

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JUNE 13, 2024, IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Lisa Fowler, Vice-Chair
Commission Member Susan Nixon
Commission Member Mary Squire
Alternate Commission Member Shivam Shah
Alternate Commission Member Laura Fidler
Alternate Commission Member Christine Green

EXCUSED: Andrew Adams, Chair
Commission Member Gary Ogden
Commission Member Kendra Shirey

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

6:30 PM Business Meeting

In the absence of Chair Andrew Adams, Vice-Chair Lisa Fowler called the meeting to order at 6:30 p.m. and welcomed those present.

1. Items for Commission Consideration.

- A. Approve Planning Commission Meeting Minutes for April 25, 2024.
(Administrative Action).**

Motion: Commissioner Nixon moved to APPROVE the minutes of April 25, 2024.

Second: Commissioner Squire seconded the motion.

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

**B. Public Hearing: Carol Lee Subdivision Plat Amendment and Deviation Request.
(Administrative Action).**

On the request of Troy Blundell for a Plat Amendment and a Deviation on 1.07 acres of land located at 995 East 12600 South in the TC (Town Center) zone. Application 2024-0191-SUB. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov.

Community Development Director, Jennifer Jastremsky, presented the Staff Report and stated that the subject properties are to the south of City Hall off of 12600 South. There are currently two homes and three parcels. The southern lot was illegally subdivided in 2003. The two property owners now want to formally create a third lot and adjust those boundaries. The parcel is in the Town Center Land Use designation and Town Center (“TC”) zoning designation. TC zoning does not allow for single-family homes and as such, the existing homes are considered legal non-conforming. Under current zoning, a house could not be built on the proposed lot, which is key to the deviation being requested. Two of the lots access 12600 South via a private, 25-foot-wide road.

The proposed subdivision creates a new lot with frontage on both 12600 South and the existing private road. The applicant also requested a deviation to street improvements. 12600 South and 1015 East do not have curb, gutter, or sidewalk, and the owner wishes to leave the streets as-is and not add those improvements. The adjacent Bainbridge Subdivision was required to install a cul-de-sac at the end of 12600 South in lieu of connection. That cul-de-sac was approved without curb, gutter, or sidewalk. Staff recommended that the deviation be approved because there is no curb, gutter, or sidewalk along the entire street, including the private lane.

The South Valley Sewer District requested that an easement be added to the plat, and that will be required in order to obtain their signature on the final mylar. Staff requested a Condition of Approval specifying that an easement acceptable to the sewer district be provided. Ms. Jastremsky noted that the condition was not included in the Staff Report, so any motion to approve would need to include that condition.

Commissioner Shah asked if that was the only easement or if there will be one along the shared property line. Ms. Jastremsky responded that there is an existing access easement for the private road, as well as public utility easements on the lots.

In response to a question, Ms. Jastremsky noted that single-family homes are not allowed in the TC zone. It allows commercial, office, and potentially mixed-use space. Commercial development would trigger requirements for parking, additional road improvements, etc. It would be very challenging to meet those requirements on a lot of that size. She noted that the Fire Department reviewed the request and had no concerns.

The applicant, Troy Blundell provided background on the application. His neighbor is recently divorced and selling her lot. He would like to purchase the property so he can continue to run his dogs and prevent anyone from building something that he would find undesirable. The previous

owner added a raised garden bed, which he intends to repair. Plans for the future would depend on Draper's future requirements. He cannot envision a business surviving at the end of a dead-end road. Mr. Blundell currently owns Lot 4. The current boundary lines place Lot 5 ten feet from the house on the east and north sides, making the property essentially useless. With the boundary shift, the neighbor would own all the property north to the fence line and another ten feet to the east, and Lot 6 would be a grass field and garden.

In response to a question regarding why he does not want to combine Lots 4 and 6, Mr. Blundell stated that when he started the process, he believed it would be a simple boundary line adjustment between Lot 5 and Lot 6. He wants to keep the option of selling it open. Ms. Jastremsky added that they originally discussed doing a lot line adjustment, but when they started looking at the properties, they realized that there was an illegal subdivision. The Plat Amendment would clean up the illegal subdivision and give Mr. Blundell the property he is seeking to purchase.

In response to a question, Ms. Jastremsky indicated that they could combine the lots, but the plat would have to be changed. She noted that the Planning Commission could approve the application subject to that change or ask the applicant to come back once the plat is updated.

After discussion, the Commissioners decided that they were not comfortable creating a small lot that could potentially be developed commercially.

Vice-Chair Fowler opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Shah asked if commercial zones have a minimum lot size. It was noted that there is no minimum lot size within the TC zone. The property owner would be required to meet minimum standards for things such as parking, open space, and landscaping. The current application could not be approved with conditions on future use. There were two agenda items related to this property: the deviation request and the subdivision plat amendment.

Motion: Commissioner Squire moved to CONTINUE the Street Improvement Deviation as requested by Troy Blundell for Carol Lee Subdivision, Application 2024-0191-SUB, until a future meeting date to be determined.

Second: Commissioner Nixon seconded the motion.

Vote: A roll call vote was taken with the Commissioners voting 4-to-1 in favor of the motion. Commissioners Squire, Nixon, Fidler, and Green voted "Yes." Commissioner Shah voted "No".

Motion: Commissioner Nixon moved to CONTINUE the Subdivision Plat Amendment as requested by Troy Blundell for Carol Lee Subdivision, Application 2024-0191-SUB, until a future meeting, date to be determined.

Second: Commissioner Squire seconded the motion.

Vote: A roll call vote was taken with the Commissioners voting 4-to-1 in favor of the motion. Commissioners Nixon, Squire, Fidler, and Green voted “Yes.” Commissioner Shah voted “No”.

Vice-Chair Fowler indicated that the applicant should work with Staff to determine next steps. The Planning Commission would like the lots combined.

C. Public Hearing: Jenson Farms Lots 208 and 209 Subdivision Plat Amendment. (Administrative Action)

On the request of Tim Gough of Gough Homes, a request to amend the existing Jenson Farms Phase 2 Subdivision plat to consolidate Lots 208 and 209 into one larger lot. The subject property is located at approximately 608 W. Rocky Bluff Cove and is approximately 0.62 acres in size. Known as application: 2024-0038-SUB. Staff contact: Maryann Pickering, (801) 576- 6391 or maryann.pickering@draperutah.gov.

City Planner III, Maryann Pickering, presented the Staff Report and stated that the property is located in Jensen Farms off 700 West and south of 11400 South. The two lots under consideration currently have a Residential Medium-Density Land Use Designation with R-4 Residential zoning. The applicant wishes to combine Lots 208 and 209 to create a larger lot for the construction of a single-family home. The new lot would meet all zoning requirements. Staff received one email in support of the consolidation that was forwarded to the Planning Commission.

The applicant, Tim Gough, reported that the lot frontages on the individual lots presented challenges, so they made the decision to combine the lots.

Vice-Chair Fowler opened the public hearing. It was noted that one public comment was received via email that was in favor of the amendment. There were no further public comments. The public hearing was closed.

Motion: Commissioner Nixon moved to APPROVE the Subdivision Plat Amendment as requested by Tim Gough, representing Gough Homes, Application 2024-0038-SUB subject to following:

Conditions of Approval:

- 1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 2. That in accordance with Section 17-9-070 of the Draper City Code, the approval of a Plat Amendment will expire one year from the date of the Planning Commission approval if the plat has not been recorded A maximum**

of one extension of this approval for a period of up to six months can be requested in writing to the Community Development Department prior to the date of expiration.

- 3. That the second water service that was previously stubbed to the lot is abandoned at the main prior to the recordation of the plat.**
- 4. That the existing PUE easements between lots 208 and 209 be shown on the amended plat as to be vacated with the recording of the amended plat.**

Finding:

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

Second: Commissioner Shah seconded the motion.

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

D. Public Hearing: Copper Creek Electric, LLC Home Occupation Conditional Use Permit (Administrative Action)

On the request of Trisha Cutrer, a request for a Home Occupation Conditional Use Permit for a home office with additional non-resident employees and work vehicles on approximately 1.46 acres at 13603 S. 300 E. Known as Application 2023-4607-USE. Staff Contact: Todd Taylor, 801-576-6510, todd.taylor@draperutah.gov.

Commissioner Squire stated for the record that she knows the applicant, Trisha Cutrer. They live in the same neighborhood and have had some interactions through their children. Commissioner Shah indicated that he also knows the Cutrer family.

City Planner III, Todd Taylor, presented the Staff Report and stated that the subject property is east of I-15 and north of Bangerter Parkway. The site is designated Residential Low/Medium Density and is zoned Residential Agricultural ("RA1"). The home office is located in the dwelling. Use of tools and equipment occurs offsite. There will be two to four resident employees and two nonresident employees. A work vehicle is parked at the home, and the two employees also park at the home between 7:00 a.m. and 4:00 p.m. Some electrical materials are stored onsite in the barn. The applicant provided a parking plan and photos showing that parking is located behind a fence and out of view from the front of the property.

The applicant, Trisha Cutrer, was available to answer any questions.

Vice-Chair Fowler commented that Staff had recommended a condition that if the applicant's sons don't live in the home, they should be counted as non-resident employees and not resident

employees. In this situation they should meet at the jobsite. Ms. Cutrer stated that one lives in Provo and drives directly to each job. The other son goes to school in Virginia and lives with the applicant during the summer. Vice-Chair Fowler indicated that Staff's recommendations would limit parking to two nonresident employees. It was clarified that there is only one work vehicle.

One recommended Condition of Approval is that an updated, scaled and dimensioned parking plan be submitted to show where the three vehicles would park so Staff can verify that there is space for that number of vehicles. Ms. Cutrer indicated that three vehicles would not be parked onsite at the same time. The work vehicle leaves after the two employee vehicles are parked. The north-to-south length of the parking area is approximately 217 feet.

Vice-Chair Fowler opened the public hearing.

Paul McCarty reported that he is a former City Council Member and was opposed to the Conditional Use Permit. He stated that there is already too much commercial traffic along 300 East and he believes there are plenty of open business locations in Draper where this business could be located. He expressed concern about increased traffic, especially as the business grows. He was also concerned that the employees of the business are not residents of the neighborhood, so there could be a lack of interest in the neighborhood and its originally zoned purpose. He indicated that his primary concern is the children in the area. Channing Hall is one block north of the home, and employees will be entering and exiting during the times that children are walking down the street. He believes it is a safety and health hazard. Even though the traffic would be on 300 East, his concern is that this might open the door for additional residential businesses. He urged the Planning Commission to vote against the application.

Andy Koch stated that his house is directly north of the subject property. It is a quiet neighborhood, but 300 East is a feeder road to other neighborhoods. The applicant requested permission to allow one person who they have vetted to park at their private residence. They have a long driveway, and parking is behind a fence and not visible from the road. He does not believe one additional car would pose any hazards as long as they are a law-abiding citizen who is willing to drive the speed limit. He noted that many people don't drive the speed limit on 300 East. He expressed his support of the application, as the Cutrers are responsible people who have good employees and he doesn't believe it is any different than having a friend park in your driveway during the middle of the day.

Commissioner Shah commented that it is a large lot and one additional car would not have a negative impact.

Commissioner Squire noted that City Code allows for residential homes to have home-based businesses. In her six years on the Planning Commission, this was the most reasonable request she had seen based on the amount of space being provided for employees and the minimum impact to the neighborhood. She also lives close to the location and is familiar with 300 East, and she would not call it a quiet neighborhood.

Motion: Commissioner Shah Moved to APPROVE the Home Occupation Conditional Use Permit as requested by Tricia Cutrer, Application 2023-4607-USE, subject to the following:

Conditions of Approval:

1. That all requirements of the Draper City Engineering, Public Works, Building, Business Licensing, Planning, and Fire Divisions are satisfied throughout the operation of the business.
2. That a Business License shall be obtained and maintained for the life of the business.
3. That no customers are allowed to come to the property.
4. That the number of non-resident employees not exceed two (2).
5. That the number of work vehicles associated with the business not exceed one (1).
6. That the applicant submit an updated scaled and dimensioned parking plan to staff for review and approval of the parking locations.
7. That the employee vehicle(s) associated with the business be parked on the existing driveway, behind the fence, screened from view from the street in the locations to be approved by staff with the updated parking plan.
8. That the one (1) work vehicle be parked on the existing driveway, behind the fence, screened from view from the street in the location to be approved by staff with the updated parking plan.
9. That storage of inventory or supplies be limited to the area inside the detached barn, and that it not exceed an area of two-hundred fifty (250) ft². No outside storage related to the business is allowed.
10. That no nuisance may be caused through tools, items, equipment, or activities conducted at the property which are offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise.

Finding:

1. Reasonable mitigation measures are placed on the conditional use to alleviate anticipated detrimental effects.

Second: Commissioner Squire seconded the motion.

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

E. Public Hearing: Hold Tyte Studios, LLC Home Occupation Conditional Use Request (Administrative Item)

On the request of Albert Spencer-Wise representing Hold Tyte Studios, LLC a Home Occupation Conditional Use Permit request for a cottage business and personal instruction services on approximately 0.66 acres, located at 13575 S. 1300 E. Known as Application 2024-0043-USE. Staff Contact: Todd A. Draper, (801) 576-6335, todd.draper@draperutah.gov.

Planning Manager, Todd Draper, presented the Staff Report and stated that the subject property is near Highland Drive on 1300 East. The property has an easement on Draper City owned land for ingress and egress. The Land Use is Residential Low-Medium Density, and the zoning is RA1. The business creates art for online sales, which is a Cottage Business designation, and they provide art classes by appointment. Classes are typically in the evenings and on weekends, with longer hours in the summer. The business is located inside the attached four-car garage, with space left open for residential parking in the garage as required by City Code. Electric kilns are in one corner of the garage, and there is storage in the middle. Mr. Draper reviewed the site plan and photos. He noted that one public comment was received in opposition to the application.

The applicant did not provide a parking plan outlining where the parking would be or how many stalls would be available, although there is space on the property for parking. They did indicate that classes would have between two and four people but could have as many as 10 students. Space to park two vehicles will be left open in the garage as required by City Code.

Commissioner Shah indicated that a parking plan is necessary. It is a high traffic street, and pulling in and out of the home could be a safety issue. Commissioner Fidler expressed a concern about possible illegal left-hand turns into the property. Mr. Draper pointed out there is a cement median separating the lanes. Vice-Chair Fowler mentioned that the Planning Commission previously approved a home occupation photography studio on the condition that they only allow two cars to visit the residence at a time. That could be an option to consider for this application.

Staff did not recommend allowing customer parking directly behind a garage as it blocks those stalls, but the applicant does have a significant amount of existing paved area that could potentially fit three or more cars. The Commissioners discussed the need for a parking plan so they can consider the available parking and the number of clients that could safely park there. The property can also be accessed from 13800 South. The applicant was not present. It was noted that there appears to be ample parking for two to four cars, but not for 10.

Vice-Chair Fowler opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Shah noted that the property is not easy to access, especially for first-time customers. Mr. Brien Maxfield, Senior Engineering Manager, stated that the City has done some clearing on 1300 East to provide more visibility from that driveway because of the hillside and trees. He has looked at the driveway and approach, but not the parking at this site. There is no on-street parking. The easement dead ends. It was once a private drive that served two homes to the east, but those properties are now accessed via a different street. The section on the applicant's property could be used for parking, but the unused, paved portion of the easement could not be used for offsite parking.

The Commissioners further discussed the potential parking issues. There is no option for street parking, but there appears to be ample onsite parking. Mr. Draper noted that submission of a parking plan is listed in the suggested Conditions of Approval. There was a concern expressed that ten cars per day is too many, but it was clarified that the applicant has stated that there could be up to ten students, but typically only two to four for each art class. It was noted that single-family homes typically generate eight to ten trips per day. Home-based preschools are allowed ten students per session and two sessions per day, which would generate more traffic than this application, but those are normally drop-offs that do have the same parking requirements.

It was determined that the applicant needs to appear before the Planning Commission to answer their questions and present a detailed parking plan. It is a very busy intersection with vehicle, pedestrian and bike traffic, and more information is needed before a decision can be reached.

Motion: Commissioner Squire moved to CONTINUE the Home Occupation Conditional Use Permit as requested by Albert Spencer-Wise representing Hold Tyte Studios, LLC, Application 2024-0043-USE, to a future Planning Commission meeting, date to be determined.

Second: Commissioner Shah seconded the motion.

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

**F. Public Hearing: Danduboyina Zone Change.
(Legislative Action)**

On the request of Sai Danduboyina, property owner, a request to amend the zoning designation from RA1 (Residential Agricultural, 40,000 square foot lot minimum) to RA2 (Residential Agricultural, 20,000 square foot lot minimum). The property is located at approximately 11511 S. 700 West and is approximately 1.58 acres in size. Known as application: 2024-0220-MA. Staff contact: Maryann Pickering, (801) 576-6391 or maryann.pickering@draperutah.gov.

City Planner III, Maryann Pickering, presented the Staff Report and stated that the property is located on 700 West near 11400 South. The Land Use designation is Residential Low-Medium Density, and the zoning is RA1. The applicant is requesting rezoning to RA2. RA1 allows a

minimum lot size of one acre, and RA2 allows a minimum of one-half acre. The applicant has indicated a future desire to subdivide and build homes on the lot, which is currently vacant. Two emails were received in opposition to the project.

Commissioner Nixon noted that the lot is only 111 feet wide. She asked if it would meet the required setbacks for the RA-2 zone when subdivided. Ms. Pickering stated that during pre-application meetings, the applicant was advised that they would have to build a 26-foot wide private road with curb and gutter. The setbacks would be based on the private road and are 30 feet in front, 12 feet on the side, and 20 feet at the rear. The subdivided lots would be buildable, but it would be tight. She noted that Staff has not received a subdivision application.

In response to a question from Commissioner Shah regarding the subdivision at Maple Drift Lane, Ms. Pickering indicated that the zoning was already present when that subdivision was approved.

The applicant, Sai Danduboyina, presented his reasoning for the application. He has two children that he plans to send to Juan Diego High School, and they want to move closer to the school. Its accessibility to the interstate will shorten the commute and it is also close to shopping. The plat is large, but they don't want to build a large house. His plan is to leave it as a legacy for his children to subdivide at a later time. He does not want to put a house in the middle of the lot and make it unusable to them, and he does not want to follow the 30-year-old strategy of the current zoning. In order to place the house where he wants on the lot, he needs to request the rezoning at this time.

Mr. Danduboyina stated that he was aware that the area is agricultural and he does not want to change the agricultural zoning. He likes having horses in the neighborhood. His current property is next door to a three-acre horse property, and he enjoys seeing the horses. He noted that the property across the street is already zoned RA2, and there are two similar subdivisions in the vicinity. He noted that Draper has ten times as many people as it did when the zoning was put in place, and he does not believe it is reasonable to expect his lot to retain that zoning. He will be making use of a lot that has been vacant for years. He noted that the Draper City General Plan encourages housing diversity along major transit investment corridors, and he believes his request is in line with that goal. He does not believe the request will impact traffic significantly or cause significant risks. He noted that the church across the street produces a lot of traffic, as does Soccer City, so it is already a busy street.

Vice-Chair Fowler opened the public hearing.

Rick Taylor reported that he also sent an email expressing his viewpoint. He stated that approximately 55% of the lot has a steep downhill slope, and the developments to the east are on the other side of the creek. Previous City Councils and Planning Commissions approved the other subdivisions in the area and it is getting more difficult to maintain horse property in the area. Traffic from Soccer City has made taking horses down the road risky, whereas 30 years ago it was customary to allow your children to ride up and down the road. There are significant changes that come with these decisions, and he believes there are many reasons why the application should be denied. There is approximately 111 feet of road frontage on this property. If 26 feet are removed for the private road, after the minimum setbacks only approximately 60 feet of land remains to

build a house on. That would be a much smaller lot than anything currently in place. They would not be able to have a large animal as is customary in this portion of the neighborhood. He also believes they will have significant challenges in putting two houses on the lot. There are additional engineering challenges. As you go deeper into the lot, they will not be able to access the sewer. He asked that the Planning Commission consider the voices of people who own property in the area.

Jan Sharp stated that there are three lots to the north of the subject property that have horses, as well as the one to the south. The area was intended for horses. She expressed concern that approving the application will start a process that might allow more subdivisions, and then people will lose the ability to have horses. She was on the Jordan River Parkway trail committee, and they made sure they had horse trails because the area has a lot of horses. She does not want to lose the ability to have horses and believes that allowing subdividing of the properties will change the characteristics of the neighborhood.

Lori Tolbert has lived on her horse property for 35 years. Horse owners are a staple in the area, and they want that to be recognized. She has spoken with the applicant and his family and believes they would be great neighbors, but she does not want her animal rights changed or taken away. It is a subdivision, and it is very close to her property.

Alisha Jensen lives in the cul-de-sac across from the subject property and is in the same zoning. The rear of her property backs the Fox Landing development. They moved in eight years ago, before the development was built. It has completely different zoning. While her animal rights have been preserved, it is a terrible matchup. Even though they had animals, a greenhouse, and a barn before there were houses behind her, within days of neighbors moving in they started complaining about the animals. As a result, they currently do not have goats or chickens. Even though the structure was existing, they have been accused of purposely erecting structures at the rear of their property. She knows that this is the first step in subdividing and is concerned that the property could be further subdivided. The current owner likes animals, but if the property is sold, there are no guarantees about the next owner.

Spencer Humphrey asked the Planning Commission to consider requiring that the first house be built on 700 West. They could leave room for a road and keep the option open for the children to apply for rezoning at the appropriate time. He does not believe it is necessary to rezone the property now, and he is concerned about further subdivision of the property.

Jennifer O'Neal submitted letters and signatures from neighbors. She stated that the residents all like the applicant and his family, and they would love him to build a home there and be part of the community. She indicated that Mr. Danduboyina did not speak of building two homes until the land was purchased. Both homes would be very close to the street. Her property is next to Mr. Danduboyina's property, so it directly affects her. Regarding the comment about building two homes close to the street, she does not understand why they would do that on a large lot. She met with Ms. Pickering and discovered that the applicant was originally interested in changing the zoning to R4, not RA-2. He did not mention that to any of the neighbors, and she feels that his intentions were not as stated. She is now concerned that the application for two lots will open the

door to more. The property across the street is zoned RA-2, but she believes that is different because the subject property is smaller than most of the properties in that zone. She indicated that she had also submitted an email and expressed her hope that the Planning Commission would read it.

Lane Hughes reported that he lives directly across the street from the subject property. His concern was that the zoning attaches to the property, not the owner. If the property is sold, it would be sold as RA2, and the current owner's stated plans would not matter. Allowing the property to be subdivided would change the character of the neighborhood drastically.

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

The Planning Commission reviewed the document submitted by Ms. O'Neal. Vice-Chair Fowler indicated that a copy would be placed in the record. Ms. Pickering noted that the document contains 22 signatures in opposition to the application.

Vice-Chair Fowler addressed the public comment regarding the zoning change opening the possibility for four houses to be built on the property. She asked Ms. Pickering to explain the limits in an RA-2 zone. Ms. Pickering stated that RA-2 requires a minimum of 20,000 square feet per lot. An acre is 43,560 square feet. The subject property is 1.58 acres. A road and turnaround would be required, which is excluded from the lot sizes. Staff does not know if another house could potentially be built on the parcel. Other zones allow smaller lots, but the application is for RA-2 zoning.

Commissioner Nixon noted that the RA-1 and RA-2 zones both allow large animals, so the lot would allow animals.

Commissioner Shah asked for clarification on the Master Plan designation and whether it supersedes public comment. Ms. Pickering noted that the Land Use designation is the same for RA-1 and RA-2, so that will not change. She clarified that horses are treated differently than other large animals. One horse is allowed for every 20,000 square feet of lot area. There are regulations in the Animal Code regarding things like shelter and where manure is deposited on the lot. Zoning has large animal units based on lot size to determine whether a property owner can have cows, donkeys, or other large animals. They are permitted by right in RA-1 but are a conditional use in RA-2.

Vice-Chair Fowler asked about the suggestion that Mr. Danduboyina could build a house on the front of the lot and then subdivide later if necessary and if the nature of the neighborhood changes. She asked for clarification on whether he would be required to build on the middle of the lot if the zoning does not change. Mr. Pickering stated that there is no such regulation. The house could not be built in the setbacks, but he could build in the front half of the lot and request a zoning change to subdivide later as long as the lot still conforms to the zoning requirements for setbacks, road width, etc. She noted that there would be a risk of the Code changing. He could build the house to allow subdivision today, but if the standards change he might not be able to subdivide in the future.

Commissioner Nixon asked if it would be possible for the applicant to build three homes with a flag lot if the zoning was changed to RA-2. Ms. Pickering noted that a private road would have to be built. It is a classified street in the Transportation Plan, and flag lots are not allowed on classified streets. Mr. Draper clarified that the Planning Department does not consider what might be possible in the future, they look at the gross area and the maximum allowed density at this time. It would be up to the applicant to investigate how many lots would be allowed. Code would not allow flag lots on classified roads, and 700 West is a classified road. They would have to add a private road to service all the lots.

Vice-Chair Fowler invited the applicant to address the questions raised during the public hearing.

Mr. Danduboyina stated that his engineer has indicated that it would not be possible to subdivide the property into three lots. The space required for the private road limits the subdivision to two parcels. The back side of the property has a gradual slope and is in a flood zone, so he cannot build at the rear of the property. He would also be required to add a fire hydrant, which would require a wider private road and is not practical. In his initial conversations with the engineering team, they stated that concerns such as grading and utility access can be mitigated. They see these types of problems on a daily basis.

Commissioner Shah noted that sewer will be the applicant's biggest problem. Mr. Danduboyina stated that he was provided with three options for sewer. His preference is the option to bring the sewer in from an access point three houses down. Another option is to run laterals from the backside of the property through the creek. He could also bring in sewer from an access point to the south. In response to a question from Vice-Chair Fowler regarding building his home on the lot with its current zoning, Mr. Danduboyina referred to Ms. Pickering's earlier comment about potential Code changes and indicated that he wants to secure the proper zoning now.

Commissioner Shah asked Mr. Barker if a development agreement would be practical for this application. Mr. Barker responded that a development agreement could be a helpful tool. Vice-Chair Fowler noted that a development agreement would be attached to the land. If the land was sold, the new owner would have to follow the development agreement. It was noted that the Planning Commission must consider the application that has been presented.

Vice-Chair Fowler asked if the request must be accepted because it fits Code. Ms. Pickering stated that a zone change does not fit the code. It fits the Land Use designation, but not the zone. A property two parcels to the south was subdivided, but no zone change was necessary for that subdivision because it complied with current zoning.

Commissioner Squire noted that she did not agree with the decision to approve the subdivision across the street. She commented that the Planning Commission only makes a recommendation to the City Council, which has the final say on zone changes. Commissioner Shah asked if the matter could be continued until a development agreement is in place. It was noted that they must act on the item, but the City Council has the ability to require a development agreement.

Commissioner Nixon stated that the application falls within the Land Use designation, and she did not have a problem with the request.

Motion: Commissioner Nixon moved to forward a POSITIVE recommendation to City Council for the Zoning Map Amendment as requested by Sai Danduboyina, Application 2024-0220-MA, subject to the findings and conditions of approval listed in the Staff Report dated June 4, 2024.

Second: The motion was not seconded.

The motion died for lack of a second.

Motion: Commissioner Squire moved to forward a NEGATIVE recommendation to City Council for the Zoning Map Amendment as requested by Sai Danduboyina, Application 2024-0220-MA, based on the following and not including the finding number 4 from the staff report:

Findings:

1. The proposed zoning map amendment is not consistent with goals, objectives, and policies of the City's General Plan.
2. The proposed zoning map amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed zoning map amendment will adversely affect adjacent property.

Second: Commissioner Shah seconded the motion.

Vote: A roll call vote was taken with the Commissioners voting 3-to-2 in favor of the motion. Commissioners Squire, Shah, and Green voted "Yes." Commissioners Nixon and Fidler voted "No".

Vice-Chair Fowler noted that the recommendation would be forwarded to the City Council for a decision at their July 2, 2024, meeting.

**G. Public Hearing: Lone Peak Hospital Deviation Request.
(Administrative Action)**

On the request of Kevin Cook, Devenney Group Architects, Representing Lone Peak Hospital, a Request for Approval of Deviations from Building Design and Site Design Standards for a New Medical Office Building to be Built on the approximately 35.87-Acre Lone Peak Hospital Campus located at approximately 11925 South State Street known as Application 2024-0175-VAR. Staff Contact: Todd Taylor, (801) 576-6510, todd.taylor@draperutah.gov.

City Planner III, Todd Taylor presented the Staff Report and stated that the Lone Peak Hospital campus is on the east side of State Street. The proposed medical office building is in the southwest corner of the site. In response to a question about the aerial map, he noted that two parcels are part of the overall campus, but they are separate lots within the larger surrounding lot. The Land Use Designation is Cultural/Institutional, and the zoning is Regional Commercial ("CR"). The applicant has requested deviations from the facade variation, parapet variation, percentage of primary materials, and building placement. Staff reviewed their conceptual plans and did not see a need for the facade variation as the plans appear to meet requirements. Code does not allow deviation requests for roofline height and parapet variations, so that deviation request cannot be considered. Deviations are needed for primary materials and building placement. Mr. Taylor noted that the action is only on the deviation request, not the site plan, because that had not been fully submitted at the time the Staff Report was prepared.

Mr. Taylor presented the applicant's Conceptual Site Plan, Amenity Plan, and Renderings, and noted that there are significant facade variations. The applicant confirmed that primary materials would comprise 50% of the overall building elevations.

To consider a deviation request, the applicant must provide evidence that they are meeting three of the Criteria for Approval. The applicant provided the following four criteria:

1. **The proposed development includes additional amenities or pedestrian and bike connectivity in excess of what is otherwise required.** Staff reviewed the conceptual amenity plan and proposed a condition that they provide 25% more amenities than required.
2. **The overall landscape and open space area provided within the proposed development exceeds required amounts by more than 10%.** Staff reviewed the landscape calculations and believes they will be exceeded. Staff also proposed a condition that they exceed requirements by 10%.
3. **The proposed development involves redeveloped buildings, additions to existing buildings, minor structures being added to a site, or is a new building within a previously approved phased development and the deviation is necessary to create a consistency with other existing buildings.** Mr. Taylor noted that the Planning Commission must decide if the structure meets this requirement for approval.
4. **The building is designed by a licensed architect in a specific architectural style that utilizes facade materials differently than prescribed in subsection 9-22-040(F) of this chapter.** Questions about the explanation of how facade materials were used differently were included in the Staff Report.

Mr. Taylor clarified that the facade meets Code requirements and there was no justification given for why a deviation is necessary. The parapet variation is not allowed. The primary materials

deviation request should be considered. Code requires that buildings front onto the primary street and corner on corner lots, but the building will face the parking lot so a deviation is required.

In response to a question about the façade materials, it was noted that the primary material is integral color masonry, either brick or CMU. Metal panel is the secondary material, which will be a metal composite panel. Other buildings on the campus were built under previous code, which allowed continuous rooflines. Current code requires roofline variations. Ms. Jastremsky noted that when the hospital was approved, the architectural standards were different. As additions have been added, they have sought deviations to ensure that they match the existing building. The Conditions of Approval for the deviation will be tied to the site plan. In this case, they are requesting up to 50% of the façade to be the secondary material. If they submit a site plan that does not comply with that condition, they will either need to amend the request for deviation or modify their drawings.

Project Architect, Paul Johnson, spoke on behalf of the applicant and stated that the developer is focused on doing the right thing for the site. They believe the deviations will make the building more attractive and welcoming for patients. Regarding the main entrance frontage, it has been oriented to align with one of the primary drives on the campus in order to simplify wayfinding for patients. The hospital was granted a Conditional Use Permit to allow for a different blend of materials, and this building was designed to complement the existing architecture while elevating the aesthetic to a more modern look. They believe that the consistent roofline is a positive look that contributes to the modernism of the building. He welcomed comments or questions from the Commission.

Commissioner Squire asked about the façade deviation request. Mr. Johnson indicated that it may have been a misreading of the Code. He made a verbal commitment to remove Item 1, the façade variation, from the list of requested deviations.

Vice-Chair Fowler opened the public hearing. Mr. Taylor noted that one letter was received in support of the project, which was emailed to the Commissioners. There were no further public comments. The public hearing was closed.

Commissioner Squire noted that the requested deviations for primary materials and building placement are reasonable. This is an additional building on a campus, and there is no reason for this building to face State Street as the main building has that frontage.

Motion: Commissioner Squire moved to APPROVE the Deviation Request for the Percentage of Primary Materials as requested by Kevin Cook, Devenney Group Architects, representing Lone Peak Hospital, Application 2024-0175-VAR, subject to the following:

Conditions of Approval:

- 1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site, including permitting.**

2. That the applicant submit an amended site plan application for the proposed project within one year and diligently pursue the application to completion, or the approval of the deviations will be null and void.
3. That the overall landscape and open space area provided within the development continue to exceed the minimum required amounts by more than 10%.
4. That as part of the amended site plan application that the applicant be required to submit elevations in compliance with all ordinance requirement, excepting only the approved deviations, that are substantially consistent with the design theme presented in the conceptual plans in Exhibit H of the Staff Report.
5. That the amended site plan approval include 25% more amenities than otherwise required by ordinance.
6. That the overall exterior elevations contain a minimum of 50% primary materials.

Findings:

1. The requested deviation is consistent with the purpose and intent of the development standards of the applicable Zoning District or Land Use category.
2. A minimum of three criteria listed in DCMC 9-22-030(B) have been satisfied.

Second: Commissioner Nixon seconded the motion.

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

Motion: Commissioner Shah moved to APPROVE the Deviation Request for Building Placement as requested by Kevin Cook, Devenney Group Architects, representing Lone Peak Hospital, Application 2024-0175-VAR, subject to the following:

Conditions of Approval:

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site, including permitting.

2. That the applicant submit an amended site plan application for the proposed project within one year and diligently pursue the application to completion, or the approval of the deviations will be null and void.
3. That the overall landscape and open space area provided within the development continue to exceed the minimum required amounts by more than 10%.
4. That as part of the amended site plan application that the applicant be required to submit elevations in compliance with all ordinance requirement, excepting only the approved deviations, that are substantially consistent with the design theme presented in the conceptual plans in Exhibit H of the Staff Report.
5. That the amended site plan approval include 25% more amenities than otherwise required by ordinance.
6. That the overall exterior elevations contain a minimum of 50% primary materials.

Findings:

1. The requested deviation is consistent with the purpose and intent of the development standards of the applicable Zoning District or Land Use category.
2. A minimum of three criteria listed in DCMC 9-22-030(B) have been satisfied.

Second: Commissioner Nixon seconded the motion.

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

2. Adjournment.

Motion: Commissioner Squire moved to ADJOURN.

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

The meeting adjourned at approximately 8:31 p.m.