

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, December 9, 2020** 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.

**** NOTICE ****

Tooele City has implemented Governor Herbert's health guidelines regarding public gatherings. We strongly encourage anyone interested to join the Planning Commission meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecity>. If you would like to submit a comment for a public hearing item you may email pcpubliccomment@tooelecity.org anytime after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read at the designated points in the meeting. If you choose to attend this meeting in person we ask that you maintain social distancing and wear a face covering. **In compliance with public health guidelines, Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.**

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** on a Zoning Map Amendment request by DR Horton to reassign the zoning for approximately 86.9 acres located generally at 1600 North 300 East from the existing zoning districts of NC Neighborhood Commercial, LI Light Industrial, RR-5 Residential, and R1-8 Residential to the MR-16 PUD Multi-Family Residential and R1-7 PUD Residential zoning district. As a part of this rezone the terms of the PUD will be identified.
4. **Public Hearing and Recommendation** on a Land Use Map Amendment request by Halim Kurti to reassign the land use designation for approximately 3.37 acres located at approximately 400 East 1000 North from Medium Density Residential to High Density Residential.
5. **Public Hearing and Decision** on a Conditional Use Permit request by Utah Truck Driving School to authorize the use of "Public or Private Educational Facility" on 0.76 acres located at 1211 North 80 East in the LI Light Industrial Zoning District.
6. **Recommendation** on a Subdivision Plat Amendment request for the Tooele Town Center #6 Subdivision by Anderson, Wahlen and Associates amending the existing Tooele Town Center #3 and Tooele Town Center #5 Subdivision plats located at approximately 972 North Main Street in the GC General Commercial zoning district on approximately 9.7 acres.
7. **Recommendation** on a Subdivision Plat Amendment request for the Peterson Industrial Depot Plat 2C Subdivision by Peterson Industrial Depot amending lot 206 of the existing Peterson Industrial Depot Plat 2C Subdivision plat located at approximately 40 Lodestone Way in the PID PUD Industrial zoning district on approximately 35.6 acres.

8. **Recommendation** on a Subdivision Preliminary Plan request for the Providence at Overlake Phase 5 Subdivision by Providence Tooele, LLC, to subdivide 8 acres located at approximately 1000 North 400 West in the R1-7 Residential zoning district.
9. **Public Hearing and Recommendation** on a Request by Tooele City for a Text Amendment to Sections 7-11-16 and 7-19-14 of the Tooele City Code Regarding Abandoned Applications.
10. **Setting Dates, Time, and Place** for Regular Planning Commission Meetings for the 2021 Calendar Year.
11. **Nomination and Election** of Planning Commission Chair and Vice-Chair for the 2021 Calendar Year.
12. **City Council Reports**
13. **Review and Approval** of Planning Commission Minutes for Meeting Held on November 12, 2020.
14. **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

December 1, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Western Acres – Zoning Map Amendment Request

Application No.: P20-24
Applicant: DR Horton
Project Location: Generally 1600 North 300 East
Zoning: MR-16 Multi-Family Residential Zone
Acreage: 86.7 Acres (Approximately 3,776,652 ft²)
Request: Request for approval of a Zoning Map Amendment in the MR-16 Multi-Family Residential, RR-5 Residential, R1-8 Residential, NC Neighborhood Commercial and LI Light Industrial zoning districts regarding reassignment of the subject properties to the MR-16 Multi-Family Residential and the R1-7 Residential zoning districts and establishment of a PUD Planned Unit Development for the properties.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 86.7 acres located generally in the area of 1600 North 300 East. The application consists of 11 separate parcels of various zoning districts. The current zoning of the properties involved in the application are NC Neighborhood Commercial (north east corner), MR-16 Multi-Family Residential, R1-8 Residential, RR-5 Residential and LI Light Industrial. The applicant is requesting that the Zoning Map Amendment be approved to reassign the zoning district to MR-16 Multi-Family Residential and R1-7 Residential and then have a Planned Unit Development PUD designation applied to the property to create unique regulatory provisions applicable only to the subject property. Doing so would allow for the development of the currently vacant site as town homes and smaller lot single-family residential.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for High Density Residential on the northern half of the property and Medium Density Residential on the southern half of the property. The properties involved in the rezone request bear various zoning districts. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation.

A small portion of the property located at the intersection of Pine Canyon Road and Copper Canyon Drive is currently zoned NC Neighborhood Commercial. The Neighborhood Commercial District (NC) is designed and intended for small areas for limited commercial uses providing goods and services to residents in the surrounding neighborhood area. The District encourages the provision of small-scale retail and service uses for nearby residents. Uses are restricted in type and size to promote a local orientation and to limit possible adverse impacts on nearby residential areas. The Neighborhood Commercial District

is to be located in areas of the City so as to facilitate pedestrian access and to encourage the continued viability of the uses allowed in the District. The location and design of all buildings and accessory activities and uses should respect the neighborhood and residential activities that adjoin this District and all activities should be conducted in a manner that adds to neighborhood amenity and the residential setting.

On the southern half of the property there is LI Light Industrial, R1-8 Residential and RR-5 Residential. The purpose of the LI zoning district is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial and manufacturing uses which provide employment opportunities for city residents, strengthen the city's tax base and diversify the local economy.

The purpose of the RR-5 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 purpose of the R1-8 and R1-7 zones 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 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.

The purpose of the MR-16 Multi-Family Residential district is to provide an environment and opportunities for high density residential uses, including primarily attached residential units, apartments, condominiums and townhouses with limited attached single-family dwellings.

Surrounding properties also bear a variety of zoning districts. Properties to the north are located in unincorporated Tooele County or are zoned Light Industrial / Commercial. Properties to the west of the subject properties are zoned GC General Commercial and are utilized as a legally non-conforming mobile home subdivision. Properties to the south west are zoned LI Light Industrial and utilized as such. Properties to the south are zoned RR-5 Residential and are currently undeveloped. Properties to the east are zoned R1-8 Residential and MR-16 Multi-family Residential and are largely utilized as single-family residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Proposed Zoning. The vast majority of the project that does not currently have the MR-16 designation is proposed to be reassigned the MR-16 designation except for some longer, narrow strips of land along the eastern boundary that are proposed to be reassigned to the R1-7 Residential district. The maps included in this report will help demonstrate how the zoning districts are proposed to be designated. Included in the zoning request is the attachment of a PUD Planned Unit Development overlay to the underlying zoning district such as MR-16 PUD and R1-7 PUD.

Planned Unit Development Layout. Although this is not a subdivision or site plan design review application the applicant has provided a concept plan showing their design proposals. This is necessary in order for the applicant to know the specific design criteria they will be asking for as part of the PUD. As the plans show, the development is largely proposed to include town houses. Whether these town homes are owner occupied or rental units is a matter that would be addressed during the platting process. The applicant anticipates that the development will yield 714 town house style units and 97 single-family residential units with overall unit density throughout the entire development being 9.2 units per acre.

Please note that there is a large undevelopable area that extends from the south east corner to the north west corner. This is the Middle Canyon Drainage. DR Horton proposes to relocated the drainage corridor and incorporate this corridor into the development using it as an amenity to the development and community at large. The corridor will include a trail / maintenance path and fitness stations for use by the residents and public at large.

Planned Unit Development Qualifications. Planned Unit Development standards and qualifications are proposed by the applicant, not by the City or City Staff. The following are the PUD Standards proposed by the applicant, DR Horton, for the Western Acres Development. The are divided into the requested zones and the current standards are listed against the new standards proposed by the applicant. These proposed standards are subject to the review and decision of the Planning Commission and City Council as to whether or not they are appropriate.

| <i>RI-7 Residential Zone</i> | |
|---|---|
| <i>Current Requirements</i> | <i>Proposed Changes with PUD</i> |
| Lot size – 7,000 Square Feet | Lot Size – 3,500 Square Feet |
| Dwelling Size - 1,100 Square Feet | Dwelling Size – 800 Square Feet |
| Lot Width – 60 Feet | Lot Width – 42 Feet |
| Front Setback – 20’ to house, 25’ to garage | Front Setback – 20’ to house, 20’ to garage |
| Side Setback – 6 feet | Side Setback – 5 feet |

| <i>MR-16 Multi-Family Residential Zone</i> | |
|--|---|
| <i>Current Requirements</i> | <i>Proposed Changes with PUD</i> |
| Dwelling Size , Two Story with Double Garage – 1,100 square feet | Dwelling Size , Two Story with Double Garage – 800 square feet |
| Setback Between Buildings – 15 Feet | Setback Between Buildings – 12 Feet |
| Exterior Materials – 50% of the entire façade shall be brick or stone. | Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone. |
| Clubhouse – 1000 square foot interior social area | Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities. |

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.

The procedure for approval or denial of a PUD Planned Unit Development request, as well as the information required to be submitted for review as a complete application is found in Sections 7-6-4, 7-6-5, 7-6-6 and 7-6-7 of the Tooele City Code.

(2) Procedure for Approval. A Planned Unit Development Overlay District may only be authorized by the City Council, as an amendment to the Tooele city Zoning District Map, after receipt of a recommendation from the Planning Commission, and after complying with all the requirements of §10-9-403, Utah Code Annotated (U.C.A.). In evaluating the appropriateness of approving a Planned Unit Development Overlay District the City Council and Planning Commission may consider the following factors, among others:

- (a) The suitability of the properties for a Planned Unit Development Overlay District designation;
- (b) That adequate public services and facilities exist or can be provided to serve the proposed Planned Unit Development area;
- (c) A Planned Unit Development area will encourage greater efficiency in the delivery of City- provided services ;
- (d) The Planned Unit Development has the potential of providing additional amenities for the residents of the area, or the residents of the City, than would be achieved by a conventional development pattern;
- (e) Whether the establishment of a Planned Unit Development District will have a negative affect on the rights, enjoyment and uses on nearby and adjoining properties; and
- (f) The gain to the public health, safety and welfare and the overall community benefit to authorizing a Planned Unit Development designation.

REVIEWS

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 Western Acres Zoning Map Amendment Request by DR Horton for the purpose of reassigning the zoning for the subject properties to the MR-16 Multi Family Residential and R1-7 Residential zoning districts and assigning a PUD overlay to the properties located generally around 1600 North 300 East, application number P20-24, based on the findings listed in the Staff Report dated December 1, 2020:”

1. List any additional findings and conditions...

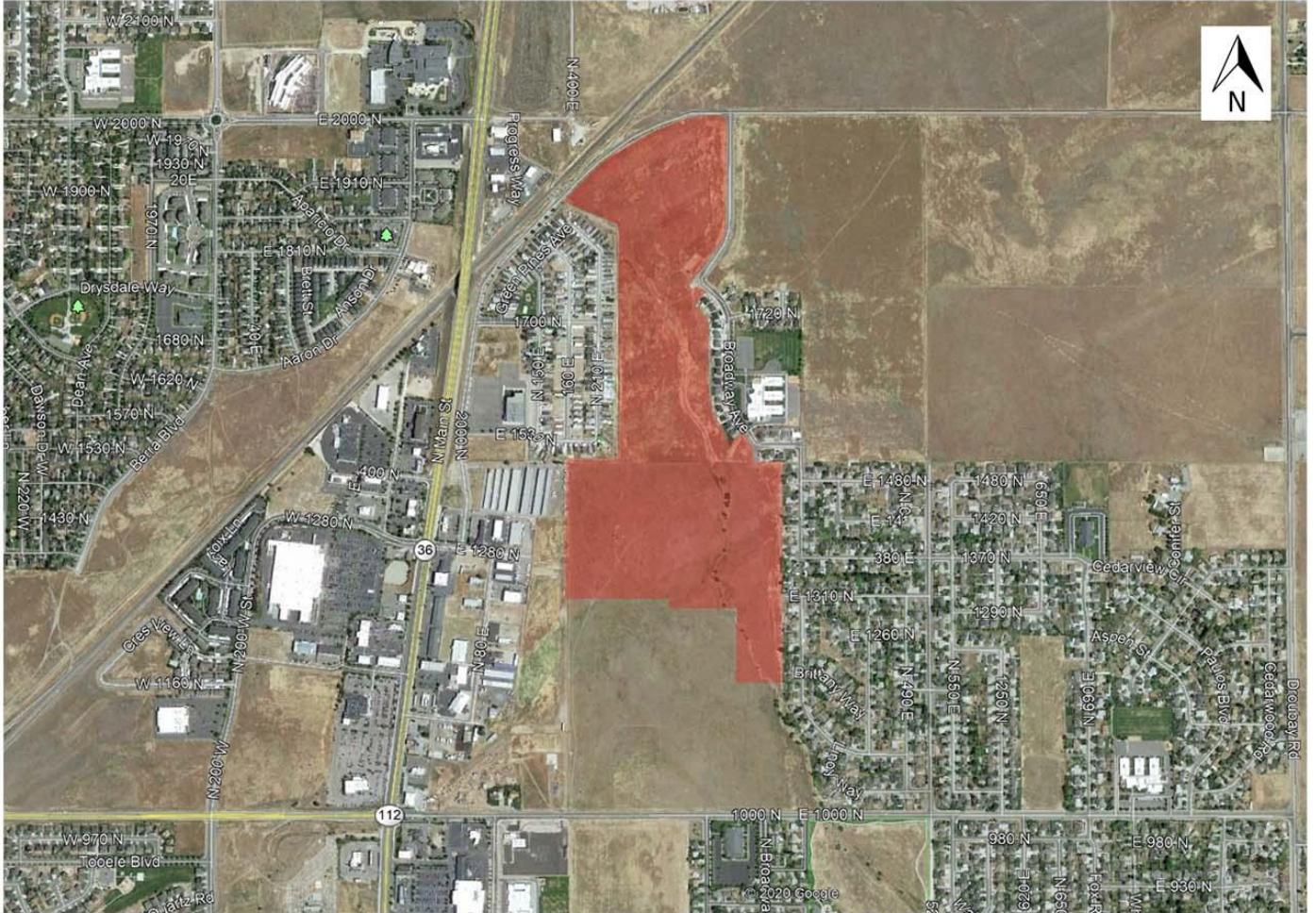
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Western Acres Zoning Map Amendment Request by DR Horton for the purpose of reassigning the zoning for the subject properties to the MR-16 Multi Family Residential and R1-7 Residential zoning districts and assigning a PUD overlay to the properties located generally around 1600 North 300 East, application number P20-24, based on the following findings:”

1. List findings...

EXHIBIT A

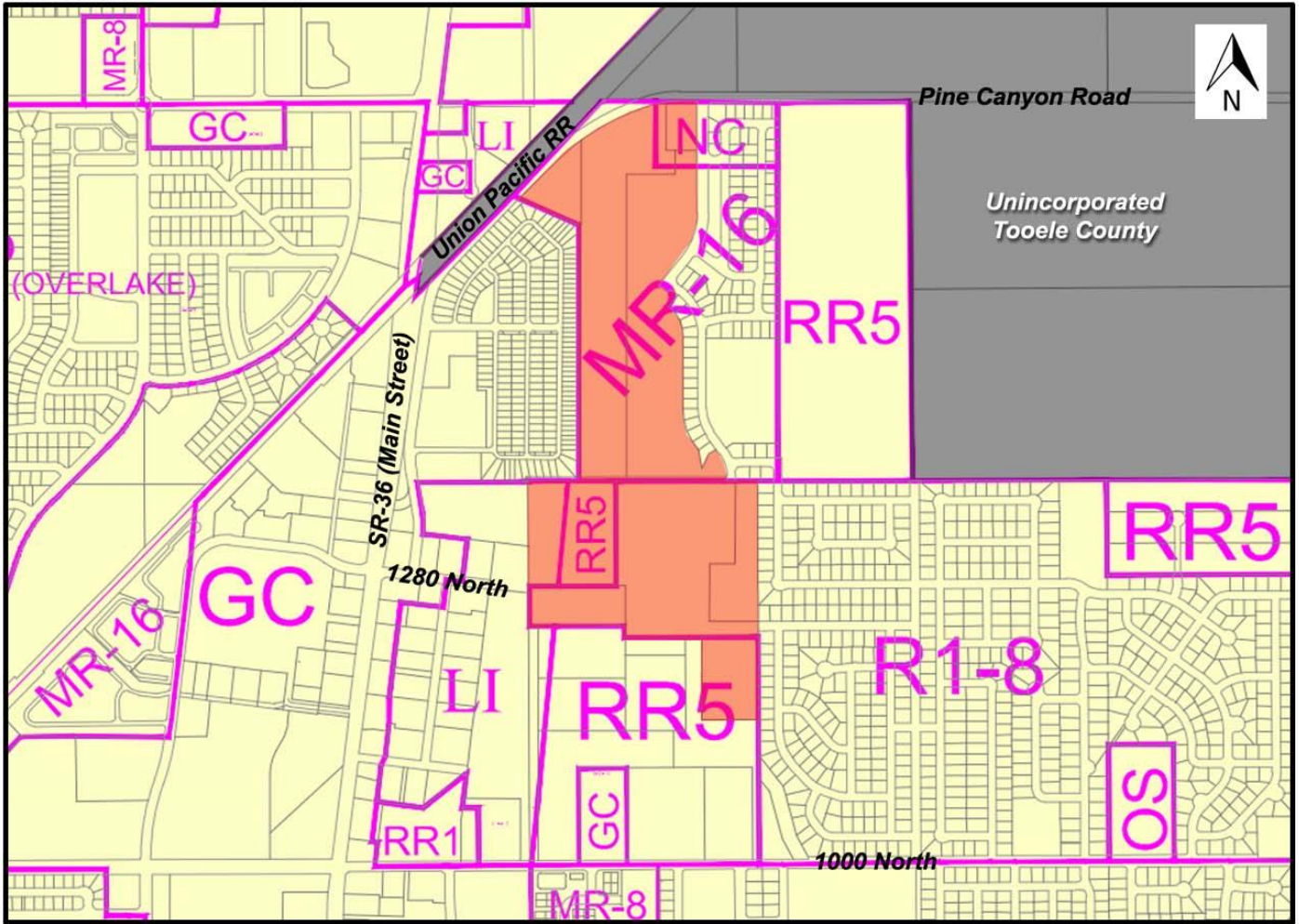
MAPPING PERTINENT TO THE WESTERN ACRES ZONING MAP AMENDMENT

Western Acres Planned Unit Development



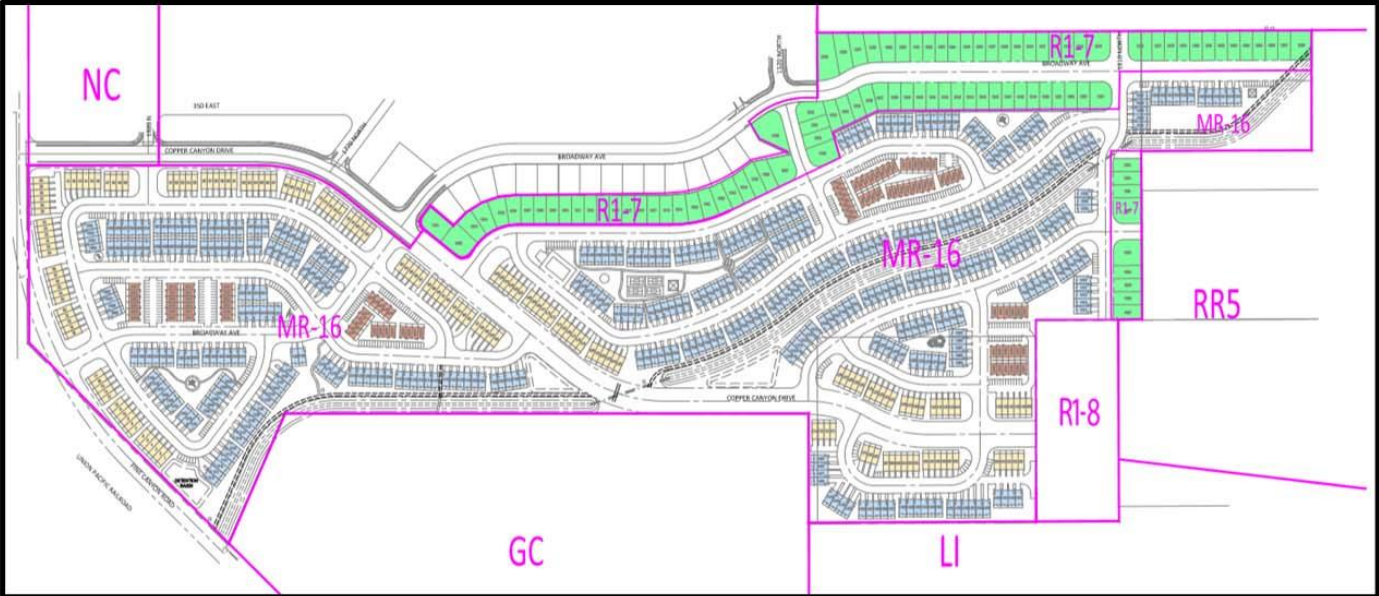
Aerial View

Western Acres Planned Unit Development



Current Zoning

Western Acres Planned Unit Development



Proposed Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

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



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.

P20-24

| Project Information | | | |
|--|---|--|-----------------|
| Date of Submission: 3/4/2020 | Current Map Designation: MR-16, R1-2, RR-5, LI | Proposed Map Designation: PUD | Parcel #(s): |
| Project Name: Western Acres | | Acres: 86.05 | |
| Project Address: Pine Canyon Road and Copper Canyon Dr. | | | |
| Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____ | | | |
| Brief Project Summary: Residential Development to include single-family detached and townhomes. | | | |
| Property Owner(s): Mountain Vista Development | | Applicant(s): DR Horton | |
| Address: 668 E. 12225 S. Ste 201 | | Address: 12351 S. Gateway Park Place Suite D-100 | |
| City: Draper | State: UT | Zip: 84020 | City: Draper |
| Phone: (801) 523-0400 | Phone: (801) 571-7101 | | |
| Contact Person: Don Bean | | Address: 12351 S. Gateway Park Place, Suite D-100 | |
| Phone: (385) 226-8859 | | City: Draper | Zip: 84020 |
| Cellular: (385) 226-8859 | Fax: (801) 571-7102 | Email: dgbean@drhorton.com | |

02-123-0-0033
02-125-0-0036
02-125-0-0037
02-123-0-0040
02-123-0-0032
02-123-0-0018
02-123-0-0031
02-123-0-0028
02-125-0-0017
02-125-0-0038
02-126-0-0027

*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.

2200024

| For Office Use Only | | | |
|---------------------|--------------------------|-------------------|---------|
| Received By: CVA | Date Received: 3/4/20 | Fees: 8,100.00 | App. #: |

0037389C1

Planned Unit Development (PUD) Standards Declaration

| PROJECT INFORMATION | | | |
|--------------------------------|-------------------------------------|-------------------------------|--------------------|
| Project Name | Western Acres | | |
| General Site Address | Pine Canyon Dr and Copper Canyon Rd | | |
| Current Zoning Assignment(s) | MR-16, NC, R1-8, RR-5, LI | Proposed Zoning Assignment(s) | MR-16, R1-7 |
| Acreage | | Number of Lots/Units | |
| Total | 86.7 | Current Zoning | 827 |
| Developable | 86 | Proposed | 811 |
| Undevelopable | .7 | Maximum Density | |
| Proposed Open Space | 24 | Current Zoning | 9.6 units per acre |
| Proposed Preservation | 4.7 | Proposed | 9.3 units per acre |
| List of Product Types Proposed | Single-Family Detached, Townhomes | | |

| PROPOSED DEVELOPMENT STANDARDS* | | | | | |
|---------------------------------|------|------------------------|----------|--------------------------------------|-----------------------------------|
| Product Type or Area | | Single-Family Detached | | | |
| | | Current | Proposed | Current | Proposed |
| Lot Size | R1-7 | | | Front Setback | |
| Minimum | | 7000 | 3500 | Minimum | 20', 25' garage 20', 20' garage |
| Maximum | | | | Side Setback, Interior | |
| Dwelling Unit Size | | | | Minimum | 6' 5' |
| Minimum | | 800 sf | 800 sf | Side Setback, Corner Lot Street Side | |
| Maximum | | | | Minimum | 20' 20' |
| Lot Frontage | | | | Rear Setback | |
| Minimum | | 60' | 42' | Minimum | 20' 20' |
| Lot Width, Interior Lots | | | | Building Height | |
| Minimum | | | | Minimum | 1 Story 1 Story |
| Lot Width, Corner Lots | | | | Maximum | 35' 35' |
| Minimum | | | | Lot Coverage | |
| | | | | Minimum | 35% 35% |

| PROPOSED DESIGN STANDARDS** | |
|-----------------------------|------------------------------|
| Design Standard Topic | Minimum Lot Size |
| City Code Section | 7-14-4 |
| Current Provision | 7000 square foot minimum lot |
| Proposed Provision | 3500 square foot minimum lot |
| Design Standard Topic | |
| City Code Section | |
| Current Provision | |
| Proposed Provision | |

* Complete This Section for Each Product Type or Area of Difference

** Complete This Section for Each Architectural Standard or Layout Design Standard Proposed for Difference

| PROPOSED DEVELOPMENT STANDARDS | | | | | |
|--------------------------------|--|------------------|------------|--------------------------------------|----------|
| Product Type or Area | | Townhome / MR 16 | | | |
| | | Current | Proposed | | |
| | | | | Current | Proposed |
| Lot Size | | | | Front Setback | |
| Minimum | | No Minimum | No Minimum | Minimum | 20' |
| Maximum | | | | Side Setback, Interior | |
| Dwelling Unit Size | | | | Minimum | |
| Minimum | | 800 sf | 800 sf | Side Setback, Corner Lot Street Side | |
| Maximum | | | | Minimum | |
| Lot Frontage | | | | Rear Setback | |
| Minimum | | | | Minimum | |
| Lot Width, Interior Lots | | | | Building Height | |
| Minimum | | | | Minimum | 1 Story |
| Lot Width, Corner Lots | | | | Maximum | 35' |
| Minimum | | | | Lot Coverage | |
| | | | | Minimum | 40% |

| Product Type or Area | | | | | |
|--------------------------|--|---------|----------|--------------------------------------|----------|
| | | Current | Proposed | | |
| | | | | Current | Proposed |
| Lot Size | | | | Front Setback | |
| Minimum | | | | Minimum | |
| Maximum | | | | Side Setback, Interior | |
| Dwelling Unit Size | | | | Minimum | |
| Minimum | | | | Side Setback, Corner Lot Street Side | |
| Maximum | | | | Minimum | |
| Lot Frontage | | | | Rear Setback | |
| Minimum | | | | Minimum | |
| Lot Width, Interior Lots | | | | Building Height | |
| Minimum | | | | Minimum | |
| Lot Width, Corner Lots | | | | Maximum | |
| Minimum | | | | Lot Coverage | |
| | | | | Minimum | |

| Product Type or Area | | | | | |
|--------------------------|--|---------|----------|--------------------------------------|----------|
| | | Current | Proposed | | |
| | | | | Current | Proposed |
| Lot Size | | | | Front Setback | |
| Minimum | | | | Minimum | |
| Maximum | | | | Side Setback, Interior | |
| Dwelling Unit Size | | | | Minimum | |
| Minimum | | | | Side Setback, Corner Lot Street Side | |
| Maximum | | | | Minimum | |
| Lot Frontage | | | | Rear Setback | |
| Minimum | | | | Minimum | |
| Lot Width, Interior Lots | | | | Building Height | |
| Minimum | | | | Minimum | |
| Lot Width, Corner Lots | | | | Maximum | |
| Minimum | | | | Lot Coverage | |
| | | | | Minimum | |

| PROPOSED DESIGN STANDARDS | |
|---------------------------|---|
| Design Standard Topic | Five Foot Recess of Garage Door |
| City Code Section | 7-11a-10(6) |
| Current Provision | All multi-family dwelling units that include front-facing attached garage shall have the garage door recessed from the front by a minimum of five feet. |
| Proposed Provision | All multi-family dwelling units that include front-facing attached garage shall have the garage door from the front door by a minimum of two feet. Eliminates requiring the garage door to be recess five feet. |

| | |
|-----------------------|---|
| Design Standard Topic | Exterior Building Materials |
| City Code Section | 7-11a-18(1) |
| Current Provision | Exterior building materials shall be natural or cultured brick or stone over at least 50% of the entire building facade. |
| Proposed Provision | Exterior building materials shall be the following materials brick, stone, stucco, cementitious fiber siding, wood or block/masonry, or any combination. Eliminating the requirement of 50% minimum natural or cultured brick or stone of the entire building facade. |

| | |
|-----------------------|--|
| Design Standard Topic | Setback between Multi-Family Buildings |
| City Code Section | 7-11a-6-5 |
| Current Provision | 15' setbacks between buildings |
| Proposed Provision | 12' setback between buildings |

| | |
|-----------------------|---|
| Design Standard Topic | Substitution of Inside Social Area (Clubhouse) |
| City Code Section | 7-11A-22 6(c) |
| Current Provision | One inside social area of not less than 1,000 sf |
| Proposed Provision | Substute indoor social area with additional amenities |

| | |
|-----------------------|--|
| Design Standard Topic | |
| City Code Section | |
| Current Provision | |
| Proposed Provision | |

| | |
|-----------------------|--|
| Design Standard Topic | |
| City Code Section | |
| Current Provision | |
| Proposed Provision | |

| | |
|-----------------------|--|
| Design Standard Topic | |
| City Code Section | |
| Current Provision | |
| Proposed Provision | |

WESTERN ACRES TOWNHOMES - REZONE AND PUD APPLICATION

UTAH DIVISION

D·R·HORTON®
America's Builder



**D.R. HORTON IS PROPOSING A PLANNED UNIT DEVELOPMENT (PUD)
OF 86.7 ACRES, WITH 811 HOMES, AND A REZONE OF THE
UNDERLYING ZONES TO ALLOW FOR OUR PROPOSED SITE PLAN.**



PROJECT OVERVIEW: Middle Canyon Creek has been a long-term problem in the area, with occasional flooding throughout the neighborhood during serious rain storms. D.R. Horton is proposing an engineered alteration of the creek's path to protect the development and the surrounding property.

The Western Acres community will have private and public amenities. The private pavilions, tot lots, terra parks, hammock grottoes and pickle ball courts will be attractive assets to its residents. The trail along Middle Canyon Creek will give the public an option to take walks along the banks with several exercise apparatus along the way.

The community will offer five townhome plans and five single-family detached plans.

Common areas and amenities will be professionally managed by a homeowner's association.



PURPOSE OF THIS APPLICATION

As America’s number one homebuilder and one of the top builders in Utah, D.R. Horton will deliver excellent product selections and a beautiful new community.

D.R. Horton is asking for approximately 50 acres of property to be rezoned according to the included zoning map. We believe the plan gives the community a logical transition between single-family detached (SFD) homes, townhomes and the existing mobile homes. D.R. Horton does not propose an increase in the current overall density, rather spreading the density in a way that makes sense for the neighborhood and gives options to Tooele City residents.

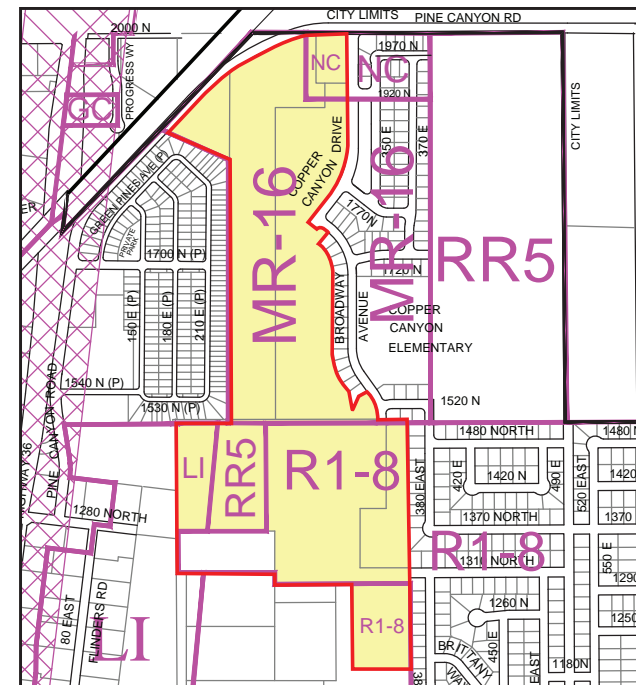


PRESENT ZONING

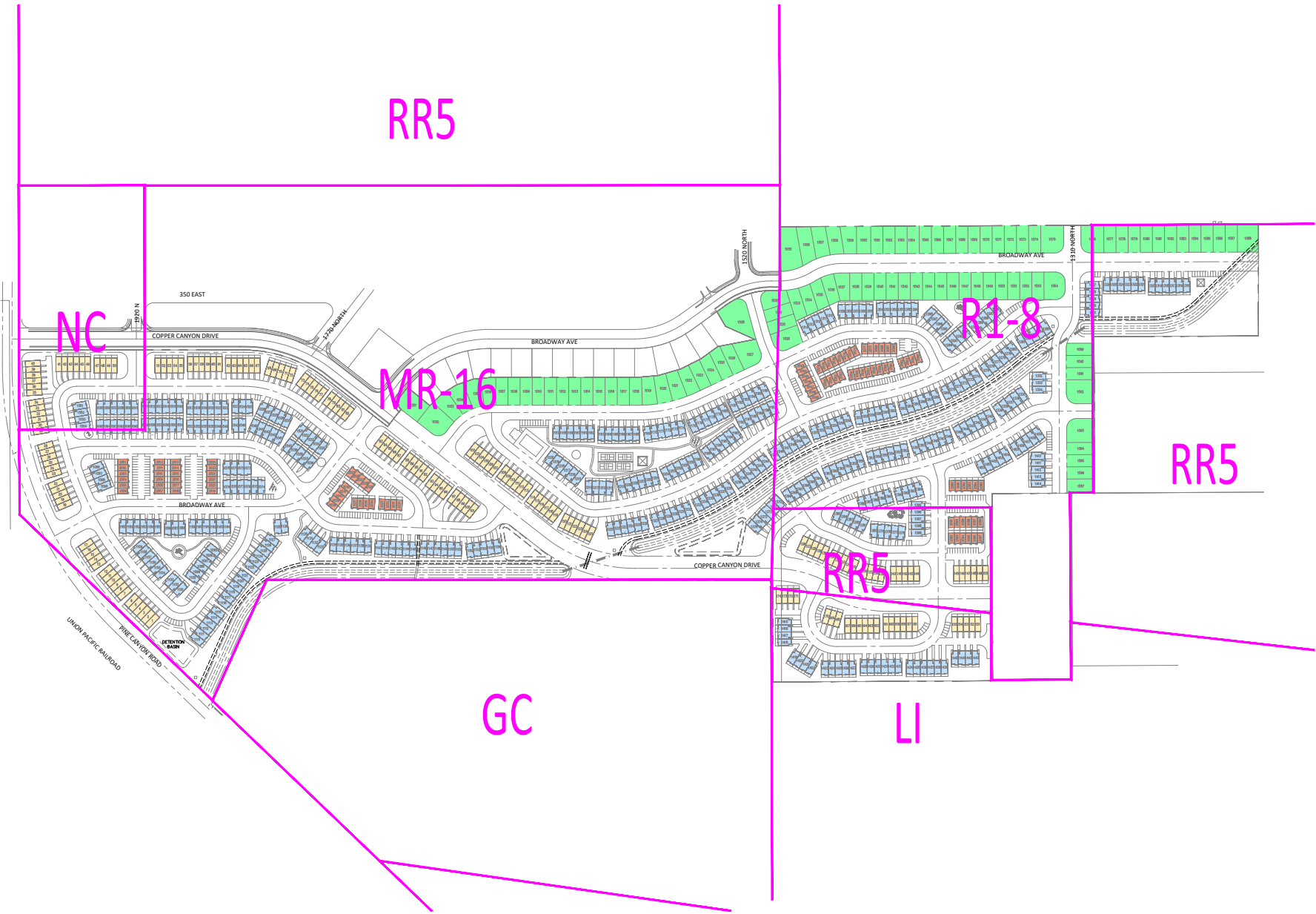
The present zoning designation of the 86.7 acres can be seen below:

| UNITS PER ZONE | | | |
|----------------|-------------|----------------------|-------------------|
| ZONING | ACRES | RESIDENTIAL UNITS/AC | RESIDENTIAL UNITS |
| LI | 4.8 | 0 | 0 |
| NC | 1.7 | 0 | 0 |
| MR-16 | 45.7 | 16 | 731 |
| RR5 | 10.2 | 0.2 | 2 |
| R1-8 | 23.6 | 4 | 94 |
| Drainage Area | .7 | 0 | 0 |
| TOTALS | 86.7 | N/A | 827 |

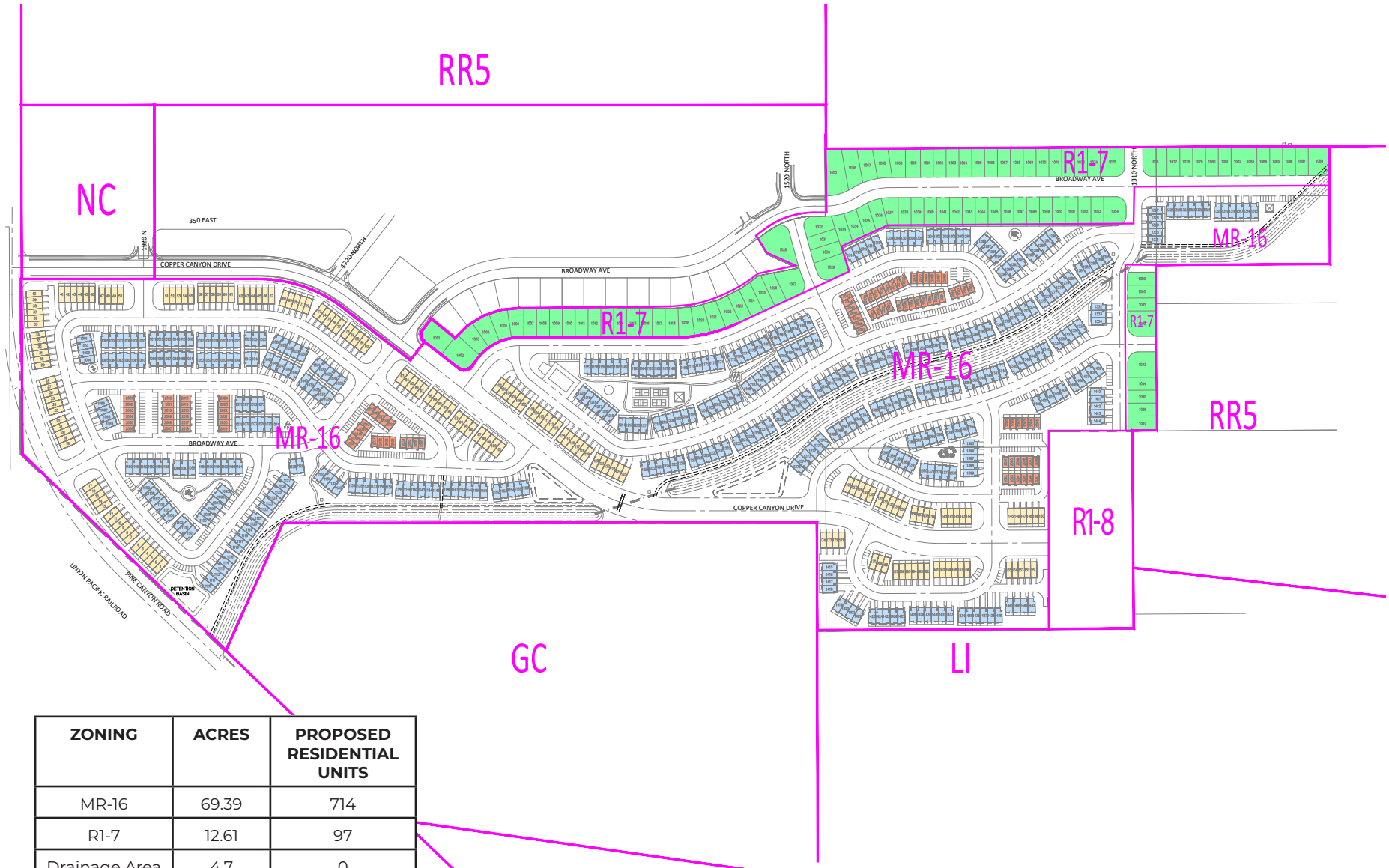
The total density allowed with current zoning is 827 units, which is a higher density than we are requesting within the site plan after the rezone.



CURRENT ZONING

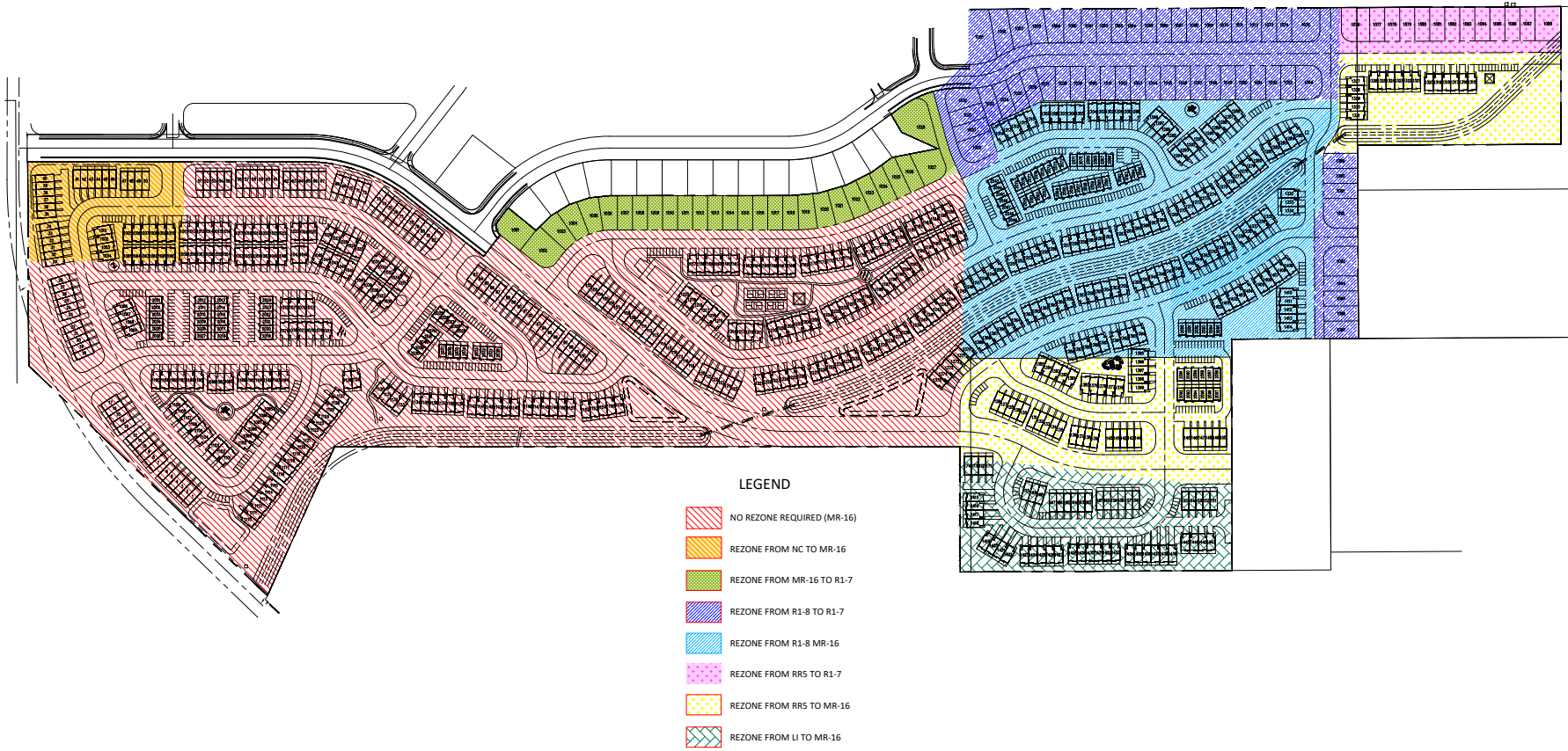


PROPOSED ZONING



| ZONING | ACRES | PROPOSED RESIDENTIAL UNITS |
|---------------|-------------|----------------------------|
| MR-16 | 69.39 | 714 |
| R1-7 | 12.61 | 97 |
| Drainage Area | 4.7 | 0 |
| TOTALS | 86.7 | 811 |

CURRENT ZONING AND PROPOSED ZONING



WHY THE PUD DESIGNATION IS APPROPRIATE

The Middle Canyon Creek divides the property of the entire proposed rezone and PUD. A coordinated plan to address the creek is needed to fix some sections drainage issues; this will add value to the community by taking some existing homes out of the flood plain. D.R. Horton will build a public trail along the newly constructed creek bed.

In addition, Tooele City's Transportation Master Plan has a collector road designed to bisect the property north and south. Our design would aid in the progress of Tooele City's long-term traffic plan.



In 7-6-1 of the Tooele City code, it states that “the purpose of the Planned Unit Development Overlay District, when used in conjunction with the requirements of the base, or underlying zoning district is to permit flexibility in subdivision and site planning, to promote the efficient utilization of resources, and to preserve and protect valuable site features and to add desired amenities for the neighborhood or area”.

Under 7-6-2 the definition of a Planned Unit Development (PUD) is “a site plan or subdivision

layout technique allowing building and structures with some or all the lots reduced below the minimum lot sizes and/or differing setback standards than required by the base zoning district, but where the overall project or site area meets the density standard of the zoning district”. Again, our plan conforms to the current density. To reiterate, D.R. Horton does not propose an increase in the current overall density, rather spreading the density in a way that makes sense for the neighborhood and gives options to Tooele City residents.



PROPOSED PROVISIONS

- Replace 7-11a-10 (6) with, “All multi-family dwelling units that include front-facing attached garage shall have the garage door a minimum of two feet differential from the front façade.” (Eliminates requiring the garage door to be **recessed** five feet from the front façade.)
- Replace 7-11a-18 (1) with, “Exterior Finishes. Exterior building materials shall be the following materials brick, stone, stucco, cementitious fiber siding, wood, or block/masonry, or any combination.” (The 50% minimum of natural or cultured brick or stone of the entire building façade requirement eliminated.)

- The setback between multi-family buildings reduced from 15’ to 12 feet.
- Exception to 7-11a-22 6(c) Substitution of inside social area with increased amenities. D.R. Horton has found that the utilization of clubhouses create challenges with holiday use in high demand, but empty much of the time. Clubhouses are expensive to maintain and become a burden on the homeowners. We propose the money we would have used to construct a clubhouse be reallocated to a variety of amenities. D.R. Horton will construct bathrooms and pool equipment facilities which will be ideal for outdoor gatherings.

HOW THE PROPOSED ZONE IS CONSISTENT WITH THE GENERAL PLAN

The current zoning would allow **827** homes to be built on the subject property. The proposed plan decreases the density from 827 to **811** homes, which would allow the community a better flow through the different housing types.

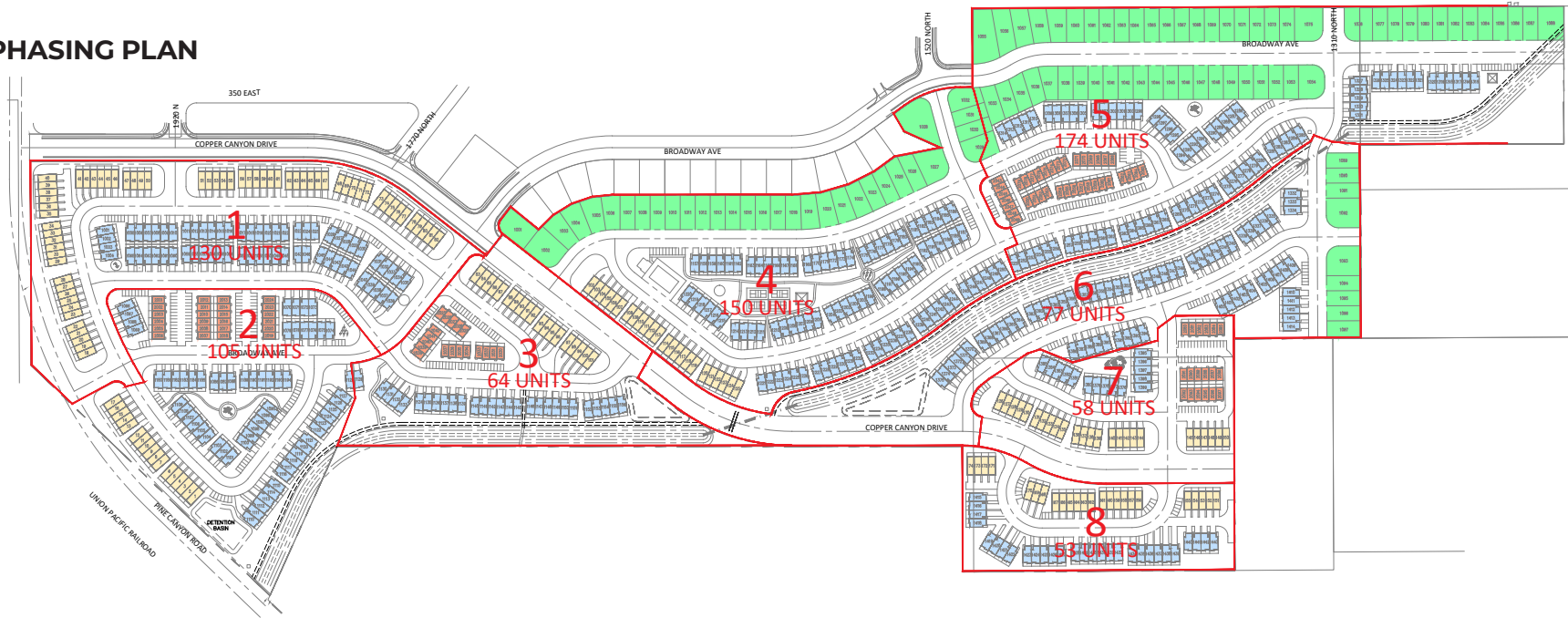
WHY THE PROPOSED ZONE IS COMPATIBLE WITH THE SURROUNDING AREA

The west side of the subject property is adjacent to a mobile home park, with townhome and single-family detached developments to the east. There is an asphalt path across the subject property used by children in the mobile home park to walk to school. We will maintain a path as pedestrian access to and from the school.

The planning and development of the Middle Canyon Creek channel will take some of the subject property and the mobile home park out of the flood plain, providing added safety to the existing community and allowing most of subject property to be developed.



PHASING PLAN



HOW THE PROPOSED ZONE IS SUITABLE FOR THE EXISTING USE OF SUBJECT PROPERTY

This development would be a natural transition in housing from the mobile home park to townhomes to single-family detached homes.

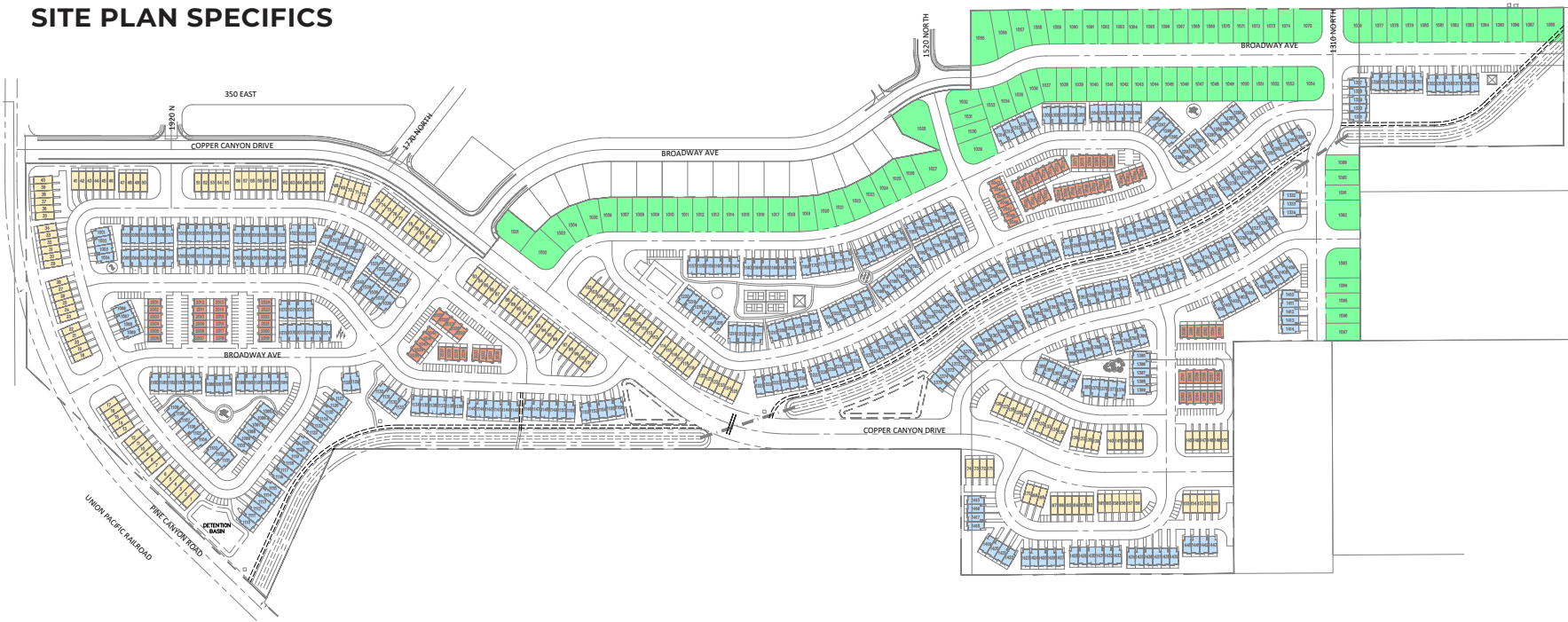
HOW THE PROPOSED ZONE PROMOTES THE GOALS AND OBJECTIVES OF TOOEE CITY

Article 1, Section 1-01 of the Tooele City charter states that the city exists to “promote the general health, welfare, and protection of its citizens”. This is done by anticipating the needs of current and future residents of Tooele, then providing for those needs in an organized, thoughtful manner.

As leaders planning for Tooele City’s future, it is important to anticipate and allow for the development of a variety of housing alternatives. As lifestyles and housing needs change, the city will have the options needed to add new residents and retain the citizens that helped build the community.

This project will also provide new housing options for those who may otherwise rent, buy existing homes or move to another city. The development will also attract families and individuals looking to live in a safe, affordable and active community.

SITE PLAN SPECIFICS



Total Acres: **86.9**
 Total Number of Units **811**

Townhomes

- 443 FL 2-story
- 174 2-Story Alley
- 97 Pioneer
- 97 Single Family Detached

Townhome Parking Requirement:
 2 for each unit, satisfied by the
 driveway, (20' min.) Plus 1 for every
 4 units.

TOTAL ACREAGE: 86.7 acres

DENSITY: 9.2 units per acres

PRIVATE AMENITIES: Pavilions, tot lots, pickle ball courts, hammock grottoes & terra parks

PUBLIC AMENITIES: Paved trail north and south along riverbed with apparatus along the trail and a path from the mobile home park over the channel to Copper Canyon Elementary School

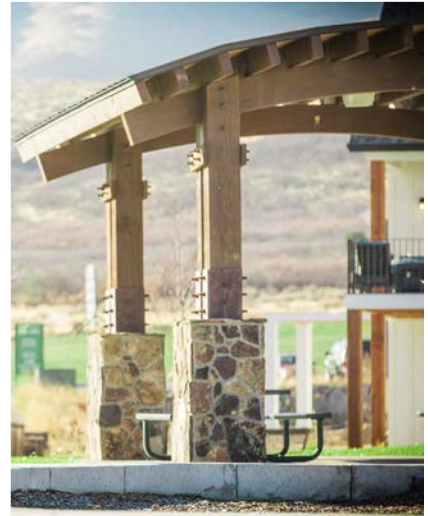
OPEN SPACE: Over 21 acres, 26.54% of project is open space

GARAGES: Two-car garage on each unit, other than Pioneer Units, which have carports

SETBACKS: Following Tooele City Code for R1-7, and provisional MR-16 to 12'.

DETENTION PONDS: Two detention basins are incorporated in the drainage plan

Design and relocation of channel done by Hansen, Allen and Lase, submitted to Tooele City



AMENITIES PLAN



STAFF REPORT

November 24, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Halim Kurti – Land Use Plan Amendment Request

Application No.: P20-1153
Applicant: Halim Kurti
Project Location: 400 East 1000 North
Zoning: R1-8 Residential Zone
Acreage: 3.37 Acres (Approximately 146,797 ft²)
Request: Request for approval of a Land Use Plan Amendment in the R1-8 Residential zone that would amend the land use designation from Medium Density Residential to High Density Residential.

BACKGROUND

This application is a request for approval of a Land Use Plan Amendment for approximately 3.37 acres located at 400 East 1000 North. The property is currently zoned R1-8 Residential and designated as Medium Density Residential in the Land Use Plan Element of the General Plan. The applicant is requesting that a Land Use Plan Amendment to High Density Residential be approved in order to facilitate rezoning the property to a higher density residential zoning district.

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 R1-8 Residential zoning classification, supporting approximately four dwelling units per acre and bears a Land Use Element designation of Medium Density Residential. The Medium Density Residential designation requires single-family residential zones of R1-7, R1-8 and R1-10 Residential zones. Within these zones the primary permitted land uses are single-family and two family residential. The subject property lies in an area that is almost entirely Medium Density Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The property also bears an Open Space designation as the property included the Middle Canyon drainage along the eastern boundary. This drainage area is unbuildable and will remain as open space, hopefully, to include a trail system or other amenity in the future.

The applicant is requesting that the property be re-designated to High Density Residential. The High Density Residential designation includes the MR-8, MR-16 and MR-25 Multi-Family Residential zones. Within these zones the primary permitted uses are town houses, condominiums, apartments and other similar multi-family residential uses.

If the property were to develop as it is currently designated in the Land Use Element of the General Plan

using a gross acreage the property might yield 21 single family residential lots. This number is actually a lot higher than realistic density yield because the drainage corridor on the east side would remove a large portion of the developable area on the property resulting in a yield closer to 10 – 12 lots.

If developed as a multi-family residential project with the MR-25 zones there could be, possibly 117 units. Again, this doesn't account for the large drainage to the east which cannot be counted as developable property and used for density calculations. Still, by doing gross acreage calculations one can see the difference in intensity of development between the two land use designations.

There are some areas of high-density residential zones located in near proximity to the property being considered. The Country View Villas senior residential living project is located about a quarter of a mile to the west and is zoned MR-8 Multi-Family Residential with a density of 8 units per acre. There is a proposal to rezone property a few hundred feet to the north of the subject property to MR-16 Multi-Family Residential being heard on the same agenda.

Criteria For Approval. The criteria for review and potential approval of a Land Use Plan Amendment request is found in Sections 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
 - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
 - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
 - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
 - (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. The subject property is completely surrounded by Medium Density Residential.
2. The R1-7 zoning of the subject property is in compliance with current Land Use Element of the General Plan and the Land Use Element of the new General Plan currently being presented.
3. There is high density residential about a quarter of a mile to the east and to the north.
4. Nearly an acre of the property is designated as Open Space as it is an undevelopable Middle Canyon Drainage corridor.

Noticing. The applicant has expressed their desire to amend the Land Use Element of the General Plan 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 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 Halim Kurti Land Use Plan Amendment Request by Halim Kurti to change the land use designation to High Density Residential, application number P20-1153, based on the findings listed in the Staff Report dated November 24, 2020:”

1. List findings and conditions...

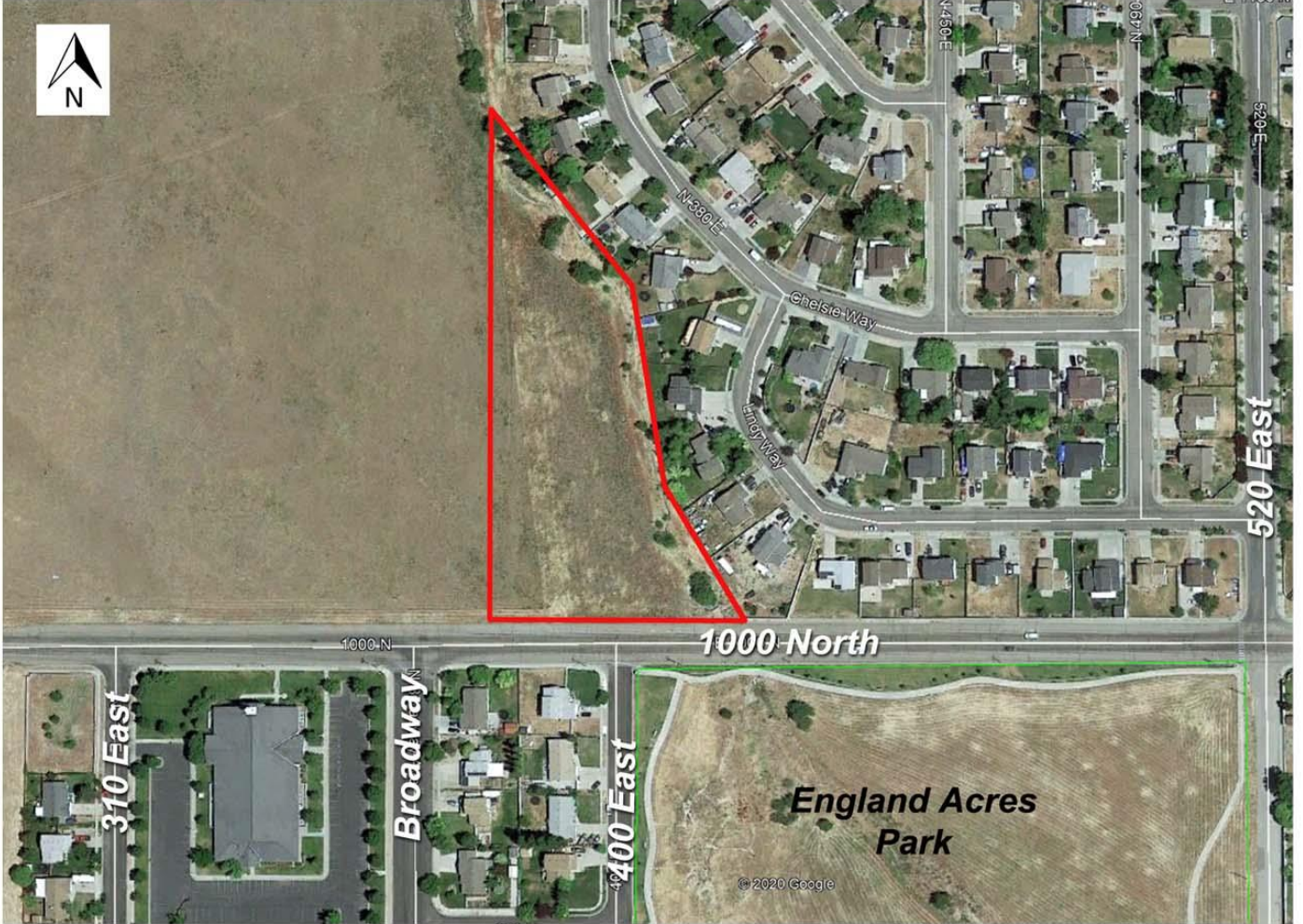
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Halim Kurti Land Use Plan Amendment Request by Halim Kurti to change the land use designation to High Density Residential, application number P20-1153, based on the following findings:”

1. List any additional findings...

EXHIBIT A

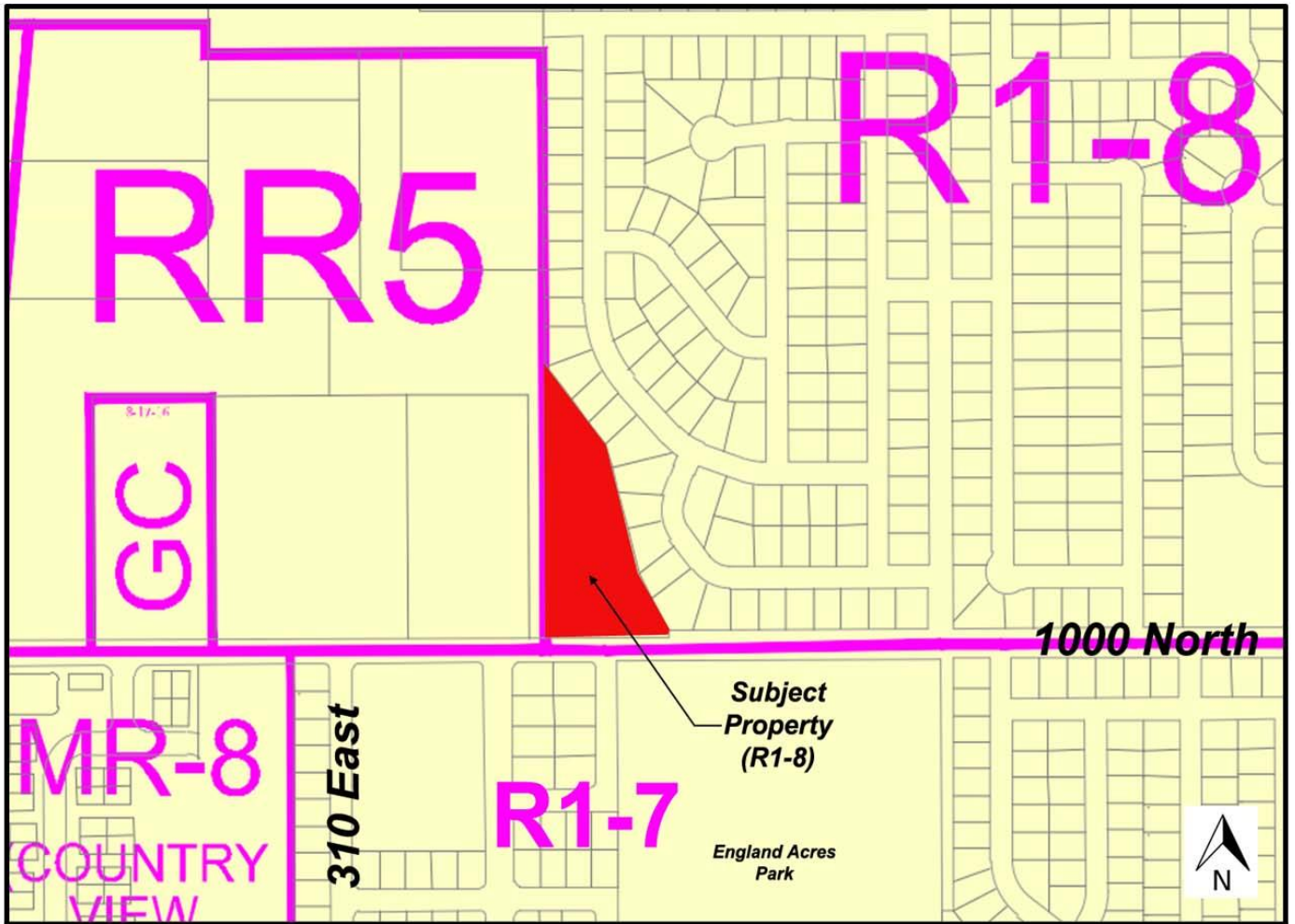
MAPPING PERTINENT TO THE HALIM KURTI LAND USE PLAN AMENDMENT

Halim Kurti Land Use Element General Plan Amendment



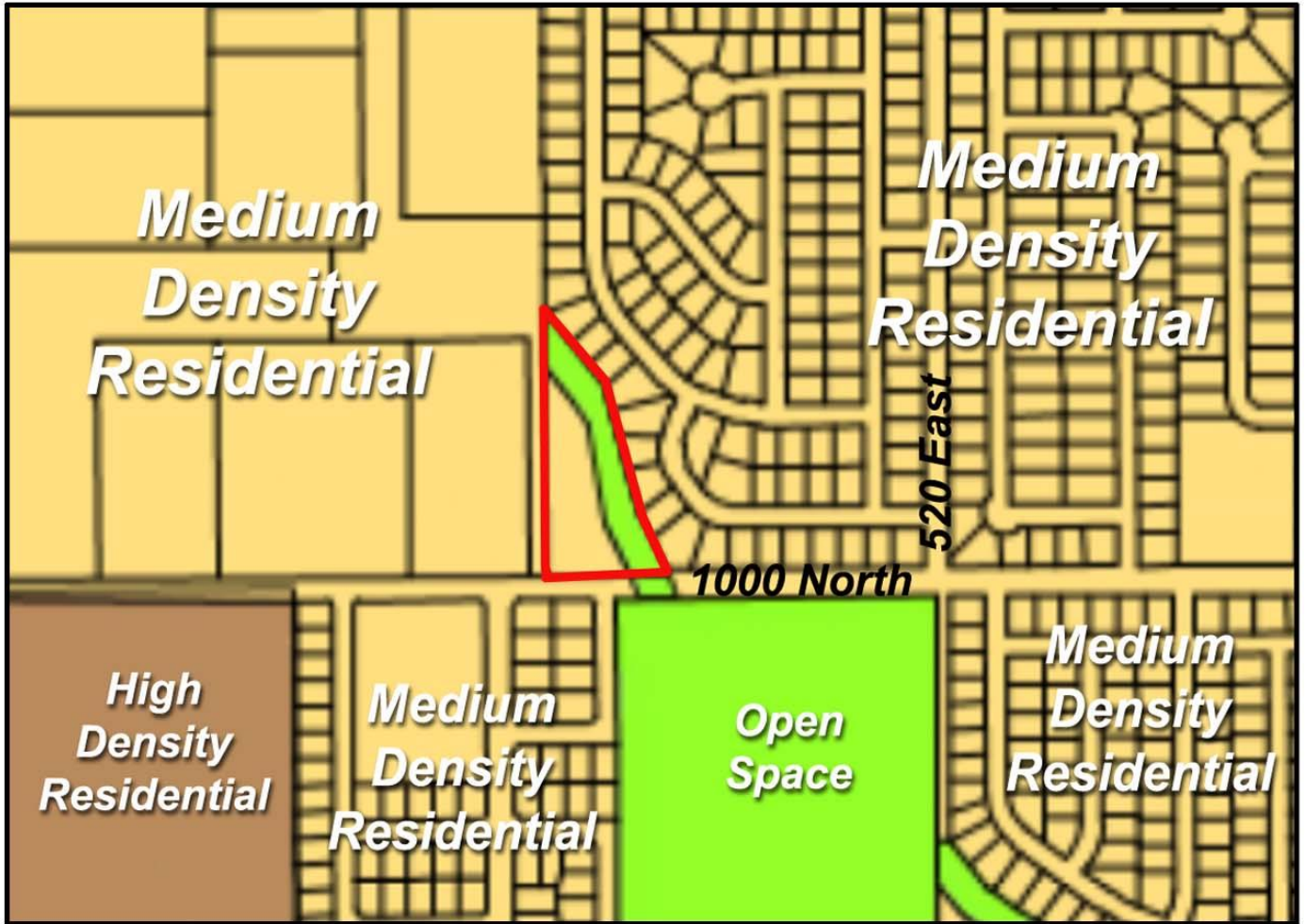
Aerial View

Halim Kurti Land Use Element General Plan Amendment



Current Zoning

Halim Kurti Land Use Element General Plan Amendment



General Plan Land Use

EXHIBIT B
APPLICANT SUBMITTED INFORMATION

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



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.

| Project Information | | | | | | | |
|-------------------------|---|--------------------------|---------|---------------------------|-------------------------------|--------------|---------------|
| Date of Submission: | 11-16-2020 | Current Map Designation: | A8-8000 | Proposed Map Designation: | MR-25 | Parcel #(s): | 02-125-0-0001 |
| Project Name: | HALIM KURTI | | | Acres: | 3.37 | 06 | |
| Project Address: | 1000 North | | | | | | |
| Proposed for Amendment: | <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____ | | | | | | |
| Brief Project Summary: | | | | | | | |
| Property Owner(s): | HALIM KURTI | | | Applicant(s): | HALIM KURTI | | |
| Address: | 769 North Sir Philip Drive | | | Address: | 769 North Sir Philip Drive | | |
| City: | Salt Lake City | State: | UTAH | Zip: | 84116 | | |
| Phone: | 385-259-4326 | | | | | | |
| Contact Person: | HALIM KURTI | | | Address: | 769 North Sir Philip Drive | | |
| Phone: | | | | City: | SLC | State: | UT |
| Cellular: | 385-259-4326 | Fax: | | Email: | halim.shgipe_2008@hotmail.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.

| For Office Use Only | | | |
|---------------------|----------------|----------|---------------|
| Received By: | Date Received: | Fees: | App. #/ Rec # |
| <i>[Signature]</i> | 11-16-20 | 1,337.00 | 00387447 |

STAFF REPORT

November 25, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Utah Truck Driving School – Conditional Use Permit Request

Application No.: P20-1075
Applicant: Utah Truck Driving School
Project Location: 1211 North 80 East
Zoning: LI Light Industrial Zone
Acreage: .76 Acres (Approximately 33,105 ft²)
Request: Request for approval of a Conditional Use Permit in the LI Light Industrial zone regarding authorizing the use of “Public or Private Educational Facility” to occur on the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .76 acres located at 1211 North 80 East. The property is currently zoned LI Light Industrial. The applicant is requesting that a Conditional Use Permit be approved to allow an education facility that will train students to prepare for and test for the commercial driver’s license. This would fall under the use category of “Public or Private Educational Facility.”

ANALYSIS

Zoning. The Land Use Map of the General Plan calls for the Light Industrial land use designation for the subject property. The property has been assigned the LI Light Industrial zoning classification. The area is predominantly commercial and light industrial. Within the area on 80 East there are numerous storage unit businesses, automobile sales and repair, veterinary hospital and other light industrial uses. A commercial retail center rests to the west of the subject property. Properties to the north, east and south are all zoned LI Light Industrial and properties to the west are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout. The applicant has not submitted a site plan demonstrating their plans for the property. However, the property is largely vacant.

Ordinance Analysis. Tooele City’s Table of Commercial Uses does not have a category for CDL or commercial truck driving training. However, it does have a category of “Public or Private Educational Facilities” and requires that these facilities received Conditional Use approval. The code defines these facilities as:

“Buildings and uses for educational or research activities which is operated by a public or private entity, and has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including facilities for faculty, staff, and students.”

This business is a private entity and offers vocational training in terms of truck driving being the vocation. The

ordinance doesn't state that the facility must include buildings but can also be exclusive to "uses." Therefore staff is confident that a commercial truck driving school would fall under this category.

Parking. The applicant has indicated in a conversation with staff that the business will include 3 commercial semi trucks that are referred to as "day cabs" with 28 foot long trailers. These trucks will be permanently stored on the site. Because they only have three trucks they cannot train more than three drivers at any given time so that will be the maximum number of trainees at the site at any given time. There will only be 1 or 2 staff members on the site. The property is three quarters of an acre so there should be sufficient space to park the trucks and client vehicles on the property.

Truck Routes. Whether training vehicles or not these trucks need to stay on established truck routes throughout Tooele City. Those established truck routes are SR-36 (Main Street), SR-112 (1000 North) and then SR-112 between 1000 North and Grantsville City. Utah Avenue is not an established truck route and the trucks should not be using that road or any other City street within City boundaries.

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. The proposed use has identified the potential for large trucks that could potentially drive on non-established truck routes throughout Tooele City. As such, it is imperative that all commercial trucks related to the business shall stay exclusively on established truck routes within Tooele City Boundaries, namely, SR-36, 1000 North west of Main Street and SR-112.

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 with the following proposed conditions to mitigate the anticipated detrimental effects identified in the finds of fact:

1. All commercial trucks related to the business shall stay exclusively on established truck routes within Tooele City Boundaries, namely, SR-36, 1000 North west of Main Street and SR-112.

Noticing. The applicant has expressed their desire to obtain a 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 denial of the request for a Conditional Use Permit by N/A N/A, representing the Utah Truck Driving School, application number P20-1075, 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 commercial trucks related to the business shall stay exclusively on established truck routes within Tooele City Boundaries, namely, SR-36, 1000 North west of Main Street and SR-112.

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 the Utah Truck Driving School to authorize the use of “Public or Private Educational Facility” at 1211 North 80 East, application number P20-1075, based on the findings and subject to the conditions listed in the Staff Report dated November 25, 2020:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by the Utah Truck Driving School to authorize the use of “Public or Private Educational Facility” at 1211 North 80 East, application number P20-1075, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

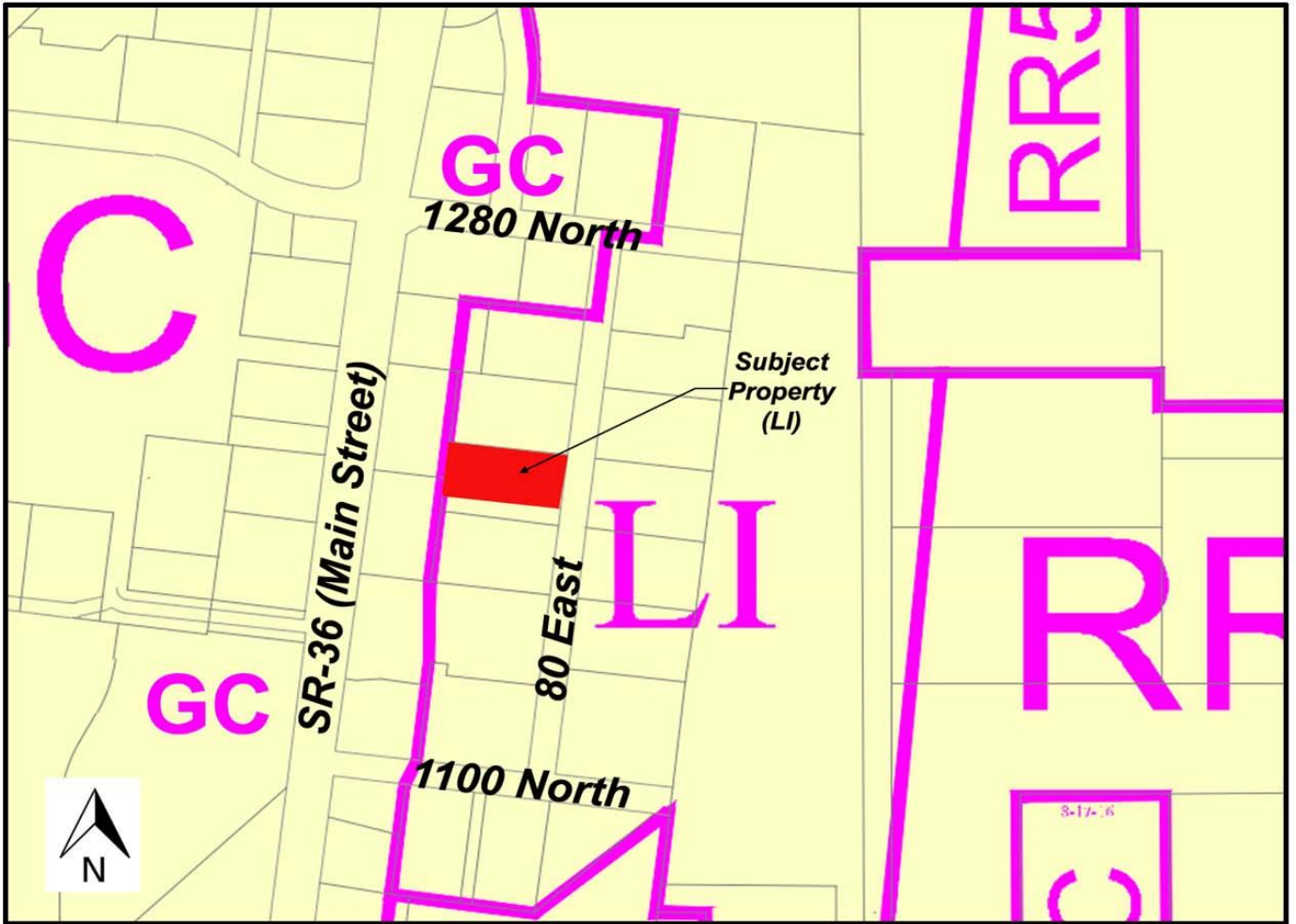
**MAPPING PERTINENT TO THE
UTAH TRUCK DRIVING SCHOOL CONDITIONAL USE PERMIT**

Utah Truck Driving School Conditional Use



Aerial View

Utah Truck Driving School 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



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.

| Project Information | | | | | | P20-1075 | |
|---|--|-----------------------|---------------|--|-------------|--------------|---------------|
| Date of Submission: 10/16/20 10/29/2020 | | Current Zoning: LT | | Parcel #(s): 08-046-0-0040 | | | |
| Project Name: Utah Truck Driving School | | | | | Acres: | | |
| Project Address: 1211 N. 80 E. Tooele, Utah 84074 | | | | | Units: 1 | | |
| Project Description: For use of training students to test for their commercial license | | | | | | | |
| Current Use of Property: For use of training students to test for their commercial license | | | | | | | |
| Property Owner(s): Piney Point Properties | | | | Applicant(s): Utah Truck Driving School | | | |
| Address: 1182 N. 80 E. 770 Skyline Dr. | | | | Address: 1782 N Boggs St | | | |
| City: Tooele | | State: Ut | Zip: 84074 | City: Tooele | | State: Ut | Zip: 84074 |
| Phone: 435-882-1051 | | | | Phone: 559-474-6994 | | | |
| Contact Person: | | | | Address: | | | |
| Phone: | | | | City: | | State: | Zip: |
| Cellular: | | Fax: | | Email: | | | |
| Signature of Applicant: <i>[Signature]</i> | | | | | | | |
| Date: 10/26/20 | | | | | | | |

* 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, concealed 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.

| For Office Use Only | | | |
|----------------------|--|------------------------------------|----------------------------|
| Fee: 600.00 (213) | | Received By: <i>[Signature]</i> | Date Received: 10/29/20 |
| | | | Receipt #: 00356320 |

STAFF REPORT

December 1, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Tooele Town Center #6 – Subdivision Plat Amendment Request

Application No.: P20-383
Applicant: Jake Tate, representing Anderson Wahlen & Associates
Project Location: 972 North Main Street
Zoning: GC General Commercial Zone
Acreage: 9.76 Acres (Approximately 425,145 ft²)
Request: Request for approval of a Subdivision Plat Amendment in the GC General Commercial zone regarding the creation of a new commercial lot that will facilitate the construction of a retail store. The plat amendment will amend the existing Tooele Town Center #3 and Tooele Town Center #5 subdivision plats.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 9.76 acres located at approximately 972 North Main Street. The property is currently zoned GC General Commercial. The applicant is requesting that a Subdivision Plat Amendment be approved to allow for the creation of a new commercial lot within the existing subdivision to facilitate the construction of a new retail building.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. Properties to the south are zoned GC General Commercial. Properties to the east are zoned GC General Commercial and MR-25 Multi-Family Residential. Properties to the north are zoned GC General Commercial as are properties to the west. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The proposed Subdivision Plat Amendment amends two existing subdivisions. The plat amendment will change lot 1 of Tooele Town Center No. 3 and lot 501 of Tooele Town Center No. 5 and renumber the two lots as 601 and 603, respectively. The subdivision plat will also create a new parcel, lot 602. Lot 602 is being created to facilitate the construction of a new retail building proposed to be a Harbor Freight tools. Lot 601 currently includes the Macey’s grocery retail and the adjacent commercial businesses. Lot 603 will remain vacant until development occurs thereon.

When lots are part of an existing commercial district there are no lot size minimum restrictions. There is a lot size width requirement of 80 feet in the General Commercial zone and the new lot, lot 602, will be 104 feet wide at the front setback line, thus exceeding the minimum lot width requirement by 24 feet.

Criteria For Approval. The procedure for approval or denial of a Subdivision Plat amendment request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Subdivision Plat Amendment submission and has issued a recommendation for approval for the request with the following comments:

1. All lots affected by the Subdivision Plat Amendment meet or exceed all lot size and lot width requirements of the GC General Commercial zoning district.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by Jake Tate, representing Anderson Wahlen & Associates, application number P20-383, 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.

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. All Lots affected by the Subdivision Plat Amendment meet or exceed all lot size and lot width requirements of the GC General Commercial zoning district.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Tooele Town Center #6 Subdivision Plat Amendment Request by Jake Tate, representing Anderson Wahlen & Associates thus amending Tooele Town Center #3 and Tooele Town Center #5 subdivision plats, application number P20-383, based on the findings and subject to the conditions listed in the Staff Report dated December 1, 2020:”

1. List any additional findings and conditions...

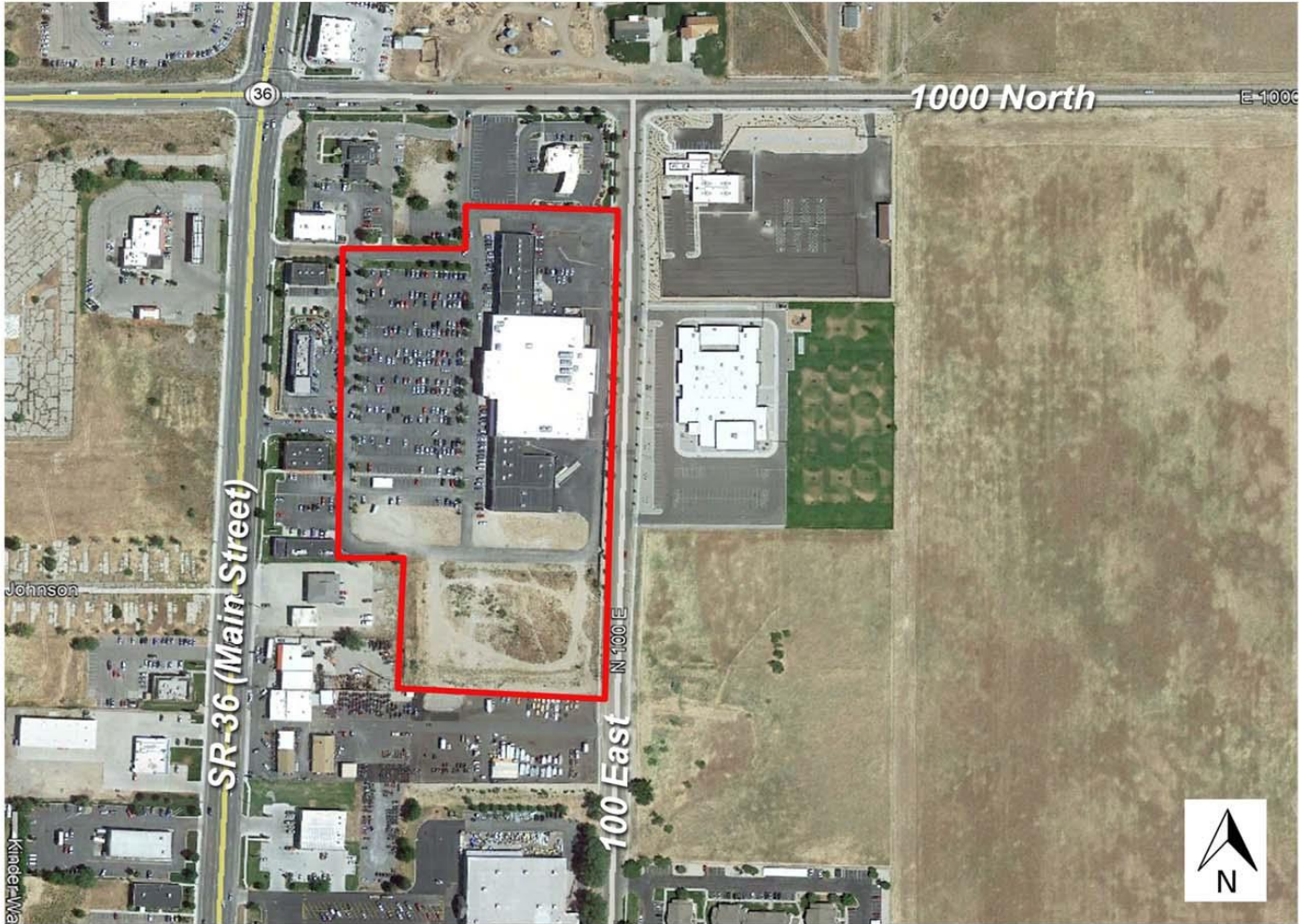
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Tooele Town Center #6 Subdivision Plat Amendment Request by Jake Tate, representing Anderson Wahlen & Associates thus amending Tooele Town Center #3 and Tooele Town Center #5 subdivision plats,, application number P20-383, based on the following findings:”

1. List findings...

EXHIBIT A

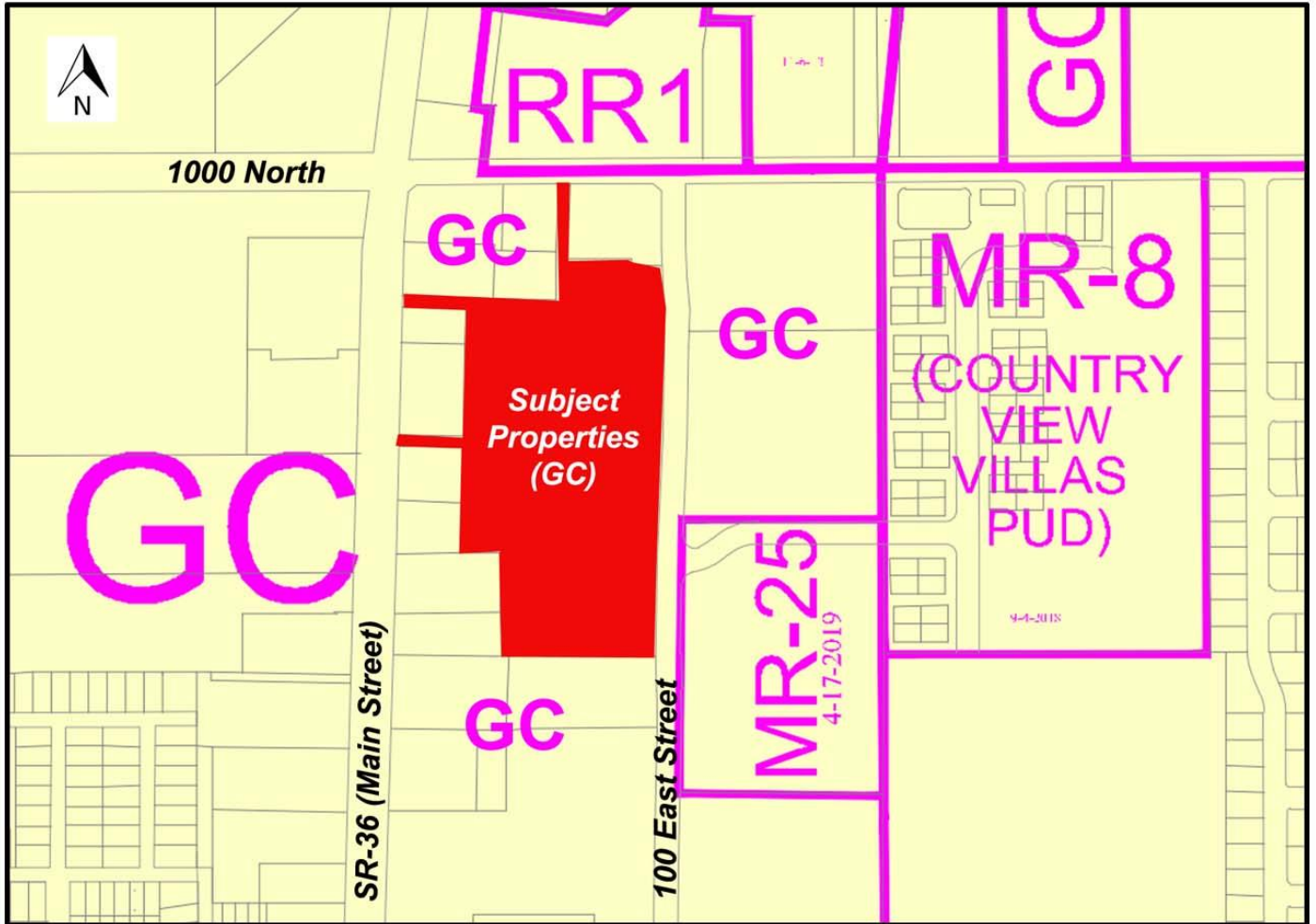
MAPPING PERTINENT TO THE TOOELE TOWN CENTER #6 SUBDIVISION PLAT AMENDMENT

Tooele Town Center #6 Subdivision Plat Amendment



Aerial View

Tooele Town Center #6 Subdivision Plat Amendment



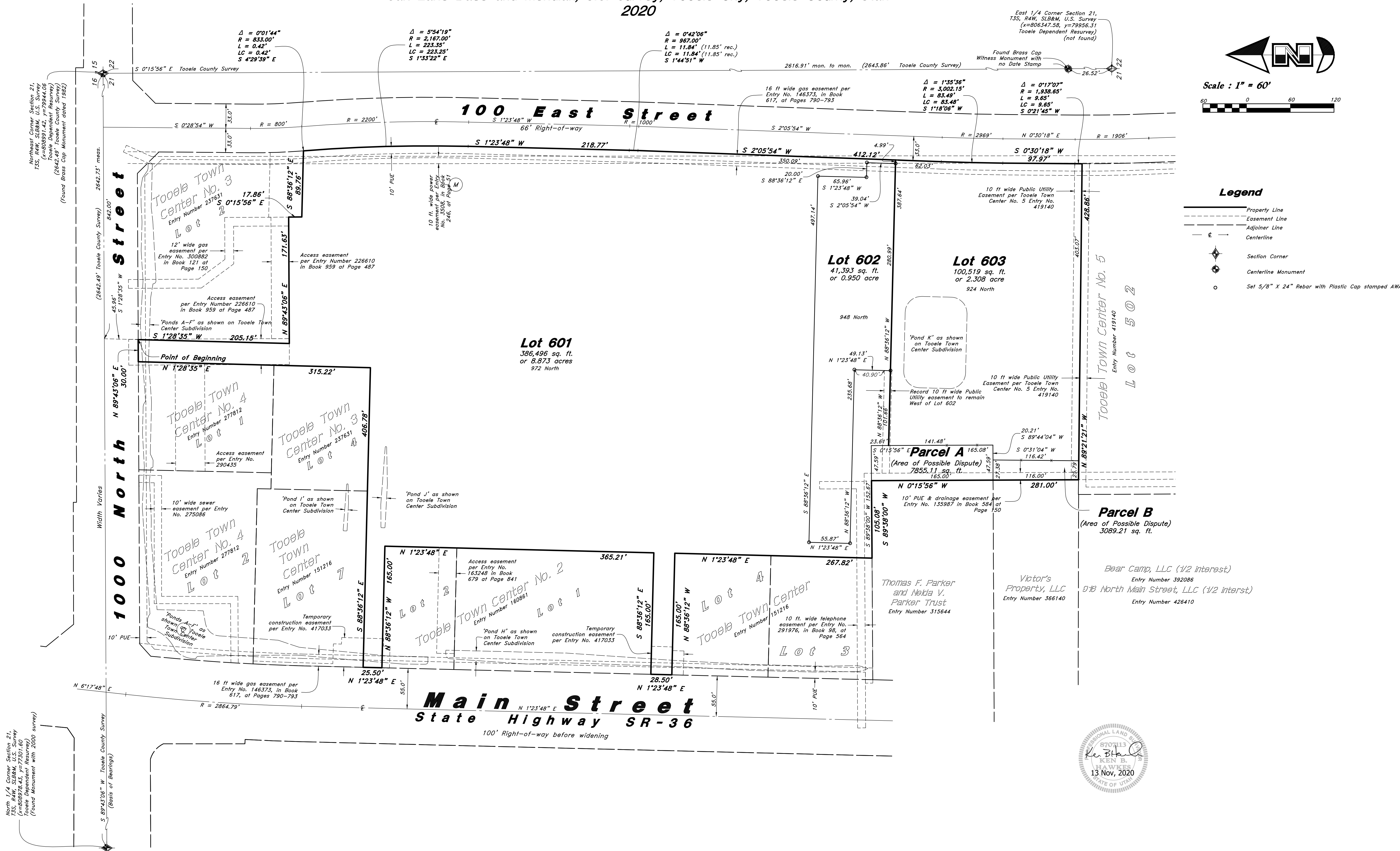
Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

Tooele Town Center No. 6 Subdivision

Amending all of Lot 1, Tooele Town Center No. 3 Subdivision and all of Lot 501, Tooele Town Center No. 5 Subdivision within the Northeast Quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, U.S. Survey, Tooele City, Tooele County, Utah 2020



Scale : 1" = 60'

- Legend**
- Property Line
 - - - Easement Line
 - - - Adjoiner Line
 - Centerline
 - ◆ Section Corner
 - ⊕ Centerline Monument
 - Set 5/8" X 24" Rebar with Plastic Cap stamped AWA



STAFF REPORT

December 1, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Peterson Industrial Depot Plat 2C Amended – Subdivision Plat Amendment Request

Application No.: P20-755
Applicant: Brock Peterson, representing Peterson Industrial Depot
Project Location: Approximately 40 Lodestone Way
Zoning: PID PUD Industrial Zone
Acreage: 35.61 Acres (Approximately 1,551,178 ft²)
Request: Request for approval of an Subdivision Plat Amendment in the PID PUD Industrial zone amending lot 206 of the Peterson Industrial Depot, Plat 2C Subdivision for the purpose of creating 2 new industrial lots.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 35.61 acres located at approximately 40 Lodestone Way. The property is currently zoned PID PUD Industrial. The applicant is requesting that a Subdivision Plat Amendment be approved create two industrial lots. The subdivision plat amendment will amend lot 206 of the existing Peterson Industrial Depot, Plat 2C Subdivision.

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. Properties to the north and south of the subject property are also zoned PID PUD, an industrial zoning classification that pertains to when the property was annexed into Tooele City. Properties to the east and the west are zoned I Industrial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. Lot 206 is an existing 35 acre parcel of the Peterson Industrial Depot Plat 2C Subdivision. The applicant wishes to amend the subdivision plat by splitting lot 206 into two lots. The lots will be renumbered with lot 207 being 9.17 acres and Lot 208 being 26.44 acres. Each lot will have access to Garnet Street and G Avenue which are public streets. There are no lot size restrictions in the Industrial zoning districts. The lots are wider than 500 feet which greatly exceeds the 80 foot lot requirement of the Industrial zones.

Criteria For Approval. The procedure for approval or denial of a Subdivision Plat Amendment follows the same process for a Subdivision Final Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Subdivision Plat Amendment submission and has issued a recommendation for approval for the request with the following comments:

1. All lots within the proposed subdivision meet or exceed minimum lot size requirements for lots in the Industrial zoning districts.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by Brock Peterson, representing Peterson Industrial Depot, application number P20-755, 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.

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. All lots within the proposed subdivision meet or exceed minimum lot size requirements for lots in the Industrial zoning districts.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Peterson Industrial Depot Plat 2C Amended, Subdivision Plat Amendment Request by Brock Peterson, representing Peterson Industrial Depot for the purpose of amending lot 206 of the Peterson Industrial Depot Plat 2C Subdivision, application number P20-755, based on the findings and subject to the conditions listed in the Staff Report dated December 1, 2020.”

1. List any additional findings and conditions...

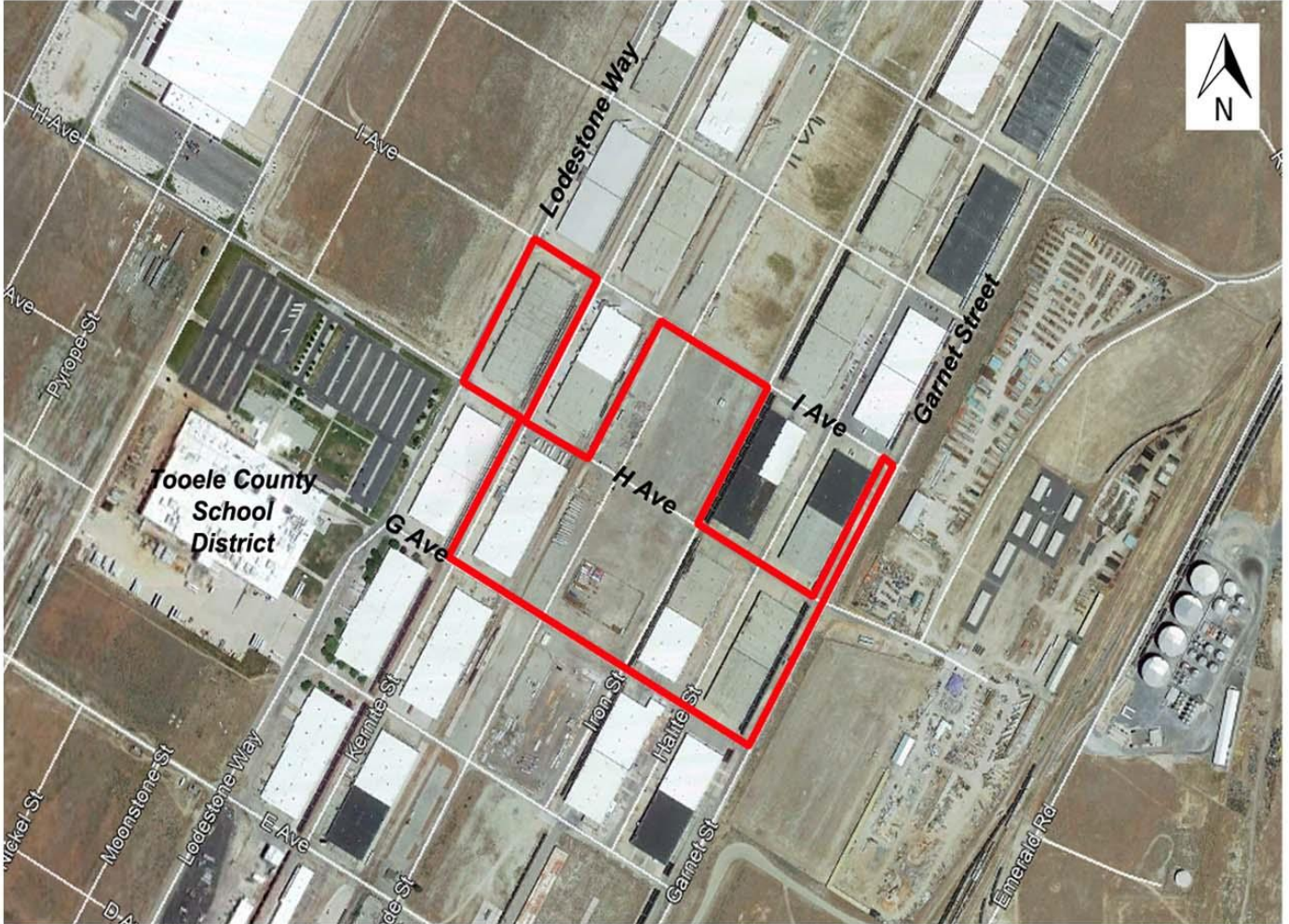
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Peterson Industrial Depot Plat 2C Amended Subdivision Plat Amendment Request by Brock Peterson, representing Peterson Industrial Depot for the purpose of amending lot 206 of the Peterson Industrial Depot Plat 2C Subdivision, application number P20-755, based on the following findings:”

1. List findings...

EXHIBIT A

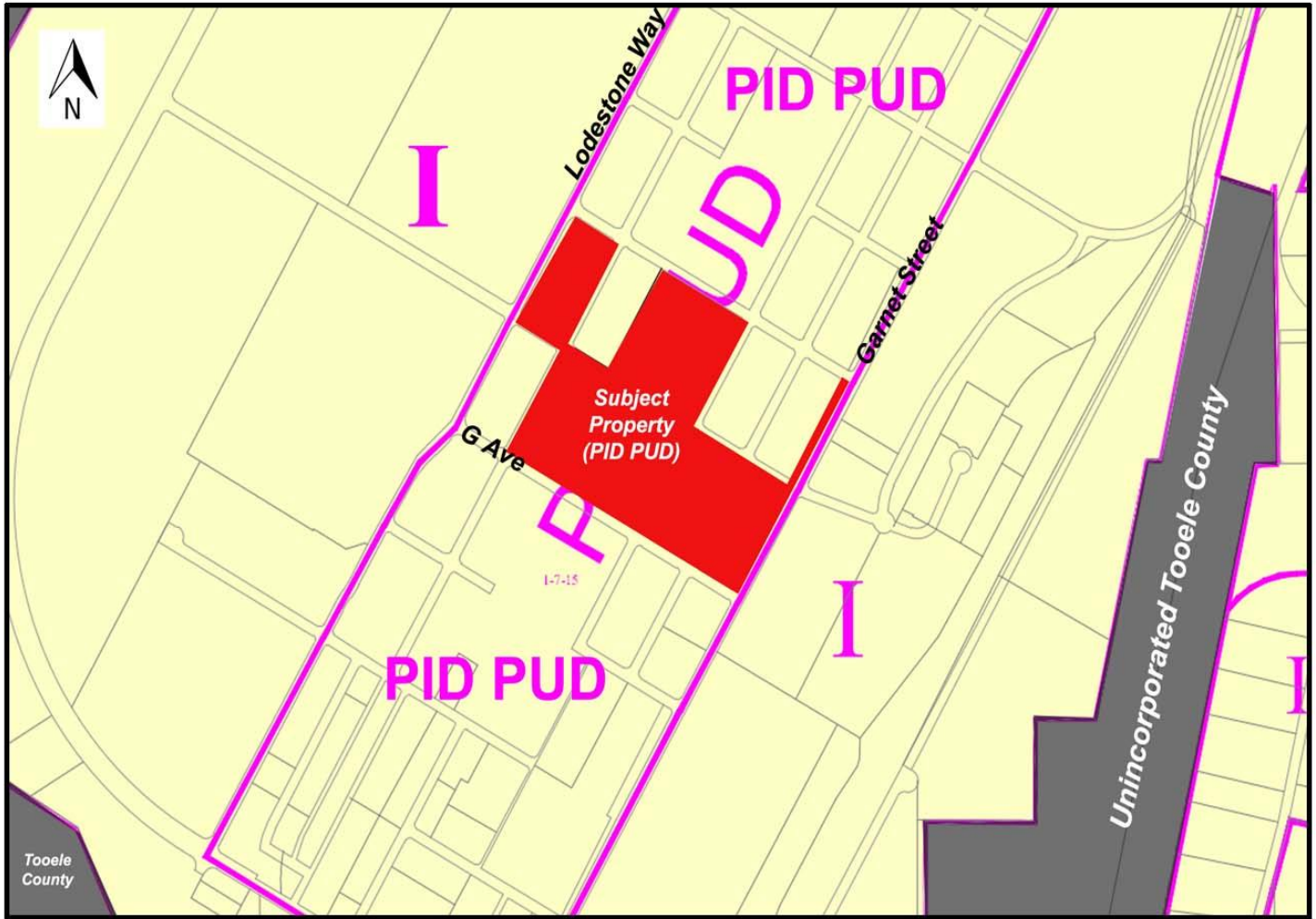
**MAPPING PERTINENT TO THE PETERSON INDUSTRIAL DEPOT PLAT 2C
AMENDED SUBDIVISION PLAT AMENDMENT**

PID Plat 2C Subdivision Plat Amendment



Aerial View

PID Plat 2C Subdivision Plat Amendment

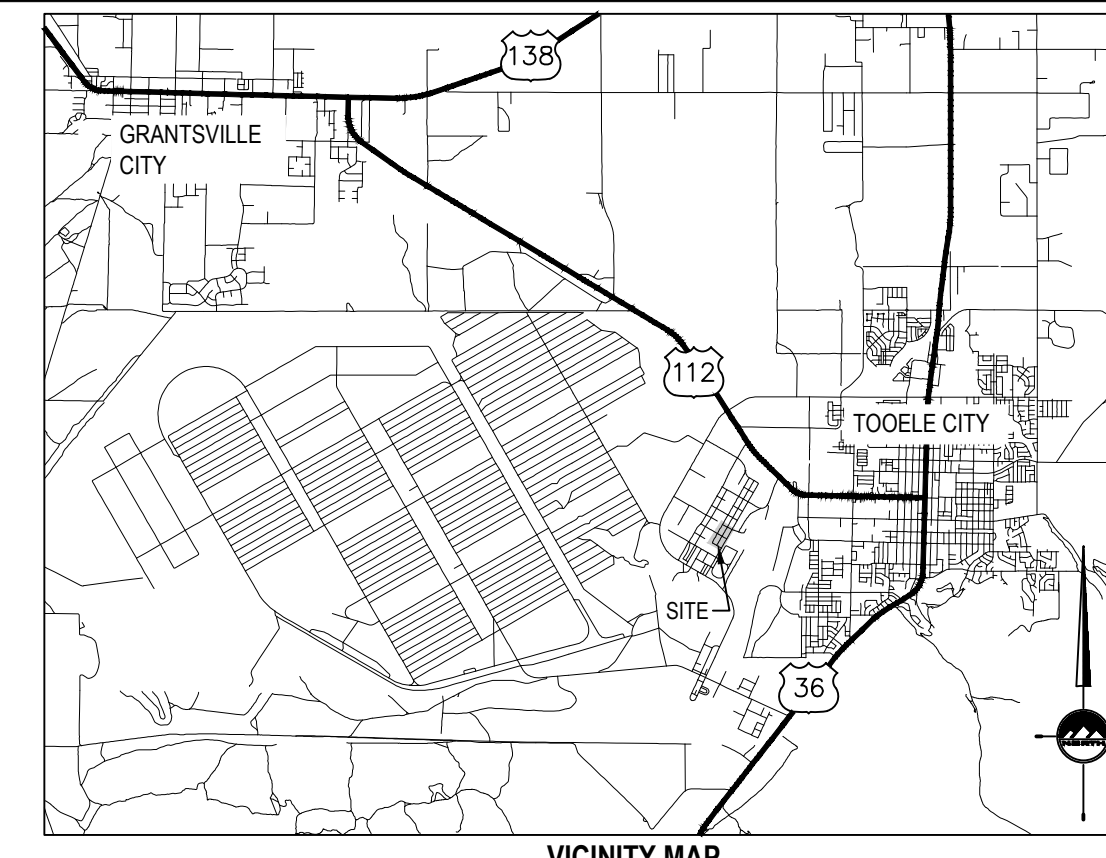


Current Zoning

EXHIBIT B
PROPOSED DEVELOPMENT PLANS

**PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION AMENDED
(AMENDING LOT 206 OF PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION)
FINAL PLAT**

LOCATED IN THE WEST HALF OF SECTION
30, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH



SURVEYOR'S CERTIFICATE
I, Douglas J. Kinsman do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 334575 as prescribed under the laws of the State of Utah. I have personally made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as Peterson Industrial Depot, Plat 2C Subdivision Amended, Amending Lot 206 of Peterson Industrial Depot, Plat 2C Subdivision, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
All of Lot 206 of "Peterson Industrial Depot, Plat 2C Subdivision" a Tooele City Subdivision recorded Entry # 478860 in Book 20 Page 45 in the Tooele County Recorder's Office. The land is situate in the West half Section 30, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel also located in Tooele City, Tooele County, Utah, more particularly described as follows:
Beginning at a point on the Westerly Line of Garnet Street as recorded in the Tooele County Recorder's Office Entry #308583, said point being South 89°42'47" West 2371.57 feet along the Section Line and South 224°24'59" from the found Northeast Corner of Section 30, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:
thence South 29°30'55" West 1193.32 feet along said Westerly line;
thence Southwesterly 39.31 feet along the arc of a 25.00 foot radius non-tangent curve to the right (center bears North 60°29'05" West and the long chord bears South 74°34'00" West 35.39 feet through a central angle of 90°06'10") to a point on the Northerly line of G Avenue as recorded in the Tooele County Recorder's Office Entry #308584;
thence North 60°22'55" West 1.489 54 feet along said Northerly line;
thence North 29°30'02" East 595.11 feet to a point on the Southerly line of H Avenue as recorded in said Peterson Industrial Depot, Plat 2C Subdivision Plat;
thence North 60°25'02" West 216.41 feet along said Southerly line;
thence Southwesterly 39.31 feet along the arc of a 25.00 foot radius non-tangent curve to the left (center bears South 29°34'52" West and the long chord bears South 74°32'05" West 35.39 feet through a central angle of 90°05'47") to a point on the Easterly line of Lodestone Way as recorded in the Tooele County Recorder's Office Entry #308584;
thence North 29°29'11" East 623.01 feet along said Easterly line;
thence Northwesterly 76.65 feet along the arc of a 50.00 foot radius non-tangent curve to the right (center bears South 60°30'48" East and the long chord bears North 74°32'52" East 70.79 feet through a central angle of 90°07'21") to a point on the Southerly line of I Avenue as recorded in the Tooele County Recorder's Office Entry #308585;
thence South 60°23'28" East 305.10 feet along said Southerly line;
thence Southwesterly 39.30 feet along the arc of a 25.00 foot radius non-tangent curve to the left (center bears South 29°36'32" West and the long chord bears South 74°34'10" West 35.38 feet through a central angle of 90°04'44") to a point on the Easterly line of Kermit Street as recorded in said Peterson Industrial Depot, Plat 2C Subdivision Plat;
thence South 29°31'48" West 541.91 feet along said Easterly line;
thence Southwesterly 39.25 feet along the arc of a 25.00 foot radius non-tangent curve to the left (center bears South 60°28'12" East and the long chord bears South 15°26'37" East 35.34 feet through a central angle of 89°56'50") to a point on the Northerly line of H Avenue as recorded in said Peterson Industrial Depot, Plat 2C Subdivision Plat;
thence South 60°25'02" East 215.70 feet along said Northerly line;
thence North 29°29'53" East 591.82 feet to a point on said Southerly line of I Avenue;
thence South 60°22'28" East 611.48 feet along said Southerly line;
thence Southwesterly 39.31 feet along the arc of a 25.00 foot radius non-tangent curve to the left (center bears South 29°36'32" West and the long chord bears South 74°33'46" West 35.38 feet through a central angle of 90°05'32") to a point on the Easterly line of Iron Street as recorded in the Tooele County Recorder's Office Entry #337437;
thence South 29°31'07" West 594.50 feet along said Easterly line to the centerline of said H Avenue;
thence South 60°25'02" East 558.37 feet along said centerline;
thence North 29°30'51" East 619.29 feet to a point on the Southerly line of said I Avenue;
thence South 60°22'28" East 15.26 feet along said Southerly line;
thence Southwesterly 39.23 feet along the arc of a 25.00 foot radius non-tangent curve to the right (center bears South 29°36'32" West and the long chord bears South 15°26'17" East 35.33 feet through a central angle of 89°54'23") to the Point of Beginning.
Contains 1,551,176 square feet or 35.61 acres.

OWNER'S DEDICATION
Known all men by these presents that the undersigned are the owner(s) of the heron described tract of land and hereby cause the same to be divided into lots, and streets together with easements as set forth hereafter to be known as:
**PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION AMENDED
(AMENDING LOT 206 OF PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION)**
The undersigned owner(s) hereby convey to any and all public utility companies providing service to the heron described tract a perpetual, non-exclusive easement over the streets and public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of public utility service lines and facilities. The undersigned owner(s) also hereby conveys any other easements as shown hereon to the parties indicated and for the purpose shown hereon.
In witness whereof I / we have hereunto set my / our hand this _____ day of _____ A.D., 20____.
By: Peterson Industrial Properties LLC
Aaron Peterson, President
By: Tooele County School District
By: _____
OWNER'S RESERVATION AND GRANT OF EASEMENTS
Known all men by these presents that the undersigned are the owner(s) of the heron described tract of land and hereby reserve unto itself, and its successors and assigns, a perpetual easement and right of way on, over, under, through, and across all of the easements (including, public utility easements, ingress and egress easements, railroad easements, and any other easements) shown and described on this plat, PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION AMENDED, and does hereby grant to the owners of the lots depicted on the plat a perpetual easement and right of way for pedestrian and vehicular ingress and egress on, over, through, and across the ingress and egress easements as shown and described on this plat as intended for use by said owner(s).
In witness whereof I / we have hereunto set my / our hand this _____ day of _____ A.D., 20____.
By: Peterson Industrial Properties LLC
By: _____
By: Tooele County School District
By: _____
LIMITED LIABILITY COMPANY ACKNOWLEDGMENT
STATE OF UTAH J.S.S.
County of Tooele
On the _____ day of _____ A.D., 20____, personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the _____ of _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY.

LEGEND
SECTION CORNER
MONUMENT
ADJACENT RIGHT OF WAY
RIGHT OF WAY
CENTERLINE
PROPERTY LINE
ADJACENT PROPERTY LINE
EASEMENT
SECTION LINE
RAIL EASEMENT AREA

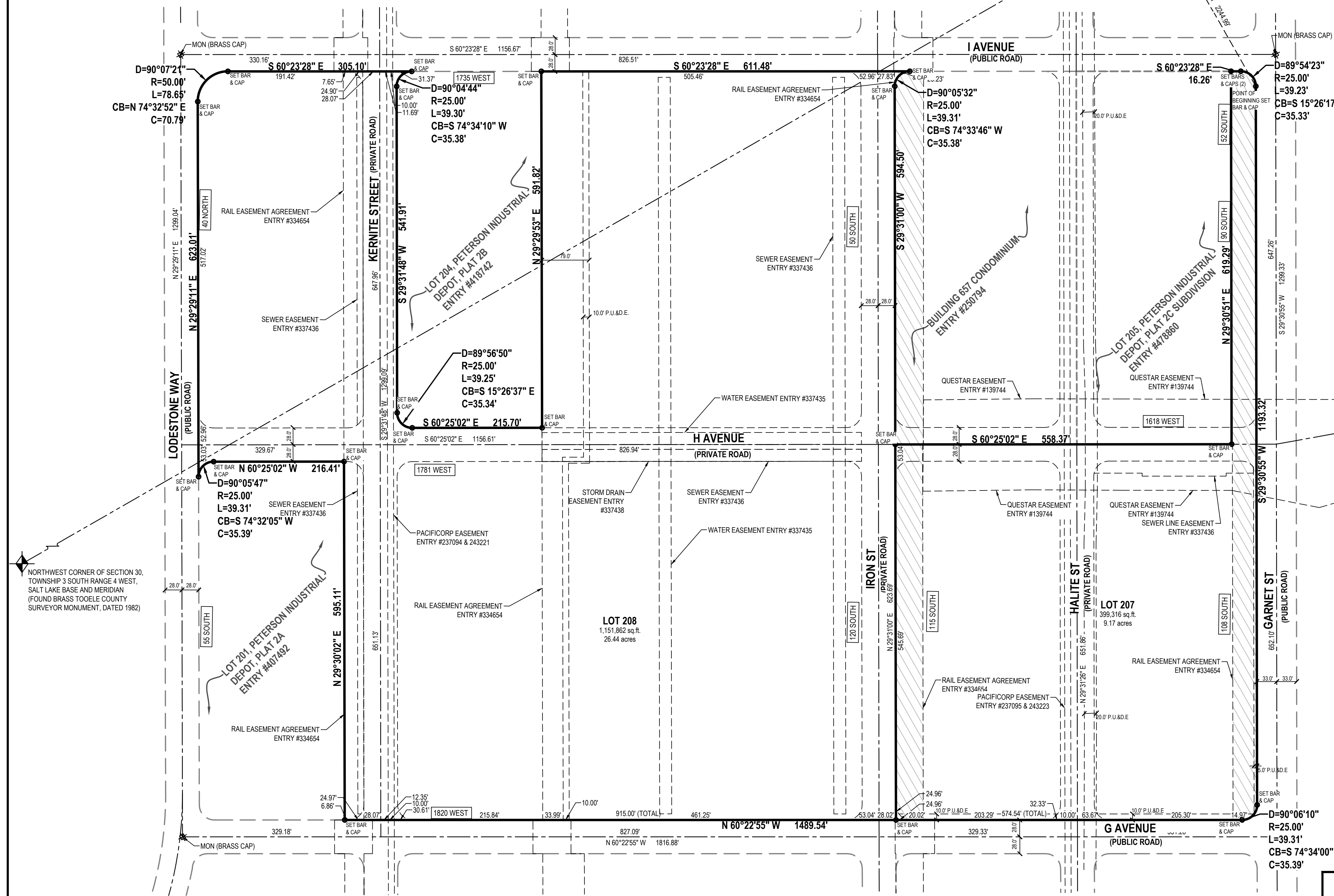
HORIZONTAL GRAPHIC SCALE
100 0 50 100 200
(IN FEET)
HORZ: 1 inch = 100 ft.

DEVELOPER
BROCK PETERSON
545 NORTH LODESTONE WAY
TOOELE, UT 84074
801-560-1147

TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435-843-3550
Fax: 435-578-0108
WWW.ENSIGNENG.COM

SALT LAKE CITY
Phone: 801-253-0929
LAYTON
Phone: 801-547-1100
CEDAR CITY
Phone: 435-888-1453
RICHFIELD
Phone: 435-886-2983

SHEET 1 OF 1
PROJECT NUMBER: 9316
MANAGER: J. CLEGG
DRAWN BY: J. HOWLAND
CHECKED BY: D. KINSMAN
DATE: 10/9/20



CITY COUNCIL APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
CHAIRMAN TOOELE CITY COUNCIL

PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
CHAIRMAN TOOELE CITY PLANNING COMMISSION

COMMUNITY DEVELOPMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE COUNTY HEALTH DEPT.

COUNTY SURVEY DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE COUNTY SURVEY DEPARTMENT DIRECTOR

CITY ENGINEER'S APPROVAL
APPROVED AS TO FORM THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE CITY ENGINEER

COUNTY TREASURER
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL
APPROVED AS TO FORM THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE CITY ATTORNEY

ROCKY MOUNTAIN POWER COMPANY
1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
(1) A RECORDED EASEMENT OR RIGHT-OF-WAY
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(3) TITLE 94, CHAPTER 9A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
(4) ANY OTHER PROVISION OF LAW.
APPROVED THIS _____ DAY OF _____, 20____

DOMINION ENERGY
DOMINION APPROVED THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER'S DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532
APPROVED THIS _____ DAY OF _____, 20____, BY THE DOMINION ENERGY
SIGNATURE _____ TITLE _____

CITY COUNCIL APPROVAL
RECORDED # _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEES _____
TOOELE COUNTY RECORDER

**PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION AMENDMENT
(AMENDING LOT 206 OF PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION)**
LOCATED IN THE WEST HALF OF SECTION
30, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

TOOELE COUNTY RECORDER
RECORDED # _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEES _____
TOOELE COUNTY RECORDER

PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
CHAIRMAN TOOELE CITY PLANNING COMMISSION

COMMUNITY DEVELOPMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE COUNTY HEALTH DEPT.

COUNTY SURVEY DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE COUNTY SURVEY DEPARTMENT DIRECTOR

CITY ENGINEER'S APPROVAL
APPROVED AS TO FORM THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE CITY ENGINEER

COUNTY TREASURER
APPROVED THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL
APPROVED AS TO FORM THIS _____ DAY OF _____, 20____,
BY: _____
TOOELE CITY ATTORNEY

STAFF REPORT

December 2, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Providence at Overlake Phase 5 – Subdivision Preliminary Plan Request

Application No.: P20-703
Applicant: Howard Schmidt, representing Providence Tooele, LLC
Project Location: Approximately 1000 North 400 West
Zoning: R1-7 Residential Zone
Acreage: 8 Acres (Approximately 348,480 ft²)
Request: Request for approval of a Subdivision Preliminary Plan in the R1-7 Residential zone regarding the creation of 42 single-family residential lots and accommodating rights-of-way.

BACKGROUND

This application is a request for approval of a Subdivision Preliminary Plan for approximately 8 acres located at approximately 1000 North 400 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Subdivision Preliminary Plan be approved to allow for subdivision of the currently undeveloped 8 acre parcel into 42 single-family residential lots and provide rights-of-way for public streets.

ANALYSIS

Zoning. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. Properties to the north of the subject property are zoned R1-7 and are the Providence At Overlake Phases 1-4 Subdivisions. Properties to the east are zoned both R1-7 Residential and MR-16 Multi-Family Residential. The property is bounded on the east by the Union Pacific Railroad corridor. To the south properties are zoned MR-16 Multi-Family Residential and to the west properties are zoned MR-16 as well. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The proposed preliminary plan proposes to subdivide the existing vacant parcel into 42 single-family residential lots ranging in size from 7,400 square feet up to 11,800 square feet. The subdivision itself is hemmed in between the Union Pacific Railroad corridor, 1000 North Street and Providence Phases 3 and 4 to the north. All roads in the subdivision will be dedicated as public streets and will connect to existing stub streets in Phases 3 and 4 to the north. Each lot within the subdivision meets or exceeds all minimum lot standards for lot width, lot size and lot frontage as required by the R1-7 Residential zoning district.

All storm water will be directed to and draining into the existing storm water detention basin located in Phase 2 of the Providence at Overlake Subdivision.

Fencing. The developer will be installing 8 foot solid masonry fencing on lots 504 through 510 where these lots are adjacent to the Union Pacific Railroad corridor.

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 Subdivision Preliminary Plan submission and has issued a recommendation for approval for the request with the following comments:

1. All lots within the subdivision meet or exceed all minimum lot size and lot width requirements of the R1-7 Residential zoning district.

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

1. Resolution of the Union Pacific Railroad storm drain and drain pipe locations.
2. Resolution of the UDOT frontage improvements along 1000 North.

STAFF RECOMMENDATION

Staff recommends approval denial of the request for a Subdivision Preliminary Plan by Howard Schmidt, representing the Providence Tooele, LLC, application number P20-703, 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. Resolution of the Union Pacific Railroad storm drain and drain pipe locations.
6. Resolution of the UDOT frontage improvements along 1000 North.

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. All lots within the subdivision meet or exceed all minimum lot size and lot width requirements of the R1-7 Residential zoning district.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Providence at Overlake Phase 5 Subdivision Preliminary Plan Request by Howard Schmidt, representing Providence Tooele, LLC for the purpose of creating 42 new single-family residential lots, application number P20-703, based on the findings and subject to the conditions listed in the Staff Report dated December 2, 2020:”

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 Providence at Overlake Phase 5 Subdivision Preliminary Plan Request by Howard Schmidt, representing Providence Tooele, LLC for the purpose of creating 42 new single-family residential lots, application number P20-703, based on the following findings:”

1. List findings...

EXHIBIT A

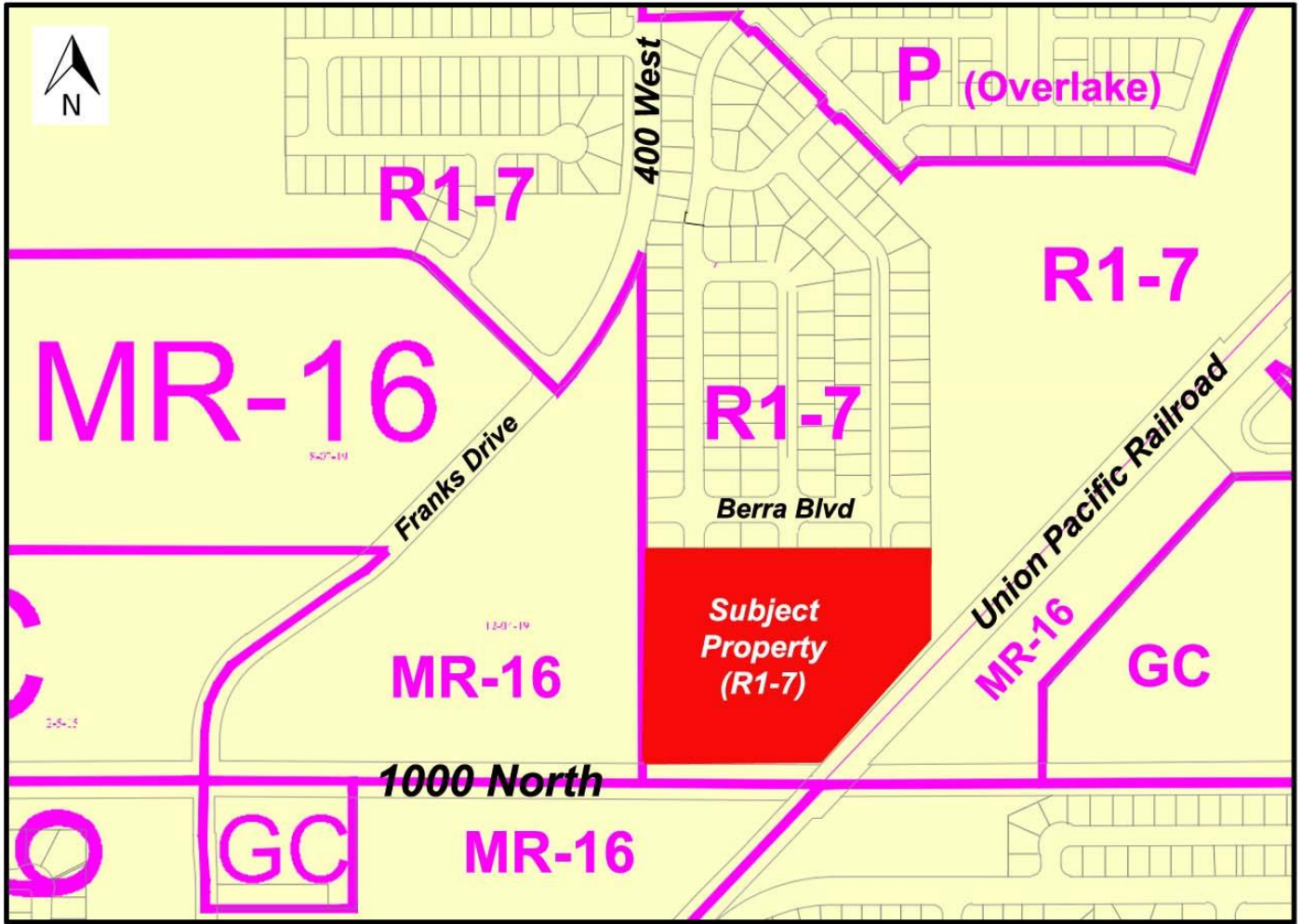
**MAPPING PERTINENT TO THE PROVIDENCE AT OVERLAKE PHASE 5
SUBDIVISION PRELIMINARY PLAN**

Providence at Overlake Phase 5 Preliminary Plan



Aerial View

Providence at Overlake Phase 5 Preliminary Plan

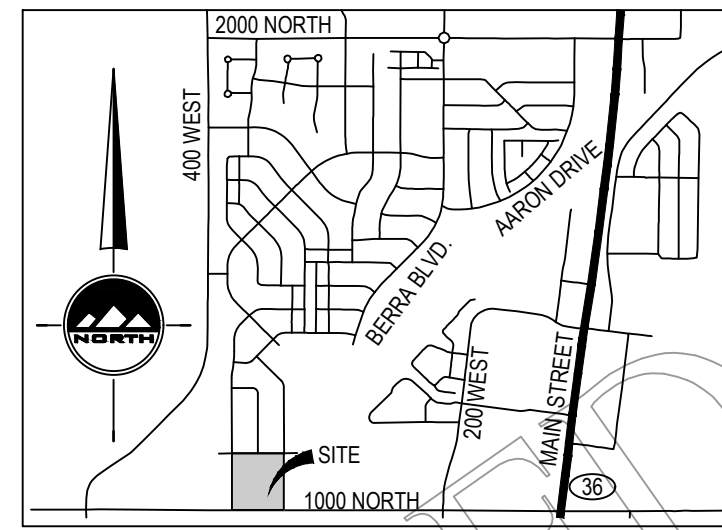


Current Zoning

EXHIBIT B
PROPOSED DEVELOPMENT PLANS

PRELIMINARY PLAT PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 5

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH



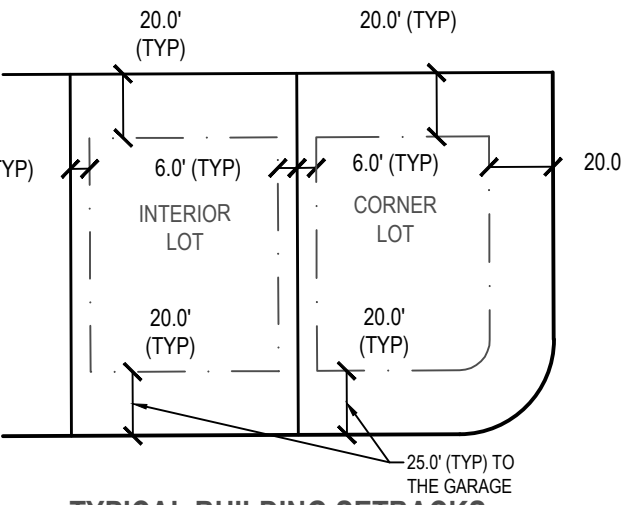
VICINITY MAP
NOT TO SCALE

CENTER LINE CURVE TABLE

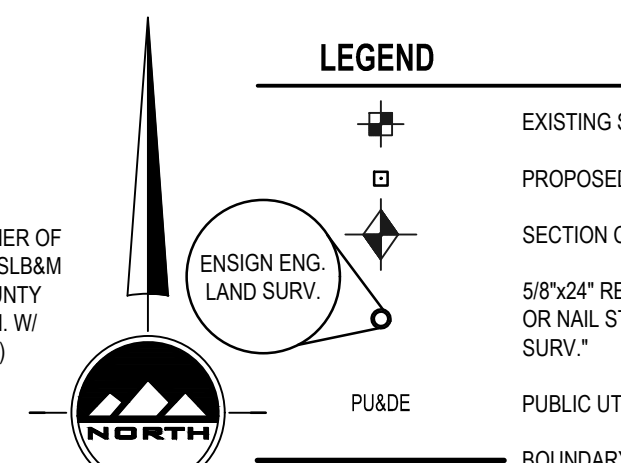
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
|-------|---------|--------|-----------|-------------|--------|
| CL2 | 100.00' | 80.34' | 46°08'51" | N66°58'55"E | 78.38' |
| CL3 | 100.00' | 80.02' | 45°50'45" | S23°10'08"E | 77.90' |
| CL4 | 100.00' | 77.06' | 44°09'15" | N21°49'52"E | 75.17' |

CURVE TABLE

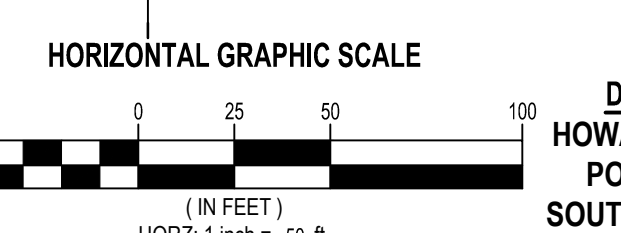
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
|-------------|-----------|---------|------------|-------------|---------|
| C1 | 130.00' | 14.30' | 6°18'16" | N2°54'23"E | 14.30' |
| C2 | 130.00' | 52.56' | 23°09'58" | N17°38'30"E | 52.21' |
| C3 | 130.00' | 33.32' | 14°41'01" | N36°34'00"E | 33.22' |
| C4 (TOTAL) | 130.00' | 100.18' | 44°09'15" | N21°49'52"E | 97.72' |
| C5 | 130.00' | 2.45' | 1°04'45" | N44°26'52"E | 2.45' |
| C6 | 130.00' | 49.71' | 21°54'29" | N55°56'29"E | 49.41' |
| C7 | 130.00' | 52.55' | 23°09'37" | N78°28'32"E | 52.19' |
| C8 (TOTAL) | 130.00' | 104.71' | 46°08'51" | N66°58'55"E | 101.90' |
| C9 | 15.00' | 8.73' | 33°21'54" | S72°59'11"W | 8.61' |
| C10 | 60.00' | 37.59' | 35°53'54" | N74°15'10"E | 36.98' |
| C11 | 60.00' | 40.72' | 38°52'48" | S68°21'29"E | 39.94' |
| C12 | 60.00' | 40.10' | 38°17'25" | S29°46'22"E | 39.36' |
| C13 | 60.00' | 46.34' | 44°15'02" | S11°29'51"W | 45.20' |
| C14 | 15.00' | 8.87' | 33°52'07" | N16°41'18"E | 8.74' |
| C15 (TOTAL) | 60.00' | 164.74' | 157°19'08" | S45°02'12"E | 117.66' |
| C16 | 29.50' | 46.18' | 89°41'54" | S45°05'42"E | 41.61' |
| C17 | 70.00' | 56.38' | 46°08'51" | N66°58'55"E | 54.87' |
| C18 | 29.50' | 46.34' | 90°00'00" | N1°05'30"W | 41.72' |
| C19 | 130.00' | 27.17' | 11°58'36" | S40°06'12"E | 27.13' |
| C20 | 130.00' | 76.85' | 33°52'08" | S17°10'50"E | 75.73' |
| C21 (TOTAL) | 130.00' | 104.02' | 45°50'45" | S23°10'08"E | 101.27' |
| C22 | 70.00' | 56.01' | 45°50'45" | S23°10'08"E | 54.53' |
| C23 | 29.50' | 46.34' | 90°00'00" | N88°54'30"E | 41.72' |
| C24 | 70.00' | 40.74' | 33°20'52" | N27°14'04"E | 40.17' |
| C25 | 70.00' | 13.20' | 10°48'24" | N5°09'26"E | 13.18' |
| C26 (TOTAL) | 70.00' | 53.94' | 44°09'15" | N21°49'52"E | 52.62' |
| C27 | 39317.08' | 82.25' | 0°07'12" | N89°52'45"E | 82.25' |
| C28 | 39317.08' | 66.24' | 0°05'48" | N89°59'15"E | 66.24' |
| C29 | 39317.08' | 69.00' | 0°06'02" | S89°54'51"E | 69.00' |
| C30 | 39317.08' | 60.01' | 0°05'19" | S89°49'12"E | 60.01' |
| C31 | 39317.08' | 137.72' | 0°12'03" | S89°40'34"E | 137.72' |



TYPICAL BUILDING SETBACKS

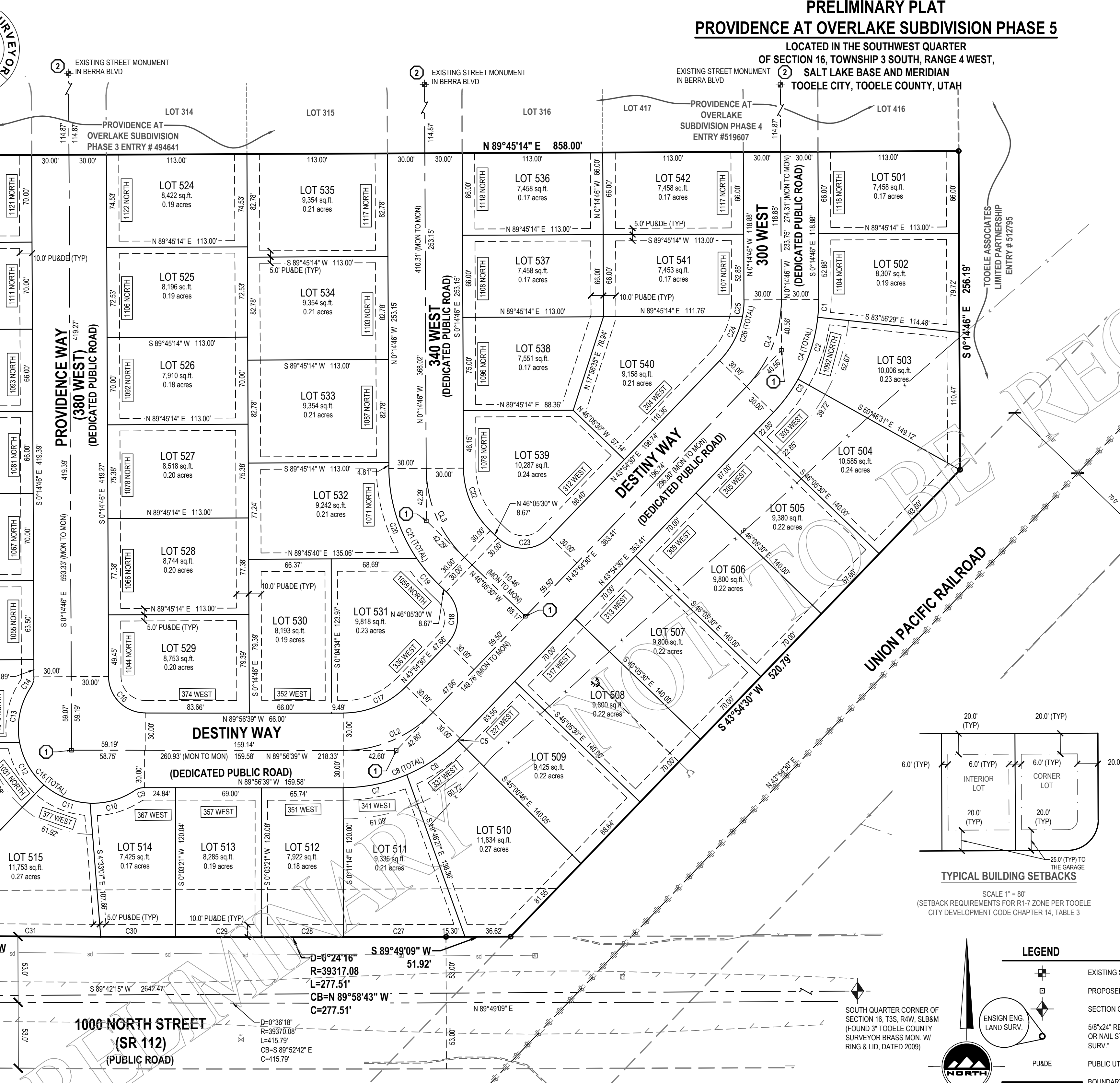
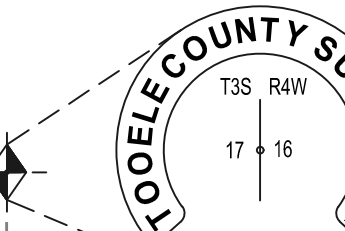


LEGEND

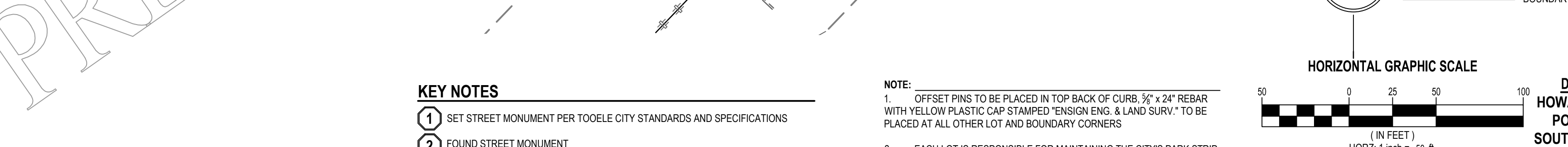
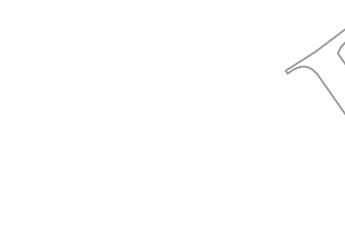


DEVELOPER
HOWARD SCHMIDT
PO BOX 95410
SOUTH JORDAN, UT
801-859-9449

WEST QUARTER CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)



SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)



SURVEYOR'S CERTIFICATE

I, Douglas J. Kineman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, and streets, hereafter to be known as PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 5, and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

The basis of bearing for this survey is between the West Quarter Corner of Section 16, Township 3 South, Range 4 West Salt Lake Base and Meridian, and the Southwest Corner of Section 16, Township 3 South, Range 4 West Salt Lake Base and Meridian which bears South 0°14'46" East 2642.58 feet.

A parcel of land, situate in the Southwest Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel is also located in Tooele City, Tooele County, Utah, more particularly described as follows:

Beginning at a point on the North line of 1000 North Street, said point also being North 0°14'46" West 48.56 feet along the Section line from the Southwest Corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North 0°14'46" West 626.79 feet to the Southwest corner of Lot 313 of Providence at Overlake Subdivision Phase 3 as recorded in the Tooele County Recorder's office under entry # 494641;

thence North 89°45'14" East 858.00 feet along said Phase 3 and along Future Phase 4 of said Subdivision to the Southeast corner of Lot 416;

thence South 0°14'46" East 256.19 feet to the Northwesterly line of the Union Pacific Railroad;

thence South 43°54'30" West 520.79 feet along said Northwesterly line to the North line of 1000 North Street;

thence South 89°49'09" West 51.50 feet along said North line;

thence Northwesterly 415.23 feet along the arc of a 39,317.08 foot radius tangent curve to the right (center bears North 0°10'51" West and the long chord bears North 89°52'42" West 415.23 feet along a central angle of 0°36'18") along said North line;

thence North 89°34'33" West 28.66 feet along said North line to the Point of Beginning.

Contains 472,122 square feet or 10.84 acres. 42 Lots

Date
Douglas J. Kineman
Licenses No. 334575



ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN. § 17-27A-65(4)(V) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PLIE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:

- A RECORDED EASEMENT OR RIGHT-OF-WAY
- THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
- TITLE 54, CHAPTER 5A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
- ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20____

ROCKY MOUNTAIN POWER

BY _____

TITLE _____

DOMINION ENERGY

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____, 20____

DOMINION ENERGY

BY _____

TITLE _____

PRELIMINARY PLAT PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 5

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH

SCHOOL DISTRICT

APPROVED THIS _____ DAY OF _____, 20____

BY THE TOOELE COUNTY SCHOOL DISTRICT

TOOELE COUNTY SCHOOL DISTRICT

POST MASTER

APPROVED THIS _____ DAY OF _____, 20____

BY THE POST MASTER

POST MASTER

COMCAST

APPROVED THIS _____ DAY OF _____, 20____

BY THE COMCAST CABLE

COMCAST

CENTURY LINK

APPROVED THIS _____ DAY OF _____, 20____

BY THE CENTURY LINK

CENTURY LINK

CHIEF OF POLICE

APPROVED THIS _____ DAY OF _____, 20____

BY THE TOOELE CITY CHIEF OF POLICE

TOOELE CITY CHIEF OF POLICE

FIRE CHIEF

APPROVED THIS _____ DAY OF _____, 20____

BY THE TOOELE CITY FIRE DEPARTMENT

TOOELE CITY FIRE CHIEF

PARKS DEPARTMENT

APPROVED THIS _____ DAY OF _____, 20____

BY THE TOOELE CITY PARKS DEPARTMENT

TOOELE CITY PARKS DEPARTMENT

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____

TOOELE CITY ATTORNEY

CITY ENGINEER

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____

TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____

TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY RECORDER

REVIEWED THIS _____ DAY OF _____, 20____

BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD.

TOOELE COUNTY RECORDER

CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 20____

BY THE TOOELE CITY COUNCIL

CHAIRMAN TOOELE CITY COUNCIL

PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE CITY PLANNING COMMISSION.

TOOELE CITY PLANNING COMMISSION

HEALTH DEPARTMENT

APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT

ENSIGN

TOOELE
183 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108

SALT LAKE CITY
Phone: 801.551.0528

LAYTON
Phone: 801.551.1100

CEAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.866.2983

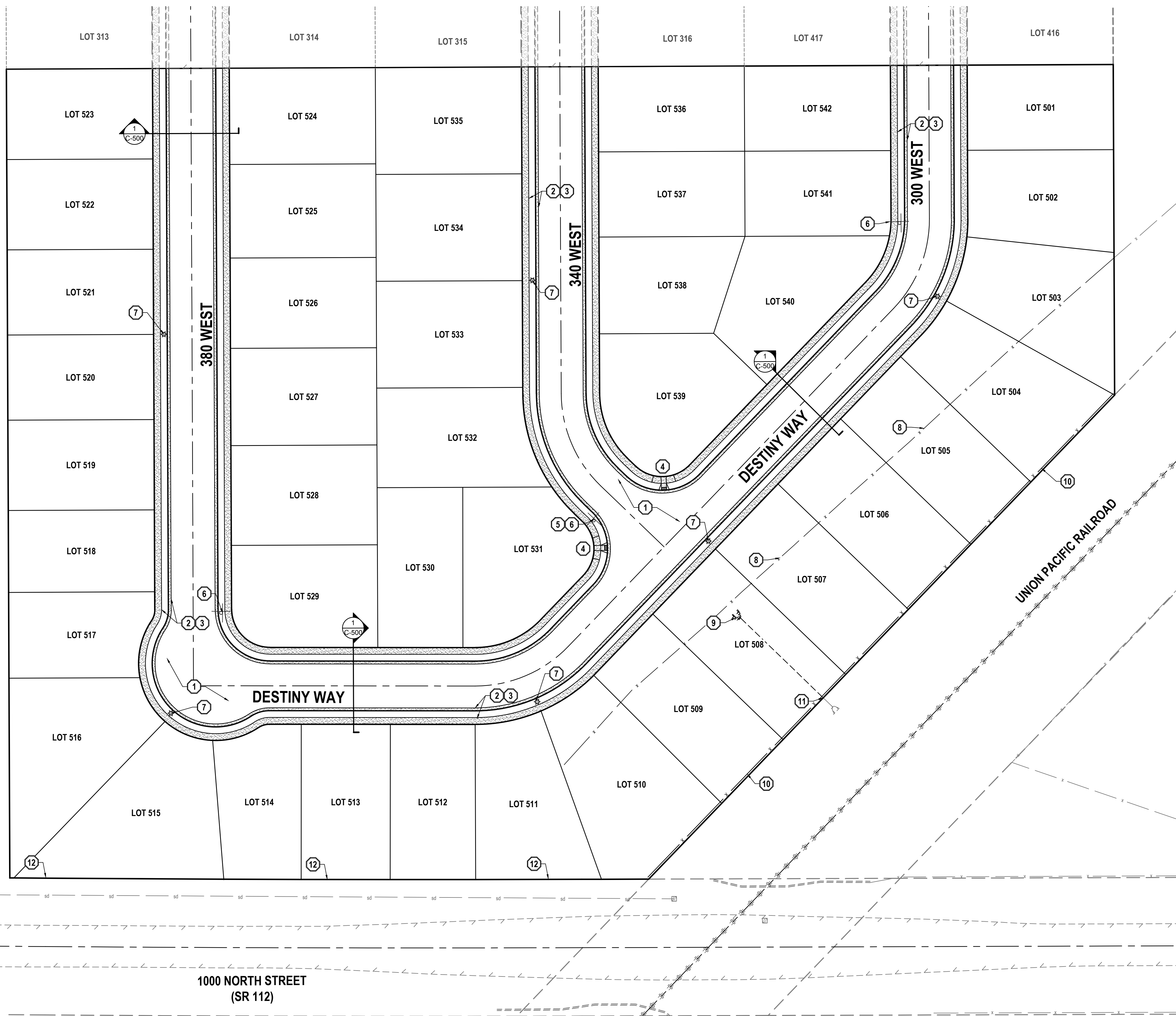
WWW.ENSGN.COM

SHEET 1 OF 1

PROJECT NUMBER: 7563A
MANAGER: D. KINSMAN
DRAWN BY: C. CARPENTER
CHECKED BY: D. KINSMAN
DATE: 11/14/20



BENCHMARK
 SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" TOOEL COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)
 ELEVATION = 4787.08'



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
4. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOIL, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
5. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
6. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

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 ASPHALT PAVEMENT: 3" THICK ASPHALTIC CONCRETE WITH 9" UNTREATED BASE COURSE PER GEOTECHNICAL REPORT PER DETAIL 2/C-500.
- 2 6" THICK, 5' WIDE CONCRETE SIDEWALK PER TOOEL CITY STANDARD PLAN NO. 231R AND SPECIFICATIONS.
- 3 30" TYPE "A" CURB AND GUTTER PER TOOEL CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
- 4 HANDICAP ACCESS RAMP TO BE CONSTRUCTED SIMILAR TO APWA STANDARD PLAN NO. 235. CONTRACTOR TO FIELD FIT AND SHALL CONSTRUCT IN A WAY NOT EXCEED MAXIMUM SLOPES. INSTALL WITH DETECTABLE WARNING SURFACE PER TOOEL CITY STANDARD PLAN NO. 238R AND SPECIFICATIONS.
- 5 "STOP" SIGN PER TOOEL CITY STANDARD PLAN NO. 294R AND M.U.T.C.D. STANDARD PLANS
- 6 STREET SIGN PER TOOEL CITY STANDARD PLAN NO. 292R, NO. 294R, AND SPECIFICATIONS.
- 7 INSTALL STREET LIGHTS PER TOOEL CITY STANDARDS AND SPECIFICATIONS PLAN NO. 743 R.
- 8 REMOVE EXISTING FENCE
- 9 REMOVE EXISTING CULVERT TO THE PROPERTY LINE
- 10 INSTALL 6" SOLID MASONRY FENCING ALONG THE RAILROAD CORRIDOR
- 11 CULVERT COORDINATION WITH UNION PACIFIC RAILROAD ONGOING AND TO BE RESOLVED PRIOR TO FINAL APPROVAL FROM TOOEL CITY.
- 12 RIGHT-OF-WAY COORDINATION WITH UDOT ONGOING AND TO BE RESOLVED PRIOR TO FINAL APPROVAL FROM TOOEL CITY.

Thank you.



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

FOR:
 HOWARD SCHMIDT
 PO BOX 95410
 SOUTH JORDAN, UTAH 84095

CONTACT:
 HOWARD SCHMIDT
 PHONE: 801-859-9449

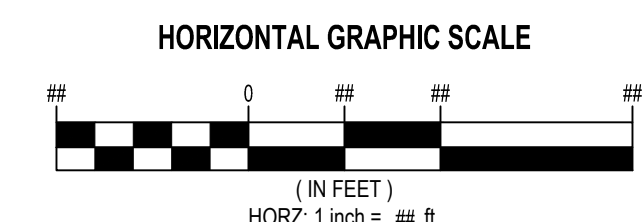
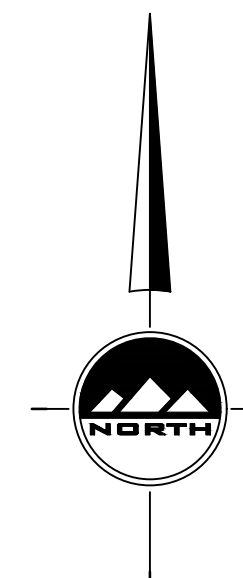
**PROVIDENCE AT OVERLAKE
 PHASE 5 PRELIMINARY**
 400 WEST AND 1000 NORTH
 TOOEL, UTAH 84074

For Review
 11/04/2020 02:06:07 PM

SITE PLAN

PROJECT NUMBER: 7563A
 PRINT DATE: 11/4/20
 DRAWN BY: C. CARPENTER
 CHECKED BY: C. CHILD
 PROJECT MANAGER: D. KINSMAN

C-100



STAFF REPORT

December 3, 2020

To: Tooele City Planning Commission
Business Date: December 9, 2020

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Abandoned Applications – City Code Text Amendment Request

Application No.: P20-1196

Applicant: Tooele City

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

BACKGROUND

This application is a request for approval of a City Code Text Amendment to address applications that have stalled or gone stale. On occasion, applications for land use approvals, typically subdivisions and site plans, either run into complications or become infeasible through the due diligence process to where the project either requires pulling back and reassessing the application or halting the project altogether. Currently the City Code has various sunset clauses for projects that have fallen into this situation after they have received a certain level of approval. The City Code is unfortunately silent on how to handle applications which fall into this situation prior to receiving an approval or while still in the review process. This application proposes to clarify and address this.

ANALYSIS

City Code. In the event that an application stalls or goes stale, there are a number of concerns that presents for the City. Often times when an application falls into this situation, most commonly when an application is discontinued by the applicant that is a decision that is done on the applicant's side of the equation and not always communicated to the City. This lets applications sit dormant, currently in perpetuity, unless the applicant expresses a desire to have the case closed out. Under the basic tenets of land use law, applications are entitled to the provisions of the applicable laws and ordinances at the time the application is filed for review. Where ordinances, particularly governing land use, are typically and intended to be fluid and revised over time, the burden of tracking the applicable laws and ordinances applicable to these dormant projects becomes very challenging. In an extreme scenario under the current terms of the City Code, an application that sits dormant for an extended period of time could be reactivated and continue on years down the road where the City would be obligated to ensure that the continued review is done according to the standards in place years before when the application was submitted. The intent of this proposed text amendment to the City Code is to create a mechanism by which applicants that have gone dormant can be determined to be abandoned and closed out to increase efficiencies through the review process of applications. The complete text for the subject request can be found in Exhibit "A" to this report.

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 request and has issued the following comment:

1. The Planning Division is supportive of this City Code Text Amendment.

Engineering Review. The Tooele City Engineering Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The Planning Division is supportive of this City Code Text Amendment.

Public Works Department Review. The Tooele City Public Works Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The Public Works Department is in support of this proposed City Code Text Amendment. Without this amendment there is a financial cost and staff work hours time when these applications are stalwart.

Noticing. The applicant has expressed their desire to amend 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 Abandoned Applications City Code Text Amendment Request by Tooele City regarding Abandoned Applications, application number P20-1196, based on the following findings:"

1. List findings ...

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Abandoned Applications City Code Text Amendment Request by Tooele City regarding Abandoned Applications, application number P20-1196, based on the following findings:"

1. List findings ...

EXHIBIT A

PROPOSED TEXT FOR ABANDONED APPLICATIONS CITY CODE TEXT AMENDMENT

CHAPTER 11. DESIGN REVIEW

7-11-16. Failure to act.


Should the applicant for any submitted application under this Chapter fail to resubmit corrected plans or application materials from any City review of the application within 180 calendar days from the return of that City review, the application shall be considered abandoned. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment and all unexpended application fees refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete package of application materials, and shall be subject to all requirements applicable at the time of the new submission.

CHAPTER 19. SUBDIVISIONS

7-19-14. Failure to act, effect.

- (1) City. Should the Planning Commission or the City Council fail to act upon any submitted preliminary plan application within the time period allotted by this Chapter, said failure shall be considered a denial of the said submission.
- (2) Application. Should the applicant for any submitted preliminary plan or final plat application fail to resubmit corrected plans or application materials from any City review of the application within 180 calendar days from the return of that City review, the application shall be considered abandoned. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment and all unexpended application fees refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete package of application materials, and shall be subject to all requirements applicable at the time of the new submission.

MEMORANDUM

To: Tooele City Planning Commission
From: Jim Bolser, AICP, Director 
Date: December 3, 2020
Re: Planning Commission Meeting Times and Dates for Calendar Year 2021

Subject:

Pursuant to Utah State Law, Tooele City Code and Charter, and the adopted bylaws of the Tooele City Planning Commission, the Commission is required to establish a calendar of meetings for each calendar year. The Planning Commission Bylaws identifies the second and fourth Wednesdays of each month as the days the Planning Commission should hold their regular meetings, although special meetings may be called as set forth therein. Following this format, the following list of dates is being proposed for adoption by the Commission to establish their meetings for calendar year 2021, with meetings being held at 7:00 p.m. in the Tooele City Council Chambers of City Hall:

January 13th and 27th
February 10th and 24th
March 10th and 24th
April 14th and 28th
May 12th and 26th
June 9th and 23rd
July 14th and 28th
August 11th and 25th
September 8th and 22nd
October 13th and 27th
November 10th
December 8th

As has been standard practice for a number of years, the Planning Commission has not held the second regular meeting for the months of November and December as those two meetings come in close proximity to the holidays observed in those months. That practice is also reflected in the above list of dates. The attached calendar, although a staff tool and not a calendar pursuant to this approval, shows the above proposed meeting dates as well as City-observed holidays to demonstrate their proximity for your information.

As always, should you have any questions or concerns please feel free to contact me at any time.

2021 Planning Commission Meeting Schedule

Blue - Meetings

Green - Packet Date

Red - Packet Deadline

Orange - Holidays

| Meeting Deadlines | | | |
|-------------------|---------------------------|---------------------------------------|------------------------------|
| Meeting Date | Packet Distribution Date* | Deadline for Inclusion in the Packet* | Latest Suggested Application |
| 13-Jan | 8-Jan | 6-Jan | 30-Dec |
| 27-Jan | 22-Jan | 20-Jan | 13-Jan |
| 10-Feb | 5-Feb | 3-Feb | 27-Jan |
| 24-Feb | 19-Feb | 17-Feb | 10-Feb |
| 10-Mar | 5-Mar | 3-Mar | 24-Feb |
| 24-Mar | 19-Mar | 17-Mar | 10-Mar |
| 14-Apr | 9-Apr | 7-Apr | 31-Mar |
| 28-Apr | 23-Apr | 21-Apr | 14-Apr |
| 12-May | 7-May | 5-May | 28-Apr |
| 26-May | 21-May | 19-May | 12-May |
| 9-Jun | 4-Jun | 2-Jun | 26-May |
| 23-Jun | 18-Jun | 16-Jun | 9-Jun |
| 14-Jul | 9-Jul | 3-Jul | 30-Jun |
| 28-Jul | 23-Jul | 21-Jul | 14-Jul |
| 11-Aug | 6-Aug | 4-Aug | 28-Jul |
| 25-Aug | 20-Aug | 18-Aug | 11-Aug |
| 8-Sep | 3-Sep | 1-Sep | 25-Aug |
| 22-Sep | 17-Sep | 15-Sep | 8-Sep |
| 13-Oct | 8-Oct | 6-Oct | 29-Sep |
| 27-Oct | 22-Oct | 20-Oct | 13-Oct |
| 10-Nov | 5-Nov | 3-Nov | 26-Oct |
| 8-Dec | 3-Dec | 1-Dec | 24-Nov |

* Deadlines may be changed to an earlier date without notice to accommodate holidays or other staff circumstances.

^ Complete applications need to be submitted at least one week prior to the deadline for potential inclusion in the packet to allow for adequate review time by staff. No meeting or packet inclusion will be guaranteed based on application date. Applications will not be scheduled for any meeting nor included in any meeting packet until it has been adequately reviewed and determined by staff to be ready for inclusion. The need for corrections to plans or application materials will extend the review time needed and will delay packet inclusion.

| JANUARY | | | | | | |
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| FEBRUARY | | | | | | |
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| APRIL | | | | | | |
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| JUNE | | | | | | |
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| JULY | | | | | | |
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| AUGUST | | | | | | |
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| SEPTEMBER | | | | | | |
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| OCTOBER | | | | | | |
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| NOVEMBER | | | | | | |
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| DECEMBER | | | | | | |
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| 26 | 27 | 28 | 29 | 30 | 31 | |

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Thursday, November 12, 2020

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

Commission Members Present:

Tyson Hamilton
Shauna Bevan
Matt Robinson
Nathan Thomas
Dave McCall
Melanie Hammer

Commission Members Excused:

Bucky Whitehouse
Chris Sloan

City Employees Present:

Andrew Aagard, City Planner
Jim Bolser, Community Development Director

City Employees Excused:

Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Members Present:

Council Member Justin Brady
Council Member Ed Hansen

Minutes prepared by Kelly Odermott

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner McCall.

2. Roll Call

Tyson Hamilton, Present
Shauna Bevan, Present
Matt Robinson, Present
Nathan Thomas, Present
Dave McCall, Present
Melanie Hammer, Present

3. Public Hearing on a Request by Tooele City for a comprehensive revision to the Tooele City General Plan.

Presented by Jim Bolser

Mr. Bolser stated this is a momentous evening with the public hearing of the General Plan. In late summer of 2019, the Commission as well as the Council and City administration took the bold step of launching into a comprehensive revision of the General Plan. Many of the elements were dated and it was an appropriate step to take with the development of the community. A timeline was put together to outline a thorough and appropriate review and allow more than adequate time for the public to weigh in on the Plan. This is the second public hearing and was noticed to the general public and following the public hearing this evening, the Commission would have an option to recommend this to the City Council. The Council will follow the same process with two public hearings before the Council. Only one public hearing is necessary, but the two allow for more public comment.

Mr. Bolser stated that General Plans are governed by Utah law Section 10-9a-400 et. seq. There are four required elements by state code, the Land Use Element, Annexation Policy Plan, Transportation Plan and Moderate-Income Housing Plan. Those four elements have been in the General Plan and some are somewhat outdated. There are a number of discretionary topics that can be included and in the Tooele City plan, four have been included. An introduction to what a General Plan is, an Overview Element, an Economic Vitality Element and a Parks, Open Space, and Recreation Element.

Mr. Bolser stated that during the process, the public has been included. There have been open public Planning Commission meetings for discussion of each element, as well as having the draft plan available to the public through the city website with comment allowed on the website, a dedicated email is available for the public and a draft was available at City Hall with comment cards. There was a joint review with the City Council on August 12, 2020 and following that discussion on Monday August 17, 2020, the draft General Plan was launched for public review. The General Plan has been open for review for 73 days before the first public hearing and as of tonight it is 88 days. There were two open houses, September 17, and October 6, 2020. There will also be two public hearings with the City Council likely on December 2 and December 16, 2020.

Chairman Hamilton asked the Commission if there questions or comments.

Chairman Hamilton chose to address several comments which were in the packet. Comments that were discussed related to a light on Broadway and 1000 North, designation of land for a dog park, future development on 1000 North behind Tooele Motor Company, RD Research and Development zoning in the southwest side of town, including recreation and trails in a possible annexation to the City, and economic development. Discussion concluded that a light on 1000 North and Broadway would be determined by road studies in the future as Broadway is extended north of 1000 North. The dog park would be considered through specific project planning based off of the Open and Green Space Element, but there are parks that are using current parks for dogs. Chairman Hamilton stated he was excited to see the future development behind Tooele Motor Company. The RD Residential and Development is being left to the property owners to determine the need for changing zoning. In annexation areas, the trails would be explored during the petition of

annexation. The City has hired an economic development coordinator who is working on plans. No changes were made to the General Plan.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Tooele City General Plan General Plan Amendment Request by Tooele City for the purpose of adopting a comprehensive revision to the Tooele City General Plan, application number P20-1012, based on the findings listed in the Staff Report. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Public Hearing and Decision on a Conditional Use Permit to allow for additional height on a new accessory garage structure locates at 578 North 100 West in the R1-7 Residential zoning districts.**
Presented by Andrew Aagard

Mr. Aagard stated this Conditional Use Permit is for 2-acre parcel located south of 600 North and east of 100 West. The zoning of the property is R1-7 Residential zoning, as are properties to the north, west, and south with some MR-8 Multi-Family Residential to the north and GC General Commercial to the east. The applicant wishes to construct an accessory building taller than the ordinance limitation of 15 feet as measured to the midpoint of roof pitch. The documents submitted by the applicant indicate that the building will be approximately 22 feet at midpoint of roof pitch. Exceeding the roof height limitations permissible by Tooele City Code with the Planning Commission allowed to permit tall structures. The item is a public hearing and notices were mailed to property owners within 200 Feet of the subject property, no comments or concerns have been registered by staff. Staff recommends approval of the Conditional Use Permit.

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

Chairman Hamilton opened the public hearing.

Mr. Taylor Smith stated he represents the owner. He stated if the Commission had questions, he brought picture of the neighboring properties and the structures on those properties. The building will be used for storage of an RV trailer and boat.

Chairman Hamilton closed the public hearing

Commissioner Hammer motioned to approve a Conditional Use Permit Request by Taylor Smith for increased building height for a detached accessory structure at 578 North 100 West, application number P20-1016, based on the findings and subject to the conditions listed in the Staff Report dated November 3, 2020. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

5. **Public Hearing and Decision on a Conditional Use Permit request by Fiore Belmonte to authorize the use of “Automobile Sale and Rental” for property located at 30 West 100 South in the GC General Commercial Zoning District.**

Presented by Andrew Aagard

Mr. Aagard stated this Conditional Use Permit is for a .72 parcel located north of 100 South and east of 50 West, immediately adjacent to the Dairy Delight restaurant. The property is zoned GC General Commercial as are the properties to the north, east, west, and to the south are properties zoned MU-G Mixed Use General. The applicant wishes to sell automobiles at the property. Automobile sales and rental requires a Conditional Use Permit. There are 12 parking stalls north of the building and 7 on the south side of the building. The applicant has indicated that the vehicles will be displayed on the south side of the building under the large canopy. This item is a public hearing and notices were mailed to property owners within 200 feet of the subject property, no comments were registered by staff. This Conditional Use Permit is slightly atypical to what the Planning Commission is used to seeing. Tooele City Code 8-4-20 permits the City to withhold permits or land use approvals if there are any unresolved violations with the code enforcement. Code enforcement has notified City staff that there are some unresolved issues with another property under the same ownership as this application. The Planning Commission under this ordinance has three options which can be considered; approval of the Conditional Use Permit, table the application until the code enforcement is resolved, or deny the application.

Chairman Hamilton asked the Commission if there were questions or comments.

Commissioner Thomas stated it would be helpful to know the violations. Mr. Bolser stated approximately a year ago the same applicant, requested a Conditional Use Permit on a property to do automobile sales and repair at a nearby location. There were multiple conditions that were placed on the Conditional Use Permit a year ago, two of those remain outstanding, one which is compliance with building code requirements and one was fencing and vehicle location. The applicant has made substantial progress in complying with those, but they are not complete yet. The ordinance is permissive and the Commission has the full right to approve this request, can table the item, or deny the item. It is recommended that the Commission choose one of the first two options. The denial would start over the application and restart the fees.

Chairman Hamilton opened the public hearing.

Mr. Fiore Belmonte stated regarding the code enforcements, on the Conditional Use Permit, they were allowed to park cars outside of a fenced area, as it is a sales and service lot. The cars outside of the fenced area are for sale and there have been a few too many cars a few times. That has been fixed. The business is providing a service to the community and sells cars to individuals with damaged credit. They have paid in \$106,000 in sales tax in the last year. One of the code issues that has not been complied with was a restroom inside the building. There was an issue with the locating the sewer for the building. It was \$25,000 to connect up with the sewer. The Tooele County Health Department stated it was sufficient to have a hand washing station and port a potty. That was brought in and has been there for six months. In the past month they found the sewer to connect

too. The permit to put in the sewer has been applied for. The cost will be \$5,000 and that is in the process.

Commissioner Robinson asked about the fencing? Mr. Belmonte stated that the fence has been up in a temporary manner until the right configuration was decided. They have found that configuration and the fence will be placed permanently. They have a full-time security guy and have stopped the lights that went into a neighbor's house.

Commissioner Hammer asked about the temporary fence and what is the expected completion date for the fence? Mr. Belmonte stated that it has to be driven into the ground and it could be done as long as the weather permits in three weeks.

Chairman Hamilton asked about the timeline for the bathroom? Mr. Belmonte stated that they are waiting for the City to issue the permit.

Chairman Hamilton closed the public hearing.

Chairman Hamilton stated with the two code violations he is considering to table the item until the staff can clarify the issue.

Commissioner Hammer asked if the item needs to be tabled for a certain time? Mr. Bolser clarified that it can be tabled to a date certain or to a condition certain. If the condition is resolved it will come back after the conditions are resolved. Once the conditions are corrected it will be placed on the next agenda.

Chairman Hamilton tabled the Conditional Use Permit until both City enforcement issues are resolved. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. Recommendation on a Subdivision Preliminary Plan for Drumore at Overlake Phase 2 proposed to be located at approximately 1733 North Aaron Drive by Hamlet Development Corporation for the creation of 42 single-family residential lots in the R1-7 Residential zoning district.

Presented by Andrew Aagard

Mr. Aagard stated this subdivision is proposed for a 9.8-acre parcel east of Berra Boulevard, south of Aaron Drive and west of Union Pacific corridor. Property is zoned R1-7 Residential as are properties to the northeast, southwest, and south. There is property to the northwest that is in the Overlake P zoning district. The applicant is proposing to subdivide the property into 42 single family residential lots. Each lot within the subdivision exceeds the minimum lot size and lot width by the R1-7 Residential zoning district. All pertinent subdivision details were included in the Staff Reports. Staff recommends approval of the development.

Chairman Hamilton asked the Commission if there were any comments or questions

Commissioner Hammer asked about lot 233 and if it will have an 8-foot masonry fence, will that in to the other homes that will be north. Mr. Aagard stated that the homes continuing east are located in Drumore phase 1 and will continue the fence. Commissioner Hammer asked about the fencing around the well site. Mr. Aagard stated there are no proposals to put a fence there by the developer. There is not an ordinance mandate that would require that. The City may at the discretion of the City Council or City engineer install some security fence, but at this point there has not been an indication that will happen. Most likely it will be up to the individual lot owners to install fencing. Commission Hammer asked if there are concerns with the railroad being close to the homes. Mr. Aagard stated there isn't a whole lot that can be done with that.

Commissioner Thomas asked if owner of this subdivision also owns the land south of the development? Mr. Aagard stated it is not under the same ownership. Commissioner Thomas asked about a road to the bottom southwest of the subdivision and if there will be a road there? There was a lengthy discussion about the option for a road. It was determined that the road would be part of the subdivision on the southwest of the development and is offsite of this development. The road is not intended to be there as there will be other points of access to Berra Boulevard. The Drumore development has not planned for a road to be there, as the lots on the end of the subdivision are not corner lots.

Commissioner Hammer asked about the road being closed for a month and inhibits her from getting to Maverick, how long will the road continue be closed? Mr. Bolser stated that the road that is closed is Aaron Drive and it is in the process of getting the utility connections into Aaron Drive for phase 1 of this project. The understanding is that they are nearing completion. Commissioner Hammer stated that requires a road to be closed. Mr. Bolser stated that some of the utilities are on the far side of the street and it does require the road to be closed. Commissioner Hammer asked if Berra Boulevard will be closed as they move onto the next phase? Mr. Bolser stated potentially. Commissioner Hammer stated that she has never seen that in the subdivision near her home. Mr. Bolser stated that it happens fairly frequently and the utilities in the prior phase were water, and sewer connections for four streets and storm water drain connections. It takes time to do those things. It has not been an inappropriate amount of time. Commissioner Hammer stated she begs to differ and hasn't seen that. It is an unbearably long time and she wonders if it is a City thing or a developer thing. Mr. Bolser stated that it is both, the utilities are City owned, the approval of the development was a City action, and the work to make the connections are a developer action.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Drumore at Overlake Phase 2 Preliminary Plan Subdivision Request by Michael Brodsky, representing Hamlet Development Corp, for the purpose of creating 42 single-family residential lots, applcaition number P20-714, based on the findings and subject to the conditions listed in the Staff Report dated November 5, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. City Council Reports.

Presented by Council Member Justin Brady

Chairman Hamilton stated he requested to have the Council to report so that the Planning Commission could understand and have transparency with the City Council.

Council Member Brady stated that he wanted to discuss the two items that were on the prior City Council agenda. The text related to Ordinance 2020-45, the Council decided to table the item and the questions about the deviation of design standards and who should ultimately be responsible for the decision. The concern is that it is an ordinance and some Council members feel it should end with the Council rather than the Commission. That is being reviewed by staff. Chairman Hamilton asked about Council Member Wardle stating he trusted the Commission in Planning Commission, but then there was a change in the Council meeting. Council Member Brady stated the discussion was about who is responsible for it as the action as it is a legislative action. Council Member Brady stated he asked how other cities perform that function and the staff informed the Council it tends to be with the Planning Commissions. Mr. Bolser stated he did look at 60 different communities which have a similar provision in their codes. Two of the cities have the item come to the City Council and both of those have it as part of a very specific legislative action. One city had a specific committee with Council Member, staff representatives and a Planning Commission representative with appointed individuals from the community that handled all of these types of reviews. The remaining communities, designate it to a staff member or the Planning Commission. Mr. Bolser stated his recommendation is for it to go to the Planning Commission. The reasoning behind this is the staff is capable for rendering a decision, but he believes that it is a type of action which necessitates a public eye to it. Also, those would come as part of a design review which is a process already established in the Code and reviewed by the Planning Commission.

Council Member Brady stated that the second item was the text amendment regarding the amusement facilities, which was passed unanimously.

Council Member Brady stated that in the work session, there was a discussion about the Western Acres PUD proposal. That is down by the movie theater and trailer court. It is a PUD with 740 townhomes and 62 single family residences. Commissioner Robinson asked when that is coming to Planning Commission. Mr. Bolser stated the next meeting. Commissioner McCall asked if that was being used as an example for smaller home sizes. Council Member Brady stated there were questions about the ratio of townhomes to single family residences and that it was suggested as a candidate for a potential RSD Residential Special District, which has been discussed recently but wasn't sure who mentioned it. Mr. Bolser stated it was him who mentioned it as part of his presentation.

Commissioner Bevan thanked Council Member Brady for doing this, as it is helpful.

Council Member Brady added that Chairman Hansen stated there was discussion about the PUD related to parking brought by Council Member Gochis.

Commissioner Thomas asked about the proposed development east of the trailer court, was it discussed the connection to Broadway or England acres for the trail system. Council Member Brady states that he met with the developer and it doesn't go all the way to 1000 North and will not complete the field. There is plan for trails up the drainage channel.

8. Review and Approval of the Planning Commission Minutes for Meeting Held on October 28, 2020.

Commissioner Robinson motioned to approve the minutes. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

Mr. Bolser reminded the Planning Commission that the next meeting will be December 9, 2020, as the next November meeting has been cancelled due to the Thanksgiving holiday.

Commissioner McCall stated he appreciates the work that was done on the master Plan.

9. Adjourn

Chairman Hamilton declared the meeting adjourned at 8:18 p.m.

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

Approved this 9th day of December, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission