

# TOOELE CITY PLANNING COMMISSION

March 28, 2007

## Minutes

Place: Tooele City Hall Council Chambers  
90 North Main Street

### **Commission Members Present:**

Shawn Milne, Chair  
Phillip Montano  
Ken Spence  
John Curwen  
Fran Garcia  
Jerald Sagers

### **Commission Members Excused:**

Bob Gowans  
Gary Searle  
Paul Hansen, Contract City Engineer

### **City Employees Present:**

Rachelle Custer, City Planner  
Cary Campbell, Public Works Director  
Roger Baker, City Attorney  
Councilman Scott Wardle  
Richard Jorgensen, Land Use Technician  
Susan Howard, Admin. Office Supervisor

Minutes prepared by Susan Howard

The meeting was called to order by Chairman Milne at 7:00 p.m. He excused Commissioners Bob Gowans and Gary Searle from the meeting.

- 1. Public Hearing and Motion Conditional Use Permit for the construction of Timpie (Settlement Canyon) Elementary School at 935 W Timpie Road on a 5 acre site. The construction of this Elementary includes the use of the park located at 950 S 900 W during recess as a playground for the elementary students by Tooele County School District.**

Presented by Rachelle Custer

Ms. Custer explained that this is an elementary school similar to the last several the School District has built, Middle Canyon, Copper Canyon, Overlake, Rose Springs. It's on a five-acre site and is zoned R1-7 and is a conditional use. It is next to the Rancho Tooele Park and the school district has proposed to use the park for their recesses of which they would be closing down 900 West during the school hours for

safety. The school district and City administration are discussing the use of the park and will resolve the closing of the road and the need of any fence that may need to be constructed. Bus, parent, and teacher traffic is all separated for safety. Ms. Custer also reminded the commission that there are only certain items we can address with the school district, anything in the public way. Anything on site is up to the State.

Commissioner Garcia questioned if the park will remain a public park?

Ms. Custer stated that it will remain a public park of which they will only be using a portion of the park where it is designed to be a soccer field. The rest of the park will remain open to the public. The skate park will not be used.

Commissioner Curwen questioned the portion of the road to be closed.

Ms. Custer explained that it would only be closed from Timpie Road to 1000 West. The only property that will be affected by this will be the LDS Church to the south of the school of which they will still have access by going around the school or the park. Tooele County School District and Tooele City Administrations will work out a solution on the closure of 900 W.

Commissioner Montano questioned the liability if someone should be hurt on the park property during school hours.

Mr. Baker stated there is some indemnification on the school district's behalf. It will be in the disclosure as part of the agreement.

Steve West with the school district came forward and stated that the district inherited the property somewhere along the way of all the development. It fits the needs of the district with the growth in the area to the south and south west. There are districts in Washington County that area doing this and it has been successful. It also conserves on the green space as well as the need of water. Middle Canyon sits on approximately 7 ½ acres, Copper Canyon 8 acres, Overlake 10 acres (right of way/public easement on 2000 North), and Rose Springs sits on 8 acres.

Councilman Wardle stated that this is also a shared use of tax money for both entities and aides the tax payer.

The public hearing was opened at 7:09 p.m.

Julie Alverson came forward and asked if there would be another playground anywhere?

Mr. West mentioned that there is on the south east side of the property.

Ms. Alverson questioned if the cafeteria is going to be in the gym as in the other schools.

Mr. West stated that it will be, as it is in the other elementary schools like this.

Ms. Alverson stated that her children have food allergies and thus will not be able to go into the gym.

Mr. West stated that there is going to be 2,500 square foot community room which will be able to be used.

Ms. Alverson questioned if the soccer field was going to be fenced in.

Ms. Custer stated that it has been discussed and the decision is not final.

Chairman Milne mentioned the closing of the road for safety also posed a concern of children crossing roads without looking. The council, mayor, and school district will further discuss these issues and others to come up with an agreement.

Tom Swick came forward and stated that he lives right across the street and is concerned about the skate board park for all the graffiti and that there is a little rougher crowd there. Is there a time when the older children might be out of school and the younger ones in? He also mentioned that it seems like the area is a little small for the school.

Superintendent Mike Johnson came forward and stated that the only thing the property is short on is the playground area. The school will be the same size as the others previously mentioned and there is adequate room for that. The school district plans on placing a surveillance camera on the building that will capture the park area of which will run all the time. This will house 750 students. He mentioned that they will discuss the fence around the park area being used a playground with the City. The district might be willing to fund ½ if not all of it if necessary.

Chairman Milne stated that with the surveillance camera working after school hours and the added use it will deter some of the misconduct there and capture some of those doing it. This is also helping with infill of vacant lots. It helps children attend schools in their own neighborhood.

Dennis Chiching, architect for the school district, came forward and stated there is one difference on this building from the others, that is the 2,500 sf. shared community center.

Chairman Milne clarified that the dumpster would be enclosed as well as the mechanical equipment.

Mr. West stated that the enclosures will be constructed of the same material that the school is and the mechanical equipment will be fenced.

Councilman Wardle mentioned to the school district that there are many issues to work out and there are possible solutions to discuss.

Commissioner Spence questioned the elevations given them.

Mr. West indicated that the elevations are correct except the titling of the North and West are reversed.

**Commissioner Spence moved to close the public hearing.** Commissioner Sagers seconded the motion. All members present voted, "Aye." The public hearing closed at 7:23 p.m.

**Commissioner Spence made the motion to approve the Conditional Use Permit for the construction of Timpie (Settlement Canyon) Elementary School at 935 W Timpie Road on a 5 acre site. The construction of this Elementary includes the use of the park located at 950 S 900 W during recess as a playground for the elementary students by Tooele County School District.** Commissioner Sagers seconded the motion. The vote was as follows:

Commissioner Sagers, yes  
Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner Curwen, yes  
Commissioner Garcia, yes  
Commissioner Milne, yes

It was clarified that the name will not be "Timpie" but "Settlement Canyon."

**2. Public Hearing and Motion Conditional Use Permit for classroom wing addition at Middle Canyon Elementary School, 751 E 1000 N by Tooele County School District.**

Presented by Rachelle Custer

Ms. Custer stated that with this classroom addition, the district will be matching the exterior with the existing.

The public hearing opened at 7:25

No one came forward.

**Commissioner Garcia moved to close the public hearing.** Commissioner Sagers seconded the motion. All members present voted, "Aye." The public hearing closed at 7:26 p.m.

**Commissioner Curwen made the motion to approve the Conditional Use Permit for classroom wing addition at Middle Canyon Elementary School, 751 E 1000 N.** Commissioner Sagers seconded the motion. The vote was as follows:

Commissioner Sagers, yes  
Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner Curwen, yes  
Commissioner Garcia, yes

Commissioner Milne, yes

**3. Public Hearing and Motion Conditional Use Permit for cafeteria expansion at Tooele High School, 301 W Vine St by Tooele County School District.**

Presented by Rachelle Custer

Ms. Custer stated that the school district would like to construct a 2,170 sf. dinning area addition. It will be single level with an eating area outside.

Commissioner Sagers stated that he has a daughter at the school and has been there during a lunch break, the existing cafeteria is very crowded.

Chairman Milne questioned if this would eliminate one of the lunch breaks.

Superintendent Johnson and Mr. West stated that it would vary. The school will need to play with it and see what will work best, but probably not. After the Stansbury School opens, it should eliminate some of the congestion, but not too much with all the growth taking place.

The public hearing was opened at 7:28.

Rena Milne, a school teacher at the High School, came forward and asked if the wall area would be open or remain separate rooms. Also, what portion of the outside will this addition take up.

Mr. West stated that there is glass currently on the exterior wall that will become the dividing wall of which it will remain in place as well as the glass doors. This way we will be able to close the addition off at times as needed. The new room will be the size of the existing concrete pad outside now with a new concrete pad of which we will lose some of the grass area.

**Commissioner Sagers made the motion to close the public hearing.**

Commissioner Garcia seconded the motion. All members present vote, "Aye." The public hearing closed at 7:29 p.m.

**Commissioner Garcia made the motion to approve the Conditional Use Permit for cafeteria expansion at Tooele High School, 301 W Vine St.** Commissioner

Sagers seconded the motion. The vote was as follows:

Commissioner Sagers, yes

Commissioner Spence, yes

Commissioner Montano, yes

Commissioner Curwen, yes

Commissioner Garcia, yes

Commissioner Milne, yes

**4. Public Hearing and Motion Conditional Use Permit for classroom wing addition at Overlake Elementary School, 2052 N 170 W by Tooele County School District.**

Presented by Rachelle Custer

Ms. Custer stated that this is the same as the Middle Canyon Elementary except it is the middle wing.

Chairman Milne asked how many rooms this will add on.

Mr. West stated it will add on two, side by side single level.

The public hearing was opened at 7:31 p.m.  
No one came forward.

**Commissioner Curwen moved to close the public hearing.** Commissioner Garcia seconded the motion. All members present vote, "Aye."

**Commissioner Garcia moved to approve the Conditional Use Permit for classroom wing addition at Overlake Elementary School, 2052 N 170 W.**

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

Commissioner Sagers, yes  
Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner Curwen, yes  
Commissioner Garcia, yes  
Commissioner Milne, yes

**5. Public Hearing and Recommendation on ordinance 2007-07, an ordinance of the Tooele City Council amending Tooele City Code 7-26-7 to clarify the effective date of chapter 7-26 regarding the developer requirement to convey water rights.**

Presented by Roger Baker.

Mr. Baker stated that this is an ordinance to clarify the retro-date activity for residential and nonresidential subdivisions and water rights. With nonresidential developments, we do not know what the water use will be until the site plan comes in. That is when the water rights will be determined and required. Residential development water rights can be determined at the time of final plat approval as we know how many lots and the size of each. The retroactive date for those subdivisions or site plans that fail any one of:

- 1- residential subdivisions or the residential portion of mixed-use subdivisions, obtain subdivision final plat approval from the City Council prior to August 1, 2005.
- 2- for nonresidential subdivisions or the nonresidential portion of mixed-use subdivisions, obtain site plan approval from the Planning Commission prior to August 1, 2005.

- 3- complete public improvement bonding pursuant to Tooele City Code 7-19-12 prior to August 1, 2006; or,
- 4- complete all bonded public improvements prior to August 1, 2007.

There was a discussion as to such properties as the Tooele City Commercial Park. Mr. Baker stated that it must follow all the rules and guidelines as any developer.

Mr. Baker explained that the City has a small bank of water rights to sell to small nonresidential developments requiring less than 10 acre feet of water. The City will sell it at fair market value plus administrative fees as it is costly and timely to process the paper work with the state.

The public hearing was opened at 7:41 p.m.  
No one came forward.

**Commissioner Curwen moved to close the public hearing.** Commissioner Sagers seconded the motion. All members present vote, "Aye." The public hearing closed at 7:42 p.m.

**Commissioner Garcia moved to approve the recommendation on ordinance 2007-07, an ordinance of the Tooele City Council amending Tooele City Code**

**7-26-7 to clarify the effective date of chapter 7-26 regarding the developer requirement to convey water rights.** Commissioner Curwen seconded the motion. The vote was as follows:

- Commissioner Sagers, yes
- Commissioner Spence, yes
- Commissioner Montano, yes
- Commissioner Curwen, yes
- Commissioner Garcia, yes
- Commissioner Milne, yes

**6. Public Hearing and Recommendation on an amendment to Tooele City Code 7-11b on single family residential design guidelines.**

Presented by Cary Campbell

Mr. Campbell stated that with the new single family dwelling guidelines there have been some suggestions over the past few months for changes. We also need to make some clarifications. The first one is with all building exteriors being constructed of 20% masonry materials on all sides, we have added "or all street facing building exteriors shall be constructed of 35% or more of masonry materials." Masonry is defined as brick, stucco and/or stone. This 35% will be worth five points on the system of which has been added to the table.

The reviews of these plans are very time consuming and takes up to 1/2 - 1 hour each. We do not have the time nor staff to assure the variation of design from one house to

the next on adjacent lots. We would like to strike that entire guideline and leave it up to those folks who sell the homes.

The garages are currently outlined as 24' wide and 20' deep. It was never intended to be such. It was intended to be 24' deep and 20' wide to better accommodate larger vehicles and some folks like to place freezers, tools, and other storage items in their garages of which this will help accommodate them. There are many plans that come in with a proposed three car garages of which we currently do not take into consideration. We propose that if they have a three-car garage, two of them can be 21' deep with the third car area at least 24' deep.

The last item proposed to correct for clarity is the older lots. Many of these lots are too narrow to accommodate these new guidelines. Therefore the proposed change would read, "all buildings constructed pursuant to building permit applications submitted after December 31, 2006 with the exception of buildings constructed on lots created by subdivision final plat approved by the Tooele City Council before December 16, 1998." They would need to comply with the rules that were in effect prior to that date.

There was a discussion concerning stucco as a masonry material, of which it was stated that the committee felt it was a more permanent finish than siding. It does not matter whether it is a synthetic product or the real product, (rock, stucco, etc.).

It was also discussed about the minimum requirement of the garages for size. It was discussed that those with larger vehicles or those who choose to have large garages have the option of building larger, don't make the larger requirements for all. Some of the standard two car garages are 20' x 20' exterior, which makes it only 18 ½' x 18 ½' of which it is too small to park two cars in.

The point system was discussed and stated that it is fairly straightforward. Some felt as though there needs to be an appeal committee other than the building department. The point system is straight forward. Most builders are not having difficulties in getting the total points, just the mandatory ones.

Other municipalities were mentioned that the City looked at when doing this. Draper does not allow the use of vinyl siding anywhere in the City. It was mentioned that this is a consumer issue. However, the City has the right to look out for the best interest of the City has a whole in all aspects.

The public hearing was opened at 8:16 p.m.

Russ Tolbert of Hallmark Homes came forward. He stated he thinks this is a great community and enjoys building out here. However, this new design standard has created a drop in their sales and in their profit. The sales are down from last year. It drove the price up due to the water rights, impact fees, size of lot, design standards, and other requirements the City places on them as a builder. The dollar amount to

the builder has indeed dropped, not increased. He stated that he has put a lot of time in research since this design standard has come out, and the National Standard for two car garages is 20' x 20'. His personal garage is 22' deep and he is able to get his two vehicles in just fine of which one is a Suburban. He would like to see a variance process as there will be times of dispute. A lot of people don't know about these meetings due to living out of state and relocating here, or builders living elsewhere. Also, the making of garages deeper will affect either the setback and/or the size of a back yard. The steps inside the garages do take up some of the space but only on one side. He stated he hates to be negative. He does support the 35% masonry on the street side proposal.

Mr. Campbell stated that with the drastic weather changes here, stucco was not meant to be in this climate. He also stated that with each exterior material change, it creates more possibilities for water leaks.

Mr. Tolbert agreed. With the constant highs and colds, the stucco needs to give. The original stucco will not hold up to the shrinking and swelling it does in the weather changes. The synthetic stucco has challenges of mold and mildew. Anything will fail at an extreme. He suggested putting some more thought into it and maybe get some builders on the committee.

Burt Beacham, a builder, came forward with concerns about these requirements. It takes away from the builder's income and is a dictatorship. He feels as though the proposed size for garages is too excessive. Garages will just become a shed after awhile. He also agreed that stucco is not good for this area. He stated that many of the people coming out here are looking for the "American Dream" of owning their own home. They are young people that are unable to afford a lot and this is making it harder on them.

**Commissioner Curwen moved to close the public hearing.** Commissioner Sagers seconded the motion. All members present voted, "Aye." The public hearing closed at 8:30 p.m.

There was a discussion on whether to table this item or not. Mr. Campbell reminded them that if it is tabled, we must enforce the way it is currently written. Mr. Baker suggested approving for recommendation the items they wanted and not the item of its entirety.

**Commissioner Sagers made the motion to recommend a temporary approval of the garages being 24' deep x 20' wide minimum two-car garage as proposed and to approve the applicability date for subdivisions constructed prior to December 16, 1998.** Commissioner Garcia seconded the motion. The vote was as follows:

Commissioner Sagers, yes  
Commissioner Spence, yes  
Commissioner Montano, yes

Commissioner Curwen, yes  
Commissioner Garcia, yes  
Commissioner Milne, yes  
Chairman Milne clarified with Mr. Baker that all items can come back for further discussion and changes as needed.

**7. Review and Approval of Planning Commission minutes for meeting held March 14, 2007.**

**Commissioner Spence moved to approve the minutes from the meeting held on March 14, 2007, as presented.** Commissioner Sagers seconded the motion. All members present voted, "Aye."

**8. Adjourn**

**Commissioner Curwen moved to adjourn the meeting.** Commissioner Sagers seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:45 p.m.

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Approved by Shawn Milne, Chair

This day of April 2007