

Tooele CITY PLANNING COMMISSION
May 14, 2008

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

Commission Members Present:

Shawn Milne, Chair
Phil Montano
Jerald Sagers
Ken Spence
John Curwen
Bob Gowans
Steve Dale

Commission Members Excused:

Fran Garcia
Gary Searle

City Employees Present:

Rachelle Custer, City Planner
Paul Hansen, City Planner
Doug Baylay, Assistant City Attorney
Dave McCall, City Council Representative

Others Present:

Debbie Winn, Chamber of Commerce

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 Montano.

2. Motion on landscape amendments for Grand Storage located at 77 N 1100 W by Kenny Palmer.

Presented by Rachelle Custer

Ms. Custer explained that on August 12, 2005 Mr. Karras and Mr. Eborn brought a design review to the Planning Commission for phase 2 of their mini storage business. The design review included landscaping. The landscaping was decorative rock with some trees and shrubs. The applicant has placed the rock but has not placed all of the trees or shrubs. It is being requested by the applicant to

only place rock due to water usage. The City is holding their occupancy permit on a decision on the landscaping. Because the Planning Commission approved the landscaping with the design review it is being brought back to the Planning Commission for approval.

Commissioner Sagers asked how many trees they were being required to plant.

Ms. Custer stated that there are two or three trees in each area; an area is a different color of decorative rock. There are two to three different color variations and would be the same on the other side of the road. Ms. Custer stated that in the Commissioner's packet are pictures of what the landscaping would look like with trees.

Chairman Milne stated that he is a customer of the applicant and will be reserving some of his comments.

Commissioner Montano asked if the staff had a recommendation on this.

Ms. Custer said that staff does not have a recommendation. This was a Planning Commission approval on a design review therefore any amendments must be approved by the Planning Commission.

Chairman Milne stated that the minutes from the prior meeting held August 10, 2005 were included with the Commissioner's packet.

Commissioner Dale asked if there was something unique to this site? This applicant should not be treated different than other applicants that have the same landscaping requirements. Trees and shrubs can be watered by a drip system in a efficient manner. He asked what the reason was for the exception for this applicant?

Kenneth Palmer, 3062 W 4375 S addressed the Commission. Mr. Palmer stated that in the last meeting held in 2005 they presented a new landscaping plan with decorative rocks. He understood from that meeting because of the water issues in the City, that the Planning Commission wanted fewer trees. He feels that because they put in the decorative rocks and a few trees they did what was expected. They are willing to put in additional landscaping if the Planning Commission requires it.

Chairman Milne said that he was on the Planning Commission in August 2005. He recalls changing the landscaping from the traditional turf because of water issues but he doesn't recall what was decided for the trees and shrubs.

Mr. Palmer said that as he remembers in the August 2005 meeting that all of the greenery was being omitted. He said that there is not much room along the fence to plant trees or shrubs.

Chairman Milne asked if there were trees there now?

Mr. Palmer stated that the picture on the screen is a picture of the site as it looks now, there are a few trees. The pictures in the Commissioners packet is what was presented in 2005, they are pictures of a different site.

Chairman Milne stated the pictures in their packet are of a different site but the plat is of the applicant's site.

Mr. Palmer reiterated that he is willing to do more landscaping if that is what the Planning Commission wants.

Commissioner Spence asked the applicant how much water he feels the trees and shrubs will need.

Mr. Palmer stated that trees and shrubs need water. He feels the issue is whether or not to put plants and trees into the landscaping.

Commissioner Spence said that he feels the issue being decided is the water.

Mr. Palmer said that at the previous meeting he feels that the City was telling him not to use water.

Chairman Milne stated that trees don't need as much water as lawn, especially after they have been established.

Commissioner Gowans said that he was also on the Commission in 2005. He remembered the water issue coming up and that is why the decorative rock landscaping was permitted at that time. He also remembers that the trees and shrubs would provide screening from the road. He feels that the Commission needs to stay with what was presented at that time.

Chairman Milne echoed what Commissioner Gowans has said.

Mr. Palmer said he has a difference of opinion as to what was approved at that time. He said that he would do whatever the Commission decides. The sketch that the Commission has in their packet is colored but has no trees.

Chairman Milne asked what the different colors represented on the sketch in the packet.

Mr. Palmer said that they represented different colors of rock, not necessarily the exact color that is on the sketch such as green, pink, yellow, and green.

Chairman Milne said as he looks at sketch in his packet there are circles that line up to where trees are now.

Commissioner Curwen asked if Mr. Palmer thought he didn't have to plant any trees why he planted some.

Mr. Palmer said that as he understood it they would put in very few trees. What is in the permit folder says 20-30 trees so the inspector was asking where all the trees were when his property was inspected.

Chairman Milne said that they are discussing the quantitative difference of the trees that are on the property currently and what the City expects Mr. Palmer to have in his landscaping. He also said that there have been no trees planted in the last two years. He remembers approving the decorative rock and the non-straight sidewalk as part of an architectural feature intending it to look nice. He does remember the trees being discussed as a part of screening from the road.

Commissioner Montano asked about the original permit packet that City required 25 -30 trees in the landscaping. Can Mr. Palmer have shrubs, trees or a combination of both?

Mr. Palmer asked permission to show the original sketch that he had to the Commission.

Commissioner Gowans said that this went through pre-development; if this was the same drawing that they were shown.

Ms. Custer stated that they have a site plan that shows trees and shrubs were submitted in 2005. This is what Mr. Palmer brought forth to the Commission. She also stated what is in the Commissioners packet is what was submitted for the discussion at this meeting on amending the landscaping.

Chairman Milne said that what is in the Commissioner's packet is more recent and is what is being proposed. The one that Mr. Palmer showed the Commission is what was approved originally.

Mr. Palmer said that it was his understanding that the Planning Commission told him to scale back the trees and shrubs because of water issues at the 2005 meeting. That is the way they preceded.

Commissioner Gowans said that looking at the minutes from August 10, 2005; it states that "Mr. Campbell said that the City had no objections to the design review but that that the portion of the landscaping south of the drive entry needed to be completed before occupancy." Commissioner Gowans indicated that this is the document that went through design review, was voted upon and accepted and he feels that it should be adhered to.

Commissioner Montano agreed with Commissioner Gowans. He feels it would look better as originally proposed.

Chairman Milne said that as he looks at the site plan it says how wide and how tall the trees and shrubs need to be. If this is the document that was referred to at the time that the City had no objections to it than it should be fulfilled the way it shows. He doesn't have a problem getting rid of sod that requires more water. He also doesn't have a problem if these types of trees per-say are the ones that go in or not. But, he doesn't want Mr. Palmer to substitute a tree that is referenced on the site plan with a 2' bush. It is his understanding that the site plan document was what was approved and what is expected to be done. Chairman Milne went on to say that Mr. Palmer may use drought tolerant plants to help with the water usage issue. There are certain trees and bushes that are referenced on the site plan, and they would provide the screening that was discussed before. This would be consistent to what would be placed on other applicants for screening from the roadway.

One of the owners from the audience stated that site plans states what height the trees and shrubs should be at maturity.

Chairman Milne said that he understands that, but those trees and shrubs should be there to provide screening from the road.

Mr. Palmer questioned if other storage units in Tooele were required this same type of landscaping requirement.

Chairman Milne indicated that as the site plans come forward applicants are talked to about the landscaping requirements. It is fair to say "yes".

Commissioner Gowans moved to follow the original 2005 design in the landscaping of the Grand Storage located at 77 North 1100 W. Commissioner Dale seconded the motion.

Chairman Milne questioned Mr. Baylay if this motion should decline the amendment or approve it the way it was.

Mr. Baylay said that the Planning Commission should decline the motion.

Commissioner Gowans amended his motion to deny the landscape amendment for Grand Storage located at 77 North 1100 W. Commissioner Dale seconded the amended motion. All members present voted "Aye".

3. **PUBLIC HEARING and RECOMMENDATION on plat approval for Sharp Mountain subdivision amended to vacate a 10 ft public utility easement on the South side of lot 2.**

Presented by Rachelle Custer

Ms. Custer reported that Big 5 is requesting vacation of a 10 ft public utility easement along the south side of lot 2. The requested side plan has the building sitting in the easement. In order for the side plan to be approved as presented the easement must be vacated. The utility companies have been notified and will be required to sign the plat before recordation. Staff is not aware of any utilities running through the easement. Staff recommends approval of the proposed plat.

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

Commissioner Montano thought that on commercial property there had to be an easement for utilities.

Ms. Custer stated there only has to be an easement as deemed necessary by the engineer and the utility companies, and that is the reason they would be required to sign the plat vacating the easement. She also said that there are still easements on the east and west sides of the lot. They are only requesting vacating the easement along the south.

Commissioner Sagers moved to close the public hearing. Commissioner Dale seconded the motion. All members present voted “Aye”. The public hearing closed at 7:23 p.m.

Commissioner Dale moved to recommend plat approval for Sharp Mountain subdivision amended to vacate a 10 ft public utility easement on the South side of lot 2. Commissioner Sagers seconded the motion. All members present voted “Aye”.

4. **PUBLIC HEARING and RECOMMENDATION on ordinance 2008-07 amending the Tooele City General Plan by adopting as an element the Middle Canyon Creek Master Plan.**

Presented by Paul Hansen

Mr. Hansen explained that Middle Canyon is one of two principle drainage systems that flow through Tooele City. He said that one of challenges cities have is to plan how to accommodate the conveyance of water that comes from the mountain through the city and discharges back into the County beyond. The City is trying to avoid encroachments onto the Middle Canyon drainage that has occurred to Settlement Canyon drainage over the years, and has caused the repeated necessity for sandbagging and other means for the protection for homes and structures. One of those beneficial steps is by adopting the Middle Canyon Creek Drainage Plan which Tooele County has commissioned and paid for and adopted a few months ago in a Tooele County Commission meeting. In general this plan is not a finite design for the channel; rather it is a planning document that indicates where the

channel is located. It also provides basic information in terms of how much flow is calculated to be within the channel for the 100 yr storm water return event, and which coincides with Federal Emergency Management Association (FEMA) documents. FEMA establishes flood plain guidelines. Mr. Hansen is recommending to the Planning Commission that this document has been worked on and thought of for several years. Mr. Hansen served as a consultant to the County and to their engineer, as a City agent to help develop this Plan. He said that the County has gone to great measures to make sure the plan is appropriate, so as developers come to the City it will provide a guideline that could be followed. He believes that this is critical that the City adopt this plan, so they can protect developments adjacent to the channel. With the Planning Commission's recommendation to the City Council of this plan and upon their adoption of the plan, the City can work with developers to develop their property regardless of the land use proposed. Mr. Hansen recommends that that Planning Commission positively recommend the document to the City Council for their adoption.

Chairman Milne stated for his clarification that in using this ordinance as a planning tool the hope would be neither commercial or residential developments should encroach on the natural occurring width of the drainage path taking into account the rare 100 yr term event.

Mr. Hansen said that this ordinance allows for a plan that reduces the natural width of the flood plain. Mr. Hansen used as an example the Memorial Day flood two years ago that hit Tooele City, on that day Middle Canyon flow was several hundred feet wide in the vicinity of 1000 North, it was not confined. This plan proposes that width to be narrowed so that they don't have to restrict growth over the several hundred ft plain. This is beneficial to the property owners. Their property would be more developable and more profitable. The City wants to make their property as safe as possible so as it develops it won't flood.

Chairman Milne said that this ordinance would still allow the capacity for the rare event that it would flood.

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

Tilley Van Egmund with Stone Brook Real Estate addressed the Commission. She said that developers that have currently looked at developing this property have been told by City Planning that they must keep 50' on either side of the property for water flow and to put boulders in the wash. She asked how this ordinance would be different that what they have been told in the past?

Mr. Hansen said that the City has informed the developers of the proposal of this ordinance. It doesn't change what has been represented in the past.

Commissioner Sagers stated that developers would still have the 50' half width zone or area that would be kept clear.

Mr. Hansen said as a general guide "yes". It is a 100' wide easement. He continued to say that one of the things that this does is it accommodates the low flow channel and also additional capacity for the 100 year event. It also allows a path for equipment to get in and work if necessary. He said that the 100 year runoff flow numbers for Middle Canyon at 1000 N for example, is in excess of 500 cubic feet per second of water. That is a lot of water, and they have seen the damage it can cause. Statistically it happens once every 100 years but in actuality they see a lot of storms that mimic those high return events on a more frequent basis. It is not going to be dry all the time.

Chairman Milne asked what the Memorial Day flood would be considered as?

Mr. Hansen said that it was in excess of a 1,000 year event.

Commissioner Dale stated that there are some areas that are proposed to allow some narrowing of that 100' strip. He asked what measures would be in place in those locations to accommodate the water?

Mr. Hansen replied that would be an engineering design and land use planning type of option. This document indicates the design levels. He indicated that it is similar to a traffic master plan; the traffic plan indicates that they expect so many cars coming through and expect them to go from point A to point B, but it doesn't preclude a developer from putting a bend in the road, or a curb or some other design consideration that meets certain design standards. This is really just a guide document that allows the City to have a starting point.

Commissioner Dale said that they would still be required to meet a certain design criteria in that capacity.

Mr. Hansen said that was correct. They don't want to be blind to options and as people come forward with new ideas that can be incorporated to meet the protective requirement they are more than happy to look at that.

Commissioner Gowans said that he remembers in a previous meeting that the Middle Canyon area might be included in a trail system. He questioned Mr. Hansen about that.

Mr. Hansen said that is correct, and it has been part of past discussions. He indicated that they would still like to make it a mixed use facility but it has not been adopted as part of the trail system yet. The County is still working on that element to see how it would tie into the County. It is certainly an option.

Ms. Van Egmond asked if the property owners that are affected by this change will be notified.

Mr. Hansen said not individually because there are hundreds. Notification is done by notification of this meeting.

Chairman Milne indicated that their notification will also be done at the time of a building permit or development plans.

Commissioner Dale said that they would have to apply and request any variation to that.

Chairman Milne said that this proposal isn't any different than what they have to do right now.

Mr. Hansen explained that they are not doing anything different than they have already been doing. They have been applying sound principles for the last eight years on Middle Canyon. This gives it a document that supports it now. It makes it consistent. It is not a new policy.

Mr. Alma Iverson, 659 N Brook Avenue, addressed the Commission. He asked the Commission if they have seen the wash, it has been filled in with dump trucks cleaning out their beds and cement trucks cleaning out the leftover cement. It is a mess. There is a lot of work that needs to be done. If the wash was cleaned out water would be able to flow through it. His property is on the northeast corner of the wash.

Commissioner Gowans agreed with Mr. Iverson. He indicated in reading the master plan for Middle Canyon there is a maintenance program that addresses Mr. Iverson's concern. If there is not a zone that equipment can go through they would have to go through people's back yard to maintain it. The drainage has been abused, but by adopting a plan it allows the some leeway of how to address the issue of keeping the water flowing.

Mr. Iverson said that the wash is a filled in ditch to which water flows in every direction. There are trails that go through it. He has put no trespassing signs on his property and the signs have disappeared. He has tried to keep people off his property. He thinks there needs to be something done.

Commissioner Dale clarified that as it currently stands now there is a 100' requirement regardless.

Mr. Hansen said that has been the policy.

Commissioner Dale said that this document provides maintenance and flexibility to allow some variation. This is not adding restrictions.

Mr. Hansen said it provides criteria by which they can allow flexibility. He also stated that Mr. Iverson is correct. This plan provides a way for the wash to be contained.

Patricia Gowen, she is here representing Jim Harris who is a land owner where the wash runs through, addressed the Commission. She asked if this has been contracted out.

Mr. Hansen said this is a general plan there is no contract to construct it at this time.

Ms. Gowen asked who will pay the cost for this?

Mr. Hansen said that presently the developer that develops adjacent to this is the one that bares the costs.

Ms. Gowen asked to the left or right?

Mr. Hansen stated whoever is incurring the new development would be protected because of the construction of the channel. Without this plan in place the City cannot look at a funding mechanism. This is one of the first steps. If a developer wants to develop adjacent or surrounding this it would be their responsibility to stabilize it so that the flood width is defined.

Ms. Gowen understood that water does not flow through this anymore.

Mr. Hansen said that water flows through it every year to some extent, during runoff and large storm events.

Mr. Jay Allred addressed the Commission. He said that he sees a conflict with this regarding the 76 acres that is number six on the agenda. He believes that this Middle Canyon Creek Master Plan will cut off a little bit of the corner. They are hoping to turn the 76 acres into commercial uses and worries that this ordinance will affect their future plans. He would like to see this tabled so that it can be discussed by the sponsors of the 76 acres and see if it can be done in a way without removing any space from them. There is not anything on the East side of 1000 North that is commercial. There are a lot of strip malls on the East side. This property would be perfect for something commercial. He feels the Middle Canyon Master Plan will impact what is going on with the 76 acres.

Chairman Milne stated that they are not setting any precedence that hasn't already been in place. The recommendation would still be that 50' on either side of this wash would be an easement.

Mr. Allred said that this would be a 100' wide river and he feels that it needs to be addressed very carefully.

Chairman Milne stated that it has been looked at very carefully.

Commissioner Sagers explained that this plan goes all the way to Erda. The County has studied this out and so has Mr. Hansen. The Commission has to consider all the property that is being affected.

Mr. Allred said that there is probably a lot of property below their property. He still feels that this should be tabled and looked at more carefully.

Mr. Hansen stated that the Commissioners and the citizens that are here need to keep in mind this is not a surveyed alignment. It is simply a set of design parameters that talks about how we need to manage it so as growth occurs, it can occur. Whether the property is developed for commercial or single family homes the point remains that it cannot develop because presently the flood plain is undefined. There is not a good mechanism to define where it is located. The City is flexible to where it goes, but there is a natural channel. He respects the idea that it needs to be looked at, but he does not feel that it is necessary to defer the adoption of the plan to a later date. They can always look at alignments and configurations at later date without coming back and modifying the plan.

Chairman Milne asked Mr. Hansen if he feels that this has had the adequate attention it needs and it is a good sturdy proposal?

Mr. Hansen indicated that for the purpose of determining how much water needs to pass from point A to B, absolutely.

Chairman Milne asked even up to the rarest events?

Mr. Hansen said to the design criteria that the City needs to take into consideration when locating structures, a 100 year event. In the last six months they have used the latest technology to reduce the flow. Earlier projections showed the flow to be much higher. Mr. Hansen reminded the commission that this is the County's plan and was developed by them. It was not developed only as the Cities plan. He was an advisor. He feels the County has done its job and looked at this very carefully.

Chairman Milne wanted to make as much clarification to this as possible so it doesn't seem rushed. He wants to make sure it gets the serious attention that it deserves. He also stated that earlier in the meeting Mr. Hansen said that this could increase the investment capability because it defines the wash, if this document were to be followed.

Mr. Hansen said that it increases the developable land. It is not without cost. It makes the land available for development that would not be available otherwise.

Commissioner Montano asked how long this plan has been worked on.

Mr. Hansen indicated about three years.

Commissioner Montano understands that this has been a long process and wanted it made clear that this was not something that they just jumped into.

Mr. Hansen stated that it began three county engineers ago.

Ms. Van Egmund said that when they have had developers looking at Mr. Harris' property on about 1480 N and 320 E, they have approached the City on how to handle the wash they have been told different things such as bridges or boulders in the wash. She has not seen the Middle Canyon Creek Master Plan. She asked that this be tabled so they can look at it to see how it would affect the parcels of land and make a more educated judgment on this. She doesn't want this to kill the deals that the property owners have with potential developers at this time.

Ms. Custer stated that this has already been adopted by the County and Ms. Van Egmund may obtain a copy from them or the City.

Chairman Milne said that as Mr. Hansen has indicated this is a guideline and how one might meet the criteria is fully their own. From the premise that they might have to do boulders or a bridge is not something that they are imposing at this meeting that would come down to what the developer has planned. It does come down to a property safety factor. No one would want to place their home in a certain position where water could on a rare occasion ruin their property. This is a tool that planners could use to assess what is a safe distance away from the center of the channel and how deep and wide it might be. This is a guideline. It doesn't prevent anyone from development either residential or commercial. This practice has already been going on. Chairman Milne questioned Mr. Hansen as to how long they have had the policy of 50' on either side of the channel?

Mr. Hansen indicated that he has been City Engineer for eight years and they have had the basic policy in place for those eight years. The plan provides a typical general cross section that can be used, which is a rock-lined channel. That has been part of the plan. As far as bridges are concerned, there would only be a bridge if there was a road crossing.

Commissioner Dale noted that the only difference in this plan from what currently exists now is this provides a mechanism to allow for other alternatives.

Mr. Hansen said "yes".

Chairman Milne said it creates a level of consistency.

Mr. Hansen indicated consistency not only within the City, but from the County to the City back to the County.

Ms. Van Egmund said that she understands the frustration of the Matthews who are trying to develop south of 1000 N. She hopes that there is no conflict between Mr. Hansen's engineering group and work that he is doing for the Matthews. She is worried that there might be some conflict. She indicated that she wanted to hire Mr. Hansen's group to develop their land if it would help get it approved.

Mr. Hansen wanted to make clear that Ms. Van Egmund's information was absolutely not correct. He is not working now for the Matthews as a private consultant, nor has he worked for the Matthews in the past. In terms of his involvement with the engineering firm that Tooele County hired, he has no ownership interest in that company either. Also, he does not work for private developers who develop within Tooele City, as that would be a direct conflict of interest. Finally, to the best of his knowledge the Matthews do not have any property adjacent to the Middle Canyon Drainage.

Commissioner Gowans moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 8:00 p.m.

Commissioner Dale moved to make a positive recommendation to the City Council on ordinance 2008-07 amending the Tooele City General Plan by adopting as an element the Middle Canyon Creek Master Plan. Commissioner Montano seconded the motion. All members present voted "Aye".

5. **PUBLIC HEARING and RECOMMENDATION on zoning change for 1645 N Progress Way from general commercial to light industrial.**

Presented by Rachelle Custer

Ms. Custer explained that the lot on 1645 N Progress Way was changed from light industrial to general commercial at the time the Gateway Overlay was put into place. Due to the access being off of Progress Way and light industrial development surrounding this lot she did not feel that general commercial was the best use for this lot. Staff recommends this lot be changed from general commercial to light commercial so it will be harmonious to the property that surrounds this lot.

Chairman Milne asked if this lot is by Bob's Garage.

Ms. Custer said that was correct. There is a picture of the lot included in the Commissioner's packet.

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

Commissioner Sagers moved to close the public hearing. Commissioner Gowans seconded the motion. All members present voted “Aye”. The public hearing closed at 8:02 p.m.

Commissioner Gowans moved to make a positive recommendation to adopt ordinance 2008-05 assigning the light industrial zoning district, within the gateway overlay to 1.25 acres of property located at approximately 1645 N Progress Way. Commissioner Montano seconded the motion. All members present voted “Aye”.

6. **PUBLIC HEARING and RECOMMENDATION on General plan amendment for 76 acres located at approximately 300 E 1000 N from medium density residential to general commercial.**

Presented by Rachelle Custer

Ms. Custer explained that four property owners have requested that their properties be changed in the general plan to allow for general commercial zoning. The current general plan calls out medium density residential on the properties. After discussion with the Planning Commission and City Council it has been decided to propose the area from Main Street to approximately 520 East all be changed to reflect general commercial. This is not a zoning change at this time it is a change on the general plan that would allow for general commercial zoning to be placed on the property should the property owners request it. This change will affect six property owners. The property owners have been notified of the proposed change prior to the meeting.

Chairman Milne asked how deep this property goes north from 1000 N.

Ms. Custer thought it went back about 600 ft.

Mr. Allred addressed the Commission. He said it was more than 600 ft, it is almost 100 acres.

Chairman Milne said that it has been the position of some of the Commission members that they have created a 300 ft strip mall affect. They would like to see something greater than 300 ft deep for commercial in this area.

Ms. Custer stated that the property is about 1,600 ft deep.

Chairman Milne noted that would allow for quite a significant development. This would encourage more of an east west corridor.

Commissioner Dale asked what the zoning was to the west of this property?

Ms. Custer stated that there is some general commercial and light industrial. There is one RR-1 lot. The zoning does change with this only the general plan.

Chairman Milne stated that this will allow for a zoning change in the future.

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

Councilman McCall questioned if there were some houses next to this property.

Ms. Custer said that there are two homes.

Councilman McCall asked if the owners were o.k. with this change.

George Allan, 125 E. 1000 N, addressed the Commission. His home is right next to this property. He is here to find out more information as to what is taking place. He was not clear how far east or west the boundaries were for this property.

Chairman Milne asked if this caused Mr. Allan some concern.

Mr. Allan said that it concerns him that he will have commercial property right behind his home.

Chairman Milne said that this allows his neighbors the opportunity to ask for a re-zone it doesn't necessarily mean that it will happen. This is the first step. The Planning Commission will make a recommendation to the City Council to change the general plan.

Mr. Allan said that the property to the east of his home there are no homes. The people that brought the property to the east are probably the ones that would like the opportunity for the property to be changed to a commercial zone.

Chairman Milne verified with Ms. Custer that the property to the west of Mr. Allan is general commercial.

Ms. Custer said that is correct.

Commissioner Dale asked if the property to the west is zoned general commercial or on the general plan?

Ms. Custer stated it is general commercial on the general plan.

Mr. Alma Iverson addressed the Commission. He is concerned about the increase of taxes when this is approved. Is there no increase until they ask for the change or will it automatically rise?

Chairman Milne said not until the zone change. This also has to be approved by the City Council. This only allows for someone to come forward and have a zone change.

Mr. Iverson said that taxes are a concern for him. If everything stays normal until he requests his property to be zoned commercial than he is in favor.

Chairman Milne stated that as Tooele grows property taxes have gone up. This is not because his home has changed in zoning. Taxes can still go up. The Planning Commission does not have the ability to raise any taxes. This is a first step to a re-zone that doesn't raise property taxes. A simple zoning change does not have to take place for property taxes to go up. Taxes can go up because of the growth and other factors.

Mr. Iverson stated that he understands. He would like to be kept informed of what will be happening with this property.

Commissioner Sagers moved to close the public hearing. Commissioner Dale seconded the motion. All members present voted "Aye". The public hearing closed at 8:15 p.m.

Chairman Milne moved to make a positive recommendation to the City Council on the general plan amendment for 76 acres located at approximately 300 E 1000 N from medium density residential to general commercial.

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

Shawn Milne, Aye
Phil Montano, Aye
Jerald Sagers, Aye
Ken Spence, Aye
John Curwen, Aye
Bob Gowans, Aye
Steve Dale, Nay

Commissioner Dale said that at this point in time he would like to see a proposal of what will be put on the property to justify the change. He feels that it is premature.

7. **PUBLIC HEARING and RECOMMENDATION on final plat approval for McBride Subdivision a 2 lot subdivision located at 400 N Broadway by K & F McBride Living.**

Presented by Rachelle Custer

Ms. Custer stated that Mr. Legren has requested to subdivide one lot into two lots at 400 North Broadway. The lot will be used for a single family residential dwelling to be constructed by the applicant. There is an existing home on the lot. The home

will be on lot 1 and the applicant will build on lot two. Staff recommends approval of the McBride Subdivision final plat.

Chairman Milne clarified that they are going to build a home, not an accessory building, on lot 2.

Ms. Custer said that it will be a single family residential dwelling.

Chairman Milne 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 Sagers seconded the motion. All members present voted "Aye". The public hearing closed at 8:18 p.m.

Commissioner Spence moved to make a positive recommendation to City Council on final plat approval for McBride Subdivision a 2 lot subdivision located at 400 N Broadway. Commissioner Dale seconded the motion. All members present voted "Aye".

8. **PUBLIC HEARING and RECOMMENDATION on final plat approval for Beacham Subdivision a two lot 0.85 acre subdivision located at 400 South 100 West by Beacham Masonry.**

Presented by Rachelle Custer

Ms. Custer explained that Beacham Masonry is requesting to subdivide an existing lot into two lots. This parcel is located in an R 1-7 zone. The subdivision will create a 25,522 sq ft lot with an existing home and an 11,504 sq ft lot to be used as a single family dwelling building lot. This will be used as a single family dwelling building lot. This is a minor subdivision due to it being less than 10 lots and not including any road dedication. Staff recommends approval of Beacham Subdivision final plat.

Chairman Milne stated this is much like the previous agenda item.

Mr. Custer stated "yes".

Commissioner Dale asked what the area for lot 2 is?

Ms. Custer said that it is 11,504 sq ft.

Chairman Milne stated that lot 2 has the current residence.

Ms. Custer said that lot 2 is the lot to be built on. Lot 1 has the home currently, the home faces 100 W.

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

Commissioner Sagers moved to close the public hearing. Commissioner Curwen seconded the motion. All members present voted "Aye". The public hearing closed at 8:20 p.m.

Commissioner Spence moved to make a positive recommendation to City Council on final plat approval Beacham subdivision a two lot .85 acre subdivision to be located at 400 South 100 West. Commissioner Dale seconded the motion. All members present voted "Aye".

9. **PUBLIC HEARING and MOTION on conditional use permit for a vehicle impound yard to be located at 11 N 1100 W by Dale Ford.**

Presented by Rachelle Custer

Ms. Custer explained that Dale Ford with Dakota Towing is requesting a conditional use permit for a vehicle impound storage yard to be located at 11 N 1100 W. This is an existing impound lot that has been vacant for over a year therefore conditional use must be reapplied for at this time. The impound yard will be located behind A-1 Sure Storage in a light industrial zone. The storage lot has a slatted fence for screening. Mr. Ford only does towing for the Police and Sheriff's department. Staff recommends approval of the conditional use with the following conditions:

1. No more than 20 cars at any one time.
2. Cannot hold cars for more than 90 days.
3. Fence must remain screened and in good repair.
4. Absolutely no vehicle salvage will be allowed.
5. Vehicle storage only.

Commissioner Gowans said that when the Planning Commission approved a CUP previously for an impound lot they required a drip pan for the cars that have been in an accident. He would like to be consistent and require a drip pan for the cars for this CUP.

Ms. Custer said that is a condition Planning Commission may place on the CUP.

Chairman Milne asked if the lot in question is what is pictured in front of the fence on the picture in the Commission's packet.

Ms. Custer said that is correct. The lot behind the fence is belongs to the County.

Mr. Dale Ford, 1093 N. 490 E, addressed the Commission. He said the picture is inside the yard. The railroad tracks are right behind the lumber. This lot is not seen by the public at all. He already uses drip pans so that would not be a problem.

Commissioner Dale asked if there was landscaping adjacent to this property.

Mr. Ford said that he has to cross through A1-Sure Storage to get to this lot. This lot is owned by A1-Sure Storage. There is no street frontage to this lot.

Ms. Custer said that he has permission from the property owner for that access.

Chairman Milne asked if the fence on the north side has been repaired?

Mr. Ford said that he has received the slates to fix the fence. It will be taken care of shortly.

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

Commissioner Dale moved to close the public hearing. Commissioner Curwen seconded the motion. All members present voted "Aye". The public hearing closed at 8:25 p.m.

Commissioner Gowans moved to approve a Conditional Use Permit for a vehicle impound yard to be located at 11 N 1100 W with the following conditions:

- 1. No more than 20 cars at any one time.**
- 2. Cannot hold cars for more than 90 days.**
- 3. Fence must remain screened and in good repair.**
- 4. Absolutely no vehicle salvage will be allowed.**
- 5. Vehicle storage only.**
- 6. A type of barrier is to be used underneath any wrecked vehicle to control soluble liquid.**

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

10. PUBLIC HEARING and MOTION on conditional use permit for a drive thru pharmacy at 400 E 2400 N by Med West Holdings LLC.

Presented by Rachelle Custer

Ms. Custer explained that Med West Holdings is proposing a large medical and professional development to be located at 400 E 2400 N. The first phase will include two buildings. One of the buildings houses a pharmacy with a drive thru window. The drive thru window aspect of the plan requires a conditional use

permit. Staff recommends approval of the conditional use permit with the following condition that site plan approval including landscaping is approved prior to construction.

Commissioner Dale asked where the drive thru will be located.

Chairman Milne pointed the drive thru out on the overhead map on the screen. He also asked if this has been reviewed by the City Engineer.

Mr. Paul Hansen stated they are reviewing the site plan. The Planning Commission doesn't approve the site plan tonight it only approves the conditions for a drive thru. They are going to be recommending a few minor changes on the site plan. Mr. Hansen recommends a CUP for a drive thru.

Commissioner Dale asked if it is recommended that the drive thru be two lanes?

Ms. Custer stated "yes".

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

Commissioner Dale 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.

Commissioner Spence moved to approve a Conditional Use Permit for a drive thru pharmacy at 400 E 2400 N with the condition that Site plan approval including landscaping is approved prior to construction. Commissioner Sagers seconded the motion. All members present voted "Aye".

11. **PUBLIC HEARING and MOTION on conditional use permit for a sign to be located at 430 W Utah Ave.**

Presented by Rachelle Custer

Ms. Custer explained that the Church of Christ is requesting a conditional use permit to construct a sign at their church on 430 W Utah Ave. The church is a conditional use in a residential zone; therefore the sign requires a conditional use permit. Staff recommends approval of the conditional use permit with the condition that a sign permit is pulled prior to installation of the sign.

Commissioner Montano asked how big the sign is.

Ms. Custer said the cabinet is 4' x 6'. The posts are about 4'. She also said that the City has guidelines that have to be followed in the Sign Code.

Commissioner Gowans asked if the height requirement was around 10'?

Chairman Milne stated that this is not in the Gateway so different rules apply. There are still stipulations on how far above the ground they may go.

Ms. Custer stated that was correct. She believes they can't go above 8'.

Chairman Milne said that the sign is against the building.

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

Gary Pinkham, 75 Main Grantsville, addressed the Commission. He said that the overall height, by ordinance, will be 8'. It might be a little lower because they want to be able to change the messages easily.

Chairman Milne asked if this was an illuminated sign?

Mr. Pinkham said that it will have internal illumination.

Ms. Custer said that they will have to have a permit that shows how the electrical runs.

Chairman Milne suggests that the illumination not be too bright that it shines at other properties.

Mr. Pinkham said there will just be enough internal illumination to see the sign it won't be bright enough to shine on other properties.

Commissioner Sagers moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 8:35 p.m.

Commissioner Gowans moved to approve a Conditional Use Permit for a sign to be located at the Church of Christ on 430 W Utah Avenue with the condition that a sign permit is pulled prior to installation of the sign. Commissioner Sagers seconded the motion. All members present voted "Aye".

12. **Review and Approval of Planning Commission minutes for meeting held April 23, 2008.**

Commissioner Gowans moved to approve the Planning Commission minutes for the meeting held April 23, 2008 as presented. Commissioner Sagers seconded the motion. All members present voted "Aye".

Commissioner Gowans moved to adjourn the meeting. Commissioner Sagers seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:38 p.m.

Approved this 28th day of May 2008

Chairman Milne