

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JUNE 12, 2025, IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Andrew Adams, Chair
Commission Member Susan Nixon
Commission Member Kendra Shirey
Commission Member Mary Squire
Alternate Commission Member Christine Green
Alternate Commission Member Laura Fidler

EXCUSED: Lisa Fowler, Vice-Chair
Commission Member Gary Ogden
Alternate Commission Member Shivam Shah

STAFF: Jennifer Jastremsky, Community Development Director
Todd Draper, Planning Manager
Traci Gundersen, City Attorney
Brien Maxfield, Senior Engineering Manager
Spencer DuShane, Assistant City Attorney
Todd Taylor, City Planner III
Nick Whitaker, City Planner II
Maryann Pickering, City Planner III
Mike Barker, City Manager
Nicole Smedley, City Recorder
Paul Geilman, Planning Coordinator

6:31 PM Business Meeting

Chair Andrew Adams called the meeting to order at 6:31 PM and welcomed those present.

Community Development Director, Jennifer Jastremsky, introduced City Recorder, Nicole Smedley.

1. Items for Commission Consideration.

A. Public Hearing: Whittington Zoning Map Amendment Request (Legislative Item)

On the request of Dan Whittington, a zoning map amendment from RA1 to RA2, on approximately 0.93 acres, located at 13232 S 300 E, known as application 2025-0071-MA, Staff Contact: Paul Geilman, (801) 576-6551, paul.geilman@draperutah.gov

Planning Coordinator, Paul Geilman, presented the Staff Report and reviewed the Vicinity, Aerial, Land Use, and Zoning Maps, as well as a site photograph. The subject property is located at 13232 South 300 East, west of 300 East and east of Bangerter Highway. The proposed RA2 Zone is in alignment with the Residential Medium Density Land Use designation, and other properties in the

area are also zoned RA2. The current RA1 zoning requires a 40,000-square-foot minimum lot size, and RA2 requires a 20,000-square-foot minimum. The applicant, Dan Whittington, was present to answer any questions.

Chair Adams invited the applicant to speak. Dan Whittington said he had nothing to add.

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

Motion: Commissioner Nixon moved to forward a **POSITIVE** recommendation to the City Council for the Zoning Map Amendment, as requested by Daniel Whittington, Application 2025-0071-MA, based on the following findings and the criteria for approval listed in the Staff Report dated May 29, 2025.

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 harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed Zoning Map Amendment is consistent with the standards of any applicable overlay zone.
4. The proposed Zoning Map Amendment will not adversely affect adjacent property.
5. There are adequate facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Second: Commissioner Squire seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

Shah, Alternate					X
Green, Alternate	X				

**B. Public Hearing: SolMotion Manual Therapy Home Occupation Conditional Use Permit Request.
(Administrative Item)**

On the request of Cristine Pena, representing SolMotion Manual Therapy, a Conditional Use Permit for a personal care service home occupation on approximately 0.28 acres located at 1858 East Harvest Oaks Circle, known as Application 2024-0354-USE. Staff Contact: Nick Whittaker, (801) 576-6522, nick.whittaker@draperutah.gov.

City Planner II, Nick Whittaker presented the Staff Report and reviewed the Vicinity, Aerial, Land Use, and Zoning Maps of the subject property. The Land Use designation is Residential Medium Density, and the property is located in the RM Zone under the South Mountain Development Agreement.

The proposed home occupation provides manual therapy, which is a type of massage therapy. Clients come to the home, and services are scheduled in advance online. Only one client visits the home at a time, and they will park in the driveway. One room in the home has been designated for business use.

Potential impacts include:

- Customers coming to the home and associated traffic.
- Vehicles parked on the street.

Proposed mitigation:

- All customers coming to the home shall be by appointment only between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday.
- Only one customer shall be at the property at a time.
- All customers coming to the home shall park in the off-street parking stall on the driveway as shown on the approved Site Plan.
- The applicant will be the sole provider of massage therapy services from the property, and their required State professional license will continue to be maintained in good standing.

In response to a question from Chair Adams, the applicant, Cristine Pena, stated that she parks in the garage, so the designated parking stall will be available for customers at all times. Chair Adams stated that the only burden home occupations usually place on neighborhoods is street parking.

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

Motion: Commissioner Shirey moved to APPROVE the Home Occupation Conditional Use Permit, as requested by Cristine Pena representing SolMotion Manual Therapy, Application 2024-0446-USE, based on the following findings for approval, the criteria for approval, and subject to the conditions listed in the Staff Report dated May 29, 2025.

Findings for Approval:

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, nor will it be injurious to property or improvements in the vicinity.
2. The proposed use is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community.
3. The proposed use complies with the regulations and conditions specified in Section 9-4-104 of the 1999 DCMC for home occupations.
4. The proposal complies with the standards for approval found in the 1999 DCMC, Subsection 9-2-104(e), including the regulations in Section 9-4-104 of and potential negative impacts to adjacent properties and the public welfare are mitigated through the imposition of reasonable conditions necessary or desirable for the protection of the same.

Second: Commissioner Green seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

C. Public Hearing: Bangerter Crossing II Fairfield Inn Site Plan Request (Administrative Action)

On the Request of Elizabeth Cole of Wadsworth Development, a request for Site Plan Approval for a new hotel on approximately 2.37 acres located at

approximately 13678 S. 100 E., known as application 2025-0066-SP. Staff contact: Maryann Pickering, (801) 576-6391, maryann.pickering@draperutah.gov.

City Planner III, Maryann Pickering, presented the Staff Report for the property located at the southeast corner of Interstate 15 and Bangerter Highway. Vicinity, Aerial, Land Use, and Zoning Maps were reviewed. The subject property has dual Land Uses, Community and Neighborhood Commercial, and is zoned Professional Office (CO2).

The project was approved by the Planning Commission in 2020, but that approval expired in 2021. In July 2022, the applicant entered into a Development Agreement with the City to preserve previously approved deviations for an uninterrupted roof line, building height, and exterior building materials. Any changes to the Site Plan outside of those outlined in the Development Agreement must comply with the current City Code.

The Site Plan was reviewed, indicating that the Fairfield Inn will be located west of the Chick-fil-A that is currently under construction. The building is centrally located on the site and meets all setback and parking requirements. The Landscaping Plan was updated to comply with current City Code. Elevations remain unchanged from 2021 and include the deviations preserved by the Development Agreement.

The applicant, Elizabeth Cole of Wadsworth Development, thanked Ms. Pickering for working with them to quickly revise the Landscaping Plan to meet current requirements for landscaping and site lighting.

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 Elizabeth Cole of Wadsworth Development, Application 2025-0066-SP, based on the following findings for approval and subject to the conditions listed in the Staff Report dated June 3, 2025.

Findings for Approval:

1. The Site Plan reflects the full development of the property.
2. The Site Plan, when in compliance with the included conditions, will conform to the applicable standards set forth in the ordinance, including, but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.
3. When in compliance with the included conditions, the proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the CO2 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.
6. The proposed project complies with the Master Development Agreement for Bangerter Crossing II Fairfield Inn and Suites, recorded on July 29, 2022.

Second: Commissioner Shirey seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

**D. Public Hearing: Bird Drywall, Inc. Home Occupation Conditional Use Permit Request.
(Administrative Item)**

At the request of Jessica Larson, representing Kevin Bird and Bird Drywall, Inc. A Request for approval of a Home Occupation Conditional Use Permit regarding the operation of a home office which provides drywall services on approximately 0.46 acres located at 1197 E. Summerharvest Dr., known as application 2024-0354-USE. Staff contact: Nick Whittaker, (801) 576-6522, nick.whittaker@draperutah.gov.

Mr. Whittaker presented the Staff Report and reported that Bird Drywall has been operating in the City but wishes to expand its operations with some work-from-home arrangements. Vicinity, Aerial, Land Use, and Zoning Maps were reviewed. The Land Use is Residential Low-Medium Density, and the property is zoned RA2.

The Site Plan was displayed. The applicant will perform administrative work within the residence. Employees will occasionally come to the home to obtain supplies, such as drywall mud, that are stored in the detached garage. No drywall is stored at the property; it is delivered to the work sites. Employees usually drive Ford F-150 trucks, which pull into the driveway to load materials from

the garage and then exit the property. The floor plan indicates that the home office will be located in an existing den in the home.

Potential impacts include the following:

- Employees coming to the home and associated traffic.
- Business vehicles parked on the street.
- Noticeable storing of inventory and supplies in yard areas.

Proposed mitigation:

- No customers shall come to the home.
- Employees shall only be permitted one at a time at the subject property between the business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.
- Employee vehicles shall only be parked on the property in front of the detached garage toward the rear of the home and behind the fence while loading and unloading materials and equipment, and shall not be parked or stored at the property or on the street outside of business hours.
- All materials, inventory, and equipment shall be kept in the detached garage in a space that shall not exceed 350 square feet.

A site photo was displayed indicating that the detached garage is in the fenced-in backyard of the property.

Chair Adams inquired about the process for delivering supplies to the property. The applicant, Kevin Bird, reported that no deliveries are made to the home. Supplies stored in the garage include tools, ladders, scaffolding, and some leftover materials from previous jobs. His daughter and sister perform administrative tasks at home one to two days a week.

In response to a question from Commissioner Nixon, Mr. Bird stated that Bird Drywall has been in business for 20 years. One trailer used for the business is normally parked at the residence. They specialize in small residential jobs, and their scaffolding is stored in an approximately six-foot-by-six-foot area of the garage.

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

Motion: Commissioner Shirey moved to APPROVE the Home Occupation Conditional Use Permit, as requested by Jessica Larson, representing Kevin Bird and Bird Drywall, Inc., Application 2024-0354-USE, based on the following finding for approval and subject to the conditions listed in the Staff Report dated May 29, 2025.

Finding for Approval:

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.**

Second: Commissioner Squire seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

E. Public Hearing: Urbana Preliminary Subdivision Plat Request (Administrative Action)

On the request of Jacob Ballstaedt of Garbett Homes, a Preliminary Subdivision Plat for approximately 3.9 acres located at approximately 285 West River Chapel Road, known as Application 2024-0424-SUB. Staff contact: Maryann Pickering, (801) 576-6391, maryann.pickering@draperutah.gov.

Ms. Pickering presented the Staff Report and indicated that the project is located west of Interstate 15 near the intersection of Lone Peak Parkway and River Chapel Road. Vicinity, Aerial, Land Use, and Zoning Maps were reviewed. The Land Use is Residential High-Density, and the Zoning is RM2.

A Development Agreement (DA) was approved by the City Council in 2024 and amended in 2025 to add additional property. The Preliminary Subdivision Plat is for a 30-lot subdivision with private roads and one access point from River Chapel Road. The lot sizes and setbacks conform to the Draper City Municipal Code (DCMC) and the approved DA.

Ms. Pickering reported that Staff recommended a Condition of Approval to address a discrepancy regarding the width of the public utility easements (PUE). A minimum PUE of seven feet is required, but the zone allows for a five-foot setback. At its next meeting, the Planning Commission will review an amendment to the Development Agreement allowing the PUEs to be five feet, and the DCMC may be amended in the future to correct the issue.

The Preliminary Plat was reviewed. The private road will be accessed from River Chapel Road and loop through the project. There will be no direct access to Lone Peak Parkway. The project

meets all City requirements, and no public comments were received in response to the public hearing notice.

In response to a question from Commissioner Nixon, Ms. Pickering reported that window wells were not considered in relation to the setbacks and PUEs. Each lot will have a five-foot setback, so there will be 10 feet between houses. The Community Development Director Jennifer Jastremsky added that the DA was approved with five-foot setbacks, which comply with the Building Code. If there is not adequate space around window wells, a grate will be required.

In response to a question from Chair Adams, the applicant, Jacob Ballstaedt of Garbett Homes, confirmed that the homes will have basements.

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

Motion: Commissioner Squire moved to APPROVE the Preliminary Subdivision Plat, as requested by Jacob Ballstaedt representing Garbett Homes, for the Urbana Subdivision Application 2024-0424-SUB, based on the following findings for approval and subject to the conditions listed in the Staff Report dated June 3, 2025.

Findings for Approval:

1. The proposed Subdivision Plat complies with DCMC Section 17-3-040(A).
2. The proposed Subdivision Plat complies with the standards and criteria found in Draper City Municipal Code, including, but not limited to, the Subdivision Ordinance, the Land Use Ordinance, General Plan, Master Street Plan, and City standard specifications and design criteria.

Second: Commissioner Nixon seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

**F. Public Hearing: Alpine Hollow Development Agreement and Preliminary Subdivision Plat Request
(Legislative and Administrative Actions)**

On the request of David Killpack, representing Triumph Design Build, LLC, for a Development Agreement and Preliminary Subdivision Plat for a 50-lot single-family development on 115.2 acres of property located at approximately 3235 East 15780 South. Applications 2025-0077-DA, 2024-0029-SUB. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov.

Ms. Jastremsky presented the Staff Report and indicated that the subject property is east of Suncrest Drive and has single-road access through City property from Suncrest Drive. Vicinity, Aerial, Land Use, and Zoning Maps were reviewed. The Land Use designation is Residential Hillside Low Density, and the road is designated Open Space. It is zoned RR-22, with a portion of the road zoned RR-43. The property was originally part of the Suncrest Development and carries old zoning designations that are equivalent to RA1 and RA2.

Suncrest included 3,775 acres of property and was entitled for 3,888 dwelling units with an overall density of 1.03 dwelling units per acre. Suncrest declared bankruptcy after building 1,369 dwelling units. The City purchased the remaining acreage in 2011 with the intent of retaining the majority as open space and selling select portions for development. The subject property was sold in 2017, and funds from the sale were used to pay off the outstanding bond amount from the land purchase. The remaining 3,163 acres of Suncrest land was placed in the Traverse Range Conservation Easement.

The proposed Development Agreement will allow for a total of 50 dwelling units on the 110-acre property. All dwelling units will be equipped with fire sprinklers. The Fire Code limits properties with a single access to 30 homes unless they are equipped with fire sprinklers. The City and Developer agreed to a total of 50 lots, each of which may contain a single-family home plus outbuildings, such as pool houses, barns, and garages. It allows for mother-in-law apartments up to 3,000 square feet in size, but they cannot be rented and thus will not be considered accessory dwelling units (ADU). The apartments must also be equipped with fire sprinklers. Standard front setbacks will be 20 to 30 feet, based on garage access. Side setbacks will be 15 feet, and rear setbacks will be 30 feet.

The applicant proposed 10-foot PUEs along the front of the properties, with no side or rear easements. City Code requires a seven-foot easement along the front, rear and one side. However, given the slope of the properties, it would not be feasible to run utilities in those areas; therefore, all utilities will be located in the front easements.

It will be a private, gated community. The first 150 feet of the roadway will be public. The roads will be 56 feet wide, which is wider than required in the Suncrest Development Agreement. Staff is in support of the wider roads for emergency access and snow removal. Entrance fencing and walls will be up to 12 feet in height, and the gated entry will have a guard structure.

Fencing up to eight feet in height will be allowed, and permanent wrought-iron fencing will be installed along the public open space before occupancy of the homes. Ms. Jastremsky reported

that this requirement was also included in the agreements with Hidden Canyon Estates, Lone Peak Canyon, and Mercer Mountain Estates. A temporary chain-link fence must be erected along City open space before a building permit is issued. The agreement also specifies private and public maintenance responsibilities for the private water system. Side lot lines that are not at right angles or radial to the roadway will be allowed on some parcels.

The access road crosses a Metropolitan Water District of Salt Lake and Sandy water line. The City, applicant, and Metropolitan Water District have entered into an agreement regarding each party's rights and responsibilities regarding the roadway crossing. An open space access easement was also granted for maintenance and emergency access at three access points. This easement does not grant public access to the property. Public trail access will be through the Highland Trailhead.

The site plan and landscaping plan were reviewed, along with four subdivision plats for the three construction phases and the access road. The lots will range in size from approximately one to five acres. Gated access will be provided to a Highland-owned water tank on the property. Photographs of the current undeveloped site were also reviewed.

In response to a question from Commissioner Nixon, Ms. Jastremsky reported that the City does not set a maximum length for access roads. Commissioner Nixon stated that she was relieved to hear that the homes would be fire sprinkled and asked how the systems are monitored. Ms. Jastremsky stated that annual inspections will be required, but she was unsure how compliance is monitored.

The applicant, David Killpack of Triumph Design Build, LLC, stated that the property has a lot of history, and they are grateful to be completing the project. It is a very nice property, and they believe 50 homes is appropriate for the 110 acres.

The sewer system has been designed and redesigned. At the request of the Jordan Basin Improvement District, they approached Jordan City to determine if they could gravity-feed the sewer system into Highland City, but Highland City did not have the capacity. They then designed a lift station, which the Jordan Basin Improvement District has approved. Water will be from Draper Water.

Mr. Killpack presented conceptual renderings of the entry, including landscaping and a roundabout at the gated entry. There will be lighted columns every 100 feet. The private access road is approximately three-quarters of a mile in length and will be maintained by the Homeowners Association (HOA). The road includes a 30-foot earth bridge with culverts below for drainage and trail access. He commended Draper on its commitment to trails and the conservation easement.

The property has varying geography and beautiful views, and the project will include ample open space. Buyers will design their own homes. There is already a waiting list, and most people on the list live in the area. Fire sprinklers will be required. The Covenants, Conditions, and Restrictions (CC&Rs) will also specify that all exterior materials be fire-resistant. A recent study on the California fires indicated that 80% of the structures that survived had fire-resistant materials,

and they feel it is important to add that requirement to make the community safer and hopefully set a standard for the area. Mr. Killpack commented that there are now ways to treat wood that make it as fire-resistant as man-made materials.

Chair Adams asked Mr. Killpack to point out the proposed access points that were rejected by Highland City. Mr. Killpack explained that the previous developer requested those accesses, and he was unsure of their locations. Ms. Jastremsky clarified that Alpine City was approached, not Highland City, and pointed to their approximate locations on the site plan. Chair Adams stated that he was curious about the possibility of Beacon Hill connecting to the access road in the future.

Chair Adams opened the public hearing.

Jonathan Ludwig, identified himself as a Draper Trail Ambassador, stated that he is a resident of Lehi City and is a heavy trail user and was also a level two coach with the Skyridge Mountain Bike Team for seven years. He commended the developer for the trail access and requested that it be maintained throughout the construction period. The trail is not just used by residents of Alpine City and Highland City. Residents of Lehi City and American Fork City also heavily utilize it. He requested that road construction be staged or that the land bridge be built first to maintain access. If the tunnel is 30 feet, the trail will need to be altered significantly in the area to prevent a steep slope over the bridge.

Andrew Beard stated that he lives in the Beacon Hills area of Highland City. Highland City has a large trailhead in the area that is also used by equestrians. If there is a tunnel, he asked that they consider the height because horses do not do well in enclosed areas. Highland City was once approached about access through Beacon Hills, but the request was denied. It is important to maintain trail access.

Heike Smith stated that she is a resident of Draper City and enjoys hiking in the area. She expressed concern about the impact of the road through the Mercer Hollow area. There are some springs near the current fire road, and some slides occurred during a very snowy year. She hoped that the access road would turn before entering the wetland area. It's a beautiful hollow, and she hopes that the impact of the road is minimized as much as possible.

David Manzanares stated that he is a resident of Draper City. He believes it is wasteful to have such a long access road to get to a development that is next to at least three other developments, and it is a shame to lose that open space. He asked why the choice was made to go through open space rather than residential areas and if other alternatives were considered. He was also concerned about erosion on the hill, as well as having a lighted roadway through open space.

Brandon Neish stated that he has been involved with the project for years and commended the developer and Draper City for coming up with a development that is less bad than what was previously proposed. He had met with Mr. Killpack, who was great to work with, but he believed some issues still needed to be addressed. He was unable to find a record of the acquisition of land by Draper City from Zions Bank, where it was referred to as anything other than open space. He could not find anything supporting the narrative that the City always planned to sell portions of the land to pay for it. He believes there are five issues that need time to be addressed: trail access,

stormwater plan, geotechnical reports, wildlife migration issues, and wildfire mitigation, and proposed that the meeting be rescheduled to provide time to work on those items.

Craig Smith stated that he is an attorney for Save Our Trails and asked that a decision on the project be delayed until some issues were addressed. The public hearing was the only opportunity to provide input on the plat, and it was an important decision that will last for decades. He expressed concern that there could be 100 homes in the development due to the state requirement to allow ADUs. The Development Agreement states that the mother-in-law apartments cannot be rented, but they could be rented out illegally. He also has not seen a lawsuit where a city sued a homeowner for renting out their pool house. The Fire Marshall is supposed to produce three findings prior to granting a waiver, and those findings were not included in the Meeting Packet. He expressed concern about wildland fires and asked if the Wildland-Urban Interface Code had been addressed. He also asked about ambulance and police access, and stated that other accesses are readily available from other cities. He asked that the Planning Commission take more time to deliberate on the matter before making a decision. Chair Adams noted that Mr. Smith had delivered a letter that would be posted for the record.

Rick Louder stated that he is a resident of Highland City and has partnered with the group fighting the development for the past six years. He commended Mr. Killpack for providing an alternative to the 450 homes that would have destroyed the property, but agreed with Mr. Neish about the items that need to be addressed. He also believes that a high-speed gas line traverses the property. Previously, a 30-foot access was required on either side of the line, and he believed it is located along the road and through several lots.

Joshua Olmo stated that he is a resident of the Mercer Retreat subdivision. He was present on behalf of himself and his neighbors, and a letter had been sent to the Planning Commission outlining their concerns and opposition to the subdivision's scope and safety implications. They understand and respect the developer's right to build on the land, but believe the current proposal for 50 homes with a single access road is inconsistent with Draper City's subdivision and fire safety standards. Municipal code states that subdivisions with one access point are limited to 30 homes, and exceeding the cap requires an exemption. He stated that that means the developer is not building 50 homes by right but was asking for the City's discretion, which should be exercised with the safety and will of the community in mind. Many people live in the area because of its low density, open space, and careful planning. A 50-home cul-de-sac with one access point, especially in a wildland-urban interface, is not what that hillside was intended to bear. It creates risk for traffic, emergency response, and wildlife evacuation. The plan also asks for various other exemptions. They urged the Planning Commission to not allow safety policy to be overridden by speculation, uphold Draper's egress standards, and keep the 30-home limit in place until a fully compliant second access is obtained.

Rodney Smith stated that he is a resident of Draper City and indicated that the entrance is currently used as a de facto trailhead, as people often park there to access the fire road and trail. That issue did not appear to be addressed, which means the subdivision would remove trail access in that area.

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

Chair Adams asked for Staff input on the requests to table the item until specific concerns were addressed.

Ms. Jastremsky explained that the subdivision has been in process for over a year a year. The geotechnical process for the access road was started by the previous owner and finished by the current owner. Geotechnical and geohazard studies were also conducted on the remaining development. The City contracts with a geotechnical consultant to review each applicant's studies and ensure that the proposal complies with DCMC requirements for soil conditions, water, and other relevant factors, and that the property has obtained the necessary approvals. The City's standard for site plans and subdivision plats is that they are not brought before the Planning Commission until the necessary approvals have been obtained. Regarding fire concerns, the Fire Marshall reviewed and approved the application, and his comments were included in Staff Report Exhibit A.

Chair Adams clarified that the plans had not been rushed through, and all publicly available information can be obtained by request. If an applicant rushes their application, it is often to their detriment because the City Council will likely deny it. Ms. Jastremsky added that the Planning Commission would vote on the Preliminary Subdivision Plat, and the City Council would consider the Development Agreement on Tuesday, June 17, 2025. A Condition of Approval on the plat is that either the City Council approves the Development Agreement or the final application be amended to comply with the version of the agreement that is ultimately approved.

Regarding trail access, Ms. Jastremsky reported that the City does not have a requirement for trail access during construction. Commissioner Nixon noted that a requirement for access could be added to the Development Agreement. Chair Adams noted that the Planning Commission could suggest that addition as part of the motion.

Mr. Killpack stated that they do not have to install lights on the access road. The lights will face downward to provide direction, so they should not cause light pollution. Chair Adams noted that Suncrest Drive has reflectors instead of lights, so they could consider that alternative. In response to his question, it was clarified that DCMC does not require lighting along the access road. The subdivision code requires street lights, but design and placement are up to the developer.

Mr. Killpack stated that they have worked closely with Dominion Energy on the easement. There will be a tunnel along the trail to maintain a constant elevation. The tunnel will be 16 feet tall and approximately 24 feet wide, as it must be tall enough to fit a backhoe. He is happy to speak with citizens regarding their concerns. Trail access will be closed while the bridge is being constructed due to safety concerns. The property will not be fenced; however, construction fencing will be installed around the area of the bridge during construction. As soon as the bridge is completed, the trail will reopen. They will provide notice to the cities and do their best to limit the negative impacts of the closure.

Chair Adams stated that he understood the concerns regarding access. The subdivision reminds him of Three Falls in Alpine, which has a longer access road. It is a unique development. It would

have been better to have an additional access, but they cannot control the decisions made by other cities.

Commissioner Shirey noted that the Development Agreement indicates that the location of the access road was agreed to at the time of sale and was not part of the current application. Ms. Jastremsky added that the property directly south of the access road is private property. The access at Suncrest Drive is an existing stub road that was originally planned to service development on the subject property. Commissioner Squire indicated that when Blue Bison was considered, there was a lot of opposition from residents of adjoining neighborhoods regarding potential access points.

Commissioner Squire stated that a lot of emails were received about the length of the documents in the project. The Planning Commission receives and reviews the Meeting Packets in advance. They are accustomed to reviewing multi-page documents, and they understand the importance of their decisions. She appreciates the expertise of City Staff, as well as the experience of her fellow Commissioners, and she assured those present that they take their role seriously.

Motion: Commissioner Squire moved to forward a POSITIVE recommendation to the City Council for the Development Agreement, as requested by David Killpack, representing Triumph Design Build, LLC for Alpine Hollow Development Agreement, Application 2025-0077-DA, based on the following findings for approval and subject to the conditions listed in the Staff Report dated June 3, 2025, and as modified with the following conditions

1. Trail access shall remain open during construction when it is safe to do so.
2. Exterior materials for all homes shall be of fire-resistant materials.

Findings for Approval:

1. The proposed Development Agreement complies with DCMC Section 9-5-200(C) and (D).
2. The additional roadway width is needed for the safety of future residents living in the proposed development.

Second: Commissioner Shirey seconded the motion.

Vote on Motion: 5-to-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Chair Adams				X	
Fowler					X
Squire	X				
Ogden					X

Nixon	X				
Shirey	X				
Fidler, Alternate	X				
Shah, Alternate					X
Green, Alternate	X				

Motion: Commissioner Squire moved to APPROVE the Preliminary Subdivision Plat, as requested by David Killpack, representing Triumph Design Build, LLC, for Alpine Hollow Preliminary Subdivision Plat, application 2024-0029-SUB, based on the following findings for approval and subject to the conditions listed in the Staff Report dated June 3, 2025.

Findings for Approval:

1. The proposed plat complies with DCMC Section 17-3-040(A).

Second: Commissioner Fidler seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

G. Public Hearing: City-Initiated Seasonal Farm Stand Text Amendment Request. (Legislative Item)

On the Request of Draper City, a Text Amendment to Titles 6 and 9 of the Draper City Municipal Code in order to add Seasonal Farm Stand as a new accessory use with associated standards. Known as Application No. 20250116-TA. Staff Contact: Todd Taylor, 801-576-6510, todd.taylor@draperutah.gov.

City Planner III, Todd Taylor, presented the Staff Report and reported that the proposed Text Amendments were in response to a request from the City Council to add Seasonal Farm Stands to the list of definitions. Seasonal Farm Stands will be accessory uses in agricultural and residential agricultural districts. Produce Stands will remain a Temporary Use in commercial districts, and Farmer's Markets will be removed from Temporary Uses and allowed through Special Event Permits.

The amendment also included minor changes to other temporary uses. Christmas Tree sales and Fireworks Stands will be limited to a maximum area of 6,000 square feet. Temporary Retail Sales can occupy an area of up to 1,000 square feet. Section 6-16-100: Zoning Interpretation was also added to indicate that the Zoning Administrator has the authority to interpret the Chapter.

The definition for Farmer's Market will be removed as they will be allowed through a Special Event Permit. The following definition of Seasonal Farm Stand will be added:

A booth, stall, or other area where seasonal produce, cut flowers, bedding plants, or similar items produced or grown on the premises are sold to the general public.

Changes to Chapter 9, Agricultural Zones, added Seasonal Farm Stands as an accessory use subject to supplemental development standards. Chapter 10, Residential Zones, allows them in RA1 and RA2 Zones only. Text was also added referencing applicable accessory structure standards. Farmer's Markets will be removed from the Temporary Use Tables in Chapter 11, Commercial Zones, and Chapter 9, Transit Station District. The uses were also added to the Parking Requirements Table.

Mr. Taylor reviewed highlights of Section 9-27-250: Seasonal Farm Stand:

- Seasonal Farm Stands will be allowed for up to 180 days per year.
- Products must be produced or grown on the site.
- Two hard-surface parking stalls are required, but can be in an existing driveway.
- Temporary accessory structures must be:
 - Located on the property (can be in the front yard).
 - Five feet from the property line and six feet from any buildings.
 - Less than 100 square feet in size and 12 feet or less in height.
 - Outside the clear view triangle for roads and driveways.
 - If not in use for nine months or longer, the structure must be removed.
- Temporary signage:
 - One wall sign is allowed, not to exceed 24 square feet.
 - One three-foot A-frame sign is allowed during the hours of operation, but may not be placed within a right-of-way or illuminated.

Chair Adams asked if each tent or booth at a Farmer's Market would require a separate application, or if one permit would be issued per market. Mr. Taylor clarified that a Special Event Permit would be issued for the event.

Chair Adams stated that he is aware of a seasonal stand in the McDonald's parking lot and another near the Chevron, and asked if there was a demand for them at homes that he was unaware of. Mr. Taylor reported that requests had been made to the City Council, and some residents with larger properties that grow produce or bake bread, for example, may want to sell their products on their property. The Commission discussed different farm stands in the area. It was noted that there are exemptions in City Code for children's lemonade stands and garage sales, which do not require a permit.

Chair Adams suggested that the City consider addressing scooters and underage drivers. It was reported that the Police Department has requested that City Code be amended to address the issue.

In response to a question, Mr. Taylor reported that the county would be involved with the use as part of the Business License process.

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

Motion: Commissioner Shirey moved to forward a **POSITIVE** recommendation to the City Council for the City Initiated Seasonal Farm Stand Text Amendment, as requested by Draper City, Application No. 2025-0116-TA, based on the following findings and the criteria for approval as listed in the Staff Report dated May 27, 2025.

Findings for Approval:

1. The proposed amendment is consistent with the goals, objectives, and policies of the City's General Plan.
2. The proposed amendment is appropriate given the context of the request, and there is sufficient justification for a modification to the development codes.
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare, and represents an overall community benefit.
5. The proposed text amendment implements the best current professional practices of urban planning, design, and engineering practices.

Second: Commissioner Fidler seconded the motion.

Vote on Motion: 5-to-0 in favor.

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

Shah, Alternate					X
Green, Alternate	X				

**H. Public Hearing: City Initiated New and Unlisted Land Uses Zoning Text Amendment.
(Legislative Item)**

On the Request of Draper City, a Zoning Text Amendment to Sections 9-3-040, 9-3-060, and 9-8-050 of the Draper City Municipal Code in order to address recent changes to Utah State Code related to the classification and approval of new and unlisted land uses. Known as Application No. 2025-0115-TA. Staff Contact: Todd Taylor, 801-576-6510, todd.taylor@draperutah.gov.

Mr. Taylor presented the Staff Report and reported that the Text Amendments are in response to SB 179, which added a new section to Utah State Code that requires municipalities to set up a process for the classification of new and unlisted land uses.

Section 9-8-050: Clarification of Zoning addresses ambiguous use classifications, and the section was updated to address the changes as follows:

When an applicant submits an application for a new or unlisted land use, the Zoning Administrator will review the use and any associated documentation and determine whether it is substantially similar to an existing Permitted or Conditional Use.

The analysis will be based on the following criteria:

- a. Type of goods and services provided;
- b. Number of customers and employees;
- c. Amount and type of onsite storage; and
- d. Noise, odor, or vibration is generated.

If the Zoning Administrator determines that the proposed use is substantially similar to an existing use, the applicant will be allowed to proceed under the conditions associated with the similar use. If it is determined that it is a new or unlisted use that is not substantially similar, the application will proceed to the City Council for review at a public meeting, where they will determine whether to approve or deny the use. If approved, the Council will determine which zones the use is permitted in and whether it will be a Permitted Use or Conditional Use. If denied, they will provide findings for denial. Either decision would trigger a Code Amendment to incorporate the new use into the Zoning Code if approved or the Prohibited Uses Table if denied. The appeals process is also outlined in the amendment.

The State now also requires that Prohibited Uses be specified. Prohibited Uses in all zones are:

- Automobile wrecking yard
- Cold storage plant
- Hazardous materials storage or treatment

- Junk or salvage yard
- Pet sales
- Secondhand or thrift store, large, with outdoor storage or drop-off of items during hours the business is closed.

Definitions of Prohibited Uses have also been added to Section 9-3-40: Definitions. Any new uses that are denied by the City Council will be added to the list.

In response to a question, Ms. Jastremsky reported that “pet sales” is specifically defined in City Code. Rescue organizations and pet adoptions are allowed. There is also an exemption for stores like Petco to sell small pets like fish and birds. Commercial sale of cats and dogs is prohibited.

Motion: Commissioner Shirey moved to forward a POSITIVE recommendation to the City Council for the City Initiated New and Unlisted Land Uses Zoning Text Amendment, as requested by Draper City, Application No. 2025-0115-TA, based on the following Findings and the Criteria for Approval listed in the Staff Report dated May 29, 2025.

Findings for Approval:

1. The proposed amendment is consistent with the goals, objectives, and policies of the City's General Plan.
2. The proposed amendment is appropriate given the context of the request, and there is sufficient justification for a modification to the development codes.
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare, and represents an overall community benefit.
5. The proposed text amendment implements the best current professional practices of urban planning, design, and engineering practices

Second: Commissioner Green seconded the motion.

Vote on Motion: 5-to-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
Chair Adams				X	
Fowler					X
Squire	X				
Ogden					X
Nixon	X				

Shirey	X				
Fidler, Alternate	X				
Shah, Alternate					X
Green, Alternate	X				

I. Public Hearing: Onset Financial Conditional Use Permit Request. (Administrative Item)

On the request of Justin Nielson Representing OFI Campus, LLC. A Conditional Use Permit Regarding the Construction of a Fence in Excess of Six Feet (6') in Height for 4.67 Acres located at 274 West 12300 South. Known as Application 2025-0084-USE. Staff contact: Nick Whittaker, (801) 576-6522, nick.whittaker@draperutah.gov.

(This application was withdrawn by the applicant prior to the meeting.)

2. Adjournment.

Motion: Commissioner Squire moved to ADJOURN. Chair Adams adjourned the meeting.

The meeting adjourned at 8:35 PM.