

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, May 8, 2019** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

### Agenda

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** on a Zoning Map Amendment request from the RR-1 Residential zoning district to the R1-7 Residential zoning district by Sylacauga Development, LLC, for 16.4 acres located at 600 and 650 West Utah Avenue.
4. **Public Hearing and Decision** on a Conditional Use Permit to allow the use of an "Auto Impound Yard" for Dakota Towing, located at 385 S Old Lodestone Way in the PID PUD Industrial zoning district on approximately .69 acres.
5. **Public Hearing and Decision** on a Conditional Use Permit to allow a "Private Park" for Zenith Development LLC in the Lexington Greens at Overlake Subdivision located at approximately 400 West 1300 North in the R1-7 Residential zone.
6. **Recommendation** on a Preliminary Plan Subdivision for Par Fore Estates, application by Par 4 Estates LLC, located at approximately 775 East Vine Street, in the R1-7 Residential zoning district, for the purposes of creating 62 single-family residential lots.
7. **Public Hearing and Recommendation** on Ordinance 2019-12, an ordinance of the Tooele City Council amending the text of Chapter 7-4 of the Tooele City Code related to Parking and making related technical changes to Chapter 7-15, Chapter 7-15a, and Chapter 7-16 of the Tooele City Code.
8. **Review and Approval** of Planning Commission minutes for meeting held April 24, 2019.
9. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Andrew Aagard, Tooele City Planner and Zoning Administrator prior to the meeting at (435) 843-2132 or TDD (435) 843-2108.

## STAFF REPORT

May 1, 2019

**To:** Tooele City Planning Commission  
Business Date: May 8, 2019

**From:** Planning Division  
Community Development Department

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

**Re:** **Murdock Meadows – Zoning Map Amendment Request**

Application No.: P19-79  
Applicant: Brad Lancaster, representing Sylacauga Development, LLC  
Project Location: 600 West and 650 West Utah Avenue  
Zoning: RR-1 Residential Zone  
Acreage: 16.4 Acres (Approximately 714,384 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the RR-1 Residential zone regarding reassignment of the subject properties to the R1-7 Residential zoning district.

### BACKGROUND

This application is a request for approval of a Zoning Map Amendment for 16.4 acres located at approximately 600 West and 650 West Utah Avenue. The property is currently zoned RR-1 Residential. The applicant is requesting that a Zoning Map Amendment to R1-7 Residential be approved to allow for the development of the currently vacant site as single-family homes with minimum lot sizes of 7000 square feet.

The Planning Commission heard an application by the same applicant concerning the same properties on March 13, 2019. At that meeting the Planning Commission forwarded a negative recommendation to the City Council. Since that meeting the applicant has revised the application and development plans, removing the request for MR-8 and is now proposing all of the development as R1-7 Residential.

### ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the RR-1 Residential zoning classification, supporting approximately one dwelling unit per acre. The purpose of the RR-1 zone is to “provide for single family residential areas and single family dwelling units on larger individual lots. Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.” The RR-1 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. The two subject properties are surrounded on all sides by properties with the same RR-1 Residential zoning designation. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting the R1-7 Residential zone to facilitate new development on the currently vacant parcels. The applicant desires to construct approximately 16.4 acres of single-family detached homes on 7000 square foot lots. It should also be noted that the R1-7 zone does permit duplex and twin home style units on 14,000 square foot lots.

There are some differences between the R1-7 Residential zone and the RR-1 Rural Residential zone. The R1-7 zone is considered Medium Density Residential and can be developed with 7000 square foot lots that are 60 feet wide. It is possible that these properties could be developed with as many as 68 homes if zoned R1-7. In the RR-1 the property would yield a density of approximately 13 homes when considering road dedications and so forth.

There are also land use differences between the two zones. The RR-1 zone is a rural residential zone designed to preserve agricultural uses. The RR-1 zone is a zone that also permits large animals such as horses and cows. The R1-7 zone does not permit large animals.

Site Plan Layout. The applicant has submitted a preliminary conceptual site plan in order to demonstrate the intentions of the property if the zoning is granted. This site plan is included only for the Planning Commission and City Council's reference and should not be reviewed in depth at this time. If the zoning is changed the applicant would be required to submit applications for subdivision and site plan review (if necessary) at that time.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
  - (a) The effect of the proposed amendment on the character of the surrounding area.
  - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
  - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
  - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
  - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
  - (f) The overall community benefit of the proposed amendment.

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment submission and has issued the following findings:

1. Rezoning this property from RR-1 to R1-7 Residential could increase unit yield on the 16.4 acres from approximately 13 residential units to 68 residential units, an increase of approximately 55 additional units.
2. The R1-7 Zone prohibits the keeping of farm animals and the RR-1 zone permits the keeping of farm animals such as horses, cows, goats, etc.
3. The RR-1 zone requires 1 acre lots and the R1-7 zone requires 7000 square foot lots.
4. The RR-1 zone permits only single-family residential and agriculture uses and the R1-7 Zone permits single-family and two-family residential.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have the following finding(s):

1. There is a lack of the necessary utilities in the area, such as sewer, and will require the developer to extend utilities off-site to where the utility services are located.

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

### **STAFF RECOMMENDATION**

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

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

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

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Murdock Meadows Zoning Map Amendment Request by Brad Lancaster, representing Sylacauga Development, LLC to reassign the subject properties to the R1-7 Residential zoning district, application number P19-79, based on the findings listed in the Staff Report dated May 1, 2019.”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the

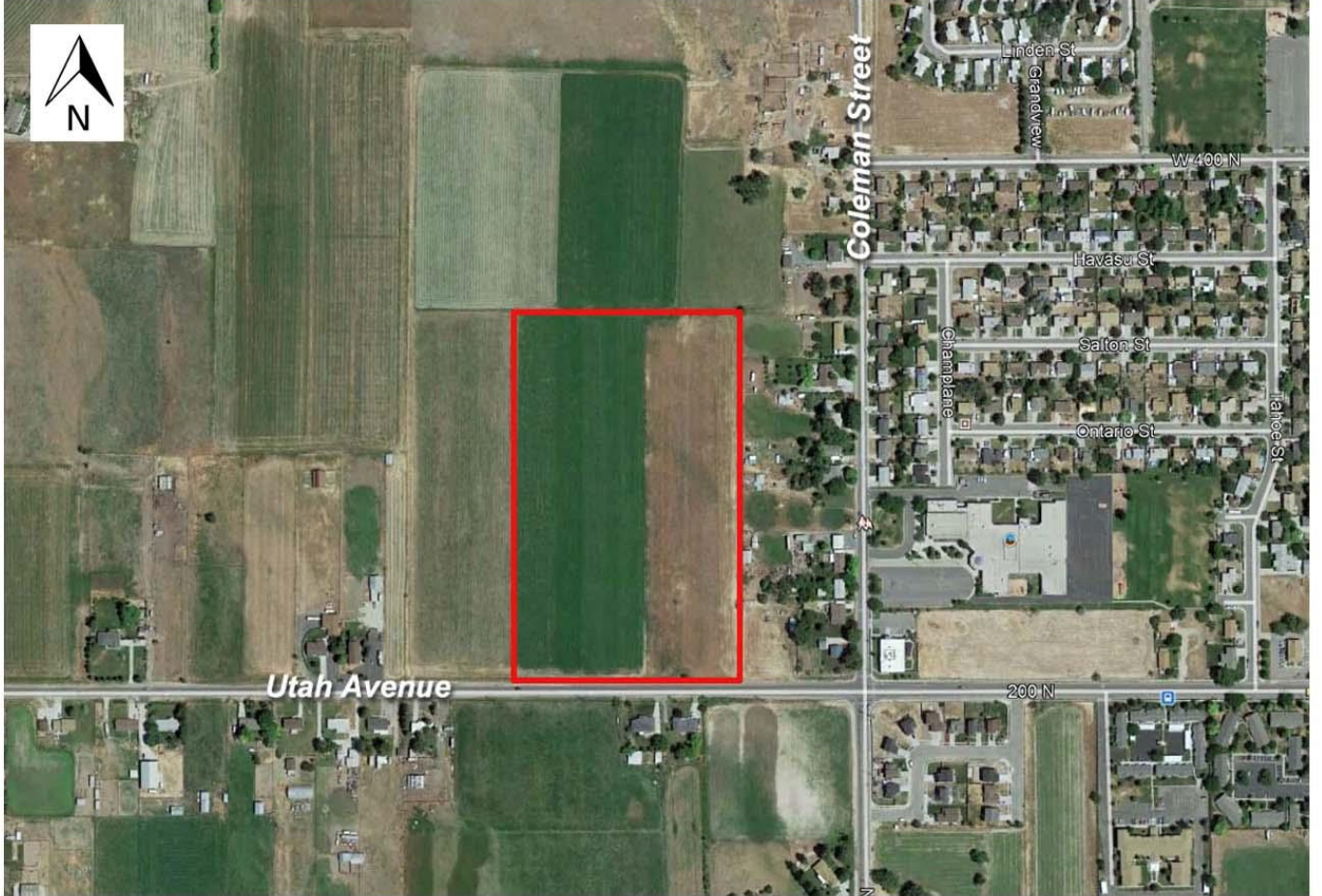
City Council for the Murdock Meadows Zoning Map Amendment Request by Brad Lancaster, representing Sylacauga Development, LLC to reassign the subject properties to the R1-7 Residential zoning district, application number P19-79, based on the following findings:”

1. List any additional findings...

**EXHIBIT A**

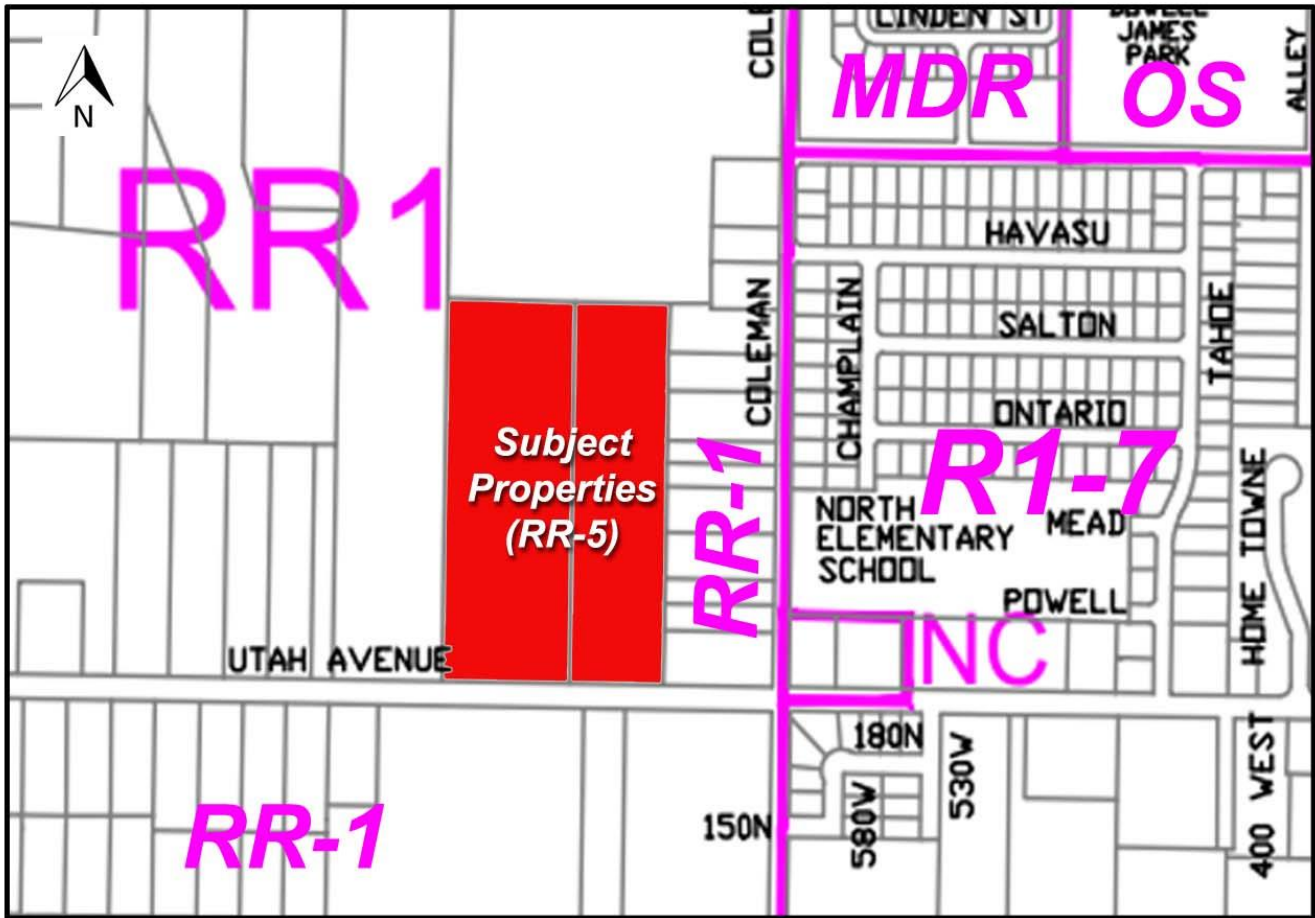
**MAPPING PERTINENT TO THE MURDOCK MEADOWS ZONING MAP  
AMENDMENT**

***Murdock Meadows Zoning Map Amendment***



***Aerial View***

**Murdock Meadows Zoning Map Amendment**



**Current Zoning**

**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**



**TOOELE CITY CORPORATION**

**ORDINANCE 2019-04**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE R1-7 RESIDENTIAL ZONING DISTRICT FOR 16.4 ACRES OF PROPERTY LOCATED AT 600 WEST AND 650 WEST UTAH AVENUE.**

**WHEREAS**, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

**WHEREAS**, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

**WHEREAS**, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); and,

**WHEREAS**, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

**WHEREAS**, Utah Code §10-9a-501, *et seq.*, provides for the enactment of a “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

**WHEREAS**, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

**WHEREAS**, the RR-1 Residential zoning district is currently assigned to approximately 16.4 acres of land located at 600 West and 650 West Utah Avenue (see map attached as **Exhibit A**); and,

**WHEREAS**, the 16.4 acres are currently owned by Elmer Nix and Janice Clegg; and,

**WHEREAS**, by Rezone Petition received February 13, 2019, Sylacauga Development, LLC requested that the subject property be reassigned to the R1-7 Residential zoning district (see Rezone Petition attached as Exhibit B); and,

**WHEREAS**, the surrounding properties to the north, west and south are assigned the RR-1 Residential zoning districts; and,

**WHEREAS**, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommendations for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

**WHEREAS**, on May 8, 2019, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council; and,

**WHEREAS**, the City Council convened a duly-noticed public hearing on \_\_\_\_\_, 2019; and,

**WHEREAS**, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the requested Zoning Map amendment is not adverse to the best interest of the City; and,

**WHEREAS**, the City is under no obligation to approve a Zoning Map amendment, but may do so upon finding a rational basis:

**NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL** that:

**Section 1. Amendment.** The Tooele City Zoning Map is hereby amended to indicate that the zoning district assigned to the subject properties shall be reassigned to the R1-7 Residential zoning district; and,

**Section 2. Rational Basis.** The City Council hereby finds that the above-described expressed conditions to the approval of this Ordinance 2019-04 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the subject property.

**Section 4. No Vesting.** Approval of this Ordinance 2019-04, together with its exhibits, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, units, roads).

**Section 5. Severability.** If any section, part or provision of this Ordinance 2019-04 is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 6. Effective Date.** This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon

passage, without further publication, by authority of the Tooele City Charter.

**IN WITNESS WHEREOF**, this Ordinance is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

**EXHIBIT A**

**ZONING MAP**

**EXHIBIT B**

**REZONE PETITION**

# Zoning, General Plan, & Master Plan Map Amendment Application

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



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

P19-79

Project Information			
Date of Submission: 2/13/19		Current Map Designation: RR-1	Proposed Map Designation: MDR-KI-7
Project Name: Murdock Meadows		Parcel #(s): 02-082-00017	Acres: 14.4
Project Address: 400 W Utah Ave & 450 W Utah Ave			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: a proposed rezone of two subject parcels from RR-1 to MDR with the intent to provide affordable housing options to Tooele city residents.			
Property Owner(s): Eimer Nix/Janice Cleary		Applicant(s): Sylacauga Development, LLC	
Address: PO Box 92/257 Coleman		Address: 4049 Highland Dr	
City: Tooele	State: UT	City: SLC	State: UT
Zip: 84074	Zip: 84124	Phone: 435-834-5053/496-0656	
Contact Person: Brad Lancaster		Address: 4078 Bayshore Dr	
Phone:		City: Stansbury	State: UT
Cellular: 435-720-4119		Zip: 84074	Email: blancaster89@gmail.com

\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in Utah Code Ann. § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

### Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

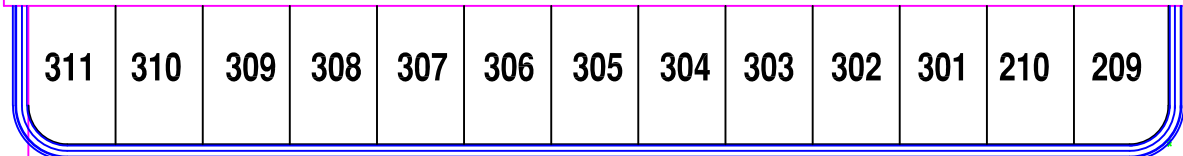
2190

For Office Use Only			
Received By:	Date Received: 2/13/19	Fees: 00338040	App. #: 2190080

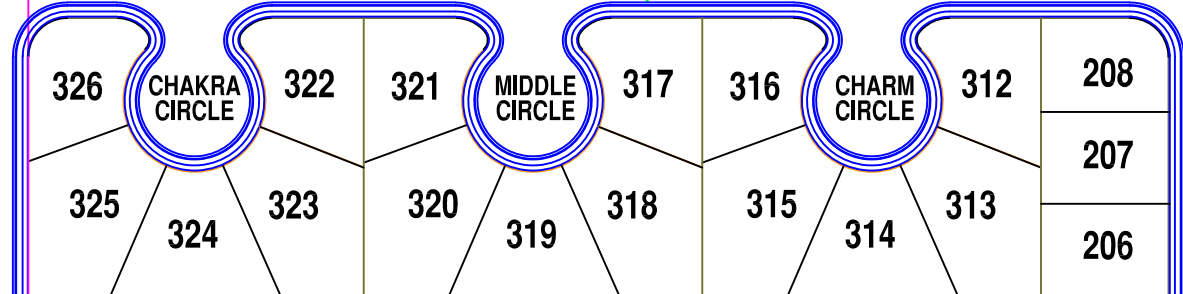
**EXHIBIT C**

**PLANNING COMMISSION MINUTES**

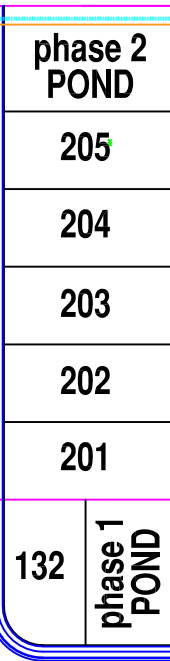




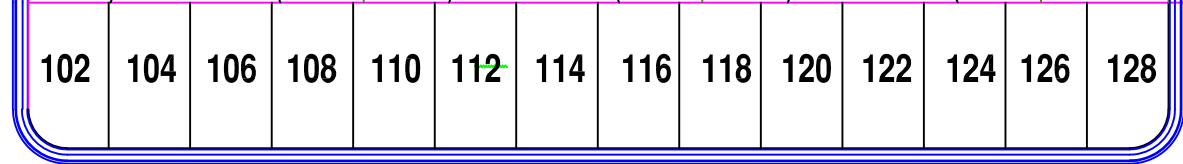
CLEGG COVE



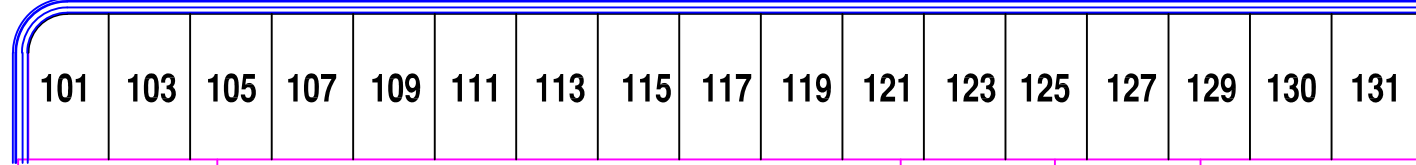
NIX WAY



MAIN SEWER LINE  
 LOCATION OUT TO  
 MCKELLAR STREET



LANCASTER LANE



UTAH AVENUE

COLEMAN STREET



**STAFF REPORT**

April 30, 2019

**To:** Tooele City Planning Commission  
Business Date: May 8, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Dakota Towing – Conditional Use Permit Request**

Application No.: P19-289  
Applicant: Dale Ford  
Project Location: Approximately 385 South Old Lodestone Way  
Zoning: PID PUD Industrial Zone  
Acreage: .69 Acres (Approximately 30,056 ft<sup>2</sup>)  
Request: Request for approval of a Conditional Use Permit in the PID PUD Industrial zone regarding “Auto Impound Yard.”

**BACKGROUND**

This application is a request for approval of a Conditional Use Permit for approximately .69 acres located at approximately 385 South Old Lodestone Way. The property is currently zoned PID PUD Industrial. The applicant is requesting that a Conditional Use Permit be approved to permit an “Auto Impound Yard” on the site. The applicant operates a vehicle towing business and at times will impound vehicles after towing. Auto impound yards are permitted in the Industrial zones with a Conditional Use Permit authorized by the Planning Commission.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Industrial land use designation for the subject property. The property has been assigned the PID PUD Industrial zoning classification, supporting various industrial and commercial uses. The purpose of the PID PUD Industrial District is to recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity within the city. The PID PUD Industrial zoning designation is identified by the General Plan as a preferred zoning classification for the Industrial land use designation. All adjacent properties are assigned the PID PUD Industrial zoning. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Site Plan Layout.* The applicant has not provided a site plan but has included some aerial photographs of the property that demonstrate the existing conditions. There is an existing metal building on the site with fenced area containing boats, trailers and other unidentified material. The site is considerably larger than the fenced site and the applicant has not disclosed whether the vehicles will only be stored within the fenced area.

*Surrounding Land Uses.* There are no residential uses within the area and all properties are utilized as Industrial and zoned for Industrial uses such as the use being requested by this application.

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

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

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

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

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

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

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

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

## **REVIEWS**

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

*Engineering Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Conditional Use submission and have issued a recommendation for approval for the request.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Conditional Use Permit by Davey Bickford, representing Davey Bickford Transload, application number P19-182, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the requirements and provisions of the Tooele City Code.
2. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed development conforms to the general aesthetic and physical development of the area.
4. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

## **MODEL MOTIONS**

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Dale Ford, to authorize an “Auto Impound Yard” at 385 South Old Lodestone Way, application number P19-289, based on the findings and subject to the conditions listed in the Staff Report dated April 30, 2019:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Dale Ford, to authorize an “Auto Impound Yard” at 385 South Old Lodestone Way, application number P19-289, based on the following findings:”

1. List any findings...

**EXHIBIT A**

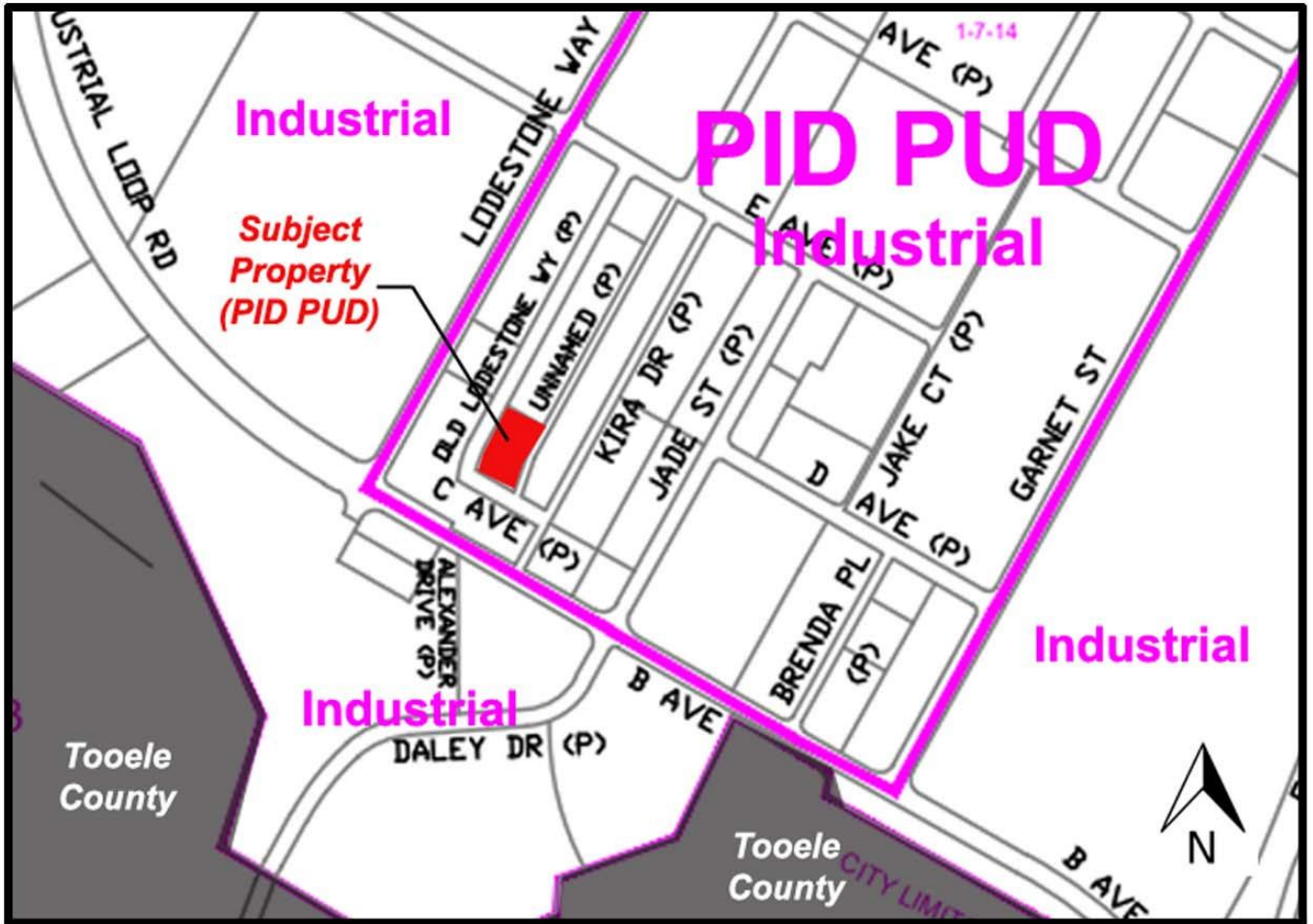
**MAPPING PERTINENT TO THE DAKOTA TOWING CONDITIONAL USE PERMIT**

***Dakota Towing Conditional Use***



***Aerial View***

**Dakota Towing Conditional Use**



**Current Zoning**

**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**



# Conditional Use Permit Application

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



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

19-289

Project Information					
Date of Submission: 4-22-19		Current Zoning: I		Parcel #(s): 16-089-0-1201	
Project Name: Dakota Towing				Acres:	
Project Address: 385 S Old LodeStone Way 600 A LodeStone Way				Units:	
Project Description: Towing & Storage					
Current Use of Property: N/A					
Property Owner(s): Emanuel Manusakis			Applicant(s): Dale Ford (Dakota Towing)		
Address: 469 Sleepy Hollow Dr.			Address: P.O. Box 972		
City: Tooele	State: ut	Zip: 84074	City: Tooele	State: ut	Zip: 84074
Phone: 435-830-2863			Phone: 435-228-8156		
Contact Person:			Address:		
Phone: 435-228-8156			City:		
Cellular: Same			Fax:		Zip:
Signature of Applicant: 			Email: DAKOTA-TOWING@yahoo.com		
					Date: 4-22-19

\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

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

2190282

For Office Use Only			
Fee: 750.00 (213)	Received By: 	Date Received: 4/22/19	Receipt #: 90345483



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**STAFF REPORT**

May 1, 2019

**To:** Tooele City Planning Commission  
Business Date: May 8, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Lexington Greens Park – Conditional Use Permit Request**

Application No.: P19-276  
Applicant: Charles Akerlow, representing Zenith Development, LLC  
Project Location: Approximately 400 West 1300 North  
Zoning: R1-7 Residential Zone  
Acreage: 86.4 Acres (Approximately 3,763,584 ft<sup>2</sup>)  
Request: Request for approval of a Conditional Use Permit in the R1-7 Residential zone regarding allowing the use of a “Private Park.”

**BACKGROUND**

This application is a request for approval of a Conditional Use Permit for approximately 86.4 acres located at approximately 400 West 1300 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Conditional Use Permit be approved to allow “private parks” within the Lexington Greens Subdivision. The Lexington Greens at Overlake Subdivision is currently in the approval process having just obtained preliminary approval from the City Council. The subdivision includes various parks and open spaces that will be owned and maintained privately and thus require Planning Commission approval prior to final plat approval.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” Properties to the north, west, south and east are zoned R1-7 Residential with some Overlake (P) zoning at the north east corner of the subject property. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Open Space.* Lexington Greens at Overlake preliminary plans propose some park spaces as an amenity for the future residents of the development. The largest of the open space, Parcel B is 3.9 acres and is proposed to be a passive open space catering to walkers and runners. Parcel D is smaller at nearly half an acre and is also proposed as a passive neighborhood park. Other open spaces are storm water ponds and frontage landscape areas and don’t qualify as “parks.” The applicant has indicated that these open spaces will be owned and maintained by the development Home Owners Association.

Landscaping. The parks are proposed to be landscaped with sod and trees. The sod is proposed to be a more drought tolerant variety of grass known as Buffalo Grass. The larger park is proposed to have an asphalt jogging path parallel to the public sidewalk around the perimeter of the park with open area in the middle. Other than the asphalt trail, there are no amenities such as a pavilion, restroom or tot lot proposed.

Parking. Parking has been raised in numerous discussions with the applicant. Currently, the only parking provided will be that which is available on the adjacent public streets. Tooele City ordinances do not require a minimum number of parking spaces but instead defer to the Community Development Director to determine needed parking stalls as compared to other, similar uses. As a private park it can be assumed that public events will not be held at this park. It should also be assumed that many users of the park will walk from their nearby homes, however, many residents at the western edge of the subdivision may prefer to drive to the park rather than walk across the subdivision.

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

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

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

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

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

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

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

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

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

## **REVIEWS**

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

*Engineering Review.* The Tooele City Engineering Division has completed their review of the Conditional Use Permit submission and have issued a recommendation for approval for the request.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Conditional Use Permit by Charles Akerlow, representing the Zenith Development, LLC, application number P19-276, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That all requirements of the geotechnical report shall be satisfied throughout the development of the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.

3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Charles Akerlow, representing Zenith Development, LLC to permit the “private parks” use in the Lexington Greens Subdivision located at 400 West 1300 North, application number P19-276, based on the findings and subject to the conditions listed in the Staff Report dated May 1, 2019:”

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

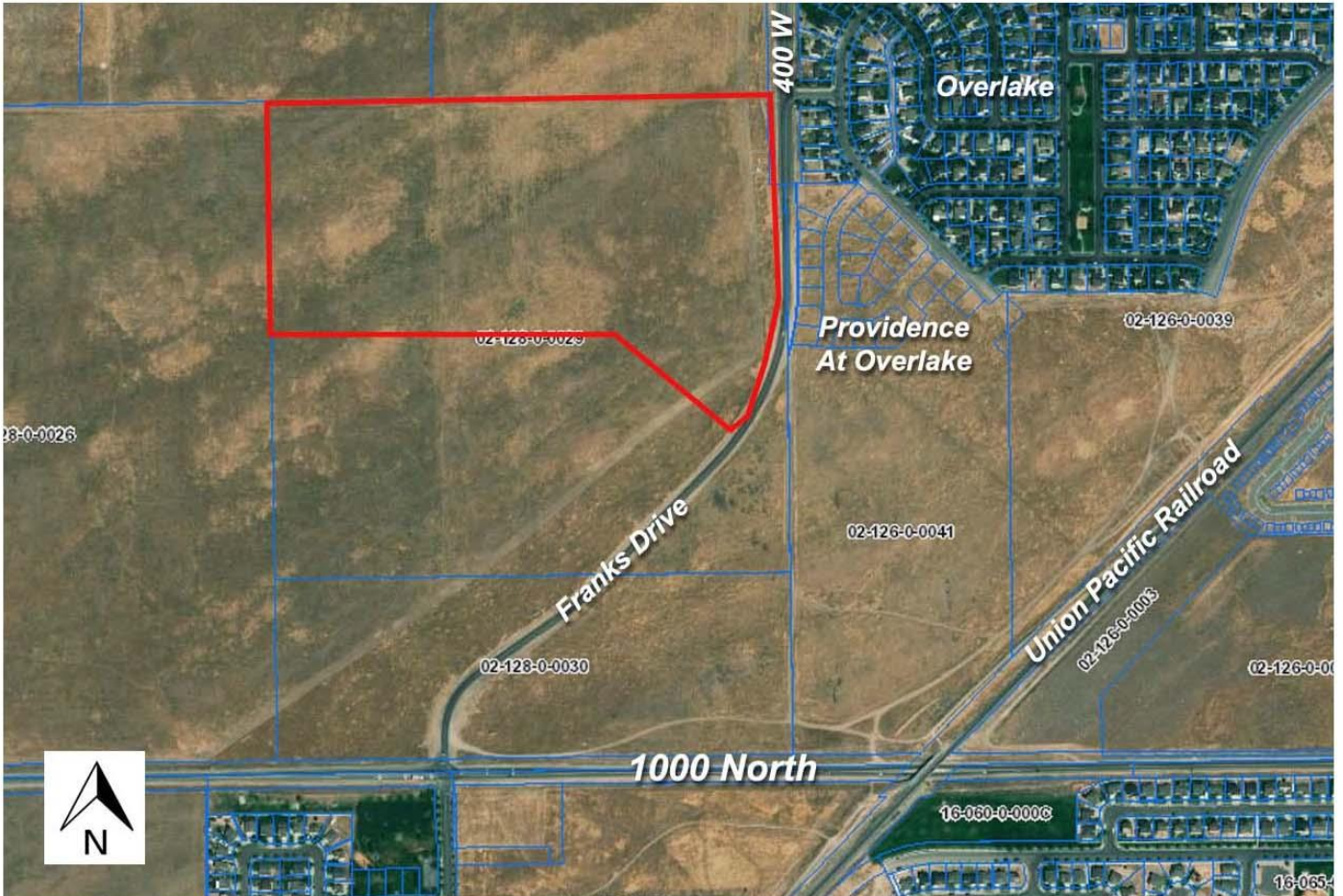
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Charles Akerlow, representing Zenith Development, LLC to permit the “private parks” use in the Lexington Greens Subdivision located at 400 West 1300 North, application number P19-276, based on the following findings:”

1. List any additional findings of fact ...

**EXHIBIT A**

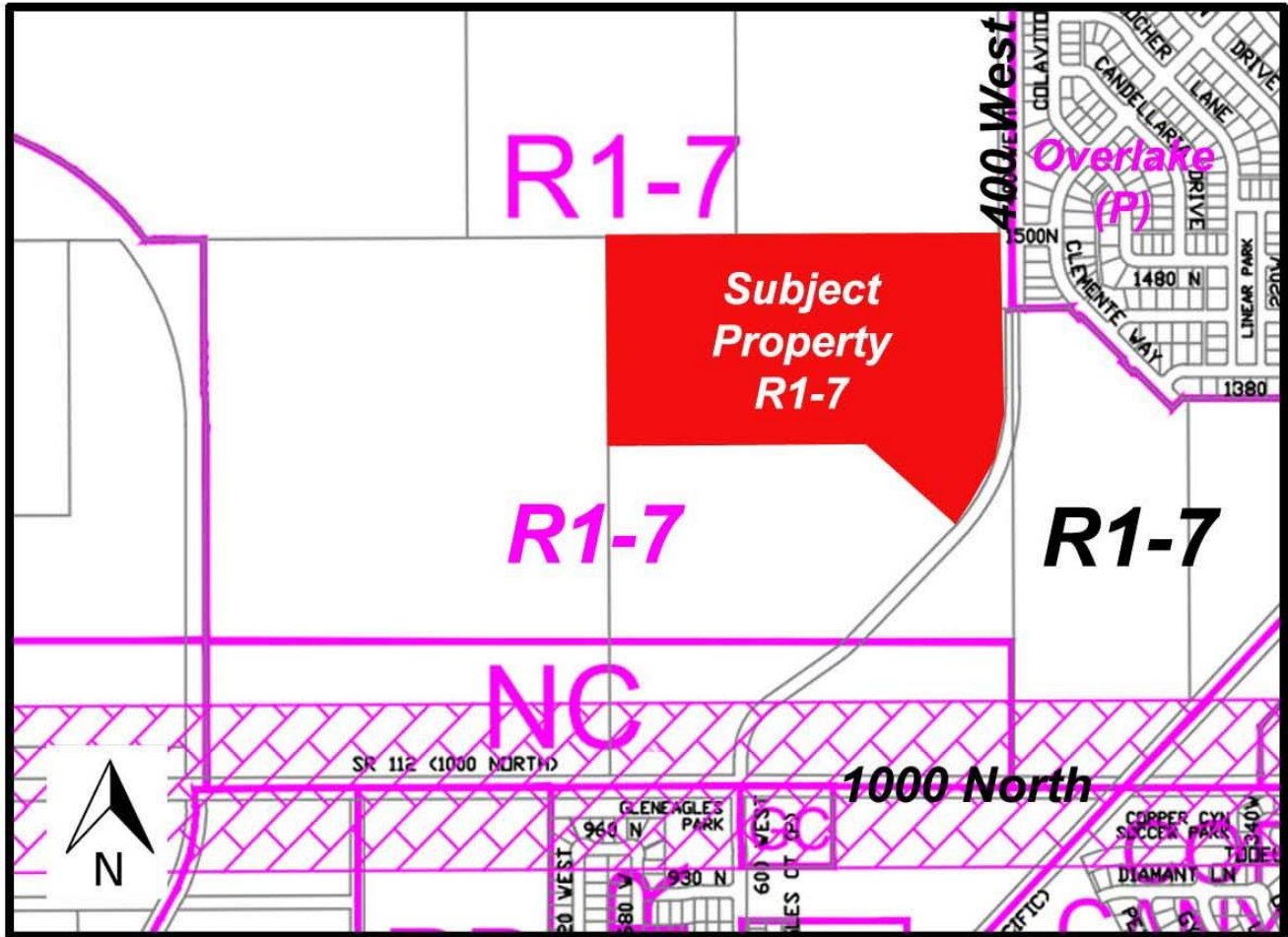
**MAPPING PERTINENT TO THE  
LEXINGTON GREENS PARK CONDITIONAL USE PERMIT**

***Lexington Greens Subdivision Private Parks Conditional Use***



***Aerial View***

**Lexington Greens Subdivision Private Parks Conditional Use**



**Current Zoning**







**EXHIBIT B**


**PROPOSED DEVELOPMENT PLANS**

# Lexington Greens Community Park




  
 0 40' 80'


  
 Zenth Development


  
 Terra Design

April 18, 2018 ©

**811**  
Know what's below.  
Call before you dig.

CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.

**BENCHMARK**  
EAST QUARTER CORNER OF SECTION 17,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT  
LAKE BASE AND MERIDIAN, (FOUND 3" BRASS  
TOOELE COUNTY SURVEYORS MONUMENT  
WITH RING AND LID, DATED 2009)  
ELEVATION = 4735.78

- SCOPE OF WORK:**  
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR  
REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- 1 SEE LANDSCAPE AND IRRIGATION PLAN DETAILS 1L-101 AND L-200
  - 2 SEE LANDSCAPE AND IRRIGATION PLAN DETAILS 2L-101 AND L-200
  - 3 SEE LANDSCAPE AND IRRIGATION PLAN DETAILS 3L-102 AND L-201
  - 4 SEE LANDSCAPE AND IRRIGATION PLAN DETAILS 4L-102 AND L-201

**ENSIGN**  
THE STANDARD IN ENGINEERING

**TOOELE**  
169 N. Main Street, Unit 1  
Tooele, UT, 84074  
Phone: 435.843.3590

**SALT LAKE CITY**  
Phone: 801.255.0529

**LAYTON**  
Phone: 801.547.1100

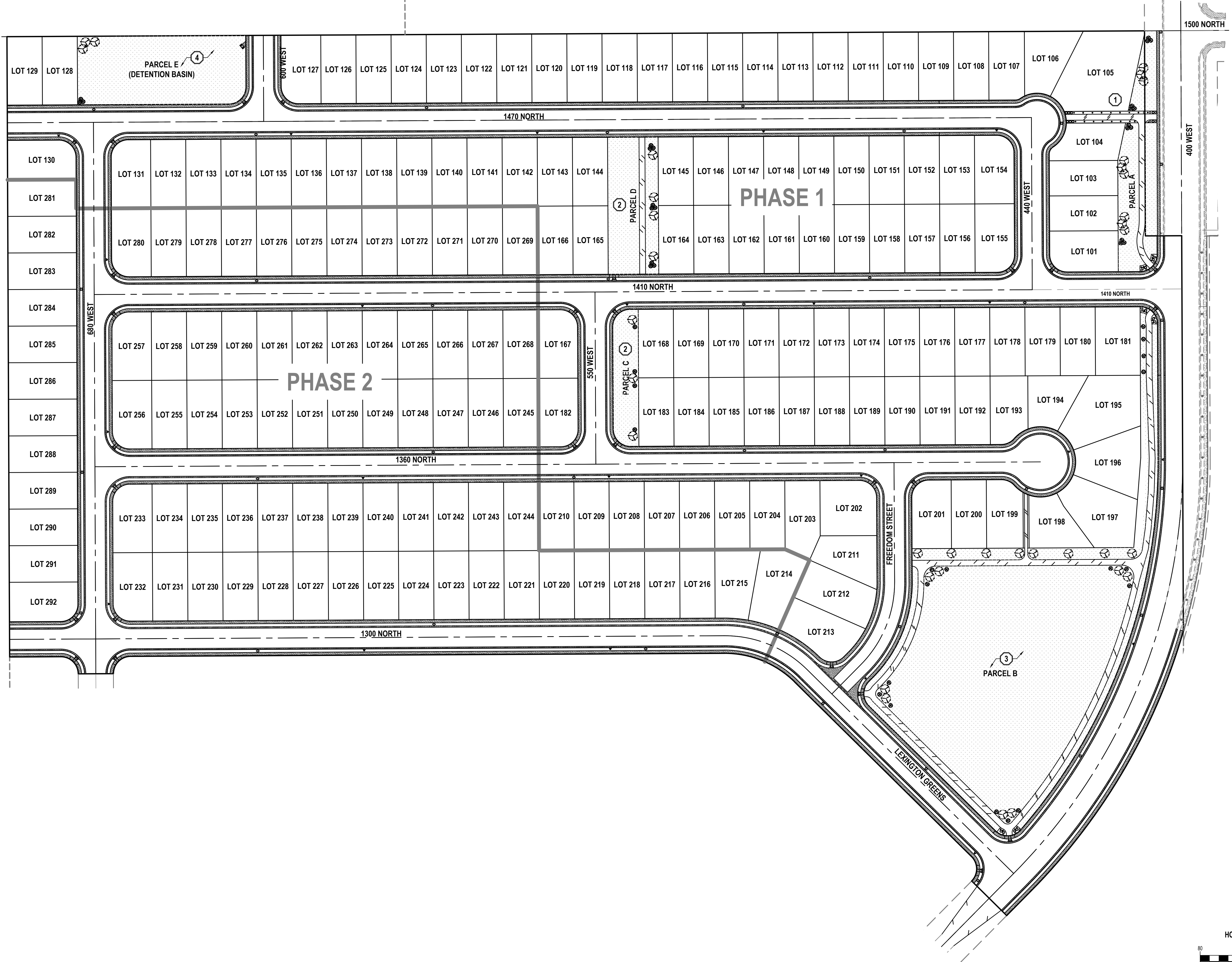
**CEDAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
ZENITH DEVELOPMENT LLC  
2040 MURRAY HOLLADAY ROAD, SUITE 204  
SALT LAKE CITY, UTAH 84117

CONTACT:  
CHARLES AKERLOW  
PHONE: 801-428-3755



**LEXINGTON GREENS AT OVERLAKE SUBDIVISION**  
**PRELIMINARY DESIGN PHASE 1 AND 2**  
600 WEST 1200 NORTH  
TOOELE CITY, UTAH

*For Review*  
04/03/2019 5:13:57 PM

**OVERALL  
LANDSCAPE PLAN**

PROJECT NUMBER: 8260A  
PRINT DATE: 2019-04-03

DRAWN BY: C. CHILD  
CHECKED BY: J. CLEGG

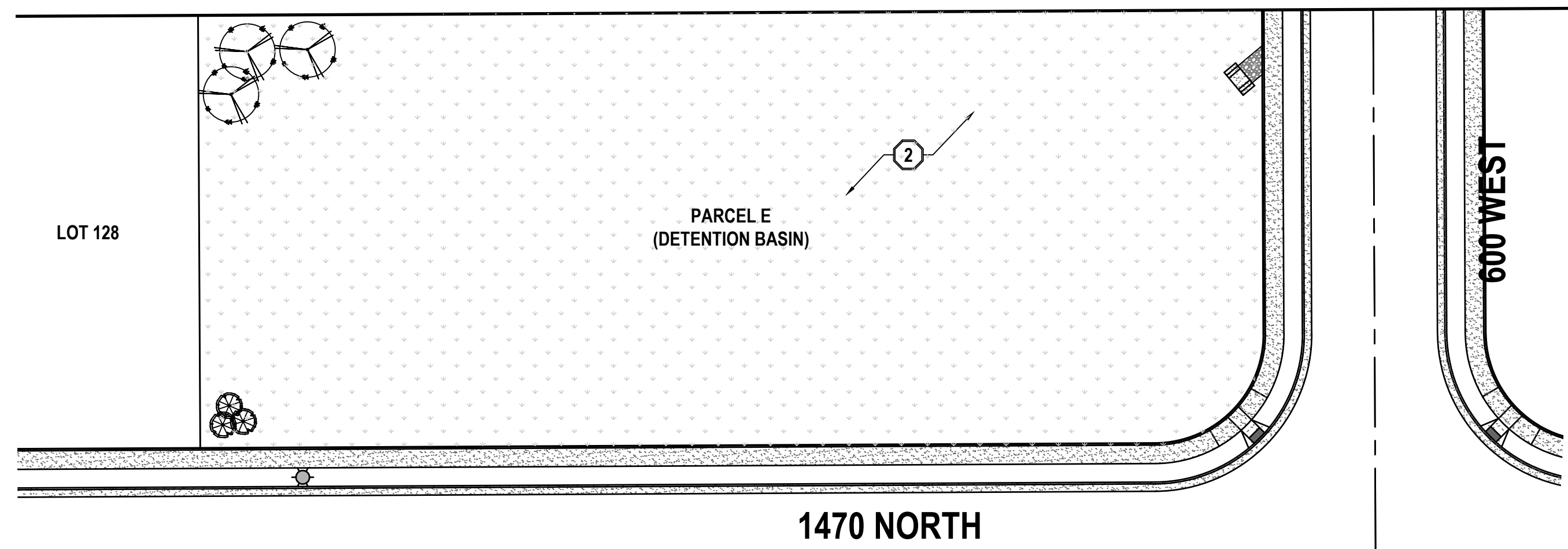
PROJECT MANAGER:  
D. KINSMAN

**L-100**

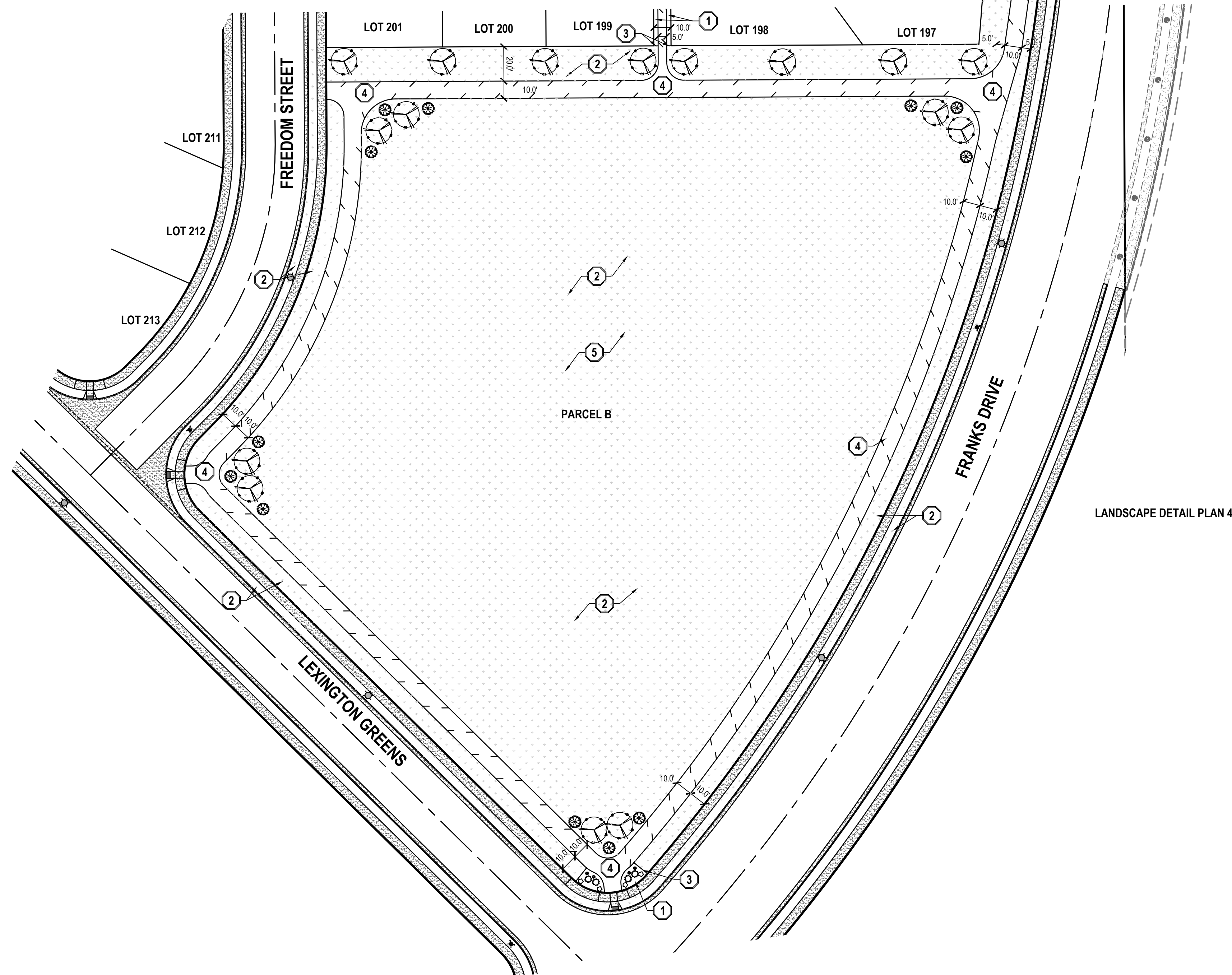
**811**  
Know what's below.  
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CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.

**BENCHMARK**  
EAST QUARTER CORNER OF SECTION 17,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT  
LAKE BASE AND MERIDIAN, (FOUND 3" BRASS  
TOOELE COUNTY SURVEYORS MONUMENT  
WITH RING AND LID, DATED 2009)  
ELEVATION = 4735.78



LANDSCAPE DETAIL PLAN 3



**Landscape**

Trees

Qty	Symbol	Common Name	Plant Size
28		Burr Oaks	2" Cal.
26		Plum Cherry 'Thundercloud'	2" Cal.
Total: 54			

Shrubs Under 4 Feet

Qty	Symbol	Common Name	Plant Size
4		Cinquefoil	5 Gallon
4		Currant, Alpine	1 Gallon
4		Blue Oat Grass	1 Gallon
0		Feather Reed Grass 'Karl Foerster'	1 Gallon
Total: 16			

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

- 1 INSTALL 4" DEEP 2'-3" DIA. NEPHI ROCK & GRAVEL, COLOR 'SOUTHTOWN' OR EQUIV. DECORATIVE ROCK OVER WEED BARRIER, TYP.
- 2 LEGACY BUFFALO SOD AREA
- 3 INSTALL 4" METAL EDGING
- 4 INSTALL 10' ASPHALT PATH OVER WEED BARRIER OVER 8" ROAD BASE, TYP.
- 5 PRIVATE JOGGING PARK FOR LEXINGTON GREEN SINGLE FAMILY HOMES AND FUTURE MULTI-FAMILY HOMES SOUTH OF 1300 NORTH.



**TOOELE**  
169 N. Main Street, Unit 1  
Tooele, UT. 84074  
Phone: 435.843.3590

**SALT LAKE CITY**  
Phone: 801.255.0529

**LAYTON**  
Phone: 801.547.1100

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Phone: 435.865.1453

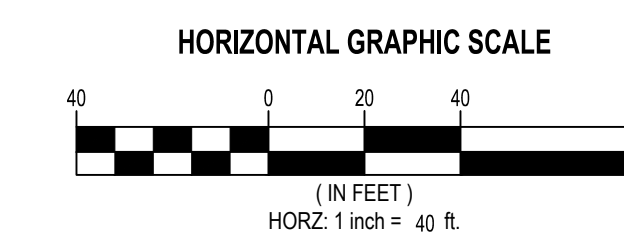
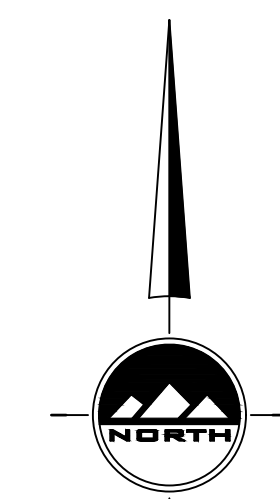
**RICHFIELD**  
Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
ZENITH DEVELOPMENT LLC  
2040 MURRAY HOLLADAY ROAD, SUITE 204  
SALT LAKE CITY, UTAH 84117  
CONTACT:  
CHARLES AKERLOW  
PHONE: 801-428-3755

**LEXINGTON GREENS AT OVERLAKE SUBDIVISION**  
**PRELIMINARY DESIGN PHASE 1 AND 2**  
600 WEST 1200 NORTH  
TOOELE CITY, UTAH

**For Review**  
04/03/2019 5:13:57 PM



LANDSCAPE PLAN

PROJECT NUMBER: 8260A  
PRINT DATE: 2019-04-03  
DRAWN BY: C. CHILD  
CHECKED BY: J. CLEGG  
PROJECT MANAGER: D. KINSMAN

**L-102**

## STAFF REPORT

May 1, 2019

**To:** Tooele City Planning Commission  
Business Date: May 8, 2019

**From:** Planning Division  
Community Development Department

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

**Re:** **Par Fore Estates – Preliminary Plan Subdivision Request**

Application No.: P18-759  
Applicant: John & Jen Harris, representing Par 4 Estates LLC  
Project Location: Approximately 775 East Vine Street  
Zoning: R1-7 PUD Planned Unit Development Zone  
Acreage: 13.48 Acres (Approximately 587,188 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Plan Subdivision in the R1-7 PUD Planned Unit Development zone regarding the creation of 62 residential lots.

### BACKGROUND

This application is a request for approval of a Preliminary Plan Subdivision for approximately 13.48 acres at approximately 775 East Vine Street. The property is currently zoned R1-7 PUD Planned Unit Development. The applicant is requesting that a Preliminary Plan Subdivision be approved to allow for the development of the currently vacant site as a residential subdivision consisting of 62 single-family residential lots.

### ANALYSIS

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 PUD Planned Unit Development zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 PUD zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings and two family dwellings such as duplexes and twin homes. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The R1-7 zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties assigned the R1-7 Residential zoning classification about the subject property on all sides with the golf course located to the north. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The subdivision is proposed for vacant land south of the City’s golf course and north of Vine Street. Lots within the subdivision comply with the PUD standards that were approved in June of 2018. Lots range in size from 4,200 square feet up to 6,200 square feet and from 40 feet wide to 50 feet in width.

The subdivision will have some parcels that are common open space, mostly between the golf course and the lots along the north and vine street and the lots along the south. This common open space will be maintained by a Home Owners Association. Open space along the northern boundary will include a golf cart path that is a requirement of the development by the PUD ordinance.

There will be two storm water detention basins owned and maintained by the development. These detention basins will be protected by a drainage easement in favor of the Par Fore HOA. These ponds are relatively deep and largely without amenity use. However, Parcel E and Parcel H are flatter open parcels and do have more use potential. Lot 62 is a larger parcel on the eastern end of the development that will eventually be a club house.

The PUD ordinance requires that the development landscape and maintain the double fronting lot frontages along vine street. The development will install trees, an in-ground irrigation system for the trees, 6 foot solid masonry fencing and stamped or textured concrete in the park strip.

The subdivision will be constructed in four phases with phase 1 being located at the western side of the subdivision. Each phase will be required to submit a Final Plat Subdivision application.

Landscaping. The individual lots will be landscaped and maintained by the lot owners. The common areas between the lots and the development boundaries will be primarily sod with an in-ground irrigation system and maintained by the development HOA. 153 trees will be installed in the common areas.

Parking. There are no parking requirements as this is a single-family residential subdivision and each dwelling must have a two car garage and appropriate driveway width and length that can accommodate two additional vehicles. Each lot will have at least 4 parking spaces. In addition to private parking the development is providing 27 guest parking stalls located adjacent to each of the open space parcels and storm water detention basins.

Fencing. Fencing other than that used for rear patio screening for individual lots, shall not be placed on individual lots and will be regulated by a duly organized home owner's association.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the Preliminary Plan Subdivision submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. Convey to Tooele City Corporation, with the Par Fore Estates Subdivision plat a ten foot wide cart path easement along the north boundary of the subdivision and construct the ten foot cart path as referenced in the land sale and purchase agreement.
2. Other than rear patio screening fencing, individual lots shall not have fencing.
3. Secure and record an off-site easement to route sewer through off site property as may be necessary to meet development needs.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Preliminary Plan Subdivision submission and have issued a recommendation for approval for the request.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Plan Subdivision by John & Jen Harris, representing Par 4 Estates LLC, application number P18-759, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. Convey to Tooele City Corporation, with the Par Fore Estates Subdivision plat a ten foot wide cart path easement along the north boundary of the subdivision and construct the ten foot cart path as referenced in the land sale and purchase agreement.
6. Other than rear patio screening fencing, individual lots shall not have fencing.
7. Secure and record an off-site easement to route sewer through off site property as may be necessary to meet development needs.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Par Fore Estates Preliminary Plan Subdivision Request by John & Jen Harris, representing Par 4 Estates LLC for the purpose of creating 62 single-family residential lots, application number P18-759, based on the findings and subject to the conditions listed in the Staff Report dated May 1, 2019:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Par Fore Estates Preliminary Plan Subdivision Request by John & Jen Harris, representing Par 4 Estates LLC for the purpose of creating 62 single-family residential lots, application number P18-759, based on the following findings:”



1. List findings...

**EXHIBIT A**

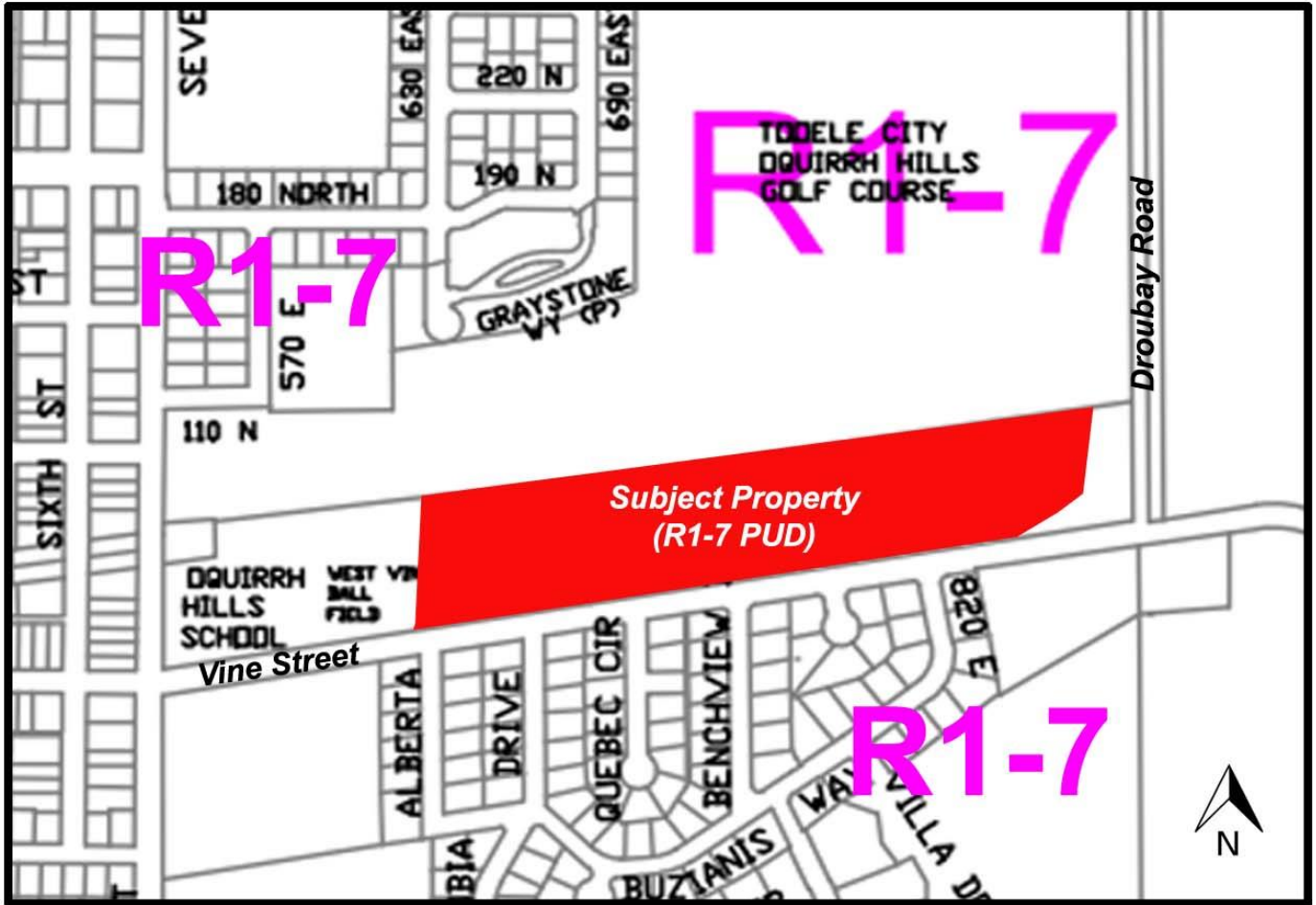
**MAPPING PERTINENT TO THE PAR FORE ESTATES PRELIMINARY PLAN  
SUBDIVISION**

***Par Fore Estates Preliminary Plan***



***Aerial View***

**Par Fore Estates Preliminary Plan**



**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

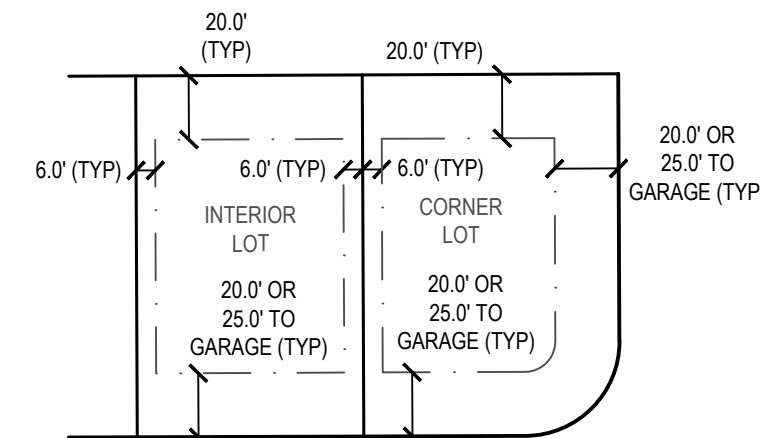
# PRELIMINARY PLAT PAR FORE ESTATES P.U.D. SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE, TOOELE COUNTY, UTAH

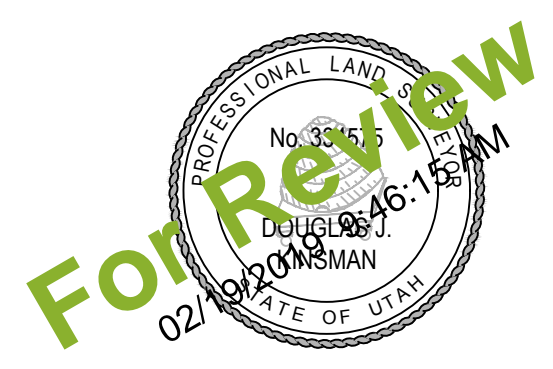
NORTHEAST CORNER OF  
SECTION 27, T3S, R4W, SLB8M  
(FOUND 3" BRASS TOOELE  
COUNTY SURVEYOR  
MONUMENT, DATED 2013)



PHASE	# LOTS	OPENSACE
1	16	46,050 SQ. FT.
2	12	10,143 SQ. FT.
3	16	39,350 SQ. FT.
4	19	30,464 SQ. FT.
TOTAL SITE	63	126,007 SQ. FT.

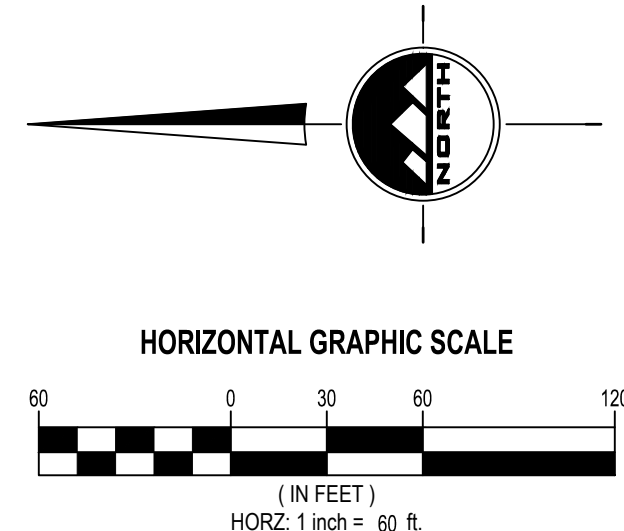


**TYPICAL BUILDING SETBACKS**  
SCALE 1" = 60'  
(SETBACK REQUIREMENTS FOR R1-7 ZONE PER TOOELE CITY DEVELOPMENT CODE CHAPTER 14, TABLE 3)



- NOTE:**
- PARCEL A - H TO BE OPEN SPACE AND TO BE OWNED AND MAINTAINED BY PAR FARE HOME OWNERS ASSOCIATION, INC.
  - FENCING, OTHER THAN WHAT MAY BE REQUIRED FOR REAR PATIO SCREENING, SHALL NOT BE PLACED ON INDIVIDUAL LOTS.
  - ZONING IS R1-7.

- LEGEND**
- SECTION CORNER
  - EXISTING STREET MONUMENT
  - PROPOSED STREET MONUMENT
  - SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENGIN ENG. & LAND SURV."
  - PLUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
  - BOUNDARY LINE
  - CENTER LINE
  - EASEMENTS



- KEYNOTES:**
- DRAINAGE PIPE EASEMENT (HEREBY CONVEYED TO PAR FARE HOME OWNERS ASSOCIATION, INC)
  - 120' TEMPORARY TURNAROUND EASEMENT BUILT PER PHASE IN FAVOR OF TOOELE CITY RECORDED ENTRY #XXXXXXX
  - 36' ACCESS EASEMENT HEREBY CONVEYED TO TOOELE CITY.

## PRELIMINARY PLAT PAR FORE ESTATES P.U.D. SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE, TOOELE COUNTY, UTAH

**DEVELOPER**  
PAR FORE ESTATES, LLC  
272 NORTH BROADWAY  
TOOELE, UT 84074  
JOHN HARRIS  
435-833-0130



**TOOELE**  
160 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435.843.3590  
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Phone: 801.255.0079

**LAYTON**  
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**CEGAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.898.2983

WWW.ENSGN.COM

**SHEET 2 OF 2**

PROJECT NUMBER: 11955A  
MANAGER: D. KNSMAN  
DRAWN BY: C. CHLD  
CHECKED BY: D. KNSMAN  
DATE: 2019-02-19

**811**  
Know what's below.  
Call before you dig.

CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.

**BENCHMARK**  
EAST QUARTER CORNER OF SECTION 27, T3S,  
R4W, S1/4M (FOUND 3" BRASS TOOEELE  
COUNTY SURVEYOR MONUMENT, DATED 1982)  
ELEVATION = 5384.73

**Irrigation**

Qty	Symbol	Description
6	⊙	See Backflow Preventer Detail 1/L-200
-	⊕	Rain Bird 100-PGA Globe
-	⊗	Rain Bird XCZ-100 COM
6	▲	Irritrol Total Control R Series
	▨	Pipe Sleeve 2x Diameter
	---	Mainline: 1 1/4" Schedule 40 PVC

**\*\* NOTES \*\***  
THIS IRRIGATION SYSTEM WAS DESIGNED AT AND 60 (WORKING) PSI AT THE POINT OF CONNECTION. IF THESE MINIMUM REQUIREMENTS CAN NOT BE MET, PLEASE CONTACT THE DESIGNER. **THIS PLAN WAS DRAWN FOR GRAPHIC CLARITY ONLY.** PLEASE PLACE ALL MAINLINE AND LATERAL LINES IN ADJACENT LANDSCAPE AREAS. SOME FIELD MODIFICATIONS MAY BE NEEDED TO AVOID ON SITE OBSTRUCTIONS.

**Landscape**  
Trees

Qty	Symbol	Common Name	Plant Size
42	⊙	BURR OAKS	2" Cal.
40	⊕	Plum, Cherry "Thundercloud"	2" Cal.
72	⊗	PURPLE BLOW MAPLE	2" Cal.
Total: 153			

- SCOPE OF WORK:**  
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- 1 SOD AREA W/ RAINBIRD SPRAYED HEADS & MAXIS. SEE LANDSCAPING DETAIL SHEET L-200.
  - 2 INSTALL AMUR MAPLE TREE W/ ROOT WATERING SYSTEM AND EJ PLAZA TREE GRATE SPACED AT A MAXIMUM OF 35' PER TOOEELE CITY ORDINANCE 7-19-17.1. SEE LANDSCAPING DETAIL SHEET L-200.
  - 3 6.0' TALL DECORATIVE PRECAST CONCRETE FENCE PER TOOEELE CITY ORDINANCE 7-19-17.1. SEE DETAILS 9 & 10/L-200.
  - 4 TEXTURED CONCRETE IN PARK STRIP PER TOOEELE CITY ORDINANCE 7-19-17.1.

**ENSIGN**  
THE STANDARD IN ENGINEERING

**TOOELE**  
169 N. Main Street, Unit 1  
Tooele, UT. 84074  
Phone: 435.843.3590

**SALT LAKE CITY**  
Phone: 801.255.0529

**LAYTON**  
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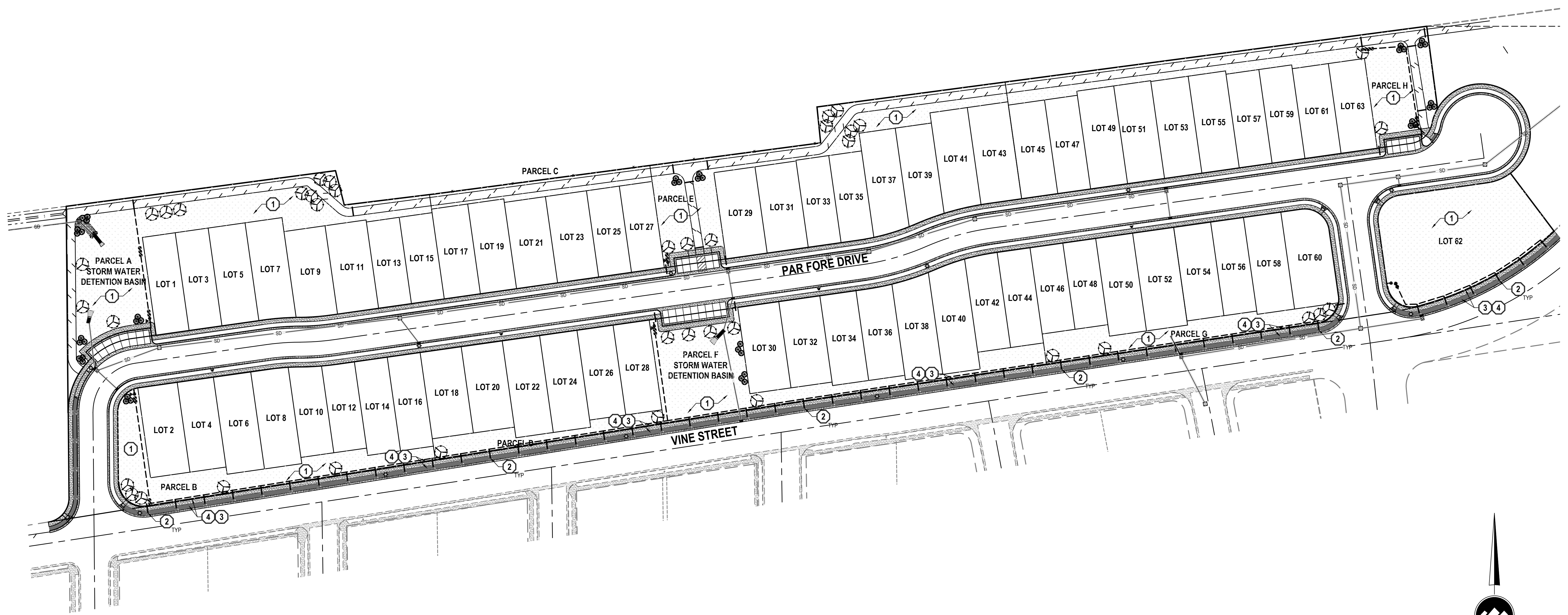
**CEDAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.896.2983

**WWW.ENSIGNENG.COM**

FOR:  
PAR FORE ESTATES, LLC  
272 NORTH BROADWAY  
TOOELE, UT 84074

CONTACT:  
JOHN HARRIS  
PHONE: 435-833-0130



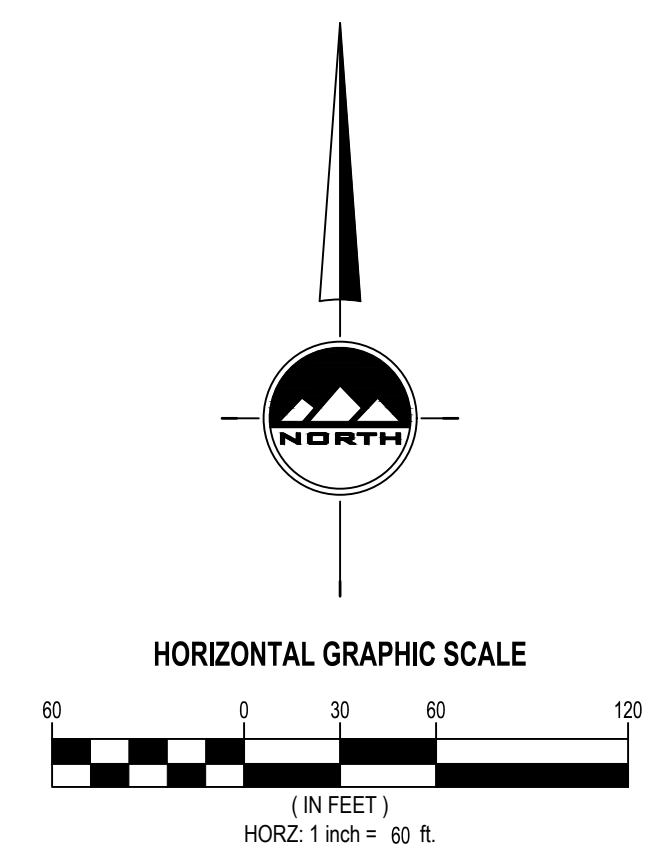
**PAR FORE ESTATES PUD  
SUBDIVISION**  
VINE STREET & DROUBAY ROAD  
TOOELE, UTAH

*For Review*  
02/19/2019 9:46:17 AM

**OVERALL  
LANDSCAPING AND  
IRRIGATION PLAN**

PROJECT NUMBER: T1965A  
PRINT DATE: 2/19/19  
DRAWN BY: C. CHILD  
CHECKED BY: D. KINSMAN  
PROJECT MANAGER: D. KINSMAN

**L-100**



**STAFF REPORT**

May 2, 2019

**To:** Tooele City Planning Commission  
Business Date: May 8, 2019

**From:** Planning Division  
Community Development Department

**Prepared By:** Jim Bolser, Director

**Re: Parking Chapter – City Code Text Amendment Request**

Application No.: P19-282

Applicant: Tooele City

Request: Request for approval of a City Code Text Amendment regarding parking.

**BACKGROUND**

This application is a request for approval of a City Code Text Amendment to address provisions related to parking requirements and its various design aspects. Provisions related to parking were first adopted into the City Code in 1983 with several revisions in the time since. This proposal includes revisions intended to address identified intents, provide clarity and reorganization to existing provisions, as well as to respond to input received from applicants and the general public over the past few years. Exhibit “A” to this report contains the proposed revisions for this application. There are additional chapters of the City Code that will be amended with this application beyond what has been previously discussed. Those additional chapters, contained within Exhibit “B” to this report, are being revised simply to address references to primary aspects of this application.

**ANALYSIS**

*Parking.* The proposed revisions to Chapter 7-4 of the City Code largely contain changes to the code that reorganize and consolidate existing provisions. One of the most prominent components to parking provisions for any community is the set of calculations by which parking requirements are determined. The set of calculations in the Tooele City Code, to be re-established in Table 7-4-1 of this proposed text amendment, identifies to make only a single change to the calculation equations. That change is to bring all of the residential land uses into alignment with the same equation for all, which actually increases the requirement minimally for some residential uses to accomplish this. These changes are supplemented with proposals for new policy features. Most notably, the existing language of the City Code does not address specific design aspects of parking areas such as parking stall sizing, drive aisles, and specifics related to parking lot layout. These provisions have been historically administered through adopted policy that operates along with City Code provisions, although not being formally adopted into the City Code. This proposal includes these facets being included into the adopted ordinance of the City Code. A second policy proposal involves the implementation of ranges for required parking. Typical practice for determining parking requirements is to provide an equation for various permissible land uses and call them out as either minimum requirements or maximum requirements depending upon the environment in which they’re being implemented and the local political will for parking requirements. The implementation of ranges is to build upon the established equations and then provide a percentage above or below the results of that equation to provide flexibility in design and requirements for applicants to meet their individual needs. A third policy proposal allows the

design requirements of the parking requirements to work in concert with public safety to identify aisles in parking lots by which public safety can have the room needed to respond in the event of an emergency in exchange for minimized requirements on other aisles parking. There are also a number of technical changes proposed for this chapter of the City Code.

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
  - (a) The effect of the proposed amendment on the character of the surrounding area.
  - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
  - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
  - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
  - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
  - (f) The overall community benefit of the proposed amendment.

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment proposal and has issued the following comments:

1. The proposed City Code text amendment is intended to provide additional clarity in the language for applicants, City staff, and the general public.
2. The proposed City Code text amendment is intended to respond to input from applicants and the public.
3. The proposed City Code text amendment is intended to build upon existing provisions in an effort to modernize provisions applicable to new developments.

Engineering Review. The Tooele City Engineering Division has completed their review of the City Code Text Amendment proposal.

Noticing. The City has expressed their desire to amend the terms of the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-



1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

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

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Parking Chapter City Code Text Amendment Request by Tooele City, application number P19-282, based on the following findings and subject to the following conditions:”

1. List findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Parking Chapter City Code Text Amendment Request by Tooele City, application number P19-282, based on the following findings:”

1. List findings...

**EXHIBIT A**

**PROPOSED REVISIONS TO CITY CODE**

**TITLE 7 CHAPTER 4**

## CHAPTER 4. OFF-STREET PARKING REQUIREMENTS

### 7-4-1. Purpose and Scope.

### 7-4-2. Parking to be Prohibited.

### 7-4-3. Parking Calculation.

### 7-4-4. Number of Parking Spaces.

### 7-4-5. Parking Calculation Ranges.

### 7-4-6. Parking Studies

### 7-4-7. Parking Location.

### 7-4-8. Access Requirements.

### 7-4-9. Parking Lots.

### 7-4-10. Parking Dimensions.

### 7-4-11. Public Safety Aisles.

### 7-4-1 Purpose and Scope.

- (1) Purpose. The purpose of this Chapter is to ensure the provision and maintenance of off-street parking and loading facilities in proportion to the parking and loading demand of the associated land uses. The requirements of this Chapter are intended to provide functional, efficient and attractive parking and loading facilities, to protect public safety, and to mitigate adverse land use impacts.
- (2) Scope. This Chapter is applicable to all new and existing development requiring vehicular access under the provisions of this Title. The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Tooele City Code, or other laws.

### 7-4-2 Parking to be Provided.

- (1) Parking Required. Every land use established under the authority of this Title shall provide parking as required by this Chapter. Each person who establishes any such land use shall provide the required parking. The establishment of a land use shall include any change in use and any increase in the capacity or intensity of an existing use.
- (2) Continual Obligation to Provide Parking. Provision of parking as required by this Chapter shall be a continual obligation so long as the associated use exists, including during times of vacancy. It shall be unlawful for any property owner, land use operator, or person responsible for providing parking to discontinue or dispense with required parking facilities without providing alternate parking which meets the requirements of this Chapter.
- (3) Alteration Where Parking Insufficient. A building, structure, or use which lacks sufficient parking as required by this Chapter may not be altered, enlarged, or changed in a manner that affects their parking calculation unless additional parking for the alteration, enlargement, or change is supplied that meets the requirements of this Chapter.

### 7-4-3. Parking Calculation.

The following provisions shall be used to calculate the total number of parking spaces required by this chapter:

- (1) Fractional Numbers. Any fractional parking space requirement resulting from a parking calculation shall be rounded up to the next whole number, subject to Section 7-4-5(2) of this Chapter.
- (2) More Than One Use on Lot. If a lot or parcel contains more than one use, parking spaces shall be provided in an amount equal to the total of the requirements for each use unless shared parking is approved pursuant to this Chapter.
- (3) Square Foot Basis. Parking requirements based on square footage shall be calculated using gross floor area unless otherwise provided in this Chapter.
- (4) Employee Basis. Parking requirements based on the number of employees shall be calculated using the largest number of persons working on any shift, including owners and managers.
- (5) Capacity Basis. Parking requirements based on the number of seats, beds, or other capacity determinations shall be calculated using the maximum capacity for those units of measure.
- (6) Director Determinations. If a use listed in Table 7-4-1 identifies the calculation of its parking requirement to be a determination of the Director, or for a use not otherwise listed in Table 7-4-1, the Director of the Community Development Department shall determine the appropriate parking calculation by:

- (a) first, applying the parking requirements for a use deemed most similar to the use proposed; or then
  - (b) second, applying an established standard specific to that use from a professional publication such as the Institute of Traffic Engineers; or then
  - (c) third, requiring a parking study be provided by the applicant to provide guidance for the Director to determine the appropriate parking calculation requirement. The Director shall not be under any obligation or requirement to agree or follow the recommendations of the submitted parking study.
- (7) ADA-Accessible Parking Spaces. Parking spaces compliant with ADA regulations shall be provided as required by the current building codes adopted by the City and any other standards officially adopted by the City. Accessible spaces shall be counted towards the fulfillment of the on-site parking requirement for each use.
- (8) Parking Space Calculations. Standard parking spaces shall be provided as set forth in Section 7-4-4. Formulas and calculations shown in that Section represent both the maximum and minimum parking requirements subject to the provisions of Section 7-4-5. Uses and terms listed in Section 7-4-4 shall have no effect on the permissibility or definition of uses.

**7-4-4. Number of Parking Spaces.**

The number of required off-street parking spaces shall be calculated according to Table 7-4-1, subject to Section 7-4-5 herein.

**Table 7-4-1 – Parking Space Requirement Calculations.**

Land Use		Parking Requirement
Accessory Uses		As determined by the Director
Auditoriums		1 space for every 3 seats
Bar, Tavern, and Private Club		1 space for every 3 seats or 1 space per 100 square feet of floor area (excluding kitchen, storage, etc.) whichever is more
Beauty Shop	First patron station	2 spaces
	Each additional station (excluding wash stations)	1 space
Churches and Places of Worship		1 space for every 3 seats in the primary assembly area
Commercial Center		1 space per 300 square feet
Commercial Day Care / Pre-School Center		1 space for every employee, plus 4 visitor spaces <sup>1</sup>
Convalescent Care Facility		1 space for every 4 patient beds, plus 1 space per employee
Dwelling <sup>2</sup>	Single-Family	2 spaces per dwelling unit
	Two-Family	2 spaces per dwelling unit
Dwelling, Multi-Family <sup>2</sup>	<2 Bedroom Units	2 spaces per unit
	2 Bedroom Units	2 spaces per unit
	3+ Bedroom Units	2 spaces per unit
Dwelling, Visitor Parking <sup>3</sup>		1 space for every 4 dwelling units
Educational Facility	Public Use	As determined by the Director
	Private Use	As determined by the Director
Funeral Homes and Mortuaries		1 space for every 3 seats
Health Care Facility		1 space for every 2 patient beds, plus 1 parking space for each employee

Health Care Provider		3 spaces for each doctor, dentist, therapist, or other provider, plus 1 space for each employee
Hotel		1 space for each living or sleeping unit, plus 1 space for each employee
Industrial Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Manufacturing Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Motel		1 space for every living or sleeping unit, plus 1 space per employee
Nursing homes		1 space for every 4 patient beds, plus 1 space per employee
Office	Business	1 space per 200 square feet
	Professional	1 space per 200 square feet
Personal Services		1 space per 300 square feet
Public Use		As determined by the Director
Residential Facility for Elderly Persons	Bedroom for 1 or 2 Persons	1 space per bedroom, plus 1 space per employee
	Bedroom for 3 or 4 Persons	2 space per bedroom, plus 1 space per employee
Residential Facility for Persons with a Disability	Bedroom for 1 or 2 Persons	1 space per bedroom, plus 1 space per employee
	Bedroom for 3 or 4 Persons	2 space per bedroom, plus 1 space per employee
Restaurant		1 space for every 3 seats or 1 space per 100 square feet of floor area (excluding kitchen, storage, etc.) whichever is more
Retail	General	1 space per 300 square feet
	Appliance Stores	1 space per 600 square feet
	Furniture Stores	1 space per 600 square feet
Sports Arenas		1 space for every 3 seats
Theaters, Assembly Halls and Meeting Rooms		1 space for every 3 seats
Uses not listed		As determined by the Director
Warehouse Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Wholesale Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces

<sup>1</sup> With adequate drop off and pick up area as determined by the Director

<sup>2</sup> Unless otherwise specified in Chapter 16 of this Title

<sup>3</sup> In developments of three-family, four-family, or multi-family dwelling units

#### 7-4-5 Parking Calculation Ranges.

- (1) Purpose of Parking Calculation Ranges. The number of parking spaces required under Section 7-4-4 may be adjusted in accordance with the provisions in this section. The purpose of adjustments is to provide flexibility to those requirements in recognition that many factors can be unique to various potential uses of land in the city, to adapt to specific circumstances, reduce potential environmental impacts, and conserve resources.
- (2) Natural Adjustment Range. Where permitted, a Natural Adjustment Range allows for parking to be freely modified to increase or decrease the amount of parking spaces provided without necessity of requesting a formal modification as outlined in this Section. The calculation of the Natural Adjustment Range shall be based on the true calculation from Table 7-4-1 without rounding allowed under Section 7-4-3(1) of this Chapter. In all

situations where the Natural Adjustment Range results in a partial or fractional parking requirement, the requirement shall be rounded up to the next whole number.

- (a) Residential Uses.
  - (i) Single-Family and Two-Family Residential Uses. No Natural Adjustment shall be allowed and the parking calculations established in Table 7-4-1 shall represent the minimum requirements.
  - (ii) Multi-Family Residential Uses. Multi-family residential developments where the parking calculations established in Table 7-4-1 result in a requirement of 100 parking spaces or less, exclusive of required visitor parking, shall have no Natural Adjustment allowed and the parking calculations established in Table 7-4-1 shall represent the minimum requirements. Multi-family residential developments where the parking calculations established in Table 7-4-1 result in a requirement of 101 parking spaces or more, exclusive of required visitor parking, may apply a maximum 8% Natural Adjustment Range.
  - (iii) Visitor Parking. Visitor parking calculations shall not be eligible for Natural Adjustment and the calculations established in Table 7-4-1 shall represent the minimum requirements.
- (b) Non-Residential Uses. The parking requirement calculations from Table 7-4-1 shall represent both the minimum and maximum parking requirement. Non-residential developments may apply a maximum 15% Natural Adjustment Range.
- (3) Deviations Beyond the Natural Adjustment Range. In cases where parking in amounts beyond the allowances of the Natural Adjustment Range may be appropriate, the Planning Commission may approve a request for a modification, by way of a parking study, to increase or reduce parking requirements based on findings found in Subsection (4) by not more than an additional 10% of the calculation from Section 7-4-4.

#### **7-4-6. Parking Studies.**

In any instance where a parking study is required, a parking study shall be prepared and submitted by the applicant for review. Parking studies shall be prepared by a professional engineer licensed to work in the State of Utah and reviewed as a part of the land use application.

- (1) The study shall provide:
  - (a) planning and traffic engineering data, including estimates of parking demand based on the most current recommendations from the Institute of Transportation Engineers;
  - (b) data collected from uses or combinations of uses that are the same or highly comparable to the proposed application as indicated and justified by density, scale, bulk, area, type of activity, and location;
  - (c) the source of data used to develop the study's recommendations;
  - (d) a recommendation for parking requirement standard or calculations applicable to the site for which the study is being prepared based on site specific factors, data, circumstances, and conditions compared against study-collected data; and
  - (e) the name and qualifications of the person(s) preparing the study.
- (2) City staff shall review the study and make a recommendation to the Planning Commission concerning the validity of the parking study, the appropriateness of the conclusions reached, and the appropriate standard and minimum number of parking spaces that should be required.
- (3) The Planning Commission shall determine the appropriate standard and required minimum number of parking spaces required after:
  - (a) considering the recommendations of the parking study and City staff; and
  - (b) making the findings required under Subsection (3)(d), according to the type of application.
- (4) Findings Required. The Planning Commission may approve a deviation from strict compliance for the number of parking spaces required or the standard of calculation to be used only after making the findings of this subsection.
  - (a) For commercial, retail, office, and mixed-use developments, the Planning Commission must find that:
    - (i) adequate parking will be provided;
    - (ii) the total number of spaces that would otherwise be required for each individual establishment in the development is overly burdensome or underestimates the actual parking needed for the site specific factors of the application;
    - (iii) the estimated trade-offs between businesses which are open when others are closed will not over burden the parking proposed;
    - (iv) there is an adequate availability of shared parking for all associated uses;

- (v) site- or use-specific conditions or factors do not provide for compliance with the parking calculation used or parking requirements outlined in Section 7-4-4;
- (vi) any potential for future expansion or addition to the development will have or will provide adequate parking for that expansion or addition; and
- (vii) ADA-compliant parking requirements are not proposed for adjustment; or
- (b) For multi-family developments, the Planning Commission must find that:
  - (i) adequate parking will be provided;
  - (ii) the size of housing units, considered by the number of bedrooms and required visitor parking, does not support or necessitates more than the calculated parking requirements of this Chapter;
  - (iii) the size of project does not reflect the calculated parking requirements of this Chapter, necessitating more or fewer spaces;
  - (iv) the specific parking proposed to be dedicated for use by visitors is appropriate;
  - (v) any potential for future expansion or addition to the development will have or will provide adequate parking for that expansion or addition;
  - (vi) ADA-compliant parking requirements are not proposed for adjustment; and
  - (vii) restrictive covenants specific to the development make provisions to control parking such that parking for the development will not impact neighboring properties or public rights-of-way.

**7-4-7. Parking Location.**

- (1) On-Site Parking. Except as allowed in Subsection (2), all required parking shall be located on the same lot or parcel as the use to which it is associated. On-site parking shall be made available without charge for the use of or providing of the parking. In the case of a multi-tenant non-residential development in which multiple parcels are covered by the tenant uses and their associated parking, the parking shall be considered on-site for all of those tenant uses.
- (2) Off-Site Parking. Where practical difficulties exist in providing on-site parking or if public safety would be better served by locating parking on a separate lot or parcel, the Planning Commission may authorize such off-site parking subject to the following conditions:
  - (a) no other practical alternative exists for providing on-site parking such that any of the following shall deem a request for off-site parking ineligible for approval:
    - (i) the hardship causing the need for off-site parking is self-imposed;
    - (ii) the hardship causing or resulting from the provision of off-site parking is financial in nature;
  - (b) providing off-site parking does not affect or reduce the amount of parking required or provided;
  - (c) required ADA-compliant parking spaces shall not be located in an off-site parking area;
  - (d) off-site parking areas shall be located in the same or a more intensive zone which applies to the property where the use served is located;
  - (e) the shortest practical and safe walking path is conveniently usable without causing unreasonable:
    - (i) hazard to pedestrians;
    - (ii) hazard to vehicular traffic;
    - (iii) traffic congestion;
    - (iv) interference with safe and convenient access or use of other parking areas in the vicinity;
    - (v) detriment to the appropriate, convenient and reasonable use of any business in the vicinity; or
    - (vi) detriment to any residential neighborhood;
  - (f) no off-site parking space shall be located more than 600 feet from a public entrance of the use served, measured along the route of the shortest practical and safe walking path;
  - (g) off-site parking shall not be separated from the principal use by a street right-of-way of a collector or arterial class;
  - (h) off-site parking separated by from the principal use by a local class street has adequate and convenient crosswalk facilities to serve the practical and safe walking path;
  - (i) availability of each off-site parking area shall be assured by an agreement reviewed and accepted by the City which requires at least the following:
    - (i) all parking spaces shall be available perpetually to all uses utilizing the parking;
    - (ii) all parking spaces shall be available without charge; and

- (iii) provisions exist for the perpetual maintenance and upkeep, including but not limited to snow removal, striping, and signage, of the practical and safe walking path by private parties to the agreement; and
- (3) Vacant Lots and Open Land. Vacant lots and open land areas shall not be used as parking areas, except as allowed for a temporary use or special event.
- (4) Parking of Recreational Vehicles in Residential Zones. Personal recreational vehicles, including but not limited to trailers, boats and watercraft, travel trailers, utility trailers, and motor homes parked in residential zones shall be parked on a hard surfaced area behind the front wall plane of the primary structure on the same property. Parking for such vehicles within residential developments approved with off-street recreational vehicle parking areas shall be allowed within those recreational vehicle parking areas only.

**7-4-8. Access Requirements.**

For purposes of this Chapter, a drive approach shall be that portion of the ingress and egress to and from a driveway from the front of the curb to the property line. Adequate ingress and egress to and from all uses shall be provided as follows:

- (1) One- and Two-Family Residential Lots. Access to one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Not more than two drive approaches shall be allowed for any residential lot.
  - (b) The width of a drive approach shall not be greater than 30 feet or more than one-third of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach from a cul-de-sac or curved lot with a frontage of less than 50 feet at the property line may exceed one-third of that frontage, but shall not be more than 50% of the frontage at the property line.
  - (c) A lot may have a singular 30-foot drive approach or two drive approaches that total 30 feet wide. A drive approach shall have a minimum width of ten feet. Two drive approaches on the same lot must have a minimum of 12 feet between them.
  - (d) A drive approach shall be measured from the bottom of the flares, at its widest point. The flare shall not be greater than three feet long.
- (2) Other Residential Uses. Access to lots other than one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Access to each parking space shall be from a private driveway and not from a public street.
  - (b) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street.
  - (c) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - (d) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.
- (3) Non-Residential Uses. Access to non-residential uses shall be provided in compliance with the following requirements:
  - (a) Each drive approach shall not be more than 40 feet wide, measured at right angles to the centerline of the drive approach, measured curb-face to curb-face, exclusive of tapered areas. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to 50 feet wide.
  - (b) Divided or one-way access and egress driveways shall maintain a minimum of a 12-foot wide travel lane, per lane, measured curb-face to curb-face, exclusive of tapered areas.
  - (c) Driveways for two-way access and egress shall maintain a minimum of a 24-foot width measured curb-face to curb-face, exclusive of tapered areas.
  - (d) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street except that a use on its own property with less than 100 feet of frontage or which cannot meet the spacing between existing drive approaches on adjacent properties may be approved by the Planning Commission for one drive access of not more than 30 feet in width according to Chapter 11 of this Title.
  - (e) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - (f) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.
- (4) General Standards for All Uses. All access to properties shall be provided to meet the following general requirements:



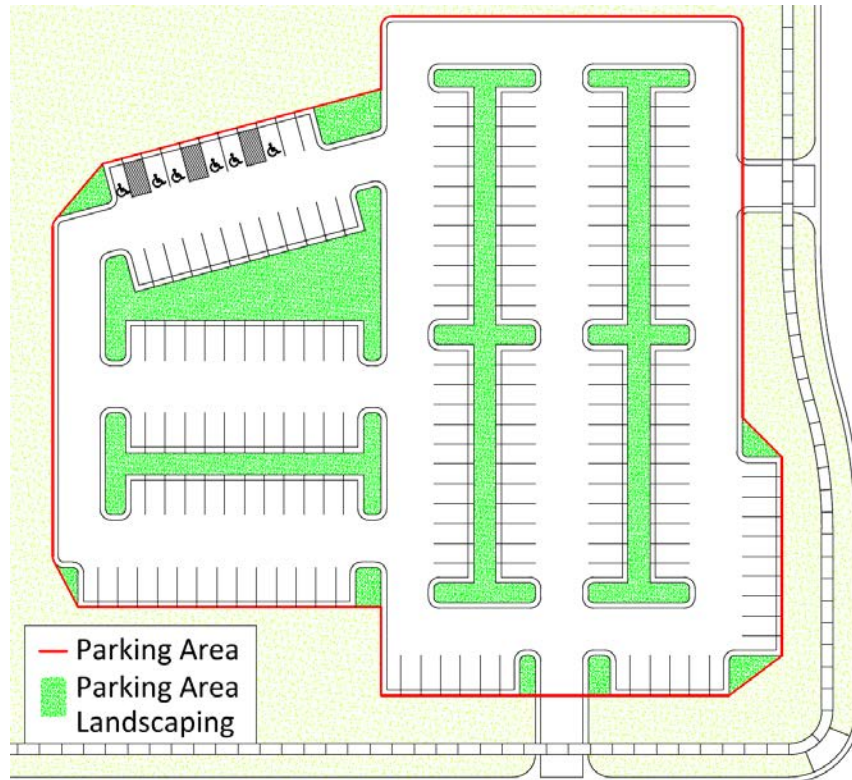
- (a) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two or more properties, no drive approach shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
- (b) Driveways or drive approaches shall not be located where sharp curves, steep grades, restricted sight distances or any other feature or characteristics of the road or driveway or drive approach by itself or in combination impairs safe traffic operation. The relocation of highway signs, signals, lighting or other traffic control devices necessitated by a drive approach shall be relocated by Tooele City or its agent at the permittee's expense.
- (c) Driveways or drive approaches which provide access and egress to and from a street controlled by the Utah Department of Transportation (UDOT) must be reviewed and approved by UDOT and shall be sized according to applicable UDOT standards.

**7-4-9. Parking Lots.**

Every parcel of land containing a public or private parking lot shall be developed and maintained in accordance with the following requirements:

- (1) Each off street parking lot shall be surfaced with a bituminous surface course, Portland cement concrete or other approved surface to provide a dustless surface. The Planning Commission, following a recommendation from the City Engineer, must approve any surface that is not bituminous surface course or Portland cement concrete.
- (2) The sides and rear of any off-street parking lot which face or abut a residential district shall be adequately screened from such district by a masonry wall or solid visual barrier fence not less than three or more than six feet in height as measured from the high side.
- (3) Landscaping.
  - (a) Each parking lot shall be landscaped and permanently maintained.
  - (b) Landscaping area within the parking lot shall also be eligible for calculation into the required site landscaping requirement.
  - (c) At least 5% of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.
  - (d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-1 identifies areas anticipated for consideration.
  - (e) Landscaping islands not less than eight feet in width, exclusive of curbing, and extending the entire length of the parking stalls it borders shall be provided at each end of parking rows. Landscape islands shall be outlined with curbing to ensure the viability of the landscaping and separation between parking and landscaping. These islands shall include one tree for each parking stall it borders except that trees may be eliminated where pedestrian walkways are provided in their place.
  - (f) The maximum number of parking spaces in a row without separation by a landscaping island shall be 12. Landscaping islands that provide this separation shall comply with the requirements of Subsection (e) herein except that the number of trees required shall be based on the number of parking stalls bordered on one side only.
  - (g) Where landscaping islands are proposed to run the length of parking rows:
    - (i) those areas shall include plantings and ground covers with at least one tree per four parking stalls that front upon that landscaping;
    - (ii) trees shall be evenly spaced through the landscaping area;
    - (iii) landscaping areas may be broken up by pedestrian pathways that cross the landscaping area only when that pathway is a segment of an established and identified pedestrian pathway beyond the landscaping area and through the parking area
    - (iv) pedestrian pathways running the length of the landscaping island shall be not less than five feet in width;
    - (v) pedestrian pathways running the length of the landscaping island may be included in the calculation of landscaping only when landscaping of at least three in width is provided between the walkway and the parking spaces it borders.

**Figure 7-4-1 – Parking Area Landscaping.**



- (4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjacent properties, uses and streets.
- (5) Alignment. Parking lots which include multiple drive aisles that access parking spaces, or adjacent parking lots that connect, function, or have the ability to function as a single parking lot shall be designed such that drive aisles align across connecting drive aisles. Drive aisles which intersect on an angle to the connecting drive aisle shall connect only as a three leg intersection which does not interfere with traffic movements of nearby drive aisle intersections at the discretion of the City Engineer. Accesses to a parking lot from an adjacent right-of-way shall align with parking lot drive aisles or end at the first intersecting drive aisle in a perpendicular intersection. Alignment requirements of this Subsection are generally displayed in Figure 7-4-1.
- (6) Where not otherwise authorized by this Title, when in the best interests of the community as determined by the Planning Commission, the Commission may grant a Conditional Use Permit for the exclusive use as a parking lot on a parcel of land in residential districts, provided that in all cases the following conditions are met:
  - (a) The lot is to be used only for parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance and upkeep.
  - (b) No charges shall be made for parking on the lot.
  - (c) The lot shall not be used for sales, repair work, or servicing of any kind, but shall be used for parking of vehicles only.
  - (d) Entrances to and exits from the lot shall be located so as to do the least harm to the residential district in an aesthetic context.
  - (e) No advertising sign shall be located on the lot.
  - (f) All parking is to be kept back of the setback building lines by a barrier which will prevent the use of the premises in front of the setback lines for the parking of automobiles.
  - (g) The parking lot and that portion of the driveway behind the building line is to be adequately screened from the street and from adjoining property in a residential district by a hedge or sight-obscuring fence or wall not less than three feet, nor more than six feet in height, which is to be located behind the building setback line. All lighting is to be arranged so there will be no glare therefrom annoying to the occupants of an adjoining property in a residential district. The surface of the parking lot is to be smoothly graded, hard-

- surfaced and adequately drained.
- (h) Drainage shall be disposed of upon the premises of the parking lot, as per the requirement set by the city engineer.
- (i) No private or public garage or parking lot for more than five motor vehicles shall have an entrance or exit in any district within 150 feet of the entrance or exit of a public school, church, playground, or other public or semi-public institution or facility.
- (j) There may be imposed such other conditions as may be deemed necessary by the Planning Commission to address findings of identified impacts on the residential district.

**7-4-10. Parking Dimensions.**

Minimum parking space and related dimensions shall be as set forth in this Section.

- (1) Standard parking spaces shall be a minimum of nine feet wide by 20 feet deep.
- (2) Where a front overhang over a sidewalk is proposed or provided, and the sidewalk is a minimum of six feet in width, parking spaces may be reduced to 18 feet deep. In the instance where the sidewalk is less than six feet in width, parking stalls shall be at least 20 feet deep and contain wheel stops to prevent vehicles from overhanging the sidewalk.
- (3) Where a front overhang over a landscape area is proposed or provided, parking spaces may be reduced to 18 feet deep.
- (4) Driving aisles between or along parking stalls within a parking area shall be not less than 24 feet wide for two-way traffic or not less than 16 feet in width for one-way traffic, subject to Section 7-4-10.
- (5) Carports shall have a minimum inside dimension of nine feet wide by 20 feet deep for each parking space.
- (6) Garages shall have a minimum inside dimension of ten feet wide by 22 feet deep and a minimum door width of eight feet for each parking space contained therein, unless a greater requirement is established elsewhere in this Title.
- (7) ADA-accessible parking spaces shall be provided and designed according to the provisions and requirements of the adopted building and fire code.
- (8) Angled parking spaces shall be sized based on the angle of parking spaces shown in this Section, Table 7-4-2 and Figure 7-4-2. Parking spaces positioned nose-to-nose shall be at least 20 feet deep each.
- (9) Parallel parking spaces shall be a minimum of eight feet wide by 22 feet deep.
- (10) Loading spaces shall be a minimum of ten feet wide by 25 feet deep.
- (11) Stacking and queuing spaces shall be a minimum of ten feet wide by 20 feet deep.
- (12) Sites containing 50 or more parking spaces may provide compact parking spaces for a portion of the required parking for the site. Compact parking, when proposed, shall adhere to the following:
  - (a) Compact parking spaces may be utilized to provide up to:
    - (i) a maximum of 5% of the total parking requirement for the site; or
    - (ii) a maximum of 10% of the total parking requirement for the site when combined with the following:
      - (A) a landscaped plaza area near the primary entrance to the building associated with compact parking spaces that is equal in area to 15% of the total building square footage;
      - (B) pedestrian amenities, such as but not limited to benches, throughout the plaza; and
      - (C) pedestrian pathways from the primary entrance to and through the plaza which connect to street sidewalks and neighboring sites or uses; and
  - (b) All compact parking spaces shall:
    - (i) measure no less than eight feet wide and 16 feet deep;
    - (ii) be clearly identified and shown on a site plan approved by the Planning Commission; and
    - (iii) be marked on the surface as "Compact" and maintained.
  - (c) Under no circumstances shall ADA-accessible parking spaces qualify or be sized as compact spaces.

**Figure 7-4-2 – Angled Parking Layout.**

Parking Stalls with Front Overhang

Parking Stalls without Front Overhang

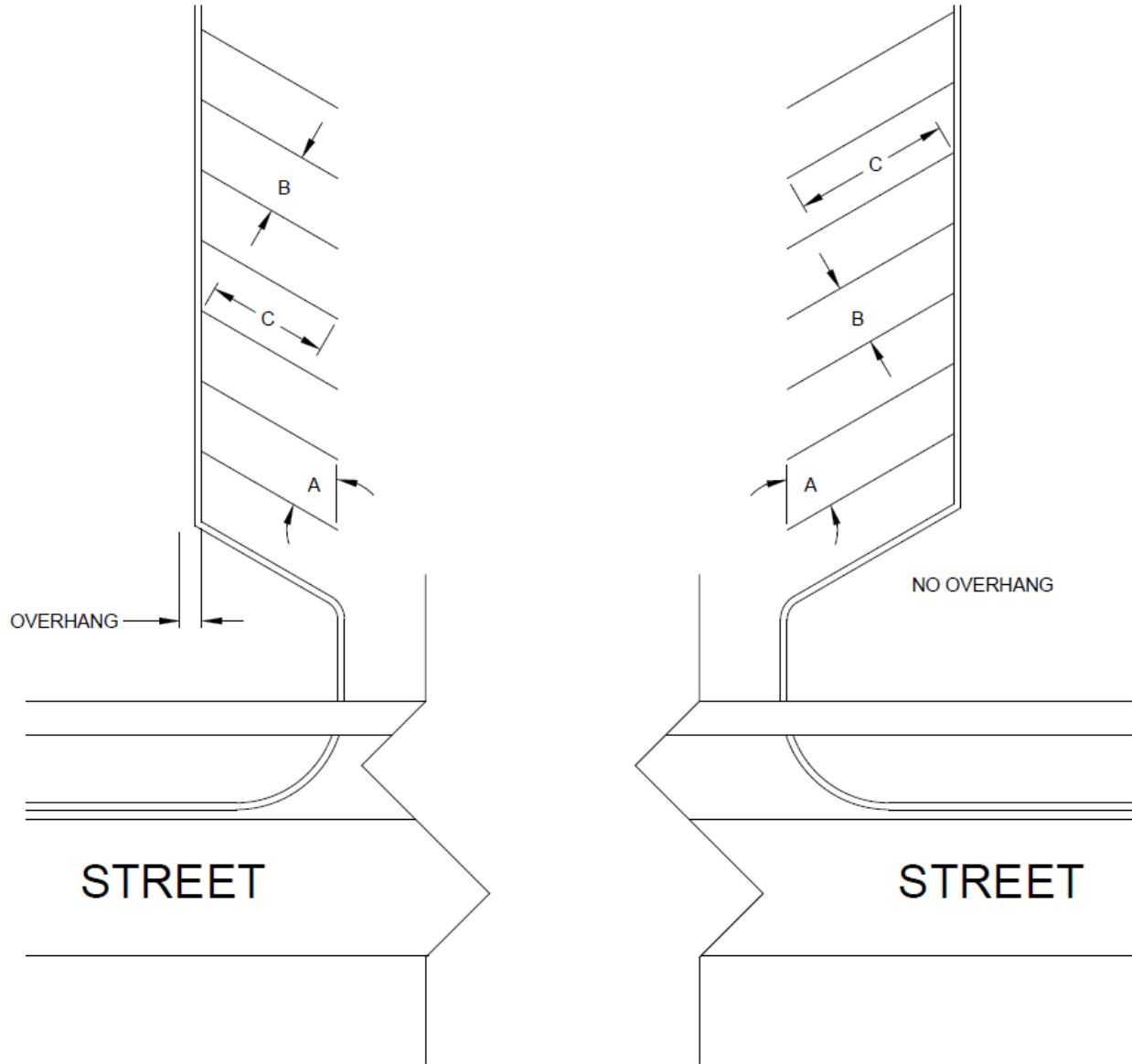


Table 7-4-2 – Angled Parking Dimensions.

Parking Stalls with Front Overhang		
Parking Angle A	Stall Width B	Stall Depth C
90°	9 Feet	18 Feet
60°	9 Feet	18 Feet
45°	9 Feet	18 Feet

Parking Stalls without Front Overhang		
Parking Angle A	Stall Width B	Stall Depth C
90°	9 Feet	20 Feet
60°	9 Feet	20 Feet
45°	9 Feet	20 Feet

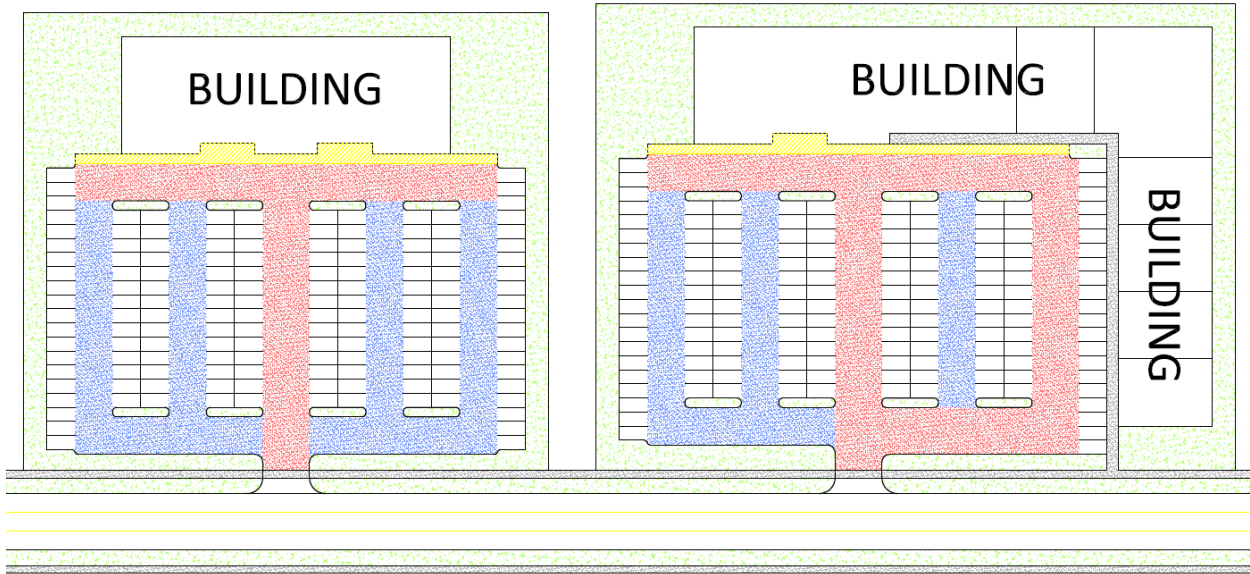
**7-4-11. Public Safety Aisles.**

Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Those public safety aisles shall be a minimum of 30 feet in width, measured from curb-face to curb-face and as shown in Table 7-4-2, regardless of whether the aisle accommodates one- or two-way traffic. Public safety aisles, as represented and depicted in the Figure 7-4-3, shall consist of all aisles that:

- (1) provide access from a public or private street;

- (2) provide frontage for, or which abut any side of, one or more buildings or business;
- (3) provide direct access to the front of the building according to the most direct route from a public or private street;
- (4) are deemed critical by the fire or police department for access to one or more buildings in the event of a public safety emergency.

Figure 7-4-3 – Public Safety Aisles.



24' Standard Parking Aisles

30' Emergency Access Routes

**EXHIBIT B**

**PROPOSED REVISIONS TO CITY CODE**

**TITLE 7 CHAPTER 15**

**TITLE 7 CHAPTER 15a**

**TITLE 7 CHAPTER 16**

## CHAPTER 15. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

### 7-15-1. Applicability.

### 7-15-2. Purpose.

### 7-15-3. Permitted Use; Requirements.

### 7-15-4. State Certification or Licensure.

### 7-15-5. Revocation of Occupancy Permit.

### 7-15-6. Violations.

### 7-15-7. Reasonable Accommodation.

### 7-15-8. Appeals.

### 7-15-1. Applicability.

Any structure or dwelling encompassed within the definition of “Residential Facility for Persons with a Disability” shall comply with the requirements of this Chapter notwithstanding other provisions of this Code to the contrary.

### 7-15-2. Purpose.

The purposes of this Chapter include:

- (1) to comply with the Federal Fair Housing Act (42 U.S.C. §3601 et seq.);
- (2) to comply with the Utah Fair Housing Act (U.C.A. Chapter 57-12);
- (3) to comply with U.C.A. §10-9a-520 (Residences for persons with a disability);
- (4) to permit housing for persons with disabilities in a non-discriminatory manner; and,
- (5) to allow for reasonable accommodations to afford persons with disabilities equal housing opportunities.

### 7-15-3. Permitted Use; Requirements.

A residential facility for persons with a disability (for purposes of this Chapter, a “facility”) shall be a permitted use in any zoning district in which a dwelling is a permitted primary use. Each facility shall comply with the following requirements.

- (1) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
- (2) The facility shall comply with all of the provisions of this Title applicable to dwellings, unless otherwise specified in this Chapter.
- (3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
- (4) Each facility located in a multi-family zoning district (MR-25, MR-16 and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
- (5) The minimum number of parking spaces required for a facility shall be ~~as required in Chapter 7-4 of this Title one space for each bedroom designed for occupancy by one or two persons and two spaces for each bedroom designed for occupancy by three or four persons, plus one space for each employee.~~ *as required in Chapter 7-4 of this Title*
- (6) No more than four persons may be housed in a single bedroom.
- (7) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
- (8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
- (9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
- (10) No facility may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

### 7-15-4. State Certification or Licensure.

- (1) Prior to the City issuing a certificate of occupancy for a facility, and prior to actual occupancy of a facility, the person or entity licensed or certified by the State of Utah to establish and operate the facility shall:
  - (a) provide a copy of the required State of Utah licenses and/or certificates for the facility and for any State-regulated programs provided at the facility; and,
  - (b) certify by affidavit to the City that no person will reside or remain in the facility whose tenancy likely would constitute a direct threat to the health or safety of others or would result in substantial physical damage to

the property of others.

- (2) For purposes of this Chapter, State of Utah licenses and certificates for facilities and programs are applicant-specific, facility-specific, and program-specific, and shall not be transferrable to any other owner, operator, facility, or program.

#### **7-15-5. Revocation of Occupancy Permit.**

The City may revoke the occupancy permit of any facility upon the occurrence of any of the following:

- (1) the facility is devoted to a use other than a residential facility for persons with a disability;
- (2) any license or certificate required and issued by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);
- (3) the facility fails to comply with all of the requirements of this Chapter; or,
- (4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

#### **7-15-6. Violations.**

- (1) The following shall constitute a violation of this Chapter:
  - (a) continued occupation of a facility upon the revocation of the occupancy permit;
  - (b) continued occupation of a facility upon the termination of the State of Utah license or certificate for the facility;
  - (c) continued providing of a program upon the termination of the State of Utah license or certificate for that program;
  - (d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;
  - (e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,
  - (f) allowing the facility to be devoted to a use other than a residential facility for persons with a disability.
- (2) Any violation of this Chapter is a class B misdemeanor.

#### **7-15-7. Reasonable Accommodation.**

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a facility. Any person or entity who wishes to request a reasonable accommodation shall make application to the Director of the Community Development Department and shall articulate in writing the basis for the requested accommodation. Each application for a reasonable accommodation shall be decided by the Director within 30 days. Failure of the Director to issue a decision within 30 days shall be deemed a denial of the application.

#### **7-15-8. Appeals.**

- (1) The denial of a request for reasonable accommodation may be appealed to the Zoning Administrator by filing with the Community Development Department a written appeal within ten days of the date of denial. The Zoning Administrator shall issue a written decision within 15 days of the date of the appeal. Failure of the Zoning Administrator to issue a written decision within the 15 days shall be considered a denial of the appeal.
- (2) The decision of the Zoning Administrator may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of denial. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Zoning Administrator of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.
- (3) The revocation of an occupancy permit pursuant to this Chapter may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of the revocation notice. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the Community Development Department of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.



## CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

### 7-15a-1. Applicability.

### 7-15a-2. Purpose.

### 7-15a-3. Permitted or Conditional Use; Requirements.

### 7-15a-4. Revocation of Permit.

### 7-15a-5. Violations.

### 7-15a-6. Reasonable Accommodation.

### 7-15a-7. Appeals.

### 7-15a-1. Applicability.

Any structure or dwelling encompassed within the definition of “Residential Facility for Elderly Persons” shall comply with the requirements of this Chapter notwithstanding other provisions of this Code to the contrary.

### 7-15a-2. Purpose.

The purposes of this Chapter include:

- (1) to comply with the Federal Fair Housing Act (42 U.S.C. §3601 et seq.);
- (2) to comply with the Utah Fair Housing Act (U.C.A. Chapter 57-12);
- (3) to comply with U.C.A. §§10- 9a-516 through -519 (Residential facilities for elderly persons, etc.);
- (4) to permit housing for elderly persons in a non- discriminatory manner; and,
- (5) to allow for reasonable accommodations to afford elderly persons equal housing opportunities.

### 7-15a-3. Permitted or Conditional Use; Requirements.

- (1) A residential facility for elderly persons (for purposes of this Chapter, a “facility”) housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.
- (2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.
- (3) Each facility shall comply with the following requirements.
  - (a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
  - (b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.
  - (c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
  - (d) Each facility located in a multi-family zoning district (MR-25, MR-16 and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
  - (e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title ~~one space for each bedroom designed for occupancy by one or two persons and two spaces for each bedroom designed for occupancy by three or four persons, plus one space for each employee.~~
  - (f) No more than four persons may be housed in a single bedroom.
  - (g) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
  - (h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
  - (i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
  - (j) No facility with more than eight occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.
  - (k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

### 7-15a-4. Revocation of Permit.

The City may revoke the Conditional Use Permit and occupancy permit of any facility

upon the occurrence of any of the following:

- (1) the facility is devoted to a use other than a residential facility for elderly persons;
- (2) any license or certificate required by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);
- (3) the facility fails to comply with all of the requirements of this Chapter; or,
- (4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

**7-15a-5. Violations.**

- (1) The following shall constitute a violation of this Chapter:
  - (a) continued occupation of a facility upon the revocation of the conditional use permit or occupancy permit;
  - (b) continued occupation of a facility upon the termination of a required State of Utah license or certificate for the facility;
  - (c) continued providing of a program upon the termination of a required State of Utah license or certificate for that program;
  - (d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;
  - (e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,
  - (f) allowing the facility to be devoted to a use other than a residential facility for elderly persons.
- (2) Any violation of this Chapter is a class B misdemeanor.

**7-15a-6. Reasonable Accommodation.**

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a facility. Any person or entity who wishes to request a reasonable accommodation shall make application to the Director of the Community Development Department and shall articulate in writing the basis for the requested accommodation. Each application for a reasonable accommodation shall be decided by the Director within 30 days. Failure of the Director to issue a decision within 30 days shall be deemed a denial of the application.

**7-15a-7. Appeals.**

- (1) The denial of a request for reasonable accommodation may be appealed to the Zoning Administrator by filing with the Community Development Department a written appeal within ten days of the date of denial. The Zoning Administrator shall issue a written decision within 15 days of the date of the appeal. Failure of the Zoning Administrator to issue a written decision within the 15 days shall be considered a denial of the appeal.
- (2) The decision of the Zoning Administrator may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of denial. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Zoning Administrator of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.
- (3) The revocation of an occupancy permit pursuant to this Chapter may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of the revocation notice. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the Community Development Department of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

**CHAPTER 16. ZONING DISTRICT PURPOSE AND INTENT. MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS**

- 7-16-1. Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts.**
- 7-16-2. Purposes and Intent.**
- 7-16-2.1. Gateway Overlay Districts-Location.**

**TABLE 3**  
**MINIMUM OFF-STREET PARKING STANDARDS**

USE	PARKING REQUIREMENT
Beauty Shop	2 parking spaces for the first patron station, 1 parking space for each additional patron station. Excluding wash stations.
Business Offices and Professional Offices	1 parking space for each 200 square feet of floor area.
Church, Sports Arenas, Theaters, Halls, Meeting Rooms	1 parking space for each 3 seats of maximum seating capacity.
Commercial Day-Care/Pre-School Center	1 for every employee during regular business hours, plus 4 visitor parking spaces with adequate drop off and pick up area as determined by the Director.
Dwellings	2 parking spaces for each dwelling unit.
Hotel and Motel	1 parking space for each sleeping unit, plus 1 for each employee.
Health-Care Facility	1 parking space for each 2 patient beds plus 1 parking space for each employee during regular business hours.
Health-Care Provider	3 parking spaces for each doctors/dentist/therapist or other health care provider plus 1 parking space for each employee during regular business hours.
Manufacturing, Industrial, Wholesale Facilities	1 parking space for each employee during regular business hours, adequate spaces for company owned vehicles, plus 4 visitor parking spaces.
Nursing Home, Convalescent Care Facility	1 parking space for each 4 patient beds plus 1 parking space for each employee during regular business hours.
Public or Private Educational Facility	As approved by director recognizing the location and facility proposed, based on the nearest comparable use standards.
Public Use	As approved by the director, recognizing the location and use proposed based on the nearest comparable use standards.
Residential Facility for Elderly Persons	1 parking space for each bedroom designed for occupancy by 1 or 2 persons; 2 parking spaces for each bedroom designed for occupancy by 3 or 4 persons; 1 parking space for each employee.
Residential Facility for Persons with a Disability	1 parking space for each bedroom designed for occupancy by 1 or 2 persons; 2 parking spaces for each bedroom designed for occupancy by 3 or 4 persons; 1 parking space for each employee.
Restaurant, Bar, Private Club	1 parking space for each 3 seats or 1 parking space for each 100 square feet of gross building square footage (excluding kitchen and storage) whichever is more.
Retail Store, Commercial Center, Personal Services	1 parking space for each 300 square feet of gross building square footage. Furniture and appliance stores: one parking space for each 600 square feet of floor area.

NOTE: All property owners and applicants for all development approvals are advised that in addition to the minimum off street parking spaces required they are also required to comply with the minimum standards for the provision of all required handicapped parking spaces as identified and required by the Americans with Disabilities Act, as amended.

**EXHIBIT C**

**EXISTING LANGUAGE OF THE CITY CODE  
TITLE 7 CHAPTER 4**

## CHAPTER 4. OFF-STREET PARKING REQUIREMENT

### 7-4-1. Off-street parking required.

### 7-4-2. Access to individual parking space.

### 7-4-3. Number of parking spaces.

### 7-4-4. Access requirements.

### 7-4-5. Parking lots.

#### 7-4-1. Off-street parking required.

(1) At least five percent (5%) of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.

(2) For the purpose of this Title, when the required number of off-street spaces results in a fractional space, fractions less than one-half (½) shall be disregarded. Fractions of one-half (½) or more shall be rounded up.

(Ord. 2011-17, 09-21-2011) (Ord. 1983-05, 04-20-1983)

#### 7-4-2. Access to individual parking space.

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

(Ord. 1983-05, 04-20-1983)

#### 7-4-3. Number of parking spaces.

The number of off-street parking spaces required shall be as follows:

(1) Beauty Shop. Two (2) parking spaces for the first patron station and one (1) parking space for each additional patron station. Excluding wash stations.

(2) Business or professional offices. One (1) parking space for each 200 sq. ft. of floor area.

(3) Churches, sports arenas, auditoriums, theaters, assembly halls, meeting rooms, funeral homes, mortuaries, etc. One (1) parking space for each 3 seats of maximum seating capacity.

(4) Commercial Day-Care/Pre-School Center. One (1) space for every employee during regular business hours, plus four (4) visitor parking spaces with adequate drop off and pick up area as determined by the Director.

(5) Dwellings. Two (2) parking spaces for each dwelling unit, unless otherwise specified in Chapter 16 of this Title.

(6) Furniture and appliance stores. One (1) parking space for each 600 sq. ft. of floor area.

(7) Health Care Facility. One (1) parking space for each two (2) patient beds plus one (1) parking space for each employee during regular business hours.

(8) Health Care Provider. Three (3) parking spaces for each doctor, dentist, therapist, or other health care provider plus one (1) parking space for each employee during regular business hours.

(9) Hotels, motels, motor hotels. One (1) space for each living or sleeping unit, one (1) space for each

employee, plus parking space for all accessory uses as herein specified.

(10) Nursing homes. One (1) parking space for each four (4) patient beds plus one (1) parking space for each employee during regular business hours.

(11) Personal Services. One (1) parking space for each 300 sq. ft. of gross floor area.

(12) Public or Private Educational Facility, Public Use. As approved by director recognizing the location and use proposed based on the nearest comparable use standards.

(13) Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments. One (1) parking space for each three (3) seats or one parking space for each 100 sq. ft. of floor area (excluding kitchen, storage, etc.), whichever is more.

(14) Retail Stores. One (1) parking space for each 300 sq. ft. of gross floor area.

(15) Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses. One (1) parking space for each employee during regular business hours, adequate spaces for company owned vehicles, plus four (4) visitor parking spaces.

(16) Commercial Centers. One (1) parking space for each 300 sq. ft. of gross floor area. As determined by the Director, individual establishments in a Commercial Center may share parking stalls upon the establishments demonstrating such factors as different hours of establishment operation and different peak hours of patronage to the sharing establishments.

(17) All other uses not listed above. As determined by the Director, based on the nearest comparable use standards.

(Ord. 2018-13, 08-15-2018) (Ord. 2014-08, 08-06-2014) (Ord. 2011-17, 09-21-2011) (Ord. 1985-17, 11-06-1985) (Ord. 1983-05, 04-20-1983)

#### 7-4-4. Access requirements.

For purposes of this Chapter, a drive approach shall be that portion of the ingress and egress to and from a driveway from the front of the curb to the property line. Adequate ingress and egress to and from all uses shall be provided as follows:

(1) One- and two-family residential lots. Access to one- and two-family residential lots shall be provided to meet the following requirements:

(a) Not more than two (2) drive approaches shall be allowed for any residential lot.

(b) The width of a drive approach shall not be greater than thirty (30) feet or more than one-third (1/3) of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach adjacent to a Cul-de-sac or curved lot with a frontage of less than 90 feet may exceed one-third (1/3) of that frontage, as determined by written administrative policy.

(c) A lot may have a singular thirty-foot drive approach or two (2) drive approaches that total thirty

(30) feet wide. A drive approach shall have a minimum width of ten (10) feet. Two (2) drive approaches on the same lot must have a minimum of twelve (12) feet between them.

(d) A drive approach shall be measured from the bottom of the flares. The flare shall not be greater than three (3) feet long.

(2) Other lots. Access to lots other than one- and two-family residential lots shall be provided to meet the following requirements:

(a) Not more than one (1) drive approach shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.

(b) No two (2) of said drive approaches shall be closer to each other than twelve (12) feet, and no drive approach shall be closer to a side property line than three (3) feet.

(c) Each drive approach shall not be more than forty (40) feet wide, measured at right angles to the center line of the drive approach, except as increased by permissible curb return radii. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to fifty (50) feet wide.

(d) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two (2) or more properties, no drive approach shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.

(e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant shall provide protection strips along the entire frontage of the property, except for the permitted drive approaches and on the street side of each such strip there shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the City Engineer.

(f) Driveways or drive approaches shall not be located where sharp curves, steep grades, restricted sight distances or any other feature or characteristics of the road or driveway or drive approach by itself or in combination impairs safe traffic operation. The relocation of highway signs, signals, lighting or other traffic control devices necessitated by a drive approach shall be relocated by Tooele City or its agent at the permittee's expense.

(Ord. 2004-20, 11-03-2004) (Ord. 1983-05, 04-20-1983)

#### **7-4-5. Parking lots.**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

(1) Each off street parking lot shall be surfaced with a bituminous surface course, Portland cement concrete or other approved surface to provide a dustless surface. The planning commission must approve any

surface that is not bituminous surface course or Portland cement concrete.

(2) The sides and rear of any off-street parking lot which face or adjoin a residential district shall be adequately screened from such district by a masonry wall or solid visual barrier fence not less than three or more than six feet in height as measured from the high side.

(3) Each parking lot shall be landscaped and permanently maintained.

(4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises and from street traffic.

(5) Where not otherwise authorized by this Title, when in the best interests of the community as determined by the planning commission, the commission may grant temporary or permanent conditional use permits for the use of land in residential districts for a parking lot, provided that in all cases the following conditions are met:

(a) The lot is to be used only for parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance and upkeep.

(b) No charges shall be made for parking on the lot.

(c) The lot shall not be used for sales, repair work, or servicing of any kind, but shall be used for parking of vehicles only.

(d) Entrances to and exits from the lot shall be located so as to do the least harm to the residential district in an aesthetic context.

(e) No advertising sign shall be located on the lot.

(f) All parking is to be kept back of the setback building lines by a barrier which will prevent the use of the premises in front of the setback lines for the parking of automobiles.

(g) The parking lot and that portion of the driveway behind the building line is to be adequately screened from the street and from adjoining property in a residential district by a hedge or slightly fence or wall not less than three feet, nor more than six feet in height, which is to be located behind the building setback line. All lighting is to be arranged so there will be no glare therefrom annoying to the occupants of an adjoining property in a residential district. The surface of the parking lot is to be smoothly graded, hard-surfaced and adequately drained.

(h) There may be imposed such other conditions as may be deemed necessary by the planning commission to protect the character of the residential district.

(i) Drainage shall be disposed of upon the premises of the parking lot, as per the requirement set by the city engineer.

(j) No private or public garage or parking lot for more than five motor vehicles shall have an entrance

or exit in any district within 150 feet of the entrance or exit of a public school, church, playground, or other public or semi-public institution or facility.

(Ord. 2004-20, 11-03-2004) (Ord. 1994-56, 01-31-1995) (Ord. 1984-16, 10-\_\_-1984) (Ord. 1983-05, 04-20-1983)



## TOOELE CITY CORPORATION

### ORDINANCE 2019-12

#### **AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-4, CHAPTER 7-15, CHAPTER 7-15A, AND CHAPTER 7-16 REGARDING PARKING AND ASSOCIATED TECHNICAL AMENDMENTS.**

**WHEREAS**, Utah Code §10-8-84 and §10-9a-102 authorize cities to enact ordinances, resolution, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, and good order, comfort, convenience, and aesthetics of the municipality; and,

**WHEREAS**, Tooele City Code Chapter 7-4 contains provisions addressing the parking standards and design aspects of parking facilities for all uses of land; and,

**WHEREAS**, Chapter 15, Chapter 15a, and Chapter 16 of Title 7 of the Tooele City Code contain references to City Code provisions revised by this ordinance and thereby necessitate technical changes to maintain those references; and,

**WHEREAS**, the provisions of the City Code applicable to parking were first established by Ordinance 1983-05 on April 20, 1983; and,

**WHEREAS**, it is proper and appropriate to routinely review the ordinances and provisions of the Tooele City Code for clarity, predictability, relevance, applicability, and appropriateness; and,

**WHEREAS**, it is proper and appropriate to revise provisions of the City Code found to be antiquated, to have diminished in applicability and appropriateness, to be unclear or to have diminished relevance, to lead to difficulties in the predictability of the land use application approval process, or to modernize provisions to adapt to changing conditions and federal and state laws; and,

**WHEREAS**, the City Administration recommends amendments to the above-referenced Chapters of the Tooele City Code in order to accomplish the above-stated purposes and objectives; and,

**WHEREAS**, more specifically, the City Administration recommends the amendments summarized in the list below and shown in Exhibits A-D:

- **Background Purposes**
  - Respond to input from community and applicants regarding needs, frustrations & clarifications
  - General update and modernization of ordinances related to parking
  - General housekeeping and technical updates
  
- **Chapter 7-4 – Off-Street Parking Requirements**
  - Address parking requirements for all permissible land uses
  - Address the methods by which parking requirements are calculated
  - Consolidate parking calculation requirement into a single table that's clear and concise
  - Establish a program of acceptable ranges for parking requirements based off of established calculation requirements
  - Establish provisions in concert with public safety to provide for the safe and convenient

- usage of developments without overly intrusive requirements
- Housekeeping and technical updates
- **Chapter 7-15 – Residential Facilities for Persons with a Disability**
  - Revise established requirements for parking to reference the same in Chapter 7-4
- **Chapter 7-15a – Residential Facilities for Elderly Persons**
  - Revise established requirements for parking to reference the same in Chapter 7-4
- **Chapter 7-16 – Zoning District Purpose and Intent. Mixed use, Commercial, Industrial and Special Purpose Districts**
  - Repeal Table 3 to eliminate duplication with provisions of Chapter 7-4; and,

**WHEREAS**, the purposes of the proposed amendments include the creation of more productive, more predictable, and less cumbersome regulatory program for the implementation of parking facilities associated with the various uses of land permitted throughout the community; and,

**WHEREAS**, a staff-level committee (“Staff”) comprised of the Community Development Director, City Planner, City Engineer, and Public Works Director worked for three months to formulate final recommendations to the Mayor; and,

**WHEREAS**, a City Administration Committee (“Committee”), including the Staff, the Mayor, representation from the Planning Commission, and representation from the City Council, worked for an additional month to refine the Staff recommendations; and,

**WHEREAS**, the Planning Commission discussed the Staff and Committee recommendations during its business meeting of March 27, 2019; and,

**WHEREAS**, on May 8, 2019, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit E); and,

**WHEREAS**, the Planning Commission discussed the Staff and Committee recommendations during its business meeting of April 17, 2019; and,

**WHEREAS**, on \_\_\_\_\_, 2019, the City Council convened a duly-advertised public hearing:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TOOELE CITY** that Tooele City Code Chapter 7-4 is hereby amended as shown in Exhibit A, Chapter 7-15 is hereby amended as shown in Exhibit B, Chapter 7-15a is hereby amended as shown in Exhibit C, and Chapter 7-16 is hereby amended as shown in Exhibit D.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

**IN WITNESS WHEREOF**, this Ordinance is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form: \_\_\_\_\_  
Roger Evans Baker, City Attorney

**EXHIBIT A**

**PROPOSED REVISIONS TO TOOELE CITY CODE CHAPTER 7-4**

**EXHIBIT B**

**PROPOSED REVISIONS TO TOOELE CITY CODE CHAPTER 7-15**

**EXHIBIT C**

**PROPOSED REVISIONS TO TOOELE CITY CODE CHAPTER 7-15A**

**EXHIBIT D**

**PROPOSED REVISIONS TO TOOELE CITY CODE CHAPTER 7-16**

**EXHIBIT E**

**PLANNING COMMISSION MINUTES OF MAY 8, 2019**



**TOOELE CITY PLANNING COMMISSION MINUTES**  
**April 24, 2019**

**Date:** Wednesday, April 24, 2019

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

**Commission Members Present:**

Tony Graf  
Tyson Hamilton  
Melanie Hammer  
Shaunna Bevan  
Phil Montano  
Matt Robinson  
Ray Smart

**Commissioner Members Excused:**

Chris Sloan  
Bucky Whitehouse

**City Employees Present:**

Jim Bolser, Community Development Director  
Andrew Aagard, City Planner  
Paul Hansen, City Engineer

**City Employees Excused:**

Roger Baker, City Attorney

**Council Members Excused:**

Council Member McCall  
Council Member Gochis

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Graf.

**2. Roll Call**

Tyson Hamilton, Present  
Tony Graf, Present  
Melanie Hammer, Present  
Ray Smart, Present  
Shaunna Bevan, Present

Phil Montano, Present  
Matt Robinson, Present

**3. Recommendation on a Preliminary Plan Subdivision for the Lexington Greens at Overlake Subdivision, application by Charles Akerlow of Zenith Tooele, LLC locates at approximately 600 West 1200 North in the R1-7 Residential zoning district for the purposes of creating 192 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated the subject property is located west of 400 West and Franks Drive and north of 1000 North in a largely undeveloped area. An aerial map of the property was shown on the screen. Overlake and Providence Phase 2 are the closest developments, located to the east. Providence Phase 2 is in the process of developing and Overlake is built. The subject property is zoned R1-7 Residential, as are all of the surrounding properties, except for Overlake that has a P zoning. This will be 192 lots and each lot within the subdivision meets the minimum standards of the R1-7 Residential for lot size, width, and frontage. The proposed preliminary plat has been reviewed extensively by staff and staff is recommending approval of the plan with the six conditions listed in the staff report.

Chairman Graf asked the Commission if they had any questions of comments.

Commission Hammer asked about fencing. In the staff report there was a statement that there are no areas where fencing is required by the City Code, but she stated that the lots do about 400 West with green space. There won't be fencing next to the green space and road? Mr. Aagard stated that the fencing was reviewed and in City Code, double fronting lots are required to have fencing, but in this situation, staff determined that the landscape buffer was wide enough, and the developer will maintain the landscape buffer. The lots are not necessarily double frontage lots, because of the landscape buffer. If the Planning Commission feels that fencing is warranted there, that can be a recommendation. Commissioner Hammer stated that she wonders what it will look like with all different types of fencing or no fencing as far as continuity of the neighborhood. Mr. Aagard stated that in his review he did ask the applicant about fencing and the applicant stated that they would not be putting fencing there. Chairman Graf stated that he shared that same concern because along that road all the other subdivisions have fencing, some stone and some vinyl. It seems to be a pretty substantial area.

Commissioner Hammer asked about Frank's Drive, is that a new name or has she missed it? Mr. Aagard stated that Frank's Drive is the name of the road between 400 West and 600 West. Mr. Bolser stated that it is a historical name of the road.

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

**Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Lexington Green at Overlake Preliminary Plan Subdivision Request by Charles Akerlow, representing Zenith Tooele LLC, for the purpose of creating 192 single family residential lots application number P19-37, based on the findings and subject to the conditions listed in the**

**Staff Report dated April 17, 2019 including recommendations from the city.** Commissioner Montano seconded the motion.

Chairman Graf stated that in light of comments he would like to consider a fencing requirement for continuity of the area and fencing.

Bevan amended her motion to include fencing that continues with the continuity of fencing along the road in accordance with the fencing requirements required by the City.

Commissioner Robison asked if the other subdivisions had fencing requirements. Mr. Aagard stated that Providence installed vinyl fencing because it was required. Commissioner Hammer asked if they are part of the special service district? Mr. Aagard stated that they are.

Chairman Graf asked if this development will be part of the Special Service District? Mr. Aagard stated no. Commissioner Hammer stated there will be a HOA. Mr. Aagard stated that the HOA will maintain the space.

Chairman Graf asked if Commissioner Montano would like to amend his second motion to include fencing? Commissioner Montano stated yes.

**Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Lexington Green at Overlake Preliminary Plan Subdivision Request by Charles Akerlow, representing Zenith Tooele LLC, for the purpose of creating 192 single family residential lots application number P19-37, based on the findings and subject to the conditions listed in the Staff Report dated April 17, 2019 including recommendations from the city and to recommend fencing for the project along 400 West for continuity of fencing with other subdivisions and within the City Code requirements for fencing.** Commissioner Montano seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

**4. Recommendation on a Final Plat Subdivision for the Dow James Subdivision, application by Tooele City located at 438 West 400 North in the OS Open Space zoning district for the purposes of consolidating 4 existing "lots on record" into 2 platted subdivision lots.**

Presented by Andrew Aagard

Mr. Aagard stated that the new subdivision plat will encompass the existing Dow James Park and Ball Field. The property is currently zoned OS Open Space. Properties to the east are zoned R1-7 and MR-16, Multi-Family Residential. Properties to the south are zoned R1-7 and properties to the west are MR-8, Multi-Family Residential. Properties to the north will remain zoned OS Open Space. An aerial photograph was shown on the screen. Currently the park is located on six lots of recorded and is not within a subdivision. The proposed subdivision plat consolidates those lots of record into two lots. Lot one being 4.5 acres and lot two 10 acres. The plat also creates access easement in favor of lot one across lot two. The proposed subdivision meets the minimum lot standards for lot width, frontage, and lot requirements as

required by Open Space zoning. Staff has reviewed the proposed subdivision plat and is recommending approval with four basic housekeeping conditions in the staff report.

Chairman Graf asked the Commission if there were any questions and comments, there were none.

**Commissioner Robinson moved to forward a positive recommendation to the City Council for the Dow James Subdivision Final Plat Request by Tooele City, for the purpose of creating two platted open spaces lots, application number P19-271, based on the findings and subject to the conditions listed in the Staff Report dated April 17, 2019.** Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

5. **Recommendation on a Final Condominium Plat for Canyon Village – Rust Phase 1 Condominiums; application by Monte Kingston of Mountain Vista Development located at 1770 North 350 East in the MR-16(Multi-Family Residential 16 Units Per Acre) zoning district, for the purposes of amending the Canyon Village-Rust Phase 1 Subdivision Plat and creating condominium units and associated common areas.**

Presented by Andrew Aagard

Mr. Aagard stated that this property is east of Copper Canyon Drive and south of Pine Canyon Road. An aerial photograph was shown on screen. All properties are zoned MR-16, Multi-Family Residential 16 units per acre. Properties to the east, west and south are similarly zoned, and property to the north is neighborhood commercial. Currently the lots are zoned as duplex lots in the Canyon Village Rust Phase 1 Subdivision Plat. This application amends phase 1 plat by vacating the existing lots 122 through 127. The new plat will then create 24 new condominium style units and parcels A and B will be described as common and limited common area maintained by a HOA. Staff has reviewed the proposed condominium plat and is recommending approval with the four basic housekeeping conditions listed in the Staff Report.

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

Commissioner Hammer stated that the property requires two parking stalls per unit and then a quarter of a stall per unit for additional parking. Will that be within City Code for parking? Mr. Bolser stated that these do not require parking like multi-family units. These are considered single family dwellings and will fall within the City Code for parking of single family.

Commissioner Hammer asked then where do visitors park with no overflow parking? Mr. Bolser stated that the units will have driveways and garages for visitors but also the street

Commissioner Hammer stated that there is a unit sort of like this with townhomes and the townhome association red striped all the curbs, so you cannot park on the curb. It makes the parking overflow into the neighboring streets will this be something like that? Mr. Bolser stated that red striping this area would take an act of the City Council. Mr. Aagard stated that the

development does have a standard right-of-way so there is plenty of room for vehicles to pass and park on the street.

**Commissioner Hamilton moved to forward a positive recommendation to the City Council for the Canyon Village Rust Condominiums Condominium Plat Request by Monte Kingston, representing Mountain Vista Development, Inc for the purpose of creating 24 condominium units, application P19-14, based on the findings and subject to the conditions listed in the Staff Report dated April 17, 2019.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, “Aye,” Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Montano, “Aye,” Chairman Graf, “Aye.” The motion passed.

**6. Recommendation on a Final Plat Subdivision for Sunset Estates Phase 8, application by Russ Tolbert of Hallmark Homes located at approximately 400 West 2300 North in the R1-10 Residential zoning district, for the purposes of creating 24 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated that the proposed final plat subdivision is north of the Clark Johnson Junior High School, east of 400 West and south of the future 2400 North right-of-way. Properties around the development are largely vacant. Property is zoned R1-10 Residential as are properties to the north and east. R1-7 Residential is zoned to the west. The final plat subdivision will create 24 single family residential lots. Each lot within the subdivision meets or exceeds all minimum lot standards and other development standards as required by the R1-10 Residential zoning. Staff has reviewed the subdivision and is recommending approval with four basic housekeeping conditions listed in the Staff Report.

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

Commissioner Bevan asked what is the plan for the 2400 North road, will it continue down from Home Depot? Mr. Aagard stated that as development occurs, each developer will have to construct their portion of the right-of-way. Hallmark Homes is starting the migration east. They are constructing a portion of 2400 North and as they develop to the east, the road will continue. Eventually it will tie in.

Commissioner Hamilton stated that goes with the road to the west as well? Mr. Aagard stated yes.

Chairman Graf stated that he read in the report that the property will need to meet or exceed fencing standards. Mr. Aagard stated that there are double fronting lots, so landscaping and fencing will be needed. This development will be part of the North Tooele Service District.

Commissioner Smart asked if Mr. Aagard what the median price will be for the homes they will be building? Mr. Aagard stated he did not, but he knows that the size of the home permits are about 2800 square feet total.

**Commissioner Robinson moved to forward a positive recommendation to the City Council for the Sunset Estates Phase 8 Final Plat Subdivision Request by Russ Tolbert, representing Hallmark Homes for the purpose of creating 24 single-family residential lots, application P19-67, based on the findings and subject to the conditions listed in the Staff Report dated April 18, 2019.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

7. **Review and Approval of Planning Commission minutes for meeting held April 10, 2019.**

Commissioner Bevan stated that she had asked to be marked as excused rather than absent.

**Commissioner Hammer moved to approve minutes from the meeting held on April 10, 2019, with the edits.** Chairman Hamilton seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano "aye," Chairman Graf, "Aye." The motion passed.

Mr. Bolser stated that he wanted mention that Commissioners Whitehouse and Sloan are excused as well as City Attorney Roger Baker and both Council Members McCall and Gochis.

8. **Adjourn**

Commissioner Hamilton move to adjourn the meeting. The meeting adjourned at 7:25p.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 8th day of May, 2019

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Tony Graf, Chairman, Tooele City Planning Commission