

TOOELE CITY PLANNING COMMISSION MINUTES
December 14, 2011

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

Commission Members Present:

John Curwen, Chair
Melanie Hammer
Bob Gowans
Ken Spence
Phil Montano
Matt Robinson
Steve Dale
Fran Garcia
Chris Sloan

City Employees Present:

Rachelle Custer, City Planner
Cary Campbell, Public Works Director
Roger Baker, City Attorney

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

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Spence.

2. **PUBLIC HEARING and MOTION on conditional use permit to construct a 1,405 sq. ft., 19 ft. tall detached garage to be located at 144 N 4th St by Roger Grimsley.**

Rachelle Custer

Ms. Custer explained that Mr. Grimsley is requesting a conditional use permit (CUP) for a 1,405 sq. ft. garage which is under the 35% total lot coverage. However, in the code today there is still a 25% rear lot coverage allowance which the staff is proposing to possibly change so they are asking that this garage be approved up to 13% lot coverage. Mr. Grimsley will decrease the garage to 1,240 sq. ft. to be in compliance if the 25% rear lot coverage does not change. Mrs. Custer also stated that anything over 15' in height on an accessory structure requires a conditional use permit. Mr. Grimsley has a lift and an RV that he would like to put in the garage and is requesting a 19' tall garage. Staff recommends approval of this conditional use permit with the following conditions: 1) the building is to be for personal use only; not to be used for any business purposes, and 2) any lighting placed on the building be directed down onto site.

Commissioner Montano asked for some clarification on the blueprint which shows a height of 15 ½ ft. and a height of 18 ft.

Mr. Grimsley said that that the 15 ½ ft. is in the back because there is a slope on his property.

Commissioner Montano also noted that there is a 14 ft. height on the west side.

Mr. Grimsley said that the 14 ft. is the eve height.

Commissioner Montano noted that the 14 ft. eve height is to the bottom of the slab of cement. He noted that it also shows 23 ft. from the outside of the building where it attaches to the existing building.

Mr. Grimsley said that the 23 ft. where he is going to change the height of the garage. There is a 20 ft. by 24 ft. side garage there which is separate from the existing which will eventually be closed off and be used as part of the house. He understands that he will need another permit for that.

Commissioner Montano asked for further clarification.

Mr. Grimsley stated that there is a 17 ft. by 19 ft. by 9 ft. garage that is there now that they would like to close the driveway and the curb cut. The drawing shows the two garages (neither one exists now) one will be high with a lift and the other one will be shorter. The lower garage will be used to park the cars.

Commissioner Montano said that it shows a 23 ft. width and a 20 ft. width.

Mr. Grimsley said that there is 23 ft. and then it will jog in 13ft. and then there will be another 20 ft. which will be a total of 43 ft. across the front.

Commissioner Montano said that if you divide the 23 ft. width in half it makes it is 11 ½ ft. He mentioned that with trusses and the snow load it has to be pretty close to 6 ft. If you add the 6 ft. to the 14 ft. height to the eaves it makes it 20 ft. He suggests he might want to change the height of the garage to 20 ft. instead of 19 ft.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Commissioner Robinson moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:09 p.m.

Commissioner Robinson moved to approve a conditional use permit for a 1,405 sq. ft., 20 ft. tall detached garage with up to 13% lot coverage to be located at 144 N 4th Street with the following conditions.

1. **The building is to be for personal use only; not to be used for any business purposes.**
2. **Any lighting placed on the building is directed down onto site.**

Commissioner Dale seconded the motion. All members present voted “Aye”.

3. **PUBIC HEARING and MOTION on conditional use permit for an in home preschool to be located at 1092 N 690 E by Pateresa Johnson.**

Presented by Rachelle Custer

Ms. Custer explained that Ms. Johnson is requesting a conditional use permit for an in home preschool to be located in her home at 1092 N 690 E. Preschool/Daycare is allowed as home occupation with a conditional use permit. Included with the Commissioner’s packet is a layout of her lot and a letter addressing her hours of operation. Staff recommends approval of the conditional use permit with the following conditions:

1. No more than 8 children at one time.
2. Hours of operation to be between 6:00 a.m. and 6:30 p.m. Monday through Friday.
3. Fenced rear yard be provided for the children.
4. State residential child care certificate be obtained.
5. Tooele County health Department approval.
6. Building inspection approval.
7. Fire inspection approval
8. Applicant provide letter with business license concerning the ability of inability to care for handicap children.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Commissioner Gowans moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:11 p.m.

Commissioner Robinson moved to approve a conditional use permit for an in home preschool to be located at 1092 N 690 E with the following conditions.

1. **No more than 8 children at one time.**
2. **Hours of operation to be between 6:00 a.m. and 6:30 p.m. Monday through Friday.**
3. **Fenced rear yard be provided for the children.**
4. **State residential child care certificate be obtained.**
5. **Tooele County health Department approval.**

6. **Building inspection approval.**
7. **Fire inspection approval**
8. **Applicant provide letter with business license concerning the ability of inability to care for handicap children.**

Commissioner Spence seconded the motion. All present voted “Aye”.

4. **PUBLIC HEARING and MOTION on conditional use permit to construct the Tooele Applied Technology Center at 88 S Tooele Blvd by Utah State University.**

Presented by Rachelle Custer

Ms. Custer explained that the Tooele Applied Technology Center has received funding to begin construction on a new facility at 88 S Tooele Blvd. The project will be a great asset to Tooele City and the neighboring community. This is a great neighbor to the Community Learning Center and the Utah State University (USU) campus expansion that will be coming shortly. Staff recommends approval of the conditional use permit with the following conditions:

1. Traffic study is to be completed prior to permits being issued.
2. Lighting is to be directed down onto site.
3. Tooele Boulevard is to be improved to Vine Street for safety to accommodate the increased traffic.

Ms. Custer showed the Commission and the public a rendering of what the building will look like when it is completed.

Commissioner Montano asked who is doing the traffic study.

Mrs. Custer asked Mr. Smith (the architect for the project) who they hired to do the traffic study.

Mr. Smith said that the traffic study has been complete and gave a copy to Ms. Custer.

Ms. Custer stated that A-Trans Transportation Engineering completed the traffic study on December 4th and said she will get the copy to Mr. Hansen.

Commissioner Montano said he is very familiar with the roads at this location and how narrow they are and asked how they are going to address the roads.

Jeff Smith, architect on this project, addressed the Commission. Mr. Smith said that the traffic study states that the current width of the road will be sufficient for this facility. He said that there is some investigation going on for future facilities with the future expansion of USU which will change the requirements for the road. In this traffic study it also analyzed the entry points and has given some recommendations. They do have a

cost estimate for upgrading the road to a certain width and for the full width when the future expansion takes place. There is some ongoing discussion with Randy Sant and what will happen with the road.

Commissioner Montano asked if the road width will stay the same for now.

Mr. Smith said there will be some curb and gutter and they will add a little bit of width to the road. What needs to be determined is if they improve the road now with curb and gutter and have to tear portions out in a year when the expansion of the USU takes place. Decisions will have to be made as to where the money will come from to do the full road or just do the portion for this project. He said that for now what are included are minor adjustments to the road, some curb and gutter, and curb cuts leading into the entries based upon the site plan.

Commissioner Montano asked who owns the other side of the road.

Ms. Custer said that the school district and Valley Mental Health.

Mr. Baker said that the road that goes in front of the Community Learning Center and west to Tooele Blvd is a City right-of-way. From that point south is part of 54 acres owned by USU which is not yet dedicated but will be when they have completed their site plan and present a future building plan for approval. At that point the entire width will be dedicated along the frontage of their project, however big or small the project is. They will be required to construct at least half the road. Because it is part of the redevelopment project area the RDA may choose to participate in funding of that infrastructure for developmental purposes.

Commissioner Montano feels that the road is adequate, but needs some work. He has noted that there is big truck traffic. He said it is not uncommon to jump the curb on the east side of the road. As time goes on hopefully it will be improved.

Mr. Baker said that coming south from Utah Avenue and 1100 West it curves eastward which the City owns the entire right-of way for that part. He said that about half of the right-of-way width is taken up with the open ditch drainage channel and said that at some point that ditch will have to be piped and have asphalt travel surface extended over the pipe to create more traffic capacity. They are not sure if now is the time for that but is probably not too far off in the future.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Commissioner Gowans moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 7:20 p.m.

Commissioner Dale asked why they are not constructing sidewalk on the southern portion and northern portion of the site.

Mr. Smith stated that there is a significant grade change and the slope is very steep on the south end of the site so they have created a walking path instead. They anticipate most of the pedestrian traffic will be from the USU campus and there is a sidewalk as it comes across the campus.

Commissioner Dale feels that works well for the students, but not for citizens walking down the street. Commissioner Dale also noted that there is no park strip on the northern end and when there is no park strip there is no place to put the snow.

Mr. Smith feels that they have allowed adequate room for the snow. He noted that he has reviewed this with Mr. Hansen.

Commissioner Spence stated that he lives in a neighborhood with no park strips and there is no place to walk when the snow is plowed.

Commissioner Montano noted that the Christian and Griffith building that is very close to this site only has sidewalks in the front and back of their building. Almost all the lots in this area are set up this way. None of the buildings in this area have sidewalks in front of the buildings.

Commissioner Dale said that just because it was done that way in the past he doesn't feel that it should be set up that way now. The buildings that are going in now were probably not envisioned 20-25 years ago and he feels that there should be sidewalks all the way around the buildings.

Chairman Curwen stated that the public may use the walking trails as well.

Commissioner Gowans noted that the Community Learning Center does not have a sidewalk around it and it is fairly new. He feels that they have provided more walking ability for the public with the walking trails. He lives in this neighborhood and he walks around the block on 2nd south and there are no sidewalks anywhere. Once you get in the parking lot there are sidewalks around the buildings. He feels that this is following what is currently set up in this area.

Mr. Baker noted that Mr. Hansen is excused tonight and asked Mr. Campbell if he has had a chance to review this.

Mr. Campbell said he has not had a chance to review this.

Mr. Baker stated the conditional use permit can be approved tonight and the Planning Commissioner will be reviewing the site plan at a future date.

Mr. Montano's concern is that the City has not required the other buildings in this area to put sidewalks all the way around their buildings.

Commissioner Dale stated that he feels that there should be sidewalk all the way around the building.

Ms. Custer said this is in the early stages they are in the design review and they do not have an approved site plan.

Chairman Curwen noted that this is an industrial area and this won't be a highly populated walking area except between the buildings.

Commissioner Montano stated again that all the buildings in this area are set up this way. They were designed as industrial uses.

Commissioner Dale said that just because it was done that way in the past it is irrelevant because the use has changed.

Commissioner Gowans noted that there is a sidewalk provided from the Community Learning Center and to Utah State University campus. He lives in this area and it is not a high walking area. He feels that the internal walking is being provided and he feels that what is provided is sufficient.

Mr. Smith said there is a park strip provided on the south side with a green space and there is a walking path and there is a walking path to get around the entire site and to get to the Community Learning Center and the Utah State University Campus.

Commissioner Dale said that there are two issues 1) not having the sidewalk along the public street on the south side of the building and 2) not having a park strip on the north end.

Ms. Custer noted there is green space and then the sidewalk. The sidewalk is just not in the public right-of-way like others sidewalks.

Commissioner Dale moved to approve the conditional use permit to construct the Tooele Applied Technology Center at 88 South Toole Blvd with the following conditions:

- 1. Traffic study is to be completed prior to permits being issued.**
- 2. Lighting is to be directed down onto site.**
- 3. Tooele Boulevard is to be improved to Vine Street for safety to accommodate the increased traffic.**
- 4. Sidewalk improvements to be completed on the south end of the site and park strips to be installed in conjunction with the sidewalks.**

Commissioner Spence seconded the motion. The vote was as follows:

John Curwen, "Nay"
Melanie Hammer, "Aye"
Bob Gowans, "Nay"
Ken Spence, "Aye"
Phil Montano, "Nay"
Matt Robinson, "Nay"
Steve Dale, "Aye"

The motion did not pass.

Commissioner Gowans moved to approve the conditional use permit to construct the Tooele Applied Technology Center at 88 South Tooele Blvd with the following conditions:

- 1. Traffic study is to be completed prior to permits being issued.**
- 2. Lighting is to be directed down onto site.**
- 3. Tooele Boulevard is to be improved to Vine Street for safety to accommodate the increased traffic.**

Commissioner Montano seconded the motion. The vote was as follows:

John Curwen, "Aye"
Melanie Hammer, "Nay"
Bob Gowans, "Aye"
Ken Spence, "Nay"
Phil Montano, "Aye"
Matt Robinson, "Aye"
Steve Dale, "Nay"

The motion passed.

- 5. PUBLIC HEARING and MOTION on conditional use permit for a 20 ft. tall agricultural building to be located at 432 N 1000 W by Angie Leonelli**

Presented by Rachelle Custer

Ms. Custer explained that Mr. and Mrs. Leonelli have 6.9 acres of property and they would like to construct an agricultural pole barn on their property. It is over 15 ft. in height so it requires a conditional use permit. The barn will be for agricultural use and is located in an RR-1 zone. The staff recommends approval of this conditional use permit with the following conditions 1) The building is to be for personal use only; not to be used for any business purposes 2) Any lighting placed on the building be directed down onto site. Ms. Custer stated that a neighbor called in who could not attend the meeting and he had no opposition to this pole barn.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Commissioner Robinson moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:40 p.m.

Ms. Custer wanted to clarify that the drawing shows 22 ft. and the application says 20 ft. she would like to amend the request to limit the height to 22 ft.

Mr. Leonelli, the applicant, asked why it matters how high the barn is.

Commissioner Gowans said that it has to do with the City Code. If the barn is less than 15 ft. it would not require a conditional use permit.

Mr. Leonelli asked why he cannot build the garage as high as he wants? He is not sure yet how high he will build it. He might want it to be 25 ft.

Ms. Custer told Mr. Leonelli he needs to ask for the maximum height he thinks he might build it. He can go under that height but cannot go over.

Commissioner Montano noted that it is to protect the city and the applicant.

Mr. Campbell said that this is an agricultural area and that is not necessarily bound by a building permit he is bound by the city zoning ordinance.

Mr. Leonelli said he doesn't know yet how high the barn will be.

Mr. Campbell said that the zoning ordinance restricts an agricultural building to a certain height.

Mr. Baker said that in a conditional use permit hearing the Planning Commission is tasked with what the adverse impacts to the proposal would be to surrounding properties. If an applicant asked for a 21 ft. structure the Planning Commission evaluates what adverse impact a 21' high building would have on the neighbors. This is the reason the Planning Commission needs to know what the height will be. If it is a 25 ft. building they would have to evaluate the adverse impacts of a 25 ft. height structure.

Mr. Leonelli said that he has been waiting over a month for this conditional use permit. He is struggling with the fact that he has to do this in the first place. He just doesn't understand why the height matters.

Commissioner Dale explained to the applicant that he is asking for an exception to the rule, because he wants to build a barn over 15 ft. tall. The Planning Commission has to know what the exception is that they are granting.

Commissioner Gowans asked Mr. Leonelli what height he would like on the conditional use permit.

Mr. Leonelli asked for 25 ft.

Commissioner Robinson moved to approve a conditional use permit for a 25 ft. tall barn to be constructed at 432 N 100 W with the following conditions:

- 1. The building is to be for personal use only; not to be used for any business purposes**
- 2. Any lighting placed on the building to be directed down onto site.**

Commissioner Montano seconded the motion. All members present voted “Aye”.

- 6. PUBLIC HEARING and MOTION on conditional use permit for an in home daycare to be located at 782 Valley View Dr by Andrea Hallett.**

Presented by Rachelle Custer

Ms. Custer explained that Ms. Hallett is the owner of the home and she is required to get the conditional use permit. The operator of the day care and the business license applicant will be the renter, Connie Brown. She is asking to operate a daycare which is a home occupation in this home which requires a conditional use permit. Included with the Commissioner’s packet is a layout of her home and yard, a letter addressing hours of operation, and a letter stating she will not be caring for handicapped children. Staff recommends approval of the conditional use permit with the following conditions:

1. No more than 8 children at one time.
2. Hours of operation to be between 6:00 a.m. and 6:30 p.m. Monday through Friday.
3. Fenced rear yard be provided for the children.
4. State residential child care certificate be obtained.
5. Tooele County health Department approval.
6. Building inspection approval.
7. Fire inspection approval

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Commissioner Robinson moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:50 p.m.

Commissioner Dale noted on the staff notes the condition for hours of operation it states 6:00 a.m. to 6:30 p.m. The applicant asked for 8:00 a.m. to 6:00 p.m.

Ms. Custer said that the applicant asked for 8:00 a.m. to 6:00 p.m. The City's standard hours for daycare is 6:00 a.m. to 6:30 p.m. Staff left it at the standard if she chooses to expand her hours.

Commissioner Spence moved to approve the conditional use permit for an in home daycare to be located at 782 Valley View Drive with the following conditions:

- 1. No more than 8 children at one time.**
- 2. Hours of operation to be between 6:00 a.m. and 6:30 p.m. Monday through Friday.**
- 3. Fenced rear yard be provided for the children.**
- 4. State residential child care certificate be obtained.**
- 5. Tooele County health Department approval.**
- 6. Building inspection approval.**
- 7. Fire inspection approval**

Commissioner Robinson seconded the motion. All members present voted "Aye

- 7. PUBLIC HEARING and RECOMMENDATION on ordinance 2011-19. An ordinance of the Tooele City Council, amending Tooele City code 7-16-3 and 7-16-6 regarding land use regulation for tobacco specialty stores.**

Presented by Mr. Baker

Mr. Baker explained that the City Council has spoken with him regarding their concerns about mixing residential uses and public uses in close proximity with retail establishments that exclusively deal with tobacco and tobacco related products. They asked him to explore whether a zoning regulation could be crafted that would create a separation of those types of uses. He has drafted an ordinance regarding this issue. He has done research and found the negative effects of these types of concentrated establishments on vulnerable populations which include youth populations, and people that have intentions to quit. There is very recent research showing a link of negative secondary adverse effects created by having "Tobacco Specialty Stores" in close proximity to public uses and residential uses. Several of the academic institutions that are doing these studies are recommending precisely what the Council has asked him to look at which are zoning ordinances establishing minimum distance requirements for separating these uses. One of the studies recommended the 1,500 ft. distance. For a zoning ordinance to be legal, it has to have a legitimate public interest. The City Council will decide if it is legitimate or not. The Courts defer to local legislators on these types of issues. If it were to involve free speech and things like that it would be a much higher standard. He has attempted in the draft ordinance to lay out all the research so the City has a clear and legally defensible ordinance. The Planning Commission makes policy recommendations to the City Council so they can make the policy decisions.

Commissioner Gowans asked how this ordinance affects the new tobacco specialty store that just opened on Vine Street or the Vine Street Market and stores of that nature.

Mr. Baker said that this ordinance would not affect any existing specialty store or a general convenience store that has some tobacco products. In the future it would not affect retail establishments that sell a range of retail products including tobacco. This ordinance would only affect retail establishments that sell exclusively or almost exclusively tobacco related products.

Commissioner Gowans verified that a retail establishment like Vine Street Market or one like that would not be affected because they sell a range of products.

Mr. Baker said that this ordinance does not pertain to general retail establishments. This ordinance focuses on stores that emphasize these products because that is what the research focuses on (i.e. density). He was asked to look at establishments that deal only with this small sector or retail products.

Commissioner Spence asked what other municipalities have an ordinance of this nature.

Mr. Baker said that Sandy City is referenced in the ordinance. He hasn't done a lot of research on what other cities have ordinances. What is legally important isn't what other cities have done but how the City drafts their ordinance. He said that the Sandy ordinance is two pages and Tooele's is thirty. It is his job is to make sure that it will withstand court challenges.

Commissioner Montano asked Mr. Baker to explain the restrictions.

Mr. Baker referred the Commission to page 7-64.2 to footnote #5 which is the new foot note. The footnote reads: *"This use is not permitted if any part of the proposed or existing building containing the use is located within 1,500 feet from (a) any school (public or private kindergarten, elementary, middle, charter, junior high, or high school), public park, public recreational facility, youth center, library, or church, (b) any other tobacco Specialty Store, or (c) any residential use or residential zoning boundary, including mixed-use zones, or (d) on Vine Street."* Mr. Baker said that it is unusual to call out a specific street in a zoning ordinance. He explains in the ordinance why he did that: because Vine Street is probably the most heavily walked street by school youth. That is precisely the population that they are most concerned about protecting from marketing. They have already seen marketing by the new smoke shop on Vine Street by people holding signs and walking against the youth traffic. (Which is illegal as well but that is another issue.) The 1,500 ft. measurement is a straight line.

Commissioner Dale asked if the smoke shops that exist today came in after this ordinance passed they would probably not be able to be located where they are now.

Mr. Baker said he has not done an analysis on that. He thinks that the Smoke-4-Less on the north end of town might be the appropriate distance away. The one on Vine Street and the one next to Little Ceasers would not be.

Commissioner Dale asked if any residential use would mean even one residential house.

Mr. Baker said yes, but most of the homes are in residential zones.

Commissioner Dale was wondering about the two homes on the north side of 1000 North.

Mr. Baker said they might be within 1,500 ft.

Commissioner Gowans questioned the smoke shop by Little Ceasers would not be 1,500 ft. away because of the residential homes behind it?

Mr. Baker said that is correct. It would not be allowed under this ordinance. They would be allowed in any industrial, light industrial, commercial zoning district that is 1,500 ft. away from residential neighborhoods.

Commissioner Robinson asked how Mr. Baker came up with the 1,500 ft.

Mr. Baker stated that 1,500 ft. was one of the controlled distances used in one of the studies. It was coincidental that the City Council asked him to look at 1,500 ft.

Commissioner Montano noted that Broadway is zoned commercial, but there are homes behind it and that would mean smoke shops would not be allowed?

Mr. Baker said that yes, smoke shops would not be allowed on Broadway. Broadway is a mixed use so even if they were 1,500 ft. away smoke shops would still not be allowed.

Commissioner Gowans asked what the area is zoned by the Community Learning Center?

Mr. Baker said that is a Research and Development zone.

Commissioner Dale said they would not be allowed there anyway because they are schools.

Commissioner Montano asked if a person came into Tooele and wanted to open a smoke shop where they could locate it.

Commissioner Hammer said you don't have to tell them. She has been in training meetings where they have said it is not the City's job to find a place for a business to locate.

Commissioner Montano said if someone wanted to open a smoke shop in Tooele they would have to go to the Depot or the northern end of Main Street.

Mr. Baker said that he has not done research on that issue. It is possible that you could open one on the northern end of Main Street and 1000 North area. You have to be far enough away from the mobile home park and the two homes on 1000 north. You could

go anywhere north of the viaduct. You could go in an industrial or light industrial area. He stated that this is a restrictive ordinance. He has not measured 1,500 ft. from any number of points to see where it would be possible or not possible to locate a smoke shop.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue.

Curtis Beckstrom, 443 East 700 North, addressed the Commission. He said that he has been concerned since the smoke shop opened on Vine Street. He asked about how many homes would be 1,500 ft. away? He was also concerned about the people out with signs.

Mr. Campbell said it would be about 20-22 lots.

Mr. Baker said that it is not legal to hold signs in front of the shops. The City has also talked to Little Ceasers about holding signs. They are treating everyone the same.

Mr. Beckstrom asked if there are any other limitations to what businesses can do in front of their stores.

Mr. Baker also said that businesses can't sell merchandise from the sidewalk.

Commissioner Dale moved to close the public hearing. Commissioner Gowans seconded the motion. All members present voted "Aye". The public hearing closed at 8:09 p.m.

Commissioner Dale moved to make a positive recommendation to the City Council on ordinance 2011-19. An Ordinance of the Tooele City Council, amending Tooele City code 7-16-3 and 7-16-6 regarding land use regulations for tobacco specialty stores. Commissioner Spence seconded the motion. All members except Commissioner Montano voted, "Aye".

Commissioner Dale thanked Mr. Baker for his research on this ordinance.

8. **Review and Approval of Planning Commission minutes for meeting held October 12, 2011.**

Commissioner Robinson moved to approve the minutes as presented. Commissioner Gowans seconded the motion. All members present voted "Aye".

9. **Adjourn**

Commissioner Dale moved to adjourn the meeting. Commissioner Spence seconded the motion. All members present voted "Aye". The meeting adjourned at 8:11 p.m.

Chairman Curwen thanked Commissioners Spence, Garcia and Gowans for their service; they are at the end of their terms.

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 11th day of January 2012

Chairman John Curwen