

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, June 14, 2023

Time: 7:00 p.m.

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

Commission Members Present:

Melanie Hammer

Jon Proctor

Chris Sloan

Matt Robinson

Weston Jensen

Melodi Gochis

Commission Members Excused:

Tyson Hamilton

Doug Newel

Alison Dunn

City Council Members Present:

Ed Hansen

Maresa Manzione

City Employees Present:

Andrew Aagard, Community Development Director

Paul Hansen, City Engineer

Roger Baker, City Attorney

Minutes prepared by Katherin Yei

Vice-chairman Sloan called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by vice-chairman Sloan.

2. Roll Call

Melanie Hammer, Present

Jon Proctor, Present

Matt Robinson, Present

Weston Jensen, Present

Chris Sloan, Present

Melodi Gochis, Present

Doug Newell, Excused

Alison Dunn, Excused
Tyson Hamilton, Excused

3. Public Hearing and Recommendation on a Land Use Map Amendment regarding a request to re-assign the land use designation by Wagstaff Investments, LLC for approximately 2.0 acres located at 602 W Three O'clock Drive from the existing land use designation of High Density Residential to Regional Commercial.

Mr. Aagard presented a Land Use Map amendment for the property located at the intersection of 3 O'clock Drive and SR-36. The property is zoned MR-12, Multi-family. The Land Use designation is HDR, High density residential. The applicant wishes to change it to RC, Regional Commercial. They are looking to put a convenience store with gasoline services. Staff suggests the Planning Commission include the entirety of the property in the amendment. The Neighborhood Commercial zone does allow service stations as well. Notices had been sent to neighbors within 200 feet. A resident did call with questions.

The Planning Commission asked the following questions:

How large is the parcel between the subject property and Coleman street?

Do they need to have access to Coleman?

Does the traffic study recommend a deceleration lane on 3 O'clock Drive?

What has UDOT allowed?

Mr. Aagard addressed the Commission. The parcel is about an acre and a half. The applicant would like to have access on Coleman. The applicant did provide an updated traffic study. This is the Land Use Map amendment. The applicant does not need to submit design during this step. The applicant is trying to pull the access from SR-36 and enter Holiday Oil from the side roads.

The public hearing was opened.

Cecilia Linder and Kalani Mascherino shared concerns of traffic on 3 O'clock Drive and neighboring roads.

The public hearing was closed.

Brent Neil with Holiday Oil addressed the Planning Commission. They are pushing access towards Coleman, helping traffic from 3 O'clock. They have reached out to UDOT to help with traffic and a light on SR-36. Holiday Oil will not be functioning as a large functioning truck stop. The road would line the area on the west side. A carwash and fuel pumps would be a Conditional Use Permit. They are working hard to acquire and work with property owners for access on Coleman.

Mr. Baker addressed the Commission. A reason that the Commission could consider the second part of the property is to help the other property owner move forward in a similar direction of this project.

Mr. Aagard addressed the Commission. Carwashes are not permitted in Neighborhood Commercial, but are allowed in Regional Commercial and General Commercial with a Conditional Use Permit.

Commissioner Sloan motioned to forward a positive recommendation on a Land Use Map Amendment regarding a request to re-assign the land use designation by Wagstaff Investments, LLC for approximately 2.0 acres located at 602 W Three O'clock Drive from the existing land use designation of High Density Residential to Community Commercial including the additional parcel as discussed. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Proctor, "Aye", Commissioner Sloan, "Aye" Commissioner Jensen, "Aye", Commissioner Robinson, "Aye", and Commissioner Gochis, "Aye". The motion passed.

4. Public Hearing and Recommendation on a Land Use Map Amendment regarding a request to re-assign the land use designation by Cindy McInnes for approximately .39 acres located at 105 E 1000 N from the existing land use designation of Regional Commercial to Medium Density Residential.

Mr. Aagard presented a Land Use Map amendment for the property located 105 E 1000 N. There is an existing single-family home. It is currently zoned RR-1. The current Land Use designation is Regional Commercial. The applicant would like to change the designation to medium density residential. The applicant would like to subdivide .39 acre to maintain the house on its own property.

The Planning Commission asked the following questions:
Is the property to the East considering the same thing in the future?

Mr. Aagard addressed the Commission. He is unsure if the neighbors would do the same in the future.

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

Commissioner Jensen motioned to forward a positive recommendation on a Land Use Map Amendment regarding a request to re-assign the land use designation by Cindy McInnes for approximately .39 acres located at 105 E 1000 N from the existing land use designation of Regional Commercial to Medium Density Residential 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" Commissioner Jensen, "Aye", Commissioner Robinson, "Aye", and Commissioner Gochis, "Aye". The motion passed.

5. Public Hearing and Decision on a Conditional Use Permit request by Curtis Tatton to authorize the use of "Accessory Dwelling Unit for Caretaker Only (Must be located within primary structure)" for .5 acres of property located at 317 S 1200 W in the IS Industrial Service zoning district.

Mr. Aagard presented a Conditional Use Permit for an accessory dwelling unit for a caretaker in an existing structure. The property is located at 317 S 1200 W. It is zoned Industrial Service. The ordinance does allow it with minimal qualifications. Notices were sent out to neighboring properties.

The Planning Commission asked the following questions:

How do you define which one is the primary structure?

Does it have solid roadway allowing snow services and emergency services to come in?

Mr. Aagard addressed the Commission. A primary structure is usually occupied by the business. This property went through a site plan review about three years ago. The surface around the property would be drivable or passable.

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

Mr. Baker addressed the Commission. There is a requirement since 2009, in Tooele City Code Section 3-3-16, for key box access for the fire department, making it possible that the primary facility already has that.

Commissioner Proctor motioned to approve a Conditional Use Permit request by Curtis Tatton to authorize the use of “Accessory Dwelling Unit for Caretaker Only (Must be located within primary structure)” for .5 acres of property located at 317 S 1200 W in the IS Industrial Service zoning district based on the findings and conditions listed in the staff report. Commissioner Robinson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

6. Public Hearing and Decision on a Conditional Use Permit request by Ray Barker to authorize the use of “Automobile Sales and Rentals” for .48 acres of property located at 59 N 50 W in the GC General Commercial zoning district.

Mr. Aagard presented a Conditional Use Permit for automobile sale and rentals at the existing facility near 59 N 50 W. It is zoned GC, General Commercial. The applicant will share space with the existing tire shop. They will have three to four employees and show three vehicles at the southwest area of the property. There is concern of having enough parking for both businesses. There is a condition that business must be contained on the lot with no parking on 50 West.

The public hearing was opened.

Bernadette Gallo shared concerns for parking and traffic surrounding their business, specifically overnight parking in neighboring lots.

Ray Barker spoke on the parking issue. They are using it as fill in work to keep employees employed.

The public hearing was closed.

Mr. Baker addressed the parking issue. There needs to be signs posted in the parking lot in order to enforce parking measures, such as, “no overnight parking,” or “lodge parking only.”

The Planning Commission shared concerns of parking and high traffic on the road.

Commissioner Sloan motioned to approve a Conditional Use Permit request by Ray Barker to authorize the use of “Automobile Sales and Rentals” for .48 acres of property located at 59 N 50 W in the GC General Commercial zoning district based on the findings and subject to the conditions listed in the staff report; with business parking being maintaining on their property. Commissioner Gochis seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

7. Public Hearing and Decision on a Conditional Use Permit request by Tyson Hunt to authorize the use of “Health Club” for .08 acres of property located at 222 Maple Street in the MUB Mixed Use Broadway zoning district.

Mr. Aagard presented a Conditional Use Permit for the property located at 222 Maple Street. It is currently zoned MUB, Mixed-Use Broadway. There is an existing structure on the property. The applicant would like to have a health club with one-on-one weight training. Any kind of health club facility requires a Conditional Use Permit in the zoning. There is small parking area to handle a few vehicles.

Mr. Baker addressed the Commission. Tooele City owns property on Vine Street near Broadway. In 2005, Tooele City acquired the parcel located east of the property in subject, at considerable expense. The property line is thought to be through the old plumbing building or at the back wall of the building. Any paved or fenced areas behind the building belong to the City. The City is not waiving its rights to enjoy its property interests. There can be no further encroachment into the Tooele City property, and the City does not accept existing encroachments.

The Planning Commission asked the following questions:
Is this being used as a resident or only for business?

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

Mr. Hunt spoke to the Commission. It is only being used for the business.

Mr. Baker clarified legal lines and understanding of where the property line is.

Commissioner Robinson motioned to approve Conditional Use Permit request by Tyson Hunt to authorize the use of “Health Club” for .08 acres of property located at 222 Maple Street in the MUB Mixed Use Broadway zoning district based on the findings and conditions listed in the staff report. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

8. Public Hearing and Decision on a Conditional Use Permit request by AREC (Amerco Real Estate Company) to authorize the use of “Personal Storage Facility (Mini-Storage)” for 6.31 acres of property located at 2300 N 400 E in the IS Industrial Service zoning district.

Mr. Aagard presented a Conditional Use Permit for the property located at 2300 N 400 E for a new U-Haul location. The zoning is Industrial Service. The proposed site plan has various uses including vehicle rental in the northwest corner, retail in the larger structure, and personal mini-storage. They are proposing a 3-story indoor storage facility and a section for vehicle accessible units. Staff is recommending approval with the basic house keeping conditions listed in the staff report.

The Planning Commission asked the following questions:

Since they are renting vehicles, do they have a wash bay & service station?

Can they impose the same conditions on this property as they did on the neighboring property?

What areas require fire suppression?

Mr. Aagard addressed the Commission. With the early stage in the process, the plans do not indicate a wash bay or service area. This is not a legislative matter, the Planning Commission is unable to place the same conditions on this property, as the neighboring properties.

The public hearing was opened.

Kelly Galliger addressed the Commission. He asked for consideration of a level playing field and similar restrictions of his business be imposed.

The public hearing was closed.

The applicant addressed the Commission’s concerns and questions. They do not have onsite repair facilities or a wash bay. They will send vehicles to another facility in Salt Lake as needed. Most trucks are new and under warranty. The large building interior is required to have a fire suppression system.

Mr. Baker addressed the Commission. The other property involved a legislative decision: a rezone. Conditions upon the Council’s approval were appropriate. This property involves an administrative decision: a Conditional Use Permit. The Commission must approve it, if it meets

City requirements. Conditions are appropriate only to mitigate anticipated adverse impacts. The Planning Commission does not have the ability to impose new requirements that are not in the City Code. It is a different kind of decision making.

Commissioner Proctor motioned to approve Conditional Use Permit request by AREC (Amerco Real Estate Company) to authorize the use of “Personal Storage Facility (Mini-Storage)” for 6.31 acres of property located at 2300 N 400 E in the IS Industrial Service zoning district based on the findings and subject to the conditions listed in the staff report. Commissioner Robinson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

9. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: A new Library director was appointed. They approved the sub-roads change, the water conservation ordinance, zoning for Tooele City Business Park, and an ordinance that gives civil penalties to public nuisances.

10. Review and Approval of Planning Commission Minutes for the meeting held on May 24, 2023.

There are no changes to the minutes.

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

11. Adjourn

Vice-chairman Sloan adjourned the meeting at 8:13 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 28th day of June, 2023

Tyson Hamilton, Tooele City Planning Commission Chair