

## 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 Those four elements have been in the General Plan and some are somewhat outdated.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

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Tyson Hamilton, Chairman, Tooele City Planning Commission