

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, MAY 9, 2024 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Andrew Adams, Chair
Commission Member Susan Nixon
Commission Member Gary Ogden
Alternate Commission Member Christine Green
Alternate Commission Member Shivam Shah
Alternate Commission Member Laura Fidler

EXCUSED: Lisa Fowler, Vice-Chair
Commission Member Mary Squire
Commission Member Kendra Shirey

STAFF: Jennifer Jastremsky, Community Development Director
Todd Draper, Planning Manager
Brien Maxfield, Senior Engineering Manager
Todd Taylor, City Planner III
Maryann Pickering, City Planner III
Mike Barker, City Attorney

6:30 PM Business Meeting

Chair Andrew Adams called the meeting to order and welcomed those present.

1. Items for Commission Consideration.

A. Power Stitch, LLC Home Occupation Conditional Use Permit (Administrative Action).

On the request of Adriana Reyes, representing Leroy and Andrea Carter, a Request for a Home Occupation Conditional Use Permit for a Cottage Business on approximately 1.07 acres at 690 East 12100 South Known as Application 2023-4666-USE. Staff Contact: Todd Tayler, (801) 576-6510, todd.taylor@draperutah.gov.

City Planner III, Todd Taylor presented the Staff Report and displayed a Vicinity Map of the project site located roughly north of 12300 South and west of 700 East. An Aerial Map of the home was displayed. Mr. Taylor reported that the site is designated as Residential Low-Medium Density and primarily zoned RA-2 with a small portion of RA-1 in the rear. The request is for a Cottage Business making canvas and nylon bags. All work will be done in a shop in the home. The applicant is the only employee. Materials are retrieved from another location and brought to the home and finished products are returned to that location. Customers do not come to the home. The floor plan was presented as provided by the applicant and photos of the bags produced were presented.

The applicant, Adriana Reyes, was present and appreciated the Commission's consideration.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Nixon reported that the Commissioners each received an email from adjacent neighbors, Ralph and Marian Broderick. Community Development Director, Jennifer Jastremsky, reported that the letter was not received in time to be included in the Staff Report but will be made part of the record.

With regard to the number of employees, Mr. Taylor stated that City standards allow for one additional employee but that has not been requested by the applicants. Anything more would require further review by the Planning Commission.

Motion: Commissioner Ogden moved to APPROVE the Home Occupation Conditional Use Permit as requested by Adriana Reyes for Power Stitch, LLC Application 2023-4666-USE based on the following:

Finding:

1. **Reasonable mitigation measures are placed on the Conditional Use to alleviate anticipated detrimental effects.**

Conditions:

1. **That all requirements of the Draper City Engineering, Public Works, Building, Business Licensing, Planning, and Fire Divisions are satisfied throughout the operation of the business.**
2. **A Business License shall be obtained and maintained for the life of the business.**

Second: Commissioner Shah seconded the motion.

Vote: A roll call vote was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Ogden, Shah, Nixon, Green, and Fidler voted “Yes”. The motion passed unanimously.

B. Public Hearing: Vista 600 Phase 2 Subdivision Plat Amendment (Administrative Action).

On the Request of Eric Winters Representing Wasatch Residential Group, a Request for a Subdivision Plat Amendment to Reconfigure Three Existing lots in the Vista 600 Phase 2 Subdivision into four lots. The property is approximately 8.79 acres in size and is located in the TSD Zone. Known as Application 2023-4659-SUB. Staff Contact: Maryann Pickering, (801) 5766391 or maryann.pickering@draperutah.gov.

City Planner III, Maryann Pickering, presented the Staff Report and stated that the project is located near 600 West and Bangerter Highway. The Land Use Designation is Transit Station District and the zoning is TSD. The existing plat has already been recorded and the site is where the Reveal multi-family apartments are currently. The intent is to reconfigure the southern half of the site. The proposed plat was presented showing the building pads being eliminated with one large retail pad. Another will be multi-family and a hotel is proposed as well as a future gas station. Currently, staff

is reviewing the site plan for the retail, the residential, and the hotel. No application had been received for the gas station. Notice was sent and staff received no phone calls or emails.

The applicant, Adam Lankford, was present and available to answer questions. No questions were asked.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

Motion: Commissioner Nixon moved to APPROVE the Plat Amendment, as requested by Eric Winters of Wasatch Residential Group, Application 4023-4659-SUB based on the following:

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 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.

Second: Commissioner Fidler.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Nixon, Fidler, Ogden, Green, Shah voted “Yes.” The motion passed unanimously.

C. Public Hearing: Big Willow Phase 10- Subdivision Plat Amendment, Site Plan, and Deviation Request (Administrative Item).

On the Request of Ben Hansen Representing Ivory Homes, Requests for a Subdivision Plat Amendment to Create 55 Townhome lots, a Site Plan Application to develop townhomes, and a Sidewalk Deviation to allow sidewalk on only one side of a private street in the RM2 zone. The subject property is approximately 5.05 acres in size and is located at approximately 11491 South Engelmann Drive. Known as Applications 2023-4580, 2023-4634-SP and 2024-0046-VAR. Staff Contact: Maryann Pickering, (801) 576-6391 or maryann.pickering@draperutah.gov.

Ms. Pickering presented the Staff Report and stated that the project is located south of 11400 South and west of the FrontRunner line. It is part of the larger Ivory Homes Big Willow Creek Development. The Land Use Designation is Residential High-Density and the zoning is RM-2. There are three applications to be considered. The plat amendment creates 55 townhome lots. A Site Plan is required for multi-family development and an application has been submitted. Private roads are

proposed within the townhome development and a deviation was requested for the sidewalks on one side of the private street. The design and layout of the project are very similar to the other phases of the Big Willow Creek Project. The townhomes that are currently under construction have a similar design so there will be a continuous look upon completion. The Site Plan was presented to show the layout. The sidewalks are on one side of the street, however, as part of the development and how the townhomes have been designed, there is a lot of pedestrian connection between the units.

The Subdivision Plat was displayed. Ms. Pickering explained that there is a large parcel that is part of the project that is governed by the Utah Department of Transportation (“UDOT”). The intent is to plant natural vegetation there. The Landscaping Plan was presented. On the northern half of the site, they have been able to get two street trees in front of every unit. They are columnar trees that meet Code. The Landscaping Plan was found to meet all of the City’s new landscaping standards that were adopted last year. The elevations were presented and found to meet the minimum for the material requirements. Proper notice was sent and staff received no phone calls or emails.

Chair Adams clarified that the only deviation is for the sidewalks. With regard to the depth of the driveways, Ms. Pickering reported that they are all 20 feet and comply with Code.

In response to a question raised by Commissioner Green, Ms. Pickering confirmed that the sidewalks that are to be installed will be six feet wide rather than five.

The applicant, Ben Hansen, was present. (He was off-mic and many of his comments were inaudible.) He indicated that the homes would be alley loaded and front the public streets. He noted other phases were of the overall project were currently under construction. In response to a question raised about the type of units, he indicated that this is a new product Ivory is offering in this area.

Chair Adams opened the public hearing.

Catharina Affleck: She mentioned that she lives in the project and was not informed when they purchased a townhome, that townhomes would be built in the area. She wanted to know if 55 units was the same as was approved years ago. She wanted to know if the units would be sold or rented, and what parking restrictions would be put in place.

There were no further public comments. The public hearing was closed.

Chair Adams reported that 55 units are what was requested. He asked staff what the original number of units was requested. Ms. Pickering stated that the Development Agreement included 74 units. Ms. Jastremsky explained that the Development Agreement approved an overall number and allowed the applicant to include a mix of single-family and townhomes. 74 townhome units were proposed with the remainder being single-family. Ultimately, the developer will build the allowed number of units.

Mr. Hansen discussed the proposal. (Many of his comments were made off-mic and were inaudible.) He indicated that 141 units were approved in a larger area and that they have reduced the numbers in some areas as different products have been utilized. He indicated that Engelmann Drive was a public road and parking was a city issue. If there are problems with the contractors to let him know and they will work with them. Rental and for-sale townhome units will be available.

Commissioners raised questions regarding the rental of units and if this was new to Ivory. Mr. Hansen indicated that it was new and they had been doing it for the past year or two.

Motion: Commissioner Shah moved to APPROVE the Subdivision Plat Amendment as requested by Ben Hansen representing Ivory Development for Big Willow Creek Phase 10 Plat Amendment Application 2023-4580-SUB based on the following:

Finding:

1. There is good cause for the vacation or amendment; and no public street, right-of-way, or easement has been vacated or amended.

Second: Commissioner Ogden.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Shah, Ogden, Fidler, Green, and Nixon voted “Yes.” The motion passed unanimously.

Motion: Commissioner Shah moved to APPROVE the Site Plan as requested by Ben Hansen representing Ivory Development for Big Willow Creek Phase 10 Site Plan Application 2023-4634-SP based on the following:

Findings:

1. The site plan conforms to applicable standards set forth in this title, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.
2. The second sidewalk or portion of the sidewalk does not provide pedestrian connectivity to any units or amenities.
3. Ample pedestrian circulation has been provided.
4. The purpose and intent of the development standards set forth in DCMC Chapter 9- 32 are met.
5. The second sidewalk or portion thereof is unnecessary and/or undesirable.
6. The proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the zoning district in which the site is located.
7. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.

8. The proposed development plans comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of this code, including traffic, stormwater drainage, and utilities concerns.

Second: Commissioner Nixon.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Shah, Nixon, Green, Fidler, and Ogden voted “Yes.” The motion passed unanimously.

Motion: Commissioner Nixon moved to APPROVE the Sidewalk Deviation requested by Ben Hansen representing Ivory Development for Big Willow Creek Phase 10 Sidewalk Deviation Application 2024-0046-VAR based on the following:

Findings:

1. The second sidewalk or portion of the sidewalk does provide pedestrian connectivity to any units or amenities.
2. Ample pedestrian circulation has been provided.
3. The purpose and intent of the development standards set forth in this chapter are met.
4. The second sidewalk or portion thereof is unnecessary and/or undesirable.

Second: Commissioner Ogden.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Nixon, Ogden, Fidler, Green, and Shah voted “Yes.” The motion passed unanimously.

D. Public Hearing: Big Willow Phase 9 Subdivision Plat Amendment (Administrative Action).

On the Request of Ben Hansen of Ivory Homes, a Request to Amend a portion of the existing Big Willow Phase 6 Subdivision Plat to create the Big Willow Phase 9 Subdivision Plat with 32 Single-Family Residential Lots. The subject property is approximately 6.09 acres in size and is located at approximately 11491 South Engelmann Drive. Known as Application 2024-0026-MA. Staff Contact: Maryann Pickering, (801) 576-6391 or maryann.pickering@draperutah.gov.

Ms. Pickering presented the Staff report and stated that this is the same area as the previous request and is located south of 11400 South and near the FrontRunner Station. The subject property is on the west side of Englemann Drive. The Land Use Designation is Residential Medium-Density. The zoning is primarily R-4 with some slivers of R-3 along the back. The request is the Plat Amendment just for the 32 single-family lots. A Site Plan is not required when applicants request single-family homes. Because all of the streets will be public, the minimum Code standard has been met. The

proposed plat was displayed showing lots in a couple different configurations. There are a variety of lot sizes with the larger homes along the edges and the smaller ones along the interior streets. Proper notice was sent, and staff received no phone calls or emails.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

Motion: Commissioner Ogden moved to APPROVE the Subdivision Plat Amendment as requested by Ben Hansen representing Ivory Development for Big Willow Creek Phase 9 Plat Amendment Application 2023-0026-SUB based on the following:

Finding:

1. There is good cause for the amendment, and no public street or municipal utility easement will be vacated or amended.

Requirements:

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. All requirements of the Geotechnical Report are satisfied throughout the development of the site and the construction of all buildings on the site.
3. If the plat amendment is not recorded within one (1) year from the date of approval or construction of the required landscaping and infrastructure has not commenced, such approval shall be null and void. This time period may be extended by the Planning Commission for up to one additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original one (1) year. See DCMC Section 17-9-070.
4. The developer must provide a drainage report including detention, orifice, and pipe sizing calculations per 17-3-030(C)(9) and 17-3-030(F). The drainage report must meet the requirements of the City of Draper Drainage Design Criteria. LID (Low-Impact Development) BMPs are required in the overall drainage design. The report must be stamped and signed by a P.E. registered in Utah.
5. The location of Clear View Triangles, per DCMC 9-27-080(F), for corner lots must be included on the Final Plat.
6. Amend the plat to rename the typical shown to public utility easement details and not setback details shown.

Second: Commissioner Fidler.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Ogden, Fidler, Green, Nixon, and Shah voted “Yes.” The motion passed unanimously.

E. Public Hearing: Urbana-Land Use Map Amendment, Zoning Map Amendment, and Development Agreement Requests (Legislative Action).

On the Request of Jacob Ballstaedt Representing Garbett Homes, and property owner Salt Lake ANUSA, LLC, a Request for Approval of a 1) Development Agreement to approve a specific concept plan, 2) a Land Use Map Amendment from the Community Commercial to High-Density Residential land use designation, and 3) a Zoning Map Amendment from the A2 (Agricultural) to the RM2 (Multiple Family) zoning designation. The subject property is approximately 3.85 acres in size and is located at approximately 285 W. River Chapel Road. Known as Applications 2024-0006MA, 2024-0008-MA and 2024-0035-DA. Staff contact: Maryann Pickering, (801) 576-6391 or maryann.pickering@draperutah.gov.

Ms. Pickering presented the Staff Report and presented the Vicinity Map. The property is next to the FrontRunner line south of 11400 South and immediately west of Lone Peak Parkway. The site is about 3.82 acres in size. Previously there was a proposed townhome development on the site that was denied by the City Council. This is a subsequent application. The Land Use Designation is Community Commercial and the zoning is A-2 Agricultural. The application would change the Land Use Amendment from Community Commercial to Residential High-Density and rezone from A-2 to RM-2. The applicant has also submitted a Development Agreement to allow lots that are smaller than are required by the RM-2 zone. However, they intend to only build 30 single-family residences on the property. Therefore, the resulting density should the Development Agreement be approved, would be 7.6 dwelling units per acre. The RM-2 allows up to 12 units per acre, which would be substantially less than what would normally be allowed in the zone. The project will have private roads and the applicant is not proposing any changes to development standards as part of the Development Agreement. They would still meet all setback and height requirements.

Staff has worked with the applicant on the Concept Plan who understands that 20-foot driveways are required. There would be one access off River Chapel and a loop road. There will be no access to Lone Peak Parkway based on comments from the City Engineer. The request was found to meet the standards per the Fire Marshal. Proper notice was sent and staff received no phone calls or emails.

In response to a question raised, Ms. Pickering explained that the Fire Marshal typically does not provide comments with zoning. He looks at them and comments during the subdivision phase. Wider roads were proposed as well as the loop road to meet those standards.

With regard to a comment made regarding the desired level of detail, Ms. Pickering stated that it is not part of the Development Agreement. Once the subdivision is applied for the request will come to the Planning Commission for approval as a Preliminary Plat. At that time, they will look at the standards for road widths and sight triangles, and ensure that the driveways are 20 feet. As part of the concept plan, the applicant has shown that they can meet those standards.

The applicant, Jacob Ballstaedt was present. He was off-mic and his comments were inaudible.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

Chair Adams commented that there will be no access onto Lone Peak Parkway, which is significant based on the number of schools nearby. Commissioner Nixon agreed and stated that it also makes for a good transition between single-family residential to the south and commercial to the north.

Motion: Commissioner Nixon moved to forward a POSITIVE recommendation to the City Council for the Development Agreement as requested by Jacob Ballstaedt from Garbett Homes representing Salt Lake ANUSA, LLC for the Urbana Development, Application 2024-0035-DA based on the following:

Findings:

1. The proposed Development Agreement complies with DCMC Section 9-5-200(C) and (D).

Second: Commissioner Ogden.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Nixon, Ogden, Fidler, Green, and Shah voted “Yes.” The motion passed unanimously.

Motion: Commissioner Nixon moved to forward a POSITIVE recommendation to the City Council for the Land Use Map Amendment as requested by Jacob Ballstaedt from Garbett Homes representing Salt Lake ANUSA, LLC for the Urbana Development, Application 2024-0008-MA based on the following:

Findings:

1. The proposed land use map amendment is consistent with the goals, objectives, and policies of the City's General Plan.
2. The proposed land use map amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed land use map amendment will not adversely affect adjacent property.
4. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection.

5. The proposed land use map amendment complies with DCMC Section 9-2-020(F).
6. The legislative body may adopt any amendment to the general plan land use map that the legislative body considers appropriate.

Second: Commissioner Ogden.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Nixon, Ogden, Fidler, Green, and Shah voted “Yes.” The motion passed unanimously.

Motion: Commissioner Ogden moved to forward a POSITIVE recommendation to the City Council for the Zoning Map Amendment as requested by Jacob Ballstaedt of Garbett Homes representing Salt Lake ANUSA, LLC for the Urbana Development, Application 2024-0006-MA based on the following:

Findings:

1. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the City's General Plan.
2. The proposed zoning map amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed zoning map amendment is consistent with the standards of any applicable overlay zone.
4. The proposed zoning map amendment will not adversely affect the adjacent property.
5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Second: Commissioner Fidler.

Vote: A roll call was taken with the Commissioners voting 5-to-0 in favor of the motion. Commissioners Ogden, Fidler, Green, Nixon, and Shah voted “Yes.” The motion passed unanimously.

2. Adjournment.

Motion: Commissioner Ogden moved to ADJOURN.

Vote: The motion passed with the unanimous consent of the Commission.

The meeting adjourned at 7:19 PM.