

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, April 13, 2022** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

We encourage anyone interested to join the Planning Commission meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecity>. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecity.org anytime after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **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. *(Continued from December 8, 2021 and January 12, 2022 Planning Commission Meetings)*
4. **Public Hearing and Recommendation** on a Zoning Map Amendment Request by the Zenith Tooele, LLC to Re-assign the Zoning of 33.82 Acres Located Generally at Approximately 1200 North Franks Drive From the MR-16 Multi-Family Residential Zoning District to the MR-16 PUD Multi-Family Residential Zoning District.
5. **Public Hearing and Decision** on a Conditional Use Permit Request by Christopher Child Representing Burt Brother's Tire and Service to Authorize the "Automobile Service and Repair" Use for 2.08 Acres Located at Approximately 400 East 2400 North in the GC General Commercial Zoning District.
6. **Public Hearing and Decision** on a Conditional Use Permit Request by Tier Drop Enterprises, LLC, to Authorize the "Warehouse" Use for 11.55 Acres Located at Approximately 1180 West Utah Avenue in the LI Light Industrial Zoning District.
7. **Public Hearing and Decision** on a Conditional Use Permit Request by the Tooele City Redevelopment Agency to Authorize the "Contractor's Storage Yard" Use for 3 Acres Located at Approximately 385 South 1200 West in the IS Industrial Service Zoning District.
8. **Recommendation** on the Bryant Subdivision Preliminary Plan Request by Clint Bryant to Create a New 1.00 Acre Platted Lot at Approximately 426 North Coleman Street in the RR-1 Residential Zoning District.
9. **City Council Reports**
10. **Review and Approval** of Planning Commission Minutes for the Meeting Held on March 23, 2022.
11. **Planning Commission Training** on the Planning Commission Bylaws.

12. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Andrew Aagard, Tooele City Planner and Zoning Administrator prior to the meeting at (435) 843-2132.

REVISED STAFF REPORT

April 4, 2022

To: Tooele City Planning Commission
Business Date: April 13, 2022

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Multi-Family Residential Design Standards – City Code Text Amendment Request

Application No.: P21-1235
Applicant: Charles Akerlow, representing Zenith Tooele, LLC
Request: Request for approval of a City Code Text Amendment regarding a change in the requirements for exterior building materials within multi-family residential developments.

BACKGROUND

This application is a request for approval of a City Code Text Amendment for purpose of revising the terms of Section 7-11a-18 of the Tooele City Code regarding the requirements for exterior building materials with multi-family residential development projects. Should this application ultimately prove successful, it would change the generally applicable requirements for all multi-family developments and construction within all multi-family residential zoning districts.

ANALYSIS

City Code. Chapter 7-11a of the Tooele City Code establishes a number of development and design standards and allowances generally applicable to new developments within the various multi-family residential zoning districts of the city. Among those are the design standards for the exterior materials for buildings built within those developments. Section 7-11a-18, more specifically subsection (1), identifies the minimum requirement for certain material types; brick, stone, stucco, clapboard, wood, block or masonry, and/or vinyl. The complete existing City Code Section 7-11a-18 language can be found in Exhibit “A” to this staff report. The applicant has submitted a request to revise subsection (1) to change the existing minimum requirement for materials to a maximum allowance of those types of building materials. The applicant’s proposal and supporting information can be found in Exhibit “B” to this staff report.

Analysis. The applicant’s submitted information, particularly the supporting information, focuses largely on affordable housing and the potential impact the currently adopted design standard could have. There are two aspects of affordable housing in the State of Utah that should be reviewed as background context to this request; what affordable housing is and the state’s requirements regarding affordable housing. To the former, the term “affordable housing” has become a generalized catch-all term to address what the state refers to as low- and moderate-income housing along with the generally understood cost of living and affordability in the housing market. One effect of that generalization is that it has also become quite misunderstood. Tooele City has held numerous public meetings in which comment has been provided by the general public and applicants the make it apparent that just about any project that includes an element of multi-family residential development is considered affordable housing. That is in fact incorrect on multiple accounts. First, multi-

family housing, regardless of type, does not necessarily equate to affordable housing just as single-family housing does not necessarily equate to non-affordable housing under the state model. Their opposites can quite certainly hold true. In fairness the likelihood of multi-family housing falling under the affordability thresholds is higher than with single-family housing but it's not a certainty. The idea of affordability as a general statement is relative to the subject and individual(s) at hand. What's affordable to one individual or individuals is not to another. Where affordability is more specifically outlined is in the state's model for low- and moderate-income housing. These are a set of three specific calculation thresholds of housing costs based on the median household income for the county in which the housing is or is to be located. Calculation of those thresholds from the latest available census data in comparison to the rent figures provided in the applicant's submitted information shows that at least a portion of the applicant's intended project would be counted as meeting low- and moderate-income housing thresholds in Tooele County both with the proposed City Code text amendment and without the proposed City Code text amendment.

To the latter, the only requirements for the provision of low- and moderate-income housing for a municipality are to provide a calculated proportion based on that municipality's population and to adopt strategies that could encourage the possibility of housing units that would fall under the low- and moderate-income housing thresholds. There is not a requirement for every residential development project to meet those terms or requirements whereby the adoption of the proposed City Code text amendment based on a justification of providing affordable housing, or any other justification, would in fact apply to every residential development application. Nevertheless, Tooele City is fully compliant and exceeds our requirements for the provision of low- and moderate-income housing units and the establishment of strategies to encourage the possibility of additional such housing units. Information on each of these points is outlined in the Affordable Housing Plan Element of the Tooele City General Plan.

There is one additional consideration applicable to the subject request. Although any change to increase or decrease material types with new construction has a corresponding impact on the costs of that construction, there is another intrinsic impact that should be considered. That impact is aesthetics and the impact that changes to those aesthetics has not only on the residents of the development but also the residents in the area of the development and the community in whole. The existing Tooele City Code provision in question provides an allowance for a variety of material types that could be considered for compliance with this requirement. Although the different types of materials allowed naturally provides the opportunity for variety and variation in themselves that can contribute to the aesthetic and quality of life and the development, reduction or removal of those material types correspondingly reduces or removes those aesthetic benefits as well. Simply put, a fundamental aspect to the design standards adopted for any type of development in any community is the desire of that community to determine what they want their community to look like and feel like to residents of and visitors to the community. This aspect played a central role in the original adoption of the multi-family residential design standards in 2005 as well as the revisions to those standards, the most recent of which was in 2019.

Following the Planning Commission's initial review of the subject request on December 8, 2021, the applicant requested the opportunity to further consider and revise the language proposed for this amendment. In the time since, the applicant has submitted a few revisions for review by staff. Where the nature of the amendment proposed is legislative in nature and a private applicant proposal, the staff did not perform an analysis on the appropriateness of the amendment proposal but provided comment to the applicant only on the enforceability and legality elements of the revised language submittals. The applicant has settled on revised proposal language which can be found in Exhibit "D" to this report.

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests

as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment request and has issued the following comments:

1. The proposed text amendment would have a direct affect and impact on the aesthetic of multi-family residential developments around the community.
2. The proposed text amendment would naturally have an impact on construction costs but those costs do not necessarily translate to compliance or non-compliance with requirements regarding low- and moderate-income housing.
3. Tooele City meets and exceeds all requirement for the provision of and planning for ow- and moderate-income housing.

Engineering Review. The Tooele City Engineering Division has completed their review of the City Code Text Amendment request without further comment.

Building Division Review. The Tooele City Building Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The proposed text amendment would not affect the Building Division's ability to review, approve, and inspect multi-family residential structures.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The proposed text amendment would not affect the fire department's ability to respond to an emergency or fight a fire.

Noticing. The applicant has expressed their desire to revise the terms of the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Multi-Family Residential Design Standards City Code Text Amendment Request by Charles Akerlow, representing Zenith Tooele, LLC, application number P21-1235, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Multi-Family Residential Design Standards City Code Text Amendment Request by Charles Akerlow, representing Zenith Tooele, LLC, application number P21-1235, based on the following findings:”

1. List findings ...

EXHIBIT A

EXISTING TOOELE CITY CODE SECTION 7-11a-18

7-11a-18. Design Standards: Building Materials.

1. Exterior Finishes. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.
2. Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

EXHIBIT B

**PROPOSED LANGUAGE ASSOCIATED WITH THE
MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS
CITY CODE TEXT AMENDMENT**

7-11a-18. Design Standards: Building Materials.

1. Exterior Finishes. Exterior building materials shall be natural or cultured stone, stucco, fiberboard, cement fiberboard, natural wood, wood fiberboard, clapboard, block-masonry and/or vinyl. The use of brick or stone is encouraged up to no more than 25% of the surface of the apartment building and where its use does not defeat the objectives of Tooele City's Moderate Income Affordable Housing Plan. ~~Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right of way or exterior street shall utilize at least 40% of these allowable materials.~~
2. Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

EXHIBIT C

APPLICANT SUBMITTED INFORMATION

Ordinance, General Plan, & Master Plan
Text Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the text amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a text amendment proposal are submitted, the proposal is subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the proposal is found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted text amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a text amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information			
Date of Submission: 11-16-21	Applicant Name: Zenith Tooele LLC		
Address: 8371 So. State St., Suite 202, Sandy, Utah 84070			
Phone: 801-913-5959	Alternate Phone:	Email:	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Summary of Proposal: Change Language Section 7-11a-18 Tooele City Code. Please see attached.			

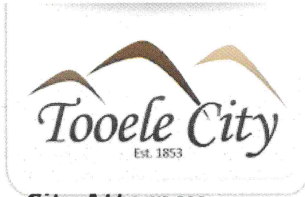
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

Note to Applicant:

Ordinances, the General Plan, and other master plans are made by ordinance. Any change to the text of the ordinance or plan is an amendment the ordinance establishing that document for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the text may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

2211211

For Office Use Only			
Received By: JESSI	Date Received: 11/18/2021	Fees: 2000 ⁰⁰	App #: Rect# 4410573



City Attorney

[Roger Baker](#)
Tooele City Attorney
90 North Main Street
Tooele, UT 84074
Phone: 435.843.2120
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[Title 7. Chapter 11a. Design Standards: Multi-Family Residential](#)

Title 7. Chapter 11a. Design Standards: Multi-Family Residential

[7-11a-1. Defined Terms](#)

[7-11a-2. Purpose and Scope](#)

7-11a-5. Context and Setting

7-11a-6. Design Standards: Building Orientation

7-11a-7. Design Standards: Vertical Alignment

7-11a-8. Design Standards: Horizontal Alignment, Facades

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7-11a-14. Design Standards: Signage

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7-11a-16. Design Standards: Utilities

7-11a-17. Design Standards: Walls and Fences

7-11a-18. Design Standards: Building Materials



(1) Exterior Finishes. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.

(2) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-19. Design Standards: Color

7-11a-20. Design Standards: Vents

7-11a-21. Design Standards: Dumpster Enclosures

7-11a-24. Design Standards: Zoning

7-11a-25. Deviation From Design Standards

7-11a-26. Figures

7-11a-27. Photo Groups

Click Here for a .pdf copy of **Title7 Chapter11a**

Please Note: Every attempt has been made to keep this online Tooele City Code up-to-date; however, there may be discrepancies between this online code and that which is actually adopted. If you have questions about the Tooele City Code or for the most recent update, please call (435) 843-2120 or email attorney@tooelecity.org.

PROPOSED TEXT AMENDMENT TO
Section 7-11a-18, Tooele City Code

It is proposed that the text of Section 7-11a-18 of the Tooele City Code, be changed to read as follows:

“Exterior building materials shall be natural or cultured stone, stucco, fiberboard, cement fiberboard, natural wood, wood fiberboard, clapboard, block-masonry and/or vinyl. The use of brick or stone is encouraged up to no more than 25% of the surface of the apartment building and where its use does not defeat the objectives of Tooele City’s Moderate Income Affordable Housing Plan.”

We recommend and formally request that Tooele City make a change to the city’s codes and/or policy to address the rising costs of providing Affordable Housing and to honor the goals and objectives of the Tooele City Moderate Income Housing Plan adopted in 2018.

As the Housing Plan points out, HB295, passed by the Utah Legislature encourages a community to provide a “reasonable opportunity for a variety of affordable housing for moderate income households.” Because of the high cost of materials and the interruptions in the supply chain resulting from Covid-19, moderate income housing costs have increased at Lexington Greens over 26.3% in one year! Homes that were at \$325,000 a year ago are now \$475,000 for the same sized home, which squeezes out of the market a large group of ‘entry-level & move-up’ homebuyers. If they have a \$30,000 down payment, which is small and rare, the monthly mortgage payment would be \$2,110.24 plus taxes and insurance which could add another \$400 per month. At that point people look to rental. As originally designed, the Lex Apartment units rent for between \$950 for one-bedroom and up to \$1,600 for a three-bedroom unit. They also were designed with exteriors of between 25% and 30% of the surface less windows. This becomes an affordable option for the moderate-income person,

while at the same time, providing ample square footage for their needs – which include multiple indoor & outdoor amenities, while staying within the 30% guideline of the amount spent each month on housing costs.

The Housing Plan points out on page 21 the following:

The only City ordinance that would be a barrier to affordable housing or Fair Housing, is the single family, multi-family residential standards (Title 7, Chapters 11a and 11b). These ordinances establish minimum standards for enclosed garages, square footage, minimum masonry percentage and minimum architectural features such as front porches, decorative windows, articulated roof lines, articulated building elevations and others which can increase the cost of a housing unit.

The problem is that the City staff has “upped the ante” and diverted away from the idea of “minimum materials” to the idea of “maximum materials”. On The Lex Apartments the City is now requiring 50% of the skin of the building be masonry (Brick) with 75% of that number being required on the front façade of each building. Those percentages, as mentioned, are higher than Salt Lake City or Sandy. We have attached the rendering which we presented to the City which does not meet these requirements and yet which, by any measure, is a handsome looking building and a very attractive addition to the City.

The added costs for the requirements in Chapter 7-11a-18, just for the outside of the building, adds more than \$600,000 to the costs according to our contractor. It is not a rental feature to the moderate-income renters. This demographic group, which is the bulk of those in the moderate-income level, will simply not pay higher rents for a rental unit that has more brick on the outside. Those rents are likely to be \$1,100 for one bedroom and \$1,840 for 2 bedrooms.

We respectfully request a change in the text of the Code or a provision providing for an exception to this section when necessary.





EXHIBIT D

**PROPOSED REVISED LANGUAGE ASSOCIATED WITH THE
MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS
CITY CODE TEXT AMENDMENT**

7-11a-18. Design Standards: Building Materials.

1. Exterior Finishes.
 - a. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.
 - b. *In the event that a Multiple Family Project Plan, as defined in this Chapter 7-11a:*
 - i.* *consists of two-or-more multifamily buildings of at least 12 units per building in a Project; and*
 - ii.* *the buildings each have two building entries which each provide access to the same number of units in the building in the same manner on opposite sides of the building, one of which is the frontage façade; and*
 - iii.* *the building façade opposite the frontage façade contains the same number, size, area coverage, and style of all building Design Elements, including windows, balconies, and vertical Elements, as defined in this Chapter 7-11a, contained on the frontage façade; then at least 50% of the entire building exterior excluding windows and doors must be of masonry material, of which at least 50% must be brick or stone. The remaining 50% of the exterior, excluding windows and doors, must consist of brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl.*
 - c. *Masonry material is defined as brick, stucco and/or stone.*
2. Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

STAFF REPORT

April 7, 2022

To: Tooele City Planning Commission
Business Date: April 13, 2022

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Lexington Greens PUD – Zoning Map Amendment Request

Application No.: P22-122
Applicant: Charles Akerlow, representing Zenith Tooele, LLC
Project Location: Approximately 1200 North Franks Drive
Zoning: MR-16 Multi-Family Residential Zone
Acreage: Approximately 33.82 Acres (Approximately 1,473,200 ft²)
Request: Request for approval of a Zoning Map Amendment in the MR-16 Multi-Family Residential zone regarding the application of a Planned Unit Development (PUD) overlay to the project area.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 33.82 acres located on both sides of Franks Drive, at approximately 1200 North. The properties are currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow for the application of a Planned Unit Development (PUD) overlay to the project area. The underlying zoning assignment of the project area will remain under the MR-16 Multi-Family Residential zoning district. The application of a PUD overlay under the terms of the Tooele City Code does not change the density allowance, change any allowed usage of property, nor grant any additional dwelling units not allowed by the underlying zoning district, rather a PUD overlay allows for an alteration in the configuration of allowed dwelling units. As a typical example of a PUD, commonly referred to as clustering, dwelling units are more compactly located in one area of a development in exchange for units being less compactly located in another area in a manner that produces an overall cohesive development. The provisions pertinent to the establishment and application of a PUD are found in Tooele City Code Chapter 7-6 and have been included as Exhibit “B” to this report.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject properties. The properties have been assigned the MR-16 Multi-Family Residential zoning classification, supporting up to 16 dwelling units per acre. The purpose of the MR-16 zoning district is to “provide an environment and opportunities for high density residential uses, including primarily attached residential units, apartments, condominiums and townhouses.” Properties assigned the R1-7 Residential zoning classification abut the subject property on the north, west, and east with properties assigned a combination of the same MR-16 zoning classification and NC Neighborhood Commercial abut the subject property on the south. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Project History. The Lexington Green development is a multi-phased project containing residential uses in a variety of configurations and types. The first two phases of the project were planned and approved to contain exclusively single-family detached dwellings under the standard tenets of the R1-7 Residential zoning district. The first phase was initially applied for in August 2018, has completed the development stage, and currently has homes under construction or completed on the vast majority of its 113 lots. The second phase is currently in the infrastructure development stage and is yet to have a permit issued for home construction on its 79 lots. The remaining 33.82 acres of the overall project area was reassigned to the MR-16 Multi-Family Residential zoning district in August 2019. There have been multiple concept plans for this portion of the project although none of which have been formally reviewed or approved by the City. In September 2020, an amended subdivision plat was approved by the City Council that divided the multi-family residential portion of the project into eight master lots for further future development application and entitlement. A copy of the recorded plat can be found in Exhibit “D” to this report. That plat also laid out the primary public roads through this portion of the overall project. The infrastructure work for these rights-of-way is currently ongoing. One of those master lots, identified as Lot 102, was identified for apartment style development on a lot of approximately 10.66 acres. An application for 144 apartment dwelling units, known as The Lex Apartments, was approved in June 2021 and is currently under construction which covers approximately two-thirds of that lot, although that application called out the entirety of the lot acreage. In November 2021, a second application was submitted to the City for a second phase of The Lex Apartments for 60 additional apartment dwelling units to cover the remaining one-third of the same Lot 102, referred to as Lot 102B, and again calling out the same full lot acreage on the application. Through the review of this second application it became clear that both applications were calling out the same full lot acreage resulting in each application meeting the density allowances of the zoning district on their own but when added together as they serve to cover the entirety of the lot together, exceed the density allowance for the zoning district. Through subsequent discussions between the staff, City Administration, and the applicant there were identified three potential avenues to pursue that, if approved, could allow application review and development approvals to continue. After consideration, the applicant chose to pursue a PUD designation over the entire multi-family portion of the project to allow some configuration changes to the project. This application serves as that request.

Planned Unit Development. The subject PUD request is somewhat unique in that the project construction is already underway and serves a slightly different purpose. A typical PUD request comes during the planning stages for a development such that the project is reviewed and approved according to the tenets of that PUD. Also, typically a PUD incorporates some type of return from the adjustments to configuration of the project such as some amount of open space, amenities, preservation, or features. With the subject request, the project is already under development and construction and seeks only to establish an allowable number of dwelling units for each of the eight master lots. Mapping for how this assignment of dwelling units would lay out can be found in Exhibit “E” to this report. As of the time of this report, the City has active applications on all but two of the eight master lots with Lots 105 and 106 still to come. Four of the eight master lots have been sold by the applicant to other parties for development. Lots 103 and 108 were combined through a plat amendment into a single lot by one of those buyers and has a portion of that resulting lot under development and construction and the remainder under active application review. Lots 101 and 104 were also purchased by another party and are both under active application with the City. The applicant has indicated the existence of private agreements with those buyers which identify the number of units which they would be allowed to develop on those respective lots. The applicant for this request has provided signed affidavits from those buyers acknowledging this application and their property’s part in the application. Staff has reviewed the proposed dwelling unit assignments with this PUD application and found that those assignments match the proposed number of dwelling units for the various applications and approvals for all of the six master lots for which an development application has been submitted and, when considered as a collective calculation of all dwelling units together, the total number of dwelling units under the PUD would comply with the allowed density of the MR-16 zoning district over the scope of the entire multi-family portion of the Lexington Greens

project. The dwelling unit assignments proposed in the subject PUD would concentrate a higher density of the dwelling units onto Lot 102 for The Lex Apartments project, both phases together, and would serve to slightly thin out some of the development on other lots to create the overall balance contemplated for a PUD application. The applicant has also submitted a plat amendment application that is currently under review that would serve to realign the property lines of Lot 102 to divide it into a ninth master lot to match the phasing of The Lex Apartment project. The proposed dwelling unit assignment map in Exhibit "E" shows how the dwelling units would be assigned with a master lot configuration separating Lot 102 and what's being referred to as Lot 102b which match the two phases of The Lex Apartments project. It also does not reflect the combination of Lots 103 and 108 that was completed by the buyer of those properties after their acquisition. The applicant has submitted a plat amendment to officially split these two lots as shown but that application has not yet begun the formal review process.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment request and has issued the following comments:

1. The proposed PUD designation would not change the overall number of dwelling units that can be constructed under the density limitation of the MR-16 zoning district over the scope of the multi-family residential portion of the Lexington Greens project.
2. The proposed PUD designation would allow all active applications to continue under review as currently proposed.
3. The proposed PUD designation does not propose to change the number of dwelling units allowed nor allow any use not otherwise allowed in the MR-16 zoning district.
4. The proposed PUD designation make no proposal for alteration to the development tenets, requirements, and standard applicable to the subject multi-family residential development project other than the configuration of the overall number of allowed dwelling units.

Engineering Review. The Tooele City Engineering Division has completed their review of the Zoning Map

Amendment request and has issued the following comment:

1. The proposed PUD designation would not change the developability of the lots within the development nor increase the burden on infrastructure or municipal services anticipated for the overall multi-family residential project.

Noticing. The applicant has expressed their desire to rezone the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a Zoning Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect the Zoning Map Amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed Zoning Map Amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed Zoning Map Amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed Zoning Map Amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed Zoning Map Amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed Zoning Map Amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed Zoning Map Amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed Zoning Map Amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Lexington Greens PUD Zoning Map Amendment Request by Charles Akerlow, representing the Zenith Tooele, LLC for the purpose of creating and assigning a Planned Unit Development (PUD) designation to the subject properties, application number P22-122, based on the following findings:"

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Lexington Greens PUD Zoning Map Amendment Request by Charles Akerlow, representing the Zenith Tooele, LLC for the purpose of creating and assigning a Planned Unit Development (PUD) designation to the subject properties, application number P22-122, based on the following findings:”

1. List findings ...

EXHIBIT A

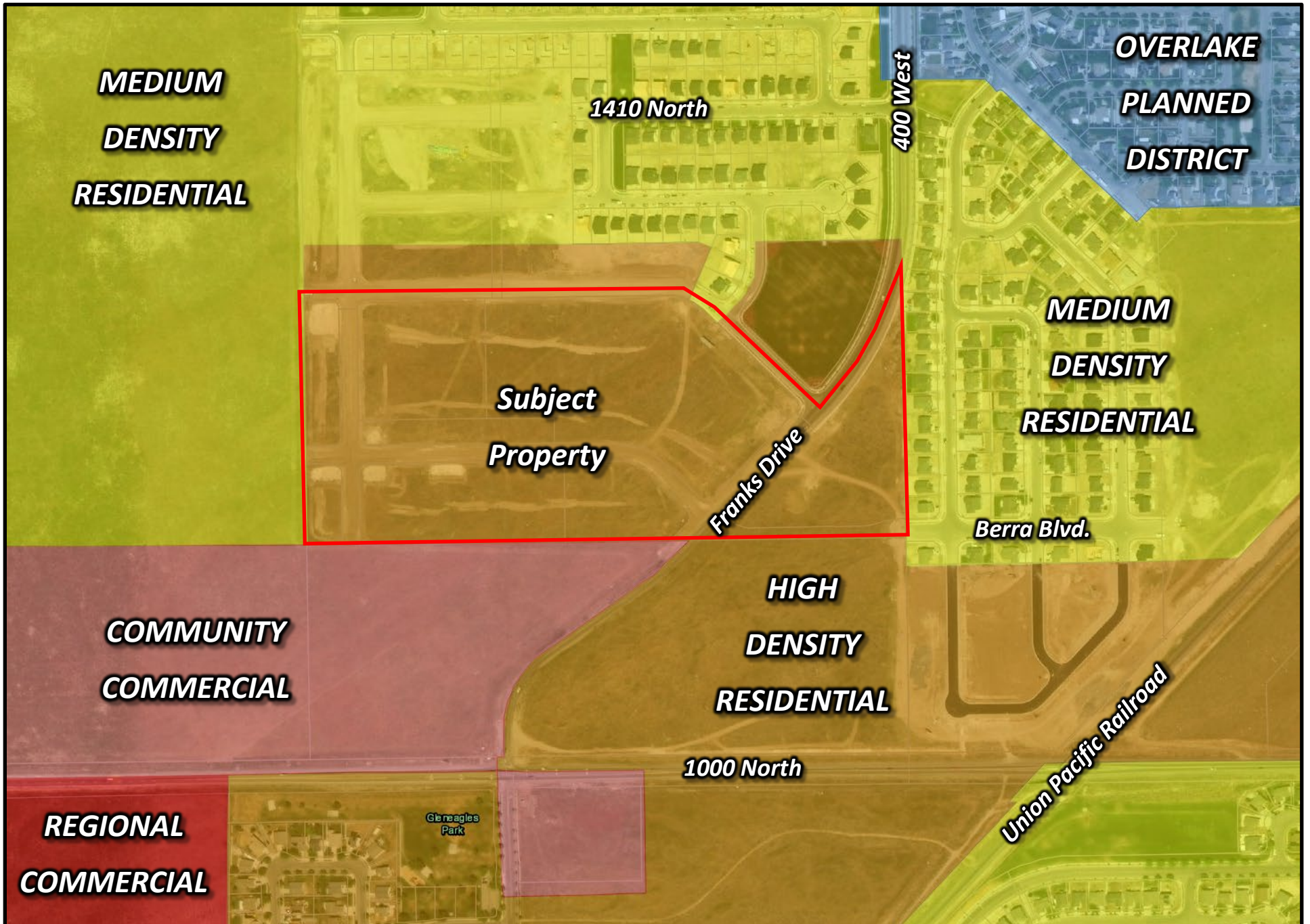
**MAPPING PERTINENT TO THE
LEXINGTON GREENS PUD ZONING MAP AMENDMENT**

Lexington Greens PUD Zoning Map Amendment



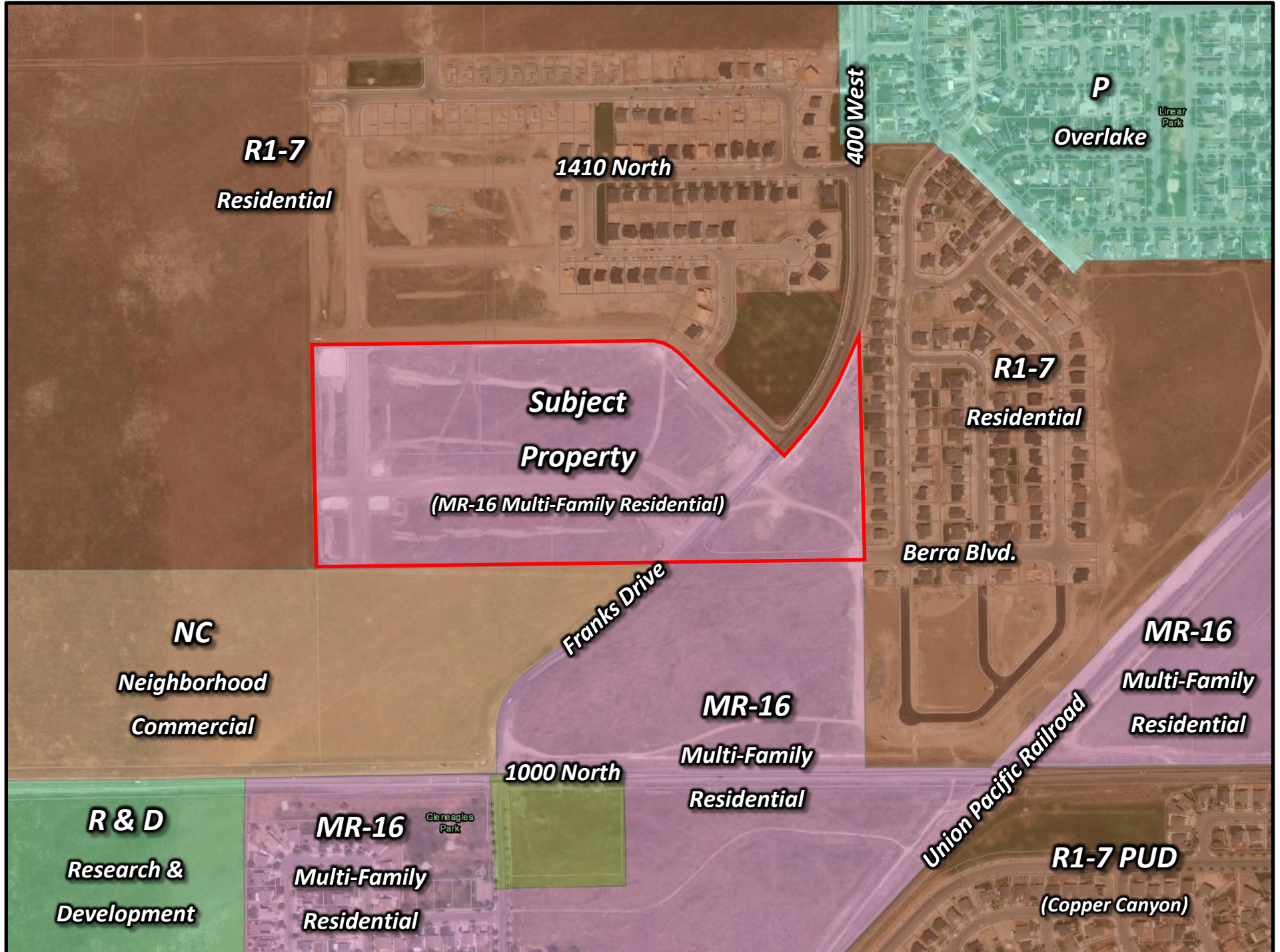
Aerial Map

Lexington Greens PUD Zoning Map Amendment



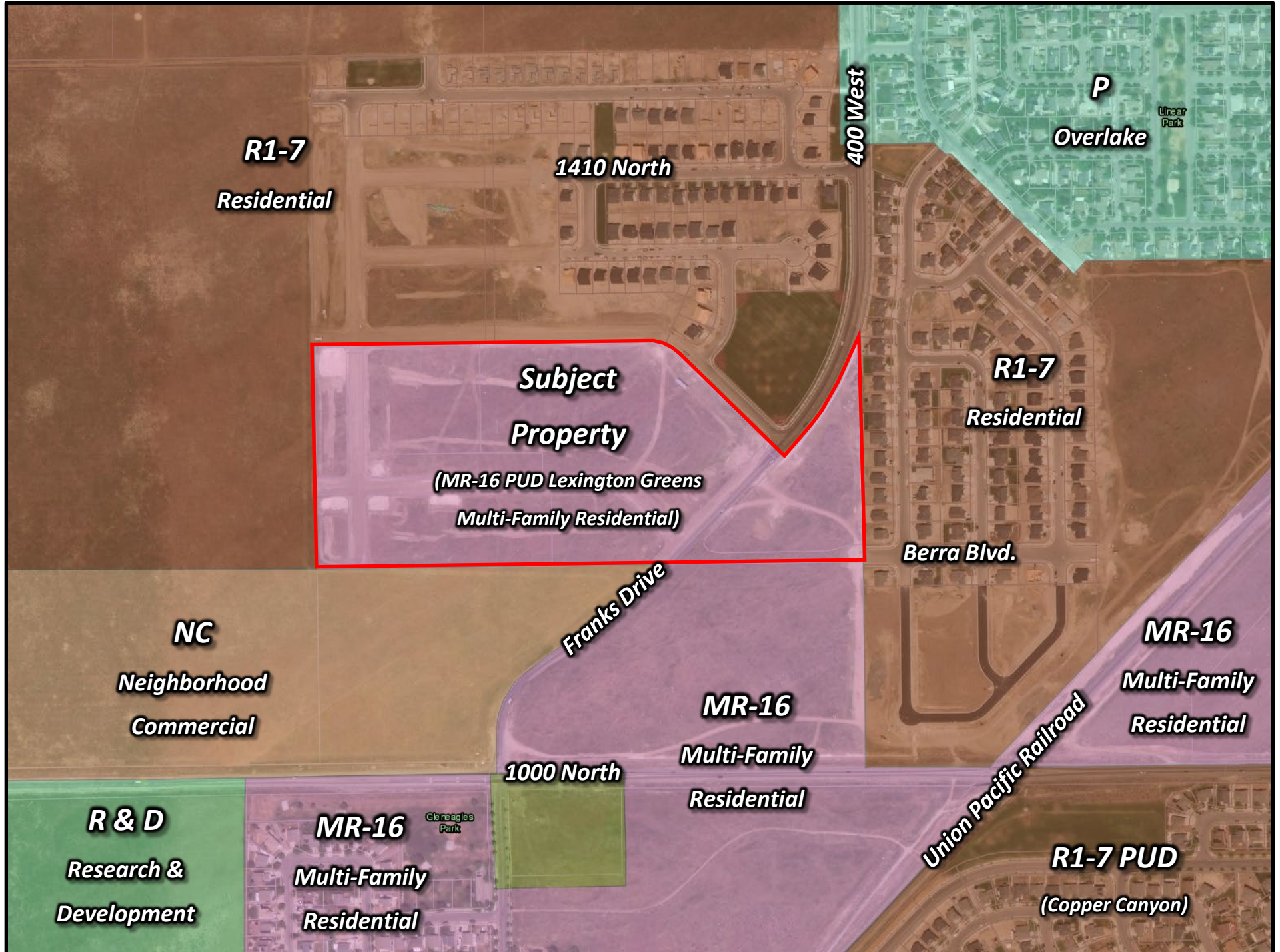
Land Use Map

Lexington Greens PUD Zoning Map Amendment



Current Zoning Map

Lexington Greens PUD Zoning Map Amendment



Proposed Zoning Map

EXHIBIT B

CHAPTER 7-6 TOOELE CITY CODE

CHAPTER 6. PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

7-6-1. Purpose.

7-6-2. Definition.

7-6-3. Allowed Uses.

7-6-4. Authorization of a Planned Unit Development Overlay District.

7-6-5. Application Requirements.

7-6-6. Planned Unit Development Designation.

7-6-7. Authorization and Approval Procedures for Subdivisions and Site Plans within a Planned Unit Development District.

7-6-1. Purpose.

The purpose of the Planned Unit Development Overlay District, when used in conjunction with the requirements of the base, or underlying zoning district, is to permit flexibility in subdivision and site planning, to promote the efficient utilization of resources, and to preserve and protect valuable site features and to add desired amenities for the neighborhood or area. The application of the Planned Unit Development Overlay District is intended to promote the achievement of quality neighborhood and site design while complying with the policies of the Tooele City General Plan and the requirements of the Zoning Ordinance. The intent of the Planned Unit Development Overlay District is to:

- (1) Create opportunities for flexible site planning and development options where the standard lot configuration is not practical or desirable;
- (2) Provide flexibility in site and building design, placement of buildings, use of open space, provision of circulation facilities and parking, and other design considerations;
- (3) Encourage the preservation and enhancement of desirable site characteristics, including open space areas, vegetation and critical natural areas;
- (4) Allow design, landscape or architectural treatments to create an attractive and pleasing environment;
- (5) Support reductions in development costs and the costs of providing ongoing maintenance; and
- (6) To allow and encourage the provision of special development amenities.

(Ord. 97-21, 06-04-97)

7-6-2. Definition.

Planned Unit Development (PUD) is a site plan or subdivision layout technique allowing buildings and structures with some or all of the lots reduced below the minimum lot sizes and/or differing setback standards than required by the base zoning district, but where the overall project or site area meets the density standard of the zoning district. While the underlying zoning district establishes the allowed use and densities, the Planned Unit Development overlay district allows flexibility in

the general configuration of the subdivision or site plan area. Development areas being proposed as a Planned Unit Development require that the planning for lots and the locations of buildings and structures be achieved in a coordinated, functional and unified manner. (Ord. 97-21, 06-04-97)

7-6-3. Allowed Uses.

The Planned Unit Development Overlay District does not establish or identify any of the uses allowed within an area or proposed development site. Rather, it is the underlying zoning district which identifies and establishes the uses which are allowed, either as a permitted, or as a conditional use. (Ord. 97-21, 06-04-97)

7-6-4. Authorization of a Planned Unit Development Overlay District.

(1) Qualifying Districts. A Planned Unit Development Overlay District may be allowed by the City Council as an overlay zoning district in the Residential Zoning Districts of the City with a minimum area of five (5) acres.

(2) Procedure for Approval. A Planned Unit Development Overlay District may only be authorized by the City Council, as an amendment to the Tooele city Zoning District Map, after receipt of a recommendation from the Planning Commission, and after complying with all the requirements of §10-9-403, Utah Code Annotated (U.C.A.). In evaluating the appropriateness of approving a Planned Unit Development Overlay District the City Council and Planning Commission may consider the following factors, among others:

(a) The suitability of the properties for a Planned Unit Development Overlay District designation;

(b) That adequate public services and facilities exist or can be provided to serve the proposed Planned Unit Development area;

(c) A Planned Unit Development area will encourage greater efficiency in the delivery of City-provided services ;

(d) The Planned Unit Development has the potential of providing additional amenities for the residents of the area, or the residents of the City, than would be achieved by a conventional development pattern;

(e) Whether the establishment of a Planned Unit Development District will have a negative affect on the rights, enjoyment and uses on nearby and adjoining properties; and

(f) The gain to the public health, safety and welfare and the overall community benefit to authorizing a Planned Unit Development designation. (Ord. 97-21, 06-04-97)

7-6-5. Application Requirements.

Applications for a Planned Unit Development Overlay district shall provide the following information in addition to the information generally required by the City for a Zoning District Map amendment (rezoning) application:

(1) Representative architectural drawings and elevations of proposed dwellings, structures and other buildings;

(2) Concept subdivision layout or site plan design, as the case may be, showing the general locations of all buildings, structures, parking areas, open space areas, streets and roads and other private and public improvements;

(3) Tables showing the total number of acres in the proposed development identifying the percentages of the total area devoted to each proposed use including residential structures, residential lots, parking areas, streets and roads, parks, open space areas, and any other uses, and a tabulation of the overall density for the development site;

(4) Any other information, reasonable related to the application that the Planning Commission and City Council may require to determine the appropriateness of authorizing a Planned Unit Development Overlay District designation. (Ord. 97-21, 06-04-97)

7-6-6. Planned Unit Development Designation.

Following the receipt of a Planning Commission recommendation and following the requirements of §10-9-403 U.C.A. the City Council may authorize that the Tooele City Zoning District Map be amended to allow a Planned Unit Development Overlay District. If this occurs the underlying district designation shall be followed by the "PUD" identifier, i.e. if a single family R1-12 district is the underlying district the revised or amended district classification would be R1-12(PUD), indicating the R1-12 district as the underlying zoning district and the Planned Unit Development District as the overlay zoning district. (Ord. 97-21, 06-04-97)

7-6-7. Authorization and Approval Procedures for Subdivisions and Site Plans within a Planned Unit Development District.

All subdivision and site plan layouts and designs proposed within a Planned Unit Development Overlay District shall be reviewed and considered pursuant to the procedures as established in Chapter 19 of this Ordinance for subdivision applications of Chapter 11 of this Ordinance for site plan applications.

(1) Application Requirements. Applications for preliminary and final subdivision plat and preliminary and final site plan review and approval must contain all information required by the City for subdivision approval as identified in Chapter 19, or for site plan approval as identified in Chapter 11 as well as the following:

(a) A statement of how the purpose and intent

of this Chapter will be achieved by the proposed Planned Unit Development (PUD) project. The statement should include sketches or illustrations of the proposed character of the development, including architecture of buildings and a description of how the development will relate to surrounding land uses.

(b) A summary report identifying: the different land uses, including the amount of land for housing, open areas, streets, and parking; the number and type of housing units; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.

(c) Preliminary architectural drawings and elevations of proposed dwellings, structures and other buildings.

(2) Allowed Density. The density allowed by a Planned Unit Development designation shall not exceed the density allowed by the underlying zoning district.

(3) Calculation of Density. The density allowed in a Planned Unit Development area is to be calculated in the following manner:

(a) Land set aside or dedicated for schools, religious institutions, and public or quasi-public activities (excluding park and open space areas) is to be subtracted from the gross site area to determine net usable site area.

(b) Net usable site area is multiplied by the density allowed by the underlying zoning district, as established in the Table of Allowed Residential Density (Table 2, Table of Allowed Residential Density; Residential Zoning Districts) to identify the maximum number of residential units allowed.

(c) If the Planned Unit Development project is to be located in more than one residential zoning district, the total number of residential units allowed is calculated by adding the number of units allowed by each zoning district. Dwelling units may be placed without regard to district boundaries, provided the total number of units do not exceed that allowed by the underlying zoning districts.

(d) Lot Sizes. In a Planned Unit Development area there is no minimum lot size requirement (area, width, or depth). However, lot sizes must be adequate to promote compatibility with adjoining activities on and off the development site as determined by the Planning Commission and City Council.

(e) Housing Types Allowed. Dwelling units allowed are to be consistent with the types of housing units allowed by the underlying zoning district.

(f) Building Locations and Setbacks. The proposed building areas, and proposed setback lines for all buildings and structures must be shown on the preliminary and final plat or site plan. Along the perimeter of the development site / project area, all development must meet the building setback standards of the underlying zoning district. Within the site,

building setbacks and building separation is to be established as part of the preliminary subdivision plat or preliminary site plan review and approval process sufficient to promote a functional, attractive and compatible development.

(g) Height. The height limit of the underlying zoning district applies.

(h) Open Space and Park Areas. Park and open space areas provided within a Planned Unit Development may be proposed for dedication to the City. Open space and park areas proposed for dedication to the City may be received by the City, at the discretion of the City Council, following the receipt of a Planning Commission recommendation. All open space areas and park areas provided as part of a Planned Unit Development must be in common ownership, city ownership, or held in a form acceptable to the City to guarantee access and continued preservation and maintenance.

(i) Maintenance of Open Space Areas. Unless dedicated and accepted by the City, an enforceable maintenance agreement for any commonly owned areas must be created and recorded with the Tooele County Recorder, and a copy of the recorded agreement provided to the City. The final plat or site plan shall also carry a note identifying the existence of the recorded maintenance agreement. Prior to recordation the agreement must be approved by the City Attorney to assure that the City's interests are maintained and protected.

(j) Provision of Services and Improvements Standards. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the Planned Unit Development project consistent with the requirements generally imposed on subdivision or site plan approvals, including compliance with the City's public improvement, design and construction standards.

(k) Phased Development Procedures. An applicant may submit a preliminary subdivision plat or preliminary site plan for the entire Planned Unit Development area with proposed phased final subdivision plats and / or phased final site plans.

(l) Amendments to the Planned Unit Development Subdivision Plats and Site Plans. Applicants may be granted revisions to approved preliminary or final Planned Unit Development subdivision plats or site plans by following the amendment procedures for subdivision plats and site plans as identified in this Ordinance and as required by applicable State law requirements. Requests for revisions must be submitted in writing to the City. Changes and amendments to approved preliminary and final Planned Unit Development plans are processed following the same procedures as the original review and approval.

(m) Certificates of Occupancy. Certificates of occupancy will not be issued unless all improvements

and conditions of approval have been fulfilled to the satisfaction of the City Engineer and Building Official. (Ord. 97-21, 06-04-97)

EXHIBIT C

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information			
Date of Submission: 2-2-22	Current Map Designation: MR-16	Proposed Map Designation: MR16 PUD	Parcel #(s): 22-122 Lot 2
Project Name: Lexington Greens 8-lot		Minor Subdivision	Acre(s): 33.82
Project Address: Frank's Drive			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Master Plan: _____			
Brief Project Summary: See attached			
Property Owner(s): Lex Apartments LLC		Applicant(s): Charles Akerlow	
Address: 8371 S. State St #202		Address: 8371 S. State St #202	
City: Sandy	State: UT	City: Sandy	State: UT
Zip: 84070		Zip: 84070	
Phone:		Phone: 801-913-5959	
Contact Person: Charles Akerlow		Address:	
Phone:		City:	State: Zip:
Cellular: 801 913 5959	Fax:	Email: Charles@zenithpartners.org	

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only			
Received By: Jessi	Date Received: 2/2/2022	Fees: \$ 3,900.00	App. #: 2220128

455782

2/1/2022

Lexington Greens 8-lot Minor Subdivision - PUD Application

Zoning Map

- 1) The present zoning of the property is MR-16.
- 2) The proposed zoning is a definition of the density within each lot of the 8-lot minor subdivision.
- 3) The proposed zoning is compatible to the current zoning.
- 4) The proposed zoning is suitable because it does not change the existing uses of the subject properties.
- 5) The proposed zoning is consistent with the city's desire to have a mix of housing designs, sizes, and product types which can be purchased or rented by people from various income classes.

General Plan Map

- 1) The present land use designation is MR-16
- 2) This designation is very similar to the Overlake Master Planned Community, the projects directly to the south, and the overall Tooele general plan.
- 3) We anticipate the land being used for rental apartments, for-sale townhomes, open space, and other general amenities.
- 4) The current land is vacant, so this proposed land use will raise the value of neighboring properties and tax revenue increases to Tooele City. This also provides much needed workforce housing for Tooele City.
- 5) The proposed zoning broadens the base of housing options available in the City by providing both rental and for-sale products that can help supply the workforce.

Master Plan Map

- 1) The plan we are hoping to amend is the 8-lot minor subdivision within Lexington Greens.
- 2) The present map designation is MR-16
- 3) Not Applicable
- 4) We anticipate the land being used for rental apartments, for-sale townhomes, open space, and other general amenities.
- 5) The proposed map designation will solidify the number of units in each lot thus providing a master plan for all the lots which can include open space, walking trails, and other amenities.
- 6) The proposed zoning broadens the base of housing options available in the City by providing both rental and for-sale products that can help supply the workforce.

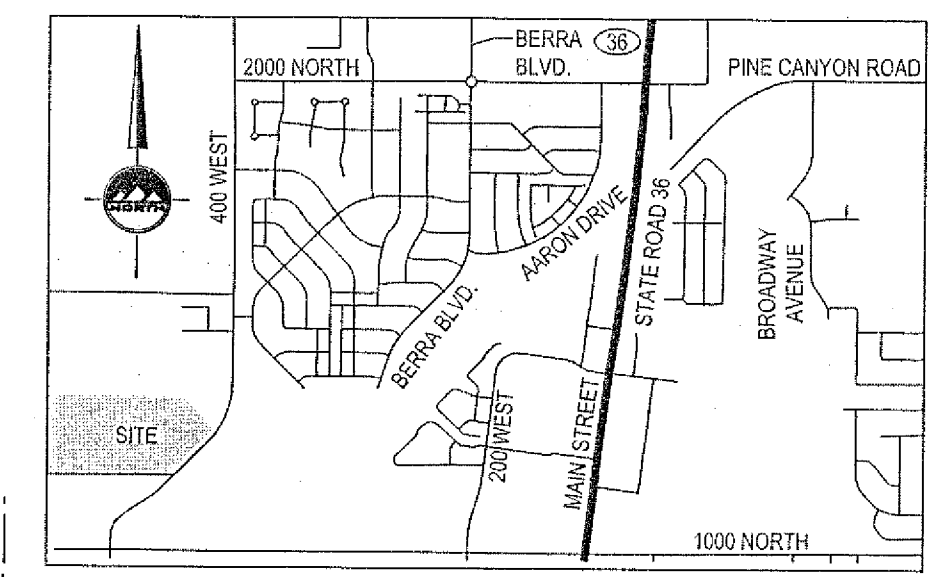
EXHIBIT D

RECORDED LEXINGTON AT OVERLAKE SUBDIVISION

LEXINGTON AT OVERLAKE SUBDIVISION

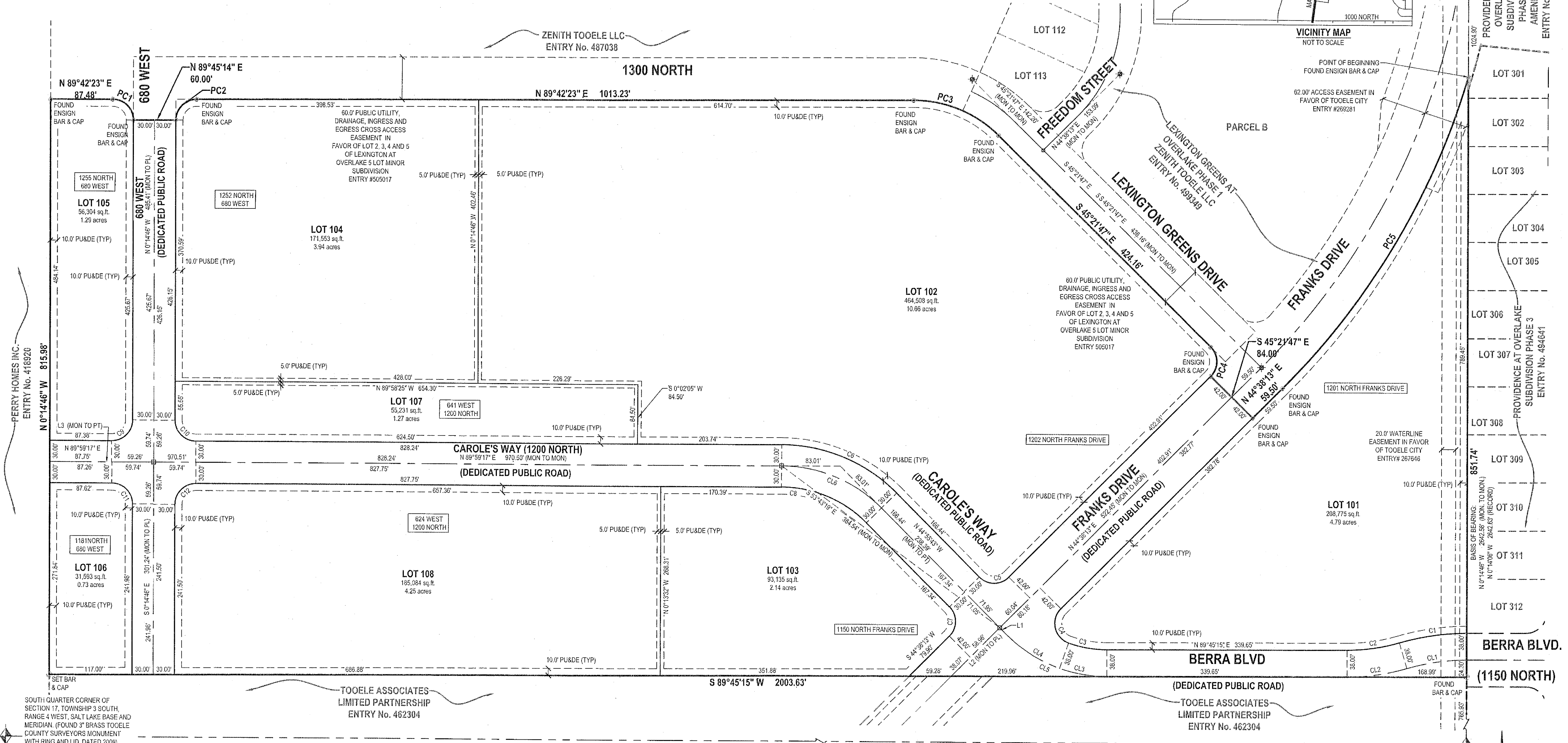
FINAL PLAT

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION) LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



NORTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN (FOUND 3 BRASS TOOELE COUNTY SURVEYORS MONUMENT WITH RING AND LID, DATED 2000)

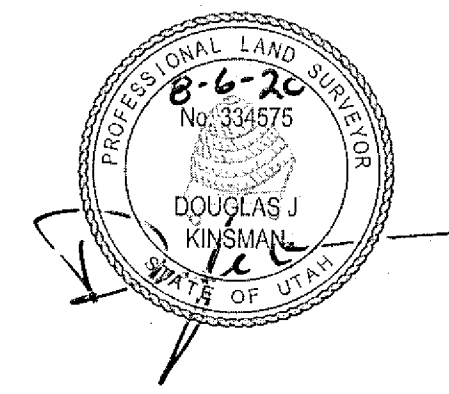
LINE TABLE and CENTER LINE CURVE TABLE with columns for LINE, BEARING, LENGTH, CURVE, RADIUS, LENGTH, DELTA, BEARING, CHORD.



BOUNDARY DESCRIPTION

A parcel of land, situate in the Southeast Quarter of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and in Tooele County, Utah, more particularly described as follows: Beginning at a point on the West line of 'Providence at Overlake Subdivision Phase 2 Amended' recorded in the Tooele County Recorder's Office as entry number 482225, book 20, page 56, also located on the Section line, which is located South 0°14'48" East 1024.50 feet along the Section line from the East Quarter Corner of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running: thence South 0°14'48" East 851.74 feet along the Westerly boundary of said Providence at Overlake Subdivision Phase 2 Amended, to and along 'Providence at Overlake Subdivision Phase 3' recorded in the Tooele County Recorder's Office as entry number 494641, book 20, page 90, also along the Section line; thence South 89°45'15" West 2003.63 feet; thence North 0°14'48" West 815.98 feet; thence North 89°42'23" East 87.48 feet; thence Southwesterly 46.29 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 0°17'37" West, and the long chord bears South 45°21'58" East 41.67 feet, through a central angle of 89°51'18"); thence North 89°45'14" East 60.00 feet; thence Northwesterly 46.31 feet along the arc of a 29.50-foot radius non-tangent curve to the right (center bears North 89°45'14" East, and the long chord bears North 44°43'45" East 41.70 feet, through a central angle of 89°57'09"); thence North 89°42'23" East 1013.23 feet; thence Southwesterly 133.21 feet along the arc of a 170.00-foot radius tangent curve to the right (center bears South 0°17'37" East, and the long chord bears South 67°10'42" East 123.92 feet, through a central angle of 44°59'51"); thence South 45°21'47" East 424.16 feet; thence Southwesterly 46.34 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 44°35'13" West, and the long chord bears South 0°21'47" East 41.72 feet, through a central angle of 80°00'00"); to the Westerly line of Franks Drive; thence South 45°21'47" East 84.00 feet to the Southwesterly line of Franks Drive; thence North 44°38'13" East 59.50 feet along said Southwesterly line; thence Northwesterly 519.40 feet along the arc of a 1042.00-foot radius tangent curve to the left (center bears North 45°21'47" West, and the long chord bears North 30°21'25" East 514.04 feet, through a central angle of 28°33'36"); along the Easterly line of Franks Drive, to the Point of Beginning.

August 6, 2020
Date
Douglas J. Kinsman
License no. 334575



OWNER'S DEDICATION AND CONSENT TO RECORD

Known all men by these presents that the undersigned are the owner(s) of the hereon described tract of land and hereby cause the same to be divided into lots and streets, together with easements as set forth hereunder to be known as:

LEXINGTON AT OVERLAKE SUBDIVISION (AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION)

The undersigned owner(s) hereby dedicate to perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to Tooele City and to any and all public utility companies a perpetual, nonexclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of utility lines and facilities.

In witness whereof I have hereunto set my hand this 6th day of August, A.D. 2020

By: Zenith Tooele LLC
Charles W. Akerlow (Managing Director)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
County of Tooele
On the 6th day of August, A.D. 2020, Charles W. Akerlow personally appeared before me, the undersigned Notary Public, in and for said County of Tooele, Utah, who after being duly sworn, acknowledged to me that he/she is the Managing Director of Zenith Tooele LLC, a Limited Liability Company and that he/she signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation associated the same.

Notary's Full Name & Commission Number: 690050 Rosanna C. Davis
My Commission Expires: 1-25-2024
Rosanna C. Davis
A Notary Public Commissioned in Utah

LEXINGTON AT OVERLAKE SUBDIVISION FINAL PLAT

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION)

LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

TOOELE COUNTY RECORDER
RECORDED # 520126
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: Zenith Tooele LLC
DATE: 9/9/20 TIME: 2:49 p.m.
FEE: \$14.00
Cadastral mapper

TOOELE COUNTY SURVEY DEPARTMENT APPROVAL
APPROVED THIS 7 DAY OF August, 2020
BY THE TOOELE COUNTY SURVEY DEPARTMENT.
RECORD OF SURVEY FILE #2018-0074, 2020-0058-01

COMMUNITY DEVELOPMENT APPROVAL
APPROVED THIS 9th DAY OF September, 2020
BY THE COMMUNITY DEVELOPMENT
TOOELE CITY COMMUNITY DEVELOPMENT

ROCKY MOUNTAIN POWER COMPANY
1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-2A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
(1) A RECORDED EASEMENT OR RIGHT-OF-WAY
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(3) TITLE 54, CHAPTER 3A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
(4) ANY OTHER PROVISION OF LAW.
APPROVED THIS 6 DAY OF August, 2020
ROCKY MOUNTAIN POWER
BY: [Signature]
ESTIMATOR

DOMINION ENERGY
DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.
APPROVED THIS 6th DAY OF August, 2020
BY: [Signature]
TITLE: Pres. Construction Rep

NOTE
- 3/4" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL LOT AND BOUNDARY CORNERS
- THIS PLAT IS SOLELY FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES FOR OWNERSHIP. THIS PLAT DOES NOT ENTITLE ANY DEVELOPER OR CONSTRUCTION. ALL ENTITLEMENTS AND DEVELOPABILITY, INCLUDING INFRASTRUCTURE, EASEMENTS, AND PROPERTY DEDICATIONS AS NEEDED, MUST BE ESTABLISHED THROUGH FURTHER LAND USE APPLICATIONS AND APPROVALS ACCORDING TO THE TOOELE CITY CODE.

LEGEND table with symbols for existing street monument, section corner, rebar, public utility easement, boundary line, adjacent property line, section line, center line, easement line, right of way line, adjacent right of way line, and tangent line.

CITY COUNCIL APPROVAL
APPROVED THIS 19th DAY OF August, 2020
BY THE TOOELE CITY COUNCIL.
[Signature]
CHAIRMAN TOOELE CITY COUNCIL

DEVELOPER
ZENITH DEVELOPMENT LLC
2040 MURRAY HOLLADAY ROAD, SUITE 204 SLC, UTAH 84117
801-428-3755

SHEET 1 OF 1
PROJECT NUMBER: 82608
MANAGER: D. KINSMAN
DRAWN BY: C. CHILD
CHECKED BY: D. KINSMAN
DATE: 8/6/2020
TOOELE
1555 North Main Street, Unit 1 Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
WWW.ENSGNENGIN.COM

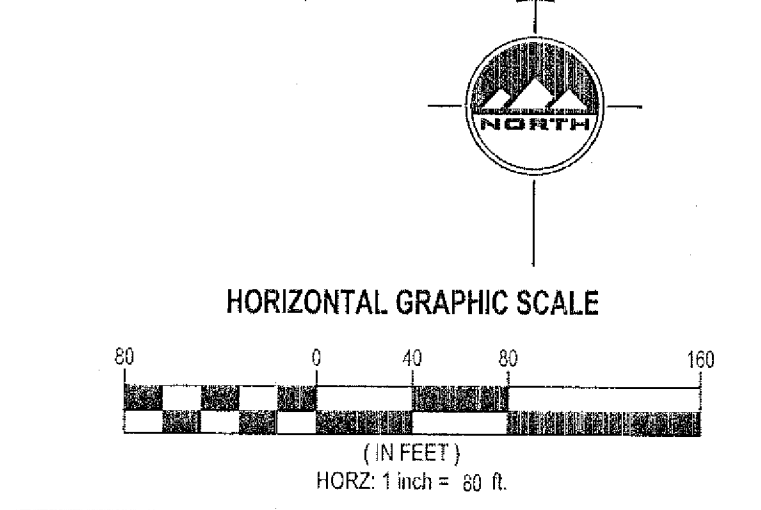
COUNTY TREASURER APPROVAL
APPROVED AS TO FORM THIS 5th DAY OF August, 2020
BY THE TOOELE COUNTY TREASURER.
[Signature]
TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL
APPROVED AS TO FORM THIS 2d DAY OF September, 2020
BY THE CITY ATTORNEY.
[Signature]
TOOELE CITY ATTORNEY

PLAT BOUNDARY CURVE TABLE with columns for CURVE, RADIUS, LENGTH, DELTA, BEARING, CHORD.

CURVE TABLE with columns for CURVE, RADIUS, LENGTH, DELTA, BEARING, CHORD.

SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN (FOUND 3 BRASS TOOELE COUNTY SURVEYORS MONUMENT WITH RING AND LID, DATED 2000)



COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED THIS 6 DAY OF August, 2020
BY THE TOOELE COUNTY HEALTH DEPARTMENT.
[Signature]
TOOELE COUNTY HEALTH DEPT.

PLANNING COMMISSION APPROVAL
APPROVED THIS 12th DAY OF August, 2020
BY THE TOOELE CITY PLANNING COMMISSION.
[Signature]
CHAIRMAN TOOELE CITY PLANNING COMMISSION

EXHIBIT E

PROPOSED PUD MAPPING

N 89° 43' 00" E 2003.63'

R1-7

52.48 acres

MR-16 PUD

33.83 acres

29.07 acres (net)

449 Units = 15.45/ac (net)
13.27/ac (gross)

Not a part

2589.48'

N 00° 14' 08" W

N 00° 14' 08" W

S 89° 43' 20" W

S 89° 43' 20" W

1401.80'

Delta = 00°38'41"
R = 39423.08
L = 443.68'

N 89° 37' 59" W
158.17'

2642.66' (meas.)

S 00° 14' 08" E

Existing Zoning

Lexington Greens at Overlake

Tooele, Utah



PUD Ex. 1



March 22, 2022 ©



Zenith Development



Tully Design LLC

Landscape Architecture
Community Design
Land Planning

Salt Lake City, Utah
(801) 550-8991

STAFF REPORT

March 28, 2022

To: Tooele City Planning Commission
Business Date: April 13, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Burt Brothers Tires and Service – Conditional Use Permit Request

Application No.: P22-328
Applicant: Christopher Child
Project Location: Approximately 400 East 2400 North
Zoning: GC General Commercial Zone
Acreage: 2.08 Acres (Approximately 90,604 ft²)
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone regarding authorizing the use of “Automobile Service and Repair” to be conducted on the subject property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 2.08 acres located at approximately 400 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to allow the use of “Automobile Service and Repair” which will facilitate the development of the site as a Burt Brothers Tire and Service center.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Regional Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. The GC General Commercial zoning designation is not identified by the General Plan as a preferred zoning classification for the Regional Commercial land use designation. Properties located to the north are zoned GC General Commercial and are currently utilized as a furniture retail store. Properties to the west and to the east are zoned GC General Commercial. Properties to the south are zoned IS Industrial Service and contain the North Point Medical buildings and some office buildings. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is working on behalf of Burt Brothers tires to develop Lot #2 of the W & R Subdivision as an automobile tire and service center. Such a use is permitted in the GC General Commercial zone but does require a conditional use permit approved by the Planning Commission after a public hearing. There are currently a subdivision application and a site plan being reviewed by staff.

Site Plan Layout. The applicant has provided a site plan with their site plan application. It needs to be emphasized that this site plan is being included in the staff report for the conditional use permit for reference purposes only and to assist in determining if the proposed development creates impacts to surrounding properties. This site plan is not being considered for review and approval with this application. The conditional use permit application is to consider the use of the property as an automobile

tire and service center. Site plans are approved administratively.

All access into the site shall be from 2400 North, an established 84 foot public right-of-way that has been established for commercial or otherwise non-residential vehicle loads and impacts.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3) and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.
- (4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request.

Engineering & Public Works Division Review. The Tooele City Engineering and Public Works Divisions have not reviewed the requested Conditional Use Permit and have not issued any comments in regards to the requested use of the property

Noticing. The applicant has expressed their desire to obtain a Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Christopher Child , application number P22-328, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the

development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Christopher Child, to authorize the use of “Automobile Service and Repair” for 2 acres located at approximately 400 East 2400 North, application number P22-328, based on the findings and subject to the conditions listed in the Staff Report dated March 28, 2022:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Christopher Child, to authorize the use of “Automobile Service and Repair” for 2 acres located at approximately 400 East 2400 North, application number P22-328, based on the following findings:”

1. List findings...

EXHIBIT A

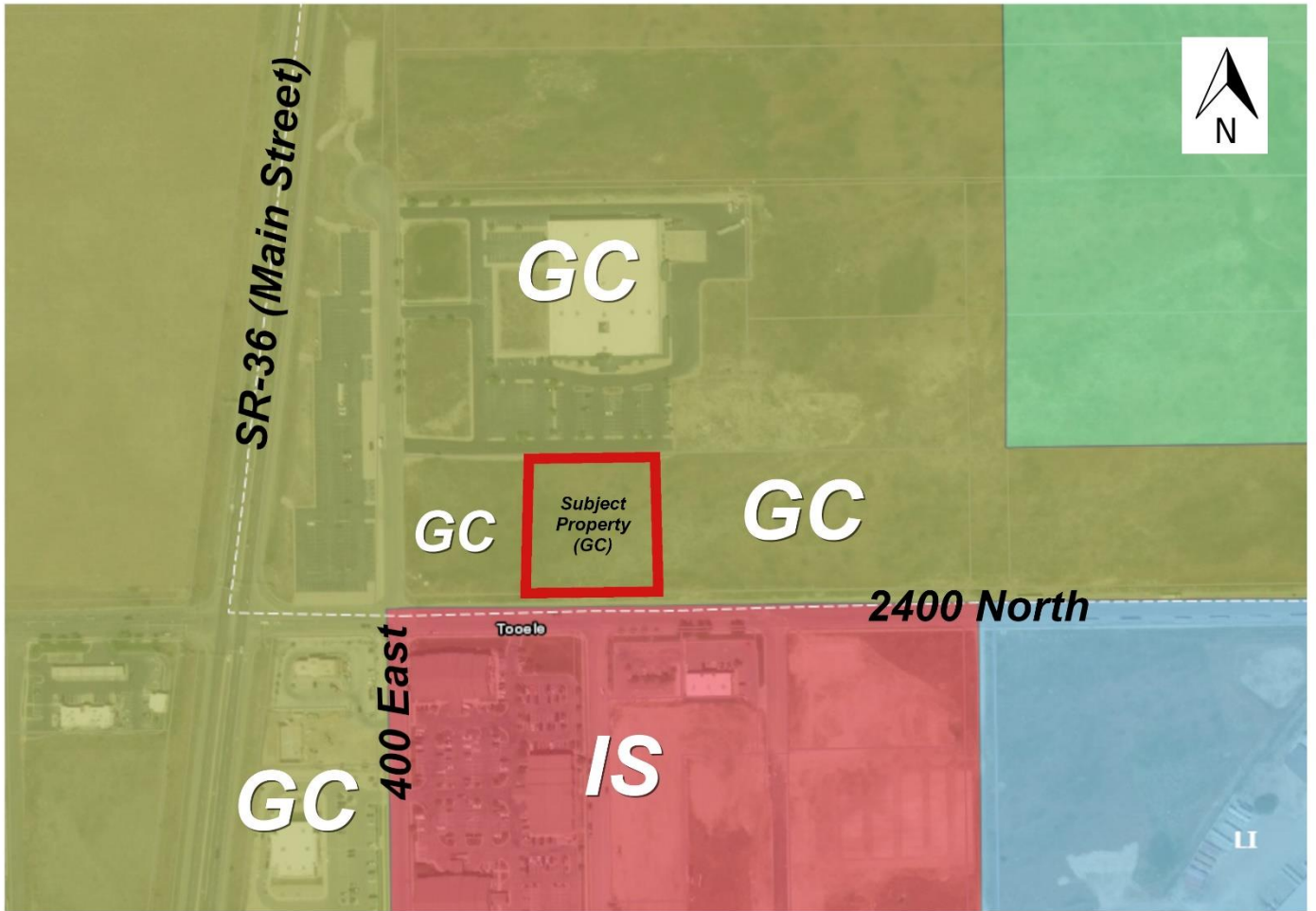
**MAPPING PERTINENT TO THE BURT BROTHERS TIRES AND SERVICE
CONDITIONAL USE PERMIT**

Burt Brothers Tires Conditional Use



Aerial View

Burt Brothers Tires Conditional Use



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission:		Current Zoning: GC		Parcel #(s): 02-144-0-0041	
Project Name: Burt Brothers Tire & Service Tooele				Acres: 2.08	
Project Address: 400 E. 2400 N. APPROX.				Units:	
Project Description: Automotive Service Center					
Current Use of Property: Vacant Field					
Property Owner(s): BBS LLL			Applicant(s): Christopher Child		
Address: 737 N. 400 W.			Address: 577 South 200 East		
City: North Salt Lake	State: UT	Zip: 84054	City: Salt Lake City	State: UT	Zip: 84111
Phone: 801-335-0314			Phone: 801.533.2100		
Contact Person: Christopher Child			Address: 577 South 200 East		
Phone: 801.533.2100			City: Salt Lake City	State: UT	Zip: 84111
Cellular: 801.664.0449	Fax: 303.770.3636		Email: chrischild@gallowayus.com		
Signature of Applicant:					
Date					

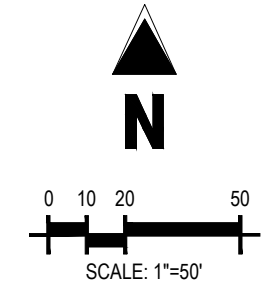
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only			
Fee: \$1600.00 (213)	Received By: #7	Date Received: 3/18/22	Receipt #: 4166864

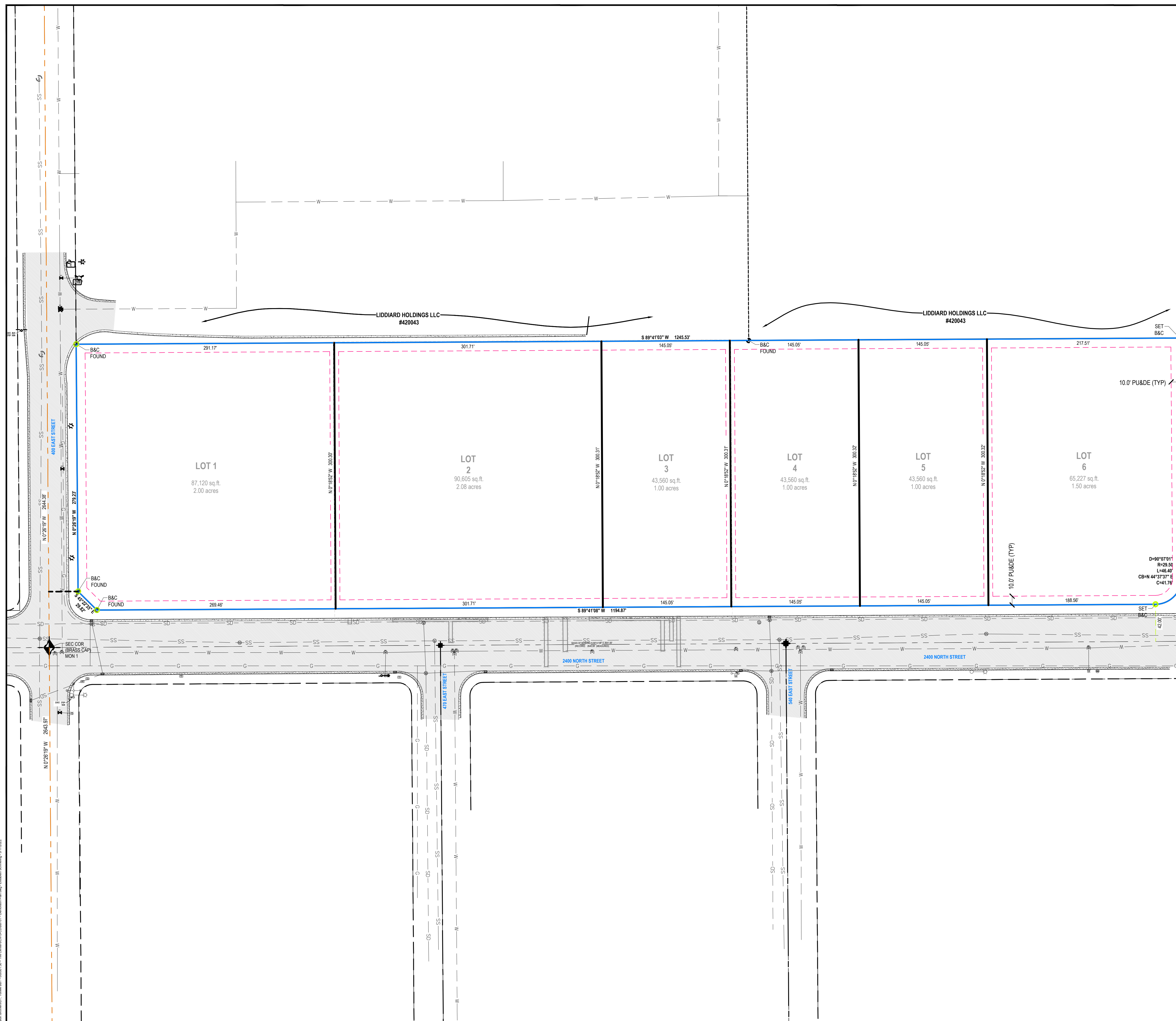
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DEMOLITION LEGEND

- DEMOLITION LIMIT LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPERTY BOUNDARY LINE
- LOT LINE
- ADJACENT PROPERTY BOUNDARY LINE
- RIGHT OF WAY BOUNDARY LINE
- EXISTING TO BE REMOVED
- EXISTING CURB AND GUTTER
- EXISTING TREE TO BE REMOVED
- EXISTING BOLLARD
- EXISTING SIGN
- EXISTING ASPHALT TO REMAIN
- EXISTING ASPHALT TO BE REMOVED
- EXISTING SIDEWALK TO REMAIN
- EXISTING SIDEWALK TO BE REMOVED
- EXISTING WATER
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER
- EXISTING GAS
- EXISTING TELEPHONE
- EXISTING ELECTRICAL METER
- EXISTING ELECTRICAL TRANSFORMER
- EXISTING POWER POLE
- EXISTING LIGHT POLE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING IRRIGATION VALVE
- EXISTING IRRIGATION VAULT
- EXISTING WATER METER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM DRAIN BOX
- EXISTING GAS METER



SURVEYOR TO OBTAIN AUTOCAD FILE FROM ENGINEER AND VERIFY ALL HORIZONTAL CONTROL DIMENSIONING PRIOR TO CONSTRUCTION STAKING. SURVEYOR MUST VERIFY ALL BENCHMARK, BASIS OF BEARING AND DATUM INFORMATION TO ENSURE IMPROVEMENTS WILL BE AT THE SAME HORIZONTAL AND VERTICAL LOCATIONS SHOWN ON THE DESIGN CONSTRUCTION DRAWINGS. PRIOR TO CONSTRUCTION STAKING ANY DISCREPANCY MUST BE REPORTED TO OWNER AND ENGINEER PRIOR TO CONTINUATION OF ANY FURTHER STAKING OR CONSTRUCTION WORK.

NOTE: CONTRACTOR MUST COORDINATE WORK WITH UTILITY COMPANY AND CITY PRIOR TO BEGINNING WORK AND IS RESPONSIBLE FOR ALL MATERIALS, LABOR, REPAIRS, ETC. TO COMPLETE WORK AND RESTORE AREA TO SAME STATE PRIOR TO STARTING WORK.

NOTE: CONTRACTOR SHALL PROTECT ALL EXISTING SURVEY MONUMENTATION. CONTRACTOR SHALL HAVE LICENSED SURVEYOR REPLACE ANY DAMAGED OR DISTURBED MONUMENTATION AT THEIR COST.

CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK FOR ANY LOCAL, STATE OR FEDERAL AGENCY, UTILITY DISTRICT OR ANY OTHER AGENCY OR DISTRICT HAVING APPROVAL AUTHORITY OVER WORK. THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO, AS-BUILT PLANS, CERTIFICATIONS, INSPECTIONS AND REPORTS.

CAUTION - NOTICE TO CONTRACTOR

- ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURFACE EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
- WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POT-HOLING OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.



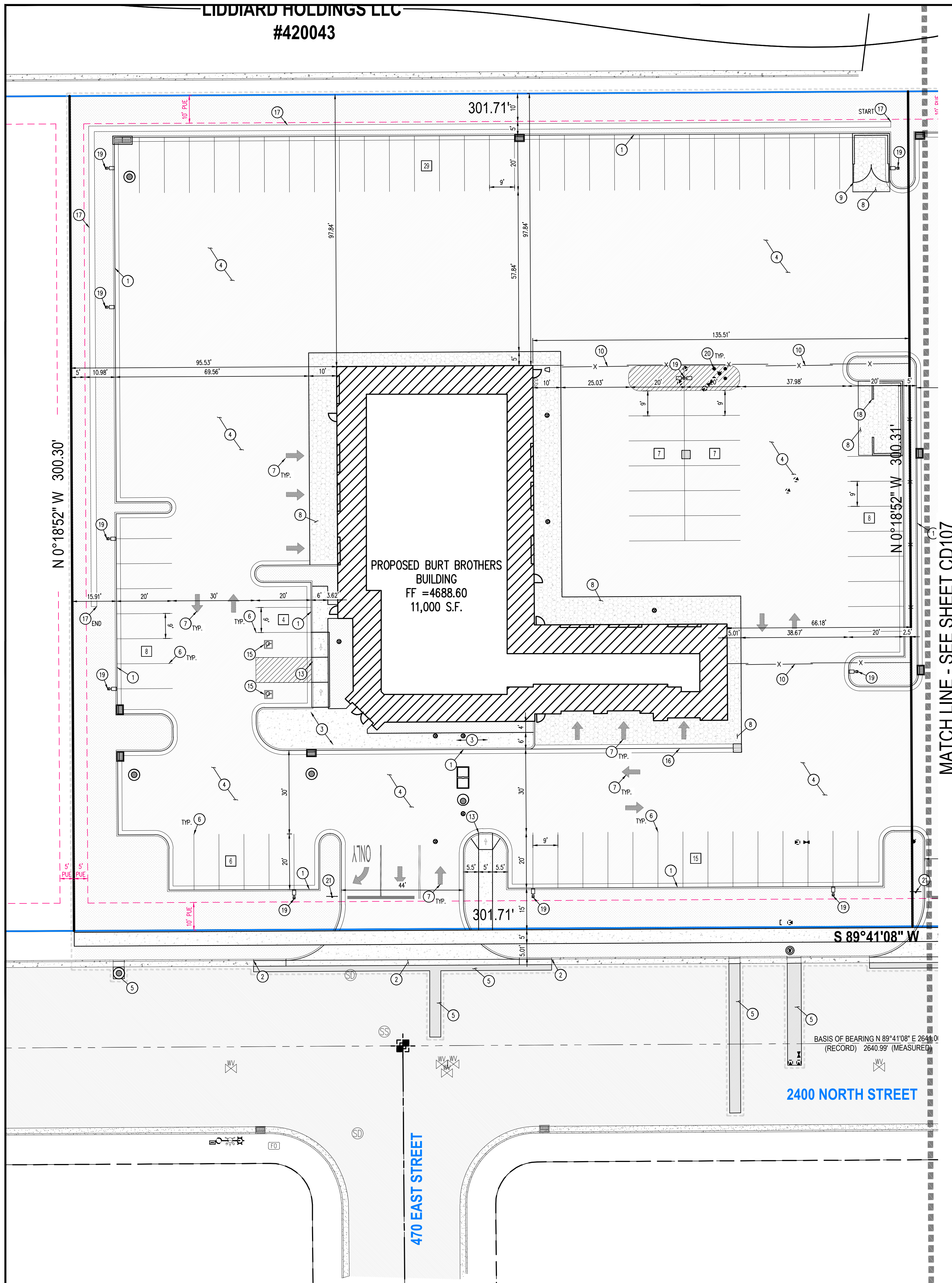
#	Date	Issue / Description	Init.

Project No: _____
 Drawn By: _____
 Checked By: _____
 Date: _____

OVERALL DEMOLITION PLAN

CD100

D:\Projects\Bidding\CD100\100 - 2400 North Street - 2400 North Street.dwg - 2/1/2025 10:00 AM - 3/1/2025 10:00 AM



SITE KEYNOTES

- 1. CONSTRUCT 24" CURB & GUTTER PER DETAIL 10 ON SHEET CS500.
- 2. CONSTRUCT TRANSITION FROM 24" CURB & GUTTER TO 30" CURB & GUTTER.
- 3. CONSTRUCT CONCRETE SIDEWALK PER DETAILS 8 & 9 ON SHEET CS500.
- 4. CONSTRUCT ASPHALT PAVING PER DETAIL 11 ON SHEET CS500.
- 5. REPLACE EXISTING ASPHALT PER TOOULE CITY "T" CUT REPAIR DETAIL 381R ON SHEET CS501. MATCH EXISTING.
- 6. CONSTRUCT 4" YELLOW PARKING STRIPING PER DETAIL 1 ON SHEET CS500.
- 7. CONSTRUCT SOLID YELLOW ARROW PAVEMENT MARKINGS PER DETAIL 15 ON SHEET CS500.
- 8. CONSTRUCT HEAVY DUTY CONCRETE APRON PER DETAIL 11 ON SHEET CS500.
- 9. CONSTRUCT DUMPSTER ENCLOSURE (SEE ARCH. PLANS).
- 10. CONSTRUCT SECURITY GATES (SEE ARCH. PLANS).
- 11. CONSTRUCT STAIRS AS REQUIRED BY GRADE. (SEE CG100 AND ARCH. PLANS)
- 12. CONSTRUCT CONCRETE RETAINING WALL (SEE ARCH. PLANS).
- 13. CONSTRUCT ADA RAMP PER DETAIL 2 ON SHEET CS500.
- 14. CONSTRUCT ADA RAMP AND SIGNAGE PER DETAILS 4 & 5 ON SHEET CS500.
- 15. CONSTRUCT ADA STRIPING PER DETAILS 3 & 4 ON SHEET CS500.
- 16. CONSTRUCT WATERWAY PER DETAIL 13 ON SHEET CS500.
- 17. CONSTRUCT VERTIBLOCK SEGMENTAL BLOCK RETAINING WALL (OR EAE). SEE DETAIL ON SHEET CS501.
- 18. CONSTRUCT TIRE STORAGE (SEE ARCH. PLANS).
- 19. CONSTRUCT LIGHT POLE (SEE PHOTOMETRIC PLANS).
- 20. CONSTRUCT BOLLARD PER DETAIL 17 ON SHEET CS500.
- 21. CONSTRUCT STOP SIGN PER DETAIL 18 ON SHEET CS500.

SITE LEGEND

- CONSTRUCTION LIMIT LINE
- ____ PROPERTY BOUNDARY LINE
- ____ ADJACENT PROPERTY BOUNDARY LINE
- BUILDING SETBACK
- EXISTING EASEMENT LINE
- _____ EXISTING TO REMAIN
- _____ PROPOSED NEW
- EXISTING FENCE
- PROPOSED SWALE FLOW LINE
- ⊕ EXISTING LIGHT POLE
- ⊕ EXISTING SIGN
- ⊕ PROPOSED SIGN
- PROPOSED STALL COUNT
- ===== PROPOSED CATCH CURB AND GUTTER
- ===== PROPOSED SPILL CURB AND GUTTER
- ===== EXISTING CURB AND GUTTER
- ===== PROPOSED SIDEWALK
- ===== EXISTING SIDEWALK

PAVING & LANDSCAPE LEGEND

- STANDARD DUTY ASPHALT
- STANDARD DUTY CONCRETE
- HEAVY DUTY CONCRETE
- LANDSCAPE - SEE LANDSCAPE PLANS

NOTE: SURVEYOR TO OBTAIN AUTOCAD FILE FROM ENGINEER AND VERIFY ALL HORIZONTAL CONTROL, DIMENSIONING PRIOR TO CONSTRUCTION STAKING. SURVEYOR MUST VERIFY ALL BENCHMARK, BASIS OF BEARING AND DATUM INFORMATION TO ENSURE IMPROVEMENTS WILL BE AT THE SAME HORIZONTAL AND VERTICAL LOCATIONS SHOWN ON THE DESIGN CONSTRUCTION DRAWINGS. PRIOR TO CONSTRUCTION STAKING ANY DISCREPANCY MUST BE REPORTED TO OWNER AND ENGINEER PRIOR TO CONTINUATION OF ANY FURTHER STAKING OR CONSTRUCTION WORK.

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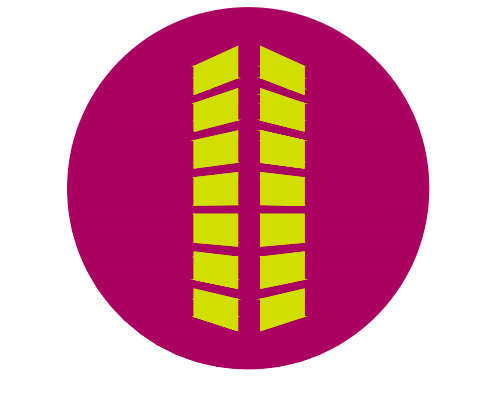


Project No: _____
 Drawn By: _____
 Checked By: _____
 Date: _____

SITE PLAN

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#	Date	Issue / Description	Init.

STAFF REPORT

March 28, 2022

To: Tooele City Planning Commission
Business Date: April 13, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Tier Drop Enterprises, LLC – Conditional Use Permit Request

Application No.: P22-344
Applicant: Douglas and Tauna Vance, representing Tier Drop Enterprises, LLC
Project Location: Approximately 1180 West Utah Avenue
Zoning: LI Light Industrial Zone and Industrial Zone.
Acreage: 11.55 Acres (Approximately 503,118 ft²)
Request: Request for approval of a Conditional Use Permit in the LI Light Industrial zone to authorize the use of “Warehouse” to occur on the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 11.55 acres located at approximately 1180 West Utah Avenue. The property is currently zoned LI Light Industrial. The applicant is requesting that a Conditional Use Permit be approved to allow the use of “Warehouse” on the property. This Conditional Use Permit will then facilitate development of the property as warehouse / office space

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Light Industrial land use designation for the subject property. The property currently has two zoning districts assigned to it. The eastern majority of the property is zoned LI Light Industrial with the western minority of the property being zoned I Industrial. The LI Light Industrial zoning designation is identified by the General Plan as a preferred zoning classification for the Light Industrial land use designation. Properties to the north are zoned LI Light Industrial and will be developed as the Haasen Tara Feed company. Properties to the east on the adjacent side of the Union Pacific rail corridor are zoned LI Light Industrial and RR-1 Residential and are currently undeveloped. Properties to the south are zoned LI Light Industrial and I Industrial. Property to the west is zoned I Industrial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant wishes to construct a warehouse / office building on the property to house their business. They would also like to use the warehouse to park, store and maintain truck trailers associated with their business.

As mentioned above, the property has two zoning districts. Warehouses are permitted in both zones but in the LI Light Industrial zone a warehouse requires a Conditional Use Permit approved by the Planning Commission after a public hearing is held. Warehouses in the Industrial zoning district are a permitted use. Therefore, the dual zoning on the property should not create any issues for warehousing on the site.

Access into the site will be gained from Utah Avenue which, at this point, is a Tooele City maintained public right-of-way.

Site Plan Layout. The applicant has provided a site plan for reference purposes only. It should be emphasized that this application for Conditional Use Permit approval is to approve the use of “warehouse” on the property only and is not a site plan design review. The site plan is not being considered for approval with this application. Please be sure to refer to the site plan to determine any impacts created by a warehouse use but avoid site plan discussions. It should also be noted that a site plan application has not been submitted by the Vances at this time so their site plans could dramatically change from what is being shown on the plans as part of the CUP application. Focus on the use of the property, not the design.

As you can see on the site plan the proposed development would take up a small portion of 11 acre property. The building is proposed closer to Utah Avenue with gravel paving surrounding the building. The applicant is not clear about what will occur on the remaining majority of the parcel. It should be noted that approval of the “warehouse” use will apply to the entire 11 acre parcel, not just the north west corner of the property. Thus, the entire property could, potentially, be developed as warehousing / office spaces.

There are no residential uses within immediate proximity to the proposed development. There is some residential zoning to the east but the closest residential use is a legally non-conforming mobile home park. Those mobile homes are located approximately 650 feet to the east on the north side of Utah Avenue.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3) and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.
- (4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have not reviewed the requested conditional use permit and have not issued any comments at this time.

Noticing. The applicants have expressed their desire to obtain the Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Douglas and Tauna Vance, representing Tier Drop Enterprises, LLC, application number P22-344, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Master Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Douglas and Tauna Vance, representing Tier Drop Enterprises, LLC, to authorize the use of “Warehouse” to occur on 11 acres located at approximately 1180 West Utah avenue, application number P22-344, based on the findings and subject to the conditions listed in the Staff Report dated March 28, 2022:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Douglas and Tauna Vance, representing Tier Drop Enterprises, LLC, to authorize the use of “Warehouse” to occur on 11 acres located at approximately 1180 West Utah avenue, application number P22-344, based on the following findings:”

1. List findings...

EXHIBIT A

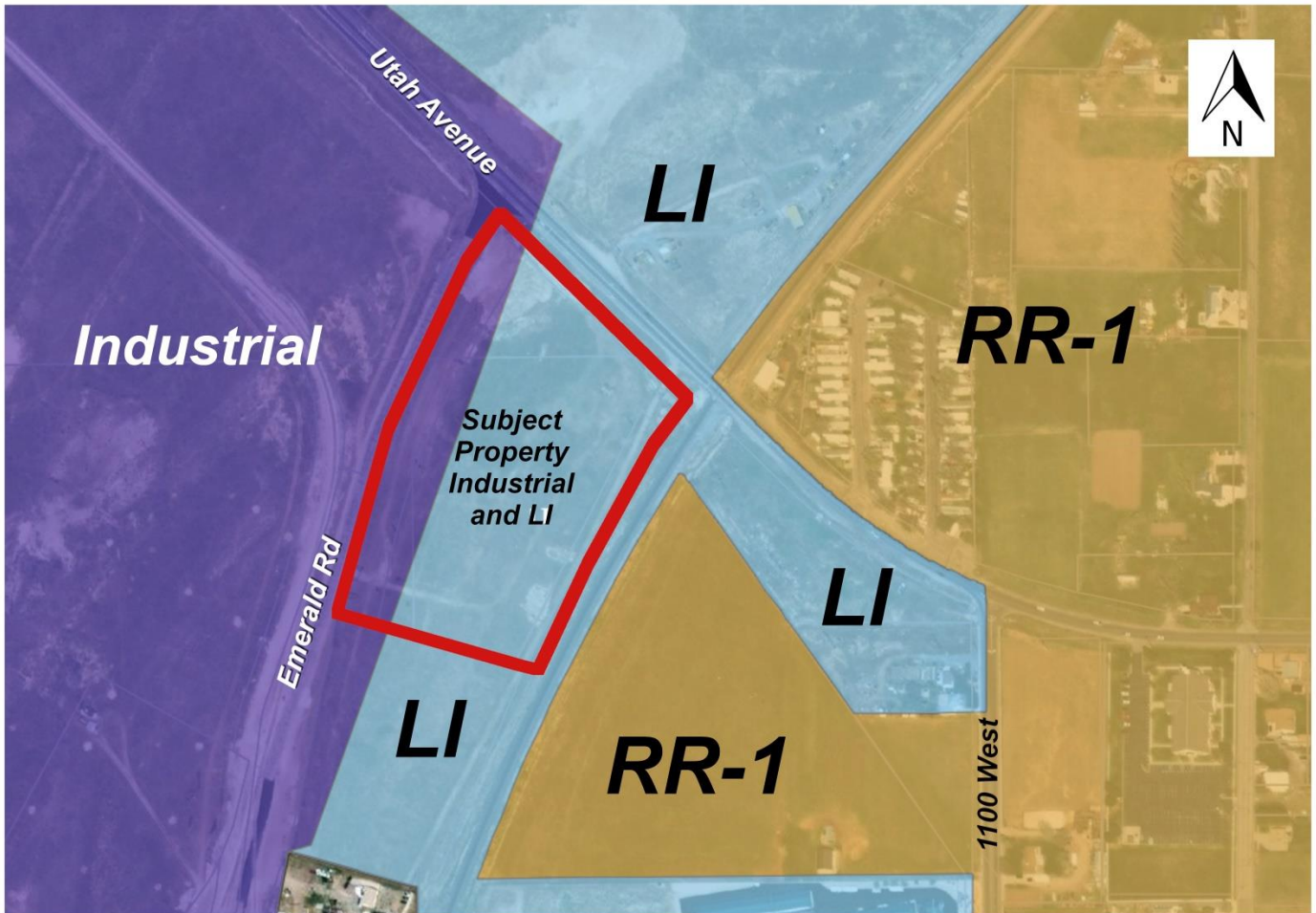
**MAPPING PERTINENT TO THE TIER DROP ENTERPRISES, LLC CONDITIONAL
USE PERMIT**

Tier Drop Enterprises Conditional Use



Aerial View

Tier Drop Enterprises Conditional Use



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecit.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission: 3-18-22		Current Zoning: Light Industrial		Parcel #(s): 22-344 0200900907	
Project Name: Tier Drop Enterprises LLC				Acres: 6.557	
Project Address: 1180 West Utah Avenue, Tooele UT 84074				Units: 1	
Project Description: Build Warehouse with office space					
Current Use of Property: was agriculture land & parking trailers New raw land with utility access					
Property Owner(s): Tier Drop Enterprises, LLC			Applicant(s): Tier Drop Enterprises, LLC		
Address: 441 East 400 North			Address: 441 East 400 North		
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone: 435-882-4156			Phone: 435-882-4156		
Contact Person: Douglas and Taunna Vance			Address: 441 E 400 No.		
Phone: 435-882-4156			City: Tooele	State: Ut	Zip: 84074
Cellular: 435-882-4156		Fax:	Email: tdtruckingllc@yahoo.com		
Signature of Applicant: 					
Date 10/29/2021					

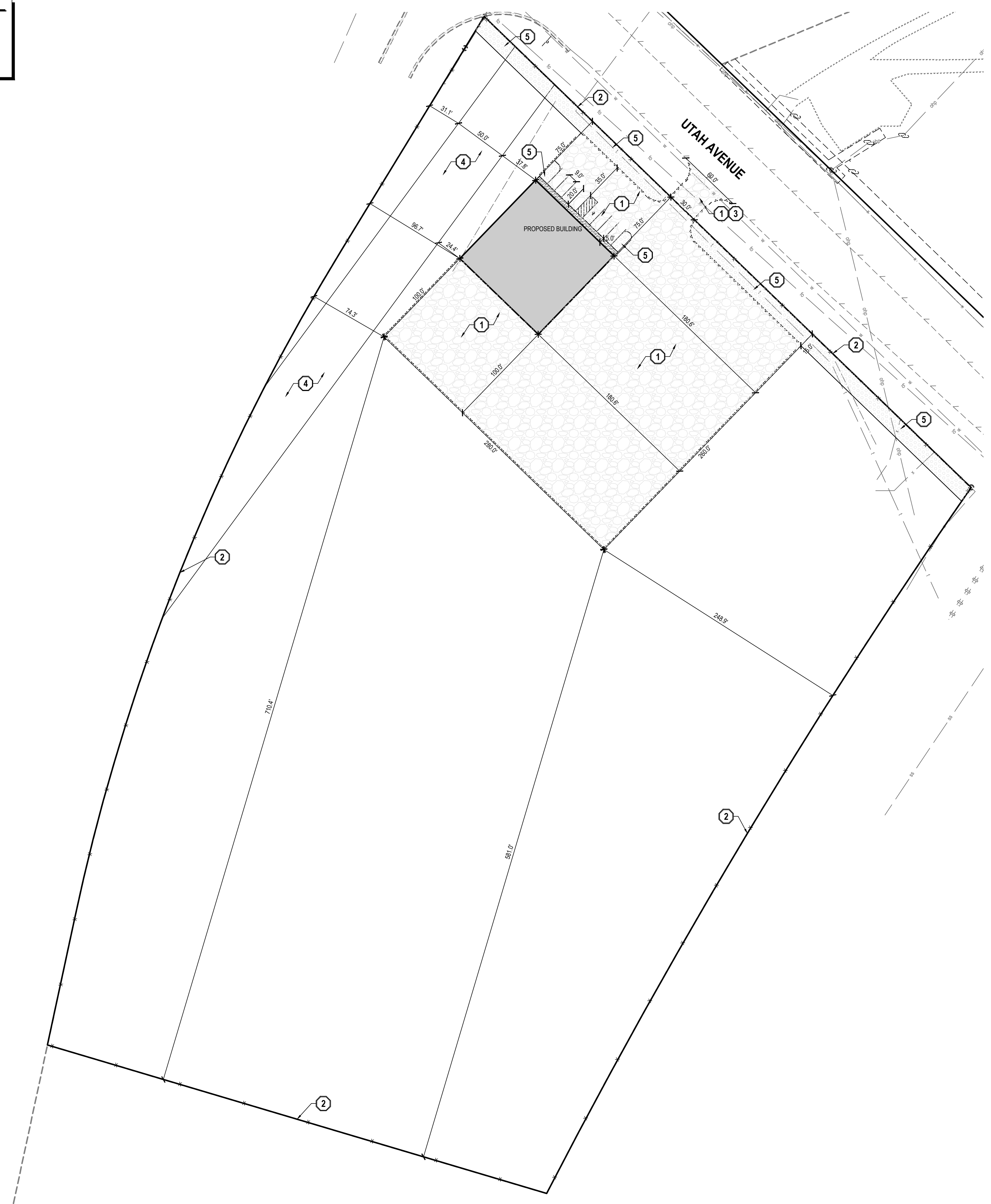
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only			
2220333			
Fee: \$600.00 (213)	Received By: Jessi	Date Received: 3/21/2022	Receipt #: 467182



BENCHMARK
 SOUTHWEST CORNER OF SECTION 20,
 TOWNSHIP 3 SOUTH, RANGE 4 WEST
 SALT LAKE BASE AND MERIDIAN
 ELEV = 4868.58'



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE TOOELE CITY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
4. ALL WORK SHALL COMPLY WITH THE RECOMMENDATIONS OF THE ENGINEER POSSIBLY INCLUDING, BUT NOT LIMITED TO, REMOVAL OF UNCONSOLIDATED FILL, ORGANICS, AND DEBRIS, PLACEMENT OF SUBSURFACE DRAIN LINES AND GEOTEXTILE, AND OVEREXCAVATION OF UNSUITABLE BEARING MATERIALS AND PLACEMENT OF ACCEPTABLE FILL MATERIAL.
5. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SOIL CONDITIONS.
6. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
7. ALL STORM DRAIN INFRASTRUCTURE TO BE INSTALLED PER TOOELE CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
8. ENSURE MINIMUM COVER OVER ALL STORM DRAIN PIPES PER MANUFACTURER'S RECOMMENDATIONS. NOTIFY ENGINEER IF MINIMUM COVER CANNOT BE ATTAINED.
9. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
10. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
11. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:
 PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① GRAVEL PER DETAIL 1/C-200.
- ② FENCE PER DETAIL 2/C-200.
- ③ DRIVE APPROACH PER TOOELE CITY PLAN NO. 216R AND SPECIFICATIONS.
- ④ 50' UNEV RIGHT OF WAY EASEMENT.
- ⑤ LANDSCAPING PER OWNER.

NOTE: MAY CONTAIN KEYNOTES THAT ARE NOT ON THIS SHEET.



TOOELE
 169 N. Main Street, Unit 1
 Tooele, UT. 84074
 Phone: 435.843.3590

SALT LAKE CITY
 Phone: 801.255.0529

LAYTON
 Phone: 801.547.1100

CEDAR CITY
 Phone: 435.865.1453

RICHFIELD
 Phone: 435.896.2983

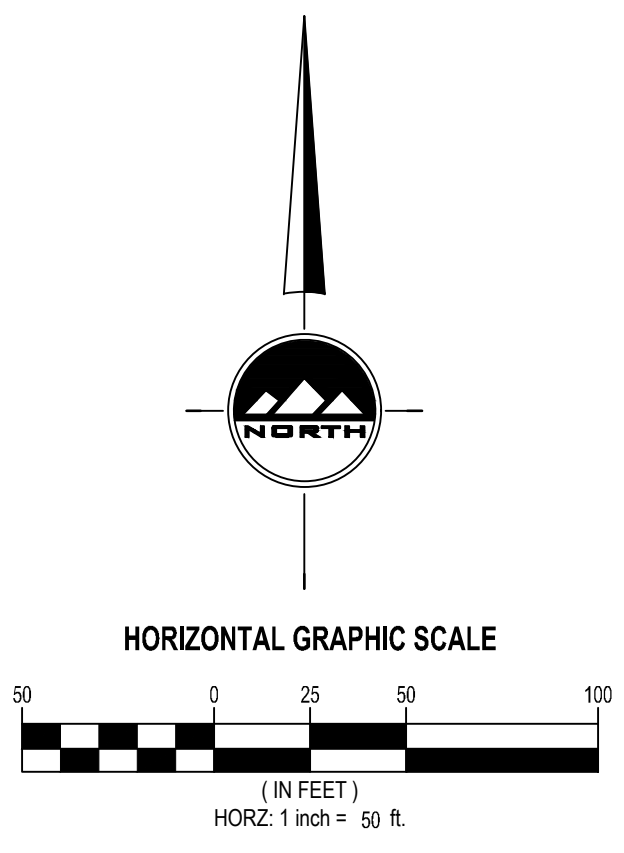
WWW.ENSIGNENG.COM

FOR:
 TIER DROP ENTERPRISES
 441 EAST 400 NORTH
 TOOELE, UT 84074

CONTACT:
 DOUG VANCE
 PHONE: 435-840-2238

VANCE SHOP
 1180 WEST UTAH AVENUE
 TOOELE, UT 84074

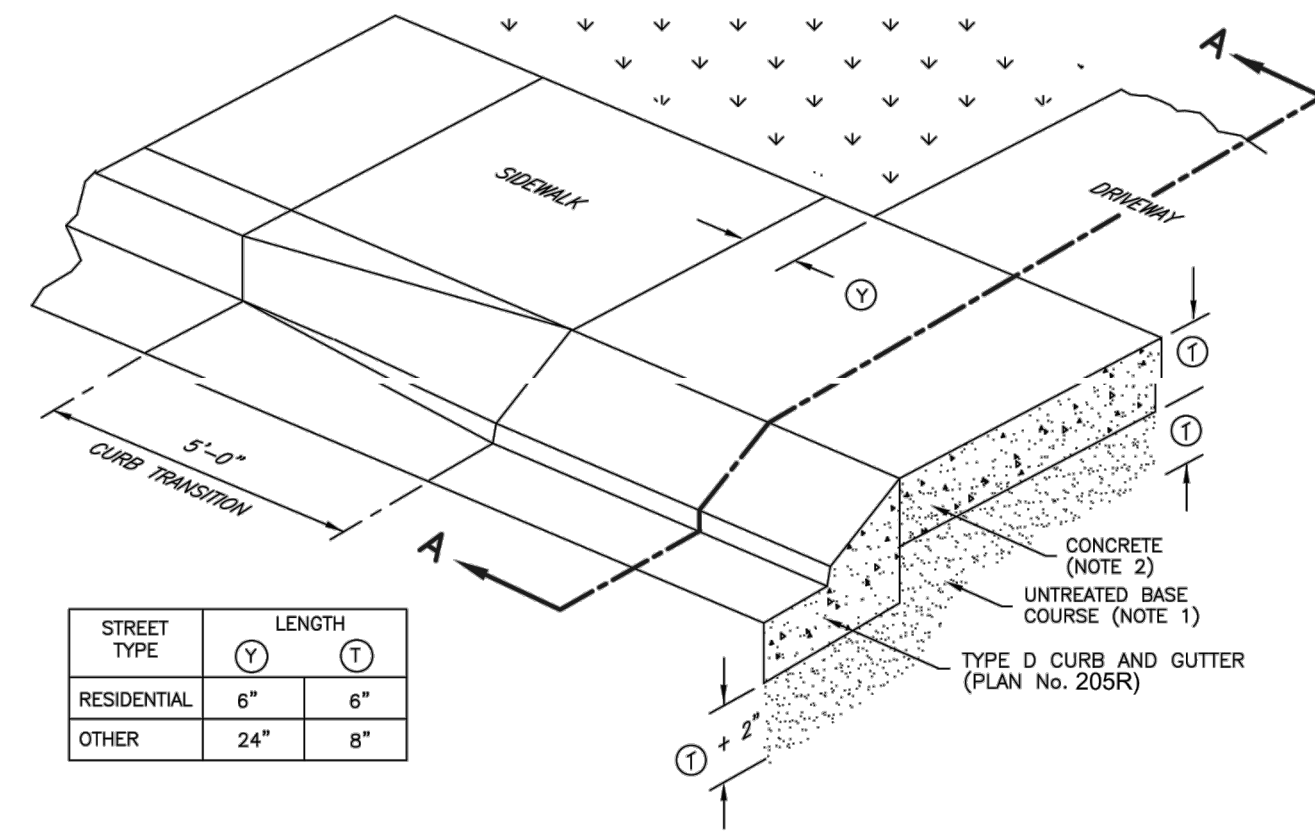
For Review
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SITE PLAN

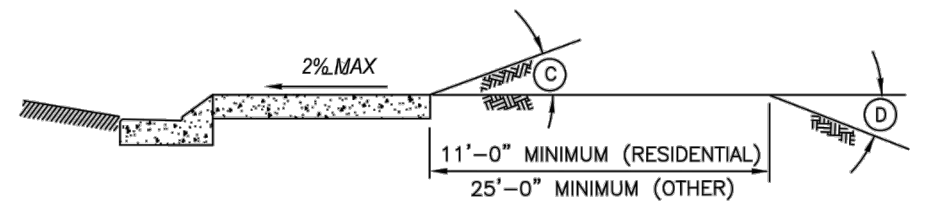
PROJECT NUMBER: 11437 PRINT DATE: 3/16/22
 DRAWN BY: H. CARTER CHECKED BY: J. CLEGG
 PROJECT MANAGER: J. CLEGG

C-100



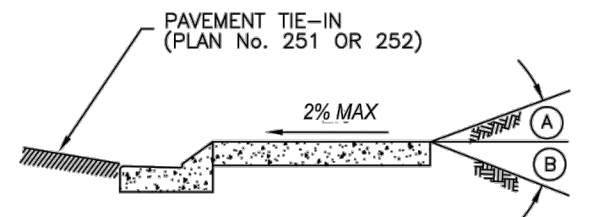
STREET TYPE	LENGTH	
	(V)	(T)
RESIDENTIAL	6"	6"
OTHER	24"	8"

OBLIQUE



STREET TYPE	BREAKOVER ANGLE (MAXIMUM)	
	(C)	(D)
RESIDENTIAL	16%	13%
OTHER	6%	10%

SECTION A-A -- APPROACH REQUIRING SERVICE TRUCK ACCESS



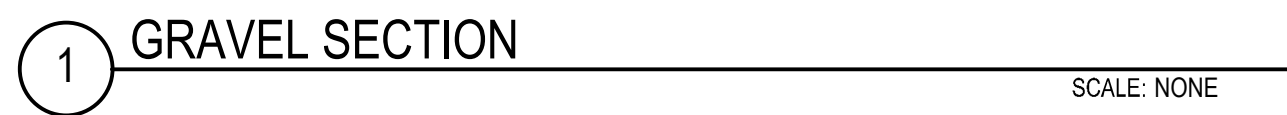
STREET TYPE	BREAKOVER ANGLE (MAXIMUM)	
	(A)	(B)
RESIDENTIAL	16%	12%
OTHER	6%	8%

SECTION A-A -- TYPICAL DRIVEWAY APPROACH



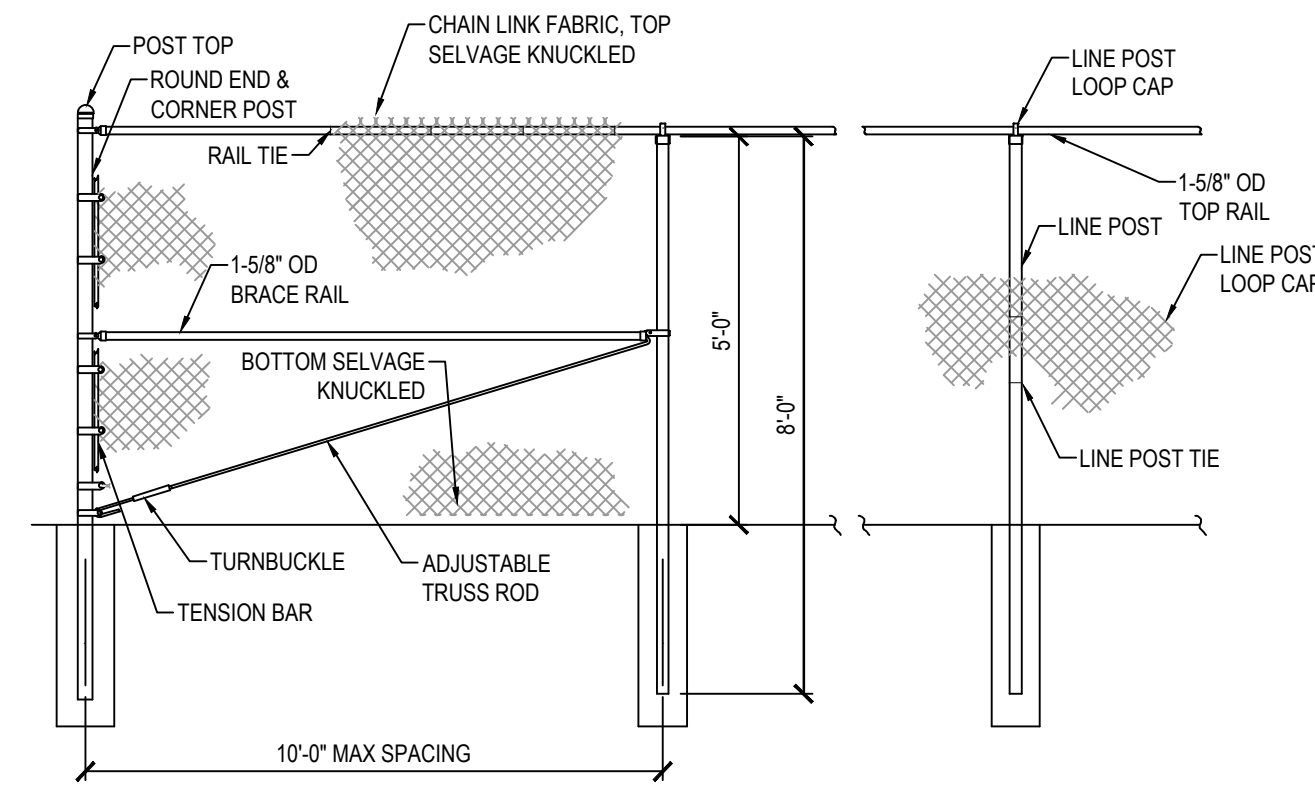
MOUNTABLE CURB DRIVEWAY APPROACH

Plan No. 216 R
6/2014



1 GRAVEL SECTION

SCALE: NONE



2 FENCE SECTION ELEVATION

SCALE: NONE



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Phone: 801.255.0529

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CEDAR CITY
Phone: 435.865.1453

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WWW.ENSIGNENG.COM

FOR:
TIER DROP ENTERPRISES
441 EAST 400 NORTH
TOOELE, UT 84074
CONTACT:
DOUG VANCE
PHONE: 435-840-2238

VANCE SHOP

**1180 WEST UTAH AVENUE
TOOELE, UT 84074**

For Review
03/16/2022 3:53:44 PM

DETAILS

PROJECT NUMBER: 11437
PRINT DATE: 3/16/22
DRAWN BY: H. CARTER
CHECKED BY: J. CLEGG
PROJECT MANAGER: J. CLEGG

C-200

STAFF REPORT

March 29, 2022

To: Tooele City Planning Commission
Business Date: April 13, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Tooele Valley Pumping – Conditional Use Permit Request

Application No.: P22-358
Applicant: Jared Stewart, representing Tooele City RDA
Project Location: 385 South 1200 West
Zoning: IS Industrial Service Zone
Acreage: 3 Acres (Approximately 130,680 ft²)
Request: Request for approval of a Conditional Use Permit in the IS Industrial Service zone regarding authorizing the use of “Contractors Storage Yard” in the IS Industrial Service zoning district.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 3 acres at 385 South 1200 West. The property is currently zoned IS Industrial Service. The applicant is requesting that a Conditional Use Permit be approved to allow the property to be used as a storage yard for the company’s trucks, water tanks, portable restroom facilities and so forth.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Light Industrial land use designation for the subject property. The property was recently assigned the IS Industrial Service zoning classification. The IS Industrial Service zoning designation is identified by the General Plan as a preferred zoning classification for the Light Industrial land use designation. Properties to the north and west are zoned IS Industrial Service. Properties to the south and east are zoned RD Research and Development. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting the Conditional Use Permit to authorize the land use of “contractor’s storage yard” for the property to facilitate development of the property as a place where Tooele Valley Pumping can store trucks, equipment, tanks, portable restroom facilities and so forth. The use requires a public hearing and Planning Commission approval before the applicant can move forward with their plans on the property. It should be stated and emphasized that the applicant will not be conducting any waste water treatment or storage on the site.

Surrounding land uses are predominantly light industrial, heavy commercial and educational facilities. The nearest residential uses are located approximately 1000 feet to the east.

Site Plan Layout. The applicant has provided a site plan to help demonstrate their intentions with the property once the Conditional Use Permit has been approved. The site plan is included for reference purposes only and is not being considered for approval with this Conditional Use Permit application.

This application is for consideration of the use of the property as a contractor's storage yard only.

The site plan is pretty simple. The applicant is proposing to cover the site with gravel paving and surround the site with five feet tall chain link fencing. The plans do not indicate that any view obscuring material will be used on the fence to screen views into the site of the materials being stored inside. It does not appear that there will be any structures constructed on the site and that the site will be strictly storage only.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3) and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.
- (4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have not reviewed the requested conditional use permit and have not issued any comments at this time.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Jared Stewart, representing the Tooele City RDA, application number P22-358, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Master Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Jared Stewart, representing the Tooele City RDA to authorize the use of “Contractor’s Storage Yard” for 3 acres located at 385 South 1200 West, application number P22-358, based on the findings and subject to the conditions listed in the Staff Report dated March 29, 2022:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Jared Stewart, representing the Tooele City RDA to authorize the use of “Contractor’s Storage Yard” for 3 acres located at 385 South 1200 West, application number P22-358, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE TOOEELE VALLEY PUMPING CONDITIONAL USE PERMIT

Tooele Valley Pumping Conditional Use



Aerial View

Tooele Valley Pumping Conditional Use



Zoning Map

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission:		Current Zoning: IS		Parcel #(s): 02-009-0-0114	
Project Name: Caleb Knoblauch/Tooele Valley Pumping				Acres: 3.00	
Project Address: 385 S 1200 W				Units: Ø	
Project Description: Caleb Knoblauch intends to use this site for an office and Contractors Storage Yard for his business - Tooele Valley Pumping					
Current Use of Property: Vacant					
Property Owner(s): Caleb Knoblauch			Applicant(s): Tooele City RDA		
Address: 214 Cimmaron Way			Address: 90 N Main Street		
City: Erda	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone: 435-840-6688			Phone: 435-843-2169		
Contact Person: Jared Stewart			Address: X 90 N Main		
Phone: 435-843-2169			City: Tooele	State: UT	Zip: 84074
Cellular: 801-834-3858	Fax: _____		Email: Jared@TooeleCity.org		
Signature of Applicant: Alexia E. Williams					
Date 5-23-22					

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and of his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only			
Fee:	Received By:	Date Received:	Receipt #:
(213)			



THE REDEVELOPMENT AGENCY OF TOOELE CITY (RDA)
ENTRY No. R099276

GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE TOOELE CITY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
4. ALL WORK SHALL COMPLY WITH THE RECOMMENDATIONS OF THE ENGINEER POSSIBLY INCLUDING, BUT NOT LIMITED TO, REMOVAL OF UNCONSOLIDATED FILL, ORGANICS, AND DEBRIS, PLACEMENT OF SUBSURFACE DRAIN LINES AND GEOTEXTILE, AND OVEREXCAVATION OF UNSUITABLE BEARING MATERIALS AND PLACEMENT OF ACCEPTABLE FILL MATERIAL.
5. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SOIL CONDITIONS.
6. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
7. ALL STORM DRAIN INFRASTRUCTURE TO BE INSTALLED PER TOOELE CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
8. ENSURE MINIMUM COVER OVER ALL STORM DRAIN PIPES PER MANUFACTURER'S RECOMMENDATIONS. NOTIFY ENGINEER IF MINIMUM COVER CANNOT BE ATTAINED.
9. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
10. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
11. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① GRAVEL PER DETAIL 1/C-200.
- ② FENCE PER DETAIL 2/C-200.
- ③ ACCESS GATE PER DETAIL 3/C-200.
- ④ DRIVE APPROACH PER TOOELE CITY PLAN NO. 216R AND SPECIFICATIONS.
- ⑤ INSTALL FLARED END STRUCTURE PER OLDCASTLE PLANS AND SPECIFICATIONS.
- ⑥ EXISTING SWALE TO REMAIN.

NOTE: MAY CONTAIN KEYNOTES THAT ARE NOT ON THIS SHEET.



TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

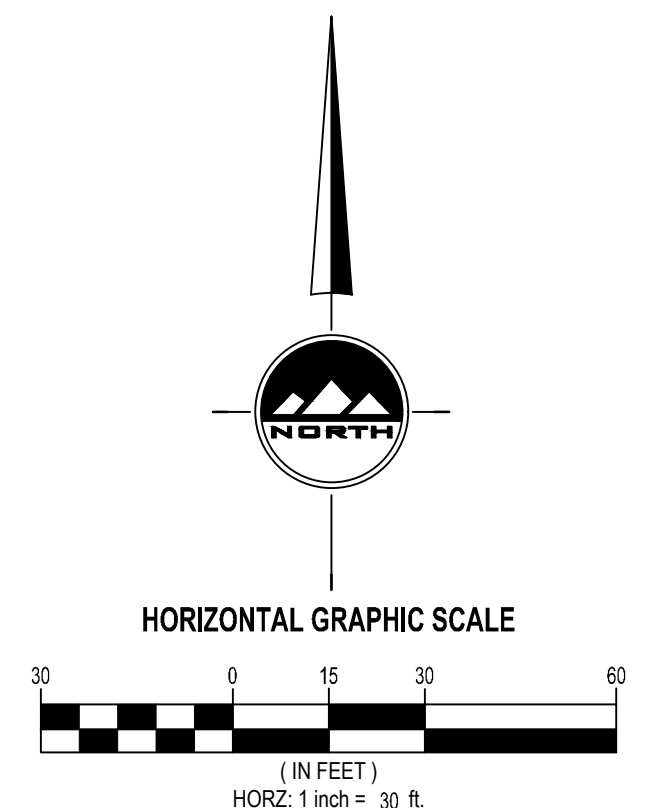
WWW.ENSIGNENG.COM

FOR:
TOOELE VALLEY PUMPING
214 CIMMARRON WAY
ERDA, UT 84074

CONTACT:
CALEB KINBLAUCH
PHONE: 435-843-2169

**TOOELE VALLEY PUMPING
STORAGE YARD**
 1200 WEST
 TOOELE, UTAH 84074

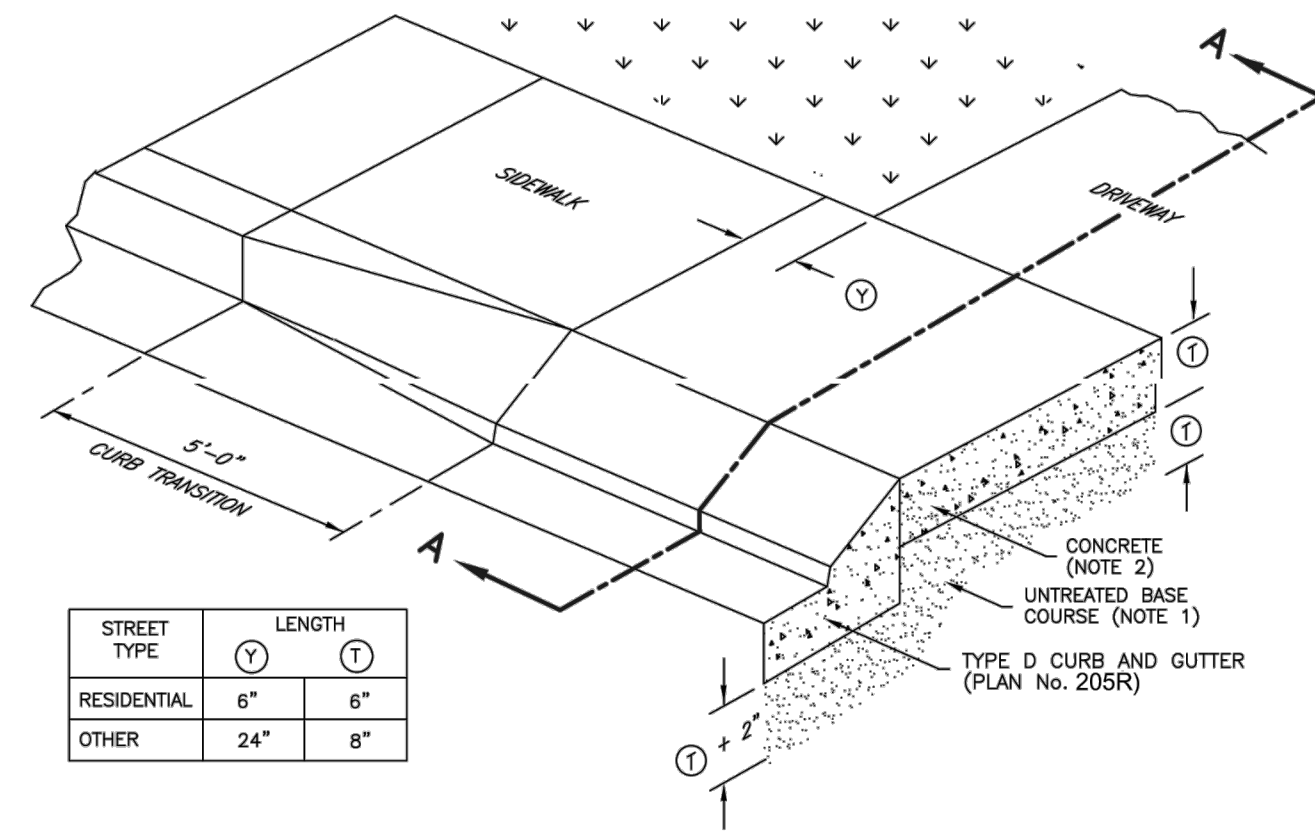
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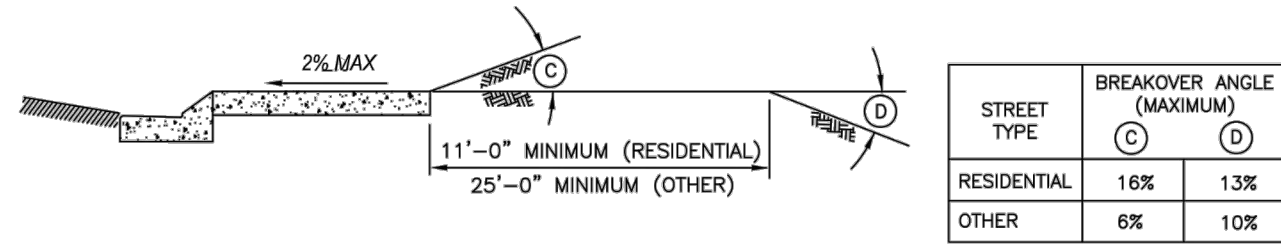
SITE PLAN

PROJECT NUMBER: 11466 PRINT DATE: 3/16/22
 DRAWN BY: H. CARTER CHECKED BY: J. CLEGG
 PROJECT MANAGER: J. CLEGG

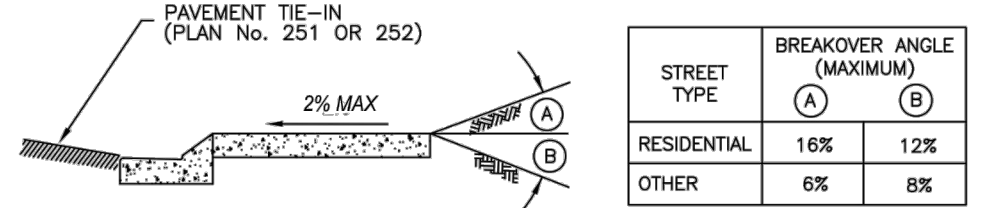
C-100



OBLIQUE



SECTION A-A - APPROACH REQUIRING SERVICE TRUCK ACCESS

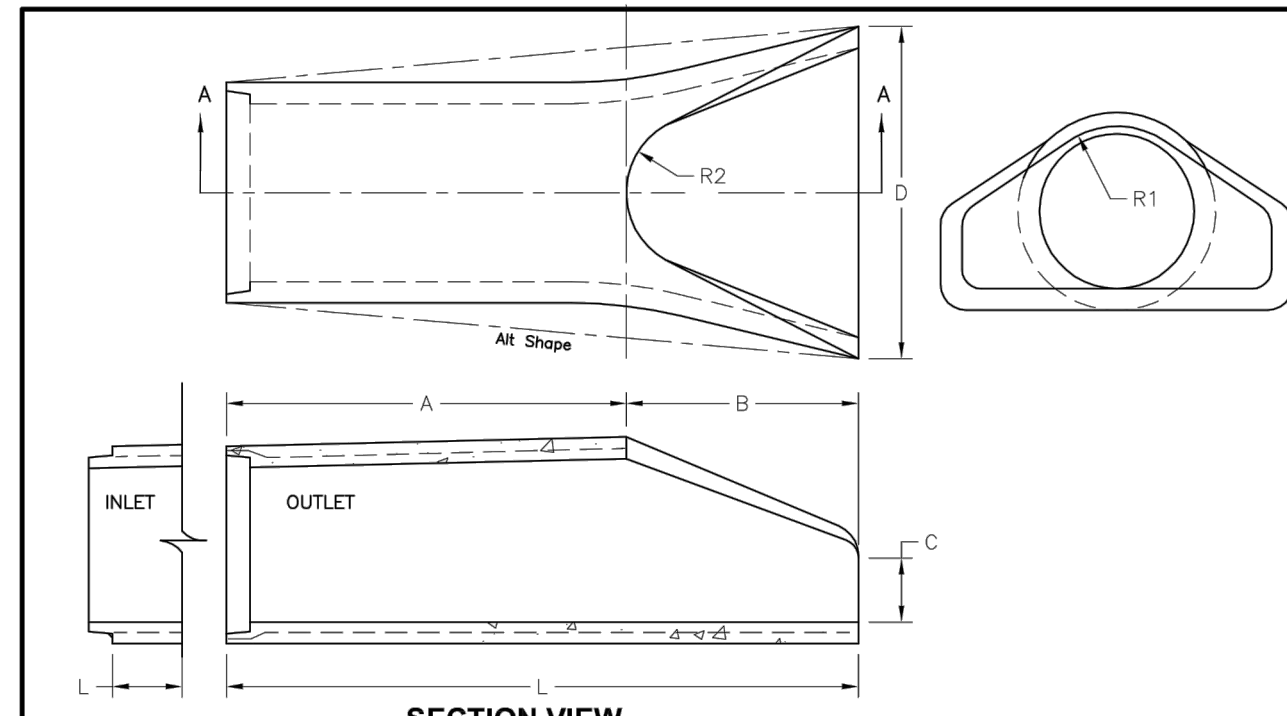


SECTION A-A - TYPICAL DRIVEWAY APPROACH



MOUNTABLE CURB
DRIVEWAY APPROACH

Plan No.
216 R
6/2014



ROUND PIPE FLARED END SECTIONS

DIAMETER	WATER AREA	OVERALL LAYING LENGTH	BARREL LENGTH	FLARE LENGTH	C	D	R1	R2	WALL THICKNESS	WEIGHT
inches	sq.ft.	ft-in	ft-in	ft-in	inch	inch	inch	inch	inch	lbs.
12	0.79	6'-1"	4'-1"	2'-0"	4	24	10.1/8	9	2	530
15	1.23	6'-1"	3'-10"	2'-3"	6	30	12.1/2	11	2.1/4	740
18	1.77	6'-1"	3'-10"	2'-3"	9	36	15.1/2	12	2.1/2	990
24	3.14	6'-1"	2'-6"	3'-7"	9.1/2	48	16.13/16	14	3	1520
30	4.91	6'-1"	1'-7"	4'-6"	12	60	18.1/2	15	3.1/2	2190
36	7.07	8'-1"	2'-11"	5'-3"	15	72	24.5/16	20	4	4100
42	9.62	8'-2"	2'-11"	5'-3"	21	78	27.1/2	22	4.1/2	5380
48	12.57	8'-2"	2'-2"	6'-0"	24	84	28.1/2	22	5	6500
54	15.90	8'-2"	2'-9"	5'-5"	27	90	33.1/8	24	5.1/2	8240
60	19.63	8'-3"	3'-3"	5'-0"	30	96	36.11/16	24	6	8730
66	23.76	8'-3"	2'-3"	6'-0"	24	102	36.1/8	24	6.1/2	10710

MEETS ASTM C-76



PIPEDATA

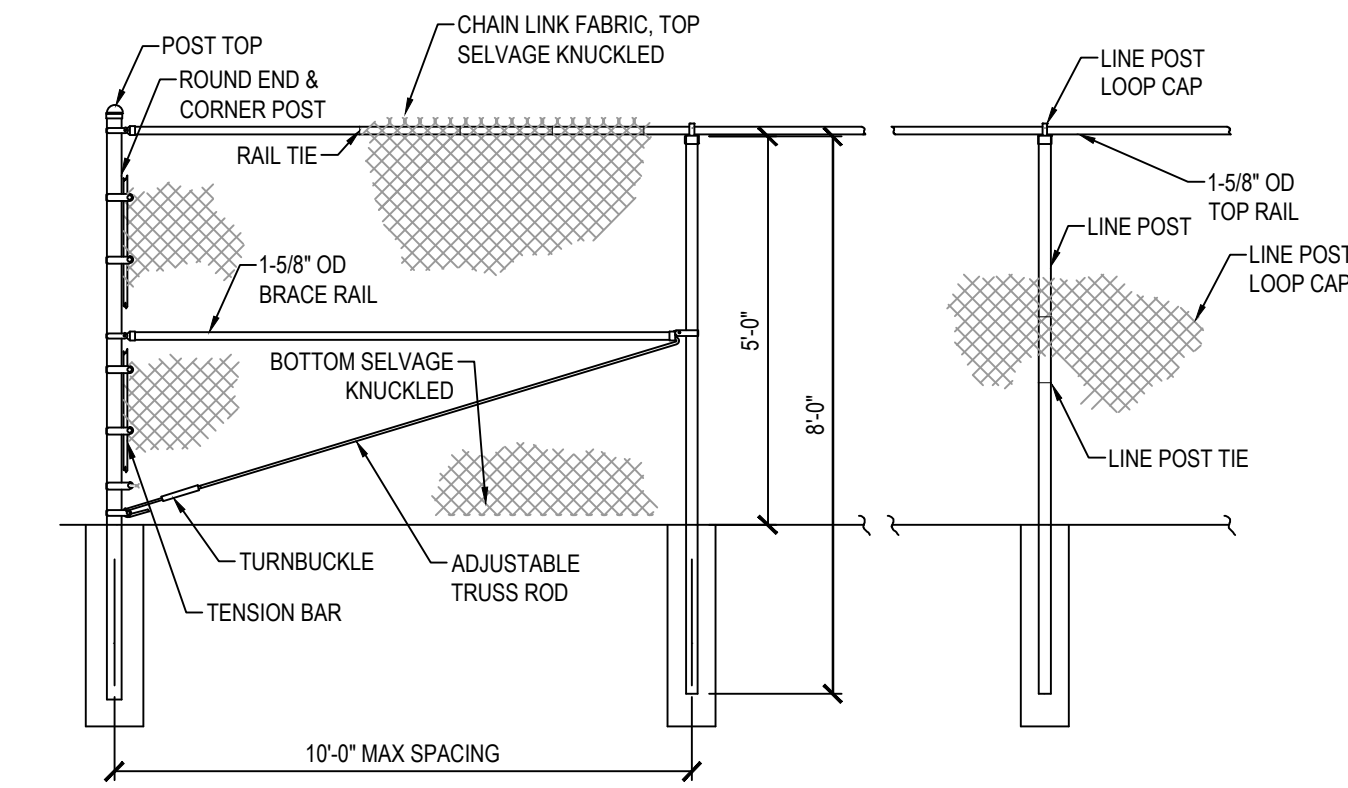
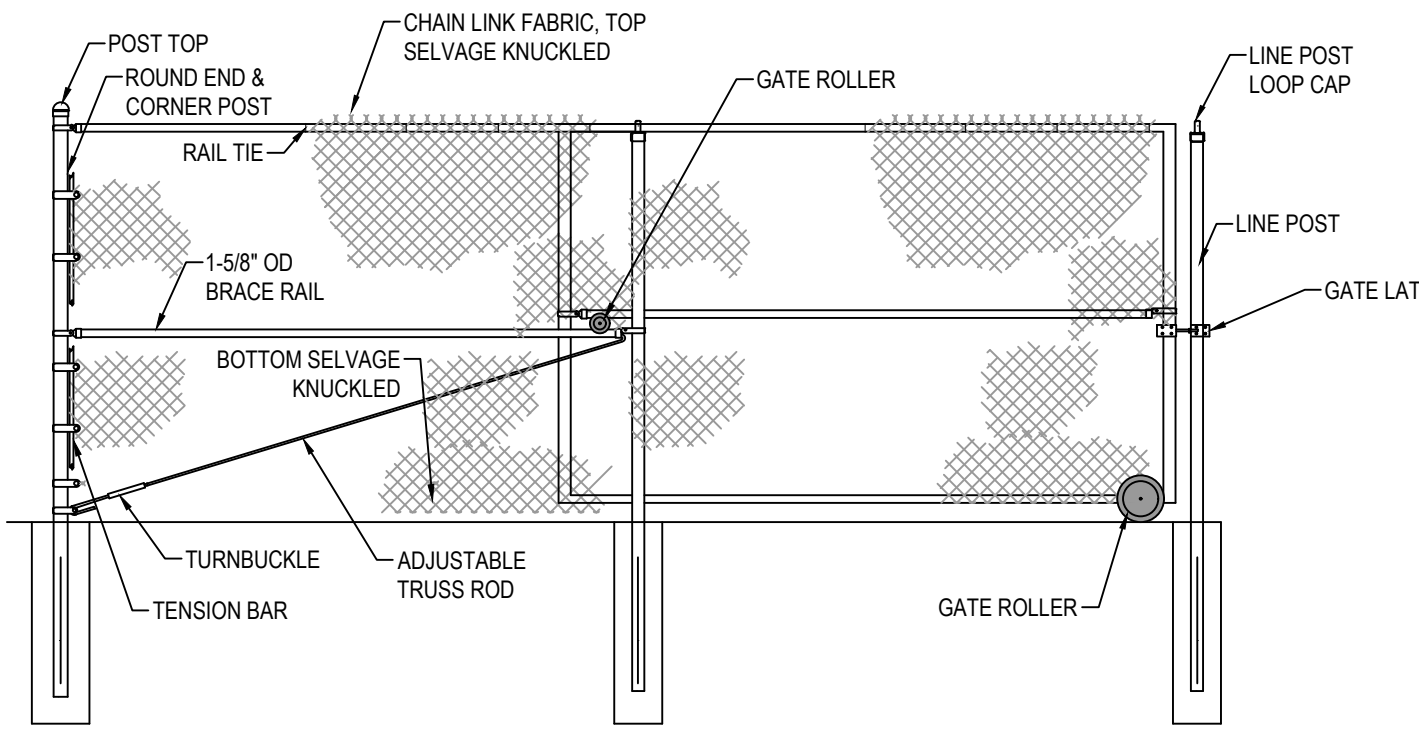
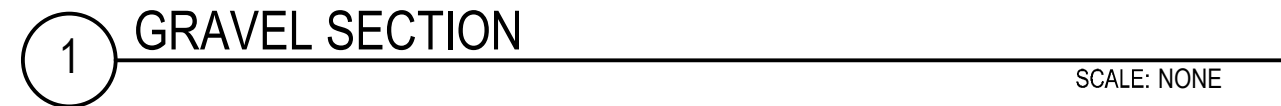
FILE NAME: 120DPCFLAREDDATA_DET

ISSUE DATE: January 2007

www.vanguardprecast.com

Round Flared End Section
Data Sheet

Copyright © 2007 Oldcastle Precast



TOOELE
169 N. Main Street, Unit 1
Tooele, UT, 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
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FOR:
TOOELE VALLEY PUMPING
214 CUMMARRON WAY
ERDA, UT 84074
CONTACT:
CALEB KNOBLAUCH
PHONE: 435-943-2169

TOOELE VALLEY PUMPING
STORAGE YARD
1200 WEST
TOOELE, UTAH 84074

For Review
03/16/2022 12:39:58 PM

DETAILS

PROJECT NUMBER
11466

PRINT DATE
3/16/22

DRAWN BY
H. CARTER

CHECKED BY
J. CLEGG

PROJECT MANAGER
J. CLEGG

C-200

STAFF REPORT

March 31, 2022

To: Tooele City Planning Commission
Business Date: April 13, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Bryant Minor Subdivision – Preliminary Subdivision Plan Request

Application No.: P22-147
Applicant: Clint Bryant
Project Location: Approximately 426 North Coleman Street
Zoning: RR-1 Residential Zone
Acreage: 1.06 Acres (Approximately 46,133 ft²)
Request: Request for approval of a Preliminary Subdivision Plan in the RR-1 Residential zone regarding the creation of one single-family residential lot.

BACKGROUND

This application is a request for approval of a Preliminary Subdivision Plan for approximately 1.06 acres located at approximately 426 North Coleman Street. The property is currently zoned RR-1 Residential. The applicant is requesting that a Preliminary Subdivision Plan be approved to facilitate the creation of a 1 acre single-family residential lot, being subdivided from a larger existing parcel of record.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Rural Residential land use designation for the subject property. The property has been assigned the RR-1 Residential zoning classification, supporting one dwelling unit per acre. The RR-1 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Rural Residential land use designation. Properties to the north and south of the subject property are zoned RR-1 Residential as is the property to the west. Properties to the east are zoned MR-8 Multi-Family Residential and is utilized as an existing mobile home park. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The applicant is proposing to carve off a 1 acre parcel from a larger 31.7 acre parcel or record. The subdivision plat creates the new lot in what is, essentially, a single-lot subdivision. A Preliminary Plan is required because the subdivision plat will also dedicate 2,573 square feet of public right-of-way along Coleman Street.

The subdivision itself is very straightforward. The new lot is slightly larger than 1 acre and nearly 205 feet in width thus meeting or exceeding minimum lot size and lot width minimum requirements as required in the RR-1 zoning district.

The preliminary plan shows four existing sheds or accessory structures throughout the site. The buildings, given their current locations, cannot remain if a new home is constructed on the property as the buildings are close enough to Coleman Street that any location where a new home might be placed would

result in the accessory buildings being located in the front yard, contrary to City codes, thus making them non-conforming. Tooele City cannot approve a subdivision that results in or creates new non-conforming situations with existing buildings or property lines. Therefore the existing buildings must be removed and the preliminary plans demonstrate this.

The subdivision will also require the installation of frontage improvements in addition to the dedication of the necessary right-of-way along Coleman Street. The improvements will include a five foot sidewalk, five foot park strip and curb and gutter, according to Tooele City's development standards.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Minor Subdivision submission and has issued a recommendation for approval for the request.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Minor Subdivision submission and have issued a recommendation for approval for the request.

Noticing. Preliminary Subdivision Plans do not require a public hearing and therefore do not require noticing. The item is on the agenda as a "recommendation" only.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary Subdivision Plan by Clint Bryant, application number P22-147, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.

5. The public services in the area are adequate to support the subject development.
6. The lot within the subdivision meets or exceeds all requirements of the RR-1 Residential zoning district for lot size, lot width and lot frontages.
7. The creation of the lot will not result in the creation of any non-conformities regarding existing buildings and property lines.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Bryant Preliminary Subdivision Plan Request by Clint Bryant, for the purpose of creating one single-family residential lot at approximately 426 North Coleman Street, application number P22-147, based on the findings and subject to the conditions listed in the Staff Report dated March 31, 2022:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Bryant Preliminary Subdivision Plan Request by Clint Bryant, for the purpose of creating one single-family residential lot at approximately 426 North Coleman Street, application number P22-147, based on the following findings:”

1. List findings...

EXHIBIT A

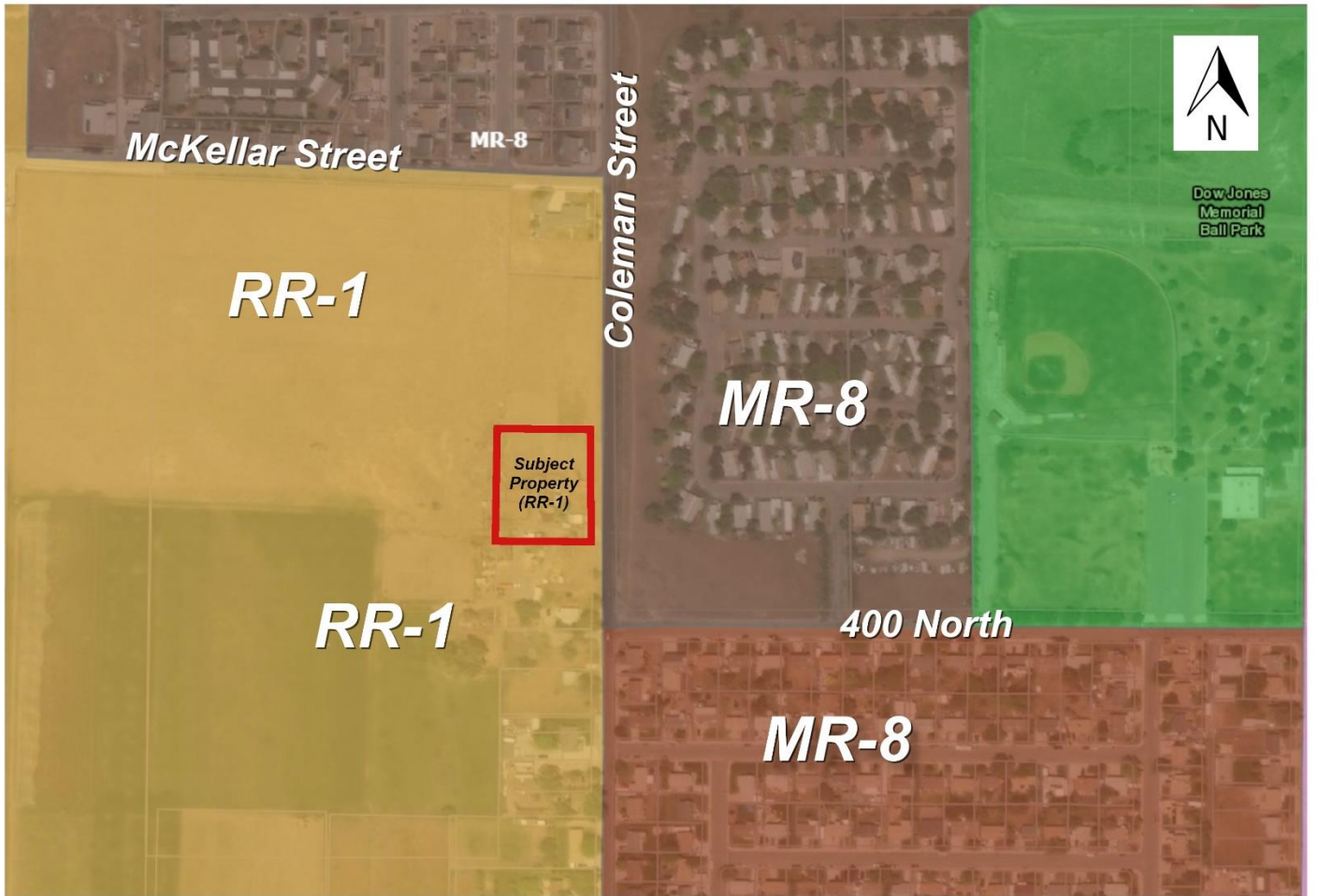
MAPPING PERTINENT TO THE BRYANT SUBDIVISION PRELIMINARY PLAN

Bryan Preliminary Subdivision Plan



Aerial View

Bryan Preliminary Subdivision Plan



Current Zoning

EXHIBIT B
PROPOSED DEVELOPMENT PLANS

Minor Subdivision Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the plat and plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of plat and plans are submitted, the plat and plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plat and plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted plat and plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of final plat and plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all plans be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission:	Submittal #: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone: RR-1	Acres: 1.00	Parcel #(s): 02-082-0-0039	
Project Name: Bryant Minor Subdivision					
Project Address: 426 N Coleman Street					
Project Description: Creating minor sub for a new home			Phases: 1	Lots: 2	
Property Owner(s): Janice T Clegg Trustee			Applicant(s):		
Address: 257 N Coleman			Address: 401 N. Coleman St.		
City: Tooele	State: Utah	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone:	Email:	Phone: 435-840-4192 Email: clint.bryant04@gmail.com			
Contact Person: Clint Bryant			Address: ''		
Phone: 435-840-4192			City: '' State: '' Zip: ''		
Cellular:	Fax:	Email: clint.bryant04@gmail.com			
Engineer & Company: Ensign Engineering			Surveyor & Company: Ensign Engineering		
Address: 169 N Main Street, Unit 1			Address: 169 N Main Street, Unit 1		
City: Tooele	State: Utah	Zip: 84074	City: Tooele	State: Utah	Zip: 84074
Phone: (435) 843-3590	Email: thussey@ensignutah.com	Phone: (435) 843-3590 Email: thussey@ensignutah.com			

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

For Office Use Only					
Land Use Review:	Date:	Water Superintendent Review:	Date:	City Engineer Review:	Date:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:	Director Review:	Date:
Fire Flow Test					
Location:	Residual Pressure:	Flow (gpm):	Min. Required Flow (gpm):		
Performed By:	Date Performed:	Corrections Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments Returned: Date: <input type="checkbox"/> Yes <input type="checkbox"/> No		



CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK

THE EAST QUARTER CORNER OF SECTION 20,
TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
ELEV = 4867.39

**PRELIMINARY PLAT
BRYANT MINOR SUBDIVISION**

LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 20, TOWNSHIP 3 SOUTH, RANGE 4
WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Douglas J. Kinsman do hereby certify that I am a Professional Licensed Land Surveyor, and that I hold Certificate No. 334575 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots, hereafter to be known as Bryant Minor Subdivision, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

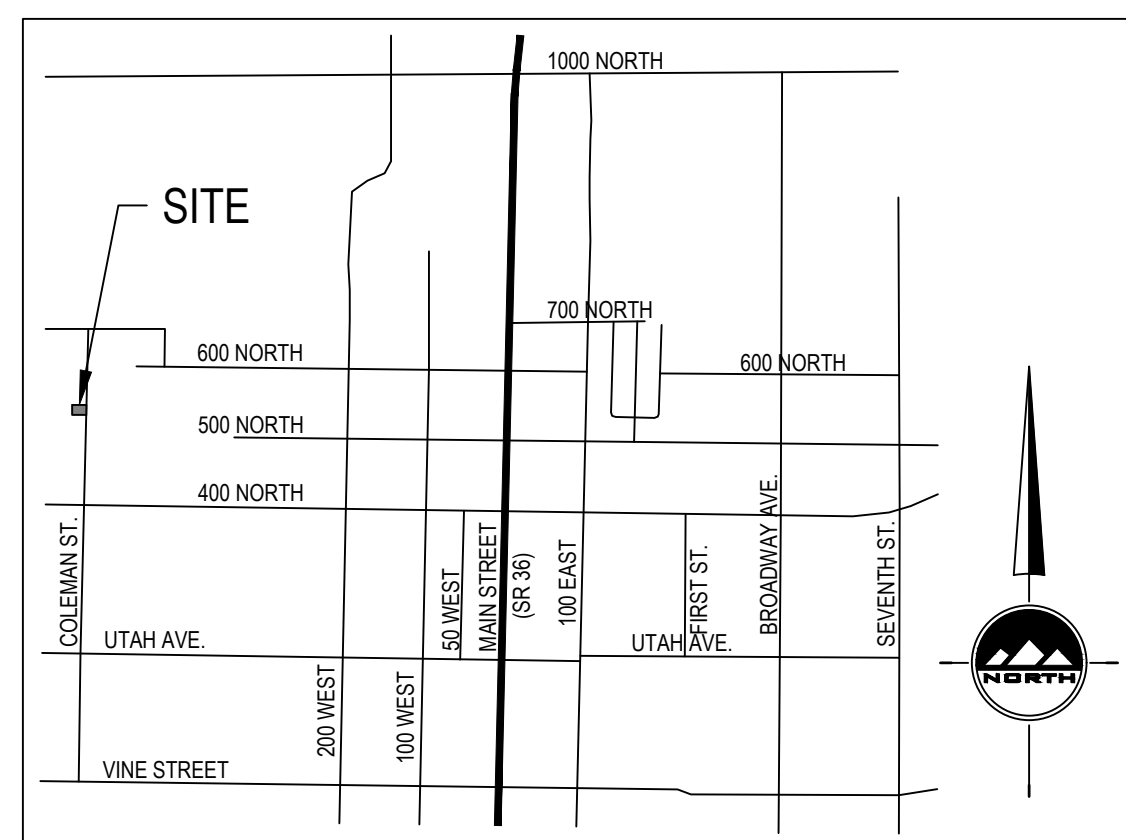
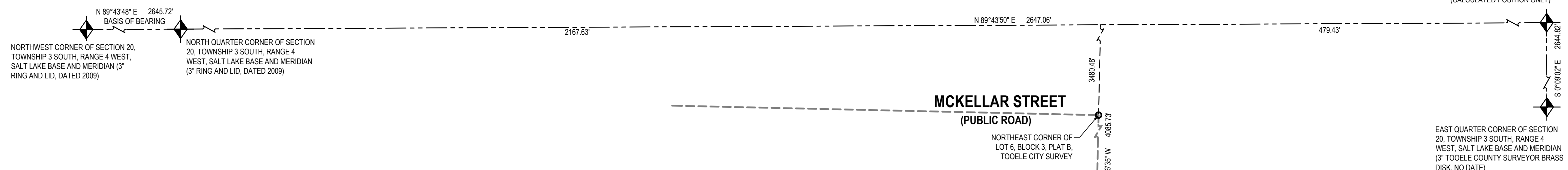
A parcel of land, situate in the Southeast Quarter of Section 20, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel also located in Tooele County, Utah, more particularly described as follows:
Beginning at a point which is located North 89°43'50" East 2167.63 feet along the Section Line, and South 1°16'35" West 4085.73 feet to and along the East line of Lot 6, Block 3, Plat B, of Tooele City Survey, Book 2, Page 82, as recorded in the Tooele County Records Office, from the North Quarter Corner of Section 20, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 1°16'35" West 205.95 feet more or less along and beyond a barb wire fence;
thence North 89°44'51" West 223.25 feet more or less to, along, and beyond a barb wire fence
thence North 0°50'24" East 205.93 feet;
thence South 89°44'51" East 224.82 feet to the Point of Beginning;

Parcel contains: 46.133 square feet, or 1.06 acres, 1 Lot, 1 Parcel.

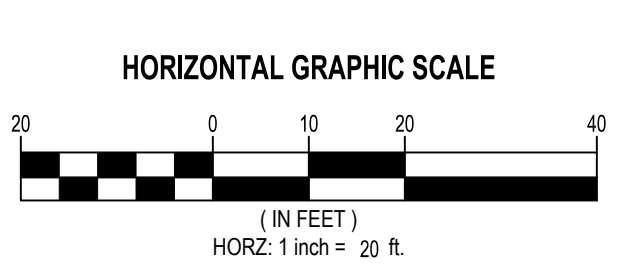
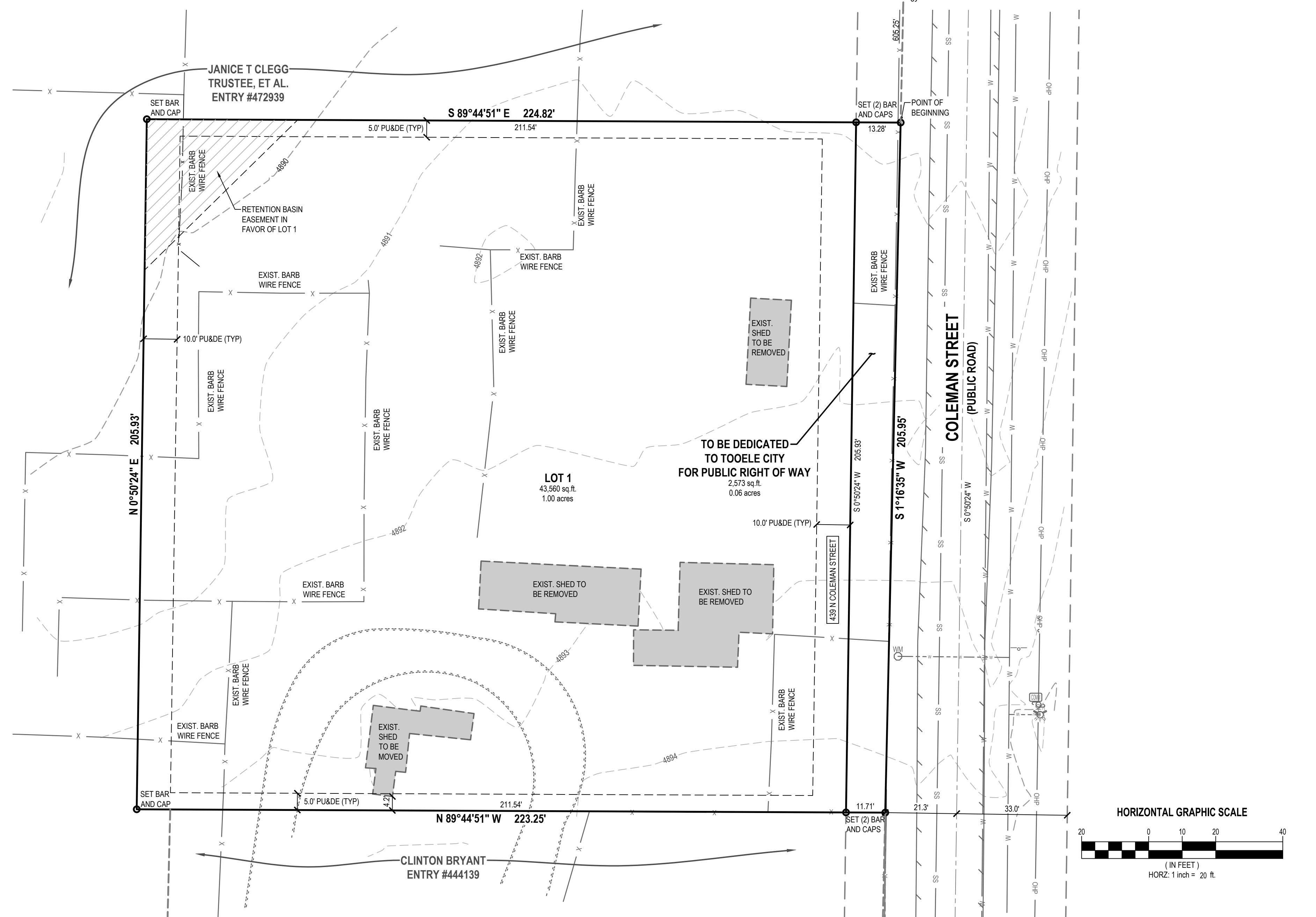
MARCH 11, 2022

Date
Douglas J. Kinsman
License no: 334575



LEGEND

	SECTION CORNER		ADJACENT RIGHT OF WAY
	EXIST REBAR AND CAP		CENTERLINE
	SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."		PROPERTY LINE
	WATER METER		ADJACENT PROPERTY LINE
	WATER VALVE		FENCE
	FIRE HYDRANT		EDGE OF ASPHALT
	SANITARY SEWER MANHOLE		SANITARY SEWER LINE
	UTILITY POLE		OVERHEAD POWER LINE
	LIGHT		EXISTING CONTOURS
			CONCRETE
			BUILDING
			RETENTION EASEMENT



SHEET 1 OF 1
PROJECT NUMBER: T1183A
MANAGER: D. KINSMAN
DRAWN BY: T. HUSSEY
CHECKED BY: D. KINSMAN
DATE: 3/11/2022

DEVELOPER
CLINTON BRYANT
401 NORTH COLEMAN STREET
TOOELE, UTAH 84074
435-840-4192

TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435-843-3590
Fax: 435-578-0108
WWW.ENSGNENG.COM

SALT LAKE CITY
LAYTON Phone: 801-250-0529
CEDAR CITY Phone: 435-883-1403
RICHFIELD Phone: 435-896-2983

FIRE CHIEF APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY TOOELE CITY FIRE CHIEF

TOOELE CITY FIRE CHIEF

COMCAST APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY COMCAST

COMCAST

PARKS DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY TOOELE CITY PARKS DEPARTMENT

TOOELE CITY PARKS DEPARTMENT

CENTURYLINK APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY CENTURYLINK

CENTURYLINK

CITY ATTORNEY'S APPROVAL
APPROVED AS TO FORM ON THIS _____ DAY OF
A.D. 20____

TOOELE CITY ATTORNEY

POST MASTER APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY POST MASTER

POST MASTER

CITY ENGINEER'S APPROVAL
APPROVED AS TO FORM ON THIS _____ DAY OF
A.D. 20____

TOOELE CITY ENGINEER

COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

COMMUNITY DEVELOPMENT APPROVAL
APPROVED AS TO FORM ON THIS _____ DAY OF
A.D. 20____

TOOELE CITY COMMUNITY DEVELOPMENT

SCHOOL DISTRICT APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY TOOELE COUNTY SCHOOL DISTRICT

TOOELE COUNTY SCHOOL DISTRICT

COUNTY RECORDER APPROVAL
REVIEWED THIS _____ DAY OF _____, A.D. 20____
BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD.

TOOELE COUNTY RECORDER

CHIEF OF POLICE APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY TOOELE CITY CHIEF OF POLICE

TOOELE CITY CHIEF OF POLICE

CITY COUNCIL APPROVAL
APPROVED THIS _____ DAY OF _____, 20____
BY TOOELE CITY COUNCIL

CHAIRMAN TOOELE CITY COUNCIL

DOMINION ENERGY
DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____, A.D. 20____

DOMINION ENERGY

BY _____

TITLE _____

ROCKY MOUNTAIN POWER COMPANY
1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
(1) A RECORDED EASEMENT OR RIGHT-OF-WAY
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
(4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20____

ROCKY MOUNTAIN POWER

BY _____

TITLE _____

**PRELIMINARY PLAT
BRYANT MINOR SUBDIVISION**

LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 20, TOWNSHIP 3 SOUTH, RANGE 4
WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY
PLANNING COMMISSION:



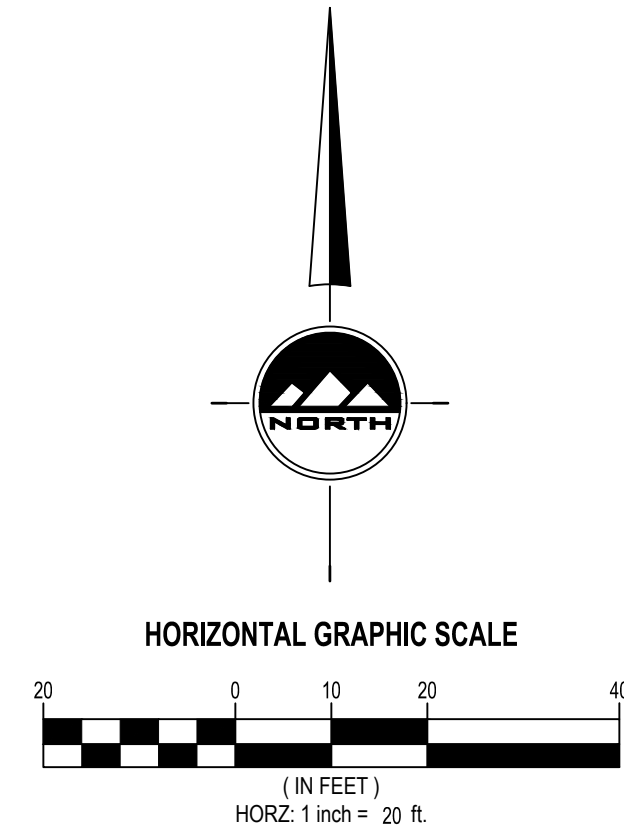
GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
8. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
9. ALL CONSTRUCTION SIGNAGE, BARRICADES, TRAFFIC CONTROL DEVICES, ETC. SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. THE CONTRACTOR WILL MAINTAIN SUCH SO THAT THEY ARE PROPERLY PLACED AND VISIBLE AT ALL TIMES.
10. SIDEWALKS AND CURBS DESIGNATED TO BE DEMOLISHED SHALL BE DEMOLISHED TO THE NEAREST EXPANSION JOINT, MATCHING THESE PLANS AS CLOSELY AS POSSIBLE.
11. ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY STANDARD PLANS AND SPECIFICATIONS.
12. ALL WATER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY OR APWA STANDARD PLANS AND SPECIFICATIONS.
13. DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
14. PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
15. THE CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL/PLUMBING PLANS.
16. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
17. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- 1 ASPHALT PAVEMENT PER DETAIL 1/C-400.
- 2 SAWCUT EXISTING ASPHALT PAVEMENT TO PROVIDE A CLEAN EDGE FOR THE TRANSITION BETWEEN EXISTING AND PROPOSED ASPHALT PAVEMENT.
- 3 REMOVE AND PROPERLY DISPOSE OF EXISTING ASPHALT PAVEMENT.
- 4 INSTALL BITUMINOUS PAVEMENT T-PATCH PER APWA 255.
- 5 CONNECT TO EXISTING SEWER MAIN PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 431R.
- 6 EXISTING WATER LATERAL WITH WATER METER TO BE REMOVED AND REPLACED WITH NEW LATERAL (1" MINIMUM) AND WATER METER.
- 7 5' SIDEWALK PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 293R.
- 8 TYPE A CURB AND GUTTER PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 293R.
- 9 NEW WATER METER TO BE INSTALLED IN PARK STRIP.



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BRYANT MINOR SUBDIVISION
401 NORTH COLEMAN STREET
TOOELE, UTAH 84074



**SITE PLAN/
UTILITY PLAN**

PROJECT NUMBER: T1183A
PRINT DATE: 3/11/22
DRAWN BY: T. HUSSEY
CHECKED BY: C. CARPENTER
PROJECT MANAGER: D. KINSMAN

C-100

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, March 23, 2022

Time: 7:00 p.m.

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

Commission Members Present:

Melanie Hammer
Nathan Thomas
Chris Sloan
Matt Robinson
Tyson Hamilton
Weston Jensen
Paul Smith
Alison Dunn

Commission Members Excused:

Melodi Gochis

City Council Members Present:

Maresa Manzione

City Council Members Excused:

Ed Hansen

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Thomas.

2. Roll Call

Melanie Hammer, Present
Nathan Thomas, Present
Chris Sloan, Present
Matt Robinson, Present

Tyson Hamilton, Present
Weston Jensen, Present
Paul Smith, Present
Alison Dunn, Present
Melodi Gochis, Excused

3. Recommendation on a Zoning Map Amendment by the SJ Managing Company for the Proposed One O’Clock Hill Development to Reassign the Zoning for Approximately 38 Acres Located at Approximately 900 South Main Street (South Side of SR-36) from the RR-1 Residential Zoning District with the Sensitive Area Overlay to the R1-7 Residential Zoning District and Removing the Sensitive Area Overlay from the Development Portions of the Property

Mr. Aagard presented information on the zoning map amendment for the 30-acre property located near SR-36 and One O’clock and Two O’clock Drive. The property is currently zoned RR-1 Residential, requiring one-acre lots, and bears the Medium Density Residential land use designation. The applicant is asking for a portion of the Sensitive Area Overlay to be removed. A concept plan had been presented and shows it is possible to develop between 90 and 130 residential lots. The Planning Commission tabled the review and requested studies of the site, including potential hazards, traffic, geotechnical, and rock fall studies. All studies have been provided by the applicant, including a letter from Rocky Mountain Power regarding the power lines. This item was first heard on September 8th and met the requirements for a public hearing.

Mr. Johnson, the applicant, addressed the Planning Commission. They have done extensive studies and provided a general landscape plan. All studies have shown the land is developable. They are asking for a small strip of the Sensitive Area Overlay to be removed.

The Planning Commission shared their concerns on the following:

The trail being a part of the City or County property, building on or near this property could reduce the migration pattern of the wildlife, and the property not having much use otherwise.

Mr. Johnson addressed the Planning Commission’s concerns. They would like to put a trail in for the community and work with the City to maintain it and allow everyone access to it.

Mr. Baker gave a reminder to the Planning Commission; If they believe there are recommendations in the studies that need to be a part of the development, the Planning Commission should make the study recommendations as conditions to their recommendation to the City Council and add them to the motion. While their vote is a recommendation, conditions have to be stated in the motion for them to be binding conditions.

Commissioner Smith shared his reasoning for not supporting the zoning amendment, including the wildlife migration and the area not being a good fit to build.

Commissioner Thomas motion to recommend a positive for Zoning Map Amendment by the SJ Managing Company for the Proposed One O’Clock Hill Development to Reassign

the Zoning for Approximately 38 Acres Located at Approximately 900 South Main Street (South Side of SR-36) from the RR-1 Residential Zoning District with the Sensitive Area Overlay to the R1-7 Residential Zoning District and Removing the Sensitive Area Overlay from the Development Portions of the Property based on the findings and conditions in the staff report and recommendations in the subsequent specific reports, and the trail to be a part of the project. Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Chairman Robinson, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Naye”. The motion passed.

4. Public Hearing and Recommendation on a City Code Text Amendment Request by Tooele City for Ordinance 2022-10 An Ordinance of the Tooele City Council Proposing Amendments to Chapter 7-24 of the Tooele City Code Regarding Annexation.

Mr. Baker presented a proposed City Code text amendment for chapter 7-24 regarding annexation. The changes are mostly to remove old procedural provisions that cross reference State code that are outdated or obsolete. They have made specific updates to the procedural steps that are required by State law and the City’s actual practice, as well as specifying various studies that are important to give the City Council the information they need for informed annexation decisions. They are the same studies that have been required by the City for ten years. The City is giving more predictability of what will be asked or required before petitioners come to the Commission or the Council. Staff has also worked on clarifying some procedural steps. The City Code specifies the annexation needs to be approved by 2/3 of the City Council. Mr. Baker recommended 2/3 be changed to 4/5 to reflect an actual supermajority in a five-member public body. The City Council discussed some of the pros and cons of having a super majority vote versus a simple majority vote. Mr. Baker indicated that a previous City Council appeared to believe that annexations are of such policy importance that a simple majority should not be able to approve them and permanently change the City, but that a super-majority should be required.

The Planning Commission had concerns on the change effecting the pending annexation and anything current from the legislative session being included. The discussion included a general outline of what the Council discussed in their previous work meeting. A portion of the Council believed simple majority was adequate because there are so many hurdles for annexation standpoints with each decision being important.

Mr. Baker addressed the Commission’s questions and concerns. There is an annexation application pending, but the changes should not affect it. The changes will match what is happening with the current annexation. If the Council changes approval to simple majority, that would apply to the current annexation petition. To Mr. Baker’s awareness, the latest legislative session should not affect the annexation amendments.

Council Member Manzione addressed the Commission. By the time it reaches the Council, the annexation application has been thoroughly vetted.

Chairman Robinson opened the public hearing. No one came forward. The public hearing was closed.

Chairman Robinson, Commissioner Hammer, and Commissioner Smith support the super majority, because it removes any ambiguity.

Commissioner Sloan and Commissioner Thomas supports the simple majority, because the application has been vetted through the many requirements before it reaches City Council.

Commissioner Sloan motion to recommend a positive for Recommendation on a City Code Text Amendment Request by Tooele City for Ordinance 2022-10 An Ordinance of the Tooele City Council Proposing Amendments to Chapter 7-24 of the Tooele City Code Regarding Annexation with the exception the threshold be changed to simple majority.

Commission Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Naye”, Commissioner Thomas, “Aye”, Chairman Robinson, “Naye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Naye”. The motion passed.

5. Public Hearing and Recommendation on a City Code Text Amendment Request by Tooele City to Revise the Provisions of Table 2 of Chapter 7-16 of the Tooele City Code to Amend Certain Set Back Requirements in the Various Nonresidential Zoning Districts

Mr. Bolser presented an amendment request to the Tooele City Code Chapter 7-16, Table 2, amending the nonresidential zoning district setbacks. The City addressed a zoning text amendment regarding the Industrial zone setbacks from 30 feet to 15 feet, enabling the existing buildings in the Industrial Depot to be subdivided without violating setbacks. The setbacks for the Light Industrial, Industrial Service, and Research and Development zones were increased to 15 feet for side yards and 20 feet for rear yards. They have received applications that have found the setbacks to be cumbersome or prohibiting. The proposed text amendment, reduces the side yard to five feet and rear yards to ten feet for maintenance and water drainage. Previous to the amendment, the setbacks are allowed to be as little as zero feet. The notes below the tables will also be clarified.

Chairman Robinson opened the public hearing. No one came forward. The public hearing was closed

Commissioner Sloan motion to forward a positive recommend a positive for a City Code Text Amendment Request by Tooele City to Revise the Provisions of Table 2 of Chapter 7-16 of the Tooele City Code to Amend Certain Set Back Requirements in the Various Nonresidential Zoning Districts based on the findings in the staff report.

Commission Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Commissioner Robinson, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

6. Discussion on Ordinance 2022-11 An Ordinance of Tooele City Enacting a Temporary Zoning Ordinance Regarding Garage Parking in Multi-Family Residential Developments

Mr. Baker indicated his purpose of introducing the Commission to a temporary zoning ordinance regarding garage parking being counted for minimum required off-street parking in residential areas. There is a legal doctrine called the pending ordinance rule. Once a temporary zoning ordinance is put in place, all developments have to follow the it until it ends at six months or a new rule takes effect. If there is an important enough reason, compelling and countervailing, the City Council can impose a temporary zoning ordinance without the Planning Commission's recommendation and with public hearings. This is to help prevent a rush of applications to vest in the current regulations while new regulations are being formulated and are going through the regular process for enacting new land use ordinances.

The Planning Commission asked the following questions:

What is the difference between the temporary ordinance and a moratorium?

Does the new rule have to mirror the temporary ordinance?

Mr. Baker addressed the Planning Commission. The Council cannot declare a moratorium on their own rules, but they can change their rules. The pending ordinance doctrine allows the rules to change immediately without going through the regular process. It is temporary and for a period of up to 6 months. At 6 months, the ordinance will revert to previous or they need to have adopted something new. The new rule does not have to mirror the temporary ordinance. Any change has to go through the regular process. The current rules require two parking spaces for a single-family dwelling, which is usually accomplished by a driveway long and wide enough for two cars, and require garages with minimum dimensions. The concern is garages are often used for storage, and whether to count the garage apart of the minimum required off-street parking spaces. City Hall has received many complaints regarding on-street parking. Some townhouse developments do not have driveways or other off-street parking, and because of the higher densities more of the street frontage is used for drive approached, reducing the amount of on-street parking, forcing parking to spill over into neighboring developments. On-street parking during snow events is a violation of the City Code because it prevents safe and adequate snow plowing. In the opinion of the City Administration, this rises to the level of a compelling, countervailing public interest. The ordinance being presented is for a maximum six-month period, allowing garage space to not be included in off street parking. Anything proposed as a new permanent regulation will come back for further discussion and recommendations.

The Planning Commission shared their personal experience, expressing the need for the ordinance. They asked the following questions about the current requirements:

Does the City require the driveway to be long enough and wide enough to fit two cars?

What are the requirements for residential areas?

Is six months a realistic timeline to get the new ordinance in place?

Mr. Baker addressed the Planning Commission concerns. The process will include looking at the off-street parking requirements for single family, townhomes, and apartments. The requirement for single-family detached housing is 25 feet, requiring a two-car garage, and a 20-foot depth

between house and street, which required a driveway that accommodates two cars. The City does require setbacks in driveways and garages, requiring two spaces, and requiring off street parking. There are no extensions to the 6-month maximum. City staff must work efficiently to bring something forward before the temporary regulation reverts back to the current rule. The six months started with a public notice published on Friday, March 18th.

The Planning Commission shared their support.

7. City Council Reports

Council Member Manzione presented a brief overview of the City Council's meeting. The City Council wanted to hear a discussion and the opinions of the Commission regarding the annexation change. The Mayor is starting 'Monday with the Mayor', a presentation and discussion for the community. The meetings will be held the first Monday of every month in person or on Facebook live.

8. Review and Approval of Planning Commission Minutes for the Meeting Held on March 9, 2022.

There were no changes to the minutes

Commissioner Hamilton motion to approve the Planning Commission minutes from March 9, 2022. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman Robinson, "Aye," Commissioner Hamilton, "Aye", Commissioner Sloan, "Aye", Commissioner Jensen, "Aye", and Commissioner Smith, "Aye". The motion passed.

9. Adjourn

Chairman Robinson adjourned the meeting at 8:07 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 ____ day of April, 2022

Matt Robinson, Tooele City Planning Commission Chair