

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, APRIL 23, 2015 IN THE DRAPER CITY COUNCIL CHAMBERS

“This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting.”

PRESENT: Chairperson Drew Gilliland, Planning Commissioners Andrew Adams, Craig Hawker, Leslie Johnson, Scott McDonald, and Kent Player

ABSENT: Commissioners Jeff Head and Traci Gundersen

STAFF PRESENT: Mike Barker, Keith Morey, Dan Boles, Dennis Workman, Jennifer Jastremsky, Brien Maxfield, and Angie Olsen

ALSO PRESENT: Roll on File

Study Meeting:

[6:15:03 PM](#)

Study Business Items: The commissioners reviewed the applications for the business meeting and addressed questions to staff members.

**** Staff Reports were heard out of order.*

[6:17:15 PM](#)

6.0 **Staff Reports:** Community Development Director Keith Morey advised the commissioners of the recent actions of the City Council.

Business Meeting:

Chairperson Gilliland explained the rules of public hearings and called the meeting to order at [6:31:09 PM](#).

[6:31:26 PM](#)

1.0 **Action Item: Approval of the February 26, 2015 Planning Commission meeting minutes.**

[6:31:36 PM](#)

1.1 **Motion:** Commissioner Player moved to approve the minutes of the February 25, 2015 Planning Commission meeting. Commissioner Hawker seconded the motion.

6:31:55 PM

- 1.2 Vote: A roll call vote was taken with Commissioners Player, Hawker, Johnson, Adams, and McDonald voting in favor of approving the minutes.

6:32:05 PM

- 2.0 **Public Hearing: On the request of Mindy Dansie, representing DAI/Candlelight Homes and Troy Dana, representing Madison Creek, LLC. for approval of a rezone from RA1 (Residential Agricultural, 40,000 square foot lots) to R4 (Single-Family Residential, 10,000 square foot lots) with a Development Agreement for a specific layout. This application is otherwise known as the Palmer Estates Rezone from RA1 to R4 with Development Agreement Request, Application #150304-1266E.**

6:32:30 PM

- 2.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated April 14, 2015, Planner Jennifer Jastremsky reviewed the details of the proposed application. She stated the application is a request for approval of a rezone for approximately 5.16 acres located at 1266 East 13400 South; the applicant would like to rezone the property to R4 (Single-family Residential, 10,000 square foot lots) with a Development Agreement for a specific maintenance free layout. She reported the Land Use Map of the General Plan calls for Residential Low Medium Density designation on the subject property; this designation is designed for very large lot single-family neighborhoods, but does allow for increased densities when specific performance and mitigation standards are taken or followed. She indicated the property is currently zoned RA1 (Residential Agricultural), which allows for one dwelling unit per acre. She added the property is abutted by properties zoned RA1, RA2 and R3, which allow for one, half and third acre lot sizes respectively. She stated the proposed zoning district R4 allows for up to four units per acre and the applicant is proposing specifically 19 single-family detached homes. She explained the applicant has outlined design and buffer standards within the Development Agreement which would protect the existing low density neighborhood to the west and south. She added the maintenance free layout proposed by the Development Agreement would provide a valuable alternative housing option for the City, allowing residents to remain in Draper who do not want yard maintenance but want the convenience of Draper trail access and single-family home. She noted the Development Agreement also includes a provision for the applicant to dedicate to the City 6,000 square feet along 1300 East and the canal trail, which would be used for the 1300 East widening project and would save the City time and money in acquiring the property in the future. She reviewed the buffer areas around the subject property, after which she reviewed concept elevations for the project; building materials to be used on the home include brick, stucco, and hardie board. She reviewed photos of the property in its current condition, after which she concluded staff recommends the Planning Commission

forward a positive recommendation to the City Council based on the findings listed in the staff report.

[6:36:06 PM](#)

2.2 Applicant's Presentation: Troy Dana, Madison Creek, LLC, stated he appreciates the work staff has done in response to his application. He reiterated Ms. Jastremsky's comments regarding the fact that the General Plan does allow for the density he is requesting upon specific performance and mitigation. He added that his project is patterned after a few existing subdivisions in Draper City and the Development Agreement provides benefits for the City as well as the project. He reviewed a map of the subject property and the area surrounding it and identified the location of a trail that was never defined and dedicated to the City; he will dedicate that trail way to the City and clean up the right of way around it. He stated that he has visited with adjacent property owners regarding the increased density of the project and he has made concessions in the project to try to address the concerns they have expressed regarding certain aspects of the project. He concluded he feels the development would fit nicely in the neighborhood and would be in harmony with the surrounding area.

[6:42:25 PM](#)

2.3 Chairperson Gilliland explained the rules of the public hearings and noted the Planning Commission has received multiple letters and email messages expressing concerns regarding this application; from those communications the Planning Commission is very aware of concerns associated with traffic, property values, and whether the proposed project is harmonious with the neighborhood. He explained the Planning Commission is a recommending body and they will forward a recommendation to the City Council; the City Council will ultimately decide whether the application should be approved and they have wide discretion in making that decision. He added the Planning Commission cannot amend the application that has been presented and they must act on the application that has been presented. He added the Planning Commission also does not have any involvement in negotiations of a development agreement.

[6:45:21 PM](#)

2.4 Chairperson Gilliland opened the public hearing.

[6:45:35 PM](#)

2.5 Colleen DeRose, 1031 E. 13400 S., stated she has lived on the street for 30 of her 36 years; her family farmed the ground that is now used for beautiful half-acre lot neighborhoods. Her family still owns 10 acres south of the elementary school and her family friend, the Fitzgeralds, farmed the field south of City Hall; these are the last two significant pieces of property that will someday be developed in the heart of historic Draper. She stated she sympathizes with those on both sides of this issue; she personally knows Troy Dana and wants to see him succeed in his business endeavors, but neither Mr. Dana nor the seller of the equestrian property will have

to live with the consequences of adding 19 additional families to the small area. She stated the families that own the last two large parcels of ground in the City are watching very closely to see what is decided today; they have watched as the minimum lot size in Draper has decreased from four acres all the way down to a quarter-acre and if the City approves quarter-acre lots on the subject property when the surrounding neighbors are obviously opposed to it, the City will be on a slippery slope that will set a new precedent. She indicated if the City approves Mr. Dana's request, other developers will expect the same approval in the future and she is certain residents who surround her family's farm as well as the property owned by the Fitzgeralds would protest the same issue when those properties developed; they are surrounded by subdivisions with lots ranging from half to full acre in size. She asked if a quarter-acre lot size is now the new norm for the heart of historic Draper. She hopes the Planning Commission and City Council still value the quality of life for families who already have roots in the City over developers and property owners' bottom line. She stated that she has heard rumors that if the 19 homes are approved on the subject property, it will be necessary to provide thru connectivity of 13400 South. She reminded the Planning Commission that Mayor Walker said on record in 2014 that 13400 South would not be a thru street until the City can afford to develop it property with curb, gutter, and sidewalk. She stated this could become very expensive property to develop.

[6:48:39 PM](#)

2.6 Richard White, 13441 South Lone Peak Lane, stated he owns the property immediately to the west of the subject property. Stated that he is torn regarding this issue; he feels low density would help to maintain the pastoral nature of Draper and would cause fewer traffic concerns, but on the other hand Mr. Dana did meet with him regarding his proposal and has made some concessions to address the concerns expressed by the surrounding property owners. He stated he expects that the Planning Commission will weigh this matter carefully and make the proper decision.

[6:50:30 PM](#)

2.7 Steve Dana stated he does not have much to add to what has been said, but he owns a home on Boulder Street and he favors the City paying attention to smaller lot subdivisions. A few years ago he worked in the manufactured home business and it was very difficult to get cities to approve lot sizes small enough to accommodate a manufactured or modular home. He stated that cities have increased density by locating apartment complexes in the same area while keeping larger lots in the remainder of the City. He stated it is good to continue to allow small lot subdivisions because young people and older people either do not want or cannot afford larger lots, but they do not want to live in an apartment. He stated the proposed project is very well planned and it seems the developer has made some good concessions. He stated he does not feel traffic is an issue because the subject property is located on 1300 East, which can accommodate increased traffic.

[6:52:44 PM](#)

2.8 Tamara Gaffney, 13454 Lone Peak Lane, stated that she sent the Planning Commission a letter detailing her concerns regarding the proposal. She then relayed her experience of moving to Utah from California five years ago and explained what happens when cities begin to subdivide into smaller and smaller lots; the cities in the bay area of California that kept larger lots are the places that have \$4 million homes on them and they are the places that people thrive in. She stated subdivision creates a very different environment for the future and it is important for the Planning Commission to think about that. She commented about traffic; it took her five minutes to make a left turn onto 1300 East to come to this meeting. She stated if the City does not mitigate traffic before allowing these types of rezones, there will be massive accidents and fatalities. She asked that the Planning Commission not disregard concerns about traffic simply because the subject property is located on 1300 East and noted there is another smaller lot subdivision under construction on 1300 East.

[6:54:30 PM](#)

2.9 Kelly Myers stated he lives on Lone Peak Lane; he first commented about traffic and responded to Mr. Dana's comments that the subject property is on 1300 East by offering clarification that the subject property actually has ingress and egress onto 13400 South. He stated that there will be an additional traffic load on that street, increasing traffic on 13400 South by about 40 percent. He acknowledged that there is R4 zoning a few blocks away, but stated that Draper is not very big and there are many different uses that are close to the subject property. He stated the nature and character of the neighborhood is based on large homes and large lots and his would create a huge change to that character. He stated one interesting issues is that the developer's plan uses the smaller lots that will be maintained by a homeowners association (HOA) to market the property, but it is located in the middle of a neighborhood of big lots with property owners that are all very interested in their properties. He reiterated this is a dramatic change in the character of the neighborhood.

[6:56:33 PM](#)

2.10 Michelle Palmer stated she is the owner of the subject property; she has owned it for 16 years and has operated a horse boarding stable from the property. She stated it is not the same community it used to be as far as horse keeping and this transaction is important for her in and her family to be able to relocate and keep her horses in a more rural neighborhood where there will not be neighbors shooting fireworks over her barn and animals. She stated she understands the concerns of her neighbors, but indicated the sale will benefit her and her family. She stated Draper has been great to her and she has lived here her entire life, but it is not working for her business anymore.

6:57:58 PM

2.11 Greg Smith stated he lives on Country Lane near the property. He reviewed the General Plan zoning map and stated there are many statements in the Plan that the proposed development does not comply with. He added one argument for the development is that it will create smaller lots that are attractive to millennials, but he noted millennials in Utah are different than transplant millennials; those born and raised in Utah specifically want a yard. He stated there are also many people that belong to the older generation that still want lots larger than quarter acre in size. He stated his neighbor is also elderly and he has said “the day I need someone to cut a board for me or dig a hole for me is the day they put me into both”. He stated that is the kind of people that live in Draper and he asked the Planning Commission to keep that in mind. He added the developer continues to reference similar developments that have been built in Draper, but noted that another developer of property just north of 13400 North applied for third-acre lots and were denied and only recently received approval for half-acre lots. He stated the Planning Commission has received numerous letters and comments, but he asked that everyone present opposed to the R4 zoning designation to raise their hand to be witnessed by the Planning Commission. He concluded that his concerns are better detailed in the letters that have been sent.

7:01:08 PM

2.12 Jason Neely stated he lives at 13590 South 1068 East and he moved to that home from another nearby development; his real estate agent was Craig Hawker who told him that he was ‘stepping down’ in the type of home he was living in, but the reason he did it was the ambience available with owning a one acre property. He stated the developer of the subject property is taking advantage of that ambience because everyone wants a piece of that, but he wondered what would happen if the City continues to allow further subdivision to smaller lots and indicated he feels the ambience will be lost. He stated his last home was nicer than the home he currently lives in, but he would not trade it because he would lose that ambience. He asked that the Planning Commission decide against opening Pandora’s Box and further subdividing the City.

7:03:16 PM

2.13 Eric Erickson, 13522 S. 1100 E., stated he lives west of the subject property and he opposes the zoning change for many of the same reasons that have been communicated, but he added that he previously lived in another area of Draper on a lot that was 0.18 acres in size. He stated it had a great view, but it was so small and one of the reasons he moved to his current home was for a larger lot size. He stated he now lives on 1.2 acres and he loves the feel of the area. He added that he lives along the creek and there have been at least three times that the creek has been at or near capacity from various rain events and it is his understanding that there is a proposal to allow the proposed development to drain into the creek. He stated he would be very concerned about the additional volume as it could result in flooding of existing properties.

7:05:10 PM

2.14 Amanda Peeler, 1074 Lone Peak Lane, stated she has owned the property for just under one year and as a border line millennial she can confirm there are two kinds; 75 percent of them refuse to buy and do not plan to buy for the next 10 years. Evidence shows that millennials value travel more than property or durable goods, so the idea that millennials would move to the area for a low maintenance lifestyle is fairly unbelievable. She stated millennials currently living in Utah buck the trend because they have large families and are looking for larger lots. She stated the home her family bought was in poor condition, but they bought it for the land; it is possible to change anything about a house except for its location. She stated she lives on a dead end, has one acre, and is five minutes from employment and it took them two years to find it. When they bought they understood that the Palmer property would eventually develop, but they did some research and were pleased with the zoning designation for future development. She stated now the applicant is seeking to change that zoning designation, which would result in quarter-acre lots with fairly large homes on them. She stated some of the backyards in the development could be less than 20 feet deep and some of the houses less than 20 feet apart. She stated she moved from Provo where the distance between homes was very small and it was not charming; residents could not plant trees for fear of disturbing home foundations and there were horrendous traffic problems, especially for school children. She stated there are 200 middle school students that walk the trail in the area crossing 1300 East without a light or a crossing guard and she asked if it will take the death of a child for Draper City to stop this. She stated that 58 garages could potentially be added to the area and she asked how many of them would have vehicles coming on and off the busy street that is full of kids, runners, bikers, and horseback riders. She strongly encouraged the Planning Commission to forward a negative recommendation to the City Council. She stated she is not opposed to development, but she is opposed to the density.

7:07:41 PM

2.15 Joy Johnson, 1078 E. 13590 S., stated she wanted to support her neighborhood and encourage the Planning Commission to deny the application. She stated she moved from Sandy to Draper four years ago and it took her 3.5 years to find the community she was seeking. She found a one acre lot, but the real selling point was that it was located in a community of other one acre lots; she is distressed that Draper continues to approve high density housing as she could have stayed in Sandy and been surrounded by high density housing. She understands some people want to live in high density housing, but she would like to preserve Draper's original master plan. She concluded zoning from R1 to R4 is too extreme and she wanted to voice her disapproval.

7:09:06 PM

2.16 Ron Sorenson, 13478 Lone Peak Lane, stated the Palmers have done a good job taking care of their property; he acknowledged they need to sell and relocate, but he feels their need can be met in different ways. He stated he moved to Draper 25

years ago because he was looking for the open space to raise his children; he was recently considering whether to downsize or stay in his home and he decided to stay in his home because he loves the area and it is a beautiful place. He stated that he is concerned about the traffic as well as the issues with the creek expressed earlier. He stated that due to the size of the subject property and some of the natural constrictions associated with it, the outcome would be 8,500 square foot lots, which is not very big. He stated that no young family will be able to buy the homes because they could still be very costly and there will not be a change in the diversity of the area. He stated noise and light pollution will be a problem if the application has approved and he recommended that the Planning Commission forward a negative recommendation to the City Council.

[7:11:21 PM](#)

2.17 Bryan Flamm, 13648 Kennington Court, stated he is representing the builder, Candlelight Homes. He stated they built a lot of homes in Draper and they build high quality homes. He stated that there has been a lot of talk about young millennials or first time home buyers moving into the homes, but he agreed with Mr. Sorenson that the homes will still be too expensive for first time home buyers. He stated the homes will be high quality accompanied by a phenomenal entry feature. He stated he does not feel that the people living in the homes would negatively impact the existing neighborhoods because they will not drive on the streets in those neighborhoods. He added that the proposal fits with the transition that is occurring on 1300 East and he is excited to build another subdivision in the City that provides high quality homes to be proud of.

[7:12:54 PM](#)

2.18 Will Ashby stated he is one of the adjacent property owners and indicated the Planning Commission is letting the residents down. He stated when the Master Plan was created there were horse trails all through the area surrounding the subject property, but those have been eliminated and the Palmers are being forced out of their property. He stated they have been good neighbors that have made it a joy to live in the area. He stated he blames the Planning Commission and City Council for forcing the Palmers to relocate. He referenced the creek in the area and stated that through upgrades over the past 40 years the flow is now 4.5 times what it used to be. He added one of his concerns is where the kids living in the higher density areas will play. He stated Mr. Dana has gone out of his way to work with the residents, but he has seen several times in the past when developers have said one thing to the Planning Commission and City Council, but did something completely opposite after their projects were approved; there are sewers, drains, and roads that do not meet code in the City as a result. He added that developers sell lots for a given price and then force their subcontractors to meet those prices by cutting corners in construction; unless that is picked up in an inspection the homeowner is left with a low quality project. He stated he has not seen that happen with Candlelight Homes and if Mr. Dana keeps his word the area could look nice, but he wishes there were fewer homes in the area. He stated he still has sagebrush on his

property and it is an oasis where he can go and get away from the City that is booming around him. He stated he is supportive of the project if it were less dense.

7:16:08 PM

2.19 Brandon Quentine, 916 E. 13400 S., stated he has lived in and out of the City for the past 15 years and he has worked in the home building industry and he can see both sides of this issue. He stated the other night he noticed a number of fire trucks in Corner Canyon; there were approximately 10 because of the density of that area. He stated he understands there is a time and place for certain types of housing and there are issues associated with homes of all sizes. He stated developers make their money on increased density, but he hopes it is possible to maintain the charm of Draper rather than being driven by the mighty dollar. He stated he would support development of the property, but not at the density that has been proposed. He added he hoped the City would require fire sprinkler systems in the homes.

7:18:51 PM

2.20 Lance Anderson, 12962 Alder Brick Circle, stated he has lived in Draper for 20 years and he would have shared the opinion that most that have spoken tonight until his daughter was married a couple of years ago and he wondered if there would be a place close to his home for his daughter and son-in-law to live; there really was not a place for them within miles. He stated he is supportive of this type of development that would allow for grown children to stay closer to their parents.

7:19:55 PM

2.21 Jeff Nelson, 1030 Country Lane, stated he lives west of the subject property and he wanted to add his voice to those that have said that the Master Plan for the community calls for larger lots, yet those are diminishing year after year. He stated he looked for his property for over a year trying to find an acre parcel. He stated the proposed development would be part of his neighborhood and he would have to drive past it to get home. He encouraged the Planning Commission to recommend against the R4 zoning designation.

7:20:57 PM

2.22 Mike Salazar, 13042 Fox Crossing Lane, stated that last summer he opposed another rezone from R1 to R4 and it was denied by the City. He referenced Mr. Anderson's comments and stated there is a place for his daughter to live in R4 zoning at 13200 South and 1300 East – homes are currently under construction there. He stated everyone needs to remember the Master Plan of the City as well as the consensus of the people that cared enough to show up to this meeting and express their concerns.

7:22:09 PM

2.23 There being no additional persons appearing to be heard Chairperson Gilliland closed the public hearing.

[7:22:26 PM](#)

2.24 Commissioner Johnson asked the City Attorney to read from Draper City Municipal Code (DCMC) relative to Planning Commission considerations when considering an amendment to the General Plan; she acknowledged that the Planning Commission is not considering a General Plan change at this time, but if they were the significant public input regarding this application would be considered. She stated that public clamor can be considered by recommending and deciding bodies for these types of applications. She stated she has concerns about the precedent that would be set by approving this application and she has written findings that would support a negative recommendation.

[7:24:31 PM](#)

2.25 Commissioner McDonald asked staff to address drainage of the subject property into the creek referenced by some of the residents that spoke. Engineering Staff Brien Maxfield explained DCMC requires the development to meet a specific discharge rate that is well established and enforced; the creek itself is a Salt Lake County flood control facility that the City does not have jurisdiction over and specific questions regarding the creek would be better addressed to the County. Commissioner McDonald asked if the site plan would need to take into account a drainage solution that would not overload the creek.

[7:25:36 PM](#)

2.26 Commissioner Adams inquired as to the size of lots in the Park Place Bungalows development. Keith Morey indicated that development was approved at 3.4 units per acre, but he is not sure the exact lot size. Commissioner Adams stated one thing he has kept in mind throughout the discussion of the application is that that due to the development of the property referenced by Ms. Jastremsky, the total area available for the development so much that it may not be possible to meet the 10,000 square foot minimum lot size required in the R4 zoning designation. Ms. Jastremsky advised the Planning Commission that the four unit per acre calculation was completed taking into account the property donation.

[7:26:53 PM](#)

2.27 **Motion:** Commissioner Johnson moved to forward a negative recommendation to the City Council for the Palmer Estates Rezone Request by Mindy Dansie, representing DAI/Candlelight Homes and Troy Dana, representing Madison Creek, LLC for the purpose of rezoning the property from RA1 to R4, application #150304-1266E, based on the following findings. Commissioner McDonald seconded the motion.

Findings:

1. The proposed amendment is not consistent with the Draper City General Plan goals, objectives, and policies given that the area is designated as low-medium residential density on the land use map.

Findings continued to the next page.

Findings Continued:

2. The proposed amended is not harmonious with the overall character of the existing development of the area of the subject property, specifically that the adjacent properties are zoned RA1 and RA2; the proposed zone would not permit horses on the property and there are many horse properties in the area.
- ~~3. Significant public opposition has been submitted in letters and during the public hearing.~~
- ~~4. The proposed development could adversely affect the adjacent properties.~~

7:28:51 PM

2.28 Commissioner Player noted he has lived in Draper for 50 years; he remembers being on the mountain and looking down on the area of the subject property and watching the construction of an LDS Stake Center; there was not another house within sight of that building, but that has changed and Draper is no longer a pastoral community and will never be that way again. He stated residents need to get used to living in a more dense environment; the property that is under consideration this evening will be developed, though maybe not in the way proposed tonight, but he wondered what impact half-acre lots would have on those that have expressed concerns. He stated he agrees that the proposed development of the property may be a little too dense.

7:30:00 PM

2.29 Commissioner Johnson agreed with Commissioner Player and said she has been a Planning Commissioner for 13 years; she remembers when this area was being developed and there was much discussion and debate about the approval of half-acre lots in the area. She stated the area is unique and there are some areas in Draper that can and should be preserved and provide horse rights for residents. She stated she does not feel a precedent has been set on 1300 East to justify R4 zoning on the property.

7:31:22 PM

2.30 Commissioner Hawker asked if Commissioner Johnson would consider removing specific findings, specifically those regarding public clamor and property values. Commissioner Johnson stated she did not mention property values in her findings, but she preferred to keep the finding regarding public clamor because it can be used as a finding in a legislative decision. Chairperson Gilliland stated finding four that the development could adversely affect adjacent properties could reference property values; the finding is too ambiguous. Commissioner Johnson stated she would remove finding four. Commissioner McDonald stated he would concur with removing that finding and he asked that Commissioner Hawker's request to remove the finding about public clamor be honored; otherwise he will withdraw his second. He stated the Planning Commission could receive public clamor for any development and if it were used to deny applications there would be no

development. Commissioner Johnson stated she understands, but when considering General Plan amendments it is appropriate to consider public clamor. She added, however, that if there is much concern regarding the finding she would remove that finding as well. Commissioner McDonald stated his second of the motion stands.

[7:34:14 PM](#)

2.31 Commissioner McDonald agreed that Draper is changing and will continue to change and everyone needs to understand there will be impacts associated with that development; the reason that development should be supported is that American's have a God given right to life, liberty, and property and property rights include the right to divest and develop property. He stated he is very pro-development, but he hesitates when a development will create an adverse impact on surrounding properties; in the area there is a history of larger lot sizes and he does not feel it is fair to allow smaller lots to impact other land owners adversely because they have property rights as well. He stated he feels the character of the neighborhood that is being discussed would be negatively impacted and that is why he seconded the motion to forward a negative recommendation.

[7:35:52 PM](#)

2.32 Commissioner Johnson addressed the developer and stated she feels his proposed development would be beautiful in another area of the City, but she does not feel this is the place.

[7:36:02 PM](#)

2.33 **Vote:** A roll call vote was taken with Commissioners Johnson, McDonald, Hawker, Adams, and Player unanimously voting to forward a negative recommendation.

3.0 **Public Hearing: On the request of Matt Lepire for approval of a preliminary plat for a five-lot subdivision in the RA2 (Residential Agriculture, 20,000/sf Lots) Zone on 2.98 acres located at 13000 S. 1300 E. This application is otherwise know as the Snow Crest Minor Subdivision, Application #150109-13000S. Staff contact is Dennis Workman at (801) 576-6522 or email dennis.workman@draper.ut.us. At the applicant's request, this item was continued to a date uncertain.**

[7:36:33 PM](#)

4.0 **Public Hearing: On the request of Ryan Button, representing Draper Highland, LLC., for approval to amend a portion of South Mountain Phases 1 and 2F plat into a 79 lot single family subdivision. This application is otherwise known as the Deer Run Preserve Plat Amendment, Application #141030-962E-1.**

7:37:06 PM

4.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated April 14, 2014, Senior Planner Dan Boles reviewed the details of the proposed application. He noted this request was originally heard by the Planning Commission on January 22, 2015 and was subsequently approved by the City Council; however, the request was taken through the process as a preliminary plat and needs now to be taken through as a plat amendment as the lots are part of the South Mountain Phases 1 and 2F Amended plat. He reviewed a map to identify the location of the property subject to the plat amendment and noted proper notice has been given for a plat amendment request and the application will follow proper noticing and procedure requirements for a plat amendment. He emphasized no changes have been made to the project as part of this request. He provided a brief history of the zoning of the property, noting when the idea for the South Mountain development was originally conceived, this property was slated as a commercial or “town center” hub; after years of marketing and attempted development approvals, in July of 2014, a zoning map amendment was approved. He explained this changed zoning on the subject property from A5 to RM1 and the rezone request was accompanied by a development agreement which was approved along with the rezone request. He reviewed the plat noting the size of lots in the development would range from just over 4,000 square feet to approximately 16,000 square feet. He reviewed the landscaping plan and street configuration for the development, after which he concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:41:00 PM

4.2 Commissioner Player asked if the result of the application, if approved, would be a redefinition of the plat to exclude properties that are not part of the development. Mr. Boles explained the area has been platted and the proposed development requires a plat amendment. He stated this is simply a procedural item.

7:42:15 PM

4.3 Applicant’s presentation: The applicant indicated he had nothing to add to Mr. Boles’ presentation. Commissioner Hawker disclosed that he and the applicant, Mr. Button, live in the same neighborhood, but he does not feel that will impact his ability to consider this application in a fair manner.

7:42:31 PM

4.4 Chairperson Gilliland opened the public hearing.

7:42:45 PM

4.5 James Alger, 14109 Senior Band Road, stated that last month Mr. Maxfield appeared before the Planning Commission and reported that the Hales Engineering report indicated that the existing road is unsafe; each of the Planning Commissioners have a copy of the report in front of them and page seven of the report states there is no evidence from the crash history that indicates there is a

safety issue at the Town Center Drive, Molasses Mill Drive, and Candy Pole Drive intersections. He added the road must meet a national standard; the road may be safe, but there have been two deaths at the intersection of Highland Drive and Town Center Drive in the last five years. He stated the Hales Engineering report states some issues may be too great to overcome and the ability to realign the intersection might not be feasible. He stated the developers met with the community one year ago and the unanimous decision in those meetings was to leave the road as it is because it slows traffic down and keeps the road safe. He stated there will now be a park and the traffic will be sped up by a straightened road. He stated a similar thing happened in Lehi near the Adobe building; a road was straightened out and a 12 year old was run over on his bicycle. He stated residents of Lehi have recommended the City not straighten the road because doing so in Lehi has diminished the quality of life of the community. He recommended the road stay as it and the developer would like for the road to stay as it is. He stated there will be blow back from the community when they learn the road has been reconfigured at the eleventh hour. He stated Council Member Colbert asked at the last City Council meeting "if it's really safe, why are we changing it?". He stated another Council Member said we can change the road and then find a way to make it safe. He stated CNN is trying to do a special investigation on the road; they were in Draper and asked for interviews with the City Council Members and none of them would respond.

7:46:19 PM

4.6 Barry Becker, 14070 Peppy Band Road, stated his comments are related to views; he noticed in the plat that there is a height restriction on the first couple of lots and he requested that restriction be extended a few more lots in on each side to preserve the views of the townhomes at the lower elevation.

7:47:11 PM

4.7 Justin Jensen stated he lives in the townhomes surrounding the subject property and he is opposed to the road reconfiguration because it will remove some green space in the area. He stated that none of the residents in the area would have agreed to the road configuration and the developer does not want it reconfigured either; if there is no safety reason to change the road, he wondered why it is necessary. He also asked why the change was made at such a late hour. He stated he appreciated the community aspect of what has happened with the development which was achieved by the developer involving the surrounding residents. He stated he would prefer no development of the property, but supports the development based on the developer's openness and willingness to involve the citizens. He concluded he would recommend the Planning Commission forward a positive recommendation for the plan for the development, but a negative recommendation for the reconfiguration of the road.

7:48:57 PM

4.8 There being no additional persons appearing to be heard, Chairperson Gilliland closed the public hearing.

7:49:12 PM

4.9 Commissioner Player asked Mr. Maxfield to make a comment regarding the road alignment. Mr. Maxfield stated that Hales Engineering provided a third party review of the road alignment and their overall recommendation was to realign the road based upon drive expectation and non-standard road design; based on those recommendations and to ensure there are no future issues with the geometry of the road, staff has recommended the realignment. Mr. Morey clarified the alignment of the road is not before the Planning Commission tonight.

7:50:04 PM

4.10 **Motion:** Commissioner Adams moved to forward a positive recommendation to the City Council for the Deer Run Preserve Plat Amendment Request by Ryan Button, representing Draper Highland LLC, application 141030-962E-1, based on the findings and subject to the conditions listed in the Staff Report dated April 14, 2015. Commissioner Player seconded the motion.

Conditions:

1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.
5. That the required alterations to the Plat Amendments affected by the change in the intersection are completed before Final Plat is approved by City Council.
6. That a final plat is submitted in accordance with title 17 of the Draper City Municipal code prior to recordation of the final plat at Salt Lake County.
7. That street trees are bonded for by the developer.
8. That the developer forms an HOA which will be responsible for the maintenance of improvements outlined in the development agreement.
9. That the changes to the plat regarding the "T" intersection are reflected on the final plat.

Findings continued to the next page.

Findings Continued:

1. That all of the requirements of the recorded and amended development agreement are satisfied.
2. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan such as:
 - a. Create a balanced community where residents can live, work and play, and have their essential needs met.
 - b. Provide a wide range of housing opportunities while protecting property values and promoting quality development.
 - c. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
 - d. Protect property values while providing opportunities for development which meets the health, safety and welfare needs of City residents.
3. That the requirements for Plat Amendment listed in Title 17-3 have been satisfied.
4. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The public services in the area are adequate to support the subject development.

[7:50:31 PM](#)

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

[7:50:41 PM](#)

- 5.0 **Public Hearing: On the request of Bruce Brown for approval of a Zoning Map Amendment on 1.05 acres at 12370 South 800 East from O-R (Office Residential) to RM1 (Residential Multi-Family, up to 8 dwelling units per acre). This application is otherwise known as the Brown Subdivision Zone Change, Application #150403-12370S.**

[7:51:09 PM](#)

- 5.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated April 10, 2015, Planner Dennis Workman reviewed the details of the proposed application. He noted this application is a request for approval of a zoning map amendment for an acre of ground on 800 East that is currently zoned Office Residential (O-R), which is intended to be a transitional zone between office/commercial and residential. He reported there is very little O-R zoning in the City, and staff is unsure how and why the property was assigned the designation. He noted there is an existing four-plex on the property on the east side of the parcel fronting 800 East and the O-R zone is appropriate for the four-plex, but is not conducive to the single-family subdivision that the applicant wishes to put on the

back half of the property. He stated the RM1 zoning designation would allow for the development the applicant would like to proceed with and the land use map of the general plan calls out Town Center for the subject property. The text of the Town Center land use plan states that this category “supports the mix of four uses: single and multi-family residential, office, commercial and institutional.” He stated the plan further states that “the intent of this category is to break up underutilized, marginal or blighted areas that, with inducement, could be rejuvenated or upgraded, or simply be replaced with quality development.” He stated he feels the applicant’s request is compliant with the master plan and the applicant has indicated he plans to provide a good quality development. He stated staff feels with only the four-plex on the property currently, the space is underutilized. The back half of the property is prone to weed growth and even undesirable activity, given that it is obscured from public view by the four-plex. The concept plan for the four lot subdivision (three new home lots in addition to the four-plex lot) expresses a desire to achieve a first rate development. He concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

[7:53:55 PM](#)

5.2 Commissioner Hawker clarified this is not a site plan application and simply a zone change application. Mr. Workman answered yes.

[7:54:29 PM](#)

5.3 Applicant’s Presentation: Landon Brown stated that he plans to build a home for himself and his siblings have similar plans; his family has lived in Draper for many years and they want to build homes that are beautiful and will improve the area.

[7:55:32 PM](#)

5.4 Chairperson Gilliland opened the public hearing; there were no comments and the public hearing was closed.

[7:55:52 PM](#)

5.5 **Motion**: Commissioner Player moved to forward a positive recommendation to the City Council regarding the Brown Subdivision zoning map amendment, as requested by Bruce Brown, application 150403-12370S, based on the findings listed in the staff report dated April 10, 2015. Commissioner Johnson seconded the motion.

Findings:

1. That Section 9-5-060 of the DCMC allows for the amendment of the city’s zoning map.

Findings continued to the next page.

Findings Continued:

2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, such as:
 - a. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
 - b. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
 - c. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.
7. That RM1 zoning allows a density of up to eight units per acre, and the applicant's plan will take the density up to seven units per acre (a four-plex and three single-family homes).
8. That RM1 zoning allows, pursuant to a conditional use permit, single family homes with lot sizes as small as 6000 s.f. Lot sizes on the applicant's concept plan are considerably larger than that.

7:56:40 PM

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

6:17:15 PM & 7:56:50 PM

- 6.0 **Staff Reports:** City Legal Counsel Mike Barker responded to Commissioner Johnson's earlier request regarding issuing a finding supporting a negative recommendation based upon public clamor. He stated in his review of the DCMC he could not find the term 'public clamor' used, but in considering applications such as a rezone application, the Planning Commission is acting in a legislative capacity and it in those situations the Planning Commission and City Council have broad discretion and, as long as there is a basis for a finding, the Planning Commission can look at a variety of sources for the information upon which to base a decision. He stated decisions dealing with rezones are not controlled by any one standard and the Planning Commission can assign any weight they choose to public clamor. Commissioner Johnson stated that she feels that the more findings the Planning Commission can issue the better in the event that an applicant appeals a decision that is made by the City. She stated that she has been told that a finding

dealing with public clamor is one that could help a decision be upheld in court. Mr. Barker agreed and added that all the emails and letters received by the Planning Commission will become part of the public record for the application as well.

8:00:09 PM

7.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

7.1 **A voice vote was taken with all in favor. The meeting adjourned at 8:00:18 PM.**