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, August 14, 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 July 10, 2014 and July 31, 2014 Planning Commission meetings.

2. **Action Item:** On the request of Ryan Bybee of Cadence Homes for approval of a Plat Amendment changing the front garage setback from 25 feet to 20 feet on the Rockwell Estates subdivision plat. This application is otherwise known as the ***Rockwell Estates Plat Amendment Request***, Application #140715-553E. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

3. **Public Hearing:** On the request of Pete Simmons, representing Verizon Wireless for approval of a Conditional Use Permit (CUP) on 3.88 acres in the M1 (Manufacturing) zone to allow installation of an 90-foot monopole at 15101 S. Minuteman Drive. The application is otherwise known as the ***Sal Sand Jump Conditional Use Permit Request,*** Application #140715-15101S. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

4. **Public Hearing:** On the request of Emily Carruth Fuller for approval of a Home Occupation Conditional Use Permit (CUP) on approximately 0.33 acres in the R3 (Residential) zone at 12956 South Brook Haven Cove to allow art instruction classes in the home. The application is otherwise known as the ***Fine Art Studio and Classes Home Occupation Conditional Use Permit Request***, Application #140715-12956S. Staff contact is Dan Boles at 801-576-6335 or email Dan.Boles@draper.ut.us.

5. **Public Hearing:** On the request of Brian Davis for approval of a Site Plan in the CC (Community Commercial) zone to allow construction of an office building on 2.17 acre site at 13867 S. Bangerter Parkway. The application is otherwise known as the ***Draper Warehouse Site Plan Request,*** Application #140709-13867S. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

6. **Public Hearing:** On the request of Matt Lepire for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to RA2 (Residential Agricultural) on approximately 2.33 acres at 13322 South 1300 East. The application is otherwise known as the ***Bechard Estates Zone Change Request,*** Application #140718-13322S. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

7. **Public Hearing:** On the request of Matt Lepire for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to RA2 (Residential Agricultural) on approximately 5.5 acres at 13000 South 1300 East. The application is otherwise known as the ***Dun Roamin Estates Zone Change Request,*** Application #140718-13000S. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

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

9. **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, the Deputy City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held **Thursday, August 14, 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

Angie Olsen, CMC, Deputy 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, JULY 10, 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:	Vice-Chairperson Jeff Head, Planning Commissioners Andrew Adams, Traci Gundersen, Craig Hawker, Scott McDonald, and Kent Player
ABSENT:	Chairperson Leslie Johnson and Commissioner Drew Gilliland
STAFF PRESENT:	Keith Morey, Dan Boles, Jennifer Jastremsky, Robert Markle, and Angie Olsen
ALSO PRESENT:	Roll on File

Study Meeting:

6:11:16 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.*

6:19:41 PM
5.0 **Staff Reports:** Community Development Director Keith Morey provided a report regarding the recent action items of the City Council.

Business Meeting:

Vice-Chairperson Head explained the rules of public hearings and called the meeting to order at 6:32:07 PM.

Business Meeting:

6:32:56 PM
1.0 **Public Hearing: On the request of Mary White for approval of a Home Occupation Conditional Use (CUP) Permit on approximately 0.23 acres in the RM1 (Residential Multi-Family) zone at 12119 S Galena Grove Way. The application is otherwise known as the *Mary Ellen Home Arts Occupation Conditional Use Permit Request*, Application #140617-12119S.**

6:33:26 PM

1.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated July 1, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He indicated this application is a request for approval of a Home Occupation Conditional Use Permit at a home located in the new Galena Grove subdivision; the home is located at 12119 South Galena Grove Way and the subject property is zoned RM1 Residential. He noted the applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow her to provide art instruction in her home. He reviewed an aerial photograph of the area to identify the location of the subject property and reviewed the layout of the subject property and the manner in which the home is situated on the property; he referenced parking areas and the front entrance of the home. He explained the applicant just moved into the new home and plans to use a single room in the home for art classes; according to the application materials the applicant anticipates clients coming to the home on a fairly sporadic basis, but will primarily see them on a one-on-one or one-on-two basis. He noted that the application complies with the requirements of the Draper City Municipal Code (DCMC) and concluded staff recommends approval based on the findings and subject to the conditions listed in the staff report.

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1.2 Applicant's Presentation: Mary White stated she enjoys art very much and would like to teach people to enjoy it as she does.

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1.3 Commissioner Hawker asked if the art classes will geared towards a specific age group. Ms. White stated she will teach students of all ages; her youngest student to date was five years old and her oldest 89 years of age. Commissioner Hawker inquired as to the hours of operation for the home occupation. Ms. White stated that her hours will vary depending on the needs of her students; she will accommodate her students' work or school schedules.

6:37:25 PM

1.4 Commissioner Player stated he likes the idea, but noted that home occupations must not disturb neighbors. He asked Ms. White to encourage her students to help her lessen the impact on the neighborhood by parking in her driveway rather than on the street in front of her home.

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1.5 Commissioner McDonald asked how often Ms. White will host group classes and how many people would attend a group class. Ms. White stated the number of students fluctuates in a group class, but most students have a once weekly class.

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1.6 Commissioner Hawker asked if the home occupation involves pottery or kilns, to which Ms. White answered no.

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1.7 Vice-Chairperson Head opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

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1.8 **Motion:** Commissioner Adams moved to approve the Home Occupation Conditional Use Permit Request by Mary White, application 140617-12119S, based on the findings and subject to the conditions listed in the Staff Report dated July 1, 2014. Commissioner Player seconded the motion.

Conditions:

1. That all requirements of the Unified Fire Authority and Draper City Building Official are satisfied throughout the operation of the home occupation on the property.
2. That no parking associated with or caused by the proposed home occupation be located within any public right-of-way.
3. That the home occupation continually maintains a valid Draper City Business License throughout its operation.
4. That the proposed home occupation is required to maintain approval and adequate licensure from any and all State agencies prior to receiving a business license.

Findings:

1. The proposed home occupation meets 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. encouraging and supporting a diversity of businesses; and
    d. encouraging a diverse array of goods and services being provided for consumers.
2. The proposed home occupation meets the requirements and provisions of the Draper City Municipal Code.
3. The proposed home occupation will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed home occupation will not alter the general aesthetic and physical development of the area.
5. The proposed home occupation requires no utility or public services beyond that which the residence already requires, thereby safeguarding and ensuring the adequacy of utilities in the area.

Findings continued to the next page.

Findings:

6. The subject property is well suited to accommodate the addition of the proposed home occupation.
7. The proposed home occupation will not emit noxious or offensive emissions such as noise, glare, dust, pollutants, and odor.

6:40:14 PM

1.9 **Vote:** A roll call vote was taken with Commissioners Gundersen, Head, Adams, Hawker, and McDonald voting in favor of approving the application.

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2.0 **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 (Residential) on approximately 36.95 acres at approximately 11580 South 700 West. The application is otherwise known as the *Osborne Farm Zone Change Request,* Application #140604-11580S.**

6:41:10 PM

2.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated July 1, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He noted this application is a request for approval of a Zoning Map Amendment for approximately 36.95 acres located on the west side of 700 West, at approximately 11580 South; the property is currently zoned A5 (agricultural) and RA1 (single-family residential). He stated there has been a slight misunderstanding relative to the boundary of the subject property and he used the aid of an aerial photograph to highlight the actual boundary of the property. He reviewed the General Plan for the area and stated that it calls for low and medium density residential development, which would be supported in the RA1 or RA 2 zones of the City, but not in the R3 zoning designation. He identified the sensitive river overlay zone in the land use map of the General Plan and stated there are no requirements for that section of land, but there are zoning requirements relative to the overlay zone. He then reviewed the overall General Plan land use map for the 700 West Corridor from 12300 South to 11400 South; the sensitive river overlay zone extends the entire length of the corridor. He reviewed nearby developments and highlighted lot sizes in those developments, noting one development has lot sizes comparable to what the applicant is requesting. He stated roughly two-thirds of the subject property is currently zoned A5, while the other one-third is zoned RA1. He stated the applicant is not proposing to change the General Plan map and there is nothing in DCMC ordinance or State law that requires the zoning map and General Plan map to mirror one another; the General Plan is a guiding tool and approval of the rezone and amendment to the Zoning Map would not create any violation of ordinance or law. He then reviewed Section 9-19 of DCMC dealing with geological hazards and noted that if the application is approved the application would be required to test for liquefaction in additional to completing geotechnical investigation required for a subdivision. He noted there is a 100 year floodplain zone in the area as well and any flooding issues would need to be mitigated in association with the development.

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2.2 Commissioner Hawker asked Mr. Boles to identify the location of the subject property in proximity to the sensitive river overlay zone and the 100-year floodplain zone. Mr. Boles did so using the aid of a slide in his PowerPoint presentation. He noted the City has received many letters from nearby residents and some have shared the sentiment that the proposed development is not appropriate for the area; others have offered support for the development. He stated staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

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2.3 Commissioner Player questioned what impact the proposed development would have on the lots facing 700 West. Mr. Boles stated the zoning of those lots would be changed; he reviewed the differences between the RA2 and R3 zoning designations of the City, focusing on animal allowances and minimum lot sizes. Commissioner Player asked if the developer would be required to install sidewalk, curb, and gutter along 700 West, to which Mr. Boles stated the improvements will be required if the property is included in the subdivision; if not included in the subdivision, the only thing that will change for the lots on 700 West is the zoning designation.

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2.4 Applicant's Presentation: Derek Wright stated he is excited about the vision for the subject property; his company builds homes and they have no intent to purchase and 'flip' the ground for someone else to develop. His company has a vested interest in the long-term success of the property. He has built many homes in Draper over the past 20 years and is excited about the project. He then reviewed renderings to provide an indication of his overall vision for the developer. He noted he has sent letters to nearby property owners and neighbors to invite them to meet with him and talk about the project and some took advantage of that opportunity. He noted the Osbornes, current owners of the property, intend to keep a two-acre parcel fronting 700 West for use as their own property and home.

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2.5 Vice-Chairperson Head inquired as to what will happen to the existing home on the northeast corner of the property. Mr. Wright stated it will be demolished, as will other buildings currently located on the property; the only home that will remain is the newer home that fronts 700 West. He then used the aid of a PowerPoint presentation to summarize his application and development proposal, with a focus on the reasons that he as requested the R3 zoning designation for the subject property. He reviewed photographs of the property taken from different viewpoints to illustrate the geographical features and the relationship between the property and adjoining properties. He then reviewed a draft concept plan for the project with a design that would be permitted in the R3 zoning designation. He noted the river and nearby pathway is an amenity for the area and he is anxious to include it in the project; he feels his development would actually enhance the pathway by providing additional connections and natural habitats. He noted some have expressed their

concern that the project would be a 'cookie-cutter' subdivision, but that is not the case and his company has built many of the custom homes in the City. He reviewed photos of the types of homes his company has built in the City and noted they range in size from 4,500 to 6,500 square feet and sell for $500,000 to $600,000. He reviewed a rendering of a 5,000 square foot home and explained how it would fit on the size of lot he is requesting for this project; his proposal is to yield 2.26 units per acre, which is only .26 units more than allowed according to the current land use designation for the site. He indicated that translates to one additional home for every four acres; the total number of homes in the project would be 79 at the most and that is actually a reasonably low density. He stated that he feels his project will enhance values of other properties in the area rather than detract from the neighborhood.

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2.6 Commissioner Gundersen inquired as to the difference in the number of homes that would be permitted in the RA2 zone compared to the R3 zone. Mr. Wright stated that he has not prepared a play with the RA2 in mind. Commissioner Gundersen stated it sounds as if the difference would be fairly minor. Mr. Wright stated that the current zoning designation would permit two units per acre and the point he is making is that the development he would like to construct on the property would yield 2.26 lots per acre. He reiterated he is not asking for approval of a high density development.

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2.7 Commissioner Hawker stated that Mr. Wright mentioned that he met with neighbors in the area and he asked if the setting was a cottage meeting or individual meetings with other property owners. Mr. Wright stated that he had individual meetings with some neighbors and spoke over the phone with other property owners. He stated there are many property owners that did not take advantage of the opportunity to meet. He noted that those that he met with were provided with a copy of the draft plat for the project.

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2.8 Vice-Chairperson Head opened the public hearing. He advised the public that the Planning Commission is only considering the zone change this evening and the site plan presented by Mr. Wright will not be voted upon tonight. He then expressed his expectations relative to the conduct during the public hearing, noting there were several letters submitted to the City and he hopes that some of the things stated in those letters are not spoken during the public hearing, namely the accusations or insinuations that City staff is 'in the pocket' of the developer or that gross mistakes have been made displaying staff incompetency. He stated that those comments are out of line and he does not want to hear those comments this evening. He indicated Draper City staff is a very competent and professional staff and they are paid to plan the City of Draper in a manner that would be pleasing to the residents. He acknowledged one mistake was made during the original staff report relative to the

zoning designation the developer is requesting, but that mistake was caught and corrected immediately. He asked that the residents in attendance remain civil in their comments.

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2.9 Bonney Thom thanked the previous Planning Commission for their support of the community; the current Planning Commissioners' predecessors listened to the concerns of the residents and voted against a rezone request for the soccer stadium and instead planned for homes near 11400 South and 700 West. She stated the City Council chose to ignore those suggestions and the residents are now asking that if the Planning Commission votes the way the residents would like regarding this issue that they send an even stronger message to the City Council explaining the residents' very real concerns regarding what the residents consider overdevelopment of the area. She indicated 79 additional homes in the area is too many and she highlighted the health link associated with the increased pollution level in the area caused by overpopulation. She stated developers are eager to cash in on more homes and cities face a difficult decision between quality of life for citizens or increasing property tax revenue. She stated that no single home is a giant polluter, but small polluters add up rapidly and more than 25 percent of Utah's air pollution is linked to homes and buildings. She noted Draper City used to be a clean space where people retired or brought their families and, sadly, the City has now joined other cities with very little green space and high density development. The pollution in the area is up to four times more toxic than what is considered safe; Utah has the highest rate of autism spectrum disorders in the country and a national study has shown a link between air pollution and autism and as an educator she has seen the impact of autism on children.

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2.10 Kris Burns McAdams stated she agrees with Ms. Thom and would conclude reading the message Ms. Thom had prepared. She referenced additional health conditions that can be caused by pollution and noted pollution caused conditions should be considered a public health emergency; air pollution is increasing rather than declining and green spaces help mediate and adapt to climate change by improving air quality. She asked that the Planning Commission only allow zoning that would permit less dense developments or green space and parks. She then noted she moved to the area because of what Draper City was at the time and for the green space and open space around her property. She stated that she has many animals around her home and she has the opportunity to see wildlife every day; she is fearful of developments that will eliminate the rural feel of the City.

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2.11 Kelly McAdams stated he purchased a home in his current neighborhood in 2010 because the area was designated as agricultural and rural horse property; before he bought his acre lot he checked with Draper City to ensure the General Plan had been established and that future lot sizes in the area would be no less than a half-

acre in size and that greenbelt areas would also be required. He also spoke to neighbors in the area and they had attended many meetings with the Planning Department in the past and it was very clear that half-acre size parcels were called for in the General Plan and smaller parcels were no longer an option for future developments. He stated he felt he understood the plan for the area and since 2010 he has made many significant improvements to his home and property based upon what he was told by City officials. He noted open space and low density developments are somewhat rare in Salt Lake Valley and pollution and congestion and real problems in the area; increasing housing density will only make these issues worse. He stated that just because most citizens are complacent or uninformed or their voices are not being heard tonight, that does not mean that they would want the open spaces to disappear or would be in support of a General Plan amendment to permit higher density. He stated it is disturbing to him that City officials seem so willing to alter the General Plan to please developers and land owners; high density will allow developers to 'cash in' and afterwards move away as the City becomes permanently degraded. He stated he is not opposed to subdividing as long as it complies with the established General Plan and it seems logical to him that landowners and developers should be forced to comply with density regulations approved in the General Plan and local residents should not have to worry that officials will alter the General Plan so that few can benefit financially while the last of the open spaces disappear. He stated he hopes the Planning Commission does not consider approving the proposal.

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2.12 Michael Tynan stated he purchased his home in February 2014 directly east of the property on 700 West; he and his family chose the property because of the rural setting. He voiced his opposition to the proposed rezone as it is not conducive with the immediate area; the R3 zoning allows for minimum lot sizes of 13,000 square feet, while the immediate area has lot sizes in excess of 21,780 feet or larger. He stated Mr. Wright mentioned there are smaller lots within two blocks of the subject property but he indicated he has no idea where those area. He is also opposed to the rezoning due to the potential hazards associated with access to the subject property; in looking at the project, the only way to access the project would be from 11400 South and there is already great congestion on that road. He stated he feels the development will compound congestion problems and increase accidents in the area. He noted that in reviewing the economics of the proposed project he found the only parties that will benefit are the current property owners, Mr. Wright, and the City of Draper through the increased in property tax revenue; current residents will be faced with increased traffic and the possibility of reduced home values. He asked that the Planning Commission review the land use and development code for Draper City, Section 9-10-080F(c) & (h) and Section 9-10-080I2(a) & (b) before making their decision. He stated that the City may call the proposed development progress, but in the opinion of the existing residents the project will cause the elimination of a way of life that they paid a premium for when moving to the area.

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2.13 Jan Sharp stated she lives on two acres and has three horses on her property; she moved there for the rural feel and for the open space. She is concerned about the proposal for smaller lot sizes and that the lots will abut the parkway, which will eliminate open space around the parkway. She stated she is opposed to the project because she prefers half-acre and full-acre lots to preserve more open space. She stated that she is concerned about horses in the area and the fact that increased traffic in the area will make it unsafe for horse owners to ride their horses to the trail access points. She stated half-acre and full-acre lots on 700 West would lessen the impact that will be felt by existing residents.

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2.14 Doug Thom stated he and his wife own a home on the east side of 700 West. He requested that the proposed rezoning be temporarily denied by the Planning Commission, due to the following: noticing errors relative to the project which caused difficulty in preparing statements regarding opposition to the project; incorrect maps distributed regarding the proposed rezoning; lack of information available to existing residents regarding the project. He stated he feels the most prudent and professional action at this point in time would be to verify all information and disseminate correct information before addressing the rezoning request; this would allow citizens to make viable comments and the Commission will have the opportunity to make a decision based upon reliable and accurate information.

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2.15 Donald Kruppa stated he lives adjacent to the subject property and he feels the higher density being requested will adversely affect adjacent properties by eliminating rural lifestyle. He stated past City officials have noted that major blocks of prime agriculture land must be protected from conflicting uses and the natural integrity of open spaces must be maintained with the development of patterns of land uses in a sensitive place along the designated area of neighborhoods. He added most residents along 700 West use flood irrigation to water their properties and he did not see that issue addressed in the staff report though there will be problems due to the flow of water on 700 West to the subject property. He concluded that he feels deviating from the goals and objectives of the current General Plan discredits and dishonors the General Plan and the planning process in the City of Draper; the Plan is as pertinent today as it was 10 years ago when it was put in place.

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2.16 Robyn Kruppa stated she lives on 1.25 acres and they have large animals and organic farms on their property; this project would be very disturbing to her property because she had expected that she would be protected from high density development due to the City's General Plan. She stated she would like to address the developer's idea that he should be allowed to create third-acre lots because there

is another parcel of property nearby with the R3 zoning designation; the residents of the area discussed the zoning of the property referenced by the developer and it was assigned a RM1 zoning designation to offer flexibility for the 11400 South expansion project and that is the only reason that zoning was allowed in the area. She stated to date there are no R3 properties in the area; the RM1 zone was allowed as a buffer between to different uses and it has medium density development upon it. She added the General Plan calls for low density development of zero to two units per acre with an overall target density of 1.5 units per acre for the subject property. She stated there are some parts of the property that have slopes, sensitive river overlay zoning, floodplains, or liquefaction and that is the reason the target density is so low. She asked that the Planning Commission follow the General Plan and deny the rezone request.

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2.17 Nick Brightly stated he has many concerns about high density development on the subject property; he lives on 700 West and traffic there has greatly increased because of the soccer stadium in the area. He stated he understands the Jensen Farm and Osborne property will eventually be developed and those two developments will increase congestion on 700 West. He acknowledged plans to widen 700 West to three lanes in the future and there are some areas that are not wide enough for three lanes. He stated he is very concerned about traffic and noted 700 West was not built to accommodate the current or future traffic levels.

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2.18 Judy Player stated she lives in the subdivision north of the Osborne property and she lives on a one-acre lot. She stated of all nine lots in her subdivision only one person has horses and the rest feel their acre lots are too big. She stated more people do not want so much property and according to what Mr. Wright said third-acre lots would work well and the development would actually include lots larger than a third-acre in size. She added that she loves to see the open property and the wildlife, but the property is privately owned and the people that live there should have always understood that it would eventually be subdivided. She stated many people fought against the subdivision she lives in, but eventually it becomes necessary to accept development as a fact of life. She noted she believes the biggest concern of residents in the area of the subject property is traffic and the ability of 700 West to accommodate the property. She added she would prefer that the property remain open, but she knows that is not an option and she would appreciate seeing nice, big homes on the property.

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2.19 Randy Osborne stated he has been associated with the subject property his entire life. He has offered his family the opportunity to build their homes on the property, but in order to accomplish that it is necessary to subdivide. He stated that his family wants to keep the property sacred and holy and have something nice and good on the property. He stated his grandparents and great grandparents worked for

the property and they even owned the ground that most of the existing residents purchased and built their homes upon and his family did not fight them; however, his family has been sued over flies, manure, and noise associated with his property. He stated he now wants to develop something that his kids can build upon and maintain his family's heritage and he asked that the Planning Commission approve the rezone request so that he can move forward.

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2.20 Lynette Tynan stated she moved to Draper six months ago and looked at 40 or 50 houses before moving here. She wanted a place that would afford her children space to run and jump; she moved from Iowa from a small lot where her kids never played outside, but now she has outdoor space for them and they are near a creek and it is a great rural community for them that is safe. She stated she is worried about traffic on 700 West; her kids walk on the street and there are other kids there all the time. She stated the road currently lacks sidewalks and more cars on the road will increase the dangers for the children in the area. She stated she has lived on a third-acre lot in the past and it is not enough space for children. She added there is no other place one can find the space for their families and homes and she would like to maintain the rural setting of the area. She asked that the Planning Commission consider the concerns that have been expressed this evening and work towards smart development for the entire area.

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2.21 Darrin Jensen echoed Ms. Player's comments; he noted that current lifestyles are not conducive to large lot ownership. He stated people do not take care of large lots for many reasons and he does not want to see a development like the one on 10600 South and 1300 East; it was horse property and open space and the half-acre lots there have turned into a very unsightly mess. He stated he would like for the Planning Commission to consider third-acre lots; people that move to those lots can afford them and have a mission in life as far as raising a family. He stated third-acre lots are much easier to maintain and larger lots are becoming very unsightly. He agreed that road improvements in the area are needed

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2.22 Landen Christensen stated he does not live in the area of the subject property; he does live in a town home in a development that is considered high density. He asked the Planning Commission to offer an explanation regarding the reasons the City has zoning designations. He stated one thing that he loves about Draper is open space; he lives in a high density development, but he loves to visit the open spaces in the community and use the trails; that adds a lot of value to the City. He inquired as to the difference between developing larger lots versus smaller lots and he wondered if there is a real reason to support changing the zoning when he sees many reasons not to. He added, however, that he has hope of buying a larger home someday and he would like for it to be in the area of the subject property; it would be a shame if he would not be able to afford a home due to the fact that the lot sizes

are much larger. He again asked why the City has zoning laws and if the zoning laws will be enforced. He also asked what the residents of Draper City want when it comes to development and he acknowledged that is a difficult question to answer.

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2.23 There being no additional persons appearing to be heard, Vice-Chairperson Head closed the public hearing.

7:44:43 PM

2.24 The applicant Derek Wright addressed questions and concerns from the public comments. He offered clarification regarding the maps that were prepared to inform residents of the proposal and he noted the Douglas property is included on the map as part of the property to be rezoned. He acknowledged that properties in the area use flood irrigation and any issues associated with that will be dealt with by the engineer for the project. He reminded the Planning Commission that he is not requesting zoning that would permit high density development and third-acre lots are actually considered low to medium density. He noted the City must be careful to provide development that will allow children that have grown up in Draper to find a place to live when they are ready; he assured the Commission that there is not a market for one-acre, horse property lots and if there were he would be proposing such a development. He indicated that many larger lots are under maintained and he feels the same thing would happen upon the subject property if acre lots were built there. He stated he has been categorized as a greedy developer, but he feels he is being a responsible developer that is balancing community, city, neighbors, and the needs of the market; he assured the Planning Commission that he is confident in the value of the project and that it will be successful and not blighted in the long term.

7:47:58 PM

2.25 Mr. Boles asked Engineering Staff, Robert Markle to address the concerns relating to 700 West.

7:48:24 PM

2.26 Mr. Markle said the City's transportation master plan identifies 700 West as a residential minor-collector road; it will be a three lane road with 10-foot parkstrips and five-foot sidewalks on both sides. There are some areas where it will be tight to fit in three lanes, but it is possible and such a road will be capable of handling traffic associated with the density that is being requested for the subject property. He then reviewed the process the City follows the prioritize traffic projects.

7:50:15 PM

2.27 Commissioner Adams stated he understands that the developer has suggested 79 units will be built on the property, but he inquired as to the maximum number of lots that would be allowed if the zoning designation is approved. Mr. Boles stated the requested zoning would permit 110 lots. Commissioner Adams stated that the

Planning Commission must consider the worst case scenario, but added that the developer has indicated that they will develop based upon the market demands for the area. He added the Planning Commission does give serious consideration to rezone requests and it is not an issue that is considered lightly. Community Development Director Morey noted that the number of lots would actually be less than 110 when considering the required infrastructure improvements for the development. Commissioner Adams noted that the developer has presented a site plan that includes up to three units per acre.

7:51:16 PM

2.28 Commissioner Hawker stated the site plan presented by the developer should not be considered tonight. He then addressed Mr. Wright and asked if he would be willing to consider a development agreement for the project. Mr. Wright first stated that there is no way that he would be able to create 100 or more lots on the subject property. He stated he believes that a minimum lot size of 13,000 would limit him to creating 2.5 units per acre. He stated he is willing to state on record that he will not exceed 2.5 to 2.6 units per acre because a higher density could not be accommodated on the property. He then stated he has not discussed a potential development agreement with City staff at this point in time. Commissioner Hawker addressed irrigation issues on the property and asked how water issues will be addressed. Mr. Wright stated there is an irrigation ditch running in front of the property and he will allow the water running in that ditch to continue downstream to other properties. He stated he understands he will also have to deal with tail water from the one-acre lots and ensure that the water does not flood homes downstream; his engineer is already working to address those issues.

7:53:21 PM

2.29 Commissioner Player stated that he would love for the subject property and other properties in the area to be dedicated for open space, parks, streams, and trails but it would be necessary to purchase those properties for millions of dollars to do so. He stated not many people are willing to share in those costs and this boils down to a private property issue. He stated he lives a half-block to the north and would love for the subject property to be a park, but he knows that will not happen. He then stated he supports third-acre lot developments because it is the best size; it has enough room for a reasonably sized house, garage, garden, and outdoor space. He stated full acre lots are too large for people and many people that own full acre lots are seeking to subdivide them into smaller parcels. He then recommended that Mr. Wright provide some variety in lot sizes when he actually get to the site plan step in the development process. He also referenced other water drainage in the areas. Mr. Wright stated he is aware of those issues and is dealing with them as well.

7:56:25 PM

2.30 Commissioner Hawker inquired as to when a traffic study is required for a given development. Mr. Markle stated traffic studies are required for developments with 100 or more units, but based on concerns regarding a development a traffic study

can be required at any time. There was a brief discussion regarding traffic on 700 West, after which Commissioner Player noted that many of the people that spoke this evening live on property that was zoned A5 in the past and had to be rezoned to accommodate the development of their neighborhoods.

7:57:55 PM

2.31 Commissioner Hawker stated he made many notes regarding the concerns expressed during the public hearing; he referenced comments made about the Planning Commission following the General Plan and he noted it is important for residents to understand that the General Plan is a guiding document and should be updated every 10-years. He stated that this is a property rights issue and the property owner has requested to do what he wants with his property. He stated he understand the Commission cannot base their decision on the site plan that was presented by the developer this evening, but noted the site plan does look good to him. He added, however, that he will base his decision upon the opportunity for the developer to 'flip' the property once the rezone is approved. He then stated many of the properties in the area have been rezoned, but there are many low density developments in the area and he is undecided relative to how he will vote on the application.

8:00:01 PM

2.32 Vice-Chairperson Head noted he lives on 700 West; he loves his home and feel of the area, however, he bought his home knowing the vacant properties in the area would eventually be developed. He stated that he lives in a half-acre lot and it is difficult to maintain; he truly only uses a third-acre portion of his property. He agreed that there are many other developments in the area that are large lots and are not maintained well. He stated it is his personal opinion that third-acre lots sizes are acceptable in the area and he does not feel third-acre lot developments are high density.

8:02:34 PM

2.33 Commissioner Adams explained there are risks and opportunities that come with zone changes for the property owner and developer. He then noted he also considers how the proposal will impact the neighbors and other properties in the area. He stated he does not feel the type of development that is being proposed on the subject property will detract from the area or reduce property values; he feels the proposed development is a responsible development and he is comfortable approving the zone change.

8:05:07 PM

2.34 **Motion:** Commissioner Player moved to forward a positive recommendation to the City Council for the Osborne Farm Zoning Map Amendment Request by Derek Wright, representing Wright Homes to change the zoning from A5 and RA1 to R3, application 140604-11580S, based on the findings and subject to the conditions listed in the Staff Report dated July1, 2014. Commissioner Adams seconded the motion.

Findings:

1. That Section 9-5-060 of the Draper City Code 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 9-5-060I 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 there is R3 zoning adjacent to the subject property to the north.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

8:05:36 PM

2.35 Commissioner Gundersen asked Commissioners Adams and Hawker for their professional opinion regarding how zone changes affect property values of surrounding properties. Commissioner Adams stated 'beauty is in the eye of the beholder' and it would require speculation to determine how a zone change would impact property values. Commissioner Hawker agreed and property values all depend on future maintenance of a development. He added that he would like to add a finding to the motion that a traffic study be required for the development and that the development not have a density higher than 2.26 units per acre. Mr. Morey stated he feels it would be appropriate to request a traffic study via finding, but he does not think it is appropriate to require Mr. Wright to commit to a 2.26 units per acre. Vice-Chairperson Head reminded the Commission that they are only voting on a zone change this evening and the items requested by Commissioner Hawker would be more appropriate at the site plan step of the development process.

8:08:27 PM

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

8:09:09 PM

3.0 **Public Hearing: On the request of Mark Murdock, representing the Gardner Company for Site Plan approval to allow Phase 2 of their office park to be developed on approximately 11.88 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 Phase 2 Site Plan Request*, Application #140618-13392S.**

8:09:55 PM

3.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated July 2, 2014, Planner Jennifer Jastremsky reviewed the details of the proposed application. She used a map to orient the Planning Commission to the location of the subject property, located on the west side of 200 West, at approximately 13392 South 200 West; the property is currently zoned CSD-DPOP (Draper Pointe Office Park Commercial Special District). She noted the application is a request for approval of a Site Plan for approximately 11.88 acre section of a 29.63 acre site; the applicant is requesting that a Site Plan be approved to allow Phase 2 of their office park to be developed. She reviewed the parking and landscaping plans for the development, highlighting connectivity of the property to pedestrian and recreation areas. She also reviewed elevations for the project as well as photographs displaying the current condition of the property. She concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

8:14:10 PM

3.2 Commissioner Hawker asked if parking space will be increased over and above what is required in Draper City Municipal Code (DCMC) for such a development. Ms. Jastremsky answered yes and noted the CSD zone provides for an increased amount of parking spaces. Mr. Morey added that the project is moving very quickly because there is a high demand for quality office space in the area; he believes the applicant has secured a tenant for phases two and three of the development.

8:15:40 PM

3.3 Applicant's Presentation: John Bankhead of the Gardner Company and Nate Boyer of the Boyer Company were present. Mr. Bankhead stated that he does not have much to add to Ms. Jastremsky' s presentation, but noted it has been great to work with Draper City staff; they have provided much help, great feedback, and done so

in a quick and professional manner. He reiterated he has secured a tenant for the building to be built in phase two pending approval of this application and he will move quickly to develop phase three as well.

8:17:28 PM
3.4 Commissioner Player expressed his appreciation to the applicants for their desire to offer connectivity to tails and parks in the neighborhood of the subject property.

8:17:58 PM
3.5 Commissioner Hawker asked if the tenant mentioned by Mr. Bankhead will occupy the entire building in phase two. Mr. Bankhead stated they will not initially occupy the entire building, but they plan to grow into it. He stated he will also work with the tenant to preserve opportunities for future expansion.

8:19:00 PM
3.6 Vice-Chairperson Head expressed his concern about the amount of asphalt and parking areas included in the site plan, but he understands it is necessary to accommodate the number of employees working in office buildings of this size and nature. Mr. Bankhead agreed and stated there is a trend in increasing the amount of parking available for office buildings of this type. There was a brief discussion regarding other amenities included in the site plan and Commissioner Hawker stated small offices are not being built and the trend is to construct larger office buildings that demand more parking area and spaces. He then inquired as to the total size of the building, to which Mr. Bankhead answered 125,000 square feet.

8:22:05 PM
3.7 Vice-Chairperson Head opened the public hearing.

8:22:21 PM
3.8 Landen Christensen referenced roads in the area of the subject property and potential future traffic flows in the area caused by future road closures and increased congestion; he noted an additional parking lot entrance further to the south would be beneficial and help the entire neighborhood relative to traffic congestion.

8:27:03 PM
3.9 Commissioner Gundersen asked Mr. Christensen if he is recommending approval of denial of the application based on his traffic concerns. Mr. Christensen stated he does not know what the solution is to his concern, but one solution he sees to the problem is amending site plan A to include a second parking lot entrance to alleviate pressure on the two existing entrances. The Planning Commission and Mr. Christensen reviewed a map of the area to understand the point where Mr. Christensen is recommending an additional parking lot entrance.

8:28:29 PM

3.10 There were no additional persons appearing to be heard and the public hearing was closed.

8:28:46 PM

3.11 Mr. Bankhead stated that the parking area referenced by Mr. Christensen is included in phase one of the development. Vice-Chairperson Head agreed and noted he feels Mr. Christensen's recommendation would convert a private parking lot to a public access road and he does not think the Planning Commission can ask that of the applicant.

8:29:41 PM

3.12 Commissioner McDonald stated he has not seen the Utah Department of Transportation (UDOT) plans for the overpass in the area, but he acknowledged that it should not have an impact on the proposed development.

8:30:41 PM

3.13 **Motion:** Commissioner Hawker moved to approve the Site Plan Request by Mark Murdock, representing the Gardner Company for the Draper Pointe Office Park Phase 2, application #140618-13392S, based on the findings and subject to the conditions listed in the Staff Report dated June 30, 2014. McDonald 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 all outstanding redline comments.
    b. As 200 West Street is classified as a five lane minor arterial per the Draper City Master Transportation Plan, the plans shall indicate the 100' right of way to accommodate the future center turn lane.
    c. Plans shall indicate an 8-foot wide sidewalk on 200 West as part of the Corner Creek Trail per the Draper City Trails Master Plan.
    d. The application shall include a drainage report in accordance with the Draper City Drainage Design Criteria per Section 11-2-040 of the Draper City Municipal Code. The report shall be stamped and signed by a licensed engineer.

Conditions continued to next page.

Conditions Continued:

e. Plans indicate a new discharge point into Corner Canyon Creek. A Flood Control Permit from the Salt Lake County Flood Control is required for any drainage connection or modifications to any canal, stream, or stream banks. The proposed discharge also requires a review from the Utah Department of Natural Resources for a Stream Alteration Permit. Approval letters, or letters stating that approval is not required, shall be required from these two agencies prior to Engineering approval of final construction drawings. If approval is not obtained, a redesign of the grading and drainage plans will be required such that these agencies provide approval.
f. The application shall include letters from sewer provider, addressing the feasibility and their requirements to serve the project in accordance with Section 9-5-090(d)(1)(iv)(C)(5) of the Draper City Municipal Code.

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.

Findings continued to next page.

Findings:

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.

8:31:12 PM

3.14 **Vote:** A roll call vote was taken with Commissioners Hawker, McDonald, Player, and Adams voting in favor of approving the application. Commissioner Gundersen voted in opposition.

8:31:44 PM

4.0 **Public Hearing: On the request of Chris Bird, representing Velocity Auto Sales for approval of a Site Plan Amendment & Conditional Use Permit (CUP) in the CC (Community Commercial) zone to allow the expansion of a "Vehicle Sales" facility on an approximately 5.4 acre site at 12189 South 700 West. The application is otherwise known as the *Velocity Auto Sales Site Plan Amendment & Conditional Use Permit Request*, Application #140603-12189S.**

8:32:11 PM

4.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated July 2, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He noted this application is a request for approval of a site plan amendment and conditional use permit for approximately 5.4 acres located between 700 West and Galena Park Blvd., at approximately 12189 South 700 West. He reviewed a brief history of the subject property and surrounding properties and noted that in 2000, a conditional use permit and site plan were approved for Kent's Muffler adjacent to Galena Park Blvd; in 2005, a conditional use permit and site plan were approved for the Butterfield auto site adjacent to 12300 South. He added in 2012 the applicant made application to combine the two sites which was approved as a minor site plan amendment by the zoning administrator; the current owner, Velocity Auto, uses the muffler shop for minor repairs and detailing while using the "Butterfield" site to sell cars. He explained the business has been quite successful in this location and the owners have identified a need to expand their lot; approval of this application will allow them to do just that, but no structures are being proposed on the site. He then reviewed the site plan for the subject property identifying the location of outdoor storage. He also reviewed the landscaping plan as well as photographs of the current condition of the property, after which he concluded staff recommends approval of the application based on the findings and

subject to the conditions listed in the staff report.

8:36:32 PM

4.2 The Commission reviewed the site plan and Vice-Chairperson Head referenced a road abutting the subject property and asked why the road could not be used for off-loading. Mr. Boles deferred the question to the applicant.

8:37:38 PM

4.3 Applicant's Presentation: Marcus Blair stated that business has been very good for Velocity Auto Sales and he and other owners would like to expand their business. He stated he would also like to beautify the property and address the issue of limited parking options for customers. He addressed Vice-Chairperson Head's question regarding using the road for offloading and noted that there is not sufficient space to accommodate two or three trucks that will be offloading vehicles at the same time. He noted his goal is to get all vehicles off 12300 South and truck drivers will directed to appropriate locations for offloading vehicles on the shoulder of 12300 South. There was a brief discussion regarding traffic movement in the area and the manner in which on-street parking or truck parking for offloading could cause public safety issues by impeding line of sight for motorists.

8:46:09 PM

4.4 Commissioner Adams inquired as to the total amount of property owned by the applicant. Mr. Blair used a map to identify the boundary of the property owned by himself and the other owners of Velocity Auto.

8:48:24 PM

4.5 Vice-Chairperson Head opened the public hearing.

8:48:41 PM

4.6 Roland Kuwahara stated that he farms the property north of Velocity Auto and he has been doing so for the past 30 or 40 years. He stated farming equipment can cause dust that could potentially dirty the cars on the lot. He asked if that will become an issue and, if so, he would like the applicant to be required to build a fence between the two properties.

8:50:23 PM

4.7 There were no additional persons appearing to be heard and the public hearing was closed.

8:50:34 PM

4.8 Mr. Morey stated that the owners of the car lot should have been aware of the agricultural use next to their property when they purchased and build their dealership and they cannot force Mr. Kuwahara to stop farming to prevent dust from getting on vehicles at the lot. Mr. Blair stated he would never have that intention and he and Mr. Kuwahara can work together to reach a sensible solution

to the dust issues if necessary.

8:51:17 PM

4.9 Commissioner McDonald asked if it would be appropriate to add a condition that the applicant be required to adhere to the commitments made this evening relative to the location of semi-truck parking for offloading vehicles. Mr. Morey stated that would be allowed.

8:52:47 PM

4.10 **Motion on the CUP:** Commissioner Adams moved to approve the Conditional Use Permit Request by Chris Bird, representing Velocity Auto Sales to allow "vehicle sales" and an outdoor storage area on the subject property, application 140603-12189S, based on the findings and subject to the conditions listed in the Staff Report dated July 2, 2014 and as modified by the conditions below. Commissioner Player 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, including permitting.
2. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site.
3. That the Conditional Use Permit is granted on the entire 5.4 acre site.
4. That the Conditional Use Permit allows the "vehicle sales" use and the outdoor storage area.
5. That the parking stalls to be used specifically for customer parking be clearly marked on site.
6. That the site is constructed as represented in the drawings attached to this staff report.

Findings:

1. That Section 9-6-070(a) of the Draper City Municipal Code allows this particular site plan to be amended without coming into full conformance with all current design standards.
2. That the internal circulation and parking are adequate as proposed.
3. That Section 9-5-090 of the Draper City Code allows for the approval of a commercial site plan amendment after factors are adequately considered.
4. That amending the site as outlined in this application will not be contrary to public health, safety or welfare.
5. That the applicant has volunteered to no longer allow employee parking on 12300 South and in lieu of that exchange will no longer allow transport vehicles to park on Galena Park Drive and instead park in 12300 South while conducting transport delivery.

8:53:34 PM

4.11 Mr. Blair stated he is comfortable with the additional finding, but he is concerned about taking responsibility for the actions of truck drivers that will be performing offloading for his business.

8:54:41 PM

4.12 **Vote on the CUP:** A roll call vote was taken with Commissioners Adams, Player, Gundersen, McDonald, and Hawker voting to approve the CUP.

8:55:01 PM

4.13 **Motion on the Site Plan:** Commissioner Adams moved to approve the Site Plan Amendment Request by Chris Bird, representing Velocity Auto Sales, application 140603-12189S, based on the findings and subject to the conditions listed in the Staff Report dated July 2, 2014. Commissioner Player seconded the motion.

8:55:48 PM

4.14 **Vote on the Site Plan:** A roll call vote was taken with Commissioners Hawker, McDonald, Adams, Gundersen, and Player voting to approve the site plan.

6:19:41 PM

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

8:56:51 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** 8:56:58 PM

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JULY 31, 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:	Vice-Chairperson Jeff Head, Planning Commissioners Andrew Adams, Drew Gilliland, Craig Hawker, Jeff Head, Scott McDonald, and Kent Player
ABSENT:	Chairperson Leslie Johnson and Commissioner Traci Gundersen
STAFF PRESENT:	Brian Maxfield, Dan Boles, Dennis Workman, Jennifer Jastremsky, and Angie Olsen
ALSO PRESENT:	Roll on File

Study Meeting:

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.*

6:20:37 PM
7.0 **Staff Reports:** Senior Planner, Dan Boles briefed the commissioner regarding the recent action items of the City Council.

Business Meeting:

Vice-Chairperson Head explained the rules of public hearings and called the meeting to order at 6:30:20 PM.

Business Meeting:

6:31:20 PM
1.0 **Action Item: Approval of minutes from the March 8, 2014, March 22, 2014, June 12, 2014, and June 26, 2014 Planning Commission meetings.**

6:31:52 PM
1.1 **Motion:** Commissioner Player moved to approve the minutes as submitted. Commissioner Hawker seconded the motion.

1.2 **Vote:** A voice vote was taken with all voting in favor of approving the minutes as submitted.

6:32:07 PM

2.0 **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.**

6:32:37 PM

2.1 Vice-Chairperson Head advised this project had been withdrawn at the applicant's request.

6:32:52 PM

3.0 **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.**

3.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated July 18, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted the 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. He indicated 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." He stated that, 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." He reported that besides the lot sizes, all lot standards of the R3 zone will apply to the subject property. He then explained that 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.

He noted staff recommends that item four no longer be required because the master plan no longer calls for an equestrian trial in that area. He reviewed photographs of the current condition of the subject property and concluded staff recommends

approval of the application based on the findings and subject to the conditions listed in the staff report. He added that this recommendation is contingent upon a liquefaction report and approval from Taylor Geotechnical.

6:39:28 PM

3.2 Commissioner Player asked where the detention ponds will be situated on the subject property. Mr. Workman reviewed the plat and identified the proposed location of the detention ponds; the ponds will be maintained by the City upon proper dedication.

6:39:47 PM

3.3 Vice-Chairperson Head asked if the trail will be located west of the detention ponds, to which Mr. Workman answered yes. There was a general discussion regarding combination of the existing drainage area for Soccer City with the drainage area that will serve the subject property. Boyd Preece of Ensign Engineering, the engineer for the project, noted that the design of the drainage system for Soccer City has been incorporated into the design of the drainage system for the subject property. Discussion then centered on trail connections in the general vicinity of the subject property and Mr. Workman identified the location of the equestrian trail that staff has recommended not be included in the project. Commissioner McDonald asked what will become of the space previously dedicated to the equestrian trail. Mr. Workman indicated it will be included in the abutting lots.

6:47:04 PM

3.4 Applicant's Presentation: Austin Allred indicated he had nothing to add to Mr. Workman's presentation.

6:47:23 PM

3.5 Vice-Chairperson Head opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

6:47:54 PM

3.6 **Motion:** Commissioner Player moved to 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. Commissioner Hawker seconded the motion.

Conditions:

1. That all city standards, requirements, and ordinances are met.
2. That all requirements of the City Engineer are met.

Conditions and Findings are listed on the next page.

Conditions Continued:

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."

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.

6:49:04 PM

3.7 Commissioner Gilliland indicated he has reviewed the development agreement and paragraph 10 indicates the City can waive the agreement as long as agreed upon by the party to be benefitted by the provisions. He stated he assumes the City was considered the benefitted party and it will eventually be necessary to document the waiver of the requirement for an equestrian trail.

6:50:07 PM

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

6:50:31 PM

4.0 **Public Hearing: On the request of David Burns for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential, 40,000 ft² lots) to RA2 (Residential, 20,000 ft² lots) on approximately 1.59 acres at 1425 E. Tanburhan Ln. The application is otherwise known as the *Burns Property Zone Change Request*, Application #140707-1425E.**

6:51:09 PM

4.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated July 18, 2014, Planner Dennis Workman reviewed the details of the proposed application. He stated the 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. He noted the applicant is requesting that the rezone be approved to allow for the property to be split into two new parcels and if the zone change is approved, the applicant will submit an application for minor subdivision. He indicated that since Tanburhan Lane is not in a subdivision plat, there will be no need to amend a plat. He reviewed photographs of the subject property and noted there is a guest house on the east side of the parcel and he briefly reviewed the history of the building, noting upon the subdivision of the property the guest house will no longer be an accessory building and will, instead, be a standalone home. He concluded the proposed development complies with the General Plan and staff recommends approval based on the findings listed in the staff report.

6:53:12 PM

4.2 Vice-Chairperson Head asked if the applicant is essentially asking for a parallel line running between the east and west boundary lines of the property, to which Mr. Workman answered yes.

6:54:00 PM

4.3 Commissioner Player asked if Tanburhan Lane is a City street. Mr. Workman answered no and indicated it is a private lane.

6:54:28 PM

4.4 Applicant's Presentation: David Burns stated he has nothing to add to Mr. Workman's presentation.

6:55:06 PM

4.5 Vice-Chairperson Head opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

6:55:15 PM

4.6 **Motion:** Commissioner Adams moved to 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. 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 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.

6:55:49 PM

4.7 **Vote:** A roll call vote was taken with Commissioners Adams, Player, Gilliland, McDonald, and Hawker voting to forward a positive recommendation to the City Council.

6:56:12 PM

5.0 **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.**

6:57:01 PM

5.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated July 21, 2014, Planner Jennifer Jastremsky reviewed the details of the proposed application. She reported the application is a request for approval of Preliminary and Final Subdivision Plat for an approximately 29.63 acre site located on the west side of 200 West, at approximately 13392 South 200 West. She noted the property is currently zoned CSD-DPOP (Draper Pointe Office Park Commercial Special District) and the applicant is requesting that a Subdivision be approved to allow the property to be split into three lots. She added the plat will also contain open space for the Corner Canyon Creek; there will also be a private corridor that run the length of the property to connect 200 West to Vista Station Boulevard; the plat will also provide a trail easement for a perpetual public access trail and it will ultimately provide connectivity to the FrontRunner station nearby. She added the City will also receive 75 square feet of frontage along 200 West and that will result in 200 West being the correct width according to the City's master plan, and will also provide room for an eight foot walkway that will be part of the City's trail system. She then referenced an area of approximately 4,000 square feet of space and stated the City has been in discussions with the developer about taking ownership of the property in order for it to be used as a landscape feature on the site; given the time constraints of the development and the lengthy required process to vacate public property, that vacation and dedication will not be taken care of at this time. She noted the action will not come before the Planning Commission and will only require City Council approval. She then reviewed the construction drawings for the project and concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:00:39 PM

5.2 Applicant's Presentation: Ryan Bevin, applicant representative, stated he has nothing to add to Ms. Jastremsky's presentation. He noted the project is 100 percent occupied at this point and should be entirely built out within 18 months.

7:01:58 PM

5.3 Vice-Chairperson Head opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:02:13 PM

5.4 **Motion:** Commissioner McDonald moved to forward a positive recommendation to the City Council for the Draper Pointe Office Park Preliminary and Final Subdivision Plat Request by Mark Murdock, representing the Gardner Group for the purpose of subdividing the Draper Pointe Business Park into three lots, application 140414-13392S, based on the findings and subject to the conditions listed in the Staff Report dated July 21, 2014. Commissioner Hawker seconded the motion.

Conditions and Findings are listed on the next page.

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 and infrastructure on the site, including permitting.
2. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings and infrastructure 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 and infrastructure on the site, including permitting.
    a. Address all planning comments and redlines.
    b. Provide a copy of the proposed Covenants, Conditions and Restrictions for review and approval.
4. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings and infrastructure 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 and infrastructure 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.

7:02:51 PM
5.5 Commissioner Player stated he is pleased with the application.

7:03:21 PM
5.6 **Vote:** A roll call vote was taken with Commissioners McDonald, Gilliland, Hawker, Player, and Adams voting in favor of forwarding a positive recommendation to the City Council.

7:03:45 PM
6.0 **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.**

7:04:22 PM
6.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated July 22, 2014 Senior Planner Dan Boles reviewed the details of the proposed application. He noted the application is a request for approval of a Conditional Use Permit and Commercial Site Plan for approximately 4.98 acres located on the north side of 12300 South, at approximately 523 East. He explained the property is currently zoned DDCSD Day Dairy Commercial Special District and the applicant is requesting that a Conditional Use Permit and Commercial Site Plan be approved to allow for the development of the currently vacant site as an office building. He noted the Day Dairy CSD zone has specific guidelines, one of which is that restaurant drive through's are only permitted upon approval of a Conditional Use Permit (CUP). He reviewed the site plan and identified the location of various restaurant pads and landscaped areas. He reviewed the architecture and landscape plans for the project and concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:07:06 PM
6.2 Vice-Chairperson Head inquired as to whether the developer has provided elevations for all buildings on the site. Mr. Boles stated the developer has provided elevations for all but two buildings on the site; he believes the elevations will be similar to the other buildings on the site and the Planning Commission can determine whether the additional elevations should be approved by staff or referred to the Planning Commission. Vice-Chairperson Head asked what would happen if the elevations were drastically different. Mr. Boles stated the CSD zone has fairly strict architectural standards and the elevations for the two additional buildings would need to comply with those standards.

7:08:44 PM

6.3 Commissioner McDonald asked if there is any reason that the Planning Commission should not delay approval of the application until the elevations for the two additional buildings are available. Mr. Boles stated the applicant is eager to commence the project and the request of the developer is not an unusual one and has occurred in the past; staff does not feel the lack of elevations for the two buildings should delay approval of the application.

7:10:04 PM

6.4 Commissioner Player referenced parking at the site and stated it appears that some of the restaurant pads do not have sufficient parking. Mr. Boles stated the applicant has met the requirement to provide five parking stalls per 1,000 square feet of building space.

7:10:18 PM

6.5 Commissioner Hawker asked if the project would require a traffic signal. Mr. Boles deferred to the applicant, but indicated he is aware of ongoing discussions between the applicant and the Utah Department of Transportation (UDOT) regarding a traffic signal in the area. Mr. Maxfield added that UDOT typically requires a traffic analysis to warrant a traffic signal.

7:10:47 PM

6.6 Applicant's Presentation: Matt Rindlisbacher stated he is aware that UDOT has future plans to install a traffic signal at 450 East. He added that when phase two of the project is completed an additional access point will be added at the northeast corner of the property.

7:11:51 PM

6.7 Commissioner Player asked Mr. Rindlisbacher if he has any concerns about the lack of elevations for two of the buildings on the site. Mr. Rindlisbacher stated he has not secured tenants for the two buildings and he does not plan to complete design of the buildings until tenants have been secured.

7:12:53 PM

6.8 Vice-Chairperson Head opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:13:21 PM

6.9 There was a general discussion about the approval process for the elevations for the two additional buildings. Vice-Chairperson Head reiterated that if staff were given the responsibility of approving the elevations they would be required to ensure the elevations meet the design standards associated with the CSD zone.

7:15:21 PM

6.10 **Motion on the CUP:** Commissioner Gilliland moved to approve the Conditional Use Permit Request by Matt Rindlisbacher, representing Wasatch Commercial Management to allow retail and restaurants with drive through facilities, application 140507-523E, based on the findings and subject to the conditions listed in the Staff Report dated July 22, 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.
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. That a revised photometric plan showing lighting levels in compliance with Draper City Municipal Code is provided prior to the applicant receiving a building permit.
6. That staff will review and approve the remaining two buildings through a site plan amendment process.
7. That all dumpsters are screened from view using materials that are compatible with the primary buildings on the site.
8. That all buildings are constructed as shown in this staff report and in the Planning Commission meeting and if any changes to the elevations of the buildings are requested that a site plan amendment application is applied for and approve prior to any changes being made.

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;

Findings are continued on the next page.

Findings Continued:

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.
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.

7:15:44 PM

6.11 Commissioner Gilliland stated he believes staff has sufficient guidelines to review and take action upon the elevations for the two additional buildings. Commissioner Player agreed and stated he is happy to see development occurring on the subject property.

7:16:36 PM

6.12 **Vote on the CUP:** A roll call vote was taken with Commissioners Adams, Hawker, Gilliland, McDonald, and Player voting to approve the CUP.

7:17:00 PM

6.13 **Motion on Site Plan:** Commissioner Gilliland moved to approve the Commercial Site Plan Request by Matt Rindlisbacher, representing Wasatch Commercial Management, application 140507-523E, based on the findings and subject to the conditions listed in the Staff Report dated July 22, 2014. Commissioner Hawker seconded the motion.

7:17:25 PM

6.14 **Vote on Site Plan:** A roll call vote was taken with Commissioners Player, Hawker, Adams, McDonald, and Gilliland voting to approve the site plan.

6:20:37 PM **&** 7:18:05 PM

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

7:18:05 PM

7.1 Mr. Boles added to his previous comments by reviewing the recent actions of the City Council.

7:22:02 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** 7:22:02 PM

DRAPER CITY

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

STAFF REPORT
August 1, 2014

To: Planning Commission
Business Date: August 14, 2014

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

Re: **Rockwell Estates Plat Plat Amendment**

Application No.:	140715-553E
Applicant:	Ryan Bybee with Cadence Homes
Location:	553 E. Rockwell Vista
Zoning:	C2
Request:	To amend the Rockwell Estates subdivision plat by changing front garage setback from 25 feet to 20 feet

BACKGROUND
The Rockwell Estates subdivision plat was approved by the City Council in February 2005. The developer soon thereafter installed all infrastructure improvements with the exception of sidewalks and dry utilities. The subdivision was to follow the development standards contained in Exhibit B of the South Mountain Development Agreement called "Development Standards for the Maple Ridge Subdivision." When the original developer lost the project due to the market downturn of 2007-2008, it became mired in financial and legal issues and sat dormant for years. Last fall, with financial and legal matters having finally been resolved, Cadence Homes picked up the project, and they are now moving forward with getting building permits approved. (The first house is already out of the ground and will be an entry in this year's Parade of Homes.) Prior to building permit approval, however, Cadence needed to modify some of the development standards contained in said Exhibit B. On April 29, 2014, the City Council approved those changes with the adoption of Ordinance 1099. The changes were as follows:

1) Driveway width changes from 14 foot maximum to the Draper City standard of 30 foot maximum.
2) Requirement for garage to be setback 25 feet from public street right-of-way is dropped.
3) Requirement for garage to be setback behind plane of main building line is dropped.
4) Exterior design standards change to reflect current trends and craftsman style architecture.

The last remaining hoop that Cadence needs to jump through is to fix the plat itself to reflect item #2 of the above list. The fix involves nothing more than making note #8 on the plat say that there shall be a 20 foot setback from front garage instead of 25 foot. That is the sole purpose of this plat amendment request.

ANALYSIS
Utah Code. State law outlines the criteria for review and approval of plat amendments. In order to approve a plat amendment, the legislative body must make two findings:

1 That there is good cause to amend the plat; and
2. That the amendment will not cause material harm to other owners in the plat.

Review Process. Since there is only one owner in the subdivision at this time (Cadence Homes), this application falls under the provision in Section 17-9-020(c), which states: "[T]he City Council, in its discretion, may waive the requirement of a public hearing if…all owners within the plat have signed the revised plat consenting to the proposed amendment." Plat amendments in general are reviewed by both the City Council and the Planning Commission. As such, this application will be reviewed by both bodies, but as action items only. In other words, no public comment will be taken. The City Council will have the opportunity to approve it or call for a hearing to be held at a later date.

Noticing. Noticing the public is not necessary as long as this application is processed as an action item. Should the City Council find it necessary to hold a public hearing, noticing will be properly issued in the manner outlined in the city and state codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a favorable recommendation to the City Council regarding the plat amendment request by Ryan Bybee, with the following conditions:

1. That all conditions of approval of the original Rockwell Estates subdivision that are not modified by this plat amendment remain in full force.
2. That the applicant follows the process for plat approval and records the amended plat and controlling documents with the Salt Lake County Recorder.
3. That signature blocks on the mylar are updated as needed (i.e. Utah Power and Light is now Rocky Mountain Power, US West is now Century Link, and Salt Lake County Board of Health is now Salt Lake County Health Department).

This recommendation is based on the following findings:

1. That the proposed plat amendment is consistent with the goals and objectives of Draper City's General Plan.
2. That the proposed plat amendment is consistent with Title 17-9 of the Draper City Municipal Code regarding review and approval.
3. That there is good reason to amend the plat, as required by state code.
4. That the City Council has already modified Exhibit B of the South Mountain Development Agreement to allow for a 20 foot setback from front garage.

MODEL MOTION

Sample Motion for a Positive Recommendation. "I move we forward a positive recommendation to the City Council regarding Ryan Bybee's request to amend the Rockwell Estates subdivision plat, application 140715-553E, based on the findings for approval and subject to the conditions of approval listed in the staff report dated August 1, 2014, and as modified by the following:"

1. List any additional findings and conditions.

Sample Motion for a Negative Recommendation. "I move we forward a negative recommendation to the City Council regarding Ryan Bybee's request to amend the Rockwell Estates subdivision plat, based on the following findings:

1. List findings for denial.

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

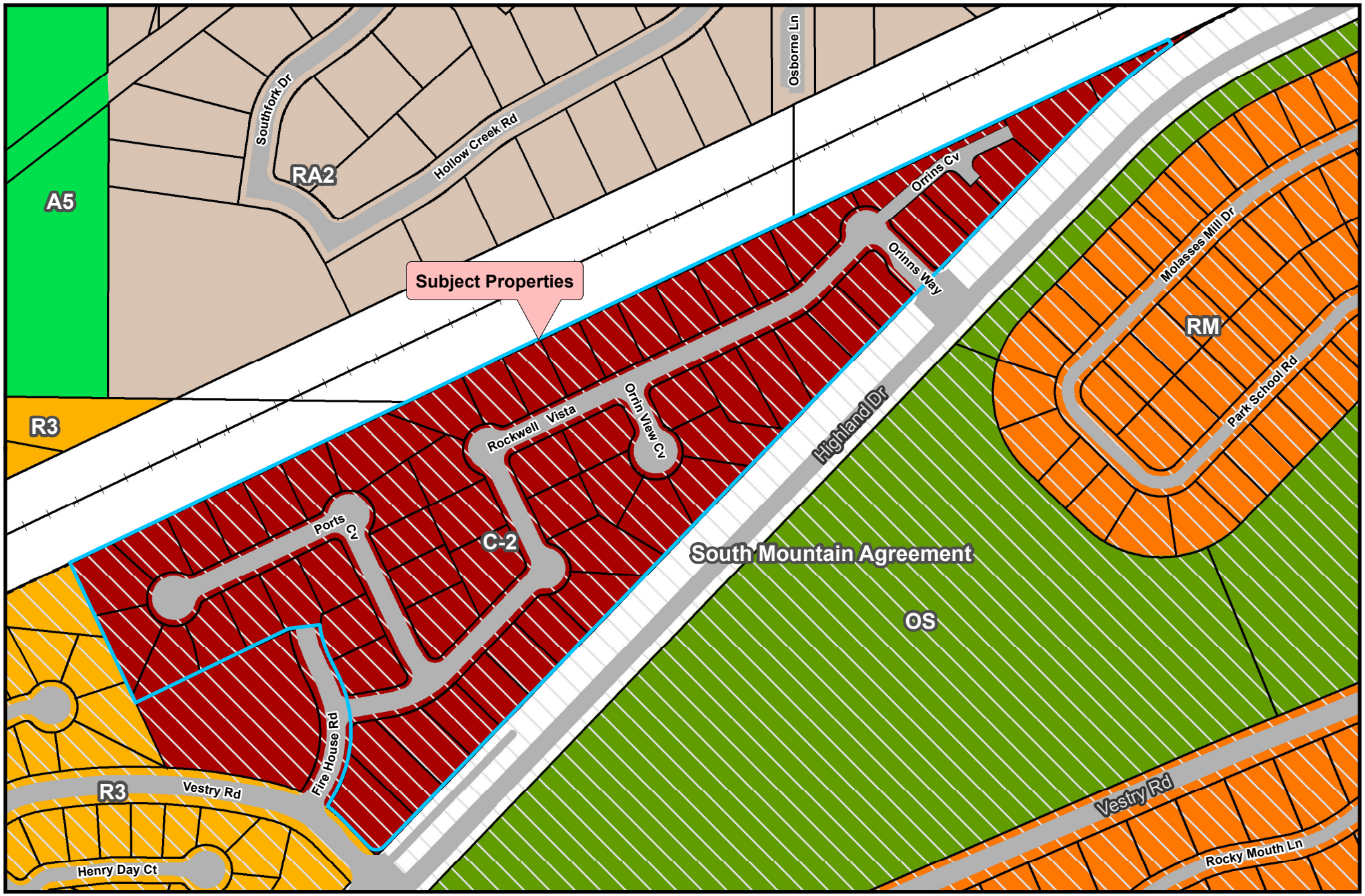
Date: 4/22/2014

Rockwell Estates

Aerial Map

0 250 500 1,000 Feet

N W E S



DRAPER CITY

Date: 4/22/2014

Rockwell Estates

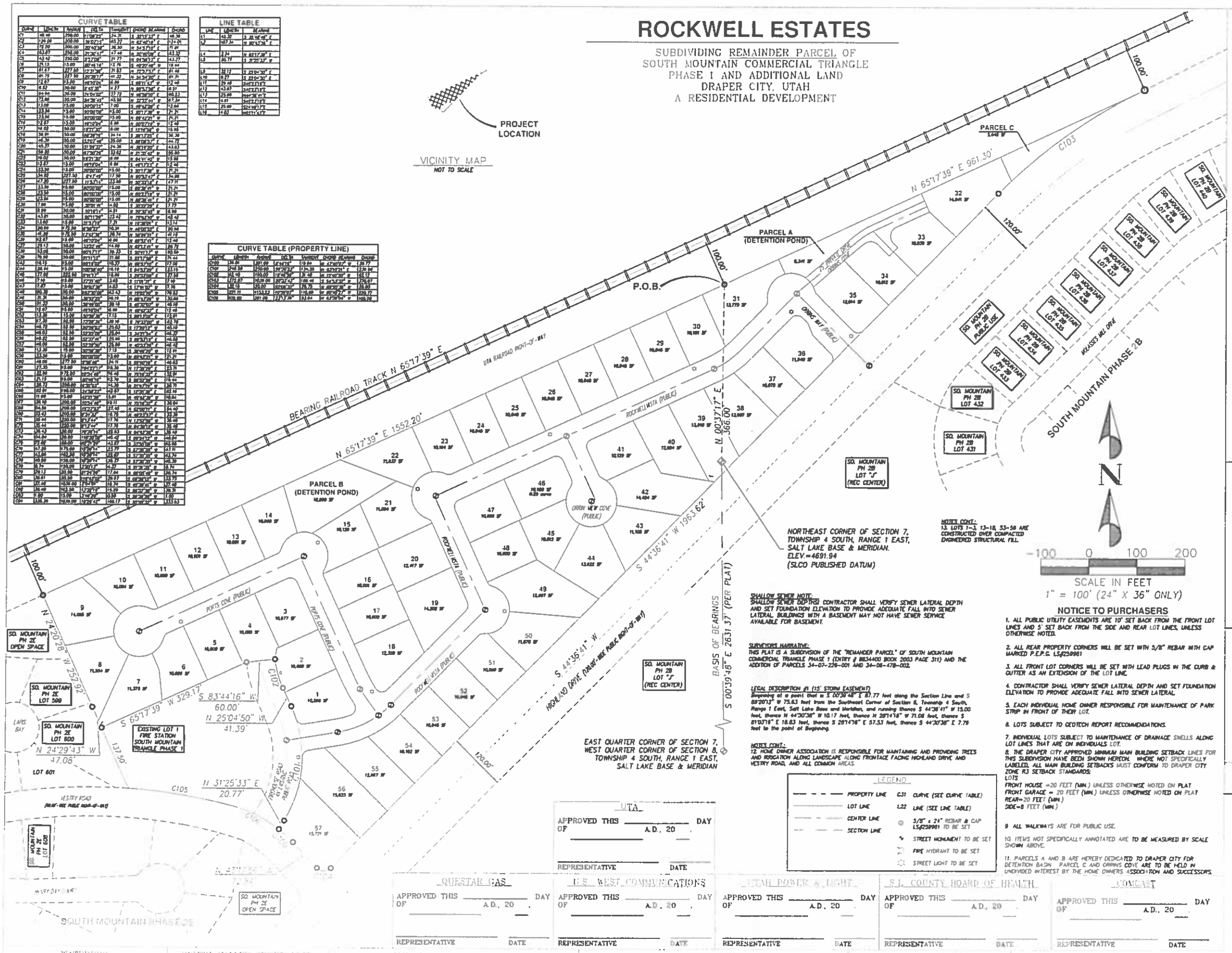
Zoning Map

0 250 500 1,000 Feet

N W E S

ROCKWELL ESTATES

SUBDIVIDING REMAINDER PARCEL OF
SOUTH MOUNTAIN COMMERCIAL TRIANGLE
PHASE 1 AND ADDITIONAL LAND
DRAPER CITY, UTAH
A RESIDENTIAL DEVELOPMENT



CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	48.48	256.00	11°08'22"	24.31	S 30°15'17" E	48.38
C2	126.08	308.00	39°07'11"	65.32	N 62°45'18" E	123.08
C3	72.90	200.00	20°53'08"	36.90	N 54°37'17" E	71.87
C4	63.87	256.00	21°36'17"	32.40	N 30°20'08" E	63.72
C5	43.42	256.00	9°43'06"	21.77	N 46°38'17" E	43.37
C6	71.13	15.00	272°46'16"	12.76	S 49°26'46" W	19.64
C7	81.67	1277.50	3°39'39"	40.83	N 73°53'17" E	81.66
C8	89.79	1277.50	4°01'37"	44.92	N 34°34'20" E	89.71
C9	72.87	15.00	278°10'04"	8.89	S 88°11'47" W	12.48
C10	6.53	50.00	7°47'38"	3.27	N 88°53'08" E	6.51
C11	64.64	50.00	74°06'06"	37.72	N 48°30'07" E	60.22
C12	73.68	50.00	84°38'45"	45.58	N 32°22'44" W	67.24
C13	13.08	15.00	50°00'13"	7.00	S 49°43'38" E	12.66
C14	183.96	15.00	703°00'06"	15.08	S 20°17'38" E	27.71
C15	23.56	15.00	90°00'00"	15.00	N 89°42'22" W	21.21
C16	12.87	15.00	49°10'04"	6.88	N 20°07'29" W	12.48
C17	94.09	50.00	107°21'34"	61.08	S 12°16'36" E	80.98
C18	36.89	50.00	42°26'37"	34.74	S 38°17'23" E	36.30
C19	45.36	50.00	51°57'46"	25.00	S 88°38'37" E	44.72
C20	40.37	50.00	46°15'00"	21.30	N 20°27'22" E	43.83
C21	56.30	50.00	64°30'00"	31.62	N 21°31'48" W	53.35
C22	78.50	50.00	90°00'00"	50.00	N 54°17'39" E	70.71
C23	12.87	15.00	49°10'04"	6.88	S 49°17'21" E	12.48
C24	23.56	15.00	90°00'00"	15.00	S 35°17'39" W	21.21
C25	34.82	1277.50	1°34'17"	17.38	N 20°53'17" E	34.82
C26	47.28	1277.50	2°07'21"	23.64	N 20°20'18" E	47.11
C27	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C28	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C29	23.56	15.00	90°00'00"	15.00	N 69°38'43" E	21.21
C30	7.88	15.00	30°08'43"	4.02	S 30°22'39" E	7.77
C31	8.99	50.00	10°18'17"	4.51	N 30°30'43" W	8.98
C32	43.26	50.00	49°13'39"	23.42	N 79°54'39" W	42.42
C33	13.00	15.00	49°13'39"	7.01	N 79°54'39" W	12.59
C34	28.99	1275.00	1°18'22"	14.50	N 20°53'17" E	28.99
C35	46.28	275.50	9°37'36"	23.18	N 30°26'11" E	47.19
C36	23.87	15.00	91°12'04"	15.88	N 69°51'41" E	21.46
C37	19.13	50.00	21°55'46"	9.69	N 60°41'41" W	19.72
C38	53.08	50.00	60°51'17"	29.33	S 50°11'17" W	50.60
C39	76.98	50.00	88°11'17"	47.68	S 31°17'38" E	79.44
C40	114.72	50.00	131°31'04"	93.37	N 89°31'04" E	177.08
C41	38.44	15.00	146°26'49"	58.10	S 24°53'39" E	53.15
C42	77.68	1275.50	3°29'13"	38.84	N 20°53'17" E	77.67
C43	9.16	15.00	17°27'46"	4.63	S 17°10'17" W	9.12
C44	11.87	15.00	45°34'17"	6.23	S 17°10'17" W	11.56
C45	90.38	50.00	103°32'00"	63.43	N 39°30'43" E	78.53
C46	31.31	50.00	35°52'26"	16.18	N 88°43'39" E	30.80
C47	121.23	50.00	138°52'52"	89.16	S 45°30'09" E	93.58
C48	13.42	15.00	51°14'26"	7.23	N 45°43'21" E	12.98
C49	113.38	15.00	432°58'38"	15.15	S 88°17'38" E	12.31
C50	27.35	50.00	31°20'34"	13.99	N 20°43'39" E	27.00
C51	78.54	50.00	90°00'00"	50.00	N 69°42'43" E	70.71
C52	13.87	15.00	52°58'26"	7.46	N 26°46'26" E	13.38
C53	23.56	15.00	90°00'00"	15.00	N 20°17'17" E	21.21
C54	23.56	15.00	90°00'00"	15.00	N 69°42'43" E	21.21
C55	23.56	15.00	90°00'00"	15.00	N 20°17'17" E	21.21
C56	23.56	15.00	90°00'00"	15.00	N 69°42'43" E	21.21
C57	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C58	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C59	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C60	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C61	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C62	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C63	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C64	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C65	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C66	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C67	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C68	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C69	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C70	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C71	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C72	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C73	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C74	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C75	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C76	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C77	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C78	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C79	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C80	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C81	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C82	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C83	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C84	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C85	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C86	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C87	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C88	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C89	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C90	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C91	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C92	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C93	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C94	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C95	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C96	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C97	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C98	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C99	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C100	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C101	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C102	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C103	23.56	15.00	90°00'00"	15.00	S 20°17'17" W	21.21
C104	23.56	15.00	90°00'00"	15.00	S 69°42'43" W	21.21
C105	1,038.20	1,020.00	58°33'42"	566.17	N 53°50'50" W	1,133.63

LINE TABLE

LINE	LENGTH	BEARING
L1	43.32	S 30°15'17" E
L2	107.34	N 87°37'38" E
L3	2.34	N 83°17'38" E
L4	85.79	S 31°25'33" W
L5	38.13	S 23°26'30" E
L6	19.77	S 23°26'30" E
L7	19.48	S 66°33'31" E
L12	43.07	S 65°23'17" E
L13	25.00	N 66°36'17" E
L14	6.81	S 65°23'17" E
L15	25.00	S 24°37'17" E
L16	7.03	N 65°23'17" E

CURVE TABLE (PROPERTY LINE)

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C101	34.81	981.00	2°02'00"	17.41	N 42°06'07" W	34.77
C102	248.55	250.00	56°72'33"	135.35	N 67°23'17" E	238.68
C103	103.45	1100.00	11°43'00"	51.88	N 72°05'38" E	103.01
C104	272.87	1030.00	20°21'42"	138.48	S 54°33'32" W	270.87
C105	105.18	100.00	60°26'32"	58.75	N 25°50'38" W	100.00
C106	122.11	1153.22	12°08'50"	118.69	N 60°40'27" E	120.72
C107	201.00	201.00	123°13'39"	163.64	N 63°38'58" W	168.06

NOTES CONT:
13. LOTS 1-3, 13-18, 53-56 ARE CONSTRUCTED OVER COMPACTED ENGINEERED STRUCTURAL FILL.

SHALLOW SEWER NOTE:
SHALLOW SEWER DEPTHS! CONTRACTOR SHALL VERIFY SEWER LATERAL DEPTH AND SET FOUNDATION ELEVATION TO PROVIDE ADEQUATE FALL INTO SEWER LATERAL. BUILDINGS WITH A BASEMENT MAY NOT HAVE SEWER SERVICE AVAILABLE FOR BASEMENT.

SURVEYORS NARRATIVE:
THIS PLAT IS A SUBDIVISION OF THE "REMAINDER PARCEL" OF SOUTH MOUNTAIN COMMERCIAL TRIANGLE PHASE 1 (ENTRY # 8834400 BOOK 2003 PAGE 311) AND THE ADDITION OF PARCELS 34-07-226-001 AND 34-06-478-002.

LEGAL DESCRIPTION (11' (15' STORM EASEMENT)
Beginning at a point that is S 00°39'48" E 87.77 feet along the Section Line and S 89°20'12" W 75.63 feet from the Southeast Corner of Section 6, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence S 44°36'41" W 15.00 feet, thence N 44°20'38" W 10.17 feet, thence N 28°14'18" W 71.08 feet, thence S 81°03'18" E 18.83 feet, thence S 28°14'18" E 57.53 feet, thence S 44°20'38" E 7.79 feet to the point of Beginning.

NOTES CONT:
12. HOME OWNER ASSOCIATION IS RESPONSIBLE FOR MAINTAINING AND PROVIDING TREES AND IRRIGATION ALONG LANDSCAPE ALONG FRONTAGE FACING HIGHLAND DRIVE AND VESTRY ROAD, AND ALL COMMON AREAS.

LEGEND

PROPERTY LINE	C31 CURVE (SEE CURVE TABLE)
LOT LINE	L22 LINE (SEE LINE TABLE)
CENTER LINE	5/8" x 24" REBAR & CAP LS#259961 TO BE SET
SECTION LINE	STREET MONUMENT TO BE SET
	FIRE HYDRANT TO BE SET
	STREET LIGHT TO BE SET

NOTICE TO PURCHASERS

1. ALL PUBLIC UTILITY EASEMENTS ARE 10' SET BACK FROM THE FRONT LOT LINES AND 5' SET BACK FROM THE SIDE AND REAR LOT LINES, UNLESS OTHERWISE NOTED.
2. ALL REAR PROPERTY CORNERS WILL BE SET WITH 5/8" REBAR WITH CAP MARKED P.E.P.G. LS#259961
3. ALL FRONT LOT CORNERS WILL BE SET WITH LEAD PLUGS IN THE CURB & GUTTER AS AN EXTENSION OF THE LOT LINE.
4. CONTRACTOR SHALL VERIFY SEWER LATERAL DEPTH AND SET FOUNDATION ELEVATION TO PROVIDE ADEQUATE FALL INTO SEWER LATERAL.
5. EACH INDIVIDUAL HOME OWNER RESPONSIBLE FOR MAINTENANCE OF PARK STRIP IN FRONT OF THEIR LOT.
6. LOTS SUBJECT TO GEOTECH REPORT RECOMMENDATIONS.
7. INDIVIDUAL LOTS SUBJECT TO MAINTENANCE OF DRAINAGE SWELLS ALONG LOT LINES THAT ARE ON INDIVIDUALS LOT.
8. THE DRAPER CITY APPROVED MINIMUM MAIN BUILDING SETBACK LINES FOR THIS SUBDIVISION HAVE BEEN SHOWN HEREON. WHERE NOT SPECIFICALLY LABELED, ALL MAIN BUILDING SETBACKS MUST CONFORM TO DRAPER CITY ZONE R3 SETBACK STANDARDS:
LOTS
FRONT HOUSE =20 FEET (MIN.) UNLESS OTHERWISE NOTED ON PLAT
FRONT GARAGE = 20 FEET (MIN.) UNLESS OTHERWISE NOTED ON PLAT
REAR=20 FEET (MIN.)
SIDE=8 FEET (MIN.)
9. ALL WALKWAYS ARE FOR PUBLIC USE.
10. ITEMS NOT SPECIFICALLY ANNOTATED ARE TO BE MEASURED BY SCALE SHOWN ABOVE.
11. PARCELS A AND B ARE HEREBY DEDICATED TO DRAPER CITY FOR DETENTION BASIN. PARCEL C AND ORRINS COVE ARE TO BE HELD IN UNDIVIDED INTEREST BY THE HOME OWNERS ASSOCIATION AND SUCCESSORS.

SURVEYOR'S CERTIFICATE

I, DERRICK S. SMITH do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 259961 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have or under my supervision 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 ROCKWELL ESTATES and that same has been correctly surveyed and staked on the ground as shown on this plat.

DATE DERRICK S. SMITH, L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 259961

BOUNDARY DESCRIPTION

A parcel of land located in the Southeast Quarter of Section 6 and the Northeast Quarter of Section 7 and the Southwest Quarter of Section 5 and the Northwest Quarter of Section 8 in Township 4 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the southeasterly line of the Utah Transit Authority Railroad right-of-way and the northeast corner of that certain parcel described in Book 7649 at Page 1564 in the Office of the Salt Lake County Recorder, which point is North 00°37'17" East, 366.00 feet from Northeast corner of said Section 7, as shown on the plat of South Mountain Commercial Triangle, Phase 1, as recorded in the Office of the Salt Lake County Recorder), and running thence along said southeasterly line North 65°17'39" East, 961.30 feet to a point on the northwesterly right-of-way line of Highland Drive and a 1038.00-foot radius curve to the left; thence southwesterly 372.86 feet along the arc of said curve through a central angle of 20°33'42" (chord bears South 54°33'32" West, 370.87 feet); thence South 44°36'41" West, 1963.62 feet to the point of tangency with a 20.00-foot radius curve to the right; thence northwesterly 32.15 feet along the arc of said curve through a central angle of 92°06'32" (chord bears North 89°20'38" West, 28.80 feet) to a point on the northerly line of South Mountain Subdivision Phase 2E, as recorded in the Office of the Salt Lake County Recorder, and the northeasterly line of Vestry Drive; thence along said line the following courses: thence North 43°17'38" West, 72.84 feet to the point of curvature with a 281.00-foot radius curve to the left; thence northwesterly 38.81 feet along the arc of said curve through a central angle of 08°44'19" (chord bears North 47°40'07" West, 38.77 feet) to the Firehouse Road Right of way; thence along said right of way the following 4 courses: 1) thence North 31°25'33" East 20.77 feet to a point on a 250.00' radius curve to the left, thence along arc of said curve 246.58 feet through a central angle of 56°30'23" (chord bears North 03°10'21" East 236.68 feet, 2) thence North 25°04'50" West 41.39 feet to a point on a 190.00' radius curve to the right, 3) thence along arc of said curve 82.40 feet through a central angle of 18°46'38" (chord bears North 15°40'20" West 82.12 feet), 4) thence South 83°44'16" West 60.00 feet, thence South 65°17'39" West 329.17 feet to the East Line of South Mountain Subdivision Phase 2E; thence continuing along the boundary line of said subdivision the following two (2) courses: (1) thence North 24°29'43" West, 47.06 feet; (2) thence North 24°20'28" West, 252.92 feet to said southeasterly line of the Utah Transit Authority Railroad right-of-way; thence along said line North 65°17'39" East, 1552.20 feet to the point of beginning.

Parcel contains 19.60 acres.

OWNER'S DEDICATION

Know all men by these presents that____, the____undersigned owner( ) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the ROCKWELL ESTATES

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof____ have hereunto set hand(s) this day of_____ A.D., 20____.

ACKNOWLEDGMENT

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

On the____day of_____A.D., 20___, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said state of Utah, the signer( ) of the above Owner's dedication,____in number, who duly acknowledged to me that_____signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:_____

NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

ROCKWELL ESTATES (AMENDED)

SUBDIVIDING REMAINDER PARCEL OF
SOUTH MOUNTAIN COMMERCIAL TRIANGLE
PHASE 1 AND ADDITIONAL LAND
DRAPER CITY, UTAH

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6,
THE NORTHEAST QUARTER OF SECTION 7,
THE SOUTHWEST QUARTER OF SECTION 5,
AND THE NORTHWEST QUARTER OF SECTION 8 IN
TOWNSHIP 4 SOUTH, RANGE 1 EAST,
SALT LAKE BASE & MERIDIAN

PEPG ENGINEERING, L.L.C.

UTA

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

QUESTAR GAS

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

U.S. WEST COMMUNICATIONS

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

UTAH POWER & LIGHT

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

S.L. COUNTY BOARD OF HEALTH

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

COMCAST

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

WATERPRO

APPROVED THIS _____ DAY OF _____ A.D., 20___.

REPRESENTATIVE DATE

SOUTH VALLEY SEWER DIST.

APPROVED THIS _____ DAY OF _____ A.D., 20___.

MANAGER DATE

CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____ A.D. 20___, BY THE DRAPER CITY PLANNING COMMISSION.

COMMISSION CHAIR DATE

CITY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE AND IS HEREBY APPROVED.

CITY ENGINEER PRINT NAME DATE

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20___.

REPRESENTATIVE DATE

CITY MAYOR

PRESENTED TO DRAPER CITY THIS _____ DAY OF _____, A.D. 20___.

CITY RECORDER PRINT NAME DATE

CITY MAYOR PRINT NAME DATE

RECORDER

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

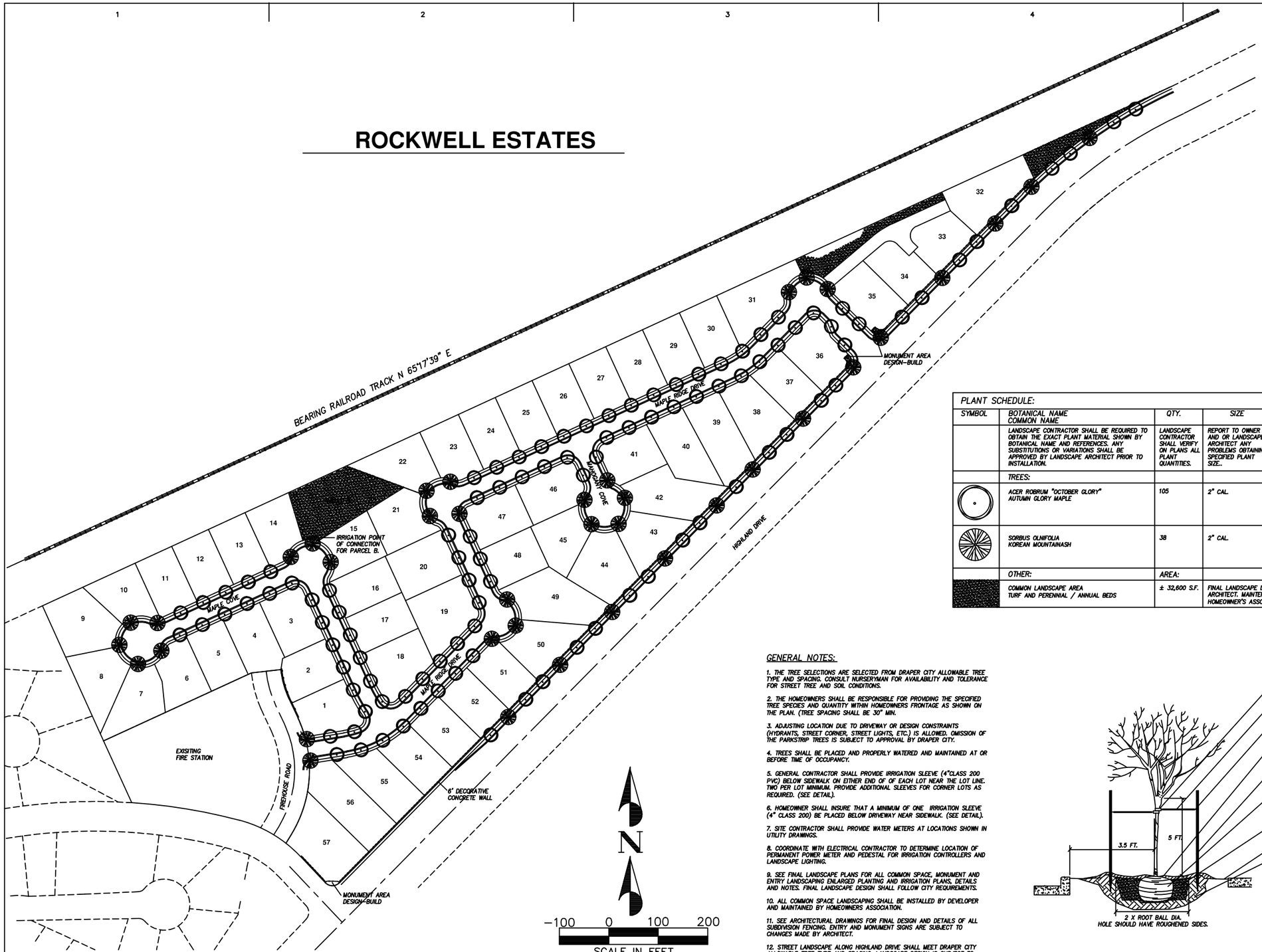
DATE_____ TIME_____ BOOK_____ PAGE_____

FEE $

SALT LAKE COUNTY RECORDER

DATE: FEBUARY 9, 2005
FILE: 6394.0311\DWG\PLAT-01.DWG

ROCKWELL ESTATES



N

-100 0 100 200

SCALE IN FEET
1" = 100' (24" X 36" ONLY)

PLANT SCHEDULE:

SYMBOL	BOTANICAL NAME COMMON NAME	QTY.	SIZE	NOTES/REQUIREMENTS
	LANDSCAPE CONTRACTOR SHALL BE REQUIRED TO OBTAIN THE EXACT PLANT MATERIAL SHOWN BY BOTANICAL NAME AND REFERENCES. ANY SUBSTITUTIONS OR VARIATIONS SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.	LANDSCAPE CONTRACTOR SHALL VERIFY ON PLANS ALL PLANT QUANTITIES.	REPORT TO OWNER AND OR LANDSCAPE ARCHITECT ANY PROBLEMS OBTAINING SPECIFIED PLANT SIZE..	ALL PLANTS TO BE PLANTED AS SHOWN ON PLAN. ANY DISCREPANCIES BETWEEN CONDITIONS & PLANS SHALL BE REPORTED TO OWNER & OR LANDSCAPE ARCHITECT.
	TREES:			
	ACER ROBRUM "OCTOBER GLORY" AUTUMN GLORY MAPLE	105	2" CAL.	MEDIUM TREE. RED FALL COLOR. RETAIL APPROX. $160. J&J NURSERY, LAYTON, UT.
	SORBUS OLNIFOLIA KOREAN MOUNTAINASH	38	2" CAL.	MEDIUM TREE. GOLDEN FALL COLOR. RETAIL APPROX. $170. J&J NURSERY, LAYTON, UT.
	OTHER:	AREA:		
	COMMON LANDSCAPE AREA TURF AND PERENNIAL / ANNUAL BEDS	± 32,600 S.F.	FINAL LANDSCAPE DESIGN BY DEVELOPER AND LANDSCAPE ARCHITECT. MAINTENANCE SHALL BE PERFORMED BY HOMEOWNER'S ASSOCIATION.	

GENERAL NOTES:

1. THE TREE SELECTIONS ARE SELECTED FROM DRAPER CITY ALLOWABLE TREE TYPE AND SPACING. CONSULT NURSERYMAN FOR AVAILABILITY AND TOLERANCE FOR STREET TREE AND SOIL CONDITIONS.

2. THE HOMEOWNERS SHALL BE RESPONSIBLE FOR PROVIDING THE SPECIFIED TREE SPECIES AND QUANTITY WITHIN HOMEOWNERS FRONTAGE AS SHOWN ON THE PLAN. (TREE SPACING SHALL BE 30" MIN.

3. ADJUSTING LOCATION DUE TO DRIVEWAY OR DESIGN CONSTRAINTS (HYDRANTS, STREET CORNER, STREET LIGHTS, ETC.) IS ALLOWED. OMISSION OF THE PARKSTRIP TREES IS SUBJECT TO APPROVAL BY DRAPER CITY.

4. TREES SHALL BE PLACED AND PROPERLY WATERED AND MAINTAINED AT OR BEFORE TIME OF OCCUPANCY.

5. GENERAL CONTRACTOR SHALL PROVIDE IRRIGATION SLEEVE (4"CLASS 200 PVC) BELOW SIDEWALK ON EITHER END OF OF EACH LOT NEAR THE LOT LINE. TWO PER LOT MINIMUM. PROVIDE ADDITIONAL SLEEVES FOR CORNER LOTS AS REQUIRED. (SEE DETAIL).

6. HOMEOWNER SHALL INSURE THAT A MINIMUM OF ONE IRRIGATION SLEEVE (4" CLASS 200) BE PLACED BELOW DRIVEWAY NEAR SIDEWALK. (SEE DETAIL).

7. SITE CONTRACTOR SHALL PROVIDE WATER METERS AT LOCATIONS SHOWN IN UTILITY DRAWINGS.

8. COORDINATE WITH ELECTRICAL CONTRACTOR TO DETERMINE LOCATION OF PERMANENT POWER METER AND PEDESTAL FOR IRRIGATION CONTROLLERS AND LANDSCAPE LIGHTING.

9. SEE FINAL LANDSCAPE PLANS FOR ALL COMMON SPACE, MONUMENT AND ENTRY LANDSCAPING ENLARGED PLANTING AND IRRIGATION PLANS, DETAILS AND NOTES. FINAL LANDSCAPE DESIGN SHALL FOLLOW CITY REQUIREMENTS.

10. ALL COMMON SPACE LANDSCAPING SHALL BE INSTALLED BY DEVELOPER AND MAINTAINED BY HOMEOWNERS ASSOCIATION.

11. SEE ARCHITECTURAL DRAWINGS FOR FINAL DESIGN AND DETAILS OF ALL SUBDIVISION FENCING, ENTRY AND MONUMENT SIGNS ARE SUBJECT TO CHANGES MADE BY ARCHITECT.

12. STREET LANDSCAPE ALONG HIGHLAND DRIVE SHALL MEET DRAPER CITY ALLOWABLE TREE TYPE AND SPACING. LANDSCAPE DESIGN IS SUBJECT TO FINAL ROAD AND WALK DESIGN TO BE COMPLETED BY DRAPER CITY ENGINEERING STAFF.

TREE PLANTING

SPECIFIED TREE STRAP AT END OF GUY WIRE AROUND TREE TRUNK.

½" DIA. X 24" LONG PVC PIPE SECTION ON EACH WIRE.

12 GAUGE GALVANIZED WIRE, DOUBLE STRAND TWISTED.

4" DEEP WATER RETENTION BASIN – NOT REQUIRED IN IRRIGATED TURF AREAS.

6.5' STEEL T-POST (2 MIN.) TO EXTEND MIN. 30" INTO UNDISTURBED SOIL.

IN IRRIGATED AREAS, PLANT ROOT BALL 3" HIGHER THAN GRADE IN WHICH IT GREW. IN NON-IRRIGATED AREAS, PLANT TREE BALL AT GRADE LEVEL IN WHICH IT GREW.

APPLY SPECIFIED MULCH TO REMAIN PERMANTLY. REFER TO NOTES AND SPECIFICATIONS.

FINISHED GRADE.

SPECIFIED BACK FILL MIXTURE AND FERTILIZER APPLICATION. REFER TO NOTES AND SPECIFICATIONS. HOLE SHOULD HAVE ROUGHENED SIDES.

NOTES:

1. DO NOT CUT LEADER. PRUNE DAMAGED OR DEAD WOOD IMMEDIATELY PRIOR TO PLANTING.

2. CUT AND REMOVE BURLAP FROM TOP AND SIDES OF ROOT BALL. REMOVE ALL WIRES AND NYLON TIES. IF TREE IS IN FIBER POT, REMOVE PRIOR TO PLANTING.

3. ANY BROKEN OR CRUMBLING ROOT BALL WILL REJECTED. REMOVING THE WIRE WILL NOT BE AN EXCUSE FOR DAMAGED ROOT BALLS.

Cadence HOMES
3400 NORTH ASTON BLVD., SUITE 180
LEHI, UTAH 84043
BUS: 801.768.0503
FAX: 801.410.1565
EMAIL: RYAN@CADENCEHOMES.COM

CADENCE HOMES- ROCKWELL ESTATES
DRAPER UTAH
HIGHLAND DRIVE

PLOT SCALE: 1" =100'
DATE: 12.30.2013
JOB: OWNER
MDE

ISSUES/REVISIONS:	DATE

LANDSCAPE PLAN

L.1

DRAPER CITY

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

STAFF REPORT
August 1, 2014

To: Draper City Planning Commission
Business Date: August 14, 2014

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

Re: **Sal Sand Jump – Conditional Use Permit for Cell Tower**

Application No.:	140715-15101S
Applicant:	Pete Simmons for Verizon Wireless
Project Location:	15101 S. Minuteman Dr.
Zoning:	M1
Acreage:	3.88 acres
Request:	Conditional use approval to install a 90-foot monopole

BACKGROUND
Verizon Wireless currently has five facilities within Draper City and four facilities just outside the boundary. As they continue to upgrade and expand service, they are looking to add seven new facilities within the city—this being one of them.

SUMMARY OF REQUEST
This application is a request for a conditional use permit to install a cell tower on a vacant piece of ground adjacent to I-15 at the far south end of the city. As proposed, the height of the structure measured to the top of the antenna array is 90 feet, and there would be a six-foot tall lightning rod on top. There would be two microwave dishes located about a third of the way up the pole. The ground equipment will occupy an area of 28' x 54' (1,562 square feet), which would be enclosed by six-foot tall chain link fencing with barbed wire.

ANALYSIS
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.

Conditional Use Permit Required. Chapter 9-41 considers a monopole a permitted use if it conforms to all development standards of Section 9-41-050. The current proposal conforms to all of these standards except height, which puts this application in the *conditional* use category. Subsection 9-41-050(e)(2)(i) states: "The maximum height of a monopole with antennas and antenna support structures shall be 60 feet." But that is not the final word. Subsection 9-41- 060 states: "A wireless telecommunication facility that does not conform to the development standards of Section 9-41-040 may be established in any residential, commercial, public facilities or industrial zone subject to the issuance of a conditional use permit." As such, this application seeks a conditional use permit to install a 90-foot pole. The code limits pole height to 100 feet, and does not provide the opportunity for additional height through conditional use permit. Subsection 9-41-070(e)(2) states: "No monopole with antenna and antenna support structures shall exceed a height of 100 feet."

Planning Review. The planning staff has reviewed this request against the zoning regulations for wireless communication facilities contained in Chapter 9-41, and issues a recommendation for approval for the request with the following proposed conditions:

1. That the monopole shall be no higher than 100 feet, which is the maximum allowed by code.
2. That the monopole and all equipment and equipment shelters shall be fenced in with an 8-foot tall vinyl-coated chain link fence.
3. That the applicant provides a written and signed letter to the city agreeing to following the city procedure if the facility is removed or abandoned, as required in DCMC Section 9-41-090(a).
4. That the applicant adheres to all requirements of the Unified Fire Authority throughout the development and construction of the site and the operation of all facilities on the site, including the provision that there be a fire extinguisher on the property at all times.

Engineering Review. In a memo dated July 23, 2014, Robert Markle states: "We have reviewed the CUP and have no engineering concerns."

Building Division Review. Building Official Keith Collier states that this application will require a building and electrical permit.

Unified Fire Authority Review. In a memo dated July 24, 2014, Don Buckley with the Unified Fire Authority recommends approval of the conditional use permit with the following conditions and comments:

1. **2A-10BC Fire Extinguishers required**. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.

Noticing. Noticing to solicit public comment on this request 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 Pete Simmons, representing Verizon Wireless, application 140715-15101S, subject to the following conditions:

1. That the monopole shall be restricted to a maximum height of 100 feet.
2. That co-location by other carriers shall be allowed on the monopole.
3. That the applicant provides a written and signed letter to the City agreeing to following the City procedure if the facility is removed or abandoned, as required in DCMC Section 9-41-090(a).
4. That the applicant adheres to all requirements of the Unified Fire Authority throughout the development and construction of the site and the operation of all facilities on the site, including the provision that there be a fire extinguisher on the property at all times.
5. That the applicant adheres to all requirements of the Draper City Engineering and Public Works Divisions throughout the development of the site and the construction of all buildings on the site, including permitting.
6. That the applicant adheres to all requirements of the Draper City Building Division throughout the development of the site and the construction of all buildings on the site, including permitting.
7. That per DCMC Section 9-5-080(j), unless substantial action under the conditional use permit is taken within one year from the date of issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the conditional use permit for an extension of up to six months, subject to approval by the Planning Commission.

This recommendation is 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 plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The public services in the area are adequate to support the subject development.

MODEL MOTION

Sample Motion to Approve. "I move we approve the conditional use permit by Pete Simmons, representing Verizon Wireless, application #140715-15101S, based on the findings and subject to the conditions listed in the staff report dated August 1, 2014 and as modified by the conditions below:"

1. List any additional findings and conditions.

Sample Motion to Deny. "I move we deny the conditional use permit by Pete Simmons, representing Verizon Wireless, application #140715-15101S, based on the following findings:"

1. List any additional 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

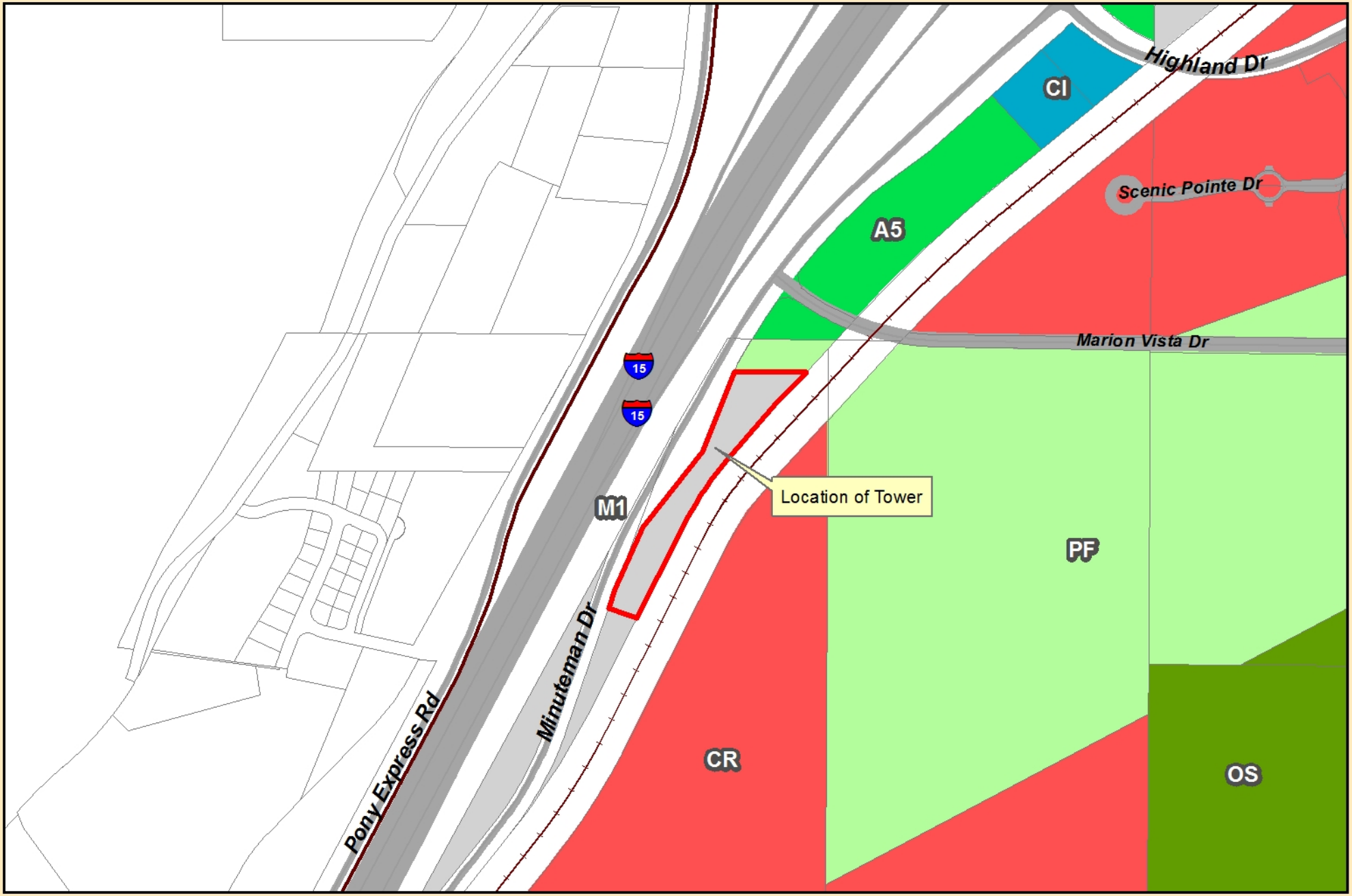
Draper City Building Division

Draper City Public Works Department

Draper City Planning Division

Unified Fire Authority

Draper City Legal Counsel



DRAPER CITY

Zoning Map for Verizon Sand Jump Cell Tower CUP

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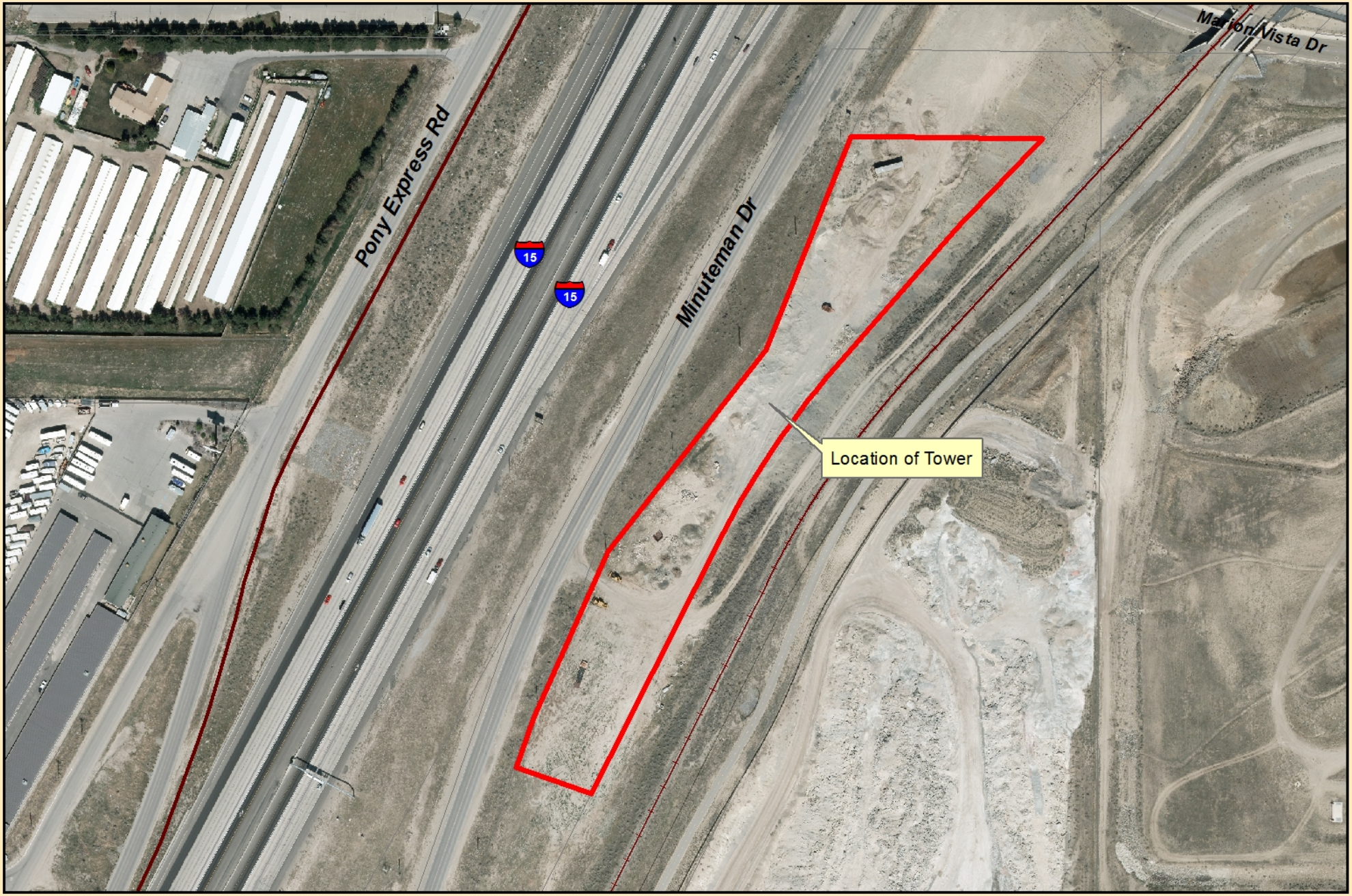

DRAPER CITY

Aerial Map for Verizon Sand Jump Cell Tower CUP

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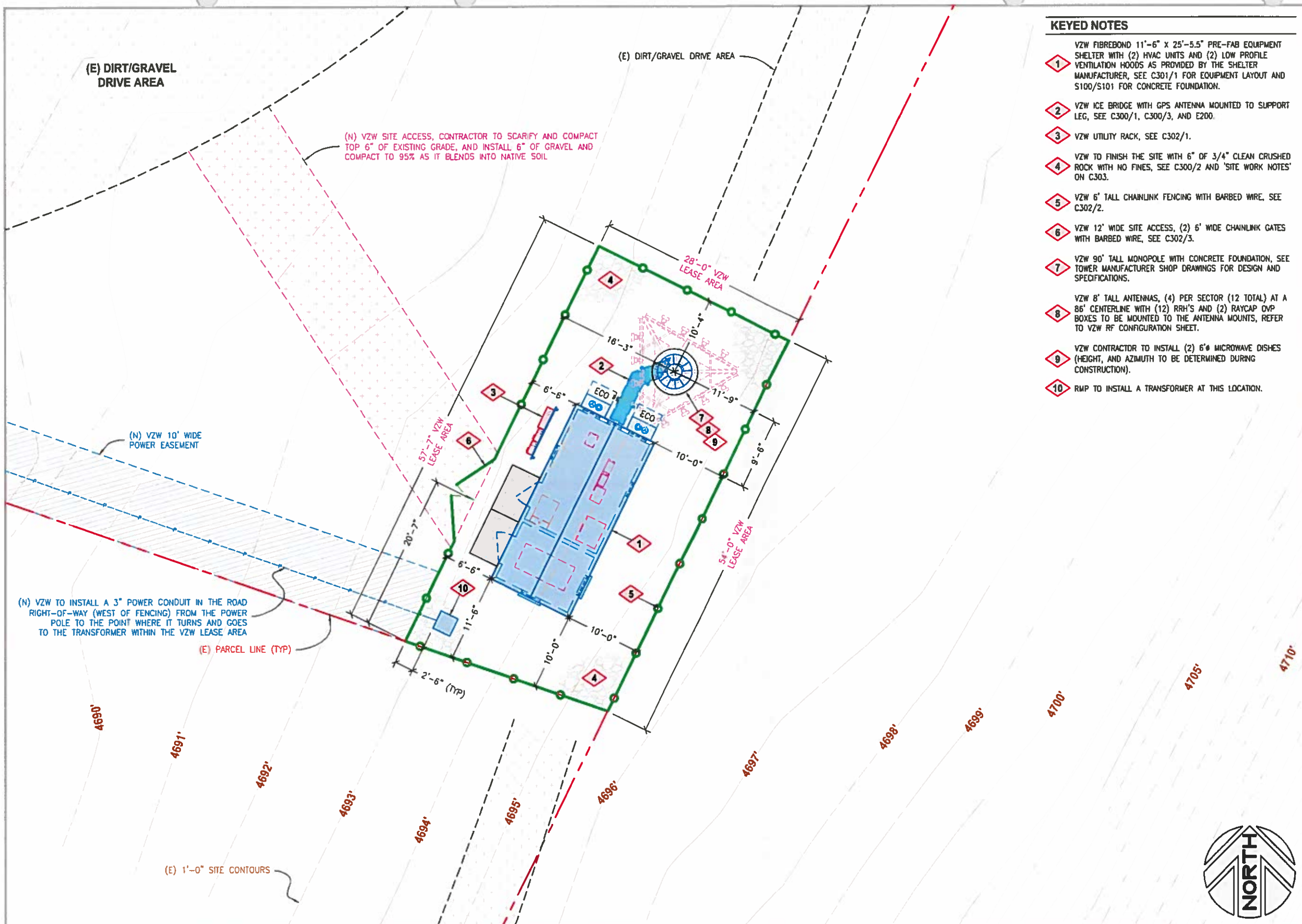

KEYED NOTES

1. VZW FIBREBOND 11'-6" X 25'-5.5" PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOODS AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
2. VZW ICE BRIDGE WITH GPS ANTENNA MOUNTED TO SUPPORT LEG, SEE C300/1, C300/3, AND E200.
3. VZW UTILITY RACK, SEE C302/1.
4. VZW TO FINISH THE SITE WITH 6" OF 3/4" CLEAN CRUSHED ROCK WITH NO FINES, SEE C300/2 AND 'SITE WORK NOTES' ON C303.
5. VZW 6' TALL CHAINLINK FENCING WITH BARBED WIRE, SEE C302/2.
6. VZW 12' WIDE SITE ACCESS, (2) 6' WIDE CHAINLINK GATES WITH BARBED WIRE, SEE C302/3.
7. VZW 90' TALL MONOPOLE WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
8. VZW 8' TALL ANTENNAS, (4) PER SECTOR (12 TOTAL) AT A 86' CENTERLINE WITH (12) RRH'S AND (2) RAYCAP OVP BOXES TO BE MOUNTED TO THE ANTENNA MOUNTS, REFER TO VZW RF CONFIGURATION SHEET.
9. VZW CONTRACTOR TO INSTALL (2) 6'ø MICROWAVE DISHES (HEIGHT, AND AZIMUTH TO BE DETERMINED DURING CONSTRUCTION).
10. RMP TO INSTALL A TRANSFORMER AT THIS LOCATION.

verizon wireless

VERIZON WIRELESS
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

TAEC
Technology Associates Engineering Corporation Inc.
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
5710 SOUTH GREEN STREET
SALT LAKE CITY, UTAH 84123

CORPORATE OFFICE
3115 SOUTH MELROSE DRIVE, SUITE #110
CARLSBAD, CALIFORNIA 92010

DRAWN BY:	JAY C
CHECKED BY:	PETE S

REV	DATE	DESCRIPTION
0	03.05.2014	ZONING DRAWINGS

SAL – SAND JUMP
NW SEC 13, T4S, R1W
15101 S. MINUTEMAN DR
DRAPER, UTAH 84020
-- RAWLAND SITE --

SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
C101

ENLARGED SITE PLAN | SCALE: 1/4" = 3'-0" | 1

KEYED NOTES

1. VZW FIBREBOND 11'-6" X 25'-5.5" PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOODS AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
2. VZW 6' TALL CHAINLINK FENCING WITH BARBED WIRE, SEE C302/2.
3. VZW 12' WIDE SITE ACCESS, (2) 6' WIDE CHAINLINK GATES WITH BARBED WIRE, SEE C302/3.
4. VZW 90' TALL MONOPOLE WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
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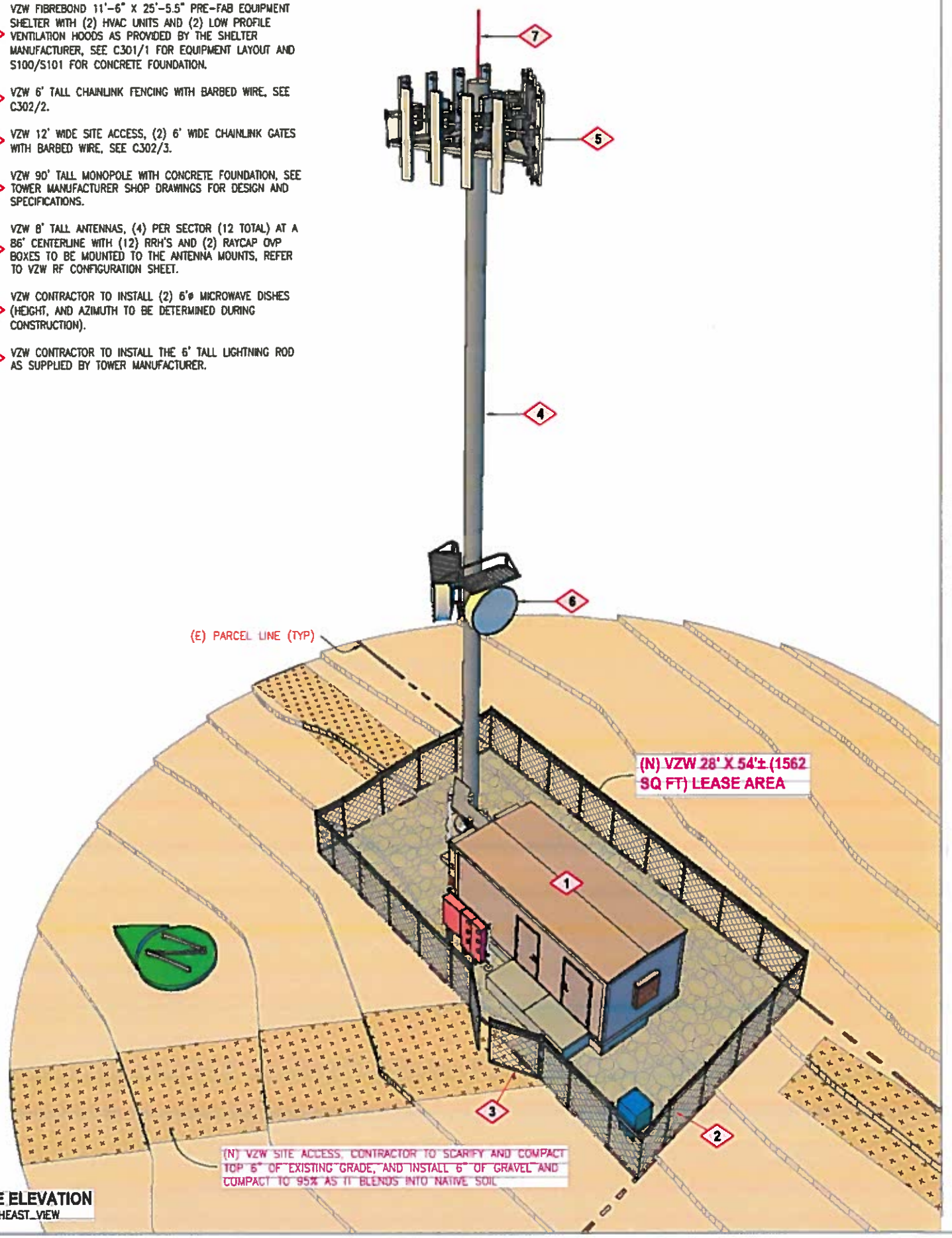
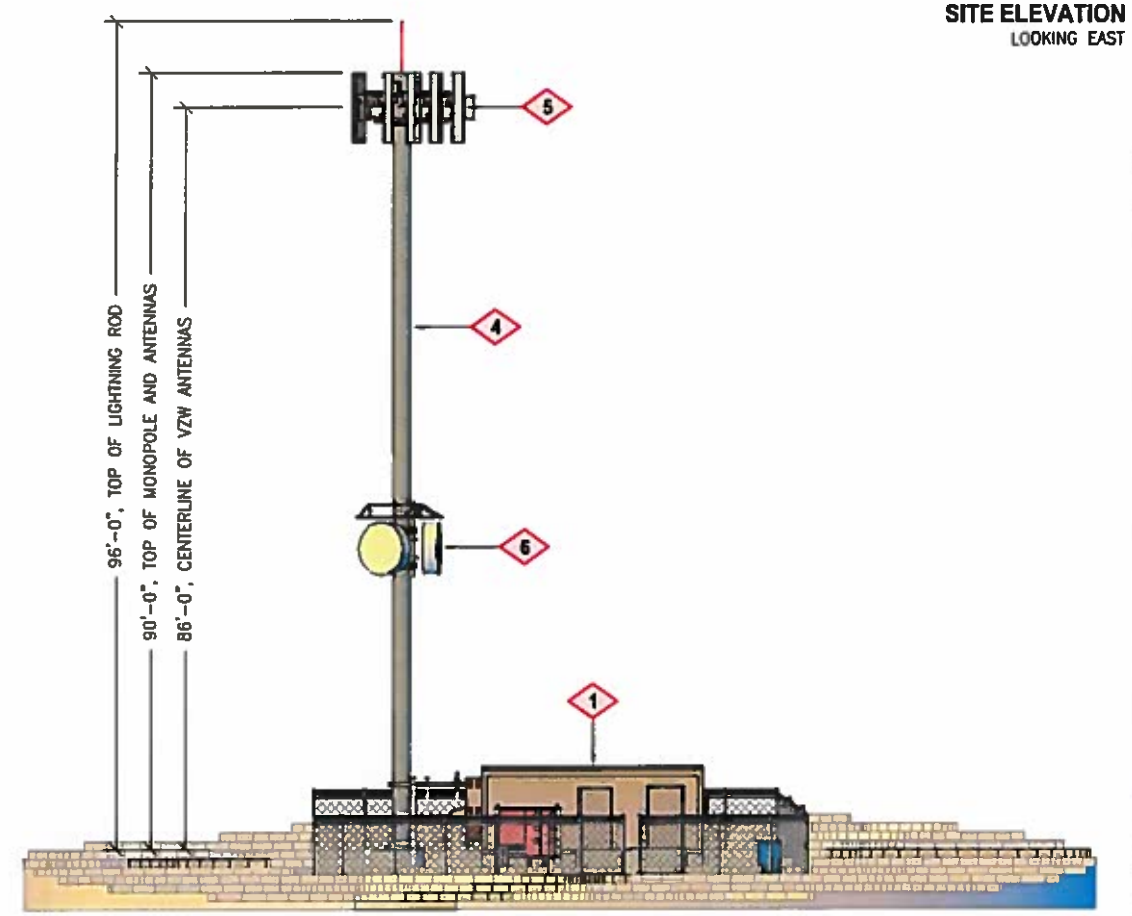
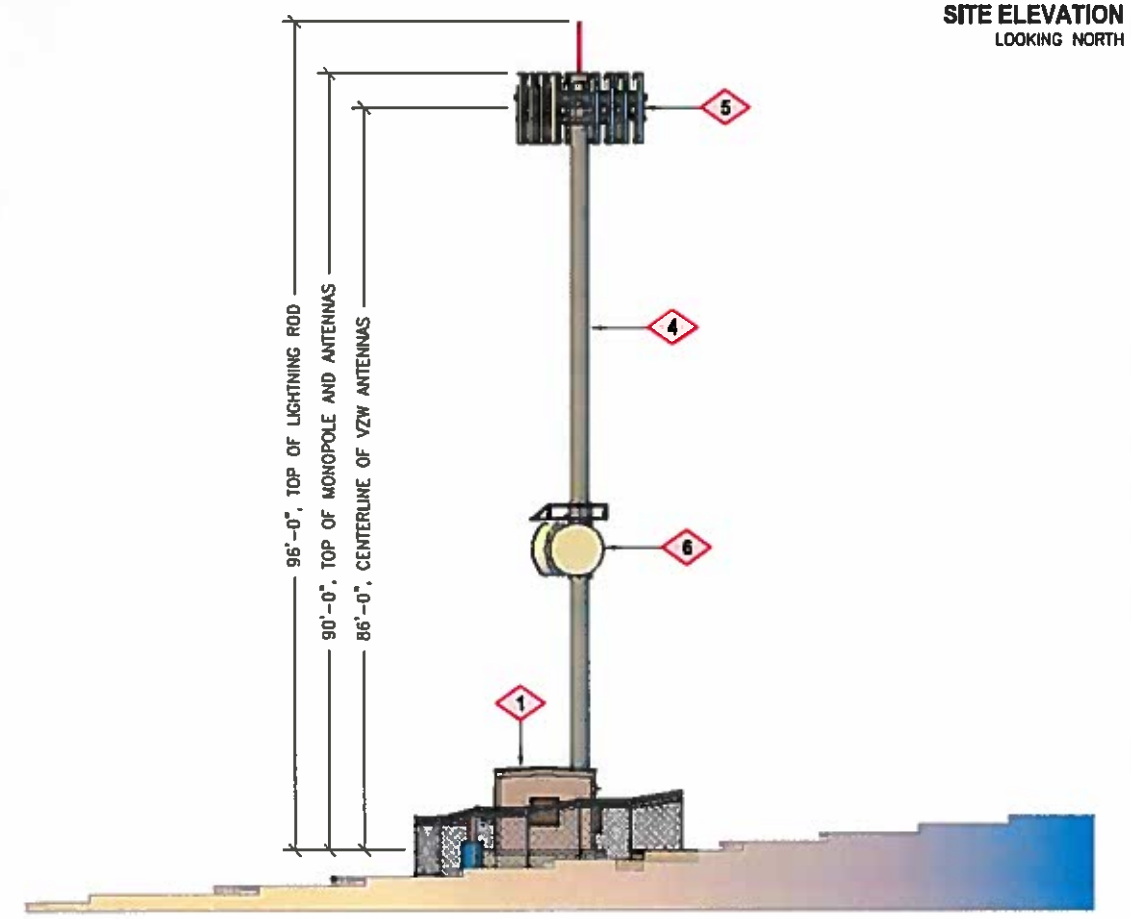
6. VZW CONTRACTOR TO INSTALL (2) 6'ø MICROWAVE DISHES (HEIGHT, AND AZIMUTH TO BE DETERMINED DURING CONSTRUCTION).
7. VZW CONTRACTOR TO INSTALL THE 6' TALL LIGHTNING ROD AS SUPPLIED BY TOWER MANUFACTURER.



SITE ELEVATION
NORTHEAST_VIEW



SITE ELEVATION
LOOKING EAST



SITE ELEVATION
LOOKING NORTH

verizon wireless

VERIZON WIRELESS
9856 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

TAEC
Technology Associates Engineering Corporation Inc.
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
5710 SOUTH GREEN STREET
SALT LAKE CITY, UTAH 84123

CORPORATE OFFICE
3115 SOUTH MELROSE DRIVE, SUITE #110
CARLSBAD, CALIFORNIA 92010

DRAWN BY:	JAY C
CHECKED BY:	PETE S

REV	DATE	DESCRIPTION
0	03.05.2014	ZONING DRAWINGS

SAL - SAND JUMP
NW SEC 13, T4S, R1W
15101 S. MINUTEMAN DR
DRAPER, UTAH 84020
-- RAWLAND SITE --

SHEET TITLE
SITE ELEVATIONS

SHEET NUMBER
C200

DRAPER CITY

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

STAFF REPORT
August 5, 2014

To: Draper City Planning Commission
Business Date: August 14, 2014

From: Development Review Committee

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

Re: **Fine Art Studio and Classes – Conditional Use Permit Request**

Application No.:	140715-12956S
Applicant:	Emily Carruth Fuller
Project Location:	12956 South Brook Haven Cove
Zoning:	R3 Residential Zone
Acreage:	0.33 Acres (Approximately 14,374 ft^2)
Request:	Request for approval of a Conditional Use Permit in the R3 Residential zone to allow art instruction in the home.

SUMMARY AND BACKGROUND
This application is a request for approval of a Conditional Use Permit for approximately 0.33 acres located in the Pheasant Brook Estates phase II subdivision, at 12956 South Brook Haven Cove. The property is zoned R3 Residential. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow her to provide art instruction in her home.

The applicant just moved into the new home a month and a half ago and now desires to run a home occupation business from a single room in the basement. According to the application materials, a copy of which can be found attached to this report, the applicant anticipates students coming to the home once a week for a group art lesson. So far she has four students but would like to see up to nine as a best case scenario. She will have no outside employees.

ANALYSIS
General Plan and Zoning. The Land Use Map of the General Plan calls for the Medium Density land use designation for the subject property. Additionally, the property has been assigned the R3 Residential zoning classification supporting a single family residential use. The property is completely surrounded by R3 zoning.

Draper City Municipal Code (DCMC). The type of business being requested has been determined to be

classified a "personal instruction service" use. Personal instruction businesses are defined in Chapter 9-3 of the Draper City Municipal Code (DCMC) as *"An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs"*. The Fire Marshall and Building Official have investigated this potential business and have found no reason to believe that hazardous materials are being used.

Chapter 9-10 of the DCMC details, in part, the permitted and conditional uses for the various residential zones within Draper City, including the R3 zone to which the subject property has been assigned. Table 9-10-1 within that chapter declares home occupations to be permissible uses based on the terms of Chapter 9-34 which governs home occupations. Section 9-34-050 calls out "Personal Instruction Services" as a permissible home occupation class following the application for and approval of a Conditional Use Permit, which has led to the current request. The previous property owner had a business license from the home for an office. Currently, there are no home occupation business licenses on the street. There are however, more home occupation businesses in the general vicinity.

Parking and Site Plan Layout. The property contains one single family home. The applicant would see clients in an approximately 761 ft² room in the basement. The room does not have direct access to outside but is right off of the stairway leading to the upstairs.

The applicant has stated that the worst case scenario would be a class of up to nine students. At this time, as a new resident of the area, she has only got four students that have signed up for the class. As previously stated, she could see as many as nine students. She anticipates that in that situation, many would be dropped off as they are usually children that would not drive. The driveway does have enough room for four standard 9'X18' parking spaces. She also has additional space behind a gate that would allow an additional four cars to park for up to eight spaces. Staff does not anticipate parking to be an issue.

Home Occupation Criteria. The City Code outlines development standards applicable to all home occupations. Those standards are found in Section 9-34-040 of the Draper City Municipal Code. Those criteria, along with information specific to the subject request, are as follows:

(a) *Ownership. The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.* The business owner is the owner of the home.

(b) *Business License. A business license for the home occupation shall be obtained from and continually maintained with the City pursuant to Chapter 6-11 of the Draper City Municipal Code.* The applicant will be required to maintain a valid Draper City Business License throughout the operation of the business.

(c) *Employees. Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Non-family or non-resident employees shall be limited to one person.* The applicant is the only employee for the proposed home occupation. Per City ordinance, the applicant could have members of the household as well as one outside employee if desired in the future.

(d) *Inspection. All facilities shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes. Inspections during reasonable hours by City*

officials may occur as necessary to assure compliance with regulations. The proposed home occupation will be subject to all required inspections associated with receiving a Business License and operating a business.

(e) *Inventory. No stock in trade, inventory, or other merchandise to exceed 250 square feet shall be kept on the premises. No outside storage is allowed.* The proposed home occupation will require very little inventory. The applicant will have no trouble meeting this requirement.

(f) *Modification of Structures or Yards. There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. Yards surrounding the dwelling and accessory buildings shall not be used for storage of the home occupation use. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.* There are no structural or aesthetic alterations needed to the home or property to accommodate the proposed home occupation.

(g) *Nuisance. Tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise shall be prohibited.* The proposed home occupation should produce no nuisances to neighboring property owners.

(h) *Secondary Use. The home occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty-five percent (25%) of the dwelling unit shall be used for the home occupation.* The proposed home occupation is clearly incidental and secondary to the residential use of the property and the neighborhood. County records declare the home to be approximately 3,770 ft^2 finished area and she will be using approximately 750 ft^2 which is approximately 20% of the total home square footage.

(i) *Signs. All signage in a residential area must comply with the Draper City Sign Ordinance (Chapter 26 of [the Draper City Municipal Code]).* The proposed home occupation would be permitted the standard signage allowances dictated in Chapter 9-26 of the Draper City Municipal Code, should the applicant desire and apply for such signage. No signage is being applied for at this time.

(j) *Traffic, Parking, and Access. No home occupation use shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone in which the use is located. All parking shall be provided and maintained on-site with adequate provision for drop-off traffic.* Some traffic will be generated as a result of the home occupation. However, she is proposing only one class per week on Thursday afternoons for two hours significantly reducing the amount of disturbance the proposed business would have on the neighborhood. As stated previously, all parking will be maintained on site.

(k) *Vehicles. Other than the business owner's personal transportation, there shall be no vehicles or equipment on the property associated with the home occupation which would not normally be found at a residence. No signage for the home occupation shall be allowed on vehicles.* The proposed home occupation will have no vehicles associated

with the business alone or beyond that used and intended for the homeowner's personal transportation.

(l) *Yards. Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.* The proposed home occupation will have no involvement with the property on the outside of the home.

(m) *Customers. No customers allowed. Children accessing a limited day care or limited preschool facility shall not be considered customers.* The applicant has stated that there will be one class per week on Thursday afternoon. Four students have signed up thus far and she anticipates up to nine in the future.

(n) *Utility Demand. The home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.* The proposed home occupation should have no impact on the utility system of the city or the subject area of the community.

(o) *Main Structure. The home occupations shall be conducted, located, and contained within the primary structure on the property.* The proposed home occupation will be completely contained within the main structure on the property.

(p) *Single-Family Dwellings. A home occupation listed in Section 9-34-050 of this code that does not conform to any of the development standards in Section 9-34-040 of this code may nonetheless be established through the issuance of a Conditional Use Permit specifically for the desired alteration to those development standards.* The subject property for which the proposed home occupation is to be located is a single-family dwelling as required.

(q) *Licensure. Any home occupation involving child care shall comply with all applicable State and local laws and regulations regarding residential child care, including, but not limited to provisions of the Utah Child Care Licensing Act, as set forth in Utah Code Ann. §§ 26-39-101, et seq., as amended, and the Residential Certificate Child Care Standards as set forth in the Utah Admin. Code §§ R430-50-1, et seq., as amended. In addition, Cottage Food Production Operations are regulated and inspected by the Utah Department of Agriculture. Any food-related home occupation under their jurisdiction must comply with these regulations.* The proposed home occupation does not involve child care or food.

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 standards of this subsection 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) Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location,

landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Section. Such conditions shall be expressly set forth in the motion authorizing the Conditional Use Permit.

(3) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(4) The following factors shall be reviewed and considered in determining whether a Conditional Use Permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:

(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) whether the proposed use or facility may be injurious to potential or existing development in the vicinity;
(iv) the economic impact of the proposed facility or use on the surrounding area;
(v) the aesthetic impact of the proposed facility or use on the surrounding area;
(vi) the safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
(vii) the safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and
(viii) 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.

(5) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection (e) can be met.

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 all requirements of the Unified Fire Authority and Draper City Building Official are satisfied throughout the operation of the home occupation on the property.
2. That the home occupation continually maintains a valid Draper City Business License throughout its operation.
3. That the proposed home occupation is required to maintain approval and adequate licensure from any and all State agencies prior to receiving a business license.
4. That no parking associated with or caused by the proposed home occupation be located within any public right-of-way.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Conditional Use Permit submission and have issued a

recommendation for approval for the request with the following comments:

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted. The number of trips generated by clients arriving and leaving is considered an insignificant impact to the existing and future traffic condition. The existing driveway appears to provide adequate parking to accommodate off-street parking during appointments or at times of pick up and drop off. Given the available driveway parking and the represented client load, the use is not anticipated to generate a significant traffic impact to the existing and future traffic condition;

2. The proposed use does not appear detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity;

3. The proposed use appears to have been presented as desirable to provide a service or facility which will contribute to the general well-being of the community;

4. The proposed use appears to comply with the regulations and conditions specified in the Draper City Municipal Code and appears to be in harmony with the intent of the Draper City General Plan.

Building Division Review. The Draper City Building Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request without further comment.

Unified Fire Authority Review. The Unified Fire Authority has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following proposed condition:

1. **2A-10BC Fire Extinguishers required**. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.

Noticing. The applicant has expressed a 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 Emily Carruth Fuller, application 140715-12956S, subject to the following conditions:

1. That all requirements of the Unified Fire Authority and Draper City Building Official are satisfied throughout the operation of the home occupation on the property.
2. That no parking associated with or caused by the proposed home occupation be located within any public right-of-way.
3. That the home occupation continually maintains a valid Draper City Business License throughout its operation.

4. That the proposed home occupation is required to maintain approval and adequate licensure from any and all State agencies prior to receiving a business license.

This recommendation is based on the following findings:

1. The proposed home occupation meets 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. encouraging and supporting a diversity of businesses; and
   d. encouraging a diverse array of goods and services being provided for consumers.
2. The proposed home occupation meets the requirements and provisions of the Draper City Municipal Code.
3. The proposed home occupation will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed home occupation will not alter the general aesthetic and physical development of the area.
5. The proposed home occupation requires no utility or public services beyond that which the residence already requires, thereby safeguarding and ensuring the adequacy of utilities in the area.
6. The subject property is well suited to accommodate the addition of the proposed home occupation.
7. The proposed home occupation will not emit noxious or offensive emissions such as noise, glare, dust, pollutants, and odor.

MODEL MOTIONS

Sample Motion for Approval – "I move we approve the Conditional Use Permit Request by Emily Carruth Fuller, application 140715-12956S, based on the findings and subject to the conditions listed in the Staff Report dated August 5, 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 Emily Carruth Fuller, application 140715-12956S, based on the following findings:"

1. List any additional 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

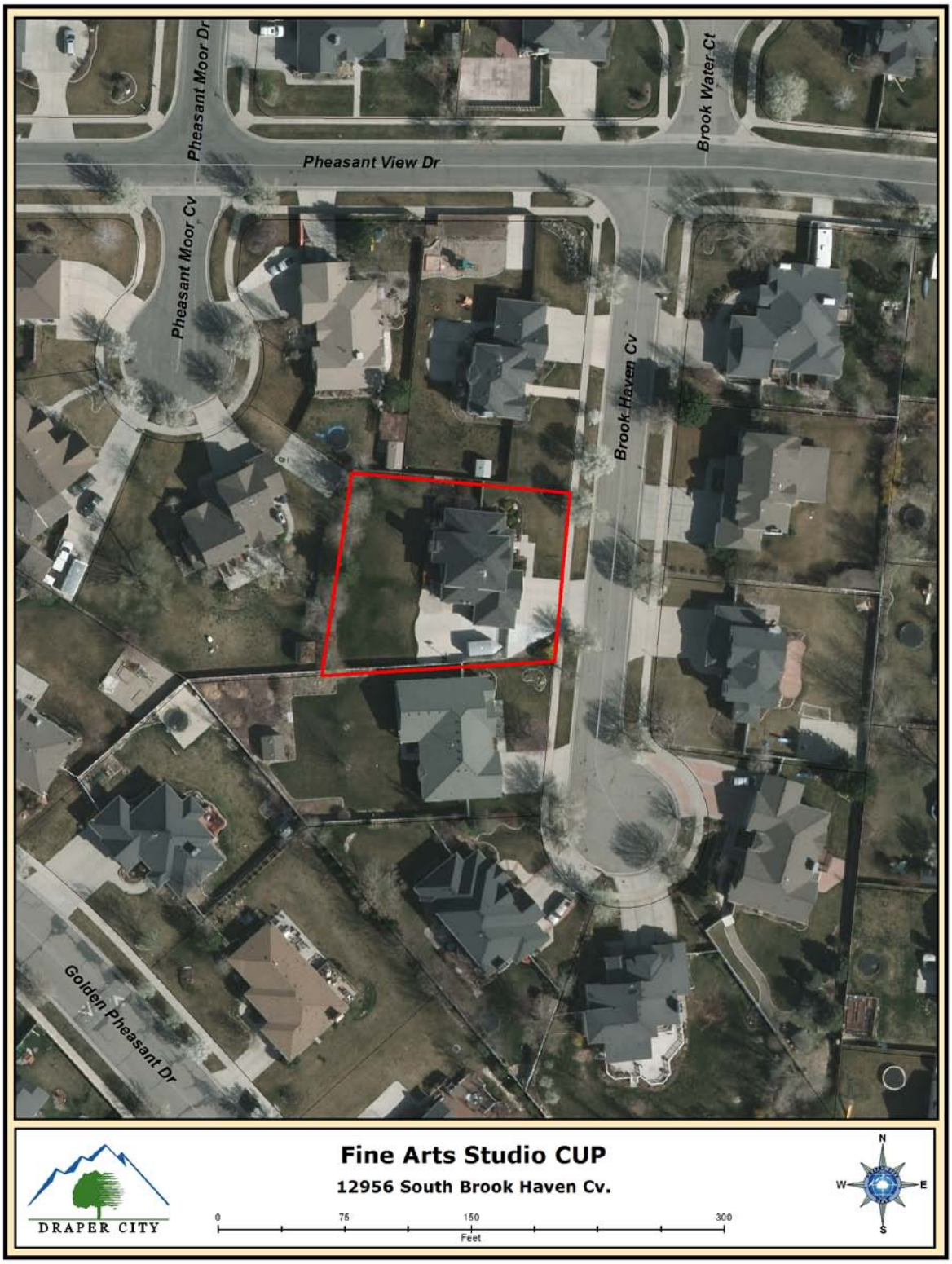

Pheasant Moor Dr
Pheasant View Dr
Brook Water Ct
Pheasant Moor Cv
Brook Haven Cv
Golden Pheasant Dr
Fine Arts Studio CUP
12956 South Brook Haven Cv.
DRAPER CITY
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EXHIBIT A

SUPLEMENTAL DOCUMENTATION
PROVIDED BY APPLICANT

1. What is the present use of the property?

   Residential.

2. What is the proposed use?

   To teach an art class in the basement one day a week on Thursays from 4-6 PM.

3. Please discuss how the proposed use will "fit-in" with surrounding uses.

   In this quiet culdesac, art class will be a low-key, once a week occurance. Most students will be dropped off. Those who park can be asked to use the driveway (it fits 4+ cars) or to park directly in front of the home so as not to bother any neighbors.

4. What type of service will it provide to the City of Draper?

   Most students will be Draper residents. This art class —open to all ages and skill levels—will give students a strong foundation in the classical arts, enrich lives, build confidence, and strengthen the local art community.

5. Is the proposed use consistent with the current zoning and land use designation?

   Yes in that it is similar to piano lessons or other in-home teaching.

6. Is the proposed use similar or compatible to other uses in the same area?

   Yes (see answer to question 5).

7. Is the proposed use suitable for the proposed site?

   Yes, we recently purchased the home in large part due to its ability to accommodate an art class.

8. Will the proposed use emit noise, glare, dust, pollutants, & odor?

   No.

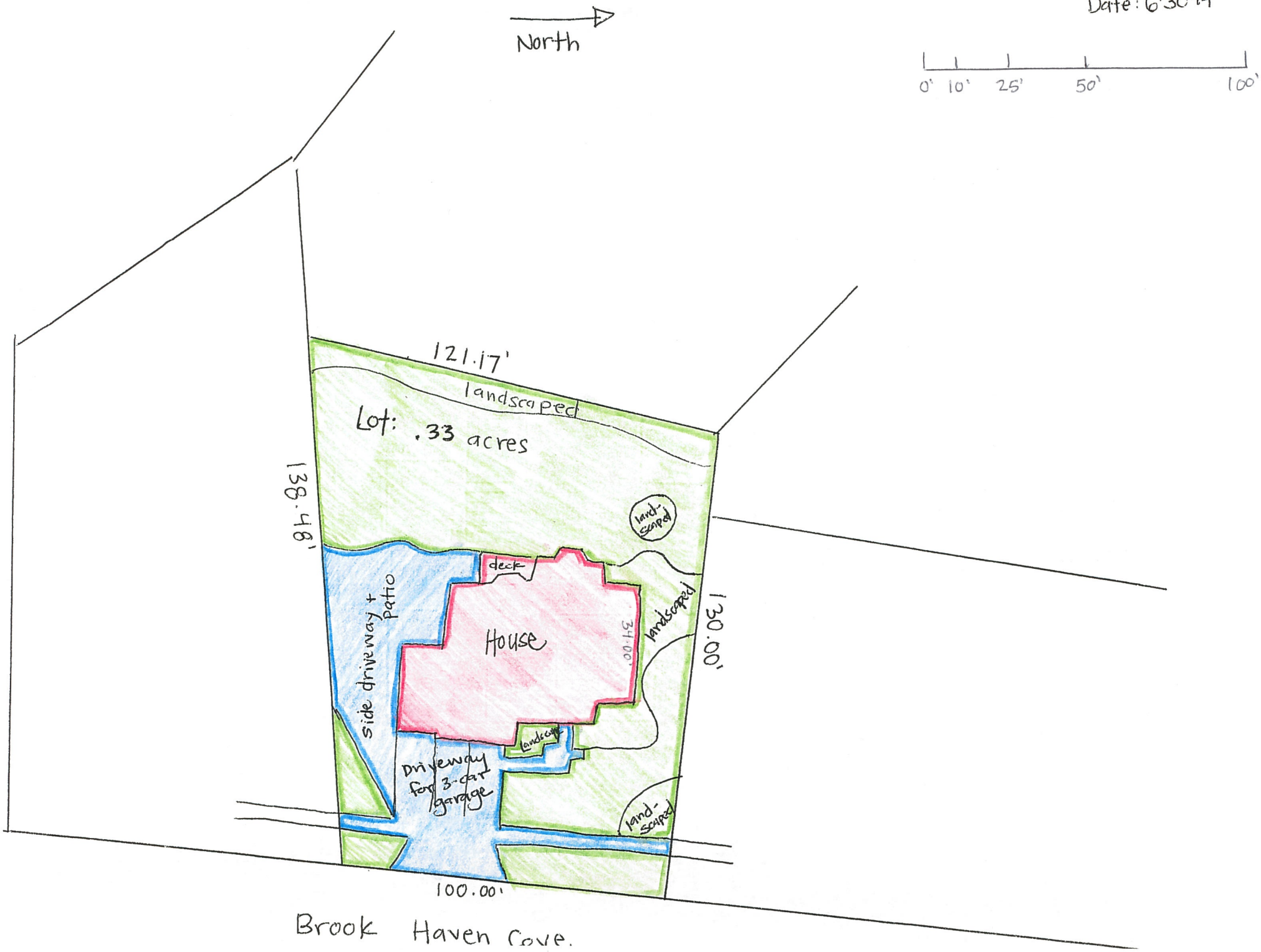
9. What will be the hours of operation & how many people will be employed?

   No employees. Class will be each Thursday from 4:00-6:00 PM

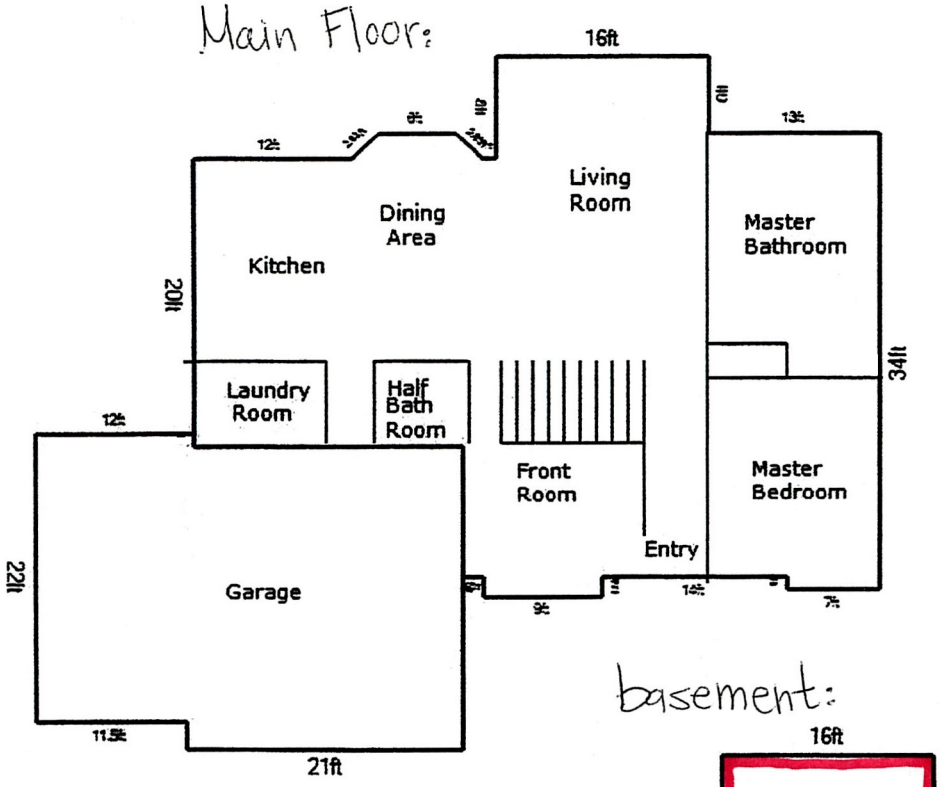
10. If applicable, how many clients will come to the home daily?

    None, except for on Thursdays when students arrive. There are currently 4 potential students.

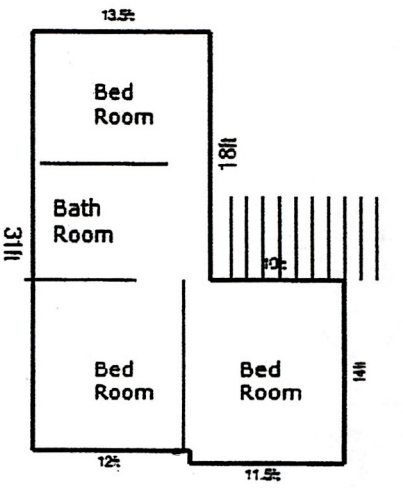
Date: 6·30·14


North
0' 10' 25' 50' 100'
121.17'
landscaped
Lot: .33 acres
138.48'
land-scaped
deck
side driveway + patio
House
34.00'
landscaped
130.00'
landscape
Driveway for 3-car garage
land-scaped
100.00'
Brook Haven Cove.

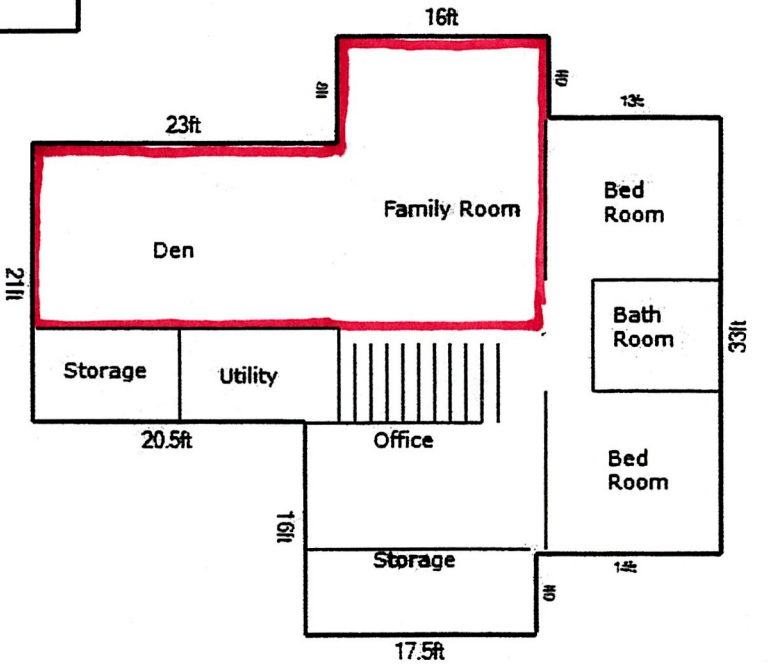
Main Floor:



upstairs:



basement:



Letter for Conditional Use Permit

App. #	140715-129568
App. Name	Fine Art Studio and classes Conditional Use Permit
Applicant:	Emily Carruth Fuller
Location:	12956 South Brook Haven Cove

My name is Robyn Brown. I live in Draper at 323 Hedge Hollow Cove.
I don't live in the same neighborhood as Emily Fuller. As a person who would take advantage of Emily's talent, and have the opportunity of taking lessons from her, I would be in favor of Emily Fuller receiving a Conditional Use Permit to teach art lessons in her home.

Thank you,

Robyn Brown