

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, December 10, 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 & Decision** on a Conditional Use Permit request by Heygly Gonzales to operate a day care business involving the care of up to 16 children in the home located at 89 North 100 East in the GC General Commercial zone on .38 acres.
4. **Public Hearing & Decision** on a Conditional Use Permit request by Yohanna Lusungu to operate a child daycare business involving the care of up to 16 children in the home located at 945 North 1480 East in the R1-7 Residential zone on .20 acres.
5. **Public Hearing & Decision** on a Conditional Use Permit request by Crystal Lawson to construct a detached accessory structure that exceeds the 15 foot height limitation on property located at 545 North 100 East in the R1-7 Residential zone on .35 acres.
6. **Public Hearing & Decision** on a Conditional Use Permit request by Kimball Investment LLC to authorize an "Accessory Drive Through Facility" to occur on property located at approximately 973 N Main Street in the GC General Commercial zone on approximately 1 acre.
7. **Public Hearing & Decision** on a Conditional Use Permit request by Holiday Oil to authorize an "Accessory Drive Through Facility" to occur in conjunction with a convenience store located at the north east corner of the intersection of 600 West and 1000 North in the GC General Commercial zoning district on 2.12 acres.
8. **Decision** on a Site Plan Design Review request by David Lewis IV representing DR Horton for Western Acres Phase 3A proposed to be located at approximately 2000 North Copper Canyon Drive on 10.8 acres in the MR-16 PUD Multi-Family Residential and R1-7 Residential zoning districts.
9. **Decision** on a Site Plan Design Review request by David Lewis IV representing DR Horton for Western Acres Phase 3B proposed to be located at approximately 2000 North Copper Canyon Drive on 3.9 acres in the MR-16 PUD Multi-Family Residential zone.
10. **Decision** on a Preliminary Subdivision Plan request by Perry Homes, Inc., for the Compass Point Village 1 Subdivision proposed to be located at approximately 2280 North 425 West in the Compass Point RSD zoning district on approximately 78 acres.

11. City Council Reports

12. Review and Decision on the Minutes of the Planning Commission meetings held November 12, 2025.

13. Decision – Election of Planning Commission Chair and Vice Chair for 2026.

14. Discussion – Tooele City 2025 Planning Report.

15. Planning Commission Training - Bylaws

16. Adjourn

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Andrew Aagard, Community Development Director, prior to the meeting at (435) 843-2132.

STAFF REPORT

November 24, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director, City Planner and Zoning Administrator

Re: Montessori Daycare, LLC – Conditional Use Permit Request

Application No.: 2025095
Applicant: Heygly Gonzales
Project Location: 89 North 100 East
Zoning: GC General Commercial Zone
Acreage: .38 Acres (Approximately 16,552 ft²)
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone to authorize the use of “Child Care and Preschool involving 8 to 16 Children” to occur at the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .38 acres located at 89 North 100 East. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to permit a child day care home occupation involving the care of 8 to 16 children in the home.

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 GC General Commercial zoning classification. Properties to the north are zoned GC General Commercial but are currently utilized as single-family residential. Properties to the west are zoned GC General Commercial and is the location of City Hall. Properties to the south are zoned GC General Commercial and is the location of the City’s Police Department. Properties to the east, on the adjacent side of 100 East are zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

It should be noted that there are some unique circumstances involved with this property and there are significant legal non-conformities at play here. First of all, single-family residential uses in the GC zoning district are all considered legally non-conforming uses. Meaning, these uses are legal but they do not conform to the requirements of the underlying zoning. The property also has two distinct non-conforming land uses located there on. On the west side of the property is an aging commercial structure that was at one time an auto-repair business and on the east side an older residential home that has historically been used as a rental. The property is essentially divided between two land uses. Commercial on the west and residential on the east.

Because the residential portion of the property is legally non-conforming and because legal non-conforming uses may continue on in perpetuity as long as they are not enlarged or re-located, all uses permitted in a legal conforming single-family home are also permitted in a legal non-conforming single-family home. Therefore, staff has made the determination that a home occupation may occur within the legally non-conforming residential home.

The property also has what are considered some legal non-conformities in regards to the driveway approaches in front of the property. These approaches do not conform to the driveway approach standards the City has in place today and it is anyone's guess as to when these approaches were constructed. As such these approaches are also considered legally non-conforming.

Site Plan Layout. The applicant has not provided any site plan drawings so Staff must rely upon latest aerial photography to determine the condition of the site. As mentioned above, the .38 acre parcel is nearly equally divided between a vacant commercial auto repair business and a single-family residence. The home does have a nearly 20 foot wide park strip along 100 East and within that park strip there are two driveways with approaches. Those driveways have sufficient room to park 3 or 4 vehicles.

Child Drop-off and Pick-up. One of the main driving factors of the requirement for a conditional use permit for child daycares that involve 8 to 16 children is the potential for traffic disruptions and impacts to the neighboring properties due to vehicle queuing as parents drop off and pick up their children. Driveways, mail boxes, trash removal and so forth could be blocked or a nuisance could be created for adjacent properties. Staff has raised this potential issue with the applicant and a traffic plan has been submitted and included in this packet. The applicant has indicated that there are four available parking spaces in the two driveways, that there will be a 2 minute exchange time for parents to park and pick up or leave their children with the daycare. The applicant has also indicated that there will be specific instructions of where to park when dropping off or picking up children.

It should also be noted that child daycare businesses do have different traffic patterns than a preschool would have. Preschools often utilize sessions that begin at a specific time. Parents arrive at the same time to drop-off and pick-up their children depending upon the beginning and ending of the session. Daycares are not always session oriented and the child drop-off and pick-up is more dependent upon the schedules of the guardians and thereby, more staggered.

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 identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. Home occupations involving the care of 8 to 16 children have a potential of vehicle queuing as parents and guardians drop-off or pick-up their children. Vehicle queuing can block mail boxes, driveways or create problems with trash pick up. Vehicle queuing can also impede roadways and prevent adequate vehicle circulation if not controlled or appropriately managed.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following conditions to mitigate the anticipated detrimental effects identified in the finds of fact:

1. The applicant shall instruct their clients according to the traffic plan that was provided and shall enforce the traffic plan as needed.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding this conditional use permit application:

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comment:

1. The home occupation will be subject to and need to pass a fire inspection prior to operation. This inspection will be conducted in conjunction with the business license approvals.

Noticing. The applicant has expressed their desire to obtain the conditional use permit for the subject property 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 approval of the request for a Conditional Use Permit by Heygly Gonzales, application number 2025095, subject to the following conditions:

1. That the applicant shall instruct their clients according to the traffic plan that was provided and shall enforce the traffic plan as needed.

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 Conditional Use Permit Request by Heygly Gonzales, to authorize the use of a “Child Care and Preschool involving 8 to 16 Children” to occur at 89 North 100 East, application number 2025095, based on the findings and subject to the conditions listed in the Staff Report dated November 24, 2025.”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Heygly Gonzales, to authorize the use of a “Child Care and Preschool involving 8 to 16 Children” to occur at 89 North 100 East, application number 2025095, based on the following findings:”

1. List findings of fact ...

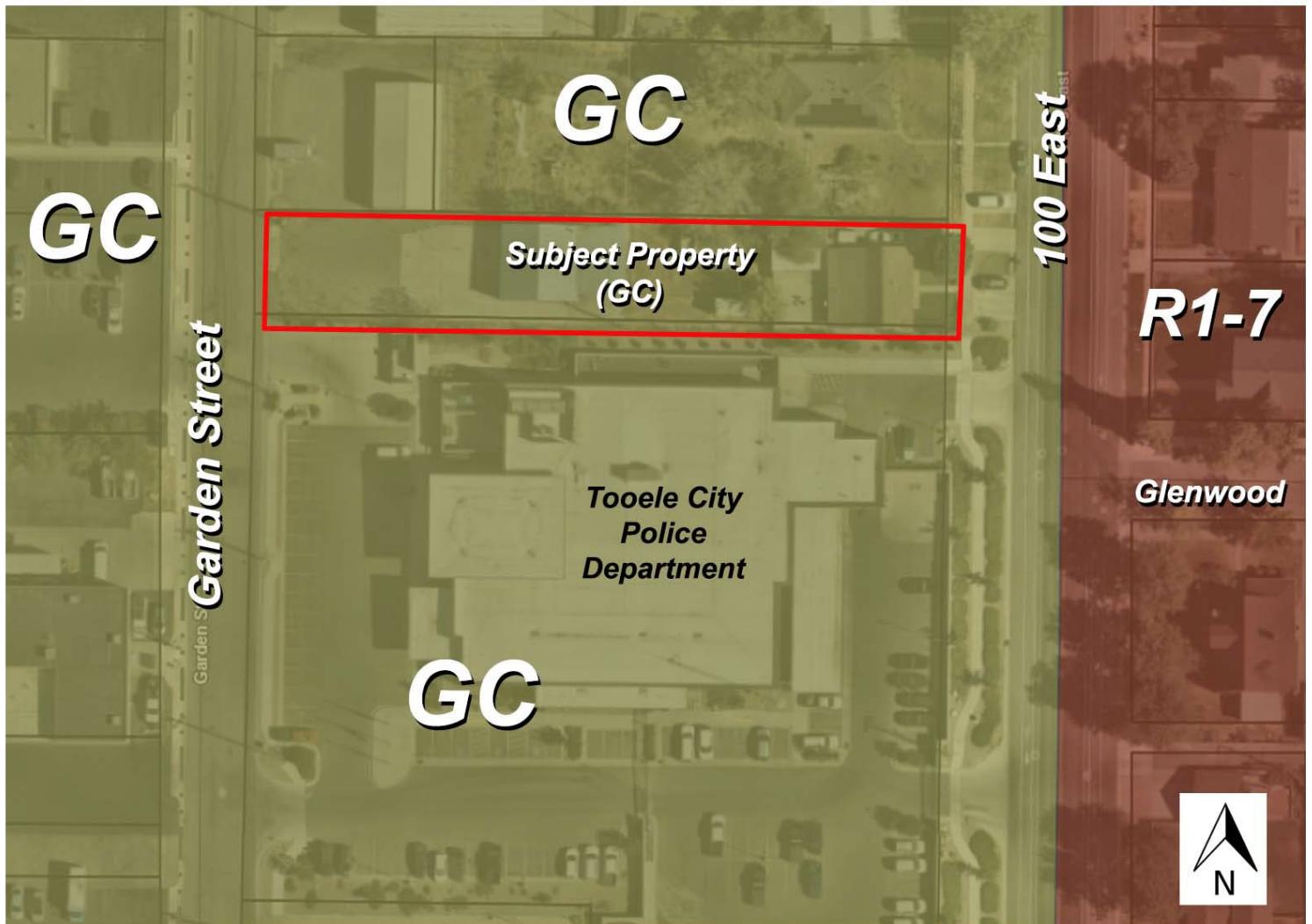
EXHIBIT A

MAPPING PERTINENT TO THE
MONTESSORI DAYCARE, LLC CONDITIONAL USE PERMIT

Montessori Daycare Conditional Use



Montessori Daycare Conditional Use



Current Zoning

Montessori Daycare Conditional Use



Site Image

Montessori Daycare Conditional Use



Site Image

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Home Occupation Permit Application

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



Notice: The applicant must submit copies of the plans and documentation to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Home Occupation Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Project Information			2025095
Date of Submission: 11-3-25	Current Zoning: GC	Parcel #(s):	
Project Name: Montessori Daycare LLC		Acres: .38	
Project Address: 89 N 100 E, Tooele, 84074		Units:	
Project Description: family home Daycare (16) kids.			
Current Use of Property: Home			
Property Owner(s): 87 KELSEY VIEW DR.		Applicant(s): Henry Gonzalez 89 N 100 E, Tooele	
City: Tooele	State: UT	Zip: 84074	City: Tooele
Phone: 435-840-0370	Phone: 786-683-3105		
Contact Person:		Address: Montessoridaycare04@gmail.com	
Phone:		City:	State: Zip:
Cellular:	Fax:	Email:	
Signature of Applicant:			
Date			

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only			
Fee: \$150.00	Received By: (213) Jade	Date Received: 1113125	Receipt # 799560

Traffic & Parking Plan – Montessori Day Care (89 N 100 E Tooele UT 84074)

Driveway Capacity:

The property can fit up to 4 vehicles in the driveway at the same time without blocking the street.

Street Width:

The street is wide, allowing two-way traffic even when cars are parked. Drop-off and pick-up activities will not obstruct traffic flow.

Drop-off / Pick-up Procedure:

Parents are required to park only in the driveway, not on the street.

Each drop-off and pick-up takes less than 2 minutes.

Each child has a different arrival and pick-up schedule, which naturally staggers traffic and prevents multiple cars from arriving at the same time.

This scheduling ensures minimal impact on the neighborhood and avoids congestion.

Traffic Minimization Measures:

Parents must pull fully into the driveway before unloading children.

No stopping or waiting on the roadway.

No blocking sidewalks or neighbor driveways at any time.

Clear written instructions will be provided to parents.

Safety Considerations:

All drop-offs and pick-ups occur inside the property.

Children are always accompanied by an adult while entering or leaving the home.

Conclusion:

With a wide street, 4-car driveway capacity, quick 2-minute drop-off/pick-up routines, and staggered individual schedules for each child, the traffic impact will be minimal, safe, and well-organized.

STAFF REPORT

November 25, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard Community Development Director, City Planner and Zoning Administrator

Re: Yohanna and Josephine Daycare – Conditional Use permit Request

Application No.: 2025097
Applicant: Yohanna Lusungu
Project Location: 945 North 1480 East
Zoning: R1-7 Residential Zone
Acreage: .2 Acres (Approximately 8,712 ft²)
Request: Request for approval of a Conditional Use Permit in the R1-7 Residential zone to authorize the use of "Child Care and Preschool involving 8 to 16 Children" to occur at the property.

BACKGROUND

This application is a request for approval of a Conditional Use permit for approximately .2 acres located at 945 North 1480 East. The property is currently zoned R1-7 Residential. The applicant is requesting that a Conditional Use Permit be approved to permit a child day care home occupation involving the care of 8 to 16 children in the home.

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. All of the surrounding properties are currently zoned as R1-7 Residential and are utilized as single-family residential homes. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Site Plan Layout. The applicant has not provided any site plan documentation so in this case staff refers to existing aerial photographs to determine the layout of the site. The aerial photographs show that the home has a very wide driveway that can accommodate 3-5 cars depending upon how they are parked. It also indicates that the rear yard is fully fenced. The lot itself is about 78 feet wide and has enough frontage to park approximately 5 vehicles without obstructing neighboring driveways.

Child Drop-off and Pick-up. One of the main driving factors of the requirement for a conditional use permit for child daycares that involve 8 to 16 children is the potential for traffic disruptions and impacts to the neighboring properties due to vehicle queuing as parents drop off and pick up their children. Driveways, mail boxes, trash removal and so forth could be blocked or a nuisance could be created. The ordinance requires that applicants provide a traffic and parking plan, however, in this case the applicant has not provided one. Staff did email the applicant and requested the information but did not receive a response.

In this case the home has a substantial driveway and ample frontage to accommodate guardian vehicles as they are dropping off and picking up their children. Staff does not anticipate that there will be any significant disruptions to the neighborhood or to neighboring property owners given the ample space available for parking

in both the driveway and along the lot frontage.

It should also be noted that child daycare businesses do have different traffic patterns than a preschool would have. Preschools often utilize sessions that begin at a specific time. Parents arrive at the same time to drop-off and pick-up their children depending upon the beginning and ending of the session. Daycares are not always session oriented and the child drop-off and pick-up is more dependent upon the schedules of the guardians and thereby, more staggered.

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 identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. Home occupations involving the care of 8 to 16 children have a potential of vehicle queuing as parents and guardians drop-off or pick-up their children. Vehicle queuing can block mail boxes, driveways or create problems with trash pick up. Vehicle queuing can also impede roadways and prevent adequate vehicle circulation if not controlled or appropriately managed.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use permit submission and has issued a recommendation for approval for the request with the following condition to mitigate the anticipated detrimental effects identified in the finds of fact:

1. The applicant shall provide to city staff a traffic and parking plan and shall instruct their clients according to the traffic plan that was provided to staff and shall enforce the traffic plan as needed.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding this conditional use permit application.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comment:

1. The home occupation will be subject to and need to pass a fire inspection prior to operation. This inspection will be conducted in conjunction with the business license approvals.

Noticing. The applicant has expressed their desire to obtain the conditional use permit for the subject property 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 approval of the request for a Conditional Use permit by Yohanna Lusungu, representing the , application number 2025097, subject to the following conditions:

1. The applicant shall provide to city staff a traffic and parking plan and shall instruct their clients according to the traffic plan that was provided to staff and shall enforce the traffic plan as needed.

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 Conditional Use permit Request by Yohanna Lusungu, to authorize the use of a “Child Care and Preschool involving 8 to 16 Children” to occur at 945 North 1480 East, application number 2025097, based on the findings and subject to the conditions listed in the Staff Report dated November 25, 2025.”

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

Sample Motion for Denial – “I move we deny the Conditional Use permit Request by Yohanna Lusungu, to authorize the use of a “Child Care and Preschool involving 8 to 16 Children” to occur at 945 North 1480 East, application number 2025097, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

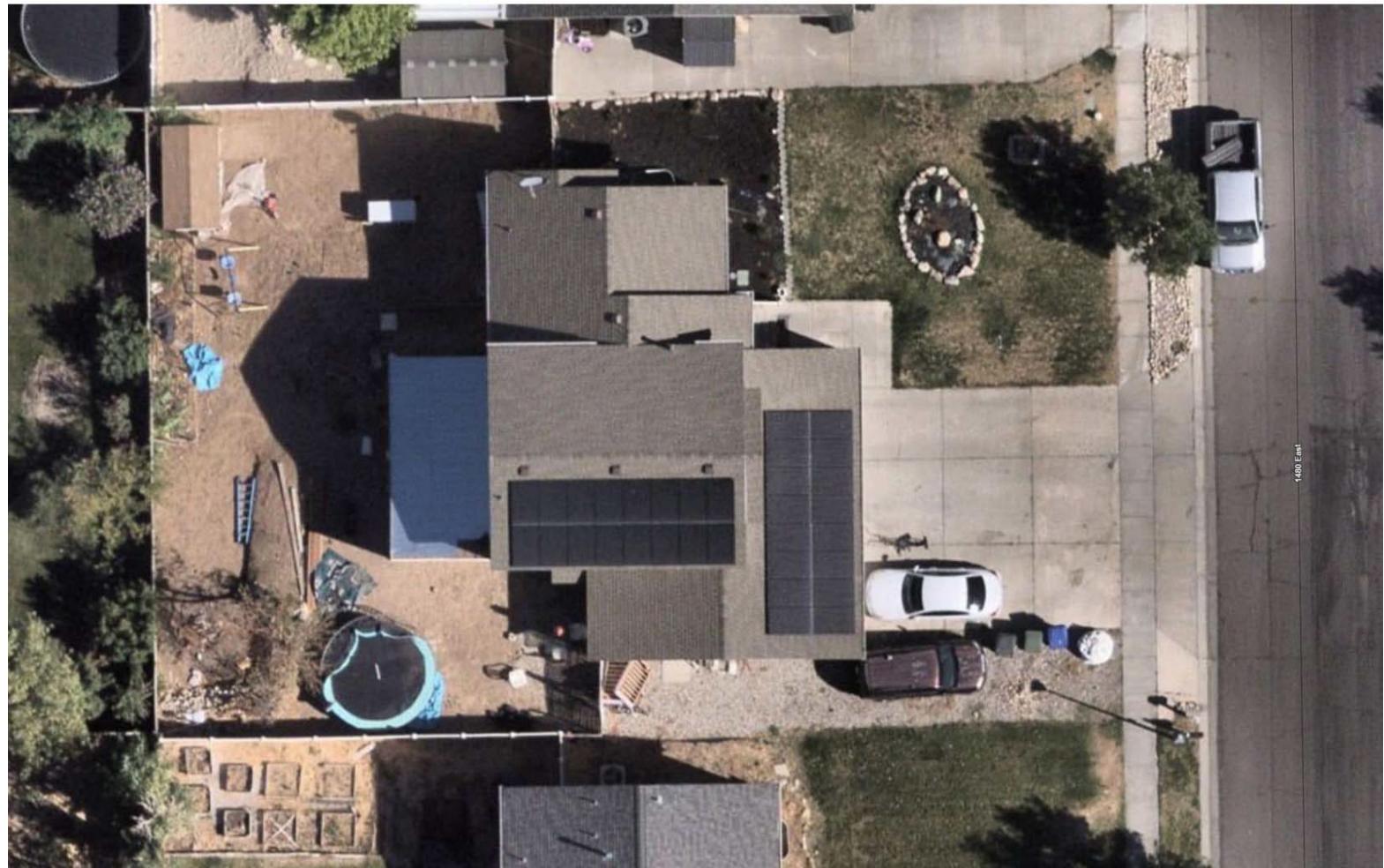
MAPPING PERTINENT TO THE
YOHANNA AND JOSEPHINE DAYCARE CONDITIONAL USE PERMIT

Yohanna & Josephine Daycare Conditional Use



Aerial View

Yohanna & Josephine Daycare Conditional Use



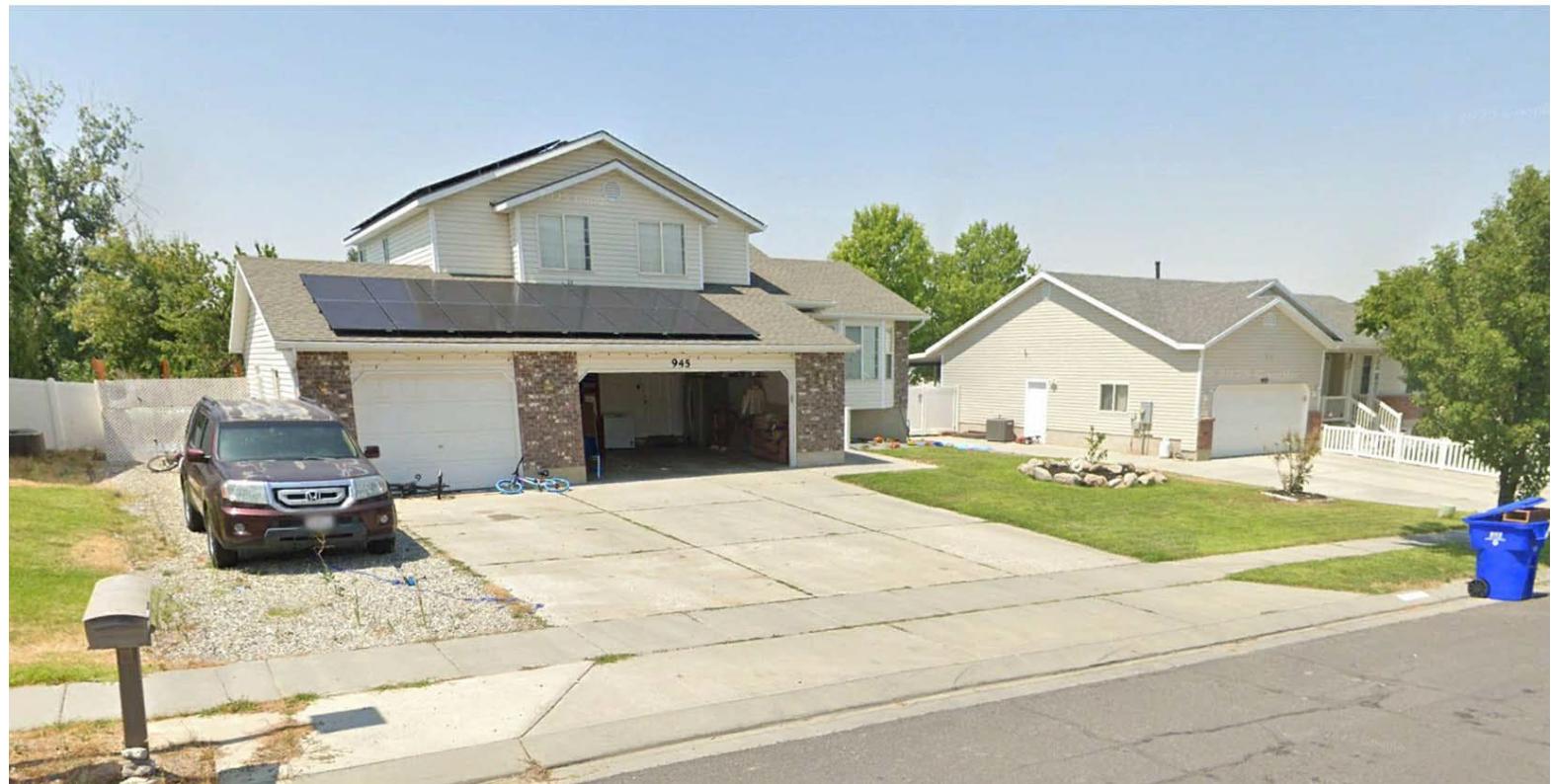
Enlarged Aerial

Yohanna & Josephine Daycare Conditional Use



Current Zoning

Yohanna & Josephine Daycare Conditional Use



Site Image

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

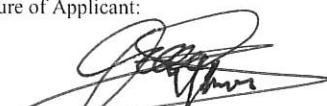
Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.gov



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

2025097

Date of Submission: 11/03/2025	Current Zoning: R1-7	Parcel #(s):
Project Name: YOTTANA + JOSEPHINE Daycare LLC		Acres: .20
Project Address: 945N 1480E Tooele		Units:
Project Description: Daycare up to 16 kids		
Current Use of Property: HOME		
Property Owner(s): YOTTANA LUSUNGU	Applicant(s): YOTTANA LUSUNGU	
Address: 945 N 1480	Address: 945N 1480E	
City: Tooele	State: UT	Zip: 84074
Phone: 385 315 8744	Phone: 385 315 8744	
Contact Person: YOTTANA LUSUNGU	Address: 945 N 1480E Tooele	
Phone: 385 315 8744	City: Tooele	State: UT
Cellular:	Fax:	Email: Johnngalula636@gmail.com
Signature of Applicant: 		
Date		

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only

2250399

Fee: \$150.00 (213)	Received By: 	Date Received: 11/3/25	Receipt #: 779695
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STAFF REPORT

November 25, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard Community Development Director, City Planner and Zoning Administrator

Re: Lawson Garage – Conditional Use Permit Request

Application No.: 2025103
Applicant: Crystal Lawson
Project Location: 545 North 100 East
Zoning: R1-7 Residential Zone
Acreage: .35 Acres (Approximately 15,246 ft²)
Request: Request for approval of a Conditional Use Permit in the R1-7 Residential zone authorizing a proposed detached accessory structure to exceed the 8% lot coverage restriction and the 15 foot building height restriction.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .35 acres located at 545 North 100 East. The property is currently zoned R1-7 Residential. The applicant is requesting that a Conditional Use Permit be approved to permit the construction of a detached accessory structure that is taller than 15 feet and covers more than 8% of the lot with accessory structures. The proposed structure is being constructed to replace an existing detached structure that was destroyed by fire.

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. All of the surrounding properties are zoned R1-7 Residential and the properties to the north and south are utilized as residential. All surrounding properties are utilized as single-family residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Site Plan Layout. The applicant has not provided any site plan information related to this application so staff has to rely upon existing aerial photographs to understand site conditions. The aerial photographs show that the .35 acre parcel originally included a large detached garage structure at the north west corner of the site. That structure was recently destroyed by fire and the applicant wishes to construct a new structure in the same location.

Lot Coverage by Accessory Structures. Tooele City Code 7-14-6-2a limits total lot coverage by accessory structures to 8% of the total lot size. The applicant's lot is 15,246 square feet. 8% of the total lot size is 1,219 square feet. The square footage of the proposed garage structure is 1,596 square feet. The new structure will put the total square footage of accessory structures at 1,596 square feet. This results in a total lot coverage by accessory structures of 10.4%.

Tooele City Code 7-14-6-9 grants the Planning Commission the authority to approve Conditional Use Permits that will permit property owners to exceed the 8% lot coverage requirement. Though, the code does not place a

maximum coverage restriction for the Planning Commission to consider. The intent of the code is to provide property owners with a means of flexibility but to also prevent accessory structures that create nearly total lot coverage and become an eyesore for surrounding properties and the community at large.

Building Height for Accessory Structures. Tooele City Code 7-14-6-9 limits the height of an accessory structure to 15 feet as measured at the mid-point of roof pitch between the peak and the eaves of the roof. The applicant has provided building engineering drawings that don't clearly illustrate the exact building height as measured at the mid-point of roof pitch. However, staff has used deductions based upon the height of the eave and the height of the peak and the distance between the two and estimates the building height at the mid-point of roof pitch to be approximately 17 feet.

Tooele City Code 7-14-6-9 also grants the Planning Commission authority to approve exceptions to the building height limitation as part of a Conditional Use Permit with a public hearing. The code does place a maximum height requirement as no building in a residential zone is permitted to exceed 35 feet.

Considerations. The Planning Commission's responsibility in regards to these requests is to "***determine and consider any adverse impacts the proposed building or structure may have on adjoining properties.***" One thing to consider is if the structure is simply out of place for the subdivision in which it is located. When driving by this property after the structure has been constructed would one with an untrained eye be able to observe that this property has 10.4% lot coverage by detached accessory structures instead of 8%, or, would the untrained eye be able to accurately assess the excess building height over 15 feet?

In observing aerial photographs of the area there are many detached accessory structures. It should also be noted that this application is to replace a previous detached structure that was destroyed by fire. Staff does not anticipate any detrimental impacts to adjacent property owners from the construction of this structure.

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 identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.
3. This application represents the likelihood of construction of a structure that will exceed the City's 8% lot coverage restriction by 2.4% and accessory building height restriction by approximately 2 to 4 feet. This essentially maxes out the property owner's ability to construct additional detached accessory structures on the property or add additional height to the proposed structure. Therefore, it is necessary that the Conditional Use Permit be approved with conditions limiting the maximum amount of building height and lot coverage permitted by the CUP in order to ensure compliance with the CUP.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comments.

1. Staff has not been able to determine that such a structure as proposed by the applicant would be out of character in the neighborhood.
2. Staff has not been able to identify any adverse impacts that would result from construction of a building slightly taller than 15 feet and covering 1.5% more of the lot than the 8% lot coverage restriction.

Engineering & Public Works Review. The Engineering and Public Works Divisions have no issued any comments regarding this proposed CUP.

Building Division Review. The Tooele City Building Division will be reviewing the proposed plans during the building permit plan review process.

Tooele City Fire Department Review. The Tooele City Fire Department has not issued any comments regarding this proposed CUP but will be reviewing the proposed construction as part of the Building Permit review and will ensure fire code compliance at that time.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property 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 approval of the request for a Conditional Use Permit by Crystal Lawson, application number 2025103, subject to the following conditions:

1. 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.
2. 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.
3. Square footage of the proposed structure shall be limited to that which is indicated on the submitted building plans and that the proposed structure shall not exceed 20 feet in height as measured at the mid-point of roof pitch.

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 Conditional Use Permit Request by Crystal Lawson, to authorize the construction of a detached accessory structure that exceeds the 8% accessory building lot coverage restriction and exceeds the 15 foot building height restriction on property located at 545 North 100 East, application number 2025103, based on the findings and subject to the conditions listed in the Staff Report dated November 25, 2025:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Crystal Lawson, to authorize the construction of a detached accessory structure that exceeds the 8% accessory building lot coverage restriction and exceeds the 15 foot building height restriction on property located at 545 North 100 East, application number 2025103, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

MAPPING PERTINENT TO THE
LAWSON GARAGE CONDITIONAL USE PERMIT

Lawson Garage Conditional Use



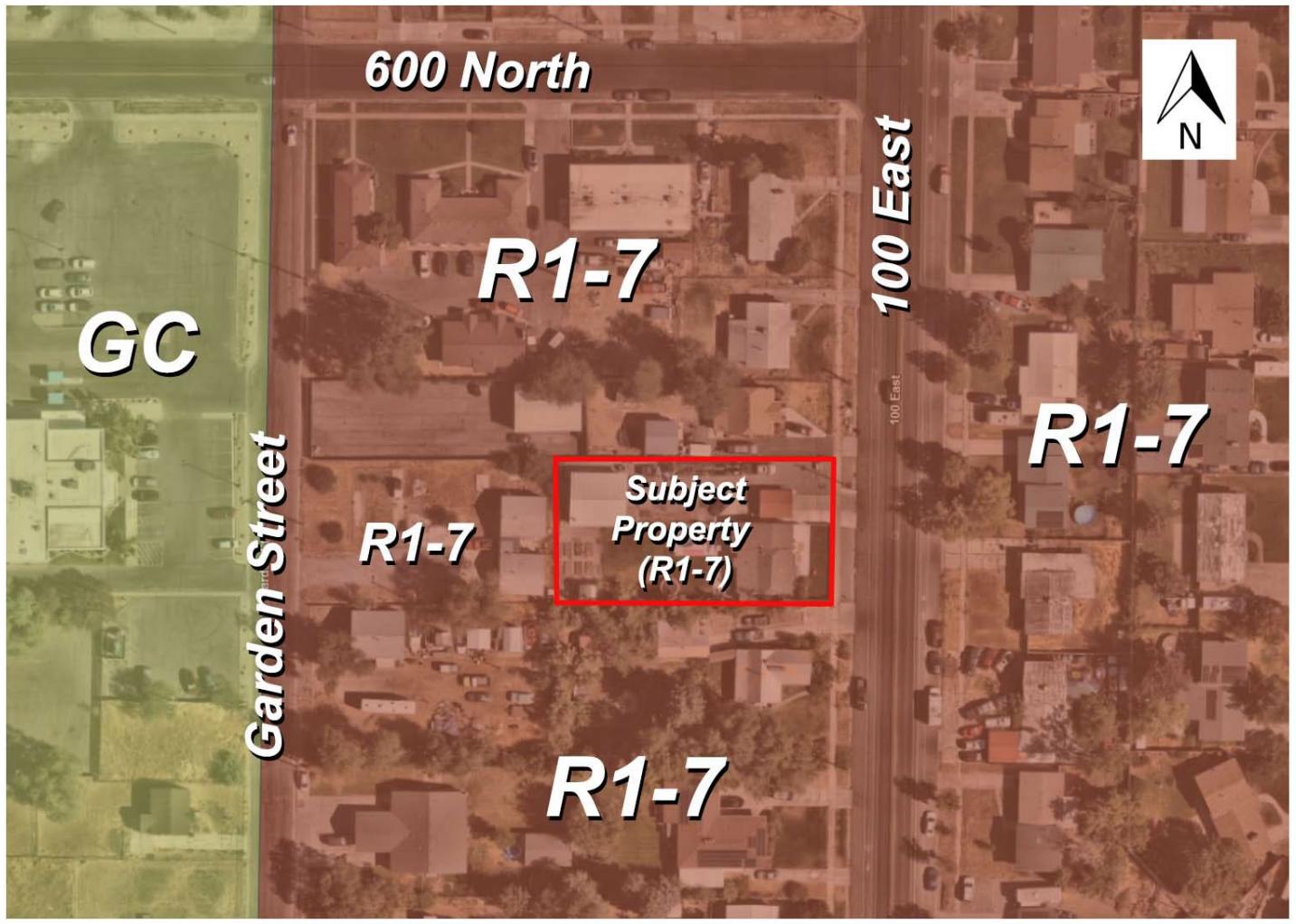
Aerial View

Lawson Garage Conditional Use



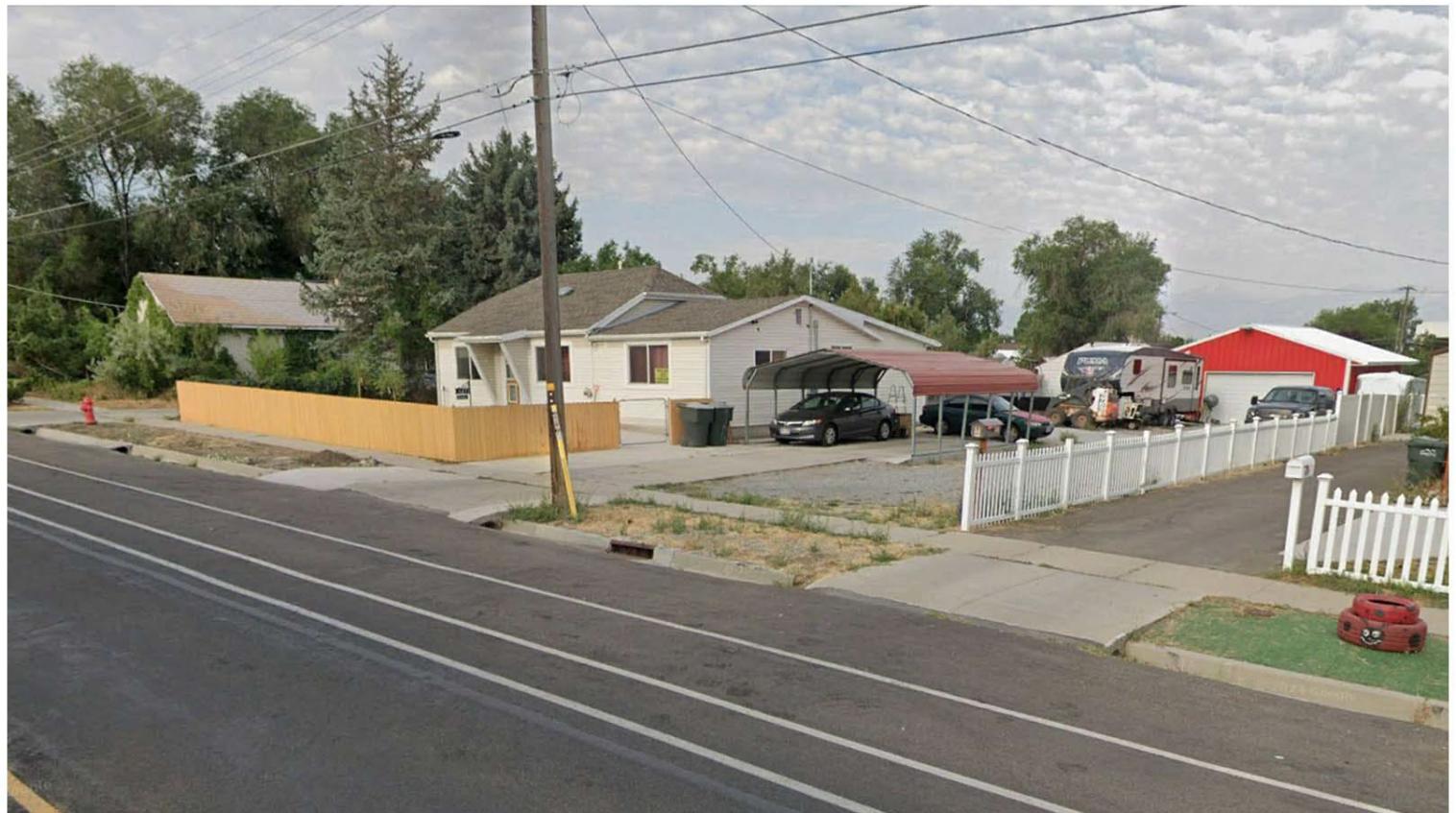
Enlarged Aerial View

Lawson Garage Conditional Use



Current Zoning

Lawson Garage Conditional Use



Site Image

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
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

2025103

Date of Submission:	11-20-25	Current Zoning:	PI-7	Parcel #(s):	
Project Name:	Crystal Langson			Acres:	.35
Project Address:	545 N. 100 E Tooele, UT 84074			Units:	

Project Description:

re-build detached garage that was burned in fire Sept 10th 2025

Current Use of Property:

living at property w/ no garage.

Property Owner(s):	Crystal Langson			Applicant(s):		
Address:	545 N. 100 E			Address:		
City:	TOOELE	State:	UT	Zip:	84074	City:
Phone:	435-241-9696			Phone:		
Contact Person:	Crystal Langson			Address:		
Phone:	435-241-9696			City:	State:	Zip:
Cellular:	Fax:	Email: clawson0810@yahoo.com				

Signature of Applicant:

Crystal Langson

Date 11/20/25

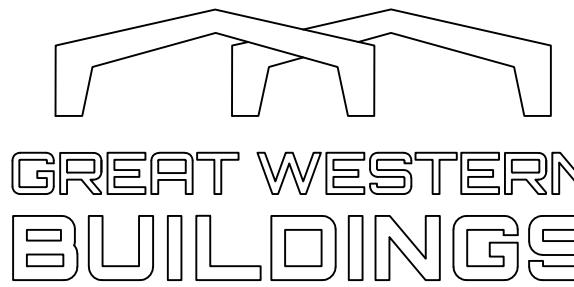
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

2250412

For Office Use Only

Fee:	1000 ⁰⁰ (213)	Received By: <i>AV</i>	Date Received: 11/19/25	Receipt #: 8005649
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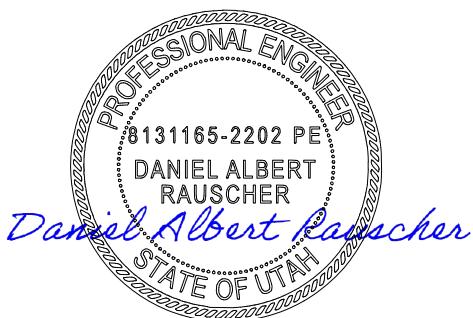
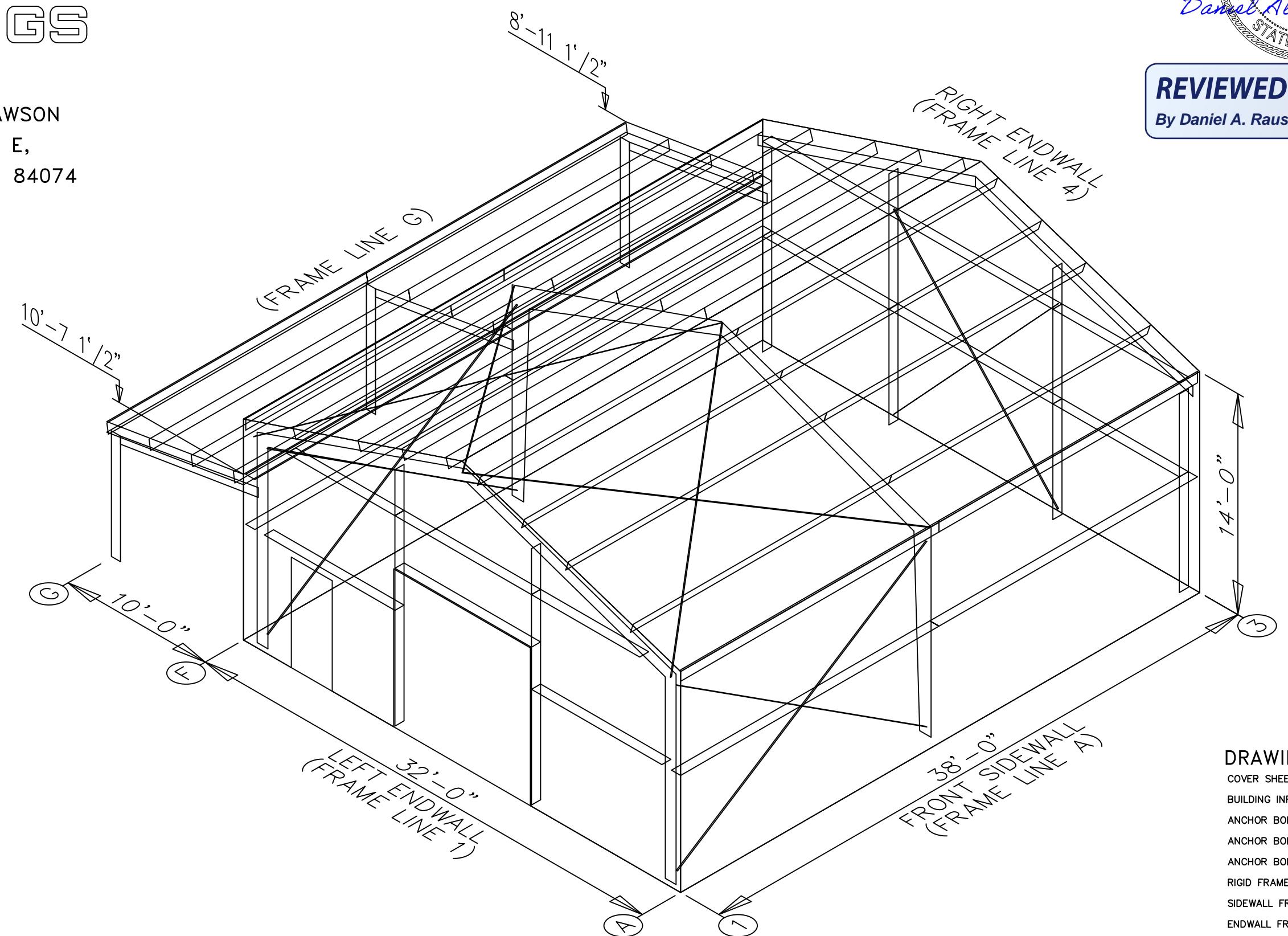
JOB NUMBER: 95515

PROJECT NAME: CRYSTAL LAWSON

PROJECT LOCATION: 545 N 100 E,

PROJECT LOCATION: TOOKELE, UT 84074

PROJECT COUNTY: TOOKELE



REVIEWED

By Daniel A. Rauscher at 12:43 pm, Nov 05, 2025

DRAWING INDEX

COVER SHEET:	1
BUILDING INFO COVERSHEET:	2
ANCHOR BOLT PLAN:	3
ANCHOR BOLT DETAILS:	4
ANCHOR BOLT REACTIONS:	5
RIGID FRAME ELEVATION(S):	6, 7
SIDEWALL FRAMING & SHEETING:	8, 9
ENDWALL FRAMING & SHEETING:	10, 11
ROOF FRAMING PLAN:	12
ROOF SHEETING PLAN:	13
DETAIL DRAWINGS:	14, 15, 16, 17, 18, 19

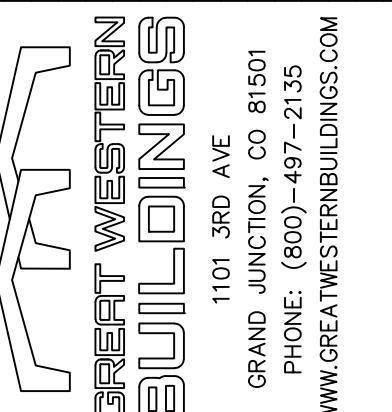
SPLICING BOLT TABLE						
Mark	Qty		Type	Dia	Length	
	Top	Bot			1 3/4"	
SP1	4	4	0	A325	5/8"	1 3/4"

▽ FLANGE BRACES: FBxx (1 or 2)

xx=length(in)

(1) One Side; (2) Two Sides

MEMBER SIZE TABLE		
MARK	MEMBER	LENGTH
RF1-1	W10X12	13'-6 1/16"
RF1-2	W10X12	15'-3 1/8"
RF1-3	W10X12	13'-6 1/16"
EB-3	W8X10	9'-7"
EB-2	W8X10	8'-2 15/16"



GRAND JUNCTION, CO
PHONE: (800)-497-
WWW.GREATWESTERNBUILDING.COM

WWW.GREATWESTERNBUILDINGS.COM

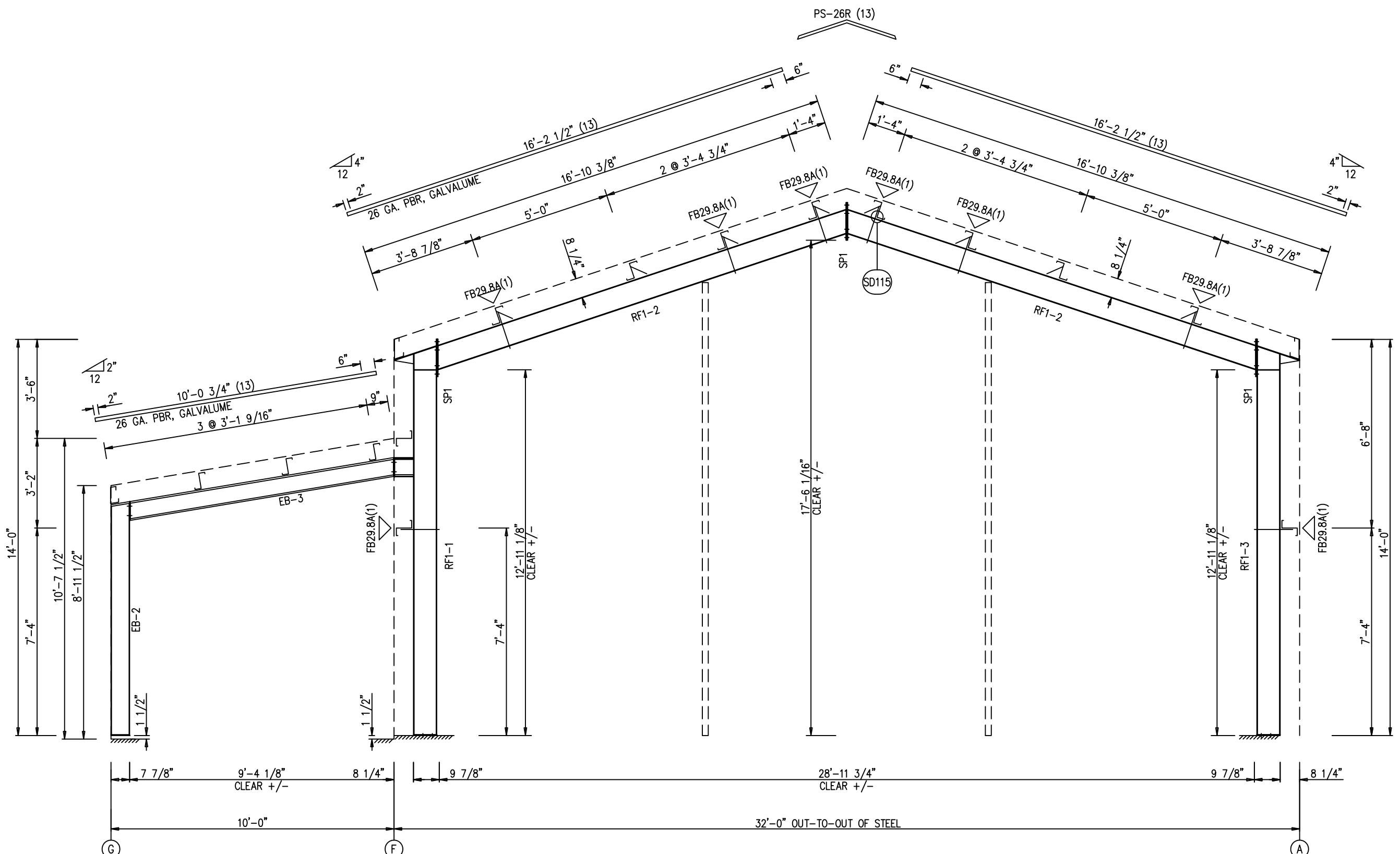
E RIGID FRAME ELEVATION

PROJECT NAME:	CRYSTAL LAWSON	
PROJECT LOCATION:	545 N 100 E, TOOELE, UT 84074	
PROJECT COUNTY:	TOOELE	
PROJECT END USE:	WORKSHOP	
CUSTOMER PHONE NUMBER:	435.241.9696	
CUSTOMER EMAIL:	MISS_MECKS@HOTMAIL.COM	
SCALE:	N.T.S.	
SHEET NUMBER:		6 OF 19
JOB NUMBER		95515

A circular professional engineer license seal. The outer ring contains the text "PROFESSIONAL ENGINEER" at the top and "STATE OF UTAH" at the bottom, both in a serif font. The inner circle contains the license number "8131165-2202 PE" and the name "DANIEL ALBERT RAUSCHER" in a serif font. The entire seal is rendered in black and white.

REVIEWED

THIS SEAL PERTAINS ONLY TO THE MATERIALS
DESIGNED AND SUPPLIED BY GREAT WESTERN
BUILDINGS. THE DRAWINGS AND THE METAL
BUILDING WHICH THEY REPRESENT ARE THE
PRODUCT OF GREAT WESTERN BUILDINGS.
THE REGISTERED PROFESSIONAL ENGINEER WHOSE
CAL AND SIGNATURE APPEARS ON THESE
DRAWINGS IS EMPLOYED BY GREAT WESTERN
BUILDINGS AND DOES NOT SERVE AS OR
REPRESENT THE OVERALL PROJECT ENGINEER OF
CORD AND SHALL NOT BE CONSTRUED AS
UCH.



RIGID FRAME ELEVATION: FRAME LINE 1

STAFF REPORT

November 26, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Community Development Director, City Planner, Zoning Administrator

Re: Founder's Point - Zupas – Conditional Use Permit Request

Application No.: 2025106
Applicant: Justin Kimball
Project Location: 973 North Main Street
Zoning: GC General Commercial Zone
Acreage: 1 Acres (Approximately 43,560 ft²)
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone to authorize an “Accessory Drive Through Facility” for the subject property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 1 acre located at 973 North Main Street. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to permit an accessory drive through facility to operate in conjunction with a new Zupas Restaurant.

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. All surrounding properties are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout. The new Zupas and Zao building will occupy a new 1 acre lot that is currently in the process of being subdivided from the larger overall parcel. The applicant has also submitted a site plan application and the site plan is currently in the review process with the Development Review Committee. This site plan is being provided as a reference only to the Planning Commission to determine if the proposed drive through facility creates any impacts to adjacent properties or public streets that need to be mitigated with conditions. The site proposes to locate the new building at the center of the 1 acre lot with parking to the north and west of the building. The drive through facility is proposed to be located along the south and east of the building. Customers will enter the drive through lane at the southwest corner where they will order their product. They will then drive east and turn north and pick up their orders on the east side of the building. They will then exit at the northeast corner where they can then go north, south or west.

The drive through facility is located in a manner that places the vehicle queuing aisle behind the building instead of being prominently located between the building and the public right-of-way. There are proposed to be two parking stalls immediately adjacent to the drive through aisle. It is anticipated that these parking stalls will be for employees, however, that has not been clearly indicated by the applicant. Although not ideal parking for customers, there isn’t any language in the City code that prohibits parking adjacent to drive through aisles.

Staff does suggest that the applicant increase landscaping to help screen the vehicle queueing lane from the view of the view of the public, though, this is not necessary to mitigate any potential impacts.

Otherwise the drive through facility as it is proposed has plenty of vehicle queueing space and directs traffic into the interior of the site and away from public streets and internal circulation aisles.

North Gateway Overlay. This property rests in the North Tooele Gateway. The gateway has no bearing on the Conditional Use Permit.

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 identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured

through the City's Public Works Department plan review, permitted, and inspection processes.

3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comments:

1. The drive through aisle as it is currently proposed is located on the south and east side of the building, essentially hidden from public view by the building itself. In this location staff does not anticipate a need for additional landscaping to mitigate any potential impacts.
2. Vehicle queuing will be oriented to the east and during evening and night hours headlight glare from the vehicles will be directed north, slight off from the intersection at 1000 North.
3. The operation of the drive through aisle is oriented in manner that staff does not anticipate any impacts to public streets or properties. Any impacts generated by the configuration and operation of the drive through facility will impact only private roads and private properties.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Division are currently reviewing the site plan for the new Zupas restaurant and are reviewing the site according to the City's development standards. No comments concerning the drive through aisle have been provided.

Tooele City Fire Department Review. The Tooele City Fire Department is currently reviewing the site plan for conformance to all fire standards and access requirements. No comments concerning this Conditional Use Permit request have been provided.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property 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 approval of the request for a Conditional Use Permit by Justin Kimball, application number 2025106, subject to 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 drive through aisle and queueing areas are situated in a manner that remove or buffer all public rights-of-way from vehicle stacking, visual and lighting impacts.
7. 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 Conditional Use Permit request by Justin Kimball to authorize an “Accessory Drive Through Facility” for the commercial development located at 973 N Main Street, application number 2025106, based on the findings and subject to the conditions listed in the Staff Report dated November 26, 2025:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit request by Justin Kimball to authorize an “Accessory Drive Through Facility” for the commercial development located at 973 N Main Street, application number 2025106, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

MAPPING PERTINENT TO THE
FOUNDER'S POINT - ZUPAS CONDITIONAL USE PERMIT

Zupas Drive Through Conditional Use



Aerial View

Zupas Drive Through Conditional Use



Aerial View

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS
APPLICANT SUBMITTED INFORMATION**

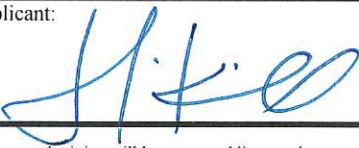
Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
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

Project Information			2025106
Date of Submission:	Current Zoning:	Parcel #(s):	
Project Name:	GC		25-002-0-000 B
Project Address:	Project Name: FOUNDERS POINTE - ZUPAS PRO		Acres: 1.055
Project Description:	973 N Main Street		
Current Use of Property:	2 TENANT Building. Zupas has a Drive thru and then we will have 1 vacant suite		
Vacant land			
Property Owner(s): Tooele 1000 LLC		Applicant(s): Justin Kimball	
Address: 1000 S. MAIN ST STE 104		Address: "	
City: SLC	State: UT	Zip: 84101	City: " State: " Zip: "
Phone: 801 355 4300		Phone: "	
Contact Person: Justin Kimball		Address: "	
Phone: 801 355 4300		City: "	State: " Zip: "
Cellular: 801 652 0867	Email: Justin@KimballInvestment.com	Email:	
Signature of Applicant: 			
Date: 11/15/25			

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in Utah Code Ann. § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only

2250420

Fee: \$1000.00	Received By: 	Date Received: 11/15/25	Receipt #: 806318
(213)			

STAFF REPORT

December 1, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City, Community Development Director, City Planner, Zoning Administrator

Re: Holiday Oil – Conditional Use Permit Request

Application No.: 2025017
Applicant: Brent Neel, Wagstaff Investments
Project Location: 600 West 1000 North NE
Zoning: GC General Commercial Zone
Acreage: 2.12 Acres (Approximately 92,347 ft²)
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone to authorize an “Accessory Drive Through Facility” for the subject property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 2.12 acres located at the north east corner of the intersection of 600 West and 1000 North. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to permit an accessory drive through facility to operate in conjunction with a new Holiday Oil convenience store.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. Properties located to the east of the subject property are zoned MR-16 Multi-family Residential and are currently developing as townhomes and rental apartments. Properties to the north and west are zoned NC Neighborhood Commercial and are currently undeveloped ground with no activity proposed. Properties to the south are zoned GC General Commercial and are currently utilized as a gymnastics facility. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout. The new Holiday Oil convenience store with gasoline services will occupy the 2.1 acre lot just north east of the intersection of 600 West and 1000 North. The site plan is provided as a reference for the Planning Commission in regards to the proposed accessory drive through facility proposed with this new building. This is not a request for review of the site plan itself. The proposed site plan places the building at the center of the 2.1 acre lot. Gasoline pumps and canopy are located between the building and 1000 North. The site will have three points of access. A limited “right in, right out” access will be available from 1000 North which is a UDOT controlled right-of-way. There will also be two points of access onto 600 West, AKA, Franks Drive to the west.

The drive through aisle is proposed to be located along the northern and west sides of the building. Customers will enter the drive through aisle at the north east corner of the building and then obtain their orders at the south west corner of the building where they will exit the drive through facility and ultimately exit the site. The drive through facility itself is located behind the building, however, the site, given its prominent location surrounded by roads on essentially three sides is highly visible from Franks Drive. The submitted landscape plans do

include landscaping along Franks Drive that will assist in buffering the vehicle queuing areas from public views along Franks drive but will not obscure the views entirely. It is not anticipated that the drive through facility will not create any vehicular queuing problems that will impact any public rights-of-way as vehicle queuing is directed internally to the site.

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 identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Public Works Department plan review, permitted, and inspection processes.
3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is

imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.

4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comments:

1. The drive through aisle as it is currently proposed is located on the north side of the building, essentially hidden from public view by the building itself. In this location staff does not anticipate a need for additional landscaping to serve any screening purposes.
2. The operation of the drive through aisle is oriented in manner that staff does not anticipate any impacts to public streets or properties. Any impacts generated by the configuration and operation of the drive through facility will impact only private internal circulation aisles.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Division are currently reviewing the site plan for the new Holiday Oil convenience store and are reviewing the site according to the City's development standards. No comments concerning the drive through aisle have been provided.

Tooele City Fire Department Review. The Tooele City Fire Department is currently reviewing the site plan for conformance to all fire standards and access requirements. No comments concerning this Conditional Use Permit request have been provided.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property 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 approval of the request for a Conditional Use Permit by Brent Neel, representing Wagstaff Investments, application number 2025107, subject to 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 drive through aisle and queueing areas are situated in a manner that remove or buffer all public rights-of-way from vehicle stacking, visual and lighting impacts.
7. 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 Conditional Use Permit request by Brent Neel, representing Wagstaff Investments to authorize an “Accessory Drive Through Facility” for the Holiday Oil Convenience Store proposed for this location, application number 2025107, based on the findings and subject to the conditions listed in the Staff Report dated December 1, 2025:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit request by Brent Neel, representing Wagstaff Investments to authorize an “Accessory Drive Through Facility” for the Holiday Oil Convenience Store proposed for this location, application number 2025107, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

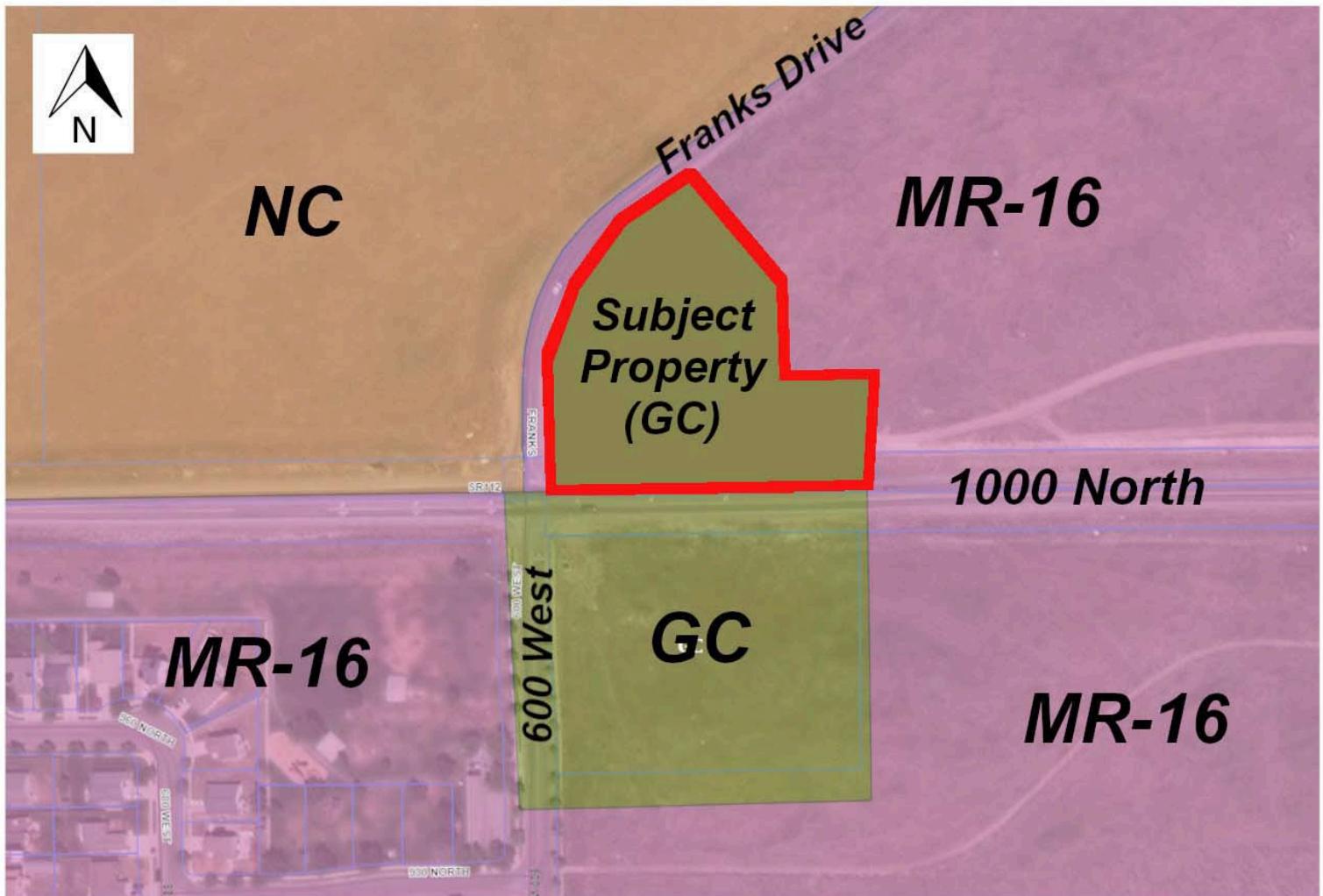
**MAPPING PERTINENT TO THE
HOLIDAY OIL CONDITIONAL USE PERMIT**

Holiday Oil Conditional Use



Aerial View

Holiday Oil Conditional Use



Current Zoning

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
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

2025107

Date of Submission: <u>11/26-2025</u>	Current Zoning: <u>BC/PC</u>	Parcel #(s): <u>02-128-0-0050</u>
Project Name: <u>Holiday Oil</u>	Acres: <u>2.12</u>	
Project Address: <u>1000 N Franks Dr. (NE CORNER)</u>	Units: <u>1</u>	
Project Description: <u>This application is for the drive-thru being a conditional use. The C-store will have a drive-thru similar to our lake point location. It also serves the C.U.P for Fuel Sales open space. Hopefully construction starts spring 2026</u>		
Current Use of Property:		
Property Owner(s): <u>Wagstaff Investments.</u>		Applicant(s): <u>Holiday Oil</u>
Address: <u>11747 S. Lone Peak Pkwy 201</u>		Address: <u>11747 S. Lone Peak Pkwy 201</u>
City: <u>Draper</u>	State: <u>UT</u>	Zip: <u>84020</u>
Phone: <u>801-973-7002</u>		Phone: <u>801-687-0842</u>
Contact Person: <u>Brent Neel</u>		Address: <u>11747 S. Lone Peak Pkwy 201</u>
Phone: <u>801-687-0842</u>		City: <u>DRAPER</u> State: <u>UT</u> Zip: <u>84020</u>
Cellular: <u>801-687-0842</u>	Fax: <u>—</u>	Email: <u>brent@holidayoil.com</u>
Signature of Applicant:		
<u>Brent Neel</u>		Date <u>11/26-2025</u>

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only

2250422

Fee: <u>\$600.00</u> (213)	Received By: <u>HT</u>	Date Received: <u>11/26/25</u>	Receipt #: <u>8006542</u>
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BENCHMARK

SOUTHEAST CORNER OF SECTION 17,
TOWNSHIP 3 SOUTH, RANGE 4 WEST
SALT LAKE BASE AND MERIDIAN
ELEV = 4735.78'

PARKING DATA TABLE	
STANDARD STALLS	13
ADA ACCESSIBLE STALLS	1
VAN ACCESSIBLE STALLS	1
PUMP STALLS	12
TOTAL NUMBER OF STALLS	25

GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.



TOOELE
169 N. Main St, Unit 1
Tooele, UT 84074
Phone: 435.843.3590

SANDY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

DR:
OLIDAY OIL
15 WEST 2100 SOUTH
TRENTON, NEW JERSEY

EST VALLEY CITY, UTAH
CONTACT:
COTT WAGSTAFF
PHONE: 801-973-7002

1000 J. Neurosci., November 1, 2006 • 26(44):9992–10003

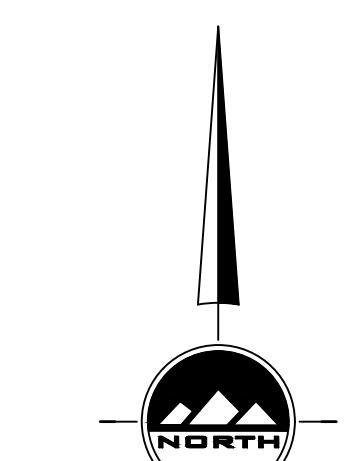
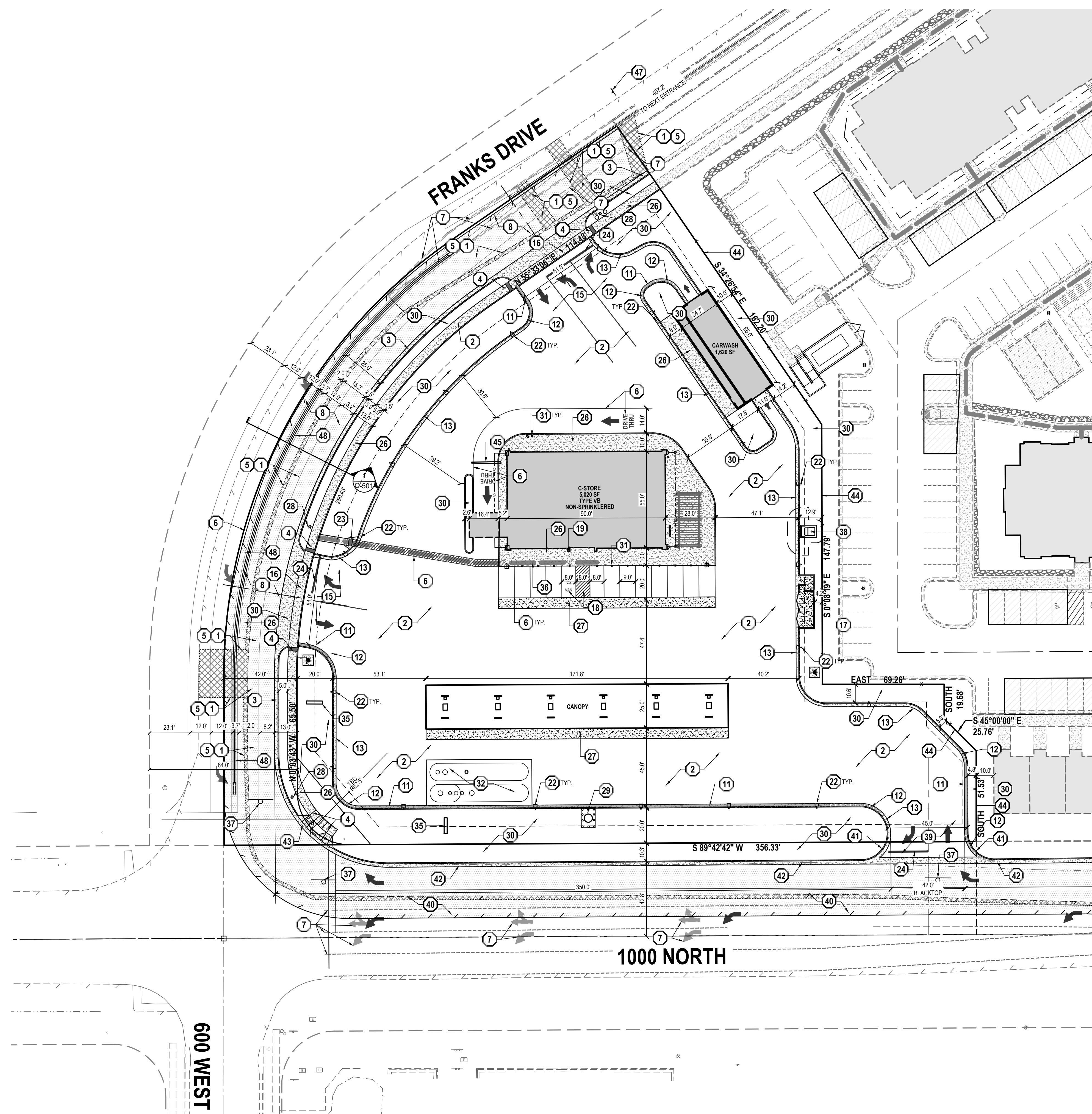
SITE QUANTITIES TABLE		
DESCRIPTION	QUANTITY	
CONCRETE PAVEMENT	58,818	SQ. FT.
ASPHALT PAVEMENT	36,675	SQ. FT.
UNTREATED BASE COURSE	11,570	SQ. FT.
CURB & GUTTER	2,036	FEET
SIDEWALK	1,541	SQ. FT.
DRIVE APPROACH	3	EACH
ADA RAMP	2	EACH

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:



FRANKS DRIVE
HOLIDAY OIL
00 WEST 10000 NORTH



A horizontal graphic scale with a black line and a white line above it. The scale is marked with '0' at both ends. Between the first '0' and the second '0', there are three black squares and three white squares. Between the second '0' and the '15', there are three black squares and three white squares. Between the '15' and the '30', there are three black squares and three white squares. The '15' mark is positioned above the white line. Below the scale, the text '(IN FEET)' is in parentheses, and below that, 'HORZ: 1 inch = 30 ft.' is written.

Site Data Table				
Description	Quantity	Area (sf)	Area (Acres)	Percentage
Hardscape	N/A	62,876	1.44	67%
Buildings	2	6,640	0.15	7%
C-Store	1	5,020	0.12	6%
Carwash	1	1,620	0.04	2%
Landscaping	N/A	18,080	0.42	19%
Total Site	N/A	94,236	2.16	100%

*ONE LOT SUBDIVISION
**100% DEVELOPABLE LAND

SITE PLAN

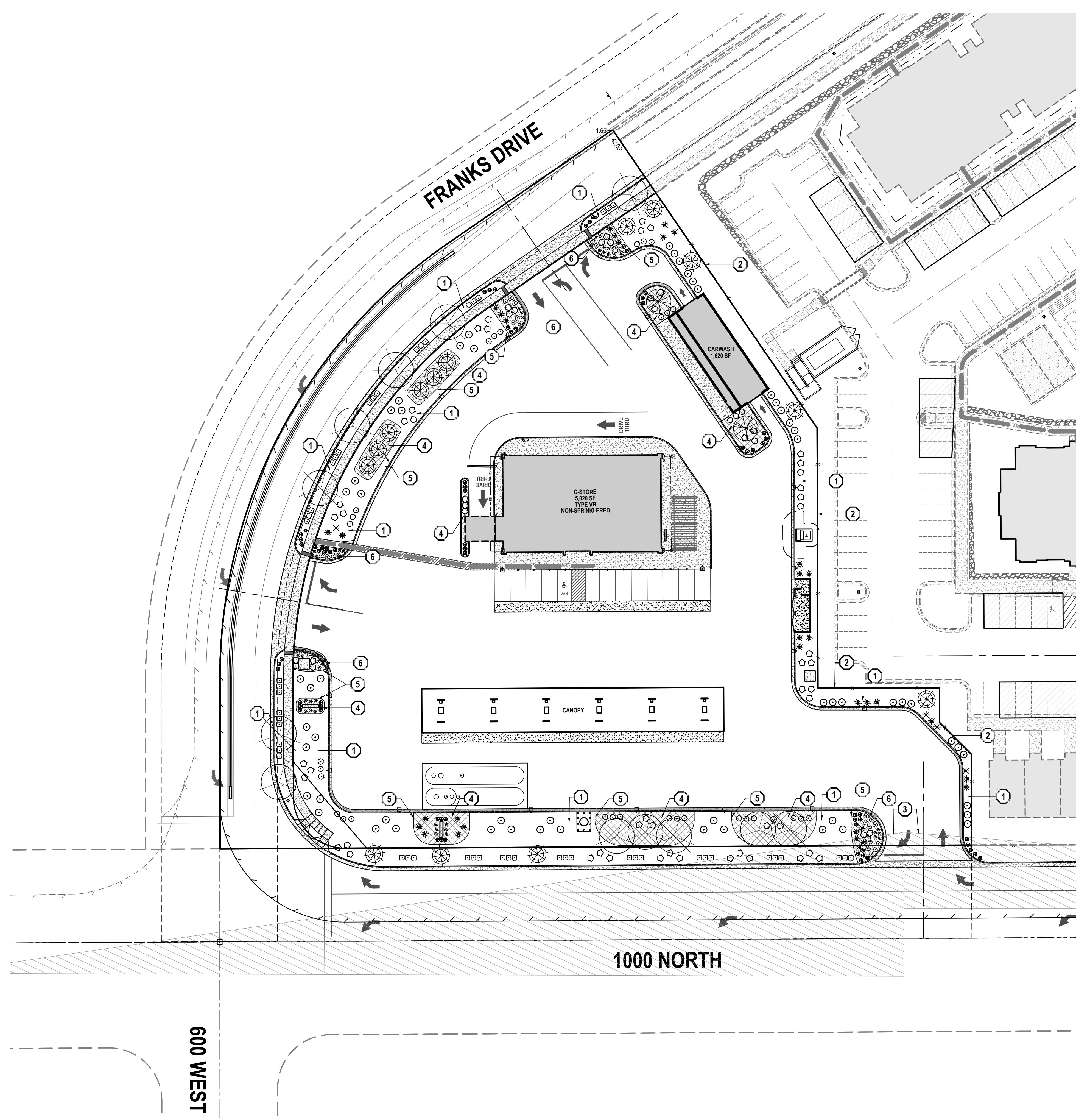
C100



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

BENCHMARK

SOUTHEAST CORNER OF SECTION 17,
TOWNSHIP 3 SOUTH, RANGE 4 WEST
SALT LAKE BASE AND MERIDIAN
ELEV = 4735.78



Landscape

Trees

Qty	Symbol	Common Name	Botanical Name	Plant Size	Plant Type
14		Columnar Blue Atlas Cedar	Cedrus atlantica 'Fastigata'	5 ft tall	Evergreen
2		Columnar Oak	Quercus robur 'Fastigata'	2" Cal., 5 ft tall	Deciduous
12		Purple Blow Maple	Acer truncatum	2" Cal., 5 ft tall	Deciduous

Shrubs and Grasses

Qty	Symbol	Common Name	Botanical Name	Plant Size	Plant Type
33		Crimson Barberry	Berberis thunbergii atropurpurea nana	5 Gallon	Deciduous
51		Boxwood, Littleleaf	Buxus microphylla	5 Gallon	Evergreen
70		Red Yucca	Hesperaloe parviflora	1 Gallon	Evergreen
57		Winged Euonymus	Euonymus alatus 'Grove's Compactus'	5 Gallon	Deciduous
37		Pine, Mugo	Pinus mugo 'Compacta'	5 Gallon	Evergreen
68		Fountain Grass	Pennisetum setaceum	1 Gallon	Deciduous

Landscape Calculations:
Total trees provided = 28 trees (14 evergreen, 50%)
Total shrubs provided = 316 shrubs (158 evergreen, 50%)

- ① Install 6" deep, 4" dia. Nephil Rock & Gravel color 'Gray Cobble' or equiv. decorative rock over weed barrier, typ.
- ② 6 ft. vinyl fence to be installed in conjunction with neighboring residential property.
- ③ Sight triangle per sheet C101. No shrubs to be planted within sight triangle area that will exceed 3.5 ft.
- ④ Install 4" deep 2"-3" dia. Nephil Rock & Gravel color 'Oak Creek' or equiv. decorative rock over weed barrier, typ.
- ⑤ Install 4" metal edging
- ⑥ 3"-4" deep wood mulch over weed barrier



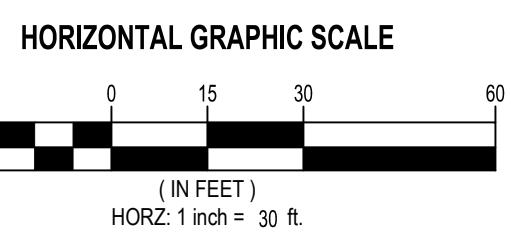
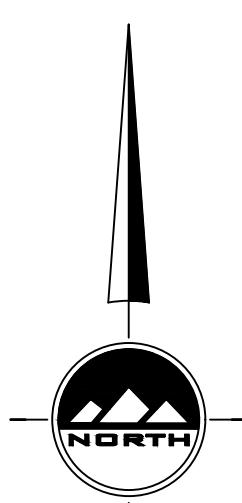
Gray Cobble



Oak Creek

SITE DATA TABLE				
DESCRIPTION	QUANTITY	AREA (SF)	AREA (ACRES)	PERCENTAGE
Hardscape	N/A	62,876	1.44	67%
Buildings	2	6,640	0.15	7%
C-Store	1	5,020	0.12	6%
Carwash	1	1,620	0.04	2%
Landscape	N/A	18,080	0.42	19%
TOTAL SITE	N/A	94,236	2.16	100%

*ONE LOT SUBDIVISION
**100% DEVELOPABLE LAND



FRANKS DRIVE
HOLIDAY OIL
600 WEST 10000 NORTH
TOOELE CITY, UTAH



LANDSCAPE PLAN

PROJECT NUMBER: 11518B
PRINT DATE: 2025-05-21
PROJECT MANAGER: C. DUNCAN
DESIGNED BY: C. CHILD

L100

TOOELE
169 N. Main St, Unit 1
Tooele, UT 84074
Phone: 435.843.3590

SANDY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

FOR: HOLIDAY OIL
3115 WEST 2100 SOUTH
WEST VALLEY CITY, UTAH
CONTACT:
SCOTT WAGSTAFF
PHONE: 801-973-7002

STAFF REPORT

December 2, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director, City Planner, Zoning Administrator

Re: Western Acres Phase 3A – Multi-Family Residential Site Plan Design Review Request

Application No.: 2025058
Applicant: David Lewis IV, representing DR Horton
Project Location: Approximately 2000 North Copper Canyon Drive
Zoning: MR-16 PUD Multi-Family Residential Zone and R1-7 Residential Zone.
Acreage: 10.89 Acres (Approximately 474,368 ft²)
Request: Request for approval of a Site Plan Design Review in the MR-16 Multi-Family Residential and R1-7 Residential zones to facilitate the construction of 32 single-family residential lots and 52 new townhomes in the Western Acres development.

BACKGROUND

This application is a request for approval of a Site Plan Design Review for approximately 10.89 acres located at approximately 2000 N Copper Canyon Drive. The property is currently zoned MR-16 PUD Multi-Family Residential and R1-7 Residential. The applicant is requesting that a Site Plan Design Review be approved so that construction in the large development may continue south with the addition of 32 single-family residential homes and 52 individually owned townhomes. It should be noted and emphasized that the site plan design review application involves only the townhome portion of Phase 3A and does not involve the single-family lots even though the single-family lots are part of Phase 3A. Tooele City does not conduct site plan design review for single-family homes as single-family homes receive their own site plan review with each building permit.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned two zoning districts and it should be noted that the zoning map IS NOT CORRECT. When the Western Acres PUD was approved back in 2020 the zoning map that accompanied the PUD application designated the townhome areas as MR-16 and the single-family areas as R1-7. The correct zoning documentation has been provided in this staff report in the mapping section to follow. The subject property, all of Phase 3C, is surrounded by properties zoned MR-16 and MR-16 PUD Multi-Family Residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Western Acres PUD. The MR-16 zoning for the Western Acres Development has a PUD Planned Unit Development overlay attached to it. The PUD established and altered design criteria that are found in the MR-16 zoning ordinance as well as Tooele City Code 7-11a Multi-Family Residential Design Guidelines. The PUD criteria that are applicable to the multi-family residential phases are a reduction in dwelling unit size from 1200 square feet to 800 square feet, a reduction in the setback between buildings from 15 feet to

12 feet, a substitution of the required 1000 square foot interior social space with additional site amenities, and an elimination of the 50% brick and stone requirement on the exterior of the buildings in favor of stucco, fiber cement siding, wood, masonry block, brick and stone.

Site Plan Layout. Phase 3A of Western Acres will rest immediate south of Phase 2C and will connect to both Copper Canyon Road and Broadway Avenue. Broadway and Copper Canyon are and will be publicly owned and maintained rights-of-way. All other internal streets proposed within Phase 3A will be privately owned and maintained roads.

Single-family homes will be constructed on the east side of Old Loon Avenue and are not subject to the conditions of the multi-family residential design guidelines as required by Tooele City Code 7-11a. On west side of Old Loon Avenue there will be townhomes constructed. These townhomes are subject to the site plan design standards required by Tooele City Code 7-11a.

DR Horton is proposing the construction of 30 front entry townhomes that will access Old Loon Avenue. On Black Gold Avenue there are proposed to be constructed four front entry town homes and 18 rear entry townhomes. None of the townhomes proposed in Phase 3A will access a public street.

All of the townhomes in this phase have been reviewed against the standards of the Western Acres PUD and the MR-16 zoning ordinance for compliance with building setbacks from property lines, from corners, and from adjacent buildings and the site plan as proposed meets or exceeds all minimum requirements.

Subdivision Layout. The subdivision layout follows the site plan layout and building footprints exactly as indicated on the site plan drawings. Limited common and common areas are as indicated on the site plan.

Parking. Under current parking standards townhomes that provide a two car garage and a two car driveway are not required to provide any guest parking stalls as the ordinance considers the guest parking stalls as driveway space on homes with two car garages. The majority of the units provided in Phase 3A will have a two car garage and a two car driveway and thus satisfy the parking requirement.

The development is providing 11 parking spaces that will access directly off of Old Loon Avenue. It is anticipated that this parking will serve the amenity center and the amenities in the area but may also be utilized as guest parking unless the developer decides otherwise. Either way, separate guest parking is not able to be required given the number of available parking spaces with each unit.

Landscaping. Landscaping in Phase 3A will be a mix of sod and stone cobble areas. Sod is permissible in multi-family residential areas that are reserved for active recreation. In Phase 3A the development is proposed to include 45,624 square feet of sod, or just a little more than 1 acre. These areas have been identified as being near or next to amenities or reserved and utilized as an amenity.

The remaining landscaping areas not reserved or of insufficient size to be used for active recreation will be landscaped in various cobble mulches and include shrubs and trees irrigated by drip or bubbler irrigation systems.

The developer will be installing 222 new trees in Phase 3A with 117 of those trees being of a coniferous variety. The development will also include the planting of 283 shrubs and more than 500 ornamental grasses and perennial flowers in various locations but mostly near the foundations of the individual townhomes.

The landscaping as proposed meets or exceeds the requirements of Tooele City Code 7-11a.

Architecture. The PUD overlay removed the requirement that 50% of exterior materials be stone or brick. The applicant's product features a predominantly fiber cement and board & batten exterior finish. There are two styles of units proposed for this phase. Units facing Old Loon Avenue are the typical front loaded style town house where the garage and main entry are on the front side of the structure. These units propose the use of fiber cement siding on the front with stucco finishes on the side and rear facade. Each entrance is enhanced by a covered porch with columns on each side. The roofline is stepped to provide roofline variation and there are plenty of "pop outs" to provide the required horizontal variation on other elevations. Each window is framed with trim and lintels.

Units located next to and accessing Black Gold Avenue are rear loaded style units except for four units on the east side of Black Gold being front loaded. The garage enters from the back of the unit and the main entrance is on the front of the unit, facing the roads. These units incorporate the same exterior finish materials as the front loaded units and provide plenty of roofline variation and horizontal variation on the front facades. Each unit incorporates a covered porch on the front façade.

The proposed buildings have been reviewed against the design criteria for vertical and horizontal variation and exterior materials (where applicable due to PUD requirements). The units do comply with the architectural requirements as set forth in Tooele City code 7-11a.

Amenities. The Western Acres PUD has an amenities plan that proposes the addition of 22 specific amenities including a swimming pool, cornhole, pickleball, small pavilions, tot lots, terra parks, swing set, library boxes, dog park, half court basket ball courts and a community trail in the Middle Canyon Drainage extending north to south across the entire Western Acres development. Phase 3A will be providing an amenity center that will include a swimming pool, a terra park, two pavilions, a swing set and a turf grass recreation field which also serves as a storm water detention basin.

Signage. There is an entrance into Phase 3A from Broadway Avenue on the east side, however, those properties at the entrance are single-family residential and will be privately owned property. An entry sign should be placed at the corner of 1520 North and Old Loon Avenue. See the conditions described below.

Fencing. Fencing is only required when adjacent to single-family residential zones. Phase 3A is not adjacent to any of these and therefore fencing is not required.

Criteria For Approval. The criteria for review and potential approval of a Site Plan Design Review request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

Section 7-11-6. Approval. The Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with [Chapter 7-11 TCC] and with the general policies and objectives of [Title 7 TCC], and shall give or withhold approval accordingly. Before making this determination, the Planning Commission shall receive the written recommendations of the City Engineer, the Accessibility Committee, and the Fire Chief. Such recommendation may be by letter, memorandum, or signature on the plans.

Section 7-11-8. Considerations in review of applications. The Planning Commission and the Engineering Department shall consider the following matters, among others, in their review of applications:

- (1) Considerations relating to traffic safety and traffic congestion:

- (a) The effect of the site development plan on traffic conditions on abutting streets.
- (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
- (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
- (d) The location, arrangement, and dimensions of truck loading and unloading facilities.
- (e) The circulation patterns within the boundaries of the development.
- (f) The surfacing and lighting of off-street parking facilities.

(2) Considerations relating to outdoor advertising:

- (a) The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.

(3) Considerations relating to landscaping:

- (a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.
- (b) The planting of ground cover or other surfacing to prevent dust and erosion.
- (c) The unnecessary destruction of existing healthy trees.

(4) Considerations relating to buildings and site layout:

- (a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.
- (b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.

(5) Considerations relating to drainage:

- (a) The effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.

Section 7-11-9. Considerations. The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of [Chapter 7-11 TCC] as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of [Chapter 7-11 TCC].

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Site Plan Design Review submission and has issued a recommendation for approval with the following comment:

1. The site plan, landscape plan, amenity plan and building architecture all meet or exceed the design standards as established in Tooele City Code 7-11a.
2. Staff recommends the Planning Commission approve with a condition that a development entry monument sign be added at the north west corner of the intersection of 1520 North and Old Loon Avenue as this is an entry into the Western Acres development and is required by TCC 7-11a.

Engineering & Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Site Plan Design Review submission and have issued a recommendation for approval.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Site Plan Design Review submission and has issued a recommendation for approval for the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Multi-Family Residential Site Plan by David Lewis IV, representing DR Horton, application number 2025058, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions 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 Building Division 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 Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. A development entry monument sign be added at the north west corner of the intersection of 1520 North and Old Loon Avenue

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the development PUD.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. 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.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.
7. The site plan, landscape plan, amenity plan and building architecture all meet or exceed the design standards as established in Tooele City Code 7-11a.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Site Plan Design Review request by David Lewis IV, representing DR Horton for the Western Acres Phase 3A development, application number 2025058, based on the findings and subject to the conditions listed in the Staff Report dated December 2, 2025.”

1. List any additional findings and conditions...

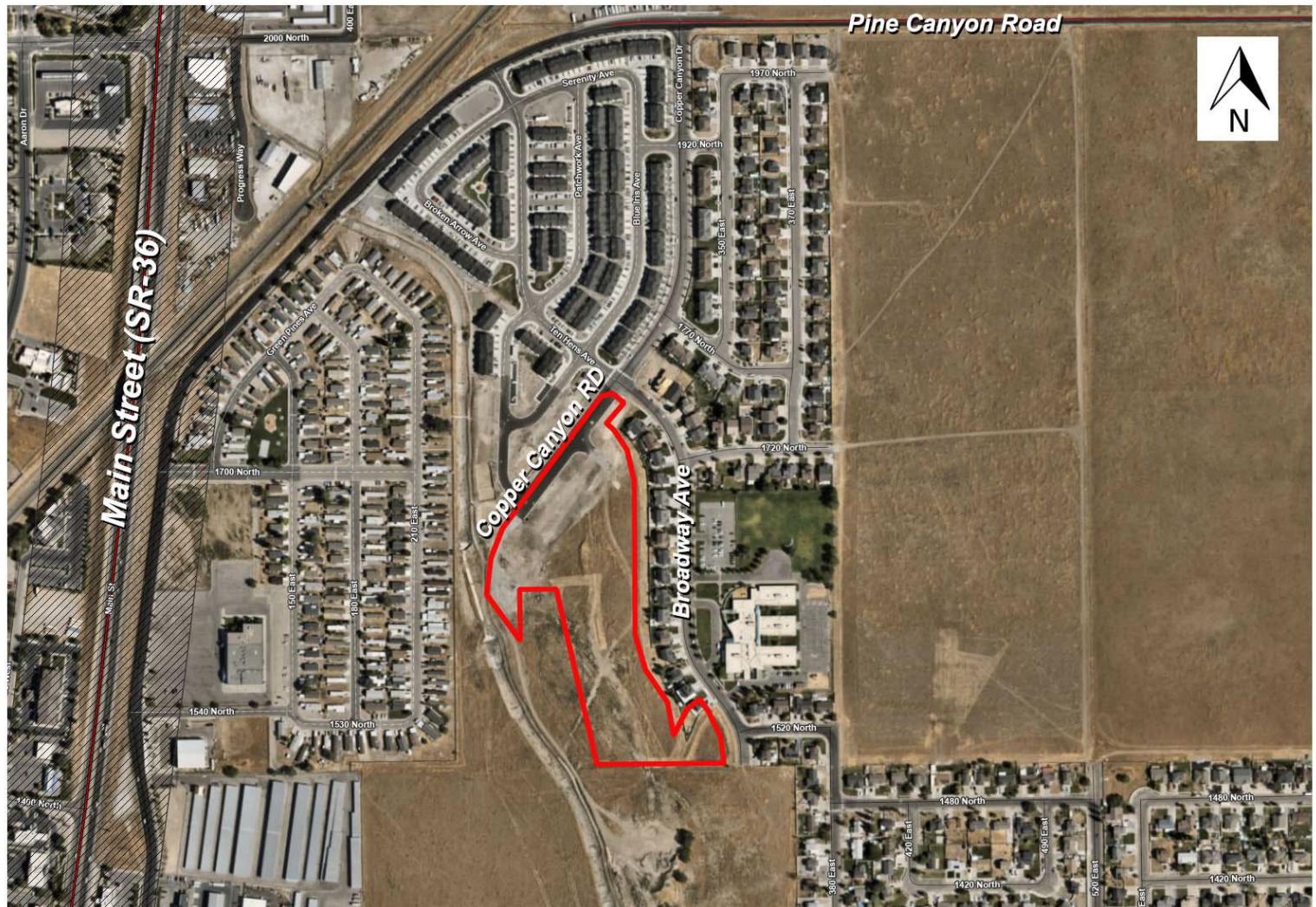
Sample Motion for Denial – “I move we deny the Site Plan Design Review request by David Lewis IV, representing DR Horton for the Western Acres Phase 3A development, application number 2025058, based on the following findings.”

1. List findings...

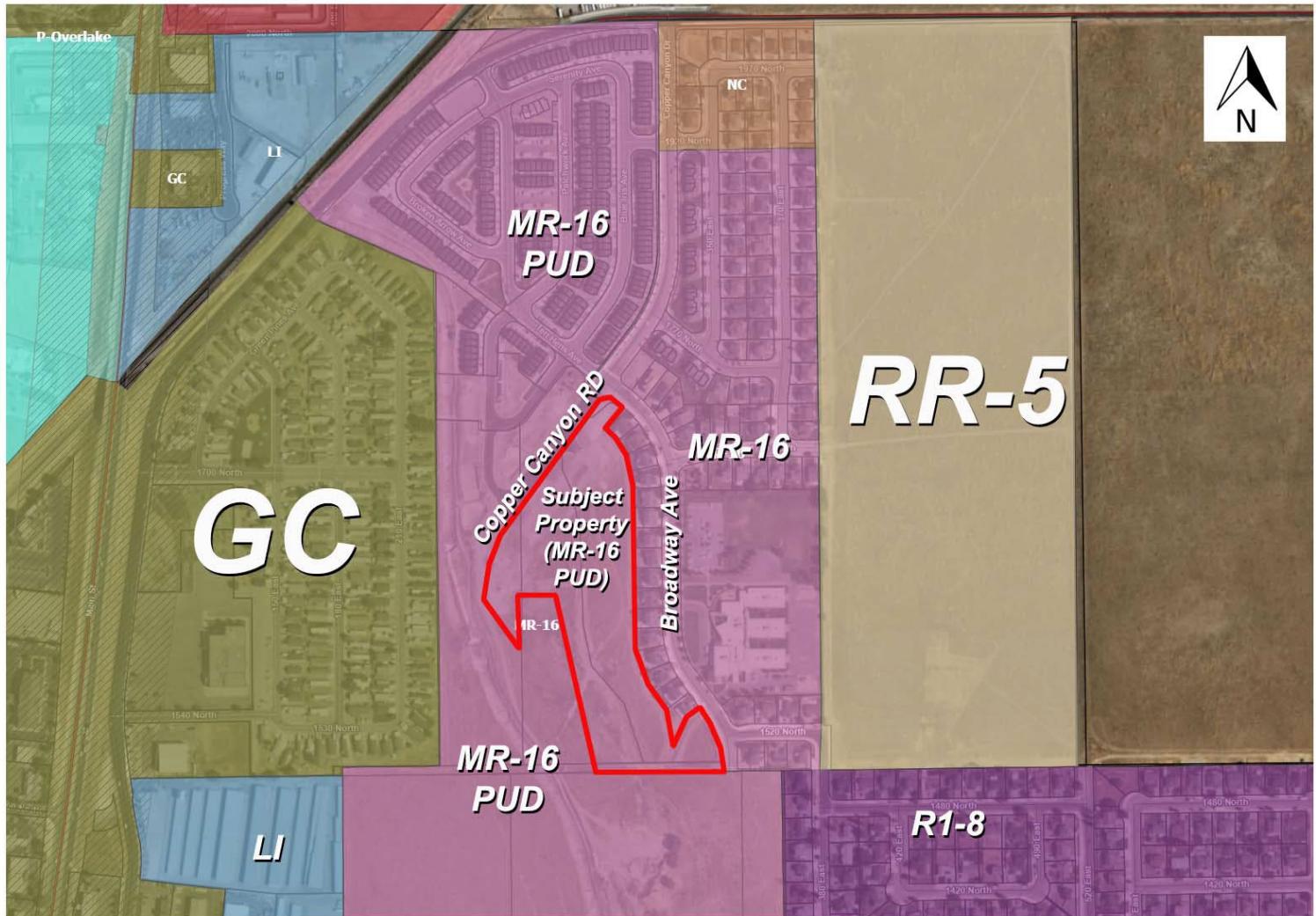
EXHIBIT A

MAPPING PERTINENT TO THE WESTERN ACRES PHASE 3A MULTI-FAMILY RESIDENTIAL SITE PLAN

Western Acres Phase 3A Site Plan Design Review



Western Acres Phase 3A Site Plan Design Review



Current Zoning

PROPOSED ZONING

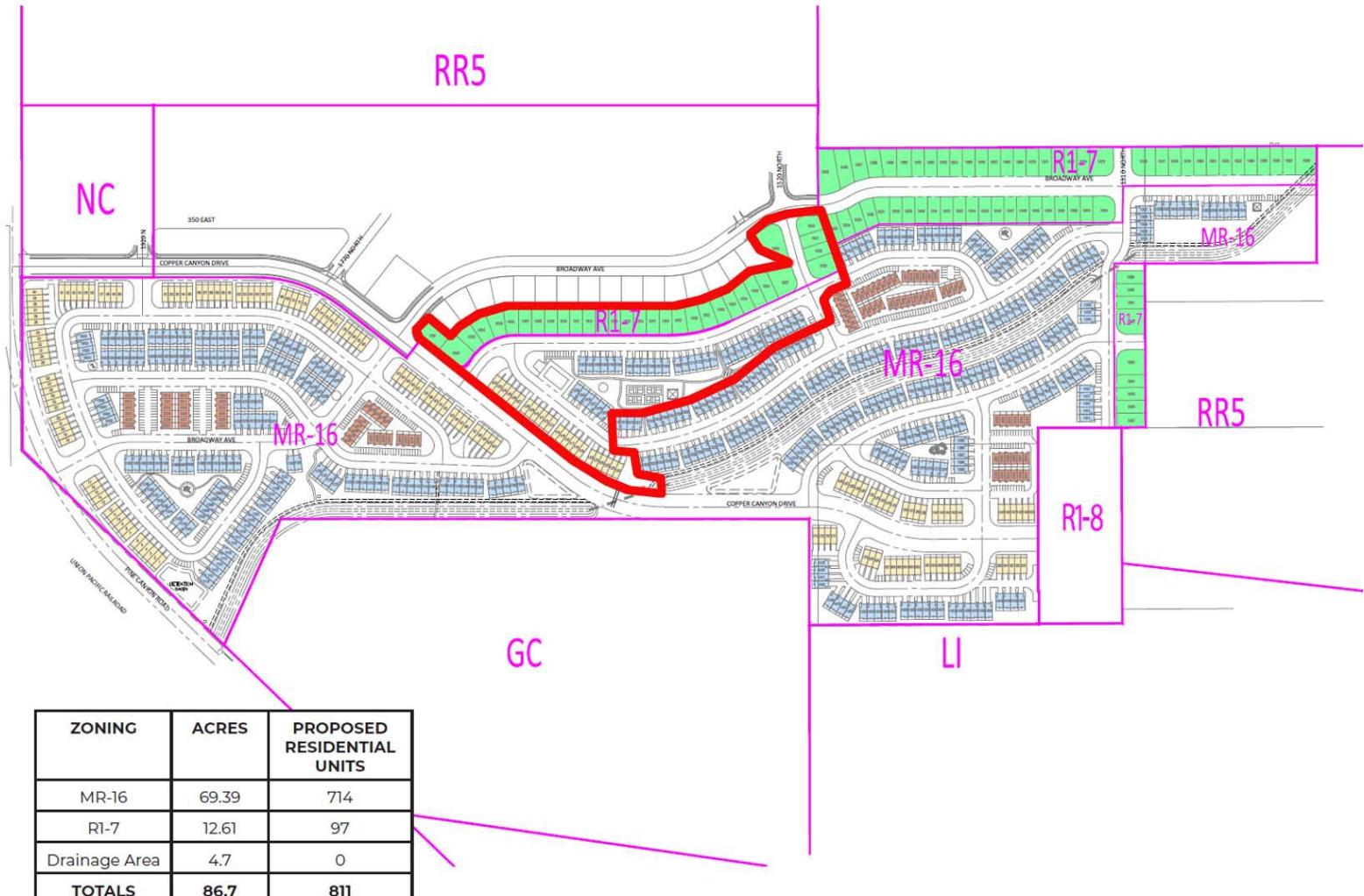


EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Site Plan Application

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



Notice: The applicant must submit copies of the site plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of site plans are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted preliminary plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of site plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all plans be submitted well in advance of any anticipated deadlines.

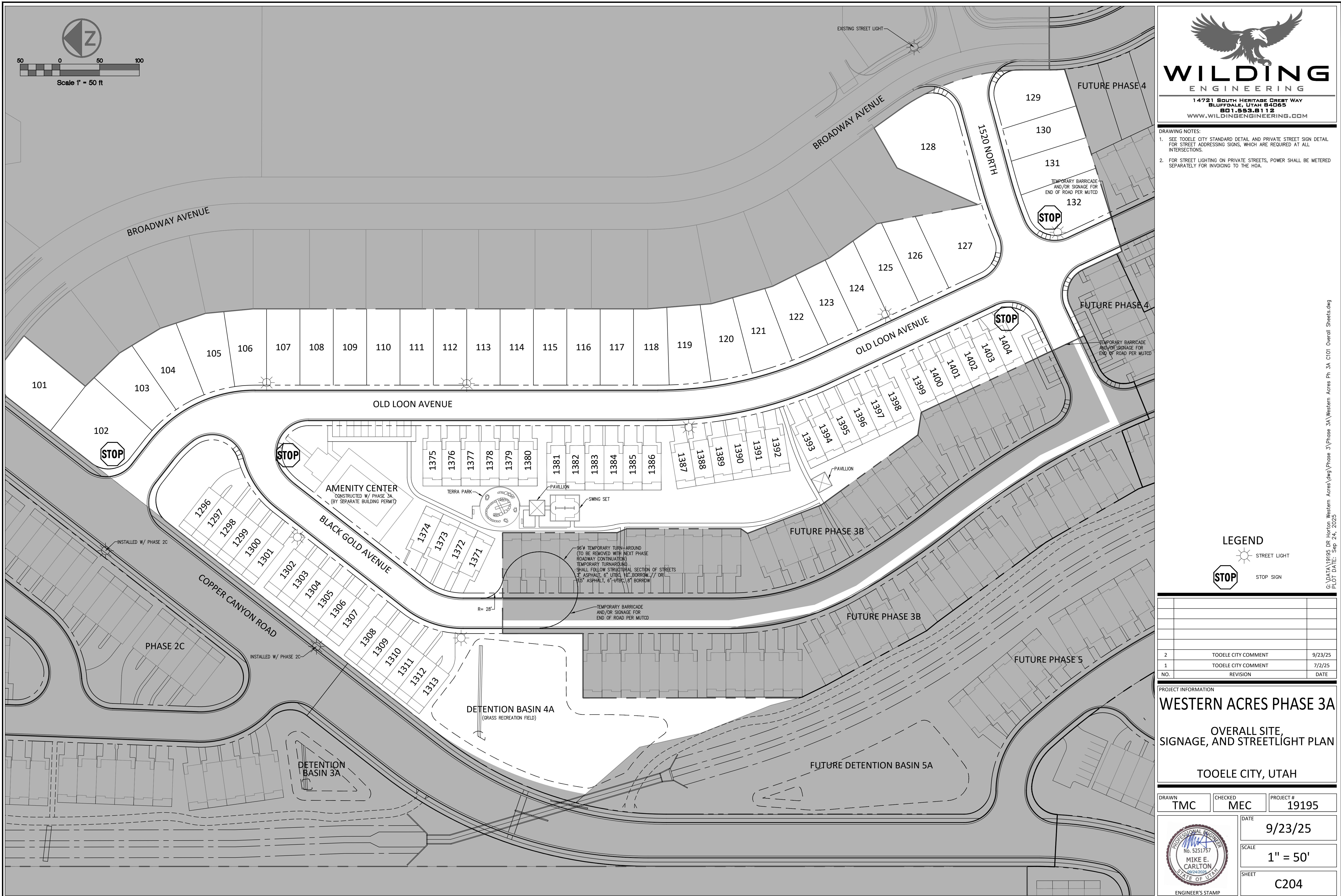
Project Information				2025059		
Date of Submission: 6/18/25	Zone: MR-16	Acres: 10.89	Parcel #(s): 02-123-0-0051			
Project Name: Western Acres Phase 3A						
Project Address: 2000 N Copper Canyon Dr						
Project Description: PUD Townhomes			Phases: Phase 3A	Lots: 84		
Property Owner(s): JD XXVIII, LLC			Applicant(s): DR Horton			
Address: 1450 West 1850 North			Address: 12351 Gateway Park Place, Suite D-100			
City: Lehi	State: UT	Zip: 84042	City: Draper	State: UT	Zip: 84020	
Phone: 801-372-0892	Email: jdhadfield@hadcoconstruction.com	Phone: 801-571-7101	Email: dlewis2@drhorton.com			
Contact Person: David Lewis IV			Address: 12351 Gateway Park Place, Suite D-100			
Phone:			City: Draper	State: UT	Zip: 84020	
Cellular: 385-515-1317	Fax:		Email: dlewis2@drhorton.com			
Engineer & Company: Wilding Engineering						
Address: 14721 S. Heritage Crest Way						
City: Bluffdale	State: UT	Zip: 84065				
Phone: 801-553-8112	Email: mcarlton@willingengineering.com					

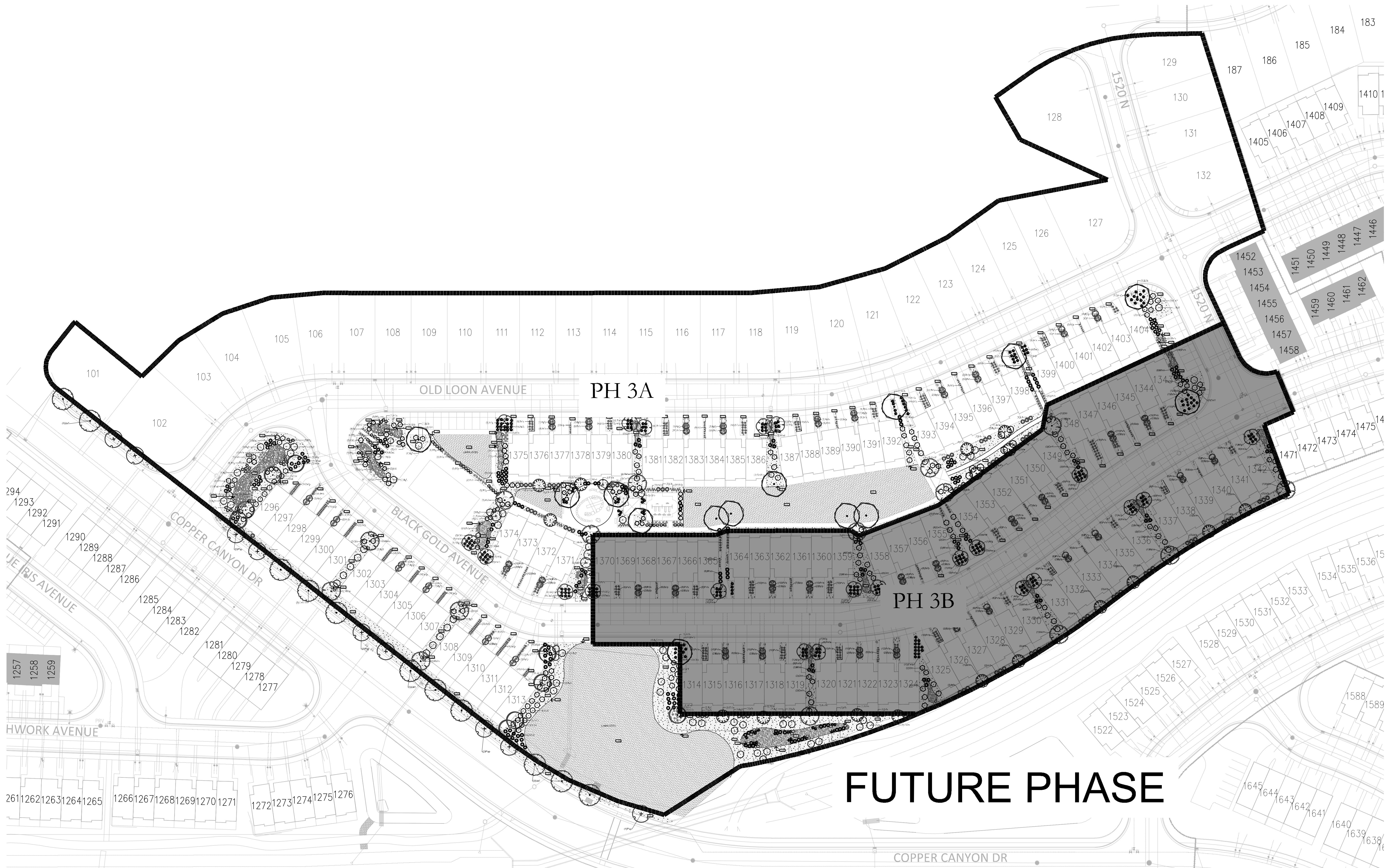
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This 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:

- A new application and checklist must accompany each submittal.
- Developer must submit plans in complete format to facilitate their review. Plans will be reviewed by the City staff, once they are found complete, they will be forwarded to Planning Commission for consideration. (as necessary)
- All fees must be paid at time of first submittal

For Office Use Only				20250206
Fee: \$6000.00 (213)	Received By: <i>DR</i>	Date Received: 01/01/25	Receipt #: 7627228	





ISSUE DATE		PROJECT NUMBER	PLAN INFORMATION	PROJECT INFORMATION
9/19/2025		UT24114		
			811	BLUE STAKES OF UTAH UTILITY NOTIFICATION CENTER, INC 1-800-662-4111 www.bluestakes.org
NO.	REVISION	DATE	XX-XX-XX	
1	XXXX			
2				
3				
4				
5				
6				
7				

0' 25' 50' 100' 200'

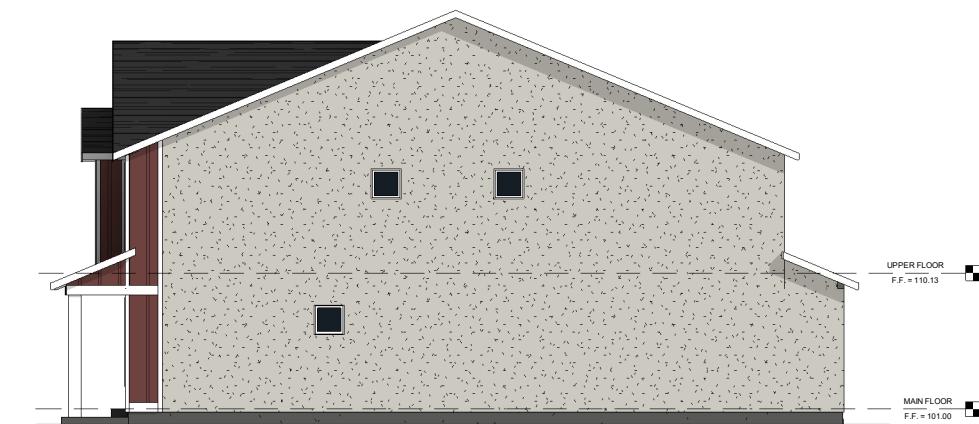
GRAPHIC SCALE: 1" = 50'

WESTERN ACRES PHASE 3A TOOELE, UTAH

DEVELOPER / PROPERTY OWNER / CLIENT	LANDSCAPE ARCHITECT / PLANNER	LICENSE STAMP	DRAWING INFO
Developer / Property Owner: D.R. HORTON ATT: DAVID LEWIS 801-542-8122 DLEWIS2@DRHORTON.COM	Client / Engineer: WILDING ENGINEERING 14721 SOUTH HERITAGE CREST WAY BLUFFDALE, UT 84065	PM: JTA DRAWN: ACP CHECKED: JMA PLOT DATE: 9/19/2025	
		LICENSED LANDSCAPE ARCHITECT JEREMY ANSWORTH B12814-5301 9/19/2025 ELECTRONIC SEAL STATE OF UTAH	
LANDSCAPE OVERALL			LP-O



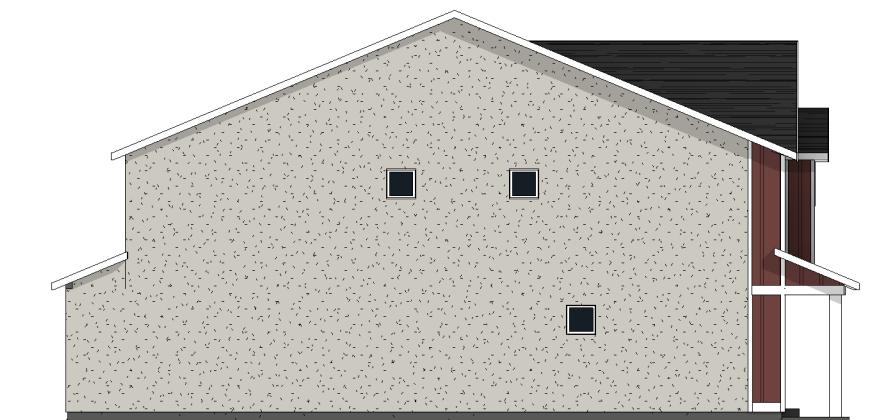
FRONT PERSPECTIVE



RIGHT ELEVATION



REAR ELEVATION



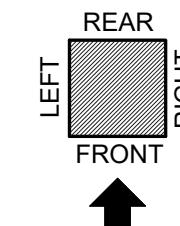
LEFT ELEVATION

**PLAN ADDISON / DALTON
2-STORY TOWNHOME: FARMHOUSE**

LAP SIDING (CEMENTATIOUS OR EQUIVALENT)	STUCCO
BOARD & BATTON SIDING (CEMENTATIOUS OR EQUIVALENT)	MASONRY: STONE (CULTURED OR SIMILAR) OR BRICK
SHINGLE SIDING (CEMENTATIOUS OR EQUIVALENT)	ASPHALT SHINGLES

WESTERN ACRES TOWNHOMES

REV DATE: 02/15/2021



D.R.HORTON®
America's Builder



FRONT PERSPECTIVE



RIGHT ELEVATION



REAR ELEVATION

PLAN MILLBROOK / OAKRIDGE 2-STORY TOWNHOME: CRAFTSMAN

	LAP SIDING (CEMENTATIOUS OR EQUIVALENT)
	BOARD & BATTON SIDING (CEMENTATIOUS OR EQUIVALENT)
	SHINGLE SIDING (CEMENTATIOUS OR EQUIVALENT)

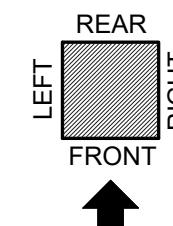


LEFT ELEVATION

	STUCCO
	MASONRY: STONE (CULTURED OR SIMILAR) OR BRICK
	ASPHALT SHINGLES

WESTERN ACRES TOWNHOMES

REV DATE: 02/15/2021



D·R·HORTON®
America's Builder

STAFF REPORT

December 3, 2025

To: Tooele City Planning Commission
Business Date: December 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director, City Planner / Zoning Administrator

Re: Western Acres Phase 3B – Multi-Family Residential Site Plan Request

Application No.: 2025068
Applicant: David Lewis IV, representing DR Horton
Project Location: Approximately 2000 North Copper Canyon Drive
Zoning: MR-16 PUD Multi-Family Residential Zone
Acreage: 3.91 Acres (Approximately 169, 884 ft²)
Request: Request for approval of a Site Plan Design Review in the MR-16 PUD Multi-Family Residential zone to facilitate the construction of 57 new townhomes in the Western Acres development.

BACKGROUND

This application is a request for approval of a Site Plan Design Review for approximately 3.9 acres located at approximately 2000 N Copper Canyon Drive. The property is currently zoned MR-16 PUD Multi-Family Residential. The applicant is requesting that a Site Plan Design Review be approved so that construction in the large development may continue south with the addition of 57 new individually owned townhomes.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 PUD Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The MR-16 PUD Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. All properties surrounding the subject property are zoned MR-16 PUD Multi-Family Residential and are part of the Western Acres PUD development. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Western Acres PUD. The MR-16 zoning for the Western Acres Development has a PUD Planned Unit Development overlay attached to it. The PUD established and altered design criteria that are found in the MR-16 zoning ordinance as well as Tooele City Code 7-11a Multi-Family Residential Design Guidelines. The PUD criteria that are applicable to the multi-family residential phases are a reduction in dwelling unit size from 1200 square feet to 800 square feet, a reduction in the setback between buildings from 15 feet to 12 feet, a substitution of the required 1000 square foot interior social space with additional site amenities, and an elimination of the 50% brick and stone requirement on the exterior of the buildings in favor of stucco, fiber cement siding, wood, masonry block, brick and stone.

Site Plan Layout. Western Acres Phase 3B is a smaller phase consisting of 57 front loaded townhomes. The phase is located just west and south of Phase 3A and extends Black Gold Avenue south to 1520

North. Front loaded townhomes are proposed for construction on each side of Black Gold Avenue. The townhomes and their proposed locations have been reviewed according to the building setback and building separation requirements as found in the Western Acres PUD as well as the MR-16 zoning ordinance and all buildings comply with all requirements.

The Middle Canyon Drainage is located to the west of Phase 3B and townhomes are located immediately adjacent to it. A few months ago DR Horton amended the Western Acres PUD to account for reduced setbacks for properties adjacent to this drainage in the event when the drainage and trail system are dedicated to Tooele City and the drainage becomes a parcel of its own. This was done to avoid the creation of future non-conformities in regards to rear yard setbacks.

Otherwise, the site plan as proposed is pretty straight forward.

Subdivision Layout. The subdivision layout follows the site plan layout and building footprints exactly as indicated on the site plan drawings. Limited common and common areas are as indicated on the site plan.

Parking. Under current parking standards townhomes that provide a two car garage and a two car driveway are not required to provide any guest parking stalls as the ordinance considers the guest parking stalls as driveway space on homes with two car garages. All of the units provided in Phase 3B will have a two car garage and a two car driveway and thus satisfy the parking requirement.

Landscaping. Landscaping within Phase 3B will consist of landscaping immediately around the proposed townhomes. Open space landscaping will occur with Phase 3A. Predominant landscaping materials will be cobble mulches with shrub and trees planted near building foundations. There are no sod areas proposed within this smaller phase.

The developer will be installing 92 new trees. 46 of those trees need to be of a coniferous evergreen variety. Staff has added this as a condition of approval.

55 new shrubs will be planted near building foundations and along driveways according to the City code requirements. More than 500 ornamental grasses and perennials will also be installed within the landscaping. All shrubs and trees will receive water from a bubbler or drip irrigation system.

Architecture. The PUD overlay removed the requirement that 50% of exterior materials be stone or brick. The applicant's product features a predominantly fiber cement and board & batten exterior finish. There are two styles of units proposed for this phase. Interior units are the typical front loaded style town house where the garage and main entry are on the front side of the structure. These units propose the use of fiber cement siding on the front with stucco finishes on the side and rear facade. Each entrance is enhanced by a covered porch with columns on each side. The roofline is stepped to provide roofline variation and there are plenty of "pop outs" to provide the required horizontal variation on other elevations. Each window is framed with trim and lintels.

The proposed buildings have been reviewed against the design criteria for vertical and horizontal variation and exterior materials (where applicable due to PUD requirements). The units do comply with the architectural requirements as set forth in Tooele City code 7-11a.

Amenities. There is no open space proposed with Phase 3B. All amenities are being constructed as part of Phase 3A.

Signage. There are no entrances involved in the development of Phase 3B and therefore no signs are required.

Fencing. Fencing is only required when adjacent to single-family residential zones. Phase 3B is not adjacent to any of these and therefore no fencing is required.

Criteria For Approval. The criteria for review and potential approval of a Site Plan Design Review request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

Section 7-11-6. Approval. The Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with [Chapter 7-11 TCC] and with the general policies and objectives of [Title 7 TCC], and shall give or withhold approval accordingly. Before making this determination, the Planning Commission shall receive the written recommendations of the City Engineer, the Accessibility Committee, and the Fire Chief. Such recommendation may be by letter, memorandum, or signature on the plans.

Section 7-11-8. Considerations in review of applications. The Planning Commission and the Engineering Department shall consider the following matters, among others, in their review of applications:

- (1) Considerations relating to traffic safety and traffic congestion:
 - (a) The effect of the site development plan on traffic conditions on abutting streets.
 - (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
 - (d) The location, arrangement, and dimensions of truck loading and unloading facilities.
 - (e) The circulation patterns within the boundaries of the development.
 - (f) The surfacing and lighting of off-street parking facilities.
- (2) Considerations relating to outdoor advertising:
 - (a) The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.
- (3) Considerations relating to landscaping:
 - (a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.
 - (b) The planting of ground cover or other surfacing to prevent dust and erosion.
 - (c) The unnecessary destruction of existing healthy trees.
- (4) Considerations relating to buildings and site layout:
 - (a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.
 - (b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.
- (5) Considerations relating to drainage:
 - (a) The effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.

Section 7-11-9. Considerations. The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of [Chapter 7-11 TCC] as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of [Chapter 7-11 TCC].

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Site Plan Design Review submission and has issued a recommendation for approval with the following comment:

1. The site plan, landscape plan, amenity plan and building architecture all meet or exceed the design standards as established in Tooele City Code 7-11a.
2. Staff recommends the site plan be approved with the condition that at least 19 of the deciduous trees be replaced with coniferous evergreen varieties in order to comply with ordinance requirements of appropriate tree ratios.

Engineering & Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Site Plan Design Review submission and have issued a recommendation for approval.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Site Plan Design Review submission and has issued a recommendation for approval for the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Multi-Family Residential Site Plan Design Review by David Lewis IV, representing DR Horton, application number 2025068, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions 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 Building Division 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 Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That at least 19 of the deciduous variety trees be replaced with coniferous evergreen varieties increasing the total evergreen tree count to 46.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Western Acres PUD.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.

3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. 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.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.
7. The site plan, landscape plan, amenity plan and building architecture all meet or exceed the design standards as established in Tooele City Code 7-11a.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Multi-Family Residential Site Plan request by David Lewis IV, DR Horton for the Western Acres Phase 3B development, application number 2025068, based on the findings and subject to the conditions listed in the Staff Report dated December 3, 2025.”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Multi-Family Residential Site Plan request by David Lewis IV, DR Horton for the Western Acres Phase 3B development, application number 2025068, based on the following findings:”

1. List findings...

EXHIBIT A

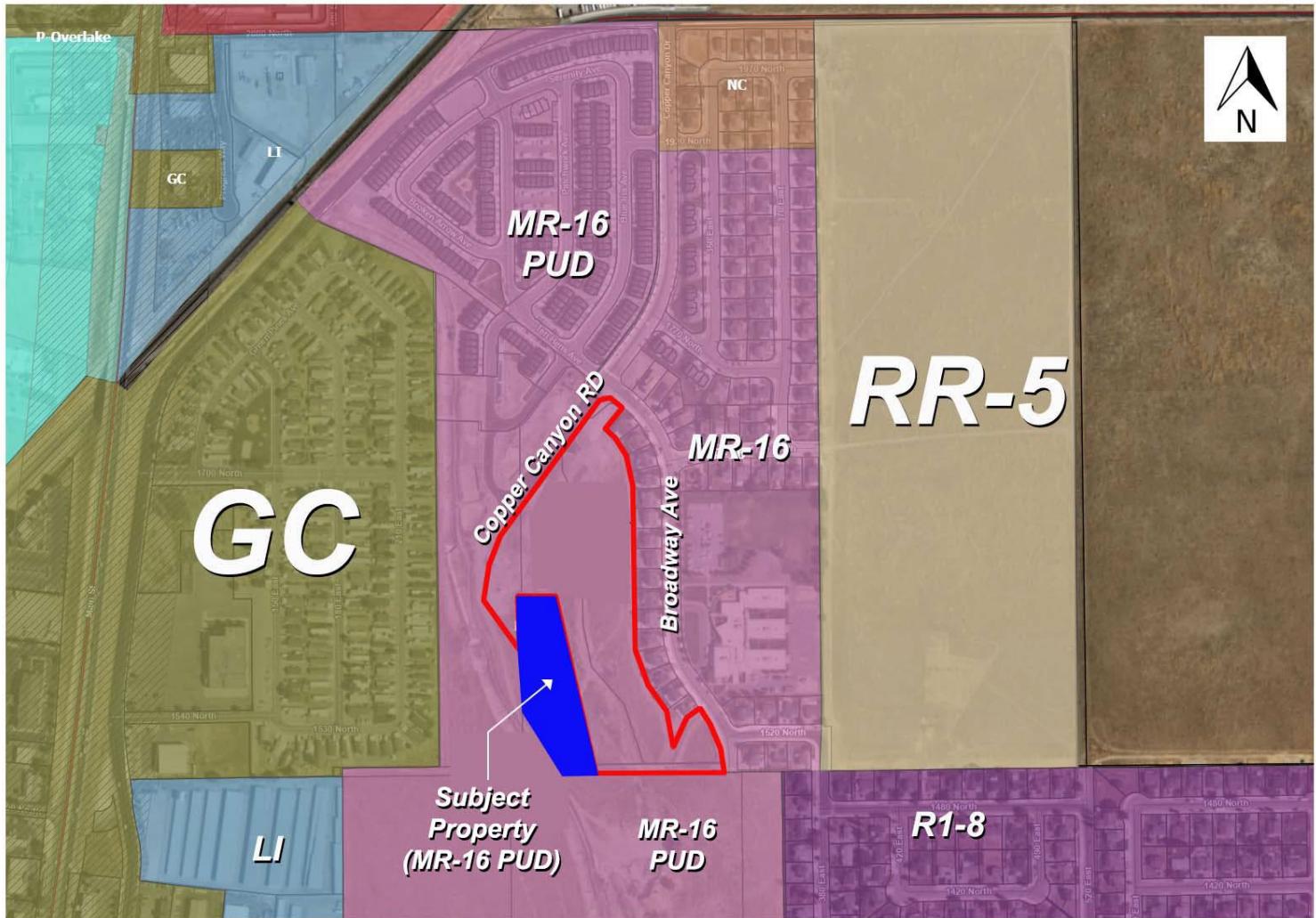
MAPPING PERTINENT TO THE WESTERN ACRES PHASE 3B MULTI-FAMILY
RESIDENTIAL SITE PLAN

Western Acres Phase 3B Site Plan Design Review



Aerial View

Western Acres Phase 3B Site Plan Design Review



Current Zoning

PROPOSED ZONING

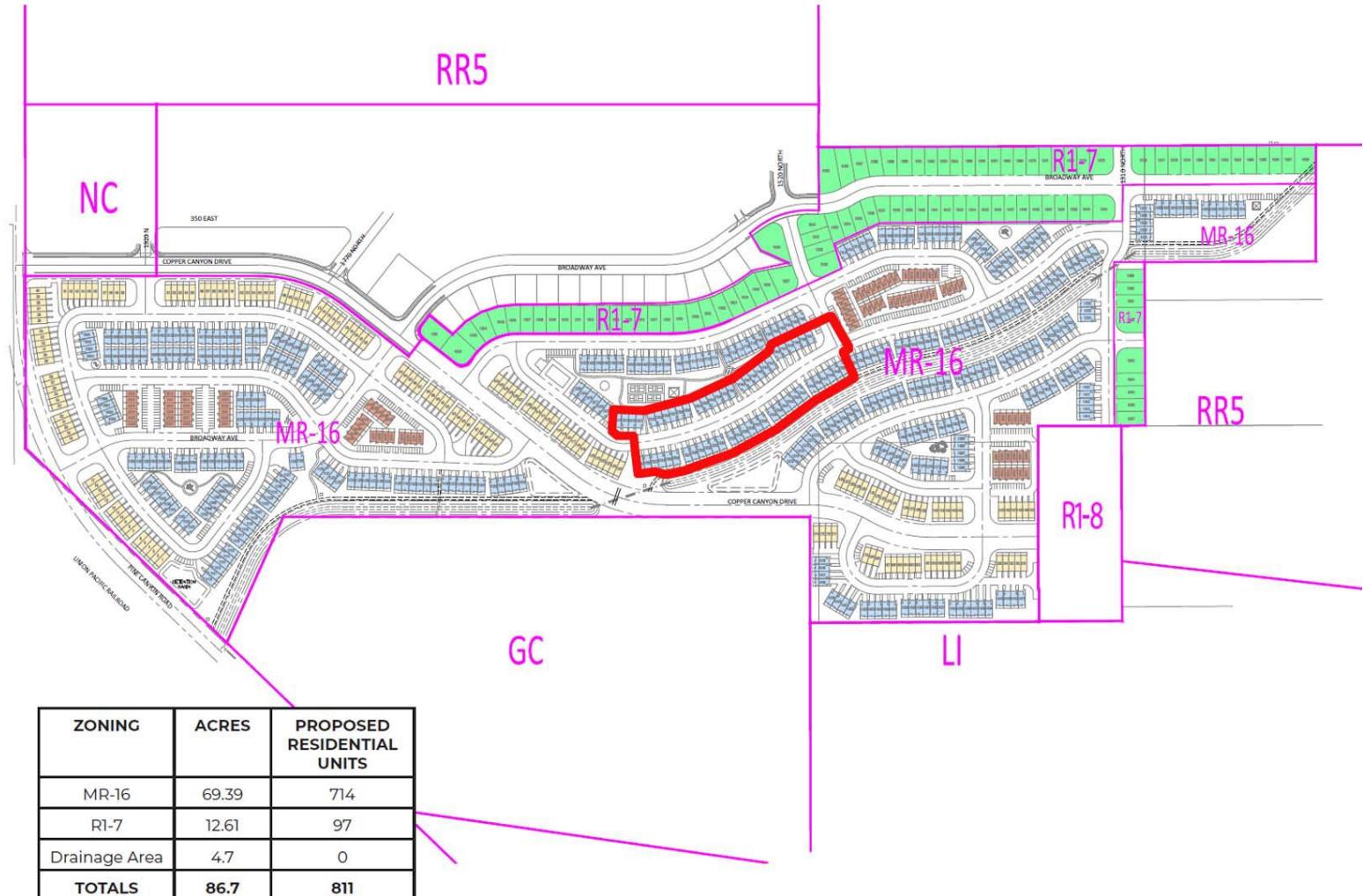


EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Site Plan Application

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



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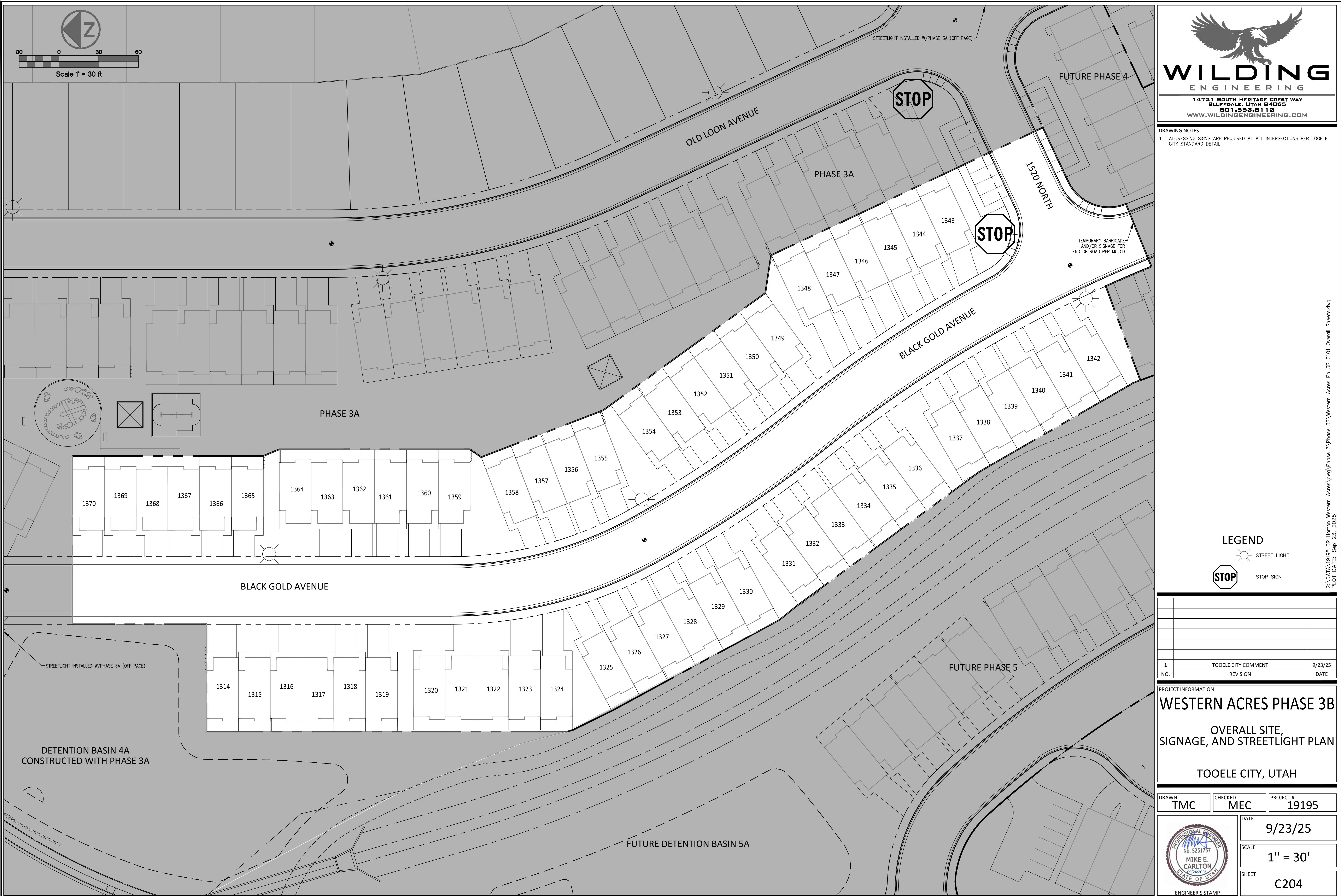
Project Information				2025069		
Date of Submission: 7/29/25	Zone: MR-16	Acres: 3.918	Parcel #(s): 02-123-0-0044 &			
Project Name: Western Acres Phase 3B				02-123-0-0045		
Project Address: 2000 N Copper Canyon Dr						
Project Description: PUD Townhomes				Phases: Phase 3B	Lots: 57	
Property Owner(s): JD XXVIII, LLC			Applicant(s): DR Horton			
Address: 1450 West 1850 North			Address: 12351 Gateway Park Place, Suite D-100			
City: Lehi	State: UT	Zip: 84042	City: Draper	State: UT	Zip: 84020	
Phone: 801-372-0892	Email: jdhadfield@hadcoconstruction.com	Phone: 801-571-7101	Email: dlewis2@drhorton.com			
Contact Person: David Lewis IV			Address: 12351 Gateway Park Place, Suite D-100			
Phone:			City: Draper	State: UT	Zip: 84020	
Cellular: 385-515-1317	Fax:		Email: dlewis2@drhorton.com			
Engineer & Company: Wilding Engineering						
Address: 14721 S. Heritage Crest Way						
City: Bluffdale	State: UT	Zip: 84065				
Phone: 801-553-8112	Email: mcarlton@wildingengineering.com					

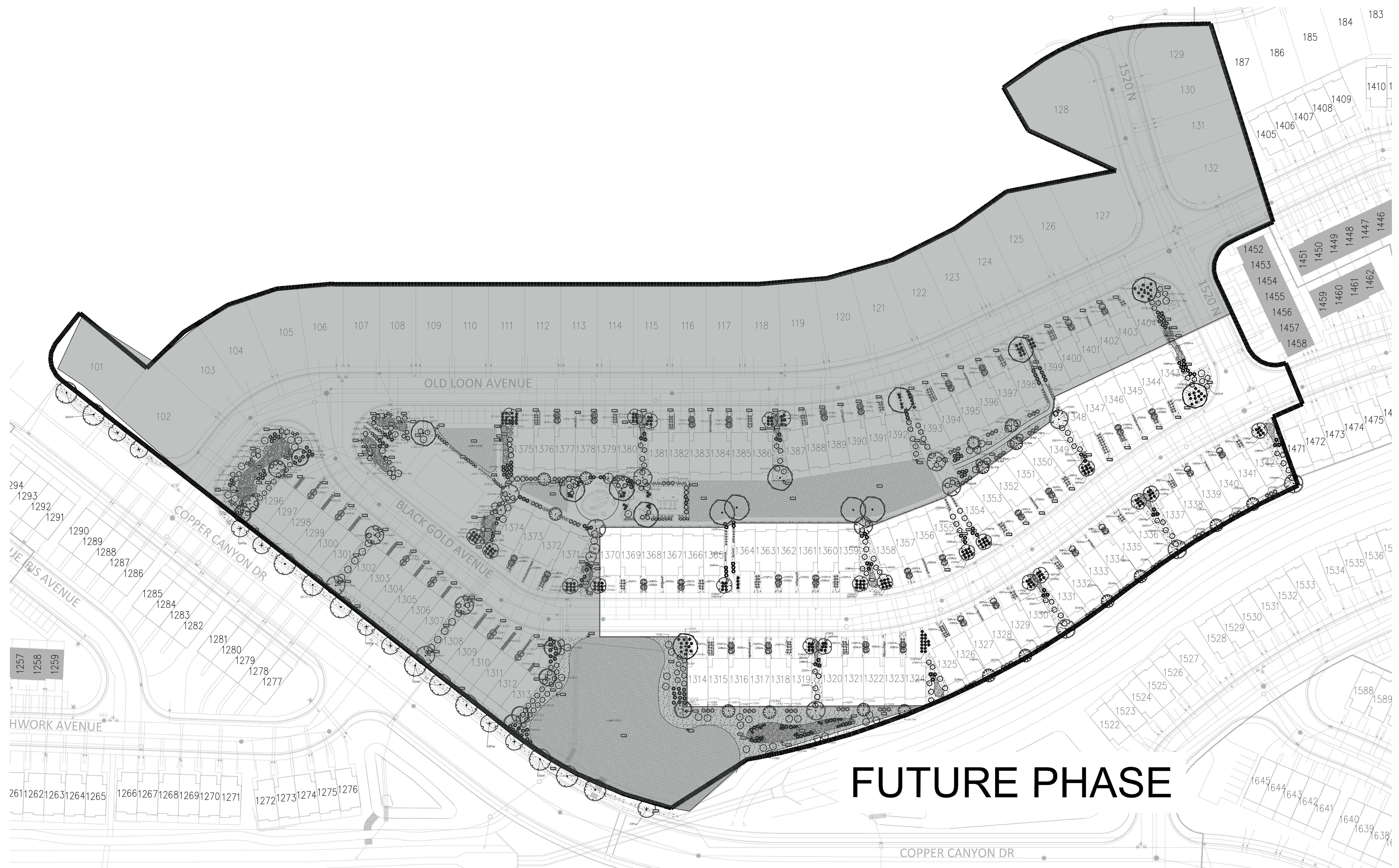
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- All fees must be paid at time of first submittal

For Office Use Only				2250202
Fee: \$2500	Received By: <i>Job</i>	Date Received: 7/29/25	Receipt #: 00772276	
(213)				





ISSUE DATE		PROJECT NUMBER	PLAN INFORMATION		PROJECT INFORMATION	
9/19/2025		UT24114				
NO.	REVISION	DATE	XX-XX-XX			
1	XXXX					
2						
3						
4						
5						
6						
7						

811 BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
1-800-662-4111
www.bluestakes.org

0' 25' 50' 100' 200'

GRAPHIC SCALE: 1" = 50'

**WESTERN ACRES
PHASE 3B
TOOELE, UTAH**

DEVELOPER / PROPERTY OWNER / CLIENT	LANDSCAPE ARCHITECT / PLANNER	LICENSE STAMP	DRAWING INFO
Developer / Property Owner: D.R. HORTON ATT: DAVID LEWIS 801-542-8122 DLEWIS2@DRHORTON.COM	Client / Engineer: WILDING ENGINEERING 14721 SOUTH HERITAGE CREST WAY BLUFFDALE, UT 84065	PKJ DESIGN GROUP Landscape Architecture / Planning & Visualization 3450 N. TRIUMPH BLVD. SUITE 102 LEHI, UTAH 84043 (801) 960-2698 www.pkjdesigngroup.com	PM: JTA DRAWN: ACP CHECKED: JMA PLOT DATE: 9/19/2025
			
			LANDSCAPE OVERALL

LP-O



FRONT PERSPECTIVE



RIGHT ELEVATION



REAR ELEVATION

PLAN MILLBROOK / OAKRIDGE 2-STORY TOWNHOME: CRAFTSMAN

	LAP SIDING (CEMENTATIOUS OR EQUIVALENT)
	BOARD & BATTON SIDING (CEMENTATIOUS OR EQUIVALENT)
	SHINGLE SIDING (CEMENTATIOUS OR EQUIVALENT)

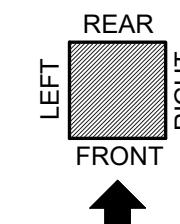


LEFT ELEVATION

	STUCCO
	MASONRY: STONE (CULTURED OR SIMILAR) OR BRICK
	ASPHALT SHINGLES

WESTERN ACRES TOWNHOMES

REV DATE: 02/15/2021



D.R.HORTON®
America's Builder

STAFF REPORT

September 4, 2025

To: Tooele City Planning Commission
Business Date: September 10, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Compass Point Village 1 – Preliminary Subdivision Plan Request

Application No.: 2025051
Applicant: Lynsi Neve, representing Perry Homes, Inc.
Project Location: Approximately 2280 North 425 West
Zoning: RSD Residential Zone
Acreage: Approximately 78.9 Acres (Approximately 3,436,884 ft²)
Request: Request for approval of a Preliminary Subdivision Plan in the Compass Point RSD Residential zone regarding the creation of a new residential subdivision consisting of various lot sizes and housing types.

BACKGROUND

This application is a request for approval of a Preliminary Subdivision Plan for approximately 78.9 acres located at approximately 2280 North 425 West. The property is currently zoned Compass Point RSD Residential. The applicant is requesting that a Preliminary Subdivision Plan be approved to allow for the development of the currently vacant site as a 251 lot residential subdivision.

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 Compass Point RSD Residential zoning classification. The Compass Point RSD Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties to the west are zoned Compass Point RSD. Properties to the south are zoned R1-7. To the east of the subject property land is zoned R1-7 Residential and R1-10 Residential and properties to the north are zoned R1-7 Residential and Compass Point RSD. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Subdivision Layout. Compass Point Village 1 Preliminary Subdivision Plan proposes to subdivide approximately 78 acres into 251 residential lots of varying sizes. The Compass Point RSD zoning district permits a wide mix of residential uses throughout the property bearing the RSD zoning. This village is the first view at what the RSD will yield throughout the Compass Point property.

The subdivision proposes to incorporate 14 Ranch lots, 32 Estate lots, 61 Collection lots, 73 Cottage lots, 71 front-load townhomes along with open space surrounding the town house development. The RSD zoning does not require minimum lot size but does require minimum lot widths for each type of housing unit. Staff have reviewed the individual lots and have confirmed that lot widths as shown on the Preliminary Subdivision Plan meet the lot widths required by the RSD for each type of housing unit.

The proposed subdivision will have points of connection to existing Perry Homes developments. On the north side the subdivision will have two points of connection to the Overlake 2T subdivision. On the east side the subdivision will connect to existing stub streets in the Overlake 2A Phase 2 Subdivision. On the south there will be two connections to the Overlake 2A Phase 1 Subdivision. All roads within the proposed Village 1 will be dedicated as public rights-of-way and will be owned and maintained by Tooele City.

Storm water management is addressed with two off-site storm water detention basins to the north and to the west that will be owned and maintained by the development HOA.

The Multi-Family Residential. The Compass Point RSD addresses certain aspects of multi-family residential such as architecture, building setbacks and lot widths but it not all encompassing. There are aspects of multi-family residential development that are not addressed by the RSD such as landscaping, amenities, common areas and so forth. The RSD also does not address the approval process for multi-family residential areas. Where the RSD is silent the City Code is applicable and as such multi-family residential areas will need to submit site plan review applications and receive approval from the Planning Commission prior to construction.

This preliminary plan proposes 71 front loaded townhomes, which, by definition, are multi-family residential and thereby requires a site plan review and approval.

Landscaping. The Compass Point RSD requires trees in the park strips. The preliminary subdivision plan does not provide a landscaping plan to verify compliance with the RSD tree requirements. The applicant has agreed that landscaping will be addressed during the final platting process.

Village 1 also includes some areas of double fronting lots. The RSD is silent in regards to how double fronting lots are managed, particularly the rear frontage. Tooele City Code 7-19-17.1 will have application to these lots. Ordinance standards are that double fronting lots include a masonry fence, park strip landscaping including trees and a drip irrigation system. The ordinance also requires an HOA to maintain the park strip.

Multi-family residential area landscaping of common areas will be addressed during the multi-family residential design review process.

North Tooele City Special Service District. The entirety of the Compass Point development has been annexed into the NTCSSD and much of the landscaping in public rights-of-way will be maintained by the district. The NTCSSD will be a signatory on the preliminary and final subdivision plats.

Fencing. Fencing may be required between multi-family and single-family residential areas if the RSD does not address this. Typical standards for fencing between these land uses is solid fencing with piers or columns evenly spaced throughout the length of the fencing. This will be addressed during the site plan design review process for these areas.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Preliminary Subdivision Plan submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. The multi-family town house section of Village 1 shall submit a site plan application and the site plan shall receive Planning Commission approval.
2. Landscaping plans for park strip trees as required by the RSD and double fronting lots shall be provided during final subdivision plat application review.

Engineering & Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Preliminary Subdivision Plan submission and have issued a recommendation for approval for the request.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Preliminary Subdivision Plan submission and has issued a recommendation for approval for the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary Subdivision Plan by Lynsi Neve, representing Perry Homes, Inc., application number 2025051, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions 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 Building Division 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 Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That the multi-family town house section of Village 1 shall submit a site plan application and the site plan shall receive Planning Commission approval.
6. That the landscaping plans for park strip trees as required by the RSD and double fronting lots shall be provided during final subdivision plat application review.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Compass Point RSD Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. 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.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Preliminary Subdivision Plan Request by Lynsi Neve, representing Perry Homes, Inc. for the Compass Point Village One Subdivision, application number 2025051, based on the findings and subject to the conditions listed in the Staff Report dated September 4, 2025:”

1. List any additional findings and conditions...

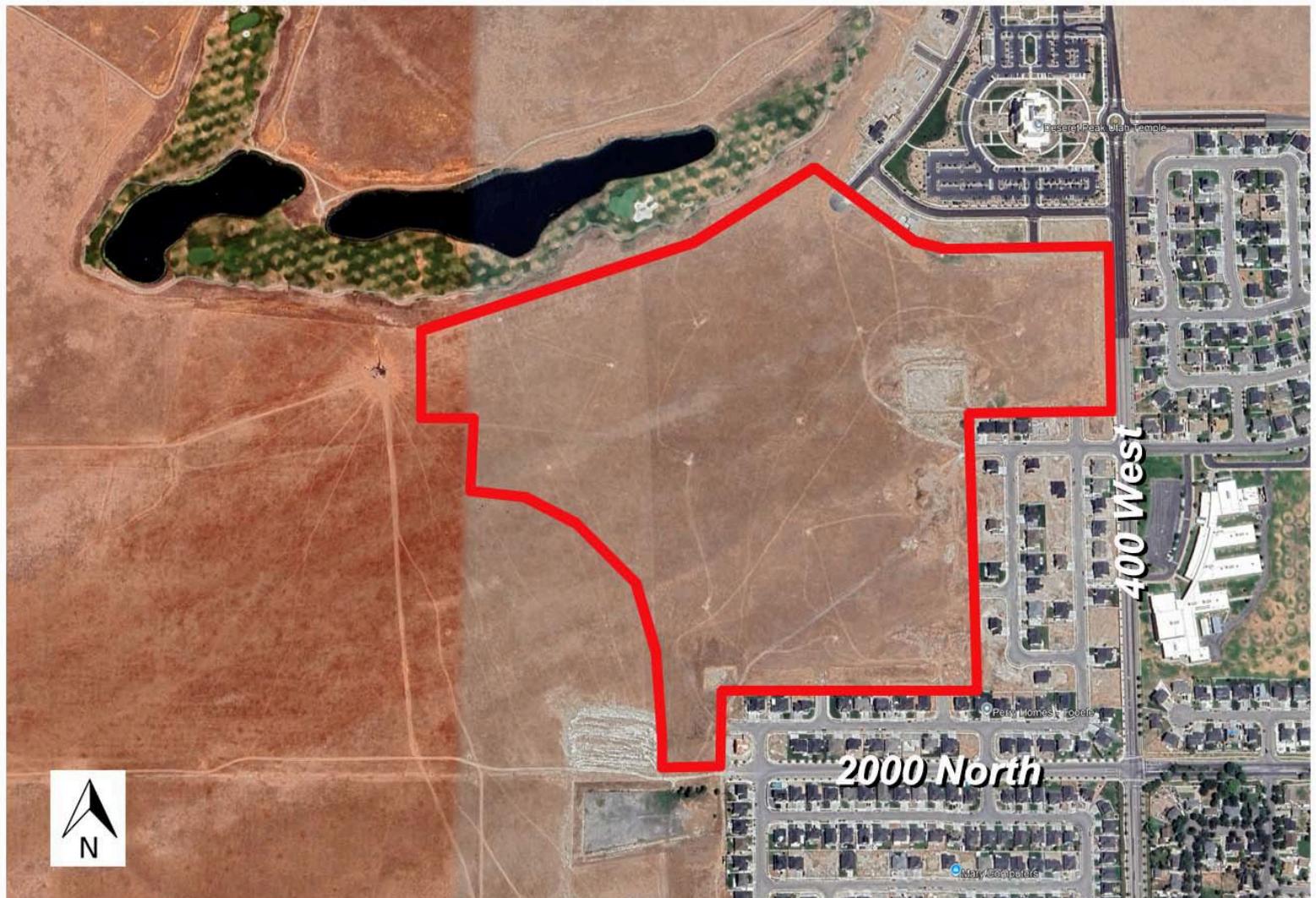
Sample Motion for Denial – “I move we deny the Preliminary Subdivision Plan Request by Lynsi Neve, representing Perry Homes, Inc. for the Compass Point Village One Subdivision, application number 2025051, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE COMPASS POINT VILLAGE 1 PRELIMINARY
SUBDIVISION PLAN

Compass Point Village 1 Preliminary Subdivision Plan



Aerial View

Compass Point Village 1 Preliminary Subdivision Plan

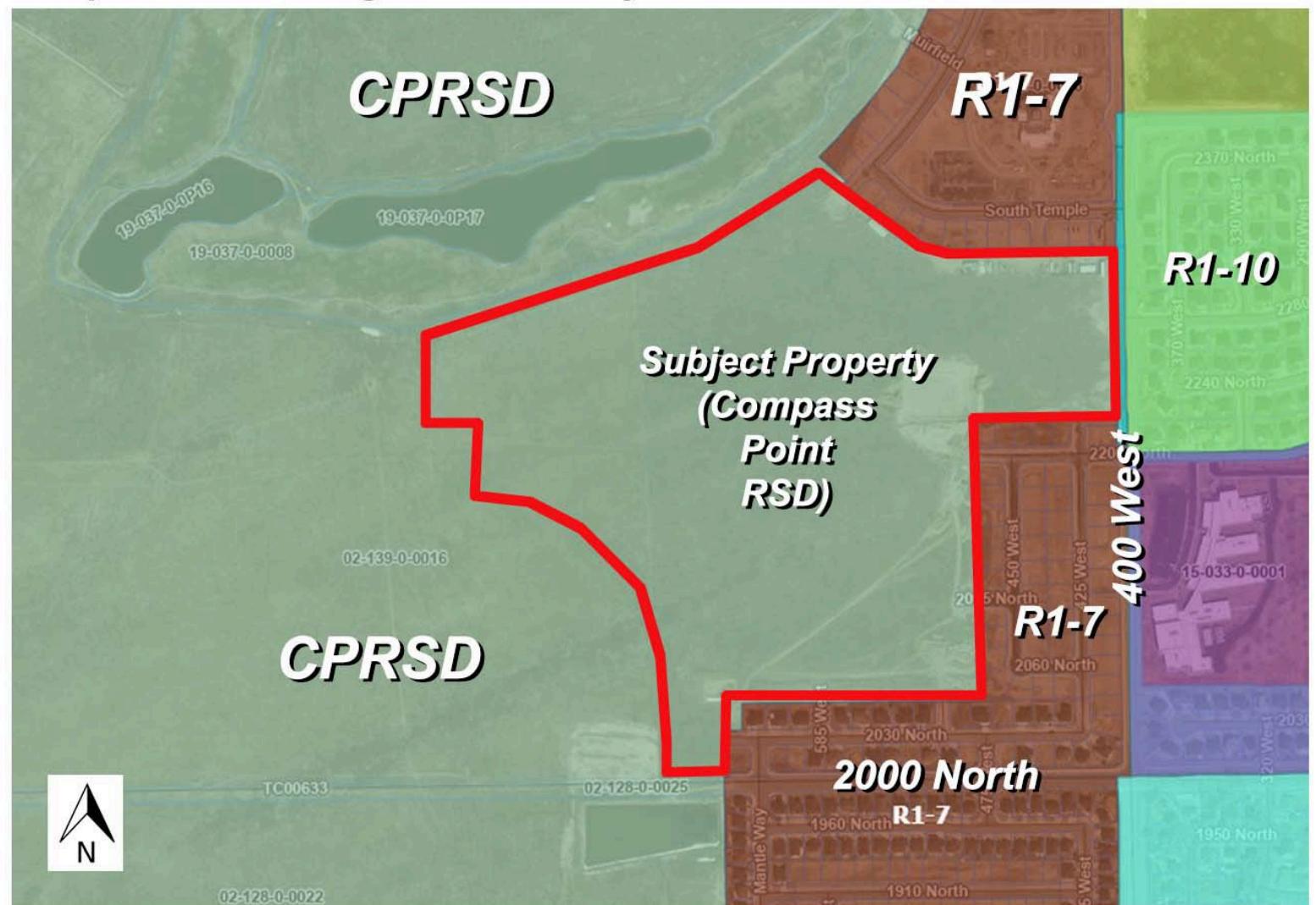


EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Subdivision - Preliminary Plan Application

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



Project Information

Date of Submission:		Submittal #:	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone:	RSD	Acres:	78.97	Parcel #(s):	02-139-0016	2025051
Project Name: Compass Point Village 1										
Project Address: 2280 N 425 W										
Project Description: Residential subdivision					Phases:	3	Lots:	351		
Property Owner(s): Perry Homes Inc.				Applicant(s): Perry Homes, Inc.						
Address: 17 E. Winchester Street, Suite 200				Address: 17 E. Winchester Street, Suite 200						
City: Murray	State: UT	Zip: 84107	City: Murray	State: UT	Zip: 84107					
Phone:	Email:			Phone:	Email:					
Contact Person: Lynsi Neve				Address: 17 E. Winchester Street, Suite 200						
Phone: 801.264.8800				City: Murray	State: UT	Zip: 84107				
Cellular: 385.223.0309	Fax: n/a			Email: lneve@perryhomesutah.com						
Engineer & Company: FOCUS Engineering and Surveying / Ben Duzett				Surveyor & Company: same as engineer						
Address: 6949 S. High Tech Drive, Suite 200				Address:						
City: Midvale	State: UT	Zip: 84047	City:	State:	Zip:					
Phone: 801 352.0075	Email: bduzett@focus-es.com			Phone:	Email:					

*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.

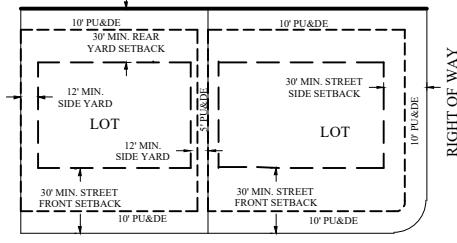
For Office Use Only

2250194

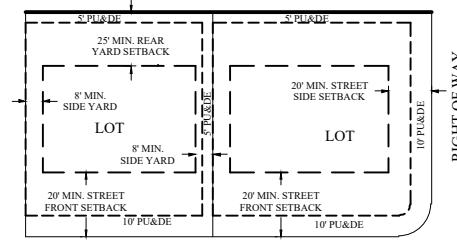
Land Use Review:	Date:	Water Superintendent Review:	Date:	City Engineer Review:	Date:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:	Director Review:	Date:
Fire Flow Test					
Location:	Residual Pressure:		Flow (gpm):	Min. Required Flow (gpm):	
Performed By:	Date Performed:		Corrections Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments Returned: Date: <input type="checkbox"/> Yes <input type="checkbox"/> No	

COMPASS POINT VILLAGE 1

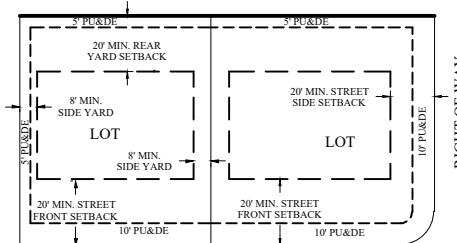
PRELIMINARY PLAT
LOCATED IN THE SE 1/4 OF SECTION 8, T3S, R4W,
SALT LAKE BASE & MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH



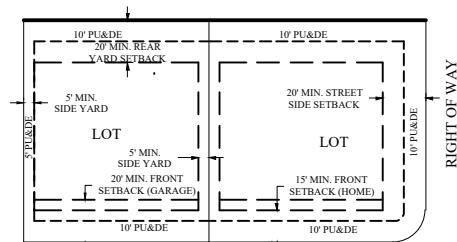
RIGHT OF WAY
RANCH BUILDING SETBACKS
LOTS 101-114



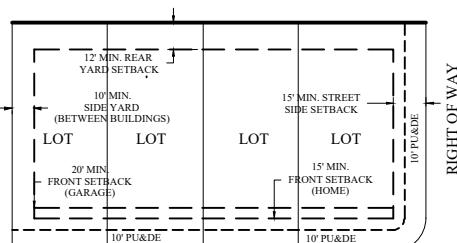
RIGHT OF WAY
ESTATE BUILDING SETBACKS
LOTS: 115-132, 163-164, 174-183 & 197-198
N.T.S.



RIGHT OF WAY
COLLECTION BUILDING SETBACKS
LOTS: 133-162, 165-173, 184-196 & 215-235
N.T.S.



RIGHT OF WAY
COTTAGE BUILDING SETBACKS
LOTS 236-259, 269-281 & 328-351
N.T.S.



RIGHT OF WAY
FRONT-LOAD TOWNHOME BUILDING SETBACKS
LOTS: 199-214, 260-268 & 282-327
N.T.S.



TABULATIONS

TOTAL ACREAGE

±79.7 ACRES

CITY STANDARDS

LOCAL STREET R.O.W. WIDTH 58'
CUL-DE-SAC & KNUCKLE RADIUS 60'
MAX CUL-DE-SAC LENGTH 25'
MIN BLOCK LENGTH 300'
MAX BLOCK LENGTH 1000'

LEGEND

- RANCH LOTS: 14
- ESTATE LOTS: 32
- COLLECTION LOTS: 61
- COTTAGE LOTS: 73
- FRONT-LOAD TOWNHOMES: 71
- OPEN SPACE
- PUBLIC OPEN SPACE

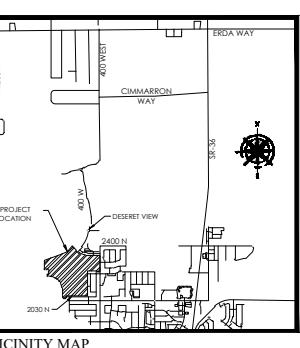
TOTAL: 251
DENSITY: 3.1 UNITS/ACRE

GRAPHIC SCALE
(IN FEET)
1 inch = 120ft.



LEGEND

- BOUNDARY
- - - EASEMENT
- - - - EASEMENT RIGHT-OF-WAY LINE
- - - - - CENTERLINE
- - - - - EXISTING PROPERTY LINE
- ◆ SECTION MONUMENT (FOUND)
- ◆ STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS



PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, LLC
801-225-1111 • FAX 801-225-5075
www.focusutah.com

OWNER/DEVELOPER
PERRY DEVELOPMENT, LLC
17 EAST WINCHESTER STREET,
SUITE 200
MURRAY, UTAH 84017
(801)-264-8800

COMPASS POINT VILLAGE 1
PRELIMINARY PLAT

LOCATED IN THE SE 1/4 OF SECTION 8, T3S, R4W,
SALT LAKE BASE & MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH

**Tooele City Planning Commission
Business Meeting Minutes****Date:** November 12, 2025**Time:** 7:00 p.m.**Place:** Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah**Planning Commissioners Present:**

Melanie Hammer
Jon Proctor
Chris Sloan
Tyson Hamilton
Weston Jensen
Kelley Anderson
Jon Gossett (Alternate)

Council Member Liaisons:

Maresa Manzione
Ed Hansen

Staff Present:

Andrew Aagard, Community Development Director
Matt Johnson, City Attorney
Paul Hansen, City Engineer
Shilo Baker, City Recorder

Minutes Prepared by Shilo Baker

1. Pledge of Allegiance

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

2. Roll Call

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

3. **Public Hearing & Decision on a Conditional Use Permit request by Kimley-Horn to authorize the use of an “Accessory Drive Through Facility” for property located at approximately 2400 North and SR-36 on approximately 1.23 acres in the GC General Commercial zoning district.**

Mr. Aagard presented the application for a conditional use permit for an accessory drive-through facility at The Peak at Compass Point development. He noted that Smith's Marketplace is located west of the subject property, identified as Lot 9 of the subdivision, and that the site and all surrounding properties are zoned GC – General Commercial.

Mr. Aagard provided the Commissioners with a site plan and explained that a drive-through facility requires a conditional use permit in all General Commercial zones. Staff is currently reviewing the site plan application; however, the conditional use permit may proceed concurrently, as it focuses on the use itself rather than site plan details. Mr. Aagard reminded the Commission that the purpose of the conditional use application review is to evaluate potential impacts to adjacent properties and determine whether conditions are needed to mitigate those impacts. He said for reference, the site has no direct access onto public streets, only internal circulation roads and a cross-connection road to the north. Customers will access the site from the southwest drive, proceed east around the east side of the building and then back toward the west where the queuing lanes and menu boards will be located, with product pickup occurring on the south side of the building facing east toward SR-36. It is anticipated that most vehicle stacking will be along the north side of the building facing west into the Smith's parking lot and along the west side of the building. Mr. Aagard said staff is pleased that the primary drive-through activity is located on the north, west, and south sides of the building, rather than on the east side, which could have required additional landscaping to buffer vehicle stacking from public view.

Staff recommended approval of the conditional use permit and did not suggest any conditions beyond the basic housekeeping items typically included in staff reports.

The Planning Commission did not have any questions.

Chairman Sloan opened the Public Hearing at 7:05 p.m.

Joanna Graham of Kimley-Horn with McDonalds addressed the commission and said she had nothing to add to the presentation but was happy to answer any questions.

Upon no further questions Chairman Sloan asked for a motion.

Motion: Commissioner Jensen moved to approve the Conditional Use Permit request by Joanna Graham representing Kimley-Horn to authorize “Accessory Drive Through Facility” for Lot 9 of The Peak at Compass Point commercial subdivision application 2025-091 based on the findings and subject to the conditions listed in the Staff Report dated November 6, 2025. Commissioner Hamilton made the second. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Proctor, “Aye”; Commissioner Gossett, “Aye”; Commissioner Hamilton, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; Chairman Sloan, “Aye”. There were none opposed. The motion passed 7-0.

Chairman Sloan realized that he had neglected to close the public hearing prior to asking for a motion and calling for a vote. Before moving on to the next item, he closed the public hearing at 7:07 p.m.

4. **Public Hearing & Decision on a Conditional Use Permit request by Matthew Cozad to authorize the uses of “Professional Office,” “Personal Services” and a “Retail Store with a maximum of 3,000 square feet” to occur at the property located at 220 South Main Street in the MU-G Mixed Use General Zoning district on .633 acres.**

Mr. Aagard presented the conditional use permit application for the property located at approximately 220 South Main Street. He noted that many will recall the older home that previously occupied the site. The property is located immediately north of Lawson Family Dental and is positioned between 50 West and Main Street. It is currently zoned MU-G – Mixed Use General, and nearly all uses within the MU-G zone require a conditional use permit. He said that the proposal does not include an accessory drive-through facility, and staff is seeking to anticipate future tenant needs and obtain authorization for potential uses at this time. The site plan application is under review and is progressing in a timely manner. Mr. Aagard presented the site plan, indicating that the building will sit in the northeast corner of the property, with parking areas located on the south and west sides of the property.

The development will share an existing access with Lawson Family Dental, and the applicant has provided a signed and executed access easement with the adjacent property owner. No new access points are proposed. While the applicant initially listed “retail stores” on the application, the building is a multi-tenant structure with six tenant spaces totaling approximately 6,500 square feet. Mr. Aagard explained that such buildings typically attract professional offices and personal service uses; therefore, staff encouraged the applicant to include additional potential uses in the conditional use permit application to avoid requiring future approvals for common tenants such as cosmetologists or realtors.

One public comment was received via email expressing concern about fencing. The commenter had recently installed a chain-link fence and was concerned the City might require a masonry wall adjacent to it. Mr. Aagard clarified that the City does not require fencing unless the Planning Commission determines it is necessary to mitigate an identified impact.

Staff recommended approval of the conditional use permit with the basic conditions listed in the staff report.

Chairman Sloan confirmed with all of the Planning Commissioners that they had received the public comment email, and said there were actually two emails received, but the second one was a revised version of the first.

Commissioner Anderson mentioned he drove by the property and said the fence referenced is closer to Lawson Dental not the house. Mr. Aagard said he believed that there is currently a fence between Lawson Dental and the applicant’s property, but that fence would be removed with the development. He believes the fence in question in the public comment is the fence to the north of the property.

Commissioner Jenson said he thought there was a provision in the code that required commercial property that abuts residential property to have a fence to separate them. Mr. Aagard said there is a provision in the code that states if commercial zones are adjacent to residential zones the Planning Commission may require a fence as part of site plan approval, if necessary, but there isn’t anything in the code that requires a fence in that situation. These properties are all zoned Mixed Use General, so there aren’t any zoning boundaries between the properties.

Commissioner Anderson said that because there is residential use, even though the properties are zoned mixed use, there should be some kind of fence – not necessarily masonry – but privacy. Chairman Sloan

agreed with Commissioner Anderson and said that as Mr. Aagard alluded, the Commission has the ability to require a fence to mitigate potential issues and said the public comment letter mentioned potential issues about privacy, reducing noise, and preserving residential neighborhood character. Mr. Aagard said the Commission needs to identify the issue and identify how the conditions mitigate that issue if they want to include that as a condition for approval.

Mr. Jensen said if the Commission requires a solid fence it would mitigate headlights from shining into residences. Commissioner Hamilton thinks it should require a solid fence along the whole north side of the property. Commissioner Gossett recommends the fence be at least 6 feet tall. Commissioner Jensen said he thought the applicant may already be planning on putting in a fence based on what is on the site plan.

With no further questions from the Commission, Chairman Sloan opened public hearing at 7:14 p.m.

No one came forward. Chairman Sloan seeing Spencer Peck in the audience asked if he was the applicant. Mr. Peck said he is not the applicant, but did say he would want to see a barrier (fence) if he lived in the area.

Seeing no one come forward, Chairman Sloan closed public hearing at 7:15 p.m. and invited further action from the Commission.

Motion: Commissioner Proctor moved to approve the Conditional Use Permit request by Matthew Cozad to authorize the uses of “Professional Office,” “Personal Services” and a “Retail Store with a maximum of 3,000 square feet” to occur at subject property application number 2025-096 based on the findings and subject to the conditions listed in the staff report dated November 5, 2025 and require a six (6) foot privacy fence along the entirety of the north side of the property.

Commissioner Hamilton made the second. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Proctor, “Aye”; Commissioner Gossett, “Aye”; Commissioner Hamilton, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; Chairman Sloan, “Aye”. The motion passed unanimously 7-0.

5. **City Council Reports**

Mayor-Elect and City Councilwoman Manzione reported on one item from the most recent City Council work and business meetings. She said the Council had had lengthy discussions regarding the Land Use designation zoning change near the area of 900 South Main Street by the Masonic Temple. The applicant asked the Council to table the item, but the Council still held the public comment period. She said the comments were similar to what had been expressed in previous Planning Commission meetings. She said the applicant will come back when they’re prepared to move forward. Chairman Sloan said he was surprised that the message did not seem to be received by the applicant even though the Planning Commission had forwarded a negative recommendation, and said the applicant did not seem to take the comments into consideration. Councilwoman Manzione said the Council let the applicant know they were not going to increase density, but that they were willing to work with them within the parameters that are already set.

Councilman Hansen reiterated what he said Councilman Brady mentioned during the City Council meetings, which is that the applicant is using 170 plus acres to calculate density, but that is not accurate as it is closer to only 38 acres of developable space. Councilwoman Manzione said 134 single family lots is the maximum that the Council is comfortable with, which they recognize is still a lot of homes. Chairman Sloan said the same issues and concerns raised in previous discussions remain unresolved by the applicant.

6. **Review and Decision on the Minutes of the Planning Commission Meetings held October 8, 2025 and October 22, 2025.**

There were no corrections to the minutes.

Motion: Commissioner Hammer moved to approve the October 8, 2025 and October 22, 2025 minutes as presented. Commissioner Hamilton made the second. The vote was as follows:

Commissioner Hammer, "Aye"; Commissioner Proctor, "Aye"; Commissioner Gossett, "Aye"; Commissioner Hamilton, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; Chairman Sloan, "Aye"; There were none opposed. The motion passed 7-0.

7. **Adjourn**

Chairman Sloan adjourned the meeting at 7:21 p.m.

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

Approved this _____ day of December, 2025

Chris Sloan, Tooele City Planning Commission Chair