

**TOOELE CITY PLANNING COMMISSION**  
**January 23, 2008**  
**Minutes**

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

**Commission Members Present:**

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

**Commission Members Excused:**

Jerald Sagers

**City Employees Present:**

Rachelle Custer, City Planner  
Roger Baker, City Attorney  
Cary Campbell, Public Works Director  
Councilman Dave McCall

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 Rachelle Custer.

**2. Nominate and Elect Planning Commission Chairman and Vice Chairman for 2008.**

**Commissioner Spence nominated to retain Commissioner Shawn Milne as Chairman of the Planning Commission.** Commissioner Garcia seconded the motion. All members present voted "Aye".

**Commissioner Searle nominated to retain Commissioner John Curwen as Vice Chairman of the Planning Commission.** Commissioner Spence seconded the motion. All members present voted "Aye".

3. **Setting dates, places and times of 2008 Planning Commission meetings.**

Presented by Rachelle Custer

Ms. Custer stated that Planning Commission meetings will be kept on the second and fourth Wednesdays of each month in 2008, with no meeting held on Christmas Eve. The meetings will remain at City Hall in the Council Chambers at 7:00 p.m.

Commissioner Searle commented that July 23<sup>rd</sup> is the day before a state holiday and many people might be on vacation for that meeting. He suggests omitting the meeting on July 23<sup>rd</sup> unless needed.

**Commissioner Searle moved to approve the 2008 Planning Commission meetings as presented by Ms. Custer with the removal of the July 23<sup>rd</sup> meeting.** Commissioner Gowans seconded the motion. All members present voted "Aye".

4. **Motion on reduced setback from 10 ft to 0 ft at 12 E 100 S by Tooele County.**

Presented by Rachelle Custer

Ms. Custer stated that this has been before the Commission before for a CUP because it is a government building. She reported that the front yard setback in the downtown overlay is 10 ft but it may be reduced to 0 ft with Planning Commission approval. The architect is requesting a reduced setback to allow for a building element extension on the South side to control sunlight. This approval is not for the building setback but for the piers. The piers are in the setback area and therefore staff is asking that Planning Commission allow for a smaller setback. Staff recommends approval of the reduced setback for the architectural sun light control features.

Chairman Milne asked if the piers are angled or if they are vertical.

Ms. Custer said they are vertical. They are much like the piers on the south side of City Hall. She stressed that that the building remains in the setback it is only the piers that encroach the setback.

Mr. Baker recommended in the motion to approve this that the Commission indicate that their decision is based on this unique circumstance on this building. This way the Commission won't set precedence for other buildings in the downtown overlay.

Commissioner Spence asked why they are taking the set back for ten to zero?  
Could it be taken from ten to five?

Ms. Custer indicated that the Commission could state that in their motion. They could reduce it to 6ft.

Mr. McLaughlin, the architect for the Tooele County Operations Center addressed the Commission. He stated that they need a 0 ft setback.

Commissioner Montano asked if the piers will be right against the sidewalk.

Ms. Custer stated the building will not be against the sidewalk. The majority of the piers will not be against the sidewalk, the entry way pier would be the closest one to the sidewalk.

Mr. JW Spendlove addressed the Commission. He asked if the piers will be fifteen ft away from the stop sign. There are problems on Coleman and Utah Avenue and he wants to make sure that there are no sight problems at the stop sign.

Mr. McLaughlin stated that the angle is appropriately open and shouldn't obscure any view.

Mr. Campbell asked if the piers affect the line of sight.

Ms. Custer said that the piers do not affect the line of sight.

Commissioner Montano wanted to clarify that the piers are on 1<sup>st</sup> South and the farthest pillar encroaches about 6 ft of the setback.

Ms. Custer stated that the pillar at the entry encroaches about 8 ft of the setback.

Commissioner Montano was concerned that the Planning Commission would be setting precedence in the downtown overlay.

Commissioner Garcia stated that is the reason Mr. Baker suggested earlier in the meeting to include in the motion that this is a unique situation for this building only.

Mr. Baker said that the Commission should set specific reasons in their motion as why they are approving this setback. For example it is because of the specific nature of the piers used to control the sunlight on this building.

Ms. Custer also stated that this setback is only allowed in certain areas, it is not allowed City wide. This is only allowed in the downtown overlay.

Councilman McCall asked if vehicles were parked in front of the building if they would be able to see Main Street. Mr. McLaughlin said you could see Main Street because it is only the piers that will be in the setback not the building, it should be fine.

Commissioner Searle said that he was in favor of this motion because the building is designed to have the parking in the back and it is a nice looking building. It is nice to look at the building from the front and not see a parking lot.

Commissioner Montano stated that there are no parking requirements to have parking behind the building in the downtown overlay.

Commissioner Searle said that he was not talking about the parking requirements, but he likes how this building hides the parking lot in the back and it nice to look at from the front.

Commissioner Dale commented that the closest pier to the sidewalk is still setback four feet from the sidewalk and from the entrance to the building.

Commissioner Montano asked if cars could park in the front on Main Street.

Ms. Custer said per UDOT cars will not be allowed to park in front of the building on Main Street, they can park in front of the building on 1<sup>st</sup> South.

**Commissioner Garcia moved to approve the reduced setback from 10 ft to 0 ft at 12 E 100 S for the Tooele County Emergency Operations Center. Their decision is based upon the unique architect of the building which includes the piers to control the sunlight. Any question regarding the piers is addressed in the letter dated December 21, 2007 from the architect Patrick McLaughlin. (The letter is included with these minutes as Exhibit A).**

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

Mr. Baker asked Mr. McLaughlin if this is a LEAD certified building? Mr. McLaughlin said that it was not but they are using some of the same ideas. Mr. McLaughlin stated that LEAD stands for Leadership in Energy and Environmental Design.

**5. Public Hearing and Motion on Conditional use permit for an automotive repair business located at 397 N Main Street by Mr. Shinkle.**

Presented by Rachelle Custer

Ms. Custer stated that Mr. Shinkle is requesting a business license for an automotive repair business to be located at 397 N Main St. The location is currently being used as an automotive repair shop. Due to the fact that there is

not a current conditional use permit on file for this address she is requesting a conditional use permit before a business license will be issued. Staff recommends approval of the conditional use permit with the following conditions:

1. Outside storage of cars for no more than a 7 day period.
2. Junk vehicles may not be stored at this location.
3. Lot must be kept clean and free of debris.
4. Hours of operation are 8:00 am – 6:00 p.m. Monday through Saturday.

A letter is included with the commissioners' packet that states the applicant's intent to meet these conditions.

Mr. Baker clarified that junk vehicles is referred in the City Code under Title 8 as unlicensed and inoperable vehicles.

Commissioner Montano asked if they should include as a condition that the applicant would not be allowed a dismantling permit at this location.

Mr. Baker said that this location would not be allowed to be an impound lot.

Kip Mautner, 34 W. 400 N, addressed the Commission. Mr. Mautner lives across the street from this location. Mr. Mautner commented that there is no sidewalk on 400 N in front of this building but there is supposed to be a pedestrian walkway. He said that there are always cars parked in the gutter at this location and it causes people to walk into the street and it is dangerous. There are cars that have been there for many years. He would like to see a fence around the property to screen the vehicles that are being worked on. It would be nice to have a sidewalk for people to walk on.

Commissioner Garcia also stated that this is a dangerous intersection especially for people backing out of this property.

Mr. Mautner stated that the asphalt goes straight to dirt and there is no sidewalk.

Chairman Milne recalls that there have been cars that have sat at this location for a long time. He asked if this is the same applicant applying for this CUP.

Ms. Custer stated that this is a new applicant that is purchasing this property.

Commissioner Gowans stated that the history of this site has had cars parked in the gutter because the property is cramped. He would like to see any cars that are stored on this property in the extended parking and short term storage area in the back. He would like to see no cars stored in front of the building at all. The front parking stalls should be for people coming and going. All cars being worked on should be moved behind the building. The auto bays to the east need to be cleared.

Ms. Karen Mautner, 34 W. 400 N., addressed the Commission. She also stated that there are cars parked where people are trying to walk

Commissioner Montano said that people should not be allowed to park on the street at this location. Hy and Mikes across the street also encroaches on the sidewalk.

Commissioner Garcia reiterated that this is a very dangerous road for pedestrians.

Mr. Campbell said that people do not have a right to park in the gutter.

Chairman Milne asked if anyone else would like to come forward and speak on this item. No one else came forward.

**Commissioner Curwen moved to close the public hearing.** Commissioner Searle seconded the motion. All members present voted "Aye". The public hearing closed at 7:33 p.m.

Councilman McCall indicated that he understands the residents concerns for vehicles parked on the street in this area. He would like to know if the new owner plans to put in a sidewalk.

Mr. Ben Shinkle, 679 W 3 O'Clock Dr., addressed the Commission. Mr. Shinkle said that his proposal does not include a sidewalk. He understands that there are vehicles parked all over right now and this area is very busy. He will make sure that he leaves room for a pedestrian walk way.

Councilman McCall asked if he could put a fence around the area where he is working on the cars to screen them from the street.

Mr. Shinkle replied that he has considered a installing a fence in the future, but not when he moves in. He would like to do some repairs to the building first.

Commissioner Montano asked when he was moving into the building.

Mr. Shinkle did not have an exact date, but hoping it will be soon.

Chairman Milne explained to Mr. Shinkle that the Commission and some residents have some concerns about this property. It has become an eyesore. The walk way needs to be cleared of cars. It is a concern that the walk way not be used to store cars. There are approximately eight stalls for parking in the front for immediate parking and the short term parking area should be used for all other parking. He asked that Mr. Shinkle not use the pedestrian walkway for parking vehicles.

Mr. Shinkle agreed with Chairman Milne.

Commissioner Montano would like to see building officials along with the police department re-stripe this area so there can be no parking on the street, as well as Hy and Mikes across the street. This area needs to be opened up to resolve the issues with neighbors and for safety reasons.

Commissioner Gowans commented that there is not a lot of distance from the auto bay to the street. Cars would need to be stored in extended parking. He asked Mr. Shinkle if he had seen the conditions set forth by the staff. Mr. Shinkle has seen them. Commissioner Gowans would like to add a 5<sup>th</sup> condition that no cars be parked on the 4<sup>th</sup> North curbside.

Mr. Baker asked if he was talking about on site or on the street.

Commissioner Gowans responded that he would like to see no cars parked on the 4<sup>th</sup> North side of the property. The cars would need to be stored in the back lot.

Mr. Baker clarified what Commissioner Gowans stated that the stalls on the East would be customer parking only. The eight parking stalls on the east would not be used for cars that would be there for more than 24 hours.

Commissioner Gowans agreed with what Mr. Baker said. He feels there needs to be a pedestrian walkway on 400 North and it is his recommendation that cars should not be allowed to park there.

Commissioner Searle said that you can't prohibit people parking on the street.

Chairman Milne stated that there is an Ordinance that prohibits people from parking on the sidewalk and or park strip. The City administration would need to enforce that Ordinance.

Mr. Baker stated that the Commission can't govern public way.

Commissioner Garcia said that there needs to be a time limit for the proposed fencing. She asked Mr. Shinkle when he would be able to have a fence installed.

Mr. Shinkle said that six months would probably work.

**Commissioner Searle moved to approve a conditional use permit for an automotive repair business to be located at 397 N Main Street with the following conditions:**

- 1. Outside storage of cars for no more than a 7 day period.**
- 2. Junk vehicles may not be stored at this location.**
- 3. Lot must be kept clean and free of debris.**

4. **Hours of operation will be Monday through Friday from 8:00 a.m. – 6:00 p.m.**
5. **Nuisance vehicles as defined by City Code Title 8 are not to be stored at this location.**
6. **No encroachment on ROW. Parking on the East and North of existing building be limited to the eight stalls and two handicap stalls.**
7. **Fencing to the west and southwest of the building is to be installed by July 31, 2008.**
8. **Line of sight be kept clear.**

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

6. **Public Hearing and Motion on Conditional use permit for a 21.5 ft tall multi use building to be located at 1195 S Main St by Gary and Janice.**

Presented by Rachelle Custer

Ms. Custer reported that Mr. and Mrs. Allred are requesting a conditional use permit to allow them to construct at 1,764 sq ft 21 ft 6 in tall multi use building at their home. The building will be located on the North East area of the lot. To the North is the BFE and to the East is the canyon. Because the building is over 15 ft in height a conditional use permit is required. Staff recommends approval of this conditional use permit with the following conditions:

1. The building be for personal use only. Not to be used for any business purposes.

Commissioner Gowans noted that when this building is built the other three buildings will be taken down. He asked how big this building will be.

Mr. Allred stated that is 45’ wide by 36’ deep.

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

**Commissioner Gowans moved to close the public hearing.** Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:55 p.m.

**Commissioner Gowans moved to approve a conditional use permit for a 21.5 foot tall multiuse building to be located at 11 95 S Main Street with the following conditions: 1) The building is to be used for personal use only. Not to be used for any business purposes. 2) Once this building is installed the**

**other buildings will be removed from the property.** Commissioner Montano seconded the motion. All members present voted “Aye”.

7. **Public Hearing and Motion on Conditional use permit for an in home daycare to be located at 342 Isgreen by Elizabeth Hamilton.**

Presented by Rachelle Custer

Ms. Custer reported that Ms. Hamilton is requesting a conditional use permit for an in-home day care to be located in her home at 342 Isgreen. Day care is allowed as a home occupation with a conditional use permit. She has included a layout of her home and yard which is in the Commissioners’ packet. She does have a fenced in back yard. 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 6:00 a.m. and 6: 30 p.m.
3. Fenced rear yard be provided for the children.
4. State Residential Child Care Certificate be obtained.
5. Tooele County Health Department inspection approval.
6. Building inspection approval.
7. Fire Inspection approval.

Chairman Milne noted that the applicant requested that she begins at 5:30 a.m. The Commission usually doesn’t allow daycares to begin until 6:00 a.m.

Ms. Hamilton said that some of her parents need to be to work by 6:00 and she needs to take their kids by 5:30 a.m.

Commissioner Curwen doesn’t see a problem with 5:30 a.m.

Chairman Milne also noted that per City Ordinance she can have no more than six children at one time in her home. The Commission also usually states that the hours of operation will be Monday through Friday.

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

Ms. Custer stated that she received a call from one of Ms. Hamilton’s neighbor’s and she said that Ms. Hamilton was very responsible in keeping kids out of the street and the parents are very respectful of dropping off and picking up their kids.

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

**Commissioner Searle moved to approve the conditional use permit for an in-home day care to be located at 342 Isgreen with the following conditions:**

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

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

- 8. Public Hearing and Recommendation of Gateway Business Park Phase 1 amended a two lot subdivision located at 470 E 2400 N by Oakridge Cove Investments.**

Presented by Rachelle Custer

Ms. Custer reported that Oakridge Investment is requesting approval for a two lot subdivision to be located at 470 E 2400 N. The property is currently one lot with two buildings located on the lot. This subdivision will split the property into two lots and put the building each on their own lots. The subdivision is required for the sale of the lot with the Department of Corrections building.

Commissioner Montano wanted to clarify that this location is by Liddiards.

Ms. Custer stated that this is South of Liddiards.

Commissioner Montano verified that the buildings are already built they just want to divide the property into their own lots. Ms. Custer stated that is correct.

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 8:03 p.m.

**Commissioner Searle moved to make a favorable recommendation to the City Council on Gateway Business Park Phase 1 amended a two lot subdivision located at 470 E 2400 N by Oakridge Cove Investments.** Commissioner Garcia seconded the motion. All members present voted “Aye”.

9. **Review and Approval of Planning Commission minutes for meeting held December 12, 2007.**

**Commissioner Spence moved to approve the minutes of the Planning Commission Meeting held December 12, 2007 as presented.** Commissioner Montano seconded the motion. All members present voted "Aye".

**Commissioner Curwen moved to adjourn the meeting to the discussion items.** Commissioner Garcia seconded the motion. All members present voted "Aye". The meeting adjourned at 8:06 p.m.

Approved this 13th of February 2008

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Chairman Milne