

TOOELE CITY PLANNING COMMISSION MINUTES
September 10, 2008

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

Commission Members Present:

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

Commission Members Excused:

Commissioner Gowans

City Employees Present:

Rachelle Custer, City Planner
Cary Campbell, Public Works Director
Doug Baylay, Assistant City Attorney

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. Chairman Milne excused Commissioner Gowans from the meeting.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Spence.

2. PUBLIC HEARING and MOTION on conditional use permit for a 14,000 sq ft addition to the USU campus located at 1021 West Vine St by Method Studio.

Presented by Rachelle Custer

Ms. Custer stated that the applicant is requesting a conditional use permit to allow for a 14,000 sq ft addition to the Utah State University campus to be constructed at 1021 West Vine Street. Additional parking will be provided for the additional classrooms. Additional landscaping will be provided. Staff recommends approval of the conditional use permit with the following conditions:

1. All lighting must be directed down onto site.
2. All signs must have an approved sign permit from Tooele City.

Commissioner Montano asked which side they were adding onto.

The applicant stated that it is the south/west side.

Commissioner Spence asked if the addition will be classrooms.

The applicant stated that they are adding ten classrooms and 10 faculty offices.

Chairman Milne said that he is happy to see the investment of higher education in Tooele.

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

Commissioner Curwen moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted “Aye”. The public hearing closed at 7:06 p.m.

Commissioner Sagers moved to approve a conditional use permit for a 14,000 sq ft addition to Utah State University located at 1021 West Vine Street with the following conditions:

1. All lighting must be directed down onto site.
2. All signs must have an approved sign permit from Tooele City

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

3. **PUBLIC HEARING and MOTION on a conditional use permit for a two story 9,000 sq ft retail building to be constructed at 100 W 1180 N by RJF.**

Presented by Rachelle Custer

Ms. Custer stated that the applicant is requesting a conditional use permit to allow for a 9,000 sq ft building to be constructed at 100 W 1180 North. This will be a two story building. The bottom level will be the NAPA Auto Parts store the top level will be leased out for other retail developments. Because the retail is over 3,000 sq feet it requires a conditional use permit. The site is located directly east of the Clothesline Express drycleaners going into Wal-Mart. Staff recommends approval of the conditional use permit with the following conditions:

1. Water rights are provided as required by City Code.
2. Access agreements are in place for drive access.

Chairman Milne asked if this is what came before the Commission a couple of months ago and was tabled.

Commissioner Curwen asked Ms. Custer why it was tabled.

Ms. Custer stated that it was per the applicant's request.

Commissioner Montano asked if they will be sharing the drive access with the Clothesline Express.

Ms. Custer stated that is correct. She stated that there is enough open area before you get to the covered area for them to access their site.

Chairman Milne asked if the shared drive access eases the ingress/egress.

Ms. Custer stated "yes" because of the proximity to the intersection.

Chairman Milne stated that this is a conditional use of the retail space and the drive-thru.

Ms. Custer stated that there is not a drive-thru at this location. The conditional use is because the retail is over 3,000 sq ft.

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

Shirley Beagley addressed the Commission. She asked where the front door is.

Ms. Custer said that the NAPA building will face north and the office spaces upstairs will face south. It is on the vacant lot directly east of the drycleaners.

Debbie Winn asked if the whole building will be NAPA or will the upstairs be leased out.

Ms. Custer stated they will lease out the top. There will be three retail spaces.

Commissioner Sagers asked if they will share parking with Wal-Mart.

Ms. Custer stated that they will have their own parking lot.

Chairman Milne closed the public hearing at 7:14 p.m.

Commissioner Spence moved to approve a conditional use permit for a 9,000 sq ft retail development to be located at 100 West 1180 North by RJF with the following conditions:

- 1. Water rights are provided as required by City Code.**
- 2. Access agreements are in place for drive access.**

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

3. PUBLIC HEARING and RECOMMENDATION on CK Tooele One Retail a 0.88 acre, one lot subdivision to be located at 1050 North Main Street by Good Wood Development.

Presented by Rachelle Custer

Ms. Custer stated that the Commission approved the drive-thru with a conditional use permit at the last Planning Commission meeting. This is the subdivision to subdivide this lot. This subdivision was previously approved on December 12, 2007. Due to the 90 day expiration period the plat is back before the Commission for re-approval. Nothing has changed on the plat it is the same as it was at that time. Staff recommends approval of the final plat.

Chairman Milne noted that there were no conditions placed on this before.

Ms. Custer stated that they addressed the residential /commercial separation with the conditional use permit.

Commissioner Montano stated that he voiced his opinion on the total subdivision when this was approved before.

Ms. Custer stated that there were not any conditions placed on the subdivision in 2007. The Commission can place conditions now if they would like.

Commissioner Montano asked if it is exactly the way it was before when it was approved.

Ms. Custer stated that they placed the mylars on top of one another and this drawing is the same drawing as 2007.

Chairman Milne stated that he doesn't recall concerns regarding this aspect of the subdivision. He does remember parking, the drive-thru and how to separate residential/horse property in the back being discussed previously.

Commissioner Montano said that he was adamantly opposed to this before because it is in the Gateway. This violates the Gateway ordinances. He remembers staff saying that this is the only way they can develop the property. He remembers businesses coming in before and being turned down because they would not allow parking in the front of the building. He feels that they are setting precedence. Now they are allowing this developer parking in the front.

Chairman Milne asked if this was in regards to the subdivision or in regards to the building layout.

Commissioner Montano stated the whole project. He would like to see the project develop but believes that they should follow the same rules as others in the Gateway.

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

Shirley Beagley addressed the Commission. She asked what this development is.

Ms. Custer stated that this development is an eight unit strip mall with a drive-thru at the old Koeven's property.

Chairman Milne stated that the drive-thru was approved with a conditional use permit. They are approving the subdivision at this meeting.

Commissioner Curwen moved to close the public hearing. Commissioner Spence seconded the motion. All members present voted "Aye". The public hearing closed at 7:20 p.m.

Commissioner Sagers asked Ms. Custer if she could help him remember what was discussed at the meeting in 2007.

Ms. Custer stated that when staff brought the original conditional use permit before the Commission the staff had justified the parking being in the front on Main Street opposed to being in the back due to the agricultural use in the back, security purposes, and the drive-thru. That was on the conditional use permit last year as well, it expired and had to come back before the Commission as well. That was most of the discussion.

Commissioner Montano remembered part of the discussion being that staff had said this is the only way this property could be developed is if it was laid out this way. He doesn't remember many dimensions on what he saw. He also remembers the shared driveway being controversial. It was hard for him to figure out how many parking stalls they would have. He doesn't remember security being an issue. The parking in the front is what troubled him. He struggles with the whole project.

Chairman Milne recalled that UDOT figures out how they will allow the ingress/egress to the property. They would not allow them to have two different drive approaches to this property off of Main Street. He remembers a condition was they must have shared access for the benefit of the property owner to the south.

Ms. Custer stated that was part of the site plan approval.

Chairman Milne remembered thinking that this was not a great situation, because he doesn't like the thought of anyone coming back and saying that the Commission was inconsistent. But in reality this private property owner doesn't have the luxury of two drive approaches which would have allowed them to put the rears of the building to the western edge of the property and put the parking toward the back.

Commissioner Dale stated that he had a concern when this was approved before about lack of an escape lane for the drive-thru. That was part of the conditional use permit. Tonight the Commission is voting on the subdivision.

Ms. Custer stated that is correct.

Commissioner Montano stated that they make some developers follow rules and then turn around and do not make others follow the same rules. He doesn't agree with that.

Commissioner Dale stated that he does not disagree with what Commissioner Montano is saying, but that is not what is being voted on tonight.

Chairman Milne stated that Commissioner Dale is correct but he wants to allow Commissioner Montano the opportunity to voice his concerns. He echoed the concerns of Commissioner Montano. He also stated that the allowances that the Commission makes are provided by the City's ordinances. They do not have the luxury of changing that to get rid of that ambiguity. Councilman McCall is here as a liaison to go back to the City Council and tell them that this is a reoccurring issue and it needs to be addressed.

Chairman Milne moved to make a positive recommendation to City Council on final plat approval for CK One Tooele Minor subdivision a one lot .88 acre subdivision to be located at 1050 N Main Street. Commissioner Dale seconded the motion. The vote was as follows:

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

4. Review and Approval of Planning Commission minutes for meeting held August 27, 2008.

Chairman Milne and Commissioner Spence gave Mrs. Jenkins some corrections to the minutes.

Commissioner Sagers moved to approve the Planning Commission minutes for the meeting held August 27, 2008 with the changes as stated above. Commissioner Spence seconded the motion. All members present voted "Aye", except Commissioners Curwen and Dale who were not present at the meeting.

5. Adjourn

Commissioner Sager moved to adjourn the meeting. Commissioner Curwen seconded the motion. All members present voted "Aye". The meeting adjourned at 7: 30 p.m.

Approved this 24th day of September 2008

Chairman Milne