

TOOELE CITY PLANNING COMMISSION MINUTES
November 14, 2018

Date: Wednesday, November 14, 2018

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

Commission Members Present:

Tony Graf
Tyson Hamilton
Shauna Bevan
Chris Sloan
Bucky Whitehouse
Melanie Hammer

Commissioner Members Excused:

Matt Robinson

Commission Members Absent:

Phil Montano

City Employees Present

Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Roger Baker, City Attorney

Council Members Present:

Council Member McCall
Council Member Gochis

Minutes prepared by Kelly Odermott

Since Chairman Robinson was absent, Chris Sloan, the Vice-Chairman, served as the Chairman for the meeting. Chairman Sloan called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Graf.

2. Roll Call

Tyson Hamilton, Present
Chris Sloan, Present
Tony Graf, Present
Shauna Bevan, Present
Bucky Whitehouse, Present
Melanie Hammer, Present

3. **Public Hearing and Decision on a Conditional Use Permit request for Ken Hatch to permit Three and Four Dwelling Unit Buildings in the MDR Medium Density Residential zoning district on approximately 1.26 acres located at 70 West 600 North.**

Presented by Andrew Aagard

Chairman Sloan stated that he does have a conflict of interest with this item. He will not be voting.

Mr. Aagard stated that an application for Conditional Use Permit has been submitted for the property. The property is located just north of 600 North and is adjacent to commercial properties on the east. The zoning of this property is currently MDR, Medium Density Residential. It was recently rezoned. Properties to the north are general commercial and there are some R1-7 zoned properties to the west and to the south. The applicant is requesting a Conditional Use Permit to construct three unit dwellings and four unit dwellings on the property. That building type is conditional use in the medium density zoning. A conceptual site plan has been submitted and gives the Commission a general idea of what will happen with the property. It is proposed that it will be two three plex buildings and one four plex building. There is an existing right of way at 50 West. It is a dirt alley. The applicant will be required to improve that road to City standards and codes. There is a condition listed in the staff report that does address that.

Chairman Sloan asked the Commission if they had any comments or concerns, there weren't any.

Chairman Sloan opened the public hearing.

Jon Charchenko stepped forward. He is one of the owners of the property. He wanted to see if the Commissioners had any other questions. He understands with conditional use that there could be requirements added on to have the use approved. He is interested in what those are.

Mr. Baker stated he would like to remind the Commission that the Commission's job on a Conditional Use Permit is limited to examining if there are any determinantal effects from the proposed use on the surrounding properties. Also to discuss and impose conditions that would mitigate those adverse impacts.

Chairman Sloan thanked Mr. Baker and asked the Commission if they had any further questions.

Mr. Charchenko stated that the property had commercial on one side, an RV park on the North and five homes along the West. There is currently a fence along four of those homes and one home without a fence. The individual without a fence was using part of the pasture and Mr. Charchenko assumes they will be putting a fence in at the property without a fence.

Mr. Chris Oaks stated he lives on 1050 West. Chairman Sloan clarified with Mr. Oaks that the property being discussed is on 600 North. Mr. Oaks stated it was the wrong property.

Chairman Sloan closed the public hearing.

Commissioner Whitehouse moved to approve the Conditional Use Permit, by Ken Hatch, of Johnson Engineering for the purpose of allowing three and four family dwellings, application p18-763, based on the findings and subject to the conditions listed in the Staff Report dated, October 30, 2018. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Whitehouse, "Aye," Chairman Sloan, "Abstain." The motion passed.

4. **Public Hearing and Decision on a Conditional Use Permit request for Rachel Cowen to permit a Public use in the GC General Commercial zoning district on approximately .96 acres located at 36 South 100 East.**

Presented by Andrew Aagard

This is an application to authorize a public use the General Commercial zone, located in the existing parking lot of Tooele County government center, on the courthouse side. To the north there is an existing residential structure and automobile facility. The property is currently zoned GC General Commercial as are all the properties to the north, south, and west. The application is for public use and will be used for a Children's Justice Center. There has been a lot line adjustment to reconfigure some of the lot lines to create the parcel that will house the justice center. A photo was shown on the screen, showing the current conditions of the parking lot. There are 48 parking stalls currently. The site plan is included for the Commissions reference. The applicant is currently working through the site plan review with City staff. Staff has not received any feedback for this application. Staff is recommending approval with the conditions listed in that Staff Report.

Chairman Sloan asked the Commission if there were any questions or concerns.

Commissioner Bevan stated that she is concerned about the parking. Where the facility is behind the County Courthouse, will there be enough parking for both facilities uses? Mr. Aagard stated that the City believes that there will be enough parking, based upon observations of the parking area. The Ordinance for conditional use in this zone does not specify a parking standard. Parking conditions would fall to the Planning Commission's digression to determine if there is adequate parking. There are some areas in the site plan that could accommodate some additional parking. The City does not anticipate issues with the parking lot since for a long time the parking lot was storage for the automobile repair shop. Commissioner Bevan asked if the automobile shop owns part of that parking lot. Mr. Aagard stated they did not.

Commissioner Sloan asked if there were any other comments or questions from the Commission; there weren't any. Commissioner Sloan opened the public hearing.

Laney Riegel, is owner of Mustard Seed Realty which is directly east of the proposed property Ms. Riegel stepped forward to voice her concerns of the elimination of parking lot space to build a building. She went through this process when she put her business in its location and she pays taxes at the commercial rate. She does have to provide off street parking for her clients. During that process, Ms. Riegel had to determine how many people she had to be servicing. Her business has had to provide two off street parking spots and one handicap spot. Back in 2004 or 2005 Tooele County was approached for the new courthouse. When that was done a parking lot was created. Ms. Riegel stated she does not know what kind of agreement was made with Tooele County to get the parking lot created. Creating a parking lot is not cheap. Ms. Riegel stated the parking would not have been built unless it was needed or determined to be a future need. Her concern is that the impact is not just isolated to that actual spot. When the CJC building gets put in the parking lot; the new building is about 5000 square feet which will take away about half of that parking lot. Already the majority of the individuals who utilize the courthouse do not want to use the parking. She stated that she believed that this will create more on street parking. She would like to see a provision or signage that parking to the east of the courthouse is for only the residences or businesses of 100 East. Ms. Riegel stated that she knows if somebody is attending a court hearing and parks in front of her business, that an individual coming to use her business will pass it up because they believe she is with a client. Lastly, she stated that if the conditional use wipes out the parking requirements, she doesn't feel that that is right.

Chairman Sloan asked if there were any further public comments, there weren't any. Chairman Sloan closed the public hearing.

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

Commissioner Graf stated he is a prosecutor in Salt Lake County and works with special victims' units. He had the opportunity to visit CJC see in Salt Lake during the day and he wanted to impress the importance of this space. He is impressed that the Counties' creating a space for children to go to talk about difficult things in a safe space. He is happy to see this move forward. He thinks parking is important and it needs to be addressed, but he is happy to see this move forward.

Chairman Sloan clarified for the audience, that the current CJC building is directly across the street. It is inadequate.

Chairman Sloan had a question for staff, is there a way for the Commission to designate the parking on the street across from the court house as residents or business only. He stated that that is a public street, does the Commission have the ability to do such a thing.

Mr. Bolser stated he believed that would take an action of the City Council. It is a public street and open for the public to use. Any restriction of that, be it a closure or signage restricting usage would take an act of City Council to designate as they are responsible for all public spaces, including City streets. He added that is that is a concern of the Commission they could make a recommendation to the Council separate from this case to that effect.

Chairman Sloan had a second question. This building is three times bigger than the current building. Do we anticipate additional staff requirements over what is in place now? Ms. Cowan the applicant stepped forward to address the questions of the Commission. Ms. Cowan stated that there are two fulltime and one employee at 25 hours a week, currently. As of September 4, 2018, the CJC had already hit the number of interviews that had been done in 2017. There has been an increase. If there is an increase in interviews, all services increase. Moving from three employees to four employees will take some time.

Commissioner Bevan asked how many parking spaces the CJC has now at their location. Ms. Cowan stated they have room in the drive way for two and then they utilize the street.

Commissioner Graf, stated he believes that interviews are usually scheduled and the CJC controls the flow. Ms. Cowan stated that for an interview there is one detective, one CPS worker, the three employees of the CJC, a volunteer and family of the child. One time a month there is an LGT meeting and that is held at the courthouse because it is attending by about 30. There are a couple of other meetings with an attendance of 10. For interviews the CJC expects to see two to three additional cars over employees.

Chairman Graf moved to approve the Conditional Use Permit request by Rachel Cowan, representing Tooele County Children’s Justice Center for a public use, application P18-190 based off the findings and staff report dated October 5, 2018. Commissioner Whitehouse seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Hamilton, “Nay,” Commissioner Bevan, ‘Aye, Commissioner Graf, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Sloan, “Aye.” The motion passed.

Commissioners Hammer and Hamilton stated their vote was due to they didn’t believe the parking was addressed.

5. **Public Hearing and Decision on a Conditional Use Permit request for Victor Hammond to permit an Automobile Service and Repair Use in the GC General Commercial zoning district on approximately .19 acres located at 94 South Main Street.**

Presented by Andrew Aagard

Mr. Aagard stated that most people are probably familiar with this property. It is an old gasoline service station on the corner of 100 South and Main Street. It has been previously used as an automobile service station. An aerial photograph of the property was displayed on the screen. The building is backed up right to the lot line. The property is zoned general commercial as are the properties to the north and east. To the south properties are mixed use zoning. The application is for a tire repair and alignment shop. Concerns by staff are related to onsite parking due to the small property size. The station could possibly service four vehicles at a time in the bays and the owners are intent on keeping an existing canopy. Staff is concerned that vehicles waiting for service or waiting for pickup may be parked on the street. A condition of the Staff Report is vehicles cannot be stored on the public right of way. The applicant is planning on improving the structure. Staff is recommending approval with the conditions listed in the Staff Report.

Chairman Sloan asked the Commission if they had any comments or questions.

Commissioner Hammer wanted to clarify on street storage. Is that overnight parking or referring immediately after a car is serviced? Mr. Aagard stated he would like to see no cars stored on the street that have been left for service. Commissioner Graf asked if there is a condition that the Commission can enforce or is that a City code violation of the permit. Mr. Aagard stated he put a condition in the Staff Report. He stated the Commission could reword that if they so choose. Mr. Baker stated that the enforcement mechanism is the City would send a letter stating there is a violation of the Conditional Use Permit and inviting the applicant to comply or not comply and lose the permit.

Chairman Sloan asked the Commission if there were any other comments or questions, there weren't any.

Chairman Sloan opened the public hearing.

Ms. Mary Ann Bickmore stated she is the owner of the property to the west. She is happy to see the property looking better, but she has a concern. The building farthest to the west on the property is so close to the property line that in the winter it ices up. The ice comes down and hits the roof of her building which has caused damage. She would like that to be addressed or something given to the applicant so that her building is no longer damaged.

Mr. Victor Hammond, owner of the property addressed the Commission. He stated that the planned business model for his shop is a little different. They will be fixing oil, tires, and alignment, basically day surgery. He is a long-term resident. He doesn't want to store any vehicles overnight. If a vehicle needs to be stored overnight, the plan is to park it in one of the bays. He has been working on fixing the building up. He stated to Ms. Bickmore that he can easily fix the ice issue and he will address it to be a good neighbor. For parking he has measured out the number of vehicles that can be parked. Mr. Hammond stated that four vehicles can be parked under the canopy, three vehicles on the section of newer asphalt and at the front of the building there will be a handicap space.

Chairman Sloan asked if there were any other public comments; there weren't any. Chairman Sloan closed the public hearing.

Chairman Bevan moved to approve the Conditional Use Permit request by Victor Hammond, representing Tooele Tire LLC, for an automobile service and repair use, application P18-740 based on the findings and subject to the conditions listed in the Staff Report dated October 29, 2018 and including a condition to address and repair the ice falling onto the neighboring property. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Whitehouse, "Aye," Chairman Sloan, "Aye." The motion passed.

6. **Public Hearing and Decision on a Conditional Use Permit request for Wick Gubler to permit Multiple Family Dwellings More Than 4 Units in the HDR High Density Residential zoning district on approximately 5.48 acres located at 640 South 1050 West.**

Presented by Andrew Aagard

The subject property was shown on the screen with an aerial photograph. Mr. Aagard noted to the Commissioners that the property has two streets which terminate into the property, 1050 West and 540 South. Both of those streets stub into the property with the intent of that property being developed. The property west of the subject property is vacant land and zoned research and development. Current zoning is HDR, High Density Residential and that allows up to 16 units per acre. The zoning has been in place for some time. The properties to the north and south are R1-8. Mr. Aagard stated that the application was presented to approve the building of multifamily dwellings. A site plan was submitted with the application to show the intent of the property. It is proposed that there will be 63 units in the complex, storage units and a club house. The zoning is in place and apartments are permitted with approval of the Conditional Use Permit. The City has received many comments related to the application and the need to deny the application. There were also concerns about traffic. Staff is recommending approval and the zoning is in place. Staff is currently reviewing the site plan.

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

Commissioner Graf wanted to address speed. The streets going into the subject property are residential. Does the Commission have the ability to ask for a speed bump into the property to mitigate speed? Mr. Aagard stated he believed changes to the public right away would be under the Public Works department. Mr. Bolser stated that the Planning Commission would have the ability to make recommendations to the City staff.

Chairman Sloan asked if the Commission had any other comments or question; there weren't any. Chairman Sloan opened the public hearing.

Ms. Leana McNicol addressed the Commission. She stated that she lives on 540 South which enters the subject property. She has several concerns. She stated that her kids play on that street and is concerned about the speed. There are already speeders on 900 West, which routinely pass her because she drives the speed limit. There is the concern about congestion and back up of vehicles leaving the property in the morning. Ms. McNicol stated she is concerned about the school overload. She stated that West and Settlement Canyon Elementary cannot handle that many kids. West Elementary has the dual immersion program for German, and if students are added to the school, the program will need to be eliminated. Also Tooele Junior High and Tooele High school will receive more kids that they do not have room for. She is concerned about the quietness of the neighborhood being disturbed with the construction of the apartments. Ms. McNicol stated this is not a few homes, this is 63 apartments which is a huge increase and done quickly. She also addressed the low water pressure in the area.

Ms. Annette Morgan stated she was very angry when she received the notice on Halloween about the apartments. She stated she read the notice and realized that the City needs evidence

to stop the application. She works in the legal field and she went to work trying get evidence as to why this should not happen. She stated that when you start asking questions to the City, hospitals, schools they start denying requests real quick. She wasn't able to get the information she wanted, so she is going to present her opinion. Ms. Morgan stated that the traffic is crazy, not just in the neighborhood but in Tooele. She stated that on the plans there are 84 new units and there is no place for the residents of the proposed apartments to work in Tooele City. They will need to travel into Salt Lake. There are no places to shop in the City and the stores that are here are empty. She attempted to get numbers for comparison from the neighboring apartments, Settlement Canyon and was unable to. She stated she is making her comments with the assumption that each apartment will have a mom, a dad, and two kids. That is 126 more kids in the school system. We can't do it. There aren't teachers to handle the kids that are in the schools now. Ms. Morgan mentioned the fire that happened two years ago across the street from this project and stated they ran out of water for that fire. Ms. Morgan stated the very first week that residents water their lawns, the City is on rations. She stated that she asked the hospital about emergency response and they wouldn't respond. She stated she wanted to talk to realtor and stated there is a huge gap in prices between the east side of Tooele and the west side. If she wants to sell her property, no one will want to buy it if she has apartments in the back. She stated she couldn't get the evidence in 9 days that she thought the Commission needed. Ms. Morgan stated she doesn't need 60 to 80 units back there. She states to fit 60 to 80 units is nuts. She wants a compromise and would like to see condos. The biggest issue that everyone has is the three-story building, you lose your view. More is not always better.

Mr. Karl Schmidt addressed the Commission. He has a property just south of the subject property. His question is what is in it for the neighborhood, putting a complex of that size? He wanted to state the concerns that are already in the neighborhood. He presented a study by Harvard University to the Commissioners from 2007. He stated the study says you will have less traffic if you do a comparison of one house to one apartment, but this is not one house to one apartment. He uses Century Link at his home and he has two lines. Its very slow. He addressed garbage trucks and utility equipment. He stated that a few years ago his street was one of the last streets to get plowed for snow. It has improved, but not much. He has had a snow plow damage his property trying to turn around. Is it safe to have snow plows, fire trucks turning around or backing up on the residential streets? What is the condition of the water? Do we have the water capacity for this? He looked at studies and said that water has been shut off from Settlement Canyon Irrigation in prior years, quoting KSL and Tooele Transcript. He based his calculations he is presenting on 50 units because he did not know the size of the complex prior to the meeting. If you have 20 homes, you would have 12.8 kids and apartment complex would have 32. We are not going one to one, we are going almost three times the amount of kids. Mr. Schmidt read off some calculations regarding taxes. He asked once again what is in it for the residents? He wants to know what the infrastructure is there for water, sewer, parks, streets. He wants luxuries if the neighborhood is getting an apartment of this size. He further stated that the skyline is being removed from his view. He is pro building on this property, houses or apartments, but he wants to be wise on that. He is not a proponent for speed bumps. He wants to know what is in it for him and the others in the neighborhood?

Mr. Mascaol Aphadmsuab stepped forward to address the Commission. He lives adjacent to the apartment complex to the south of the proposed property. He came to speak from his

experience of living next to an apartment complex. He says that there has been an increase in traffic. He and his neighbors call the police on people speeding 40 to 50 miles an hour. There are little children playing in the street. The issue is not a possible issue, but already exists. He stated that you wouldn't build an 80-unit apartment complex that's only entrance is through a residential street. If they are entering or exiting through Tooele Boulevard, he wouldn't have an issue with it. But that many vehicles going through a tiny street, where children are out there playing. He doesn't feel that it is safe or right.

Mr. Chris Oaks addressed the Commission. He thinks the other people have stated what needs to be said. He wants to add that he thinks there isn't the police infrastructure. Also 700 South becomes a river. It has been recently updated, but if 700 is your main access to the apartments, it is a bad idea. The schooling is not there. He thinks it is a bad idea.

Mr. Guy Shehan stepped forward to address the Commission. He stated he lives right across the street from this. He stated that his view will be taken away. He will look right into the back of a three-story wall. Not to mention that 540 will be the main entrance. He further stated that it is hard to get onto 900 South currently and adding more cars will make it harder. There is enough traffic on 900 South that it shuts that street down. There are kids walking up and down that street to school and add 80 more cars. He is not opposed to building on it. He wants to know what generates more income for the City, 20 houses or an apartment complex? He stated it is a stupid idea. He wants 20 houses on the property. He doesn't want an apartment right there.

Ms. Heidi Forsyth addressed the Commission. She stated that everyone already addressed her issues. She lives on 620 South, two streets away. She stated that 900 West is crazy. At 200 West the other day she was passed on the right side going through the neighborhood while she was driving. She lives within walking distance to the proposed apartments and she knew nothing of it. She was told by another individual in attendance and she is frustrated that she knew nothing of it and it affects her. She also stated that she is a teacher and she knows the affect of being over crowded. She knows that is a huge issue.

Mr. Levi Bachelor stated he had questions for the Commission in regard to the project. Is the subdivision going to be low income? What is the exact effect will be on our water flow and how will it affect it? With the construction the road will be torn up, will that be replaced or will it be a long time? He currently has a pristine road. He is in favor of speed bumps. What are the plans for utilities and how will that affect the neighborhood?

Chairman Sloan asked if there were any other comments, there weren't any. Chairman Sloan closed the public hearing.

Chairman Sloan asked the City staff to answer questions that were presented during the hearing.

Mr. Bolser addressed some of the concerns. He stated that he heard concerns about water multiple times. Any development regardless of its type is required to provide modeling of the water system and then they have to provide the facilities that maintain and provide water at an

adequate ability. As far as water pressure, the applicant has to model and provide the City with the effects and the mitigation of those effects.

Mr. Bolser addressed the questions about schools. The City is precluded from dealing with school questions by state law. The only effect the City can have on schools is utilities. Other than utilities, the City does not have jurisdiction. Mr. Bolser stated that sewer capacity is done with the same modeling as water.

Mr. Bolser addressed unsafe travel. That is a concern anywhere in town and that is a concern to be worked on with the City Police Department. The City can work with them to address those concerns. Subsidized housing is a determined by the owner of the property. That is not something that the City deals with. Mr. Bolser also stated that speed bumps were mentioned. Generally, they are ineffective for controlling speeds and traffic. Speed bumps cannot be snow plowed and would make plowing worse. Mr. Bolser addressed the comments about views. Those are a subjective point. That is not a private property right. It is often sold and desired by property owners, but it is not a private property right.

Commissioner Graf had a quick question. He drove the neighborhood a couple of times and noticed that some neighbors have fences and some don't. He noticed in the Staff Report that there was a fence option. What options does the Commission have in regard to fence height and material? Mr. Bolser stated that the Planning Commission has that option. The City staff would take any recommendations made by the Planning Commission. There are also design standards adopted in the Ordinance for the owner to follow.

Commissioner Graf also asked if there were any other speed mitigation items that could be put in place. Mr. Bolser stated that this is a difficult question to answer. Any sort of implementation of control has a plus and a minus to it. It is a balancing act. The two most effective manners of controlling speed, one being personal responsibility. The second is controlling through enforcement. That is certainly something that could be done to increase awareness and increase patrols. As far as formal implementation of a device it is hard due to the limited space. Implementing anything within the boundaries of the development would be difficult. Mr. Bolser stated that if you look at the roads that enter the property, they are relatively short in duration until the next intersection. Within the property, the conceptual plan shows that the road is a ring and any time you have those turns the residents will need to slow down to navigate the road.

Mr. Baker stated that he lives in the apartments to the south, Settlement Canyon Apartments. Both roads going into that complex, if you don't turn you will hit a building. That does slow the speed because cars have to turn. Its not to say that some don't accelerate on the way to slowing down. One of the ironies he has heard, he drives on Tooele Boulevard home. It is 25 miles per hour. One of the residents of the single-family homes passes him routinely at a high rate of speed on a double yellow to park in his driveway. Dwelling in an apartment is not a predictor of speed so much as the personal responsibility of the person driving. Mr. Baker wanted to address the comments of records request. Every records request filed through Tooele City, with the exception of the Police Department goes through his office for review. It is never the City's approach to look for a reason to deny a request. If the requested records are

public, they are granted. If they are private, protected, or controlled they are not granted unless the law allows them to be granted. He has never said that we have ten days, let's drag it out as long as the City can. If they have the records, they get to it as soon as they can. Sometimes they don't have the records. Sometimes the information requested is not in the records.

Chairman Sloan asked if there were any other comments or questions by the Commission.

Mr. Baker wanted to mention that he has been employed with the City for 25 years now. This property was zoned in the early parts of his career, in the mid- to late-90's. The zoning has been in place for about two decades. That was a policy decision made by the City Council at that time. It is only now with improved market conditions, that it is being looked at for development.

Chairman Sloan wanted to remind the audience what the Planning Commission is allowed or not allowed to do. When a request is made within the zoning requirements, the Planning Commission cannot deny the request. They can impose mitigation factors on things that are seen to cause a problem. For the public that is wanting the development from being denied, the Planning Commission does not have the ability to do that. The Planning Commission is looking at mitigation for factors that may affect the people and businesses who are situated close to the new developments.

There was a question made from the audience. Can the Planning Commission request that it not be a three-story building?

Mr. Bolser commented that Planning Commission is bound to what is allowed when it comes to items like this. Under the zoning, there is a density number that is allowed and there are height limitations. That forms the box that the applicant can propose. So, if a building is allowed to be "x" height, they are allowed to be up to the full allowable height. Same with density. With buildings in an HDR zone, they are allowed up to 16 units an acre, the developer is allowed to capitalize up to the allowable number of units an acre. In the case of building height, the developer is allowed to use the full allowable height. The Planning Commission is bound to allow the maximum and minimum standards given to that zone.

Chairman Sloan asked the Commission if they had any questions or comments.

Commissioner Hamilton moved to approve a Conditional Use Permit request by Wick Gubler, for the purpose of multiple family dwellings more than 4 units, application P18-698, based on the findings and subject to the conditions listed in the Staff Report dated November 2, 2018 and including a traffic study and fence.

Mr. Baker reminded the Commission that is one thing to require a traffic study and it's another to require that the results of the study be implemented. The engineer can recommend any need and congestion mitigation, if the Commission chooses. Commissioner Hamilton stated that he would like to see that the study is done and implemented.

Commissioner Graf seconded and clarified the fencing. Does the Planning Commission need to state the requirements for the fencing? Mr. Baker stated that the design standards require a perimeter masonry fence that is not cinder block.

Commissioner Hamilton moved to approve a Conditional Use Permit request by Wick Gubler, for the purpose of multiple family dwellings more than 4 units, application P18-698, based on the findings and subject to the conditions listed in the Staff Report dated November 2, 2018 and including the conditions to require and implement a traffic study and build a fence within design standards. Commissioner Graf seconded the motion. The votes was as follows, Commissioner Hammer, “Aye,” Commissioner Hamilton, “Aye,” Commissioner Bevan, “Aye,” Commissioner Graf, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Sloan, “Aye.” The motion passed.

7. **Recommendation on a Subdivision Preliminary Plat request by Charles Ackerlow for the 17-lot Lexington Greens at Overlake Phase 1 in the R1-7 Residential zoning district on approximately 4.72 acres located at approximately 600 West 1200 North.**

Presented by Andrew Aagard

Mr. Aagard stated that this is an application for a subdivision preliminary plat approval. There was an aerial photograph shown on screen. The application would facilitate the construction of 17 single family lots. The zoning of the property currently is R1-7 and all properties surrounding are also R1-7. Each lot in the subdivision plan complies with the requirements of R1-7 zoning. There are some particulars related to this phase. Parcels A and B are to be open space, landscaping. Those will be privately owned and maintained by an HOA or private mechanism. There will be a turnaround at the end of the street. Those are temporary, will be paved and removed as development continues to the west. Staff is recommending approval of the application, with two specific conditions related to the turnarounds and the open space parcels.

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

Commissioner Bevan asked about the turnarounds. Do they have curb or are they just asphalt? Mr. Aagard stated that it is only required to be asphalt.

Commissioner Hammer asked about the frontage lots. She asked how and when the HOA will be established. How will the lots be maintained on 400 West if they do not join a service district? Mr. Aagard stated that they will have to have HOA documents submitted to the City for review and those will have to be established prior to final recommendation of the plat. Those will be privately maintained.

Mr. Baker stated that the double frontage lots are part of the City code improvements. Commissioner Hammer stated she had seen some of those but they have not been put in or not taken care of. Mr. Baker stated that this is a fairly new requirement. Commissioner Hammer stated these are newer ones. Mr. Baker stated he is not aware of any that had not been put in. Chairman Sloan recommended that the discussion of the lots continue at another time.

Chairman Sloan opened the public hearing. There were no comments. Chairman Sloan closed the public hearing.

Chairman Bevan moved to forward a positive recommendation to City Council for the Lexington Greens at Overlake Phase 1, Preliminary Plan Request, by Charles Ackerlow, representing Zenith Tooele, LLC, for the purpose of creating 17 single family residential lots at approximately 600 West 1200 North, application P18- 586, based on the conditions and recommendations listed in the Staff Report dated November 7, 2018. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Hamilton, “Aye,” Commissioner Bevan, “Aye,” Commissioner Graf, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Sloan, “Aye.” The motion passed.

8. Public Hearing and Recommendation on an update to the Moderate Income Housing Plan, an element of the Tooele City General Plan.

Presented by Andrew Aagard

Mr. Aagard stated that Cities are required to have an element of the General Plan that addresses moderate income housing. The City is required to update that every two years. The City takes a survey of the City’s moderate-income housing. Tooele City has put together a moderate-income housing plan and it’s before the Planning Commission for recommendation. Mr. Aagard showed the Commission some slides to give a brief synopsis of the plan.

The City is required to create these plans that include information that estimates existing supply of moderate-income housing in the City. Estimate the need for moderate-income housing for the next five years. Survey total residential land use in the City. Evaluate how land use affects opportunities for moderate-income housing. And describe what the City is doing to encourage moderate-income housing.

The City has done quite a bit to encourage moderate-income housing. Some of the things that have been done, the City has enacted incentives for infill development with less restrictive land use regulations. Flexibility on set backs that make building on infill lots more desirable. Created several areas on HDR zoning that allow for up to 16 units per acre. These areas are not popular, but they provide flexibility for housing. The City has approved or is approving single family developments. The City is working to eliminate the 5-acre minimum for multifamily residential unit requirement to allow projects. The City has amended the MUB, Mixed Unit Broadway zoning regulations to allow higher residential density with less restrictions. Ordinances that allow for residential facilities for individuals who have disabilities, and or are elderly. There is also housing allowed in the mixed-use general district.

Mr. Aagard stated is housing affordable in Tooele. Based on the study and plan housing is 100% affordable with the area medium income. It is also affordable with 80% of area medium income. Housing prices are increasing everywhere. There is a household crisis and driving prices up. What can Tooele city do to encourage more moderate-income housing? The plan addresses this to continue rezoning for MDR and HDR zones. Encourage the rehabilitation of existing housing into moderate-income housing. Provide more tax incentives to encourage

moderate-income housing. Consider using state and federal subsidies. The City can review design criteria that may be increasing the cost of building homes. Consider the creation of an accessory dwelling unit for infill areas that allows for the construction of more than one unit on a single lot. Tooele City does not have an ordinance in place that currently does that.

Chairman Sloan asked the Commission if they had questions or comments.

Commissioner Graf stated he was impressed with the report. He thought it was very thorough. He appreciates all the time and effort that went into making it. Commissioner Hammer agreed.

Chairman Sloan opened the public meeting.

Robin Morris approached the Commission to ask a question. She wants to know why Tooele is focusing so much on this? Why is Tooele focusing on high density residential areas when the traffic can't handle what we have now? If we want more people coming to Tooele why aren't we finding more jobs and focusing so much on higher residential areas. She has a question about prior agenda item six. She stated the Commission had talked about a traffic study where will that happen. What roads will that survey?

Laney Riegel of Mustard Seed Realty stepped forward. She has been in Tooele County for 20 years. She stated the income housing plan will possibly change or edit the things that were put in place during a downturn in the market. Tooele had an resurgence of new construction and the "pretty code" was put in place in 2005. These codes restrict the differences in the types of housing that can be built, to mitigate substandard housing. She believes that it has hindered some of the things that make communities, communities and neighborhoods. This will invite more sustainable types of building with sustainably materials and payments. She believes this is a big pivot point for Tooele to lead in smart building. There is a much broader range of people living in Tooele and we need to invite them.

Chairman Sloan closed the public hearing. Chairman Sloan opened the floor to staff to answer questions that were brought up during the public hearing.

Mr. Bolser stated the traffic studies are required by the traffic engineer to determine what roads will be impacted, to what degree they will be impacted and recommend what to do about it. So, the staff cannot say today what roads will be looked at. The traffic study is designed and intended to specifically state what impacts will likely be seen on roads "x," "y," and "z." It will identify what those are and the degree to those impacts and make recommendations to mitigate those impacts. That is the purpose of the traffic study. It will look at the impacts that will be created by the development.

Mr. Bolser addressed why the City was focusing on high density residential. The moderate-income housing plan is a state requirement. The City must look at this and will suffer serious financial hardship from the State if it is not done. As far as applications that come forward, the City deals with these as they come in. The City is obligated to review all applications submitted and is not focusing on the types of applications.

Mr. Bolser wanted to make one clarification that he believed Ms. Riegel mentioned that the moderate-income housing plan would change the building standards. The building standards will not be changed by the plan. This will set up background information that the City Council and Planning Commission can use, if they so choose, to follow recommendations to make amendments to the Code where they see appropriate.

Commissioner Hammer stated that she appreciates the questions asked tonight and the preparedness of the staff.

Mr. Baker stated that the multi family design standards were enacted by the City Council in 2005. The single-family design standards followed shortly after in 2006. When Council Member Wardle was elected, these were his first legislative effort. These standards enact design standards for single family homes which soon became known as the “pretty code.” Chairman Sloan was just a visitor in the audience at the time. Mr. Baker observed that Chairman Sloan was concerned about the desire to increase the quality of appearance and functionality of a home, but the risk of raising the cost and reducing the affordability. Mr. Baker can say that the design standards were not enacted to raise the cost of the home and make it less affordable. It was to improve the quality of life of the resident and the general appearance of the home for Tooele City as a whole. The City is always open to examine the City Codes enacted to see if they fulfill the intent. If some of the requirements needlessly inflate the cost of the home without the designed benefit, the City wants to look at that.

Chairman Sloan wanted to mention a couple of things. His point at the time of those original code adjustments, was no that the City was targeting anybody specifically, but the number he used at that time, the price of a home had increased \$20,000. Every \$1,000 increase in a home knocks out several hundred potential buyers. Time has shown that it has been effective. There are affordability issues in Utah and Tooele County. The way the economy works and the way the world works, is that you and I don’t have the money to build the next three schools. You and I don’t have the money to build the roads. For that we need rooftops. Rooftops are what bring commercial and industrial growth to an area. It is a real delicate balancing act. In order for us to get those new schools, we have to fill them up and have portables. In order to have the funding mechanism necessary for the school district, who gets to make those decisions. That always comes after the growth because it has too. Roads are the same way. 70-75% of the adult population in the Tooele Valley heads north to Salt Lake to work. That’s a huge number of people. The only way to get new roads, is by showing the need. Every time the State Transportation Department comes to Tooele to have their meeting, somehow Tooele residents end up staging a crash in Lake Point. Those things have helped us. Mid Valley highway is started and coming. It had to take place not just when the demand was there, but an overwhelming demand. It had to take place after Highway 36 is at 126% capacity and wrecks and deaths. Those things don’t get here until we need it and demonstrate we need it. We talked about jobs. I would love to keep tax money local. That tax leakage does great things for Salt Lake Valley. The reality is if we don’t stay home and spend our money here, we won’t get those things. We all want a Costco and Olive Garden, but we need the roof tops. Tooele City is eons better than they were in 2005 and 2006 in regard to citizen input. He lives and works in Tooele too. Especially as we hear the incorporated counties that we have been really blessed with crowds that are civil and well thought out. City Council Members are sitting right here. We are trying to

make our communities better. But it all comes down to money and not in a greedy way, but we can't get those things here until we have the rooftops. The Planning Commission is going to be really careful to make the decisions that are best for the community. Mr. Sloan stated he has six children and four of them have been lucky to come back to Tooele City. This affordability study is vital not just from a legislative view, but from a standpoint that we are changing attitudes in looking at projects and to solve of these problems they have. His taxes went up, speaking to the audience, yours have too, and will continue to until we have more homes paying into them. Please take the time that you have to study the issues and what can we do to make our community better. That is what the City Council has to do. He thanked the attendees.

Chairman Hammer moved to forward a positive recommendation to City Council to amend the moderate-income housing element of the General Plan and adopt the draft Tooele City Moderate income plan 2018 based upon the findings listed in the Staff report, dated November 5, 2018. approve minutes from the meeting held on October 24, 2018.

Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Whitehouse, "Aye," Chairman Sloan, "Aye." The motion passed.

9. Public Hearing and Recommendation on a Zoning Ordinance Text Amendment for a revision to Section 7-1-5, Table 1 of Chapter 7-14-3 of the and establishing Section 7-2-20 regarding the regulations and permissibility for Recreational, Temporary, and Seasonal land uses.

Presented by Jim Bolser

Mr. Bolser addressed the Commission. He stated that as the staff find ordinances that are becoming somewhat antiquated or limited in their applicability, the City looks to revise them. This is an example of just that. Currently the City has three definitions in the current zoning ordinance that are at issue. One is the definition of a temporary use. The other are two separate definitions regarding recreational uses, one being indoor, one being outdoor. Those definitions are general and over arching. Almost daily the City sees applicants with new and unique business ideas and models. It is incumbent upon the staff to make a determination as to whether or not their ideas are incorporated and could fall under an existing land use. And if it allowed within the zone. Often the City staff find conflict because it is some new idea or model and it can fall under several categories. In this case there is some conflict in new recreational uses that tend to fall in line with temporary uses. The intent is to split them out, not only to split seasonal temporary uses away from general temporary uses, but also a fairly minor clarification to recreational uses. What the city is trying to do with the temporary land uses, is to establish two different types of temporary land uses, one being a set of land uses that will always be conditional. Whether listed as permitted or conditional in the Ordinance they will always be conditional specifically because they are uses that tend to bring certain nuisances with them, examples being noise and traffic. Then also to establish seasonal temporary land uses that are also permitted when listed as such or listed as conditional. These are somewhat similar items but are inherent to larger types of property that self mitigate the nuisances. That is the intent of the ordinance to split them out a little bit and allow the staff to more easily and readily deal with the business applications that come in.

Chairman Sloan asked the Commission if they had any questions or comments.

Commissioner Grad stated that it was well written and clear.

Chairman Sloan asked if short term rental use will be affected. Mr. Bolser stated it would not.

Chairman Sloan opened the public hearing, there were no comments. Chairman Sloan closed the public hearing.

Chairman Hammer moved to forward a positive recommendation to the City Council for the seasonal, temporary, and recreational use city code text amendment by Tooele City for the purpose of addressing seasonal, temporary, and recreational uses, application P18-786, based on the findings listed in the staff Report dated November 8, 2018. approve minutes from the meeting held on October 24, 2018. Commissioner Graf seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Whitehouse, "Aye," Chairman Sloan, "Aye." The motion passed.

10. Review and Approval of Planning Commission minutes for meeting held October 24, 2018.

Chairman Robinson asked the Commission if they had any questions or concerns.

Chairman Hammer moved to approve minutes from the meeting held on October 24, 2018. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Whitehouse, "Aye," Chairman Sloan, "Aye." The motion passed.

11. Adjourn

Commissioner Hammer move to adjourn the meeting. The meeting adjourned at 9:08 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 28th day of November, 2018

Chris Sloan, Chairman, Tooele City Planning Commission