

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, June 12, 2024

Time: 7:00 p.m.

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

Commission Members Present:

Tyson Hamilton
Melanie Hammer
Chris Sloan
Weston Jensen
Alison Dunn
Jon Proctor
Kelley Anderson

Commission Members Excused:

Matt Robinson

City Council Members Present:

Maresa Manzione
Ed Hansen

City Employees Present:

Andrew Aagard, City Development Director
Jared Hall, City Planner
Paul Hansen, City Engineer
Roger Baker, City Attorney

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Melanie Hammer, Present
Tyson Hamilton, Present
Weston Jensen, Present
Chris Sloan, Present
Jon Proctor, Present
Alison Dunn, Present
Matt Robinson, Excused

3. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: The Council approved the 16 acres on 3100 north to High-Density Residential with the condition that they joined the North Tooele City Special Service District, updated City ordinances, and sold water-rights to U-Haul.

4. Public Hearing and Decision, Continued from May 22, 2024 – Consideration of a request for Conditional Use Approval by Evergreen Preschool & Childcare to allow an in-home child daycare business for up to 16 children at 529 Park Hill Drive in the R1-12 Zoning District.

Presented by Jared Hall, City Planner

Mr. Hall presented a Conditional Use Permit request for an in-home child daycare business for up to 16 children located at 529 Park Hill Drive. It is zoned R1-12. The applicant did provide the house layout, traffic and parking plan, and drop-off and pick up schedule. The staff is recommending approval with the conditions listed in the staff report.

This item was discussed and tabled during the May 22nd Planning Commission meeting.

The public hearing was opened.

David Ripley shared concerns of the flow of traffic, meeting laws, and the neighborhood guidelines.

Rev Johnson shared concerns of losing their quite residential neighborhood with 16 additional children in the neighborhood.

The public hearing was closed.

The Planning Commission asked the following questions:

Is the traffic suggestion provided subsequent information in place of a traffic study?

How confident is staff that parents will use the suggested driving patterns?

Who is the governing body that oversees those CCNR?

Mr. Hall addressed the Commission. Parents may do what they are told. However, some will do what is easiest. If the applicant actually keeps the driveway open, that will help with traffic and parking. Mr. Hall addressed some of the public's concerns. There is no change in the zoning. This is part of a home occupation license which allows businesses that are low impact in residential zones. It does require a Conditional Use Permit. They do have a home occupation license. This application is just allowing them to increase the number of children. The state department or health department does do inspections of the homes. If they are not following guidelines and laws, they will be shut down.

Mr. Baker addressed the Commission. He thanked Jared for his excellent responses. As far as the CC&Rs go, those documents allow the governing body, usually a homeowner's association,

to enforce those rules through its procedures or in court. Those rules are contractual. If the HOA is not functioning, the property owners can come together and bring an action. The City Council changed their policy to allow 16 children for two main policy reasons. First, state already allowed that number, and if the state, which regulates and inspects day cares, allows 16 children, perhaps the City, which does only business licensing, should to. Second, the City Council had received input from the public that the demand for day care services far exceeded the demand, and raising the number of children to 16 could help meet the demand. The City Code includes several requirements for larger day cares, including parking, traffic, noise, employees, hours of operation, conditional use permit, etc. These are designed to help the City mitigate adverse impacts. Mr. Baker also expressed that for the scope of the proposed use and anticipated impacts, an informal, unscientific traffic study by someone other than a traffic engineer is appropriate, because state code only allows reasonable conditions that mitigate impacts, not any condition that eliminates impacts. Mr. Baker explained that allowing a day care to operate in this home does not change it from a home to a business. The home remains primarily a home where people live. The day care use is accessory or ancillary to the main residential use.

Commissioner Anderson motioned to approve Consideration of a request for Conditional Use Approval by Evergreen Preschool & Childcare to allow an in-home child daycare business for up to 16 children at 529 Park Hill Drive in the R1-12 Zoning District based on the findings and subject to the conditions listed in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Dunn, “Aye”, Commissioner Anderson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

5. Planning Commission Training – Public Hearings and Comments Policy.

Presented by Roger Baker, City Attorney

Mr. Baker presented Planning Commission training on policies for public hearings and comments policy.

6. Review and Approval – Planning Commission Minutes

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 Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Dunn, “Aye”, Commissioner Anderson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

7. Adjourn

Chairman Hamilton adjourned the meeting at 7:55 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 26th day of June, 2024

Tyson Hamilton, Tooele City Planning Commission Chair