

TOOELE CITY PLANNING COMMISSION MINUTES
August 28, 2019

Date: Wednesday, August 28, 2019

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

Commission Members Present:

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

Commission Members Excused:

Chris Sloan
Bucky Whitehouse

Commission Members Absent:

Ray Smart

City Employees Present:

Andrew Aagard, City Planner
Derrick Larsen, Assistant City Attorney

City Employees Excused:

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

Council Members Present:

Council Member McCall
Council Member Gochis

Minutes prepared by Kelly Odermott

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Graf.

2. Roll Call

Tyson Hamilton, Present
Melanie Hammer, Present

Shauna Bevan, Present
Phil Montano, Present
Matt Robinson, Present
Tony Graf, Present

3. Public Hearing and Decision on a Conditional Use Permit to permit a home based child pre-school business, by PreScholars Pre-School, to be located at 518 East 810 North on .2 acres in the R1-7 Residential Zone.

Presented by Andrew Aagard

Mr. Aagard stated the property in question is a corner parcel just south of 810 North and west of 520 East. The property to the east is a vacant parcel, but is in the process of receiving permits for development. The subject property is currently zoned R1-7 Residential, as are all of the surrounding properties. In the City's Home Occupation Ordinance, any occupation around children, such as daycare or preschool requires a Conditional Use Permit. The ordinance allows up to eight children maximum in the home. The applicant is requesting eight children. Pictures of the property were shown, including the fencing around the rear yard. Mr. Aagard stated that staff does have one concern about the location. It is called a clear view corner. It is a site visibility triangle and the ordinance requires that the corners remain open for cars that may be turning at the corner. One of the conditions in the Staff Report recommends that the applicant educate clients from parking in the corner area. The applicant indicated that there is plenty of driveway space to accommodate six to eight vehicles. Staff is recommending approval with the conditions listed in the Staff Report. This is a public hearing and notices were sent to neighboring property owners, no concerns or comments have been received by staff.

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

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

Chairman Graf asked about the City Council expanding this the City Home Occupation Ordinance for up to 16 children. Would this applicant or any prior applicant be required to reapply for a Conditional Use Permit after the proposed change? Mr. Aagard, stated that the Conditional Use Permit will need to be amended to recognize the ordinance change. That will be the case with all other currently approved home occupant business' that wish to expand. If applicants do not have a Conditional Use Permit already the applicants will need to apply for a Conditional Use Permit. Those Conditional Use Permits will need to be reviewed by the Planning Commission on a case by case basis.

Commissioner Bevan motioned to approve the Conditional Use Permit Request by Melissa Salazar, requesting PreScholars Pre-School to operate a home business at 518 East 810 North, application P19-579, based on the findings and subject to the conditions listed in the Staff Report dated August 21, 2019, including the condition that the applicant shall preserve the site visibility triangle at 810 East, 520 North. Commissioner Hammer seconded the motion.

The vote as follows: Commissioner Hammer, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Montano, “Aye,” Commissioner Hamilton, “Aye,” Chairman Graf, “Aye.” The motion passes.

4. **Recommendation on a Condominium Plat for Porter’s Place Subdivision creating 6 condominium duplex style units at approximately 596 South Coleman Street on .98 acres in the R1-7 Residential Zone.**

Presented by Andrew Aagard

Mr. Aagard stated that that Planning Commission approved this subdivision about a year and half ago. It sits just west of Coleman Street and North of 700 South. The property is zoned R1-7 Residential as are all of the surrounding properties and all are utilized for residential, with some agriculture. The proposed change is to transition from a duplex plat to a condominium plat. There would be no new lots with the plat. The condominium plat creates ownership situations for the individual unit owners. The plat creates some limited common and common area spaces. With the limited common area, the uses are dependent on the determinations made by the association. Typically, the limited common area would be private yard space. The common area is more of the front yard space and driveway. Mr. Aagard stated that on the plat map, parcel A is a remnant piece and will be included in the Hunters Meadow Subdivision. The Hunters Meadow Subdivision will be utilizing parcel A as part of the subdivision plat and the condominiums plat will be amended to recognize this change. Staff is recommending approval.

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

Commissioner Montano stated that he is familiar with the property and there is a real estate sign that stated duplex lots for sale. He asked if the change from duplex to condo changes anything with the lot? Mr. Aagard stated that the condo plat ensures the internal ownership of the condo space to each owner.

Commissioner Hamilton motioned to forward a positive recommendation to the City Council for the Porter’s Place Condominium Plat Request by Mike Watson by Lazarus Investments, LLC for the purpose of creating 6 condominiums units, application number P19-166, based on the findings listed in the Staff Report dated August 22, 2019. Commissioner Robinson seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Montano, “Aye,” Commissioner Hamilton, “Aye,” Chairman Graf, “Aye.” The motion passes.

5. **Review and Approval of Planning Commission minutes for meeting held August 14, 2019.**

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

Commissioner Bevan moved to approve minutes from the meeting held on August 14, 2019 as amended. Commissioner Hammer seconded the motion. The vote as follows: Commissioner

Hammer, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Hamilton, “Aye,” Commissioner Montano, “Aye,” Chairman Graf, “Aye.” The motion passes.

6. **Adjourn**

Commissioner Hammer adjourned. The meeting adjourned at 7:15p.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 11th day of September, 2019

Tony Graf, Chairman, Tooele City Planning Commission