

TOOELE CITY PLANNING COMMISSION MINUTES
January 14, 2009

Commission Members Present:

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

Commission Members Excused:

Gary Searle

City Employees Present:

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

2. Nominate and Elect Planning Commission Chairman and Vice Chairman for 2009

Presented by Rachelle Custer

Ms. Custer explained that by charter a Chairman and Vice Chairman of the Planning Commission must be elected at the first meeting of the New Year. The Chairman may sit as the Chairman for two years and then must be replaced.

Commissioner Garcia moved to nominate Ken Spence as Chairman of the Tooele City Planning Commission. Commissioner Sagers seconded the motion. All members present voted “Aye”, except Commissioner Spence who abstained from voting.

Commissioner Milne thanked the Commission for their support over the last two years while he was Chairman.

Commissioner Garcia moved to nominate Shawn Milne as Vice-Chairman of the Tooele City Planning Commission. Commissioner Sagers seconded the motion. All members present voted “Aye”, except Commissioner Milne who abstained from voting.

3. Setting dates, places and times of 2009 Planning Commission meetings

Presented by Rachelle Custer

Ms. Custer stated that it is required that the dates be set in a formal meeting for the Planning Commission Meetings. The Planning Commission meetings will continue to be held the second and fourth Wednesday of each month. The meetings will be held at Tooele City Hall in the Council Chambers. She noted that there will be no meetings in November. (November 11th is Veterans Day and November 25th is the day before Thanksgiving).

Commissioner Garcia mentioned that December 23rd might be too close to Christmas to hold a meeting.

The Commission was in favor of not having a meeting on December 23, 2009.

Commissioner Gowans moved to approve the dates, times and places for the Planning Commission meetings as presented for 2009 with no meetings being held in November and no meeting held on December 23, 2009. Commissioner Milne seconded the motion. All members present voted “Aye”.

4. PUBLIC HEARING and MOTION on conditional use permit to construct a 980 sq ft detached garage to be located at 156 W 100 S by Brad Barraclough/Rhonda Bracken.

Presented by Rachelle Custer

Ms. Custer explained that the applicant is requesting a conditional use permit to construct a 980 sq ft detached garage. The structure will cover 11.3% of the lot. 8% coverage is allowed without a conditional use permit. 980 sq ft is the maximum allowed for lot coverage due to the 25% rear lot coverage that is allowed. Staff recommends approval Of the conditional use permit to construct a 980 sq ft garage with the following conditions:

1. Any outside lighting placed on the garage be directed down onto the site no to flood into neighboring properties.
2. The garage may not be used for commercial business purposes.

Commissioner Montano stated that he would like the drawings that are given to the Commission on detached garages to include the total height of the garage.

Chairman Spence asked if the garage was within the height limitation.

Ms. Custer stated that 15' is the height limit.

Chairman Spence noted that it would be helpful to include the height of the garage when conditional use permits come to the Planning Commission for approval.

Chairman Spence 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 Sagers seconded the motion. All members present voted "Aye". The public hearing closed at 7:11 p.m.

Commissioner Gowans moved to approve a conditional use permit for a 980 sq ft garage to be located at 156 W 100 S. with the following conditions:

- 1. Any outside lighting placed on the garage be directed down onto the site not to flood into neighboring properties.**
- 2. The garage may not be used for commercial business purposes.**

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

5. PUBLIC HEARING and MOTION on conditional use permit to add four classrooms at 1021 W Vine Street by Utah State University.

Presented by Rachelle Custer

Ms. Custer stated that Utah State University (USU) was before the Commission a few weeks ago for a conditional use permit for a 14,000 sq ft addition, since then they have decided to add an additional 4,200 sq ft and therefore they need to amend the conditional use permit. 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.

Ms. Custer stated that there was a question on parking and it has been resolved. The way that USU has calculated the parking is based on square footage. The City recommends to the Planning Commission that the parking be based on the number of seats. USU has 482 seats and the City suggests having one parking stall for every four seats. The City recommends having 149 stalls and USU plans to exceed that number. It is up to the Planning Commissions to make the decision for parking on public and private education facilities.

Chairman Spence asked Ms. Custer if the number of parking stalls should be a condition on the conditional use permit.

Ms. Custer stated “yes”.

Commissioner Milne asked how many parking stalls there will be based on the number of square footage instead of the number of seats.

Ms. Custer said that USU provided one stall for every 200 sq ft; she did not calculate what the number would be.

Commissioner Milne stated that because of the frontage of this lot USU qualifies for a much larger sign and he wondered what the future expectations were for a larger sign?

Ms. Custer did not know.

Commissioner Milne asked the applicant the same question.

The applicant said they do not plan on having a larger sign than they have right now.

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

Commissioner Sagers moved to close the public hearing. Commissioner Garcia seconded the motion. All members present voted “Aye”. The public hearing closed at 7:16 p.m.

Commissioner Milne moved to approve a conditional use permit for a 4,200 sq ft addition to Utah State University located at 1021 W 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.**
3. **There must be a minimum of 149 parking stalls.**

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

6. **PUBLIC HEARING and MOTION on conditional use permit for an accessory drive thru facility a 998 No Main Street by Zion’s First National Bank.**

Presented by Rachelle Custer

Ms. Custer explained that Zions Bank is proposing to construct a new building on the corner of 1000 North Main Street. The bank will have a drive thru facility for banking purposes. The drive thru requires a conditional use permit. The drive thru facility will consist of three lanes on the South side of the building. This is lot #2 in Tooele Town Center #4. Staff has discovered that there is a detention basin easement on this lot and

they are recommending approval of the conditional use permit with the conditions that the detention basin easement is mitigated prior to site plan approval and that a median be installed as required in the traffic study report.

Commissioner Sagers asked where the detention basin is on the drawing included with the packet.

Ms. Custer stated that it is the grass detention basin on the corner of the lot. The applicant is proposing to build over that basin.

Mr. Hansen explained on the overhead drawing where the limited drive access is located. Mr. Hansen indicated that there is a drive entrance on the top right corner of the drawing that has a “pork chop” entrance. He said that he does not approve of the “pork chop” and does not feel that they are functional or safe for traffic. Mr. Hansen also explained that the median in discussion would be down the center of the main access drive from 1000 North into the Macey’s development. Access to the drive thru would be a right in right out access off of the street. Approval of this conditional use permit would not be approving the site plan as shown; rather it will be changed to reflect the access control. He wanted the Commission to understand where the median is that they have been discussing.

Commissioner Spence stated that this access road would be east of a future car wash building.

Mr. Hansen stated that the Commission has seen a site plan for a car wash. This would be on the east side of the car wash.

Mr. Hansen explained that “pork chop” is an engineering term for the piece of concrete in the middle of the road which accesses the Bank. He does not believe the “pork chop” to be functional in this application.

Commissioner Montano asked if he was referring to number 21 on the drawing.

Mr. Hansen said “yes”.

Mr. Baker stated that he has just recently looked at this conditional use permit and has a concern. Mr. Baker referred to item #7 on the drawing. He indicated that this is part of an existing landscape detention area. He is concerned about the need to mitigate the square footage of detention area that this would remove. Mr. Baker also indicated that the landscaping that is there now is part of the original site plan approval and without more research he is concerned that approving this conditional use permit would result in a reduction of landscaping that the Planning Commission originally required as part of the original site approval. The City needs to research the original site plan to see if the landscaping needs to be located elsewhere or if there was excess landscaping in the original site plan. This conditional use permit would appear to amend the original site plan that was approved. The Planning Commission needs to make decision if they want

to amend the original site plan. The City has not been able to provide the research needed to the Planning Commission at this time.

Commissioner Milne asked if it is a 15% landscaping requirement for the whole development.

Mr. Baker said that he could only assume at this point that the original site plan had the landscaping requirement applied to the entire site plan. He does not know without doing some research.

Commissioner Montano asked if Mr. Baker was talking about the landscaping requirement to this lot or the entire project that includes, Macey's, McDonalds, etc.

Mr. Baker explained that he was referring specifically to landscaped corner treatment on the corner of Main Street and 1000 North. That was a requirement of the original Amsource site plan when Macey's was first built.

Commissioner Milne asked if they would need to amend their site plan if this item were approved.

Mr. Baker said if this is approved as shown it would effectively amend the original site without having that item in front of the Commission.

Commissioner Garcia mentioned that it would be better to table this item until some research is done.

Mr. Baker does not want to imply any disfavor toward the applicant. He feels that it is exciting to have construction in a commercial nature going on in Tooele at this time, and especially a well established business such as Zions bank. There are some unanswered questions that makes him uncomfortable moving forward at this meeting.

Commissioner Montano suggested if this item is tabled that the issues be resolved and put it back on the agenda in two weeks. He also agrees that it would be nice to see that corner developed.

Mr. Baker said that there should still be a public hearing because it was advertised.

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

Jay Limbs addressed the Commission. He is the architect representing Zions Bank. Mr. Limbs stated that they understand that the "pork chop" is not a desirable situation and is a concern and it is currently under development. They also have their engineers working on the detention basin so it will still hold the same percentage of water that is necessary. They have created a zone between the west drive access and the sidewalk of

the building where there will be landscaping, they are required to have 15% landscaping and they will have 35%.

Commissioner Milne asked Mr. Limbs if he was confident that they meet the 15% landscaping requirement even with removing the square footage of landscaping by putting the detention basin under the parking lot.

Mr. Limb stated that there is quite a bit of landscaping that is part of the dentition basis that helps add to that total. He said that they are willing to address any issues that the Commission needs them to. They are not trying to “skirt” around any issues. They are on a time frame and would like to break ground as soon as the weather permits.

Mr. Campbell said that the issue is if they take away landscaping in this area will it take away the 15% required for the entire site plan that was approved many years ago.

Commissioner Montano said that a year ago when the credit union was finished the original developer was required to do and maintain the landscaping on the east side of the property, along 100 East. That was required as part of the original conditional use permit. He said it is hard to know where the Commission should go with this. Should they make them stick to the original site plan? He doesn't feel that Zions is trying to “skirt” around any issues.

Commissioner Milne moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted “Aye”. The public hearing closed at 7:30 p.m.

Mr. Baker stated that until Mr. Limb spoke he was unaware of the site percentages of landscaping. He did not realize that the lot took in all the way to the Main Street property line and the existing landscape area is part of their individual site plan. He still does not know how it effects the overall site landscaping but it doesn't appear to be as big an issue as he thought. The question still remains if the Commission is willing to amend the existing corner landscaping to accommodate this plan.

Chairman Spence asked if staff feels that the percentages are in line.

Ms. Custer stated that a 15% landscaping requirement is required on all lots in the Gateway area. She also stated that they have not had time to research the original site plan and what their landscaping requirement was. It may be balanced out.

Commissioner Milne noted that Mr. Limb said that they are going to have 35% landscaping. He asked if that takes into account the boundaries as represented on the drawing and those areas that have already landscaped or what they will be landscaping.

Mr. Limb said that it includes the property owner's boundaries.

Commissioner Milne asked if the percentage includes anything new they are going to add and what is already currently there.

Mr. Limb stated “yes”.

Commissioner Milne said that he hates to hold up this particular applicant. He also agrees with Commissioner Montano that they have had some problems with the landscaping with the developer as a whole. He would be fine with this conditional use permit if it were not for the staff concerns.

Chairman Spence asked if they could approve this based on satisfying the staff concerns.

Commissioner Milne stated that they have in the past.

Commissioner Milne moved to approve a conditional use permit for a drive thru facility attached to the proposed Zions Bank to be located at 998 N Main Street with the following conditions:

- 1. The detention basin easement is mitigated prior to site plan approval.**
- 2. Median is installed as required in the traffic study report.**
- 3. Landscaping meets the staff’s calculations as to what is required prior to the site plan approval.**

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

Mr. Baker stated that mitigation of the detention basin easement is not part of the staff report that he has.

Ms. Custer stated that it was not listed on the staff report.

Mr. Baker wanted to make sure that the conditions that Commissioner Milne made in the motion are not limited to the staff recommendations.

- 7. PUBLIC HEARING and MOTION on conditional use permit to allow an 85 unit multi-family residential project to be constructed on 5.34 acres at 880 S 1050 W by Pine Canyon Investments.**

Presented by Rachelle Custer

Ms. Custer explained that Pine Canyon Investments LLC is proposing to construct an 85 unit apartment complex at 880 S 1050 W. Settlement Canyon Apartment development will consist of 85 garages, 40 covered parking paces and 95 uncovered parking spaces. They are proposing 4 buildings with a club house and play court. The property is zoned HDR. The project density is 15.92 units per acre, 16 units per acre are allowed with a conditional use permit in the HDR zone. They are proposing 1.81 acres of open space within the project. The developer is aware of the multi-family design guidelines.

Colored elevations are included in the Commissioners packets. Staff recommends approval of the conditional use permit to allow for up to 16 units per acres. Ms. Custer then showed the Commission and the audience some color boards and some color elevations of this project.

Mr. Baker stated that the multi-family design guidelines address more than building design it addresses site layout, building orientation, common areas and open space requirements. The developer will have to comply with all of the multi-family design guidelines.

Commissioner Milne indicated that he received a letter at the beginning of the meeting regarding this item; he gave the letter to Chairman Spence.

Commissioner Gowans asked if Ms. Custer could explain where this project will be.

Mr. Campbell stated that it is at the west end of the current 700 south.

Chairman Spence asked if the staff has reviewed this project.

Ms. Custer stated that they have looked at it in a pre-development meeting. They have not looked at the site plan. She stated that there is 33% open space in this project.

Chairman Spence asked if the parking is adequate.

Ms. Custer said that has been discussed.

Commissioner Milne said that he was present at the pre-development meeting and he has a concern with the single family dwellings that will be up against this development. He said that it has been the Commission's practice in the past to provide some kind of solid fencing as a buffer. He also encourages the developer to provide some landscaping to mitigate the effects of lighting, and shielding from the noise. He stated that the applicant has gone to good lengths to help mitigate parking problems in the residential neighborhood.

Chairman Spence asked if the fencing has already been considered by the applicant.

Ms. Custer stated that the applicant is proposing a fence with the development. The applicant has pulled his development as far away from the residential homes as the site will allow. He is sympathetic that there are residential homes around this site.

The applicant stated that they are planning on a taupe colored vinyl fence around the whole project.

Chairman Spence asked if the fence will be 6' in height.

The applicant stated that it will be a 6' fence.

Commissioner Montano asked where the fencing will go.

Ms. Custer stated that the fencing will go around the entire project.

Mr. Baker said that the City Code does have a design guideline for perimeter fencing.

Commissioner Milne asked if they could get a quick overview of the City Code for fencing.

Mr. Baker indicated that City Code states that the project perimeter property line will be fenced. The materials, colors, and designs shall be similar to those utilized in the buildings. It also identifies acceptable fencing materials such as masonry, stucco, vinyl, and block. It may also have vertical sections such as columns or piers. Prohibited fencing materials include chain link, wood, wire, etc. City Code also requires fence maintenance by the property association.

Chairman Spence stated that this is a public hearing if anyone would like to come forward.

Dennis Tracy, 824 Newmark Drive, Tooele, addressed the Commission. He is confused of where this development will actually be built.

Chairman Spence said that 810 S enters the complex from the east.

Ms. Custer showed Mr. Tracy a map as to where this project will be built.

Mr. Tracy is concerned that building C of this project will block his 18 solar panels he has in his back yard. He said that Tooele City does not have sun protection laws of any type. He thought that this property was zoned for two story buildings not three story buildings. He also has a concern about water pressure. He does not have very much water pressure and the addition of these units would put a bigger strain on the water pressure in his home. Mr. Tracy's other concern is that the primary access for this project will be from 810 South, there are no traffic signs in this area. There will be a great increase in traffic in this area. He doesn't feel that there is much police enforcement of traffic regulations in this area.

Richard Ebmayire, 845 S. Newmark Drive, Tooele, addressed the Commission. He has a concern that property values will go down because of this project. His other concern is that Settlement Canyon Elementary is at capacity and this will add more children. He said that there are not many access roads to this area. He feels that 700 South and 200 S past Coleman are a mess. Those are the only two access roads without going through neighborhoods. This will add around 200 cars on streets that already have problems. He feels that this project is bad for their neighborhood.

Nick Waters, 825 S. Newmark Drive, Tooele, addressed the Commission. Mr. Waters shares the same concerns as his neighbors that have spoken.

Commissioner Milne moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted “Aye”. The public hearing closed at 7:52 p.m.

Chairman Spence read the letter given to Commissioner Milne before the meeting. The letter is from Robert and Carin Williams of 838 S Newmark Drive. They could not attend this meeting and are opposed to this project. The letter is attached to the minutes as Exhibit A.

Commissioner Gowans asked Mr. Hansen if there has been a traffic study on 700 S and 200 S.

Mr. Hansen said that there has not been a traffic study specific to this development.

Commissioner Gowans said that he is familiar with 200 South. He stated that with the lack of development all the way down the street it presents a variety of problems. He said that 700 South is a flood road and is in bad condition. He feels that the neighbors have valid concerns about the access into this area. He asked if there is a need of a traffic study.

Mr. Hansen asked the applicant if he has done a traffic study.

The applicant said that he has not done a traffic study.

Mr. Hansen stated that the traffic can be looked at. He said that sometimes the City is limited to what they can require to be done off-site. They need to be aware of safety issues and traffic movement. They can look at the traffic situation before they grant final approval and if it is a concern they can make appropriate mitigation.

Commissioner Sagers said that there are two other accesses to that area. A vehicle can go down by USU and exit on Vine Street or go down further to Utah Avenue.

Commissioner Gowans stated that he travels 200 S. He explained that 200 S has not been fully developed and as you turn to go to USU the road narrows in the turn area. He knows from experience on 200 S it is very busy. He also said that your vehicle takes a beating going down 700 S because of the condition of the flood road. He indicated that these two things concern him. Commissioner Gowans asked Mr. Hansen about the water rights to this property.

Mr. Hansen said that there are water rights that are already part of this development. Mr. Hansen indicated that this is the first time he has heard about low water pressure in this area and will look at that problem.

Commissioner Curwen also agreed that Coleman Street by the flood road is not a good road.

Commissioner Gowans stated that his concern is the two entrances into this area are not very desirable roads.

Commissioner Sagers stated that the City bought the house on the corner of Coleman and 700 South. He asked if it is the intent that the house be demolished and a new intersection is to go there.

Mr. Hansen said that is part of the City's long term plan. However, the City does not control all of the property on 700 South which would allow for full road widening.

Mr. Baker said that it would be reasonable to require a traffic study to determine the anticipated increased impact that the number of vehicles would put on the existing infrastructure of the City and whether that impact would justify requiring that the infrastructure be improved or expanded.

Commissioner Gowans asked if that should be done prior to the approval of this conditional use permit.

Mr. Baker responded to say that the approval of the conditional use permit also includes the approval of the site plan. This would be the last time this development will come before the City for approval. He suggests having a traffic study first to see what it tells the City.

Commissioner Garcia feels that the homeowners have legitimate concerns and feels that a traffic study should be done first. Also the water pressure should be checked on.

Chairman Spence asked if the property is zoned for two story buildings or three story buildings.

Ms. Custer stated that the development is under the height requirement.

Commissioner Sagers moved to table item number seven and have a traffic study be done before approval of this conditional use permit. Commissioner Milne seconded the motion. All members present voted "Aye".

Mr. Tracey asked if the neighbors will be notified to when this will come back to the Planning Commission again.

Ms. Custer said they will not be notified individually because the public hearing has already been held. She suggested that they watch the agenda's for the Planning Commission meetings.

Mr. Tracy said that his home is right off of 810 South. He is very concerned that his solar panels will be blocked. He would like to know if they will be blocked by this project.

Commissioner Milne stated that the next time they meet to discuss this item they might want to consider the dimensions of the landscaping.

Chairman Spence asked Mr. Tracey if he has a minimum dimension that he needs so his solar panels will not be blocked.

Mr. Tracey does not know what the minimum dimension would be because this is the first time he has seen a plan for this project.

Commissioner Montano said that with the setback of Mr. Tracey's home this project will be about 65' – 70 ' away from his panels. The issue of someone's view being blocked by a development has come before the Planning Commission before and the only way you can stop someone else from blocking your view is to buy the property. Commissioner Montano indicated that because Mr. Tracey has solar panels it does not allow him to stop someone from building within the City Code.

Commissioner Garcia noted that the applicant is under the height elevation requirement for this property.

Mr. Tracey said that once the building goes up there is nothing he can do about it. He said that he received a building permit to put up the solar panels. He would like to know if his solar panels will be blocked, he understands that the property is zoned for HDR and he can not do anything about that.

Chairman Spence said that Mr. Tracey's concerns have been noted by the Commission.

8. **PUBLIC HEARING and RECOMMENDATION on preliminary plan approval for a 126 acre Little Mountain Estates PUD subdivision to consist of 87 single family residential lots and 63 town homes to be located south of Skyline Drive from Upland Drive to Canyon Road by Patterson Construction.**

Presented by Rachelle Custer

Ms. Custer stated that Little Mountain Estates has been before the Commission before to get PUD zoning. They are back for preliminary plan approval of the PUD. A PUD ordinance was approved by City Council on February 2, 2007. The development is intended to cluster the housing and pull it off the top of Little Mountain. The development includes condos and single family homes. The PUD addresses setbacks, lot coverage, and other items that are different from normal zoning areas because it is a unique area. The PUD ordinance addresses a conservation easement to allow access to

the top of the hill. The conservation easement is required to be in place and recorded prior to final approval. There is also a storm drain easement and a water line easement that need to be secured prior to final approval. The easements shall be maintained in perpetuity for the open space. The developer will be installing a water system, tanks, booster pumps, and extending roads down to tie into SR 36. They do have approval from UDOT to reconstruct Canyon Road access to SR 36 and make that a better functioning access. They will be required to comply with all City ordinances. Staff recommends approval of the preliminary plan for Little Mountain Estates PUD with the condition that all easements be secured, satisfactory and recorded prior to final approval.

Chairman Spence noted that this road is coming out of the old Settlement Canyon Road and asked if it is coming out north of the electrical sub station.

Commissioner Montano indicated that it is Little Mountain Road.

Ms. Custer stated that Little Mountain Road will connect to Canyon Road and then connect on to SR 36.

Commissioner Curwen indicated that he has some concerns about Canyon Road.

Ms. Custer stated that the developer will do the improvements to that intersection.

Commissioner Curwen asked what about the rest of the road.

Ms. Custer stated that they will be required to make it a safe road. Ms. Custer asked if it is the width that Commissioner Curwen is concerned about.

Mr. Hansen explained that Old Canyon Road is a public road. The information that the City has received from the developer is that the right-of-way exists based upon the information that they have been shown for improvements to that road to a 28' width access road. UDOT has seen plans that will improve the interchange and allow for an acceleration lane. The other access will be from Skyline Drive off of Upland Drive. There has been a traffic study done on this development.

Commissioner Milne asked what the number of residences are that will be developed across all phases.

The applicant said that it is 150 units.

Commissioner Milne asked if that is 150 units total between the condos and the single family homes.

The applicant stated "yes".

The applicant indicated that there are 87 single-family homes and 63 condos which is just over 1 unit per acre.

Commissioner Milne asked Mr. Hansen if the traffic study suggested that Skyline and the improved Canyon Road would handle the traffic.

Mr. Hansen said yes, based on the traffic study.

Commissioner Curwen asked how a traffic study can be conducted when nobody is living there now.

Mr. Hansen said that the traffic study is based upon projections.

Ms. Custer stated that the traffic study is based upon the 150 units to be built.

Chairman Milne noted that the last time this development came before the Commission his sentiment was that the developer could build on the hill. He has somewhat retracted his sentiment from that time. He noted that the developers have taken the lots off the ridge line. He asked if you would be able to see lots 167 and 168 looking southward, north of little mountain or if they would break the skyline.

Ms. Custer said that there is a stipulation in the PUD ordinance that does not allow any building above the ridge line from the north.

Councilman McCall asked if these roads will allow for fire trucks to maneuver on them.

Ms. Custer said "yes".

Mr. Baker said that right now the City Code allows for a maximum slope on a road to be 12%. This will be the last development that will have that kind of a slope. They have drafted and will be proposing shortly an amendment to the City Code to allow the streets to be no steeper than 10%. The current City Code allows 12%.

Chairman Spence asked which roads will have the 12% grade.

Mr. Hansen said that the steeper sections of the road would be the access road off of Old Canyon Road until you get up into the valley. He also indicated that some of the multi family units run near that steep of a 12% grade. The road that drops back down to Skyline Drive would also have up to a 12% grade.

The applicant said that none of the roads exceed the 12% grade.

Commissioner Montano said that he does have a concern about Canyon Road but it appears that the developer will be resolving that issue.

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

Mr. Baker said that there is one item of concern that the developer is aware of. The City will need as a condition of the final City Council vote a written agreement regarding the booster station and the water line. The City drafted an agreement that was not acceptable to the developer and they are trying to draft another agreement that will have to be in place before the City Council vote. He wanted the Planning Commission to be aware of that issue.

Commissioner Milne asked if that needs to be a condition of the Planning Commission's recommendation.

Mr. Baker said that they do not need to unless they want the Council to consider it as a condition of their recommendation. The Council will see it as a part of the discussion that he brought up. The City will make sure it is a condition before it is brought before the City Council.

Shirley Beagley asked if residents will be able to see any of this development from Tooele.

Mr. Baker said that you will be able to see some of the development from certain angles. You will be able to see it from the south, west and east. You will not be able to see the home directly from the north.

Steve Sowby, 11038 N Highland Blvd, Highland, addressed the Commission. Mr. Sowby is representing the developer. He said that they have been asked by the City to include the necessity for a storm drain easement across City owned property at the wigwam. He wanted the Commission to be aware of that. There is also a small piece of the road that is on City property. There is a legal description that is needed for that piece of the road. He wanted the Commission to be aware of those two items.

Dave Wilding addressed the Commission. Mr. Wilding is the engineer for the developer. He said that there are some concerns of what will be seen of this development. He showed on the overhead where the peaks of the mountain are. The lots are where the hill flattens out. He said that you couldn't see this development from Main Street. You could see this development from the dam. Mr. Wilding indicated that when they came before the Commission about a year and a half ago, City Code allowed them to build on top of the hill but they chose not to. They were trying to be careful and sensitive to how this development is built. He also stated that traffic studies are always done before developments are done and it is done based on the number of units that are projected. The indications from the traffic study are that the traffic should flow o.k.

Commissioner Milne wanted to thank the developer for compromising and not building homes on top of the mountain. He is sure some people would have paid a significant amount of money to build on the top of the mountain.

Commissioner Milne moved to make a favorable recommendation to City Council with the thoughts and concerns of Mr. Baker regarding the written agreement for

the booster station and water line be included with the recommendation on the preliminary plan approval for 126 acre Little Mountain Estate PUD subdivision. Commissioner Sagers seconded the motion. All members present voted “Aye”.

9. Review and Approval of meeting minutes for Planning Commission meeting held December 10, 2008.

Commissioner Milne gave some changes to the minutes to Ms. Jenkins before the meeting.

Commissioner Gowans moved to approve the minutes from the Planning Commission meeting held December 10, 2008 with the changes submitted by Commissioner Milne. Commissioner Sagers seconded the motion. All members present voted “Aye” except for Commissioner Garcia who abstained because she was not present at the meeting.

10. Adjourn

Commissioner Milne moved to adjourn the meeting. Commissioner Garcia seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:29 p.m.

Approved this 28th day of January

Chairman Milne