

TOOELE CITY PLANNING COMMISSION MINUTES
September 9, 2009

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

Commission Members Present:

Ken Spence, Chair
Shawn Milne
Jerald Sagers
Phil Montano

Commission Member Excused:

Fran Garcia
Bob Gowans
Gary Searle
John Curwen
Steve Dale

City Employees Present:

Roger Baker, City Attorney
Cary Campbell, Public Works Director
Richard Jorgensen, Land Use Technician
Dave McCall, City Council Representative

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 Commissioner Milne.

2. Public Hearing and Recommendation of plat approval for 2400 North Roadway Dedication Plan dedicating .38 acres public road from 600 East to the Railroad tracks by Nelson & Sons Inc.

Presented by Cary Campbell

Mr. Campbell explained that Nelson and Sons are requesting to construct an administration building at their existing facility located at approximately 700 E 2400 N. They are required to construct the public improvements in front of the developed portion of their lot. The street will be finished to the point of their development. Staff recommends approval of the dedication plat.

Commissioner Montano asked if they have to put curb and gutter on both sides when they finish the road?

Mr. Campbell stated that they have to put in curb and gutter but not necessarily a sidewalk on the north side of the street. They will have to have an accessible route.

Commissioner Milne asked if they have to have sidewalk to the public right-of-way entry?

Mr. Campbell said that would be required for the accessible route.

Commissioner Milne asked if they will have pavement from the public road to their facility?

Mr. Campbell said they will have to have pavement from the road to their parking facility. He explained that when they built their existing facility there were different standards and when they build their new administrative building it will have to be built by today's standards.

Mr. Baker asked Mr. Campbell if the north side of this property is within the City limits.

Mr. Campbell stated that the City limits go to just shy of the railroad and this property is within the limits.

Commissioner Milne asked if the developer will be required to finish the road east of their drive approach.

Mr. Campbell stated that they will not require the developer to go further east than their drive approach because they do not know what the development to the north will be. A road could be taken to the tracks, but then it would have to go over or under the tracks and they would have to get permission from the railroad.

Commissioner Montano noted that on 2400 North at the railroad tracks it is closed on both sides.

Mr. Baker stated that the railroad used to be passable with a four wheel drive.

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 Milne moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 7:10 p.m.

Commissioner Milne moved to make a favorable recommendation to City Council on the 2400 North Dedication Plat. Commissioner Sagers seconded the motion. All members present voted “Aye”.

3. Public Hearing and Recommendation on Marvins Gardens Minor Subdivision. A three lot residential subdivision to be located at 100 W 500 N by LuAnne Allie.

Presented by Cary Campbell

Mr. Campbell showed the Commission on the overhead screen how the property will be divided. The property will be divided into three lots ranging in size from 14,409 sq ft to 16,255 sq ft. There is an existing home on the future lot 2 that will be torn down to allow for a new home. Currently there are two barns that will be on lot lines after the property is subdivided. The barns will be required to be torn down within one year. Water rights will also be required for the new lots being created. Staff recommends approval of Marvins Gardens minor subdivision with the condition that the barns on the new lot lines be demolished within one year of subdivision approval.

Chairman Spence asked how many total structures will be torn down.

Mr. Campbell indicated that there is one home and two barns.

Chairman Spence asked if the applicant understands about the one year requirement of the barns being torn down.

Ms. Allie, the applicant, stated that she is aware of that condition.

Mr. Baker noted that before any new homes can be built the barns would have to be torn down prior to any building permits being issued.

Mr. Campbell said that is correct.

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 Milne moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted “Aye”. The public hearing closed at 7:14 p.m.

Chairman Spence moved to make a favorable recommendation to City Council on Marvins Gardens Minor Subdivision. A three lot residential subdivision to be located at 100 W 500 N, with the condition that the barns on the new lot lines be demolished within one year of subdivision approval. Commissioner Milne seconded the motion. All members present voted “Aye”.

4. Public Hearing and Motion on conditional use permit for trailer sales and repair with outdoor display to be located at 278 N Main Street by Frank Venditti.

Presented by Cary Campbell

Mr. Campbell stated that this is the old NAPA building. The applicant is asking that he use the front portion of the building for retail sales and the rear portion for repair work. The applicant sells trailers and supplies as well as repairs trailers. The number of parking stalls required by Code is 37. He probably won't be using that many for this type of business. There are 41 existing parking spaces. He suggests limiting the number of parking spaces that the applicant can park the trailers in. Staff recommends approval of the conditional use permit with the conditions that 10% of the site be landscaped with irrigation and parking must be striped.

Commissioner Milne asked for clarification from Mr. Campbell that the applicant can not use the parking stalls to park the trailers that are for sale.

Mr. Campbell indicated that there are 41 parking spaces and they are required 37 by zoning ordinance so there are 4 spaces that they could park their trailers that are for sale.

Commissioner Milne doesn't see that this type of business would need 37 spaces to remain open for this particular use. If they City ordinance says that there needs to be 37 open spaces then they need to follow the ordinance.

Mr. Campbell indicated that there should be a limit to the number of parking spaces that are allowed to be used for the trailer sales. He feels maybe more than four would be appropriate.

Commissioner Milne noted that when this was the NAPA building people would park in front of the building. He asked what was going to be done in the front of this building.

Mr. Campbell indicated that there will be some landscaping.

Commissioner Milne wondered how feasible this location will be for irrigation for landscaping.

Mr. Campbell indicated that there is a landscape detail included with the Commissioner's packet.

Commissioner Milne did not see a landscape proposal for the front of the building. He realizes that it is fairly deep in front.

Mr. Campbell noted that out of the 41 parking spaces presented none of them will be in the front of the building.

Commissioner Milne remembers when there were discussions with Gold's Gym there was some reference to them possibly tearing up the asphalt for a park strip. The City would typically like to see forward landscaping down Main Street. He would like to know what the intent is for in front of this building.

Mr. Campbell was under the impression that it would be part of the landscaping.

Mr. Venditti addressed the Commission. Mr. Venditti is not the owner of the building he is the tenant and the applicant for the conditional use permit. He stated that it was his intent to put a decorative chain in between two posts in front of the building so people would not park there. He said there is no intent to landscape the front. He would possibly display items in front of the building.

Mr. Baker stated that the City Code states that a retail store has to have one parking space for every 300 sq ft of building square feet. The conditional use permit states that there is 11,000 sq ft of building and that is how they came up with 37 stalls.

Mr. Venditti stated that the actual retail space is less than 3,000 sq ft. He asked if he is supposed to include the garage in that number for parking spaces.

Mr. Baker indicated that Mr. Campbell, Ms. Custer and himself will look at the situation; it is not an issue for the conditional use permit, it is a matter of interpreting the Code.

Commissioner Milne indicated that there are no dimensions on the drawing. He asked how deep the lot from Main Street to Garden Street is.

Mr. Jorgensen stated that it is 334' deep.

Commissioner Montano stated that the applicant is doing angle parking. His concern is that this lot does not have enough room to have 41 parking stalls. He worries that this lot will be very cramped like many other automotive shops in Tooele that do not look very good.

Chairman Spence asked if the parking stalls will be standard size, not oversized for trailers.

Mr. Campbell indicated that the standard optimal width of a parking space is 9'; you can also do 8' which is very narrow.

Commissioner Montano indicated that if the parking spaces are 9' feet then you can probably get the required number of stalls. Because of the diagonal parking it adds 16'. He is worried that this will create another automotive business that will make this lot very cramped. He asked how wide a handicap parking stall has to be.

Mr. Campbell stated that a handicap parking stall has to be 8' wide and the space in between them has to be 8'. This lot will be required to have two handicap spaces and there is room for them.

Commissioner Montano would love to see someone move into this building. He is concerned that that this lot could get very congested.

Councilman McCall asked the applicant if he has plans to paint the building and asked what kind of trailers he will be selling.

Mr. Venditti stated that he owns a trailer manufacturing company in West Valley City and is currently a wholesaler. He makes construction trailers, ATV trailers and snowmobile trailers (comparable to Steadmans). He has a friend that owns a Harbor Freight store and that is what he was going to open in the retail portion. Mr. Venditti currently offers trailer repair in his store in West Valley and would like to offer it in Tooele. He could filter his trailer sales through this location. He would like to move his manufacturing company out to Tooele eventually. Mr. Venditti stated that the owner of the property is taking care of the parking stalls. He doesn't foresee many trailers at this location. He stated that there are vacant lots adjacent to this property if he needs it. He stated that he has a vested interest to keep the property in top shape. He understands that he needs a nice façade for people to come in and buy his product. He wants to make it look very professional.

Chairman Spence asked if he will have custom signage?

Mr. Venditti said "yes".

Commissioner Milne noted that the north side of the building needs some work.

Mr. Venditti indicated that is where the landscaping will be. He will chain off the front area so people will not park there.

Commissioner Milne asked if there are any plans to do something different in the front.

Mr. Venditti indicated that he is not the owner of the property. He is limited on how much money he is going to invest because he is not the owner. He will be paying for landscaping.

Commissioner Milne stated that he would like to see some landscaping or something done in the front of the building. This area of town has been redeveloped and he would like this building to look nice as well.

Mr. Venditti indicated that the owner of the property submitted the landscaping plan. He said that he will do what he can, but he is not willing to invest a significant amount of money because he does not own the property. An automotive business could move into this location and nothing would change. He understands how retail works and he needs

to make this look nice. The retail business will be the main part of this business. He does not have to do the trailer business but he thought it would be good for Tooele because they would get the taxes.

Commissioner Milne stated that he doesn't want to impugn the applicant by asking him questions.

Commission Montano indicated that there was a debate when Walgreens, Big 5, Sears, and Gold Gym's came in and he feels they need to be consistent. He does not want this to look like an automotive center with lots of cars.

Commissioner Milne asked Mr. Baker if the way this property stands right now it could be an automotive center.

Mr. Baker said "yes". He also indicated that the Commission has been asked to approve a conditional use permit and what has triggered the need for a conditional use permit is the outdoor display and sales. The Commission's job is to determine whether that aspect of this business creates any adverse impacts on the adjoining properties including the street. If the Commission finds that there are adverse impacts by the outdoor sales than they have an opportunity to impose conditions that would mitigate the adverse impacts. He has not heard any discussion so far on how the outdoor sales would hurt the adjoining properties. If there are not any adverse impacts the Commission can not impose any conditions. The City Code will impose the parking and landscaping conditions independent of the conditional use permit.

Commissioner Sagers asked the applicant what items he would display outside the building?

Mr. Venditti indicated that the items might include truck boxes, and chrome rims. He thought the outside sales included the trailers.

Mr. Baker indicated that outside means outside the store. Whatever he sells outside is accessory to the main indoor retail. It is the outside portion that triggers the conditional use permit.

Commissioner Milne would be opposed to having the trailers for sale in front of the building in the chained off area. He would rather see them in the parking stalls on the side of the building.

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 Milne moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted "Aye". The public hearing closed at 7:48 p.m.

Commissioner Sagers moved to approve the conditional use permit to allow for trailer sales and repair along with outdoor display to be located at 278 N Main Street with the following conditions:

- 1. 10% of the site is landscaped with irrigation.**
- 2. Parking must be striped.**
- 3. No trailers for sale in front of the building.**

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

- 5. Review and Approval of Planning Commission minutes for meeting held August 26, 2009.**

Commissioner Milne moved to approve the minutes as presented. Commissioner Sagers seconded the motion. All members present voted “Aye”.

Commissioner Milne moved to adjourn the meeting. Commissioner Sagers seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:50 p.m.

Approved this 23rd day of September 2009

Chairman Spence