

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON
THURSDAY, JANUARY 9, 2025, IN THE DRAPER CITY COUNCIL CHAMBERS**

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

EXCUSED: Commission Member Kendra Shirey
Commission Member Gary Ogden
Alternate Commission Member Christine Green

STAFF: Jennifer Jastremsky, Community Development Director
Amie Salazar, Office Manager
Traci Gundersen, City Attorney
Spencer DuShane, City Attorney
Todd Draper, Planning Manager
Brien Maxfield, Senior Engineering Manager
Maryann Pickering, City Planner III
Todd Taylor, City Planner III
Nick Whitaker, City Planner
Don Buckley, Fire Marshall

6:30 PM Business Meeting

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

1. Items for Commission Consideration.

**A. Public Meeting: Danner I-ADU Deviation Request.
(Administrative Action)**

On the request of Karen Danner, representing Draper Danner Family Trust, a request for approval of a Deviation from strict compliance with the geographical restrictions for the creation of an Internal Accessory Dwelling Unit (I-ADU) on approximately 0.19 acres, located at 1177 E. Hickenlooper Way. Known as application 2024-0419-VAR, Staff Contact: Nick Whittaker, (801) 576-6522, Nick.Whittaker@Draperutah.gov.

City Planner, Nick Whittaker, presented the Staff Report and stated that there are two types of Accessory Dwelling Units (“ADU”) allowed by Draper City Code. They include Internal Accessory Dwelling Units (“I-ADU”), which are attached to the primary structure, and Detached Accessory Dwelling Units (“D-ADU”), which are separate from the primary structure. The vicinity, aerial, land use, and zoning maps were displayed. The property’s Land Use Designation is Residential Medium Density. Mr. Whittaker noted that the Deviation was required because the subject property is in the I-ADU Prohibited Area.

The Site Plan and elevations were reviewed. The I-ADU would be in the basement of the home with a separate entrance from the main structure, and the proposed parking is located to the side and in front of the third-car garage.

In response to a question, Planning Manager, Todd Draper, stated that the prohibited areas have streets that are narrower than the minimum public street width or are private streets where the City would have no control over on-street parking. The City was only allowed to require one parking spot for an I-ADU under State code, and there was a concern that additional vehicles would be parked on the narrow streets. Deviations are allowed for homes in the prohibited area that have a second parking stall available for the I-ADU. As long as the stalls for the I-ADU do not impede the two required parking stalls for the primary dwelling, the property complies with Code requirements.

The applicant, Karen Danner, stated that they purchased the home 30 years previously and always planned to have a basement apartment. They began working on it in 2010 but were unable to complete it at that time. Her husband had since passed away and she now had the resources to finish the I-ADU. She reported that her neighbors approve of her plans for the I-ADU.

It was clarified that it was a public meeting, not a public hearing, and was noticed as such.

In response to a question regarding parking, Mr. Draper clarified that the Planning Commission was considering the Deviation request only. If the property were not in the prohibited area, the application would not have come before the Planning Commission. Mr. Whittaker had reviewed the application and determined it to be in compliance with the provisions for accessory dwelling units.

Motion: Commissioner Nixon moved to APPROVE the Deviation request from strict compliance with the geographical restrictions for I-ADUs, as requested by Karen Danner representing the Draper Danner Family Trust, Application 2024-0419-VAR, based on the following:

Findings for Approval:

1. The lot or parcel on which the primary dwelling is located is at least six thousand square feet (6,000 ft²);
2. No D-ADU exists on the property;
3. The proposed I-ADU can meet all of the requirements of DCMC sections 9-31-030 and 9-31-045, including other applicable requirements of chapter 9-31 before issuance of an ADU permit; and
4. At least two (2) parking stalls meeting the requirements of 9-31-045(B)(2) are provided for use by occupants of the I-ADU.

Second: Commissioner Fowler seconded the motion.

Vote on Motion: 5-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Fowler	X				
Squire	X				
Ogden					X
Nixon	X				
Shirey					X
Fidler, Alternate	X				
Shah, Alternate	X				
Green, Alternate					X

B. Public Meeting: Zions Bank Draper Amended Subdivision Plat Request (Administrative Action)

On the Request of AWA Engineering, Representing Zions Bancorporation, N.A., a request for approval of a Subdivision Plat Amendment to create three (3) lots on approximately 2.87 acres located at approximately 12271 South 900 East. Known as Application No. 2024-0339-SUB. Staff Contact: Todd Taylor, 801-576-6510, todd.taylor@draperutah.gov.

City Planner, Todd Taylor presented the Staff Report and indicated that the subject property is north of 12300 South. Vicinity and aerial maps were displayed. The site carries a Neighborhood Commercial Land Use Designation and is zoned Neighborhood Commercial. Staff recommended all standard Conditions of Approval as well as two additional conditions requiring a reciprocal cross-access easement to a neighboring parcel and a Title Report be submitted with the Final Plat.

The applicant's representative, Rick Magnus with AWA Engineering, expressed his appreciation for Staff's assistance with the application. The area currently has six small, oddly shaped parcels, and the Amended Subdivision Plat would clean the area up and create three developable lots. The applicant concurred with Staff regarding the additional conditions. In response to a question from Chair Adams, Mr. Magnus confirmed that the existing structure on Lot 1 will remain. Commissioner Shah expressed his appreciation for the plat design.

Motion: Commissioner Squire moved to APPROVE the Amended Subdivision Plat as requested by AWA Engineering representing Zions Bancorporation, N.A. for the Zions Bank Draper Subdivision Amended Plat, Application 2024-0339-SUB, based on the following Finding for Approval subject to the following:

Finding for Approval:

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

Second: Commissioner Fowler seconded the motion.

Vote on Motion: 5-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Fowler	X				
Squire	X				
Ogden					X
Nixon	X				
Shirey					X
Fidler, Alternate	X				
Shah, Alternate	X				
Green, Alternate					X

C. Public Hearing: McMillian Subdivision Plat Amendment Request (Administrative Action)

On the Request of Scott Prestwich, representing property owners Thomas and Lori Vuksinick, Ronald and Lynn McMillan, and John and Melissa Engel, a Subdivision Plat Amendment request for 1.89 acres, located at approximately 13367 South Draper Peak Cove, Known as application 2024-0318-SUB, Staff Contact: Maryann Pickering, (801) 576-6391, marryann.pickering@draperutah.gov.

City Planner, Maryann Pickering, presented the Staff Report and indicated that the property is near 13400 South at approximately 1200 East. A detailed aerial view of the property was displayed showing three lots as indicated on the plat. The Land Use Designation is Residential Low-Medium Density, and the zoning is RA-2. The original Plat was recorded in 2020, and the amendment would reconfigure the fire access turnaround for Lot 2 to accommodate the desired house layout. No other changes were proposed. Ms. Pickering noted that Fire Marshal, Don Buckley, had reviewed and approved the amendment. One email was received requesting clarification on the application. The resident mistakenly believed that the lot was being subdivided, and she clarified that the only modification was to the turnaround.

The applicant, Scott Prestwich was unaware that the setback requirements applied to private rights-of-way when the process began in September of 2021. The house was already designed, and the amendment was requested to accommodate and avoid changing the design.

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

Motion: Commissioner Fowler moved to APPROVE the Subdivision Plat Amendment, as requested by Scott Prestwich, representing property owners Thomas and Lori Vuksinick, Ronald and Lynn McMillan, and John and Melissa Engel for the McMillan Subdivision Plat Amendment, Application 2024-0318-SUB, based on the following findings for approval and subject to the following:

Finding for Approval:

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

Second: Commissioner Nixon seconded the motion.

Vote on Motion: 5-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Fowler	X				
Squire	X				
Ogden					X
Nixon	X				
Shirey					X
Fidler, Alternate	X				
Shah, Alternate	X				
Green, Alternate					X

**D. Public Hearing: South Willow Zoning Map Amendment Request
(Legislative Item)**

On the Request of Brandon Preece of Gilson Engineering, representing Vanguard QA, LLC, a request for a Zoning Map Amendment from the RA1 (Residential Agricultural, 40,000 ft² min. lot size) to the RA2 (Residential Agricultural, 20,000 ft² min. lot size) zone for approximately 2.43 acres located at approximately 516 East 13800 South. Known as Application 2024-0340-MA, Staff Contact: Nick Whittaker, 801-576-6522, nick.whittaker@draperutah.gov.

Mr. Whittaker presented the Staff Report and stated that the property is comprised of three parcels. The current Land Use is Residential Low-Medium Density. The current zoning is RA1, which requires a 40,000-square-foot minimum lot size, and the proposed amendment would rezone the property to RA2, which has a 20,000-square-foot minimum lot size. Both zones have the same description in the City Code. Zoning and aerial maps and a property photograph were reviewed.

In response to a question from Commissioner Nixon, it was confirmed that the access road to the west provides access to a residence south of the subject property and that the property will retain access rights to the private road.

The applicant, Brandon Preece, stated that the rezoning request is the first step in a planned subdivision. Plans have been completed and will be submitted for Staff review once the rezoning is approved. An access agreement is in place with the property owner to the south to develop the dirt road into a paved access road.

Chair Adams opened the public hearing.

Tim Johnson stated that he owns the property to the south and was concerned about the future road width. Due to a previous fire, he was very concerned about fire access. He only approved of the rezoning request if the access road would be at least 26 feet wide.

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

It was confirmed that the Fire Department will require a 26-foot minimum road width and no parking will be allowed on the private lane. Driveways can be used as turnarounds for emergency vehicles. Mr. Preece clarified that the plans include a 30-foot roadway with 12.5-foot lanes in each direction plus curb and gutter, so it will be above the minimum requirement and allow ample access. A turnaround is also planned for the lane. It will not connect to Jarvie Lane.

In response to a question from Chair Adams, it was reported that the property could have the potential for four lots if rezoning was approved.

Motion: Commissioner Fowler moved to forward a POSITIVE recommendation to the City Council for approval of the Zoning Map Amendment, as requested by Brandon Preece of Gilson Engineering, application 2024-0340-MA, based on the following:

Findings for Approval:

1. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the City's General Plan.
2. The proposed Zoning Map Amendment is compatible with the subject property's existing Land Use Designation and harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed Zoning Map Amendment will not adversely affect adjacent property.
4. There are adequate facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Second: Commissioner Squire seconded the motion.

Vote on Motion: 5-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Fowler	X				
Squire	X				
Ogden					X
Nixon	X				
Shirey					X
Fidler, Alternate	X				
Shah, Alternate	X				
Green, Alternate					X

**E. Public Hearing: Kairos Real Estate Building Site Plan Request
(Administrative Action)**

On the Request of Austin Seegmiller representing Kairos Ventures, LLC, a request for site plan approval regarding the development of the property as a new office and residential mixed-use building on approximately 0.36 acres, located at approximately 690 E. 12200 S. Known as Application No. 2024-0027-SP. Staff Contact: Todd Taylor, 801-576-6510, todd.taylor@draperutah.gov.

Mr. Taylor presented the Staff Report and indicated that the subject property is west of 700 East and north of 12300 South. The current Land Use is Office/Service and Neighborhood Commercial, and it is zoned OR (Office Residential). The Site Plan was reviewed, which indicated parking areas to the west and south of the building and a proposed cross-access to the empty parcel to the east. Floor plans show office use on the ground floor and two residential units on the second floor. The landscaping, irrigation, and lighting plans were also reviewed. Conceptual renderings indicate that the exterior materials will be brick, composite metal, and stucco.

In response to a question from Commissioner Nixon, Mr. Taylor reported that the buildings to the west of the subject property are residential apartments or condominiums, and an existing vinyl fence separates the properties. An eight-foot solid fence will be installed on the southern boundary, and no fencing will be installed on the eastern side. The dumpster will be within an enclosure. The properties to the east and west are in the same zoning district, so the proposed fencing meets all Code requirements.

In response to a question from Commissioner Shah, Senior Engineering Manager, Brien Maxwell stated that the required retention pond is designed to hold water from a 100-year storm rather than a typical 10-year storm, so there should be no danger of flooding the property to the south. The Commissioners then discussed the building aesthetic and indicated that they were glad to see a true mixed-use in the area.

The applicants, Austin and Brady Seegmiller introduced themselves. Austin Seegmiller stated that they are excited about the project, primarily because they plan to owner occupy the space and relocate their business from Utah County. To their understanding, there are no other office/residential mixed

uses in the City, so this will be the first project to take advantage of that designation. He believed the Site Plan was entirely code-compliant, including cross-access for future development of the parcel to the east. They hope that the residential units will subsidize their office expenses.

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

Motion: Commissioner Nixon moved to APPROVE the Site Plan as requested by Austin Seegmiller representing Kairos Ventures, LLC, for the Kairos Real Estate Building, Application 2024-0027-SP subject to the following:

Findings for Approval:

1. The site plan reflects the full development of the property.
2. The site plan conforms to applicable standards set forth in the Ordinance, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.
3. The proposed development plans meet the intent, goals, and objectives of the General Plan and the purpose of the O-R zoning district in which the site is located.
4. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.
5. The proposed development plans will comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of the DCMC, including traffic, stormwater drainage, and utilities concerns.

Second: Commissioner Squire seconded the motion.

Vote on Motion: 5-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Fowler	X				
Squire	X				
Ogden					X
Nixon	X				
Shirey					X
Fidler, Alternate	X				
Shah, Alternate	X				
Green, Alternate					X

F. Public Hearing: New Union LLC. Home Occupation Conditional Use Permit (Administrative item)

Item to be continued to the February 13, 2025 Planning Commission Meeting.

On behalf of Quinn Edwards, representing New Union, LLC. a request for approval of a Home Occupation Conditional Use Permit to operate a home-based business office that sells and ships art prints to private buyers on approximately 0.72 Acres located at approximately 12785 South 1300 East. Known as application 2024-0389-USE, Staff Contact: Nick Whittaker, 801-576-6522, nick.whittaker@draperutah.gov.

The above item was continued to the February 13, 2025 meeting of the Planning Commission.

Community Development Director, Jennifer Jastremsky, provided an update on items discussed at the January 7, 2025, City Council Meeting. The Mercer Mountain Development Agreement Amendment was approved as presented. The rezoning request for the Suncrest Reception Center was denied, as they found that the proposed zone did not fit the neighborhood. Because the property is surrounded by a residential neighborhood, they believed that such an intense commercial use was not appropriate for the area. The public turnout was similar to the Planning Commission meeting. The Commissioners expressed surprise at the denial.

In response to a question raised, Ms. Jastremsky stated that she is unsure of the owner's plans moving forward.

Chair Adams asked if Staff believed public clamor influenced the decision. City Attorney, Traci Gundersen reported that public clamor can be considered in zoning change requests. Ms. Jastremsky added that State law gives the Council broad authority on the decision. Differences between the responsibilities and authority of the Planning Commission and City Council were discussed. The Planning Commission has more limited authority because if an item meets the criteria, it must be approved. The possibility of appeal and potential future uses of the property were discussed. Commissioner Nixon stated that it was not the Planning Commission's job to determine its highest and best use, but rather to determine if it makes sense from a planning perspective and meets the required parameters. Chair Adams clarified that the Commission could not approve or deny an application based solely on whether it was the highest and best use of the property, but they could provide that input to the City Council. He gave the example of the applicant who wanted to install a hedgerow in place of a solid fence and indicated that it was an allowed use but not a practical one. He spoke against the use in the hope that the comment would carry weight with the City Council.

Ms. Jastremsky reviewed the City Council's findings for the denial of the zoning map amendment as follows:

1. It is not consistent with surrounding uses, which are predominantly residential or low-impact commercial.
2. This amendment would adversely impact adjacent properties.
3. The presumption has not been overcome, and the current existing use is sufficient.

4. It adversely impacts the surrounding neighborhoods.
5. It essentially creates a spot zone in an area that is not supportive of the highest commercial zone in the City.

Chair Adams thanked Ms. Jastremsky for the update and indicated that it would be helpful to hear such updates moving forward.

2. Adjournment.

Motion: Commissioner Squire moved to ADJOURN.

The meeting adjourned at 7:23 p.m.