

TOOELE CITY PLANNING COMMISSION MINUTES
June 25, 2008

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

Commission Members Present:

Shawn Milne, Chair
Phil Montano
Bob Gowans
Fran Garcia
Gary Searle
Ken Spence
John Curwen
Jerald Sagers

Commission Member Excused:

Steve Dale

City Employees Present:

Rachelle Custer, City Planner
Paul Hansen, City Engineer
Dave McCall, City Council Representative

Minutes prepared by Elisa Jenkins

Chairman Milne excused Commissioner Dale and Mr. Roger Baker from the meeting.

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 Chairman Milne.

2. PUBLIC HEARING & MOTION on conditional use permit for a 19 ft tall 2400 sq ft agricultural outbuilding to be located at 731 W 200 S by Dr. Gary Gowans.

Presented by Rachelle Custer

Ms. Custer explained that Dr. Gowans has requested to construct a 19 ft tall agricultural building on his property at 731 West 200 South. It is a 2 acre lot. Tooele City ordinance allows for a maximum 15 ft tall accessory building without a CUP. Therefore he is requesting a CUP in order to construct a 19 ft tall accessory building. The pole barn will be 2,400 sq ft and will be used for agricultural purposes. As shown on the attached site

plan in the Commissioner's packets the building does meet required setback. Staff recommends approval of the conditional use permit.

Commissioner Gowans stated that Dr. Gowans is his brother. He has a conflict of interest and will abstain from voting.

Chairman Milne said that this looks very similar to a project the Commission approved last year. This lot seems well suited for this suggested use.

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

Harvey Wright, 141 South Coleman addressed the Commission. He asked where this building would be located. He asked if it is behind Dr. Gowans home.

Chairman Milne stated that the building would be located 150' from the back of the home.

Ms. Custer showed Mr. Wright the site plan.

Mr. Wright asked if Dr. Gowans would be taking care of his personal livestock in the building and wanted to make sure that it wasn't part of his business.

Dr. Gowans said that was correct.

Commissioner Spence moved to close the public hearing. Commissioner Garcia seconded the motion. All members present voted "Aye", except for Commissioner Gowans who abstained. The public hearing closed at 7:07 p.m.

Commissioner Spence noted that the drawing is a generic drawing where it doesn't give the pitch of the structure. In order to achieve the 19' height the pitch would be low. It is not the business of the Commission he just wanted to make the applicant aware that the pitch would be flat relative to what is drawn.

Commissioner Montano also noted the same thing. The pitch would be very flat.

Ms. Custer stated that the applicant would like to request a 24' height on his CUP. She also stated that is allowed by code.

Chairman Milne asked Mr. Wright if that changed his sentiment.

Mr. Wright replied "no".

Commissioner Spence moved to approve a conditional use permit for a 24' ft tall 2400 sq ft agricultural outbuilding to be located at 731 W 200 S by Dr. Gary

Gowans. Commissioner Montano seconded the motion. All members present voted “Aye”, except Commissioner Gowans who abstained.

3. PUBLIC HEARING & MOTION on conditional use permit for in home preschool to be located at 653 W 890 N by Juliet Dowdle.

Presented by Rachelle Custer

Ms. Custer reported the Ms. Dowdle is requesting a conditional use permit for an in-home preschool in her home at 653 W 890 N. Day care/Preschool is allowed as a home occupation with a conditional use permit. Due to building code issues the City is requesting that she call it a day care and become state licensed. Staff recommends approval of the conditional use permit with the following conditions:

1. No more than 6 children at one time.
2. Hours of operation to be between 6 a.m. and 6:30 p.m. Monday – Friday.
3. Fenced rear yard be provided for the children.
4. State Residential Child Care Certificate is obtained.
5. Tooele County Health Department Inspection approval.
6. Building Inspection approval.
7. Fire Inspection approval.

Commissioner Gowans asked why the applicant can't call it a preschool.

Ms. Custer stated that in order to be in a basement without sprinkling the home the building code requires it to be a State Certified Day Care.

Commissioner Gowans stated that if the applicant wanted to keep it as a preschool she would have to provide sprinklers in her home.

Ms. Custer responded to say she would have to provide sprinklers in her home or the applicant would need to become a State Certified Day Care, which is what the City has recommended to the last three applicants that have requested preschools in their home.

Chairman Milne asked if this will be in the basement or in the main entry of her home that is highlighted in the Commissioner's packet.

Ms. Custer stated that it is her understanding that it will be in the basement.

Chairman Milne asked if it makes a difference to staff as long there is access to restrooms.

Ms. Custer stated that the building inspection will check that.

Councilman McCall asked if the City has some preschools that are operating as preschools.

Ms. Custer stated there are some preschools that were approved prior to the building code change.

Councilman McCall clarified that those were grandfathered.

Ms. Custer stated that is correct.

Chairman Milne asked when the building code changed.

Ms. Custer stated that the building code changed in January of 2008.

Commissioner Curwen asked if the preschool was not in the basement, would she not have to be state licensed.

Ms. Custer explained that if they meet certain exit requirements. She said that the only way children are allowed to be in a basement is with a state licensed day care exception. Without that exception they fall under Group E. All Group E's must be sprinkled. This is not a zoning issue it is a building code issue in the IRC.

Councilman McCall asked even if there are exit's in the basement?

Ms. Custer stated that are exceptions if the basement is connected to the outside.

Commissioner Spence asked about the highlighted area in their packets.

Ms. Custer stated she could hold the preschool in that area if she wants and sprinkle it and not be a state licensed day care. If there are children in the basement she must be a state licensed day care.

Commissioner Montano asked if there would be a difference if she had another exit in the basement.

Ms. Custer stated that then she would not have to be a state licensed day care, but she would still have to sprinkle and would fall under a Group E.

Commissioner Gowans stated the there are a difference in cliental between a daycare and a preschool. He is concerned that the applicant is not here to tell the Commission if she wants to be a preschool or a day care.

Ms. Custer stated that she will operate as a preschool where she will have two hour sessions. The applicant is aware that she must have a State Residential Child Care Certificate for building code.

Chairman Milne reiterated that the applicant is aware of this.

Ms. Custer stated whether she is a day care or a preschool, code treats them the same. The building code treats them both as a Group E.

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 Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:19 p.m.

Commissioner Gowans moved to approve a conditional use permit for an in-home preschool/day care to be located at 653 W 890 N, with the following conditions:

1. **No more than 6 children at one time.**
2. **Hours of operation to be between 6 a.m. and 6:30 p.m. Monday – Friday.**
3. **Fenced rear yard be provided for the children.**
4. **State Residential Child Care Certificate is obtained.**
5. **Tooele County Health Department Inspection approval.**
6. **Building Inspection approval.**
7. **Fire Inspection approval**

Commissioner Montano seconded the motion. All members present voted “Aye”.

4. **Review and Approval of Planning Commission minutes for meeting held June 11, 2008.**

Ms. Jenkins gave some suggested changes to the minutes from Paul Hansen to Chairman Milne prior to the meeting.

Commissioner Gowans moved to approve the minutes with the changes from Mr. Hansen included. Commissioner Spence seconded the motion. All members present voted “Aye”.

5. **Adjourn**

Commissioner Garcia moved to adjourn the meeting. Commissioner Curwen seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:22 p.m.

Approved this 9th day of July 2008

Chairman Milne