

TOOELE CITY PLANNING COMMISSION

April 11, 2007

Minutes

Place: Tooele City Hall Council Chambers
90 North Main Street

Commission Members Present:

Shawn Milne, Chair
Phillip Montano
Jerald Sagers
Bob Gowans
Ken Spence
Councilman Scott Wardle

Commission Members Excused:

John Curwen
Fran Garcia
Gary Searle

City Employees Present:

Roger Baker, City Attorney
Richard Jorgensen, Land Use Technician
Rachelle Custer, City Planner
Cary Campbell, Public Works Director

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Milne at 7:00 p.m. He excused Commissioners Fran Garcia, John Curwen, and Gary Searle from the meeting.

1. Pledge of Allegiance

The Pledge of Allegiance was conducted by Commissioner Gowans.

2. PUBLIC HEARING and MOTION Conditional Use Permit for the construction of a concrete batch plant on 8 acre site located at 1830 W Hwy 112 by Geneva Rock Products.

Presented by Rachelle Custer

Ms. Custer explained that Geneva Rock Products is requesting a conditional use permit to construct a ready mix concrete batch plant and accompanied buildings on an 8 acre site at approximately 1830 W Hwy 112. The site has currently been zoned Industrial. The elevations of the building are included in

the packet given to the commissioners. The property currently contains a gravel pit and shop. Property is in the gateway overlay. The staff is recommending approval with the following conditions:

- 1) Applicant must provide an access agreement from UDOT.
- 2) Plant and site be well screened from the Highway.
- 3) Utility infrastructure and water rights must conform to City Code.
- 4) Sewer line participation will be required at property owner's expense when available.

The applicant will also be required to provide 15% site landscaping of the developed site.

Commissioner Gowans asked what will be used as a screen from the highway. Ms. Custer explained that there will be a berm with trees and shrubs. The building will not be completely screened but the intent is for it to look nice from the highway.

Commissioner Gowans also asked if they will be keeping the existing fence. Duanne Guinn, from Geneva Rock, addressed the commissioners. Their intent is to build a new fence behind the berm so that the landscaping will be seen from the highway. The retention pond will be inside the berm. Commissioner Gowans agreed that it was a good idea to be able to see the landscaping from the highway.

Ms. Custer explained that a 40' clear view zone is required at all intersections and that the landscaping will not interfere with that.

Chairman Milne stated that this was a public hearing. No one came forward to address the issue.

Commissioner Sagers moved to close the public hearing. Commissioner Gowans seconded the motion. All members present voted "Aye". The public hearing closed at 7:10 p.m.

Commissioner Gowans moved to approve the Conditional Use Permit for the construction of a concrete batch plant on an 8 acre site located at 1830 W Hwy 112 by Geneva Rock Products with the four conditions recommended by the staff. Commissioner Sagers seconded the motion. All members present voted "Aye." The vote was as followed:

Commissioner Montano, yes
Commissioner Sagers, yes
Commissioner Gowans, yes
Commissioner Spence, yes
Commissioner Milne, yes

3. **PUBLIC HEARING and MOTION Conditional Use Permit for outside construction storage on a 3.5 acres site located in the Tooele Commercial Park lot 307 by All-Tech Electric.**

Presented by Rachelle Custer

All-Tech Electric is requesting outside storage at their new site located in the Tooele Commercial Park lot 307. The staff recommends approval of the conditional use permit with the following conditions

- 1) Storage yard be screened from the front.
- 2) 10% of the developed site be landscaped by City Code.
- 3) CC&R's for the Tooele Commercial Park be followed.

Commissioner Sagers asked what would be stored in this storage. Ms. Custer stated things like pipe and rolls of wire.

Chairman Milne was concerned that these types of items have a tenancy to get stolen. Ms. Custer stated that the storage yard would be screened from the street. Could they have razor wire on a chain link fence around the storage area? Mr. Jorgensen said yes.

Commissioner Sagers asked if they had a specific fencing in mind. Ms. Custer was not sure.

Chairman Milne stated that this was a public hearing. No one came forward to address the issue

Commissioner Sagers moved to close the public hearing. Commissioner Spence seconded the motion. All members present voted "Aye". The public hearing closed at 7:16 p.m.

Commissioner Spence moved to approve the Conditional Use Permit for outside construction storage on a 3.5 acres site located in the Tooele Commercial Park lot 307 by All-Tech Electric with the three conditions recommended by the staff. Commissioner Sagers seconded the motion. All members present voted "Aye". The vote was as follows:

Commissioner Montano, yes
Commissioner Sagers, yes
Commissioner Gowans, yes
Commissioner Spence, yes
Commissioner Milne, yes

Commissioner Gowans asked if the applicant has seen the conditions of approval. Ms. Custer said that he had.

4. **PUBLIC HEARING and Recommendation to amend Deseret Commercial Subdivision II A. Subdivision containing two lots on 9.61 acres located at 30 West 1280 North. Amended plat to include newly acquired property by New Concepts.**

Presented by Rachelle Custer

Ms. Custer explained that a traffic study recommended that the drive approach line up so it would flow together. The developer purchased a small triangle piece of property to be added to the side. The plat is required to be amended to include this piece of property.

Chairman Milne asked if water rights are required. Ms. Custer stated yes.

Chairman Milne stated that this was a public hearing. No one came forward to address the issue.

Councilman Wardle asked Mr. Kevin Hunt, with New Concepts, if any businesses have been interested in the buildings. He stated yes, and that negotiations are moving forward.

Commissioner Sagers asked how the buildings were divided. Ms. Custer stated that there were two pads in the first building and four pads in the second building.

Mr. Hunt clarified some items with Councilman Wardle.

Commissioner Gowans moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted "Aye". The public hearing closed at 7:24 p.m.

Mr. Baker asked Mr. Hunt if the water rights change application had been approved he stated that it had been approved. Paul Hansen has the water rights conveyance. Mr. Baker will follow up with Mr. Hansen.

Commissioner Sagers moved to recommend approval to amend Deseret Commercial Subdivision IIA. Subdivision containing two lots on 9.61 acres located at 30 West 1280 North. Amended plat to include newly acquired property by New Concepts. Commissioner Gowans seconded the motion. All members present voted "Aye." The vote was as follows:

Commissioner Montano, yes

Commissioner Sagers, yes

Commissioner Gowans, yes

Commissioner Spence, yes

Commissioner Milne, yes

5. Recommendation on ordinance 2007-15 an amendment to Tooele City Code 7-11b on single-family residential design guidelines by Cary Campbell

Presented by Cary Campbell

Mr. Campbell reported that he took the information to the council based on the recommendations at the last planning commission meeting regarding Tooele City Code 7-11b. The council was o.k. with the inside dimensions of the garage at 20 feet wide by 22 feet deep. The council was also o.k. with 20% or more masonry materials for all exterior surfaces or 35% or more masonry material for all street-facing exterior surfaces. If the home owner chooses 20% masonry they receive no points, if they choose 35% masonry they receive five points.

Commissioner Gowans asked how the point system worked. Mr. Campbell explained that a home is required to have at least 200 points before a building permit is approved. There are many different ways to collect the points depending on what the homeowner chooses.

Mr. Jorgensen explained that there are seventeen mandatory items that must be met by the design guidelines. Some of the items can't be seen at the street level. Most homeowners put a fence around their yard and then you can't see the back of the house. He suggests that maybe landscaping should also be included in the point system. Some people go years without doing any landscaping to their yard.

Councilman Wardle informed the Commissioners that the council is looking into the issue of having a landscaping ordinance. They are hoping to present something by the fall.

Commissioner Montano stated that there are some cities such as Herriman that when you purchase a home a certain amount of sod, and a certain amount of sprinkling system and possibly a certain amount of landscaping is included in the price of the home. This is a nice feature it helps home owners out when they are just staring out. Some homes require a certain amount of fencing. Commissioner Montano is opposed to some of the "points" that are not seen. He is a firm supporter of Personal Property Rights. He feels that the point system is too restrictive. If someone has an issue with the point system there is no one to appeal to except for the staff.

Chairman Milne thanked Commissioner Montano for his opinion. He hopes that the commissioners will always be able to speak with frankness and candor. He also stated that he also disagrees with there being no one for the

applicant to appeal to if they don't agree with how the points are allocated in their plan. There is no gray area, it is an absolute.

Commissioner Montano stated that this issue needs to be looked at in a work session outside of this meeting.

Commissioner Gowans gave a scenario that if he owned three acres of land and wanted to build a log cabin he wouldn't be able to because the code requires that he has 20% masonry on all sides. He feels that this invades private property issues. When the points increase so does the cost.

Mr. Baker reminded the Commissioners that they are not here to debate the policy of this ordinance. He stated that some of the builders have requested greater flexibility in the exterior masonry requirement. He encourages a meeting outside of this meeting.

Chairman Milne hopes that the Commissioners get together and have a work meeting about this ordinance and invite those Commissioners that are not at this meeting.

Mr. Jorgensen reported after the seventeen mandatory items have been met about 95% of the applicants have the 200 points that are needed to meeting the residential design guidelines.

Councilman Wardle commented that Mr. Jorgensen just clarified the ease of meeting the 200 points guideline. The intent of this ordinance was to meet minimum standards in the easiest possible manner instead of mandating.

Commissioner Sagers commented that he was glad to see the change on the garage; that was a good compromise. He asked what if a log home raised their basement so it would have a walk out, would that be considered 20% on each side. Mr. Campbell stated is his opinion yes. The 20% would still have to be finished off.

Chairman Milne asked if it would be better to exclude stucco from the list of masonry items, or to only include non-synthetic stucco because of the harsh weather conditions in Utah.

Commissioner Spence recommends against defining the technical aspect of the ordinance. He suggests that the commissioners go with what has been recommended by the staff.

Commissioner Spence made the motion to recommend to the City Council on ordinance 2007-15 an amendment to Tooele City Code 7-11 b on single family residential design guidelines as recommended by the staff to include 1) either 20% or more masonry materials for all exterior

surfaces or 35% or more masonry materials for all street-facing exterior surfaces 2) adding a definition of depth for the garage. Commissioner Sagers seconded the motion. The vote was as follows:
Commissioner Montano, no
Commissioner Sagers, yes
Commissioner Gowans, no
Commissioner Spence, yes
Commissioner Milne, yes

6. **Review and Approval of Planning Commission minutes for meeting held March 28, 2007.**

Commissioner Spence moved to approve the minutes from the meeting held March 28, 2007. Commissioner Sagers seconded the motion. All members present voted "Aye."

Chairman Milne welcomed Boy Scout Troops 167 and 712 to the meeting. These troops are working on their Citizenship in the Community Merit Badges.

Commissioner Spence moved to adjourn the meeting. Commissioner Sagers seconded the motion. All members present voted "Aye." The meeting adjourned at 8:15 p.m.

Approved by Shawn Milne, Chair

This 25 day of April 2007