

**TOOELE CITY PLANNING COMMISSION**  
**May 9, 2007**  
**Minutes**

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

**Commission Members Present:**

Shawn Milne, Chair  
Phillip Montano  
Ken Spence  
John Curwen  
Councilman Scott Wardle

**Commission Members Excused:**

Jerald Sagers  
Bob Gowans  
Gary Searle  
Fran Garcia

**City Employees Present:**

Rachelle Custer, City Planner  
Richard Jorgensen, Land Use Technician  
Cary Campbell, Public Works Director  
Paul Hansen, City Engineer

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Milne 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 for a home day care located at 331 E 840 N by Melissa Ceballos.**

Presented by Rachelle Custer

Ms. Custer stated that the applicant is requesting a conditional use permit to run a day care out of her home. The hours of operation will be 6:45 a.m. to 6:00 p.m. She will have anywhere from one to six children in her home at a time. She is providing a fenced backyard for the children's safety. The applicant will be required to have a building inspection, a fire inspection, and a health department inspection. Staff is recommending approval of this conditional use permit.

Chairman Milne noted that the applicant was not present.

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

**Commissioner Curwen moved to close the public hearing.** Commissioner Spence seconded the motion. All members present voted, “Aye.” The public hearing closed at 7:03 p.m.

Commissioner Curwen noted that he was glad to see the hours of operation did not start before 6:00 a.m.

Chairman Milne asked Ms. Custer if she knew the days of the week the applicant was requesting to run the day care. Ms. Custer replied that she did not know. Chairman Milne stated that he would suggest in the motion that the days of the week be Monday through Friday. He would like the neighbors not to have to deal with the business running on the weekend.

**Commissioner Spence moved to approve the Conditional Use Permit for a home day care located at 331 E 840 N by Melissa Ceballos with conditions outlined in staff notes. One additional condition will be the days of operation will be Monday through Friday.** Commissioner Montano seconded the motion. The vote was as follows:

Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner, Curwen, yes  
Chairman Milne, yes

3. **Public Hearing and Recommendation on final plat approval for Eagle Bend Subdivision plat A, a 51 lot subdivision on 38.14 acres located at 3200 N Main St by Eldon Roberts.**

Presented by Rachelle Custer

Ms. Custer reported that the developer is requesting final plat approval for the first phase of Eagle Bend subdivision. This phase will consist of 51 lots. One lot is designated for the well and tank and lot 142 does not have water or sewer available and is unbuildable. The project is at the Northern boundary of Tooele City. The Zoning is R1-10. The lots range from .3 acres to .7 acres. Staff recommends a favorable recommendation to the City Council with the following items be completed before plat is advanced for City Council for a motion:

1. All subdivision construction drawing including the well, well house, pipeline and related facilities be completed and approved by City Engineer.
2. All offsite easements be approved and ready for recordation.
3. Bond estimates for all public improvements be provided and reviewed by the City.

4. Water rights be provided in accordance with City Code.
5. No construction of any public improvements until final plan approval by City Council.

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

**Commissioner Curwen moved to close the public hearing.** Commissioner Spence seconded the motion. All members present voted, “Aye.” The public hearing closed at 7:08 p.m.

Chairman Milne stated that this has been before the Commission before. Ms. Custer stated that nothing has changed since the last presentation.

Commissioner Curwen asked if the issue on the double frontage lots have been addressed. Ms. Custer stated that the double frontage lots are on the highway therefore UDOT would have to approve the right of way.

Ms. Custer stated that there will probably be a fence along the north side of the subdivision because it will be a busy road. It is a county road there will probably not be a sidewalk; it is up to the county on how the road will be devolved.

Chairman Milne noted that to the north of the subdivision is part of the Erda Township.

Councilman Wardle stated that the council is aware and is working on the double frontage lots. There is so much happening right now it has been difficult to get to.

**Commissioner Spence moved to recommend with a favorable recommendation to City Council the final plat approval for Eagle Bend Subdivision plat A, a 51 lot subdivision on 38.14 acres located at 3200 N Main St by Eldon Roberts, with the following items to be completed before plat is advanced for City Council for a motion:**

1. **All subdivision construction drawings including the well, well house, pipeline and related facilities be completed and approved by City Engineer.**
2. **All offsite easements be approved and ready for recordation.**
3. **Bond estimates for all public improvements be provided and reviewed by the City.**
4. **Water rights be provided in accordance with City Code.**
5. **No construction of any public improvements until final plat approval by City Council.**

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

Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner, Curwen, yes  
Chairman Milne, yes

4. **Public Hearing and Recommendation on final plat approval for Sunset Estates Phase 3 an 18 lot subdivision on 5.87 acres located at approximately 100 West 2200 North by Blaine T Nixon**

Presented by Rachelle Custer

Ms. Custer reported that the developer is requesting final plat approval for Sunset Estates Phase 3. This is a residential subdivision containing 18 lots. The zoning for the subdivision is R1-8. Staff recommends approval of the final plat for Sunset Estates Phase 3. The applicant is present for questions.

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

**Commissioner Spence moved to close the public hearing.** Commissioner Montano seconded the motion. All members present voted, "Aye". The public hearing closed at 7:14 p.m.

**Commissioner Curwen moved to recommend with a favorable recommendation to City Council on final plat approval for Sunset Estates Phase 3 an 18 lot subdivision on 5.87 acres located at approximately 100 West 2200 North by Blaine T Nixon.**

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

Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner, Curwen, yes  
Chairman Milne, yes

5. **Public Hearing and Recommendation on preliminary plan approval for Sunset Estates Phase 4 a 13 lot subdivision on 3.62 acres located at approximately 300 West 2200 North by Blaine T Nixon.**

Presented by Rachelle Custer

Ms. Custer stated that the developer has requested that preliminary and final plat approval be approved back to back on Sunset Estates phase 4. Ms. Custer stated that this is the same development as the previous agenda item, this is for phase 4. This is a residential subdivision containing 13 lots. The zoning for the subdivision is R1-10. Staff recommends approval of the preliminary plan and final plat approval for Sunset Estate Phase 4.

Chairman Milne asked Ms. Custer if there have been issues with the previous phases of this subdivision.

Mr. Paul Hansen replied that there have not been any issues with Sunset Estates Phase one or two. It is an appropriate item that needs clarification for the record, the city holds a strong application of city policy of subsequent phases of development, and it needs to

be consistent. What the commission is considering tonight is two simultaneous phases that will be brought before the commission at the same time. It has been done in the past this way. Mr. Nixon has been one of the better developers to work with. He has completed everything the city has asked him to do and he has been very professional. Phase 3 and Phase 4 is brought before the commissioners tonight for a recommendation to City Council.

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

**Commissioner Curwen moved to close the public hearing.** Commissioner Montano seconded the motion. All members present voted, "Aye". The public hearing closed at 7:17 p.m.

**Commissioner Spence moved to recommend a favorable recommendation to the City Council for the preliminary plan approval for Sunset Estates Phase 4 a 13 lot subdivision on 3.62 acres located at approximately 300 West 2200 North by Blaine T Nixon.** Commissioner Montano seconded the motion. The vote was as follows:

Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner, Curwen, yes  
Chairman Milne, yes

6. **Public Hearing and Recommendation of final plat approval for Sunset Estates Phase 4 a 13 lot subdivision on 3.62 acres located at approximately 300 West 2200 North by Blaine T Nixon.**

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

**Commissioner Curwen moved to close the public hearing.** Commissioner Spence seconded the motion. All members present voted, "Aye". The public hearing closed at 7:19 p.m.

**Commissioner Spence moved to recommend a favorable recommendation to the City Council for final plat approval for Sunset Estates Phase 4 a 13 lot subdivision on 3.62 acres located at approximately 300 West 2200 North by Blaine T Nixon.**

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

Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner, Curwen, yes  
Chairman Milne, yes

7. **Public Hearing and Recommendation on preliminary plan approval for Mathew Acres a 89 lot subdivision on 26.76 acres at approximately 200 E 1000 N by Kyle Mathews.**

Presented by Rachelle Custer

Ms. Custer stated that the developer is requesting a preliminary plan approval of the development at 200 E 1000 N. This will consist of 89 residential lots. The development is in an R1-7 zone. The lots range from 7,000 sq ft to 9,400 sq ft. Offsite sewer easements will be required prior to final plat approval. Staff recommends favorable recommendation to the City Council of Mathews Acres preliminary plan.

Chairman Milne stated it will be nice to have this area completed with curb and gutter.

Mr. Paul Hansen explained that the reason this developer is required to have offsite sewer easements is because the sewer at 1000 North is at capacity. The city is offering mitigation help to the developer to mitigate the problem. The developer is working very aggressively to secure the offsite sewer easement.

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

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

**Commissioner Spence moved to recommend a favorable recommendation to the City Council on preliminary plan approval for Mathew Acres a 89 lot subdivision on 26.76 acres at approximately 200 E 1000 N by Kyle Mathews, with the requirement that the offsite sewer easement be completed before preliminary plan advances to City Council.** Commissioner Curwen seconded the motion. The vote was as follows:

Commissioner Spence, yes  
Commissioner Montano, yes  
Commissioner, Curwen, yes  
Chairman Milne, yes

8. **Review and Approval of Planning Commission minutes for meeting held April 25, 2007.**

Chairman Milne stated that Mr. Baker has redlined some items in the minutes, the commission would like to table until the next meeting to review the minutes.

**Commissioner Curwen moved to table the minutes of the Planning Commission Meeting held April 25, 2007 until the next Planning Commission Meeting on May 23, 2007.** Commissioner Montano seconded the motion. All members present voted "Aye."

**Commissioner Curwen moved to adjourn the meeting.** Commissioner Montano seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:26 p.m.

Approved this 23<sup>rd</sup> day of May 2007

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Shawn Milne, Chair