

**TOOELE CITY PLANNING COMMISSION MINUTES**

**Date:** Thursday, December 9, 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  
Chris Sloan  
Paul Smith

**Commission Members Excused:**

Bucky Whitehouse

**City Employees Present:**

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

**Council Members Present:**

Council Member Justin Brady  
Council Member Ed Hansen

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:05 pm.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Hamilton.

**2. Roll Call**

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

3. **Public Hearing and Recommendation on a Zoning Map amendment request by DR Horton to reassign the zoning for approximately 86.9 acres located generally at 1600 North 300 East from the existing zoning districts of NC Neighborhood Commercial, LI Light Industrial, RR-5 Residential, and R1-8 Residential to the MR-16 PUD Multi-Family Residential and R1-7 PUD Residential zoning district. As a part of this rezone the terms of the PUD will be identified.**

Presented by Andrew Aagard

Mr. Aagard stated the application is for 86 acres of land located in the general area of 1600 North 300 East. Some landmarks in the area included the Overpass Mobile Home Park to the west, the Union Pacific Railroad corridor to the north and the Copper Canyon Elementary School to the east. There are a mix of zoning districts involved in the property. The northern half of the property is zoned MR-16, Multi-Family Residential. There is a pocket of NC Neighborhood Commercial zoning at the north east corner. The southern half of the project includes land zoned LI Light Industrial, RR-5 Rural Residential zoning on the southernmost extent of the project and RR-5 Residential adjacent to the LI Light Industrial zoning. A large portion of the southern half bears the R1-8 Residential zoning district. The applicant is requesting the properties be rezoned to MR-16 Multi-Family Residential and R1-7 Residential in order to facilitate a large development of townhomes and single family dwellings. The rezone request also includes a PUD Planned Unit Overlay. A PUD is an overlay that is attached to an underlying zoning district. The purpose of a PUD is to provide some flexibility to the design criteria that pertains to lot size, lot widths, setbacks. A PUD does not change the land usage or increases in land density over what is permissible in the underlying zoning district. In exchange for a PUD designation and a change in the standards of the underlying zoning district, a tangible public benefit and amenity must be provided; such as increased open space, park space, or other public benefit that can be enjoyed by the community and city. The purpose of the hearing is to rezone the properties to MR-16 Multi-Family Residential and R1-7 Residential and establish the PUD qualifications.

Mr. Aagard presented a site plan which is not a usual part of a Zoning Map Amendment, but due to the PUD overlay a site plan review is critical to determine the qualifications of the PUD. City staff has been working with the applicant since March to determine the PUD overlay. Mr. Aagard presented the current site plan, which the City was obligated to present for consideration. The R1-7 Residential zoning will be located to the east and south east of the project, with a pocket of lots along the southern boundary. This will yield 97 single family units. The rest of the development is proposed to be MR-16 Multi-Family Residential and yield 714 townhouse style units. Some of those units will be front entry, with some being rear and alley entry and others with no garage space, but will use parking lots for vehicle parking. Overall density of the project will be approximately 9.2 units per acre, which is far below the 16 units per acre which is allowed in the MR-16 Multi-Family Residential zoning district.

Mr. Aagard stated that the applicant has provided the qualifications for the PUD and gave a brief overview of the qualifications. The R1-7 Residential zone would have a reduction of lot size to 3,500 square feet from the approved 7,000 standard. The dwelling size minimum would reduce to 800 square feet from the 1,100 square feet minimum. Current lot width in the R1-7 Residential zone is 60 feet and the PUD request is 42 feet. The side setback would be reduced from 6 feet to 5 feet. In the MR-16 Multi-Family Residential zoning the PUD changes would be to dwelling size, with the current standard for a two story with double garage the minimum size is 1,100 square feet. The

request is for a two story, with double garage to be 800 square feet minimum. The setbacks between buildings is currently 15 feet and the request is for 12 feet. The applicant is asking for changes to the design guidelines particularly to the design material. The current ordinance requires 50% of the entire façade to be brick or stone. The applicant would like to eliminate the brick or stone requirement to use stucco, fiber cement siding, wood, masonry stone, or brick or stone. There is currently a requirement for a 1,000 square foot clubhouse and the applicant would like to substitute the building for additional site amenities. Mr. Aagard showed elevations of proposed design elevations for the proposed properties to the Planning Commission.

Mr. Aagard stated the PUD ordinance authorizes the PUD only when there is a tangible benefit or amenity to the City in return of the PUD. A PUD could offer smaller lots in return for larger park space. The project will relocate a drainage corridor for the Middle Canyon Drainage ditch and improving the flood management capabilities. The improvements along the corridor will include a trail and vehicle maintenance path. The trail will run the length of the drainage and run to the south for connection with future trails. The development will include onsite amenities such as, pickleball courts, swimming pool, pavilions, tot lots, fitness apparatus, swing sets, and other amenities.

Mr. Aagard stated the plan was presented to the City Council in a work session meeting in November 2020. During that meeting, some concerns were expressed to the design particularly with the request to see more product types in the ratio. Some concerns have been raised about seeing long stretches of the same product of townhomes. It was suggested that it could be more appealing to have a wider range of products throughout the development to provide more variation and more housing types to choose from. Since then, this has been discussed with the applicant and an earlier rendition of the site plan addresses some of these concerns. The old plan offers four housing types, while still offering front and rear loaded townhouses, the small lot single family, and detached single family units called cluster homes. This plan provides more variation in the housing. Some of the benefits of the plan allows for more housing types and integrates different housing types throughout the plan. The plan improves the ratio of single family homes to townhouses by increasing the single family by 100 and reduces the townhouse by approximately the same number. One of the cons of the increase in single family dwellings is the loss of amenities. Mr. Aagard stated the Commission could consider each plan to address the concerns of the Council. The item is a public hearing and no concerns were emailed to the staff.

Commissioner Robinson asked Mr. Hansen about the drainage channel? Mr. Hansen stated that the property is heavily encumbered by two drainage maps, the FEMA zone for Middle Canyon drainage and further encumbered by the Tooele County special flood map for Middle Canyon. The developer has been extremely cooperative to try and mitigate that channel by shifting the location of the historical alignment to more fully utilize the property. The applicant has obtained an outside consultant to prepare documents for FEMA and Tooele City has signed those documents. The documents are awaiting the Conditional Letter of Map Revision. Once approved by FEMA the contractor will be able to construct the new channel and submit the new documentation for the map. The City sees it as an advantage to the City because it further and better defines the flood hazard. The area does flood broadly now and he supports the actions by the developer to mitigate the channel. Commissioner Robinson asked if there was any shift in the channel between the plan presented tonight and the early draft. Mr. Hansen stated it is essentially the same. It buffers against the eastern side of the mobile home park.

Chairman Hamilton opened the meeting to the Mr. David Lewis the project manager, from DR Horton for his presentation. His presentation included highlights the strengths of DR Horton. He shared pictures from other developments. Amenities for this project include, pickleball courts, a large pool featuring a zero entrance and handicap entrance, tot lots, and playgrounds, themed amenities, and terra parks. The development is connected north to south with a walking trail and the amenities are within a block of all homes. DR Horton will at their expense reroute the middle canyon trail and have an 8 foot wide asphalt trail. A pedestrian bridge will be built to connect the mobile home park to the development sidewalks to get to the school.

Commissioner Sloan stated housing affordability is a problem and asked what the price point is for the homes in the development? Mr. Lewis stated once the homes are built, they will be doing a market study to be on the lower end of the market. Commissioner Sloan stated the original plan with the cluster homes, what brought on the change of the home types? Mr. Leis stated there were several items. The current zoning is written in a way that makes it difficult. The townhomes are categorized as townhomes, but there are three different types in the townhomes for variety.

Commissioner Robinson asked how DR Horton addressed the concerns brought up by the City Council in the work session? Mr. Lewis stated the single family homes were just on the southern edge of the property. The single family homes were increased on several streets from 62 to 97. Commissioner Thomas asked if the amenities were available to the public? Mr. Lewis stated the intent is for the trail to be used for all. A lot of the interior amenities will be for the development and paid through the HOA.

Commissioner Bevan stated she was concerned about the clubhouse replacement for the outdoor amenities as the weather limits the outdoor usage? Mr. Lewis stated a lot of thought was put into that and they are not trying to reduce the amenities. They have built a lot of clubhouses and they are not utilized as anticipated. It is a very expensive item to maintain by the homeowners.

Commissioner Thomas asked if a theme has been addressed for the development? He hoped that this stie plan would be given the same interest by the team as other locations with developments. Mr. Lewis stated the development is not small, but this has had a lot of effort and thought to have a great development.

Commissioner Hammer asked how the development will be built out. Mr. Lewis showed the phasing plan and the amenities are planned in the earlier phases.

Commissioner McCall stated that he wants it to be good quality and are worried about the affordability.

Mr. Adam Loser, Vice President of DR Horton Land Acquisition stated the driving factor for moving away from the cluster homes was the affordability. The pioneer townhomes are a carport townhome product that will hopefully be in the \$185,000 to \$195,000 price range. Between the five different types of townhomes there are five different price points to capture some of the affordability. In the work session it was mentioned the need for more single family homes and the plans were changed to add the single family homes. Putting in the more affordable product, it

allowed for more amenities to be included in the development. DR Horton sees this as a landmark project and hope to continue in Tooele County. They are a spec builder and like to have shelf ready homes for the buyers. By spec'ing the homes it allows for the same subs for years. DR Horton is leading the nation in customer service. There is a customer service group that handles all warranty issues. They will be building for five to eight years.

Chairman Hamilton asked if there were any more questions for the applicant, there were none.

Chairman Hamilton opened the public hearing.

Mr. Paul Smith, the Planning Commission alternate stated with 811 units that will add 1600 cars and those cars will have to go through the intersection at 1280 East and Walmart. The intersection is a mess already. Adding 3200 trips through the intersection needs to be considered. He sated he had not heard it or seen it addressed, but thought it was a concern.

Mr. Aaron Storey stated that he is concerned with the development. He believes the Commission should consider the traffic concern of the development with the only outlet from Tooele County being I-80. The additional cars will affect the traffic and it is a concern. The development needs to be reviewed for the speed of growth with the commute issues. He stated the creek has flooded one time in 20 years. He stated the information of the creek is not reality.

Chairman Hamilton closed the public hearing.

Mr. Bolser read an email submitted by Ms. Stephanie Bothell for public comment; I am in favor of this type of development. Our citizens need to have products at this price point. As long as the quality and the long term support is there, this will be a great place for our teachers, police officers and young people to get their foot in the door to homeownership. The amenities will be a great asset to the community.

Commissioner Thomas stated that he sees stars at night, but he asked what kind of measures will be used to limit light pollution? Mr. Loser stated that they use coach lights on photocell timers and that helps absolve the issue of street lights. The light is downward spreading. The pickleball court lights will be on a timer.

Commissioner Sloan asked what is the estimated build out of the development? Mr. Loser stated six to eight years. The market is hot right now and affordable projects are growing quickly.

Commissioner Robinson asked if Pine Canyon is a City road? Mr. Hansen stated that it is to the west and east is the county. Commissioner Robinson stated if there was any hope of getting another crossing at the railroad corridor? Mr. Hansen stated it is not likely. There is not much interest in another crossing and anything above or below would be up to the City at a huge cost. Commissioner Robinson stated that water is an issue, with 800 units coming in how will that be addressed? Mr. Hansen stated that DR Horton will have to bring all of the water. There is about 186 acres of water available for immediate development. They are responsible for the remaining water rights to the city.

Commissioner Sloan stated he was not inclined to table the motion. The concerns that have been expressed about the diversity of product and he appreciates what has been shown tonight. Traffic is a concern, but the future holds some different transportation that is being developed. A fair amount of the people who leave this subdivision, will hit Pine Canyon Road and turn right. He is a little less worried about the infrastructure in Tooele than he was 6 months ago. Plans are in the works. The price point that has been presented is about half of the medium price in Tooele County. The reality is there needs to be a project like this. The location provides for a single family buffer.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Western Acres Zoning Map Amendment Request by DR Horton for the purpose of reassigning the zoning for the subject properties to the MR-16 Multi-Family Residential and R1-7 Residential zoning districts and assigning a PUD overlay to the properties located generally around 1600 North 300 East, application number P20-24, based on the following findings listed in the Staff Report dated December 1, 2020.** Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

**4. Public Hearing and Recommendation on a Land Use Map Amendment request by Halim Kurti to reassign the land use designation for approximately 3.37 acres located at approximately 400 East 1000 North from Medium Density to High Density Residential**

Presented by Andrew Aagard

Mr. Aagard stated the application is for a 3.37 acre parcel that is undeveloped and the middle canyon drainage runs along the eastern edge of the property. The drainage is designated flood area and undevelopable. The property is currently zoned R1-8 Residential and permits about four units per acre on 8000 square foot lots. The properties to the east and south are zoned R1-8 Residential and R1-7 Residential. Property to the west is zoned RR-5 Rural Residential. The property currently bares a Land Use Map designation of medium density residential. The property as currently zoned does comply with the current Land Use Map in the current General Plan. Current zoning also complies with the current draft of the Land Use Map of the General Plan recently recommended for approval by the Planning Commission and currently being reviewed by the City Council. The zones in the medium density designation are exclusive to single family homes and two family style units. Multi-Family uses are not permitted in the zoning districts of the medium density residential land use designation. The applicant wishes to change the land use designation to high density residential. The high density designation includes all of the MR- Multi Family residential zones, such as MR-8, MR-16, and MR-25 zones. These zones include specifically multi family residential uses, such as apartments, townhouses, condominiums and two family duplex units. Single family residential uses are not permitted within this land use designation. The request for high density residential will create an island of high density residential in the medium density residential zones. It is acknowledged that there is some high density residential a quarter mile to the west and some to the north, if the prior zoning amendment is approved. The Middle Canyon drainage does offer a natural and wide buffer area to the single family homes to the east. With the drainage on the east side of the property, the actual developable of the property is closer to two acres. If the property were to develop with MR-25 zoning, only the developable acreage could be considered for density, with approximately 50 units of density. By changing the land use designation to High density



residential it does not guarantee MR-25 zoning. The applicant would have to go through the zoning process to reassign the zone. The city could consider in greater detail if the property is better suited for 25 units per acre or 8 units per acre or for single family residential.

Mr. Aagard stated that this application is a public hearing and notices were sent to property owners within 200 feet of the property. One email was received and it was emailed to the Commission.

From Mr. Richard Stribling; As a direct neighbor to this property I am against adding any more of these high density buildings especially on this property . Part of this property is in a flood zone and access to 1000N is limited. Any high density housing should be zoned on parcels larger than this one. I was going to buy this land and build a single family dwelling on it along with the rural Tooele county values and was advised that only part of it could be built on by zoning due to the flood zone on part of it along the dry bed canal. We do not need to have more congestion within the city when all around the outskirts are open to development without impact on current invested citizens. We already have a new nursing home along with a 55 + community currently under construction. This will increase traffic flow on a two lane road without turn lanes already. Turn lanes should be added and it should be increased to the speed of 40-45 mph as a regular thruway without lights for over 5000ft.

As citizens of Tooele we should realize what draws people here( open spaces, less traffic, shopping variety, and outdoors ) and stop working to increase revenue and instead focus on budget conservativeness and increasing job training programs which increase quality of life for its existing multi generational citizens.

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

Commissioner Thomas asked about the buffer or is it the natural drainage channel? Mr. Aagard stated that it is somewhere between 50 and 60 feet. Commissioner Thomas asked how that is determined? Mr. Aagard stated that FEMA has say in the drainage corridors and the developer would have to go through FEMA. Commissioner Thomas asked if FEMA would only allow for a few feet for the channel? Mr. Hansen stated Tooele County in 2009 performed a flood model for improvement on Middle Canyon drainage. Within that document, which Tooele City has adopted by resolution, it establishes a cross section. The cross section varies along the channel, but the width is in the neighborhood of 60 to 80 feet as a fully improved channel. One of the requirements to developers is to build outside of the flood plain. Depending on the number of units the developer wants to put on the property, they may have to make improvements to the channel. As a Commission and the City Council can impose additional requirements for the rezone. The width of the final channel will be determined by the master plan study and flow hydraulics that the water is contained within the channel.

Chairman Hamilton opened the public hearing.

Mr. Halim Kurti the applicant stated that he bought the land a year ago and he has spent time discussing what to do with the creek. With single family homes, a lot of the land will not be used and the general contractor suggested the rezone for townhomes with the land close to the creek for

a playground. That would leave more space for buildable property. He has checked with FEMA. Townhomes would be better. There could be 15, 25, 35 townhomes.

Commissioner Sloan asked what the plans were for the density. Mr. Kurti stated that he has worked in construction for several years. The land dictates the setbacks and sidewalks for building. He wants to change the zone to see how many townhomes can be there. He wants to build 1000 square foot townhomes with two car garages, three bedrooms, two and half bathrooms, two living rooms between 1,500 and 2,000 square foot of living space. He thinks there can be between 25 and 35 homes.

Mr. Storey stated with the development of the creek the land will be down to two acres. He encourage the Commission to get more information as to what will be on the two acres. He doesn't want a giant three story building that will be out of place. He would like something to be consistent with the neighborhood.

Mr. Bolser read an email comment received from Mr. Melvin Sweat. Can we require that the waterway must be improved and fortified in order beautify and strengthen the "flood zone"? I think it should be cohesive with and flow together with DR Horton.

Commissioner Sloan asked in regards to the last email, Tooele City flood resolution, as long as the developer stays outside of the channel, can it be required to develop the channel more. Mr. Hansen stated not under normal land use and zoning. As a rezone, there may be that option, but he defers to others to confirm or refute. Generally, no, as long as they stay out of the flood plain.

Commissioner Thomas stated that there is nothing under this action to make the connection to the potential trail between England Acres and the Western Acres trail. Chairman Hamilton stated this is just a zone change and development plans would come later. Commissioner Thomas asked if the question was answered on the level of development. Commissioner Sloan stated he is concerned with the vagueness of the development. The idea is townhomes, but there is nothing to preclude him from selling for an apartment complex. If the application is denied can an amendment be filed tomorrow, or would he lose a year? Mr. Baker stated if this was denied, a new land use application amendment could be submitted immediately. Commissioner Sloan stated under this land use application, is there a way to restrict within the units per acre? Mr. baker stated he did not think so. The discussion for the night is about if this property is appropriate for high density residential uses. If this were approved by the City Council, the next policy level discussion would be what should it be zoned. The Planning Commission would have input on that question as well. It could be categorically stated how many units per acre would be appropriate.

Commissioner Robinson stated that this is an island in the medium density zoning and makes zero sense to change three acres in the middle of a sea of medium density development. Commissioner Bevan stated she agrees.

**Commissioner Robinson motioned to forward a negative recommendation to the City Council for the Halim Kurti Land Use Plan Amendment Request by Halim Kurti to change the land use designation to High Density Residential, application number P20-1153, based on the findings that it is not in harmony with the General Plan, it does not mix with the medium density zoning that**



**surrounds it and the subject property is completely surrounded by medium density residential.**

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

**5. Public Hearing and Decision on a Conditional Use Permit request by Utah Truck Driving School to authorize the use of "Public or Private Educational Facility" on .76 acres located at 1211 North 80 East in the LI Light Industrial Zoning District**

Presented by Andrew Aagard

Mr. Aagard stated this Conditional Use Permit is proposed for property west of 80 East and south of 1280 North in a commercial industrial area just east of Main Street. The property is zoned LI Light Industrial as are the properties to the north, east, and south. Properties to the west are zoned GC General Commercial. The applicant is proposing to conduct a CDL training and truck driving facility for the property. After analyzing the list of uses allowable in the LI Light Industrial zone, the use falls under the category of public or private educational facility. This use is permitted in the zone, but requires the Conditional Use Approval by the Planning Commission. The applicant has indicated that the property will be used to store three large trucks that will be used in the training process. These trucks are described as being day cabs instead of the long haul semis that include sleeper cabins. The trucks will include 28 foot trailers. He applicant has indicated that the facility will operate just those three trucks. The property is three quarters of an acre and is of sufficient size to accommodate parking of the three trucks and limited student parking, and instructor parking. Parking could overflow to 80 east with if parking is needed. Staff is recommending that a condition be added by Planning Commission that will limit the training facility to a maximum of three trucks. This condition was not included in the Staff Report, as it was discussed after the reports were sent out. Staff has added a condition that the trucks only use established truck routes in Tooele city, although the business has the right to get businesses to and from the established truck routes once away from the property. A condition has been included in the report. Staff is recommending approval with the additional condition of three trucks and the conditions listed in the Staff Report. This is a public hearing and notices were sent to property owners, no comments were received by staff.

Mr. Baker stated that the recommended condition of limiting the operation to three trucks is based on the anticipated detrimental effect of the possibility of a large number of large vehicles accessing a very narrow street. The condition is relevant to operation and to the safety of the roadways surrounding the property. Limiting the operation to three trucks would mitigate the effect of the trucks to the surrounding area.

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

Chairman Hamilton opened the public hearing, there were none.

Chairman Hamilton closed the public hearing.

**Chairman Bevan motioned to approve the Conditional Use Permit Request by Utah Truck Driving School to authorize the use of “Public or Private Educational Facility” at 1211 North 80 East application number P20-1075, based on the following findings with the additional condition of the limit of three trucks at the facility.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Nay.” Commissioner Hammer, “Nay,” Commissioner Sloan, “Nay,” Chairman Hamilton, “Nay.” The motion does not pass.

Commissioner Sloan stated that he doesn’t believe that limiting the facility to three solves the effect on health safety and welfare based on the intersections that will need to be used for the trucks to access the truck routes. That road has one of the busiest intersections in town.

Mr. Baker stated that the vote for the denial of the Conditional Use Permit it becomes extremely important and clear in stating that the Planning Commission does not feel that there are any reasonable conditions that could be imposed that would mitigate the adverse impacts of the proposed use. The facility cannot be a safe place for such a facility given the widths of the roads, the signalized, and unsignalized intersections, the volume of traffic. Commissioner Sloan stated that it is not reasonable that it can be solve the issues as stated. and the need to be state that there are no conditions that can be imposed to mitigate the impacts.

**6. Recommendation on a Subdivision Plat Amendment request for the Tooele Town Center #6 Subdivision by Anderson, Wahlen and Associates amending the existing Tooele Town Center #3 and Tooele Town Center #5 Subdivision plats located at approximately 972 North Main Street in the GC General Commercial zoning district n approximately 9.7 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the subdivision is proposed for the property currently occupied by the Macey’s grocery store and attached businesses as well as the vacant property to the south. The property currently bares the zoning of GC General Commercial as are all of the properties to the north, south, and west. To the east properties are zoned GC General Commercial and there is some MR-25 Multi-Family Residential. The subdivision plat will amend two existing subdivision plats. Lot one of Tooele Town Center lot # 3 Subdivision and lot 501 of Tooele Town Center Lot #5 Subdivision will be amended and included in Tooele Town Center #6 Subdivision Plat. The two existing subdivision plats will be renumbered as 601 and 603 with the new lot 602 being created. The lot is being created to facilitate the construction of a new retail store and associated parking area. This retail store wanted their own lot for their facility. The GC General Commercial zone does not have a restriction on lot size, when the lots are included in existing commercial areas. There is a lot width restriction of 80 feet and this lot measures 104 feet at the front setback line. Staff has reviewed the proposed subdivision amendment and is recommending approval with the basic housekeeping conditions listed in the Staff Report.

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

Commissioner Bevan asked if there will be an access off of 100 East? Mr. Aagard stated there will not be changes in access. The access that are there will service the parcel. There are ingress and egress easements which are in place. The engineer has been asked to submit those for the file.

Chairman Hamilton stated this item does not require a public hearing, but an audience member voiced the need to speak.

Mr. Thomas Parker stated he owns the property to the west and there is a property dispute over about 45 feet on the back of his property. There has been a surveyor working on the project. He stated there is a large hole in the property which he believes is his. He is asking that no decision has been made until the property dispute is finalized

Commissioner Sloan asked if the property is not contiguous to lot 602, but is contiguous to lot 603? Mr. Parker stated yes.

Mr. Aagard stated he wanted to address the concern. There is on the plat, a parcel A and a Parcel B. These parcels were added at the requirement of the Tooele County Recorder. The parcels are included so that a solution could be facilitated while still allowing the subdivision to move forward. Lot 602 is not affected by the property line dispute and it is a civil matter that cannot be resolved by the City. The two parcels allow a mechanism so that the subdivision can move forward and the property line dispute can be resolved. He recommended that the subdivision be moved forward and mechanism is sufficient to address the civil matter.

Mr. Jake Tate with Anderson, Whalen, and Associates stated that the current owner of the property has owned it for about eight years. Up until the submittal to the County, the owner was not aware of any dispute. Mr. Parker had not approached the owner and the client of the property that owns Macey's is also a client of the Anderson Whalen, firm. The Macey's owner provided a letter to firm between the prior lot owners and Mr. Parker from the year 2000 which was to settle and resolve the property line. Mr. Parker did not take action at that time. The resolution can be taken care of if Mr. Parker would like to approach the property owner.

Chairman Hamilton asked if the Commission had any further comments or questions?

Commissioner Hammer stated that the property has had some land moving and she asked if everything had to go through the Planning Commission prior to the land movement? Mr. Aagard stated that Harbor Freight has done a site plan application which was reviewed and approved by city staff. Site plans only come to the Planning Commission when there is a design review element that needs to be approved or if there are specific overlays that require the Planning Commission to approve the site plans. In this case there was no reason for the site plan to come to the Planning Commission. Staff approved the site plan application; however, the site plan application was delayed due to the subdivision amendment. They are following the standard of development. Right now, it is above ground grub work and they are complying with the process.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Tooele Town Center #6 Subdivision Plat Amendment request by Jake Tate representing Anderson, Wahlen & Associates thus amending Tooele Town Center #3 and Tooele Town Center #5 subdivision plats, application number P20-383, based on the findings and subject to the conditions listed in the Staff Report dated December 1, 2020.** 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," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. **Recommendation on a Subdivision Plat Amendment request for the Peterson Industrial Depot Plat 2C Subdivision by Peterson Industrial Depot amending lot 206 of the existing Peterson Industrial Depot Plat 2C Subdivision plat located at approximately 40 Lodestone way in the PID PUD Industrial zoning district on approximately 35.6 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the amendment is a parcel which is close to the Tooele School District and Detroit Deiseal facility to the west. It is zoned PID, PUD Peterson Industrial Depot Planned Unit Development and is an industrial district and it bears some specific restrictions to current development standards. This PUD is a result of when it was annexed to Tooele City. All the property in the area are zoned industrial. The subdivision amendment proposes to amend lot 206 of the existing Peterson Industrial Depot 2 C Subdivision. This amendment will split lot 206 into two lots, 207 will be the new lot and will consist of 9.7 acres. Lot 208 will be a remnant of lot 206 and will be 26.44 acres. Each lot will have access to Garnet Street, G Avenue and I Avenue, which are all public streets. There are not lot size minimum requirements in the zone and the lot greatly exceeds the requirement for 80 feet width. Staff is recommending approval with the basic conditions in the Staff Report.

**Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Peterson Industrial Depot Plat 2C Amended, Subdivision Plat Amendment Request by Brock Peterson, representing Peterson Industrial Depot for the purpose of amending lot 206 of the Peterson Industrial Depot Plat 2C Subdivision, application number P20-755, based on the findings and subject to the conditions listed in the Staff Report dated December 1, 2020.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes

8. **Recommendation on a Subdivision Preliminary Plan request for the Providence at Overlake Phase 5 Subdivision by Providence Tooele, LLC, to subdivide 8 acres located at approximately 1000 North 400 West in the R1-7 Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated the preliminary subdivision is an extension of previous Providence phases. It is located north of 1000 North and west of Franks Drive. It is zoned R1-7 Residential, as is the property to the north. The rest of the property surrounding the development is MR-16, Multi-Family Development and are currently undeveloped. The subdivision proposes to subdivide the parcel into 42 single family residential lots ranging in size from 7,400 square feet to 11,800 square feet. Each lot within the subdivision has been reviewed against the development standards for R1-7 Residential and meets or exceeds lot size, lot widths, and lot frontages. All roads within the subdivision will be dedicated public streets. On the site plan there is an 8 foot solid masonry fencing as the lots have

rear frontage onto the railroad corridor. Staff has reviewed the subdivision plan and is recommending approval with the basic housekeeping conditions listed in the Staff Report.

**Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Providence at Overlake Phase 5 Subdivision Preliminary Plan Request by Howard Schmidt, representing Providence Tooele, LLC for the purpose of creating 42 new single-family residential lots, application number P20-703, based on the findings and subject to the conditions listed in the Staff Report dated December 2, 2020.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye.” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**9. Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Sections 7-11-16 and 7-19-14 of the Tooele City Code Regarding Abandoned Applications.**

Presented by Jim Bolser

Mr. Bolser stated the application is an item that has been discussed by staff for some time on how to address applications that have gone stale so to speak. For applications that have approvals, there are some set windows built into the code, for instance a preliminary plan for a subdivision, there is a period of time set within the code by which the applicant must file for the final plat for the first phase or the preliminary plan approval vacates and will have to be started over. What is not in the City Code is a provision for applications which do not yet have an approval, but have gone stale and cease to have activity. Mr. Bolser gave an example of an application where the redlines were turned back to the applicant in August of 2019 and the applicant has not given the staff any indication that they are not going to be doing something with it. The staff is then tasked at tracking changes in City Code that could affect the application. Land Use applications are bound to the City Code at the time that the application was made. There is not a massive problem with this, but it is a tool to have. Sometimes applications just don't work out and the City would like a mechanism to deal with it. Secondly, it gives the staff a tool to keep applicants moving. The nature of this application is to add a provision in the City Code. The language prepared for this evening is that an applicant must be responsive in a 180 days, which is six months, the application would not be subject to closure. There is not the intent to abandon applications, but to help the applicants get through the process.

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 Abandoned Applications City Code Text Avengement Request by Tooele City regarding Abandoned Applications, application number P20-1196, based on the Staff Report;** Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye.” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion passes

**10. Setting Dates, Time, and Place for Regular Planning Commission Meetings for the 2021 Calendar Year.**

Mr. Bolser stated there is an obligation to set to the regular meeting calendar. By the City provisions by charter and code the Planning Commission is to meet twice a month on the second and fourth Wednesdays. There is a timeline in the packet to omit the second meetings in November and December to avoid holidays.

**Commissioner Sloan motioned to approve the 2021 Planning Commission Calendar in the provided packet.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

**11. Nomination and Election of Planning Commission Chair and Vice-Chair for the 2021 Calendar Year.**

Mr. Bolser stated there are seven regular commissioners that are eligible to sit as chair and vice chair. By the bylaws the chair person cannot serve more than two consecutive years without taking a year off and then can come back. Chairman Hamilton has only served one year and is fully eligible to serve again. Vice Chair there is no limitation on the consecutive years to serve.

Mr. Bolser gave the options for the Commission to vote by raise of the hand or secret ballot. The Commission could handle the selection either way.

Commissioner Sloan nominated Tyson Hamilton to serve as chair. Commissioner McCall seconded the motion. Chairman Hamilton accepted the position.

Commissioner Bevan nominated Chris Sloan for Vice Chairman. Commissioner Hammer seconded the motion. Commissioner Sloan accepted the nomination.

**12. City Council Reports.**

Presented by Council Member Justin Brady

Council Member Brady stated the City Council amended Ordinance 2020-45 for the residential development standards. The amendment was to have the approvals forwarded to the City Council after the review by the Planning Commission. After the amendment the Ordinance was approved three to two. Commissioner Sloan asked for clarification. Council member Brady stated the original ordinance went strictly to the Planning Commission and now it goes to the Planning Commission and then is reviewed by the City Council. Council Member Brady stated that it was agreed on that it is a legislative action and is the city is having multiple deviations from the standards it is important for the Council to see that. On December 2, 2020, Mr. Derald Anderson gave a presentation on the annexation of areas B and H. The Council held a public hearing on the General Plan and will be continuing the second public hearing on the General Plan in the next meeting. hearing on General Plan public hearing.



Commissioner Sloan asked about the public hearing process, does it feel like the Council is happy with it? Council Member Brady stated he is not aware of negative comments.

**13. Review and Approval of the Planning Commission Minutes for Meeting Held on November 12, 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," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

**14. Adjourn**

Chairman Hamilton declared the meeting adjourned at 9:33 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 6th day of January, 2021

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Tyson Hamilton, Chairman, Tooele City Planning Commission