

TOOELE CITY PLANNING COMMISSION MINUTES
October 28, 2009

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

Commission Members Present:

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

Commission Member Excused:

Phil Montano
Fran Garcia

City Employees Present:

Rachelle Custer, City Planner
Paul Hansen, City Engineer
Dave McCall, City Council Representative

Others Present:

Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

Chairman Spence called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Spence.

2. PUBLIC HEARING and MOTION on a conditional use permit for a bar social club to reopen at 104 N Broadway Ave by Ignacio Lazalde.

Presented by Rachelle Custer

Ms. Custer explained that Mr. Lazalde is requesting to reopen the old Juan's Depot building. The intended use is bar/social club. This is the same use the occupied the building for many years. Since the building has been vacant for over a year a new conditional use permit is required. The zoning is mixed use Broadway. There is not a parking requirement for this zone. Staff recommends approval of the conditional use permit with the condition that all state and local laws be complied with in regards to alcohol licenses and the use of a bar/social club.

Chairman Spence asked how long this building has been vacant?

Ms. Custer stated that it has been several years.

Chairman Spence asked if the City will be conducting an inspection.

Ms. Custer stated that the building will be required to be brought up to current code. The applicant has submitted a building permit.

The applicant asked Ms. Custer to distribute to the Commission a copy of a proposal for this property. (This is included in the minutes as Exhibit A).

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

Joanna Smith, 77 N. 4th Street addressed the Commission. Ms. Smith indicated that she lives around the corner from this location. She is against this business opening. She does not feel that Broadway needs another bar. She already deals with noise issues from Broadway. Ms. Smith also feels that it will cause more work for the police department.

Jim Busico, 305 S 100 W addressed the Commission. Mr. Busico is one of the partners in Broadway Heritage revitalization and renovation process. He asked what positive activities will allow this business to contribute to a healthy environment and revitalization of this area? He also realizes that this is a mixed use zone; he is concerned about parking for this location as well. Mr. Busico stated that many of the previous businesses in this location have failed and asked what this owner plans to do differently.

Ignacio Lazalde, the applicant addressed the Commission. Mr. Lazalde understands the concerns that have been addressed. Mr. Lazalde does not know if this business will work he will try his best to make it work. He indicated that part of this business will be a restaurant.

Chairman Spence indicated that Mr. Busico had asked how this business will contribute to the revitalization of this area? He asked if there are plans to update the exterior of the building.

Mr. Lazalde indicated that there are no plans for the outside of the building at this time. When this opens and they begin to make some money he hopes to be able to do some things to the outside. He also stated that they have made arrangements for parking across the street.

Commissioner Milne moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted "Aye". The public hearing closed at 7:13 p.m.

Commissioner Searle indicated that the City has an Ordinance that deals with noise issues. Commissioner Searle suggested that Ms. Smith contact the police department if she is having problems with noise. He realizes the problem is enforcing the ordinance.

Commissioner Dale agreed with Commissioner Searle. Commissioner Dale also stated that if Ms. Smith has noise issues an officer might not always be available to come and address the situation when she needs them.

Commissioner Milne stated that this type of business might draw certain problems with it. He feels that the business owners need to be responsible to help mitigate noise problems. Commissioner Milne's concern was how to place conditions upon the applicant to help mitigate the problems. He also understands that the noise ordinance needs to be enforced.

Commissioner Searle suggested that the applicant keep the windows and doors shut to help cut down on the noise problem. This is a mixed use zone, which has residential around the businesses.

Ms. Custer suggested screening from the residential neighborhood to help mitigate the noise.

Councilman McCall suggested a fence or some type of screening between the business and the residential to help mitigate the noise. He feels that every business along this strip needs to be screened from the residential.

Commissioner Dale had a concern that the applicant is not planning on making any improvements to the outside of the building. He does not feel that helps with revitalizing this area. He would like to see some exterior upgrades as a condition.

Ms. Custer reminded the Commission that they have to look at the adverse impacts this business would have on the neighborhood and that is what they can mitigate.

Ms. Lazalde indicated that he does not have the money right now to update the outside of the building. He is trying to get the business up and going. When he starts to make money it is something that he can do in the future.

Fernando addressed the Commission. He is Mr. Lazalde's business partner. He indicated that they are working on reconstructing the inside of the building. They also have a tentative agreement to lease the parking lot across the street for parking; this would help keep the parking away from homes. When they start making some money they could work on the outside of the building. They have never run this type of business and they are doing everything they can to make it successful. They will be spending 3-4 months remodeling and they are hoping to open around the first of the year.

Mr. Busico asked if the applicant is leasing the building or purchasing the building.

Fernando indicated that they bought the building.

Mr. Busico indicated that the applicant has a vested interest in keeping the building up if he purchased the building.

Commissioner Searle moved to approve a conditional use permit to reopen a bar/social club at 104 N Broadway with the following conditions:

1. **All state and local laws be complied with in regards to alcohol licenses and the use of a bar/social club.**
2. **The business adheres to the noise ordinance established by the City.**
3. **Within 9 months of opening the business construct a 6' fence approved by staff to help mitigate noise between the business and the residential.**

Commissioner Milne seconded the motion. All members present voted "Aye" except for Commissioner Dale who voted "Nay".

3. **PUBLIC HEARING and Recommendation on final plat approval for UID minor subdivision no 17 a one lot 1.4 acre piece of property located at 155 S Glenn Court by Utah Industrial Depot.**

Presented Rachelle Custer

Ms. Custer explained that UID is requesting a one lot minor subdivision for the sale of a piece of property within the UID. This is a minor subdivision because there is not any road dedication and the subdivision consists of less than ten lots. Staff recommends approval of this subdivision. This piece of property does not front a publicly dedicated road but they do have easements to get private access to the property.

Mr. Hansen showed the Commission on the overhead where the property is located.

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

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

Commissioner Milne moved to make a positive recommendation to City Council for final plat approval for UID Minor Subdivision No. 17 a one lot 1.4 acre piece of property located at 155 Glenn Court. Commissioner Searle seconded the motion. All members present voted "Aye".

4. **Review and Approval of Planning Commission minutes for meeting held September 23, 2009.**

The Commission indicated that they did not receive a copy of the minutes.

The approval of the September 23, 2009 Planning Commission minutes will be tabled until the next Planning Commission Meeting.

Commissioner Milne moved to adjourn the meeting. Commissioner Sagers seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:32 p.m.

Approved this 12th day of November 2009

Chairman Spence