

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, SEPTEMBER 12, 2024, IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Andrew Adams, Chair
Lisa Fowler, Vice-Chair
Commission Member Susan Nixon
Commission Member Mary Squire
Commission Member Gary Ogden
Commission Member Kendra Shirey

DID NOT SIT: Alternate Commission Member Shivam Shah
Alternate Commission Member Laura Fidler
Alternate Commission Member Christine Green

STAFF: Jennifer Jastremsky, Community Development Director
Todd Draper, Planning Manager
Spencer DuShane, City Attorney
Brien Maxfield, Senior Engineering Manager
Nick Whittaker, City Planner
Amie Salazar, Office Manager

6:30 PM Business Meeting

Chair Andrew Adams called the meeting to order at 6:30 PM and welcomed those present.

1. Items for Commission Consideration.

- A. Action Item: Approve Planning Commission Meeting Minutes for July 11, 2024. (Administrative Action).**

Motion: Commissioner Nixon moved to APPROVE the minutes of July 11, 2024, as submitted.

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 Nixon, Squire, Fowler, Ogden, and Shirey voted “Yes”. The motion passed unanimously.

- B. Public Hearing: C&I, LLC Home Occupation Conditional Use Permit request (Administrative Action).**

On the Request of Alaina Newson, Representing C&I, LLC, a Request for Approval of a Conditional Use Permit to Operate a Cottage Business Home Occupation that Makes and Distributes Pre-Ordered Baked Goods on approximately 0.23 Acres, located at 11572 South Sweet Berry Drive, known as Application 2024-0262-USE, Staff Contact: Nick Whittaker, (801) 576-6522, Nick.Whittaker@draperutah.gov.

City Planner, Nick Whittaker presented the Staff Report and stated that the request is for a Conditional Use Permit to operate a cottage business home occupation that makes and distributes pre-ordered

baked goods. All work will be done in the 500-square-foot kitchen. There is also a 150-square-foot storage room in the basement that is used as well. The Parking Plan identifies one space that is designated for customers who will pick up their orders. Potential impacts were identified as customers coming to the home, customer vehicles, and customer-related traffic. The proposed mitigations would be that all customer orders shall be taken online. Customers coming to the home shall be by appointment only with only one customer picking up their order at a time. One off-street parking stall shall be provided for customer vehicles and the hours of operation shall be from 9:00 AM to 6:00 PM. Interior photos of the property were shown of the kitchen and the storage area.

A question was raised by the commissioners about the documents provided by the applicant that list one employee. Staff's information, however, did not include that. Mr. Whittaker stated that the applicant was referring to herself as the one employee.

The applicant, Alaina Newson, was present. She clarified that she is the only employee. She reported that customers will not necessarily pick up items daily but as ordered.

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

It was noted that one public comment email was received earlier in the day that was forwarded to the Commission Members.

The issue of consumer traffic was discussed. The comment was made that the small operation cannot make enough product to have a significant impact.

Motion: Commissioner Ogden moved to APPROVE the Home Occupation Conditional Use Permit as requested by Alaina Newson representing C&I, LLC, Application 2024-0262-USE based on the following:

Finding:

1. **The proposal complies with the standards for approval found in DCMC Section 9- 5-080(E) and potential negative impacts are mitigated through the imposition of reasonable conditions.**

Conditions:

1. **All requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions shall be satisfied prior to issuance of a Business License or its renewal.**
2. **The hours of operation shall be limited to 9:00 a.m. to 6:00 p.m.**
3. **All customer orders shall be made online, and no walk-in or walk-up orders shall be permitted.**

4. **Customers coming to the home shall be by appointment only, with only one (1) customer picking up their order at a time.**
5. **Clients shall be directed to park on-site in the designated parking space on the driveway and not on the street.**
6. **As part of the business license application, provide evidence of compliance with all cottage food production requirements of the Utah Department of Agriculture and Local Health Department.**
7. **The applicant shall maintain an active business license for as long as the business is in operation from the residence.**

Second: Commissioner Shirey 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, Fowler, Ogden, and Shirey voted “Yes”. The motion passed unanimously.

C. Public Hearing: Southwick Fence Conditional Use Permit Request (Administrative Action).

On the Request of Robin Aguirre, Representing 12844 South Fayview Series of the DNS Legacy Series LLC, a Conditional Use Permit Request to Construct a Nine-Foot (9') Tall Fence along the South Property Line on Approximately 0.46 acres located at 12884 South Fayview Lane Known as Application 2024-0290-USE. Staff Contact: Nick Whittaker, (801) 576-6522, Nick.Whittaker@draperutah.gov.

Mr. Whittaker presented the Staff Report and stated that the request is for a Conditional Use Permit to request a fence that is nine feet in height. The standard height for a fence is six feet, however, the Draper City Municipal Code allows an increase of fence height of no more than ten feet as a conditional use contingent upon meeting the standards found in DCMC section 9-5-080(E). Aerial, vicinity, and zoning maps were displayed. The applicant is proposing to install a six-foot fence on top of a three-foot retaining wall which totals nine feet in height and will span 125 feet along the south property line and behind the front yard plane and will span 125 feet along the south property line and behind the front yard plane. The identified aesthetic impact of the proposed use on the surrounding area was identified. The mitigation was that only the south side of the property along the area identified in the site plan shall be nine feet in height. The additional height shall not be located in the front yard plane. There is currently a fence on the site with a difference in grade. The retaining wall will be used to bring the fence height level. The abutting property is a large field with a fence along one side. Much of what is seen will be mitigated by the large size of the 6.12-acre field. It was noted that the field is currently used for agricultural purposes.

The Commission asked staff if there were any plans to develop the field to the south. Community Development Director, Jennifer Jastremsky, clarified that no current applications are pending. The subdivision the subject property is in has a road system that is designed to allow the road to go straight through when the property is developed. It was reported that the intent was for the grade to be raised

with the retaining wall, which would be up to three feet in height at all points. The grade, however, would be raised on the opposite side.

Commissioner Ogden pointed out from a photo presented to the commission that the fence does not even reach the bottom of the windows in the front of the house. On the field side, it will be nine feet with three feet up in addition to a six-foot fence. Planning Manager, Todd Draper confirmed that there will be a six-foot fence built on top of the retaining wall for a total of nine feet. Mr. Whittaker reported that the fence as it currently stands is six feet on the exterior.

The applicant, Robin Aguirre, identified himself as the owner of Aguirre Landscape Design. He referred to the photos and stated that the existing retaining wall was originally installed by another landscaper and is rock. The rock is eroding, and the fence is beginning to buckle. The new owner asked them to address the requirements to put a fence in. The fence will not increase the level of the grade next to the concrete wall, which will be the base for the six-foot fence. It will also improve the aesthetic of the area. The new wall will prevent erosion and stabilize the ground. New trees will be planted. The intent is to improve what exists and increase security and privacy.

Commissioner Fowler asked if the request would be limited to this one section and prevent a similar fence from being built elsewhere on the property. Mr. Aguirre stated that the only way to make a fence taller elsewhere would be to obtain a conditional use permit to allow a taller fence height. The condition stated in the packet is that the nine-foot-tall portion of the fence is constructed in the location shown on the submitted site plan. All other fencing behind the front wall plane of the home shall remain no higher than six feet.

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

Motion: Commissioner Fowler moved to APPROVE the Southwick Fence Conditional Use Permit as requested by Robin Aguirre Application #2024-0290-USE based on the following:

Finding:

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

Conditions:

1. All requirements of the Draper City Engineering, Building, and Planning Divisions are satisfied throughout the development of the fence, including permitting.
2. That the nine-foot (9') tall portion of the fence be constructed in the location shown on the submitted site plan, and all other fencing behind the front wall plane of the home remain at no higher than six feet (6').

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 Nixon, Squire, Fowler, Ogden, and Shirey voted “Yes”. The motion passed unanimously.

Mr. Aguirre commended Mr. Whittaker for his thoroughness in addressing the request.

D. Public Hearing: Smitty Onsite Service LLC Home Occupation Conditional Use Permit (Administrative Action).

On behalf of Brett Smith representing Smitty Onsite Service LLC, a request for a home occupation Conditional Use Permit in the RA2 zone for a home-based business providing outcall vehicle repairs, approximately 0.35 acres, located at 12859 S. 150 E. Known as application 2024-0267-USE, Staff Contact: Nick Whittaker, 801-576-6522, nick.whittaker@draperutah.gov.

The above item was continued from the August 22, 2024, Planning Commission Meeting agenda and ultimately withdrawn by the applicant.

2. Adjournment.

Ms. Jastremsky reported that a joint session of the Planning Commission is scheduled with the City Council for Tuesday, September 17 at 5:30 p.m. in the Council Chambers. Dinner will be served. It was expected to be an hour-long discussion. The City’s consultants for the Code rewrite will be present to discuss their recommendations.

Ms. Jastremsky reported that she received a letter from the Utah Land Use Institute which has another grant to provide copies of the book “Ground Rules” that addresses land use regulation. Those wishing to obtain a copy were asked to contact her.

It was announced that Mike Barker was officially appointed to serve as City Manager. He is currently performing both duties until a New City Attorney is hired.

Chair Adams asked if the intent is for Planning Commission Alternates to attend meetings even if they do not sit. Ms. Jastremsky explained that all Planning Commission Members must complete annual training. Attending 12 meetings in the year counts as one hour of training. The intent is for alternates to learn as they attend meetings and be prepared to step in when needed.

Motion: Commissioner Fowler moved to ADJOURN.

The meeting adjourned at approximately 6:58 PM.