

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, December 14, 2022

Time: 7:00 p.m.

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

Commission Members Present:

Melanie Hammer

Matt Robinson

Tyson Hamilton

Weston Jensen

Chris Sloan

Melodi Gochis

Jon Proctor

Commission Members Excused:

Alison Dunn

City Council Members Present:

Ed Hansen

Maresa Manzione

City Employees Present:

Andrew Agard, City Planner

Jim Bolser, Community Development Director

Paul Hansen, City Engineer

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 Robinson.

2. Roll Call

Melanie Hammer, Present

Matt Robinson, Present

Tyson Hamilton, Present

Weston Jensen, Present

Chris Sloan, Present

Melodi Gochis, Present

Jon Proctor, Present

Mr. Smith is resigning from the Planning Commission.

3. Public Hearing and Decision on a Conditional Use Permit Request by Tim Ryan Representing Bout Time Pub and Grub for a “Private Club / Bar” Use on Property Located at 615 North Main Street on 0.80 Acres in the GC General Commercial Zoning District

Mr. Aagard presented information on a Conditional Use Permit for the restaurant located near Phil’s Glass. It is zoned GC, General Commercial. The applicant is requesting the permit for a sports bar and pub. Staff is recommending approval with the conditions listed in the staff report.

The public hearing was opened. No one came forward. The public hearing was closed.

Commissioner Hamilton motioned to approve a Conditional Use Permit Request by Tim Ryan Representing Bout Time Pub and Grub for a “Private Club / Bar” Use on Property Located at 615 North Main Street on 0.80 Acres in the GC General Commercial Zoning District based on the findings and subject to the conditions in the staff report.

Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

4. Public Hearing and Recommendation on a Zoning Map Amendment Request by Wag staff Investments, LLC to Re-Assign the Zoning for Approximately 2.0Acres Located at the Northeast Corner of Franks Drive and 1000 North fromtheMR-16 Multi-Family Residential Zoning District to the RC Regional Commercial Zoning District

Mr. Aagard presented information on a Zoning Map Amendment for the property located near Franks Drive and 1000 North. The Land Use was recently approved by the City Council to RC, Regional Commercial. It is zoned MR-16, Multi-Family Residential. The applicant is requesting it to be rezoned to RC, Regional Commercial to facilitate a Holiday Oil. Public notices were sent out and some comments were received via email.

The public hearing was opened. No one came forward. The public hearing was closed.

Commissioner Proctor motioned to forward a positive recommendation on a Zoning Map Amendment Request by Wag staff Investments, LLC to Re-Assign the Zoning for Approximately 2.0Acres Located at the Northeast Corner of Franks Drive and 1000 North fromtheMR-16 Multi-Family Residential Zoning District to the RC Regional Commercial Zoning District based on the findings and subject to the conditions in the staff report.

Chairman Robinson seconded. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

5. Public Hearing and Recommendation on Ordinance 2022-40 An Ordinance of the Tooele City Council Amending Tooele City Code Section 7-1-5 and Chapter 7-15 Regarding Fair Housing and Residential Facilities for Persons with a Disability

Mr. Baker presented an ordinance on amending Tooele City Code Section 7-1-5 and Chapter 7-15. The number of people that can live in one home is defined in the City Code. A family is defined as an individual, two or more people related by blood or marriage, or up to four unrelated people. The Americans with Disabilities Act and Federal Fair Housing Act do state that they have the right to housing on an equal basis with non-disabled people, and the government may have to allow a reasonable accommodation. The science has shown for a group of disabled people to provide for each other, the clinically effective level of support is about eight people. For homes like this, they have asked the City for special accommodations allowing more than four unrelated disabled people to live together as a family. If there is a need and it is demonstrated, the City must allow it. Ordinance 2022-40 is to amend the definition of the word family and add up to eight disabled unrelated persons. The staff is also recommending amendments to the chapter to supplement and fill in gaps in the ordinance.

The Planning Commission had the following questions and concerns.

Does the eight include staff or caretakers on site?

Does there need to be a code or amendment to have a business be a part of this ordinance?

Is there consideration for parking of this many people in one home?

Is there anything in this ordinance that clashes with the ADU Ordinance?

Mr. Baker addressed the Planning Commission. Due to this not being a business, there will not be any staff. This is a group of unrelated people living as a family in a home. The Commission and Council recently approved an Ordinance for residential treatment center in the Mixed Use-General zoning district, but a treatment center is not a home. Many of the people that are living in a home like this is because they are addicts that need support from a larger group. Due to the group being identified as a family, additional parking is not required, just as it would not be for any other large family. The ADU Ordinance requires for detached or attached accessory dwelling units, one additional parking space per bedroom. Internal dwelling units are not required to provide additional parking, per state code.

The public hearing was opened.

Steve Valerio shared concerns of how this may affect the neighborhood and community.

The public hearing was closed.

Mr. Baker addressed the Commission. Both South Ogden and Sandy group home ordinances were drafted by the same Attorney, who is an expert in federal fair housing law. In Sandy, the city code does not include an automatic reasonable accommodation for up to eight disabled people in one home. Each case requires an application and a hearing before an attorney versed in fair housing law, who issues a decision on the application. The process costs Sandy about \$5,000 per application. South Ogden has chosen to codify an automatic reasonable

accommodation of up to eight disabled people with an application or hearing, recognizing that most such applications would be approved anyway, and thus saving on the cost. By enacting this in the City Code, it is saving money in the budget. This is a group home scenario. A group home is a single-family dwelling occupied by up to eight people. Notice is not required to be given to the neighborhood because of the laws that are in place to protect those that are disabled. It is legally and socially questionable and unkind thing to subject disabled people to the process of requiring notice to neighbors or going through a public hearing.

Commissioner Sloan motioned to forward a positive recommendation. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

6. Recommendation on a Subdivision Plat Amendment Request by Cook Builders to Amend Lots 2, 3, and 4 of the Existing Oristruts Subdivision Amended Plat for Property Located at Approximately 600 East 2400 North Affecting 4.5 Acres in the GC General Commercial Zoning District

Mr. Aagard presented information on a Subdivision Plat Amendment for the property located Approximately 600 East 2400 North. It is zoned GC, General Commercial. Lot 2, 3, and 4 are the effected lots. The applicant is asking those lines to be combined, allowing them to be compliant when they build.

Commissioner Hamilton motioned to forward a positive recommendation on a Subdivision Plat Amendment Request by Cook Builders to Amend Lots 2, 3, and 4 of the Existing Oristruts Subdivision Amended Plat for Property Located at Approximately 600 East 2400 North Affecting 4.5 Acres in the GC General Commercial Zoning District based on the findings and subject to the conditions listed in the staff report. Commissioner Gochis seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

7. Decision on a Site Plan Design Review Request by DR Horton for the Western Acres Phase 2A Townhome Development Located at Approximately 1800 North 300 East on Approximately 11.4 Acres in the MR-16 PUD Multi-Family Residential Zoning District

Mr. Aagard presented information on a site plan design review by DR Horton for the property located near 1800 North and 300 East. This is phase two of the Western Acres townhome development. It is zoned MR-16 PUD. There are no new road connections, picking up where phase one stops. There will be construction of three types of townhomes; rear-loaded, front-loaded, and no garage townhomes. Six new amenities are proposed for this phase. Solid view fencing is required where the project is adjacent to overpass point or different zoning. A condition is to address the fencing. In the South-west corner, there are 10 units without garages.

There is no covered parking proposed for that location. With the conditions, staff is recommending approval.

Commissioner Sloan motioned to approve a Site Plan Design Review Request by DR Horton for the Western Acres Phase 2A Townhome Development Located at Approximately 1800 North 300 East on Approximately 11.4 Acres in the MR-16 PUD Multi-Family Residential Zoning District based on the findings and subject to the conditions listed in the staff report with the additional solid view fencing is added and the non-garage units have covered parking. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

8. Recommendation on a Preliminary Subdivision Plan Request by DR Horton for the Western Acres Phase 2A Subdivision Located at Approximately 1800 North 300 East on Approximately 11.4 Acres Creating 121 Residential Lots in the MR-16 PUD Multi-Family Residential Zoning District.

Mr. Aagard presented information on a preliminary subdivision plan request for the property located near 1800 North 300 East. This is a follow up application to the following item. The application establishes lot lines. There is not lot size requirement. Common area is owned and maintained by the HOA. They do conform to the site plan. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Proctor motioned to forward a positive Recommendation on a Preliminary Subdivision Plan Request by DR Horton for the Western Acres Phase 2A Subdivision Located at Approximately 1800 North 300 East on Approximately 11.4 Acres Creating 121 Residential Lots in the MR-16 PUD Multi-Family Residential Zoning District based on the findings and subject to the conditions listed in the staff report. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

9. Decision on a Site Plan Design Review Request by Franks Apartments, LLC, for the Slatewood Apartments Proposed to be Located at 1201 North Franks Drive on Approximately 4.8 Acres in the MR-16 Multi-Family Residential Zoning District.

Mr. Aagard presented information on a site plan design for the property located near Berra Boulevard. It is zoned MR-16. The proposed applications show three apartment buildings having 72 units and a clubhouse. Franks drive along the frontage will be finished. Along with improvements to Berra boulevard. The applicant will need to provide updated building elevations. Staff is recommending approval with the conditions listed in the staff report.

The Planning Commission had the following questions and concerns:
Does the apartment charge for the covered parking?

Who will maintain landscape and snow removal?

Mr. Aagard addressed the Planning Commission. The development is responsible to maintain the frontage on Frank's Drive. Snow Removal on the road is done by the City.

Mr. Bolser addressed the Commission. There is a statement in the Ordinance that states they are not allowed to charge for required parking. If there was an issue, the City could make an effort to visit with the complex.

Commissioner Sloan motioned to approve a on a Site Plan Design Review Request by Franks Apartments, LLC, for the Slatewood Apartments Proposed to be Located at 1201 North Franks Drive on Approximately 4.8 Acres in theMR-16 Multi-Family Residential Zoning District based on the findings and subject to the conditions listed in the staff report.

Commissioner Hamilton seconded the motion. The vote was as follows:

Commissioner Hammer, "Aye", Commissioner Proctor, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", Commissioner Jensen, "Aye", and Commissioner Gochis, "Aye". The motion passed.

10. Setting Dates, Time, and Place for Regular Planning Commission Meetings for the 2023 Calendar Year

Mr. Bolser addressed the Planning Commission in regards to setting the meeting schedule for 2023. Those meetings are proposed to be held on the second and fourth Wednesday of every month at 7:00pm.

Commissioner Hammer motioned to approve the dates, time and places for the Planning Commission meetings. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Proctor, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", Commissioner Jensen, "Aye", and Commissioner Gochis, "Aye". The motion passed.

11. Nomination and Election of Planning Commission Chair and Vice-Chair for the 2023 Calendar Year.

The Planning Commission bylaws state a nomination for Chair and Vice-chair happen yearly.

Chairman Robinson nominated Commissioner Hamilton. Commissioner Sloan seconded that motion. Commissioner Hamilton accepted the position.

Commissioner Hamilton nominated Commissioner Sloan as Vice-Chair. Commissioner Sloan accepted the position.

12. Discussion Regarding Planning Commissioner Assignments to Pre-Development Meetings for the 2023 Calendar Year.

Mr. Bolser presented the assignment of having a representative from Planning Commission, City Council, and staff at pre-development meetings. A tentative schedule had been provided to the Commission. The Commission volunteered for the following months:

Commissioner Sloan, January
Commissioner Jensen, February
Chairman Robinson, March
Commissioner Hamilton, April
Commissioner Gochis, May
Commissioner Sloan, June

13. City Council Reports

Council Member Manzione shared the following approved items during the City Council meeting. They include the following: franchise agreement with all west for fiber throughout Tooele, a Water Reclamation master plan update, and an increase in pool fees. The annexation petition did not pass.

14. Review and Approval of Planning Commission Minutes for the Business Meeting

No changes to the minutes.

Commissioner Hammer motioned to approve the minutes. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

15. 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 January, 2022

Tyson Hamilton, Tooele City Planning Commission Chair