

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, April 23, 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/@tooelecity or searching for our YouTube handle **@tooelecity**. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecity.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** to consider a request by Ashlee Lopez for Conditional Use Approval to allow an in-home childcare business involving 8 to 16 children on the property at 843 E. Deer Flat Road in the R1-7 Residential Zoning District.
4. **City Council Reports**
5. **Review and Decision** – Minutes of the Planning Commission meeting held April 9, 2025.
6. **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 18, 2025

To: Tooele City Planning Commission
Business Date: April 23, 2025

From: Planning Division
Community Development Department

Prepared By: Kent Page, City Planner / Zoning Administrator

Re: Little Cubs Learning Daycare – Conditional Use Permit Request, In-Home Childcare

Application No.: 2025039
Applicant: Ashlee Lopez
Project Location: 843 E. Deer Flat Road
Zoning: R1-7, Residential
Acreage: 0.18 (7,840.8 square feet)
Request: Conditional Use Permit approval to allow a Home Occupation for childcare involving the care of 8-16 children

BACKGROUND

The subject property is a single-family residence located in the R1-7 zoning district. The applicant wishes to operate an in-home childcare for up to 16 children. Such a use can be allowed as a home occupation in the R1-7 zoning district but requires Conditional Use Permit approval by the Planning Commission.

ANALYSIS

Zoning. The subject property is in the R1-7, Single-Family Residential zoning district. (See Exhibits A & B) “Home Occupation Day Care / Preschool is an allowable use in the R1-7 zoning district but requires Conditional Use Approval when 8-16 children are involved.

The purpose of the R1-7 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 in the same R1-7 zoning district.

7-2-19 (14) Lists the following conditions for child day care and preschool (involving 8 to 16 children) home occupations:

1. Shall be permitted one non-residential employee at the home.
2. A traffic and parking plan shall be submitted, reviewed by the Planning Department and includes acceptable traffic flow, drop-off and turnaround areas.
3. Child preschools shall not include more than two sessions per day.
4. No child day care or preschool requiring a conditional use permit shall be established within 300 feet from property line to property line of another properly licensed day care or preschool.
5. The total number of students/children shall include the licensee’s and any employee’s children if they are under the care of the licensee at the time the home occupation is conducted.

The applicant gives the following information regarding the conditions above:

1. No employees are planned.
2. All the children arrive and leave at different times. At most (and rarely) there are two parents at once. Arrivals and departures pull into the driveway and knock on the door, and I answer. Everyone is very quiet during this process; the children are usually asleep. (See Exhibit C for applicant's traffic and parking plan.)
3. The proposed hours of operation are **5:45 a.m. to 6:00 p.m.**
4. Staff has not found evidence of another child day care or preschool requiring a conditional use permit within 300 feet.

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.

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. To mitigate potential noise related impacts and disruptions to neighbors, hours of operation should be limited.
2. The applicant should continue visiting neighbors and asking how this use can minimize any negative impacts to the neighborhood.

REVIEWS

Planning Division Review. The Tooele City Planner has completed his 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 of Utah for the operation of a childcare facility and receive any needed license.
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. This Conditional Use Permit should be monitored for complaints and be brought back before the Planning Commission for revocation according to 7-5-10 if needed.

Engineering Review. The Tooele City Engineer has not been asked to provide a review.

Public Works Review. Public Works has not been asked to provide a review.

Tooele City Fire Department Review. The Tooele City Fire Department has not been asked to provide a review.

Noticing. Notice of the public hearing has been properly posted and issued as outlined in the City and State Codes.

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 a 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.

Notices were sent to property owners within a 500-foot radius. No comments or questions have been received. Exhibit D shows the properties highlighted that received notification of this public hearing.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the request for a Conditional Use Permit to allow a child day care and preschool home occupation on the property addressed at 843 Deer Flat Road in the R1-7 zoning district (application #2025039), subject to the following conditions:

1. The applicant shall meet all State of Utah license requirements for the operation of a childcare facility.
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. and no later than 7:00 p.m., Monday through Saturday. **(Note: the applicant is asking for hours of operation from 5:45 a.m. to 6:00 p.m.)**
4. The facility shall meet all applicable Building and Fire Codes.

This recommendation is based on the following findings:

1. With conditions, the proposed use meets the intent, goals, and objectives of the Tooele City Code.
2. With conditions, the proposed use will not be deleterious to the health, safety, and general welfare of the public nor the residents of adjacent properties.
3. Reasonably potential negative impacts of the use have been identified in this report. The recommended conditions are intended to reasonably 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 #2025039 by Ashlee Lopez to allow the operation of a Home Occupation Day Care involving the care of eight to sixteen children on the property addressed 843 E. Deer Flat Road., located in the R1-7 zoning district based on the findings of fact and subject to the conditions listed in the Staff Report dated April 18, 2025.”

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 #2025039 by Ashlee Lopez to allow the operation of a Home Occupation Day Care involving the care of eight to sixteen children on the property addressed 843 E. Deer Flat Road, located in the R1-7 zoning district based on the following findings of fact:”

1. List any findings of fact

EXHIBIT B: ZONING



EXHIBIT C: DROP OFF & PICK UP



EXHIBIT D: NOTICING



Tooele City Planning Commission
Business Meeting Minutes

Date: Wednesday, April 9, 2025

Time: 7:00 pm

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

Commission Members Present:

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

City Council Members Present:

Ed Hansen
Maresa Manzione

City Employees Present:

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

Minutes prepared by Michelle Pitt

1. Pledge of Allegiance

Vice-Chairman Sloan called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. Roll Call

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

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.

Mr. Aagard explained that this is the first RSD that has been proposed for Tooele City. If this RSD approved, it could govern development patterns in a large section of the City for many years to come. Mr. Aagard indicated that the City has been working with the applicant to come up with a document that will benefit the needs of the developer but also protect the City. An RSD is a document authorized by City Code that enables the developer to write their own zoning code, lot standards, and allows flexibility for design. Mr. Aagard explained that an RSD does not supersede state code, building codes, or fire codes. It is strictly a zoning ordinance.

Mr. Aagard turned the time over to Lindsey Nee of Perry Homes for a presentation. Ms. Nee stated that Compass Point includes 1200 acres with 3600 units. They feel it is important to comply with the goals of the City which includes balanced growth. There is the potential that areas, on the far western and northern part of the property, may transition over to commercial. Ms. Nee showed the proposed zoning, proposed land use, and the concept plan. There is a plan for a school in the northern portion of the property and a fire station in the southern part located near the park.

Ms. Nee stated that one of the amazing things about the RSD is that it allows for a variety of product types that appeal to potential residents: front and rear loaded town homes, courtyards, garden style products, traditional single family homes, cottages, collections, and estate products. The RSD also includes a variation of design standards and landscape requirements. There would be 50 acres of total open space, 47 acres for parks and detention and 3 acres of preserved open space. She said she realizes that the preliminary plan and plat stages need to go through further modeling and review with the city.

Commissioner Hamilton asked if the golf course would be included in the zoning. Ms. Nee answered that the golf course is not currently included because it is privately owned. However, the ownership entities are in discussion.

There being no further questions, Vice-Chairman Sloan opened the floor for public comment at 7:11 p.m.

Richard Stribling asked whether another hospital or another school was planned to accommodate all the developments that the Planning Commission was approving. He felt that the current hospital couldn't handle the population the City has now. He asked the Planning Commission to think about these issues while allowing all the development.

There being no further public comments, Vice-Chairman Sloan closed the floor at 7:13 p.m.

Motion: Commissioner Proctor moved to forward a positive recommendation to the City Council for the 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. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Proctor, "Aye," Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Jensen, "Aye," Commissioner Anderson, "Aye," And Vice-Chairman Sloan, "Aye." There were none opposed. The motion passed.

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.

Mr. Page presented an aerial view of the proposed Discount Tire site and stated that this property is currently zoned general commercial, which requires a Conditional Use Permit for automobile service and repair. It would be located east of Home Depot. Mr. Page indicated that the property owners near this area had been notified. This property would have access from SR-36, anticipated to come off 2400 North and then turn on to a private drive. Mr. Page presented a site plan showing proposed parking and elevation drawings. Staff recommends approval of the Conditional Use Permit with the recommendations listed in the staff report.

Commissioner Jensen asked for clarification of the location. Mr. Page answered that the proposed property is actually east of Home Depot.

Commissioner Hammer asked if there would be curb and sidewalk in front of the Discount Tire on the private road. Mr. Page answered that staff is requiring that be installed. Commissioner Hammer asked about requiring a written agreement for the access on the private street. She also asked about who maintained the private road. Mr. Hansen answered that the right-of-way has a cross-access easement that already exists and allows for use, but the maintenance is the responsibility of property owners. The street will be required to be up to city standards, with curb, gutter and lights.

Vice-Chair Sloan opened the floor for public comment at 7:23 p.m. There were no comments from in-person attendees. Therefore, Vice-Chair Sloan closed the floor at 7:24 p.m.

Commissioner Hammer asked about the elevation, saying that the other buildings in the area were required to have some sort of stone or masonry. Mr. Page answered that the City doesn't currently have design standards for commercial buildings in the north gateway, but the City encourages enhanced elevations. Mr. Baker said that the reason the City was able to require architectural upgrades for the storage complex was because they asked for a rezone. Therefore, the City was able to attach conditions as part of the zoning ordinance. This is already zoned, so the City doesn't have the opportunity to attach those conditions.

Motion: Vice-Chair Commissioner Sloan moved to approve the Conditional Use Permit 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. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Proctor, "Aye," Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Jensen, "Aye," Commissioner Anderson, "Aye," and Vice-Chairman Sloan, "Aye." There were none opposed. The motion passed.

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.)

Mr. Page presented an aerial view of the proposed America First Credit Union branch and explained that this property is also zoned general commercial, located north of Home Depot. Property owners have been properly notified and proper notification has been posted. Mr. Page showed the site plan for the drive through facility. Access for the property will be off SR-36, and will also use the private drive. It is anticipated that up to 20 vehicles could be on this site and not disturb access through the site. The building is located in the corner to not interfere with the thoroughfare. Staff recommends approval of the Conditional Use Permit with the recommendations listed in the staff report.

Vice-Chairman Sloan invited questions from the Commission. No concerns were raised. He opened the floor for public comment at 7:29 p.m. Rick Magness with AWA Engineering stated that they concur with the staff recommendations. He said that there will be two drive ups, and one drive through, known as an ATM. There were no further comments, therefore, Vice-Chairman Sloan closed the floor at 7:31 p.m.

Motion: Commissioner Anderson moved to approve the 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.) Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Proctor, “Aye,” Commissioner Hamilton, “Aye,” Commissioner Hammer, “Aye,” Commissioner Jensen, “Aye,” Commissioner Anderson, “Aye,” and Vice-Chairman Sloan, “Aye.” There were none opposed. The motion passed.

6. City Council Reports

Council Member Manzione reported that there was an uptick in vandalism during spring break causing a lot of damage in City parks. She reminded everyone, if you see something say something.

Council Member Manzione said that the Council discussed and approved the DR Horton zoning map amendment request and had a healthy discussion on the Desert Rose Business Lofts water use proposal. The Council and staff are trying to work through that request, and it may come back to the Planning Commission.

Council Member Manzione further reported that the City is going to finish the road at 200 West around 600 North, and the Council talked about adding a sidewalk in that area.

Council Member Manzione thanked the Commission for representing the City so well.

7. Review and Decision – Minutes of the Planning Commission Meeting Held March 26, 2025

There were no corrections to the minutes.

Motion: Commissioner Hammer moved to approve the March 26, 2025 minutes as presented. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Proctor, “Aye,” Commissioner Hamilton, “Aye,” Commissioner Hammer, “Aye,” Commissioner Jensen, “Aye,” Commissioner Anderson, “Aye,” and Vice-Chairman Sloan, “Aye.” There were none opposed. The motion passed.

8. Adjourn

There being no further business, Vice Chairman Sloan adjourned the meeting at 7:34 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 April, 2025

Chris Sloan, Tooele City Planning Commission Vice-Chair

DRAFT