

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, January 8, 2020

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

Commission Members Present:

Shauna Bevan
Melanie Hammer
Tyson Hamilton
Bucky Whitehouse
Ray Smart
Matt Robinson
Chris Sloan

Commission Members Excused:

Phil Montano

City Employees Present:

Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Steve Evans, Public Works Director

Council Members Present:

Council Member Hansen
Council Member Brady
Council Member Gochis attended as a member of the public

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 Robinson.

2. Roll Call

Matt Robinson, Present
Melanie Hammer, Present
Shauna Bevan, Present
Tyson Hamilton, Present
Bucky Whitehouse, Present
Ray Smart, Present
Chris Sloan, Present

3. **Recommendation on Millennial Park, a Preliminary Plan Subdivision request by Mountain Partners Investments LLC for property located at 300 West 400 North in the MR-16 Multi-Family Residential zone for the creation of 17 town house lots.**

Presented by Andrew Aagard

Mr. Aagard stated this is a preliminary plan that proposes a three acre parcel to be split into 17 town home lots. The property is currently vacant and sits north of 300 North and west of 300 West. The Dow James Park is located to the west of the property and the skate park is located to the north. The property is currently zoned MR-16 Multi-Family Residential, as are all of the surrounding properties excluding the Open Space zone to the west for the park. The preliminary plan proposes the creation of a residential town house development and the purpose of the preliminary plan is to create the individual lots for ownership purposes. The MR-16 Multi-Family Residential zone has no restrictions on minimum lot sizes for multi-family units. This is designed to permit a residential development for townhouses and the owner of the townhouse to own a small lot. In this case the lots are larger than the footprint of the proposed buildings and will allow for some yard space in front of and behind the townhomes. The end units will also have limited yard space to the side. Parcel A is a storm water detention basin and will also be utilized as an open space parcel. This will be maintained by the development homeowner's association. The one street located within the development is a private road and will be maintained by the development HOA. Benchmark Drive at 270 West is a public street and the development will be improving this road in accordance with Tooele City standards for rights of way. This is the preliminary plan and some site design such as visitor parking and building setbacks have been addressed, the focus is on the subdivision and the individual lots. The development will still need to undergo a final plat and final site plan design review application. Staff has reviewed the application extensively and is confident that it satisfies the mandates of the Tooele City development code, particularly the requirements of the MR-16 Residential zone and the City is recommending approval of the application with the conditions listed in the Staff Report.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Millennial Park Preliminary Plan Subdivision Request by Jared Payne, representing Mountain partners Investments, LLC for the purpose of creating 17 town house style residential lots, application number P19-80, based on the findings and subject to the conditions listed in the Staff Report dated December 30, 2019. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Recommendation on a Minor Subdivision request for Hunter Minor Subdivision by Kathryn Hunter for property located at 240 West Utah Avenue on property zoned R1-7 Residential zone for the creation of 3 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated the application proposes to subdivide an existing double fronting lot between Utah Avenue and 230 North. There is an existing home on the property that accesses Utah Avenue, as well as some existing buildings and corrals. The property is currently zoned R1-7 Residential, as are all of the surrounding properties. The application proposes to subdivide the existing .82 parcel into three single family lots larger than 11,000 square feet. The existing home and some existing structures will remain on lot three and the lot will continue to access Utah Avenue. Lots one and two will access 230 North Street and all existing accessory structures on lots one and two will be removed for development. New lot lines are configured so that all lots meet ordinance requirements for setbacks and no new nonconformities are proposed with the new lot lines. Staff has reviewed the application and is confident that the subdivision proposed meets or exceeds all requirements for residential development as required by the R1-7 Residential requirements. Staff is recommending approval with the basic conditions listed in the Staff Report.

Chairman Hamilton asked if there were any further comments or questions, there were none.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Hunter Minor Subdivision Request by Kathryn Hunter, for the purpose of creating three single-family residential lots, application number P19-405, based on the findings and subject to the conditions listed in the Staff report dated December 30, 2019. Commissioner Smart seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner, “Sloan,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Smart, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

5. Recommendation on a Final Plat request for Golf Course View Subdivision by Bryton Lawrence for property located at 1366 Smelter Road in the R1-7 Residential zone for the creation of 13 single-family residential lots.

Presented by Andrew Aagard

Mr. Aagard stated this is a final plat application that proposes to subdivide property located just north and east of the City’s golf course. The property is largely vacant except for one existing home located just south of Smelter Road. The property is zoned R1-7 Residential, as are all the properties to the west and south. Property to the north and east are located in the unincorporated part of Tooele County, outside of the City limits. The subdivision proposes to divide a 6-acre parcel into 13 single-family lots ranging in size from 10,300 square feet up to 23,000 square feet. All lots meet or exceed minimum requirements for lot width, lot frontages, and lot size. Lots in the subdivision will be accessed by a public street terminating in a cul-de-sac turn. The existing home on lot one will remain and new lot lines will not create nonconformities. Lot 13 will be next to a storm water detention basin and the basin will be landscaped by the development and turned over to the City for maintenance. The pond will be landscaped in a similar manner to golf course landscaping. Golf course personal have been involved in the landscaping design of the basin and have recommended approval. Staff has extensively reviewed this application and is confident that the subdivision as proposed meets or exceeds requirements for residential development and recommending approval with conditions listed in the Staff Report.

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

Commissioner Sloan asked about the detention pond and the involvement with Tooele City and golf course, will fencing be required? Mr. Aagard stated that the plan is to leave it as is and there will be some berming on the north end to prevent spillage of water into residential. It will be incorporated into the golf course and maintained as it is part of the golf course.

Commissioner Bevan disclosed that the applicant is her nephew and the property owner is her brother.

Commissioner Whitehouse motioned to forward a positive recommendation to the City Council for the Golf Course View Subdivision Final Plat request by Bryton Lawrence, for the purpose of creating 13 single-family lots, application number P19-772, based on the findings and subject to the conditions listed in the Staff Report dated January 2, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner, "Sloan," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. Recommendation on a Preliminary Plan request for Bevan Estates Subdivision by JRS Development LLC for property located at approximately 201 East 700 North for the creation of 109 single family residential lots in the R1-7 Residential zone.

Presented by Andrew Aagard

Mr. Aagard stated the preliminary plan begins the subdivision process for a large vacant property located east of 100 East and north of 700 North. There is an existing home located on the southwest corner of the property. The streets 700 North, Brooke Avenue, East Crescent Avenue and 670 North are existing streets that terminate at the property boundaries. The property is currently zoned R1-7 Residential, as are the properties to the east and south. Properties to the north and west are a General Commercial, MR-16 Multi-Family Residential and MR-8 Multi-Family Residential and are all utilized as multi-family residential. The preliminary plan proposes to divide the existing 28 acre parcel into 109 single family ranging in size from 7,000 square up to 11,300 square feet. All lots within the proposed preliminary plan do meet or exceed minimum requirements of the R1-7 Residential for lot size, lot width, and lot frontages. The proposed subdivision will have connections at existing stubs. There will be a future connection at the northwest corner that is pending construction of the Country View Villas that will provide access to 1000 North. The subdivision is proposed to be developed in multiple phases and the plan is four phases. Lot 101 will retain an existing home and the existing home meets all zoning requirements for setbacks. The driveway will be realigned slightly. Staff is recommending approval of the proposed preliminary plan with the conditions listed in the Staff Report with an additional condition for Parcel B and a piece of property where existing owners have encroached over time into land they do not own. The developers are working with property owners to address the issues and should be resolved as part of final plat. Mr. Sorenson, the applicant stated that the development is actually 111 lots and that had changed from the original application, but was correct on the plat map shown to the Planning Commission.

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

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Bevan Estates Preliminary Plan Subdivision Request by Ryan Sorenson, representing JRS Development, LLC for the purpose of creating 111 single-family residential lots, application number P19-802, based on the findings and subject to the conditions listed in the Staff Report dated January 2, 2020. Commissioner Robison seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Smart, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton “Aye.” The motion passes.

7. **Public Hearing and Recommendation on a Text Amendment to the Tooele City Code requested by Tooele City mending the text of Section 7-4-8 related to driveway locations and making related technical changes to 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code.**

Presented by Jim Bolser

Mr. Bolser stated that this is a text amendment that affects one part of the City Code, Section 7-4-8, and renumbers figures in Sections 7-4-9, 7-4-10, and 7-4-11. In Section 7-4-8 there is a new diagram that made the need for renumbering of diagrams in the following sections. Staff has noticed that with permits that have been coming through for homes located on corner lots, there is a desire to put the driveway on the intersection side of the home. This is a concern because it not only places the driveway on the intersection side, but also presents a safety hazard and presents conflict with other City ordinances and state law. If the driveway is on the intersection of the home a car parked in the driveway will be in conflict of the clear view provisions for intersections from the City Code. State Law Section 41-6a-1401, Standing and Parking Vehicles, and Exceptions, states that a stopping of the traffic cannot occur within 30 feet of the intersection control device such as a stop sign, beyond stopping for the intersection.

Mr. Bolser showed the Commissioners a graphic on the screen, illustrating the new provisions and the conflicts with the provisions. The proposal suggests that there be a safety zone behind the point of intersection. The safety zone for a safe intersection prevents a driveway from being within a standard distance of the intersection. The provision is for single-family residential units, two-family homes, and townhome units as well as all other residential units which have individual driveways. By implementing the provision, the City will be in compliance with clear view provisions and State mandates. The amendment will include the graphic into the City Code. It will force applicants to mirror image their homes if the driveway comes into conflict with the intersection. There is also a provision for residential housing types that use collective parking lots rather than individual driveways.

Chairman Hamilton asked if the Commission had any questions or comments.

Commissioner Bevan stated that she thinks this great and it is a wonderful idea. Commissioner Sloan stated that he thinks it is a great idea, but has a question. Is there wiggle room for staff to

make an exception based on elevation changes on the lot? He stated that his home would have been affected by this because his driveway is on an intersection. Changing the design of the home would have increased build costs and made it difficult to build due to elevation change and slope. Mr. Bolser stated that directly there is not something in the proposal to address that concern. If the City were to do so, there is an opportunity to establish that as the minimum thereby undermining the ordinance. If there is a range in the ordinance then the minimum will be the enforceable standard.

Mr. Bolser stated that this will be an tool that can be used during subdivision review to discuss with the developer to address the design of corner lots to prevent any problems that might surface.

Commissioner Smart asked if there might be a problem with apartment complexes putting fencing on the corner around the intersections because the parking lot does not exit on the intersection? Mr. Bolser stated that fencing is not allowed by code.

Commissioner Hammer asked in a preliminary plat how could a developer turn the home to make it work and have the driveway off the intersection? Mr. Bolser stated that there are three ways to deal with the problem. Make the lot larger so it has more room to accommodate the home, change the orientation of the home, or leave it as is and address it as a plat note. Having tools like this to work with developers, helps the City and the developers work together.

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

Commissioner Bevan moved to forward a positive recommendation to the City Council for the for the Driveway Locations text Amendment Request by Tooele City, application number P19-925, based on the Text Amendment having a positive effect on the following findings,

- 1. The effect the text amendment may have on the 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 the positional 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 ode.**
- 5. The degree to which the proposed text amendment may effect an applications; impact on the health, safety and general welfare of the general public or the residents of adjacent properties.**
- 6. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.**
- 7. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.**

8. The overall community benefit of the proposed amendment.

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

8. Review and Approval of Planning Commission minutes for meeting held December 11, 2019.

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

Commissioner Hammer moved to approve minutes from the meeting held on December 11, 2019. Commissioner Sloan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, Aye," Chairman Hamilton, "Aye." The motion passes.

9. Adjourn

Commissioner Hammer moved to adjourn. Chairman Hamilton declared the meeting adjourned at 7:39p.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 12nd day of February, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission