

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, MAY 14, 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, Traci Gundersen, Jeff Head, Leslie Johnson, and Kent Player; Alternate Planning Commissioners Craig Hawker and Scott McDonald

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

ALSO PRESENT: Roll on File

Study Meeting:

[6:10:42 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.

[6:15:38 PM](#) –

6.0 **Staff Reports:** Staff provided a report regarding the recent action items of the City Council. Mr. Morey then discussed stakeholder interviews for the General Plan update project; he encouraged each Planning Commissioner to participate in an interview if they have not already.

Business Meeting:

Chairperson Gilliland explained the rules of public hearings and called the meeting to order at [6:31:43 PM](#).

[6:32:23 PM](#)

1.0 **Action Item: Approval of the minutes from the April 9, 2015 Planning Commission meeting.**

[6:32:33 PM](#)

1.1 **Motion:** Commissioner Head moved to approve the minutes. Commissioner Player seconded the motion.

[6:32:57 PM](#)

- 1.2 **Vote:** A roll call vote was taken with Commissioners *** voting in favor of approving the minutes.

[6:33:08 PM](#)

- 2.0 **Public Hearing: On the request of Derek Wright, representing Wright Homes for approval of a Preliminary Plat to allow 74 new residential lots on 37.7 acres in the R3 and RA1 (single-family residential) zones at approximately 11580 S. 700 W. This application is otherwise known as the Fox Meadows Preliminary Plat Request, Application #150130-11580S.**

[6:33:28 PM](#)

- 2.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated May 5, 2015, Senior Planner Dan Boles reviewed the details of the proposed application. He noted the applicant requested approval from the City Council for a change in zoning designation from RA1 and A5 to R3 last summer; as part of the request, the applicant also requested approval of a development agreement and these two requests were approved on September 2, 2014. He indicated the subject property is approximately 37.7 acres located on the west side of 700 West, at approximately 11580 South. He noted the majority of the property is currently zoned R3 while approximately two acres remain RA1 Residential; the applicant is requesting that a Preliminary Plat be approved to allow for the development of the site as a 74 lot subdivision to be recorded in three phases. He then briefly reviewed the terms of the development agreement which requires that all lots be single family and that no more than 75 homes be located in the development. He added there shall also be no more than 2.2 dwelling units per acre; all lots along the northern boundary of the subdivision are required to be 20,000 square feet and all streets are proposed to be standard 60 foot wide, public streets. He concluded the agreement also requires two access points to the Jordan River Parkway trail and the creation of a Homeowners Association (HOA) for the development. He then reviewed the plat map including the subject property and indicated the development will fit in well with the surrounding neighborhood, even though the property will be one of the first to have curb and gutter along 700 West. He reviewed photographs of the property in its current condition and concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

[6:39:25 PM](#)

- 2.2 Chairperson Gilliland asked if staff's recommendation is based on the fact that the application complies with the City's development ordinance as well as the development agreement approved by the City Council. Mr. Boles answered yes.

[6:39:35 PM](#)

- 2.3 Commissioner Player referenced the layout of existing sidewalk in the vicinity of the subject property; he noted that upon completion of the sidewalk in front of the

subject property, there will be a gap between existing and new sidewalk and he asked if and when that gap will be bridged. Mr. Boles stated it is difficult to answer that question as the City cannot require a developer to install sidewalk on property that does not belong to them. Engineering Department representative Maxfield added that when possible the City works to complete sidewalk projects that would provide better connectivity between existing sidewalks, but he is not aware of any such project in the vicinity of the subject property.

[6:41:20 PM](#)

2.4 Applicant's Presentation: Derek Wright of Wright Homes indicated the only changes he has made to the plat since the previous step in the approval process are minor and involve slight changes in lot sizes to accommodate engineering requests. He stated he has worked to meet all the terms of the development agreement and is excited to bring the project to market.

[6:41:59 PM](#)

2.5 Commissioner Player expressed his appreciation for Wright Homes' efforts to provide connectivity to the Parkway Trail from the development. Mr. Wright stated that will be a great amenity for homeowners in the area.

[6:42:18 PM](#)

2.6 Commissioner Head referenced a large lot within the development that contains an existing home and he asked why it is being included in the subdivision. Mr. Wright stated it was necessary to include the lot within the boundary of the subdivision to accommodate streets within the development.

[6:42:39 PM](#)

2.7 Commissioner Gundersen state the site plan includes up to three access points. Mr. Wright clarified there are two firm access points with a potential future access point to the south. He indicated he has coordinated with owners and developers of adjacent parcels relative to access and utility infrastructure connections.

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2.8 Chairperson Gilliland opened the public hearing.

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2.9 Judy Player, 760 W. 10560 S., stated she is excited about the subdivision and is glad to see progress made. She has one concern, however, relative to 800 West; the road is not wide enough to accommodate two lanes of traffic as well as on-street parking. The issue will need to be addressed by prohibiting on-street parking on one or both sides of the road. She stated the problem is especially prevalent when Soccer City traffic levels are high.

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2.10 Ken Keown of West Crescent Irrigation District stated he has been working with

the applicant regarding providing infrastructure connectivity to the subject property and the District feels it would be best to locate the irrigation ditch on the west side of the frontage road along with other improvements needed for the project.

6:47:00 PM

2.11 Chairperson Gilliland asked if there were further comments; there were none and the public hearing was closed.

6:47:30 PM

2.12 Commissioner Player stated he feels continued negotiation is needed relative to the location of irrigation infrastructure to serve the development, but he does not feel that or the issue raised by Ms. Player should delay action on the application.

6:48:16 PM

2.13 **Motion:** Commissioner Player moved to forward a positive recommendation to the City Council for the Fox Meadows (fka. Osborne Property) Preliminary Plat Request by Derek Wright, representing Wright Homes, application 150130-11580S, based on the findings and subject to the conditions listed in the Staff Report dated May 5, 2015. Commissioner Head 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 issue with the gap between the development and neighboring Riverview Ranch is resolved prior to the City Council hearing.
6. That a second access point through the neighboring Windsor Mill project, 700 West or some other means is worked out prior to more than 30 lots being recorded.
7. That the landscaping in the areas labeled "Parcel A" are landscaped in accordance with the attached landscape plan.
8. That one of the areas labeled "Parcel A" is changed to "Parcel B".
9. That all corner lots have two front setbacks and two side setbacks and any adjustments to that effect that need to be made on the plat are adjusted prior to final plat submittal.

Conditions continued to the next page.

Conditions Continued:

10. That a final plat is submitted in accordance with Title 17 of the Draper City Municipal Code prior to recordation of any plats.
11. That a street tree plan is submitted with final plat.

Findings:

1. That all of the requirements of the recorded 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.
3. That the requirements for preliminary plat listed in Title 17 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.

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- 2.14 Commissioner Johnson stated she feels the development is very well planned. Commissioner Gundersen agreed, but indicated that the street names may be somewhat confusing since several of them include the name "Osborne".

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- 2.15 Chairperson Gilliland agreed with Commissioner Player's comments that the concerns raised during the public hearing are relevant, but have no bearing on the application this evening.

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

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3.0 **Public Hearing: On the request of Lisa Koncar for approval to amend Lots 4 and 5 of Block 25 of the Draperville Plat to create a three lot residential subdivision at approximately 590 E. 12100 S. This application is otherwise known as the *Indy Acres Minor Subdivision Request*, Application #140611-590E.**

[6:50:51 PM](#)

3.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated May 5, 2015, Planner Jennifer Jastremsky reviewed the details of the proposed application. She noted the application is a request for approval of a Plat Amendment for approximately 2.14 acres located on the south side of 12100 South Street, at approximately 590 East 12100 South; the property is currently zoned RA2 (Residential Agricultural, 20,000 square foot lot minimum) zone. She noted the applicant is requesting that a Plat Amendment be approved to allow for the development three residential lots; the original application made was for a minor subdivision, but upon reviewing the application staff determined the property is part of the Draperville Plat dating back to the 1800's and, for that reason, a Plat Amendment is required. She indicated the applicant is seeking approval of three lots; the largest lot will be 44,504.5 square feet and will contain the existing home. She noted the other two lots will be 20,050.8 and 24,211.8 square feet respectfully; lot 3 will be a flag lot. She noted an assessment in lieu agreement for the frontage improvements along 12100 South was approved by the City Council on May 5, 2015. She reviewed photographs of the property in its present condition and concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

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3.2 Applicant's Presentation: Dave Koncar, representing his sister Lisa Koncar, stated he has nothing to add to Ms. Jastremsky's presentation. He noted he will build a home on lot three, his sister will build a home on lot one, and there are no immediate plans for lot two.

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3.3 Chairperson Gilliland opened the public hearing.

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3.4 Rene Tomlinson, 12100 S. 540 E., stated she is interested to know the building materials that will be used on the homes as well as the price range for the homes.

[6:55:21 PM](#)

3.5 Ralph Broderick, 646 E. 12100 S., stated on the side of the subject property there is a designated street; the street will become a dead end road upon the proposed development and he asked if there will be access for public safety and snow removal once that is done. He stated he has no objection to the project, but he is concerned about the property owner's intentions with the road.

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- 3.6 Chairperson Gilliland asked if there were further comments; there were none and the public hearing was closed.

6:57:12 PM

- 3.7 Chairperson Gilliland explained price points and building materials aren't something the Planning Commission considers and he advised Ms. Tomlinson to deal directly with the applicant to get answers to those questions. He addressed Mr. Broderick's comments and added that the United Fire Authority has indicated they have no issues with the current application, but once the subdivision is designed they will need to review it to ensure all public safety access requirements have been met. Ms. Jastremsky agreed and stated that the road Mr. Broderick referenced is a dedicated right-of-way that was never improved; it is not used for access at this point in time and it is still owned by the City. She reiterated that all public safety access requirements will need to be met.

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- 3.8 **Motion:** Commissioner Adams moved to forward a positive recommendation to the City Council for the Indy Acres Plat Amendment Request by Lisa Koncar for the purpose of Amending the Draperville Plat to allow a three lot split, application #140611-590E, based on the findings and subject to the conditions listed in the Staff Report dated May 5, 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 and Planning Divisions 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. Obtain an assessment in lieu of agreement for street improvements or install street improvements along 12100 South according to the approved plans.

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
 - a. The land use designation supports up to two dwelling units per acre, as requested with this application.

Findings continued on the next page.

Findings Continued:

2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. 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.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

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

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- 4.0 **Public Hearing: On the request of Roy Bartee for approval to reinstate previously approved Application #150403-11990S known as the Tuscany Crossing Assisted Living Facility Conditional Use Permit and Site Plan. The property is located on 2.07 acres in the CN zone at 11990 S. 700 E.**

[7:00:107 PM](#)

- 4.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated May 1, 2015, Planner Dennis Workman reviewed the details of the proposed application. He explained on July 12, 2012, the Planning Commission approved a conditional use permit and site plan for Tuscany Crossings Assisted Living Facility, application 120420-11990S; due to financing issues and other complications, the applicant did not take action on these approvals and they have lapsed. He noted the Draper City Municipal Code provides the following direction to address expired permits or approvals:

Section 9-5-080 of the DCMC states:

- (j) Expiration. Unless there is substantial action under a conditional use permit within a maximum period of one year from the date of its issuance, said permit shall expire and shall have no further force or effect.

Section 9-5-090 of the DCMC states:

- (j) Expiration. Failure to obtain a building permit within one year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Planning Commission may require that a new site plan be submitted and approval obtained pursuant to this section.

He indicated the application is essentially a reinstatement of a previous approval

that has lapsed; the applicant has no desire to change the intensity of the use in any way, or to change any of the approved site plan elements. He added, however, that there will be a slight change to the site plan, but this change is driven by UDOT and not the applicant; UDOT, who owns and maintains 700 East, is calling for Tuscany and the north-abutting Hamlet Homes project to share a single access. He added that as shown on the attached concept drawing for Hamlet Homes, the access will be entirely on the Hamlet Homes property; however, this access issue is still fluid and the applicant is negotiating with UDOT and Hamlet Homes to address the access issue; the alternate access point could be from 11900 South and staff is comfortable with either access point. He added staff has reviewed the proposed use against the approval standards listed in Section 9-5-080(e) and has found that it meets the requirements for approval; as for the site plan, the submitted civil drawings satisfy all requirements of Section 9-5-090(e) and related chapters, with the exception of the materials standard contained in 9-22-040. He noted that as with the original 2012 application, the applicant is seeking approval to deviate from the materials standard by using stucco on 60% of the exterior façade; stucco is considered a secondary material and the project is able satisfy three of the criteria necessary for the deviation to be approved. He concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

[7:05:16 PM](#)

- 4.2 Chairperson Gundersen inquired as to the percentage of stucco normally allowed for a project of this type. Mr. Workman stated that 75 percent of a structure must include primary building materials and 25 percent secondary materials to provide more variation.

[7:05:51 PM](#)

- 4.3 Applicant's Presentation: Roy Bartee, President of Ridgemark Development, provided the Planning Commission with renderings of the proposed project. He feels the project is wonderful project that will be a great addition to the 700 East corridor. He reiterated that this application is for reinstatement of the approval that was granted of the project a couple of years ago and there are no material changes to the scope of the project. He noted the architectural finish of the project will be Tuscan in nature and will include more stucco than stone. He referenced Mr. Workman's comments regarding the negotiations between himself and UDOT relative to access onto 700 East; he was not surprised that UDOT denied an additional access point on 700 East, but he is confident negotiations will continue in a manner that will yield a successful outcome and there will be sufficient access to the site.

[7:09:36 PM](#)

- 4.4 Chairperson Gilliland opened the public hearing.

[7:09:45 PM](#)

- 4.5 Christian Cole, 11936 S. 645 E., stated that he had worked with the original applicant for this project and they reached an agreement to erect a six-foot masonry wall bordering the canal in the vicinity of the subject property and he asked if it is still part of the scope of the project.

7:10:15 PM

- 4.6 Chairperson Gilliland asked if there were further comments; there were none and the public hearing was closed.

7:10:29 PM

- 4.7 Mr. Bartee reported he was aware of the request for a fence along the canal, but he was not aware that there was an agreement to erect a masonry wall. He noted the site plan includes a vinyl fence in the area and he is willing to meet with adjoining property owners about that issue.

7:11:29 PM

- 4.8 Chairperson Gilliland asked staff to comment regarding the fence or masonry wall. Mr. Workman noted the applicant is required to install a masonry wall because the adjacent property is residential property.

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- 4.9 Commissioner Johnson asked if it would be appropriate for the Planning Commission to add a condition of approval requiring the erection of a masonry wall in place of the vinyl fence referenced by Mr. Bartee. Mr. Workman indicated that would be appropriate.

7:12:32 PM

- 4.10 **Motion on CUP:** Commissioner Head moved to approve the Tuscan Crossings conditional use permit as requested by Roy Bartee, application 150403-11990S, based on the findings and conditions listed in the staff report dated May 1, 2015. Commissioner Gundersen seconded the motion.

Conditions:

1. That all requirements of the Draper City Engineering Division are satisfied throughout development of the site, particularly those contained in the engineering review memos dated June 14, 2012 and April 16, 2015.
2. That all requirements pertaining to fire suppression are satisfied throughout development of the site, particularly those contained in Don Buckley's review memos dated June 27, 2012 and April 16, 2015.
3. That all requirements of the Draper City Public Works Department are satisfied throughout development of the site.

Conditions continued to the next page.

Conditions Continued:

4. That the 700 East access is shared with the north-abutting property currently owned by Hamlet Homes, which will have the dual benefit of limiting the number of access points onto a major collector and lining up the access with the access to the Ballard Professional Center directly across the street.
5. That the applicant prepares and records a cross-access agreement with the north-abutting property.
6. That the applicant provides a revised landscape plan showing the changes that result from sharing the 700 East access with the north-abutting property owner.
7. That a land disturbance permit is issued prior to commencing construction.
8. That a building permit is issued prior to commencing construction.
9. That no building permit will be issued until all drawings are accepted and stamped approved.
10. That all site improvements are constructed or installed prior to receiving a certificate of occupancy.
11. That no signage is approved with this site plan. All signage requires separate permits and is required to comply with Chapter 9-26 of the Draper City Municipal Code.
12. That the dumpster enclosure is clad with one of the primary materials on the main building, and that it has a site-obscuring gate.
13. That all landscaping is installed in accordance with the approved plan, and any deviation will require either staff approval or Planning Commission approval.
14. That all parking is to be contained on site. No parking associated with this use shall be allowed on 700 East or 12000 South streets.
15. That upon Planning Commission approval, the applicant submits 12 sets of plans to be stamped "Approved for Construction." Six of these shall be 24x36 in size and six shall be 11x17. Each of these sets shall contain all sheets previously submitted for Planning Commission review (civil, landscape, architectural) stapled together.

Findings:

1. That the proposed conditional use permit for an *Assisted Living Facility* meets the requirements of Subsection 9-5-080(e)(3) of the Draper City Municipal Code.
2. That the proposed use will not be detrimental to the health, safety, or general welfare of persons or properties in the area.
3. That the proposed use is appropriate for the area, given its location on a high traffic volume street and its proximity to a TRAX station.
4. That the proposed site plan meets the requirements of Title 9 of the Draper City Municipal Code that govern development within the CN zone.
5. That the proposed site plan proposes landscaping that meets minimum landscaping requirements to buffer and screen the adjacent land uses.

Findings continued to the next page.

Findings Continued:

6. That the proposed site plan will have no negative impacts on adjacent land uses.
7. That the requested deviation from strict compliance meets three findings required for a deviation to be approved, which are:
 - a. The overall percentage of dedicated public or private landscape and open space area exceeds the required amount by more than 10%.
 - b. The variations are consistent with the purpose of [Chapter 9-22] and any applicable master plan or ordinance.
 - c. The building design is a specific architectural style, such as contemporary or modern, which utilizes façade materials differently than prescribed in Section 9-22-040(f) and is designed by a licensed architect.

[7:12:58 PM](#)

- 4.11 **Vote on CUP:** A roll call vote was taken with Commissioners Head, Gundersen, Johnson, Player, and Adams voting unanimously to approve the CUP.

[7:13:12 PM](#)

- 4.12 **Motion on Deviation from Strict Compliance:** Commissioner Player moved to approve the request by Roy Bartee to deviate from strict compliance with the architectural standards of Section 9-22-040, as explained in the staff report, based on finding #7 above. Commissioner Head seconded the motion.

[7:13:54 PM](#)

- 4.13 Commissioner Player stated that he feels the building will be attractive and he will be glad to see it on 700 East.

[7:14:19 PM](#)

- 4.14 Commissioner Adams stated he personally feels the amount of stucco the applicant is requesting to use is too high and he asked staff if at any point during the application they were presented with a plan that adhered to the architectural standards. Mr. Workman answered no.

[7:15:07 PM](#)

- 4.15 Chairperson Gilliland asked if stucco is a primary material. Mr. Workman answered no and indicated it is listed as a secondary material. Commissioner Adams reiterated that he is not supportive of so much stucco and he feels approval of the requested deviation sets a precedent in the City relative to the type of construction that is permitted.

[7:15:31 PM](#)

- 4.16 **Vote on Deviation from Strict Compliance:** A roll call vote was taken with Commissioners Player, Head, and Johnson voting to approve the deviation from strict compliance. Commissioners Adams and Gundersen voted in opposition.

[7:15:57 PM](#)

- 4.17 **Motion on Site Plan:** Commissioner Johnson moved to approve the Tuscany Crossings site plan request by Roy Bartee, application 150403-11990S, based on the findings and conditions listed in the staff report dated May 1, 2015, and based on the following conditions. Commissioner Adams seconded the motion.

Conditions:

1. A six-foot masonry wall will be constructed between the subject property and adjacent residential property.
2. The access issues are to be resolved between the applicant and UDOT to the satisfaction of City staff.

[7:17:05 PM](#)

- 4.18 **Vote on Site Plan:** A roll call vote was taken with Commissioners Johnson, Adams, Gundersen, Player, and Head voting unanimously to approve the site plan.

[7:17:20 PM](#)

- 5.0 **Public Hearing: On the request of Troy Dana, representing Academy Mortgage and Mark Murdock, representing GB Management Services/Draper Square LC. for approval of a Zoning Map Amendment at approximately 440 W. 13800 S. from the DC (Destination Commercial) zone to CSD-DPMU (Draper Pointe Mixed Use Commercial Special District) zone and a Text Amendment adding the properties into the language of the CSD-DPMU text. This application is otherwise known as the Draper Pointe Mixed Use - Academy Mortgage Text Amendment and Rezone Request, Application #150423-440W 1&2.**

[7:18:17 PM](#)

- 5.1 **Staff Report:** Using the aid of a PowerPoint presentation and her staff report dated May 5, 2015, Planner Jennifer Jastremsky reviewed the details of the proposed application. She reviewed a plat identifying the properties that are currently part of the CSD-DPMU zone; the applicant would like to add an additional 25.51 acres of property to the CSD-DPMU zoning district and modify the language within the zoning district to include the subject properties. Approval of the inclusion of the additional acreage would result in the district being 76 acres in size with all properties in the district being better connected. She noted the subject property currently carries the Destination Commercial (DC) land use designation; the proposed use for the property is office space and commercial development. She reviewed concept plans that would become part of the text for the CSD-DPMU; the applicant has not proposed any changes to concept elevations so the subject projects would be developed using the existing elevations. She reviewed photographs of the property in its current condition and concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

[7:20:48 PM](#)

- 5.2 Commissioner Player asked if the purpose of the text amendment is to allow for the subject property to be combined with property currently in the CSD to make development of the area easier. Ms. Jastremsky answered yes and noted an additional goal of the text amendment is to increase commercial development to support the office space, residential development, and Front Runner station in the area.

7:21:01 PM

- 5.3 Applicant's Presentation: Mark Murdock and Troy Dana approached the Planning Commission. Mr. Murdock provided a brief overview of the preliminary concept plan for the project and indicated he is excited to proceed upon receiving a positive recommendation from the Planning Commission and approval from the City Council.

7:22:40 PM

- 5.4 Chairperson Gilliland opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

7:22:57 PM

- 5.5 **Motion on Text Amendment**: Commissioner Johnson moved to forward a positive recommendation to the City Council for the Draper Pointe Mixed Use-Academy Mortgage Text Amendment Request by Troy Dana, representing Academy Mortgage and Mark Murdock, representing the GB Management Services/Draper Square, LC for the purpose of altering the language and exhibits within the CSD to include the subject properties, application #150423-440W 1, based on the findings listed in the Staff Report dated May 5, 2015. Commissioner Adams seconded the motion.

Findings:

1. The proposed amendment meets the intent, goals, and objectives of the Draper City General Plan.
 - a. The text amendment will further the purpose of the existing Destination Commercial zoning district by allowing a unique office park environment for the area and the commercial and residential uses will support said destination uses.
 - b. The text amendment will further the purpose of the originally designated Growth Area by allowing the called for mix of uses, including multi-family residential, office, and commercial.
2. The proposed amendment will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed amendment conforms to the general aesthetic and physical development of the area.

Findings continued to the next page.

Findings Continued:

4. The subject property is within a larger regionally oriented area of the City.
5. The subject property is adjacent to the Transit Station District which is a mixed use area designed around the UTA Front Runner station. This will further support the Front Runner station with businesses and retail.
6. The public services in the area are adequate to support the subject development which may result from the amendment.

[7:23:33 PM](#)

- 5.6 **Vote on Text Amendment:** A roll call vote was taken with Commissioners Johnson, Adams, Head, Gundersen, and Player voting in favor of a positive recommendation.

[7:23:45 PM](#)

- 5.7 **Motion on Rezone:** Commissioner Head moved to forward a positive recommendation to the City Council for the Draper Pointe Mixed Use-Academy Mortgage Rezone Request by Troy Dana, representing Academy Mortgage and Mark Murdock, representing the GB Management Services/Draper Square, LC for the purpose of expanding the number of properties zoned CSD-DPMU, application #150423-440W 2, based on the findings listed in the Staff Report dated May 5, 2015. Commissioner Gundersen seconded the motion.

[7:24:21 PM](#)

- 5.8 **Vote on Rezone:** A roll call vote was taken with Commissioners Head, Gundersen, Player, Johnson, and Adams voting in favor of a positive recommendation.

[6:15:38 PM](#) & [7:24:43 PM](#)

- 6.0 **Staff Reports:** ***Staff Reports were heard during the study meeting above.***

[7:24:46 PM](#)

- 6.1 Chairperson Gilliland asked if it would be possible to provide links within the Planning Commission packet that could be used to quickly move back and forth between packet materials and the page that provides suggested motion language. Ms. Olsen stated that she would look into addressing Chairperson Gilliland's request.

[7:25:59 PM](#)

- 6.2 Commissioner Adams referenced item four and the deviation from strict compliance for architectural standards; he asked if the Planning Commission's approval of that request sets a precedent in the City. Mr. Morey stated that the Planning Commission is not obligated to approve any deviation; there is a process in place that allows applicants to petition the Planning Commission for deviations. He indicated if the Planning Commission determines the applicant's reason for the request for a deviation is valid, the request can be granted, but if the opposite is true the request can be denied. Commissioner Adams asked if City staff could request

or require that an applicant provide alternate drawings for approval options when requesting a deviation. Mr. Morey stated that staff could suggest that, but if additional drawings are going to be required he would suggest that the deviation option be removed from the Draper City Municipal Code (DCMC). He stated that if the Planning Commission denies a request for deviation, the applicant will essentially be required to go back to the 'drawing board' and provide additional drawings for consideration. Commissioner Adams stated he does not want to be too stringent and indicated he supports the deviation process.

[7:27:27 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 [7:27:31 PM.](#)**