

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, December 8, 2021

Time: 7:00 p.m.

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

Commission Members Present:

Tyson Hamilton
Dave McCall
Matt Robinson
Paul Smith
Chris Sloan
Melanie Hammer

Commission Members Excused:

Nathan Thomas
Weston Jensen
Shauna Bevan

City Council Members Present:

Ed Hansen
Maresa Manzione

City Employees Present:

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

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Smith.

2. Roll Call

Tyson Hamilton, Present
Dave McCall, Present
Shauna Bevan, Present
Matt Robinson, Present
Paul Smith, Present

Chris Sloan, Present
Nathan Thomas, Excused
Weston Jensen, Excused
Melanie Hammer, Excused

3. Public Hearing and Decision on a Conditional Use Permit Request by the Tooele County School District to Authorize the “Vehicle Storage Yard” Use for Approximately 20 Acres Located at 99 Industrial Loop Road in the (I) Industrial Zoning District.

Presented by Andrew Aagard, City Planner

Mr. Aagard stated the vehicle storage yard will not occupy the entire parcel but approximately 20-acre plat. He stated the surrounding uses include Detroit Diesel, School District offices, and Carvana. The Zoning is I, Industrial as well as the surrounding properties. He stated the site plan is being reviewed and will include a transportation facility for vehicle storage, office spaces, and vehicles. He stated only the vehicle storage yard is being considered. The staff is recommending approval with the items listed in the staff report.

Chairman Hamilton opened the public hearing. No one came forward, the public hearing was closed.

Commissioner Robinson moved to approve Conditional Use Permit Request by the Tooele County School District to Authorize the “Vehicle Storage Yard”. Commissioner McCall seconded the motion. The vote was as follows: Commissioner McCall, “Aye”, Commissioner Robinson, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smith, “Aye”, Commissioner Sloan, “Aye”, and Chairman Hamilton, “Aye”. The motion passed.

4. Public Hearing and Recommendation on a City Code Text Amendment Request by Zenith Tooele, LLC to Revise the Terms of Section 7-11a-18 of the Tooele City Code Regarding Exterior Building Material Requirements for Multi-Family Residential Development.

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated this application is from an applicant outside the City with the application’s supporting information included in the packet. He stated the request is to revise Section 7-11a-18, subsection 1, for the exterior building material requirements for multi-family residential developments. He stated subsection 1 states there needs to be a minimum of 50% to be a specific set of materials. The application language would change subsection 1 from the minimum of 50% to a maximum of 25%. He stated the application gave materials for justification with their reasoning being mostly for the cost of construction compared to affordable income housing. He stated Tooele City is fully compliant with all state requirements for low and moderate income housing. Modern income housing is defined through formulas adopted by the state, with three levels identified as AMI based off of the county median household income. He stated through the

three steps it equates to maximum housing cost. It is not uncommon for a lower threshold for housing to be subsidized or rent controlled to meet those requirements. He stated the annual updated report recently given to the state shows Tooele meets or exceeds all requirements and complies with all state rules. When dealing with low and moderate income housing, the City only has to meet a minimum threshold. He stated establishing code of this sort would be applicable to every project, not just moderate-income housing.

Chairman Hamilton invited the applicant up to address the Commission.

Mr. Charles Akerlow, the applicant, asked for clarification of the wording in the code, asking if 50% and the 75% could include any materials.

Mr. Bolser stated the provision says the 50% is a minimum and at least 75% of that 50% shall be on the front building façade.

Mr. Akerlow stated they may not need to pursue this application any further because there are plenty of the materials included. He stated his appreciation for the staff and Mr. Bolser. He stated he understood it as the requirement was just brick or stone. He stated they have had difficulties in making the building have 50% brick due to the cost.

Mr. Bolser stated he is correcting himself, the ordinance requires that exterior building materials shall be natural or cultured stone or brick for that minimum 50%.

Mr. Akerlow stated he has been developing Lexington Greens. He stated the project has a wide range of homes and apartments allowing a renter to start in an apartment and move into a home. He stated the Ordinance requires them to have 50% façade of brick or stone requiring them to make a significant purchase of those supplies. He stated it is a big cost difference and would require them to raise the rents or cut back on amenities. He stated he wants to preserve the City's preference for brick work but still make the things affordable. He stated they can see from the renderings, the use of 25% materials allows them to give them the look and keep amenities. He stated Mr. Baker had asked how they provide a better quality of life for the community. Brick and stone held the building up. He stated the problem with the language of the ordinance is that there is no measurable yard stick that can measure aesthetics or quality of life. He asked if they are living in homes and apartments for the aesthetic or the amenities. He is just trying to make it fair across the board for single-family homes and multi-family homes.

Commissioner Robinson stated as he understands the application is asking for a minimum and hearing the applicant speak, he is asking for it to not be too restrictive. He asked for clarification. Mr. Akerlow stated it was too restrictive.

Commissioner Robinson asked if 0-25% was too restrictive. He stated it was a minimum and now the applicant is stating it is too restrictive. The applicant stated it lessens the minimum.

Mr. Akerlow stated it lessens the minimum.

Chairman Hamilton stated the applicant is asking for "no more than" instead of a minimum.

Commissioner Smith asked if they are building and then selling.

Mr. Akerlow stated they will own now and eventually sell.

Commissioner Smith asked if they are leased or rented by the month.

Mr. Akerlow stated to pay cost the rent has to be higher.

Commissioner Smith asked if they rent will be less than the market rate.

Mr. Akerlow stated three bed apartments are about \$1500.

Commissioner Smith stated he wants to save money, but doesn't understand where the saving will be passed down to the people.

Mr. Akerlow stated the amenities will be changed for the residents.

Commissioner Smith stated he doesn't understand if he is going to rent for market value where the cost will pass down to the renters or the communities.

Mr. Akerlow stated it won't raise the rent. He stated he believes affordable project in affordable area. The builders save money by not adhering to code and the City doesn't seem to be concerned that everyone is not in conformity.

Commissioner Robinson stated the applicant mentioned hardy board asked if it is the same as the board in code.

Mr. Akerlow stated it is a cement fiberboard and shows it is allowed in code.

Chairman Hamilton opened the public hearing. No one came forward, the public hearing was closed.

Mr. Baker stated he is concerned that the applicant had alleged that the single-family guidelines were enforced unfairly between developers by the City. He stated it is a serious allegation and requires a response. He stated there is a misunderstanding by the applicant on single-family design standards. Code Chapter 11b provides a certain percentage must be masonry material, defined as brick, stone, or stucco under the City code. In the next section, the developer/builder can get additional points for adding stone or brick, contributing towards the total number for elective architecture. He stated if there are exceptions they will look at them, but every house shown in packet as an example of noncompliance in fact complies with City code

Mr. Aagard stated hardie board does count as masonry under the City Code. Single family residential and multi-family residential design standards are different and in different chapters of the City Code and are enforced.

Commissioner Sloan asked why they are not consistent between the two.

Mr. Bolser stated multi-family residential is inherently connected and single-family is detached. He stated that the Building Code and City Code treat the construction and requirements for each differently and they are inherently different despite both being a residential use. The City Code is the policy of the City Council.

Mr. Baker stated the policy discussions for the two standards were done at different times and were different policy discussions. They were unrelated. He stated that the multi-family design standards were enacted in 2005, and that later the City Council thought all dwellings ought to be addressed for design, and enacted the single-family design standards after another policy discussion.

Chairman Hamilton stated looking at pictures, the break in concrete will help in different homes.

Commissioner Sloan stated the applicant has stated a few things and wonder what exactly it is the applicant wants.

Mr. Akerlow stated he needs to have a conversation with the City Attorney and staff to see if their plan meets the City requirements as is.

Commissioner Robinsons stated with the difference in the proposal and what the applicant is asking to be considered tonight, he would like to table this application.

Commissioner Sloan stated they might not need to change anything. The applicant might satisfy under the code already.

Commissioner Smith stated the use on the building is different in building apartments then residential homes. He stated the outside of apartments get more damage than single-family homes because people move in and out. He stated if they don't have something strong on base of the building, it can affect the quality of building. He stated buildings of this size can be traded and become a commodity. He stated he would like to keep something of better quality for longer period of time.

Commissioner Robinson stated he recommends pulling the last sentence of the proposed wording because pulling on modern income affordable plan is subjective.

Mr. Bolser stated the desire to make changes to the wording include striking the last sentence because of the subjective standard it creates and striking the word encourage for a definitive statement because it is not a hard and fast rule that can be enforced.

Commissioner Thomas moved to table the City Code Text Amendment Request until next meeting allowing the applicant can fix some of the details. Commissioner McCall seconded the motion. The vote was as follows: Commissioner McCall, "Aye", Commissioner Robinson, "Aye", Commissioner Bevan, "Aye", Commissioner Smith, "Aye", Commissioner Sloan, "Aye", and Chairman Hamilton, "Aye". The motion passed.

5. Public Hearing and Recommendation on a City Code Text Amendment Request by John Potter Representing Nova Source to Revise the Terms of Table 2 of Chapter 7-16 of the Tooele City Code Regarding Maximum Building Heights Allowed in the GC General Commercial Zoning District.

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated this item is applicant driven instead of City driven. He stated the application does have a concept plan included. The lot in question is an empty field on the corner of 1000 North and 200 West. He stated the property owner has several applications for the site with the

potential of hosting a hotel and having restaurants. He stated dealing with the matrix and the availability of hotel rooms, they have found it most desirable to have a scale of 4 stories. He stated the Planning Commission is aware that in Table 2 of Chapter 7-16 are development standards specified for the GC zone and all other non-residential zoning districts. It has a maximum building height and a maximum of 4 stories allowed in the GC zone with a minimum of 1 story. The applicant has submitted the application to change the building height criteria from 50 to 65 feet, bringing the criteria in line to better match and allow it to be built to 4 stories.

Commissioner Smith asked why they don't find a piece of property in RC Zone.

Mr. Bolser stated hotel uses typically need to be on a major thorough fair which are generally zoned GC General Commercial.

Commissioner Smith asked why they don't rezone the lot.

Mr. Bolser stated there may be uses in that zone the City doesn't want there. He stated the application brings criteria into line.

Commissioner Smith stated 65 feet is tall. The temple is 75 feet tall.

Mr. Bolser stated the Temple falls under another category and has other considerations that come into play with a religious structure. The added steeple ornamentation makes it taller.

Commissioner Hammer asked if they anticipate the Regional Commercial to change as well.

Mr. Bolser stated several may need to be adjusted. He stated another zone has the same criteria that may not be appropriate and some review may need to be done.

Commissioner Sloan asked if they can require a racecar if the lobby of the hotel.

Mr. Bolser stated there is not a requirement in the City Code.

Chairman Hamilton opened the public hearing. No one came forward, he closed the public hearing.

Commissioner Sloan stated he would like to see the start of an application to examine the standards in each of these zones allowing it to be easier for some applicants.

Commissioner Thomas moved to forward a positive recommendation a City Code Text Amendment Request by John Potter based on the findings listed in the staff report.

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

6. Setting Dates, Time, and Place for Regular Planning Commission Meetings for the 2022 Calendar Year

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated the regular Planning Commission meetings proposed in the packet are two times per month on the second and fourth Wednesday of each month at 7:00 pm, following the

same pattern as this year, including not holding the second meeting of the month in November and December as they fall closely to holidays.

Commissioner Robinson moved to approve Setting Dates, Time, and Place for Regular Planning Commission Meetings for the 2022 Calendar Year. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner McCall, “Aye”, Commissioner Robinson, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smith, “Aye”, Commissioner Sloan, “Aye”, and Chairman Hamilton, “Aye”. The motion passed.

7. Nomination and Election of Planning Commission Chair and Vice-Chair for the 2022 Calendar Year

Mr. Bolser stated there are a few things to consider in the nomination and election process. There are three ineligible Commissioners for the Chairman position in 2022. Chairman Hamilton is not available to serve as Chair for 2022 since he is completing two consecutive terms, Commissioner McCall has been voted onto the City Council and will not be on the Commission in January, and Commissioner Bevan is not seeking reappointment to another term for Planning Commission. He stated Commissioner Jensen and Commissioner Smith, who are currently alternates, will likely be appointed to full members of the Commission with these two leaving the Commission in January. He asked for nominations.

Commissioner Hammer nominated Commissioner Sloan as Chairman.

Commissioner Sloan nominated Commissioner Robinson as Chairman.

Mr. Bolser asked Commissioner Sloan if he wanted to accept the nomination. Commissioner Sloan declined the nomination.

Mr. Bolser asked Commissioner Robinson if he accepted the nomination. Commissioner Robinson accepted the nomination.

Mr. Bolser stated with only one Commissioner being nominated and accepting nomination for Chairman there is no need to vote and Commission Robinson will be the Chairman for 2022.

Mr. Bolser stated there is no limitations of the amount of years serving as Vice-Chair and the remaining seven can be nominated.

Commissioner Robinson nominated Commissioner Sloan.

Mr. Bolser asked if Commissioner Sloan would accept. Commissioner Sloan accepted.

Mr. Bolser stated the Planning Commission Chairperson for 2022 is Commissioner Robinson and the Vice-Chair is Commissioner Sloan.

8. Discussion Regarding Planning Commissioner Assignments to Pre-Development Meetings for the 2022 Calendar Year.

Mr. Bolser stated they would like to have a representative of the Commission at the Pre-Development meetings. He stated they would like to get assignments out for the first half of the year to Planning Commission. He stated they will receive a packet a week in advance for the meeting every Wednesday at 3:30pm. He asked the Planning Commission to email him with the months that they may be able to attend.

Commissioner Robinson, Commissioner Sloan, and Chairman Hamilton volunteered for January, February, and March.

9. City Council Reports

Council Member Manzione stated there was a discussion about the text amendments on the multi-family exterior, amending parking lots, and the potential code amendment for non-conforming structures. She stated they talked about the draft water conservation plan.

Commissioner Sloan asked if they selected a Chairperson and asked if Council Member Manzione and Council Member Hansen would lobby to stay with the Planning Commission. Council Member Manzione stated they will decide the Chairperson in January. Commissioner Sloan stated it is helpful having all the information that is given.

Chairman Hamilton stated his appreciation for the City Council.

10. Review and Approval of Planning Commission Minutes for Meetings held on November 10, 2021.

No changes to the minutes.

Commissioner Hammer moved to approve the November 10 minutes. Commissioner Smith seconded the motion. The vote was as follows: Commissioner McCall, “Aye”, Commissioner Robinson, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smith, “Aye”, Commissioner Sloan, “Aye”, and Chairman Hamilton, “Aye”. The motion passed.

11. Planning Commission Training on the Tooele City Charter.

Mr. Baker reviewed what the Tooele City Charter is and the guidelines and rules the City must follow.

Mr. Bolser stated his appreciation for Mr. Baker’s training. He stated there are 22 meetings on the calendar in 2021 and if you attend 12 or more meetings Commissioners can earn credits under the new state legislation for Planning Commission training. He stated that none of the

Commissioners have attended less than 17 meetings and they have all exceed the requirements for trainings this year.

12. Adjourn

Chairman Hamilton adjourned the meeting at 8:41 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 January, 2021

Matt Robinson, Tooele City Planning Commission Chair