

**TOOELE CITY PLANNING COMMISSION MINUTES**

**April 10, 2019**

**Date:** Wednesday, April 10, 2019

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

**Commission Members Present:**

Tony Graf  
Tyson Hamilton  
Melanie Hammer  
Chris Sloan  
Phil Montano  
Bucky Whitehouse  
Ray Smart

**Commission Members Excused:**

Matt Robinson  
Shaunna Bevan

**City Employees Present:**

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

**Council Members:**

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 Commissioner Smart.

**2. Roll Call**

Tyson Hamilton, Present  
Tony Graf, Present  
Melanie Hammer, Present  
Chris Sloan, Present  
Ray Smart, Present  
Phil Montano, Present  
Bucky Whitehouse, Present

3. **Public Hearing and Decision on a Conditional Use Permit to allow for additional height on a new accessory structure located at 438 North 150 West in the R1-7 Residential zoning district on approximately .67 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the property is located east of 200 West and north of 400 North with frontage onto the 150 West alley. An aerial map of the property was shown on screen. The zoning of the property is R1-7 Residential as are all of the surrounding properties. Tooele City Code limits accessory building heights to 15 feet measured at the mid-point of roof pitch. However, the code also allows accessory buildings to exceed 15-foot height requirement with a Conditional Use Permit approved by the Planning Commission. The applicant is requesting the Conditional Use Permit to allow a 19 foot 4-inch tall accessory building at the mid-point of roof pitch. Staff visited the area and there are other accessory structures of similar construction and building height located on adjacent properties. The proposed 19 foot 4-inch tall building will not be out of character with the neighborhood. Mr. Aagard stated that staff inserted conditions that relate to the structure meeting all ordinance requirements regarding building setbacks, setbacks from adjacent buildings, lot coverage and other basic housekeeping conditions related to the construction of the structure. Staff has also inserted a condition that maximum building height be 19 feet 6 inches. This, should accommodate the height requested by the applicant and any unforeseen construction variations that may occur. Staff did receive one comment from a neighboring property owner who asked that his name be read into public record. Curtis Dorman contacted staff and expressed his support of the applicant's proposed plans and had no issues with the building height being proposed. Staff is recommending approval of the Conditional Use Permit with the conditions listed in the Staff Report.

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

Chairman Graf stated that a letter was submitted to the Commission by Harry and Theresa Shinton, recommending approval. Chairman Graf stated that his only concern with the building is if it is consistent with the neighbors and it appears to be.

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

**Commissioner Hamilton motioned to approve the Conditional Use Permit request Matt Shinton for increased building height for a detached accessory structure, application number P19-187, based on the findings and subject to the conditions listed in the Staff Report dated April 3, 2019.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

4. **Public Hearing and Decision on a Conditional Use Permit to allow the use of “Chemical manufacture and Storage” for Davey Bickford Transload, an industrial rail port, located at 111 South Feldspar Road in the I Industrial zoning district on approximately 4 acres.**

Presented by Andrew Aagard

Mr. Aagard stated that this Conditional Use Permit is for Davey Bickford which has had a prior Conditional Use Permit approved in the past several months. The company has changed locations for the transload business and are proposing operations at the location along Feldspar Road near K Avenue. The property is zoned I Industrial as are all of the surrounding properties. There will storage of ammonium nitrate prill, prill being a solid condition of the product. The storage will be onsite in railcars for up to and possible more than 24 hours and thus the requirement for the Conditional Use permit. There will be railroad spurs and transloading equipment on the site but no buildings Employees will arrive at the site, transfer the material and return to the main office or staging area. Staff is recommending approval of the Conditional Use Permit with seven conditions. Conditions relate to truck traffic using established truck routes, obtaining a Tooele City Business License, ensuring chemical spills are cleaned up in accordance with local, state, and federal laws and that any change in product type is disclosed with the Tooele City Fire Department prior to transferal operations of the product type on the site. This item was noticed for the public hearing and staff has not received any comments or concerns from adjacent property owners.

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

Commissioner Sloan asked if the Conditional Use Permit is substantively the same as the prior application other than the location. Mr. Aagard stated that it is.

Chairman Graf opened the public hearing for comment, there were none. Chairman Graf closed the public hearing.

Chairman Graf stated that he appreciated the information sheet on the ammonium nitrate prill which was included with the staff report and that it was helpful for understanding the application.

**Commissioner Hamilton moved to approve the Conditional Use Permit Request by Charles Chadwick, representing Davey Bickford USA, permitting “Chemical Manufacture and Storage” on property located at 111 South Feldspar Road, application number P19-182, based on the findings and subject to the conditions listed in the Staff Report dated April 3, 2019.**

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

5. **Recommendation on a Minor Subdivision Final Plat for the Mountain View Meadows Subdivision, application by Laramie Dunn Representing Eagle Point Homes, located at 560**

**South 50 West in the R1-7 Residential zoning district for the purposes of creating 4 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated that the property proposed for subdivision is located west of 50 West. A map of the property was shown on the screen. Predominant land uses in the area are residential, some agricultural, and a church nearby on the east side of 50 West. The property is zoned R1-7 Residential with MU-G Mixed Use General zoning on the east side of 50 West. The applicant is proposing to subdivide one 2.35-acre parcel into 4 single-family residential lots. Lots will range in size from 9,900 square feet to up to 59,600 square feet. Each lot will front onto and have access to 50 West, a public right of way. All lots within the subdivision meet or exceed minimum requirements for lot width, lot frontage and lot size as required by the R1-7 residential zone. Lot 4 is the largest lot and the northern portion of this lot will be encumbered by a permanent storm water retention easement. The proposed subdivision meets or exceeds all applicable standards and ordinances for development as required by the Tooele City Code. Staff is recommending approval of the subdivision request with the 4 basic housekeeping conditions listed in the Staff Report.

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

**Commissioner Hammer moved to forward a positive recommendation to the City Council for the Mountain Views Minor Subdivision Request by Laramie Dunn, representing Eagle Point Homes to create 4 single-family residential lots at 560 South 50 West, application number P18-621, based on the findings and subject to the conditions listed in the Staff Report dated April 4, 2019.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

**6. Recommendation regarding on a Preliminary Plan Subdivision for the Hunter's Meadow Subdivision, application by Kameron Spencer representing MW Brown Engineering, located at approximately 760 West 700 South in the R1-7 Residential zoning district for the purposes of creating 54 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated this property proposed for subdivision is located north of 700 South Street and west of Coleman Street. An aerial of the property was shown on the screen. The property is surrounded by single family residential and agricultural uses. The property is zoned R1-7 Residential. Properties to the west and south are currently zoned MDR Medium Density Residential or soon to be MR-8 Multi-Family Residential but are all single-family homes. The applicant is proposing to subdivide 14 acres of property into 54 single family residential lots ranging in size from 7,100 up to 12,400 square feet. Each lot within the subdivision meets or exceeds all minimum lot development standards for lot size, lot width, and lot frontages as

required by the R1-7 Residential zoning district. There are three connections to this subdivision. Connections will be from 700 South, from 680 South at the west and a connection to American Way across the Settlement Canyon Irrigation easement to the north. There is a storm water detention pond proposed at the north west corner of the subdivision. This pond will need to be landscaped and will ultimately be dedicated to Tooele City. The landscape and irrigation plan will be reviewed in greater detail during the final subdivision plat application. Lot 45 is a flag lot which is permitted in unique situations by Tooele City subdivision ordinance. In order to accommodate the most effective and safe road network in the subdivision a flag lot was necessary to develop that corner. The flag lot itself meets ordinance requirement and the staff portion of the flag lot is required to be paved in either concrete or asphalt. Staff is recommending approval of the preliminary plan with the usual housekeeping conditions along conditions 5 and 6, which pertain to the necessary improvement to the flag lot and the detention pond landscaping plans for final plat review.

Chairman Graf asked if there were any further comments.

Commissioner Smart indicated that the lots will enter into the inside road, but lot 54 will have an entrance on Coleman. Mr. Aagard stated that was correct. Mr. Hansen stepped forward to address the Commission, stating that Mr. Kameron Spencer, applicant was headed to the meeting, but was delayed by traffic. Mr. Hansen stated that lot 54 is part of the existing Porters Place Subdivision, and will access Coleman Street. It is a three-lot subdivision that was approved nearly a year ago. As part of the subdivision proposal, the development will take Lot 1 of the Porter's Place Subdivision and make it into Lot 54, with the balance of the lot being included within proposed 40, 41, and 42.

Chairman Graf stated he has concerns about lot 45 the flag lot. He asked how wide the driveway is for the lot? Mr. Aagard stated that he believed it was 28 feet and standards are 20 feet. Chairman Graf stated that his concern is a safety concern. In looking at lots 46 and 44 they would be entitled to put in fencing and assuming it is bordering their house and property line, it could be 6 feet. With the home offset and the length of the driveway, the driveway could be encased by fencing if the neighbors put it up. There would be a significant blind spot that could, with a resident backing up, make it hard to see a kid on a bicycle or a car and limit the amount of time to react to a dangerous situation. On a normal lot that is not the case because there is a clear view on both sides of the driveway. Chairman Graf further stated that he is concerned about how this conforms to the neighborhood. The flag lot will be offset and have a strange frontage. That might be different from the other lots. He further stated that he is concerned that the home that would fit on lot 45 would be significantly different than the other homes in the development due to the uniqueness in the lot. Mr. Aagard stated that Tooele City's Fencing Ordinance requires that all fencing in the front yard setback to be three feet or less. The front yard fencing on the parcels in the front 25 feet of lots 44 and 46 would be no taller than 3 feet. That should provide some visibility for the cars backing out. In regards to the home on the flag lot, Tooele City Ordinance only requires certain setbacks and minimum building sizes. Commissioner Sloan added that based on the configuration of the lots the setbacks will be substantial. He pointed out on the plat map where the fencing would fall with the homes and driveways. Chairman Graf stated that with the setback on the map the six-foot fence would be near the corner and travel slightly southward. That creates a blind spot for lot 45. The house

could have the blind spot if angled. Commissioner Sloan stated a pretty good size rambler could be on the lot. Mr. Aagard added that the builder or buyer would determine the front yard. Mr. Bolser stated he wanted to add some clarification, that some of the key points for lots 44 and 46 is that the properties the homes would fall where the numbers are on the map. There wouldn't be any fencing above three feet forward from the numbers on the map to the road. The entire length of the staff piece of property would have only three feet of fencing due to the set backs of the other properties. Chairman Graf stated that the explanations satisfied his main concerns

Commissioner Hammer stated that she has not seen a flag lot before and are there other flag lots in Tooele City. What are other concerns that come with these types of lots? Mr. Aagard stated that flag lots occur often, but not in Tooele City. The flag lots per ordinance are a last effort to help oddly configured properties. In the previous City, that Mr. Aagard worked in, flag lots were common and had private lanes. There were no issues with the lots, there was just a long driveway. Commissioner Hammer asked how fencing issues are monitored in the City. For example, if one of these neighbors did not know the three-foot limit on fencing how would that be addressed. Mr. Aagard stated that the City has on Code Enforcement Officer, but he did not know if she addressed fencing. Fencing is typically reviewed on a complaint basis, meaning if a neighbor complains then the Code Enforcement Officer would investigate to determine code compliance.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Hunter's Meadow Preliminary Plan subdivision request by Kameron Spencer, representing MW Brown Engineering to create 54 single-family residential lots at approximately 760 West 700 South, application number P18-285, based on the findings and subject to the conditions listed in the Staff Report dated April 4, 2019.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes

**7. Public Hearing and Recommendation on Ordinance 2019-09, an ordinance of the Tooele City Council reassigning the land use designation of the General Plan Land Use Map for Medium Density Residential or High Density Residential land use classification for certain undetermined properties throughout Tooele City.**

Presented by Jim Bolser

Mr. Bolser stated that this is the formal completion of process that was started a couple meetings prior. Mr. Bolser stated that with the Commissions' permission he would address the next two agenda items, seven and eight together because they are the same topic. The Commission will need to hold separate public hearings, and motion separately but they are the same issue. Last month the City Council formally adopted that an ordinance that essentially overhauled the multi-family residential provisions in the City Code. The changes did not make changes to two maps, the General Plan Land Use Map and the Tooele City Zoning Map. The ordinance was intended to do two things; one is to automatically convert the existing land uses to the new density classifications and secondly allow the Commission to review any properties

in the City that might be appropriate to be moved to the new zones. As the commission is aware the MDR, Medium Density Residential moved to the MR-8, Multi-Family Residential zone. The HDR, High Density Residential is now MR-16, Multi-Family Residential and there is a creation of a new MR-25, Multi-Family Residential zone. The zones that are currently on the map would move to the appropriate MR zone, MDR to MR-8 with up to 8 units per acre and HDR to MR-16, with up to 16 units per acre. Currently there are no properties that correspond to the MR-25 up to 25 units per acre. The Commission can recommend the MR-25 to any areas on the map that they see fit and the modify any other current zones as they see fit. Both the General Plan Land Use Map and Tooele City Zoning Map need to be modified to correspond with the ordinance changes.

Mr. Bolser stated that in prior meetings there have been three areas on the map that have been discussed by the Commission for reassignment to multi-family residential zones. Those land owners have received notification through mail about possible reassignment in zoning. All properties in the City are open for the discussion.

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

During the following discussions Mr. Bolser used a tablet and pen projected on screen to provide visuals for land properties and areas which might have zoning changes.

Commissioner Sloan stated the property that was previously discussed on the north side of 1000 North, the Commission had previously drawn an arbitrary line straight north and south through properties. Commissioner Sloan stated that he had received a comment from the general public that suggested that the Commission pay a little more attention to the property lines. Mr. Bolser stated that the last discussion was fairly general. All properties in this area were noticed of possible changes. Mr. Bolser stated that the west boundary of the zone also bisects properties with LI, Light Industrial zoning, so the Commission might want to consider, if going with property boundaries to adjust the west side as well.

Commissioner Sloan stated looking at the property and heading north on the General Commercial zoning district line, the parcel just west of the GC zone does an inverted L around the GC area. Instead of having the line run straight north from the GC line, maybe go east to the property line and then turning north to the next property line. It would then follow the property lines to the north of the area up the zone ending at the R-5 Residential zone.

Mr. Baker stated that he didn't think that in legal terms the zoning needed to follow the property lines due to the processes that are in place to review property development and to alter property boundaries.

Mr. Bolser moved to another property to be discussed on 100 East. There are two properties on 100 East that will be reassigned to the MR-16, due to current zoning. There is also a nonconforming property that could be reassigned to the MR-16 due to the current apartment complex use. The discussion last time was to make these a straight conversion or modify these properties to the MR-25 zone. The northern piece there is an apartment complex under

construction and in the site plans there is a space for an additional building which would meet the MR-25 zoning if the zoning changes but would not under MR-8 zone.

Mr. Baker asked if Mayor Winn had indicated a desire for MR-25 zoning district to be applied to the referenced apartment complex. Mr. Bolser stated she has expressed interest in that. Mr. Baker asked if she has expressed interest in the other properties being modified to the MR-25 zone. Mr. Baker stated she has not or he was not aware of any comments. Mr. Bolser stated that the two southern properties would be conforming at MR-16.

Chairman Graf asked if there were any other questions or comments.

Mr Bolser stated that there is one other area that was discussed during the prior meeting discussion. There is an area around the Dow James Park that there are existing apartments and a mobile home development which are nonconforming and would be conforming by density at MR-16. There has been discussion that the trailer park would be interested in the MR-16 zone as well during a response hearing on another property. There is also a property under development between the apartments and trailer park that is in process and would conform to the MR-16 zone.

Mr. Bolser clarified the map zones addressed in the meeting would be recommended at the area around Dow James and 500 North would be a MR-16 , the three properties off of 100 East would be MR-25 and the area off of 1000 North is still under discussion.

Commissioner Sloan stated that originally the plan was to make a straight line through the property and have MR-25 and MR-8. But as discussed tonight there was discussion to maybe follow the boundary lines. There is a little jut on one property being considered for the MR-25 zone and that jut goes into the area considered for the MR-8 zone. Mr. Bolser asked about the jut, what side of the line should it go to, MR-25 or MR-8? Commissioner Sloan stated that his concern is that a future apartment building may be a problem if the MR-25 is in a large MR-8 zone. Mr. Baker stated that he is not concerned about the property lines. Whenever any of these properties are developed there is a process that can be followed at the County to modify property boundaries. It will be simple to deal with at that time. If you leave it a straight line north to south, the property owner will have a jutting area of MR-25 into the MR-8, but it would be simple to cut that off with the zoning boundary and to develop at MR-8. Commissioner Sloan stated that the intent of the MR-25 zoning at that location is to be a buffer for the LI, Light Industrial zoning on the west side for the RR-5 area under discussion, but the jut of MR-25 may not go with the intention of the buffer zone.

Chairman Graf asked what the size of the shaded square is? Mr. Bolser stated that he had not looked at that and did not have that information.

Commissioner Hamilton asked if this is an area that there are drainage issues. Mr. Bolser stated that as discussed last time there is drainage channel for Middle Canyon that goes through the area under question. It fans out over the RR-5 zoning area currently. There is drainage that traverses through the MR-8 section if zoned as MR-8. Commissioner Sloan stated that the



drainage reminded him that the reason for the straight line between the MR-8 and MR-25 zoning is due to drainage.

Chairman Graf opened the public hearing for comment, there were no comments. Chairman Graf closed the public hearing.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Multi-Family Residential General Plan Land Use Map Amendment Request by Tooele City, application number P19-226, based on the following findings and conditions;**

- Existing MDR and HDR zones will be reassigned to the corresponding MR zones, MR-8 and MR-16.
- Changing the zoning for property located in the RR-5 section on 1000 North to MR-8 the Medium Density Residential Land Use for all property to the eastern boundary east of the general commercial property zone. Property on the west side of the general commercial boundary line be zoned as MR-25 to the High Density Residential Land Use.
- The property on 100 East be changed to MR-25 the High Density Residential Land Use.
- Property off of 400 North be changed to the MR-16 High Density Residential Land Use.

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

**8. Public Hearing and Recommendation on Ordinance 2019-10, an ordinance of the Tooele City Council reassigning the zoning designation on the official Tooele City Zoning Map to the MR-8 Multi-Family Residential, Mr-16 Multi-Family Residential, or MR-25 Multi-Family Residential zoning district for certain undetermined properties throughout Tooele City.**

This item was discussed under item 7.

Chairman Graf opened the public hearing for comments, there were none. Chairman Graf closed the public hearing.

**Commissioner Hammer motioned to forward a positive recommendation to the City Council for the Multi-Family Residential Zoning Map Amendment Request by Tooele City, application number P19-227, based on the following findings and conditions;**

- Existing MDR and HDR zones will be reassigned to the corresponding MR zones, MR-8 and MR-16.
- Changing the zoning for property located in the RR-5 section on 1000 North to MR-8 for all property to the eastern boundary east of the general commercial property zone. Property on the west side of the general commercial boundary line be zoned as MR-25.
- The property on 100 East be changed to MR-25
- Property off of 400 North be changed to the MR-16

**The recommendations will conform with the General Plan Land Use Map.**

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

**9. Review and Approval of Planning Commission minutes for meeting held March 27, 2019.**

Chairman Graf asked the Commission if they had any questions or comments, there were none.

**Commissioner Hammer moved to approve minutes from the meeting held on March 27, 2019.**

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

**10. Adjourn**

Commissioner Hamilton move to adjourn the meeting. The meeting adjourned at 8:00p.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 24th day of April, 2019

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Tony Graf, Chairman, Tooele City Planning Commission