

ORDINANCE 2008-23

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 208.9 ACRES OF PROPERTY OWNED BY MILLER FAMILY REAL ESTATE LLC, LOCATED EAST OF DESERET PEAK, FROM C-T TO T-I

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - AMENDMENT. Pursuant to Utah Code Sections 17-27a-502 and 503, the Tooele County Planning Commission conducted a public hearing on the application for rezone from Miller Family Real Estate, LLC and recommended the amendment to the official zoning map.

Notice having been provided as required by Subsection 17-27a-205(1)(b) and having held a public meeting, the official zoning map of Tooele County is hereby amended by changing the zoning designation of the following property owned by Miller Family Real Estate, LLC, located east of Deseret Peak in Section 1, Township 3 South, Range 5 West, being approximately 208.9 acres, from C-T (Commercial Tourism) to T-I (Technology Industries):

A part of Section 1, Township 3 South, Range 5 West, Salt Lake Base and Meridian, U.S. Survey. Beginning at a point 973.19 feet South 0°21'58" East along the Section line and North 84°26'45" West 2113.72 feet from the Northeast corner of said Section; and running thence South 0°39'51" East 3006.77 feet; thence South 89°20'09" West 3126.92 feet to the East right-of-way of Sheep Lane; thence two (2) courses along said East right-of-way as follows: Northwesterly along the arc of a 2950.00 foot radius curve to the right a distance of 182.90 feet (Long Chord bears North 4°33'52" West 182.87 feet) and North 5°19'34" West 131.87 feet; thence North 0°39'26" West 636.13 feet; thence North 89°20'09" East 700.00 feet; thence North 0°39'51" West 1300.00 feet; thence South 89°20'09" West 700.00 to said East right-of-way line; thence North 0°39'51" West 1100.00 feet along said East right-of-way line; thence South 84°26'45" East 3168.64 feet to the point of beginning. Contains 208.869 acres.

A map showing the area of the rezone is attached hereto and by this reference made a part hereof.

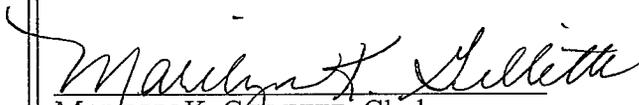
SECTION II - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

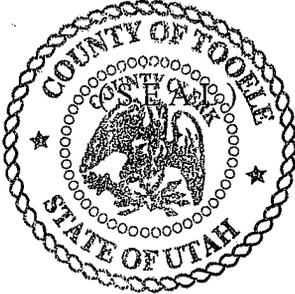
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 18th day of November 2008.

ATTEST:

TOOELE COUNTY COMMISSION:

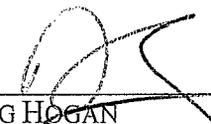

MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

TOOELE COUNTY PLANNING COMMISSION

IN THE MATTER OF: MILLER FAMILY
REAL EST., LLC APPLICATION FOR:
REZONE FOR PROPERTY LOCATED
WITHIN SECTION 1, TOWNSHIP 3
SOUTH, RANGE 5 WEST, WITHIN
TOOELE COUNTY, 08-03000006

FINDING OF FACT
AND RECOMMENDATION

Facts

1. The applicant request to rezone 208.9 acres from Commercial Tourism (C-T) to Technology Industries (T-I) to accommodate a future commercial development;
2. A public hearing was held on November 5, 2008;
3. The property is currently vacant/undeveloped land;
4. The property is located east of and adjacent to Sheep Lane, north of State Road 112;
5. Access to the property will come from Sheep Lane and the County's proposed parkway;
6. The properties to the north, south and east are zoned Commercial Tourism (C-T) with the properties to the west being zoned Technology Industries (T-I) and Recreation and Racing Sports (RRS);
7. The property is described as follows:

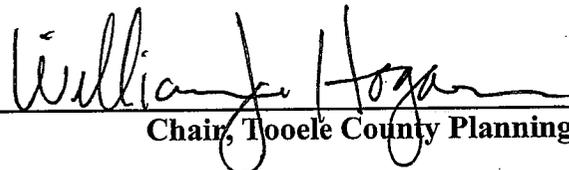
A part of Section 1, Township 3 South, Range 5 West, Beginning at a point 973.19 feet South 0°21'58" East along the Section line and North 84°26'45" West 2113.72 feet from the Northeast corner of said Section; and running thence South 0°39'51" East 3006.77 feet; thence South 89°20'09" West 3126.92 feet to the East right-of-way of Sheep Lane; thence two (2) courses along said East right-of-way as follows: Northwesterly along the arc of a 2950.00 foot radius curve to the right a distance of 182.90 feet (Long Chord bears North 4°33'52" West 182.87 feet) and North 5°19'34" West 131.87 feet; thence North 0°39'26" West 636.13 feet; thence North 89°20'09" East 700.00 feet; thence North 0°39'51" West 1300.00 feet; thence South 89°20'09" West 700.00 to said East right-of-way line; thence North 0°39'51" West 1100.00 feet along said East right-of-way line; thence South 84°26'45" East 3168.64 feet to the point of beginning.

Applicable Law

1. Section 3-9, Zoning map amendment procedure, Tooele County Land Use Ordinance;

Decision and Recommendation

On November 5, 2008, the Tooele County Planning Commission recommended that the Board of County Commissioners **APPROVE** the rezone request (08-03000006) to Technology Industries (T-I) 112 provided that the rezone area remains west of the midvalley highway west alternative by a unanimous vote of 4-0, with Doug Atkin recused.



Chair, Tooele County Planning Commission



TOOELE COUNTY

47 South Main Street, Tooele, Utah 84074
(435) 843-3160

<h2>Staff Report</h2>	November 5, 2008/Agenda #6	
	Project Number 08-03000006	
	Application Type Rezone request	
	Planning Area	
	Assessor's Parcel Number(s) 03-038-0-0001, 0010, 0004	
PROJECT DESCRIPTION	Rezone request from C-T Commercial Tourism to T-I Technology Industries	Completed by: Kerry Beutler
Location: Section 1, Township 3 South, Range 5 West, located east of and adjacent to Sheep Lane, north of State Road 112		
Gross Acreage: 208.9 Acres		
Existing Zoning:	C-T Commercial Tourism	Existing Use: Vacant undeveloped land
Proposed Zoning:	T-I Technology Industries	Proposed Use: Commercial Development
GENERAL PLAN	Lower Density 1 unit/5 acres – 1 unit/1 acre	Completed by: Kerry Beutler
Land Use/Transportation Diagram Designation		Project Conformance: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		Completed by: Kerry Beutler
North:	Proposed Parkway Right-of-way/Vacant	C-T
East:	Vacant/Undeveloped Land	C-T
West:	Vacant/Miller Motor Sports Park	T-I/RRS
South:	Vacant/Undeveloped Land	C-T
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval	Date 10/30/08	Recommended by: <u>Kerry Beutler</u>
<input type="checkbox"/> Approval with Conditions		
<input type="checkbox"/> Denial		<input type="checkbox"/> Action
<input type="checkbox"/> Uphold Director's Decision		<input checked="" type="checkbox"/> Recommendation



47 South Main Street, Tooele, Utah 84074
(435) 843-3160

OWNER/AGENT

Miller Family Real Est. LLC/Michael Wright, Giza Development, LLC

ANALYSIS AND RECOMMENDATIONS

The owner/applicant is requesting a zone change from C-T Commercial Tourism to T-I Technology Industries to allow future commercial development. The purpose of the T-I District is to provide areas for technology based industries that are engaged in research and development, wholesale, retail and services can be provided for production and products and subassemblies. The regulations of this district are designed to promote an environment that fosters innovative products with a particular interest in the vehicle technology industry while preserving the vistas from the Deseret Peak Complex and the Miller Motorsports Park, Section 17A-3-1 of the Tooele County Land Use Ordinance.

The site is currently vacant/undeveloped land. The properties south and east of the site are also zoned C-T. The properties immediately to the west are currently zoned T-I and RRS, Recreation and Racing Sports. The Tooele County General Plan classifies the area as Lower Density, however, Industrial Technical uses are called out to the south along S.R. 112 and Sheep Lane. This land use plan designation and the T-I zoning already in place to the west further support the proposed change to T-I for the requested property.

Access to the development will come from existing Sheep Lane and the County's proposed parkway, a planned arterial. The 200' parkway right-of-way is currently immediately to the north of the rezone area. Discussions of a possible realignment through the property are taking place between the County Engineer's Office and property owner. The new alignment would bring the parkway just to the north of the property, within the rezone area, adjacent to Sheep Lane that is remaining C-T. Construction of the parkway may be required in conjunction with development of the parcel.

The requested zoning does not appear to coincide with current ownership lines, as shown in the aerial. This should be considered as the property is platted and developed to ensure that lots divided by a zone boundary are not created.



Tooele County Department of Engineering Application to amend the zoning map of Tooele County.

3 - 9. (1) Applications for amendments to the zoning map shall be completed in full, signed, supplemented with any additional information required by the planning commission. An application which is incomplete or provides insufficient data is just cause for denial.

REZ# 08-03000006 Fee: \$275.00 Receipt # 13647

This application MUST be submitted no later than 14 days before the scheduled planning commission meeting!

Property information and location
(All lines applicable to this site must be filled in)

Section 1 Township 3S Range 5W

Parcel # 03-038-0-0001, 0010, 0004

You MUST include a parcel map obtained from the Tooele County Recorder's Office with this application!

Property owner(s) information

Name(s): Miller Family Real EST, LLC

Address per tax rolls: P.O. Box 572594

City/County: SLC State: UT Zip: 84157

Office/home phone: 801 563 4142 Fax phone: _____

Mobile phone: _____ Message phone: _____

E-mail address: amiller@LHM.com

A copy of the deed, offer or tax notice MUST be included to demonstrate ownership

Agent for the property owner(s)

Name(s): GIZA Development, LLC Michael Wright

Address: 801 N. 500 W. # 300

City/County: Bountiful State: UT Zip: 84087

Office/home phone: 801 298-7724 Fax phone: 801-951-3190

Mobile phone: 801-809 3958 Message phone: _____

E-mail address: mwright @ Sahara 1. com

An agent authorization form properly signed and notarized MUST be included with this application

APPLICATION IS HEREBY MADE TO THE PLANNING COMMISSION REQUESTING THAT:

Tourism to Technology / Industrial
C-T T-I

Current zoning designation: Tourism

An application to amend the zoning map shall address:

- (a) general existing site characteristics including ownership, topography, soils, drainage, vegetation and other physical characteristics of the area proposed to be changed;
- (b) a legal description of the area to be zoned;
- (c) types of land uses permitted, conditional or prohibited in the current zoning district and the proposed zoning district;
- (d) existing transportation patterns to include public and private roads and internal and external circulation patterns, rights-of-way, easements and parking;
- (e) existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings with a general description of size area, intensities/densities, and height, and proposed storm-water drainage facilities;
- (f) existing and proposed utilities and infrastructure;
- (g) relationship of proposed zone change with Tooele County General Plan and how specifically the proposed zone change would conflict, conform, complement or otherwise affect the Tooele County General Plan as well as any special studies that are designed to further detail the Tooele County General Plan in a specific area;
- (h) an area map showing adjacent property owners and existing land uses within 500 feet of the area proposed to be rezoned;
- (i) the location, description and acreage of land uses;
- (j) approximate location and number of residential units along with approximate square footage, density and height;
- (k) approximate location and square footage of non-residential buildings;
- (l) calculation of approximate amount of open space both before and after buildout construction, indicating areas of expected open space and new landscaping, and including maintenance plans for these areas;
- (m) if the site has unusual or unique natural features, a demonstration of how proposed development

preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural draining patterns, and if appropriate, geotechnical studies submitted to indicate soil types, depth of bedrock and slope stability;

(n) a description of the availability of culinary and irrigation water, community facilities such as schools, fire protection services and other types of facilities that would serve the re-zoned area and how these facilities are affected by this proposal;

(o) approximate location and size of storm water detention and retention areas and calculations on the impact to those systems as a result of the change in density and use of land;

(p) an indication of the construction schedule of any project proposed;

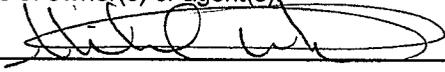
(q) for multi-phased projects, a phasing plan that describes the anticipated timing and geographical extent of each phase;

(r) a detailed traffic study showing the vehicle trips per day on average at buildout and a determination how the project would significantly alter existing traffic patterns or volume;

(s) for applications involving a PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone; and

(t) any other study or information required by the planning commission or zoning administrator.

Date submitted: 10/2/08

Signature of owner(s) or agent(s):  agent



CONSULTING ENGINEERS
AND LAND SURVEYORS

GREAT BASIN ENGINEERING - NORTH

P.O. Box 150048 • Ogden, Utah 84415
Ogden 801.394.4515 • Salt Lake City 801.521.0222 • Fax 801.392.7544

October 2, 2008

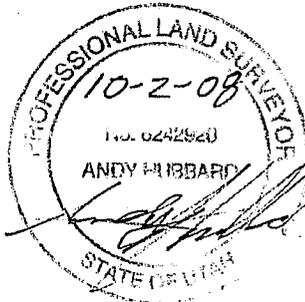
TOOELE COUNTY INDUSTRIAL PARK

NORTHWEST AREA REZONE DESCRIPTION

A part of Section 1, Township 3 South, Range 5 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 973.19 feet South $0^{\circ}21'58''$ East along the Section line and North $84^{\circ}26'45''$ West 2113.72 feet from the Northeast corner of said Section; and running thence South $0^{\circ}39'51''$ East 3006.77 feet; thence South $89^{\circ}20'09''$ West 3126.92 feet to the East right-of-way of Sheep Lane; thence two (2) courses along said East right-of-way as follows: Northwestery along the arc of a 2950.00 foot radius curve to the right a distance of 182.90 feet (Long Chord bears North $4^{\circ}33'52''$ West 182.87 feet) and North $5^{\circ}19'34''$ West 131.87 feet; thence North $0^{\circ}39'26''$ West 636.13 feet; thence North $89^{\circ}20'09''$ East 700.00 feet; thence North $0^{\circ}39'51''$ West 1300.00 feet; thence South $89^{\circ}20'09''$ West 700.00 to said East right-of-way line; thence North $0^{\circ}39'51''$ West 1100.00 feet along said East right-of-way line; thence South $84^{\circ}26'45''$ East 3168.64 feet to the point of beginning.

Contains 208.869 Acres



W:\08N905 Tooele County Industrial\desc\Rezone

Application to Amend the Zoning Map

Tooele County

- A. Ownership is currently with the Miller Family Real Estate, LLC, the site is flat with a gentle slope to the Northwest. The Soils have very good load bearing capacity. The site is covered by short weeds.
- B. See Attached.
- C. Current uses for the current Commercial-Tourism zoning are retail, hospitality, and office. The proposed zoning of Technology/Industrial would be distribution, light manufacturing, some office.
- D. Transportation patterns will currently use Sheep Lane and when the minor east west arterial is put in, that will be used in addition. There will be internal circulation, parking and easements to facilitate traffic movement through the property.
- E. The project will have parking areas for small, medium, and large light manufacturing and distribution facilities. The general rule will be to have buildings with heights less than 40'. We expect to maintain storm water with on-site retention.
- F. Utilities are currently located along Sheep Lane: 16" water line, sewer to be in a drain field or connected to Grantsville City temporarily until the regional plant is completed, Power overhead, fiber in Sheep Lane, and natural gas in Sheep Lane.
- G. The general plan has T-I zoning directly West on the Soil Conservation property and around the west side of the Miller Motorsports Business Park. The zone change should conform to what Tooele County has in mind around the track.
- H. See Map
- I. See Map
- J. N/A
- K. Miller Motorsports park has buildings 2000' away.
- L. Too early to have the calculations. Landscaping will be to code.
- M. N/A
- N. Water is available in Sheep Lane for fire protection.
- O. Calculations depend on future build out
- P. First building to have a 12 month construction schedule.
- Q. N/A market driven
- R. 250 axels per day at completion of build out.
- S. PUD will come for review at a later date.
- T. N/A

