the City wants to make sure they have the record and minutes, even in draft form, to make sure the Council has a complete picture of all the public's testimony. As quickly as it can be completed, it will be provided to the Administration and Council Chair for scheduling. Understand it may not be the next meeting, so we can provide them a complete record from this evening so that they have your views and opinions from this evening. Commissioner Hammer addressed the audience and reminded them that they could sign up on the City's website for email alerts when agendas are posted for City Council and Planning Commission meetings.

Chairman Robinson encouraged the audience to return to a Planning Commission meeting.

Commissioner Graf stated he would like to modify the recommendation for tonight. Commissioner Graf moved to forward a recommendation to the City Council for the Berra Boulevard zoning map amendment, requested by Jack Andrews, representing Metro West Developers, for the purpose, of reassigning the zoning districts of the northern 32 acres, including the 1.99 acres City owned parcel to R1-7 PUD, Planned Unit Development, and the southern 24 acres to R1-7 PUD, Planned Unit Development, application number P18-713, and including the conditions of a binding traffic study as well as a six foot masonry wall.

Commissioner Graf stated he was not sure he should include the Staff Report conditions and then did not include them in his motion.

Commissioner Montano asked if they wanted to include the requirement on the parking.

Chairman Robinson asked Commissioner Graf to explain his motion.

Commissioner Graf stated that the smaller development is reflected in the larger development. He is not asking for HDR in the second parcel 31.88 acres. He is saying that both zones are R1-7 PUD zone for both 23.9 acres, Tooele City parcel of 1.99 acres, and what's listed as HDR zone of 31.88 acres. Chairman Robinson stated with the PUD development subject to those conditions listed for that one are listed for the entire parcel. Commissioner Graf stated that is correct.

Commissioner Hammer asked Commissioner Graf to specify what R1-7 PUD zone is? Commissioner Graf stated that that is R1-7 zone requires 7000 square foot lots for single family residence. The applicant is requesting that the PUD overlay reduce the lot size to 2500 square feet. Essentially, it's taking what is zoned right now, medium density, and adopting the R1-7 PUD zone and allowing for smaller lot sizes but not allowing for HDR, high density residential.

Mr. Baker commented that he needs to answer the question on if the conditions and findings in the Staff Report are still appropriate for the motion that Commissioner Graf has made. Yes, they are, and he urged the Commission to consider whether they want to include those or not; instead of passing over them as part of their motion. Commissioner Graf stated that he did want to include the conditions in the Staff Report as relating to R1-7 PUD, in addition he is not sure if the six-foot masonry wall was part of R1-7 PUD conditions. If it is not he would like to include that. He would also like to include the traffic study in addition that is binding and also addressing the

verbiage on the parking. Commissioner Montano stated that the parking wouldn't apply because it is no longer high density.

Chairman Robinson stated that this motion is completely different than what the applicant requested. He wanted to make sure everyone understood.

Commisioner Graf moved that we forward a recommendation to the City Council for the Berra Boulevard zoning map amendment, requested by Jake Andrews, representing Metro West Developers, for the purpose, of reassigning the zoning districts of the northern 32 acres, including the 1.99 acres City owned parcel to R1-7 PUD, Planned Unit Development, and the southern 24 acres to R1-7 PUD, Planned Unit Development, application number P18-713, based on the findings and subject to the conditions listed in the Staff Report dated October 15, 2018 and including the conditions of a binding traffic study as well as a six foot masonry wall.

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Montano, "No," Commissioner Hamilton, "Aye," Commissioner Sloan, "No," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "No." The motion passed four to three.

Commissioner Sloan stated during the vote that he had spent a week and half studying this application and he is pretty comfortable with it. He doesn't disagree on the space with Commissioner Graf's suggestion, he just hasn't had time to look at it and see what is substantially changes. At this point he has to vote no. Chairman Robinson also stated he voted no for the reasons Commissioner Sloan stated.

Chairman Robinson stated the Commission would forward that recommendation with that verbiage on to the City Council.

Commissioners Hammer and Sloan thanked everyone for coming and for their time.

Chairman Robinson stated that the Planning Commission would take a short recess and return at 10:00 p.m.

8. Public Hearing and Recommendation on a Zoning Map Amendment request by Doug Kinsman of Ensign Engineering to reassign the zoning designation from the GC General Commercial zoning district to the HDR High Density Residential zoning district for Brady Townhome Development on approximately 5.26 acres located at approximately 750 North 100 East.

Presented by Andrew Aagard

A map of the property was shown on the screen. This property is east of Albertsons. To the North there is an existing high-density residential property. The property is currently zoned general commercial. The property to the North is also zoned general commercial. That exists as a non-conforming situation. Applicant is requesting to rezone as HDR, high density residential. Staff is recommending approval of the rezone request. This property is not highly served as a commercial property. It doesn't receive much visibility due to the Albertsons store directly in front of it.

Chairman Robinson asked the Commission if there were any comments or questions.

Mr. Aagard asked if he could add that the City would like to see the property to the North also zoned HDR while we are doing this rezone. Mr. Baker stated that they should have a discussion with the applicant of that property before rezoning the non-conforming property.

Chairman Robinson stated he would rather not do it tonight.

Commissioner Hammer asked the GC non-conforming that is where the apartments are right now. How did it get there? Mr. Aagard stated he had no idea. It predates his time at the City. Mr. Baker stated he has been at the City 25 years and did not know. Commissioner Hammer asked if those apartments are 25 years old. Mr. Baker stated they were.

Chairman Robinson asked about the google map that was shown on screen. There are little house right there, what does this do to the homes? A member of the audience stated he would address the question in public hearing.

Chairman Robinson opened the public hearing.

Arthur Brady stepped forward. He stated that he owned the property, the one home on the subject property he owns. He bought it 18 years ago. In the years since then he acquired the surrounding properties. He originally owned a half acre originally. He acquired them so there wouldn't be more apartments built right in his back yard and originally, he wanted to put in an orchard. He was told by a prior City employee told him that wouldn't be allowed. It wouldn't conform with general commercial zoning. The only reason Mr. Brady believed high density was required was to allow the possibility that one of the townhome units can have more than four units. The intent is to build townhomes, that will be individually sold as opposed to apartments that will be rented.

Chairman Robinson asked if there were any other comments in the public hearing; there were none. Chairman Robinson closed the public hearing.

Commissioner Sloan moved forward a positive recommendation to the City Council for the Brady Townhome zoning map amendment request, by Doug Kinsman, representing Ensign Engineering, to reassign the subject property to the HDR, high density residential zoning district, application number P18-724 and based on the findings and subject to the conditions listed in the Staff Report dated October 12, 2018. Chairman Robinson seconded the motion. Robinson seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

9. **Adjourn**

Commissioner Bevan move to adjourn the meeting. The meeting adjourned at 10:07 p.m.

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

Approved this day of, 2018

Matt Robinson, Chairman, Tooele City Planning Commission