

## TOOELE CITY PLANNING COMMISSION MINUTES

**Date:** Wednesday, August 12, 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  
Melanie Hammer  
Matt Robinson  
Bucky Whitehouse

**Commission Members Excused:**

Ray Smart  
Shauna Bevan

**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 Member Justin Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 6:00 pm.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Sloan.

**2. Roll Call**

Dave McCall, Present  
Tyson Hamilton, Present  
Melanie Hammer, Present  
Chris Sloan, Present  
Nathan Thomas, Present  
Bucky Whitehouse, Present  
Matt Robinson, Present

**3. Public Hearing and Recommendation on a Zoning Map Amendment from the MR-16 Multi-Family Residential zoning district to the R1-7 Residential zoning district by Ian Brady for 1.08 acres located at 133 West 700 North**

Presented by Andrew Aagard

Mr. Aagard stated the property is located just north of 700 North and east of 130 East. It is a parcel of land slightly larger than one acre. There is an existing single family residence located on the property along with some existing accessory structures. The property is currently zoned MR-16 Multi-Family Residential, as is the property to the north, properties to the south are zoned GC General Commercial and R1-7 Residential. There is GC General Commercial zoning to the west and R1-7 Residential to the east. The applicant is requesting the property to be rezoned to R1-7 to eliminate a legal nonconforming status attached to the existing home. The differences between the two zones include, the MR-16 is multi-family residential and R1-7 is for single family residential. The application is a public hearing and notifications were sent out to property owners within 200 feet of the subject property. No comments were registered with the staff.

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

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

**Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Brady Rezone Zoning Map Amendment Request by Ian Brady to reassign the zoning on the subject property located at 133 East 700 North to the R1-7 Residential zoning district, application number P20-572, based on the findings and subject to the conditions listed in the Staff Report dated 8/5/2020.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**4. Public Hearing and Recommendation on a Zoning Map Amendment from the LI Light Industrial zoning district to the RR-1 Residential zoning district by Samuel Clegg for approximately 1 acre of property located at 77 North 1100 West**

Presented by Andrew Aagard

Mr. Aagard stated the property is located immediately adjacent to the Grand Storage project, just west of 1100 West. The zoning on the property is currently LI Light Industrial, as are the properties to the north and south. The City does have an application for the expansion of the storage facility immediately to the south. Properties in the RR-1 Rural Residential zone are used as single family residential and agricultural. The property was left out of the Grand Storage property, with the anticipation that the owner of the project would construct a single family residential home on the property. This property would be a caretaker home for the property, but the LI Light Industrial zone does not permit single family residential structures. A survey has been provided for the subdivision of the parcel that will be one acre and comply with all the

codes of the RR-1 Rural Residential zone. No nonconformities would be created with the RR-1 Rural Residential adjacent to the LI Light Industrial zoning. This item is a public hearing and notices were sent to the adjacent property owners; no comments were received by staff.

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

Chairman Hamilton opened the public hearing.

Ms. Tracy Shaw stated she is speaking on behalf of Tooele Self Storage, for which she is the onsite manager for the property immediately to the south that has submitted the application for expansion. The corporate office asked her to make a statement and is not opposed to the rezone, but concerned about the application they have submitted for the design and expansion. The plans have been submitted for approval. They are concerned about how the set backs are done and create some issues with their property expansion. The corporate office would like to convey that that they are no opposed to the rezone provided it would not affect the expansion. If changes need to be made it would be a drastic redesign.

Chairman Hamilton closed the public hearing.

Commissioner Sloan asked about the concerns about the voiced by Ms. Shaw, would this create any problems with their application? Mr. Aagard stated he has not reviewed the proposed site plan in detail for the expansion. The setbacks in a LI Light Industrial zone reflect the same set backs as a residential zone. In this case their RR-1 Rural Residential a 20 foot setback for side yards. With the application coming in before the zoning is ratified that the existing conditions would take place.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Grand Storage Rezone map Amendment Request by Samuel Clegg, to reassign approximately 1 acre of property located at 77 North 1100 West to the RR-1 Residential zoning district, application number P20-570, based on the findings listed in the Staff Report dated August 5, 2020.** Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**5. Public Hearing and decision on a Conditional Use Permit to allow a Child Daycare Involving 8 to 16 Children for Beddall'S Childcare located at 904 North 1300 East in the R1-7 Residential zoning district on 0.2 acres.**

Presented by Andrew Aagard

Mr. Aagard stated Beddall's Childcare is an existing home business located east of 1300 East and north of 850 North. The property is surrounded by similarly zoned single family residential properties and all properties are zoned R1-7 Residential. Home based daycares involving seven or less children are permitted uses in the R1-7 Residential zone, however if they have daycare children of eight to 16, they require a Conditional Use Permit. The applicant has indicated that

she wishes to increase the size of the home based business up to 16 children as well as inclusion of one additional nonresidential employee at the home, which is permitted by the code. Child pick up and drop off will be conducted on the 80 foot on street frontage located west of the lot. In analyzing the potential vehicle stacking issue, there could be some issues, but a daycare differs from a preschool as there are not arrange pick up and drop times. The pick up or drop off takes place at the availability of the parent or guardian. The time would be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and no comments were registered by staff on the notices that were sent out or in the newspaper.

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

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

Commissioner Hammer stated she had a concern about the adding 16 children in a residential area and having that any additional children may be detrimental to the neighbors. Commissioner Thomas stated it is a valid concern, but they do not know everyone's concerns around this house.

**Commissioner Hammer motioned to approve the Conditional Use Permit request by Alicia & Nathan Beddall, authorizing a child care home occupation involving 8 to 16 children at 904 North 1300 East, application number P20-609, based on the findings and subject to conditions listed in the Staff Report dated August 3, 2020.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Public Hearing and Decision on a Conditional Use Permit to allow a Child Daycare Involving 8 to 16 Children for Little Blessings Daycare located at 805 South 780 West in the R1-7 Residential zoning district on approximately 0.16 acres.**

Presented by Andrew Aagard

Mr. Aagard stated that this application is very similar to the previous application. It is located west of 780 West and south of 770 South. It is zoned R1-7 Residential and is surrounded by R1-7 Residential. This application has indicated they would like to have 12 children in their daycare, however the ordinance authorizes 8 to 16. The property has 70 feet of frontage and this is where the child drop off and pick up will occur. The applicant has indicated that there will be a contractual agreement for drop off and pick up times. The times will be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and notices were mailed to adjacent properties. No comments were registered by staff.

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

Chairman Hamilton closed the public hearing.

**Commissioner Robinson motioned to approve he Conditional Use Permit Request by Molly Webb, authorizing a child care home occupation involving 8 to 16 children at 805 South 780 West, application number P20-594, based on the findings and subject to the conditions listed in the Staff Report dated 8/4/2020.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**7. Public Hearing and Decision on a Conditional Use Permit to allow an “Accessory Drive Through Facility” for Oquirrh Brews proposed to be located at 311 South Main Street in the MU-G Mixed Use General zoning district on approximately 1.04 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this application is sandwiched between Garden Street and Main Street. The property is currently in the renovation process and the applicant is renovating the existing home on the property for a business. The property is zoned MU-G Mixed Use General, as are all of the surrounding properties. The applicant wishes to expand the renovation activities on the site. The existing home will be utilized as the Pear Place, which will be a craft and learning center. This application pertains the to the detached accessory building located to the east and south of the existing home and will be for a proposed coffee shop. Due to building orientation, building traffic will enter from Main Street and exit onto Garden Street. There is approximately 160 feet from the proposed coffee shop and the edge of Main Street and could support approximately 7 to 8 vehicles in a queuing lane. Given the success of other drive through coffee shops in the City it should be anticipated that there will be vehicle queuing. It should be noted that the proposed queuing lane is through the main access and parking area for Pear Place. This could create conflict; however this is all private property and the matter would be resolved by the property owner of the two business. The item is a public hearing and notices were sent to adjacent land owners. No comments or concerns have been registered. Staff is recommending approval based on the four basic conditions listed in the Staff Report.

Chairman Hamilton opened to the Commission for comments or questions.

Commissioner Thomas asked for the name of the business. Mr. Aagard stated that the business in the house is Pear Place. The coffee shop is named Oquirrh Brews.

Commissioner Sloan stated he is a little concerned about the traffic and stacking on Main Street. Vehicles coming down that section of Main Street are going relatively fast. There are other similar businesses with vehicle stacking that extends onto the street. Mr. Aagard stated that it is a legitimate concern and staff shares the same concern. He stated he was unsure about what could be done, with a condition but adds enforcement issues. Commissioner Sloan asked if the ingress will exclude the possibility of someone trying to get back out of the property and onto Main Street. Mr. Aagard stated it is difficult because it is a state highway and is managed by UDOT.

Commissioner Hammer stated that the property owners will need to work out stacking and parking of cars. She stated she is not familiar with Pear place, but how does the parking align with the drive through configuration. Mr. Aagard stated that the site plan shows that the Pear Place parking will be 45 degree angle parking. The vehicles would turn right into the parking stalls. The potential issues would come for the vehicles backing out and trying to get back onto Main Street. It would be an issue of the property owner and business owner.

Commissioner Thomas asked if expanding the exit out to garden Street would allow for a double exit. Mr. Aagard stated that would help only if the owner of the drive though had a system in place for that. There is the room to do that.

Chairman Hamilton opened the public hearing.

Ms. Michelle Jensen, the applicant stated they own the Pear Place and have considered the queuing. The intention is to further develop the entire property. The queuing is hoping to que the coffee shop in the front and have the other business parking in the back.

Commissioner Whitehouse asked for further explanation of queuing. Ms. Jensen stated that they had considered a few things. There could be almost 20 cars for the length of the property and having a walk out delivery. There should be two to three employees at a time. She stated they would address the challenges. Commissioner Whitehouse asked if there was space to double que and have two queuing lines. Ms. Jensen stated that the line kind of bottlenecks right in the beginning of the lane, but there is space to the east.

Mr. Arnold Robison, stated that he is concerned for vehicle stacking. He stated that when the state redid Main Street the parking was reduced and now there is barely room for parking. He stated that Garden Street at that end is very potholed and narrow. It is basically a paved alley.

Commissioner Sloan asked where his property was. He stated two houses to the south.

Ms. Janet Robison was asked to speak in the microphone. They are two houses to the south and have four accesses into the property. They don't want to have a problem getting out of their driveways. She stated that she can see the depth of the property, but it will not be developed to the further and spill out onto Main Street. The traffic off the hill is at all time of day and night. It is not safe for traffic to be backed up on main Street.

Mr. Bryan Parker stated he owns the adjacent property to the south. He stated they have their grandkids play on the fence line. He stated the fence line is a three foot chain link fence and the driveway is shared. He stated they have an attorney draft an agreement for parking. His wife has had to wait to get in their driveway because of work vehicles parked in front of driveway. He has been blocked from the driveway by a vehicle parked in their driveway. He shared concerns about the noise from the drive through. He asked what if a person drives up his driveway. He stated he wishes the Jensen's luck, but he has to do what is right for his family.

Chairman Hamilton closed the public hearing.

Commissioner Robinson stated that most of what they are hearing has to deal with Main Street. That is a UDOT managed road, what options does the City have? He stated he thought UDOT should look at this. Mr. Aagard stated UDOT has seen this as a commercial access for the Pear Place site plan approval. They may not be aware of the drive though for the coffee shop. Commissioner Robinson reaffirmed that that he thinks UDOT should review this. Mr. Aagard stated there will be a site plan review. The site plan application could include a UDOT approval. Commissioner Robinson stated with the Conditional Use Permit, they are required to approve it, if they can mitigate their concerns. Most of the concern that need mitigation are not controlled by the City. Mr. Aagard stated he was pretty sure that was the limit.

Mr. Baker stated he suggested to the Commission for them to exercise their role in determining what the anticipated detrimental affects might be and then a discussion can be had to mitigate those effects with reasonable conditions. If the Commission has determined the detrimental effects, then there could be a discussion about conditions.

Chairman Hamilton stated the issues he had heard were stacking, shared driveway, noise, a three foot fence, traffic on Garden Street.

Commissioner Sloan asked to have the applicant come back to answer a question.

Commissioner Sloan asked Ms. Jensen what her hours of operation would be? Ms. Jensen stated operation would be 6am to 6pm. She stated they had ordered a 6 foot concrete fence along the entire south length of the property.

Chairman Hamilton, the fencing is addressed but that could be a condition. Commissioner Sloan stated it goes from main to Garden, but how does that work if you are sharing a driveway? Chairman stated the sidewalk back to Garden. It is a shared approach driveway.

Commissioner Robinson asked about the timeframe for the site plan? Mr. Aagard stated the site plans are approved administratively by staff. The time it would take would depend on the how long staffs comments are resolved by the applicant. At this point she is waiting for the Conditional Use Permit. There are engineer drawings being worked out. Site plan approvals typically take two to three months.

Commissioner Thomas stated that he looks at the map where Main Street is, there is an approach, but the drawing shows a bigger driveway on the property. Can the applicant have a bigger approach on their own land? Mr. Aagard stated yes.

Chairman Hamilton stated that within that park strip they can do that themselves with approval from UDOT.

Chairman Hamilton stated that the applicant made a statement off the microphone that they will put a concrete fence all the way back to the street and working on widening the approach for both businesses both for Pear Place and Oquirrh Brew with UDOT. Those issues are in works to be mitigated. The fence is also mitigated with the fencing. The Other issues are stacking and



traffic on Garden street. Chairman Hamilton stated that the update of Garden Street is not up to the Planning Commission.

Commissioner Hammer stated stacking on Main Street is there enough room to pull off Main Street. Chairman Hamilton stated with his travels, on the road, he wouldn't do it. He has seen cars pull off, but their cars are in the lane.

Commissioner Hammer stated she is worried about stacking on Main Street. Chairman Hamilton stated there could be a condition or pressure the business owner to keep the stacking off of Main Street. Commissioner Hammer asked if there was a way to get the UDOT things before approving.

Commissioner Thomas stated that there is a concern about stacking and the applicant could address that.

Commissioner Whitehouse asked for the Ms. Jensen to address the plan for the driveway. Ms. Jensen stated that they don't know if there will be 7 to 8 cars in the queue. They do not know when the peak hours will be. They do not anticipate it to be the same time they are using the Pear Place building. There are eight parking spots. There are options to cue. The cars could be run past the drive up window and walk the coffees out to the cars. She stated that they feel comfortable in handling the que. There will be a future parking lot at the back of the property. Commissioner Whitehouse asked how far out is the additional parking lot in the plan. Ms. Jensen stated that the parking lot is hopefully done next year. Chairman Hamilton stated it is dirt and gravel right now and could be used if needed. Ms. Jensen stated it is a large lot and should be able to fit more than 52 parking slots and more buildings.

Chairman Hamilton stated most of the issues were mitigated. Commissioner Sloan stated he has no issue with the mitigation, he has some concern about the approval with access from UDOT did not include this potential of this amount of traffic. He stated he would feel more comfortable if UDOT signed off on this. He travels that road a lot during the day. Mr. Robinson echoed the sentiment. Commissioner Sloan stated there is the room to pull forward, but is concerned that someone will be watching while filling orders. A condition for UDOT is not unreasonable. Chairman Hamilton stated he agreed and other conditions could be wider approach, fencing, and UDOT review.

Mr. Baker asked if a vote would be delayed to obtain UDOT approval or will there be a condition that is subject to UDOT approval. Commissioner Sloan stated he would like to have a condition subject to UDOT approval. Mr. Baker stated that is the more challenging option. There is a permit granted until an external party satisfies the condition. Mr. Baker stated that the Commission has the ability to reasonably delay while gathering information. What can't be done is saying it will not be voted on until something else happens. A reasonable delay is lawful. Mr. Baker gave an example. The Commission could say that they would table the vote for 30 days or four weeks for UDOT's review of this matter. That is a reasonable amount of time. But an indefinite delay is not reasonable. If UDOT has not reviewed the application, then there could be a condition for the drive through with the approval of UDOT.



Commissioner Thomas asked what level of approval would be required from UDOT? Mr. Paul Hansen stated that UDOT be asked to review the existing road access permit. It is a broad look at the permit to see if the permit is sufficient for the intended use.

**Commissioner Sloan motioned to approve the Conditional Use Permit Request by Michelle Jensen, authorizing an :Accessory Drive Through Facility” for 311 South Main Street, application number P20-589, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020 and additional conditions being; an approval from UDOT to determine if the current road access permit is appropriate for the expanded use, a six foot masonry fence extending from Main Street at the appropriate location and appropriate spot on Garden Street, and an annotation to the road access permit include a double access.**

Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**8. Public Hearing and Decision on a Conditional Use Permit to allow an Auto Impound Yard and Vehicle Storage Yard located at 318 South 1200 West in the I Industrial zoning district on approximately 3.18 Acres.**

Presented by Andrew Aagard

Mr. Aagard stated the City Council voted to approve the reassignment of zoning on the property to the Industrial zone. The application is regarding a use that is now permitted in the zone with a Conditional Use Permit. The property is located on 1200 West adjacent to Union Pacific Railroad. The property is zoned I Industrial and the surrounding properties are LI Light Industrial. The property in the Tooele County to the west is zoned Manufacturing Distribution. The application is authorizing the use of an auto impound on the property. The impound lot will be used by at least five towing companies for the municipal enforcement and impound rotation. Vehicles will be towed to the site and impounded. It is not anticipated that the tow trucks themselves will be stored at the site. The site is currently fenced with a six foot chain-link fence topped with wire. The applicant has indicated they are willing to place slats in the fence for screening of the vehicles is deemed necessary. Staff does not see screening measures warranted at this location, due to the industrial nature of the surrounding properties. This is a public hearing and notices were mailed to neighboring properties’ and no comments were received by staff. Staff is recommending approval with the basic conditions in the Staff Report

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

Commissioner Sloan stated that he is in favor of the business purpose, but is was not in favor about how it was approved.

Chairman Hamilton opened the public hearing, there were no comments

Chairman Hamilton closed the public hearing.

Commissioner Thomas stated he did not see a concern about having vehicles stored, but changing the zoning was not the best approach to allow this to happen.

**Commissioner Sloan motioned to approve the Conditional Use Permit Request by Amber Snyder, to authorize an “Auto Impound Yard” at 318 South 1200 West, application P20-639, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020.** Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**9. Recommendation on a Subdivision Plat Amendment request amending the Lexington at Overlake 5 Lot Minor Subdivision Plat by Zenith Tooele LLC for 33.34 acres of property located at approximately 400 West 1000 North in the MR-16 Multi-Family residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that this is a subdivision plat amendment that pertains to the large property located north of 1000 North and west of 400 West and Franks Drive. Property is currently zoned MR-16 Multi-Family Residential and is undeveloped. Property to the north is R1-7 Residential, as is property to the east and west. Property to the south is MR-16 Multi-Family Residential and GC Commercial. The proposed Subdivision Plat Amendment amends the Lexington at Overlake five lot minor subdivision plat. The plat amendment shifts some of the lot lines and reconfigures the subdivision plat. The plat still involves five larger lots for future development however lot 102 has increased in size up to 11 acres and lot 3 has been reduced to nearly 2 acres. The plat also establishes utility drainage and access easements. The subdivision plat also provides the dedication of right-of-way to Tooele City for a public street on Franks Drive and future Berra Boulevard. Staff is recommending approval with the basic conditions in the Staff Report.

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

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2020.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**10. Review and Approval of Planning Commission minutes for meeting held on July 22, 2020.**

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

11. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 7:20p.m.

Commissioner Smart resigned from his Appointment on the Planning Commission just after the close of the meeting.

*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