

TOOELE CITY PLANNING COMMISSION MINUTES
May 8, 2019

Date: Wednesday, May 8, 2019

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

Commission Members Present:

Tony Graf
Tyson Hamilton
Melanie Hammer
Shauna Bevan
Phil Montano
Chris Sloan
Bucky Whitehouse

Commissioner Members Excused:

Ray Smart
Matt Robinson

City Employees Present:

Matt Johnson, Assistant City Attorney
Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Paul Hansen, City Engineer

City Employees Excused:

Roger Baker, City Attorney

Council Members:

Council Member McCall
Council Member Gochis

Minutes prepared by Kelly Odermott

Chairman Graf called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Hamilton.

2. Roll Call

Tyson Hamilton, Present
Tony Graf, Present
Melanie Hammer, Present
Shauna Bevan, Present

Phil Montano, Present
Chris Sloan, Present
Bucky Whitehouse, present

3. **Public Hearing and Recommendation on a Zoning Map Amendment request from the RR-1 Residential zoning district to the R1-7 Residential zoning district by Sylacauga Development, LLC, for 16.4 acres located at 600 and 650 West Utah Avenue.**

Presented by Andrew Aagard

Mr. Aagard stated that there are two properties involved in the rezoning request. An aerial photograph was shown on the screen. Properties to the north, west, and south are largely vacant properties and used for agricultural purposes. Properties to the east have residential uses. The current zoning of the property is RR-1, Rural Residential. All surrounding properties are also zoned RR-1. The applicant is requesting to rezone the property to R1-7 Residential; a zone that permits a minimum lot size of 7,000 square feet and larger. The R1-7 zone also permits two family dwellings such as duplexes and twin homes on lots of 14,000 square feet or larger. Some of the differences between the R1-7 and the RR-1 zone are lot sizes and lot widths. The RR-1 zone requires one acre lots. The R1-7 zone permits 60-foot-wide lots, where the RR-1 requires 100-foot-wide lots. The RR-1 permits the keeping of large animals such as horses, cows, so forth. Whereas the R1-7 zone does not. If the R1-7 zone were to be approved the two properties when developed could yield approximately 68 new lots. If the property remains RR-1 and developed, the lot yield would be approximately 13 lots. There is a considerable difference in the number of lots that could be developed under the two zoning districts. This property was considered for rezoning on March 13, 2019 and the Planning Commission denied the rezone request. At that meeting the rezone requested was MDR, Medium Density Residential and the number of lots would be 8 units per acre.

Chairman Graf asked the Commission if there were any questions or comments.

Chairman Graf opened the public hearing.

Mr. Steve Wilcox stated that he had been at the prior meeting. He stated that it seemed like the Commission was going over the same subject disguised a little differently. This R1-7 zoning allows single, double, and multi family dwellings. He stated that he can see single family homes, twin homes or apartment buildings. He is still against it. This zone is right in the middle of an RR-1. He believes that this is spot zoning and he doesn't understand why the City wants to do that.

Ms. Kathleen Morgan Beard stated she has lived on Utah Avenue for 30 years. Her property is adjacent, west of the property under consideration. She stated that 18 years ago the City Planning Commission reviewed low income properties on a property across the street. All the neighbors got together and decided that this is not what they wanted. The neighbors fought it and agreed on one acre lots. She stated that the Planning Commission promised them the one acre lots in the future. Now this is making it a subdivision. She stated that from Coleman down

there is so much traffic due to the Depot reopening to private businesses and then putting homes there it will double in cars. That is only if they have two cars. It will be more traffic. Back in 18 or 20 years they were promised that they would never change the zoning. She stated that they all agreed on it. She stated she would like to see nice homes on one acre lots.

Ms. Angela Hill stated she lives west and south of the property. She stated that she was at the March meeting and took the advice of City members and signed up for the emails from the City. She stated that she was surprised to see what is being developed in the City. She took notes. Even though the number of properties has been reduced on the property; she counted over 600 new residences in the City alone. She stated that she has seen the subdivision on the 7,000 square foot lots and people don't take care of their houses. They cannot afford to put a yard in and she thinks this will happen with this development. Will they be able to afford property taxes when the taxes go up and she stated probably not. She asked about snow removal. Ms. Hill stated that she lives in zone five for snow removal and gets her street plowed maybe once or twice a week if there is a major snow storm. She stated that it was mentioned the increase in traffic and this would be an increase over 100 cars. There is a school on the corner and there is no stop light or four way stop sign. She stated she travels back and forth to Salt Lake City every day and it takes almost an hour to get home. With all the subdivisions being built in Tooele that is over 600 cars being put on State Route 36. That doesn't include what is being built in Erda, Grantsville, Stansbury Park, and Lake Point. She stated that she doesn't see adding another subdivision with little lots and how that is going to help the people who are in the RR-1 zone.

Mr. Myron Nix stated he has lived on North Coleman for 81 years. He stated that he there was supposed to be a church. He lives on a street that doesn't have curb and gutter down both sides of the road. The road has an elementary school and the doesn't have a stop sign at the corner. He stated he has a hard time getting out of his driveway twice a day. He stated that he had the opportunity to go to West Jordan along the Mountain View Corridor. 10, 15 years ago it was wheat fields, but today he witnessed multi-family dwellings. He stated they are an eyesore and he doesn't want that in his backyard. He looked at these places with buildings that are four stories high and no place to park. Mr. Nix stated that the one acre lots were promised to them. He stated that he is against it and he doesn't want to see the type of development in West Jordan in his backyard.

Ms. Margie Douglas stated that she was at the March meeting. She has property on Coleman so that they could have one acre and have the ability to have animals. Once you change the zoning, which there is very little of in Tooele, you cannot get that ack. That is important to the residents. If you put in more homes there, they are the majority. If they don't like what happens in the surrounding lots, it will be subject to majority rules. It seems like spot zoning. The last time it was mentioned that it is helping Tooele. What she sees is that there are plenty of places that people are building. What is being proposed isn't helping anybody, but changing our lifestyle. She stated that getting out of their home is difficult due to the school. She stated that the only reason she can see to put it right there is because it is for sale.

Mr. Cary Howell stated he lives on Coleman Street and has lived there for 48 years. He stated that he has a problem with the type of development that will be in his back yard. He doesn't see

why there can't be acre lots. He stated that there are only six places in Tooele that have acre lots left. It is a very small portion of the town. He hates to see it all disappear.

Mr. Brad Lancaster stated that he appreciates the time of the Commissioners. He stated that this is an amended application. The developer group has anticipated similar objections as the prior meeting. The points that have been raised is the preservation of RR-1 zoning. He stated he is sympathetic too, but needs to be realistic in preserving when looking at the population needs. According to the 2014 census less than 2% of the City's population live in the RR-1 zone. It is a big geographic area. He reminded the Commission that while the R1-7 is higher density than the RR-1 under development standards it would not qualify as high-density housing. The target market would be in the \$270,000 to \$280,000 range. These will be nicer houses and will have to be as the cost of land has gone up. He stated that it was mentioned at the last meeting that this is the right product in the wrong place. If this is the wrong place then where is the right place. Mr. Lancaster stated that the number of new homes for Tooele City will not meet the demand. This is a market driven demand. Markets should be allowed to be free. We are sympathetic to the property owners and are not asking any of them to change their zoning. Utah avenue is not the same as it used to be and it will not get better with the access to the Depot, the access to Sheep Lane, the access to the Romney Development that is coming. It will put pressure on Utah Avenue. Fewer residents doesn't increase the tax base for Tooele City, fewer residents means we are able to do less for the residents that are in Tooele City. Worries about traffic lights and crowded schools, those are elevated as we grow population. We can't build infrastructure and hope people will come. The tax base needs to come. Mr. Lancaster stated that currently the properties under review generate less than \$100 per year in property tax. The development with 67 houses with current tax rates at an estimated tax rate of \$2,200 per year; which would be \$150,000 in property taxes. That doesn't take into account the impact fees. Current rate of nearly \$10,000 per building permit, that would be \$670,000 in impact fees for the City. This is a moderate-income plan and not low-income housing.

Commissioner Bevan stated that the cost the City is losing because of the tax base, but when I look at people who live on the RR-1. People who are raising families in an atmosphere where people are learning about responsibility, raising animals, a lot of FFA and Bit and Spur kids. It might not be a tax base, but children are giving back a lot to their communities that may not be monetary, but those are the kind of people we want in our community. She stated that she hates to see that part of the community go away.

Mr. Lancaster stated that there is a very real numbers impact. There are 23 houses that are zoned RR-1 and this would be 67 new homes.

Ms. Tiffany Lancaster stated she was born and raised in Tooele County. She stated she was at the groundbreaking for Northlake Elementary. She stated she cares about this town and its future. She stated that there is a real need and housing shortage that she sees everyday as a real estate agent. Kids are not able to move out of their parents' basements and young families cannot purchase a home. It is happening all over Utah, but is particularly bad in Tooele County. She stated that she pulled some numbers from the affordable housing needs assessments that was done for the Tooele County Housing Authority. By 2022 Tooele County's population is expected to reach 78,400 people. That is 27,700 households that need to be built to meet this

demand. In 2016 there were 20,216 households in the County. In order to keep up with that growth the City will need 1,225 new build permits a year to meet the demand for housing. She stated that we need to work together to come up with a solution. Tooele is a city and there are plenty of places that people can live to get the rural living, Erda, Grantsville. Typically, cities are where this type of housing goes.

Ms. Janet Nix stated that she lives on Coleman Street. She stated that she worries about the lack of commerce. There is nowhere in Tooele to go buy anything. We go to Salt Lake for clothes, doctors, and groceries. If we bring more people, we have no place for them to shop, recreation. We can build more houses and cause more traffic problems. Ms. Nix stated that she is also concerned about the water.

Ms. Krysten Egan stated she works with Ms. Lancaster. She stated that she grew up in Magna and West valley area when there was nothing; there were only open fields. I graduated high school and bought my first house on an open field where somebody sold it and made housing just like this. Change is inevitable. Somebody had not sold that property and rezoned it she would be living in her parent's basement. She stated that the point was made about raising FFA kids and working hard, but there are other ways to do it. Where are those kids going to live? She stated that you have to work with starter homes and work your way up. Population is increasing and our children are having children. Where are they going to live in a few years? She stated that you need to open your hearts and your minds for generations to come.

Ms. Stormy Henderson stated she works with Ms. Lancaster. She stated that she grew up with horses and then traded up for babies. She stated that she is who she is today because of her horses. She grew up in Riverton to have horses and she road in Herriman. There wasn't a gas station in Herriman. When looking at it today with all the development it makes her sad. Bing on the Tru Agency team it has taught her so many things about real estate and community growth. She stated that she agrees that change is inevitable. She stated that she knows the intention of these people and they want to do it mindfully, but they want it to grow Tooele County. If the people move to Tooele City then we can have the shopping and grow jobs. This location is a really great place to have small homes and raise kids.

Ms. Laney Riegal stated that there was a wonderfully diverse show of realtors at the meeting tonight. There are developers, people who are for growth, people who want to preserve the master plan that made Tooele the greatest secret in the valley, with having an RR-1 within City limits. It had been expanded even further than that, up to probably through the south end of Tooele. There was conditional use or had to certify that as a resident you had animal rights or had animals on the property at least a month out of the year to keep the animal rights. Ms. Riegal stated that she remembered when Tooele City had a binder. Residents would have to take pictures to show that they had horses on the property to keep the right to house animals. That has gone away. Now the City has the RR-1. This is the City's largest property size in Tooele City. Ms. Riegal stated that she believed the State has asked for moderate housing initiatives that ask cities to prove that they have diversity to accommodate for different types of housing needs. Yes, the City is growing rapidly. Ms. Riegal stated that the things that concern her about the property is spot zoning. Does it go against the Master Plan? Has there been a traffic study for that are of town? Settlement Canyon Irrigation water services that area. Much of the water

is off of the irrigation water and off of City water. When adding the development, infrastructure will need to be done and take more of the City's resource for that. She stated that she was not sure if there would be much of a gain with the impact and tax fees, due to the need for infrastructure to the property.

Mr. Carl Anderson stated that he is tired of hearing not in my backyard; then in who's back yard are you going to have your children or grandchildren build their homes. He stated that where he grew up his neighbor was one half mile away now, he can't get out of his driveway because of Northlake Elementary. Somebody has to build smaller homes for children to have a place to live. He stated that he has looked at the one-acre lots and they are full of junk. That is what happens. He stated that he is from Grantsville and there are a whole bunch of yards full of junk. That becomes a breeding area for skunks, racoons, snakes, and all kinds of things. Yet you say let's have one-acre lots. These type of lots become dumps. He stated that he is for the rezoning because it will create smaller homes for folks that can't afford the big fancy homes.

Ms. JoLynn Leach stated that she is a Realtor with RealtyPath Real Estate. She wanted to tell the Planning Commission that the housing shortage is not a problem that will be solved by saying we want one-acre lots. The need for one-acre lots in Tooele is low. She stated that her one-acre lots that are selling are in Erda, Grantsville, and Stockton. She stated that she gets a lot of calls from people who are prequalified for \$240,000. This is just the basic home. She stated she hears from her clients that she doesn't care about them because they don't have enough money. That is not the case. She cares very deeply about the housing shortage and about children being able to afford housing that is reasonable. One-acre lots push the housing cost up and most cannot afford it. There is a study that says 35% of the household income will go towards children's homes. She stated that she worries about that. Also, if we don't provide affordable housing, where are they going to go. They are going to rent. She stated that big problems are a bunch of renters. They don't care because they are not invested. Ms. Leach stated that she is proud to shelter people and her job is about more than buying and selling homes. Its about giving a fair opportunity to kids. Parents that own homes, their kids do better in school. So when we talk about caring for kids, lets talk about all kids and not just rich kids that can afford a horse. It is really important for people to stop and take a minute to look at what they are really fighting against. The infrastructure and tax increase ill provide the infrastructure to get streets plowed and sidewalks. She stated that she did foster care and her kids went to Northlake. She was one of the parents who clogged up the road. She stated she understands the concern about the roads. But how do you get the lights and stop signs, streets, and gutter; it is all driven from the tax base. She stated that she thinks this project is needed and begs the Planning Commission to search their hearts, to care about the people in Tooele City. She also asked the Planning Commission to consider that if you have property, you have the right to sell it and that needs to be considered. She stated that if she was going to purchase a one-acre lot it would not be there and the one-acre lots do not make sense there.

Mr. Don Bryant stated that he lives on North Coleman. He farms 9.2 acres of the property under discussion. He farms the ground because the land has been inherited from multiple generations of family. The truth is if the Nix's were not willing to sell parts of their property from Utah Avenue to McKellar Street then there would not be anyone living on the road. He stated that if you own the property you like to have the right to sell your property. He stated that he is very

concerned about his children and grandchildren. His grandchild just bought a house and had to pay \$140,000 and it is a townhome. He stated that he would like to see single family homes on the property. His children and grandchildren have the opportunity to ride horses. He stated that he keeps cows in the spring and fall. That will not change and he will continue to farm the ground if the development goes through. He will extend the irrigated portion of the ground to the north. He sees single fairly dwellings and having children back there. He agrees that there are problems with infrastructure and traffic, but it is not going to change unless the property is developed. That is how that happens. He stated that he hoped his neighbors remain friends with him and understand his position. He hopes they also understand that if he wants to do something with his property that is right as would be their right.

Chairman Graf asked if there were any further comments, there were none Chairman Graf closed the public hearing.

Commissioner Montano stated that this is a very difficult decision. He stated that the Planning Commission has let out 600 permits for homes. The Planning Commission is directed on the traffic and the water by the City Engineer who clears all of this and models all of this. The Planning Commission asks about all of that to determine if it is feasible. He stated that 600 homes and calculating the impact in realty is \$6 million. If the taxes are \$1,200 then the taxes are \$1.3 million a year. We have to have money to run the City. We have to have money to maintain the City. That is where we are at. Commissioner Montano stated that he agrees with Mr. Bryant and they have rights to sell property and develop it. It is very controversial and these are very tough decisions to make. This is where we are at and the only way to build the tax base.

Commissioner Bevan stated that she felt she needed to make a comment. Her opinion has not changed from the last meeting. She stated that she knows of people who have subdivision where there are a lot of homes built up next to established corrals, barns, where horses and livestock are. It doesn't create a good neighbor environment. There are flies and noise and people think it will look lovely and they will like it but then they complain about the animals. She stated that she is not opposed to the development of homes, but she doesn't think this particular thing with an R1-7 surrounded on all four sides by RR-1 is a good movement of development. She stated that she doesn't think this is a good place for it. She further stated that she does live on Utah Avenue and all of her neighbors do not have junk in their back yards. They keep them looking pretty good. We do try to maintain a clean nice looking area. For the same reasons she stated before, she thinks it is important o maintain an RR-1 zoning part n Tooele City. She stated that part of her property, she was approached by a developer. Her family was asked to trade property for development and they wanted to have all of their farm on one side of the road due to safety of farm equipment with Utah Avenue. They talked to the neighbors and they would rather not have a subdivision built there and the Bevan's did not sell. As a property owner we need to accommodate as nicely as possible to keep neighbors and friends, friends.

Chairman Graf stated that he wanted to comment briefly. He stated that in regards what comes before the Planning Commission. The Planning Commission does not instigate it. Members of the public fill out the applications and the Planning Commission is tasked with the job of

considering it. He stated that the Commissioners spend the time necessary to look at the application and we are citizens of the town and care about Tooele. Regardless of the vote, this is not something that was taken carelessly. Regardless of what happens, we hope that the community does not change regardless what side of the fence they are on. Chairman Graf stated that he hopes that the relationships in the room are not affected by what happens in the meeting.

Commissioner Bevan motioned to forward a negative recommendation to the City Council for the Murdock Meadows Zoning Map Amendment Request by Brad Lancaster, representing Sylacauga Development, LLC to reassign the subject properties to the R1-7 Residential zoning district, application number P19-79, based on the findings listed in the Staff Report dated May 1, 2019. Seconded by Commissioner Hammer.

Commissioner Sloan asked the Attorney's Office if the findings need to be referred to or discussed.

Mr. Johnson stated that the topics should probably be discussed.

Commissioner Bevan stated the following reasons which are italicized next to the conditions in the Staff Report. Note not all conditions were addressed, but included for consistency.

1. The effect of the proposed application on the character of the surrounding area. *It does have a negative affect on the character of the surrounding areas.*
2. The degree to which the proposed application is consistent with the intent, goals and objectives of any applicable master plan. *It is not consistent with the intent and goals of the Master Plan.*
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed. *It is not suitable to have subdivisions next to RR-1.*
6. The degree to which the proposed application will not be detrimental to the health, safety and general welfare of the general public of the residents of adjacent properties. *Not determinantal to the health, safety, and general welfare*
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area. *This is rural open space an should be maintained as rural open space.*
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties. *This will affect the adjoining properties and their uses.*
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development,
11. Other findings the Commission deems appropriate to bade their decision upon for the proposed application.

Commission Bevan amended her motion with the above stated conditions. Commissioner Hammer amended her motion as well.

Commissioner Bevan motioned to forward a negative recommendation to the City Council for the Murdock Meadows Zoning Map Amendment Request by Brad Lancaster, representing Sylacauga Development, LLC to reassign the subject properties to the R1-7 Residential zoning district, application number P19-79, based on the findings listed in the Staff Report dated May 1, 2019. Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Nay," Chairman Graf, "Aye." The motion passes.

Commissioner Sloan stated that he is voting aye, but he agrees with everything that Ms. Lancaster said during the meeting. He disagrees with the location because of what is surrounding it. The City does need the product and he sees the need for affordable housing. He loves the product, but does not care for the location.

Mr. Bolser stated that this is not the final decision. It will still go to the City Council for a public hearing on the same consideration with the addition of the Planning Commission recommendation. Mr. Bolser encouraged the public to keep an eye on the City website to see when this item will be included in a City Council meeting. It will not receive the same notification to the residents as provided for this meeting.

4. Public Hearing and Decision on a Conditional Use Permit to allow the use of an "Auto Impound Yard" for Dakota Towing, located at 385 S Old Lodestone Way in the PID PUD Industrial zoning district on approximately .69 acres.

Presented by Andrew Aagard

Mr. Aagard stated the subject property is located in the Industrial Depot. An aerial photograph was shown on the screen. It is an existing parcel and is entirely surrounded by industrial uses, as well as an existing railroad spur. The property is zoned PID PUD Industrial as are all of the surrounding properties. The applicant runs an automobile towing business and wishes to use the property as an automobile impound yard. Impound yards are permitted in the industrial zone but are required to get a Conditional Use Permit. The applicant has provided an aerial photograph showing the conditions of the property. There is an existing large metal building adjacent to the railroad spur, as well as a fenced yard to the west of the building. The property is larger than the fenced area. The applicant has not disclosed how much of the site will be used for vehicle storage. However, if the Planning Commission approves the Conditional Use Permit, the applicant may use the entire site for vehicle storage. Due to the surrounding land uses and zoning, staff is recommending approval with the four basic housekeeping conditions listed in the Staff Report.

Chairman Graf asked the Commission if there were any questions and comments.

Chairman Graf asked if the vehicles will be stored in the fenced area. Is that a condition that can be included with the Conditional Use Permit? Mr. Aagard stated yes.

Chairman Graf opened the public hearing.

Mr. Dale Ford owner of the property stepped forward to address the Planning Commission. He stated that he does towing for law enforcement and the impounded vehicles would be police impounded vehicles. The impounded cars need to fall within the compounds of the State. All vehicles need to be within the perimeter. At this point there is no intent to expand the perimeter.

Commissioner Bevan asked that the cars towed now are in the fenced area and will continue to be in the fenced area.

Mr. Ford stated that, that is a requirement. The cars are under surveillance, lock, and key. Everything is locked and keyed.

Chairman Graf closed the public hearing.

Commissioner Hamilton moved to approve the Conditional Use Permit Request by Dale Ford, to authorize, an "Auto Impound Yard" at 385 South Old Lodestone Way, application number P19-289, based on the findings and subject to the conditions listed in the Staff Report dated April 30, 2019. Commissioner Whitehouse seconded the motion.

Chairman Graf asked the Commission if they would like solidify that all towed vehicles be maintained within the fenced area.

Commissioner Hamilton stated that he would like to amend his motion to include that all vehicles towed onto the property will in the enclosed area.

Commissioner Hamilton moved to approve the Conditional Use Permit Request by Dale Ford, to authorize, an "Auto Impound Yard" at 385 South Old Lodestone Way, application number P19-289, based on the findings and subject to the conditions listed in the Staff Report dated April 30, 2019 and including that all vehicles towed to the property will be within the enclosed area. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

5. Public Hearing and Decision on a Conditional Use Permit to allow a "Private Park" for Zenith Development LLC in the Lexington Greens at Overlake Subdivision located at approximately 400 West 1300 North in the R1-7 Residential zone.

Presented by Andrew Aagard

Mr. Aagard stated that the Planning Commission has approved the preliminary plan for Lexington Greens at the prior meeting. An aerial photograph of the property as shown on

screen. Properties to the north, west, and south are largely vacant property. There is some new development occurring to the east. The property is zoned R1-7 as are all of the properties surrounding except for the Overlake zoning which is located in the northeast corner. The R1-7 permits private parks but requires a Conditional Use Permit be obtained to authorize such parks. A site plan was provided by the property owner that demonstrates where the parks and open spaces will be located. The largest is a 3.9 acre park located in the south east corner with some smaller pocket style parks and open space frontages. Parks are proposed to be passive open spaces for use by the residents of the development. They will be owned and maintained by the development HOA. The parks will be landscaped with sod, trees, and an asphalt running path to be utilized by runners and walkers. The ordinance does not require any specific parking numbers for parks. Necessary parking is determined by the Department Director based on the use of the park and compared to similar uses elsewhere. Due to the passive nature of the park spaces, parking along the road frontages should be sufficient. The applicant has indicated that the park will not be used for sporting events or other community events. Staff recommends approval of the Conditional Use Permit with the recommendations in the staff report.

Commissioner Graf asked the Commission if there were any comments or questions.

Commissioner Hammer stated there are no plans to do recreation sports, but in one of the photos it says soccer, pitch, and play field. Mr. Aagard stated that he believes that is the color rendering. That is an older picture and does show a sports field in the center. Recent discussions with the applicant have stated it will be a passive park. Commissioner Hammer asked if there are concerns about the jogging path and the play area on Franks Drive. Mr. Aagard stated that there will be a five foot park strip and a five foot sidewalk and then another 10 feet of landscaping before the asphalt jogging strip. There will be about 20 feet of separation between the asphalt path and Franks Drive.

Chairman Graf asked if along that road, Frank's Drive, there is no public parking along that road? Mr. Aagard stated that it would be preferred to not having parking along the Frank's Drive. Chairman Graf stated that is outside of the decision tonight? Mr. Aagard stated that it would be. The City Council would determine no parking on city streets. Mr. Bolser stated that Mr. Aagard is correct. Every public street in town is allowed to have on street parking on it, unless the City Council takes action to restrict that. As yet there has not been such action for Frank's Drive or 400 West. Unless they do take that option, parking would be allowed on any public street in town.

Chairman Graf asked if it would be appropriate to make a suggestion to the City Council for future consideration. Mr. Bolser stated that it could be included in the recommendation.

Chairman Graf opened the public hearing.

Mr. Matt Smock stated he is with Zenith Development. Regarding the Conditional Use Permit, the developers are proposing to move the parking off of Frank's Drive due to the speed of traffic and move the parking to Lexington Greens and Freedom Street. Zenith Development is proposing somewhere around 20 parking stalls would be located on Lexington Greens and

Freedom Street. They envision an issue of parking on Frank's Drive and the preference is to move the parking off Frank's Drive.

Chairman Graf closed the public hearing.

Commissioner Hammer asked about the proposal of the parking, but that is not what is in front of them. Mr. Bolser stated that what is in the packet is a request for a use of a property not necessarily the design of the project. The decision is over the use of a private park, not the design of that park. Commissioner Hammer asked if that will be done and reviewed by the City Council. Mr. Bolser stated that it will be reviewed during the site plan approval process that is an administrative review.

Chairman Graf asked the Commission if there were any additional questions or comments.

Chairman Graf asked if the Commission members feel comfortable to include on street parking be considered for Frank's Drive.

Mr. Bolser stated that the action taken this evening is a Conditional Use Permit as a final decision for the use of the property not the design of the project. If there are considerations otherwise such as a recommendation to Council for restricted on-street parking, that is not a part of the decision being made this evening. That information can still be passed on to the decision parties.

Commissioner Whitehouse moved to approve the Conditional Use Permit Request by Charles Akerlow representing Zenith Development, LLC to permit the "private parks" use in the Lexington Greens Subdivision located at 400 West 1300 North, application number P19-276, based on the findings and subject to the conditions listed in the Staff Report dated May 1, 2019. Commissioner Sloan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Nay," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

Chairman Graf added that aside from the decision made, the Commission would like to ask the City Council to address the parking and traffic along Frank's Drive.

6. Recommendation on a Preliminary Plan Subdivision for Par Fore Estates, application by Par 4 Estates LLC, located at approximately 775 East Vine Street, in the R1-7 Residential zoning district, for the purposes of creating 62 single-family residential lots.

Mr. Aagard stated that the property is located between the Oquirrh Hills Golf Course and Vine Street. The property is currently zoned R1-7 PUD. All the surrounding properties are zoned R1-7 Residential. The PUD was added as an overlay permitting reduced setbacks and lot sizes. The density still falls under the requirements of the R1-7 zone. As mentioned, the proposed subdivision will include 62 residential lots. Each lot within the subdivision meet or exceeds the minimum lot size criteria as required by the PUD overlay. There is significant common open space surrounding the lots within the development. The open space will include storm water

detention basins, a golf cart path running east to west along the north boundary, a clubhouse, and other amenities'. Open space will be maintained by the development HOA. There are double fronting lots along Vine street. The park strip along Vine Street will be landscaped with textured concrete and trees and necessary irrigation systems for the trees. The park strip will be maintained by the HOA. A six-foot masonry solid fencing will be installed along the entire length of the subdivision frontage adjacent to Vine Street. Staff is recommending approval with the proposed preliminary plan with the conditions listed in the Staff Report.

Chairman Graf asked the Commission if there were any questions or comments.

Commissioner Sloan asked about the HOA. The HOA is responsible for the park strips, who is responsible for the sidewalks on the double frontage lots? Mr. Aagard stated that would be a responsibility of the development. They have to maintain the park strips and sidewalks. Commissioner Hammer asked the development or HOA? Mr. Aagard stated the development HOA.

Chairman Graf commented that if there is a motion for a positive recommendation perhaps, we could include that in as a clarification that snow removal is anticipated by the development HOA. Mr. Aagard stated it would be the same as any residential lot.

Chairman Sloan asked if Par Fore Drive is a public or private road? Mr. Aagard stated it is a public road.

Commissioner Hammer asked about fencing. In the Staff Report it states, fencing other than that used for that rear patio screening for individual lots shall not be placed on individual lots and will be regulated by a duly organized Home Owners Association. No fencing will be allowed? Mr. Aagard stated the PUD Overlay restricts fencing to only fencing on the rear patios. They would not be able to install their own fence on individual lot lines. That is a requirement of the PUD Overlay.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Par Fore Preliminary Plan Subdivision Request by John & Jen Harris, representing Par 4 Estates LLC for the purpose of creating 62 single-family lots, application number P18-759, based on the findings and subject to the conditions listed in the Staff Report dated May 1, 2019.

Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

- 7. Public Hearing and Recommendation on Ordinance 2019-12, an ordinance of the Tooele City Council amending the text of Chapter 7-4 of the Tooele City Code related to Parking and making related technical changes to Chapter 7-15, Chapter 7-15a, and Chapter 7-16 of the Tooele City Code.**

Presented by Jim Bolser

Mr. Bolser stated this is an overhaul of the parking chapter. There were several objectives in pursuing this amendment. There are a number of design standard type regulations that have regulated for many years out of policy that were not in the City Code. They have not been administered with any sort of inequity, but nevertheless they have been out of policy rather than code. We wanted to examine the existing provisions as a whole to see if they are still adequate, appropriate for the development community. For the most part the regulations in the City code remain. They may be reorganized, but are still there. Currently there are parking calculations in terms of equations for calculating parking in two separate chapters. That is the technical change being made to Chapter 7-16, we are removing the section that deals with parking and putting it in Chapter 7-4. There will no be duplicates, overlaps, and hopefully no conflicts in the future. There is also to establish a little different way in addressing parking. Not in a negative way, but in a way that is more adaptive in the changing world. As discussed previously the nature of commercial business is not the same as it was when we were children. A lot of commerce is done on the laptop. Shopping is done online in a large part. As much as we love having those people visit the local establishment, the changing world and electronic world is very enticing for commerce. The business models are changing. We wanted to be able to adapt for a changing word. Mr. Bolser stated one way we did that was looking at parking. In a typical world there is an equation to establish the number of needed parking stalls. Most communities establish parking requirements as a minimum standard. In more dense communities, they say here is your equation and that is your maximum parking. The City has merged the two. This is a principal that is borrowed from other communities. What is proposed is to establish parking ranges. There are still the parking calculations and equations, but certain uses have a range. In nonresidential uses, they have the same equations, but that becomes a maximum and a minimum. A percentage range is applied to that. For example, a business comes in and the calculation states they need to have a 100 parking stalls. The percentage is 15% meaning so long as they provide between 85 and 115 parking stalls, they are compliant with the ordinance. Understanding the purpose behind doing so the range does not meet their needs for their business model, they can apply to the Planning Commission with a properly done parking study to demonstrate they need more or less than that 15% window. At that time the Planning Commission would have the option to approve an additional 10%. The department staff also worked with the public safety department to examine the principle of having emergency response aisles within parking areas. As we have talked previously when there is a large fire truck at an incident at a store, they would like to get to the incident and get there fast. The idea being that with the approval of developments, the public safety folks would have a review of that application and a review to designate emergency response aisles. Those would be required to be a little bit larger. The other aisles would be allowed to be smaller but not in violation of the standard codes. In large part that is what is happening with the changes. To specify not one of the equations that are in the ordinance are being proposed to change lower. One classification is being proposed to change the multi-family residential use is going up slightly to match the other residential uses.

Chairman Graf asked if there were any comments or questions.

Chairman Graf stated that he appreciated the work that went into this.

Chairman Graf opened the public hearing, there were no comments. Chairman Graf closed the public hearing.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Parking Chapter City Code Text Amendment Request by Tooele City, application number P19-282, understanding that there are no delertious findings and conditions at this time.

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

8. Review and Approval of Planning Commission minutes for meeting held April 24, 2019.

Chairman Graf asked if there were any comments or questions, there were none.

Commissioner Sloan moved to approve minutes from the meeting held on April 24, 2019, with the edits. Chairman Hamilton seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Whitehouse, "Aye," Commissioner Montano "Aye," Chairman Graf, "Aye." The motion passed.

9. Adjourn

Commissioner Hammer move to adjourn the meeting. The meeting adjourned at 8:49p.m.

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

Approved this 22th day of May, 2019

Tony Graf, Chairman, Tooele City Planning Commission



