

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, August 16, 2023, at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.org, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.org

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Request for Deviation from Design Standards for the Towns at Mountain View**
Presented by Andrew Aagard, Community Development Director
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 Or Michellep@Tooelecity.Org, prior to the meeting.

To: Andrew Aagard and city council members,

As you are aware, our project, The Towns at Mountain View, has gone through much and has been worked on for a long time. It has the potential to substantially improve the appeal of the south end of Tooele's main street. It is, and has been, less than desirable to look at on the way into and out of town.

We believe that this small community will be a beautiful addition to this area and be a place that people will want to live if they can afford it. The Tooele area is in desperate need of affordable living situations for those who wish to be permanent residents in this great community.

Tooele City has placed a requirement on townhome builders to install natural or cultured stone or brick masonry on at least 60% of the front of the building and at least 50% of the entire building. This has placed an extreme hardship on us as the developer of these townhome lots. We desire to build a product that is appealing to home owners and enhances the community. Many of the current popular styles in our state do not call for stone, and in fact have greater appeal to the home owners without the stone and with the added beauty of the colors and contrasts of different styles of masonry siding and stucco.

As you are aware, the State of Utah has seen the difficulty of creating affordable housing situations and has said that

"a county may not impose a requirement for a building design element on a one- or two-family dwelling." We believe that this regulation by the state imposed upon municipalities has greatly improved the affordability of certain homes that are designed to give affordable living to its residents.

(State codes attached below)

The circumstance that we find ourselves in is a prime example of that need. Even though our small town home buildings do not fall in the single family or duplex stipulation, they also don't fit in with the multi-family stereotype that would create an unsightly monster in the middle of a residential neighborhood.

Our intent is to maintain beauty and curb appeal in this quaint neighborhood by enhancing the exterior with masonry siding in a variety of styles and colors on the front and a combination of stucco and masonry siding on the sides and rear. In addition, we have our own 'monotony code' in all of our neighborhoods to ensure no two adjacent homes or buildings have the same exterior color scheme to improve the streetscape and community aesthetics. We would like to request a variance of you to remove the required 50% stone (60% on front facade) and allow us to provide quality townhomes without stone that are appealing to homebuyers in Tooele at current market pricing.

Unfortunately our costs to get this project to where it is cannot be changed and are not unreasonable. However, we have a minimum amount for which we are able to build and

sell these homes to future residents of this community. One of the challenges is that the added costs of exterior stone will move a sale price of the finished product into the \$400k range and is competitively not feasible. Our market research indicates townhomes in Tooele need to be priced in the 300s to sell. The cost increase of the extensive stone requirement means the project will not proceed and the site would remain vacant, and not benefitting the city by increasing the tax base and beauty and appeal to future residents.

We are very much at the mercy of the market and have been greatly affected by our competition in the townhome market. In fact, this project was set to begin building permits applications in December of 2022 until D.R.Horton began its large town home project on the north end of town and were able to create a more affordable product for the home buyers in the city due to their reduced requirement for exterior stone and the immense size of their PUD development. This competition effectively stopped our project and hurt us very badly. We are anxious to move forward with these beautiful units.

Please sincerely consider our request as it will greatly affect your city and allow the progress we are all hoping for.

Thank you,

M&M Properties
Michel Investments
And
Hamlet Homes

Tooele city code

7-11a-18 Design Standards: Building Materials

- Exterior Finishes. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 60% of the front building facade shall be natural or cultured brick or stone. All building facades that face a public right-of-way or exterior street shall utilize at least 40% natural or cultured brick or stone.

7-11a-25 Deviation From Design Standards

(1) Purpose. In the event an applicant requests a deviation from the development standards of this Chapter and has submitted a project

that contains features or design above and beyond those required, the City Council shall have the discretion, but be under no obligation, to approve a deviation following a recommendation from the Planning Commission to some or all of the design standards as long as:

- (a) such deviation is consistent with the purpose and intent of the policies and development standards described in this chapter; and
- (b) all required findings of this Section are satisfied.

(2) Scope. Deviations from the design standards of this Chapter, as outlined in this Section, shall apply only to standards identified in this Chapter. Deviations may be requested for applications for development projects to be applicable on a project-wide basis. Deviations from design standards shall not be permitted on unit-by-unit, lot-by-lot, building-by-building, or similar basis unless such deviation is approved with the specific finding of creating variety prior to approval of the project to which it would apply. Requests for deviations shall not be permitted to the standards of density or the method of calculation of density.

(3) Deviation Criteria. Requests for a deviation shall be examined against at least three of the following criteria when considered for approval of a deviation to the design standards of this Chapter:

- (a) the deviation being requested serves to further the purposes and intents of this chapter, as identified in Section 7-11a-2, beyond what could be achieved without the deviation;
- (b) the project contains amenities such as pedestrian and bicycle connectivity in excess of what is required in the General Plan and this Title;
- (c) the overall percentage of dedicated public or private landscape, open space area, and amenities exceeds the required amount by at least 10%;
- (d) the deviation being requested serves the specific purpose of addressing and minimizing or eliminating impacts, potential impacts,

or nuisances on surrounding neighborhoods, including but not limited to traffic and viewsapes, are minimized through creative design;

(e) accumulation or clustering of building materials on the most publicly visible sides of structures where:

(i) the overall utilization of building materials exceeds that of the base standard being deviated from;

(ii) the amount of materials used for street facing facades is at least 10% greater than the minimum required by this Chapter; and

(iii) the design of the structure meets or exceeds the intent and purpose of the standard being deviated from; and

(f) the deviation request serves to increase the functionality of the features within the project;

(g) the deviation requested will not result in an increase in the number of dwelling units within the project;

(h) the building design is a specific architectural style which utilizes facade materials differently than prescribed in this Chapter, is designed by a licensed architect, but still meets the intent of the requirement being deviated; and

(i) the deviation requested serves to preserve, protect, and enhance an environmentally sensitive feature which is included into the design of the project.

(4) Request Responsibility. It shall be the responsibility of the applicant to demonstrate to the satisfaction of the City Council the benefit of deviating from the standards of this Chapter by:

(a) providing a written request for a design review for the project application in which the deviation would be applied;

(b) providing a written description and analysis of the specific development standards to be deviated from prepared by a licensed

professional, such as an architect, engineer, or landscape architect; and,

(c) providing a written justification that addresses each of the required findings listed in Subsection 5 of this Section.

(5) Findings Required. The City Council may approve deviations from the development standards listed in this Chapter only if it finds:

(a) that the requested deviations are based upon a finding of facts in the record, from specific criteria identified in Subsection 3 of this Section;

(b) that the deviation is in the benefit of the health, safety, and welfare of the residents of and visitors to the project;

(c) that the deviation is in the benefit of the public health, safety, and welfare and the community as a whole;

(d) that the deviation from any one design criteria approved will not create the potential for an increased impact or nuisance from any other design criterion, either within the same project or upon neighboring properties; and

(e) that the deviations approved are anticipated to produce a development that exhibits features and design that match or exceed that intended and anticipated in the standards being deviated from.

Effective 7/1/2023

17-27a-530. Regulation of building design elements prohibited -- Exceptions.

As used in this section, "building design element" means:

- (a) exterior color;
- (b) type or style of exterior cladding material;
- (1) (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- (d) exterior nonstructural architectural ornamentation;
- (e) location, design, placement, or architectural styling of a window or door;

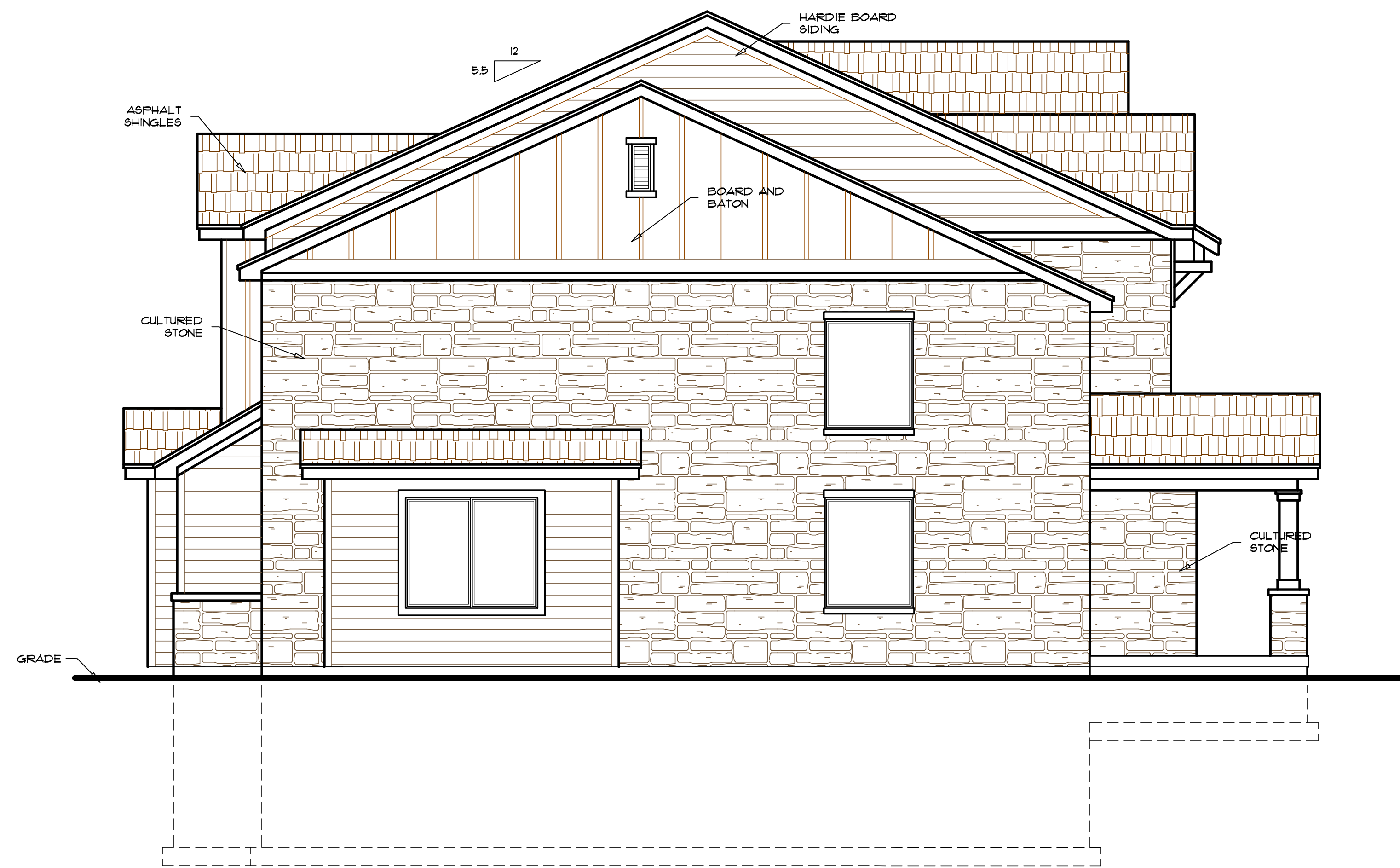
- (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
- (g) number or type of rooms;
- (h) interior layout of a room;
- (i) minimum square footage over 1,000 square feet, not including a garage;
- (j) rear yard landscaping requirements;
- (k) minimum building dimensions; or
- (l) a requirement to install front yard fencing.

Except as provided in Subsection [\(3\)](#), a county may not impose a (2) requirement for a building design element on a one- or two-family dwelling.

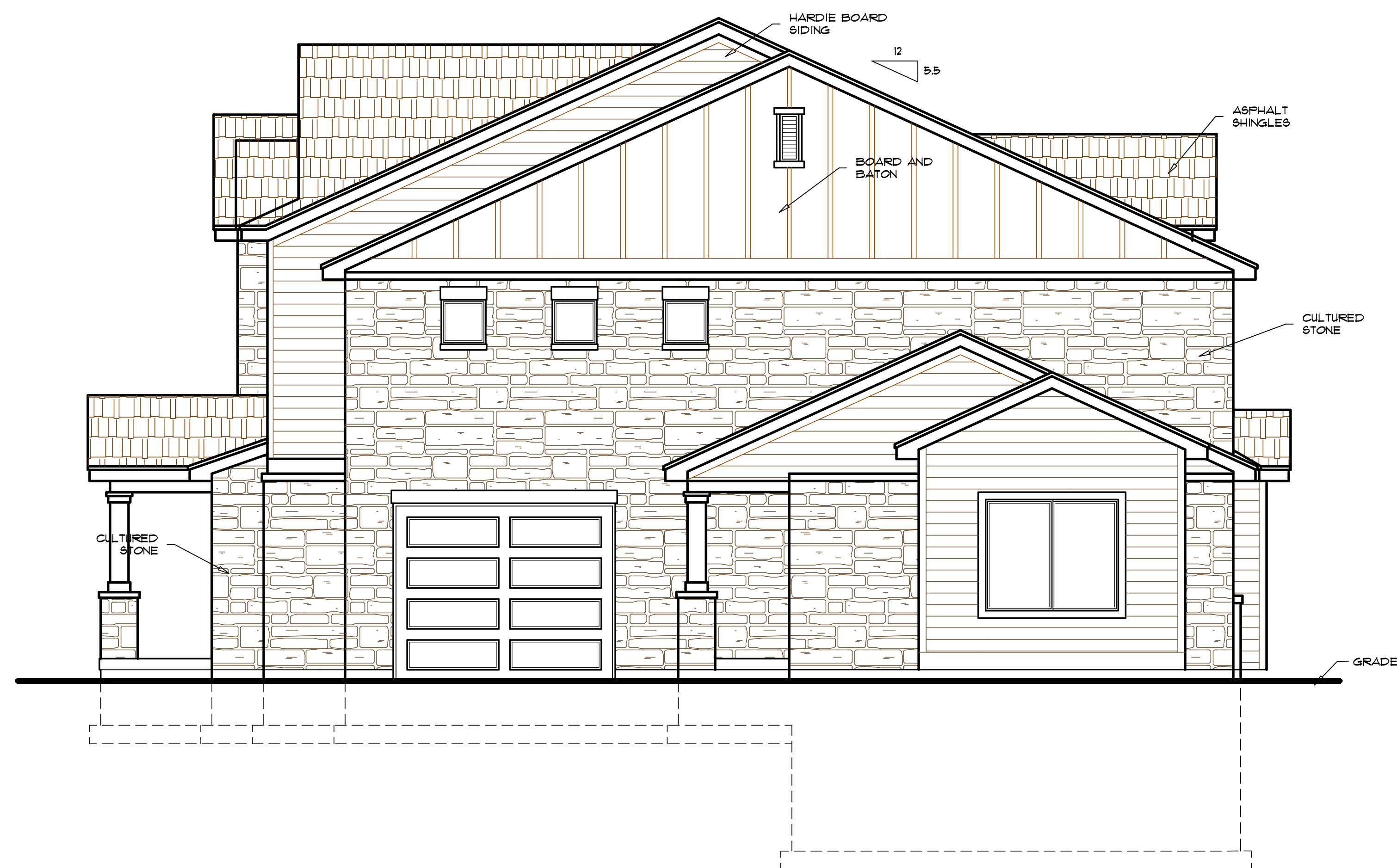
Subsection [\(2\)](#) does not apply to:

- a dwelling located within an area designated as a historic district in:
 - (i) the National Register of Historic Places;
 - (a) (ii) the state register as defined in Section [9-8a-402](#); or
 - (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection [\(3\)\(b\)](#);
- (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
- (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section [15A-2-103](#);
- (d) building design elements agreed to under a development agreement;
- (3) a dwelling located within an area that:
 - (e) (i) is zoned primarily for residential use; and
 - (ii) was substantially developed before calendar year 1950;
 - (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
 - an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
 - (g) (i) defects in the material of existing cladding; or
 - (ii) consistent defects in the installation of existing cladding; or
 - a land use regulation, including a planned unit development or overlay zone, that a property owner requests;
 - (h) (i) the county to apply to the owner's property; and
 - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.

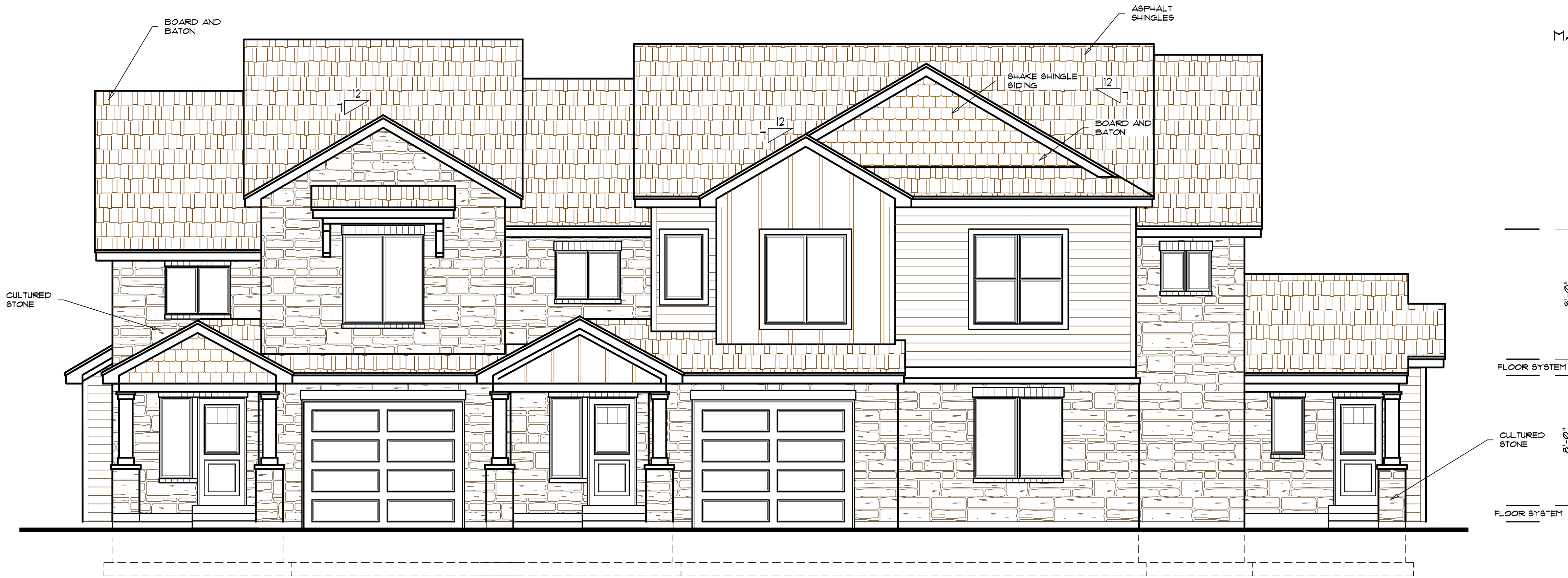
Jeremy Michel
Best Western Realty



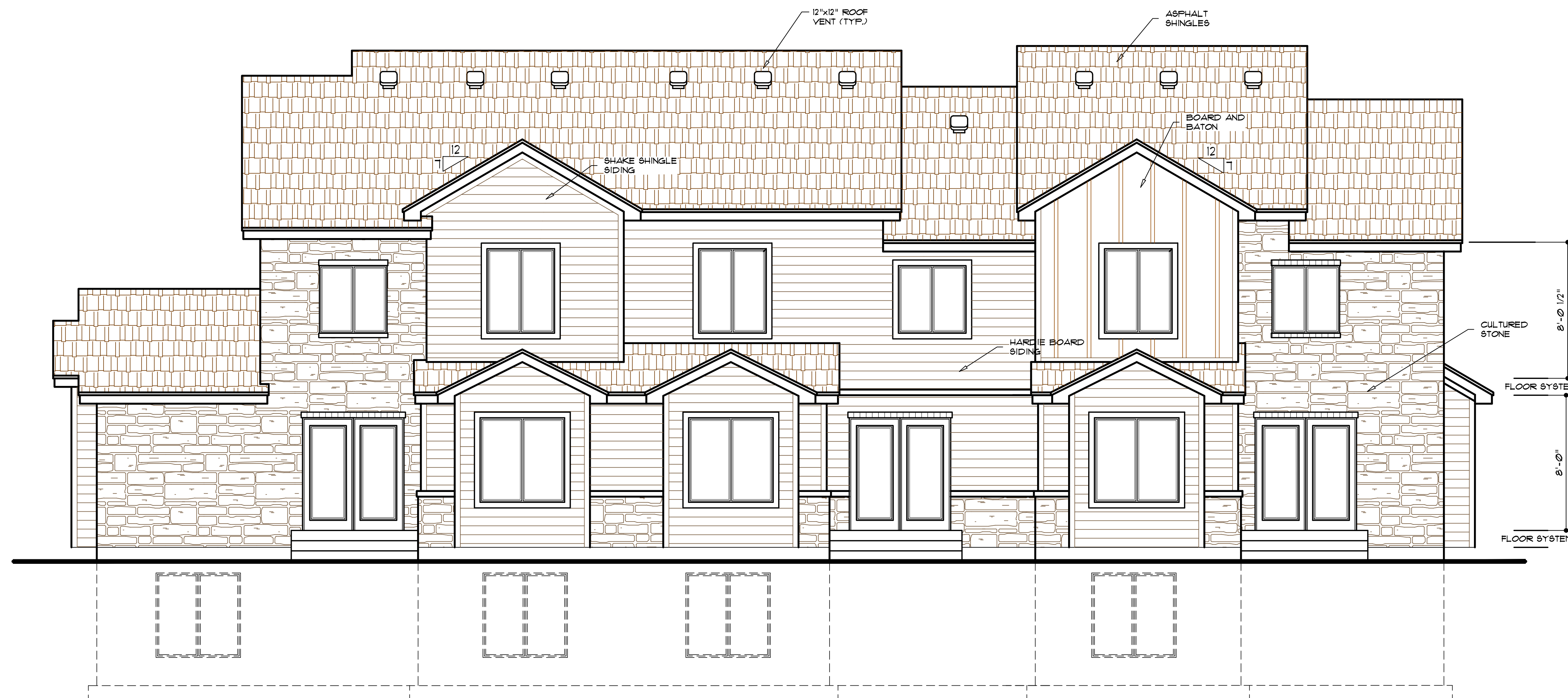
SCALE: 1/4" = 1'-0" LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION SCALE: 1/4" = 1'-0"



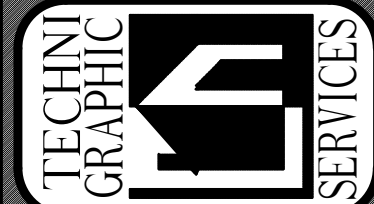
REAR ELEVATION SCALE: 1/4" = 1'-0"

MASONRY CALCULATIONS

FRONT ELEVATION:
NET WALL: 1006 SQ FT
ROCK: 696 SQ FT
% OF ROCK: 69.2%

TOTAL NET WALL (4 ELEVATIONS):
NET WALL: 4153 SQ FT
ROCK: 2933 SQ FT
% OF ROCK: 70.6%

TECHNI—GRAPHIC SERVICES INC.
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DATE: 7/20/17
DRAWN BY:
REVISION:
02/2020

PLAN #

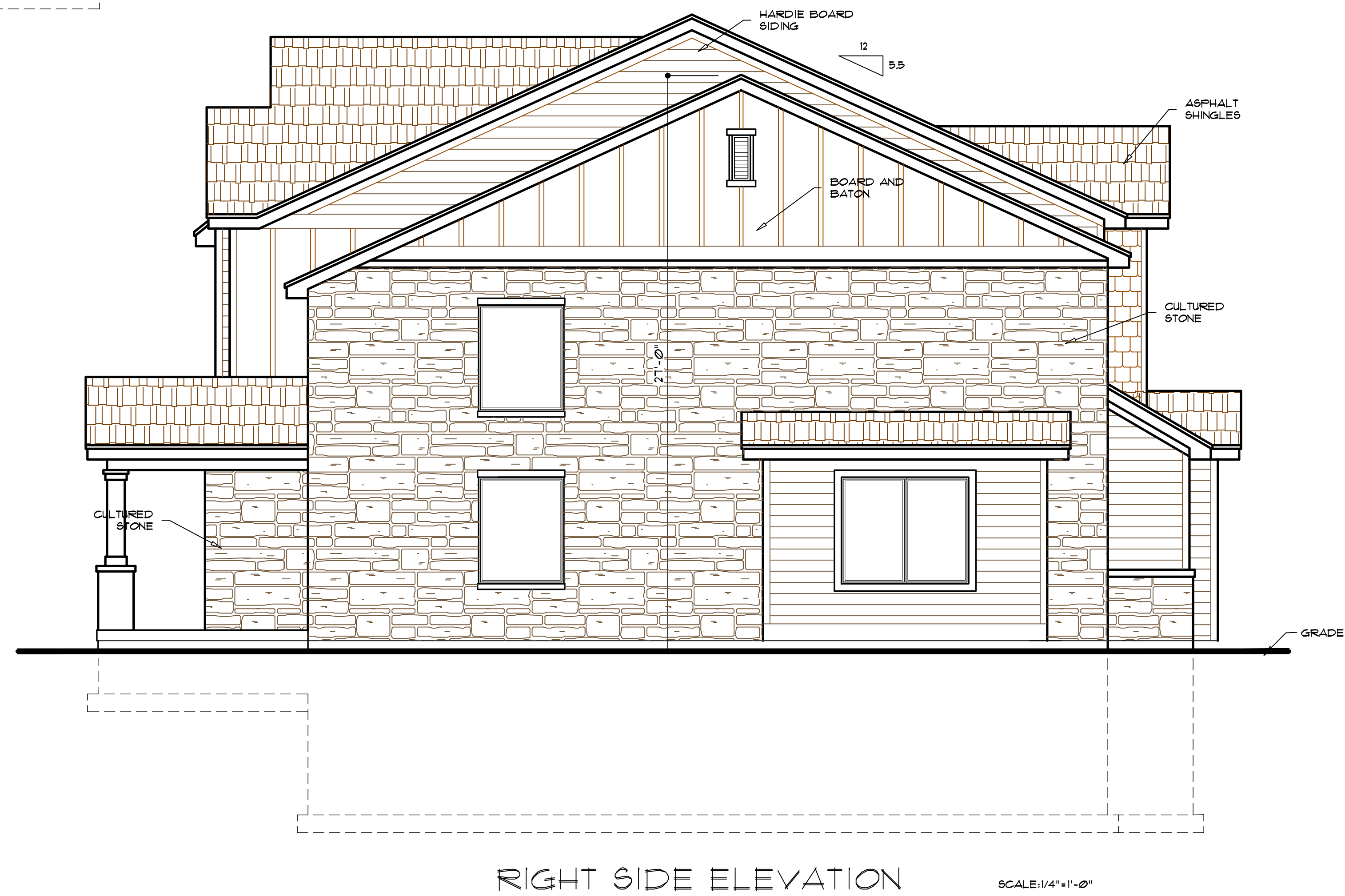
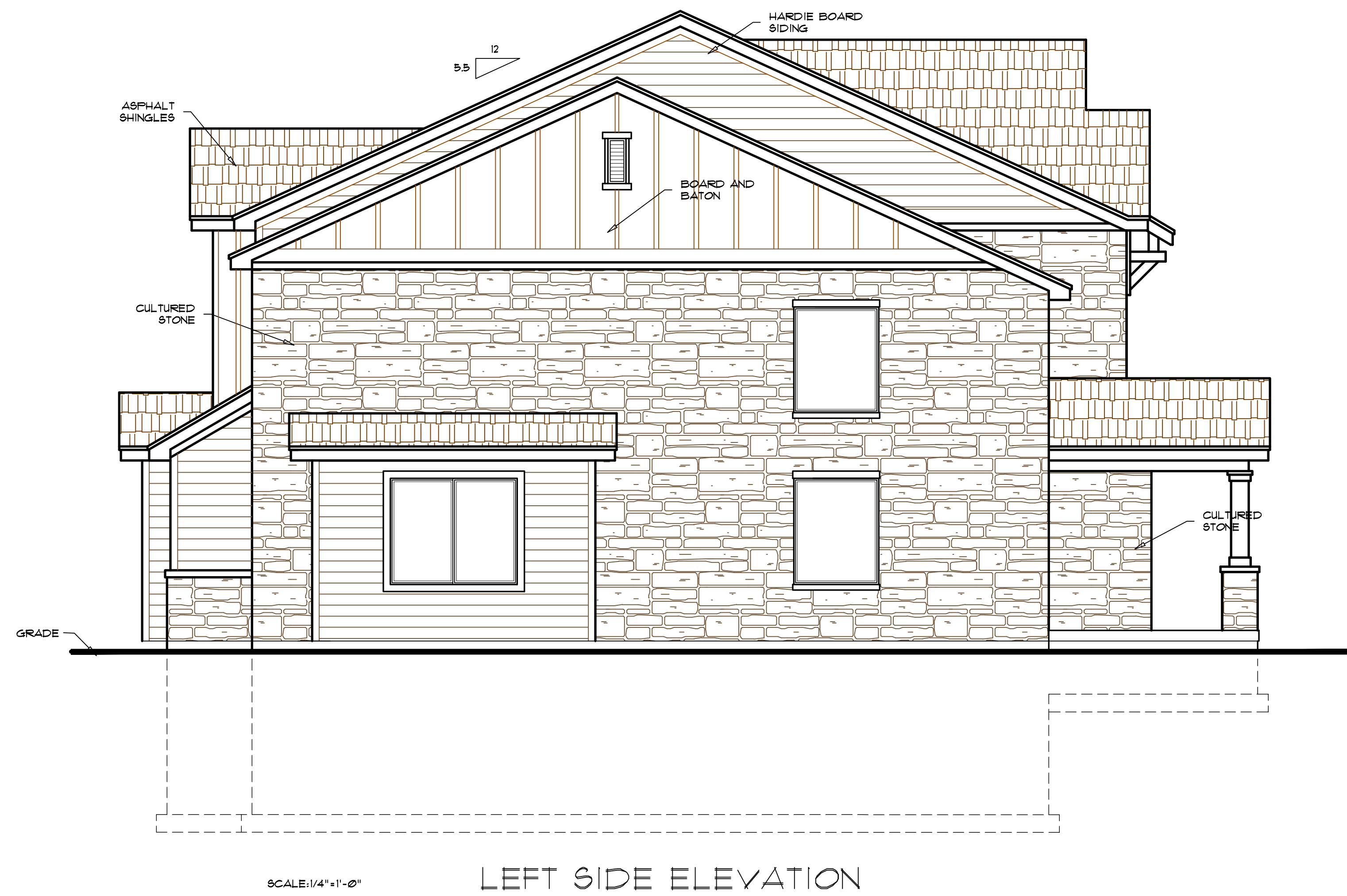
SHEET #

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TOTAL NET WALL (4 ELEVATIONS):
NET WALL: 4509 SQ FT
ROCK: 2500 SQ FT
% OF ROCK: 54%

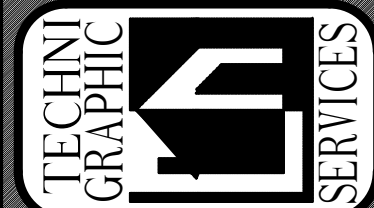


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DATE: 7/2017
DRAWN BY:
REVISION: 10/2019

PLAN #

SHEET #
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EAGLE POINT
HOMES
TOOELE, UT