

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, April 28, 2021
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commissioners Present:

Tyson Hamilton
Dave McCall
Melanie Hammer
Shaunna Bevan
Matt Robinson
Paul Smith

City Employees Present:

Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Michelle Pitt, City Recorder

Minutes prepared by Michelle Pitt

Chairman Hamilton called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Tyson Hamilton, Present
Dave McCall, Present
Melanie Hammer, Present
Shaunna Bevan, Present
Matt Robinson, Present
Paul Smith, Present
Chris Sloan, Excused
Nathan Thomas, Excused
Weston Jensen, Excused

3. Public Hearing and Recommendation on a Land Use Map Amendment by David Gumucio representing the Estate of Eileen Barnett to Reassign the Land Use Designation for approximately 34.44 Acres Located at approximately 2520 and 2540 North 400 East from Medium Density Residential to High Density Residential

Presented by Andrew Aagard, City Planner

Mr. Aagard explained that this application is a request for approval of a Land Use Amendment for property west of SR36 and north of 2400 North. The properties currently bear two zoning districts. The western half of the properties are zoned General Commercial (GC) and the eastern half of the properties are zoned Research and Development (RD). The properties currently bear three Land Use Map designations. The western portion of the properties is currently designated as Regional Commercial (RC). The central portion of the properties is designated as High Density Residential (HDR). The eastern half of the property is designated as Medium Density Residential (MDR). The applicant is requesting that the eastern half of the properties have the Land Use Map designation reassigned from MDR to HDR. This HDR designation is desired to facilitate consideration on the property being rezoned to the multi-family residential zone. Townhomes and condos are not permitted in this zoning. The HDR designation involves MR-8, or 8 units per acre, up to 25 units per acre.

Mr. Aagard said that this is a Land Use Amendment request, not a Zoning Map Amendment. This is a necessary first step in the process. No comments or concerns have been registered with City staff up to this point.

Commissioner Smith asked for clarification that the zoning would be brought back to them, and this is just for 16 acres. Mr. Aagard answered that it was.

Chairman Hamilton opened the meeting to the public for comment.

Mr. Baker said that the Commission would not necessarily be opening the door for future obligations by voting in favor of this, but cautioned that if someone submitted a future application it could only be consistent with the current land use designation. He added that it may open things to future high density residential. He said that he was not making a recommendation either way, but asked that the commissioner keep this in mind as they deliberate. It would not set a precedent, but would set a direction.

Commissioner Robinson asked if the land use map could only be changed when asked by land owners. Mr. Aagard said that it can be done when an applicant requests it, or it can be done by the City. Commissioner Robinson said that this map was just looked at in December. Commissioner Smith said that it may limit other options where it isn't currently in the MDR zone.

Commissioner McCall said that the way it is now, the northwest is already designated high density. If this is favorable tonight, there will still be the buffer of medium density on both sides of it. He added that in this same area, high density residential is already allowed. Commissioner Bevan said that it would chunk out a small area and would divide the other zone in half.

Commissioner Robinson said that if we're going to allow HDR on the east side, the City may consider doing that whole east side so that it's consistent. If that was done, he would consider this application. He went on to say that if the buffer zone is chewed away, the City would be going away from what was discussed formerly. Commissioner Smith said that it was probably worth more money to be zoned that way, and that was the only reason to do it. If it was a project that seemed like a good decision for the City, it would make a difference.

David "Gumby" Gumucio, the applicant, said that there are two parcels involved, one is the estate of Ruth Pitt and the other is the Eileen Barnett parcel. They are related entities within the same family circle and have applied together. He felt it was interesting property that could be put to beneficial use for the City. The plans would require a high density zoning, but would relate to a lower net density because of what is planned to go there. He felt it would be beneficial for the surrounding parcels. He said they are also talking to the landowners to the south. The other three parcels unite with Liddiards and are more of a commercial type of use going along 2400 North so there will be some buffer between the two zones. He explained that they plan to continue 400 East as the frontage road, and to expand 2400 North to bring access down the borderline between Tooele City and Tooele County. The HDR use allows 25 units per acre, but the intended use would be 12 units per acre of single family type housing. He said he realized that there would be zoning challenges that would have to be addressed in the future. He said he was told that this is the first step, to get a map amendment, in order to go further.

Commissioner Smith asked if this would be a different type of housing. Mr. Gumucio answered that it would be single-family housing, similar to a patio home, with no basements. They would be 1, 2 and 3 bedroom homes. He said that he met with the City and they seemed to like the product. Mr. Gumucio said that the applicant would develop the RC as well, bringing in commercial to that area.

Commissioner Hammer said that single family homes are not allowed in HDR zones. Mr. Aagard answered that it would require a text amendment to allow single family detached, or a new zoning district would need to be created to allow single family detached. The applicant would have a zoning map amendment plus a text amendment to go through which would be a long road. Mr. Aagard said that 12 units per acre falls under single family. Commissioner Smith asked why do this step if it has been done all over again. Mr. Aagard answered that they would be different applications.

Mr. Gumucio stated that he was instructed that this was the first step, to get a land use map change so that the use would be conducive. He said that even though they are requesting HDR, it's a much lower density than the HDR allows, at 12 units with a very beautiful and unique project that would enhance the north part of the City.

Commissioner Robinson said that if the land use map is changed, then the zoning could occur accordingly. If the land use is changed, and we don't have all the details, there are no commitments that are concrete enough to make it beneficial. Mr. Baker said that the commissioners can't rescind a decision. It would have to go back through an identical process.

Commissioner Bevan wondered if they would be opening up a Pandora's box. She added that if it doesn't work out, someone else could come in and do HDR.

Commissioner Smith motioned to make a negative recommendation to the City Council on a Land Use Amendment to reassign the land use designation at approximately 2520 and 2540 North 400 East from Medium Density Residential to High Density Residential.

Commissioner Robinson seconded the motion. The vote was as follows: Commissioner McCall, "Nay", Commissioner Robinson, "Aye", Commissioner Bevan, "Aye", Commissioner Hammer, "Aye", Commissioner Smith, "Aye", and Chairman Hamilton, "Aye".

4. Recommendation on a Minor Subdivision Request by Richard Palmer to Subdivide 1.29 Acres located at 300 East 600 North into Two Single-Family Residential Lots in the R1-7 Residential Zoning District

Presented by Andrew Aagard, City Planner

Mr. Aagard presented that this application is a request for approval of a minor subdivision for approximately 1.29 acres located at approximately 300 East 600 North. The property is currently zoned R1-7 residential. There is an existing apartment complex on the property. The applicant proposes to split the properties in to two large lots. Staff is recommending approval of the minor subdivision.

Commissioner Robinson motioned to make a positive recommendation to the City Council on a Minor Subdivision request to subdivide 1.29 acres located at 300 East 600 North into Two Single-Family Residential Lots. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner McCall, "Aye", Commissioner Robinson, "Aye", Commissioner Bevan, "Aye", Commissioner Hammer, "Aye", Commissioner Smith, "Aye", and Chairman Hamilton, "Aye".

5. Recommendation on a Preliminary Plan Subdivision Request for Prosperity at Overlake Phase 1 by Howard Schmidt to Subdivide 21 Acres located at approximately 200 West 1100 North into 78 Single-Family Residential Lots in the R1-7 Residential Zoning District

Presented by Andrew Aagard, City Planner

Mr. Aagard stated that this application is a request for approval for a preliminary subdivision located at 200 West 1000 North. The plan is a wedged shape piece east of the Providence subdivision. It is currently zoned R1-7 residential. The application proposes a range from 7000 to 17000 square feet. Each lot complies with or exceeds front lot sizes as required by the zoning. The landscape plans do not specify turf or cobble landscaping for the detention basin and/or park strips. Mr. Aagard added that the landscape plan was submitted to the parks department twice, with no comments received. Staff is recommending approval of this application.

Commission Hammer asked if the landscaping for the detention pond area needs to be specific. Mr. Aagard said he hoped the Planning Commission would recommend a water friendly resolution.

Commissioner Smith said he was concerned with the roads. People are currently parking cars on the road and using roads as a staging area for big vehicles.

Howard Schmidt, developer of Providence, said that he felt they've done a good job to address challenges to respect the community, and that they will try to continue to do that. Commissioner Smith asked them to please be a good neighbor.

Commissioner Hammer asked if they planned to do sod or gravel. Mr. Schmidt recommended gravel in the park strips and grass in the pond.

Commissioner McCall motioned to forward a positive recommendation to the City Council for the Preliminary Plan Subdivision Request for Prosperity at Overlake Phase 1, with the recommendation that gravel be put in the park strips and grass in the pond. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner McCall, "Aye", Commissioner Robinson, "Nay", Commissioner Bevan, "Aye", Commissioner Hammer, "Nay", Commissioner Smith, "Aye", and Chairman Hamilton, "Aye".

6. Discussion on Planning Commission Training and Assignments

Mr. Bolser stated that prior to the pandemic, City staff and the Planning Commission were doing training in the second meeting of each month. He stated he would like to get back to that. In addition, the legislature passed HB 409 which requires four hours of annual land use training for Planning Commissioners of every city. One hour needs to be training for general powers and duties under LUDMA. Newly appointed commissioners can't participate in meetings until training is complete. Three hours may include appeals and variances, Conditional Use Permits, exaction, impact fees, vested rights, subdivision regulations and improvement guarantees, land use referenda, property rights, real estate procedures and financing, zoning and ordinance drafting. One hour may qualify by attending 12 Planning Commission meetings in a calendar year. Training is to be provided by municipal staff or the Utah League of Cities and Towns (ULCT). Mr. Bolser went on to explain that the City is to monitor and track training for each Planning Commissioner every year.

Mr. Bolser provided information about possible conferences such as the ULCT and the Land Use Association of Utah's annual convention in September, mid-year conference in April, Land Use 101 and introductory training; and fall workshop series by ULCT which has 2-hour webinars of a series of 6 or so. The Utah Land Use Institute meets every October for a land use conference. Mr. Bolser added that he may have money in his budget that could help with registration fees.

Mr. Bolser asked the Commissioners what topics they would like to hear and how often. It was decided to hold trainings the first meeting of each month.

Mr. Bolser suggested that the Commissioners attend predevelopment meetings which are generally held Wednesdays at 3:30 p.m. The Commissioners asked that a schedule be emailed to them so that they can sign up to attend meetings. Mr. Bolser reminded them that they can't have a quorum present, so no more than three can attend at a time.

Topics that the Commissioners would like to be trained on included subdivision development and site plan development, City Charter, and developing Findings of Fact.

7. City Council Reports

Presented by Justin Brady, City Council Member

Council Member Brady reported that the Council didn't have a meeting last week because they all attended the mid-year conference for the ULCT. He said that Ordinance 2021-10 was approved, changing the land use designation from medium density residential to light industrial for property located at 2400 North 600 East.

8. Adjourn

Chairman Hamilton adjourned the meeting at 8:11 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 12th day of May, 2021

Tyson Hamilton, Tooele City Planning Commission Chair