

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, January 22, 2025** 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** on a Conditional Use Permit request to consider an Accessory Drive Through Facility by LH Perry Investments, LLC, located at approximately northwest corner of 2400 N. and Main Str. (SR 36) on **Pad B** in the GC (General Commercial) Zoning District.
4. **Public Hearing and Decision** on a Conditional Use Permit request to consider an Accessory Drive Through Facility by LH Perry Investments, LLC, located at approximately northwest corner of 2400 N. and Main Str. (SR 36) on **Pad F** in the GC (General Commercial) Zoning District.
5. **City Council Reports**
6. **Review and Decision** – Minutes of the Planning Commission meeting held January 8, 2025
7. **Adjourn**

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

**STAFF REPORT**

January 22, 2025

**To:** Tooele City Planning Commission  
Business Date: January 22, 2025

**From:** Planning Division  
Community Development Department

**Prepared By:** Kent Page, City Planner / Zoning Administrator

**Re: LH Perry Investments, LLC – CUP Request**

Application No.: 2025004 (Pad B) & 2025003 (Pad F)  
Applicant: LH Perry Investments, LLC; contact person: AWA – Jenny Cooper  
Property Owner: LH Perry Investments, LLC  
Project Location: Northwest corner of 2400 N. and Main Street (SR 36); Pad B & Pad F in the “Smith’s Marketplace” development  
Zoning: GC (General Commercial)  
Acreage: Pad B: 1.197 acres; Pad F: 1.312 acres  
Request: Two separate applications for approval. Both Conditional Use Permits in the GC zone for an accessory drive through facility. One on Pad B and one on Pad F.

**BACKGROUND**

These two applications found in Exhibit A (Pad B) and Exhibit B (Pad F) are for approval of a CUP for Pad B (1.197 acres) and Pad F (1.312 acres) located at the northwest corner of 2400 N. and Main Street (SR 36) in the “Smith’s Marketplace” development. Both Pads are currently zoned GC (General Commercial) (see Exhibit C). The applicant is requesting that a CUP be approved to allow for the development of an accessory drive through facility on Pad B and a CUP be approved to allow for the development of an accessory drive through facility on Pad F shown in Exhibits D, E, & F.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Regional Commercial Land Use designation for the subject property. The purpose of the Regional Commercial Land Use category is:

Provide for general commercial opportunities that include a wide range of uses that serve the community and the region. This category permits the full scope of commercial land uses that are destination-oriented. The areas may include large-scale, master-planned commercial centers, big-box stores and offices. Specific uses in this land use category include a wide range of retail businesses, personal services, food and beverage establishments, hotel and other tourist uses, automotive sales and repair, professional offices, and housing. Regional Commercial land uses are primarily located along major transportation corridors.

The property has been assigned the GC (General Commercial) zoning classification. The purpose of the GC (General Commercial) district is intended and provided:

to encourage the establishment of a wide variety of retail commercial uses, service

commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this district should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the City's tax base.

Properties assigned the GC (General Commercial) zoning classification surround the subject property to the north, east, south, and west (see Exhibit C).

Site Plan Layout. The applicant has submitted a site plan showing the layout and dimensions of the drive throughs in Exhibits D, E, & F. One Site Plan is currently under review for Pad B and Pad F in a separate application. The overall size of the Pad B is 1.197 acres, and the overall size of Pad F is 1.312 acres. The length of each drive through is substantial; due to their lengths staff does not anticipate the drive throughs causing traffic congestion on or off-site. **It is important to remember that these applications are not Site Plan applications; the Planning Commission should focus its review on the locations of the drive through facilities and any potential impacts that may result from proposed locations.**

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:

- (1) 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.
- (2) 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, staff does not anticipate any negative effects of this drive through on or off-site besides the possible, yet unlikely, headlight irritation to adjacent drivers

traveling in opposite directions – this issue is often more apparent when drive through traffic is elevated above adjacent traffic. The elevation traffic in the drive throughs and the elevation traffic on adjacent properties is anticipated to be comparable.

## **REVIEWS**

*Planning Division Review.* The Tooele City Planning Division has completed their review of both CUP applications and issues a recommendation for approval for the requests.

*City Engineer.* The City Engineer has not issued any comments concerning these applications.

*Public Works Director.* The Public Works Director has not issued any comment concerning these applications.

*Fire Department.* The Fire Department has not issued any comment concerning these applications.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a CUP to LH Perry Investments, LLC, application number 2025004 (Pad B) and application number 2025003 (Pad F).

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

## **MODEL MOTIONS**

Sample Motion for Approval – “I move we **approve** the CUP Request by LH Perry Investments, LLC to authorize the use of an accessory drive through facility at Pad B of The Peak at Compass Point Commercial Development, application number 2025004, based on the findings.

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

Sample Motion for Denial – “I move we **deny** the CUP Request by LH Perry Investments, LLC to authorize the use of an accessory drive through facility at Pad B of The Peak at Compass Point Commercial Development, application number 2025004, based on the following findings:”

## **MODEL MOTIONS**

Sample Motion for Approval – “I move we **approve** the CUP Request by LH Perry Investments, LLC to authorize the use of an accessory drive through facility at Pad F of The Peak at Compass Point Commercial Development, application number 2025003, based on the findings.

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

Sample Motion for Denial – “I move we **deny** the CUP Request by LH Perry Investments, LLC to authorize the use of an accessory drive through facility at Pad F of The Peak at Compass Point Commercial Development, application number 2025003, based on the following findings:”

**EXHIBIT A**

**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:	01/06/2025	Current Zoning:	GC	Parcel #(s):	2025004 02-143-0-0118	
Project Name:	The Peak at Compass Point Pad B				Acres:	1.197
Project Address:	Northwest Corner of 2400 N and Main St (SR 36)				Units:	
Project Description:	Multi tenant commercial building with drive through facilities					
Current Use of Property:	The property is currently undeveloped land					
Property Owner(s):	LH Perry Investments, LLC		Applicant(s):	LH Perry Investments, LLC		
Address:	17 E Winchester		Address:	17 E Winchester		
City:	Murray	State:	UT	Zip:	84107	
Phone:	801-317-8100		Phone:	801-317-8100		
Contact Person:	AWA - Jenny Cooper		Address:	2010 N Redwood Road		
Phone:	801-521-8529		City:	Salt Lake City	State: UT Zip: 84116	
Cellular:		Fax:		Email:	jennyc@awaeng.com	
Signature of Applicant:					Date:	


**EXHIBIT B**

**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)



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<b>Project Information</b>						2025003
Date of Submission: 01/06/2025		Current Zoning: GC		Parcel #(s): 02-143-0-0118		
Project Name: The Peak at Compass Point Pad F					Acres: 1.312	
Project Address: Northwest Corner of 2400 N and Main St (SR 36)					Units:	
Project Description: Multi tenant commercial building with drive through facilities						
Current Use of Property: The property is currently undeveloped land						
Property Owner(s): LH Perry Investments, LLC			Applicant(s): LH Perry Investments, LLC			
Address: 17 E Winchester			Address: 17 E Winchester			
City: Murray	State: UT	Zip: 84107	City: Murray	State: UT	Zip: 84107	
Phone: 801-317-8100			Phone: 801-317-8100			
Contact Person: AWA - Jenny Cooper			Address: 2010 N Redwood Road			
Phone: 801-521-8529			City: Salt Lake City	State: UT	Zip: 84116	
Cellular:	Fax:	Email: jennyc@awaeng.com				
Signature of Applicant: 						Date:

# EXHIBIT C

## ZONING

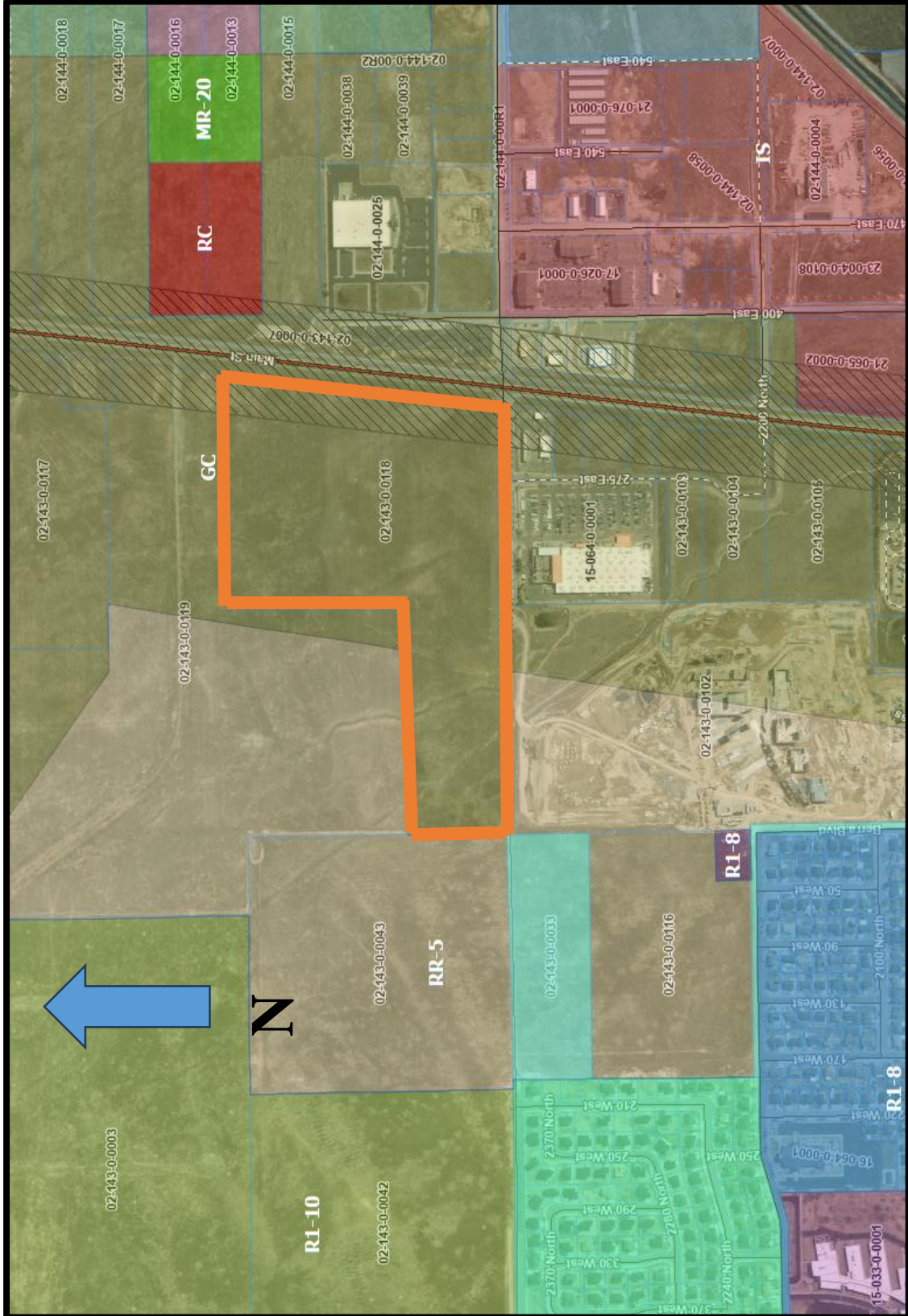




EXHIBIT D  
SITE PLAN

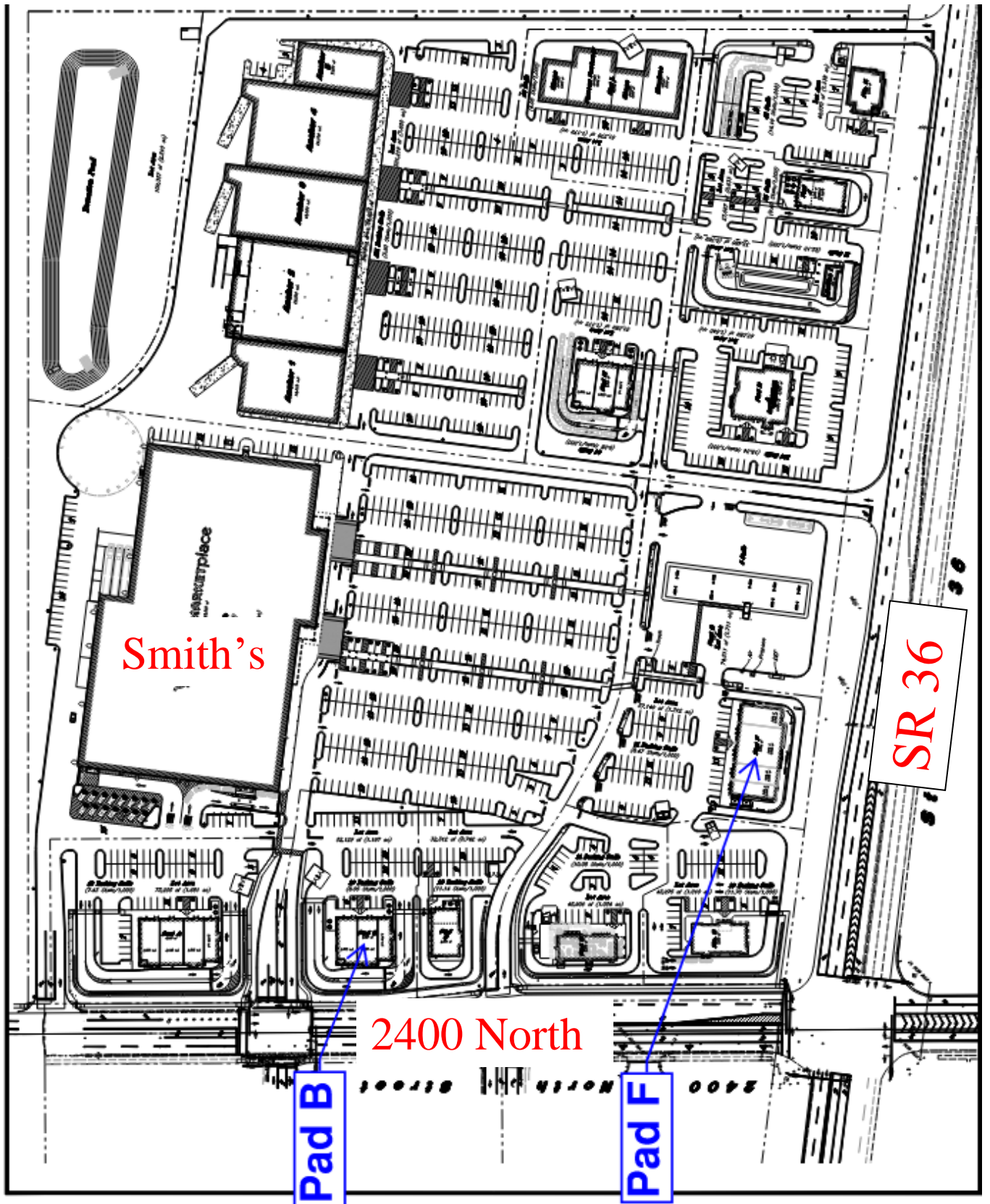
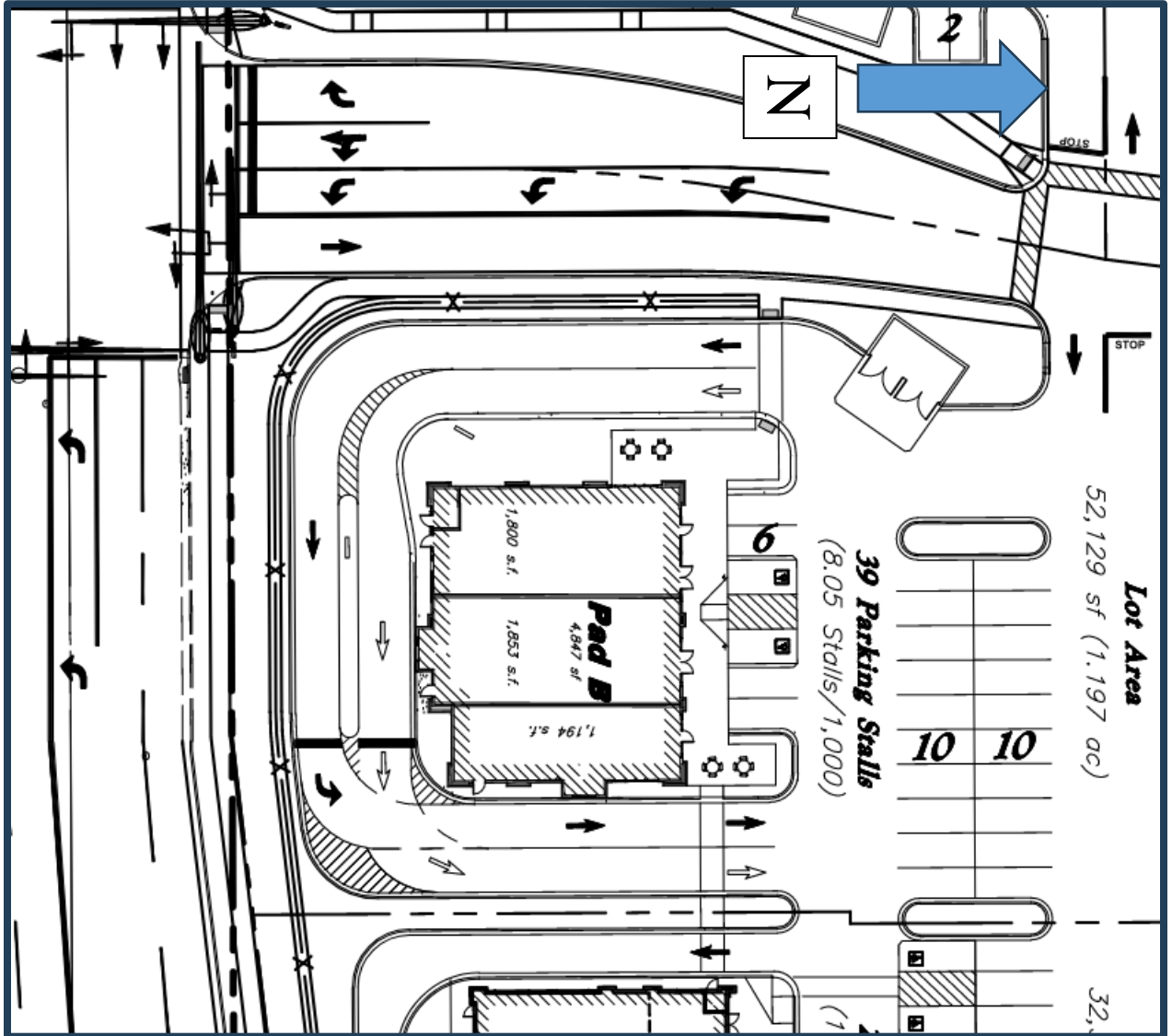


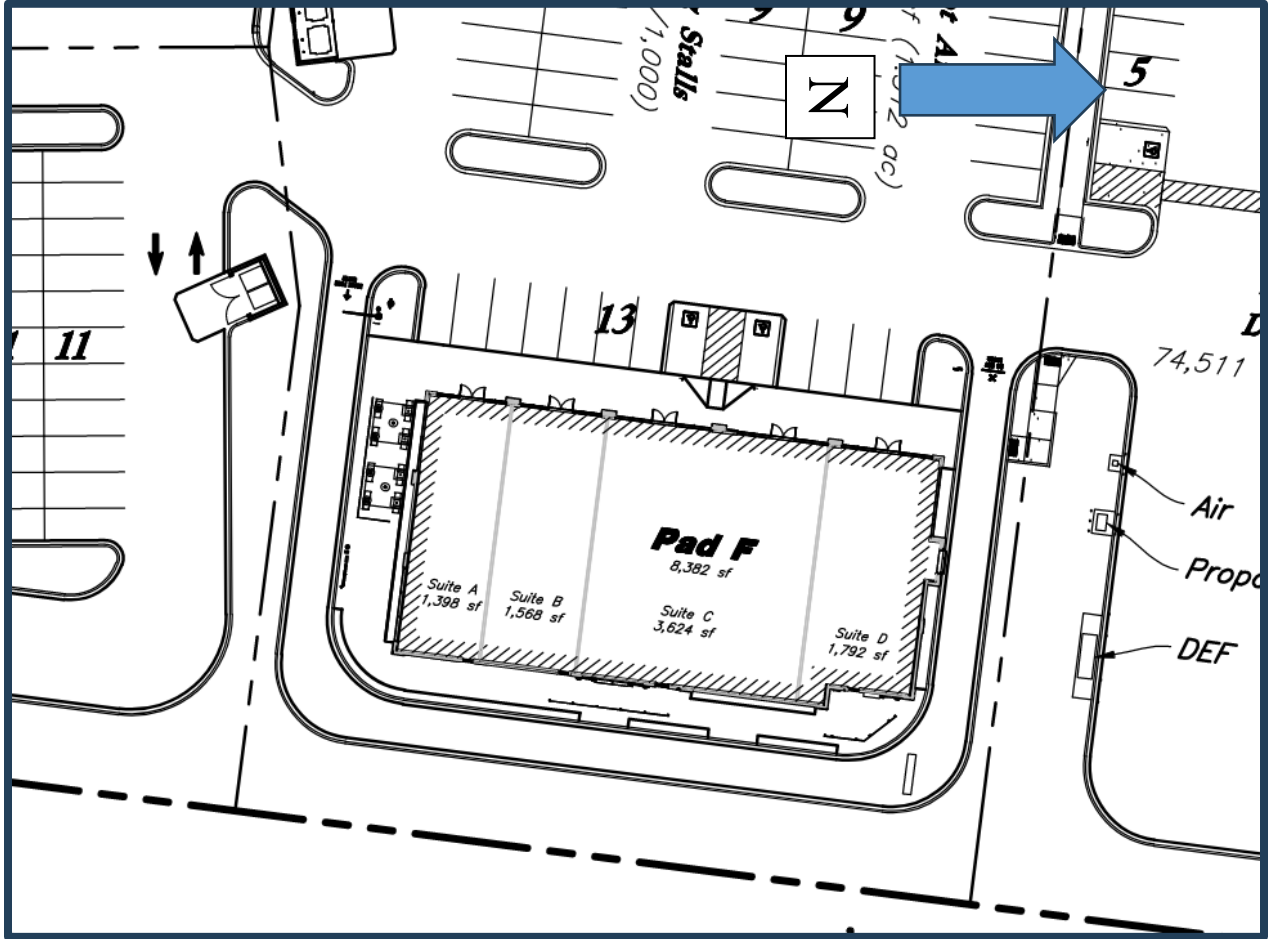
EXHIBIT E

DETAIL SITE PLAN PAD B



**EXHIBIT F**

**DETAIL SITE PLAN PAD F**



Tooele City Planning Commission  
Business Meeting Minutes

**Date:** January 8, 2025

**Time:** 7:00 pm

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

**Commission Members Present:**

Tyson Hamilton  
Weston Jensen  
Kelley Anderson  
Jon Proctor  
Melanie Hammer  
Alison Dunn  
Matt Robinson

**City Council Members Present:**

Ed Hansen  
Maresa Manzione

**City Employees Present:**

Andrew Aagard, Community Development Director  
Matt Johnson, Assistant City Attorney  
Paul Hansen, City Engineer  
Kent Page, City Planner

Minutes prepared by Alicia Fairbourne

**1. Pledge of Allegiance**

Chairman Robinson called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

**2. Roll Call**

Tyson Hamilton, present  
Weston Jensen, present  
Kelley Anderson, present  
Jon Proctor, present  
Melanie Hammer, present  
Alison Dunn, present  
Matt Robinson, present  
Chris Sloan, excused  
Jon Gossett, excused

**3. Public Hearing and Decision on a Conditional Use Permit Consider Accessory Drive Through Facility request by Hoot Owl Leasing, LLC/C&G Construction Retail Stores, located at approximately 35 S. Tooele Blvd. in the Light Industrial (LI) Zoning District.**

Mr. Page presented the item, which was a proposal for a drive-through facility that aligned with the zoning requirements. Mr. Page noted that vehicle stacking within the drive-through was sufficient to avoid disruptions to on-site or street traffic. To address potential light pollution, he recommended implementing measures such as landscaping or fencing to screen vehicle headlights from drivers on Tooele Boulevard.

Applicant Brock Griffith provided clarification on operational and logistical considerations. He explained that deliveries occurred during hours with low traffic and that the area offered sufficient parking. Staff recommended approval of the Conditional Use Permit, subject to the condition that measures were taken to mitigate the impact of vehicle headlights on nearby traffic.

There being no further questions from the Planning Commission, Chairman Robinson opened the floor for public comment at 7:04 pm. There were no comments from the public. The floor was closed at 7:04 pm.

**Motion: Commissioner Proctor moved to approve the CUP request by Brock Griffith, representing C&G Construction Retail Stores for an accessory drive through facility, application number 2024070, based on the findings and subject to the conditions in the staff report.** Commissioner Hamilton seconded the motion.

**Discussion:** Commissioner Anderson raised concerns regarding the requirement to mitigate vehicle headlights through screening measures. He referenced existing businesses, such as Janna's Java and Swig, which directed headlights across Main Street and had not faced similar requirements. He expressed that implementing additional conditions, like requiring headlight screening, might not align with fostering a business-friendly environment in Tooele City. Commissioner Anderson suggested that such measures could be perceived as excessive and potentially discouraging for businesses looking to establish or expand within the city.

The vote was as follows: Commissioner Anderson, "Aye", Commissioner Dunn, "Aye", Commissioner Hamilton, "Aye", Commissioner Hammer, "Aye", Commissioner Jensen, "Aye", Commissioner Proctor, "Aye", Chairman Robinson, "Aye". There were none opposed. The motion passed.

**4. Decision on a Preliminary Subdivision Plan request by Dave Irving representing Building Dynamics to create 8 town house style residential lots at the south west corner of 1200 North 680 West in the MR-16 Multi-Family Residential zone on 1.29 acres.**

Mr. Aagard provided an overview, and stated that the property covered approximately 1.3 acres and was zoned MR-16 for multi-family residential use, allowing for 16 dwelling units per acre. Surrounding properties to the north and east shared the same zoning, while undeveloped land zoned R1-7 were located to the west, and commercial zoning to the south. The project extended from the adjacent Lex Townhomes development, which shared the same developer.

The subdivision plan was straightforward, and focused on creating lots and property lines. Each townhouse footprint would constitute a lot for private ownership, with limited common areas allocated for driveways and patio spaces. A significant stormwater detention basin was planned for the north side of the development, designed to manage runoff water from this development and neighboring areas. Additionally, landscaped common areas with amenities were proposed to the west of the buildings.

The preliminary subdivision plan complied with the MR-16 zoning standards, which imposed no restrictions on lot sizes to support private townhouse ownership. Mr. Aagard confirmed that the proposed subdivision met or exceeded all requirements and he recommended approval, as outlined in the staff report.

**Motion: Commissioner Hammer moved to approve the preliminary subdivision plan request by Dave Irving, representing Building Dynamics for the Lex Townhomes Lot 106 Preliminary Subdivision Plan,**

**application number 2024052, based on the findings and subject to the conditions listed in the staff report dated December 31, 2024.** Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Anderson, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Hammer, “Aye”, Commissioner Jensen, “Aye”, Commissioner Proctor, “Aye”, Chairman Robinson, “Aye”. There were none opposed. The motion passed.

**5. Decision on a Multi-Family Residential Site Plan request by Dave Irving representing Building Dynamics to approve Lex Townhomes Lot 106 at the south west corner of 1200 North and 680 West in the MR-16 Multi-Family Residential zone on 1.29 acres.**

Mr. Aagard presented the site plan for the subdivision and noted it featured a row of eight townhomes that would have direct access to 680 West, which was a public street. A small amenity space was included on the west side of the development, which met the city’s requirement for one recreational amenity. This area would feature drought-friendly landscaping with a small section of sod for recreational use.

The landscaping plan complied with Tooele City’s multifamily residential design standards, including the required number of trees and shrubs, and a focus on water-wise landscaping. The architectural design mirrored that of the adjacent Lex Townhomes, with a focus on high-quality materials and aesthetics. The buildings featured 60% brick coverage on the front façade, with significant vertical and horizontal articulation and a dynamic roofline. The rear façade similarly included ample stone and articulation, maintaining visual interest.

**Motion: Chairman Hamilton moved to approve the site plan design review request by Dave Irving, representing Building Dynamics for the Lex Townhomes Lot 106 at 1255 North 680 West, application number 2024051, based on the findings and subject to the conditions listed in the Staff Report dated January 2, 2025.** Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Anderson, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Hammer, “Aye”, Commissioner Jensen, “Aye”, Commissioner Proctor, “Aye”, Chairman Robinson, “Aye”. There were none opposed. The motion passed.

**6. City Council Reports**

Council Member Manzione acknowledged the extended holiday break due to the timing of the holidays and mentioned that there were no recent meetings to report on. She informed the Commission that the next Council Meeting would take place the following week, and at the end of the month, the city would begin its budget process for the upcoming fiscal year. This process would span six to seven months.

**7. Review and Decision – Minutes of the Planning Commission meeting held December 11, 2024**

There were no corrections to the minutes.

**Motion: Commissioner Hamilton moved to approve the minutes of the Planning Commission meeting held December 11, 2024.** Chairman Robinson seconded the motion. The vote was as follows: Commissioner Anderson, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Hammer, “Aye”, Commissioner Jensen, “Aye”, Commissioner Proctor, “Aye”, Chairman Robinson, “Aye”. There were none opposed. The motion passed.

**8. Planning Commission Training – Powers and Duties.**

Mr. Aagard presented and reviewed the powers and duties of the Planning Commission as part of annual training as required by state law.

**9. Adjourn**

Commissioner Hamilton adjourned the meeting at 7:45 pm.

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

Approved this \_\_\_\_ day of January, 2025

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Robert Anderson, Tooele City Planning Commission Chair

DRAFT