

TOOELE CITY PLANNING COMMISSION
JUNE 27, 2007
Minutes

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

Commission Members Present:

Shawn Milne, Chair
Phil Montano
Jerald Sagers
Bob Gowans
Ken Spence
John Curwen
Councilman Scott Wardle

Commission Members Excused:

Gary Searle
Fran Garcia

City Employees Present:

Rachelle Custer, City Planner
Roger Baker, City Attorney
Paul Hansen, Contract City Engineer

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Milne at 6:59 p.m. Chairman Milne excused Commissioner Searle and Commissioner Garcia from the meeting.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Milne.

2. Recommendation on Overlake amended Exhibit B by Tooele Associates.

Presented by Rachelle Custer

Ms. Custer stated that this proposed amended Exhibit B was brought before the Planning Commission last month. There were some issues that the Planning Commission asked the developer to address. The developer has addressed most of those issues. There is a staff report in the commissioner's packets of the items that the developer was asked to fix. Staff recommends a favorable recommendation on Exhibit B to the City Council with the

condition that the items addressed in the staff report be taken care of prior to the City Council meeting.

Mr. Baker stated that most of the second set of bullet items in the staff report has been corrected. The administration has not seen any documentation on them yet, that is why the administration put a condition to have the items taken care of before the July 3rd City Council meeting.

Councilman Wardle stated that this is a good step toward a positive recommendation.

Commissioner Curwen moved to make a positive recommendation to the City Council on Overlake amended Exhibit B by Tooele Associations with the conditions set forth in the staff memo. Commissioner Sagers seconded the motion. The vote was as follows:

Shawn Milne, yes

Phil Montano, yes

Jerald Sagers, yes

Bob Gowans, yes

Ken Spence, yes

John Curwen, yes

3. **PUBLIC HEARING and Recommendation on preliminary plan approval for The Cove at Overlake amended a 62 unit condo project to be located at 1920 N Berra Blvd by Tooele Development Associates.**

Presented by Rachelle Custer

Ms. Custer reported that The Cove at Overlake was a previously approved high-density project. The developer has decided to move away from the high-density layout and go to two unit condos. There are 31 buildings with a total of 62 units. This will be a private development with private roads and HOA maintained common area. The development will be internally designed with all drive approaches being internal. There will be a fence constructed around the perimeter of the project. Due to the narrow private street there will not be any off-street parking allowed. There will be “no parking” signs along the street in the development. The developer will have an underground detention area and will provide a guest parking area above the underground detention pond. There is also a small guest parking area on the South East portion of lot 39. The parking areas are shown as open space on the preliminary plat. Ms. Custer requested that they be marked as common parking areas on the final. The developer will construct a 4’ sidewalk on the internal block of the development. The applicant will need to provide a letter from ODRC approving the project to be constructed in Overlake. Staff recommends

approval of this subdivision with the condition of ODRC approving the project.

Commissioner Montano asked if the sidewalks should be 5ft. Ms. Custer stated that this is a private development so the city is allowing the 4ft sidewalk on one side of the road. The sidewalks will all be maintained privately.

Commissioner Sagers asked about the maintenance of the fence. Ms. Custer stated that the HOA will maintain the perimeter fence.

Chairman Milne asked how much of the open space will be parking. Ms. Custer stated that one of the guest parking lots will be 22 stalls and the other one will be 6 stalls.

Commissioner Curwen stated that he is concerned because people don't abide by the "no parking" signs.

Ms. Custer stated that this is a private development they will maintain all snow removal and maintain landscaping. The developer is here if the commission has questions.

Chairman Milne stated that this is a public hearing.

Tim Fulmer addressed the commission. He is a resident of Overlake and also the City Enforcement Officer. He is in opposition to this proposal. This development will have the back side of the buildings facing the public street. He believes that this is contrary to what the Overlake development is about. He feels that this will create a compound feeling. It will isolate the rest of the neighbors from the development. As an Ordinance Enforcement officer, he is also opposed because it creates double frontage lots. This creates a problem for snow removal. He asked if the buildings could face outward toward the public streets instead of inward. He asked the commission if this is a viable option for the Overlake Development.

Chairman Milne stated that the design guidelines in Overlake are regulated by the Architectural Review Committee for Overlake. He asked if this was the same project that came before the commission as an apartment style development. The developer said "yes", this new development has been significantly changed. These condos are single story around the perimeter and double story in the center.

Steve Dale addressed the commission. Mr. Dale is a resident of Overlake and is also the Vice Chairman of the North Tooele Special Service District. His involvement with the Special Service District and this project is they coordinate street signage and additional street lights.

Chairman Milne stated that they are not the appropriate body to bring the cosmetic issues of the buildings to. The second issue of double frontage lots is a problem that the commission has had to deal with before. Double frontage lots create weed issues and are difficult for snow removal.

Steve Dale stated that he also shared those concerns. He stated as a citizen many times when there are mixed residential uses they don't mix very well. The people that live in this development will be segregated from their neighbors. Mr. Dale likes this development better than the previous development that was approved. He also asked if there was a way to not have this development look like a compound. He suggested that if this development is approved as it is tonight that the concern of the weeds and snow removal be maintained by the HOA.

Tim Wagstaff addressed the commission. He represents the developer. Mr. Wagstaff stated that he appreciates the comments that have been made. The development that was previously approved were stack flats that were 2-3 stories high. They felt that this development plan is a softer approach for Overlake. They will have an HOA and CC&R's. In addition to other restrictions this development will be fully landscaped and fenced. The reason the buildings are placed where they are is to maximize the density of the project. The developer wants this to fit into the community. Mr. Wagstaff is also a homeowner in Overlake.

Chairman Milne commented that any fence around the perimeter would make the development look like a compound. He asked if there was a way to re-orient the road so the buildings face the public road, and the backyards face each other.

Mr. Wagstaff stated that they addressed different scenarios about building placement. Mr. Paul Hansen suggested the "S" shape street to fit the density needed to do this project.

Ryan Briggs addressed the commission. He is the engineer that worked on this project. He feels this is a viable project and they have done everything they can to make it work. He wanted to point out that they brought in sidewalks and landscaping to help lessen the feel of a compound.

Mr. Dale suggested that if the units face the public road the developer would save money on a vinyl fence.

Chairman Milne stated that the other problem with a vinyl fence of this nature is that kids walking home from school throw rocks and kick the fence and leave holes. The snow plows also create holes in the fence. Chairman Milne concurs with the residents that this development will isolate these people from the neighborhood.

Councilman Wardle asked Mr. Wagstaff what would be in the HOA agreement. Mr. Wagstaff said that the HOA has not been set up yet. He also stated that the HOA are only as good as they are enforced. Overlake out sources the policing of the CC&R's. They will probably do this as well.

Councilman Wardle asked Mr. Wagstaff about the design of the building, will they be like what was submitted before. Mr. Wagstaff stated that they are still studying the design of the buildings to find a price point.

Nicole Nicholas, 136 East 1910 North, addressed the commission. She is a resident of Overlake. She has a concern that these condos will become rentals, and things will not be taken care of. She also has a concern that because of the compound feel she will not be able to see what is going on inside which is a safety concern for her children.

Councilman Wardle stated that the design pre-development that the council saw is what helped soften this development. If they change the design the concerns will come back up. The design makes a difference. Mr. Wagstaff stated that what the council saw was a depiction of a representation of what they are building. The perimeter will be single story homes and in the center two story homes. Initially the homes were going to be cement board, stucco and stone. He is not sure if that will still be the case because the market has changed. They would still like to do this. They want to make this project cost effective.

Mr. Baker told Mr. Wagstaff that if they propose all vinyl siding or aluminum siding that it is not allowed in the design guidelines of the Overlake development agreement. The design guidelines need to be followed. That is what shapes the character of the neighborhood.

Commissioner Spence moved to close the public hearing. Commissioner Curwen seconded the motion. All members present voted "Aye". The public hearing closed at 7:38 p.m.

Commissioner Montano asked Councilman Wardle where the council was in addressing double frontage lots.

Councilman Wardle stated that they are still in the discussion phase. They are close to resolving but they are not quite there yet.

Commissioner Montano is concerned about telling one developer in a previous meeting that they can only have four or five double frontage lots and telling another developer in this case 38 double frontage lots are o.k. He would like to set a standard for double frontage lots and then follow it. The standard would then apply to everyone the same.

Chairman Milne stated that his concern is with the issues that the neighbors have addressed tonight regarding this development. To address their concerns he asked if it would be possible to re-route the road. He is disinclined to approve this as it is now.

Ms. Custer stated that the double frontage lots will be maintained through the HOA, the city has addressed this with the developer.

Commissioner Sagers also commented that he does not like the compound look of the development and asked if that could be changed. He also has a concern of who will enforce the HOA.

Commissioner Spence stated that he has a concern of no park strips on the interior streets because of snow removal. He also had a concern of the double frontage lots.

Commissioner Gowans said the commission has been harsh on double frontage lots for a long time. He also does not like the compound look. He encourages staff to re-look at this situation.

Mr. Briggs wanted to be clear why the commission feels that double frontage lots are undesirable. He stated that the reasons he has heard are that snow removal is a problem, weeds grow on the other side of the fence, and the maintenance of the sidewalk is an issue. The commission agreed with that. Mr. Briggs stated that the HOA is created to maintain the development. The HOA will maintain the landscaping, snow removal and maintaining the sidewalks.

Commissioner Gowans stated that the HOA agreement has not been put on paper yet. It would be easier for them to approve if they could see what the agreement said.

Mr. Wagstaff stated that the CC&R's will be hired out. Mr. Baker stated that the city will need to see them before final approval. Mr. Wagstaff stated that the reason they have not been done yet is because they wanted to make sure that all the concerns were heard so they can make them part of the CC&R's.

Chairman Milne stated that sometimes things are vague. When the developer is done with a project and they move on who is left to make sure things are taken care of. Mr. Wagstaff stated that the CC&R's are in place to be governed by the homeowners.

Chairman Milne would like to discuss the aesthetics issue. Mr. Wagstaff asked if the aesthetics issue is the fence and the isolation issue. This is the subject that has been brought up most tonight.

Commissioner Curwen asked why the back sides of the buildings face the street. Mr. Wagstaff stated it is so the backyards didn't face each other.

Councilman Wardle stated that he sees both sides of the issue, it is a balancing act. He also has a concern for the neighbors. He asked why the street can't be moved to avoid the isolation issue.

Chairman Milne commented that the private streets help maintain the integrity of the investment.

Commissioner Montano is concerned when budget issues come up in condominium projects that the maintenance is then put upon the homeowners and the development is not taken care of.

Mr. Baker reviewed the development agreement (DA) standards and the Architectural Design Review (contained in Exhibit J to the DA). He stated that while building orientation is a very important planning concept. Tooele City does not have the ability to dictate building orientation in Overlake beyond the standards set forth in the DA. The development agreement does not prohibit double frontage lots. The city can encourage the developer but he only has to comply with city ordinances and the DA. The city does not have the legal ability to dictate design guidelines in Overlake at this time beyond those guidelines contained in the DA. Building orientation and building design guidelines can be dictated outside of Overlake under the multi-family and single-family design guidelines approved by the City Council. This has been a good discussion on important planning principles, and he hopes that the developer will take the discussion into consideration. The commission must make a recommendation to the City Council.

Chairman Milne stated that the commission has the ability to recommend to the City Council the items that have been noted tonight with the conditions in the staff memo.

Mr. Baker stated that the commission has a plat before them that creates lots. The Overlake Design Committee and the Tooele City Planning Department will look at carefully the double frontage lots. The HOA should be required to take care of the CC&R's. The commission can't dictate building orientation in Overlake because the DA doesn't give them ability to do so.

Commissioner Gowans asked if the motion can be that they make no recommendation.

Mr. Baker stated that no recommendation would be considered a negative recommendation and that by law the commission needs to make a

recommendation. They have made their feelings clear in the discussion, and it is their job to make a recommendation as opposed to being silent.

Commissioner Gowans moved to make a negative recommendation to the City Council based on building orientation and double frontage lots on the preliminary plan approval for The Cove at Overlake amended a 62 unit condo project to be located at 1920 N Berra Blvd. Commissioner Sagers seconded the motion. The vote was as follows:

Shawn Milne, yes
Phil Montano, yes
Jerald Sagers, yes
Bob Gowans, yes
Ken Spence, yes
John Curwen, yes

4. **PUBLIC HEARING and Recommendation on final plat approval for Copper Canyon PUD phase 2a, a 36 lot subdivision to be located at 300 West 970 North by Fieldstone Homes.**

Presented by Rachelle Custer

Ms. Custer stated that Phase 2 was previously approved. The developer did not record it. He requests that it be split into phase 2a and 2b because of the construction of Tooele Boulevard. They will bond for both phases together and complete the public improvements concurrently. By dividing phase 2 this will allow them to split the phase into smaller sections so they may complete one phase and receive building permits while the construction of the other phase is being completed. Staff recommends approval of the final plat 2a with the following conditions: 1) Bond for and construct 2a and 2b simultaneously. 2) Improvements on the detention facility as a bonded item. Ms. Custer stated that phase 2a and 2b need to be approved as two separate plats.

Chairman Milne stated that this is a public hearing.

Tom Spencer addressed the commission. He is the developer for Copper Canyon. Mr. Spencer stated because of the city's policy that plats need to be approved before building permits are issued, they felt that by splitting this phase up it allows them to complete one phase and receive building permits while the construction of the other phase is being completed. This will save them time. They are bonded for both phases and they are well under way of finishing the public improvements. The dry utilities will be finished in July. They are aware of the conditions set forth by the city.

Commissioner Gowans moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted “Aye”. The public hearing closed at 8:22 p.m.

Chairman Milne wanted the developer to be aware that double frontage lots are an issue for the commission. He hopes that he will look at the CC&R’s and keep them maintained.

Mr. Bakers stated that the development agreement requires CC&R’s and requires landscaping, and snow removal of the sidewalks. Hopefully they are double protected. The Special Service District will take care of open space.

Commissioner Spence recommends a positive recommendation to the City Council on final plat approval for Copper Canyon PUD Phase 2a with the following conditions: 1) Bond for and construct 2a and 2b simultaneously and 2) Improvements on the detention facility as a bonded item. Commissioner Sagers seconded the motion. The vote was as follows:

Shawn Milne, yes

Phil Montano, yes

Jerald Sagers, yes

Bob Gowans, yes

Ken Spence, yes

John Curwen, yes

5. **PUBLIC HEARING and Recommendation Motion on final plat approval for Copper Canyon PUD phase 2b, a 52 lot subdivision to be located at 400 West 1000 North by Fieldstone Homes.**

Presented by Rachelle Custer

Ms. Custer stated that the conditions for approval of 2b are as follows: 1) Bond for and construct 2a and 2b simultaneously. 2) Improvements for park and trails as bonded items. 3) Submit park plans to parks department for review and approval prior to bonding. Staff recommends approval of this final plat. Ms. Custer stated that the landscaper has been in contact with Kathy.

Mr. Baker stated that it is important to have the parks department on board before approval.

Chairman Milne stated that this is 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 8:28 p.m.

Commissioner Spence recommends a positive recommendation to the City Council on final plat approval for Copper Canyon PUD Phase 2b with the following conditions: 1) Bond for and construct 2a and 2b simultaneously. 2) Improvements for park and trails as bonded items. 3) Submit park plat to parks department for review and approval prior to bonding. Commissioner Sagers seconded the motion. The vote was as follows:

Shawn Milne, yes
Phil Montano, yes
Jerald Sagers, yes
Bob Gowans, yes
Ken Spence, yes
John Curwen, yes

6. **Review and Approval of Planning Commission minutes for meeting held June 13, 2007.**

Chairman Milne stated that he submitted some changes to the minutes to Mrs. Jenkins. Mr. Baker also submitted some redline items for the minutes.

Commissioner Sagers moved to approve the minutes of the Planning Commission meeting held June 13, 2007 with the changes as stated above. Commissioner Gowans seconded the motion. All members present voted “Aye”. Commissioner Spence abstained from the voting because he was not present at that meeting.

Commissioner Curwen moved to adjourn the meeting. Commissioner Sagers seconded the motion. All members present voted “Aye.” The meeting adjourned at 8:30 p.m.

Approved this 11th day of July 2007

Shawn Milne, Chairman