DRAPER CITY

PLANNING COMMISSION AGENDA

Notice is hereby given that the Draper City Planning Commission will hold a Regular Meeting, at 5:30 p.m., on Thursday, July 31, 2014, in the City Council Chambers at 1020 East Pioneer Road.

The Agenda will be as follows: (Times listed on the agenda are approximate and may be accelerated or subject to change).

5:30 p.m. Dinner

Study Meeting: 6:00 p.m., City Council Chambers on the 1st floor

Study Business Items

Business Meeting: 6:30 p.m., City Council Chambers on the 1st floor

***Citizen Comments**: To be considerate of everyone attending the meeting, public hearing comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting.*

1. **Action Item:** Approval of minutes from the March 8, 2014, March 22, 2014, June 12, 2014, and June 26, 2014, Planning Commission meetings.

2. **Public Hearing:** On the request of Mike Skalla for approval of a Conditional Use Permit (CUP) in the CI (Interchange Commercial) zone to allow outdoor storage on 6.78 acres at 12552 South 125 West. The application is otherwise known at the ***Willow Building Conditional Use Permit Request,*** Application #140502-12552S. Staff contact is Dan Boles at 801-576-6335 or email Dan.Boles@draper.ut.us.

3. **Public Hearing:** On the request of Austin Allred of Goldsworth Real Estate for approval of a Preliminary Plat for a 17 lot subdivision on 7.01 acres in the R3 (Residential) zone located at 11450 South 800 West. This application is otherwise known as the ***Windsor Mill Preliminary Plat Request***, Application #140603-11450S. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

4. **Public Hearing:** On the request of David Burns for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential, 40,000 ft^2 lots) to RA2 (Residential, 20,000 ft^2 lots) on approximately 1.59 acres at 1425 E. Tanburhan Lane. The application is otherwise known as the ***Burns Property Zone Change Request,*** Application #140707-1425E. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

5. **Public Hearing:** On the request of Mark Murdock, representing the Gardner Company for approval of a Preliminary and Final Subdivision Plat to allow their 29.63 acre site located in the CSD-DPOP (Draper Pointe Office Park Commercial Special District) zone to be subdivided into three lots. The property is located at about 13392 South 200 West. The application is otherwise known as the ***Draper Pointe Office Park Preliminary and Final Subdivision Plat,*** Application #140414-13392S. Staff contact is Jennifer Jastremsky at 801-576-6328 or email Jennifer.Jastremsky@draper.ut.us.

6. **Public Hearing:** On the request of Matt Rindlisbacher for approval of a Conditional Use Permit and Commercial Site Plan in the Day Dairy Commercial Special District zone to allow five retail and restaurant buildings on 4.98 acres at 523 East 12300 South. The application is otherwise known as the ***Village Shoppes at Day Dairy Conditional Use Permit and Site Plan Request,*** Application #140507-523E. Staff contact is Dan Boles at 801-576-6335 or email Dan.Boles@draper.ut.us.

7. **Staff Reports**
   a) Discussion Items
   b) Administrative Reviews
   c) Other Items

8. **Adjournment**

Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fourteen (14) days from the date of such final determination.

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, Rachelle Conner, City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held **Thursday, July 31, 2014,** were posted on the Draper City Bulletin Board, Draper City website www.draper.ut.us, the Utah Public Meeting Notice website at www.utah.gov/pmn, and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

City Seal

Rachelle Conner, MMC, City Recorder
Draper City, State of Utah

Times listed above are approximate. Items may be held earlier or later than listed. For inquiries, please call the Planning Department, at 576-6539. In compliance with the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Rachelle Conner, Draper City Recorder, 576-6502, at least 3 days prior to meeting.

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JUNE 26, 2014 IN THE DRAPER CITY COUNCIL CHAMBERS

"This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting."

PRESENT:	Chairperson Leslie Johnson, Planning Commissioners Andrew Adams, Drew Gilliland, Craig Hawker, Jeff Head, Scott McDonald and Kent Player
ABSENT:	Commissioners Traci Gundersen
STAFF PRESENT:	Keith Morey, Robert Markle, Dan Boles, Dennis Workman, Jennifer Jastremsky, and Angie Olsen
ALSO PRESENT:	Roll on File

Study Meeting:

6:22:22 PM
Study Business Items: The commissioners reviewed the applications for the business meeting and addressed questions to staff members.

**** Staff Reports were heard out of order.*

6:22:54 PM
5.0 **Staff Reports:** Community Development Director Keith Morey provided a report regarding the recent action items of the City Council.

Business Meeting:

Chairperson Johnson explained the rules of public hearings and called the meeting to order at 6:32:20 PM .

6:33:06 PM
1.0 **Public Hearing: On the request of Michelle Young, representing Grassroots Skin Care for approval of a Home Occupation Conditional Use Permit on an approximately 0.21 acre site at 11535 Olive Berry Ln. The application is otherwise known as the *Grassroots Skin Care Home Occupation Conditional Use Permit Request*, Application #140603-11535S.**

6:33:58 PM
1.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated June 17, 2014, Planner Jennifer Jastremsky reviewed the details of the application. She explained this is an application for approval of a Conditional Use Permit for

approximately 0.21 acres located in the Cranberry Hill Subdivision, at approximately 11535 Olive Berry Lane. She explained the property is zoned R3 for medium density land use and the applicant is proposing to include a Personal Care Service Business in her home, specifically she is planning to offer body waxing. She indicated there is room for three vehicles to park on the driveway servicing the home and the applicant expects to serve one to three clients each day between the hours of 10:00 a.m. and 11:00 p.m. She noted the actual salon will be located in the homes dining room, which is 169 square feet and contains privacy doors. She stated the applicant will be required to obtain the necessary approval from the health department and those approvals will be attached to the license issued by the City. She reviewed aerial photographs of the property and identified the parking area, noting one condition of approval is that the parking remain available for customer parking at all times. She concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

6:35:41 PM

1.2 Applicant's Presentation: Michelle Young stated she had a business license similar to the one she is requesting from 2002 to 2011 in Sandy City and she is confident her business will meet all requirements of Draper City. She reiterated the traffic flow associated with her business will be small. She stated she has extensive experience in providing safety and a sterile environment for her clients.

6:37:00 PM

1.3 Chairperson Johnson opened the public hearing. There were no persons appearing to be heard and the public hearing was closed. She indicated the City did receive a letter from another resident in the area of the subject property and that letter is included as part of the staff report for the application.

6:37:36 PM

1.4 **Motion:** Commissioner Gilliland moved to approve the Grassroots Skin Care Home Occupation Conditional Use Permit Request by Michelle Young for the purpose of operating a Personal Care Service business, application #140603-11535S, based on the findings and subject to the conditions listed in the Staff Report dated June 17, 2014. Commissioner Head seconded the motion.

Conditions:

1. The business shall meet all requirements of DCMC Section 9-34-040, except as provided by this permit.
2. Business operations shall be conducted entirely within the home.
3. No parking associated with or caused by the home occupation shall be located within any public right-of-way, including customer parking.

Conditions continued on next page.

Conditions Continued:

4. All requirements of the Unified Fire Authority and Draper City Building Official shall be satisfied throughout the operation of the home occupation on the property.
5. Obtain the necessary sign permits prior to installation of any proposed signage.
6. The home occupation shall continually maintain a valid Draper City Business License throughout its operation.
7. The home occupation is required to maintain approval and adequate licensure from any and all State and County agencies prior to receiving a business license.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

6:37:59 AM

1.5 Commissioner Gilliland indicated he feels the application is fairly straightforward; the biggest consideration relative to an application such as this is traffic and he encouraged Ms. Young to ask her customers to be as careful as possible to lessen the impact of the business on the neighborhood. Commissioner Player agreed and noted that a few customers each day will likely not be noticed by the residents of the neighborhood.

6:38:25 PM

1.6 **Vote:** A roll call vote was taken with Commissioners McDonald, Player, Adams, Gilliland, and Head voting to approve the Conditional Use Permit.

6:38:50 PM

2.0 **Public Hearing: On the request of Duaine Rasmussen, representing Castlewood Development for approval of a Zoning and General Plan Map Amendment changing the Zoning designation from RA1 (Residential Agricultural) to RM2 (Residential Multi-family) and amending the General Plan Map from Residential Medium Density designation to Residential Medium-High Density designation on an approximately 7.7 acre site at approximately 561 East Kimballs Ln. The application is otherwise known as the *Draper Crossing at Kimballs Lane – Zoning and General Plan Map Amendments Request*, Application #140527-561E.**

6:39:26 PM

2.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated June 17, 2014, Planner Jennifer Jastremsky reviewed the details of the application. She noted the applicant is seeking approval of Zoning and General Plan Map Amendments for approximately 7.7 acres located at approximately 561 East Kimballs Lane. She noted the property is currently zoned RA1, which is a medium density land use designation that supports two to four dwelling units per acre. She indicated the applicant is requesting a zone change to RM2, which would allow up to 12 units per acre, be approved in conjunction with a General Plan Map amendment assigning a medium-high density land use to the property that would be permit a range of four to eight dwelling units per acre. She stated this land use designation is designed for single family homes or patio home style multi-family units; the overall density the developer is proposing on their concept plan is 7.66 dwelling units per acre with a mix of single family and town homes. She stated the developer is proposing single family lots sizes that would only fit within the RM2 zone, which allows single family lots that are a minimum of 4,000 square feet in size. She added the applicant plans to enter into a development agreement with the City that would solidify the density and number of units allowed in the development. She reviewed the concept plan for the development, which has been amended as the developer has met with neighboring property owners; it provides a gradual transition between the Trax station and the larger single family lots in the area. She noted higher density developments are desirable around transit stations and there are other town home and smaller single family developments in the areas north and east of the station; as the properties to the west and south of the station develop, a similar density will be desired. She reviewed images of the types of homes that would be constructed in the development as well as images of the property and existing homes in their current state. She concluded staff recommends the Planning Commission offer a positive recommendation regarding the application based on the findings listed in the staff report.

6:44:58 PM

2.2 Commissioner Adams asked if the development agreement would protect the neighborhood against a development that would include the maximum allowed 12 units per acre. Ms. Jastremsky stated that is correct; the developer has proposed the development agreement and it will be included with the application when it is forwarded to the City Council.

6:45:59 PM

2.3 Applicant's Presentation: Duaine Rasmussen, 1647 S. 1300 E. Salt Lake City, stated he has been working with the staff on this project for the past four months and he has also worked with the current property owners to develop the application. He stated the Trax station demands higher density in the area, but he wants the development to be sensitive to the existing single-family neighborhood; this is why he is recommending a transition of town homes to single-family homes in the development. He stated that over the course of the last two weeks he has met with several residents in their homes and he believes the residents have made reasonable request regarding this development; one request deals with the green space abutting the Cranberry Hills subdivision. He stated that the end units in the development will be ramblers with two car garages; he has provided elevations for the single family homes and will provide similar data for the townhomes soon. He stated all products will meet the architectural standards required by the City. He stated the items of most concern to the residents in the neighborhood deal with fencing around the project, trail connections and open space, strictness of the development agreement, privatization of the streets in the development, and covenants, conditions, and restrictions (CCRs) for the development. He stated he is willing to address all of those concerns and is committed to providing a quality development.

6:50:43 AM

2.4 Commissioner Head asked if a landscaping maintenance agreement would pertain to all landscaping in the development. Mr. Rasmussen stated the agreement will pertain to all housing in the development, unless a backyard is fenced off and a landscaper has difficult accessing it.

6:51:06 AM

2.5 Commissioner Player commended the applicant working with the community and nearby property owners, namely regarding trail access associated with the development. Mr. Rasmussen stated City staff has also been very responsive and great to work with throughout the entire process.

6:51:38 AM

2.6 Commissioner Head asked the applicant what type of fence or wall he plans to construct on the north end of the property and on the east side of the home on Cranberry Hill. Mr. Rasmussen stated there has been discussion about fencing and the open space on Cranberry Hill; there have been discussions about different fencing options, such as a rock wall or wrought iron fencing and those issues will

be dealt with in the development agreement. Commissioner Player indicated the Planning Commission is simply considering the zoning of the property this evening and those issues should be dealt with at the site plan phase of the project. Mr. Rasmussen agreed, but noted he will include information regarding the fencing in the development agreement.

6:53:57 PM
2.7 Chairperson Johnson opened the public hearing.

6:54:38 PM
2.8 Wiley Tonnar stated that he understood that the Planning Commission would be considering approving a new street north of Highberry Lane and he asked if that is correct. Chairperson Johnson stated that is not under consideration as part of this application.

6:56:05 PM
2.9 Steve Strong stated he is representing part of the Cranberry Hill neighborhood; he will speak regarding maintaining the existing zoning designation for the property and he asked for five minutes. He provided a brief history regarding the zoning of the City in relation to the development of the Trax line and stated that he believes any zoning designation between R3 and R5 would be supported in the neighborhood. He stated single family homes can be supported along the Trax line; he rides Trax every day and he has noted that from 6400 South to 11000 South there are single family developments adjacent to the line. He stated the residents of the area appreciate the willingness of the developer to enter into a development agreement and to accept input from the residents, however the developer has had four months to consider the development while the residents have only had the past two weeks to consider it and they would appreciate more time to work with the developer and gather input. He stated he understands the developer must maximize his profit, but it is possible to make a single family development work on the subject property; the value of the land is determined by the zoning of the land. He noted one of the comments in the staff report is that high density development is desired near transit corridors, but he argued that is not true since the Trax line is already in place and increasing the density in the area will not make a significant difference on Trax ridership. He then asked if a development agreement coupled with RM1 zoning allow the developer to accomplish the same development that he is proposing.

7:01:32 PM
2.10 Cherrylee Morgan stated she is also representing Cranberry Hill residents and asked for five minutes to speak. She stated she has collected 128 signatures on a petition and they believe the RM2 zoning is too high; a RM1 zoning with a development agreement is sufficient to allow the developer's plans to proceed. She noted the residents would feel better protected by the RM1 zoning designation as it would keep the developer from building uses that are less agreeable. She stated she

understands the developer is willing to make some concessions in the development agreement, but the residents still feel the RM1 zoning designation is the maximum density that should be allowed on the property. She referenced Draper City Municipal Code (DCMC), which calls for a sufficient buffer against agricultural properties and she noted there is agricultural property to the west and south that should be preserved and buffered against. She added that the residents group has taken up a collection to cover legal fees in the event that their needs are not being met; they are simply asking that the zoning not be excessive.

7:05:11 PM

2.11 Lois Swindlehurst, 11707 Thornbury Drive, stated it is her understanding that any multi-family structure would need to be at least 100 feet from her property line; two townhomes included in the plan for the development would need to meet that requirement and that would not be possible according to the current layout of the plan. She stated that she does not feel the zoning requested is beneficial to anyone.

7:06:09 PM

2.12 Griffith Lyn Kimball, 600 East Kimball's Lane, reviewed a quick history of the development of Cranberry Hill, which was constructed upon agricultural land. He stated he is the first to recognize that the property owner has the right to develop his property while other property owners have the right to appear before the Planning Commission and present their ideas. He stated that he feels this proposed development would likely impact him as well as other residents in the area. He stated he was concerned about a road accessing Cranberry Hill and he would oppose that, but if the development is done well and appropriately he does not have a concern about the higher density. He stated it is appropriate for higher density land uses to be located closer to transit options, but one of his concerns is that there may be a sidewalk built on the south side of 11800 South because it will encourage students in the area to cross the street to that shorter sidewalk. He concluded that he is in favor of the zoning change

7:09:46 PM

2.13 Jason England stated he owns one of the vacant lots referenced by the developer. He thanked Mr. Rasmussen for taking a proactive approach in meeting with the residents of Cranberry Hill; he referenced green space in the development and stated that the current configuration of the green space may appear unsightly and the appearance could be improved upon reconfiguration of the fence or wall that will border the street. He proposed that the green space be rezoned to R3 as Cranberry Hill is zoned in order to ensure that future development of the green space be in line with the current development of Cranberry Hill.

7:12:18 PM

2.14 There were no additional persons appearing to be heard and Chairperson Johnson closed the public hearing.

7:12:26 PM

2.15 Mr. Rasmussen addressed the comments and questions discussed during the public hearing. He said he is unsure as to whether the plan for his development could be accomplished in the RM1 zoning designation; he noted he is not interested in a higher density than what he has proposed in his concept plan and would be willing to accept the RM1 zoning designation if his plan would be accommodated. He then addressed the comment regarding the 100 foot requirement between an existing single-family home and new multi-family units and stated he would investigate that requirement further, but indicated he will ensure he meets all requirements. He concluded that if the Planning Commission decides to make a positive recommendation to the City Council, he will take the time to hold additional meetings with residents to address their concerns.

7:13:57 PM

2.16 Commissioner Adams asked if the development agreement would protect the residents in the area against abuse of the RM2 zoning designation, which would allow for up to 12 units per acre. Mr. Morey answered yes and noted the development agreement is essentially the developer's acknowledgement that he has heard the concerns of residents in the area and is working with the City to try address those concerns. He noted the Planning Commission is at somewhat of a disadvantage because they are asked to consider the zoning change independent of the site plan for the project, however, the conversations staff has had with the developer have centered on the fact that the only way the development will receive approval from the City Council is if all issues have been fleshed out and addressed in a way that meets the City's and surrounding residents' needs. Commissioner Adams asked if high density apartment units could be built on the property in the event that Mr. Rasmussen chose to sell. Mr. Morey answered no and indicated the development agreement will be recorded against the property and will protect against that type of development in the future.

7:17:46 PM

2.17 Commissioner McDonald asked if the development agreement can only be applied if the property is rezoned to RM2. Ms. Jastremsky stated the RM2 zoning has been selected because of the lot sizes for the single family homes proposed on the concept plan; the overall density would be permitted in the RM1 zone. She noted the RM1 zone calls for a minimum lot size of 6,000 square feet, while the RM2 zone permits a minimum lot size of 4,000 square feet; the developer is proposing lot sizes of 5,000 and larger. She noted the townhomes would be allowed in the RM1 zoning designation.

7:19:14 PM

2.18 Commissioner Adams stated he is comfortable making a motion considering the developer has agreed to enter into a development agreement that will accompany the rezone request. Commissioner Player stated he appreciated hearing the history of the development of the area of the subject property and noted that all other agricultural property in the area will likely develop one day in the future as well.

7:20:12 PM

2.19 **Motion on the Zoning Map Amendment:** Commissioner Adams moved to forward a positive recommendation to the City Council for the Draper Crossing at Kimballs Lane Zoning Map Amendment Request by Duaine Rasmussen, representing the Castlewood Development for the purpose of Rezoning the property from RA1 (Residential Agricultural, 40,000 square foot minimum lots) to RM2 (Residential Multi-family, up to 12 dwelling units per acre), application 140527-561E, based on the findings listed in the Staff Report dated June 13, 2014. Commissioner McDonald seconded the motion.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
   a. Medium High Density Residential areas will contain overall densities which range from four to eight dwelling units per acre and can include single family, patio, townhouse and multi-family type units.
   b. Encourage the development of a range of housing types and densities based upon orderly development patterns.
   c. Encourage new residential development to locate within areas currently served by adequate water, wastewater and other community services.
   d. Create high quality residential environments which provide for safe and convenient vehicular circulation, open space and recreational opportunities, while buffering residential areas from non-residential uses and other non-compatible residential.
   e. Medium density (i.e., single-family detached, patio homes, townhouses) may be used as a transition between less intensive residential areas and non-residential areas such as offices or retail centers.
2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. Higher density development is preferred adjacent to and near transit stations.
4. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
5. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.

Findings continued to next page.

Findings Continued:

6. The proposed development conforms to the general aesthetic and physical development of the area.
7. A development agreement is proposed to guarantee the development of the concept plans proposed density and dwelling type mix.
8. While there are storm drain design challenges in the area, the overall public services in the area are adequate to support the subject development.

7:20:56 PM

2.20 Commissioner Adams confirmed he heard the comments during the public hearing but feels rezoning the property RM1 sans a development agreement would be more damaging to the future of Cranberry Hill than approving the RM2 rezone request coupled with the development agreement. He noted he feels the development agreement will protect other property owners in the area.

7:21:39 PM

2.21 Commissioner Head said he would be more comfortable voting in favor of forwarding a positive recommendation if there were a finding requiring the execution of the type of development agreement that has been discussed this evening. Commissioner Gilliland stated he feels finding seven addresses Commissioner Head's concern.

7:22:45 PM

2.22 **Vote on the Zoning Map Amendment:** A roll call vote was taken with Commissioners Gilliland, Player, Head, McDonald, and Adams voting in favor of a positive recommendation.

7:23:25 PM

2.23 Chairperson Johnson thanked the public for their involvement this evening and informed them that this application will be heard by the City Council and the public is welcome to address the Council regarding their concerns about this development.

7:24:05 PM

2.24 **Motion on the General Plan Amendment:** Commissioner Gilliland moved to forward a positive recommendation to the City Council for the Draper Crossing at Kimballs Lane General Plan Map Amendments Request by Duaine Rasmussen, representing the Castlewood Development for the purpose of amending the General Plan Map from Residential Medium Density Designation (Residential range of 2-4 dwelling units per acre) to Residential Medium-High Density (Residential range of 4-8 dwelling units per acre), application 140527-561E, based on the findings listed in the Staff Report dated June 13, 2014. Commissioner Head seconded the motion.

7:24:40 PM

2.25 **Vote on the General Plan Amendment:** A roll call vote was taken with Commissioners McDonald, Player, Adams, Head, and Gilliland voting in favor of a positive recommendation.

6:32:47 PM

3.0 ~~**Public Hearing:** On the request of Derek Wright, representing Wright Homes for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) and RA1 (Residential Agricultural) to R3 (Single-family Residential) on approximately 36.95 acres at approximately 11580 South 700 West. The application is otherwise known as the ***Osborne Farm Zoning Map Amendment Request,*** Application #140604-11580S. Staff contact is Dan Boles at 801-576-6335 or Dan.Boles@draper.ut.us~~. ***This item will be continued to the July 10, 2014 Planning Commission meeting.***

3.1 Chairperson Johnson read the item into the record and reported it was being continued to the July 10, 2014 Planning Commission meeting.

7:26:19 PM

4.0 **Public Hearing: On the request of Al Latimer for approval of a Text Amendment changing the text of Sections 9-26-070 and 9-26-090 to allow tower signs in the freeway frontage zones without consideration of building floor area. The application is otherwise known as the *Tower Signs Text Amendment Request*, Application #140609-1020E.**

7:26:44 PM

4.1 Staff Reports: Using the aid of a PowerPoint presentation and his staff report dated June 13, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted Intermountain Health Care has nearly completed the construction of a clinic located on the southeast corner of Pioneer Road and Minuteman Drive; the name of the facility is Draper Intermountain Clinic. He noted the owners of the clinic wish to install a tower sign, which the Draper City Municipal Code (DCMC) limits to 20 feet in height and defines as: "A high-profile, on-premise sign completely self-supported by supports or other sign apparatus independent of any building or other structure with architectural or decorative elements incorporated into the supports as well as the sign." He noted the applicant has identified a discrepancy in the DCMC that they wish to have corrected by the proposed action. He reviewed Subsection 9-26-070(A)(3)(i) of the DCMC, which states "tower signs are permitted only for developments…with 100,000 or more square feet of building floor area." He noted the new IHC clinic, which has approximately 21,000 square feet of building floor area, does not qualify. He noted Section 9-26-090, however, provides for special regulations to apply to areas of the City that have unique signage allowances; one of these areas is

identified as *Freeway Frontage Road*, which includes Minuteman Drive. He stated staff feels the DCMC could be amended to communicate that businesses located within an area designated as *Freeway Frontage Road* are allowed a tower sign without consideration of building floor area. He concluded staff recommends approval of the application based on the findings listed in the staff report.

7:30:47 PM

4.2 Commissioner Player asked that staff provide a map that identifies the properties that would be impacted by this text amendment. As staff worked to generate the map, Mr. Morey stated he feels it was always the intent of the DCMC to provide different sign opportunities to businesses within the freeway frontage zone, but there has been some confusion based on the 100,000 square foot building requirement. He noted staff feels it is appropriate to clarify the ordinance

7:32:18 PM

4.3 Chairperson Johnson opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:32:27 PM

4.4 Applicant's Presentation: Al Latimer noted staff had covered everything he planned to say regarding his application.

7:33:26 PM

4.5 **Motion:** Commissioner Head moved to forward a positive recommendation to the City Council regarding the proposal to amend Sections 9-26-070 and 9-26-090 of the DCMC, as explained in this staff report. Commissioner Player and McDonald simultaneously seconded the motion.

Findings:

1. That Subsection 9-5-060(e) allows and outlines the process for amending the text of the DCMC.
2. That the proposed text change is consistent with the goals, objectives and policies of the City's General Plan.
3. That it was not the intent of 9-26-070 or 9-26-090 to deny businesses located in one of the freeway frontage areas the right to have a tower sign.
4. That the purpose of the text amendment is to fix an oversight in the code.

7:33:51 PM

4.6 Commissioner Head stated he feels staff has done a good job of clarifying the intent of the ordinance. Commissioner Adams asked if IHC will be allowed to install a tower sign without meeting the requirement to have a 100,000 square foot building. Staff answered yes. Commissioner Player recognized the difficulty in maintaining consistency within the DCMC and acknowledged minor clarifications are needed from time to time.

7:34:38 PM

4.7 **Vote:** A roll call vote was taken with Commissioners Gilliland, Head, Adams, Player, and McDonald voting in favor of forwarding a positive recommendation to the City Council.

6:22:54 PM **&** 7:35:25 PM

5.0 **Staff Reports:** Mr. Morey provided staff reports during the Study Meeting.

7:35:25 PM

5.1 Commissioner Adams referenced item two on tonight's agenda and asked if the Cranberry Hill development was accompanied by a development agreement. Mr. Morey indicated the development was actually a Planned Unit Development (PUD, which no longer exists in the DCMC. There was a general discussion regarding this history of the Cranberry Hill area, after which Mr. Morey noted he appreciated the comments made by Mr. Kimball during the public hearing; he has lived in the community for a long period of time and understands that the community will continue to change and it is important to ensure that change happens in a good way.

7:36:49 PM

5.2 Chairperson Johnson asked for clarification on when was the most appropriate time to discuss opinions regarding an agenda item; it is her understanding that type of discussion should take place during the business meeting and the study session should be reserved for staff introduction of the agenda items. Mr. Morey reminded the body their bylaws specifically address how information should be handled and processed by the Planning Commission. He stated he will email the body the most recent set of bylaws for review and discussion during a future meeting. He stated he feels the intent of the format of the Planning Commission meetings is to hear information regarding applications during the study session, then hear public input and have public discussion during the business meeting before making a decision in the public view; this provides everyone the opportunity to hear and share in the same information.

7:41:21 PM

5.3 Chairperson Johnson led a brief discussion regarding the Planning Commission's meeting scheduled for July. Senior Planner Boles indicated the body is scheduled to meet July 10 and 31.

7:42:47 PM

6.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

6.1 **A voice vote was taken with all in favor. The meeting adjourned at** 7:42:52 PM **.**

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JUNE 12, 2014 IN THE DRAPER CITY COUNCIL CHAMBERS

"This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting."

PRESENT:	Chairperson Leslie Johnson, Planning Commissioners Andrew Adams, Traci Gundersen, Craig Hawker, Jeff Head, Scott McDonald, and Kent Player
ABSENT:	Commissioner Drew Gilliland
STAFF PRESENT:	Keith Morey, Doug Ahlstrom, Brian Maxfield, Dan Boles, Dennis Workman, Jennifer Jastremsky, and Angie Olsen
ALSO PRESENT:	Roll on File

Study Meeting:

6:12:50 PM
Study Business Items: The commissioners reviewed the applications for the business meeting and addressed questions to staff members.

**** Staff Reports were heard out of order.*

6:22:05 PM
7.0 **Staff Reports:** Staff provided a report regarding the recent action items of the City Council.

Business Meeting:

Chairperson Johnson explained the rules of public hearings and called the meeting to order at 6:31:53 PM .

Business Meeting:

6:32:20 PM
1.0 **Public Hearing: On the request of Jeff Mansell for approval of a Zoning Map Amendment changing the zoning designation from RA2 (Residential Agricultural) to R4 (Residential) on approximately 5.88 acres at 1230 East 13200 South. The application is otherwise known as the *Park Place Bungalows Zone Change Request*, Application #140513-1230E.**

6:32:30 PM

1.1 Commissioner Adams disclosed that Jeff Mansell is his neighbor and he recused himself from participating in the discussion regarding his application.

6:32:52 PM

1.2 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 30, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted the applicant is requesting that the subject property be rezoned from RA2 to R4; this is the first application the Planning Commission has considered for an R4 zoning designation. He reviewed a map to identify the location of the subject property and noted the land use plan calls for low density development in the area and the question for the Planning Commission to consider is whether that land use designation is appropriate or if a higher density is suitable for the area. He indicated the R4 designation would be connected to a development agreement that would ultimately be finalized by the City Council with no recommendation from the Planning Commissioner; however, the Planning Commission needs to understand the details of the proposed development agreement. He noted the agreement would provide for 21 parcels: 20 individual building pads of about 4,000 square feet each, and one large commonly-held open space parcel of about 176,000 square feet (roughly four acres). He noted the agreement proposes to develop the property into 20 detached townhomes with smaller lot sizes than R4 allows, but the overall density would be 3.4 units per acre, which is perfectly consistent with R4. He stated the community would be maintenance free for the residents and suitable for people wishing to downsize, but continue to live in a high-end or luxury home. He reviewed the concept plan for the development to identify how the structures would be oriented on the lots and relation of the homes to the open space. He noted the property has been vacant for some time and concluded staff recommends approval of the application based on the findings listed in the staff report. He stated though the general plan calls for low density development on the property, the plan does not contemplate large lots exclusively and staff feels that a mix of lot sizes can be healthy for the community and that the main roads in the area have the capacity to accommodate increased traffic associated with the development; the project would not have direct access to or from 1300 East and all access would be from 13200 South. He added staff feels the development agreement would provide a product very desirable and good for the community in exchange for the higher density.

6:39:24 PM

13 Commissioner Hawker asked if the development will be a planned unit development (PUD) and whether it will be zoned for condominiums of single-family residences. Mr. Workman stated the R4 zone is a single-family zoning designation, but the staff report references townhomes because the set-up of the development is similar to traditional town-home set-ups. Commissioner Hawker asked if the development is comparable to the Willow Bend development, to which Mr. Workman answered yes.

6:39:53 PM

1.4 Commissioner Player asked if the access to the development from 13200 South will cause any problems for the existing school located across the Street. Traffic Engineer Brien Maxfield noted that residential traffic peak times and school traffic peak times occur at different times of the day and for that reason the development should not cause problems for the school.

6:40:25 PM

1.5 Commissioner McDonald inquired as to minimum lot sizes allowed in the current zoning designation compared to the minimum lot sizes allowed in the R4 zone. Mr. Workman stated the R4 zoning designation allows lot sizes of 10,000 square feet, but with the use of the development agreement some of the lots would actually be 4,000 square feet in size; however, the number of units per acre is 3.4, which is a density that is permitted in the R4 zone.

6:41:40 PM

1.6 Applicants Presentation: Jeff Mansell added that he completed a similar project in Sandy City that was very successful and he reviewed photographs of the project; the homes are one level with a low roof pitch and are designed for people, such as empty-nesters, that are looking to downsize while continuing to enjoy a high-end product. He noted there is a good amount of open space for the residents to enjoy. He addressed the location of the property and stated he feels it lends itself to a higher density development, but one that is low impact. He stated the residents will likely not have children living at home so the development will create no impact on the local schools.

6:44:43 PM

1.7 Commissioner Player asked Mr. Mansell if he had any difficulty in selling the units in his Sandy development. Mr. Mansell answered no and stated five of the units were sold before ground was broke and the other three were sold as soon as construction was completed.

6:44:48 PM

1.8 Commissioner Head asked if the open space will be maintained by a homeowners association (HOA). Mr. Mansell answered yes and noted all residents will pay a fee for those services.

6:45:20 PM

1.9 Commissioner Hawker asked if this development will be an exact copy of the Sandy development. Mr. Mansell sated the homes will be very similar, though slightly smaller and slightly less expensive. He concluded by asking for a favorable recommendation from the Planning Commission.

6:45:53 PM

1.10 Chairperson Johnson opened the public hearing. She offered clarification regarding the items the Planning Commission can consider relative to the application.

6:46:55 PM

1.11 Jeff Burger stated he lives near the subject property and he loves his home that is situated on three-quarters of an acre; he loves his property, but he is retired and ready to downsize and would love to stay in Draper City. He stated this project would give him the opportunity to stay in the City while meeting his needs as a homeowner; he is in favor of the development and hopes the Planning Commission offers a positive recommendation.

6:48:46 PM

1.12 Cameron Hancock stated he represents a group of homeowners that live adjacent to the subject property. He stated he has reviewed the staff report and the criteria listed that must be present in order for the project to receive approval, such as it being harmonious with other homes and consistent with the general plan and he noted that this project does not meet any of the criteria. He reviewed the impact the development could have on surrounding areas, which are zoned R1 and R2. He stated all he has heard about the project during tonight's presentation is its marketability, but that is not one of the factors that the Planning Commission should be considering; the Commission should focus mainly on whether the development is harmonious and consistent with the general plan and the answer to that is no. He stated he attended a recent Planning Commission meeting where the body rejected a request to rezone from R2 to R3 based on the factors he has discussed. He stated if the Planning Commission approves R4 zoning that approval will be inconsistent with the general plan and will set a precedent. He stated that the development will have an adverse effect on existing homes in the area; people moved to area because they wanted to live on larger lots and there are other locations in the area where people can buy quarter-acre lots and build their homes there. He stated the development would adversely impact property values for current residents in the area. He requested that the Planning Commission deny the application. He added that horse ownership is prevalent in the area and the development is not consistent with that land use. He also referenced traffic and stated that he has not heard about a traffic study being completed for the development to determine the traffic problems that would be created for the existing schools. He stated that the R2 zoning would permit the construction of 10 homes on the subject property, but the developer is requesting permission to double that amount and build 20 homes. He stated the only reason the developer is seeking the ability to build that many homes is to increase his profit. He reiterated his request that the Planning Commission deny the application.

6:54:18 PM

1.13 Dale Smith stated he and his son own the property directly south of the subject property on 1300 East; they purchased the property in anticipation of taking down the stables in the future. He stated he feels it is important for the City to consider development for all age groups and as he ages he and his wife like the idea of downsizing while staying in Draper City in a nice home that is easier to maintain. He stated that he feels such a development would include older, responsible couples with a maximum of two vehicles and the impact would not be much more than a development with larger lot sizes and a large family that could have up to four vehicles. He stated he feels the proposed development would be compatible with the manner in which he would like to develop his property in the future.

6:56:32 PM

1.14 Kim Agnew stated she owns the horse property at 13005 S. 1500 E. and she attended the last meeting regarding another proposed development on 1300 East and she can see the development issues snowballing in that area. She stated she does not believe elderly people will want to live across from a junior high school and charter school. She stated her horse property backs the junior high and it is very noisy and there is much traffic in the area. She stated she does not like the idea of this type of project becoming a regular development in the City because eventually Draper will lose its agricultural identity; people have been drawn to that identity and it is being taken away. She stated if the Planning Commission allows this type of development they will essentially be destroying what Draper stands for.

6:58:12 PM

1.15 Harold Sullivan stated echoed some of the concerns that have been stated about the impact the development could have on horse property in the area and noted the new residents may begin to complain about the smell associated with horses. He referenced the agricultural roots of Draper and stated there are plenty of areas that would better accommodate these types of dense developments and he wondered why it is necessary to allow this type of development on property that has been designed for low density land use.

6:59:54 PM

1.16 Dave Fairbourn stated he is the property owner and he argued that the area is no longer a horse area. He stated some of the horse owners are riding their horses on the sidewalk and not cleaning up after them and those that do not want to ride on the sidewalk are riding on his private property without permission. He stated the development of his property should not be held up just for the benefit of horse owners; the nature of the area has been changed by virtue of the road widening, the new sidewalk, and the traffic signal. He added he has had many offers from prospective buyers of the property, but as Mr. Mansell talked to him about his vision for the development of the property he believed this is exactly what the area needs. He stated the City needs an additional 10 half-acre lots like 'it needs a hole in the head'. He referenced the aerial view of the area and stated it is a sea of half-

acre, three-quarter, and full acre lots with no diversity and this type of project would bring fabric, diversity, and value to the community. He stated he does not feel the homes will generate a traffic problem and he noted the area already deals with high traffic levels; this type of development would be the least impactful on the area and the lots will be in high demand among people that want to live in flat ground in a quality development with a great view of the mountains.

7:03:13 PM

1.17 Paul Brady stated his backyard borders the subject property; six or seven years ago the Planning Commission and City Council zoned the property for half-acre lots and a development plan was made and lots were being sold when the economic recession occurred. He stated if the recession had not happened there would be $800,000 homes on half-acre lots on the property. He referenced the two schools and other uses within walking distance of the subject property and stated the area is suitable for active people and families. He stated he feels the zoning of the property should remain the same as was decided six or seven years ago after consensus of the City Council. He stated development is inevitable in Draper, but he hopes that the Planning Commission will not change a decision that was equitable and fair for all parties.

7:05:46 PM

1.18 Rebecca Buchmiller-Radzinski stated that this development would impact her home and she asked that the Planning Commission deny the request for R4 zoning and instead permit R1 or R2 zoning. She stated she the homes that are being proposed could accommodate a family with up to six vehicles and that could generate a lot of traffic and parking issues. She stated the property could be developed with fewer lots and homes and without the R4 zoning designation.

7:07:49 PM

1.19 Chad Sumsion stated that he lives on the corner of 1300 East and 13200 South; he feels people should be allowed to do what they want to do with their property within reason and he does not want to stand in the way of Mr. Fairbourn marketing his property for the top dollar, but with respect to how the development would impact existing homes and properties in the area. He stated he has noticed that it is a trend for developments proposed in the area to not front 13200 South or 1300 East and that is because values for homes that front those busy streets would be lower. He stated he has reviewed the staff report and could not find requirements for guest parking, allowances for on-street parking, fencing of the development, allowances for sheds or swing sets, whether the streets will be public or private, and who will maintain the public parkstrips that were installed on the recently widened 13200 South.

7:11:16 PM

1.20 Joe Timmins stated that he lives two lots to the south of the subject property; he has seen progress in the area and it has been great for him and he has not had a problem with it. He stated he understands things change, but he is not sure how the development will impact his property. He noted he would like to stay in Draper City, but he will determine whether that is possible once he understands the impact this development and other potential future developments will have on him and his property.

7:12:55 PM

1.21 There were no additional persons appearing to be heard and Chairperson Johnson closed the public hearing.

7:13:10 PM

1.22 Chairperson Johnson asked staff to address the concerns and questions raised during the public hearing.

7:13:32 PM

1.23 Mr. Maxfield stated the City could require a traffic study for this project, but a traffic study is typically not completed for a development of this size and density. He noted 1300 East is a high volume street and would accommodate the additional traffic load the subdivision may create.

7:14:06 PM

1.24 Chairperson Johnson asked Mr. Mansell to address some of the questions raised regarding the site plan for the development, though she acknowledged that the body is not considering the site plan at this point in time. Mr. Mansell noted it is his plan to install a pre-case concrete stained fence along 1300 East and 13200 South accompanied by a nature feature; around the rest of the perimeter of the property he plans to use a solid faux stone fence and he would assume maintenance responsibilities for the public park strip on 13200 South. He referenced the questions regarding parking; all homes will have three car garages with long enough driveways to accommodate parking; the streets will be wide enough to accommodate on-street parking. He noted he has no plans to gate the community, though the streets will likely be private. He then added that he cares about and understands the feelings of the other residents that have spoken this evening. He agreed the general plan does call for low density in the area, but he believes that the nature of the subject property was changed permanently by the construction of the two nearby schools and the traffic signal in the area. He stated he has taken great care to come up with a product that is needed in the City and will be of high value.

7:18:12 PM

1.25 Commissioner Hawker asked Mr. Mansell if he plans to keep and develop the property or sell the property once the rezone is approved. Mr. Mansell stated he plans to keep and develop the property, but noted the State Legislature has

implemented legislation that would allow the City to reverse a land use decision upon the sale of the property or if the developer does not follow through with their original plan; the development agreement locks in a specific use. He added that there are an additional 33 acres that have been zoned for R3 development and there could be more similar requests in the future.

7:19:33 PM

1.26 Chairperson Johnson addressed the Planning Commission and noted the City's general plan is somewhat outdated and the City has plans to review and update it in the coming months; however, it is does exist and is a guiding document for the City. She noted according to the general plan the area should be developed for low density use, but the area has changed significantly due to the construction of the two schools, transit corridor, senior center, park, and other entities that would be very complimentary to this type of development. She stated the Planning Commission must also consider the character of the existing development in the area.

7:21:23 PM

1.27 Commissioner Player stated he has lived in Draper for 50 years and the City is always changing and that change will not stop; he believes elderly communities will become more prevalent in the City and he thinks it is a great thing for the City. Commissioner Head agreed and stated that as the City's population ages there are not many developments that will accommodate that demographic and allow people to stay in the City if they choose to downsize to a smaller lot. He stated he is supportive of mixed uses and mingling of this type of development with larger lot sizes. He stated he feels the proposed development is a good use of the property, especially considering the fact that it is on the corner of 13200 South and 1300 East, which are both fairly busy streets. He stated he does not anticipate many people would desire to live on half-acre lots fronting those busy streets and he reiterated this is a good use for the subject property.

7:23:39 PM

1.28 Commissioner Hawker stated he feels the development agreements sets this development apart and locks in the particular development and gives the City some level of control about the future of the subject property. He agreed the property is unique and suitable for this type of development.

7:24:29 PM

1.29 Commissioner McDonald respectfully disagreed with those Planning Commissioners that have spoken in support of the application. He stated he cannot separate himself from those residents that performed due diligence when purchasing their properties or homes bordering the subject property; they have beautiful large lots and homes and are concerned about smaller homes and lots being constructed and diluting the value of their property. He stated he supports property rights, but he feels a personal sense of responsibility to protect property values for existing residents by maintaining consistency in land use in a certain region when possible.

He stated that it is one of the primary duties of the Planning Commission to preserve the consistency of land use within a specific zone and he is reluctant to support a departure from what has historically been larger lots; this development could be done in a different way that would still preserve property values and he feels there are many families that would love the opportunity to move to the property simply for the fact of being closer to the nearby schools. He implored his fellow Commissioners to heed his words and put themselves in the shoes of those residents that have spoken in opposition to the application this evening.

7:26:47 PM

1.30 Commissioner Gundersen stated that she is undecided on the issue and she referenced past applications to rezone property from R2 to R3 and noted the difference in the number of lots that those developers could have gained was not large, but those applications were denied. She stated she drives on 1300 East daily and it is so crowded and difficult to navigate and it does not feel the infrastructure is present to support the people that are trying to use it. She asked if additional development would further compound those traffic issues and make the area unlivable. She stated she feels the community looks great and is desirable, but she is concerned that the zoning change would permit twice as many homes and the residents could own more than two cars and that would cause increased traffic in the area. She asked if other Commissioners have feelings about the traffic issues. Commissioner Hawker stated the Commission had heard that if the property were developed for half-acre lots the driveways of the homes would front 13200 South and 1300 East, which would cause worse traffic problems than an enclosed development that is being proposed by the applicant. He added that the Commission should not be talking about property values, but he does not feel the proposed development would have an impact on the values of surrounding properties. Commissioner Player added that he feels this type of development would create less of a traffic impact than the type of development that would be permitted in the R2 zone; many of the residents will likely be retired.

7:30:03 PM

1.31 **Motion:** Commissioner Player moved to forward a positive recommendation to the City Council on the Park Place Bungalows Zone Change and Development Agreement, as requested by Jeff Mansell, application 140513-1230E, based on the findings and subject to the conditions listed in the staff report dated May 30, 2014. Commissioner Head seconded the motion.

Findings:

1. That Section 9-5-060 of the DCMC allows for the amendment of the city's zoning map.
2. That though the proposed amendment is not consistent with the current land use plan, it is nonetheless consistent with the goals, objectives and policies of the City's General Plan.

Findings are continued to the next page.

Findings Continued:

3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.
7. That 1300 East and 13200 South are being widened to three lanes to accommodate a higher volume of vehicle traffic.

7:30:54 PM

1.32 Commissioner Head noted the general plan calls for residential low/medium density and he feels the proposed development is medium density; he reiterated Commissioner Hawker's comments regarding half-acre lots whose driveways would front 13200 South and 1300 East and create worse traffic conditions.

7:31:40 PM

1.33 **Vote:** A roll call vote was taken with Commissioners Gundersen, Hawker, Head, and Player voting in favor of forwarding a positive recommendation to the City Council. Commissioner McDonald voted in opposition.

7:32:46 PM

2.0 **Public Hearing: On the request of Ty Vranes, representing VP Homes for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on an approximately 1.0 acre site at 11953 South 800 East. The application is otherwise known as the *Indian Meadows Phase II (VP) – Zone Change Request*, Application #140502-11953S.**

7:33:23 PM

2.0 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated May 30, 2014, Planner Jennifer Jastremsky reviewed the details of the proposed application. She noted the applicant has requested the rezone of a one acre property located on the east side of 800 East at approximately 11953; the property is lot two within the existing Indian Meadows Subdivision. She noted the land use designation is medium density residential, which supports two to four dwelling units per acre and the current zoning of the property is RA1, which is a residential/agricultural zone and allows one dwelling unit per acre. She reviewed photographs of the property and noted the applicant is requesting the R3 zoning designation, which allows minimum lots sizes of 13,000 square feet, or one-third acre in size; the intent of the R3 zone is to foster residential development with little

impact on surroundings and generally preserve the semi-rural character of the area. She referenced the private lane on the property and noted that development of the lot within the R3 zone would only equate to two lots; the concept plan prepared by the developer includes 17,000 square foot lots. She noted the request constitutes spot zoning, but the neighborhood itself contains several different uses and zoning classifications; there are five different zoning districts within the immediate area and the lot sizes in single family uses in the neighborhoods surrounding the subject property range from .23 to two acres in size despite the fact that the properties are zoned for half-acre and one-acre lots. She stated the neighborhood is fairly diverse in terms of lot sizes and staff feels the proposed development will be compatible. She concluded staff recommends approval of the application based on the findings listed in the staff report. She added that she received a phone call from a nearby property owner, Ardell Brown and he asked that his comments be included in the record for the meeting. She indicated that relative to the development proposal he is neutral, but he is concerned that approval of the rezone would set a precedent for future rezones of other properties in the neighborhood.

7:36:34 PM

2.1 Commissioner Player asked if the only access to the property is the private lane. Ms. Jastremsky reviewed photographs of the property and the concept plan and noted there are a couple of ways the lots could be configured to maximize access to the homes there.

7:37:21 PM

2.2 Commissioner Hawker stated the zoning being requested is R3, but due to the private lane there is no possible way to create three lots on the property. Ms. Jastremsky stated that is correct.

7:37:46 PM

2.3 Applicants Presentation: Ty Vranes stated Ms. Jastremsky did a good job summarizing his request and he reiterated a few of the points made during her presentation. He noted both lots on the property will be larger than 17,000 square feet and indicated he feels his application is in line with the City's general plan. He reviewed his concept plan and concluded that he feels the application meets the requirements of the Draper City Municipal Code (DCMC) and general plan. He stated that he sent a letter to all residents within 400 feet of the subject property regarding a neighborhood meeting on few residents actually attended; one was Mr. Brown and he indicated he was not concerned about the development.

7:40:57 PM

2.4 Chairperson Johnson opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

7:41:18 PM

2.5 **Motion:** Commissioner Head moved to forward a positive recommendation to the

City Council for the Indian Meadows Phase II (VP) Zone Change Request by Ty Vranes, representing the VP Homes for the purpose of rezoning the property from RA1 (Residential Agricultural, 40,000 square foot lot minimum) zone to R3 (Single Family Residential, 13,000 square foot lot minimum), application 140502-11953S, based on the findings listed in the Staff Report dated May 30, 2014. Commissioner Hawker seconded the motion.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
   a. The Residential Medium Density Land Use Category is characterized by variations and mixing of lot sizes, setback and residential development forms.
   b. Medium density may be used as a transition between less intensive residential areas and non-residential areas such as offices or retail centers.
   c. Encourage the development of a range of housing types and densities based upon orderly development patterns.
   d. Encourage new residential development to locate within areas currently served by adequate water, wastewater and other community services.
2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. The R3 zoning district is intended to foster development with little impact on surroundings, services and to generally preserve the semi-rural character of the City.
4. With the adoption of the R4 and R5 zoning categories (10,000 and 8,000 square foot minimum lot sizes), the R3 category (13,000 square foot minimum lot size) is now considered a medium density single-family zone designation.
5. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
6. The proposed development conforms to the general aesthetic and physical development of the area.
7. The public services in the area are adequate to support the subject development.
8. Spot zoning is legal per the Utah State Code.

7:41:52 PM

2.6 **Vote:** A roll call vote was taken with Commissioners Hawker, Gundersen, Player, Adams, and Head voting in favor of forwarding a positive recommendation.

7:42:31 PM

3.0 **Public Hearing: On the request of Ryan Button for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) to RM1 (Residential) with a Development Agreement on approximately 18.3 acres at 962 E. Roundhouse Road. The application is otherwise known as the *Deer Run Preserve Zone Change Request*, Application #140519-962E.**

7:42:58 PM

3.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 30, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted the applicant is requesting that the subject property be rezoned from A5 to RM1. He reviewed photos of the property and noted it has been in its current undeveloped state for some time; the master plan calls for commercial development of the property, but the applicant is not proposing a commercial zoning at this time. He indicated the developer has met with residents in the area regarding his proposal of RM1 zoning, which would permit up to eight units per acre; the developer has agreed to enter into a development agreement that proposes a residential project consisting of 36 single-family homes near Highland Drive, 17 single-family homes on the interior of the circle, and nine multi-story four-plexes on the exterior of the circle. He indicated the actual density of the property will be closer to 5.1 units per acre, which is similar to the density permitted in the R5 zone. He noted the Planning Commission's role is to consider the plusses and minuses of RM1 zoning (up to eight residential units per acre) being applied to this part of South Mountain, and to forward a recommendation to the City Council. He noted the issue for the Planning Commission to consider this evening is whether the RM1 zoning is appropriate for the area with the understanding that a development agreement will accompany the zoning of the property requiring that 50 of the 84 residential units will be single-family homes. He concluded staff recommends approval of the application based on the findings listed in the staff report. He also applauded the developer for holding at least two meetings with residents in the area and he has been told that the concept plan is reflective of what the residents have asked for.

7:48:04 PM

3.2 Commissioner Player inquired as to the height of the multi-family buildings. Mr. Workman stated he believes they are three levels tall.

7:48:21 PM

3.3 Commissioner Head referenced the concept plan and asked what would be located in the circular area in the middle of the plan. Mr. Workman stated that area will be designated as open space that will include public amenities. Commissioner Head asked if the City will be obligated to maintain the public open space, to which Mr. Workman answered yes. Community Development Director Morey added that in the meetings the staff had with the developer he heard of feedback from the surrounding residents regarding their desire for sensitive connectivity options and

public gathering places; the developer has contemplated using the one-acre space for a public park and discussions regarding the responsibility for maintaining the park and open space are ongoing. There was a brief discussion regarding the exact location of a potential playground structure and open space in proximity to the existing townhomes and streets in the area and Mr. Workman reviewed additional photographs of the existing homes in the area.

7:52:32 PM

3.4 Applicant's Presentation: Tim Soffe spoke on behalf of the applicant, Ryan Button. He thanked staff and the residents he has worked with relative to the development of the subject property; it is rare to get an opportunity to meet with residents, but it was beneficial for this project for both parties. He noted his effort in meeting with the residents was to arrive at a proposal that was acceptable to the City, the developer, and the residents and to try to address the concerns of the residents, of which he summarized a few: views and property values, access to trails, high quality construction, and traffic impacts. He stated the commitments made to the residents should be reflected in a concept plan and development agreement in order to be carried throughout the development. He referenced the park in the middle of the circle and noted it will be maintained by the developer and homeowners association (HOA), but accessible by the public along with the trails and pathways. He noted the developer has asked that the City assume responsibility for maintenance of the trails and pathways. He reviewed a list of features for the development that the developer has tried to implement, with a focus on pleasing the existing property owners and residents in the area. He noted the product type will be high quality and will preserve the property values in the area; some residents were worried about rental units and that concern has been alleviated by the fact that the development contains only owner-occupied units with a 30 percent open space requirement. He noted that since this property is the last in the area to develop, it seems that all water in the area drains to the site and there are currently three detention basins on the property; the development will be engineered in a way to eliminate one pond and improve the other two in order to accommodate storm water on and off site. He

8:02:07 PM

3.5 Commissioner Hawker referenced sight lines from existing properties and asked if they will see rooftops of the new units. Mr. Soffe stated the townhomes have been oriented in a way to protect the views of the current residents and the rooflines will be below the garage or deck of the existing homes to the extent possible. There was a brief discussion regarding phasing of the development, with Mr. Soffe indicating that is a question for Mr. Button to answer at a later date.

8:03:40 PM

3.6 Commissioner Player commended Mr. Soffe and the applicant for working with the community to develop the plan for the development.

8:04:32 PM
3.7 Chairperson Johnson opened the public hearing.

8:04:48 PM
3.8 James Alger, 14109 Senior Band Road, stated that when development of this property was discussed eight years ago it was very contentious and at that time he asked the City to wait for a more intelligent way to develop the property. He noted he is happy that he was listened to and he feels the developer has been up front in talking to residents regarding the development; there is still a group of people that want commercial development on the property, but he feels they are willing to let go of those wishes in favor of pleasing the rest of the community. He provided a brief history of the development of the area and the impact development has had on the neighborhood and expressed appreciation for the fact that developer is willing to scale back the plan for the development and his willingness to enter into a development agreement for the project. He discussed the demographic of the community and noted due as the City grows and develops it will include retired residents as well as young families. He concluded that he would like for the City to assume responsibility for maintenance of the park in the development since it will be open to the public; the park should not burden the HOA when the entire City will have access to it.

8:11:51 PM
3.9 Harold Sullivan identified his property in proximity to the subject property and complimented the developers for meeting with the community and taking the feedback of the community into account when creating a development plan; assuming the development plan is approved he will be in favor of the development. He agreed a commercial development would not be harmonious with the existing development of the community.

8:13:30 PM
3.10 Kevin Resency stated many of his concerns about the development have been alleviated by what he has heard this evening, but he would ask that the Planning Commission consider RM zoning because he does not like the idea of multi-family housing in his neighborhood. He then referenced parking difficulties along the narrow roads in the area and stated that the increased density associated with the proposed development will further compound that area and it may be a good idea to seek input from the Fire Department regarding adequate public safety access and support.

8:16:42 PM
3.11 John Morey, 979 Senior Band Road, thanked the developer for engaging the community twice throughout the development of their project plan; he noticed them attempting to listen to the concerns of the residents and they have adjusted their original plans to try to address those concerns. He stated he is in favor of proceeding with the plan and he asked the Council to take into consideration the

comments that have been made this evening.

8:18:18 PM

3.12 Ron Steed, 987 Senior Band Road, applauded the developer for the public involvement he sought, but he expressed his concerns about elevations and the fact that some of the buildings on the site could block the views enjoyed by existing homeowners in the area. He stated he is also very concerned about the density also because of the parking problems in the area. He added he has complained numerous times about water pressure issues and he can only imagine what the increased density will do to the water pressure in the area. He noted traffic in the area is haphazard at best, especially during peak school traffic times.

8:20:36 PM

3.13 Todd Litsell reiterated previous comments regarding parking and traffic issues; he noted he is not opposed to the development, but wondered where the additional cars associated with the new units will park. He stated traffic is treacherous during peak school hours.

8:21:45 PM

3.14 Joshua Wall stated that he also lives adjacent to the subject property and serves on the HOA board for his subdivision; it has not been his experience that the community supports this project and most of the people he has spoken to are very concerned about the new buildings blocking views enjoyed by the current residents and he asked what would happen if the developer does not meet his goal of not blocking views. He stated he is also very concerned about traffic and he relayed a personal experience where his vehicle was damaged due to narrow roads in his neighborhood; those problems will only be exacerbated by an increase in the number of units in the area. He added he is also concerned about the potential for the units to become rental units.

8:24:03 PM

3.15 Justin Jensen stated he feels the community would like for the area to remain undeveloped, but he appreciates the developer going through the public process that he did and those that did not participate in that process did not by choice and it is their fault that they are not informed. He stated he would like to see the development contract be amended before it is executed to state that if any change to the development agreement is proposed the City will be required to notify the community and hold a new public hearing. He stated the developer did reduce the height of the multi-family units from three stories to two and they increased the number of single-family units in the development. He stated he is in favor of the development as long as the development agreement is adhered to by all parties. He added he would also like for the City to assume responsibility for the maintenance of the public areas and concluded he feels the development will benefit rather than harm the community.

8:26:51 PM

3.16 There were no additional persons appearing to be heard and Chairperson Johnson closed the public hearing.

8:26:59 PM

3.17 Mr. Soffe addressed the parking concerns; he noted he cannot do anything about the current parking problems, but he will make efforts to accommodate parking needs associated with the new development. He indicated each unit will have a minimum of a two car garage and a two car driveway to accommodate residents and visitors. He noted the road widths will be a minimum of 26 feet. He addressed the concerns regarding blocking the views of the current residents; he noted the property is downhill from existing homes on the perimeter. He stated that the multi-family units to be constructed on the site have not yet been designed, but he believes it will be possible to keep the height below the first level decks of the existing units in in the areas where that is not possible he has committed to only build two story units rather than three story units. He stated he cannot speak to water pressure issues in the area. He then reiterated the homes will be for sale; individual owners can rent their properties if they so choose, but at the price range of the homes owners will not be encouraged to rent them.

8:30:06 PM

3.18 Commissioner Adams asked if fencing will be installed around the perimeter of the property. Mr. Soffe stated that issue will be addressed at the site plan phase of the development and he is unsure how fencing will be handled due to severe grades of the property.

8:31:45 PM

3.19 Mr. Maxfield then stated this area of the City is served by Water Pro rather than the City and water pressure issues will need to be worked through with that entity. He referenced the concerns regarding traffic in the area and noted the City has a design guideline that a traffic analysis must be completed once a development reaches 100 single-family dwelling units of 150 multi-family dwelling units and the number of units in this development is not that high.

8:32:29 PM

3.20 Commissioner Hawker referenced the existing townhomes and asked if they are served by Water Pro. Mr. Maxfield answered yes. Commissioner Hawker asked if the design of the storm drain infrastructure will impact developments further downstream. Mr. Maxfield stated staff has not analyzed that at this point in time.

8:33:14 PM

3.21 Chairperson Johnson reiterated that the Planning Commission does not have jurisdiction over the development agreement and negotiations of the terms of that agreement will be handled by the City Council.

8:33:23 PM

3.22 Commissioner Hawker stated he feels the developer has done a fantastic job of working with the community and addressing the concerns of the residents; he feels Highland Drive provides a natural buffer between existing uses and the proposed development and he agrees this development would be more beneficial to the neighborhood than would a commercial development. Commissioner Adams agreed and noted that commercial developments have failed in the area time and time again. He added he admired that engineering of the units has been done in a manner that will retain the bowl topography of the property and he is pleased that the City and residents will be protected by a development agreement for the project. He disclosed that he lives in the same neighborhood as the applicant, Ryan Button.

8:35:31 PM

3.23 Commissioner Player reminded the Commission that this body is only voting on the zone change this evening and the details of the development agreement will be worked through by the City Council.

8:36:06 PM

3.24 Motion: Commissioner Adams moved to forward a positive recommendation to the City Council on the Deer Run Preserve zone change, as requested by Ryan Button, application 140519-962E, based on the findings and subject to the conditions listed in the staff report dated May 30, 2014. Commissioner Player seconded the motion.

Findings:

1. That Section 9-5-060 of the DCMC allows for the amendment of the city's zoning map.
2. That though the proposed amendment is not consistent with the current land use plan, it is nonetheless consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That facilities intended to serve this property are in place within the fronting roadway.
6. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
7. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.
8. That all vehicular traffic associated with the project will flow from or to Highland Drive, which is an arterial street capable of handling the increased volume.

Findings are continued to the next page.

Findings Continued:

9. That the master plan contemplated this area to be the city's town center, with city hall and a library and other civic amenities, which would have brought sufficient traffic to the area to support commercial. The vision of this area being a civic center has long since died.
10. In two neighborhood meetings held in anticipation of this development, area residents expressed the following sentiments: 1) they do not want traffic, lights, and early morning deliveries associated with commercial, 2) they do not like the idea of losing control over the type of commercial (i.e. a convenience store today becomes a payday loan business tomorrow), 3) with the commercial node Bangerter Crossing in close proximity (which did not exist at the time the master plan was adopted), they no longer feel the need to have their own commercial node.
11. The city should seize the opportunity to permit responsible development on this unsightly and long-vacant piece of ground.

8:36:36 PM

3.25 **Vote:** A roll call vote was taken with Commissioners Head, Hawker, Gundersen, Player, and Adams voting in favor of a positive recommendation.

8:37:12 PM

3.26 The Commission took a brief break. The meeting reconvened at 8:45:59 PM.

8:46:12 PM

4.0 **Public Hearing: On the request of Chad Anderson, representing Goff Mortuary for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to CC (Community Commercial) on an approximately 1.7 acre site at 11859 South 700 East. The application is otherwise known as the *Anderson and Goff Mortuary – Zone Change Request*, Application #140502-11953S.**

8:46:11 PM

4.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated May 30, 2014, Planner Jennifer Jastremsky reviewed the details of the proposed application. She stated the applicant is seeking approval of a Zone Change for approximately 1.7 acres located on the east side of 700 East, directly across the street from the TRAX station at approximately 11859 South 700 East. The land use map designated the property for CC (Community Commercial) development, which is consistent with the majority of the properties on 700 East; the current zoning of the property is RA1 (Residential Agricultural, 40,000 square foot lot minimum) and the applicant is requesting that a Zone Change be approved to rezone the property to the CC. She reviewed photographs of the property and highlighted some identifying characteristics as well as the existing homes on the property. She noted the 700 East corridor is classified as an arterial road and is considered one of the

primary regional transportation routes within Draper City; there are plans to widen the road north of the City border in the future and given high traffic levels and expected changes to the roadway, single family residential uses are not recommended on 700 East and the general plan calls for community commercial development instead. She conclude that for that reason staff recommends approval of the application based on the findings listed in the staff report.

8:47:54 PM

4.2 Commissioner Player asked how many houses would be removed if this development were approved, to which Ms. Jastremsky answered three.

8:48:08 PM

4.3 Applicant's Presentation: Chad Anderson stated he owns and operates Goff Mortuary in Midvale, Utah, a company that has been in the funeral business for 100 years. He has served Draper residents for a number of years and is not willing to give up that market; for that reason he would like to build a mortuary on the subject property to accommodate his customers in this area of the valley. He clarified that there are currently three homes on the property, but only two will be removed to accommodate the funeral home; there will be no crematory on site and there may not be prep work done on site.

8:50:33 PM

4.4 Commissioner Hawker inquired as to the location of Mr. Anderson's current facility, to which Mr. Anderson answered 8090 S. State Street in Midvale.

8:50:46 PM

4.5 Chairperson Johnson opened the public hearing.

8:50:52 PM

4.6 Scott Roberson stated he lives to the northeast of the subject property; he has lived there for 13 years and loves his surroundings. He stated it has been interesting to watch the transition of 700 East since he has lived there. He is happy to know there will not be a crematorium on site, but he would still like to urge the Planning Commission to deny the application for the following reasons: if preparation is done on site the chemicals are disposed of in the sewer and could potentially back up into homes and the nearby wetlands. He added another concern is the traffic in the area and the number of parking stalls planned for the business would seem to indicate the traffic levels will only increase. He stated he is also concerned about the inadequate ingress and egress points for the site as well as the potential lack of adequate parking that would cause on-street parking. He stated he feels the proposal is not harmonious with the existing development in the area and could potentially decrease property values.

8:54:46 PM

4.7 Valerie Marsh agreed with Mr. Roberson; she stated traffic in the area is currently very difficult and this development would compound those problems.

8:56:09 PM

4.8 There were no additional persons appearing to be heard and Chairperson Johnson closed the public hearing.

8:56:12 PM

4.9 Mr. Anderson addressed questions raised during the public comment. He noted that the parking requirements imposed by the City are not sufficient for his business and he will provide more parking than is required. He stated that he does not feel his business will compound traffic problems because funeral services and viewings are usually held during the less busy time of the day for traffic. He stated many people attending funerals may actually use the Trax system to get to his location.

8:58:24 PM

4.10 Commissioner Player stated the intersection near the subject property is interesting and the future widening of 700 East will impact the signalization of that intersection. He then suggested the applicant work with the kennel business to the south to provide an exit from the subject property through their property. Mr. Anderson stated he would be willing to work with them to provide an additional exit from the property.

9:00:04 PM

4.11 Commissioner Gundersen asked what will become of the existing trees on the property. Mr. Anderson stated the trees on the front of the property will need to be removed, but he will save all other trees that can possibly be saved while still accommodating the development.

9:00:49 PM

4.12 Commissioner Hawker asked Mr. Anderson to address the concern regarding chemicals entering the sewer system. Mr. Anderson stated that embalming fluids to enter the common sewer infrastructure, but certain infrastructure components, such as backflow preventers, are required and address the concerns of chemicals backing up into homes.

9:01:24 PM

4.13 Commissioner Head noted the staff report indicates 700 East is an arterial route and the Utah Department of Transportation (UDOT) has plans to eventually widen 700 East from 11400 South to 12300 South and that will alleviate some of the traffic congestion that the public was concerned about this evening.

9:02:12 PM

4.14 **Motion:** Commissioner Hawker forward a positive recommendation to the City Council for the Anderson and Goff Mortuary Zone Change Request by Chad Anderson, representing the Goff Mortuary for the purpose of rezoning the property from RA1 (Residential Agricultural, 40,000 square feet minimum lot) zone to CC (Community Commercial) zone, application 140519-11859S, based on the findings and subject to the conditions listed in the Staff Report dated May 30, 2014. Commissioner Head seconded the motion.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
   a. Encourage the development of Community Commercial uses along the I-15 Freeway, 123rd South, Bangerter Highway, State Street and 700 East corridors.
   b. Promote and maintain balanced commercial activity that is viable and responsive to the needs of the community.
2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

9:02:38 PM

4.15 Commissioner Hawker addressed staff and asked if the crematory would be allowed in the CC zone if Mr. Anderson determined it appropriate to provide cremations at his site. Chairperson Johnson stated it is her understanding that any service that accompanies a mortuary would be permitted in the CC zone. City Attorney Ahlstrom then reviewed the DCMC and indicated a crematory would not be permitted on the site.

9:04:44 PM

4.16 **Vote:** A roll call vote was taken with Commissioners Gundersen, Player, Adams, Head, and Hawker voting in favor of a positive recommendation.

9:05:15 PM

5.0 **Public Hearing: On the request of Bryon Prince, representing Ivory Homes for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R5 (Residential) on approximately 3.92 acres at 491 E. Kimballs Lane. The application is otherwise known as the *Cranberry Hills 18 Zone Change Request*, Application #140519-962E.**

9:05:20 PM

5.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 30, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted this is the first time the Planning Commission is being asked to consider an application for the rezone of property to the R5 zoning designation. He noted the applicant is requesting a rezone from rA1 to R5 on approximately four acres located on the north side of Kimballs Lane, north of Juan Diego High School. He noted on April 29, 2014, the City Council rezoned the subject property from RA1 to R3 and simultaneously approved a development agreement that would allow minimum lot size to be 9,000 square feet; at a later date the R5 zoning category was approved and the applicant is now seeking the zoning designation be assigned to his property. He noted the developer would like to create 9,000 square foot lots, which would be accommodated in the R5 zone. He reviewed the concept plan that was originally presented for the property when the R3 zoning was approved and noted the revised concept plan incorporates open space into lot 111 of the plan. He reviewed the compatibility of the proposed development with existing developments in the area and noted other developments have lot sizes as small as 8,000 square feet. He concluded staff recommends approval of the application based on the findings listed in the staff report and indicated this is the type of project the R5 zoning classification was created for.

9:08:26 PM

5.2 Commissioner Adams asked if the number of lots will change upon approval of the R5 zoning. Mr. Workman answered no and reiterated the only change is that one of the lots will increase in size due to the incorporation of the open space into that lot.

9:08:59 PM

5.3 Commissioner Gundersen stated it was her understanding that the developer committed to providing $60,000 in park improvements in exchange for the R3 zoning designation and she asked if that commitment will go away. Mr. Workman answered yes and reiterated that the R5 zoning designation was not available when the developer initially began working on this development or he would have applied for it from the onset. Commissioner Gundersen wondered why the City would forego $60,000 in park improvements by approving this zoning designation. Mr. Workman stated the property owner has the right to apply for the R5 zoning designation. There was a brief discussion regarding the debate that accompanied the ultimate approval of the R5 zone, with Chairperson Johnson noting it is up to the Planning Commission and City Council to determine whether to grant the R5

zoning designation and lose out on the benefits that would have been afforded in the R3 development that is accompanied by a development agreement. She stated the staff reports indicates that if the developer does not get approval of this application from the City Council, the zoning of the property will revert to R3 with the development agreement. Commissioner Gundersen reiterated she cannot understand why the City would consider approving this application after negotiating a development agreement by which the City would benefit from granting the R3 zoning designation for the subject property. Mr. Morey reiterated there is nothing that precludes any property owner from submitting any type of application regarding the zoning of their property, but the Planning Commission and City Council are not obligated to approve the application.

9:11:45 PM

5.4 Commissioner Head stated there is a 3,034 square foot portion of the subject property identified on the plan and he inquired as to what that space will be used for. Mr. Workman stated the map is inaccurate.

9:12:41 PM

5.5 Applicant's Presentation: Bryon Prince, representing Ivory Homes, reminded the Planning Commission that when Ivory Homes started the process to develop this property last fall they had no idea that the City was considering implementing new zoning designations; they spent seven months negotiating a development agreement with the City to achieve the R3 zoning designation. He stated the intent of the project is to accommodate the unique geography of the subject property and to provide a product that is in demand in Draper City. He stated that when he was three weeks from gaining approval of the R3 zoning and development agreement he was informed the Council would be considering the R5 zoning designation and he was told that the subject property was a perfect example of why the City was interested in implementing the R4 and R5 zoning designations; it would allow the City and developers to get away from entering into development agreements and accommodate the infill properties that present some development challenges. He stated he has not tried to increase the density of the development or increase the number of lots and instead some of the open space was eliminated to address concerns of how the space would be maintained. He concluded that he spent a lot of time working through the development agreement and was told that the City would likely look favorably upon this new zoning request.

9:15:38 PM

5.6 Commissioner Head inquired as to who would maintain the open space according to the development agreement accompanying the R3 zoning. Mr. Prince indicated Ivory Homes had an agreement to deed the open space to current property owner; he has a family member living to the north of the open space and he would maintain it and would never be permitted to make any improvements to the property that would require a building permit. Commissioner Head stated that under the application for the R5 zoning that action would no longer take place and rather than

deeding the property to the current owner the developer will be able to combine it with one of the lots to enlarge it and increase their profits on the sale of said lot; he stated he does not see any problem with that. Mr. Prince stated that there were many concerns about the maintenance of the open space, which is why Ivory Homes determined it would be appropriate to eliminate it by adding it to a lot.

9:17:59 PM

5.7 Chairperson Johnson opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

9:18:20 PM

5.8 Chairperson Johnson stated that her recollection is that when the application for R3 zoning was considered there were many residents living to the east of the property that were very concerned about the rezoning that would allow for smaller lots even with the rezone being accompanied by a development agreement and the open space. She stated she is surprised that none of those same residents are present this evening. She stated her question to the Planning Commissioners is whether they would have been inclined to grant the R5 zoning for the property if the previous application for R3 zoning were never made and granted. She stated she personally would not have been in favor of that; the smaller lot sizes allowed in the R3 zoning were permitted because the developer was willing to give something to the community in return according to the development agreement. She noted the properties to the east and across the street from the subject property are larger lots and maybe R4 zoning is more appropriate for this unique piece of property. She stated she is hesitant to escalate all the way to the R5 zoning without the developer giving something back to the City. She acknowledged that she does not get to vote on the issue and she stated she respects Commissioner Head's position on the application as well. She pointed out that under the approval of the R3 zoning and the development agreement, the developer committed to provide $60,000 in improvements for the City. Commissioner Head stated that was not the case; the developer was actually planning to deed the property back to the current property owner for him to continue to maintain. Commissioner Adams argued that the development agreement called for the improvement of two parks in the Cranberry Hill subdivision. Chairperson Johnson agreed and stated that is why the Planning Commission agreed to the R3 zoning initially.

9:20:56 PM

5.9 Commissioner Adams reviewed some of the characteristics of the proposed development as well as the surrounding properties and indicated that it is his opinion that the R5 zone was created to eliminate the lengthy process of negotiating development agreements for this type of project; this application is unique because an R3 zoning designation was initially requested and the City ultimately negotiated and entered into a development agreement with the developer and that work has been for naught. He stated that will not be the case for R5 zoning applications in the future. He concluded he feels this development is simply an extension of the

Cranberry Hill subdivision and he feels it would be unfair for the City to deny the R5 zoning designation simply to gain $60,000 in park improvements. He added that he does not feel the proposed park improvements were too great to begin with.

9:23:34 PM

5.10 Commissioner Gundersen stated the park improvements were offered to quiet some of the concerns of the residents in Cranberry Hill; those residents were concerned about the lot sizes in the development. Commissioner Adams stated that it is inappropriate for Cranberry Hill residents to complain about lot sizes because there are a number of similar sized lots within their development and all around them. Commissioner Head agreed and stated that it is the right of the developer to request the R5 zoning and this is the type of property the City was looking to address by creating the R4 and R5 zoning designations. Commissioner Gundersen stated she does not begrudge the developer for requesting the R5 zoning, but she does not understand why the City would give up the improvements that were bargained for to pacify the residents in the area; she worries that doing so will irritate the residents that were involved in the process and she cannot see an incentive for the City to do that. Commissioner Adams argued that the Planning Commission provided a recommendation to create the R5 zone.

9:25:09 PM

5.11 Chairperson Johnson inquired as to the lot sizes permitted in the R4 and R5 zones. Mr. Workman stated the minimum lot size in the R4 zone is 10,000 square feet and in the R5 zone is 8,000 square feet. He stated the developer is proposing lot sizes of 9,500 square feet, so only the R5 zoning designation would accommodate that proposal.

9:25:30 PM

5.12 Mr. Prince reiterated that he was not made aware of the potential for the City to create the R4 and R5 zones until three weeks before his R3 zoning application was voted upon; he was contacted by the staff and asked if he wanted to proceed with the R3 application and development agreement because they felt it was a waste of time and money to do so when his property was a perfect example of the reason the R5 zoning designation was being created. He stated he proceeded because he had already spent six months on it and wanted to get something done. He then wondered why the Planning Commission recommended approval of the R5 zone if they do not want to use it. He referred to the minutes of the meeting when the development was initially considered and noted two people spoke in favor of the development while only a handful of residents spoke in opposition. He stated he met with some neighbors in the area last fall and made some adjustments to the concept plan for the development to address their concerns and the $60,000 in park improvements was settled upon based on the development agreement with Cranberry Hill; he met with the Parks Department and was frustrated by the fact that they could not communicate to him how they arrived at the $60,000 dollar amount or how the money would be used.

9:28:15 PM

5.13 Commissioner Gundersen asked Mr. Prince how many lots he could create in the R3 zoning. Mr. Prince answered 11 and noted he would also get 11 lots with the R5 zoning as well, but he could eliminate the development agreement.

9:28:49 PM

5.14 Commissioner Player stated that as far as he is concerned the previous approval of the R3 zoning and the development agreement is a moot issue and the Planning Commission should take action on the application that is before them.

9:29:26 PM

5.15 **Motion:** Commissioner Adams moved to forward a positive recommendation to the City Council regarding the Cranberry Hills 18 Zone Change by Bryon Prince, application 140521-491E, based on the findings listed in the staff report dated May 30, 2014. Commissioner Player seconded the motion.

Findings:

1. That there are adequate facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan.
3. That R5 zoning is harmonious with the overall character of existing development in the vicinity of the subject property.
4. That an 8,000 square foot lot is consistent with lot sizes in the Cranberry Hills subdivision; in fact, there are three lots that abut the subject property on the north that are actually less than 8,000 square feet.
5. That given the PUD nature of the Cranberry Hills subdivision, R5 zoning is consistent with existing adjacent development.
6. That the R5 zoning category was adopted to facilitate infill development on properties such as the one under consideration for this zone change.

9:30:04 PM

5.16 **Vote:** A roll call vote was taken with Commissioners Hawker, Player, Head, and Adams voting in favor of forwarding a positive recommendation. Commissioner Gundersen voted in opposition.

9:30:38 PM

6.0 **Public Hearing: On the request of Draper City for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) to A2 (Agricultural) and CR (Regional Commercial) on approximately 23.6 acres at 11559 South 300 West. The application is otherwise known as the *Riverview Chapel Rezone Request*, Application #140529-11559S.**

9:31:11 PM

6.1 Staff/Applicant Report: Using the aid of a PowerPoint presentation and his staff report dated May 30, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He stated this application is a request for approval of a Zoning Map Amendment for approximately 23.6 acres located on the west side of Lone Peak Parkway, at approximately 11559 South. He reviewed photographs of the property and stated the chapel located on the property was approved in 2010 and opened in 2012; the road constructed near the chapel is a private lane owned by Property Reserve, Inc. which is the real estate arm of the LDS church. He reviewed the land use map and stated the entire property is planned for commercial development, but the current zoning is A5. He summarized the request to zone a portion of the property A2, have the road dedicated to the City as a public right-of-way, and zone the north-east portion of the property CR Regional Commercial. He concluded staff recommends approval of the application based on the findings listed in the staff report.

9:35:19 PM

6.2 Commissioner Player asked if development of the property is pending at this time or if the changes are being made to provide for future development. Mr. Boles stated there are no pending development plans at this time.

9:36:31 PM

6.3 Commissioner Gundersen asked to be excused from the meeting and Alternate-Commissioner McDonald stepped in for her.

9:36:41 PM

6.4 Chairperson Johnson opened the public hearing.

9:36:56 PM

6.5 Scott Pettit stated that he is a board member of the Sunrise Station Homeowners Association and he requested five minutes to address the Planning Commission. He provided a brief history of the previous zoning request for the property, noting a request to zone the entire property for community commercial was denied due to the lack of a buffer between the Sunrise Station neighborhood. He stated Property Reserve, Inc. ultimately decided to withdraw their rezone application in favor of selling the property as is and any future property owners would need to make their own applications for rezone if the so desired. He stated no further comment has been made by Property Reserve to the HOA of Sunrise Station; he understands the property will eventually be developed, but the current proposal is not a solution to the zoning problem. He stated he appreciates the zoning request includes a buffer to appease the residents to the south and west of the property; however, he is insulted because the request is impractical. He stated the buffer of A2 is impractical and the property will be never be used for the purposes allowed in the A2 zoning designation. He stated he feels the proposal has been made in a manner to get it passed with little resistance from the neighbors. He noted the neighbors would like

to have the issue resolved now and if the proposal is to create a buffer between the commercial use and nearby neighborhoods, the City needs to find a buffer that is not prone to be changed again; the Sunrise Station HOA would like to propose that a permanent sensible buffer be created using zones R4 or office residential. He stated he feels the office residential zone makes the most sense as a buffer against the existing residential structures, but the R4 zone would also make sense if the zone were approved before a developer purchases the property. He reiterated the HOA is looking for a compromise that is a permanent solution and he reiterated his reasons for his opposition to the A2 zoning. He then stated his second concern with the proposal is that it has been expanded from community commercial to community regional, which permits uses such as gas stations, car mechanic shops, car dealerships, car rentals, and laundry services; all of these businesses are allowed without a conditional use permit. He asked why the property owner has increased the request from community commercial to community regional and his guess would be that it is related to southwest corner of Lone Peak Parkway and 11400 South; he has learned that Winco is under contract to purchase the property north of the subject property and in order for a Winco to be accommodated the property would need to be expanded to accommodate the size of the store. He stated this heightens the need for an adequate buffer between the commercial and residential development. He concluded his last concern with the proposal is related to the increased traffic that would be generated by the development; Lone Peak Parkway is already under tremendous stress and is not planned to be expanded. He stated families with young children are concerned about the increased traffic in the area and stated that if the request is approved as presented the development will worsen the problem. He stated that he is seeking a permanent solution for the property and he reiterated the zoning change should include a reasonable buffer zone.

9:43:00 PM

6.6 Rob Whisenant echoed Mr. Pettit's comments and stated the residents in the area have great concerns about the zoning of the property and the traffic that would be created by the subsequent development. He stated he is also concerned about an increase in traffic associated with the development, which has occurred since the Wal-Mart store was constructed across the street.

9:44:02 PM

6.7 Jodi Smith stated that she is also very concerned about the traffic problems in the area that continue to be compounded by additional development.

9:44:58 PM

6.8 Mike Hansen stated that his property would be most impacted by the change and he is also concerned about the increased traffic and crime; he stated the road configuration that could be implemented to accommodate the future development would be very problematic for the existing residential development and the children living there would be in danger. He stated Lone Peak Parkway cannot accommodate any more traffic and he encouraged the Planning Commission to

forward a negative recommendation to the City Council.

9:46:38 PM

6.9 There were no additional persons appearing to be heard and Chairperson Johnson closed the public hearing.

9:46:46 PM

6.10 Commissioner Head stated that he lives on 700 West behind the subject property and it has always been abundantly clear that the property would eventually be developed; he does not feel the proposal is out of line with the potential long term development of the property. He acknowledged that the A2 zoning may be a stop-gap, but would allow for some progress.

9:47:34 PM

6.11 Chairperson Johnson asked staff and the fellow Planning Commissioners when areas such as these will be studied and if there is a rush to approve this action. She stated she personally does not feel that the CR zoning designation is appropriate and that the CC designation would be more appropriate. She stated she feels the CR zoning designation is too intense and she asked why the group is not considering the entire area especially when there is no hurry to act on this application. She asked the Planning Commission to table the item and study the entire area and do what the residents are asking. She stated that if the use will likely not be an A2 use, it would be more sensible to determine an appropriate buffer such as CC or OR office residential. She stated she does not agree with the application whatsoever.

9:48:57 PM

6.12 Commissioner McDonald asked if the City is the applicant in this case and why the staff feels the zoning designations that are being requested are appropriate for the area. Mr. Morey stated that there is a long history associated with this property and the property owner has expressed interest in moving this type of application forward; they want to try to find a balance between the church property and the surrounding residents. He indicated the City has some interest in the road alignment. He noted there have been conversations about what the applicant needs versus what the City feels the surrounding neighborhood can tolerate relative to future growth of the area and it seemed like an appropriate time to bring the application forward.

9:50:28 PM

6.13 Commissioner Player stated that until there is a development proposal for the properties the zoning will not be definite and future development opportunities will likely necessitate additional zone changes. He stated it is hard to anticipate future development and the appropriate zoning to accommodate it. Mr. Morey agreed, but noted the zone change recommended this evening cleans up the church parcel. Commissioner Player agreed the proposal will separate the chapel lot from the rest of the property and allow the LDS Church to dedicate the road to the City; if the

Church maintains ownership of the road they should be maintaining it and plowing snow in the winter, which they are not currently doing. He stated he feels this application is a good stop-gap that meets the immediate needs of the property and reserves many options for future developments. Chairperson Johnson stated the CR zoning designation is one of the more intense commercial uses and is actually much more intense than the CC zoning designation. She stated that if the Planning Commission conducted a land use study for the area they would review in detail a table identifying the different uses permitted in different zoning designations and she again questioned why the staff and Planning Commission are not insisting on that type of study. She stated it does not make sense to address the property in this manner and this is not the appropriate process. Mr. Morey disagreed and stated he feels staff is following the appropriate process; the staff has a reasonable responsibility to bring this application to the Planning Commission based on a request by the landowner to facilitate the action; the City does have some interest in the issue as well, but it would be beyond the scope to bring forward a much broader recommendation. He stated there are plans to complete a general plan study in the next year and that is the more appropriate time to complete a much more broad study for areas throughout the City. He stated this action was meant to solve one problem the property owner has and address the interest of the City.

9:53:24 PM

6.14 Commissioner Adams asked if it would be appropriate to make a negative recommendation regarding this application and request that the staff resubmit the application requesting the A2 zoning designation for the entire property. He speculated as to the reasons behind the CR zoning designation and Mr. Morey stated there has been no mention of any potential user or buyer of the property. Commissioner Adams stated he is curious as to why the intense CR zone was selected to accomplish parceling the property to accommodate the church house and the dedication of the road. Mr. Boles stated the portion of property being recommended for CR zoning is in line with the general plan; the A2 zoning is not, but it provides a buffer the community was looking for. He acknowledged the zoning may be temporary, but it achieves the current goals of the property owner and the City. He reviewed the general plan land use map that calls for commercial zoning, which can be accomplished by the CR zone.

9:56:22 PM

6.15 Commissioner Head asked if the property to the north is zoned CR, to which Mr. Boles answered yes. Commissioner Head stated allowing the CR zoning designation of this property will make it more attractive to a developer; the Planning Commission must realize the City makes money through sales tax revenue and this is a prime parcel of property that will be developed eventually, likely for retail use. He stated he feels the CR zoning designation should be approved to mirror the property to the north. Commissioner Adams asked what should be done with the A2 parcel. Commissioner Head stated it would remain intact as a buffer. He stated that the residents requested R4 zoning, but that would not create any less

traffic impact than a commercial development with the exception of the CR zoning.

9:58:01 PM

6.16 Commissioner Adams asked Mr. Boles to reiterate the benefit of changing the zoning from A5 to A2 for the property owner. Mr. Boles explained the A5 requires a five acre minimum lot size while the A2 zone calls for a three acre minimum lot size; the zoning change would allow the church to maintain the chapel building and dispose of the rest of the property.

9:58:15 PM

6.17 Chairperson Johnson inquired as to why the staff would not recommend the CC zoning designation for the small corner parcel and allow a future developer or owner to apply for an additional zone change in the future if they deem such action appropriate. She indicated the CC zone would allow for more buffering options; she stated that once the CR zone is implemented the R4 or R5 zone would not be conducive as an adjacent land use. There was a general discussion wherein the reasons for the staff's recommendations were reiterated, after which Chairperson Johnson suggested staff's actions are somewhat out of line.

9:59:30 PM

6.18 Mr. Ahlstrom pointed out there is a canal running through the property and that seems to be a natural buffer between land uses and developments. Chairperson Johnson stated she would be more comfortable with the Planning Commission having access to a table identifying the different uses permitted in the CR and CC zones before making a decision on this application. Commissioner Player stated that does not make a difference until there is a development proposal. Chairperson Johnson disagreed and stated that once the CR zone is implemented it will be difficult to go back to the CC zone. Mr. Morey stated he thought the Planning Commission had an understanding of the uses allowed in the different zones of the City. Chairperson Johnson stated the Planning Commission typically has a chart available to them when considering a land use change; she is not trying to criticize staff, but it would be nice for the body to have access to that information before making a decision regarding this application. She stated if the CC zone is selected for the property and a developer purchases and wishes to intensify the zone they must make an argument for that. She feels the Planning Commission has the right to do its due diligence and understand the uses permitted in each zone in order to determine which is more appropriate for the parcel.

10:02:15 PM

6.19 **Motion:** Commissioner McDonald moved to continue the application to a future meeting. The motion failed due to lack of a second.

10:02:29 PM

6.20 **Motion:** Commissioner Head moved to forward a positive recommendation to the City Council for the Riverview Chapel Rezone Zoning Map Amendment Request

by Draper City to rezone the property from A5 to CR and A2 as shown in exhibit 'A', application 140529-11559S, based on the findings and subject to the conditions listed in the Staff Report dated June 3, 2014. Commissioner Player seconded the motion.

Findings:

1. The existing homes to the south of the property would still be buffered by the A2 (Agricultural) property and would not be directly impacted by the commercial zoning further north.
2. The proposed change would allow the property owner to legally divide the chapel lot which could not happen under the current zoning.
3. Platting the property would allow the River Chapel Road to be dedicated to the City.
4. That there are adequate facilities and services existing in the area to serve the subject property with the changes as proposed.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the portion of the property proposed to be commercial would bring the property into conformance with the General Plan and while the portion to remain agricultural will essentially remain status quo.
7. The proposed development plans meet goals, objectives and policies of the General Plan such as:
    i. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
    ii. Encourage development that can be adequately supported by required services and facilities; which conserves, to the extent possible, the natural and man-made environment.
    iii. Protect property values while providing opportunities for development which meets the health, safety and welfare needs of City residents.
    iv. Encourage development and maintenance of quality development projects.
8. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
9. The change in zone is not anticipated to have negative effects on the neighboring properties.

10:03:05 PM

6.21 Commissioner Adams asked if the City's only interest in the property relates to the road. Mr. Morey answered yes, but noted the property owner has had discussions with the City and they are focused on trying to resolve the issues with the property while striking a balance for the surrounding neighborhood. He stated this application seemed to allow the property owner to resolve the issues around the church while allowing opportunities for commercial development to the north.

10:03:35 PM
6.22 Commissioner Player stated this is a tricky piece of property; access is somewhat limited and traffic congestion is prevalent.

10:04:11 PM
6.23 **Vote:** A roll call vote was taken with Commissioners Player, McDonald and Head voting in favor of forwarding a positive recommendation. Commissioners Hawker and Adams voted in opposition.

6:22:05 PM
7.0 **Staff Reports:** ***Staff Reports were heard during the study meeting above.***

10:04:49 PM
8.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

8.1 **A voice vote was taken with all in favor. The meeting adjourned at** 10:04:52 PM**.**

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, MAY 22, 2014 IN THE DRAPER CITY COUNCIL CHAMBERS

"This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting."

PRESENT:	Chairperson Leslie Johnson, Planning Commissioners Traci Gundersen, Craig Hawker, Jeff Head, Scott McDonald and Kent Player
ABSENT:	Commissioners Andrew Adams and Drew Gilliland
STAFF PRESENT:	Keith Morey, Troy Wolverton, Dan Boles, Dennis Workman, and Jennifer Jastremsky
ALSO PRESENT:	Roll on File

Study Meeting:

5:06:28 PM
Land Use Training: The Commission received land use training from Megan Ryan of the Utah League of Cities and Towns. Using the aid of a PowerPoint presentation, she discussed the following:

1. Review of statutory duties assigned to Land Use Authorities –LUDMA
2. Administrative, Legislative & Quasi Judicial Actions
3. Notice & Public Meetings & Procedures

Business Meeting:

Chairperson Johnson explained the rules of public hearings and called the meeting to order at 6:31:00 PM .

6:32:00 PM
1.0 **Action Item: Approval of minutes from the April 24, 2014 Planning Commission meeting.**

6:32:04 PM
1.1 **Motion:** Commissioner Head moved to approve the minutes as presented. Commissioner Gundersen seconded.

6:32:17 PM
1.2 **Vote:** A roll call vote was taken with Commissioners Player, Hawker, McDonald, Gundersen, and Head voting in favor.

6:32:32 PM

2.0 **Public Hearing: On the request of Matt Lepire for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on approximately 5.5 acres at 13000 South 1300 East. The application is otherwise known as the *Dun Roamin Estates Zone Change Request*, Application #140429-13000S.**

6:32:58 PM

2.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 9, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted the applicant is requesting that the subject property be rezoned from RA1 to R3. He reviewed a map of the area to identify the location of the subject property, which fronts the west side of 1300 East, and is located approximately 300 feet north of Summit Academy Charter School. He reviewed the zoning map for the area and indicated the subject property is surrounded by RA1 zoning on south and east, and RA2 zoning on the north and west. He reviewed a parcel size map to point out all of the abutting RA1 parcels are nonconforming as to size, though perfectly legal as far as staff can determine. He stated this application is somewhat unique in nature in that the request is to reduce lots sizes from 40,000 square feet to 13,000 square feet; however, staff has determined the request is reasonable for several reasons: there are many legal nonconforming parcels in the vicinity that are 13,000 square feet and less; spot zoning is legal by State Code; there are two new schools on 1300 East that were not anticipated when the current land use plan was adopted (2004); 1300 East is being widened to three lanes to accommodate the traffic generated by the new schools; higher density is needed to feed the new schools; where there are schools, the City should encourage walkability; walkability helps to lessen vehicle traffic; a three-lane road lends itself to medium density; higher density near schools is good planning; horse ownership in R3 is not allowed, but horse ownership is already prohibited by some RA2 subdivisions in this part of Draper through CCRs; with the adoption of R4 and R5 zoning categories (10.000 and 8,000 square foot minimum lot sizes), the R3 category (13000 square foot minimum lot size) is now middle of the road; a mix of lot sizes can be healthy for a community. He stated he has spoken with a number of residents in the area since noticing for this application was completed; they do not agree with the reasons for approval of the proposed zoning change and at least 75 residents have signed a petition encouraging the Planning Commission to deny the application this evening. He noted, however, that staff is recommending approval of the application based on the findings and subject to the conditions listed in the staff report.

6:37:40 PM

2.2 Commissioner Hawker addressed horse ownership in the R2 zone and asked if horse ownership is expressly prohibited on areas surrounding the subject property. Mr. Workman answered yes and noted he is aware that the Cawgate Farms Subdivision prohibits horse ownership.

6:38:00 PM

2.3 Commissioner Gundersen stated Mr. Workman mentioned there are many legal nonconforming parcels in the vicinity and she asked him to identify the location of those that are less than 13,000 square feet in size. Mr. Workman identified the location of lots in the vicinity that are smaller in size than the minimum lot size permitted in their zoning designation.

6:39:50 PM

2.4 Applicant Presentation: Matt Lepire stated Mr. Workman has provided an adequate synopsis of the reasons for the rezone request; he indicated walkability is his primary focus for this development.

6:40:38 PM

2.5 Commissioner Player stated it is rare for the Planning Commission to see this type of application; it appears that the intended development will eliminate many existing houses in the area. Mr. Lepire stated that is correct. Commissioner Player inquired as to the number of houses that will remain. Mr. Lepire stated that will ultimately be dependent on the approved density of the development; if it is possible to save some of the existing homes, that will be done.

6:41:41 PM

2.6 Commissioner McDonald stated he understands Mr. Lepire is requesting R3 zoning, but he asked if he would consider building structures that would fit RA2 zoning in order to provide some consistency with the surrounding existing developments. Mr. Lepire answered yes and noted the home sizes will be dependent upon the lot sizes.

6:42:15 PM

2.7 Chairperson Johnson opened the public hearing. She reminded the audience that this is ultimately a legislative decision and the Planning Commission is simply asked to make a recommendation to the City Council this evening. She noted those things the Planning Commission can consider when making their decision is whether the proposed amendment is consistent with the goals, objectives, and policies of the General Plan, which is a guiding document for the City; whether it is harmonious with the overall character of the existing development in the vicinity of the property; and whether the amendment may adversely affect adjacent property and the adequacy of facilities and services intended to serve the property.

6:43:24 PM

2.8 Cameron Hancock stated he resides in the Fox Crossing neighborhood and he is representing some of the homeowners there; they object to this under the standards cited by Chairperson Johnson; particularly whether this proposal is harmonious with the existing developments in the area and whether it adversely affects adjacent properties. He stated he has heard the argument that the applicant wants higher density to increase walkability of the development and the neighborhood, but the development will only include 13 homes and he cannot understand how that number will increase walkability especially when considering the existing school in the area is already full. He referenced the comments regarding some lots that are already legal nonconforming and stated that Mr. Workman has indicated 11.5 acres is nonconforming, but the zoning of that area is R1 and the lots in that area are larger than one acre in size. He stated the map is distorted and some of the lots on

the map are just barely less than one acre in size, which means they are barely nonconforming. He referenced the history of the development of the area and stated the home were built several years ago; for those that bought their homes in the Fox Crossing development, the City had approved the area to be zoned R2 to provide consistency. He stated this proposal is not harmonious with the R1 and R2 developments in the area in any way, shape, or form. He stated the development will have a negative impact on surrounding areas by way of significantly reducing existing home values; 13 new homes in a smaller area will impact property values and is inconsistent with the historic zoning in the area. He stated Draper has grown and become better at dealing with these types of zoning applications and he feels this application should be denied as it is complete adverse to the interests of the existing homeowners; he does not support any of the reasons he heard for approving the application.

6:47:07 PM

2.9 Jeremy Jensen stated that he lives in a third generation home across the street from the subject property and he knows what the fabric of small community looks like; Draper is losing that look and feel and property is being developed to improve tax base. He stated Draper is a historical City and yet that history is being stripped away and it is sad and upsetting to he and the other citizens that live in the area. He stated he does not mind growth and he understands it has to happen, but it should only happen in the right areas and under the right circumstances. He stated he does not believe any of his neighbors and friends living in the area would support this change and he has not found anyone that thinks the development would be a good idea. He stated the area has always consisted of larger lots that accommodate large animals; he has neighbors with horses and he enjoys the atmosphere as do his children. His biggest concern is safety in the area; the road is dangerous already and the development will increase the danger. He stated sidewalks will not address the danger on the road and children walking on the road to and from school will not be accommodated by the widening of the road.

6:50:33 PM

2.10 Mike Salazar stated he lives directly behind the subject property and is very familiar with it; this type of development was considered a few years ago and at that time there were fire safety concerns raised; there is only one ingress and egress point for the subject property and it would be difficult for a fire truck to access or turn around in a proposed development.

6:52:00 PM

2.11 Ben Ennis stated if this development is approved his property will become a peninsula or an island and his land will be useless. He has owned his property for 65 years and the entire area has changed around him, but there is no reason to increase congestion on 1300 East and doing so will only increase safety problems to the point that a child will eventually be struck by the road. He stated decisions are made that are eliminating the history of the area and the City as a whole, but decisions should be made to make the town viable and those that have been living in the City for a very long time should be considered. He stated he cannot even get to the mountain on his horse because of the development that has occurred. He stated politicians are elected based on lies and they then make decisions on their own agenda. He concluded he feels the project is a bad idea.

6:54:51 PM

2.12 Kim Agnew stated she points the .87 acre parcel of property across from the subject property and she owns horses; she spends a lot of time at the property with her horses and she sees people walking or riding bicycles on the road and they are sharing the space with vehicles traveling at a high rate of speed; this is very concerning to her because it would be very easy for a bicyclist or pedestrian to be hit by a vehicle. She feels adding more houses to the area will take away from the area; no one is considering the current residents of the area that are there 24 hours a day and that should be taken into consideration. She stated decisions should not be made based on how a proposal will affect the tax base of the City and the lot sizes should be no less than a half-acre in size.

6:56:16 PM

2.13 Steve Schoonover echoed the comments that have been made to this point and noted that he lives adjacent to the 2.89 acre parcel of the property and he has lived in the area for nearly 10 years; he bought property in the area because of the larger lot sizes that provided a roomier feel with less congestion. He stated he is concerned that the subject property will be divided into 13 lots and he lives directly adjacent to it; he does not know how the development will ultimately change the area, but he does know that it will change the face of the area. He stated he spoke to many of the people that live in his neighborhood and they were also concerned about losing the allure and appeal of the area; locating the homes in the area and increasing the concentration of traffic on 1300 East bothers him.

6:58:59 PM

2.14 Don Cousins stated he moved to the area in 1965 and purchased an acre of ground; he reviewed a brief history of the development of his property and the property surrounding him. He stated the lane that he owns and that serves his property was declared as a right-of-way by the City and he will prevent any piece of equipment associated with the development from driving on his lane. He stated he has lived in his home for 50 years and he will not tolerate the things that could happen because of this development.

7:01:38 PM

2.15 Bill Agnew stated he and his wife looked in the surrounding area for horse property and ultimately settled on purchasing in Draper; the surrounding community and neighborhoods as well as the lot sizes were ideal for his situation. He stated that he is concerned about the safety in the area and 13 new homes will increase traffic by at least 39 cars, which is a disaster. He stated the design of 1300 East may help to alleviate some of the traffic problems, but increasing density will make the problem considerably worse.

7:03:28 PM

2.16 Marvin Orr stated he lives on the private lane as well and he reiterated the concerns about emergency equipment access to the area; if more homes are permitted in the area the City will have essentially signed the death warrant for the families that will locate there.

7:04:07 PM

2.17 There being no further persons appearing to be heard Chairperson Johnson closed the public hearing.

7:04:24 PM

2.18 Chairperson Johnson asked staff and the applicant to address some of the concerns that were raised during the public hearing.

7:04:54 PM

2.19 Mr. Lepire stated the design of the development has not been finalized, but if the development is approved it will be approved with the understanding that it meets City ordinances relative to emergency access, etc. He stated he feels there are solutions to the concerns that have been expressed by the citizens that spoke this evening.

7:05:50 PM

2.20 Commissioner Gundersen asked Mr. Lepire if he will seek approval for a 13-lot subdivision if the rezone request is approved. Mr. Lepire stated the plan for the development is very conceptual at this point and it is necessary to address the various safety concerns before confirming the number of homes that would be constructed. Commissioner Gundersen stated that if the property were zoned R2 he would likely be permitted to construct 10 homes after dedicating space for roads and other infrastructure. She stated the difference between the number of homes that could be built in a R3 zone compared to an R2 zone is three. Mr. Lepire stated that is correct, but he feels the R3 zoning would help marketability of the property and help him to appeal to a larger demographic. Commissioner Gunderson asked if that demographic wants smaller lot sizes. Mr. Lepire answered yes, but stated that the demographic is families. He also referenced traffic concerns and noted the majority of the traffic coming to the school is from outside of the area and he wondered at what point it is more appropriate to add students to the schools that actually live in the surrounding area. He stated he understands this is a very sensitive issue, but he feels third-acre lot sizes are a happy compromise between a true traditional neighborhood with 8,000 to 10,000 square foot lots and larger neighborhoods with half-acre lots.

7:08:25 PM

2.21 Commissioner Hawker asked Mr. Workman to identify where sidewalks will be located upon the widening of 1300 East. Mr. Workman stated any new subdivision would be required to install sidewalks in front of the project so the entire width of the frontage of the development would contain sidewalks, curb, and gutter with an eight foot parkstrip.

7:10:05 PM

2.22 There was a brief general discussion regarding the rezone request and the fact that the person making application will not necessary be the person developing the property, with Chairperson Johnson noting that once the R3 zoning is granted it would be possible for a developer to divide the subject property into as many as 15 lots.

7:10:48 PM

2.23 Commissioner Player stated that if the zoning designation of the property were R2 rather than R3 the only thing that would change about the development would be the number of lots; the access and road configuration would stay the same. He stated he has lived in the area for 50 years as well and he has also seen the changes to the area, but the Planning Commission must consider private property rights and one's right to develop their property in the way they see fit. He concluded he does not see much difference between a development with third-acre lots compared to a development with half-acre lots and he

feels there will be a greater market for the third-acre lots. He reiterated the difference in the number of lots allowed in an R-2 zone versus and R-3 zone is four at the most.

7:13:15 PM

2.24 **Motion:** Commissioner Head moved to forward a negative recommendation to the City Council on the Dun Roamin Estates Zone Change, as requested by Matt Lepire, application 140429-13000S, based on the following findings. Commissioner McDonald

Findings:

1. The proposed amendment is not particularly harmonious or consist with the area as the area surrounding the subject property is zoned RA1 or RA2 and RA2 would be a more appropriate designation.
2. The proposed amendment could adversely affect the neighboring properties as it is not consistent with the surrounding properties.
3. The proposed amendment would further eliminate or deteriorate large animal rights and there are many large animals in the area.
4. The proposed amendment is not consistent with the Genera Plan.
5. There is a strong public clamor opposing the change.

7:14:23 PM

2.25 Commissioner McDonald stated that if he had moved into the area with an RA2 designation surrounded by R1 zoning, he would feel bad that a smaller development could potentially devalue his property.

7:14:55 PM

2.26 Commissioner Hawker stated Commissioner Player made a great point that the difference between the RA2 and R3 zoning is a matter of three and five lots. He added, however, that the findings supporting Commissioner Head's motion are also true. He stated there is something to be said about the historic nature of Draper and especially the area surrounding the subject property; there are other places in Draper that would better accommodate this type of zoning change, but in this particular area the history should be factored into the decision.

7:15:48 PM

2.27 Commissioner Head stated one of his concerns about approving R3 zoning for the subject property is that the action would create islands of R3 zoning surrounded by RA2 and RA1.

7:16:21 PM

2.28 Commissioner Player stated that when RA2 zoning was requested in the same area that was zoned RA1 the same arguments were used against the request.

7:16:30 PM

2.29 **Vote:** A roll call vote was taken with Commissioners Gundersen, McDonald, and Head voted in favor of forwarding a negative recommendation to the City Council. Commissioners Player and Hawker voted in opposition.

7:17:17 PM

2.30 Chairperson Johnson stated a negative recommendation will be passed on to the Council and she informed the residents that they are welcome to address the Council regarding the application as well.

7:19:58 PM

3.0 **Public Hearing: On the request of Mark Murdock, representing the Gardner Company for a Site Plan approval to allow Phase 1 of their office park to be developed on approximately 11.79 acres of the 29.63 acre site located in the CSD-DPOP (Draper Pointe Office Park Commercial Special District) zone at about 13392 South 200 West. The application is otherwise known as the *Draper Pointe Office Park Site Plan Request*, Application #140423-13392S.**

7:20:15 PM

3.1 Staff Report: Using the aid of a PowerPoint presentation and staff report dated May 13, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He noted the subject property was rezoned by the City Council to the CSD-DPOP zone on April 15, 2014; the applicant is now requesting approval of the site plan for phase one of the office complex to be constructed. He indicated the property is located on the west side of 200 West, at approximately 13392 South 200 West and the General Plan land use map designates the property for General Commercial zoning and development. He reviewed the site plan to identify parking locations, potential traffic flow on the site, and landscaping buffers. He noted the site plan encompasses 11.79 acres of the 29.63 total acreage and a single building will be constructed on the site; 38 percent of the site will be landscaped and there will be 674 parking spaces, both of which exceed the required minimum. He reviewed the landscape plan for the site as well as the proposed elevations of the building, noting both are consistent with the Draper City Municipal Code (DCMC). He also reviewed current photographs of the site and concluded that staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:25:32 PM

3.2 Commissioner Hawker asked if the name of the development has been changed from Galena Park. Mr. Boles answered yes and noted the development will be known as the Draper Pointe Office Park.

7:25:51 PM

3.3 Commissioner Player stated he noticed the Way Corner Canyon Stream flows through the open space and he asked if a trail will be constructed near the stream. Mr. Boles deferred to the applicant to answer that question. Commissioner Player stated a trail would be nice and could eventually connect to the City's trail system.

7:26:31 PM

3.4 Applicant Presentation: Mark Murdock addressed Commissioner Player's question and stated that there is a trail running south of the road and through the middle of the project. He initially considered constructing a trail near Corner Canyon and that issue can be revisited, but for the time being he has been trying to keep any development away from the floodway. He reiterated there is a sidewalk/trail

included in the development plan and someone running in the area could use the sidewalk to connect to the trail system. Commissioner Player stated that is appreciated, but reiterated it is also nice to include trails close to meandering waterways; such a trail would be a benefit to those working at the park. Mr. Morey noted the applicant initially included much more development and improvements to the area being referenced by Commissioner Player, but due to the City's experience with the Army Corps of Engineers the decision was made to eliminate those improvements at this time to make this portion of the application easier; it his understanding that the issue will be revisited in the future. Mr. Murdock stated that is correct.

7:29:17 PM

3.5 Commissioner Hawker asked if the building will be occupied by a lone tenant. Mr. Murdock stated one tenant, Storage Craft, will occupy the top three floors of the building.

7:29:47 PM

3.6 Chairperson Johnson opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:30:01 PM

3.7 **Motion:** Commissioner Player moved to approve the Site Plan Request by Mark Murdock, representing the Gardner Company for the Draper Pointe Office Park Phase 1, application #140423-13392S, based on the findings and subject to the conditions listed in the Staff Report dated May 13, 2014. Commissioner Hawker seconded the motion.

Conditions:

1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
   a. Address any outstanding redline comments.
   b. Address any Engineering Division redlines and comments concerning the Traffic Impact Study. An update to the TIS reflecting the new site proposal and changed roadway conditions shall be submitted for review.
   c. An amended Drainage Report addressing the revised drainage and grading plan shall be submitted.
   d. d. Provide any necessary permit or plan review/clearance letter from the Salt Lake County Flood Control for any improvements within the stream channel for Corner Canyon Creek.
   e. e. Provide any necessary permit or plan review/clearance letter from the Utah Department of Natural Resources for any land disturbance or modification to the Corner Canyon Creek stream or stream bank.

Conditions continued to next page.

Conditions Continued:

f. Provide a letter addressing the feasibility and requirements to serve from South Valley Sewer District.

2. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings on the site.
3. That all requirements of the Planning Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
   a. Address any outstanding redline comments.
4. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
5. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
   a. Strengthen the identity of Draper by encouraging land uses that contribute to the character of the community and sustain a viable economic base.
   b. Development close to existing facilities should be encouraged in order to reduce the cost and extent of public services.
   c. Maintain a balance of land uses that support a high quality of life, a diverse economic base, and a rich mixture of housing and leisure opportunities.
   d. Encourage the transition of land uses from more intense regional and citywide activity areas to less intense land uses within local neighborhoods.
   e. Incorporate open space, mobility, and drainage networks while protecting the area's character and natural systems.
2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

7:30:46 PM

3.8 **Vote:** A roll call vote was taken with Commissioners Hawker, Head, McDonald Gundersen, and Player voting in favor of approving the site plan.

7:31:09 PM

4.0 **Public Hearing: On the request of Matt Lepire for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on approximately 2.33 acres at 13322 South 1300 East. The application is otherwise known as the *Bechard Estates Zone Change Request*, Application #140429-13322S.**

7:31:52 PM

4.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 9, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted the applicant is requesting that the subject property be rezoned from RA1 to R3; the property fronts the west side of 1300 East, and is located almost directly across the street from the entrance to Akagi Farm. The property is just less than 2.5 acres in size and is surrounded by RA2 zoning on the west and RA1 zoning on the north and south. He noted the requested zoning designation is not consistent with the Master Plan, but staff recommends approval based on the findings and subject to the conditions listed in the staff report. He noted that on the east side of 1300 East, directly across the street, there is RA1 zoning on three parcels that are all nonconforming as to size, with an average of about 19,500 square feet; the only property in the vicinity that is zoned R3 is on the northeast corner of 13430 S. 1300 E., which is approximately 500 feet south of the subject property. He indicated he spoke with one resident regarding this proposed rezone; she is opposed to the rezone request, but would support half-acre lots on the subject property.

7:34:54 PM

4.2 Applicant Presentation: Matt Lepire thanked the Planning Commission for their consideration of this application and stated he would entertain questions regarding his application.

7:35:14 PM

4.3 Commissioner Hawker asked Mr. Lepire if he approached property owners to the south of the subject property regarding this application. Mr. Lepire answered yes and noted negotiations regarding the proposed development are ongoing.

7:35:36 PM

4.4 Chairperson Johnson opened the public hearing.

7:36:03 PM

4.5 Alan Andrelsick, 12934 South Fort Street, stated that he does not think this rezone request is consistent with the Master Plan, which calls for half-acre lots, and he would recommend the Planning Commission deny the application for the same reasons they voted to forward a negative recommendation regarding the earlier application from the same applicant.

7:37:06 PM

4.6 Kevin Childs echoed Mr. Andrelsick' s comments and stated that he is comfortable with half-acre lots in the area surrounding the subject property and he would be

interested in preserving as much open space as possible. He stated he fears the Planning Commission would set a precedent by approving the zoning request and allowing smaller lots in the area.

7:38:05 PM

4.7 There were no persons appearing to be heard and Chairperson Johnson closed the public hearing.

7:38:25 PM

4.8 Commissioner Player stated the Planning Commission recently requested that the City Council add additional zoning designations to the City to meet the needs of many people in the City. Chairperson Johnson stated the request was made regarding R4 and R5 zoning designations; the R3 zoning designation has been place for some time. Commissioner Player stated lot sizes allowed in the R3 zone are ideal for many people and for many reasons.

7:39:15 PM

4.9 Commissioner Hawker stated that the Planning Commission must consider the historic nature of each area in the City, but he does not believe the history of this area is similar to the history of the area that was subject to Mr. Lepire's earlier application. He added that when the property is developed, the houses built there will be much nicer than those currently located on the property, which will result in an overall improvement to the City and an increase in surrounding property values.

7:40:13 PM

4.10 Commissioner McDonald stated that he is torn on this issue because the subject property is not a great distance from the property for which a similar zone change request was denied earlier in the meeting. However, he agrees this particular property has different character and is smaller and may not accommodate R2 zoning. He added there has not been public clamor regarding this application and he believes the proposed zone change would only impact three properties. He stated he is inclined to approve this application. Commissioner Hawker agreed and noted the landscape of the area is different because the existing LDS Church in the area will serve as a buffer between the subject property and other existing developments.

7:42:05 PM

4.11 Commissioner Gundersen stated she is inclined to forward a negative recommendation for this application for the same reasons that were used for Mr. Lepire's previous application; she does not believe the proposed development is harmonious with the overall character of the existing development in the area. She added she also feels it will adversely impact the adjacent property to the south that is nearly one acre in size; that property would essentially be 'sandwiched' between R3 zoning and a church and their development options will be limited. Commissioner Hawker stated that may be true, but the owners of that property have

not spoken out about this application; the applicant has contacted them and the Planning Commission must consider the property rights of the individual making the application.

7:43:38 PM

4.12 Chairperson Johnson stated she has been hesitant to voice her opinion this evening, but she feels that through the process of updating the City's General Plan the density assigned to the properties along 1300 East and the surrounding areas will remain R1 or R2. She agreed there is no public clamor for this application, but it may be a possibility that other property owners were not aware of this application. She noted that she feels it would be wise to make a recommendation based on consistency with the General Plan and previous votes that have been taken.

7:45:29 PM

4.13 **Motion:** Commissioner Player moved to forward a positive recommendation to the City Council on the Bechard Estates Zone Change, as requested by Matt Lepire, application 140429-13322S, based on the findings and subject to the conditions listed in the staff report dated May 9, 2014. Commissioner Hawker seconded the motion.

Findings:

1. That Section 9-5-060 of the DCMC allows for the amendment of the city's zoning map.
2. That though the proposed amendment is not consistent with the current land use plan, it is nonetheless consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.
7. That there are two new schools on 1300 East that were not anticipated when the current land use plan was adopted (2001).
8. That 1300 East is being widened to three lanes to accommodate a higher volume of vehicle traffic, some of which is generated by the new schools.
9. That higher residential density near schools is good planning.

7:46:07 PM

4.14 Commissioner Head stated he agrees with Chairperson Johnson that consistency is important and he feels it would be inconsistent to permit R3 zoning in an area that is predominantly zoned R1 and R2. He stated the property could be zoned R2 and still accommodate a number of lots. He recommended that the property to the south be included in a potential R2 zone change if one were to occur.

7:46:57 PM

4.15 **Vote:** A roll call vote was taken with Commissioners Hawker, Player voting in favor of forwarding a positive recommendation the City Council. Commissioners Head, Gundersen, and McDonald voted in opposition and the motion failed.

7:47:24 PM

4.16 **Motion:** Commissioner Gundersen moved to forward a negative recommendation to the City Council on the Bechard Estates Zone Change, as requested by Matt Lepire, application 140429-13322S, based on the following findings. Commissioner Head seconded the motion.

Findings:

1. That the proposed zone change is not harmonious with the overall character of existing development in the vicinity of the subject property.
2. That the proposed amendment could adversely affect adjacent property or the character of the neighborhood

7:48:17 PM

4.17 **Vote:** A roll call vote was taken with Commissioners Gundersen, Head, and McDonald voting in favor of forwarding a negative recommendation to the City Council. Commissioners Player and Hawker voted in opposition.

7:49:10 PM

5.0 **Public Hearing: On the request of Jess Aylett for approval of a Conditional Use Permit (CUP) in the CR (Regional Commercial) zone to allow storage of RV's on 1.54 acres at 48 East 13200 South. The application is otherwise known at the *Sweet Barbara's CUP 2 Conditional Use Permit Request*, Application #140404-48E.**

7:50:14 PM

5.1 Staff Report: Using the aid of a PowerPoint presentation and a staff report dated May 9, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He noted a similar application came before the Planning Commission two years ago and was denied because the parking lot to be used for vehicle storage was not paved; the property has since been paved and the applicant has submitted a new application for the CUP. He reviewed a map of the area to identify the location of the subject property at 48 East 13200 South, on the south side of the street. He indicated the property is currently zoned CR (Regional Commercial), which permits RV storage upon the approval of a CUP. He explained it is the intent of the applicant to have RV storage on-site; the property currently contains several businesses: Act Drywall, All Access Marina, All Access Recreation, and Draper Auto. He concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:52:52 PM

5.2 Commissioner Player stated that he remembers when this issue was discussed by the Planning Commission and confirmed that the reason for denying the initial application was that the area was not paved. He stated now that the condition regarding paving is met, he is comfortable moving forward.

7:53:20 PM

5.3 Applicant Presentation: Jess Aylett stated he had nothing to add to Mr. Boles' presentation.

7:53:35 PM

5.4 Chairperson Johnson opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:53:50 PM

5.5 **Motion:** Commissioner Hawker moved to approve the Conditional Use Permit Request by Jess Aylett for Auto, Truck, RV and Equipment Storage, application #140404-48E, based on the findings and subject to the conditions listed in the Staff Report dated May 9, 2014. Commissioner Gundersen seconded the motion.

Conditions:

1. All motorized vehicles shall be stored on a paved surface per DCMC Section 9-25-080(J).
2. The property shall comply with the screening requirements for outdoor storage per DCMC Section 9-27-230.
3. The business shall continually maintain a valid Draper City Business License throughout its operation.
4. That all requirements of the Unified Fire Authority are satisfied throughout the operation of the on-site storage and business, including the provision of adequate Fire Department access.

Findings:

1. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
2. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed development conforms to the general aesthetic and physical development of the area.
4. The public services in the area are adequate to support the subject development.

7:54:14 PM

5.6 **Vote:** A roll call vote was taken with Commissioners McDonald, Head, Player, Gundersen, and Hawker voting in favor.

7:55:19 PM

6.0 **Public Hearing: On the request of Burgess Cline for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on 1.0 acres at 12845 S. Fort Street. The application is otherwise known as the *Sunghyun Zone Change Request*, Application #140429-12845S.**

7:55:50 PM

6.1 Commissioner Head stated that due to the nature of his relationship with the applicant he will recuse himself from acting on this application.

7:56:03 PM

6.2 Staff Report: Using the aid of a PowerPoint presentation and a staff report dated May 9, 2014, Planner Dennis Workman reviewed the details of the proposed application. He stated the applicant is requesting that the subject property be rezoned from RA1 to R3. He reviewed a map of the area and stated the property is located on the east side of Fort Street just south of the new Walden Lane extension; the subject property is a single parcel by Draper City records, but is two separate parcels by Salt Lake County records. He noted that as is commonly the case, a former owner of the property filed a warranty deed with the county splitting the one-acre parcel in two—making a 0.7 acre piece and a 0.3 acre piece, but since the City's subdivision approval process was bypassed, the City does not recognize the property division. He stated the Planning Commission is asked to consider if R3, or third-acre, zoning is appropriate for this area of Fort Street; staff has considered the application depth and offers a positive recommendation based on the following criteria:

- Spot zoning is completely legal as far as the Utah State Code is concerned.
- Fort Street, which is classified as a 66 foot wide minor collector, lends itself to medium density residential development.
- Horse ownership in R3 is not allowed, but horse ownership is already prohibited by some RA2 subdivisions in this part of Draper through CCRs.
- With the adoption of R4 and R5 zoning categories (10.000 and 8,000 square foot minimum lot sizes), the R3 category (13000 square foot minimum lot size) is now middle-of-the-road.
- A mix of lot sizes can be healthy for a community.

7:59:48 PM

6.3 Applicant Presentation: Burgess Cline stated he is representing the property owner due to a language barrier issue. He noted he has lived on Fort Street his entire life and he still lives in Draper and is close friends with the family that owns the property. He stated he feels this application is very different from the other two zone change requests that have been denied this evening because there are at least two R3 zoned properties close proximity to the subject property. He stated in this case the smaller lot would be zoned R3 and would accommodate the construction of a nice home that would fit well into the area.

8:02:12 PM

6.4 Chairperson Johnson opened the public hearing.

8:02:27 PM

6.5 Alan Andrelsick, 12934 Fort Street, stated that he disagrees with the applicant because he feels this is no different than the other two R3 zoning applications that have been denied tonight. He stated he feels this application is even less appropriate based on the history of the area. He stated the character of the neighborhood is changing and he does not think that all change is good; he does not think the change in the character of the neighborhood in this case is a change for the

better. He noted the application and potential development is not consistent with the City's Master Plan and for that reason it should be denied. He asked if the proposed development is based on finances and generating more money by increasing density or if the focus should instead be on quality of life. He stated Draper is a great community and would prefer that the Planning Commission focus on quality of life. He stated large animal rights have been discussed and he asked what the City has done to satisfy or address the needs of the horse owners in the City. He also addressed traffic and the impact more houses would have on the traffic issues in the area. He reiterated that based on the history of the area the application should be denied; there are many older homes on Fort Street and they should be showcased and development should be done in a manner that would help the homes stand out rather than hide them.

8:05:52 PM

6.6 Sterling Farr stated he lives on New Hope Drive in the Fort Street area and he would summarize his comments by stating that if the Planning Commission feels 1300 East is a historic area of Draper, Fort Street would have to be considered thee historic area of Draper; it concerns him greatly that consideration is being given to building a small home on a very small lot directly south of one of the historic homes. He noted that if the zoning is changed to R3 and the property is subdivided, the owner could potentially build three homes on the property and that will not look right and would adversely affect the property values of the surrounding homes. He noted he objects to the application and strongly recommends the Planning Commission deny it.

8:07:07 PM

6.7 Kevin Childs, 955 E. New Hope Drive, stated he feels it is a bad idea to set a precedent by approving a smaller lot and smaller home; there are not many places in valley like Fort Street and no places in Draper like it and the residents there are very much interested in preserving the character of the area.

8:08:03 PM

6.8 Melissa Prince, 12934 Fort Street, stated one of the things that attracted her to move to Draper is that it is a community that values its heritage; in considering recent projects that has been proven and she supports them. She noted, however, that there are homes on Fort Street that are in use and have their own heritage and she can think of up to 10 historic homes in the vicinity of this property. She stated maintaining the low rural density of the area is a big part of preserving that character. She stated allowing one resident to change their zone to R3 will open the door for additional applications and approving such applications would lower the barrier against granting such a variance. She stated higher densities lead to higher traffic levels and potentially the need to widen Fort Street, which will eliminate the rural feel of the road. She concluded there is the issue of property rights of the existing owners to maintain their quality of life that comes with having low density

zoning and historical character surrounding them. She encouraged the Planning Commission to deny the application.

8:10:01 PM

6.9 There were no additional persons appearing to be heard and Chairperson Johnson closed the public hearing.

8:10:27 PM

6.10 Mr. Cline stated that the applicant also understands and appreciates the historic nature of Fort Street, but there are many new homes on the street and a precedent regarding the R3 zoning has already been set on a parcel of property 2.2 acres in size that is just a stone's throw from the subject property. He stated this application is for one lot and the construction of a single home. He reiterated the County recognizes the property as two parcels and he wondered if there is a way to assign the R3 zoning to the smaller parcel which would alleviate the concerns regarding the other larger parcel being sold to another owner that could subdivide it for more lots.

8:11:18 PM

6.11 Commissioner Hawker asked how the 0.37 acre lot that is directly east of the subject property is accessed. Mr. Workman stated it is accessed by New Hope Drive. A resident noted that the 0.37 acre, 0.11 acre, and the long narrow strip that appears to be the access to the property are all owned by he and his wife and they are one property that total 1.97 acres; there is just one home on the property.

8:13:28 PM

6.12 Commissioner McDonald asked if there is a feasible way to prevent the .69 acres to the north from being zoned R3 and subdivided further. Mr. Workman stated he does not believe that would happen because the existing home on the property is very nice; however, if the R3 zoning were applied to the entire property it would be possible for the property to change hands and for a new owner to subdivide and get three lots out of the property. He stated the entire property is one parcel and has not been subdivided though the County records reflect otherwise.

8:15:12 PM

6.13 The Planning Commission took a brief recess.

8:19:01 PM

6.14 The meeting reconvened; Chairman Johnson noted she was approached during the meeting by a member of the public requesting to make additional comments and she asked the Commission if they were comfortable re-opening the public hearing. The Commission agreed to re-open the public hearing.

8:19:15 PM

6.15 Alan Andrelsick stated the more he has thought about the application he feels that he does not want to prevent a property owner from selling their property to make a profit, but he would like it to be done in a constructive way. He stated he still does not feel it is appropriate to construct a home on the small parcel in question, but he does feel it would be appropriate for the City to purchase the property to use as a community garden or community gathering place; that would satisfy everyone and make all the residents happy. Chairperson Johnson suggested that would be recommendation for the City Council.

8:21:16 PM

6.16 Chairperson Johnson closed the public hearing.

8:21:25 PM

6.17 Commissioner Hawker asked if it would be possible to divide the subject property in a way that two half-acre parcels could be made. Mr. Workman stated the setback requirements would not allow that type of division; the existing home is 12-feet from the property line.

8:22:11 PM

6.18 Mr. Morey stated comments have been made by the public this evening that indicate they feel the City is initiating the R3 zoning applications to increase property tax revenues; he reminded the Planning Commission and public that all of these applications have been initiated by residents in the community that desire to do something different with their property.

8:23:23 PM

6.19 Commissioner Hawker stated he has a different perspective about this application than the other two that were denied tonight; the other two were developments and would include a harmonious group of homes. He stated this is unique in that it would only allow one home to be built and considering the historic nature of the area a new home would have a negative impact on the neighborhood.

8:24:33 PM

6.20 **Motion:** Commissioner Hawker moved to forward a negative recommendation to the City Council on the Sunghyun Zone Change, as requested by Burgess Cline, application 140429-12845S, based on the following findings. Commissioner Gundersen seconded the motion.

Findings:

1. That the proposed amendment is inconsistent with the goals, objectives and policies of the City's General Plan.
2. That the proposed zone change is not harmonious with the overall character of existing development in the vicinity of the subject property.

Findings continued to the next page.

Findings Continued:

3. That the proposed amendment could adversely affect adjacent property or the character of the neighborhood.

8:25:32 PM

6.21 Commissioner Gundersen stated one resident mentioned that Fort Street is thee historic area of the City and she agreed with that and she feels the City should preserve it. She stated the individual that is representing the applicant did a great job in pointing out that there are areas near the subject property that are zoned R3 and the door has been opened to permit this type of action; for that reason she would like to focus on preserving the historic nature of the area. Commissioner Hawker agreed there are many historic homes on Fort Street and he agrees with preserving that character. He stated the Planning Commission has approved downzoning from one-acre to half-acre lot sizes, but he does not believe it would be appropriate to downzone from one-acre to third-acre lot sizes.

8:26:42 PM

6.22 Commissioner McDonald stated he is sympathetic to the property owner, but he worries about opening the door to allow smaller lot sizes in an area that has historically been made up of larger lots. He stated he wants to be consistent in maintaining the character of the area.

8:27:15 PM

6.23 Commissioner Player stated he does not believe constructing one house on this small property would not make any difference in the overall plan and feel of Fort Street; a third-acre is a nice size and would accommodate a nice home and not all of Fort Street is historic in nature.

8:27:45 PM

6.24 **Vote:** A roll call vote was taken with Commissioners McDonald, Gundersen, and Hawker voting in favor of forwarding a negative recommendation to the City Council. Commissioner Player voted in opposition.

8:28:43 PM

7.0 **Public Hearing: On the request of Tim Soffe for approval of Text Amendment to the DCMC adding "Office, General" as a permitted use in both the M1 and M2 zones. The application is otherwise known as the *Miller Office Text Amendment Request*, Application #140512-13800S.**

8:29:13 PM

7.1 Staff Report: Using the aid of a PowerPoint presentation and a staff report dated May 9, 2014, Planner Dennis Workman reviewed the details of the proposed application. He explained table 9-13-1 in the Draper City Municipal Code lists the permitted and conditional uses allowed in the City's manufacturing zones; the use category *Office, General* is absent from the list. He explained the applicant of this request wishes to develop the site for an office building suitable for any regular professional office. He noted staff cannot find a reasoning why Office General was left off the list and believes it was actually an oversight. He stated the requested use is very similar to a use on a neighboring

property and staff recommends approval of the application based on the findings listed in the staff report.

8:31:03 PM

7.2 Applicant Presentation: Tim Soffe stated he has nothing to add to Mr. Workman's presentation.

8:31:23 PM

7.3 Chairperson Johnson opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

8:31:38 PM

7.4 **Motion:** Commissioner Hawker moved to forward a positive recommendation to the City Council regarding the proposal to amend Table 9-13-1 of the DCMC by adding the use *Office, General* and making it permitted in both the M1 and M2 zones, based on the findings listed in the staff report dated May 9, 2014. Commissioner Head seconded the motion.

Findings:

1. That Subsection 9-5-060(e) allows and outlines the process for amending the text of the DCMC.
2. That the proposed text change is consistent with the goals, objectives and policies of the City's General Plan.
3. That allowing an office use in the M1 and M2 zones in no way compromises the purpose for which the manufacturing zones were established.
4. That the purpose of the text amendment is to fix an oversight in the code.

8:32:16 PM

7.5 **Vote:** A roll call vote was taken with Commissioners Gundersen, McDonald, Player, Head, and Hawker voting in favor of forwarding a positive recommendation to the City Council.

8:32:23 PM

8.0 **Staff Reports:** Mr. Morey stated City Administration is interested in transitioning to paperless reports and work by using electronic means and he provided a brief summary of the City Manager's consideration regarding programming that would create electronic packets for the Planning Commission and City Council. He asked if the Planning Commission would be supportive of the transition if they were provided with iPads on which to view their packets. He noted paper packets would no longer be provided to the body. There was a brief discussion regarding the proposal and all Commissioners stated they would be supportive of the transition.

Mr. Morey then stated that he attended the International Council of Shopping Centers (ICSC) conference in Las Vegas recently and made a lot of great contacts with businesses that have some interest in locating in Draper City.

8:36:54 PM

9.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

9.1 **A voice vote was taken with all in favor. The meeting adjourned at** 8:36:57 PM **.**

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, MAY 8, 2014 IN THE DRAPER CITY COUNCIL CHAMBERS

"This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting."

PRESENT:	Chairperson Leslie Johnson, Planning Commissioners Andrew Adams, Drew Gilliland, Traci Gundersen, Scott McDonald, and Kent Player
ABSENT:	Commissioners Craig Hawker and Jeff Head
STAFF PRESENT:	Keith Morey, Dan Boles, and Angie Olsen
ALSO PRESENT:	Roll on File

6:03:21 PM

Land Use & Zoning Training: Using the aid of a PowerPoint Presentation Senior Planner, Dan Boles provided land use and zoning training. He read the General Plan aloud, then showed the Land Use Map, various land use categories and briefly explained some of the categories. He then did the same with the Zoning Map. He noted the land use map is less binding than the zoning map. Community Development Director Morey stated staff is desirous of updating the City's General Plan and has sought grant opportunities to assist in that process. There was a general discussion regarding the history of the General Plan as well as the process to update the Plan; Mr. Morey stated it can be a lengthy process that could easily last longer than one year depending on staffing and resources.

6:14:20 PM

Chairperson Johnson asked Mr. Boles to provide a brief overview of the legislative process relative to property zoning or other land use issues and identify the times that the Planning Commission or City Council can consider public clamor when addressing an application. Mr. Boles stated there are only a couple of times that the Planning Commission can consider public clamor: one is when working through a General Plan update. Public hearings are held when considering a zoning application and that is another time it is appropriate for the Planning Commission or City Council to listen to public clamor. In most other land use situations it is typically not appropriate to listen to public clamor and, instead, follow the City's land use code. Commissioner Player stated there will be several zoning applications this year and he anticipates hearing public clamor at that time. Mr. Boles agreed. Chairperson Johnson clarified that the Planning Commission's role is to administer the City's land use code and she is hopeful these topics will be discussed more in depth at the May 22 meeting.

Study Meeting:

6:17:55 PM
Study Business Items: Mr. Boles oriented the commissioners with the exact location of the subject property for the Swig Retail Building by showing an Ariel Map from his PowerPoint Presentation for the Business Meeting. Commissioner Player asked if the subject property was part of the Day Dairy Commercial Property to which Mr. Boles explained this application is not part of the Day Dairy project; however, it is in the very near vicinity of the Day Dairy project. He also noted the commercial portion of the Day Dairy project will be coming soon.

**** Staff Reports were heard out of order.*

6:20:02 PM
3.0 **Staff Reports:** Community Development Director Keith Morey provided the Council with a report of the recent actions of the City Council.

6:20:40 PM
3.1 Chairperson Johnson stated she understands the Administration and City Council is in the midst of developing the budget for the next fiscal year and she asked Mr. Morey to propose an increase to the Planning Commission training budget. Mr. Morey stated he will raise the issue, however, the City Manager has indicated budget increases are not likely and there may not be flexibility to provide for a training budget increase. There was a general discussion regarding the training opportunities available to the Planning Commission as well as the associated costs.

Business Meeting:

Chairperson Johnson explained the rules of public hearings and called the meeting to order at 6:31:03 PM.

6:31:10 PM
1.0 Action Item: Approval of minutes from the April 10, 2014 Planning Commission meeting.

6:31:25 PM
1.1 **Motion:** Commissioner Adams moved to approve the minutes of the April 10, 2014 Planning Commission minutes as presented. Commissioner McDonald seconded.

6:31:32 PM
1.2 **Vote:** A roll call vote was taken with commissioners Gundersen, Player, Gilliland, McDonald, and Adams voting in favor of approving the minutes.

6:31:46 PM

2.0 Public Hearing: On the request of Robert Simons for approval of a Commercial Site Plan in the CR Regional Commercial zone to allow a retail building on 0.36 acres at 437 East 12300 South. The application is otherwise known as the *Swig Retail Building Site Plan Request*, Application #140416-437E.

6:32:34 PM

2.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated April 29, 2014, Senior Planner Boles reviewed the details of the proposed application. He noted the application is a request for approval of a Commercial Site Plan for approximately 0.36 acres located on the north side of 12300 South, at 437 East. He noted the subject property is located very close to the Day Dairy development that was recently approved and constructed. He explained the property is currently vacant with the exception of a lone non-conforming sign that the property owner can utilize in his proposed development if he so desires. He noted there will be a shared access with Meineke to the east and the office building to the north; the zoning of the property is Regional Commercial (CR), which allows the widest range of commercial uses of all the zones in the City. Mr. Boles reviewed the site plan and identified the proposed location of the building to be constructed on the site. He also reviewed the landscape plan and highlighted the deviation the applicant has requested, which is to reduce the required buffer to five feet from 10 feet; staff feels this deviation is warranted because the building to be constructed on the parcel is small and there is adequate room for parking. He also reviewed the elevation plan and the materials to be used in construction of the building after which he concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

6:36:02 PM

2.2 Commissioner McDonald inquired as to why the existing sign is non-conforming and why the property would be allowed to continue to use it. Mr. Boles stated it is non-conforming due to its height and size; the type of signage typically allowed would be 24 square feet total and no taller than six feet in height. He stated due to the fact that the sign has been in place since before the current ordinance was adopted, it is considered to be grandfathered as a non-conforming sign.

6:36:53 PM

2.3 Applicant Presentation: Jory Walker, Principle Design Architect for Beecher Walker Architects, stated he is presenting the applicant this evening and they are excited to complete this project in Draper City. He reviewed some of the features of the project and noted that there will be a small booth located in the drive-thru area of the restaurant where someone will be taking the orders of the patrons in vehicles; this is because the business model of the restaurant discourages patrons using machines to place their orders.

6:38:05 PM

2.4 Commissioner Player stated the site appears to be tight. Mr. Walker agreed and stated there will be two small tenants in the building, but it will adequately accommodate them and it will also be a very nice project.

6:38:30 PM

2.5 Commissioner Adams stated he has not seen this type of concept before and he asked Mr. Walker to expound upon it. Mr. Walker reviewed the elevation plan for the building and stated the front side of the building will be occupied by Swig, which is a company that is known for its drinks and custom cookies; they will have interior and exterior seating. He noted the back half of the building will house another retail user, though a tenant has not been secured at this point. Commissioner Player asked if the space will be geared towards a food establishment. Mr. Walker answered yes. Commissioner Adams asked if the Swig establishment in St. George has the same design concept. Mr. Walker answered no and stated he has designed a building to match Draper City's code. Commissioner Adams stated that he understands that the applicant has worked with staff to ensure the project is compliant with City standards, but his opinion is that the building is somewhat 'dorky' looking and he asked if it is the best the applicant can do. He stated his suggestions would be to be cautious of using a narrow drive-thru and to try to 'sexy the building up'. Mr. Walker stated the sketch does not do the project justice; it is a manageable building and the applicant provides good products. He stated he feels Commissioner Adams will be surprised by the nice appearance of the building. Commissioner Adams addressed the signage and inquired as to its appearance. Mr. Walker briefly reviewed the signage plan and noted Swig has a logo that will be used in signage throughout.

6:42:16 PM

2.6 Chairperson Johnson opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

6:42:26 PM

2.7 **Motion on Deviation from Strict Compliance for Landscaping:** Commissioner Player moved to approve the Deviation from Strict Compliance Request for Landscaping by Robert Simons, to allow a reduction in landscape buffer on the west property line, as a part of application 140416-437E, based on the findings and subject to the conditions listed in the Staff Report dated April 29, 2014. Commissioner Adams seconded the motion.

Conditions:

1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.

Conditions continued to next page.

Conditions Continued:

2. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.
5. All plans are to be stamped and signed by a professional engineer, registered in the State of Utah with the exception of the landscape plan which is to be stamped by a landscape architect.
6. That the site and building is constructed as depicted in the plans submitted to the City and presented to the Planning Commission May 8, 2014.
7. That any changes to the approved site plan are submitted to staff and proceed through the system to receive approval of said changes.
8. That all lighting is cut off and fully shielded per requirements of chapter 9-20 of the Draper City Municipal Code.
9. That light poles are limited to twenty feet in height and are black in accordance with chapter 9-20 of the Draper City Municipal Code.
10. That a lighting plan showing photometric levels across the entire site is submitted prior to issuance of a site plan.
11. That an afterhours lighting plan compliant with section 9-20 of the Draper City Municipal Code is submitted prior to issuance of a building permit.
12. That the two trees in the parking islands are changed to shade trees.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan by:
    a. increasing the diversity of business offerings while ensuring the sustainability of the economy and improving general quality of life;
    b. fostering new and existing economic activities and employment opportunities that are compatible with Draper's lifestyle;
    c. helping to create a balanced community where residents can live, work and play, and have their essential needs met;
    d. encouraging development and maintenance of quality development projects;
    e. supporting the location of regional land uses, such as major employment and mixed-use centers along regional mobility networks;
    f. supporting regional land use policies, patterns, and planning;
    g. encouraging and supporting a diversity of businesses; and
2. The proposed development plans meet the general requirements and provisions of the Draper City Municipal Code.

Findings continued to next page.

Findings Continued:

3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

6:43:27 PM

2.8 Commissioner Player stated that it would have been nice to provide a 10 foot landscape buffer, but due to the configuration of the property it may not have been possible to construct the proposed building with further limitations on the buildable space. He stated he feels dense landscaping within the five foot buffer will accomplish the goal of a traditional 10 foot buffer.

6:43:38 PM

2.9 **Vote on Deviation:** A roll call vote was taken with Commissioners Gundersen, McDonald, Adams, and Player voting in favor of the deviation approval; Commissioner Gilliland voted against.

6:44:06 PM

2.10 **Motion on Site Plan:** Commissioner Gundersen moved to approve the Commercial Site Plan Request by Robert Simons, for the Swig Retail Building, application 140416-437E, based on the findings and subject to the conditions listed in the Staff Report dated April 29, 2014. Commissioner McDonald seconded the motion.

6:44:38 PM

2.11 **Vote on Site Plan**: Commissioners McDonald, Player, and Gundersen moved to approve the Site Plan; Commissioners Gilliland and Adams voted against.

6:20:02 PM

3.0 **Staff Reports:** ***Staff Reports were heard during the study meeting above.***

6:45:03 PM

4.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

4.1 **A voice vote was taken with all in favor. The meeting adjourned at** 6:45:12 PM**.**

DRAPER CITY

Development Review Committee
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539

STAFF REPORT
July 22, 2014

To: Draper City Planning Commission
Business Date: July 31, 2014

From: Development Review Committee

Prepared By: Dan Boles, AICP, Senior Planner
Planning Division
Community Development Department

Re: **Willow Building – Conditional Use Permit Request**

Application No.:	140502-12552S
Applicant:	Mike Skalla, representing Willow Building, LLC
Project Location:	12552 South 125 West
Zoning:	CI Commercial Interchange Zone
Acreage:	6.78 Acres (Approximately 295,336 ft^2)
Request:	Request for approval of a Conditional Use Permit in the CI Commercial Interchange zone to allow outdoor storage at a construction sales and services facility.

SUMMARY
This application is a request for approval of a Conditional Use Permit for approximately 6.78 acres located on the west side of 125 West, at 12552 South. The property is currently zoned CI Commercial Interchange. The applicant is requesting that a Conditional Use Permit be approved to allow a portion of the property to be used for outdoor storage.

BACKGROUND
The building which houses a "construction sales and service" use, was constructed in 1996. As a part of the business that is run from this location, the western portion of the site has been used for outdoor storage for many years. As part of a code enforcement issue, the owner of the building was recently asked to bring the site into compliance including screening and receiving a conditional use permit from the Planning Commission.

ANALYSIS
General Plan and Zoning. The Land Use Map of the General Plan calls for the Industrial/Manufacturing land use designation for the subject property. Additionally, the property has been assigned the CI Commercial Interchange zoning classification. The CI zone today does not allow this type of use.

However, because it was constructed and has been used for said use prior to the current zoning being placed on the poprerty, the use is considered legal, nonconforming. The property is surrounded by CBP zoning to the west and south, and CR zoning to the east and north and is therefore surrounded on all sides by commercial zoning.

Conditional Use Permit Request. As can be seen from the aerial of the property (see attached) and the site plan supplied by the applicant (see attached), the portion of the property that is used for storage is to the west of the building. The tenants of the building primarily are storing scaffolding, forms and other similar construction materials. This area has been used for many years in this manner as is evidenced by fifteen years of aerial photos. Staff does not find any real issues with this area being used for storage as long as the applicant complies with the terms of section 9-27-230(a) which states:

> *(a) All outdoor storage shall be in conjunction with and subordinate to a legally established business and shall be allowed only after approval of a Conditional Use Permit by the Planning Commission. The following screening regulations shall apply to open storage areas:*
>
> *1. A masonry wall or solid metal fencing shall be required to screen all open storage areas from public streets.*
> *2. A chainlink fence with slats or other opaque fence or wall shall be required along side and rear property lines to screen areas of open storage up to and including any gate.*
> *3. Fences used to screen open storage shall be not less than six feet high. Fences greater than six feet high may be approved by the planning commission upon a finding that increased height for screening is necessary to reduce impacts to surrounding properties.*
> *4. Materials within 20 feet of the fence may not be stored higher than the fence.*

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Section 9-5-080(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

(e) Approval Standards. The following standards shall apply to the issuance of a conditional use permit.

(1) A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.

(2) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, upon the City as a whole, or upon public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hour of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.

(3) No conditional use permit shall be authorized unless the evidence presented establishes:

(i) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

(ii) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

(iii) The proposed use will comply with regulations and conditions specified in this Title for such use and to the intent of the City General Plan.

(4) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of Subsection (3), above, can be met.

(5) The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:

(i) The harmony and compliance of the proposed use with the objectives and requirements of the City's General Plan and this Title;

(ii) The suitability of the specific property for the proposed use;

(iii) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with the existing uses in the neighborhood;

(iv) Whether or not the proposed use or facility may be injurious to potential or existing development within the vicinity;

(v) The economic impact of the proposed facility or use on the surrounding area;

(vi) The aesthetic impact of the proposed facility or use on the surrounding area;

(vii) Whether or not the proposed use or facility is necessary or desirable to the City;

(viii) The number of other similar conditional uses in the area and the public need for the proposed conditional use;

(ix) The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;

(x) The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;

(xi) The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;

(xii) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and

(xiii) The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

(6) When a use which requires a conditional use permit is proposed on property where a substantially similar nonconforming use legally exists, the Zoning Administrator may approve the conditional use permit, subject to the following requirements:

(i) The Zoning Administrator shall determine the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Zoning Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and the compatibility and compliance of the proposed use with the factors set forth in Subsection 9-5-080(e)(4) of this Chapter.

(ii) Nonconformance shall be allowed with respect to building setbacks, building height, landscaping and parking space requirements.

(iii) All current building, construction, engineering, fire, health and safety standards shall be met as a condition of approval of the conditional use permit.

(iv) Notice of an approval made hereunder shall be mailed to the applicable neighborhood association and a copy posted on the affected property or premises.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. That the terms of 9-27-230(a) of the Draper City Municipal Code are met and continually adhered to.

Noticing. The applicant has expressed their desire for approval of a conditional use permit on the subject property and to do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Mike Skalla, representing Willow Building, LLC, application 140502-12552S, subject to the following conditions:

1. That the terms of 9-27-230(a) of the Draper City Municipal Code are met and continually adhered to. Specifically this means:
   a. A masonry wall or solid metal fencing shall be required to screen all open storage areas from public streets.
   b. A chainlink fence with slats or other opaque fence or wall shall be required along side and rear property lines to screen areas of open storage up to and including any gate.
   c. Fences used to screen open storage shall be not less than six feet high. Fences greater than six feet high may be approved by the planning commission upon a finding that increased height for screening is necessary to reduce impacts to surrounding properties.
   d. Materials within 20 feet of the fence may not be stored higher than the fence.

This recommendation is based on the following findings:

1. That the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
3. The proposed use will comply with regulations and conditions specified in this Title for such use and to the intent of the City General Plan.
4. Though the use is legal non-conforming, approval of the conditional use permit will bring

the site closer to compliance with City Code.

5. The site has been used in this manner for the past seventeen years and the applicant is now trying to bring the site into compliance.

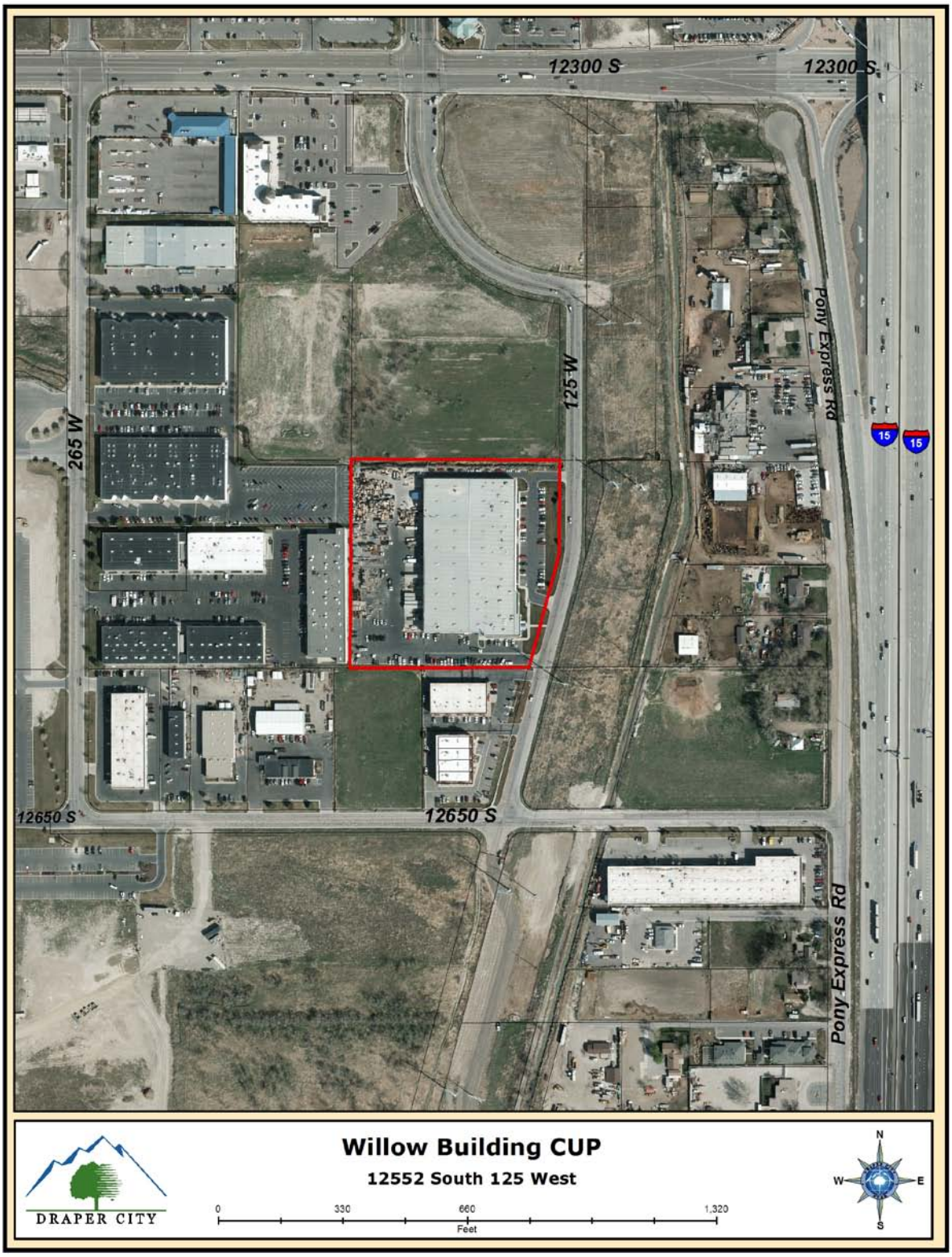
MODEL MOTIONS

Sample Motion for Approval – "I move we approve the Conditional Use Permit Request by Mike Skalla, representing Willow Building, LLC to allow outdoor storage, application 140502-12552S, based on the findings and subject to the conditions listed in the Staff Report dated July 22, 2014 and as modified by the conditions below:"

1. List any additional findings and conditions…

Sample Motion for Denial – "I move we deny the Conditional Use Permit Request by Mike Skalla, representing Willow Building, LLC to allow outdoor storage, application 140502-12552S, based on the following findings:"

1. List any findings…


12300 S
12300 S
265 W
125 W
Pony Express Rd
15
15
12650 S
12650 S
Pony Express Rd
Willow Building CUP
12552 South 125 West
DRAPER CITY
0
330
660
1,320
Feet
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S

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Engineering Division

Draper City Building Division

Draper City Operations Division

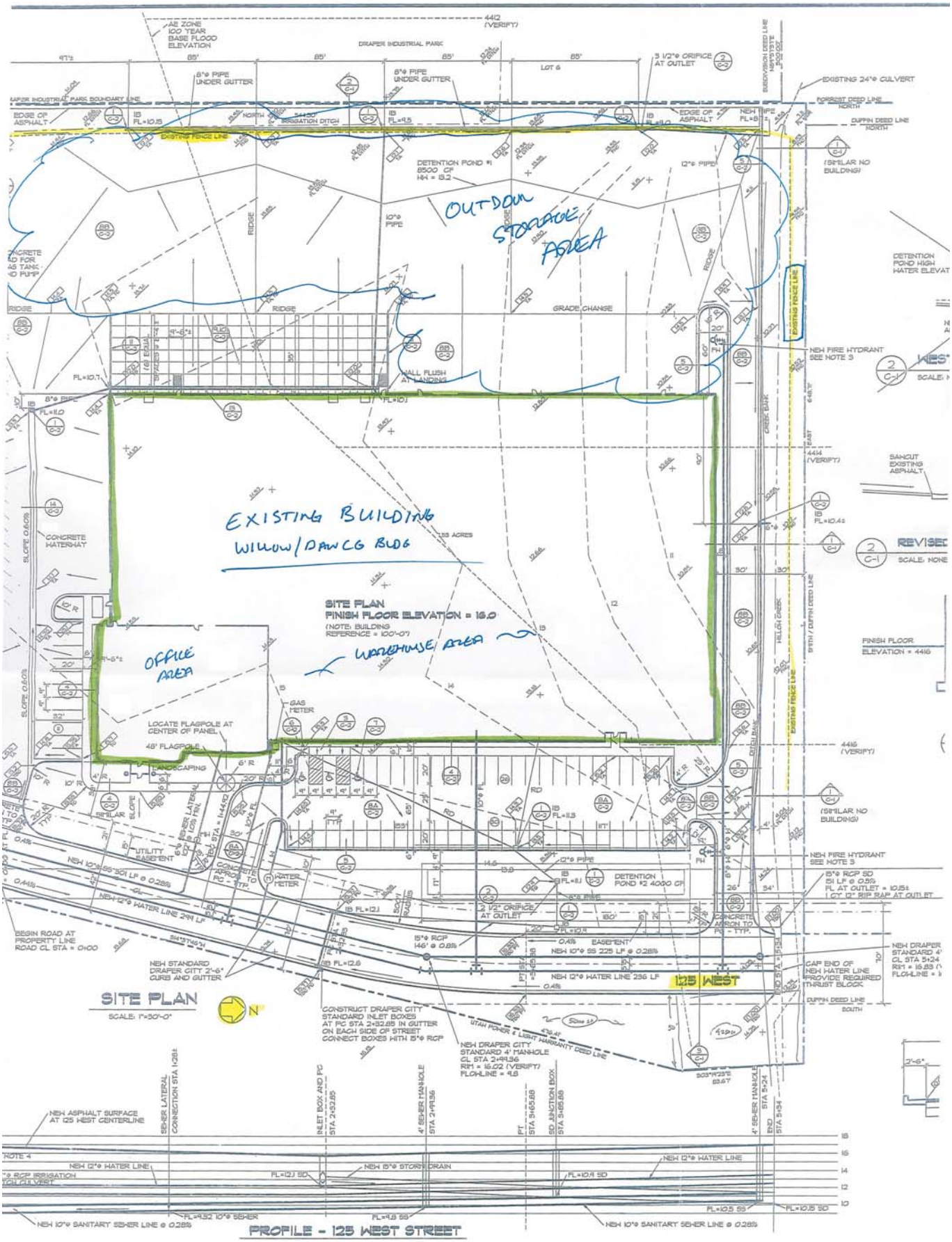
Draper City Planning Division

Unified Fire Authority

Draper City Legal Counsel

EXHIBIT A

SITE PLAN


SITE PLAN
SCALE: 1"=30'-0"
PROFILE - 125 WEST STREET
EXISTING BUILDING
WILLOW/DAWG BLDG
OUTDOOR STORAGE AREA
OFFICE AREA
WAREHOUSE AREA
SITE PLAN
FINISH FLOOR ELEVATION = 16.0
(NOTE: BUILDING REFERENCE = 100'-0")
DETENTION POND #1 8500 CF HW = 13.2
DETENTION POND #2 4000 CF
DRAPER INDUSTRIAL PARK
EXISTING 24"Φ CULVERT
NEW FIRE HYDRANT SEE NOTE 3
NEW STANDARD DRAPER CITY 2'-6" CURB AND GUTTER
CONSTRUCT DRAPER CITY STANDARD INLET BOXES AT PC STA 2+32.85 IN GUTTER ON EACH SIDE OF STREET CONNECT BOXES WITH 15"Φ RCP
NEW DRAPER CITY STANDARD 4' MANHOLE CL STA 2+49.96 RIM = 16.02 (VERIFY) FLOWLINE = 4.8
NEW 12"Φ WATER LINE 236 LF
125 WEST
NEW ASPHALT SURFACE AT 125 WEST CENTERLINE
NEW 10"Φ SANITARY SEWER LINE @ 0.28%
NEW 12"Φ WATER LINE
NEW 15"Φ STORM DRAIN

DRAPER CITY

Development Review Committee
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539

STAFF REPORT
July 18, 2014

To: Planning Commission
Business Date: July 31, 2014

From: Development Review Committee
Prepared by Dennis Workman, Planner II

Re: **Windsor Mill Preliminary Plat**

Application No.:	140603-11450S
Applicant:	Austin Allred with Goldsworth Real Estate
Project Location:	11450 S. 800 W.
Zoning:	R3
Acreage:	7.01 acres
Request:	Preliminary plat approval for a 17-lot subdivision

BACKGROUND
This application is a request to subdivide approximately seven acres into 17 single-family lots. The property is located southwest of Soccer City and abuts the Jordan River Parkway Trail on its west side. The property is zoned R3, which normally means that each lot shall have a minimum of 13,000 square feet. However, in September 2009, the former owner of the property entered into a development agreement with Draper City which states in part: "[L]ots that abut perimeter property line on the east and south side shall be minimum area of 13,000 square feet. Lots on the interior shall be a minimum area of 10,000 square feet." As such, eight of the new lots will have a minimum area of 13,000 square feet, and nine of them shall have a minimum area of 10,000 square feet." Other than that, all lot standards of the R3 zone will apply.

ANALYSIS
Subdivision Design. Chapter 17-5 of the DCMC identifies general requirements for all subdivisions. It describes the goals that each lot shall be developable, and that all portions of a parcel from which a subdivision is being proposed must be included in the plat with no remnants allowed. There are also standards regarding infrastructure that must be installed as a condition of subdividing a parcel into lots for future housing. These include water and sewer laterals, storm drainage, and vehicular access to name a few. For the new subdivision, the applicant plans to build all access roads to the public street standard without any deviation being requested. Existing 800 West will be extended into what will be called Windsor Mill Drive, which will off-shoot into Windsor River Cove (a cul-de-sac) and 840 West Street. 840 West will tie into the Osborne property to the south which is currently being considered for R3 zoning. Since 840 West is in excess of 150 feet, a fire department turn-around will be required at its terminus, though it will be only temporary in nature. Lots 105 and 106 will eventually exist as standard third-acre lots, but until the road connects to the property on the south, the lots will be impinged upon by the required turn-around which renders them unbuildable. The turn-around can be in the form of a 120-

foot hammerhead or an 80-foot diameter cul-de-sac. A note will be placed on the mylar that states: "Lots 105 and 106 will accommodate a fire-department turn-around until such time as 840 West connects to the subdivision on the south."

2009 Development Agreement for Windsor Mill. On September 1, 2009, the City Council entered into a development agreement with Jay N. Olsen, who owned the subject property at that time (copy attached). As stated above, the agreement specified that certain lots could be 10,000 square feet while others needed to meet the R3 requirement of 13,000 square feet. In exchange for this higher density, the agreement required the developer to do the following:

1) Dedicate to the city additional open space adjacent to the Jordan River Trail. Adjacent to the R3 zone, this open space needed to be 50 feet in width.
2) Construct a public trailhead adjacent to the Jordan River Trail, including a parking area with no less than six spaces (including one handicap space).
3) Construct a sidewalk to connect the parking area to the Jordan River Trail.
4) Construct a six foot wide paved pedestrian trail and a four foot wide bark mulch equestrian trail to connect the trailhead to 700 West.

The proposed subdivision plat shows a 50-foot buffer on the west side of the development identified as Parcel C, which satisfies #1 of the above list. Sheet C-2.0 of the construction drawings associated with the plat shows a trailhead adjacent to the Jordan River Trail that includes an 11-space parking lot and a vehicle turnaround at the terminus of Windsor Mill Drive, which satisfies #2 of the above list. Sheet C-2.0 also shows a pedestrian sidewalk connecting the parking area to the Jordan River Trail, which satisfies #3 of the above list. The plat shows Parcels A and B on the south side of Windsor Mill Drive. These parcels are on the plat to accommodate #4 of the above list, which is to construct a pedestrian/equestrian trail that connects the parkway trail to 700 West. Staff has considered this fourth idea at length and has determined to recommend against its implementation, with the following findings:

1) Soccer City was not required to construct a horse trail, and it is pointless for Windsor Mill to construct a horse trail that connects to nothing.
2) City grounds maintenance staff does not have the time and resources to maintain it to the level that residents would want. Akagi Farms and Alan Point are examples of subdivisions that have such trails, and they are seldom used but frequently complained about because of weed growth.
3) Parks and Trails Committee recommends against the construction of a horse trail through this development.
4) A horse trail in this location is not on the Parks and Trails Master Plan.
5) A pedestrian trail is already provided from 700 West through Soccer City, which will connect to the public sidewalk of the new development, which will connect to the trailhead.

Engineering Review. In a memo dated July 11, 2014, Brien Maxfield states:

> We have reviewed the site plan application for the subject project. It appears the application does comply with the Land Use Regulations with the Draper City Municipal Code (DCMC). Accordingly, we have included the following comments for your consideration:
>
> General Items
>
> 1. Due to proximity to FEMA floodplains and Jordan River floodway area, provide permit or acknowledgment from Salt Lake County Flood Control and State Stream Alteration.
>
> Plat

2. Plat closure and bearing information will be verified at final plat application.

3. Flood zone hatching did not print on submitted plat. Verify it will show up on final plat application.

4. Note #2 on the plat is not clear as to the lettering of the parcels and their purpose as to the trailhead or multi-use/surface trail. Review note and make necessary modification.

5. Property owner on the north will have to record an easement for the partial street and turn around, shown in the plat, for the trailhead for Draper City. It shall be recorded at final approval of the subdivision and is a condition of the land disturbance permit issuance.

Utilities

6. Provide a commitment to serve letter from South Valley Sewer District.

Traffic & Street Improvements

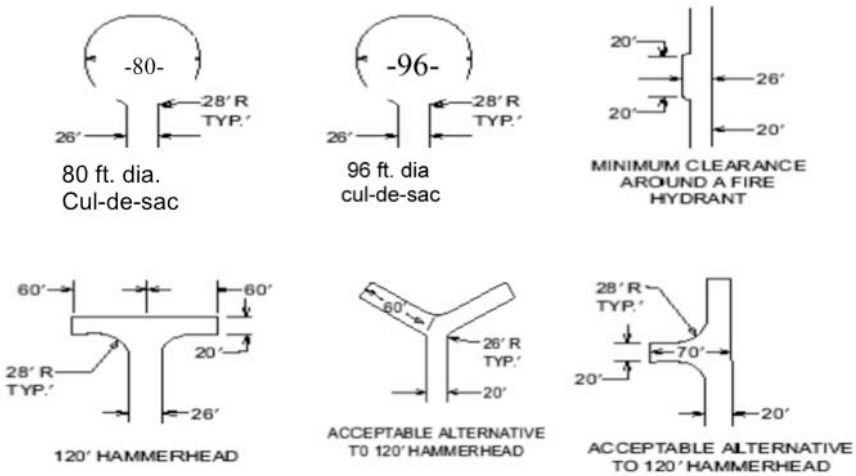
7. Add street section to plans per the geotechnical plan or Draper City minimum, whichever is greater. Minimum 8" of roadbase required in public street section.

8. All other comments indicated on our red-line check print should also be addressed.

Fire Department. In a memo dated June 11, 2014, Don Buckley with the Unified Fire Authority recommends approval with the following comments and conditions:

1. Fire Department Access is required. An unobstructed minimum road width of twenty-six (26) feet exclusive of the shoulders and a minimum height of thirteen (13) feet six (6) inches shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of twenty – eight (28) feet. There shall be a maximum grade of 10%. Grades may be checked prior to building permits being issued.

2. Fire Department Approved Turn Around Required. Access roads over 150 feet long shall require an approved turn around. Below is a diagram of approved fire department turn arounds. On 875 West the road exceeds 150 feet therefore there will be a need for a temporary turn-around by Lots 105 and 106. This temporary turn-around will need to have an asphalt cap. The small cul-de-sac at the end of Windsor Mill Drive may need to meet these requirements.



3. Fire Hydrants are required there shall be a total of 4 new hydrants required spaced at 400ft. increments. The required fire flow for this project is 2000GPM for full 2 hour duration. This will allow up to a 6200sqft home. Anything larger will require additional fire flow test to determine if sprinklers are needed.

4. Hydrants and Site Access. All hydrants and a form of acceptable temporary Fire Department Access to the site shall be installed and APPROVED by the Fire Department prior to the issuance of any Building Permits. If at any time during the building phase any of the hydrants or temporary Fire Department Access becomes non-compliant any and all permits could be revoked.

5. No combustible construction shall be allowed prior to hydrant installation and testing by water purveyor. All hydrants must be operational prior to any combustible elements being received or delivered on building site.

6. Street Signs required and are to be posted and legible prior to building permits being issued. All lots to have lot number or address posted and legible.

7. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

Building Review. Building Official Keith Collier has no comment at this stage of development.

STAFF RECOMMENDATION

Staff recommends approval of the preliminary subdivision plat application by Austin Allred, application 140603-11450S, subject to the following conditions:

1. That all city standards, requirements, and ordinances are met.
2. That all requirements of the City Engineer are met.
3. That all requirements of the Fire Department are met.
4. That prelim and final plat submittal includes all requirements outlined in Chapters 17-3 and 17-4.
5. That public improvement bond and inspection fees are paid prior to city engineer signing the mylar.
6. That a street tree plan is submitted with final plat application, and that all street trees are bonded for prior to plat approval.
7. That address changes are made to the plat per Bart LeCheminant's July 10, 2014 memo.
8. That the developer constructs a public trailhead as shown on Sheet C-2.0 of the plan set.
9. That as per the 2009 Windsor Mill Development Agreement, the trailhead shall be landscaped with low-maintenance xeriscaping. Specifically, this shall consist of cobble and rock mulch over a weed barrier fabric.
10. That the 50 foot wide parcel on the west side of the project (that will be dedicated to Draper City and identified as Parcel A) will be re-vegetated with a native seed mix.
11. That items 9 through 11 above shall be completed prior to issuance of the first building permit.
12. That Parcels A and B are eliminated (through being incorporated into the lots) and that what is currently identified as Parcel C will be re-identified as Parcel A.
13. That Note #2 on the plat is modified to show that the public trailhead will be constructed within Parcel A, and that Parcel A will be dedicated to Draper City, and owned and maintained by the city upon acceptance.
14. That a note is placed on the mylar stating: "Lots 105 and 106 will accommodate a fire-department turn-around until such time as 840 West connects to the subdivision on the south."

This recommendation is based on the following findings:

1. That the proposed preliminary plat meets the requirements of the general plan and zoning ordinance.
2. That the proposed preliminary plat will not be detrimental to the health, safety, or general welfare of persons or property in the area.
3. That the proposed residential use would not be out of character with the surrounding area, nor would it adversely impact adjacent properties.

MODEL MOTION

Sample Motion for a Positive Recommendation. "I move we forward a positive recommendation to the City Council on the Windsor Mill preliminary subdivision plat, as requested by Austin Allred, application 140603-11450S, based on the findings and subject to the conditions listed in the staff report dated July 18, 2014 and as modified by the conditions below:"

1. List any additional conditions and findings.

Sample Motion for a Negative Recommendation. "I move we forward a negative recommendation to the City Council on the Windsor Mill preliminary plat, as requested by Austin Allred, application 140603-11450S, based on the following findings:"

1. List all findings.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Engineering Division

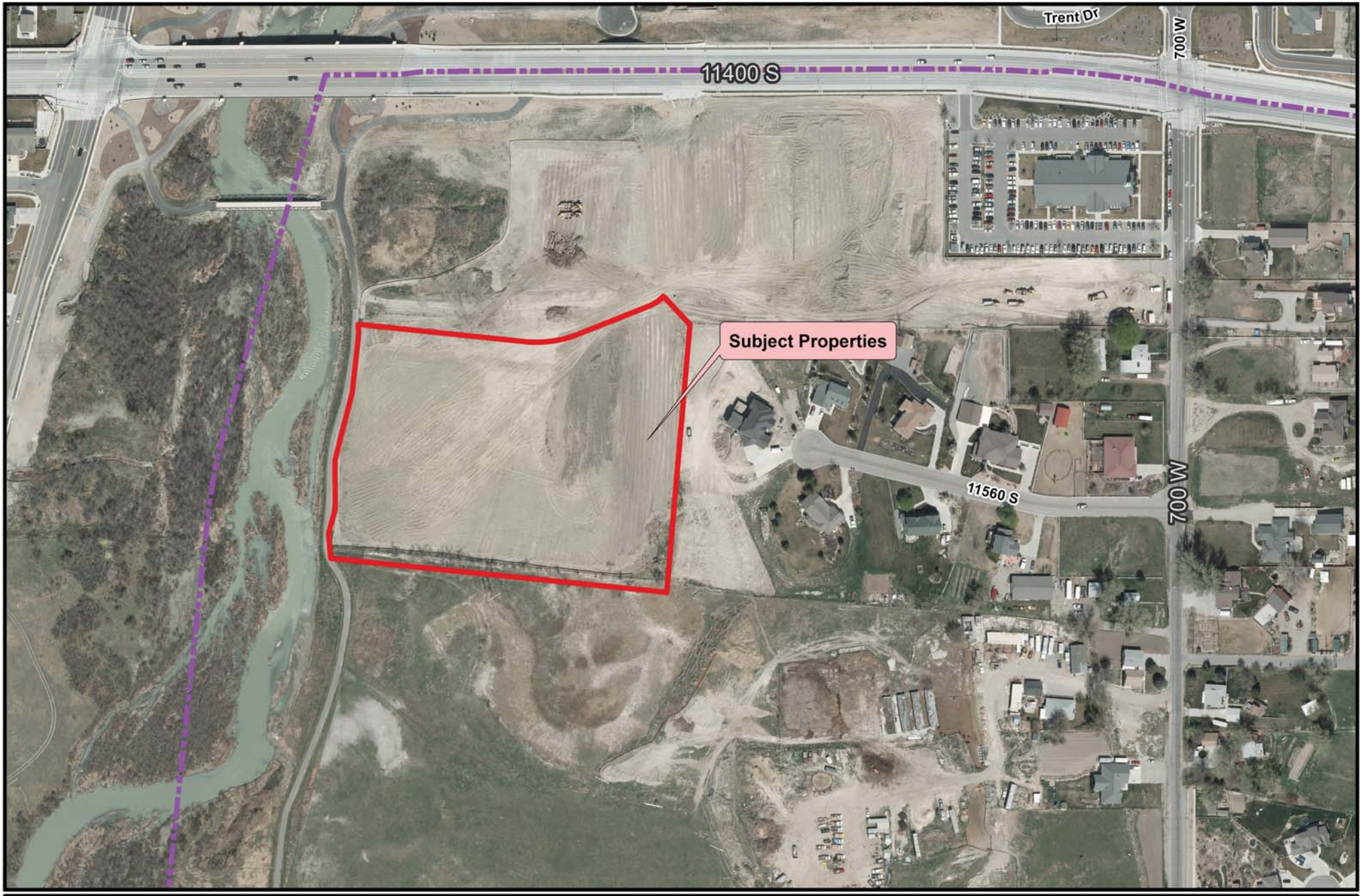
Draper City Building Division

Draper City Operations Division

Draper City Planning Division

Unified Fire Authority

Draper City Legal Counsel

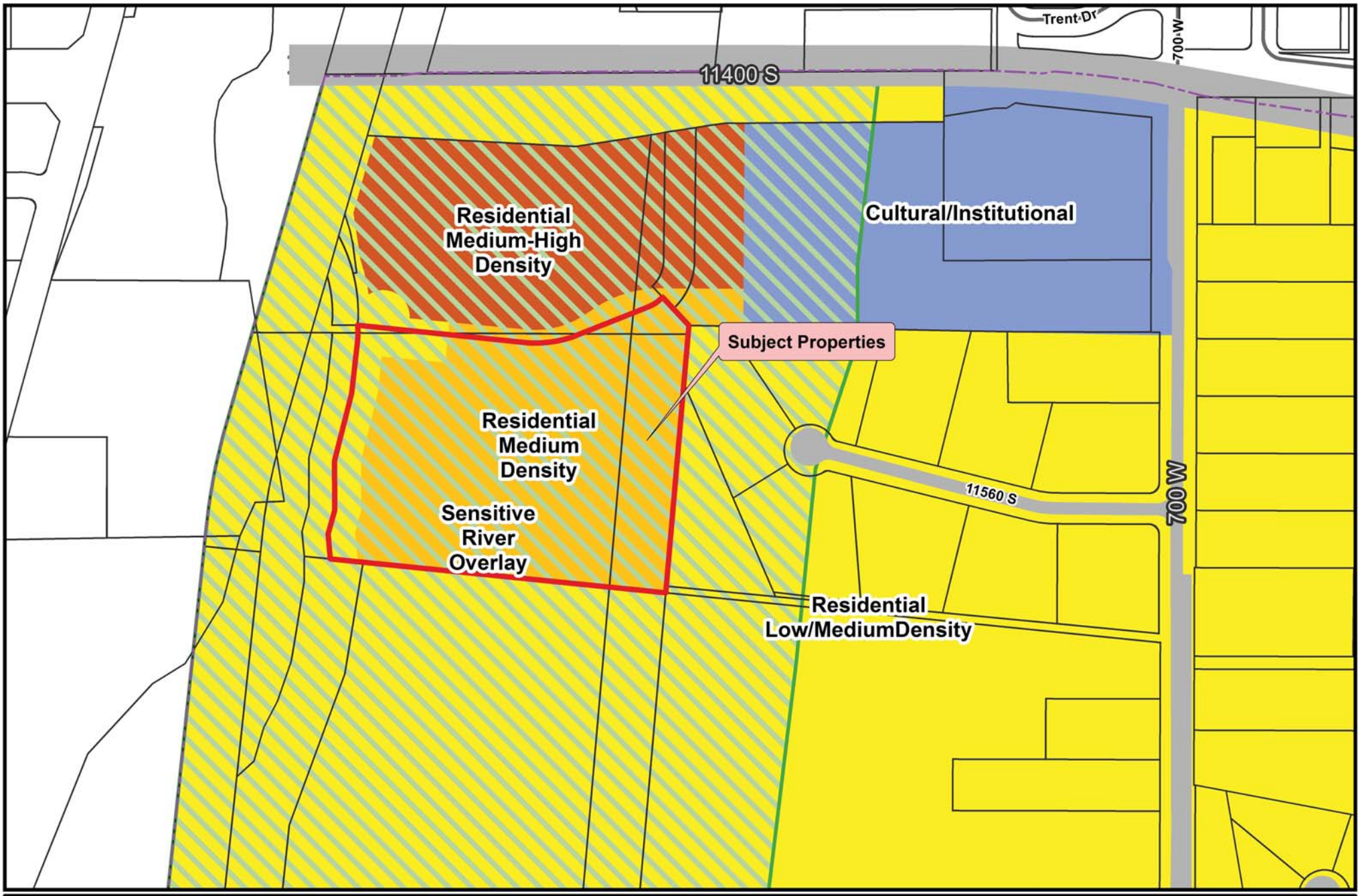


DRAPER CITY

Aerial Map of Windsor Mill Subdivision

0 250 500 1,000 Feet

N W E S

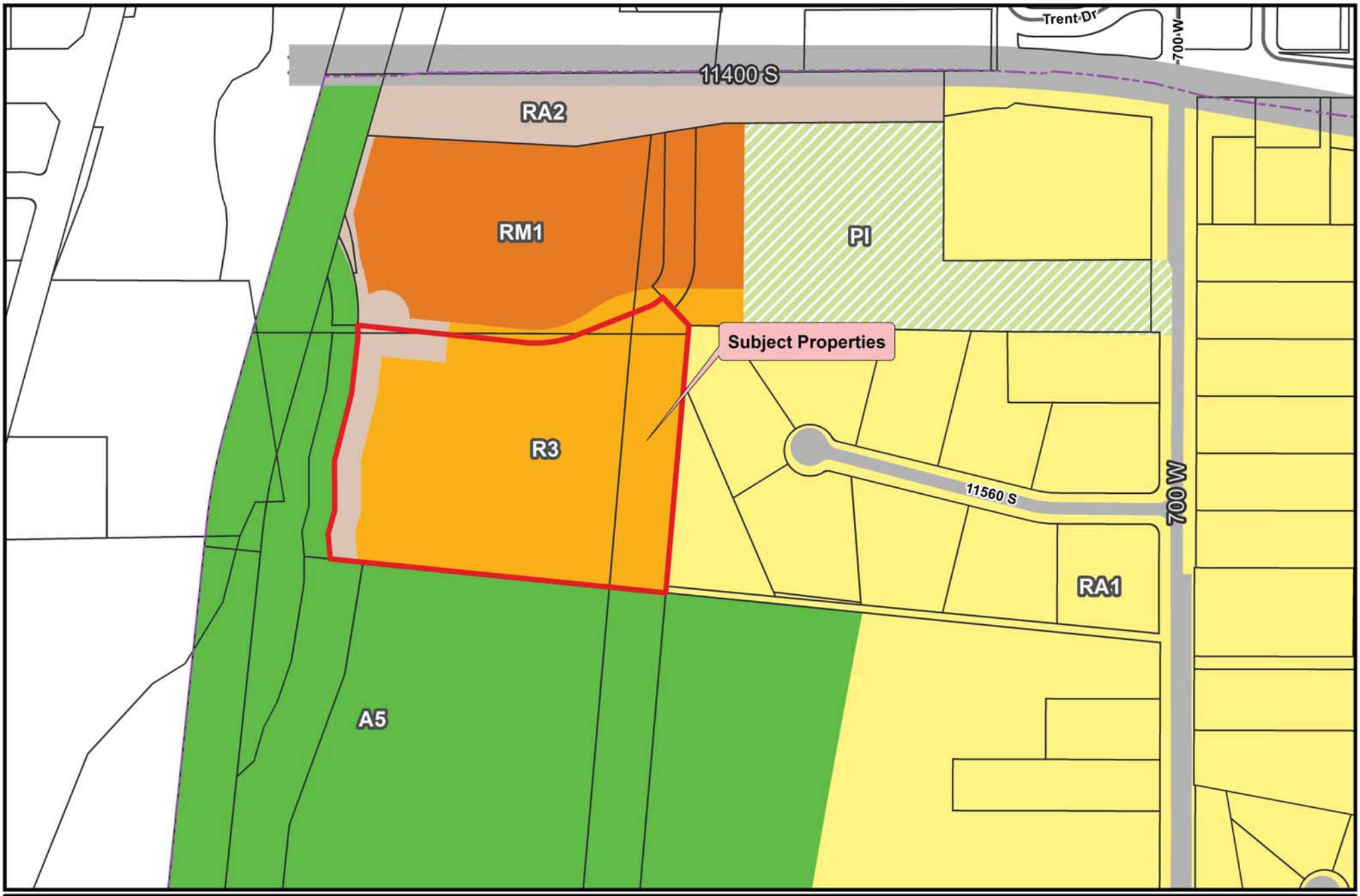


DRAPER CITY

Landuse Map of Windsor Mill Subdivision

0 250 500 1,000 Feet

N W E S



DRAPER CITY

Zoning Map of Windsor Mill Subdivision

0 250 500 1,000 Feet

N W E S

DEVELOPMENT AGREEMENT FOR THE WINDSOR MILL DEVELOPMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the 1st day of September, 2009, by and between Draper City, a Utah municipal corporation, hereinafter referred to as "City", and Olsen & Associates, Inc., a Utah corporation, hereinafter referred to as "Developer".

Agreement

1. No variances are granted with this agreement for development within the P-I or RM-1 zones. Any development proposed within the P-I or RM-1 zones must comply with current City ordinances at the time of site plan application.

2. Single-family lots within the R-3 zone shall comply with all standards of the R-3 zone with the exception of minimum area of lots. Within the R-3 zone, lots that abut perimeter property line on the East and South sides shall be a minimum area of 13,000 s.f. Lots on the interior shall be a minimum area of 10,000 s.f. All other lot standards of the R-3 zone shall apply to all lots within the R-3 area (setbacks, building heights, etc.)

3. Total residential units in each zone shall be allowed as per the following table:

Zone	Area	Total Units
P-I	5.03 Acres	None
P-OS	1.04 Acres	None
RM-1	5.52 Acres	44 Units
R-3	6.97 Acres	17 Lots

4. Developer must comply with all city ordinances regarding access, roadways, utilities, etc. for all phases of the project.

5. Developer will dedicate to Draper City additional open space adjacent to the Jordan River Trail. Adjacent to the R-3 zone, this open space shall be a minimum of 50' in width. Adjacent to the RM-1 zone, this open space shall be a minimum of 16' in width.

6. Developer will construct a public trailhead adjacent to the Jordan River Trail. Parking area shall be a minimum of 6 parking spaces (including 1 handicap space). Trailhead shall be landscaped with low-maintenance Xeriscape, and shall be maintained by Draper City upon acceptance. Sidewalks shall be constructed to connect the parking areas and adjacent walkways to the Jordan River Trail. No restrooms or other site amenities will be required.

7. A 6' paved pedestrian trail, and a 4' equestrian trail (bark mulch) shall be constructed to connect the trailhead to 700 West. Maintenance of the trails shall be the responsibility of Draper City upon acceptance.

8. Construction of the trailhead and trails shall coincide with development within the RM-1 Zone or R-3 zone, whichever comes first.

9. This Agreement shall be binding upon the parties hereto and their respective officers, agents, employees, successors and assigns. The covenants contained herein shall be deemed to run with the Property.

10. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefitted by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

11. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

12. This Agreement shall be recorded against the Property senior to the Protective Covenants, easements and debt security instruments encumbering the Property or any portion thereof except for those obligations previously recorded. This Agreement may be recorded by Developer hereto in the offices of the Salt Lake County Recorder, State of Utah.

13. Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties.

14. This Agreement may be amended only in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

"CITY"
Draper City

By: _____
Mayor

City Recorder

CITY OF DRAPER CORPORATE Seal 1978 State of Utah

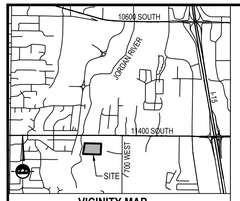
"DEVELOPER"
Olsen & Associates, Inc.,
a Utah corporation

By: _____

Its: Pres

WINDSOR MILL SUBDIVISION

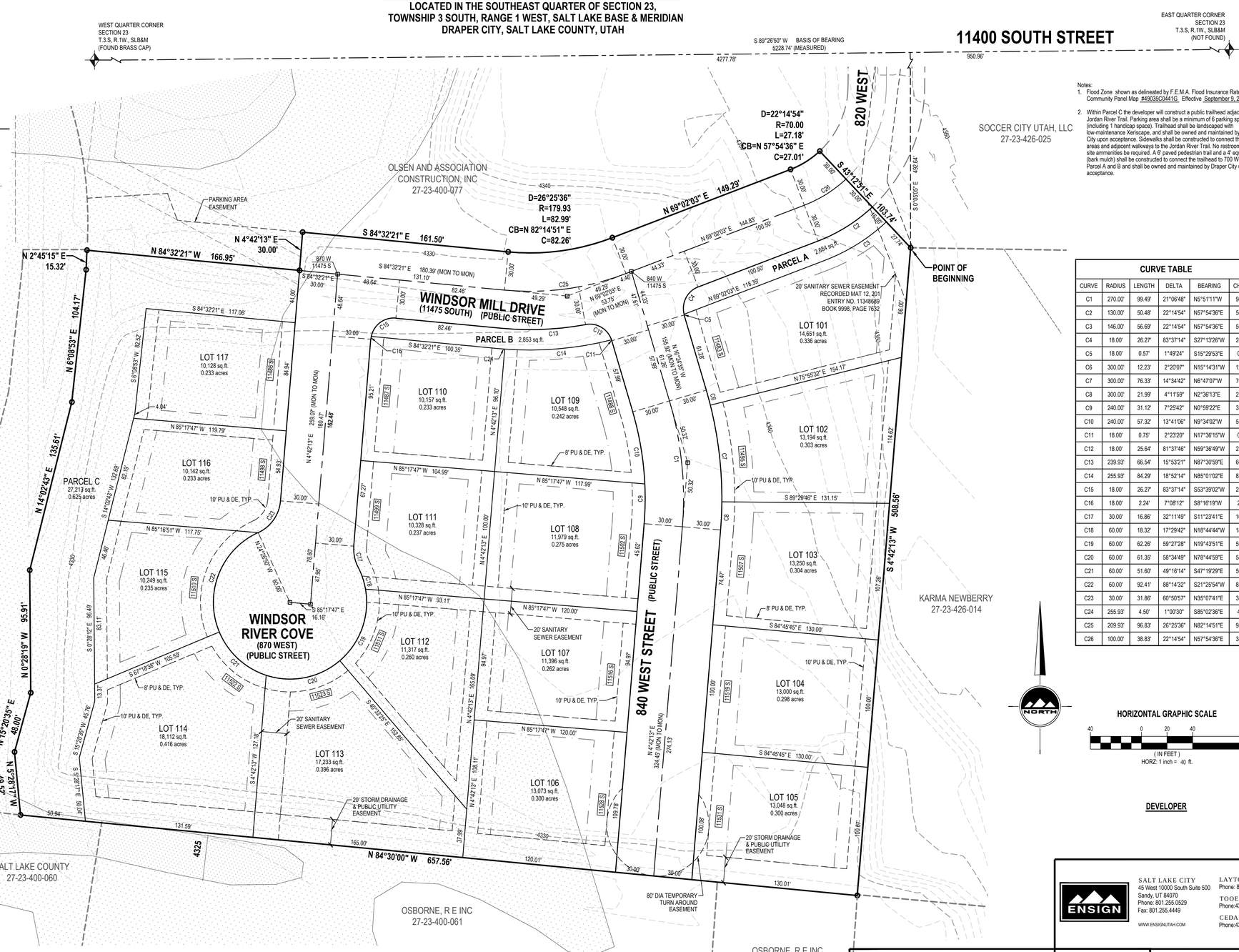
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
DRAPER CITY, SALT LAKE COUNTY, UTAH



VICINITY MAP
NOT TO SCALE

LEGEND

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SECTION CORNER SET 5/8"
- ENSIGN ENG. LAND SURV. — REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- FLOODWAY AREAS IN ZONE AE
- FEMA FLOOD ZONE 'AE'
- FEMA FLOOD ZONE 'X' (AREAS OF 0.2% ANNUAL CHANCE OF FLOOD)



Notes:
1. Flood Zone shown as delineated by F.E.M.A. Flood Insurance Rate Map, Community Panel Map #49035C0441G Effective September 9, 2009.
2. Within Parcel C the developer will construct a public trailhead adjacent to the Jordan River Trail. Parking area shall be a minimum of 6 parking spaces (including 1 handicap space). Trailhead shall be landscaped with low-maintenance Xeriscape, and shall be owned and maintained by Draper City upon acceptance. Sidewalks shall be constructed to connect the parking areas and adjacent walkways to the Jordan River Trail. No restrooms or other site ammenities be required. A 6' paved pedestrian trail and a 4' equestrian trail (bark mulch) shall be constructed to connect the trailhead to 700 West within Parcel A and B and shall be owned and maintained by Draper City upon acceptance.

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	270.00'	99.49'	21°06'48"	N5°51'11"W	98.93'
C2	130.00'	50.48'	22°14'54"	N57°54'36"E	50.16'
C3	146.00'	56.69'	22°14'54"	N57°54'36"E	56.34'
C4	18.00'	26.27'	83°37'14"	S27°13'26"W	24.00'
C5	18.00'	0.57'	1°49'24"	S15°29'53"E	0.57'
C6	300.00'	12.23'	2°20'07"	N15°14'31"W	12.23'
C7	300.00'	76.33'	14°34'42"	N6°47'07"W	76.13'
C8	300.00'	21.99'	4°11'59"	N2°36'13"E	21.98'
C9	240.00'	31.12'	7°25'42"	N0°59'22"E	31.09'
C10	240.00'	57.32'	13°41'06"	N9°34'02"W	57.19'
C11	18.00'	0.75'	2°23'20"	N17°36'15"W	0.75'
C12	18.00'	25.64'	81°37'46"	N59°36'49"W	23.53'
C13	239.93'	66.54'	15°53'21"	N87°30'59"E	66.32'
C14	255.93'	84.29'	18°52'14"	N85°01'02"E	83.91'
C15	18.00'	26.27'	83°37'14"	S53°39'02"W	24.00'
C16	18.00'	2.24'	7°08'12"	S8°16'19"W	2.24'
C17	30.00'	16.86'	32°11'49"	S11°23'41"E	16.64'
C18	60.00'	18.32'	17°29'42"	N18°44'44"W	18.25'
C19	60.00'	62.26'	59°27'28"	N19°43'51"E	59.51'
C20	60.00'	61.35'	58°34'49"	N78°44'59"E	58.71'
C21	60.00'	51.60'	49°16'14"	S47°19'29"E	50.02'
C22	60.00'	92.41'	88°14'32"	S21°25'54"W	83.54'
C23	30.00'	31.86'	60°50'57"	N35°07'41"E	30.38'
C24	255.93'	4.50'	1°00'30"	S85°02'36"E	4.50'
C25	209.93'	96.83'	26°25'36"	N82°14'51"E	95.97'
C26	100.00'	38.83'	22°14'54"	N57°54'36"E	38.59'

HORIZONTAL GRAPHIC SCALE

40 0 20 40 80
(IN FEET)
HORZ: 1 inch = 40 ft.

DEVELOPER

ENSIGN

SALT LAKE CITY
45 West 10000 South Suite 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449

WWW.ENSIGNUTAH.COM

LAYTON
Phone: 801.547.1100

TOOELE
Phone:435.843.3590

CEDAR CITY
Phone:435.865.1453

SURVEYOR'S CERTIFICATE

I, PATRICK M. HARRIS do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. 286882 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as WINDSOR MILL SUBDIVISION, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

Beginning at the Northwest Corner of Riverview Ranch Subdivision, said point also being South 89°26'50" West 950.96 feet and South 00°05'05" East 492.64 feet from the East Quarter Corner of Section 23, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running

thence South 04°42'13" West 508.56 feet along the Westerly Boundary Line of said Riverview Ranch Subdivision;
thence North 84°30'00" West 657.56 feet;
thence North 05°28'17" West 49.52 feet;
thence North 15°20'35" East 48.00 feet;
thence North 00°28'19" West 95.91 feet;
thence North 14°02'43" East 135.61 feet;
thence North 06°08'53" East 104.17 feet;
thence North 02°45'15" East 15.32 feet;

thence South 84°32'21" East 166.95 feet;
thence North 04°42'13" East 30.00 feet;
thence South 84°32'21" East 161.50 feet;
thence Northeasterly 82.99 feet along the arc of a 179.93 foot radius curve to the left (center bears North 05°27'39" East and the chord bears North 82°14'51" East 82.26 feet with a central angle of 26°25'36");
thence North 69°02'03" East 149.29 feet;
thence Northeasterly 27.18 feet along the arc of a 70.00 foot radius curve to the left (center bears North 20°57'57" West and the chord bears North 57°54'36" East 27.01 feet with a central angle of 22°14'54");
thence South 43°12'51" East 103.74 feet to the point of beginning.

Contains 320,310 Square Feet or 7.353 Acres and 17 Lots and 3 Parcels

Date

PATRICK M. HARRIS
P.L.S. 286882

OWNER'S DEDICATION

Known all men by these presents that I / we, the undersigned owner (s) of the hereon described tract of land, hereby set apart and subdivide the same into lots and street as shown on this plat and said plat

WINDSOR MILL SUBDIVISION

and do hereby dedicate, grant and convey to Draper City, Utah: (1) all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever; (2) those certain public utility and drainage easements as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage.

In witness whereof I / we have hereunto set our hand (s) this_____day of_____A.D., 20_____.

_____.

By:

_____.

By:

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)S.S.
County of Salt Lake

On the _____ day of _____ A.D., 20_____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that he/she is the _____ of _____, a Utah Corporation, and is authorized to execute the foregoing Agreement in its behalf and that he/she executed it in such capacity.

MY COMMISSION EXPIRES:_____.

_____ RESIDING IN_____ COUNTY.
NOTARY PUBLIC

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH)S.S.
County of Salt Lake

On the _____ day of _____ A.D., 20_____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that he/she is a _____ of _____, a Utah limited liability company, and is authorized to execute the foregoing Agreement in its behalf and that he/she executed it in such capacity.

MY COMMISSION EXPIRES:_____.

_____ RESIDING IN_____ COUNTY.
NOTARY PUBLIC

ROCKY MOUNTAIN POWER NOTE:
UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.

QUESTAR NOTE:
QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

DRAPER CITY WATER

APPROVED THIS _____ DAY OF _____, 20_____, BY THE DRAPER CITY WATER.

DRAPER CITY WATER

SHEET 1 OF 1

PROJECT NUMBER : 5388A
MANAGER : BP
DRAWN BY : KFW
CHECKED BY : PMH
DATE : 7/22/14

SURVEY RECORDING DATA

DATE:
_____.

DRAWING No.
_____.

WINDSOR MILL SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
DRAPER CITY, SALT LAKE COUNTY, UTAH

EASEMENT APPROVAL

CENTURYLINK	DATE
ROCKY MOUTAIN POWER	DATE
QUESTAR GAS CO.	DATE
COMCAST	DATE

SOUTH VALLEY SEWER DISTRICT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____, BY THE SOUTH VALLEY SEWER DISTRICT.

SOUTH VALLEY SEWER DISTRICT MANAGER

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____, BY THE DRAPER CITY PLANNING COMMISSION

CHAIR, DRAPER CITY PLANNING COMMISSION

SALT LAKE COUNTY HEALTH DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____, BY THE SALT LAKE COUNTY HEALTH DEPARTMENT.

SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEER APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____, BY THE DRAPER CITY ENGINEER.

DRAPER CITY ENGINEER

CITY MAYOR APPROVAL

PRESENTED TO THE MAYOR AND DRAPER CITY COUNCIL THIS _____ DAY OF _____ A.D.,20_____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: CLERK MAYOR

CITY ATTORNEY'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____, BY THE DRAPER CITY ATTORNEY

DRAPER CITY ATTORNEY

RECORDED #

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF : _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE$ DEPUTY SALT LAKE COUNTY RECORDER

P:\5388\Survey\Dwings\plat.dwg 7/22/2014 8:42:01 AM, farness

DRAPER CITY

Development Review Committee
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539

STAFF REPORT
July 18, 2014

To: Planning Commission
Business Date: July 31, 2014

From: Development Review Committee
Prepared by Dennis Workman, Planner II

Re: **Burns Property Zone Change**

Application No.:	140707-1425E
Applicant:	David Burns
Project Location:	1425 E. Tanburhan Ln.
Zoning:	RA1
Acreage:	1.59 acres
Request:	To rezone the property from RA1 to RA2

BACKGROUND
This application is a request for approval of a zoning map amendment for 1.59 acres located on a private lane at 12715 South where Relation Street transitions to Boulter Street. The applicant is requesting that the rezone be approved to allow for the property to be split into two new parcels. If the zone change is approved, the applicant will submit an application for minor subdivision. Since Tanburhan Lane is not in a subdivision plat, there will be no need to amend a plat.

ANALYSIS
General Plan and Zoning. The land use map of the General Plan calls for the Residential Low/Medium Density land use designation for the subject property. The RA2 zone is a preferred zoning classification for this land use designation. This category "includes areas of very large lot single-family neighborhoods and ranchettes." The property is currently zoned RA1, supporting approximately one dwelling unit per acre. The purpose of the RA1 and RA2 zones is to "*foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City's semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of animals and fowl*." RA1 zoning abuts the subject property on the north, west and east. The south side of Tanburhan Lane is zoned RA1 and R3.

Criteria For Approval. The criteria for review and potential approval of a zoning map amendment request is found in Sections 9-5-060(e) of the Draper City Municipal Code. This section sets forth the standard of review as follows:

(e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by

any one standard. However, in making an amendment, the City Council should consider the following factors:

(1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
(2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
(3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
(4) The extent to which the proposed amendment may adversely affect adjacent property; and
(5) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

As the proposed zoning of RA2 is listed as a preferred zoning category within the Low/Medium Density land use category, it is consistent with the general plan. Some of the goals, objectives and policies of the general plan are to:

a. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
b. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
c. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.

REVIEWS

Planning Review. The planning staff has completed their review of the zoning map amendment submission and has issued a recommendation for approval. Reasons for this recommendation are: 1) that the amendment would be harmonious with the neighborhood; 2) that there are no overlay zones in the area; 3) that creating two lots out of one should not adversely affect adjacent property; and 4) that there are adequate facilities to serve one more lot including roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Engineering Review. In a memo dated July 10, 2014, Todd Hammond with the Engineering Division states that he has no concerns with the rezone request.

Noticing. Noticing has been properly issued in the manner outlined in the city and state codes.

STAFF RECOMMENDATION

Staff recommends approval of the Burns Property rezone request by David Burns, application 140707-1425 E, based on the following findings:

1. That Section 9-5-060 of the DCMC allows for the amendment of the city's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, such as:
    a. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
    b. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.

c. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.

3. That all five findings for a zone change, as contained in 9-5-060(e) and outlined in this staff report, are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

MODEL MOTION

Sample Motion for a Positive Recommendation. "I move we forward a positive recommendation to the City Council regarding the Burns Property Zoning Map Amendment, as requested by David Burns, application 140707-1425E, based on the findings listed in the staff report dated July 18, 2014 and as modified by the following:"

1. List any additional findings.

Sample Motion for a Negative Recommendation. "I move we forward a negative recommendation to the City Council regarding the Burns Property Zoning Map Amendment, as requested by David Burns, application 140707-1425E, based on the following findings:"

1. List findings.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Engineering Division

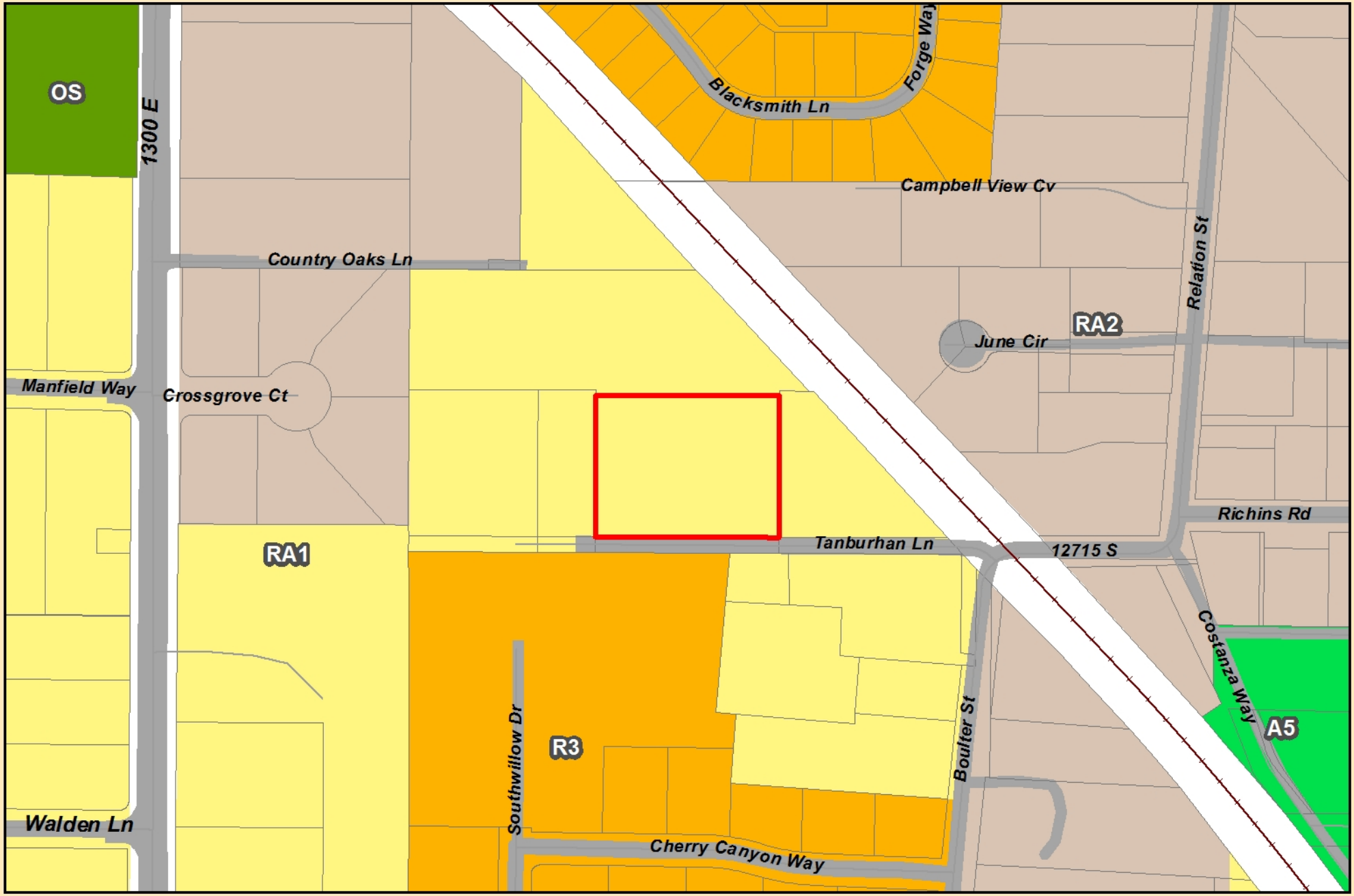
Draper City Building Division

Draper City Public Works Department

Draper City Planning Division

Unified Fire Authority

Draper City Legal Counsel



DRAPER CITY

Zoning Map for Burns Property Rezone

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W
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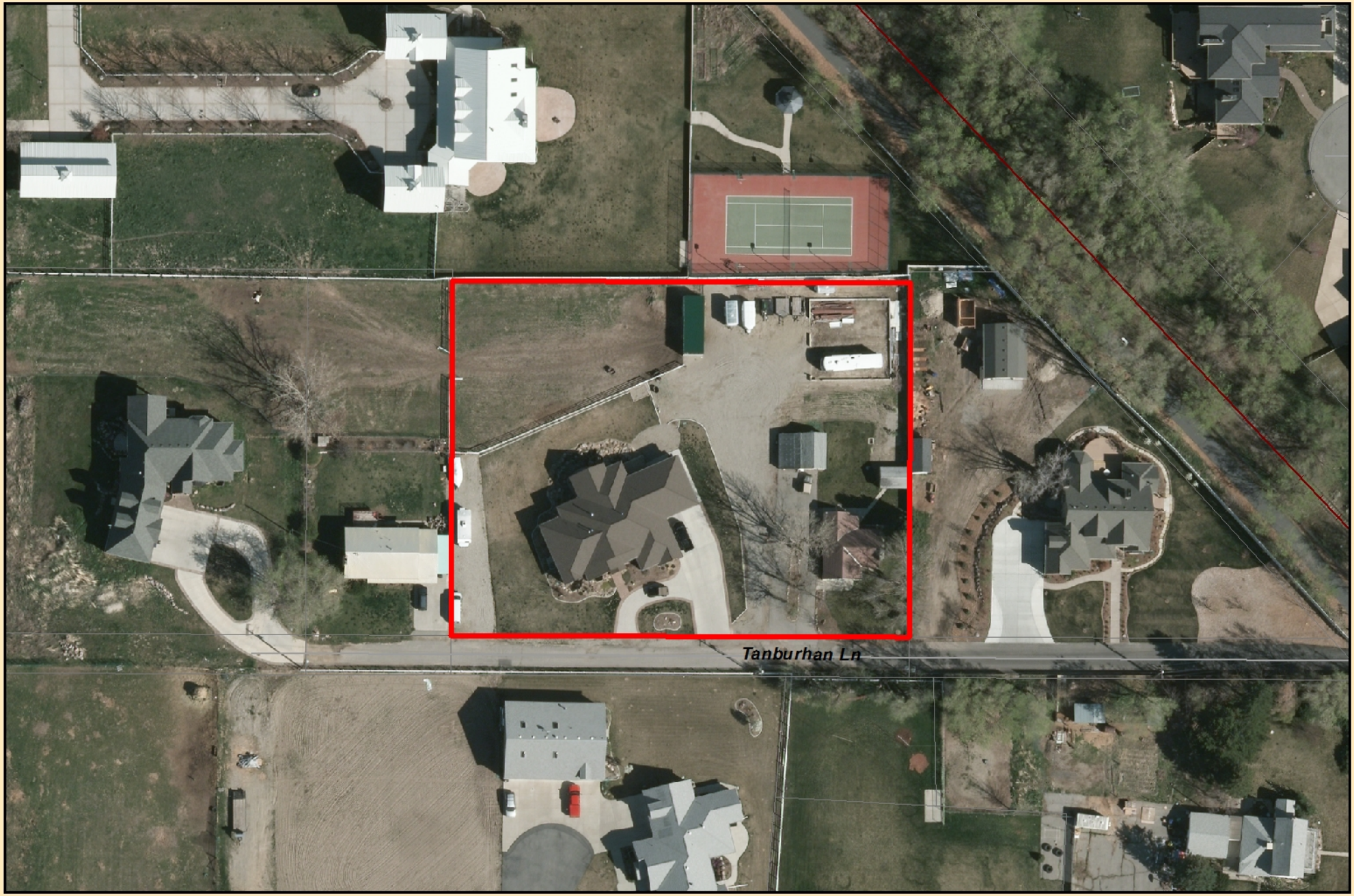
S



DRAPER CITY

Aerial Map for Burns Property Rezone

N
W
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S