

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, May 22, 2024** 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 through Tooele City's YouTube channel by logging onto [www.youtube.com/@tooelecitey](http://www.youtube.com/@tooelecitey) or searching for our YouTube handle @tooelecitey. If you would like to submit a comment for any public hearing item you may email [pcpubliccomment@tooelecitey.gov](mailto:pcpubliccomment@tooelecitey.gov) any time 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. **Public Hearing and Decision** – 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 R1-7 zoning district. *Jared Hall, City Planner presenting*
4. **Public Hearing and Decision** – Consideration of a request for Conditional Use Approval by the Tooele City Fire Department to allow the construction of an 80-foot communications tower located at 145 E. 1000 North in the LI, Light Industrial zoning district. *Jared Hall, City Planner presenting*
5. **Public Hearing and Recommendation** – Consideration of a request by Perry Homes Inc. to amend the Land Use Map designation of a 16.78-acre portion of property located at approximately 55 West and 3100 North from Medium Density Residential and Regional Commercial to High Density Residential. *Jared Hall, City Planner presenting*
6. **Public Hearing and Recommendation** – Consideration of a request by Perry Homes Inc. to amend the Zoning Map designation of a 16.78-acre portion of property located at approximately 55 West and 3100 North from GC, General Commercial to MR-20, Multi-Family Residential. *Jared Hall, City Planner presenting*
7. **Review and Recommendation** – Consideration of the Douglas Orthopedic Final Condominium Plat, a five unit commercial condominium subdivision of the property located at 2321 N. 400 East in the GC, General Commercial zoning district. *Jared Hall, City Planner presenting*
8. **City Council Reports**
9. **Review and Approval** – Planning Commission Minutes for the meeting held on May 8, 2024.
10. **Adjourn**

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

**STAFF REPORT**

May 17, 2024

**To:** Tooele City Planning Commission  
Business Date: May 22, 2024

**From:** Planning Division  
Community Development Department

**Prepared By:** Jared Hall, City Planner / Zoning Administrator

**Re:** Evergreen Preschool & Childcare – Conditional Use Permit Request, In-Home Childcare

Application No.: 2024-008  
Applicant: Victoria Burnham  
Project Location: 529 Park Hill Drive  
Zoning: R1-12, Residential  
Acreage: .45-acres  
Request: Conditional Use Permit approval to allow in-home childcare for 8-16 children

**BACKGROUND**

The subject property is a single-family residence located in the R1-12 zoning district. The applicant wishes to operate an in-home pre-school and day care for up to 16 children. Such a use can be allowed as a home occupation in the R1-12 Zone, but requires Conditional Use Permit approval by the Planning Commission.

**ANALYSIS**

*General Plan and Zoning.* The subject property is located in the R1-12, Single-Family Residential zoning district. “Home Occupation Day Care / Preschool is an allowable use in the R1-12 Zone, but requires Conditional Use Approval when 8-16 children are involved. The purpose of the R1-12 zoning district is “to provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live.” In-home childcare can be an integral part of neighborhoods and communities, and can benefit these areas if operated properly.

The surrounding properties are all used as single-family residences, and all are located in the same R1-12 Zone or in the R1-7 Zone. With conditions, Staff finds that the proposed use for an in-home daycare is in keeping with the zoning, and can be compatible with the overall development pattern in the surrounding area. Mapping pertinent to the subject property can be found in Exhibit “A”, attached to this report.

*Operations:* The applicant has indicated that the child care is operated from 7:00 a.m. to 5:30 p.m., Monday through Friday. They do not operate on weekends or national holidays. Hours of operation are potentially the most impactful aspect of an in-home child care. Staff suggests that with the Conditional Use Permit, hours be established for earliest drop-offs and latest pick-ups between 6:30 a.m. and 6:30 p.m.

*Layout.* The applicant has provided a layout of the home, and has demonstrated capacity for the maximum of up to 16 children by the State standards. This includes indoor kitchen, living, and nap areas. The home also has use of an 845 square-foot patio space. The home layout can be found in “Exhibit B”, attached to this report.

*Parking / Circulation:* Parking and/or drop-off and pick-up were identified as a potential challenge by the

reviewing City Staff. Staggering times for arrival and departure could help, but the potential to unintentionally block neighboring properties' access to the street could present a problem. Staff is suggesting that as a condition of approval, the applicants work with the City to demonstrate some type of traffic plan for drop-off and pick-up that will make sense for their operations, but mitigate potential impacts to neighboring properties.

*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.

*Findings of Fact.* As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for findings of fact:

Prior to approving or denying a Conditional Use Permit application the Planning Commission shall make, in the business meeting at which the public hearing is conducted or the permit is approved or denied, a finding of the following facts:

- (1) The reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties;
- (2) The evidence identified regarding the identified reasonably anticipated detrimental effects of the proposed use;
- (3) The reasonable conditions imposed, as part of the Conditional Use Permit approval, intended to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (4) The reasons why the imposed conditions are anticipated or hoped to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (5) The evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.

In response to the City Code requirement for findings of fact, the following are the staff responses and comments on the potential effects this application, should it be approved, upon adjacent and nearby persons and property:

1. The proposed use is located in a residential area. In order to mitigate potential impacts, hours of operation should be limited.
2. Drop-off and pick-up could impact access to the street by neighboring property owners. The applicant should demonstrate a kind of traffic plan to manage the arrivals and departures in such a way that the impact is limited.
3. The home and outdoor area are large enough to accommodate the number of children requested, but

fencing should be required to make sure children do not leave the property unsupervised.

## **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 with the following comments:

1. The applicant will need to meet all requirements of the State, County and City for operation of child care facilities, and be licensed by each as required.
2. The applicant should set hours of operation that can mitigate impact on adjoining property owners, Staff recommends no earlier than 6:30 a.m. for drop-off and no later than 7:00 p.m. for pick-up.
3. The applicant should demonstrate appropriate fencing of the property to assure that children do not leave the site unsupervised at any time.

*Engineering and Public Works Review.* The Tooele City Engineering Division and the Public Works recommend approval with the condition that the applicant continue work with the City on a traffic plan for drop off and pick up at the site.

*Tooele City Fire Department Review.* The Tooele City Fire Department recommends approval with the condition that the facility must meet and maintain compliance with Building and Fire Codes.

*Noticing.* Notice of the public hearing has been properly posted and issued as outlined in the City and State Codes. Notices were also sent to adjoining property owners as required. No comments or questions have been received as of the writing of this report, 5/17/24.

## **STAFF RECOMMENDATION**

Staff recommends APPROVAL of the request for Conditional Use Permit to allow an in-home childcare on the property at 529 Park Hill Drive in the R1-12 zoning district, subject to the following conditions:

1. The applicant shall meet all requirements of the State, County and City for operation of child care facilities, and be licensed by each as required.
2. The applicant shall comply with all Tooele City requirements for Home Occupation Business Licenses.
3. Hours of operation, including drop-off and pick-up, are limited to no earlier than 6:30 a.m. no later than 7:00 p.m., weekdays Monday through Friday.
4. The applicant shall demonstrate appropriate fencing of the property to assure that children do not leave the site unsupervised at any time.
5. The facility shall meet all applicable Building and Fire Codes.
6. The applicant shall demonstrate a plan to manage the traffic of drop-off and pick-up at the property.

This recommendation is based on the following findings:

1. With conditions, the proposed use meets the intent, goals, and objectives of the Tooele City General Plan and the R1-12 zoning district.

2. With conditions, the proposed use will meet the requirements and provisions of the Tooele City Code.
3. With conditions, the proposed use will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. Potential impacts of the use have been identified in this report. The recommended conditions are intended to mitigate those impacts as required by Tooele City Code Section 7-5-4.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we APPROVE the request for Conditional Use Permit, application #2024-008 by the Victoria Burnham to allow the operation of a Home Occupation Day Care / Preschool for eight to sixteen children on the property addressed 529 Park Hill Drive, located in the R1-12 zoning district based on the findings of fact and subject to the conditions listed in the Staff Report dated May 17, 2024.”

1. List any additional findings of fact and/or conditions

Sample Motion for Denial – “I move we DENY the request for Conditional Use Permit, application #2024-008 by the Victoria Burnham to allow the operation of a Home Occupation Day Care / Preschool for eight to sixteen children on the property addressed 529 Park Hill Drive, located in the R1-12 zoning district based on the following findings of fact :”

1. List any findings of fact

**EXHIBIT A: MAPPING PERTINENT TO THE REQUEST, EVERGREEN PRE-SCHOOL AND DAY CARE**



*Subject Property - Aerial Map*



*Subject Property - Zoning Map*

**EXHIBIT B: APPLICANT SUBMITTED INFORMATION**

Home Occupation Permit Application / CUP  
 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 plans and documentation to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Home Occupation 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						2024008				
Date of Submission: 4/22/2024		Current Zoning:		Parcel #(s): 12-042-0-0036						
Project Name: Evergreen Preschool & Childcare						Acres:				
Project Address: 529 Park Hill Dr Tooele, UT 84074						Units: 1				
Project Description: Permit to allow up to 16 children in my home daycare										
Current Use of Property: Used as primary residence and in-home daycare										
Property Owner(s): Monty Burnham			Applicant(s): Victoria Burnham							
Address: 529 Park Hill Dr			Address: 529 Park Hill Dr							
City: Tooele		State: UT		Zip: 84074		City: Tooele		State: UT		Zip: 84074
Phone:			Phone:							
Contact Person: Victoria Burnham			Address: 529 Park Hill Dr							
Phone: 660-424-0881			City: Tooele		State: UT		Zip: 84074			
Cellular:			Fax:			Email: littletreasures4694@gmail.com				
Signature of Applicant:										
Date 4/22/2024										

\*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				2240346	
Fee: \$150.00 (213)		Received By: JESSI		Date Received: 4/25/24	
				Receipt #: 648823	





Utah Department of  
**Health & Human Services**  
Licensing & Background Checks

## LICENSE FOR FAMILY CHILD CARE

**Name of Facility:**

**Burnham, Victoria**

**Address:**

529 Park Hill Dr, Tooele, UT 84074

**Licensee:**

**Victoria Burnham**

**Total Approved Capacity:**

**16**

*This number includes the provider's own children under the age of four.  
Local ordinances may further limit your maximum allowed capacity.*

**Date Issued:**

01/30/2024

**License No:**

**F24-109921**

**Date of Expiration:**

**01/31/2025**

  
Simon Bolivar  
Office of Licensing  
Director

***Our Vision: Quality health and safety services for  
people in Utah!***



**This document must be posted in a conspicuous place, and is not transferable to any other owner, director, or location.**

**MAXIMUM CAPACITY WORKSHEET**

**APPLICANT'S NAME:** Burnham, Victoria (F24-109921)

**Indoor Maximum Capacity:** To determine the maximum capacity, calculate the square footage of all rooms/areas of the home that the applicant identifies as those that will be used for child care.

**To do this:**

First divide each room and/or area into squares and/or rectangles sections.

Then measure the length and width of each square and/or rectangle.

When taking these measurements use a tape measure and stretch it across the floor.

Then, for each square and/or rectangle section, multiply the length by the width and add those numbers together. This is the square footage for that room/area.

Add together the square footage of each room or area and divide by 35. (Carry each calculation out to three decimal points.) Do not roundup to the next number."

Use the following conversions when recording measurements:

1 inch = .083 feet	2 inches = .166 feet	3 inches = .250 feet
4 inches = .333 feet	5 inches = .416 feet	6 inches = .500 feet
7 inches = .583 feet	8 inches = .666 feet	9 inches = .750 feet
10 inches = .833 feet	11 inches = .916 feet	

**INDOOR MEASUREMENTS**

ROOM / AREA	LENGTH	WIDTH	SQUARE FOOTAGE TOTALS
Main Living Room	25.916	16.250	421.135
Kitchen/Dining Area	15.500	20.166	312.573
	0	0	0
			0
			0
			0
			0
			0
			0
			0
<b>TOTAL SQUARE FOOTAGE INDOOR</b>	<b>733.708</b>	<b>INDOOR CAPACITY</b>	<b>20.963085714285715</b>

**Outdoor Maximum Capacity**

Use the same procedure for the indoor capacity, but divide by 40 instead of 35.

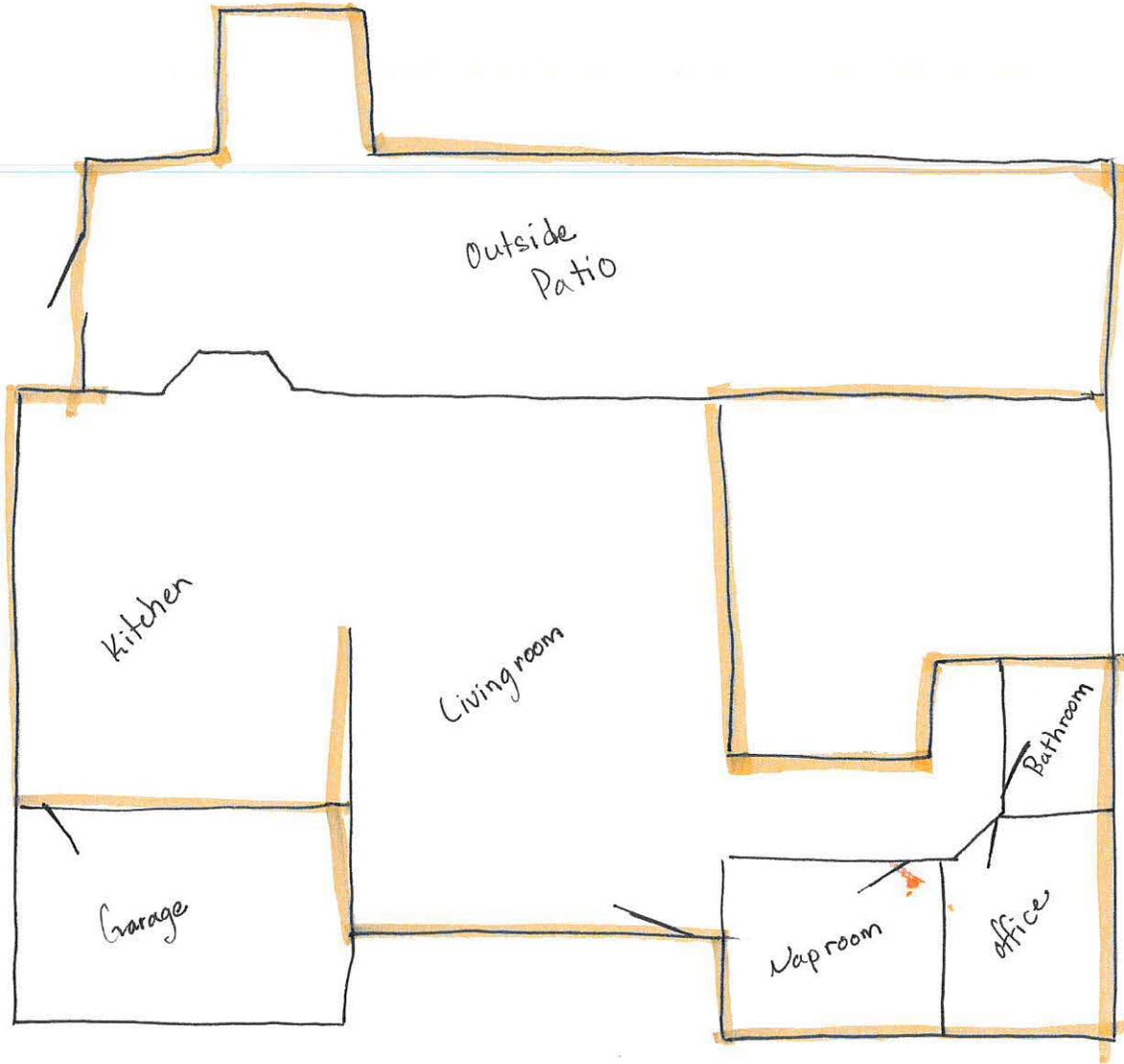
You only need to measure until you determine there is enough square footage for the requested capacity.

**OUTDOOR MEASUREMENTS**

OUTDOOR AREA	LENGTH	WIDTH	SQUARE FOOTAGE TOTALS
There were more areas that were not measured	40.916	20.666	845.570056
			0
<b>TOTAL SQUARE FOOTAGE OUTDOOR</b>	<b>845.570056</b>	<b>OUTDOOR CAPACITY</b>	<b>21.1392514</b>

This is less than the indoor maximum capacity determined above

*Victoria Burnham*



**STAFF REPORT**

May 17, 2024

**To:** Tooele City Planning Commission  
Business Date: May 22, 2024

**From:** Planning Division  
Community Development Department

**Prepared By:** Jared Hall, City Planner / Zoning Administrator

**Re:** Tooele City Fire Department – Conditional Use Permit Request, Communications Tower

Application No.: 2024-011  
Applicant: Tooele City Fire Department  
Project Location: 145 E. 1000 North  
Zoning: LI, Light Industrial  
Acreage: 3.0  
Request: Conditional Use Permit approval to allow an 80-foot telecommunications tower

**BACKGROUND**

The application is to allow the construction of an eighty-foot communications tower on the subject property, Tooele City Fire Station No. 3, which is currently under construction. Station No. 3 is located in the LI, Light Industrial zoning district, and telecommunication facilities such as the proposed tower are allowed with Conditional Use Permit approval by the Planning Commission.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan places the subject property in the Regional Commercial category. The property is located in the Light Industrial zoning district. The telecommunications tower is an integral part of the public use of the property as a fire station. The proposed inclusion of a communications tower does not contradict or inhibit the purpose of the zoning or the goals of the General Plan. With conditions prescribed by the zoning code, current patterns of development in the area for residential and commercial uses will benefit from a fully functional and integrated public station on this property. Mapping pertaining to the subject property and the zoning in the area can be found in Exhibit “A”, attached to this report.

*Site Plan.* The site plan provided by the applicant indicates that they propose to locate the tower on the west of the building, protected from public access by fencing. The tower is a lattice structure, eighty-feet in height. Site plan and elevation of the tower in context, and a photograph of a similar tower on public property (Tooele City Police Station) can be found in Exhibit “B” attached to this report.

*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.

*Findings of Fact.* As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for findings of fact:

Prior to approving or denying a Conditional Use Permit application the Planning Commission shall make, in the business meeting at which the public hearing is conducted or the permit is approved or denied, a finding of the following facts:

- (1) The reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties;
- (2) The evidence identified regarding the identified reasonably anticipated detrimental effects of the proposed use;
- (3) The reasonable conditions imposed, as part of the Conditional Use Permit approval, intended to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (4) The reasons why the imposed conditions are anticipated or hoped to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (5) The evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.

In response to the City Code requirement for findings of fact, the following are the staff responses and comments on the potential effects this application, should it be approved, upon adjacent and nearby persons and property:

1. The application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Engineering, Public Works, Fire Department and Building Division plan reviews, permitting, and inspection processes.
2. The proposed tower could be perceived as a visual impact. The visual impact of the eighty-foot height is mitigated by a) locating the tower toward the interior of the property as proposed on the site plan, and b) the construction as a lattice-style tower.
3. Security of the site will be important. The proposed tower location is interior to the Fire Station property, and will be secured with additional fencing.
4. The tower must be operated properly so that radio interference and other concerns can be mitigated. The ordinance requires the owners and operators of communication towers to abide by Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations to assure that the signals from towers do not cause problems or harm, and Chapter 7-27 requires that the owners and operators have and maintain licenses with both the FCC and FAA.

## **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 with the following comments:

1. The tower should be located on the interior of the property to mitigate visual impacts.
2. The tower site should be secured with six-foot fencing.
3. The tower should meet the requirements for operation as administered by the FAA and FCC rules.

*Engineering and Public Works Review.* The Tooele City Engineering Division and the Public Works recommend approval with the condition that the applicant continue to work with the City on applications for Site Plan and Subdivision approval, and meet all requirements of the City during development of the site.

*Tooele City Fire Department Review.* The Tooele City Fire Department recommends approval with the condition that the site development meets all applicable requirements of the Building and Fire Codes.

## **NOTICING**

Notice of the public hearing has been properly posted and issued as outlined in the City and State Codes. Notices were also sent to adjoining property owners as required. No comments or questions have been received as of the writing of this report, 4/19/24.

## **STAFF RECOMMENDATION**

Staff recommends APPROVAL of the request for Conditional Use Permit to allow a religious facility in the R1-8 zoning district, subject to the following conditions:

1. All requirements of the Tooele City Engineering Division shall be satisfied throughout the development and construction of the site, including permitting.
2. All requirements of the Tooele City Public Works Department shall be satisfied throughout the development and construction of the site, including permitting.
3. The applicant shall meet all applicable Building and Fire Codes, and all requirements of the Tooele City Fire Department shall be satisfied throughout the development and construction of the site, including permitting.
4. The applicant shall assure that the tower operation meets the requirements and regulations of the FCC and FAA as required by Tooele City Code Chapter 7-27.

This recommendation is based on the following findings:

1. The proposed use meets the intent, goals, and objectives of the Tooele City General Plan and the LI, Light Industrial zoning district.
2. With conditions, the proposed use will meet the requirements and provisions of the Tooele City Code.
3. With conditions, the proposed use will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.

4. With conditions, the proposed use will not negatively impact public services in the area.
5. Potential impacts of the use have been identified in this report. The recommended conditions are intended to mitigate those impacts as required by Tooele City Code Section 7-5-4.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we APPROVE the request for Conditional Use Permit, application #2024-011 by the Tooele City Fire Department to allow a telecommunications facility on the subject property located at 145 E. 1000 North in the LI, Light Industrial zoning district based on the findings of fact and subject to the conditions listed in the Staff Report dated May 17, 2024.”

1. List any additional findings of fact and/or conditions

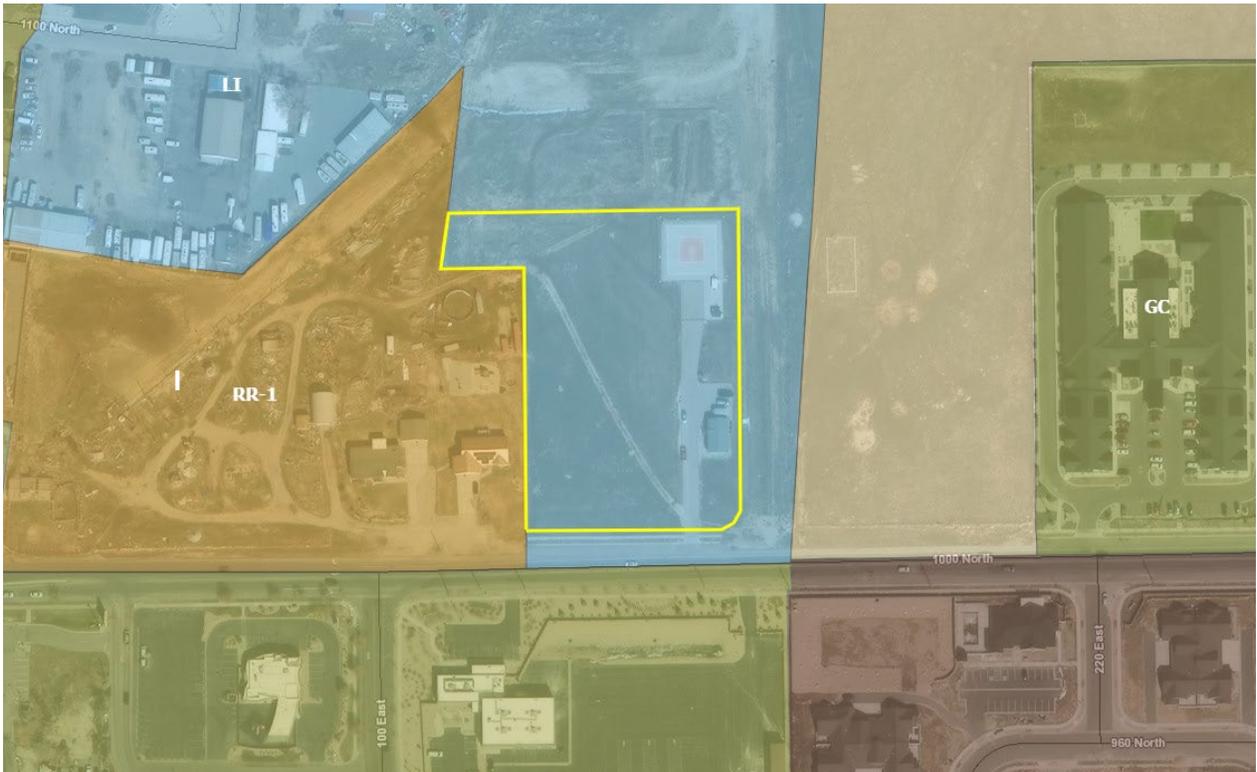
Sample Motion for Denial – “I move we DENY the request for Conditional Use Permit, application #2024-011 by the Tooele City Fire Department to allow a telecommunications facility on the subject property located at 145 E. 1000 North in the LI, Light Industrial zoning district based on the following findings of fact:”

1. List findings of fact

**EXHIBIT A: AERIAL AND ZONING MAP SEGMENTS, FIRE STATION NO. 3**



*Subject Property, Aerial Map*



*Subject Property, Zoning Map*

**EXHIBIT B: APPLICANT SUBMITTED SITE PLAN, ELEVATION, AND REFERENCE PHOTO**

# Conditional Use Permit Application

Community Development Department  
 90 North Main Street, Tooele, UT 84074  
 (435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.gov](http://www.tooelecity.gov)



*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.

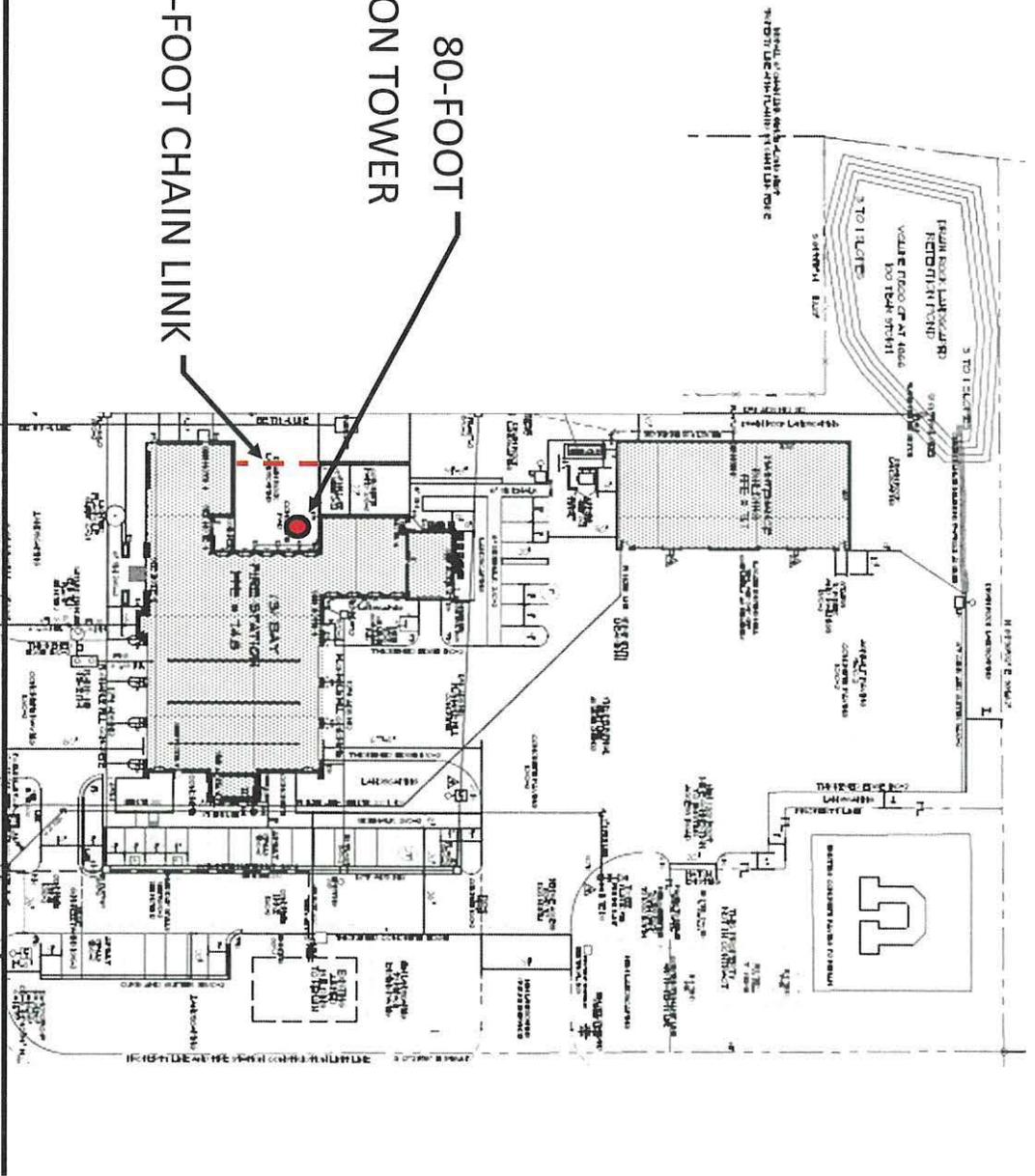
Project Information					
Date of Submission: May 6, 2024		Current Zoning: Light Industrial		Parcel #(s): 17-033-0-0001	
Project Name: Tooele City Fire Station No. 3				Acres: 3.0	
Project Address: 145 East 1000 North				Units: 1	
Project Description: Construction of an 80-foot free standing tower for communications purposes. The tower will be located in the fire station west court yard and be secured with a 6-foot tall chain link fence.					
Current Use of Property: The City is currently constructing Fire Station No. 3 on this lot					
Property Owner(s): Tooele City Corporation			Applicant(s): Matt McCoy, Tooele City Fire Chief		
Address: 90 North Main			Address: 90 North Main		
City: Tooele	State: Utah	Zip: 84074	City: Tooele	State: Utah	Zip: 84074
Phone: (435) 843-2100			Phone: (435) 843-2212		
Contact Person: Matt McCoy			Address: 90 North Main		
Phone: (435) 843-2212			City: Tooele	State: Utah	Zip: 84074
Cellular: (435) 830-3817	Fax:		Email: mmccoy@tooelecity.gov		
Signature of Applicant: 					
Date <i>5-6-24</i>					

\*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: (213)	Received By:	Date Received:	Receipt #:





80-FOOT COMMUNICATION TOWER

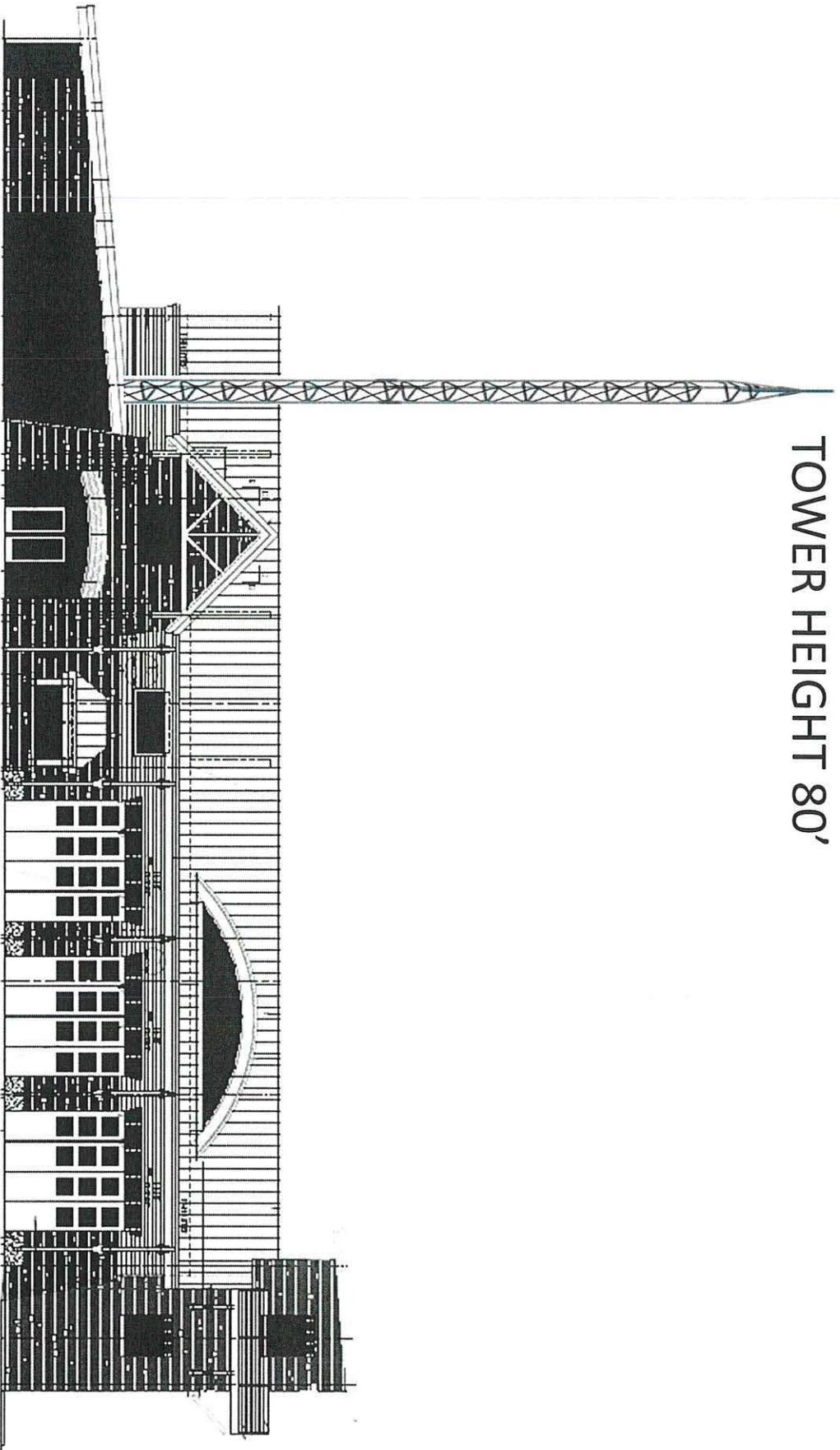
6-FOOT CHAIN LINK

1000 NORTH

**TOOELE CITY FIRE STATION NO. 3**

145 EAST 1000 NORTH

TOWER HEIGHT 80'



TOOELE CITY FIRE STATION NO. 3

80-FOOT COMMUNICATION TOWER



**60-FOOT COMMUNICATION  
TOWER INSTALLED AT THE  
TOOELE CITY POLICE STATION**

**STAFF REPORT**

May 17, 2024

**To:** Tooele City Planning Commission  
Business Date: May 22, 2024

**From:** Planning Division  
Community Development Department

**Prepared By:** Jared Hall, City Planner / Zoning Administrator

**Re: Perry Homes Inc. – Land Use Map Amendment Request**

Application No.: 2024-012  
 Applicant: Perry Homes Inc.  
 Project Location: Approximately 55 W. and 3100 North  
 LU Designation: Medium Density Residential  
 Current Zoning: GC, General Commercial  
 Acreage: 16.78-acres  
 Request: Land Use Map Amendment to High Density Residential

**BACKGROUND**

Perry Homes is making application to amend both the Land Use Map and Zoning Map designations for a portion of a 119-acre parcel (see attachments, parcel #02-141-0-0026) in the vicinity of 55 West and a proposed new public right-of-way at 3100 North. The requested amendments, along with the proposed new right-of-way are intended to facilitate new development in this larger area that Perry Homes is in the process of re-conceptualizing as “Compass Point.” Compass Point will mix housing types and densities, and will include commercial development as well. The current application is to amend the Land Use Designation of one of three parcels (proposed Lot 101 in the attachments) adjacent to the proposed 3100 North right-of-way in order to support a multi-family housing project. The other two parcels will be developed commercially, and are already appropriately zoned for those plans.

**ANALYSIS**

*General Plan Considerations.* Land Use Map designations are intended in part to help inform and guide decisions related to the zoning of properties. Different land use designations support some zoning types over others. The current Land Use Map designation of the subject property is Medium Density Residential. The current zoning of the subject property is not residential, but GC, General Commercial. Perry Homes has also applied to amend the Zoning Map from GC to MR-20 for the subject property. In order to support the proposed MR-20 zoning, the Land Use designation would need to be changed from “Medium” to “High” Density Residential. See the table below.

<b>Preferred Zoning Districts, by Land Use Designation</b>			
Medium Density Residential, 0.6 – 3.5 dwelling units per acre	R1-10	R1-8	R1-7
High Density Residential, 8-20 dwelling units per acre	MR-8	MR-16	MR-20

Properties abutting Main Street (SR-36) in this area have been assigned the Regional Commercial designation on the Land Use Map, and most of the properties west of that designation are assigned Medium Density Residential. A map highlighting the subject property and depicting the designations is attached to this report as “Exhibit A”.

Goals & Objectives. The Land Use Map is a part of the Land Use Element of the General Plan. The Land Use Element includes general goals and objectives as well as several more goals that are more specific to the requested High Density category itself. In reviewing the Land Use Element, staff suggests that the following goals and objectives should be considered as they relate to the current proposal.

- From the High Density Residential Land Use Category: *“Developments in these areas should be situated in close proximity to recreation facilities, services, schools, transit opportunities, commercial centers, and employment centers...”*

*“These areas should provide a buffer to single-family neighborhoods and be integrated between those and surrounding nonresidential uses.”*

The planned commercial development along Main Street will be better implemented with a mix of densities, and the higher density housing should be located most closely to it, and to the main transit corridors (Main Street, and planned 3100 North in this area.) The proposed change would support these statements linked to the requested High Density Residential designation.

- From the General Land Use Goals and Objectives, Goal #4: *“Maintain a balance of land uses that support a high quality of life, a diverse economic base, and a rich mixture of housing and leisure opportunities.”*

The proposed change is in support of a high density component of what will be the larger, mixed use Compass Point development in this area. This change can be viewed as supporting this goal.

Zoning. The subject property is currently zoned GC, General Commercial. The requested change to the land use designation is intended to support a change in zoning from GC to RM-20, Multi-Family.

Criteria for Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
  - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
  - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
  - (e) The suitability of the properties for the uses requested vis-à-vis the suitability of the properties for the uses identified by the General Plan; and
  - (f) The overall community benefit of the proposed amendment.

## REVIEWS

*Planning Division Review.* The Tooele City Planning Division has completed their review of the Land Use Map Amendment submission and has issued the following comments:

1. The proposed change to the Land Use Designation supports the larger Compass Point development plan, which will manage compatibility and complimentary land uses throughout the area.
2. The proposed change will allow a higher density project to support planned commercial development along Main Street.
3. The proposed change can also support a more diverse range of housing for the larger area, and places that density within close proximity to the area's major transportation route, SR-36 and the services along that route.
4. The proposed change has the potential to help the City fulfill Moderate Income Housing requirements of the State.

*Engineering Review.* The Tooele City Engineering Division did not issue comment regarding the proposed Land Use Map Amendment.

*Public Works Review.* The Tooele City Public Works Division did not issue comment regarding the proposed Land Use Map Amendment.

*Noticing.* Notice of the public hearing has been publicly posted and properly issued to area property owners in the manner outlined in the City and State Codes.

## ATTACHMENTS

In addition to the application itself, the following attachments have been included for your review and reference:

**Exhibit A, Mapping:** Aerial and Land Use Maps identifying the larger parcel.

**Exhibit B, Proposed Lots 101, 102, and 103:** The 16.78 acres which make up the subject property are identified as a future development parcel, Lot 101. Lot 101 is a part of the applicant's intent to subdivide more of this acreage into development lots together with the dedication of proposed rights-of-way. Although no changes are requested for the other two development lots (which are both commercial), it is helpful to view Lot 101 in context, understanding how it fits in with the planned development. Exhibit B also includes a surveyed parcel depiction of Lot 101.

**Exhibit C, Compass Point Apartments – Concept Plan:** The applicants have requested that the concept plan for the proposed development of the Lot 101, the subject property, be provided for reference. A rendered view of the concept plan is also included.

## STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a Land Use 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 of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. 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 application number 2024-012: the request by Perry Homes Inc. to amend the Land Use Map designation of the 16.78-acre portion of the property located at approximately 55 West and 3100 North from Medium Density Residential to High Density Residential based on the following findings and conditions:”

1. List findings and any conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for application number 2024-012: the request by Perry Homes Inc. to amend the Land Use Map designation of the 16.78-acre portion of the property located at approximately 55 West and 3100 North from Medium Density Residential to High Density Residential based on the following findings:”

1. List findings...

# Land Use Map Amendment Application

Community Development Department  
 90 North Main Street, Tooele, UT 84074  
 (435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.gov](http://www.tooelecity.gov)



*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:	03/14/24	Current Land Use Designation:	MDR	Proposed Land Use Designation:	HDR	Parcel #(s):	Portion of #02-141-0-0026
Project Name:	Compass Point Apartments and Commercial				Acres:	16.8, 19.6, 7.3	
Project Address:	55 West 3100 North Tooele, UT 84047						
Brief Project Summary:	High density residential apartment complex located at the north west corner of the proposed intersection of 50 West and 3100 North. Regional commercial developments located at the north east, and south east corners of the proposed intersection of 50 West and 3100 North						
Property Owner(s): Perry Homes Inc.			Applicant(s): Perry Homes Inc.				
Address: 17 E Winchester St #200			Address: 17 E Winchester St #200				
City: Murray	State: Utah	Zip: 84107	City: Murray	State: Utah	Zip: 84107		
Phone: (801)-264-8800			Phone: (801)-264-8800				
Contact Person: Matthew Swain			Address: 17 E Winchester St #200				
Phone: (801)-264-8800			City: Murray	State: Utah	Zip: 84107		
Cellular:	Fax:		Email: mswain@perrycommercial.net				

\*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:

Land Use Map designations are made by ordinance. Any change Land Use 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:	Date Received:	Fees:	App. #:

**AFFIDAVIT**

**PROPERTY OWNER**

STATE OF UTAH                    }  
  }ss  
COUNTY OF TOOELE            }

I/we, Perry Homes Inc., being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

Perry Homes Inc.  
(Property Owner)

[Signature]  
(Property Owner)

Subscribed and sworn to me this 4<sup>th</sup> day of March, 2024.



[Signature]  
(Notary)  
Residing in Salt Lake County, Utah  
My commission expires: 12/29/24

**AGENT AUTHORIZATION**

I/we, Perry Homes Inc., the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), Focus Engineering & Surveying, LLC, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Perry Homes Inc.  
(Property Owner)

(Property Owner)

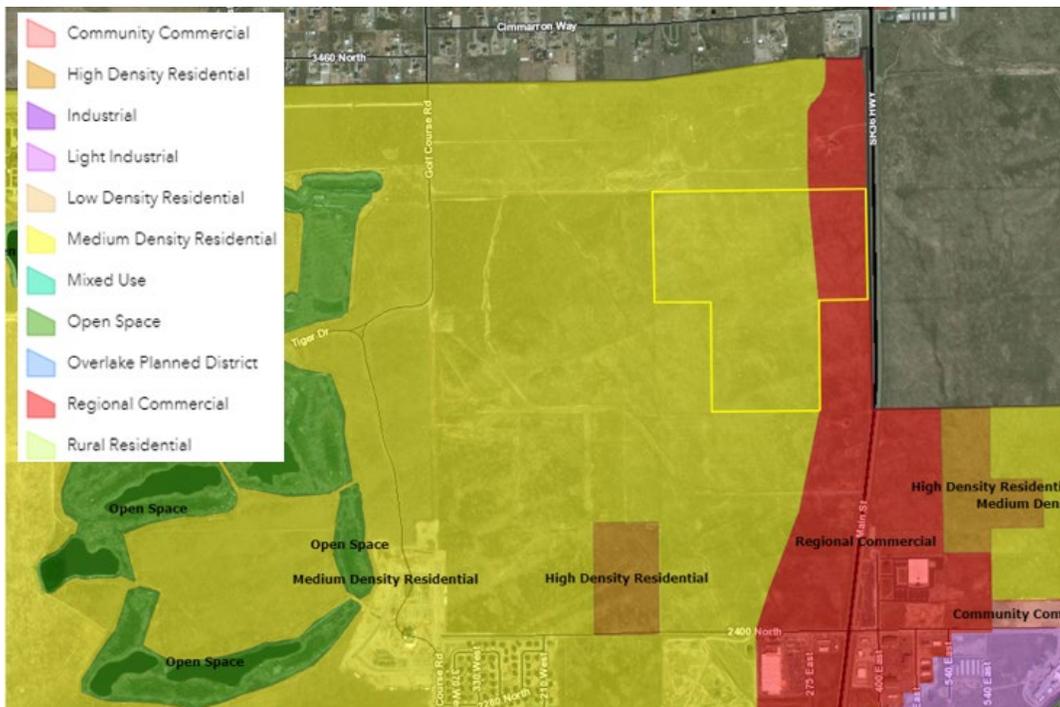
Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)  
Residing in \_\_\_\_\_ County, Utah  
My commission expires: \_\_\_\_\_

# EXHIBIT A: AERIAL AND LAND USE MAP SEGMENTS

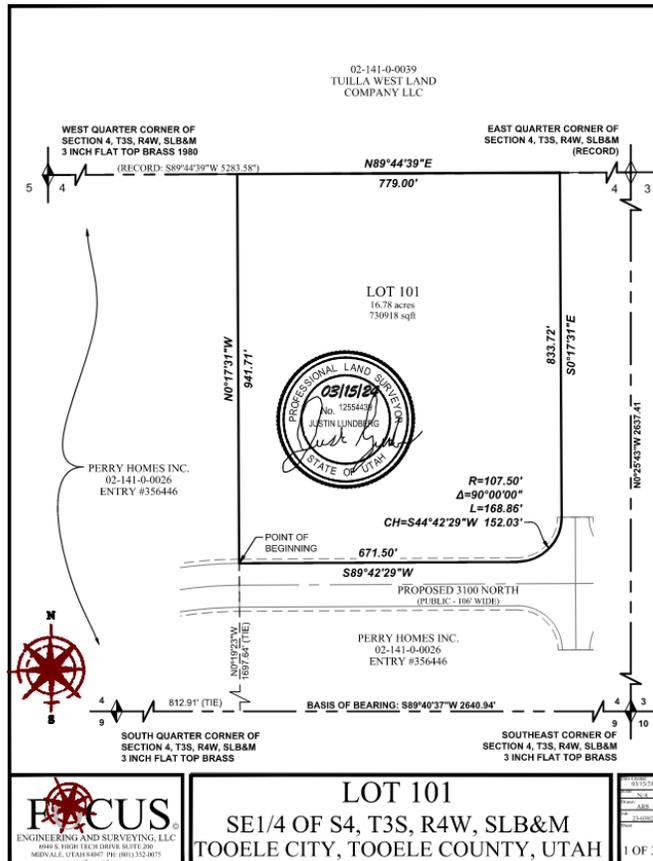
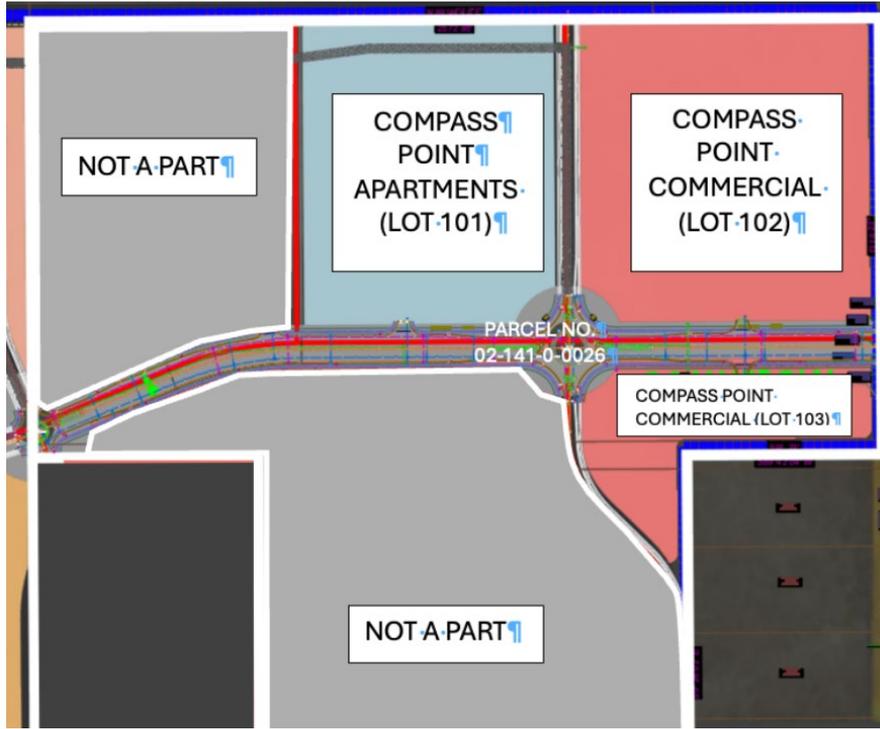


*Subject Property, Aerial*



*Subject Property, Land Use Map*

**EXHIBIT B: DEVELOPMENT LOTS, PROPOSED RIGHTS OF WAY**



**EXHIBIT C: COMPASS POINT APARTMENTS  
CONCEPT PLAN AND RENDERED VIEW**



750' - 1 7/32"

15' - 0"  
SIDE YARD SETBACK-CORNER LOT

DETENTION

MAINTENANCE

POOL DECK

CLUBHOUSE  
5,325 SF

**COMPASS POINT CONCEPTUAL SITE PLAN**

SCALE: 1" = 40' - 0"

TRUE

**SITE LEGEND:**

- ASPHALT SURFACE
- CONCRETE WALKWAYS / POOL DECK
- LANDSCAPE - XERISCAPE
- LANDSCAPE - GRASS
- WATER
- GARAGE PARKING STALLS
- CARPORT PARKING STALLS
- OPEN PARKING STALLS
- TYPE 'A' APARTMENTS (24-PLEX)
- TYPE 'B' APARTMENTS (36-PLEX)
- CLUBHOUSE

**SITE SUMMARY: (BUILDINGS)**

SITE AREA = 731,853 SF (16.8 ACRES)  
 (10) BUILDINGS OF 24-PLEX = 240 UNITS  
 (2) BUILDINGS OF 36-PLEX = 72 UNITS  
**TOTAL UNITS = 312**

**SITE SUMMARY: (PARKING REQUIREMENTS)**

MULTI-FAMILY; (2) SPACES PER DWELLING UNITS  
 VISITORS; (1) SPACE PER (4) DWELLING UNITS  
 624 STALLS REQ'D FOR RESIDENTS  
**78 STALL REQ'D FOR VISITORS**  
 702 STALLS TOTAL  
 8% NATURAL ADJUSTMENT REDUCTION  
 (FROM RESIDENT STALLS) = 49.92 STALLS  
 THUS, (49) STALLS CAN BE ELIMINATED  
 624 - 49 = 575 STALLS REQ'D FOR RESIDENTS  
**575 + 78 = 653 STALLS REQ'D FOR PROJECT**

**SITE SUMMARY: (PARKING PROVIDED)**

GARAGE STALLS = 246  
 CARPORT = 300  
 OPEN SURFACE STALLS = 112  
**TOTAL STALLS = 658**

**SITE SUMMARY: (OPEN SPACE / LANDSCAPE)**

ASPHALT AREA = 224,861 SF  
 LANDSCAPE (LAWN) = 73,894 SF  
 XERISCAPE (GRAVEL) = 224,861 SF  
 CONCRETE SIDEWALKS = 55,359 SF  
 CONCRETE CURBS = 1,140 SF  
 24-PLEX FOOTPRINT = 90,230 SF  
 36-PLEX FOOTPRINT = 27,462 SF  
 GARAGE FOOTPRINT = 68,629 SF  
 CLUBHOUSE FOOTPRINT = 5,325 SF  
 POOL DECK = 9,778 SF  
 SWIMMING POOL / SPA = 3,463 SF  
**TOTAL AREA = 731,853 SF**



**STAFF REPORT**

May 17, 2024

**To:** Tooele City Planning Commission  
Business Date: May 22, 2024

**From:** Planning Division  
Community Development Department

**Prepared By:** Jared Hall, City Planner / Zoning Administrator

**Re:** **Perry Homes Inc. – Zoning Map Amendment Request**

Application No.: 2024-013  
Applicant: Perry Homes Inc.  
Project Location: approximately 55 West 3100 North  
Zoning: GC, General Commercial  
Acreage: 16.78-acres  
Request: Zoning Map amendment from GC, General Commercial to MR-20, Multi-Family Residential

**BACKGROUND**

Perry Homes is making application to amend both the Land Use Map and Zoning Map designations for a portion of a 119-acre parcel (see attachments, parcel #02-141-0-0026) in the vicinity of 55 West and a proposed new public right-of-way at 3100 North. The requested amendments, along with the proposed new right-of-way are intended to facilitate new development in this larger area that Perry Homes is in the process of re-conceptualizing as “Compass Point.” Compass Point will mix housing types and densities, and will include commercial development as well. The current application is to amend the Zoning Map designation of one of three parcels (proposed Lot 101 in the attachments) adjacent to the proposed 3100 North right-of-way in order to support a multi-family housing project. The other two parcels will be developed commercially, and are already appropriately zoned for those plans.

**ANALYSIS**

*General Plan Considerations.* Although the subject property is zoned GC, General Commercial, the current Land Use Map designation of the property is Medium Density Residential. Perry Homes is also requesting to amend the Land Use Map designation of the property to High Density Residential, which would then support their proposed zoning of MR-20. Segments of the aerial and zoning maps are attached to this report as “Exhibit A”.

*Current Zoning.* The property has been assigned the GC, General Commercial zoning designation. The majority of the acreage in this vicinity is also assigned the GC zoning district, but only the acreage abutting SR-36 is assigned a supporting Land Use designation from the General Plan. Most properties in the surrounding area are vacant at this time.

*Proposed Zoning.* The applicant proposes designating the property MR-20, Multi-Family Residential. The MR-20 zoning district allows multi-family development up to 20 dwelling units per acre as permitted uses. The current GC zoning does not allow residential development. As stated previously, the applicant intends to develop the 16.78-acre proposed Lot 101 as the Compass Point apartments, supporting two

commercial developments on proposed Lots 102 and 103. A concept plan for the proposed apartments has been attached to this report at the applicant's request. Allowing the change of zoning on the subject property from commercial to residential will not preclude significant commercial development in the surrounding area, particularly with frontage along SR-36 and abutting proposed new arterials such as 3100 North. It is important to note that the application under consideration is only for a Zoning Map Amendment; development will require detailed subdivision and site plan submittals, reviews and approvals. The concept that has been provided is not under consideration at this time.

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 vis-à-vis 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 submission and has issued the following comments:

1. The Land Use designation of the subject property is currently Medium Density Residential, which is not a commercial designation.
2. The subject property is intended to be a part of a larger development which will mix housing types and densities, and will include commercial components.
3. The majority of properties in the area are currently vacant.
4. The proposed zoning designation would allow development of the property at densities that will support desired commercial development of adjacent properties.

Engineering Review. The Tooele City Engineering Division did not issue comment regarding the proposed Zoning Map Amendment.

Public Works Review. The Tooele City Public Works Department did not issue comment regarding the proposed Zoning Map Amendment.

Noticing. Notice of the public hearing has been publicly posted and properly issued to area property owners in the manner outlined in the City and State Codes.

## **ATTACHMENTS**

In addition to the application itself, the following attachments have been included for your review and reference:

**Exhibit A, Mapping:** Aerial and Zoning Map segments identifying the larger parcel.

**Exhibit B, Proposed Lots 101, 102, and 103:** The 16.78 acres which make up the subject property are identified as a future development parcel, Lot 101. Lot 101 is a part of the applicant's intent to subdivide more of this acreage into development lots together with the dedication of proposed rights-of-way. Although no changes are requested for the other two development lots (which are both commercial), it is helpful to view Lot 101 in context, understanding how it fits in with the planned development. Exhibit B also includes a surveyed parcel depiction of Lot 101.

**Exhibit C, Compass Point Apartments – Concept Plan:** The applicants have requested that the concept plan for the proposed development of Lot 101, the subject property, be provided as a reference. A rendered view of the concept plan is also included.

## **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 of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
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5. The suitability of the properties for the uses proposed.
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7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.

9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. 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 application number 2024-013: the request by Perry Homes Inc. to amend the Zoning Map designation of the 16.78-acre portion of the property at approximately 55 West 3100 North from GC, General Commercial to MR-20, Multi-Family Residential based on the following findings and conditions:”

1. List findings and any conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for application number 2024-013: the request by Perry Homes Inc. to amend the Zoning Map designation of the 16.78-acre portion of the property at approximately 55 West 3100 North from GC, General Commercial to MR-20, Multi-Family Residential based on the following findings and conditions:”

1. List findings...

# Zoning Map Amendment Application

Community Development Department  
 90 North Main Street, Tooele, UT 84074  
 (435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.gov](http://www.tooelecity.gov)



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Project Information								
Date of Submission:	03/14/24	Current Zoning:	GC	Proposed Zoning:	MR-20	Parcel #(s):	Portion of #02-141-0-0026	
Project Name:	Compass Point Apartments and Commercial				Acres:	16.8, 19.6, 7.3		
Project Address:	55 West 3100 North Tooele, UT 84047							
Does the proposed Zoning Comply with the General Plan:	<input type="checkbox"/> YES		<input type="checkbox"/> NO					
Brief Project Summary:	High density residential apartment complex located at the north west corner of the proposed intersection of 50 West and 3100 North. Regional commercial developments located at the north east, and south east corners of the proposed intersection of 50 West and 3100 North							
Property Owner(s):	Perry Homes Inc.			Applicant(s):	Perry Homes Inc.			
Address:	17 E Winchester St #200			Address:	17 E Winchester St #200			
City:	Murray	State:	Utah	Zip:	84107	City:	Murray	
Phone:	(801)-264-8800			Phone:	(801)-264-8800			
Contact Person:	Matthew Swain			Address:	17 E Winchester St #200			
Phone:	(801)-264-8800			City:	Murray	State:	Utah	
				Zip:	84107			
Cellular:	Fax:		Email:		mswain@perrycommercial.net			

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### Note to Applicant:

Zoning Map designations are made by ordinance. Any change of zoning 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:	Date Received:	Fees:	App. #:

**AFFIDAVIT**

**PROPERTY OWNER**

STATE OF UTAH                    }  
  }ss  
COUNTY OF TOOELE            }

I/we, Perry Homes Inc., being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

\_\_\_\_\_  
Perry Homes Inc.  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 14<sup>th</sup> day of March, 2024



\_\_\_\_\_  
Sandy Allred  
(Notary)

Residing in Salt Lake County, Utah  
My commission expires: 12/29/24

**AGENT AUTHORIZATION**

I/we, Perry Homes Inc., the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), Focus Engineering & Surveying, LLC, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
Perry Homes Inc.  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

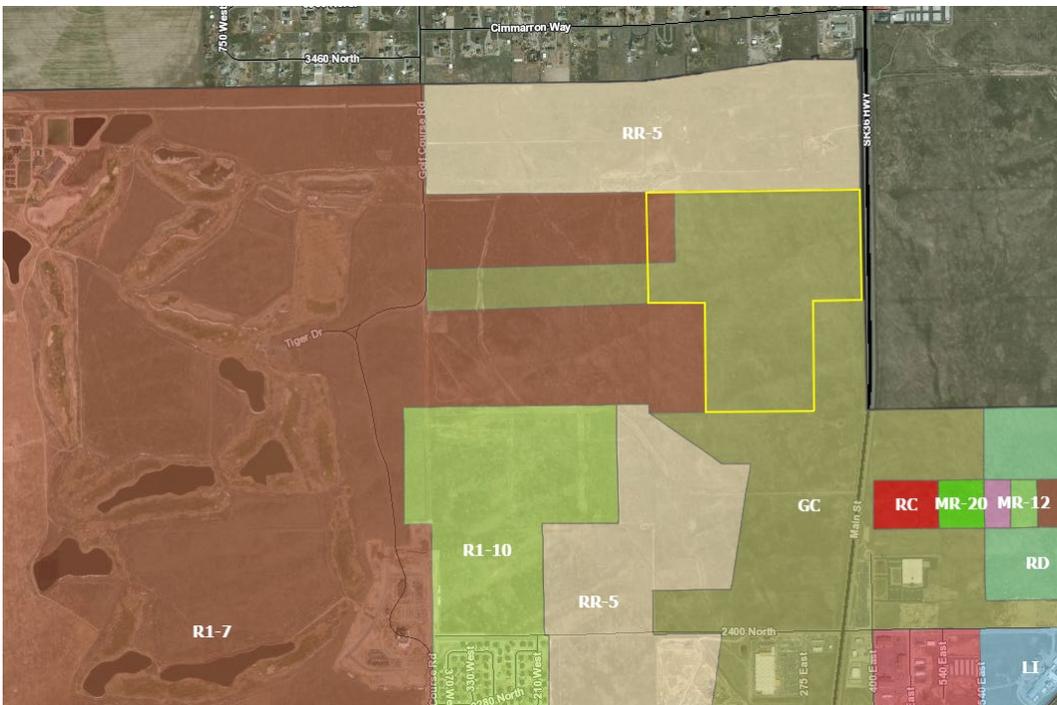
\_\_\_\_\_  
(Notary)

Residing in \_\_\_\_\_ County, Utah  
My commission expires: \_\_\_\_\_

# EXHIBIT A: AERIAL AND ZONING MAP SEGMENTS

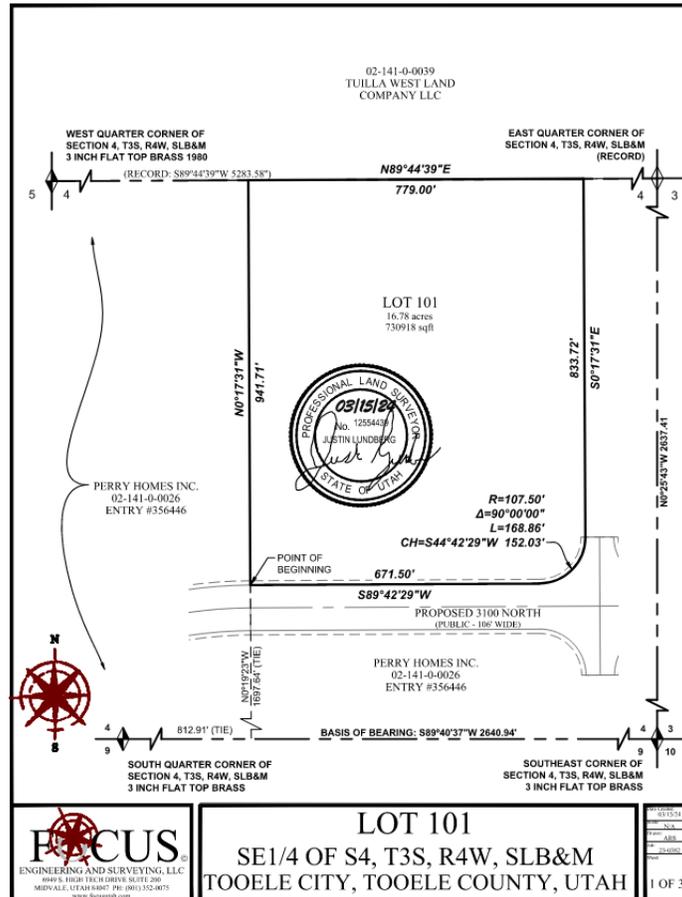
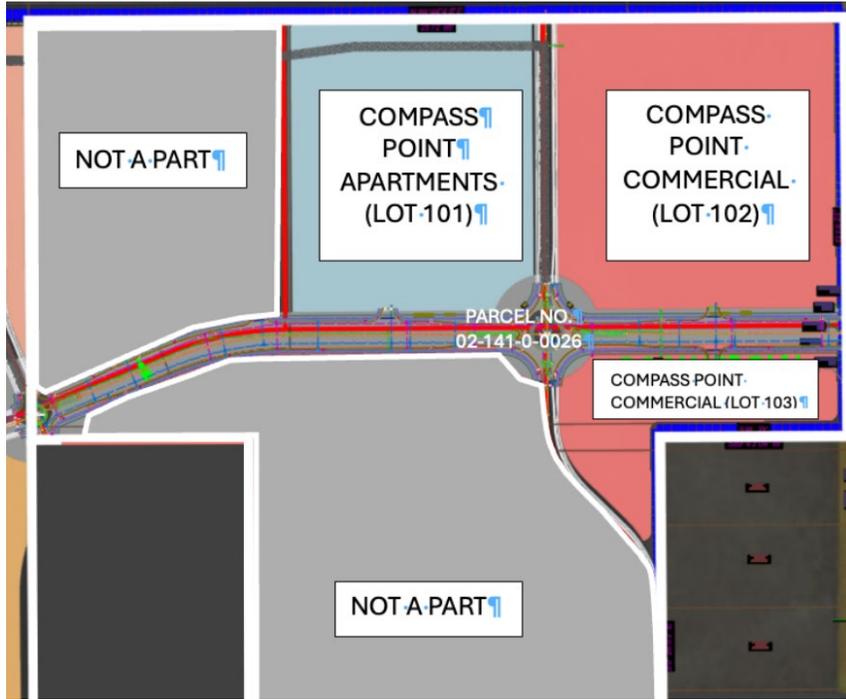


*Subject Property, Aerial*



*Subject Property, Zoning Map*

**EXHIBIT B: DEVELOPMENT LOTS, PROPOSED RIGHTS OF WAY**



**EXHIBIT C: COMPASS POINT APARTMENTS  
CONCEPT PLAN AND RENDERED VIEW**



**SITE LEGEND:**

- ASPHALT SURFACE
- CONCRETE WALKWAYS / POOL DECK
- LANDSCAPE - XERISCAPE
- LANDSCAPE - GRASS
- WATER
- GARAGE PARKING STALLS
- CARPORT PARKING STALLS
- OPEN PARKING STALLS
- TYPE 'A' APARTMENTS (24-PLEX)
- TYPE 'B' APARTMENTS (36-PLEX)
- CLUBHOUSE

**COMPASS POINT CONCEPTUAL SITE PLAN**  
SCALE: 1" = 40' - 0"



**SITE SUMMARY: (BUILDINGS)**

SITE AREA = 731,853 SF (16.8 ACRES)  
 (10) BUILDINGS OF 24-PLEX = 240 UNITS  
 (2) BUILDINGS OF 36-PLEX = 72 UNITS  
**TOTAL UNITS = 312**

**SITE SUMMARY: (PARKING REQUIREMENTS)**

MULTI-FAMILY; (2) SPACES PER DWELLING UNITS  
 VISITORS; (1) SPACE PER (4) DWELLING UNITS  
 624 STALLS REQ'D FOR RESIDENTS  
**78 STALL REQ'D FOR VISITORS**  
 702 STALLS TOTAL  
 8% NATURAL ADJUSTMENT REDUCTION  
 (FROM RESIDENT STALLS) = 49.92 STALLS  
 THUS, (49) STALLS CAN BE ELIMINATED  
 624 - 49 = 575 STALLS REQ'D FOR RESIDENTS  
**575 + 78 = 653 STALLS REQ'D FOR PROJECT**

**SITE SUMMARY: (PARKING PROVIDED)**

GARAGE STALLS = 246  
 CARPORT = 300  
 OPEN SURFACE STALLS = 112  
**TOTAL STALLS = 658**

**SITE SUMMARY: (OPEN SPACE / LANDSCAPE)**

ASPHALT AREA = 224,861 SF  
 LANDSCAPE (LAWN) = 73,894 SF  
 XERISCAPE (GRAVEL) = 224,861 SF  
 CONCRETE SIDEWALKS = 55,359 SF  
 CONCRETE CURBS = 1,140 SF  
 24-PLEX FOOTPRINT = 90,230 SF  
 36-PLEX FOOTPRINT = 27,462 SF  
 GARAGE FOOTPRINT = 68,629 SF  
 CLUBHOUSE FOOTPRINT = 5,325 SF  
 POOL DECK = 9,778 SF  
 SWIMMING POOL / SPA = 3,463 SF  
**TOTAL AREA = 731,853 SF**



**STAFF REPORT**

May 17, 2024

**To:** Tooele City Planning Commission  
Business Date: May 22, 2024

**From:** Planning Division  
Community Development Department

**Prepared By:** Jared Hall, City Planner / Zoning Administrator

**Re: Douglas Orthopedic, Final Condominium Subdivision**

Applicant: John Douglas  
Project Location: 2321 N. 400 East  
Zoning: GC, General Commercial  
Acreage: 2.23 acres, 97,308 square feet  
Request: Final Condominium Subdivision Approval

**BACKGROUND**

This application is a request for Final Condominium Subdivision approval to divide an existing commercial building located at 2321 N. 400 East into five privately owned spaces. The Planning Commission reviewed the proposed condominium subdivision in July, 2023. Based on that review, City Staff has worked with the applicant to further prepare the plat and condominium documents. Under the condominium process, the Planning Commission's role is now to review and make a recommendation to the City Council regarding final approval.

**ANALYSIS**

*Zoning.* The subject property is located in the GC, General Commercial zone, and is currently in use as a medical facility, Douglas Orthopedics. The zoning is not impacted by the proposed subdivision. Condominium subdivision does not subdivide land, but only enables private ownership of the building above the ground or the interior spaces between walls. Mapping pertinent to the subject property and the zoning can be found in Exhibit "A" attached to this report.

*Site Plan.* In support of the condominium, the applicant has submitted a site plan application to make the necessary changes and adjustments to the building and site. Site Plan approvals will assure that the property and improvements comply with all requirements of Tooele City Code, including parking, landscaping, vehicular access, utility provision, etc. An approved site plan before recordation is recommended as a condition of approval.

*Subdivision Layout.* The proposed condominium subdivision creates five separate units that can be individually owned. All units will share access, parking, and other features of the site, but all can be owned by separate entities.

*Declaration of Condominium.* Documents are necessary to legally describe and control the commonly held aspects of the property once it is subdivided into a condominium. These documents have been filed and must be reviewed and approved by the City Attorney's office prior to recordation of the plat.

*Access.* Access to the property is from 400 East, and is not impacted by the proposed condominium

subdivision – all vehicular access is contained within the common space shared by all five units.

*Parking.* There are 72 parking spaces on the site. Parking requirements are met, and not impacted by the subdivision. All parking is included in the common space shared by all five units.

*Criteria For Approval.* The criteria for review and potential approval of a Condominium Final Plat request is found in Section 7-20-4 of the Tooele City Code.

## **REVIEWS**

*Planning Division Review.* The Tooele City Planning Division has completed their review of the Condominium Plat submission and has approved, recommending conditions that Site Plan approval by City Staff should precede recordation of the condominium plat, and that the Declaration of Condominium documents be reviewed and approved by the City Attorney's office.

*Engineering Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Condominium Plat submission and have approved.

*Fire Department Review.* The Tooele City Fire Department has completed their review of the Condominium Plat submission and has approved.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a positive recommendation for Final Approval of the Douglas Orthopedic Condominium Subdivision to the City Council, subject to the following conditions:

1. That the final plat will meet all requirements of the Tooele City Code and engineering standards prior to recordation.
2. That the Declaration of Condominium documents be reviewed and approved by the City Attorney's office.
3. That the amended Site Plan be approved by City Staff prior to recordation.

This recommendation is based on the following findings:

1. The proposed condominium subdivision meets the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed subdivision meets the requirements and provisions of the Tooele City Code with regards to condominiums.
3. The proposed condominium subdivision will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed condominium subdivision 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 a Positive Recommendation – “I move we forward a positive recommendation to the City Council for application number 23-617, the request for Final Condominium Subdivision Approval of the Douglas Orthopedic Condominium Subdivison located at 2321 N. 400 East in the GC, General Commercial zoning district based on the findings and subject to the conditions listed in the Staff Report dated May 17, 2024:”

1. List any additional findings and conditions...

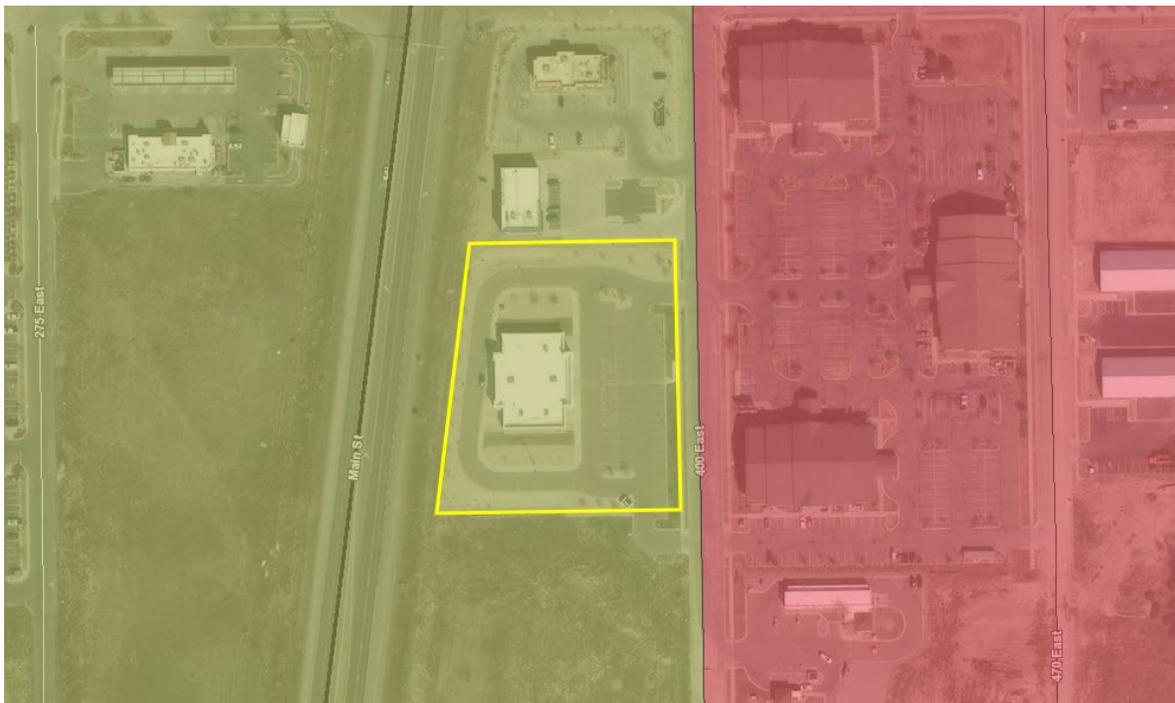
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for application number 23-617, the request for Final Condominium Subdivision Approval of the Douglas Orthopedic Condominium Subdivison located at 2321 N. 400 East in the GC, General Commercial zoning district based on the following findings:”

1. List any findings...

**EXHIBIT A: MAPPING, DOUGLAS ORTHOPEDIC CONDOMINIUM SUBDIVISION**



*Subject Property, Aerial Map*



*Subject Property, Zoning Map*

**EXHIBIT B: APPLICANT SUBMITTED MATERIALS**

CONDO

Subdivision - Final Plat Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecitcity.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 final 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 final 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 form with handwritten entries: 23-617, DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT, 2321 N. HOOE, STE 300 TOOELE, UTAH 84074, JOHN DOUGLAS, 6136 N. SENECA VIEW LN, TANNER HUSSEY ENGINEERING, GCM.

\*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.

2730663

For Office Use Only form with sections for Land Use Review, Planning Review, Fire Flow Test, and various review dates.

AFFIDAVIT

PROPERTY OWNER

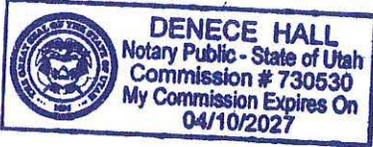
STATE OF UTAH                    }  
  }ss  
COUNTY OF TOOELE            }

I/we, JOHN DOUGLAS, being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

[Signature]  
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 7 day of July, 2023



[Signature]  
(Notary)  
Residing in TOOELE County, Utah  
My commission expires: 4/10/2027

AGENT AUTHORIZATION

I/we, \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), \_\_\_\_\_, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

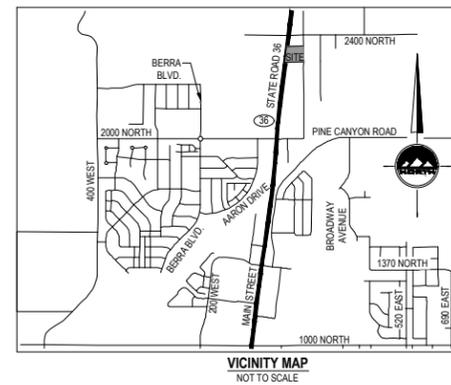
(Notary)

Residing in \_\_\_\_\_ County, Utah  
My commission expires: \_\_\_\_\_

**811**  
CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.  
Know what's below.  
Call before you dig.

# DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT

**FINAL PLAT**  
(AMENDING AND VACATING LOT 2 OF STRAWBERRY MINOR SUBDIVISION #1)  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, THE  
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 Land Surveyor, and that I hold license 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 Sections 17-23-17 and 51-8-13, have verified all measurements and have subdivided said tract of land into units, common areas and limited common areas together with easements, hereinafter to be known as **DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT**, and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all units meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**

All of Lot 2, Strawberry Water Minor Subdivision #1, according to the official plat thereof recorded as Entry No. 395180 in the office of the Tooele County Recorder, more particularly described as follows:  
A parcel of land situated in the Southeast Quarter of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel also located in Tooele City, Tooele County, Utah, more particularly described as follows:  
Beginning at a point on the Westerly right of way line of 400 East Street, said point being South 0°26'19" East 322.23 feet along the section line and West 33.00 feet to the west line of said 400 East Street, from the East Quarter Corner of said Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
thence South 0°26'19" East 340.65 feet along the West line of said 400 East Street to a found Ridgeline Land Surveying, rebar and plastic cap;  
thence South 89°41'14" West 308.69 feet to the Easterly right-of-way line of State Road 36, and a found Ridgeline rebar and cap;  
thence North 7°15'58" East 343.66 feet along said state right-of-way to the common line between lots 1 and 2 of said Strawberry Water Minor Subdivision Ent No. 395180;  
thence North 89°41'14" East 262.61 feet along said common line to the Point of Beginning.  
Parcel contains: 97,308 square feet or 2.23 acres, 5 units

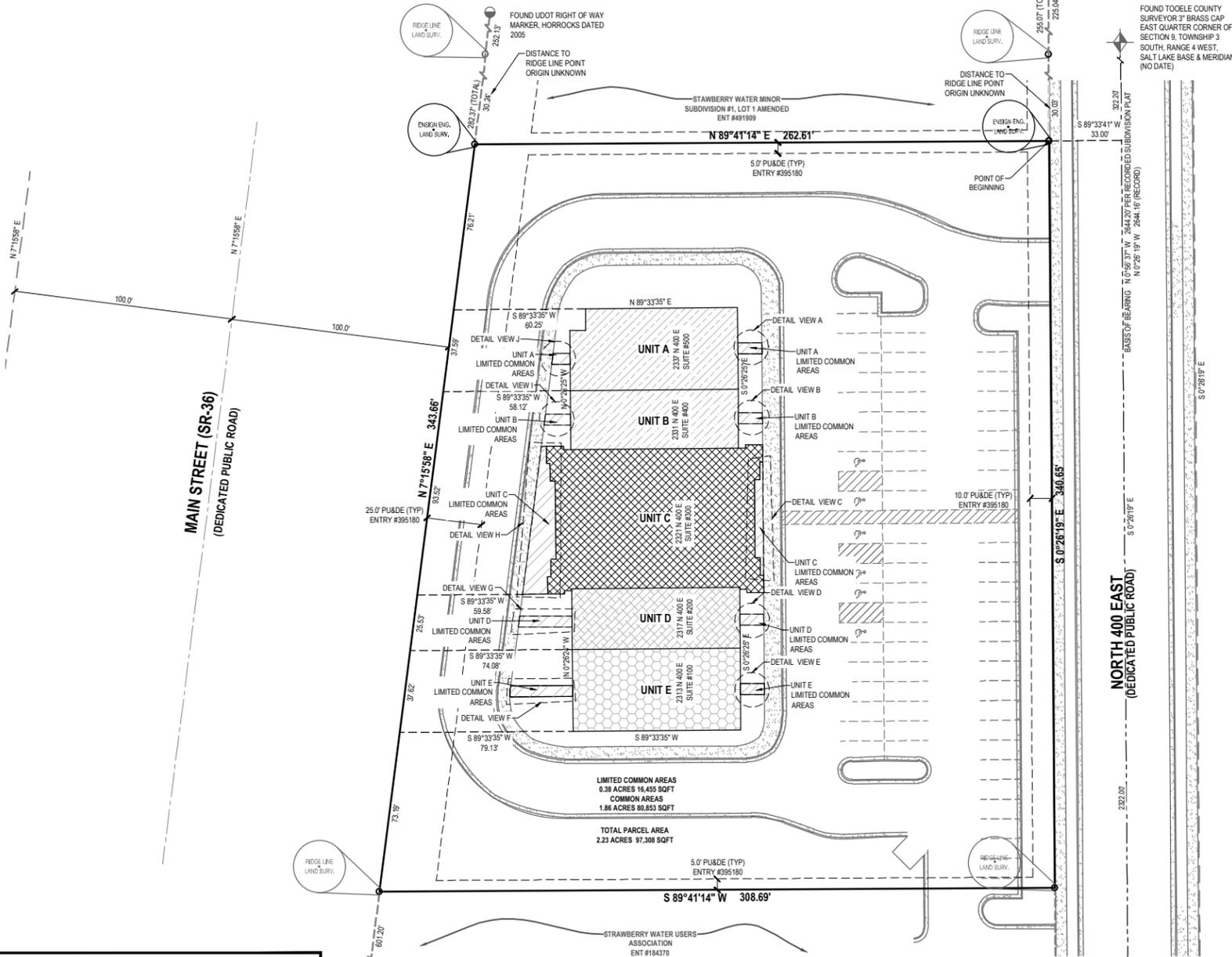
**OCTOBER 13, 2023**

Date  
Douglas J. Kinsman  
License No. 334575



**LEGEND**

- EXISTING STREET MONUMENT
- SECTION CORNER
- 5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- PU&DE = PUBLIC UTILITY & DRAINAGE EASEMENT
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- ADJACENT RIGHT OF WAY LINE
- TANGENT LINE
- LIMITED COMMON AREAS
- UNIT A (PRIVATE)
- UNIT B (PRIVATE)
- UNIT C (PRIVATE)
- UNIT D (PRIVATE)
- UNIT E (PRIVATE)
- COMMON AREA
- CROSS WALK/HANDICAP

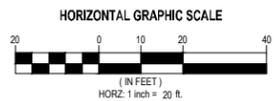


**MAIN STREET (SR-36)**  
(DEDICATED PUBLIC ROAD)

**NORTH 400 EAST**  
(DEDICATED PUBLIC ROAD)

**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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_  
DOMINION ENERGY 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)(III) 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 6A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR  
(4) ANY OTHER PROVISION OF LAW.  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
ROCKY MOUNTAIN POWER BY \_\_\_\_\_ TITLE \_\_\_\_\_



- NOTES**
- LIMITED COMMON AREAS ARE ALL SIDEWALKS LEADING TO EACH INDIVIDUAL UNITS.
  - PRIVATE AREAS ARE EACH OF THE INDIVIDUAL UNITS.
  - COMMON AREAS ARE ALL OTHER AREAS OUTSIDE OF THE UNITS AND SIDEWALKS.

**ENSIGN**  
THE STANDARD IN ENGINEERING  
TOOELE  
169 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435.843.3590  
Fax: 435.578.0108  
WWW.ENSINGENGG.COM

**SHEET 1 OF 3**  
PROJECT NUMBER: T1869E  
MANAGER: D. KINSMAN  
DRAWN BY: T. HUSSEY  
CHECKED BY: D. KINSMAN  
DATE: 10/13/23

**CITY COUNCIL APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY COUNCIL  
CHAIRMAN TOOELE CITY COUNCIL

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**  
STATE OF UTAH  
County of Tooele  
J.S.S.  
On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, personally appeared before me \_\_\_\_\_ of the signer of the foregoing instrument, who duly acknowledged to me that he/she is a \_\_\_\_\_ a Utah limited liability company, and is authorized to execute the foregoing Agreement in its behalf and that he/she executed it in such capacity.  
MY COMMISSION EXPIRES: \_\_\_\_\_  
RESIDING IN \_\_\_\_\_ COUNTY.

**DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT**  
(AMENDING AND VACATING LOT 2 OF STRAWBERRY MINOR SUBDIVISION #1)  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9,  
THE TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH

**COMMUNITY DEVELOPMENT APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY COMMUNITY DEVELOPMENT  
TOOELE CITY COMMUNITY DEVELOPMENT

**COUNTY HEALTH DEPARTMENT APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY HEALTH DEPARTMENT  
TOOELE COUNTY HEALTH DEPT.

**COUNTY SURVEYOR DEPARTMENT APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY SURVEY DEPARTMENT  
RECORD OF SURVEY FILE # 2015-0014-01  
TOOELE COUNTY SURVEY DIRECTOR

**CITY ENGINEER'S APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY ENGINEER  
TOOELE CITY ENGINEER

**COUNTY TREASURER**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY TREASURER  
TOOELE COUNTY TREASURER

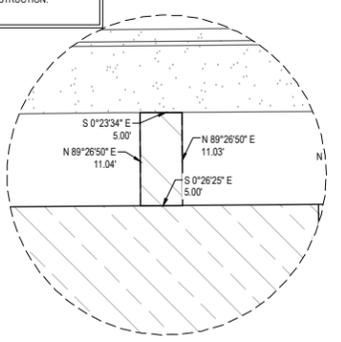
**PLANNING COMMISSION APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY PLANNING COMMISSION  
CHAIRMAN TOOELE CITY PLANNING COMMISSION

**TOOELE COUNTY RECORDER**  
RECORDED # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE  
REQUEST OF: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
FEES \_\_\_\_\_  
TOOELE COUNTY RECORDER

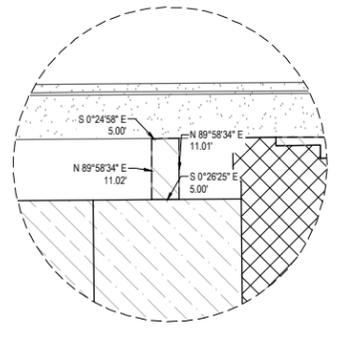
**811**  
 Know what's below.  
 Call before you dig.

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

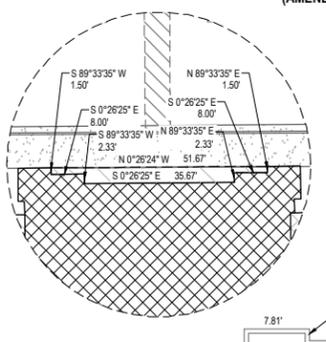
**DETAIL A**  
 1"=10' SCALE



**DETAIL B**  
 1"=10' SCALE



**DETAIL C**  
 1"=20' SCALE

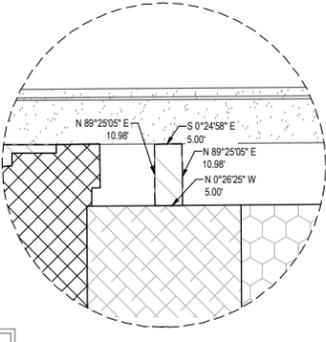


**DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT**

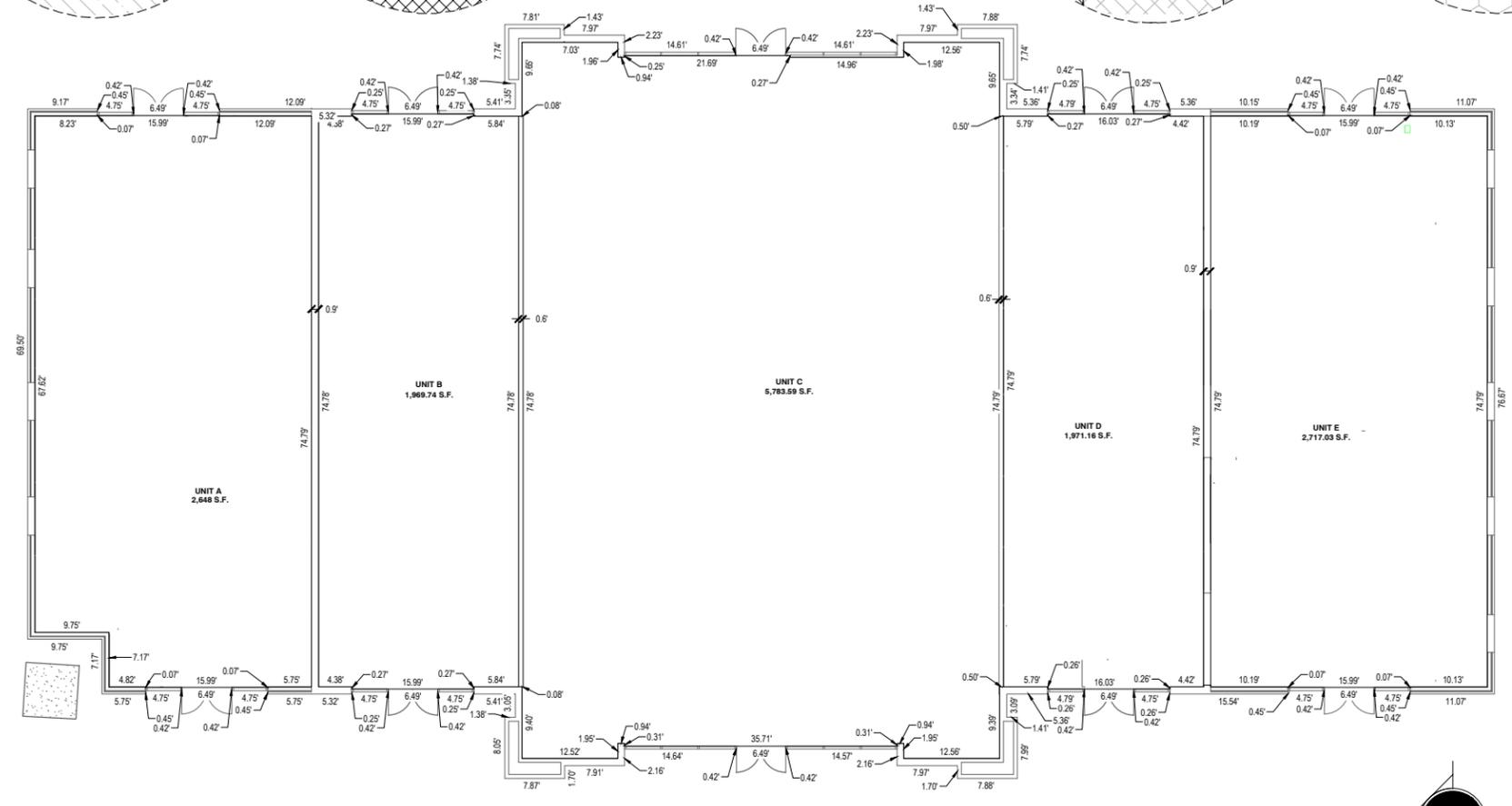
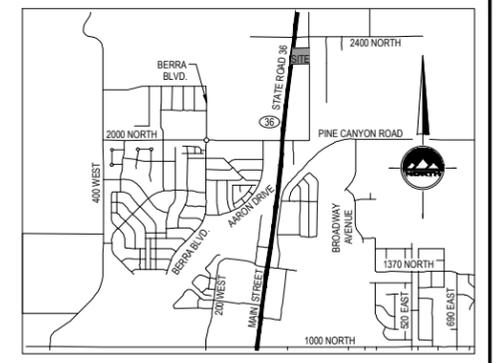
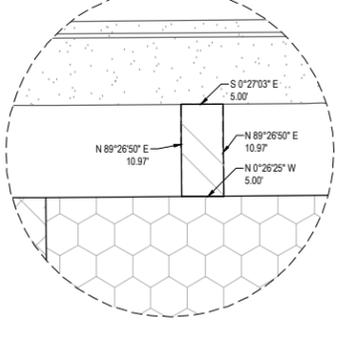
**FINAL PLAT**

(AMENDING AND VACATING LOT 2 OF STRAWBERRY MINOR SUBDIVISION #1)  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, THE  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
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 TOOELE CITY, TOOELE COUNTY, UTAH

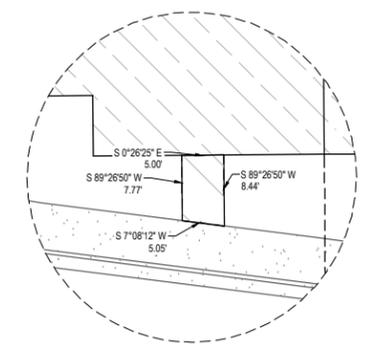
**DETAIL D**  
 1"=10' SCALE



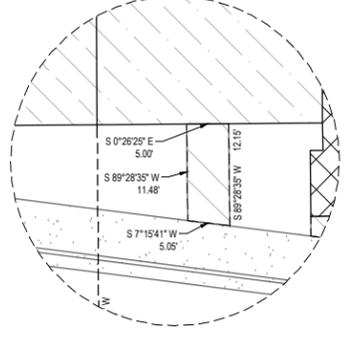
**DETAIL E**  
 1"=10' SCALE



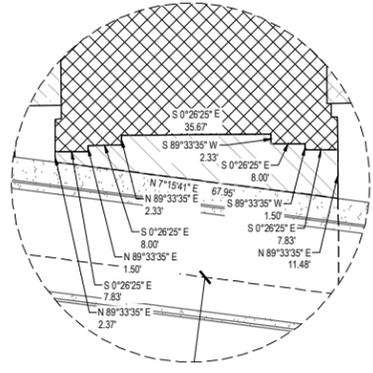
**1 MAIN LEVEL FLOOR PLAN**  
 SCALE: 1" = 10'



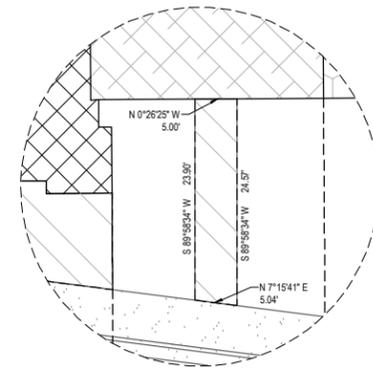
**DETAIL J**  
 1"=10' SCALE



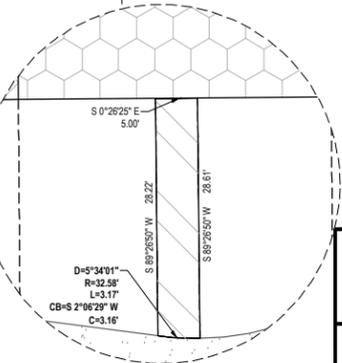
**DETAIL I**  
 1"=10' SCALE



**DETAIL H**  
 1"=20' SCALE

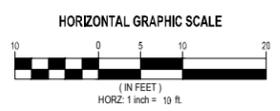


**DETAIL G**  
 1"=10' SCALE



**DETAIL F**  
 1"=10' SCALE

**NOTES**  
 1. THE BOUNDARY FOR EACH CONDOMINIUM (A,B,C,D & E) IS DEFINED BY THE DIMENSIONED INTERIOR WALLS.



**ENSIGN**  
 THE STANDARD IN ENGINEERING

TOOELE  
 169 North Main Street Unit 1  
 Tooele, Utah 84074  
 Phone: 435.843.3590  
 Fax: 435.578.0108

SALT LAKE CITY  
 Phone: 801.266.8509  
 LAYTON  
 Phone: 801.547.1100  
 CEDAR CITY  
 Phone: 435.865.1453  
 RICHFIELD  
 Phone: 435.896.2883

WWW.ENSIGNING.COM

**SHEET 2 OF 3**

PROJECT NUMBER : T18686  
 MANAGER : D. KINSMAN  
 DRAWN BY : T. HUSSEY  
 CHECKED BY : D. KINSMAN  
 DATE : 10/13/23

DEVELOPER  
 JOHN DOUGLAS D.O.  
 2396 N. 400 E.  
 TOOELE CITY, UT 84074  
 435-849-1595



**DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT**  
 (AMENDING AND VACATING LOT 2 OF STRAWBERRY MINOR SUBDIVISION #1)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9,  
 THE TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH

TOOELE COUNTY RECORDER

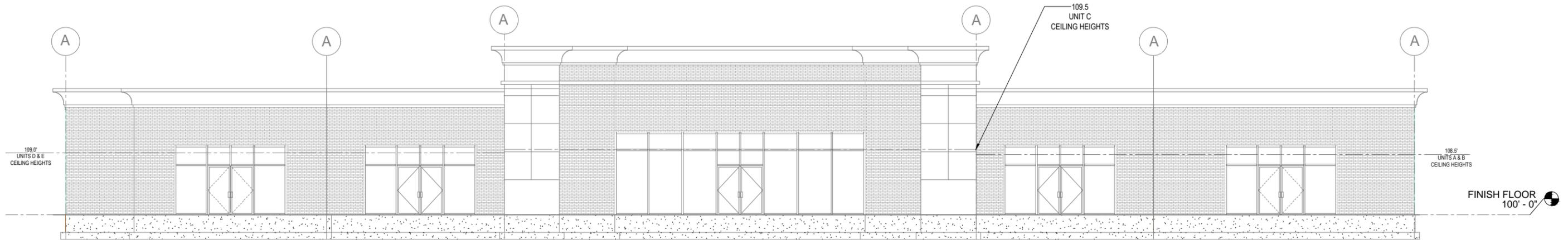
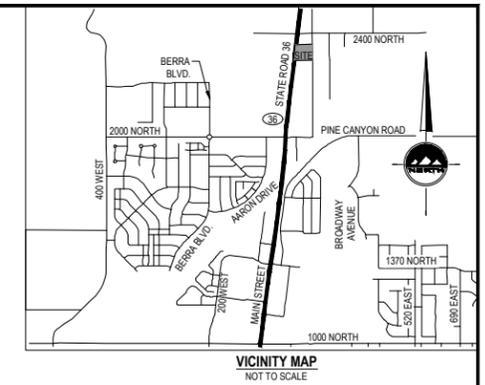
RECORDED # \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE  
 REQUEST OF: \_\_\_\_\_  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
 FEES \_\_\_\_\_ TOOELE COUNTY RECORDER

**811**  
 CALL BLUESTAKES  
 @ 811 AT LEAST 48 HOURS  
 PRIOR TO THE  
 COMMENCEMENT OF ANY  
 CONSTRUCTION.  
 Know what's below.  
 Call before you dig.

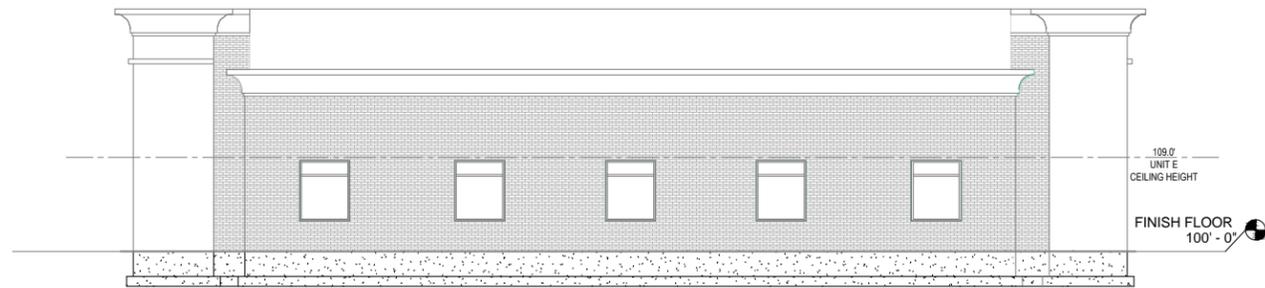
**DOUGLAS ORTHOPEDIC CONDOMINIUM PLAT**

**FINAL PLAT**

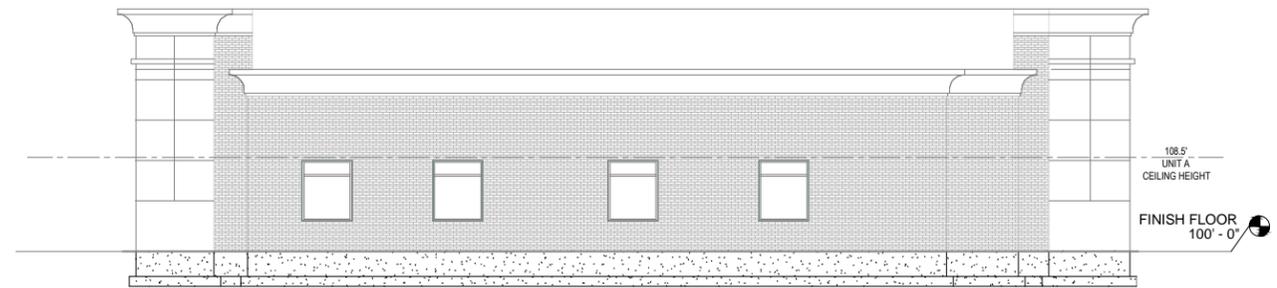
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 TOOELE CITY, TOOELE COUNTY, UTAH



**EAST ELEVATION**



**SOUTH ELEVATION**



**NORTH ELEVATION**

**NOTES**  
 (A) DIVIDING WALL BETWEEN UNITS.

**DEVELOPER**  
 JOHN DOUGLAS D.O.  
 2356 N. 400 E.  
 TOOELE CITY, UT 84074  
 435-849-1595



TOOELE  
 1655 North Main Street Unit 1  
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 Phone: 801.236.9509  
 LAYTON  
 Phone: 801.547.1100  
 CEDAR CITY  
 Phone: 435.865.1453  
 RICHFIELD  
 Phone: 435.856.2883

**SHEET 3 OF 3**

PROJECT NUMBER : T1869E  
 MANAGER : D. KINSMAN  
 DRAWN BY : T. HUSSEY  
 CHECKED BY : D. KINSMAN  
 DATE : 10/13/23

**DOUGLAS ORTHOPEDIC  
 CONDOMINIUM PLAT**  
 (AMENDING AND VACATING LOT 2 OF STRAWBERRY MINOR SUBDIVISION #1)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9,  
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 TOOELE CITY, TOOELE COUNTY, UTAH

**TOOELE COUNTY RECORDER**

RECORDED # \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE  
 REQUEST OF : \_\_\_\_\_  
 DATE : \_\_\_\_\_ TIME : \_\_\_\_\_  
 FEES : \_\_\_\_\_ TOOELE COUNTY RECORDER

**Tooele City Planning Commission  
Business Meeting Minutes**

**Date:** Wednesday, May 8, 2024

**Time:** 7:00 p.m.

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

**Commission Members Present:**

Tyson Hamilton  
Alison Dunn  
Matt Robinson  
Jon Proctor  
Kelley Anderson

**Commission Members Excused:**

Weston Jensen  
Chris Sloan  
Melanie Hammer

**City Council Members Present:**

Melodi Gochis

**City Council Members Excused:**

Ed Hansen  
Maresa Manzione

**City Employees Present:**

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

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**

Tyson Hamilton, Present  
Jon Proctor, Present  
Matt Robinson, Present  
Alison Dunn, Present  
Kelley Anderson, Present

Melanie Hammer, Excused  
Weston Jensen, Excused  
Chris Sloan, Excused

**3. Public Hearing and Recommendation – Consideration of proposed amendments to Tooele City Code 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures regarding the encroachment of architectural elements into the rear yard setback of residential lots.**

*Presented by Andrew Aagard, Community Development Director*

Mr. Aagard presented an amendment to the City Code 7-14-4 for rear-yard setbacks. The setback is measured from property line to foundation. Decks, porches, and basement stair-wells are not addressed in the City Code in regards to these setbacks. The state passed law HB-76, that states that cities must allow decks, porches, and basement stairwells to be allowed in the setbacks. The proposed changes include the addition of footnotes and language.

The Planning Commission asked the following:  
What constitutes a cover?

Mr. Aagard addressed the Commission. A pergola does not count as a covered structure because it is not a solid roof. This refers to any covering that falls underneath the structure definition.

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

**Commissioner Robinson motioned to forward a positive recommendation of the proposed amendments to Tooele City Code 7-14-4, Table 3, based on the findings listed in the staff report.** Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Proctor, “Aye”, Chairman Hamilton, “Aye”, Commissioner Robinson, “Aye”, Commissioner Dunn, “Aye”, and Commissioner Anderson, “Aye”. The motion passed.

**4. Public Hearing and Recommendation – Consideration of proposed amendments to Tooele City Code 7-14-6, Accessory Structures Requirements regarding the location of accessory structures, fire wall ratings, lot coverage and metal shipping containers.**

*Presented by Andrew Aagard, Community Development Director presenting*

Mr. Aagard presented an amendment to City Code 7-14-6 in regards to accessory structure requirements. The amendment clarifies where someone is able to put an accessory building, language for the three guidelines for the 1-foot setback exception, changing 8% to 9% lot coverage, and clarification on prohibiting metal shipping containers as storage sheds in residential zones.

The Planning Commission asked the following:  
What changes it from a shipping container to a structure?  
If they put a shipping container on a foundation, does it count as a structure?

When swig made their shipping container into a building, did they have to follow certain requirements?

The shipping containers could be used as an ADU. Will this come in conflict with the state?

Mr. Aagard addressed the Commission's questions. The code says it is a combination of materials to be considered as a structure. There has been a long discussion with the applicants on the use of shipping containers. The commercial zones do not have architecture standards. Residential zones have standards. In residential zones, it comes down to the definition. There is ordinance in Tooele that the ADU must match the primary residents.

Mr. Hall addressed the Commission. When people modify the shipping containers, they can be nice. However, most times a shipping container is used in a residential area, they are placed and nothing further is done to the appearance of them. Most cities do not allow them in a residential zone.

The public hearing was opened.

Becky Harvey shared concerns of the clarity of not allowing shipping containers in residential zones.

The public hearing was closed.

**Commissioner Proctor motioned to forward a positive recommendation of proposed amendments to Tooele City Code 7-14-6, Accessory Structures Requirements regarding the location of accessory structures, fire wall ratings, lot coverage and metal shipping containers.** Commissioner Dunn seconded the motion. The vote was as follows: Commissioner Proctor, "Aye", Chairman Hamilton, "Nay", Commissioner Robinson, "Nay", Commissioner Dunn, "Aye", and Commissioner Anderson, "Nay".

### **5. City Council Reports**

Council Member Gochis shared the following information from the City Council Meeting: The updated city water and sewer fees went into effect May 1<sup>st</sup>. Those changes will be reflected on the June bill. The Council approved codifying the Overlake zoning district, the tentative budget for the next fiscal year, John Perez as the new Economic Development Director, and an agreement with dispatch services. They approved an 80-foot tower for the new fire station, an agreement for the new traffic signal near Macey's and a new salt storage facility on the North end of town.

### **6. Review and Approval – Planning Commission Minutes**

There are no changes to the minutes.

**Commissioner Anderson motioned to approve the minutes.** Commissioner Robinson seconded the motion. The vote was as follows: Commissioner Proctor, "Aye", Chairman Hamilton, "Aye", Commissioner Robinson, "Aye", Commissioner Dunn, "Aye", and Commissioner Anderson, "Aye". The motion passed.

**7. Adjourn**

**Chairman Hamilton adjourned the meeting at 7:41 p.m.**

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this \_\_\_\_ day of May, 2024

\_\_\_\_\_  
Tyson Hamilton, Tooele City Planning Commission Chair

DRAFT