

TOOELE CITY PLANNING COMMISSION
April 23, 2008

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

Commission Members Present:

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

City Employees Present:

Rachelle Custer, City Planner
Roger Baker, City Attorney
Paul Hansen, City Engineer
Cary Campbell, Public Works Director
Councilman 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 Sagers.

2. PUBLIC HEARING and MOTION on conditional use permit for a 17,000 sq ft retail development to be located at 152 N Main St by Team Retail Tooele.

Presented by Rachelle Custer

Ms. Custer explained that Team Retail Tooele is requesting several items from the Planning Commission. The first one is a conditional use permit for a 17,000 sq ft retail development. There is a public hearing required with the CUP. A CUP is required because the retail space is over 3,000 sq ft. The development will share access from Main St and Garden St with Walgreens. They are required to provide

15% landscaping of the site. The site plan shows that they have a little more than 18% of landscaping. Staff recommends approval of the conditional use permit with the following conditions:

1. Access from SR36 be shared with Walgreens.
2. An agreement be obtained from Walgreens to allow for the shared access.

Commissioner Montano asked why this developer has to get a CUP for parking in front of the business when it is not in the Gateway Overlay?

Ms. Custer responded to say that the parking in the front is not conditional. What requires a CUP is a retail business over 3,000 sq ft. The parking in the front will be addressed as a separate motion. The CUP only addresses the retail. She also stated that the Downtown Overlay has the same parking requirement as the Gateway Overlay. This development falls in the Downtown Overlay.

Commissioner Montano asked for further explanation on the Downtown Overlay parking requirement.

Mr. Custer stated that the Downtown Overlay does not have a parking number requirement but it does have a parking orientation provision.

Commissioner Montano asked what the parking orientation provision is.

Ms. Custer responded to say that the code states “the Downtown Overlay as practical to be located to the rear and screened behind the buildings”.

Commissioner Montano stated that the County Health Building is directly across the street from this development and the parking issue was not addressed for that building. He wanted some type of clarification as to why it is required for this development and not for the County Health Department.

Ms. Custer stated that the County Health Building was an addition to an existing building where the parking orientation was already to the front.

Commissioner Montano said that the parking should come under review when requesting a remodel to an existing building. He wanted to know why it required for this development.

Ms. Custer stated that both of those stipulations in the City Code 7-16-4 apply to the Downtown Overlay and the Gateway Overlay.

Commissioner Montano said that he thought the Downtown Overlay had no parking requirement.

Ms. Custer stated that the Downtown Overlay does not have a parking space requirement.

Chairman Milne stated that they have a requirement as to where the parking is placed but not the quantity of parking.

Mr. Baker explained that parking is required in the Downtown Overlay. The City code gives the Planning Commission discretion to reduce the number of parking spaces required, even down to zero if there is a good reason. The County Health Building requested a reduction in the minimum parking spaces required and the Planning Commission worked with them. Mr. Baker stated that on this application the applicant is not asking for a reduction of the number of parking spaces. This application does not have to do with the number of parking spaces but where they are going to put the parking. The Planning Commission will decide whether they are allowed to put the parking in the back or the front of the development. This applicant has asked that the building be moved back so the parking may be allowed in the front of the building because parking is not practical behind the building. Code requires that the parking be in back of the building unless it is impractical to do so. There is a letter from the developer in the Commissioner's packet that explains why it is impractical to park behind the building.

Commissioner Montano said that his struggle is with the consistency of allowing parking in the front of buildings. He recalled the development where the old Koven's is and the Planning Commission allowing parking in the front of the building. In the Gateway Overlay all the parking is required to be in the back. He also recalls the medical building being delayed for a year because they could not meet the parking requirement. They had to purchase more property to make the parking work. He would like to see consistency. In the Gateway Overlay the buildings had to be turned to the side to allow for parking.

Ms. Custer stated that the ordinance has a provision that allows the Planning Commission to allow the parking orientation to be different if there is a finding of fact provided by the applicant that parking located in the front is not practical.

Commissioner Montano said that as he understands it now, the Planning Commission may decide where the parking may be located.

Ms. Custer also stated that it is up to the applicant to provide the Commission with a finding of fact that it is not practical to park to the rear of the building.

Commissioner Montano stated that his question has been answered. He thinks that this project will be a good development for the older part of town.

Commissioner Garcia asked if the setup for this development would be similar to how the old True Value store was set up?

Ms. Custer said that it is similar. This development will be closer to Main Street than True Value was.

Commissioner Garcia stated that Walgreens has parking all the way around their building.

Ms. Custer stated that Walgreens also had to do a finding of fact on practicality for their parking.

Commissioner Curwen asked which motion they were working on.

Chairman Milne said that all three motions pertain to the same applicant. This motion is asking for a CUP for a retail development over 3,000 sq ft.

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

Mr. Paul Hansen said that he believes the City and the Commission has been consistent. Walgreens has parking in the front. The County Health Department has a strip mall that runs east to west and there is a building in front of where the addition was added. He would like to use Walgreens as an example, it has a drive-thru and a truck loading bay. Neither of those are compatible to park and walk across in a safe manner. This body felt that a practical reason for that site was to allow for the orientation where it is today. He supported that decision. In this case that is before the Commission tonight the City worked with the developer and looked at other configurations. Both of these retailers will have large delivery trucks as well, so the question becomes how they can serve vehicles with large delivery trucks and what is that interaction between truck traffic, pedestrian traffic, and vehicular traffic with clients and customers. He is not trying to tell the Commission or the public which way they should support this issue. He wants everyone to be aware that there is different criteria depending on the use where parking may or may not be considered. He doesn't want the Planning Commission to think that there has been any inconsistencies. He feels the Planning Commission has been very consistent in establishing and considering methodologies and concerns.

Commissioner Montano disagreed with Mr. Hansen. He said that Walgreens originally wanted to move just north of McDonalds and the reason they couldn't is because they would not allow parking in the front. Walgreens tried a few attempts to get through the Planning Commission. He believes that is why they ended up where they are now.

Commissioner Searle said that he remembers the reason that Walgreens moved to where they are now is because there was an agreement with the entire development that buildings would be oriented the way they are now. Walgreens

was fighting against the whole development agreement and they wanted special treatment. They were not given special treatment. It was not just parking issues. The reason Tooele Credit Union was not part of the agreement is because they purchased land from a private owner.

Commissioner Montano said that the agreement that the developer agreed to was part of the Gateway agreement.

Commissioner Searle stated that Walgreens was not part of that development agreement. The reason Walgreens found a new location was more than just a parking issue.

Chairman Milne repeated that this is a public hearing if anyone would like to address this issue.

Councilman McCall stated that since staff has recommended this that the Council would probably go along with the recommendations of the staff. He doesn't see any problems with this development he feels that it would make this place look much better.

Commissioner Searle commented that the building should not sit so far back. He feels that it won't be seen if it sits so far back. He doesn't have a problem with the parking in the front of the building. He said that it should only sit as far back as Walgreens.

Councilman McCall said when this was discussed before he believes that one reason that it will sit so far back is a fire lane issue.

Commissioner Searle said that Walgreen's is in compliance, so why wouldn't this building be in compliance as well if the building was moved forward.

Ms. Custer said that when this was discussed in pre-development the City requested that the west isle parking be left open as an opportunity to be shared with the lot to the south. If they move the building up they lose a row of parking.

Commissioner Searle asked why they couldn't move the building up.

Ms. Custer stated that they could move the parking up but they would lose a row of parking.

Ms. Garcia said that if people want to go to Big 5 they will go whether they can see it down the road or not. She does not see a problem with it.

Commissioner Searle said when looking down the Main Street there will be a big hole where the parking will be.

Commissioner Montano figured that Big 5 will be using roughly using about 1/3 of the lot to park, 1/3 of the lot for the building and 1/3 in the back. They are consuming a lot of space up front for parking.

Commissioner Searle said that if they allow this setback, as you go down Main Street there will be a big hole where the parking is. There won't be a uniform look; instead it will zigzag in and out. If the drycleaner every sells out, they won't have much of a choice of how they can build.

Commissioner Montano said that he agreed with what Commissioner Searle has said. They are in the old part of town and they need to decide whether to let the buildings zigzag in and out.

Commissioner Curwen asked if the building was moved forward if it would create more parking in the rear of the building.

Commissioner Searle stated that Big 5 should require their employees to park in the back, so possibly they wouldn't need so many parking spaces in the front.

Chairman Milne asked if there was anyone from Big 5 in attendance at this meeting.

Ms. Custer stated that the engineer is in attendance.

Chairman Milne asked the engineer if he knew how many employees Big 5 would have.

Mr. Randall, Engineer for Big 5 addressed the Commission. Mr. Randall stated that he did not know how many employees they would have. He said that there are 11 parking stalls behind the building. He said that should be close to the number of employees. He said that this site parks 3 cars per 1,000 which is very low for a retail development. If there was a row of parking eliminated from the front it would put a hardship on this business. Big 5 has seen this site plan and they don't feel that they will be hiding behind Walgreens. If parking was eliminated it would require customers to park behind the building.

Commissioner Montano agreed that if they moved the building forward it would take some of their parking. He feels that is what is killing the downtown area; there is no place to park.

Mr. Randall said for a retail store of this size the parking is very limited. Most retail stores this size park 4 ½ to 5 cars per 1,000.

Commissioner Montano stated that they are entering into their business plan by eliminating parking.

Commissioner Searle said that is their duty. The owners of Big 5 don't live in Tooele. If this retail business leaves they are stuck with the building.

Mr. Randall said that removing parking would be a hardship.

Commissioner Searle said the Commission owes it to the citizens to not create "a hodge podge of buildings".

Chairman Milne asked if there was any more discussion related to the CUP for the 17,000 sq ft retail building. There was no more discussion.

Commissioner Gowans moved to close the public hearing. Commissioner Garcia seconded the motion. All members present voted "Aye". The public hearing closed at 7:30 p.m.

Commissioner Montano moved to approve a conditional use permit for a 17,000 sq ft retail development to be located at 152 N Main Street with the following conditions: 1) Access from SR36 be shared with Walgreens and 2) An agreement be obtained from Walgreens to allow for the shared access. Commissioner Searle seconded the motion. All members present voted "Aye".

3. **MOTION to allow placement of customer parking on the storefront side of the retail building along Main Street at 152 N Main St by Team Retail.**

Chairman Milne asked Mr. Baker if they could combine the next two agenda items.

Mr. Baker stated that he recommends the two motions be done separately.

Mr. Baker addressed a question to Mr. Randall, referring to the letter provided by Team Retail Tooele (this letter is attached to the minutes as Exhibit A) they justify pushing the building back to increase visibility of the storefront from Main Street. It seems to him that the farther they put the store back it decreases the visibility from Main St. That justification seems self-contradictory, and he asked Mr. Randall to help him understand why pushing the building back would increase building visibility.

Mr. Randall stated that they feel that the 136' is not so far back that they won't be visible. He commented that he did not write this letter. He agrees that it sounds backwards.

Chairman Milne stated that the Commission has the allowance to grant the applicant parking in the storefront.

Commissioner Dale said that one possibility could be to bring the Big 5 building west to line up with Walgreens and move the other retail business back to line up with the Big 5 building. Only 5 parking spaces would be lost if the buildings were oriented in that way.

Chairman Milne stated if that happened they would lose six parking stalls. The retail business would be in the shadow of Walgreens and Big 5. It is a good compromise but it could hurt the retail business.

Commissioner Montano said that the buildings the way they are have one big storefront and he feels that it would look better that way. He thinks the buildings should be left the way they are.

Commissioner Spence moved to allow placement of customer parking on the storefront side of the retail building along Main Street at 152 N Main St by Team Retail. Commissioner Gowans seconded the motion. All members present voted "Aye".

4. **Motion on an increase front setback from 20 ft to 136 ft to allow for parking in the front of the building along Main Street at 152 N Main St by Team Retail Tooele.**

Commissioner Curwen asked how big the retail space is for Walgreens. He wanted to know if Walgreens was bigger than Big 5.

Mr. Randall stated that Walgreens is about 20% larger.

Commissioner Montano said that Walgreens and Big 5 are two different businesses. Big 5 customers might spend longer inside.

Chairman Milne stated that they don't know yet what business will occupy the retail space.

Commissioner Garcia stated that because Walgreens is on the corner it is easily accessed from different sides of the building. There is not a lot of walking distance.

Commissioner Gowans asked Mr. Paul Hansen if there has been a study done on the traffic on Garden Street.

Mr. Paul Hansen stated that he is not aware of one.

Chairman Milne stated that if the retail space and the Big 5 storefront were brought flush with Walgreens they would lose 13 parking spaces. He then asked Mr. Hansen if it would be feasible for Big 5 to position those parking stalls in the back of the store.

Mr. Paul Hansen said he would rather defer that question to the engineer of the development. He said that the question becomes the interaction of traffic.

Chairman Milne stated that he would like to have more parking downtown instead of less.

Commissioner Montano stated that Walgreens is bigger and they take up more space. He feels that staff has recommended this. He asked Mr. Paul Hansen how he felt about the parking on this issue.

Mr. Paul Hansen stated that his comments are limited to an engineering aspect only. He stated that as far as traffic movement and traffic parking it works. From an engineering standpoint, land use aside, it functions the way it shows. The parking lot works in a practical form for the use.

Commissioner Curwen asked if there was a recommendation from staff on this issue.

Ms. Custer stated there is not a recommendation from staff it is up to the Planning Commission.

Mr. Randall reiterated the importance of having sufficient parking in front of the building. He said that his engineering company was also the engineer for Walgreens, and they have a standard layout. They never put additional parking in front of their buildings because this is the only way they build these buildings. If they can not build this layout they won't build it. Mr. Randall stated that in a pre-development meeting for this issue they discussed moving the retail building back and it was decided that if it was moved back it would then fall in the shadows of the other buildings.

Commissioner Montano said that if you look at the front view of the sketch facing Main Street, the building would look nice. He feels that it would be an asset to this part of town.

Chairman Milne said at looking at the overall perspective of this development it would help in the revitalization of downtown. He thought about rotating the buildings like Blockbuster, he doesn't like doing that. If Main Street is ever widened and there is not parking in the front it would be hard for UDOT to purchase property from the owner, even though he does not see that happening. He would hate to see the Planning Commission stale the development of this parcel of land. He doesn't see how this development could function if parking stalls were taken away. He would defer in favor of the applicant. He doesn't like the parking the way it is, but he doesn't see a better way to handle it.

Commissioner Montano said that looking at this development as a potential renter, the store front on the building looks nice. The designing of the building looks good.

Mr. Baker said that about ten years ago the City Council enacted a setback and a parking location requirement for the reason that is being discussed. They wanted to attempt to create a line of sight for pedestrians and automobiles of well-designed building fronts, not oceans of asphalt and parked cars. The standard was departed from when Walgreens was developed. It was a disappointment to not follow the rule; but there were valid site design and engineering reasons to depart from that standard. This proposal is a further disappointment by not at least maintaining some consistency with the Walgreen's building front. However, the applicant has provided site design and engineering issues for the way the site has been presented. The City Engineer has reconfirmed those considerations. Sometimes the implementation of the policy doesn't work well. It looks like the engineering issues trump the planning issues in this instance.

Chairman Milne said he echoed Mr. Baker's comments.

Commissioner Searle moved to approve an increased front setback from 20 ft to 136 ft to allow for parking in the front of the building along Main Street at 152 N Main St by Team Retail Tooele. Commissioner Montano seconded the motion. All members present voted "Aye".

Commissioner Searle stated that no matter what development comes in he will never argue with parking again, as far as his motion goes.

Commissioner Montano stated that he appreciated Mr. Baker's comments.

5. PUBLIC HEARING and MOTION on conditional use permit for a food concession stand to be located at 729 N Main St by Jose Ramos.

Presented by Rachelle Custer

Ms. Custer explained that Mr. Ramos is requesting a conditional use permit to have a food concession stand in front of Family Dollar. Included in the Commissioner's packet is a copy of the permission letter from the store manager. The stand will be placed in the North West area of the parking lot to the east of the building. The lease allows for the use of the parking lot and the use of the restroom facilities at Family Dollar. Mr. Ramos has applied for a business license with Tooele City Records Office. Staff recommends approval of the conditional use permit with the following conditions:

1. May only operate between the hours of 9 am – 8 pm Monday – Saturday and 10 am – 6 pm on Sunday. (This is consistent with the hours of the Family Dollar store.)
2. Area must be kept clean and free of debris.
3. Traffic must not interfere with the drive approach.
4. Stand and traffic must be kept off of the public way and may not interfere with the public way.

Commissioner Gowans stated that the Commission recently approved a food concession stand in front GSI. He asked if these hours are the same as that stand?

Ms. Custer said that she changed the hours to be consistent with the business where they are located.

Chairman Milne stated that it has been suggested before to limit the approval to that which is requested by the applicant.

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

Mr. Ramos addressed the Commission. He thanked the Commission for the opportunity to run his business. He will only be open during the hours of operation of the Family Dollar store so there will be a restroom available.

Mr. Campbell asked if customers or employees will be using the Family Dollar store restroom.

Mr. Ramos said that customers and employees will use the restroom in the Family Dollar store.

Keno Gara also addressed the Commission. He stated that he used to have a business in Tooele and then moved to Grantsville. His clients are excited that this business is coming back to Tooele.

Commissioner Gowans moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 8:04 p.m.

Chairman Milne stated that in the past it has been suggested that the Commission approve CUP’s only for the hours and days asked for by the applicant. On this CUP staff has recommended to extend the hours and days of operation for this CUP and the other food concession stand on the agenda tonight. He asked Mr. Baker’s opinion. Mr. Baker said he had no opinion on this question.

Mr. Campbell said that the staff’s suggestion is that the food concession stands may only be open during the same time the anchor store is open.

Commissioner Gowans moved to approve the Conditional Use Permit for a food concession stand to be located at 729 N Main Street with the following conditions:

- 1. May only operate between the hours of 9 am – 8 pm Monday – Saturday and 10 am – 6 pm on Sunday. (This is consistent with the hours of the Family Dollar store.)**
- 2. Area must be kept clean and free of debris.**
- 3. Traffic must not interfere with the drive approach.**
- 4. Stand and traffic must be kept off of the public way and may not interfere with the public way.**

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

6. PUBLIC HEARING and MOTION on conditional use permit for a food concession stand to be located at 132 N Main St by Juan Carlos Romero.

Presented by Rachelle Custer

Ms. Custer explained that Mr. Romero is requesting a conditional use permit to have a food concession stand in front of Economy Cleaners and QC Financial Services. Included in the Commissioners packet is a copy of the lease from the property owner. The stand will be placed in the North West area of the parking lot to the North of the financial building. The lease allows for the use of the parking lot, electricity, use of the dumpster, and use of the restroom facilities at Economy Cleaners. Staff recommends approval of the conditional use permit with the following conditions:

1. May only operate between the hours of 8 am – 7 pm Monday – Sunday.
2. Area must be kept clean and free of debris.
3. Traffic must not interfere with the drive approach.
4. Stand and traffic must be kept off of the public way and may not interfere with the public way.

Chairman Milne thanked the staff for providing aerial photos for this motion and the one prior. He noticed in the lease that it states power will be provided by an extension cord. He asked if that is allowed.

Mr. Campbell stated that would not be permitted by building code.

Chairman Milne stated that the applicant would need to consider some other means of power.

Mr. Campbell stated that they can address this issue and work it out with the applicant during the inspection process.

Chairman Milne said that a CUP can still be approved without addressing that issue at this time.

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 Searle moved to close the public hearing. Commissioner Gowans seconded the motion. All members present voted “Aye”. The public hearing closed at 8:10 p.m.

Commissioner Searle moved to approve a Conditional Use Permit for a food concession stand to be located at 132 N Main Street with the following conditions:

- 1. May only operate between the hours of 8 am – 7 pm Monday – Sunday.**
- 2. Area must be kept clean and free of debris.**
- 3. Traffic must not interfere with the drive approach.**
- 4. Stand and traffic must be kept off of the public way and may not interfere with the public way.**

and incorporating the photo and the location of the stand and the parking spaces to be where it is located. (The photo is included with the minutes as Exhibit B) Commissioner Gowans seconded the motion. The vote was as follows:

Shawn Milne, Nay
John Curwen, Aye
Ken Spence, Aye
Gary Searle, Aye
Fran Garcia, Aye
Phil Montano, Aye
Bob Gowans, Aye

Chairman Milne was concerned about the access to the lot to the North if this stand is placed where it is.

7. **PUBLIC HEARING and MOTION on conditional use permit for a therapist to be located at 272 N Broadway by New Leaf Alternative.**

Presented by Rachelle Custer

Ms. Custer explained that Mr. Tavake is requesting a conditional use permit to open a therapy office at 272 N Broadway. The hours of operation will be Wednesday from 4 pm – 8 pm. The client will expand hours as needed to Monday – Friday from 4 pm to 8 pm. The purpose of the clinic is to provide services to youth clients. Included in the Commissioner’s packet is a letter from the applicant explaining the business. Also included is a copy of the lease from the property owner. This is a commercial building in an MU-B zone. Professional services are allowed by conditional use in this zone. Staff recommends approval of the conditional use permit with the following condition: 1) Hours of operation may not extend beyond 9 pm.

Chairman Milne noted that the applicant will expand the hours Monday – Friday. The applicant can not extend the hours beyond the time requested.

Ms. Custer stated those are hours they are requesting at this time.

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 Garcia seconded the motion. All members present voted “Aye”. The public hearing closed at 8:15 p.m.

Commissioner Searle moved to approve a Conditional Use Permit for a therapist to be located at 272 N Broadway with one condition that the hours of operation may not extend beyond 9pm. Commissioner Gowans seconded the motion. All members present voted “Aye”.

8. Review and Approval of Planning Commission minutes for meeting held April 9, 2008.

Commissioner Spence moved to approve the Planning Commission Minutes for the meeting held April 9, 2008 as presented. Commissioner Searle seconded the motion. All members present voted “Aye” except for Commissioner Gowans and Curwen who were not present at the meeting.

9. Adjourn

Commissioner Gowans moved to adjourn the meeting to the discussion item. Commissioner Garcia seconded the motion.. All members present voted “Aye”. The meeting adjourned at 8:17 p.m.

Discussion Item

1. Visualizing Density

No minutes were taken on the discussion item.

Approved this 14th day of May 2008

Chairman Milne