

TOOELE CITY PLANNING COMMISSION
May 28, 2008

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

Commission Members Present:

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

Commission Members Excused:

Bob Gowans
Jerald Sagers

City Employees Present:

Paul Hansen, City Engineer
Doug Baylay, Assistant City Attorney
Richard Jorgensen, Land Use Technician
Cary Campbell, Public Works Director
Dave McCall, City Council Representative

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 Dale.

2. PUBLIC HEARING and RECOMMENDATION on Deer Meadows Phase 2 preliminary and final plat approval. A four lot subdivision located at 300 South Droubay Road by Mathew Arbshay.

Presented by Richard Jorgensen

Mr. Jorgensen reported that this is a four lot subdivision between Deer Meadows and Loma Vista. Due to the size of the subdivision staff recommends approval of preliminary and final concurrently. Staff recommends approval of the subdivision with the condition that there will be shared access between lots 1 and 2 and shared access between lots 3 & 4. Mr. Jorgensen also stated that Mr. Arbshay is present if anyone has any questions of him.

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

Mr. Paul Hansen stated that the reason that preliminary and final plat approval are being done concurrently is because there is not dedication of right of way required. The right of way for this four lot subdivision was previously dedicated with the Loma Vista subdivision which is located directly east of this subdivision. The reason the City is requiring shared driveways is because this comes onto Droubay Rd., they have to allow access to the property, but they can control it by requiring the driveways to help with the impact on Droubay Rd. as it develops. There are a lot of lots including Lots 3 and 4 that back up to a large drainage ditch, the plat that the Commissioner's have in their packets shows those areas as public utilities and drainage easement. Lot 4 leaves a small buildable area, which will require special design for a home and the home will not be allowed to encroach into the drainage swell. There is a lot of loose material that has been put into the drainage swell. The utilities have already been stubbed. There are no additional public improvements. Subsidence is occurring on the roadway in front of Droubay Rd. One of the drainage swells cuts across behind lot 4, it is bonded, it is part of the warranty that the City has with the Loma Vista developer. It will effect this development but it is already protected by bond. All other city requirements including water rights are required as in a standard subdivision.

Commissioner Dale asked in regards to Lot 4, what the area along the south portion is designated as?

Mr. Paul Hansen said that is an extension of the fill, it has had loose fill placed in it. It was placed there intentionally so that the home owner would know that there is a distinction in the existing verses the pre-existing conditions there. In the northeast corner of Lot 4 is where the home will have to be placed and comply with all setbacks. The property to the south is where extensive fill has been placed. The area to the west is where the current swell exists.

Commissioner Spence moved to close the public hearing. Commissioner Garcia seconded the motion. All members present voted "Aye". The public hearing closed at 7:06 p.m.

Chairman Milne moved to make a positive recommendation to the City Council on preliminary and final plat approval for Deer Meadows Phase 2. A four lot subdivision located at 300 S Droubay Road with the condition that there will be shared access between lots 1 and 2 and shared access between lots 3 & 4. Commissioner Dale seconded the motion. All members present voted "Aye".

3. **PUBLIC HEARING and MOTION on conditional use permit for an in home massage therapy business to be located at 516 E 770 N by Linda Terry.**

Mr. Jorgensen stated that a CUP is required by Tooele City Code. Staff recommends approval of the CUP with the following conditions:

1. Approval from building inspector.
2. Fire inspection.
3. No onsite signs.
4. No employees at home.
5. Direct entrance from outside to client area.
6. Hours of operation Mon – Fri 6am – 6pm.
7. Only one customer at a time.
8. Off street parking be provided for clients and residents.

Mr. Jorgensen also stated that this is a public hearing and letters were sent to neighbors within 200 ft of the applicant's home.

Councilman McCall asked why the hours of operation were limited to Monday – Friday. He believes that this type of business would benefit from being open on Saturday.

Chairman Milne said that traditionally in the past the Commission only approves what is requested by the applicant. In the past regarding CUP's for day cares and preschools the Commission has not allowed businesses be open on Saturday for the sake of the residents. He understands that this is different. He asked is there was a particular request of the applicant in this case?

Linda Terry, 516 E 770 N, addressed the Commission. Ms. Terry said she would like to be able to work on Saturday. She was hoping to work until 8:00 p.m.

Chairman Milne stated that could be open for discussion.

Mr. Jorgensen asked if it would just be occasionally that a client would come that late?

Ms. Terry said if a client didn't get off work until 6:00 p.m. they might want to schedule a 7:00 p.m. appointment.

Mr. Jorgensen said that this CUP is slightly different than a CUP for a day care.

Commissioner Curwen pointed out that there would only be one customer at a time.

Mr. Jorgensen also mentioned that if the home is not handicap accessible, the City asks that the masseuse would be able to go to the handicap client's home.

Chairman Milne stated that this is a public hearing if anyone would like to come forward and address this issue. No one else 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 7:11 p.m.

Commissioner Spence asked if there is some kind of standard or consistency in the past that relates to these types of businesses?

Mr. Jorgensen said in the last 10 years he has seen 2-3 of these types of businesses.

Chairman Milne said that it is a reasonable request of the applicant to be open on Saturday and open later during the week.

Commissioner Spence stated that he feels it would be a logical request of the applicant to extend the hours.

Commissioner Garcia asked the applicant if it would be feasible to set the hours back to not start so early in the morning.

Ms. Terry stated that would work, usually clients do not come until later in the morning, 8:00 a.m. being the earliest, usually the average is 10:00 a.m.

Commissioner Dale asked what the applicant is requesting to be open?

Ms. Terry said she would like to be open from 8:00 a.m. to 8:00 p.m., Monday through Saturday.

Commissioner Spence moved to approve a conditional use permit for an in home massage therapy business to be located at 516 E 770 with the following conditions:

1. **Approval from building inspector.**
2. **Fire inspection.**
3. **No onsite signs.**
4. **No employees at home.**
5. **Direct entrance from outside to client area.**
6. **Hours of operation Mon – Sat from 8:00 a.m-8:00 p.m.**
7. **Only one customer at a time.**
8. **Off street parking be provided for clients and residents.**

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

4. **MOTION on design review for a sign to be located at 1730 W Hwy 112 by Geneva Rock Products.**

Presented by Richard Jorgensen

Mr. Jorgensen stated that this is a sign for Geneva Rock Products. A picture of the sign is included with the Commissioner's packet. This is a conditional use because the nature of the business. Staff recommends approval of the conditional use permit with the following conditions:

1. Applicant must provide an access agreement from UDOT.
2. Plant and site be well screened from the Highway.
3. Utility infrastructure and water rights must conform to City Code.
4. Sewer line participate will be required at property owners expense when available.

The sign would sit on a six foot rock wall. There will also be one on the building.

Commissioner Curwen asked why are these conditions being placed on the applicant for a sign.

Mr. Campbell said that he was confused to why a sign was coming before the Planning Commission because it is a permitted issue separate from conditional use.

Chairman Milne noted that date on the staff notes that they received are from April 11, 2007. He asked if this is what was asked of them originally.

Commissioner Spence noted that the staff notes relate to the actual construction of the batch plant.

Chairman Milne noted that the staff notes are not applicable to the design review for the sign.

Mr. Jorgensen agreed that the staff notes are old, they relate to a CUP for construction of the batch plant. These are not sign issues. He also stated that he spoke to Ms. Custer and there are no issues with staff for a sign to be placed at this location.

Chairman Milne asked if the sign was illuminated?

Mr. Jorgensen said that this plant is opened during the daytime only. He believes that there is no illumination in the sign.

Chairman Milne said that this is in the Gateway Overlay.

Mr. Jorgensen said that they could do a billboard if they want to.

Commissioner Montano said that Geneva Rock Products have done a great job screening from the road. It looks very nice.

Chairman Milne concurred with Commissioner Montano.

Commissioner Dale moved to approve the design for a sign to be located at 1730 W Hwy 112 by Geneva Rock Products. Commissioner Spence seconded the motion. All members present voted “Aye”.

5. Review and Approval of Planning Commission minutes for meeting held May 14, 2008.

Chairman Milne gave Ms. Jenkins some changes to the minutes before the meeting. Commissioner Dale made one change on page 2, 7th paragraph change sufficient to efficient.

Commissioner Spence moved to approve the minutes with the changes as stated above. Commissioner Dale seconded the motion. All members present voted “Aye”, except Commissioners Garcia and Searle who abstained because they were not present at the meeting.

Commissioner Curwen moved to adjourn the meeting. Commissioner Spence seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:20 p.m.

Discussion Item

1. Tooele County Trails Master Plan by Nando Meli.

No minutes were taken on the discussion item.

Approved this 11th day of June 2008.

Chairman Milne