

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, April 9, 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/@tooelecitv](http://www.youtube.com/@tooelecitv) or searching for our YouTube handle **@tooelecitv**. If you would like to submit a comment for any public hearing item you may email [pcpubliccomment@tooelecitv.gov](mailto:pcpubliccomment@tooelecitv.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 Recommendation** on a Zoning Map Amendment Request by Perry Homes to consider approval for the Compass Point RSD Zoning Ordinance and to re-assign the zoning for 1,227 acres located from approximately 1000 North to the City's northern boundary and from 1200 West to approximately Berra Boulevard from the R1-7 Residential and GC General Commercial zoning districts to the Compass Point RSD zoning district.
4. **Public Hearing and Decision** on Conditional Use Permit request by Halle Properties, LLC to authorize the use of "Automobile Service and Repair" (for a proposed Discount Tire) at 2321 N. 275 East Street on 1.60 acres in the GC General Commercial zoning district.
5. **Public Hearing and Decision** on a Conditional Use Permit request by Jake Tate – AWA, to authorize the use of an "Accessory Drive Through Facility" for property located at 2400 North and S.R. 36 on Pad "Fin K" (1.138 acres) in the GC General Commercial zoning district. (Pad to be used for America First Credit Union branch in the Smith's Shopping Center development.)
6. **City Council Reports**
7. **Review and Decision** – Minutes of the Planning Commission meeting held March 26, 2025.
8. **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**

April 3, 2025

**To:** Tooele City Planning Commission  
Business Date: April 9, 2025

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, Community Development Director

**Re: Compass Point RSD – Zoning Map Amendment Request**

Application No.: 2025001  
Applicant: Lynsi Neve, representing Perry Homes  
Project Location: Approximately 3090 N SR-36  
Zoning: R1-7 Residential Zone  
Acreage: 1,227 Acres (Approximately 53,448,120 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone to re-assign the zoning to the Compass Point RSD zoning district and to adopt the Compass Point RSD zoning ordinance.

**BACKGROUND**

Perry Homes has submitted this application to create the Compass Point RSD (Residential Special District). The process to approve a RSD is almost identical to that of a standard Zoning Map Amendment except that the application also involves the adoption of a new zoning ordinance that will be applicable to only the area within the RSD zoning district. The property being considered for the RSD zoning occupies a large section of north west Tooele City extending north from approximately 1000 North to the Erda City / Tooele City boundary and from 1200 West to 400 West and Berra Boulevard. The proposed RSD will encompass all of the existing Overlake golf course and incorporate all of the remaining Perry properties currently undeveloped.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. There is also a small narrow section of the property that is currently zoned GC General Commercial. The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties to the west of the subject properties are zoned RD Research and Development, Industrial, LI Light Industrial, RR-5 Residential and are located in Erda City near the north west corner. Properties to the north are located within Erda City but there is also a section at the north east corner that is zoned RR-5 Residential. To the east properties are zoned MR-20 Multi-Family Residential, GC General Commercial, R1-10 Residential, R1-8 Residential and P Overlake. To the south properties are zoned R1-7 Residential and NC Neighborhood Commercial. The zoning types surrounding the proposed Compass Point RSD are numerous. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*The Residential Special District.* Tooele City Code 7-14b; RSD Residential Special Districts authorizes a developer to essentially write their own zoning code for a specific development. This is a tool that Tooele City

has held in its tool box for a number of years but has never had any developer utilize this tool. Until now. Perry Homes has submitted an application for the Compass Point development that consists of 1,227 acres and will involve the development of approximately 3,300 residential units, according to the number of units permitted to Perry Homes by the Overlake lawsuit settlement agreement.

The purpose of a RSD is provide a developer with the ability to have flexibility in designing their development in a manner that the standard zoning code cannot do. In an RSD the developer can write a new code that sets new standards for anything that is desired above and beyond that of the standard zoning code. An RSD can set new standards for land uses, mixing specific land uses, unit types, architectural standards, building setbacks, lot sizes, open space, landscaping requirements, roads and so forth. The RSD is intended to allow developers to flex their creative muscles and design a project that will be favorable to new residents and encourage existing residents to stay in the area.

To qualify for a RSD a developer must first meet minimum size criteria. The minimum size of an RSD shall be 20 acres and the applicant easily surpasses that requirement. Staff have been working closely with Perry Homes to put together an RSD that provides the developer with the flexibility and creativity they need to build a development that satisfies current housing trends and needs but also maintains Tooele City's interests in roads for necessary emergency vehicle access, snow plows, automobile parking and so forth.

The Compass Point RSD document itself provides all the details of the project area and is a fairly easy read. Contained within the document itself are the following elements that will be unique to this development:

1. Development standards such as building setbacks, lot widths, lot frontages and building height.
2. Unit types. The applicant is proposing a wide variety of housing types and configurations within and throughout the development. Many of these unit types will be mixed into what the applicant is referring to as "villages".
3. A list of permitted and conditional uses. The list is fairly similar to Tooele City's residential land use list and where this list is silent on uses, the use is prohibited. The RSD also defers to Tooele City code for definitions of the uses contained in the list.
4. Design Standards. Architectural design of all unit types will be defined within the RSD. State law prohibits the use of design standards for single-family residential, however, town houses are subject to design standards. The RSD is written in such a way that full design flexibility will be available to the developer / builder to produce a product that is economically viable and desired by potential buyers.
5. Accessory Dwelling Units (ADUs) are permitted within the RSD.
6. Parking Standards. Parking standards are similar to that already required by Tooele City codes, other than unique regulations regarding parking adjacent to public and private streets.
7. Street lighting standards.
8. Street designations. The proposed RSD will address both public street and private street standards. All streets within the development will still be subject to all applicable fire codes and state standards for public streets.
9. Landscaping standards. Standards will include specifications on ground cover materials, irrigation systems, street trees and park strip landscaping.
10. Fencing standards. The RSD will permit a wide variety of fences including masonry, vinyl, wood, wrought iron and others.
11. Trails and open space. The development will include approximately 50 acres of open space including an area large enough to be utilized as a regional park. There are also trails proposed throughout the development that will run parallel to the main roads but will include a landscape separation.
12. Public and Private street cross-sections. Streets will need to meet minimum fire codes, state codes and City standards for maintenance vehicles, emergency vehicles, etc.

13. Approval Matrix. The RSD cannot supersede state law regarding how subdivision plats are approved in the development. Therefore the RSD designates the Planning Commission as the approval authority for all Preliminary Subdivision Plans and staff as approval authority for all Minor Subdivisions and Final Subdivision Plats.
14. Culinary Water, Storm Drain and Sewer Utilities. These are included within the RSD for information purposes only. As each development “village” comes forward for approval these utilities will be reviewed and addressed in greater detail than they are presented in the RSD and designed according to the specific needs generated by the proposed “villages”.

State Law, Building Codes & Fire Codes. The RSD itself cannot supersede state law, fire codes, building codes, etc. and staff have gone to great lengths to ensure that the proposed RSD does not violate those laws and essential codes.

Overall Density. When considering 3,300 units against 1,227 acres the net density of the entire Compass Point Development will be slightly greater than 2 units per acre. This proposed density is well within density limitations of the Medium Density Residential designation of the Tooele City Land Use Map.

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 viz. a. viz. 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.

The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 7-14B-5 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) Standard of Review. The Planning Commission and City Council shall be under no obligation to approve an application for a Residential Special District. The Planning Commission and City Council shall be under no obligation to approve any single feature, element, or provision proposed within an application for an RSD. Every application for an RSD shall be considered independently of all other RSD applications according to its own merits, benefit to the City, and its compliance with the terms of this Chapter. The consideration, approval, or denial of an application for an RSD shall not be based on the process, decision, features, or aspects of any other application for an RSD. Each respective RSD shall be non-binding upon any other RSD both during the application and review process and through development and land use.

(2) Findings Required. The approval or denial of an application for a Residential Special District shall be based on at least the following findings:

- (a) the proposed Residential Special District will result in the development of properties in a manner that is not reasonably feasible under the terms of zoning districts identified in Table 1 of Chapter 7-14;
- (b) the proposed Residential Special District will result in the development of properties in a manner that will provide a substantial benefit to the City; and,
- (c) the proposed Residential Special District will result in the development of properties in a manner that provides uses, configuration, and/or product types that are unique to the community or address a documented deficiency in the housing market.

## **REVIEWS**

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

1. Staff have worked closely with the applicant through two rough drafts of this plan to ensure that the City is protected and that City standards for life, safety and welfare are upheld. This RSD is a zoning code. It does not supersede building code, fire code or City standards for utility and road design.

*Engineering & Public Works Review.* The Tooele City Engineering and Public Works Divisions have not issued any recommendations for this RSD plan. However, they have been directly involved in the previous two reviews of this document and have made recommendations. The applicant has complied with those recommendations and the third draft, as presented to the Planning Commission should reflect those recommendations.

*Tooele City Fire Department Review.* The Tooele City Fire Department has not issued any recommendations for this RSD plan. However, they have been directly involved in the previous two reviews of this document and have made recommendations. The applicant has complied with those recommendations and the third draft, as presented to the Planning Commission should reflect those recommendations.

*Tooele City Attorney Review.* The Tooele City Attorney has been involved in the review of the RSD and has made recommendations.

*Tooele City Parks Department Review.* The Tooele City Parks and Recreation Director has been involved in the review of the RSD and has made recommendations.

*Noticing.* The applicant has expressed their desire to rezone the subject properties and adopt the RSD zoning ordinance and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

## **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 the Compass Point RSD Zoning Map Amendment request by Lynsi Neve, representing Perry Homes to re-assign the zoning for approximately 1227 acres from R1-7 Residential and GC General Commercial to the Compass Point RSD zoning district, and to adopt the Compass Point RSD zoning ordinance, application number 2025001, based on the findings listed in the Staff Report dated April 3, 2025:”

1. List any additional findings and conditions...

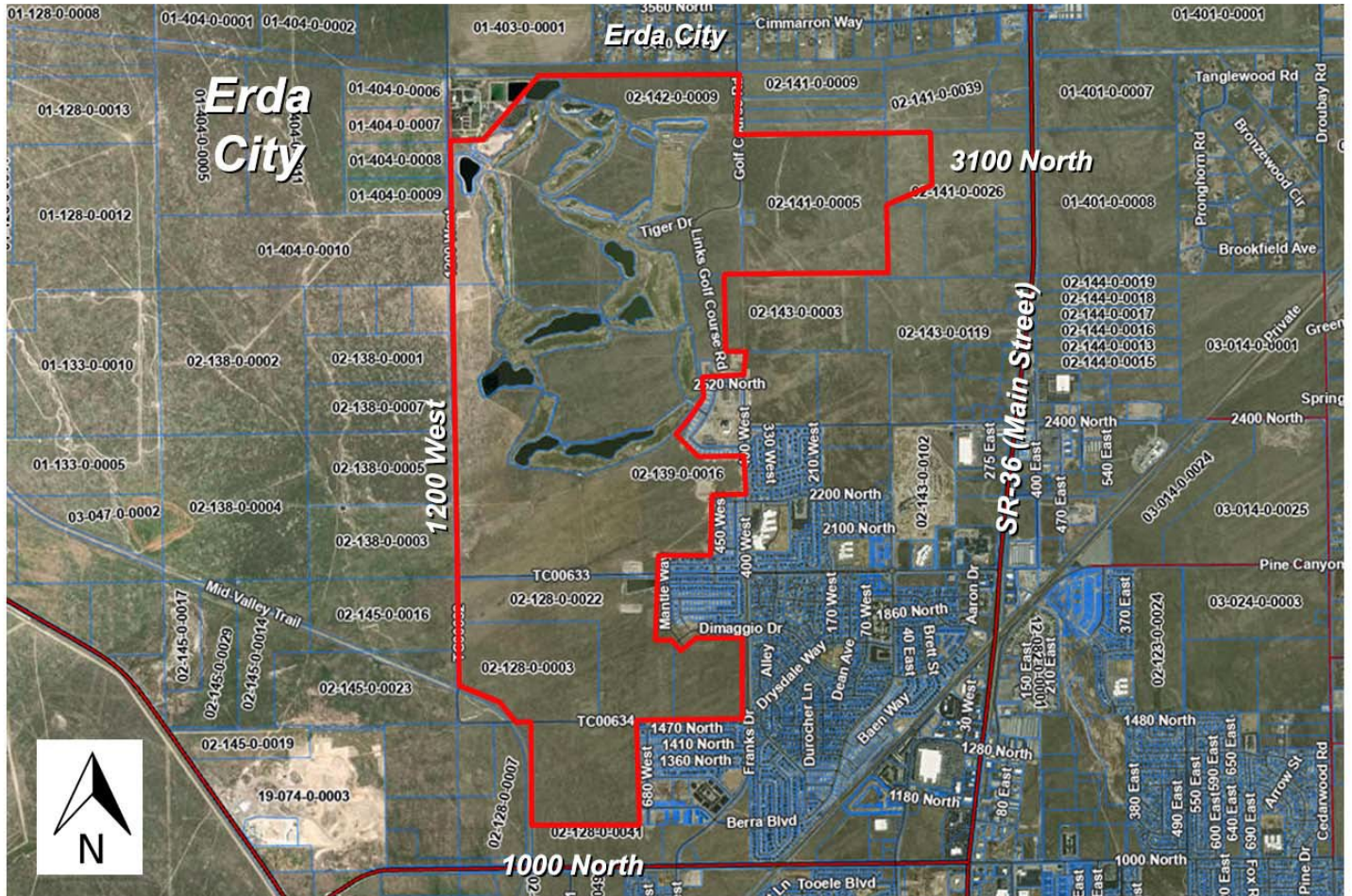
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Compass Point RSD Zoning Map Amendment request by Lynsi Neve, representing Perry Homes to re-assign the zoning for approximately 1227 acres from R1-7 Residential and GC General Commercial to the Compass Point RSD zoning district, and to adopt the Compass Point RSD zoning ordinance, application number 2025001, based on the following findings:”

1. List findings...

EXHIBIT A

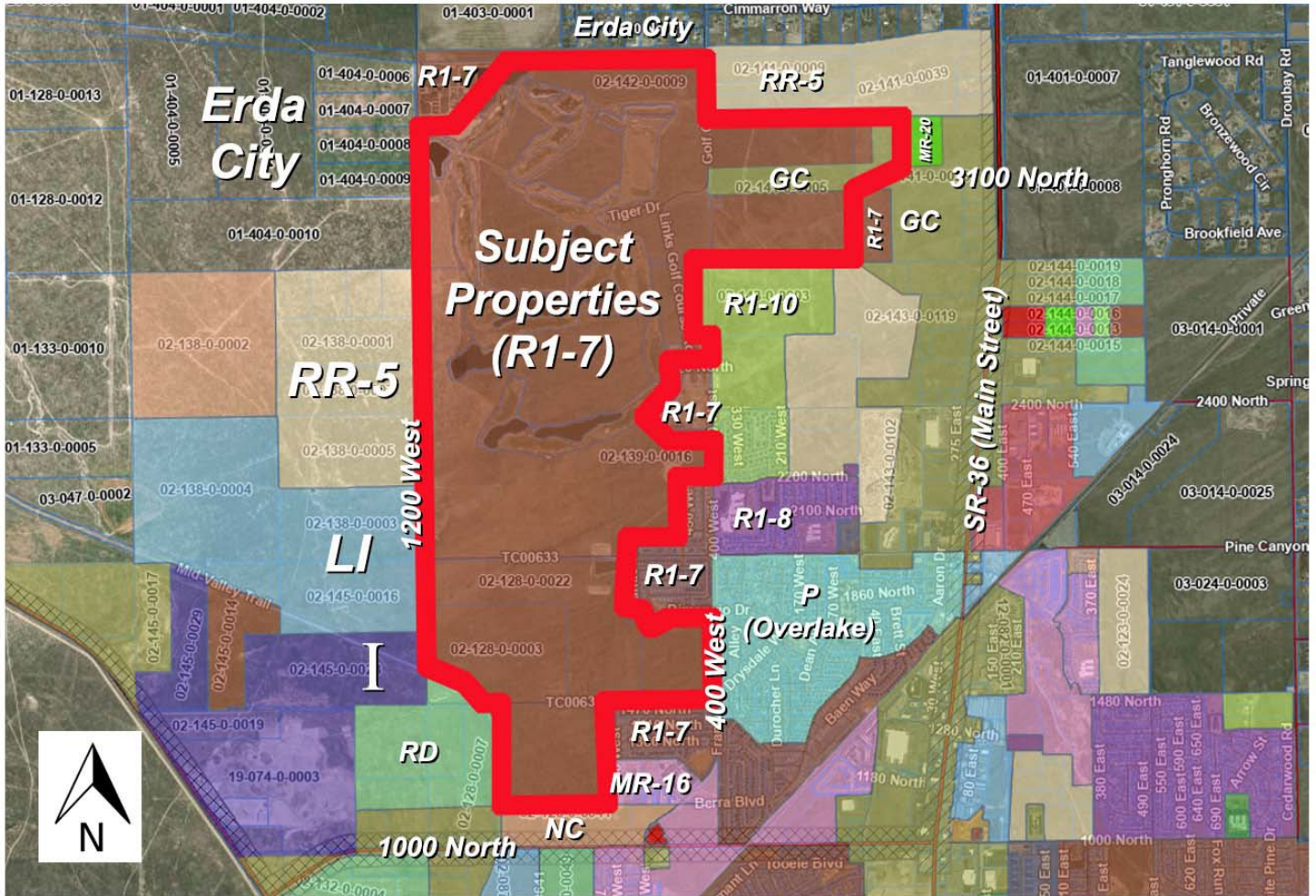
MAPPING PERTINENT TO THE COMPASS POINT RSD ZONING MAP AMENDMENT

Compass Point RSD Zoning Map Amendment



Aerial View

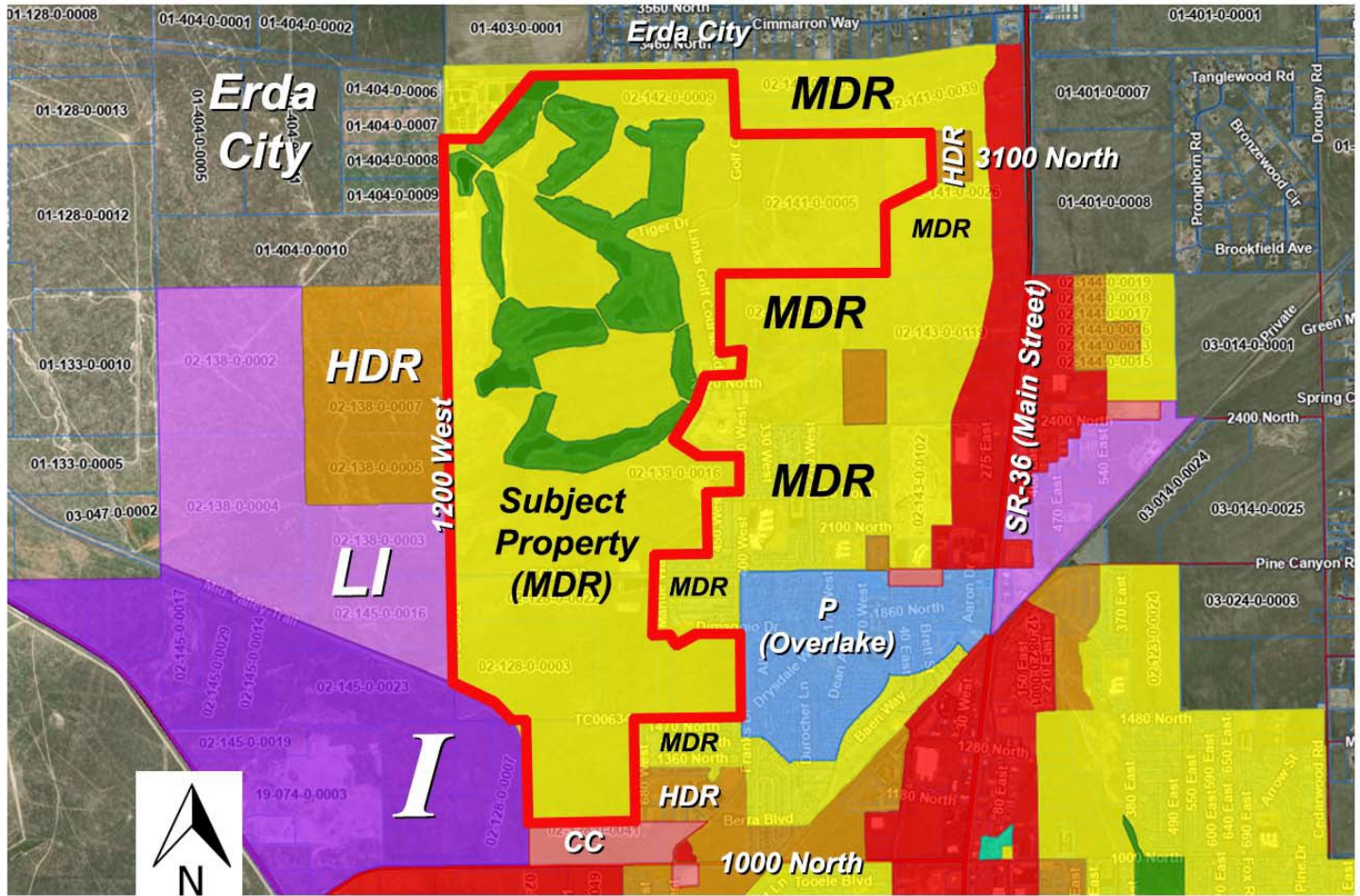
# Compass Point RSD Zoning Map Amendment



**Current Zoning**

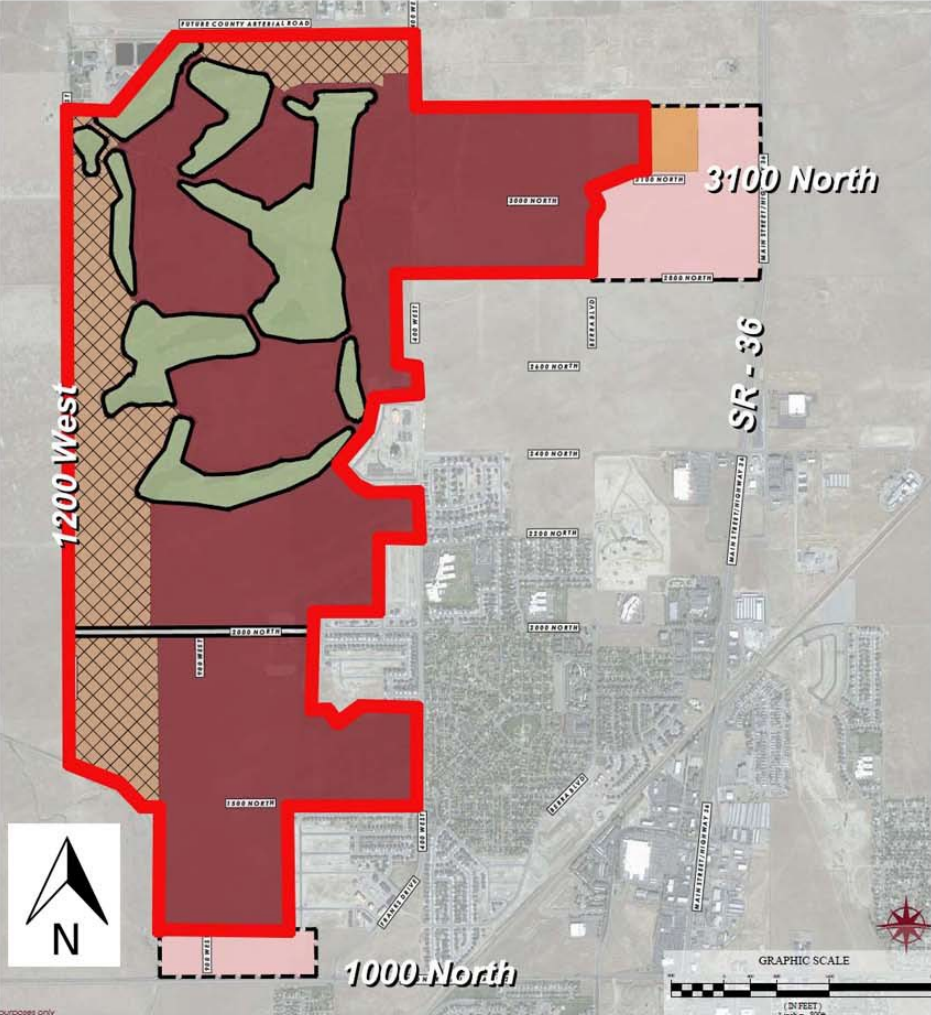


# Compass Point RSD Zoning Map Amendment



**Current Land Use**

# Compass Point RSD Zoning Map Amendment



**Proposed  
Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS &  
APPLICANT SUBMITTED INFORMATION**

# Residential Special District Application

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



*Notice:* The applicant must submit copies of the text amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a Residential Special District proposal is submitted, the proposal is subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the proposal is found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted Residential Special District proposals shall be reviewed in accordance with the Tooele City Code. Submission of a text 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.

<b>Project Information</b>			2025001
Date of Submission:		Applicant Name: Perry Homes - Lynsi Neve	
Address: 17 E. Winchester St. Suite 200, SLC, UT. 84107			
Phone: 801-264-8800	Alternate Phone: 385-223-0309	Email: lneve@perryhomesutah.com	
Project Site Address: 3090 North State Road 36, Tooele, UT			
Brief Summary of Proposal: Compass Point is a 1,227 acre residential development that is currently zoned R1-7. The project is allowed 3,600 units of which an approximate 281 lots have already been developed and another 312 units are planned for an apartment project. Leaving approximately 3,007 units for the Compass Point Residential Special District. We are requesting a re-zone to a Residential Special District zone in order to provide a master planned community with a variety of housing sizes and types that can be developed by integrating different housing products, a trails, open space and amenities plan for the community, and architectural design guidelines for the community. The development will create a community where residents can move-in and move-up, allowing residential housing for all stages of life and the ability to remain in the same community as residents create their home in the Compass Point and Tooele community.			
Applicant Signature:			

\*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:**

Residential Special Districts are approved by ordinance. Any change to an approved Residential Special District requires an amendment by ordinance for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending Residential Special District may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the desired amendments and the timing.

<b>For Office Use Only</b>				2250004
Received By: <i>JSS</i>	Date Received: <i>11/3/2025</i>	Fees: <i>\$6,000.00</i>	App.#: <i>RCT</i> <i>744741</i>	

**STAFF REPORT**

April 3, 2025

**To:** Tooele City Planning Commission  
Business Date: April 9, 2025

**From:** Planning Division  
Community Development Department

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

**Re: Discount Tire – CUP Request**

Application No.: 2025026  
Applicant: Halle Properties, LLC; contact person: Steve McCleary  
Property Owner: Rudger C. Atkin, Inc.  
Project Location: 2321 N. 275 East Street  
Zoning: GC (General Commercial)  
Acreage: 1.60  
Request: Construct and operate a Discount Tire Store (see Exhibit A)

**BACKGROUND**

This property, addressed as 2321 N. 275 East, is within the GC (General Commercial) zoning district. Discount Tire’s land use is classified as “Automobile Service and Repair” in 7-1-5. “Automobile Service and Repair” is a Conditional Use in the GC (General Commercial) zone.

**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 and the GC (General Commercial) zoning classification.

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

*North Gateway Overlay.*

This property is within the North Gateway overlay zone. This overlay encourages greater architecture and streetscape appeal; however, it does not currently have standards.

*Site Plan Layout.* The applicant submitted a site plan showing the layout and dimensions in Exhibit D. The overall size of the site is 1.60 acres. Direct access is through a private street (275 East) probably owned by Home Depot. The applicant will need to show authorization from the street owner to access. 275 East is accessed off of 2400 North and S.R. 36 / Main Street. 275 East continues south where traffic merges onto south bound S.R. 36 / Main Street – merging onto north bound is not allowed. The building faces west; however, the applicant also desire that the east elevation facing S.R. 36 / Main Street be attractive. Proposed parking surrounds the building along the north, east, and south property borders. Staff is processing a plat amendment for the subdivision in which this property resides to change the south property line. No residential uses or zoning is within close proximity. The site plan is not proposing any outside storage. This site plan appears typical of other Discount Tire locations where there is no outside storage, and all tires (new and used) are stored within the building. Staff is asking for a lighting plan and how lighting will be contained on the property.

**It is important to remember that this application is not a Site Plan application; the Planning Commission should focus its review on what conditions, if any, should be imposed with the conditional use of “Automotive Service and Repair” to mitigate any reasonably anticipated negative impact upon this and adjoining 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:

- (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 Discount Tire.

*Noticing Requirements.*

This Public Hearing for a CUP has been noticed meeting City requirements in 7-5-3:

At least 7 days prior to the date set for the hearing, the City shall mail written notice of the hearing to each property owner whose name and address accompany the application. The notice shall give the date, time, and place of the hearing, the name of the applicant, the requested conditional use, an identification of the subject property, and such other information as the Planning Commission may require. In addition to the application fee, the applicant shall pay the costs incurred by the City to provide the required notice.

Owners of properties highlighted in Exhibit B were sent individual notification of this application and Public Hearing.

**REVIEWS**

Planning Division Review. City Planner, Kent Page, speculates regarding why “Automotive Service and Repair” is a conditional use in the GC zone. Perhaps this is a conditional use because the GC zone is typically the “front and center” zone of most communities therefore appearance is important and sometimes automotive service and repair uses are not visually appealing. The applicant’s elevation drawings of the proposed Discount Tire are displayed in Exhibit E; these elevations appear typical of other Discount Tire locations and are generally considered well-kept and attractive in the various jurisdictions where the City Planner has lived and worked. The City does not currently have any commercial architectural standards; however, this property is located with the North Gateway Overlay zone which encourages greater architecture and streetscape appeal.

City Engineer. The City Engineer has not issued any comments concerning this application.

Public Works Director. The Public Works Director has not issued any comment concerning this application.

Fire Department. The Fire Department has not issued any comment concerning this application.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a CUP to Halle Properties, LLC, application number 2025026.

This recommendation is based on the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.

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.
7. The proposed elevation drawings in Exhibit D and site plan in Exhibit D are attractive.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we **approve** the CUP Request by Halle Properties, LLC to authorize the use of an “Automotive Service and Repair” business at 2321 N. 275 East, application number 2025026, based on the findings in staff’s recommendation.

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

Sample Motion for Denial – “I move we **deny** the CUP Request by Halle Properties, LLC to authorize the use of an Automotive Service and Repair business for Discount Tire, application number 2025026, based on the following findings:”




**EXHIBIT A**

**Conditional Use Permit Application**

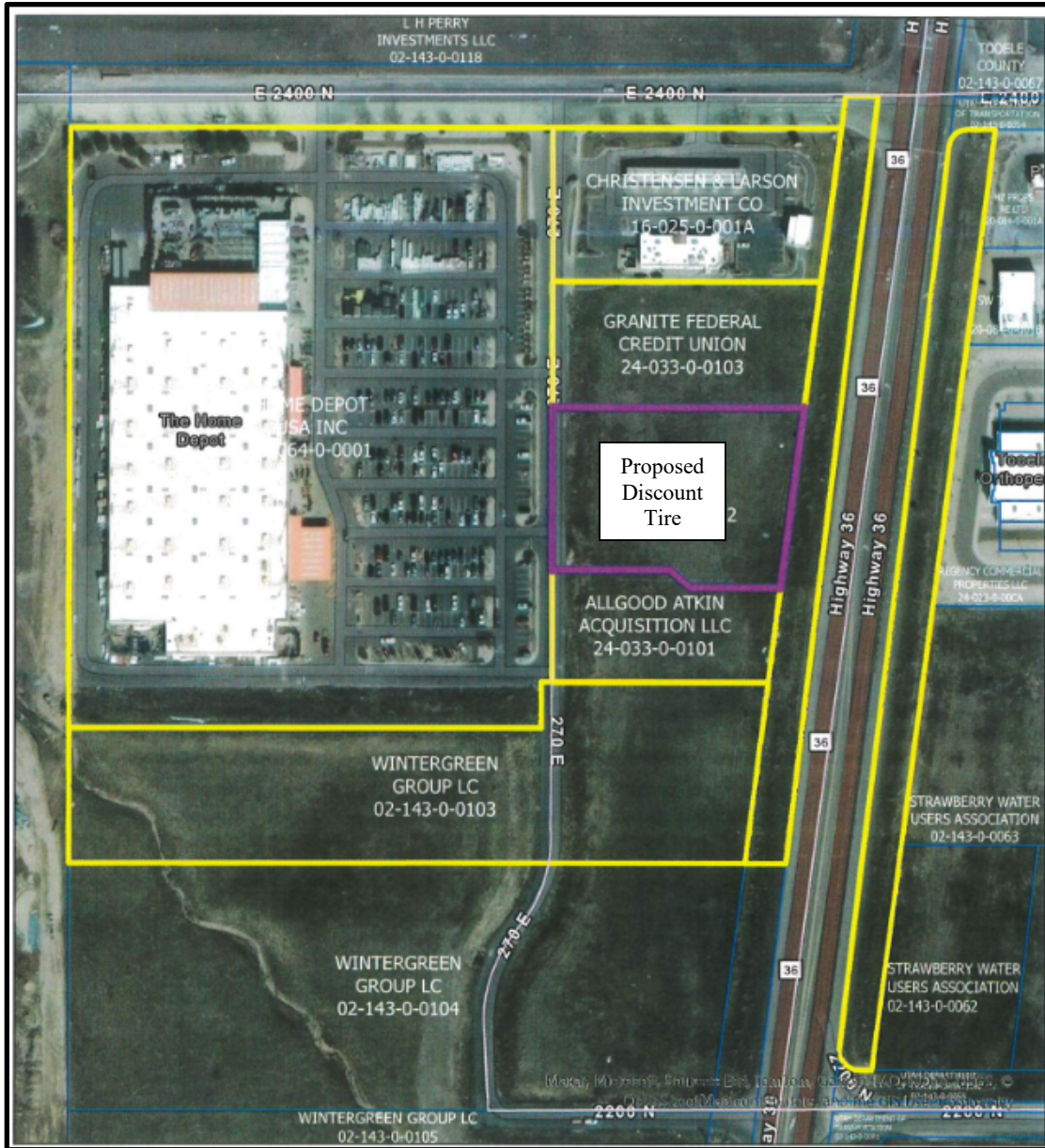
Community Development Department  
 90 North Main Street, Tooele, UT 84074  
 (435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.gov](http://www.tooelecity.gov)



*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.

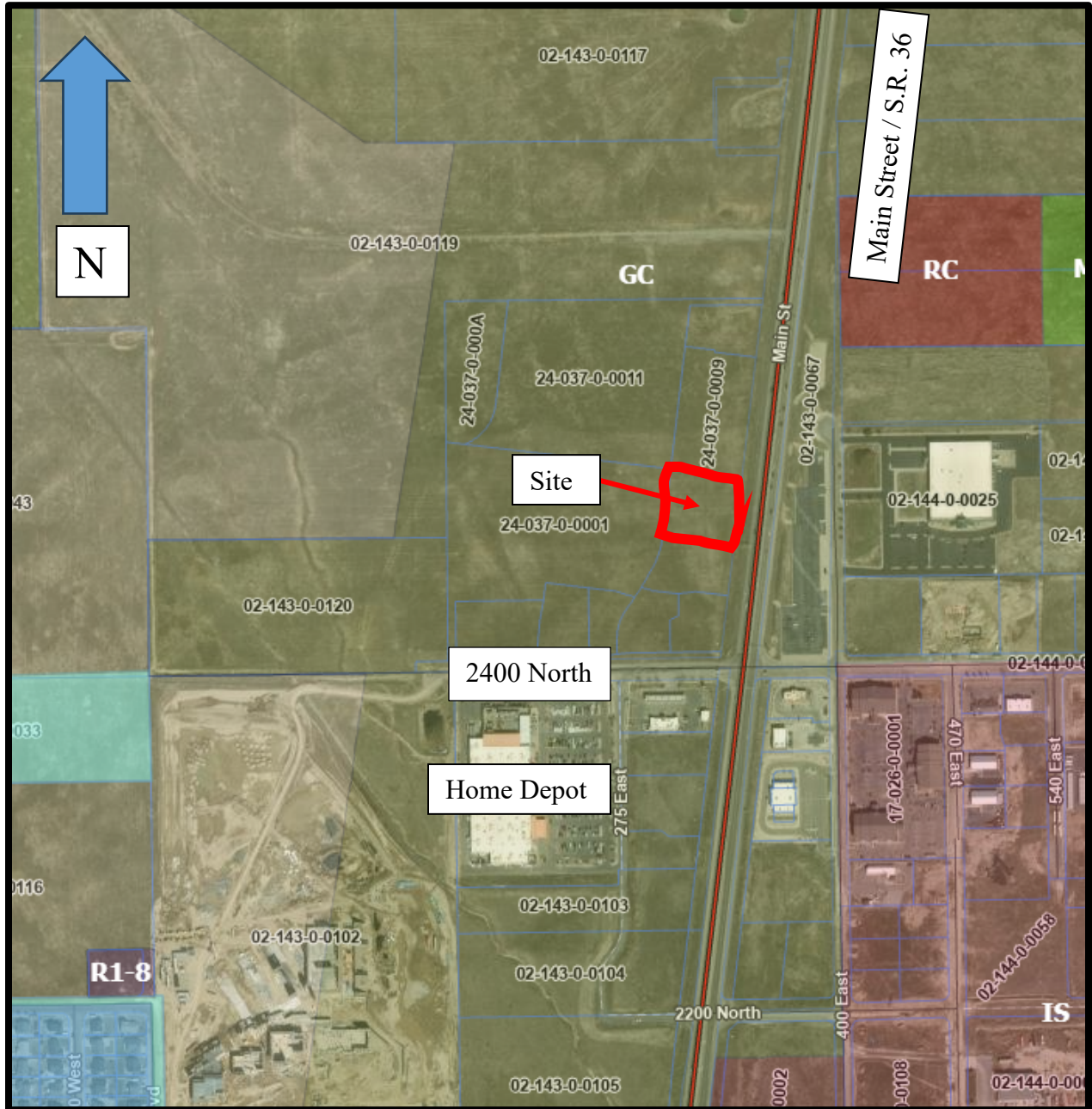
<b>Project Information</b>						2025026
Date of Submission:		Current Zoning: GC		Parcel #(s):		24-033-0-0102
Project Name: Discount Tire					Acres: 1.60	
Project Address: 2321 N. 275 East Street					Units: 1	
Project Description: Construct and operate a Discount Tire store						
Current Use of Property: Vacant						
Property Owner(s): Rudger C. Atkin, Inc.			Applicant(s): Halle Properties, L.L.C.			
Address: 25525 S. 3430 East			Address: 20225 N. Scottsdale Road			
City: St. George	State: UT	Zip: 84790	City: Scottsdale	State: AZ	Zip 85255	
Phone:			Phone (480) 606-6000			
Contact Person: Steve McCleary @ R.A. Smith, Inc.			Address: 55 Shuman #375			
Phone: (331) 305-6947			City: Naperville	State: IL	Zip 60563	
Cellular:		Fax:		Email: steve.mccleary@rasmith.com		
Signature of Applicant: 						Date 3.2.2025

**EXHIBIT B**  
**NOTICING**



DRAFT

EXHIBIT C  
ZONING



DRAFT

EXHIBIT D  
SITE PLAN

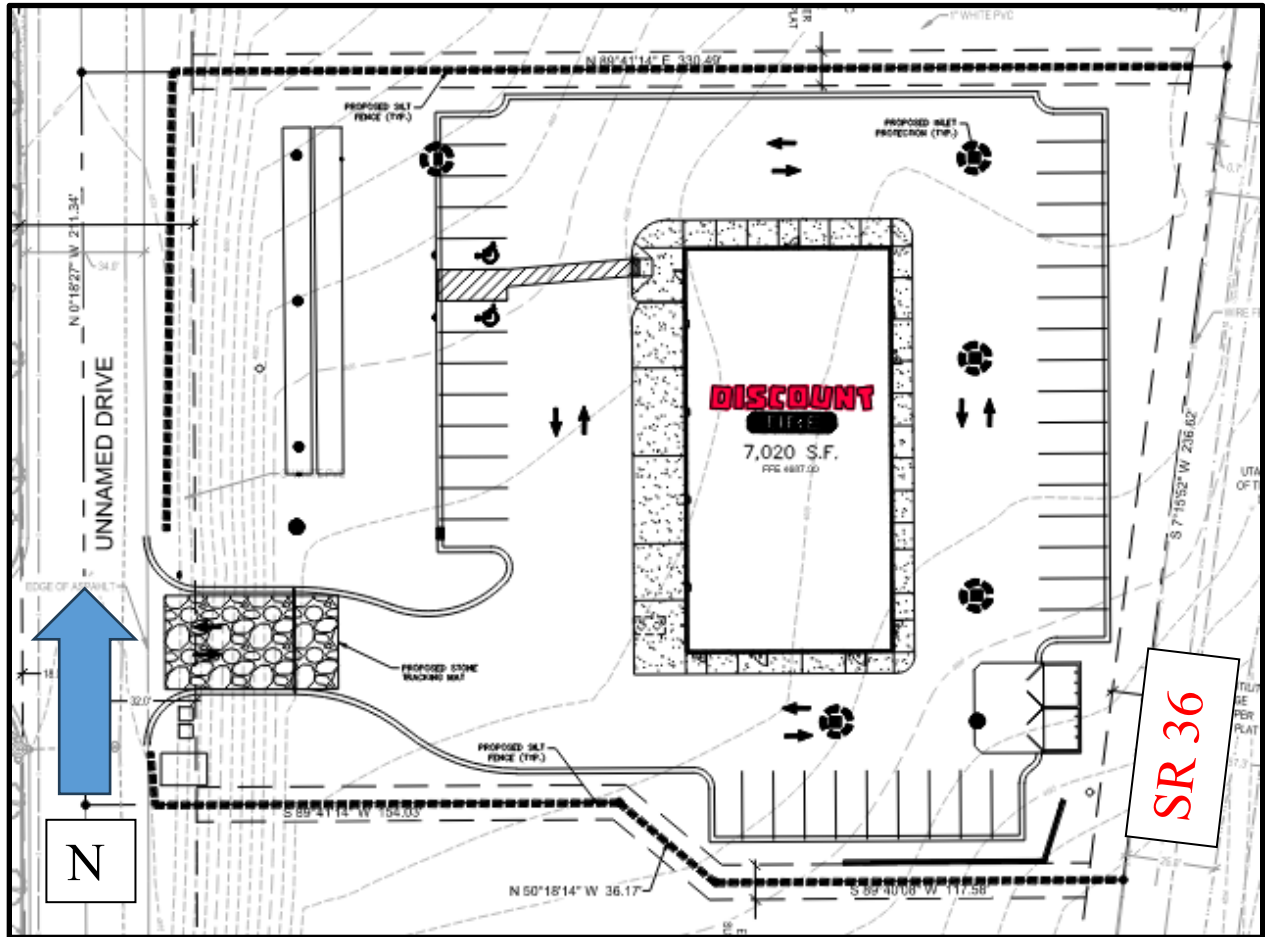
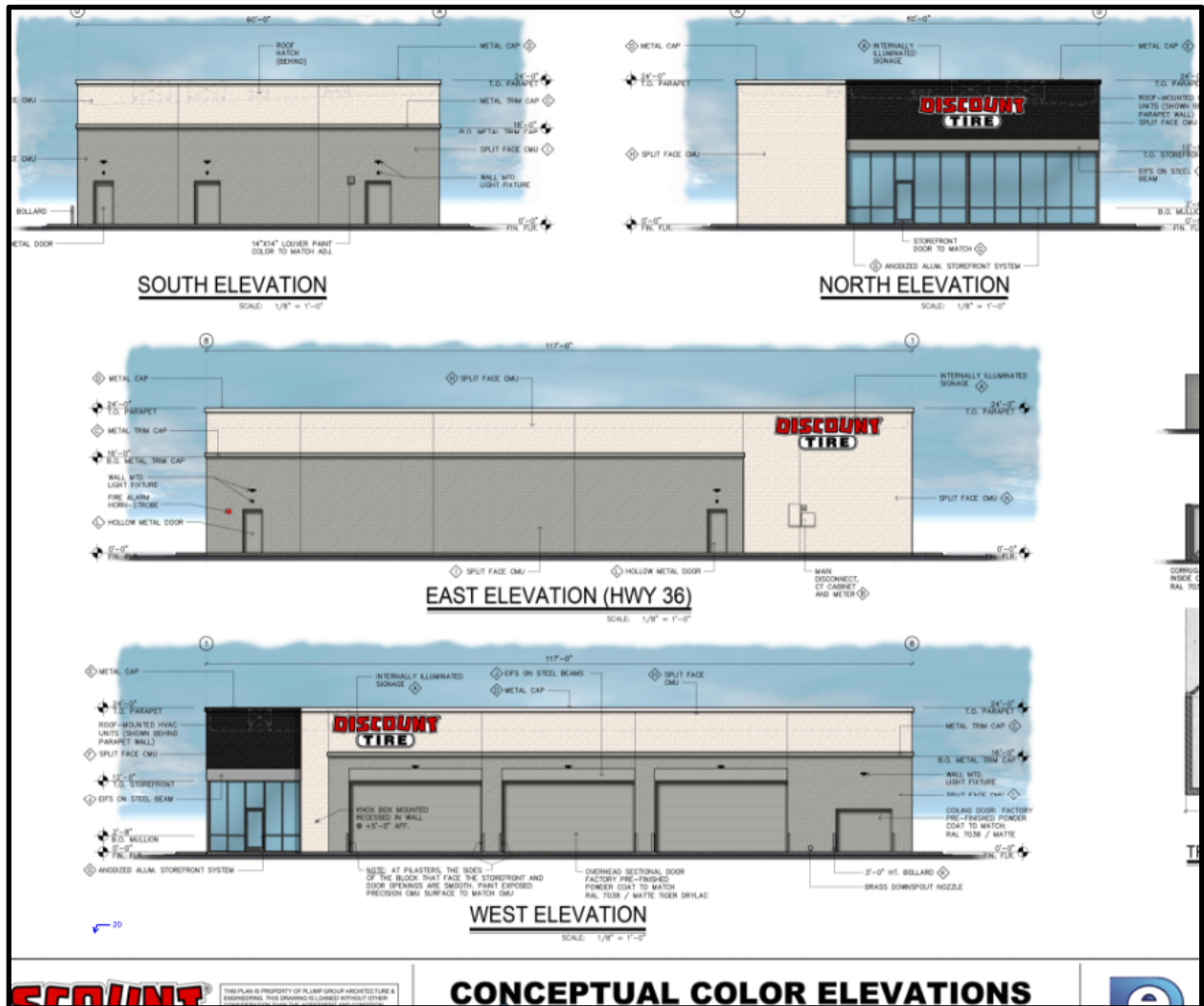


EXHIBIT E

ELEVATION DRAWINGS



**STAFF REPORT**

April 1, 2025

**To:** Tooele City Planning Commission  
Business Date: April 9, 2025

**From:** Planning Division  
Community Development Department

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

**Re:** **American First Credit Union – CUP Request**

Application No.: 2025031  
Applicant: Jake Tate, AWA  
Property Owner: L.H. Perry Investments, LLC  
Project Location: 2400 North & State Road 36, Pad “Fin K” in the “Smith’s Marketplace” development  
Zoning: GC (General Commercial)  
Acreage: 1.138  
Request: Conditional Use Permit (CUP) for Accessory Drive Through Facility (See Exhibit A)

**BACKGROUND**

This property is intended for an American First Credit Union (Pad “Fin K”) in the Smith’s Marketplace development; it is zoned GC (General Commercial). American First Credit Union desires an accessory drive through facility; this requires a Conditional Use Permit (CUP) after a Public Hearing. Noticing for this Public Hearing has followed State and City requirements. Owners of property in Exhibit B have been individually noticed.

**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 property has been assigned the GC (General Commercial) zoning classification.

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 through in Exhibits D & E. The overall size of this site is 1.138 acres. Three drive through lanes will service approximately 20 vehicles at the same time. Vehicles will enter the site off of S.R. 36 / Main Street than off of a private drive into the site. Vehicles will exit the site onto an internal roadway within the Smith’s Marketplace Site Plan; internal roadways lead back to S.R. 36 / Main Street to the east and the public street 2400 North on the south.

**It is important to remember that this application is not a Site Plan application; the Planning Commission should focus its review on the location of the drive through facility and any potential impacts that may result.**

*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.

## **REVIEWS**

*Planning Division Review.* Due to the length and the three drive through lanes, staff does not anticipate vehicles in the drive through significantly impacting traffic through the site much less off-site. The Tooele City Planner issues his recommendation for approval for this request.

*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 Jake Tate with AWA, application number 2025031 for the approval of an “Accessory drive through facility” for a proposed America First Credit Union.

This recommendation is based on the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.

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 Jake Tate with AWA to authorize the use of an “Accessory drive through facility” on Pad “Fin K” for an America First Credit Union in The Peak at Compass Point Commercial Development, application number 2025031, based on staff’s recommendation.

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

Sample Motion for Denial – “I move we **deny** the CUP Request by Jake Tate with AWA to authorize the use of an “Accessory drive through facility” on Pad “Fin K” for an America First Credit Union in The Peak at Compass Point Commercial Development, application number 2025031, 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: 3/18/2025		Current Zoning: GC		Parcel #(s): 02-143-0-0118 (Lot 10)	
Project Name: AFCU Tooele				Acres: 1.138 ac.	
Project Address: 2400 North & State Road 36 Pad "Fin K"				Units: 1	
Project Description: New America First Credit Union Branch					
Current Use of Property: Vacant Land.					
Property Owner(s): L.H. Perry Investments, LLC.			Applicant(s): Jake Tate- AWA		
Address: 17 E Winchester St., Suite 102			Address: 2010 N Redwood Road		
City: Murray	State: UT	Zip:	City: Salt Lake City	State: UT	Zip: 84116
Phone: (801) 317-8100			Phone: (801) 910-5340		
Contact Person: Alex Fleischman- AWA			Address: 2010 N Redwood Road		
Phone: (801) 521-8529			City: Salt Lake City	State: UT	Zip: 84116
Cellular: (385) 429-8172	Fax: N/A	Email: alexf@awaeng.com			
Signature of Applicant:					Date: 3/20/25

# EXHIBIT B NOTICING

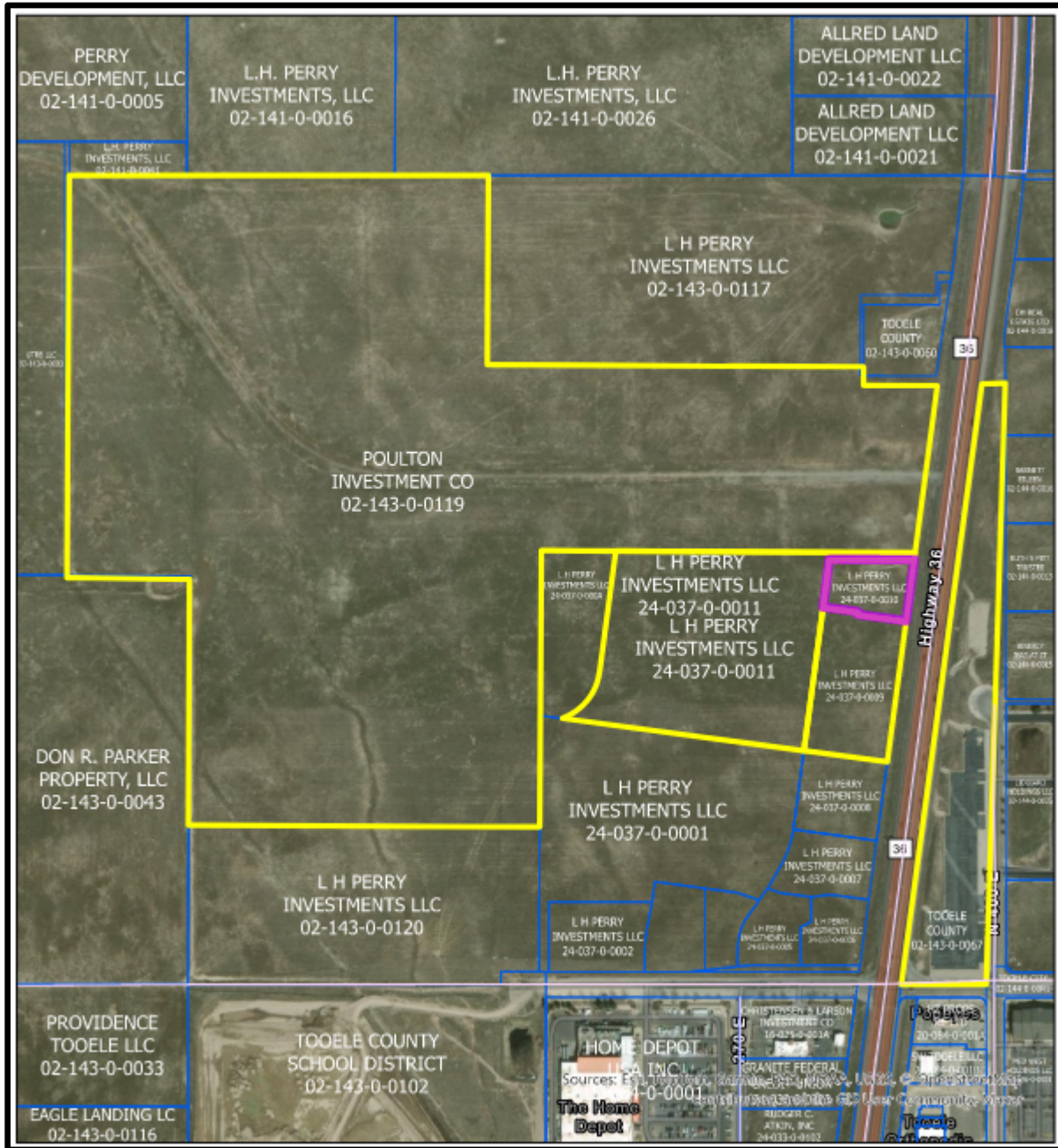


EXHIBIT C  
ZONING

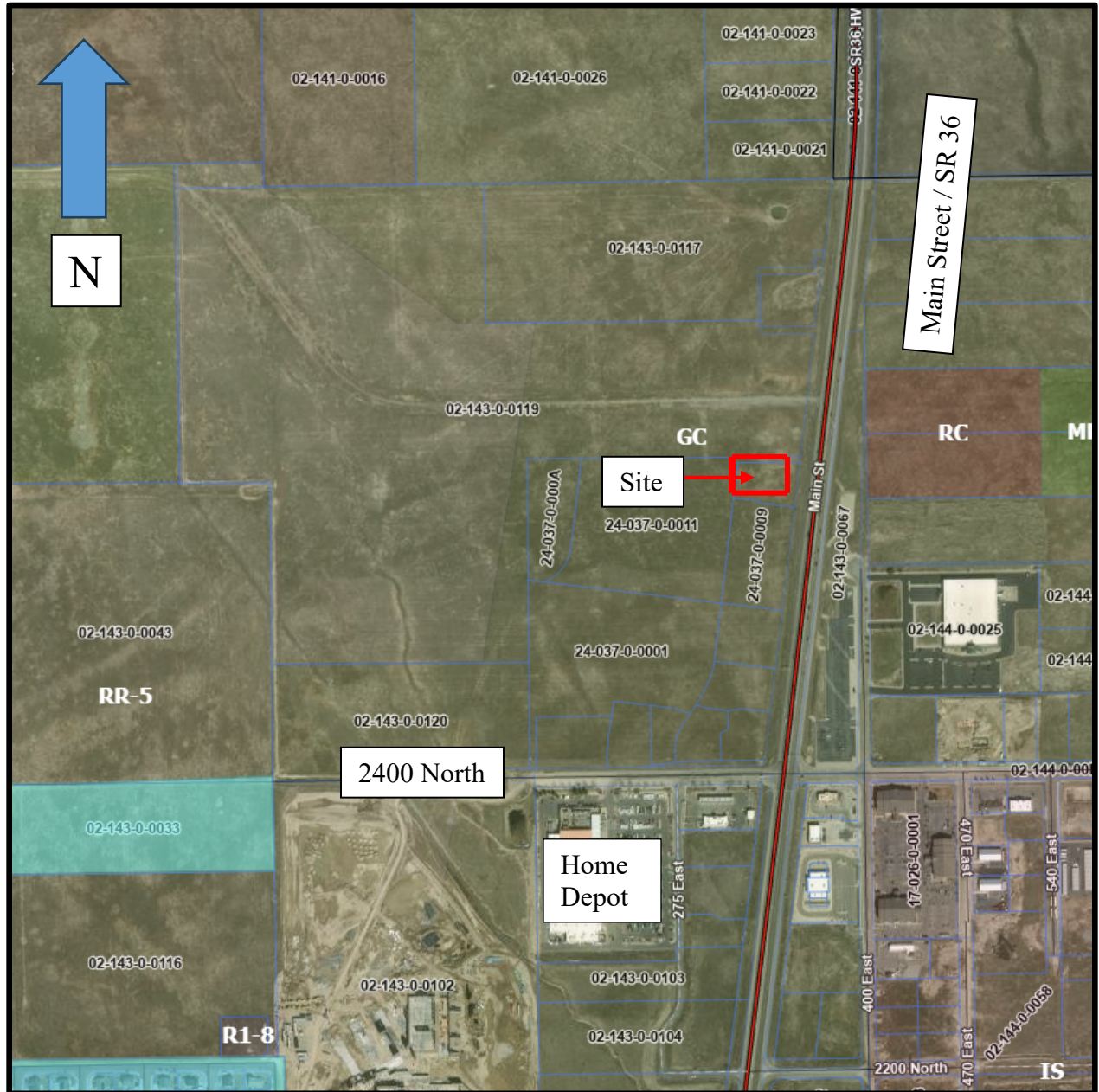


EXHIBIT D

SITE PLAN

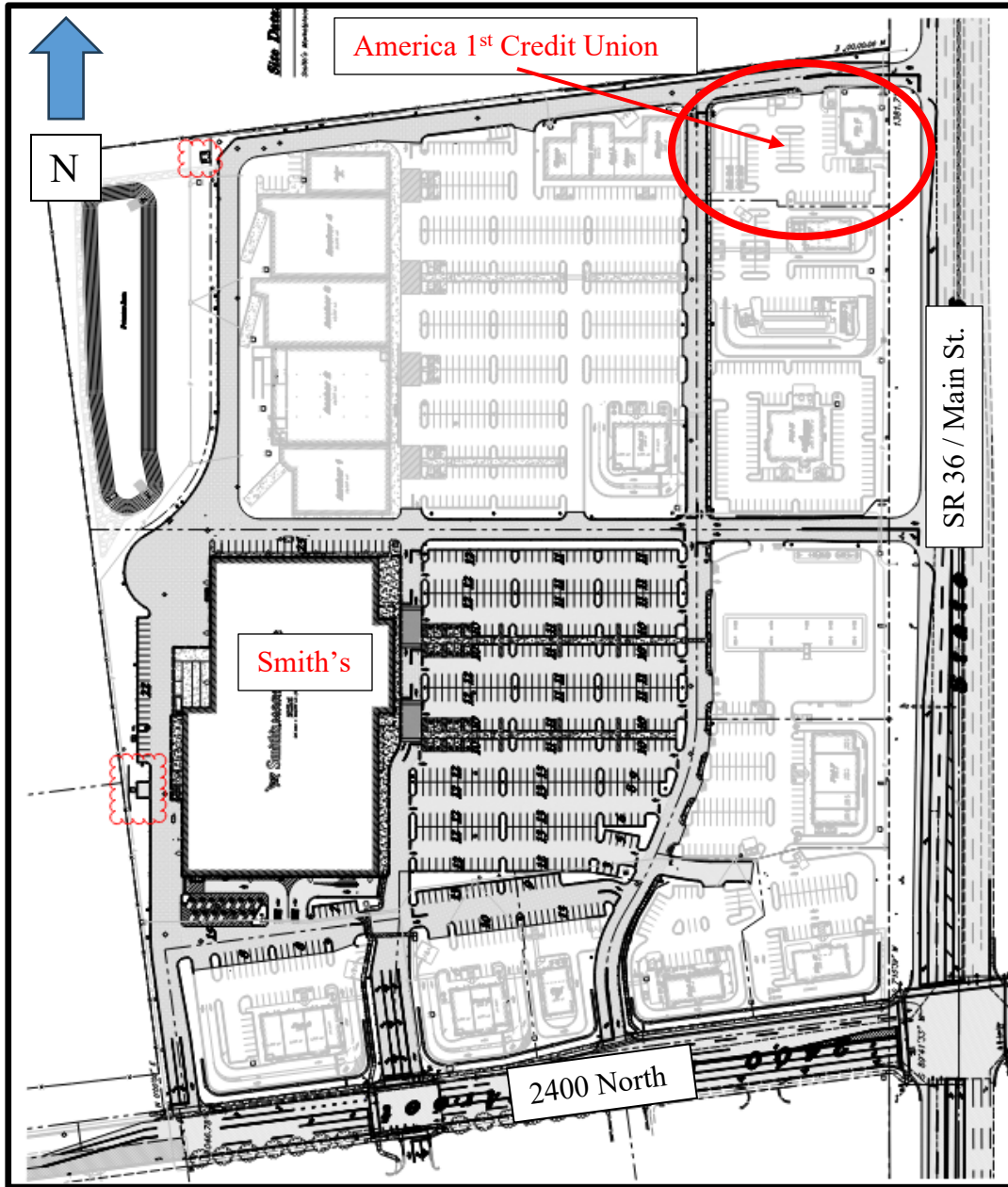
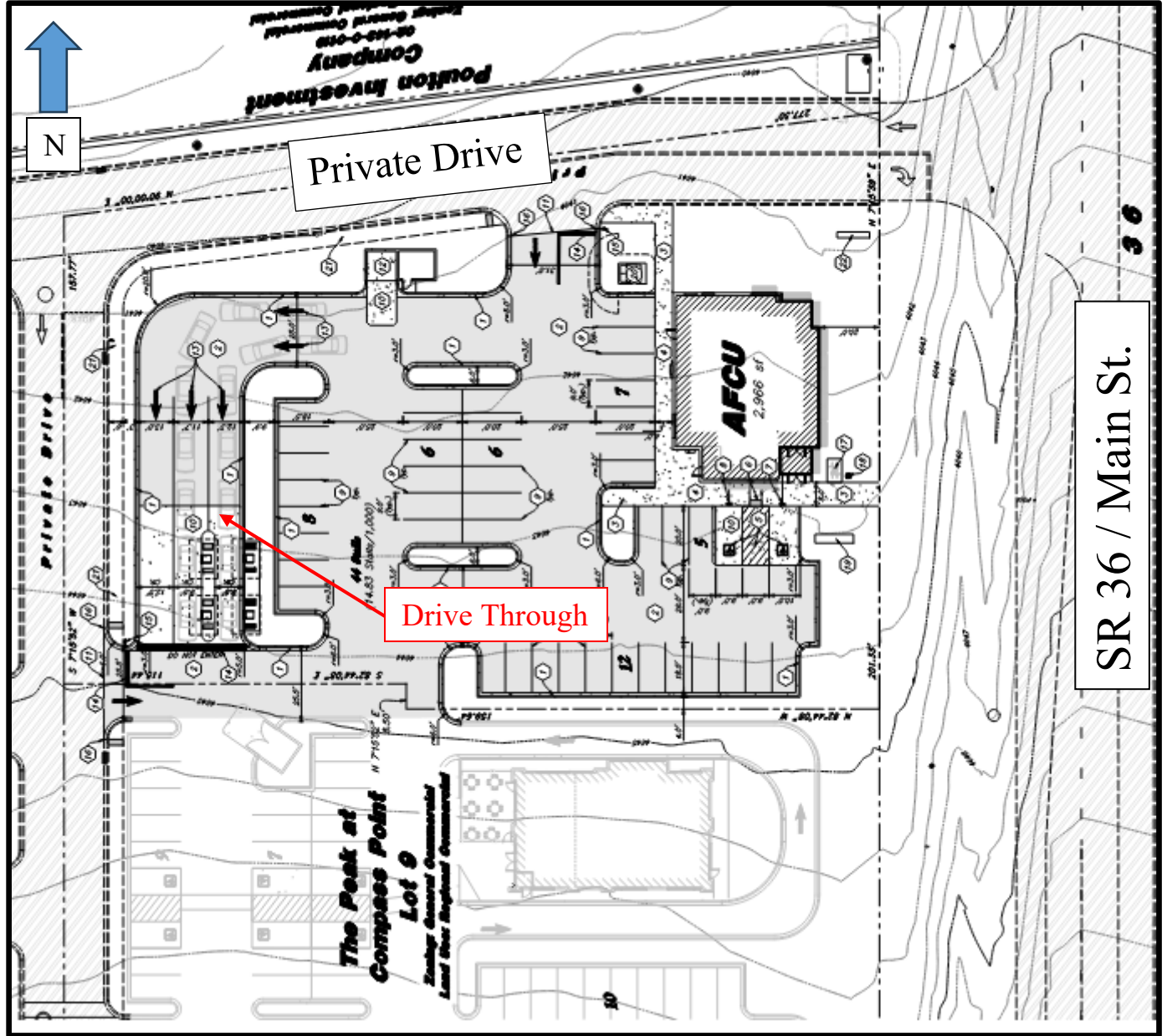


EXHIBIT E

DETAIL SITE PLAN  
FOR ACCESSORY DRIVE THROUGH FACILITY



Tooele City Planning Commission  
Business Meeting Minutes

**Date:** March 26, 2025

**Time:** 7:00 pm

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

**Commission Members Present:**

Matt Robinson  
Chris Sloan  
Tyson Hamilton  
Melanie Hammer  
Jon Proctor  
Kelley Anderson  
Weston Jensen  
Jon Gossett (alternate)  
Alison Dunn (alternate)

**City Council Members Present:**

Maresa Manzione  
Ed Hansen

**City Employees Present:**

Kent Page, City Planner  
Roger Baker, City Attorney  
Andrew Aagard, Community Development Director  
Paul Hansen, City Engineer  
Zack Lawrence, I.T. Intern

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**

Melanie Hammer, Present  
Jon Proctor, Present  
Chris Sloan, Present  
Matt Robinson, Present  
Tyson Hamilton, Present  
Weston Jensen, Present  
Kelley Anderson, Present

**3. Public Hearing and Recommendation on a Zoning Map Amendment request by DR Horton to amend the standards of the Western Acres PUD for approximately 86 acres (affecting 4.5 acres) located at approximately 2000 N Copper Canyon Drive in the MR-16 PUD zoning district.**

Mr. Aagard explained that the amendment was prompted by potential changes in ownership of the Middle Canyon Drainage corridor, which currently runs through the development as an easement. DR Horton had improved this corridor with a trail system and had indicated its intent to either create a separate parcel or dedicate the drainage corridor to the City. If that occurred, the easement would become a property line, and several existing townhouse units – currently set back 8 to 10 feet from the easement – would no longer comply with required rear and side yard setbacks under the existing code.

To address this, the applicant requested the addition of specific setback standards to the PUD overlay for townhomes adjacent to property lines in the MR-16 zone: an eight-foot rear yard setback and a one-foot side yard setback, provided the setback is not adjacent to public or private streets. Setbacks adjacent to streets would remain between 10 and 20 feet, per existing multifamily design standards.

Commissioner Jensen asked whether the City desired to assume responsibility for the drainage corridor. Mr. Aagard and Mr. Hansen both expressed that City ownership would be beneficial for trail connectivity and flood management. Mr. Hansen added that previous developments with similar drainage parcels had led to unintended tax sales and City reacquisition. He noted that DR Horton had made significant investments in stabilizing the drainage and installing the trail system, making City ownership a practical option.

Commissioner Jensen also questioned the purpose of parceling the drainage area. Mr. Aagard clarified it was a prerequisite for transferring ownership, and the applicant, Mr. David Lewis IV, later confirmed that the intent was solely for facilitating such a transfer to the City.

There being no further questions, Chairman Robinson opened the floor for public comment at 7:09 pm.

*Cynthia Carpio*, who resides in the development raised concerns about the impact of the proposed dedication on nearby homeowners, specifically in terms of potential costs and health issues from dust during construction. Chairman Robinson noted that these were developer issues and directed her to follow up with City Council Members or DR Horton for answers to her concerns.

There being no further public comments, Chairman Robinson closed the floor at 7:12 pm.

**Motion: Commissioner Proctor moved to forward a positive recommendation to the City Council for the Western Acres PUD Zoning Map Amendment Request by David Lewis IV, representing DR Horton to amend the standards of the Western Acres PUD regarding town home setbacks, application number 2025028, based on the findings listed in the Staff Report dated March 20, 2025.** Commissioner Jensen seconded the motion.

**Discussion on the motion:** Commissioner Anderson noted the Staff Report was dated March 26, 2025.

**Amended Motion: Commissioner Proctor moved to forward a positive recommendation to the City Council for the Western Acres PUD Zoning Map Amendment Request by David Lewis IV, representing DR Horton to amend the standards of the Western Acres PUD regarding town home setbacks, application number 2025028, based on the findings listed in the Staff Report dated March 26, 2025.**

Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Proctor, “Aye”; Commissioner Sloan, “Aye”; Commissioner Hamilton, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; Chairman Robinson, “Aye”. There were none opposed. The motion passed.

**4. Public Hearing and Recommendation on proposed amendments to Tooele City Code 719; Subdivisions, Regarding Non-Standard Divisions of Land in Tooele City.**

Mr. Aagard presented the proposed changes, which originated from a suggestion by a member of the Planning Commission.

Mr. Aagard explained that subdividing property in Tooele City traditionally required costly engineering, utility infrastructure, and the dedication or purchase of water rights. However, Utah State Code 10-9a-103 already allowed non-standard divisions of land by deed, provided such divisions were not tied to land use approvals and had not been approved by the land use authority. These types of divisions occurred regularly through the County Recorder, often without the City's knowledge.

The proposed amendments aimed to bring Tooele City's code into compliance with state law and to formally clarify that non-standard divisions do not constitute legal subdivisions. The amendment to Section 7-15 would add language specifying that subdivisions do not include non-standard divisions under Section 7-19-6.2. The new Section 7-19-6.2 would mirror state law, while also giving the City authority to require full subdivision approval – including improvements, bonding, and water rights – before any land use approvals could be granted on those parcels.

Mr. Aagard provided an example involving a recent proposal from Holiday Oil, which created a parcel through a non-standard division and submitted a site plan assuming development could proceed. Staff had to require the applicant to go through the formal subdivision process, though existing code lacked explicit support for doing so.

There were no questions or discussion from the Commission, and therefore, at 7:23 pm, Chairman Robinson opened the floor for public comment.

*Richard Stribling* questioned why the City needed to restate state law rather than simply referencing it, and suggested that any parcels created through non-standard division should be required to meet minimum zoning standards to avoid creating unusable or nonconforming lots. Mr. Baker responded, agreeing with the concerns and noting that state law was oftentimes vague and indirect. He emphasized that the proposed local code would provide clarity and authority not granted by state law alone.

There being no further comments, Chairman Robinson closed the floor at 7:27 pm.

Commissioner Hamilton asked whether a change at the state level would be necessary to fully resolve the issue. Mr. Baker clarified that the City could work within the framework already provided by the state to strengthen its own ordinances.

**Motion: Commissioner Hammer moved to forward a positive recommendation to the City Council for the Non-Standard Division of Land Text Amendment requests by Tooele City for the purpose of amending the Tooele City Code to enable non-standard divisions of land and to codify the requirement that parcels created by such means shall be required to obtain necessary subdivision approvals at time of development, based on the findings listed in the Staff Report.** Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Proctor, "Aye"; Commissioner Sloan, "Aye"; Commissioner Hamilton, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; Chairman Robinson, "Aye". There were none opposed. The motion passed.

**5. City Council Reports**

Councilwoman Manzione thanked the Planning Commissioners who attended the most recent City Council meeting. She noted that the Council approved payments related to asphalt preservation methods such as slurry seal and chip seal, and commended the Public Works Director for his comprehensive road maintenance plan, which supported the City's broader transportation goals.



She reported that during the Work Meeting, the Council discussed the same non-standard divisions of land topic that had just been reviewed by the Planning Commission. The Council also considered amendments to the nuisance abatement ordinance, specifically concerning six-inch weed height restrictions, but tabled that discussion for further clarification.

Additionally, the Council discussed a topic previously referred by the Planning Commission regarding the placement of accessory structures in commercial and mixed-use zoning districts. She stated that work would continue on establishing clear guidelines and expected the matter to return to the Commission in the future.

**6. Review and Decision – Minutes of the Planning Commission meeting held March 12, 2025.**

There were no corrections to the minutes.

**Motion: Commissioner Hamilton moved to approve the minutes of the Planning Commission meeting held March 12, 2025 as presented.** Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Proctor, “Aye”; Commissioner Sloan, “Aye”; Commissioner Hamilton, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; Chairman Robinson, “Aye”. There were none opposed. The motion passed.

**7. Discussion**

Mr. Aagard initiated a discussion item regarding the predevelopment meeting attendance schedule. He reminded the Commission that predevelopment meetings were held on Wednesdays at 3:30 pm on an as-needed basis and stated that staff would like one Commissioner to attend each meeting. He asked for volunteers to sign up for the meetings starting in April.

The Commissioners volunteered to attend as follows:

April – Commissioner Proctor  
May – Commissioner Andersen  
June – Commissioner Sloan  
July- Commissioner Robinson  
August – Commissioner Jensen  
September – Commissioner Hamilton  
October – Commissioner Hammer  
November – Commissioner Proctor  
December – Commissioner Sloan

Mr. Aagard noted that when the meetings were scheduled, Alissa Thompson would send the packet and invitation to the assigned Commissioner. He expressed appreciation for Commissioner participation, noting their input provided valuable perspective from the Planning Commission.

Following the conclusion of the predevelopment meeting assignments, Commissioner Sloan brought up a clarification regarding a previous discussion about an accessory structure located in front of CAL Ranch. He recalled that the Planning Commission had agreed the structure should have reflective material on all four corners, extending from the ground up to 48 inches. After visiting the site, he observed that only small reflectors had been installed at the 48-inch mark, which did not align with the Commission’s intent. He acknowledged that the property owner had attended the meeting when this was discussed and that a misunderstanding may have occurred. He urged staff to ensure the upcoming letter to the applicant accurately reflected the Commission’s directive. Other commissioners confirmed their understanding matched his, including the expectation that the reflective material be continuous from the ground up to 48 inches.

**8. Adjourn**

There being no further business, Chairman Robinson adjourned the meeting at 7:35 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 April, 2025

\_\_\_\_\_  
Matt Robinson, Tooele City Planning Commission Chair

DRAFT