

**TOOELE CITY PLANNING COMMISSION MINUTES**

**Date:** Wednesday, July 22, 2020

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

**Commission Members Present:**

Tyson Hamilton  
Chris Sloan  
Dave McCall  
Nathan Thomas  
Bucky Whitehouse  
Shauna Bevan  
Melanie Hammer  
Matt Robinson

**Commission Members Excused:**

Ray Smart  
Bucky Whitehouse

**City Employees Present:**

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

**Council Members Present:**

Council Member Ed Hansen

**Council Members Excused:**

Council Member Justin Brady

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 Thomas.

**2. Roll Call**

Dave McCall, Present  
Tyson Hamilton, Present  
Melanie Hammer, Present  
Chris Sloan, Present  
Nathan Thomas, Present

Shauna Bevan, Present  
Matt Robinson, Present

3. **Recommendation on a Preliminary Plan Subdivision request for JD Storage by DJM Real Estate Holdings, LLC, for property located at approximately 572 East 2400 North in the LI Light Industrial Zoning District on 4.66 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this application is proposed for the vacant parcel located south of 2400 North and east of 540 East Street. The Union Pacific Railroad Corridor is located to the east of the property, as well as the fish food plant. The property is currently zoned LI Light Industrial, as are all of the surrounding properties. The subdivision plat creates one 4.66 acre platted subdivision lot. It will make way for the construction of a storage unit facility. The subdivision plat also facilitates the dedication of 66 feet of right-of-way for the extension and construction of 540 East, thus providing additional access to interior properties. The lot as proposed, meets or exceeds all requirements for lot size and lot width as required by the LI Light Industrial zoning district. Staff is recommending approval with the basic housekeeping items listed in the Staff Report.

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

Commissioner Sloan asked if the development was required to extend 540 East to the southern border of the property? Mr. Aagard stated that is correct.

**Commissioner Hammer motioned to approve forward a positive recommendation to the City Council for the JD Storage Subdivision Preliminary Plan Request by Devin Meier, representing DJM Real Estate Holdings, LLC application number P20-33, based on the findings and subject to the conditions listed in the Staff Report dated July 14, 2020.** Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Recommendation on a Minor Subdivision request for Jett Subdivision by Houston Jones for property located at approximately 590 North Broadway in the R1-7 Residential Zoning District on 1.21 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the minor subdivision is proposed for the 1.21 acre parcel located at the southeast corner of the intersection of Broadway and 600 North. There are some existing nonconforming accessory structures at the eastern end of the property. The property is zoned R1-7 Residential, as are all of the surrounding properties. The subdivision will split the existing 1.21 acres parcel into four single-family residential lots, ranging in size from 8,800 square feet to 17,600 square feet. Each lot exceeds the minimum requirements for subdivision development regarding lot size, lot width, and lot frontages as required by the R1-7 Residential zoning district.

The development will be installing curb, gutter, sidewalk and completing the remnant asphalt on 600 North, thus completing the right-of-way in this section of road. Improvements along Broadway are already in place. Staff has inquired with the applicant for the intention of the detached accessory structure currently located on the eastern end of the property. The structures need to be accessory to a main building. The applicant stated the intent will be to keep the structures and make them accessory to the future home that will be built on that lot, bringing them into conformance with City Code. The lot is quite large and staff has confirmed that a home can be constructed on the lot and still meet necessary building separation from those structures. The lot will still need to maintain lot coverage requirements approving the existing structures. Staff is confident that the subdivision meets or exceeds all requirements for subdivision development as required by the Tooele City Code. Staff is recommending approval with the basic conditions listed in the Staff Report.

Chairman Hamilton asked the Commission if there were any comments or concerns, there were none.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Jett Minor Subdivision Request by Houston Jones, for the purpose of creating four single-family residential lots, application P20-153, based on the findings and subject to the conditions listed in the Staff Report dated July 15, 2020.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**5. Recommendation on a Preliminary Plan Subdivision request for Hunter’s Meadow Phase 2 Subdivision by Flyway Holding located at approximately 690 West 700 South in the R1-7 Residential Zoning District on 1.99 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this eight lot subdivision is proposed to a two acre parcel located west of Coleman Street and north of 700 South. The property to the north and west are currently being developed as Hunter Meadows Phase 1 Subdivision. The property is zone R1-7 Residential, as are all of the properties to the west, north and east. To the south there are some MR-8 Multi-Family although it is primarily utilized as single family residential. The subdivision proposes to split the existing parcel into eight 8,000 square foot single family residential lots. All lots will front onto and access 700 South. Each lot within the subdivision meets or exceeds subdivision development requirements as required by the R1-7 Residential zoning district. The development will be installing all frontage requirements including curb, gutter, sidewalk, and remaining asphalt to complete the right-of-way section on the entire length of the proposed subdivision. Staff has reviewed the proposed subdivision and it does meet or exceed all requirements for subdivision development as required by Tooele City subdivision and development ordinances. Staff is recommending approval with the basic conditions listed in the Staff Report.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Hunter's Meadow Phase 2 Subdivision Preliminary Plan Request by Larry Jacobson, representing Flyway Holding for the purpose of creating 8 single-family residential lots, application number P20-373, based on the findings and subject to the conditions listed in the Staff Report dated July 14, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**6. Recommendation on a Preliminary Plan Subdivision request for Drumore at Overlake Phase 1 Subdivision by Hamlet Development Corp., located at approximately 1600 North Aaron Drive in the R1-7 Residential Zoning District on 10.92 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the preliminary plan proposes to subdivide ten acres sandwiched between Aaron Drive, Berra Boulevard, and the Union Pacific Railroad Corridor. The property is zoned R1-7 Residential, as are the properties to the southeast. Properties to the south on the adjacent to the railroad are GC General Commercial and to the north, properties are located in the P Overlake zone and are utilized largely as single-family and multi-family residential. The subdivision proposes to subdivide the existing 10.98 parcel into 40 single family residential lots ranging in size from 7,035 square feet up to 15,300 square feet. Each lot within the subdivision complies with lot width, lot size, and lot frontages requirements of the R1-7 Residential zoning district. All roads within the subdivision will be dedicated as public streets. The subdivision will also include a 28,000 square foot storm water detention basin at the intersection of Berra Boulevard and Aaron Drive. The basin will be landscaped by the development and then dedicated to the Tooele City for future maintenance. The basin will be landscaped with drought tolerant varieties of grass and trees along the perimeter. The top lot amenity will be at the southern corner and there will be a footpath from the right-of-way to the play area. Tooele City Park Department has reviewed the landscaping plan and the play structure and have recommended approval. Park strips along Berra Boulevard and Aaron Drive fall within the responsibility of the North Tooele Special Service District. The landscaping of the park strips will be completed by the development and includes crushed gravel, weed barrier fabric and shrubs and trees evenly spaced throughout. The landscape irrigation plans have been provided and approved by the District, that will eventually take over maintenance of the park strips. The applicant will be installing an eight foot solid masonry or precast concrete wall along the lots adjacent to the railroad corridor. Tooele City Staff have extensively reviewed the plans and are confident that the preliminary plan as proposed does meet or exceed all Tooele City standards for subdivision development. Staff is recommending approval with the conditions listed in the Staff Report.

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

Commissioner Hammer stated has the North Tooele Special Service District accepted this into the district. Mr. Aagard stated that it is already in the District. Commissioner Hammer stated her concern is these lots seem like double frontage lots and the Service District has not done any that she knows of, where they will maintain these area. She asked for clarification. Mr. Bolser

stated that it is the same thing as Overlake 1L off of 400 West. With the settlement agreement with Overlake properties, it was very clearly stated that any part of the Overlake development that was platted at the time of the agreement remains in the boundaries of the North Tooele City Special Service District. Berra Boulevard and Aaron Drive were platted in their entire widths, so the far side park strip, curb and gutter, and sidewalk are in the District boundaries, but the lots and development itself are not, just as with 400 West, when the City reviewed the Overlake 1L project. The entirety of the right-of-way is within the District. The subdivision itself is outside the district and would not be maintained by the District. The detention basin is outside the district, but the park strip in front of it, is inside the district. The City has responsibility of the basin and the park strip is the responsibility of the District.

Commissioner Hammer stated these residents are not part of the Service District or paying into the Service District. Mr. Bolser stated that would be correct unless the development chooses to annex into the District. Commissioner Hammer stated she is concerned with the project, when the Service District was created the residents that lived there, they would be paying a special service tax to help with green spaces, signs, things like that. After the lawsuit the Service District got some areas on 400 West, where the residents don't pay into the Service District, so the residents are receiving benefits, but not paying into it. Commissioner Hammer added that she is a resident of Overlake and pays the special tax. She added that she keeps seeing more homes that are not being issued the tax and the District and tax payer is assuming the responsibility. Last year the Service District had a 30% increase in the taxes and this year it is a 40% increase, which will continue to grow as the District absorbs more homes benefiting from the District, but not paying into the District. Commissioner Hammer stated that she is against things, where she feels doubly taxed for someone else that doesn't have to pay anything. These homes will receive snow removal and water on the park strip and maintenance of the trees, where in other areas, double frontage lots have to have a service district or homeowners association.

Mr. Bolser stated there are no double frontage lots, but there are corner lots. Commissioner Hammer stated there are corner lots and in a normal part of the City, a resident takes care of the sidewalk on the other side of the fence. She asked if the residents would need to do snow removal on the corner lots. Mr. Bolser stated that the interior of the development the sidewalk responsibility lies with the homeowner. Within the District, the responsibility ultimately falls back to the property owner. The District has assumed some of that responsibility, but it still falls to the property owner if something isn't cleared. The property owners within the District still maintain the same responsibility of any residents inside or out. Commissioner Hammer asked that on Aaron Drive there will not have to have the landscaper do snow removal? Mr. Bolser stated no more than anywhere else within the District. There is dual responsibility within the District. The fact that the District has someone that provides that service, does not alleviate the property owner from the responsibility. That responsibility lies with every property owner in the City, the District simply is a second layer of responsibility.

Commissioner Hammer asked about the corner lots on Aaron Drive and who would have to remove the snow on Aaron Drive? Mr. Bolser stated both the property owner and the District. Every property owner has the requirement by City Code to clear their sidewalks, that is regardless of being in the District or out of the District. Inside the District, the District has assumed a secondary level of responsibility they have chosen to administer through their

landscaper. The landscaping contract does the snow removal. The fact that is there does not alleviate the property owner of the same responsibility. The frontage of Aaron Drive, the property owner has responsibility and the District will have a secondary responsibility. Commissioner Thomas asked does the Special Service District pay for the snow removal on Aaron Drive and do they pay for landscape maintenance? Mr. Bolser stated yes.

Commissioner Hammer stated she appreciated the explanation. Chairman Hamilton added that he liked that it is a property owners responsibility.

Commissioner Thomas asked is this a debate that the Commission has debated before when approving a subdivision, how often are taxes considered? Commission Sloan stated that at the end of the day where there is a Special Service District or not, snow removal from a city stand point, the proper place is to talk to the Special Service district about wasting money to do this in an area , where there is no tax benefit from it.

Mr. Bolser stated that this is not a new topic. It is also an item that is dictated to the City. The settlement agreement is in place. The taxation is a legislative item and would need City Council consideration of the item, where the Planning Commission is more of a land use body. A subdivision application is a substantial evidence clause review which means if it meets the terms of the ordinance and the standards the City is obligated to approve it. Taxation is a legislative item and outside the standards to consider.

Commissioner Hammer stated the Service District will not need to pay for snow removal, but will need to pay for the watering of the trees and the grass in that area. Those residents will not be taxed and the Service District residents will. It is a legislative issue but it is not something that Overlake residents agreed to in the lawsuit.

Chairman Hamilton stated it is a valid concern.

Commissioner Robinson asked if the Service District saw this? Commissioner Hammer stated there have been lengthy discussions this month.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Drumore at Overlake Phase 1 Subdivision Preliminary Plan Request by Michael Brodsky, representing hamlet Development Corp., for the purpose of creating 40 single-family residential lots, application number P20-255, based on the findings and subject to the conditions listed in the Staff Report dated July 16, 2020.** Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Nay," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**7. Review and Discussion of the initial draft of the Transportation Element of the Tooele City General Plan revision.**

Presented by Jim Bolser

Mr. Bolser stated it is a momentous evening to get to the Transportation Element of the General Plan. The City is in the process of updating the General Plan and this is the last initial draft to come before the Planning Commission. The Transportation Element is one of the trickier elements to write. There are three parts to the Element. The text is based on a larger more comprehensive Transportation Master Plan, which is also in draft form currently. The City contracted with Hales Engineering, to put together the plan. The other two parts are a map of the existing roadway network and the future roadways map. Mr. Bolser opened the discussion for the Transportation Element.

Commissioner Robinson asked how much say does the City have for the State roads that are traversing the City. Mr. Bolser stated very little, although with the signals there are corridor agreements on both roads, SR-36 and SR-112, with UDOT. The City has little control, but UDOT has been an excellent partner with the City and if situations had to change in the future, they would be a partner with the City.

Commissioner Sloan stated on page two there were references to error source. Mr. Bolser stated those were references built-in to the original document to identify figures and need to be added as text in this document.

Commissioner Bevan asked about the roundabouts. Mr. Bolser stated there are a lot of different ideas in the traffic calming section. Each technique has a benefit and a disadvantage and there is no one right answer for each area. This is listed as a variety of ideas to choose the best device for the roads and intersections.

Commissioner Robinson stated there was a discussion in the text for more options and is that formalized or a circumstantial review. Mr. Bolser stated that generally speaking the entire system is reviewed once a year by the Public Works, Engineering, and City staff. That is part of the budget process. The City also looks at it fairly often, usually through development and looks at system needs. Lastly a Master Transportation Plan looks at the City wide study.

Commissioner McCall stated that he looked at SR-112 and part of SR -112 to Main Street is excluded from heavy vehicle traffic and that may need to be clarified. Mr. Bolser stated that is a good point, but SR 112 is 1000 North. He clarified that the point being discussed is Utah Avenue. Commissioner Bevan, stated the completion of Tooele Boulevard will help with truck traffic.

Commissioner Sloan stated that Tooele Boulevard is listed as a future major collector, but it does not have a signal. Mr. Bolser stated that is a city road and there is greater flexibility with traffic.

There was a discussion about the maps, with no items needed adjustment.

Mr. Bolser stated that the next meeting is on August 12. That meeting will have the City Council attending the meeting to discuss the draft General Plan. The Council will be in attendance at 7:00pm. Commissioner Hammer asked if the meeting for Planning Commission should stay at 7:00pm to be convenient to the public. Commissioner Robinson asked if there were public



hearings that night? Mr. Bolser stated there were several public hearings scheduled. Commissioner Sloan asked if the meeting can be pushed back to meet on the Councils schedule in order to give due diligence to the items on the agenda. Chairman Hamilton stated he would be okay with 5:30pm. Commissioner Hammer emphasized her concern for the publics ability to comment on the public hearing with the earlier time for the meeting. Mr. Bolser added that with an extra week before that meeting public hearings will have more than adequate notice for the public hearing and the Commission still has the email method for receiving comment. The decision was to made to have the Planning Commission Business meeting at 6:00pm and 7:00pm for the Council meeting.

**8. Review and Approval of Planning Commission minutes for meeting held on July 8, 2020.**

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

**9. Adjourn**

Chairman Hamilton declared the meeting adjourned at 8:05p.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 12th day of August, 2020

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Tyson Hamilton, Chairman, Tooele City Planning Commission