Approved 02/11/2016

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JANUARY 14, 2016 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, Vice-Chairperson Andrew Adams, Planning Commissioners, Craig Hawker, Scott McDonald, and Kent Player
ABSENT:	Commissioners Traci Gundersen and Jeff Head
STAFF PRESENT:	Keith Morey, Dan Boles, Dennis Workman, Jennifer Jastremsky, Brien Maxfield, and Angie Olsen
ALSO PRESENT:	Roll on File

Staff Reports were heard out of order.

5:44:53 PM

6.0 **Staff Reports:** Community Development Director, Keith Morey reminded the commissioners they had mentioned a desire to discuss various things going on in the city and areas that should possibly be protected. As a result, it was determined their ideas and comments could be incorporated into the general plan process. Therefore, the contracted consultant, Logan Simpson was asked to put together some maps to help the commissioners; after which, their ideas would be provided to the Council and discussed during the upcoming joint meeting with the two boards. Mr. Morey then turned the time over to Megan and Krissy with Logan Simpson.

Study Meeting:

Study Business Items: The study was not held.

Business Meeting:

Chairperson Gilliland explained the rules of public hearings and called the meeting to order at 6:41:02 PM.

6:41:37 PM

1.0 **Action Item: Approval of the minutes from the December 17, 2015 Planning Commission meeting.**

6:41:50 PM

1.1 **Motion:** Commissioner McDonald moved to approve the minutes of the December 17, 2015 Planning Commission meeting. Commissioner Adams seconded the motion.

6:42:02 PM

1.2 **Vote:** A roll call vote was taken with Commissioners McDonald, Adams, Player, and Hawker voting in favor of approving the December 17, 2015 Planning Commission minutes as submitted.

6:42:13 PM

2.0 **Public Hearing: Verizon Wireless is requesting approval to install a cell tower at approximately 11585 South State Street. Staff contact is Dennis Workman at (801) 576-6522 or email dennis.workman@draper.ut.us.** ***This item has been withdrawn at the applicant's request.***

6:42:33 PM

3.0 **Public Hearing: On the request of Alvin Emery and Reid Dickson, representing Infinity Consultants for approval of a deviation of the Draper City Municipal Code (DCMC) Section 9-16-040(A) regarding the construction of a home in the RA2 (Residential Agricultural) zone at approximately 12248 S. Kodiak Court with a 30% slope or greater. This application is otherwise known as the *Emery Residence Site Plan Deviation Request*, Application #SP-58-2015.**

6:43:00 PM

3.1 Staff Report: Using the aid of a PowerPoint presentation and her staff report dated December 28, 2015, Jennifer Jastremsky reviewed the details of the application. She noted the application is a request for approval of a Deviation for approximately 0.38 acres located in the Cove at Bear Canyon Subdivision, at approximately 12248 South Kodiak Ct. She noted the applicant would like to build a single-family home on the property, which is currently zoned RA2 (Residential Agricultural). She indicated the applicant has applied for a Site Plan application in order to get a Site Plan Deviation to build within a non-buildable area with a slope of greater than 30 percent. She indicated the subdivision was approved as an average-density subdivision, meaning all lots in the subdivision averaged the minimum lot size according to the zone; the subject property is just over 16,000 square feet in size. She noted the subdivision was approved in February of 1994 and given the properties location east of Pioneer Road, the subdivision included non-buildable areas containing slopes in excess of 30%. She reported all 17 lots within the subdivision contain some area that is classified as non-buildable, yet three lots within the subdivision have already obtained deviations to build within the 30%

slope area: lot 311 obtained a deviation from the Planning Commission in May of 2000; lot 305 obtained a deviation in August of 2000; and lot 304 obtained a deviation through the court system in 1995. She stated that based upon the City's GIS data, the majority of the subject property is actually located within the 30% slope area. She reviewed an aerial photograph of the subject property and indicated the non-buildable area identified on the plat is located along the north property line and includes a small portion of the site, however; according to the Draper City Slope Map, almost the entire property is located within the 30% or greater slope area. She stated it could be possible to design a narrow house to fit outside the plat designated non-buildable area, but impossible to design a house outside the areas designated with 30% or greater slope on the City's mapping system. She stated it is City staff's position that the deviation is required for the entire property. She referenced Draper City Municipal Code (DCMC) Section 9-16-040(A) requires a deviation for development of any property within the 30% or greater slope area; this requirement was not in existence at the time the subdivision was approved and, therefore, the property is not exempt from that standard. She indicated DCMC authorized the Planning Commission to approve the deviation if the following findings can be made:

1. No significant harm will result;
2. The proposed modification will result in a more functional and improved plan; and
3. The developer/builder agrees to comply with any conditions or requirements imposed by the planning commission to mitigate any adverse effects which may result from the proposed modification.

She then reviewed the site plan for the subject property, noting the home would be positioned to closely meet all setback requirements. She then noted that in order to meet finding three, the applicant was required to provide a geo-technical report and slope stability analysis showing the development will not be harmful to the property or adjacent property. These documents have been reviewed by the City's geo-technical consultants; reviews of the property, development, and reports by both the geo-technical consultants and the Draper City Building Official demonstrate that the development will not negatively impact the stability of the hillside or negatively impact adjacent property stabilization. She indicated the slope stability analysis specifically states that the site is suitable for the proposed residence at its planned location assuming the slope to the west of the house will remain in its current conditions. She noted this has been included in the staff report as a recommended condition of approval. She then noted Alan Taylor, of Taylor Geo-Engineering, is one of the City's consultants and he is present this evening to answer any questions the Commission may have. She then reviewed proposed elevations of the structure the applicant desires to build as well as photos of the subject property and surrounding properties, after which she concluded staff is recommending approval of the site plan and requested deviation based on the findings and subject to the conditions listed in the staff report, with an additional condition number eight that states "the geotechnical engineer shall inspect construction of the building in all necessary phases and certify compliance with the geotechnical report and slope

stability analysis".

6:49:54 PM
3.2 Commissioner Hawker asked if the applicant hired a geotechnical engineer to complete the required reports or if the City commissioned those studies. Ms. Jastremsky stated the applicant hired the geotechnical engineer and the City enlisted consultants to review the studies completed by that engineer.

6:50:59 PM
3.3 Applicant's Presentation: The property owner, Alvin Emery noted he simply wants to build a small home that will be occupied by two senior residents. The lot is the last in the subdivision that has not been built upon and he has worked to comply with every regulation of the City. He noted he has hired two engineers that have worked on slope stability issues and they are present to provide reports if the Commission has any questions of them.

6:51:55 PM
3.4 Chairperson Gilliland opened the public hearing.

6:52:25 PM
3.5 Joe Cook stated he owns the property to the east of the subject property. He addressed the request for the deviation and stated he agrees with Ms. Jastremsky's assessment that there is a 30% or greater slope within the non-buildable band. He indicated the slope is below a retaining wall that he has built on his property and if erosion occurs associated with the construction of the home, that will negatively impact his property. He added he feels rules regarding protection of the 30% or greater slope areas were enacted to protect the beauty of the hillside and he considers the elimination of that beauty a negative impact for him and other residents in the subdivision. He added the trees on the property and in the surrounding area provide protection against erosion and he is concerned about the elimination of those trees. He then noted that he is concerned about the footings of the home being located in an area that will results in erosion of the hillside and damage to his retaining wall and property.

6:55:22 PM
3.6 Mary Searle stated she owns the home directly below the subject property and she is concerned about any damage to her home in the event that this project results in erosion of the hillside. She stated she feels the regulations regarding the 30% or greater slope protection are in place to protect homeowners and landowners. She stated she is not opposed to the property owner building a home on the property as long as it complies with the rules that were assigned to the subdivision. She referenced those properties owners that were granted similar variances in the past and noted the project on one of those properties was a complete nightmare; the property is now an eyesore for the subdivision and the structure and retaining walls are failing. She stated she is worried about a similar situation occurring on this

property and she is especially concerned since her property is below the subject property. She stated she is worried about erosion and landslides. She added the previous owner of the property tried unsuccessfully to secure a variance; she reiterated she is not opposed to someone building a home on the property, but she is very worried about waiving a regulation that is in place to protect other property owners in the subdivision.

6:57:54 PM

3.7 Stephen Brendle identified the location of his property in proximity to the subject property. He stated that the site plan identified a 12-foot side setback and noted that he has built a large keystone wall on the side of his home. He stated Mr. Cook is an engineer and he, himself, is a home builder that has specialized in building hillside homes for three decades. He stated he knows there is no way that the proposed home can be built on the property without disturbing his retaining wall and Mr. Cook's retaining wall. He stated problems often occur within seconds of the beginning of excavation and the geotechnical engineers are not typically on site at that time. He stated is not opposed to the owner building on the property, but he wants to be cautious and protect the existing properties. He then addressed view corridors. He noted his neighbor, Brian Beck, provided him with a letter to give to the Planning Commission about his concerns that the placement of the home will impede his view corridor. He stated Mr. Beck purchased his property with the view corridor in mind and that is important to him as well. He then stated that Ms. Jastremsky indicated that all properties fell within the 30% or greater slope classification, but that is not true and the majority of the residents in the subdivision did not need a variance to build their homes. He addressed the same property that Ms. Searle addressed that is now an eyesore to the neighborhood and stated that he is concerned about something similar happening again.

7:01:10 PM

3.8 Chairperson Gilliland asked if there were additional persons wishing to address the Planning Commission. There were none and the public hearing was closed.

7:01:27 PM

3.9 Commissioner Player said he would like to hear from the City's Geotechnical Engineer, Alan Taylor. Mr. Taylor came to the podium and introduced himself. Mr. Player stated one issue raised during the public hearing is the difficulty in ensuring that the retaining walls on either side of the subject property will not be disturbed by construction of a home on the subject property. Mr. Taylor noted that the geotechnical firm hired to study the property performed an analysis of the property's relationship with adjacent properties and those properties down the hill; the main focus was downhill stability since that is the path of least resistance, especially in the long term. He noted the issue of stability of properties on either side of the property is more of a short term issue and is really only a concern during construction. He stated that if during the excavation a geotechnical engineer finds that shoring of the property is necessary, that can be implemented. He added the

contractor for the project would be liable until construction is complete his bond would cover the replacement or reconstruction of something that may be damaged during construction. He stated the geotechnical firm that performed the study explored the site and found the sands to be fairly dense. He added he did not simply accept a favorable letter provided by the firm; rather, he went through three scenario reports with the firm until he accepted what they provided. He stated the review process was intense. He then stated his concern was the retaining walls; there is a set of retaining walls on the property to the west and he has no record of a permit for those walls; the geotechnical engineer was asked to address the stability of the property with regards to the impact the project may have on the downside lot and they found stability to be adequate. He stated that when he was on the site he sought to determine whether the site actually has a 30% grade; it is within a platted area that is non-buildable, but the entire plat is based on a grade percentage. He stated it was puzzling to him that in the area that has been designated as non-buildable, he could not find that steep of a grade. He stated that it is his opinion that the applicant and the geotechnical engineer has addressed all concerns about DCMC requirements. Commissioner Player asked Mr. Taylor if he is saying that any damage to the retaining walls or driveways that occurs during construction of the home would be the responsibility of the contractor building the home. Mr. Taylor answered yes. Commissioner Player asked Mr. Taylor if he feels the foundation for the home is sufficient for the area of the subject property, to which Mr. Taylor answered yes. Commissioner Player stated he has read reports about land slippage and it seems that condition is typically related to water; this is not a place where there is typically a great amount of water. Mr. Taylor agreed, but noted that in the process of the review of the project the geotechnical had presented an analysis that did not consider excess water in the area and for that reason he asked the geotechnical engineer to increase the loading of the soil weight to the point as if the soil were saturated. He stated that is typically a trigger for ground slippage or sliding. He stated the chance of a high stagnant ground water table is low, but the chance of having saturated soils is higher and that was considered in his analysis.

7:06:54 PM

3.10 Commissioner McDonald asked for additional clarification on the slope of the site. Mr. Taylor stated that he did not find a 30% slope on the property and he noted that the grade may have initially been measured incorrectly due to the type of instrumentation used. He stated that he visited the property with a civil engineer representing the applicant and they found that the slope is less than 30%. He stated that it is his opinion that if there were a detailed and accurate topographic survey taken of the property today, the non-buildable areas may be different.

7:08:11 PM

3.11 Commissioner Player stated that he read information included in the meeting packet that indicated that the fault on the subject property is not something to particularly be worried about. Mr. Taylor noted a fault study was conducted and it found that no active faults run through the property, though there are some nearby.

7:08:49 PM

3.12 Commissioner McDonald asked Mr. Morey what will happen if the neighboring retaining walls are damaged during construction. He asked what role the City will play in addressing the problem. Mr. Morey stated he issue would be resolved between private property owners; the Planning Commission is charged with either approving or denying the application and if approval is granted, the Planning Commission is indicating they feel the geotechnical review done is sufficient and if all conditions of approval are adhered to the site can be safely built upon. He noted that if someone does something contrary to what the City has approved the City will have no liability.

7:10:42 PM

3.13 City Attorney, Mike Barker added that by approving this deviation, the Planning Commission is saying a residence can be built upon the lot based on the information that has been provided by all parties.

7:11:24 PM

3.14 Commissioner Adams asked Ms. Jastremsky to show the Subdivision Plat slide from her PowerPoint. He reviewed the slide to gain clarification regarding the locations of the other properties in the subdivision that received deviations. He stated that lots 304 and 305 do not have downhill neighbors, so the deviation was granted at no risk to properties below. Commissioner Adams asked if the City has record of whether lot 304 was disturbed by construction on lot 305. Ms. Jastremsky stated she is unsure whether disturbance occurred. Commissioner Adams stated he feels the main difference between this application and those properties that have been granted deviations in the past is that there is a property downhill from the subject property.

7:12:46 PM

3.15 Commissioner Player asked if there had been any slippage on the two lots being discussed. Ms. Jastremsky stated she is unsure the answer to that question.

7:13:16 PM

3.16 **Motion:** Commissioner Player moved to approve the Site Plan Request including a Deviation from DCMC Section 9-16-040(A) by Alvin Emery and Reid Dickson, representing the Infinity Consultants for the purpose of building a home within a 30% slope area, as a part of application SP-000058-2015, based on the findings and subject to the conditions listed in the Staff Report dated December 28, 2015 and as modified below.

Conditions are listed on the next page.

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 and slope stability analysis are satisfied throughout the development of the site and the construction of all buildings on the site, including those areas featuring slopes of 30% or greater.
5. The slope west of the house shall remain similar to current conditions as recommended within the geo-technical report and slope stability analysis.
6. A deviation to DCMC Section 9-16-040(A) is approved. The home may be built within the non-buildable area and areas with an excess of 30% slope, as shown on the attached grading and site plan, Exhibit H of the staff report.
7. Move the front walkway stair case out of the 10-foot front Public Utility Easement, or obtain an easement release (license and permit) from the utility companies and Draper City.
8. **That the geotechnical engineer shall inspect construction of the building in all necessary phases and certify compliance with the geotechnical report and slope stability analysis.**

Findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
    a. Accommodate controlled residential growth of a type that complements and perpetuates the rural lifestyle of the community and where possible, protect existing agricultural areas.
    b. Reduce potential impacts to environmentally sensitive areas such as Corner Canyon, South Mountain, and Lone Peak Wilderness Areas, Jordan River Corridor, Willow Creek, etc. by developing effective development standards and policies.
    c. Minimize environmental hazards and protect the natural character of the arid, mountain setting by disallowing development on environmentally sensitive lands.
    d. Protect sensitive natural features from incompatible development, and maintain the integrity of natural system.
    e. Less intense land uses should be located within more environmentally sensitive lands.

Findings are continued to 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, including no significant harm due to the deviation to buildable slope area.
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.
6. The deviation will result in a more functional and improved plan.
7. The developer/builder agrees to comply with any conditions or requirements imposed by the planning commission to mitigate any adverse effects which may result from the proposed deviation.
8. The City's geo-technical consultants have found that AGEC has adequately addressed slope stability and geologic concerns for the proposed project.

7:16:07 PM

3.17 Commissioner McDonald stated he would like to know if there is a way to formally verify Mr. Taylor's finding of a slope less than 30% grade. He stated he would feel much better about moving forward with approval of the application if it were possible to determine that the restriction should not have been in place initially. He asked if there would be a cost associated with commissioning such a study and who would be responsible to pay that cost. Ms. Jastremsky stated that when Mr. Taylor visited the site he was only studying the non-buildable area as designated on the plat and they were not trying to determine the slope of the rest of the area. She stated that for that reason it is still the City's position that the slope of the properties are 30% or greater. Commissioner Hawker stated he understands the trepidation associated with approving the application, but the Planning Commission has been provided with a report from a geotechnical engineer who has indicated that the proposed project can be successfully completed with no damage to adjacent properties. He stated the Planning Commission must decide if they are brave enough to move forward and let experts sort the issues out. Chairperson Gilliland stated the issue is actually bigger than that for him; he wondered what the basis for denial would be if that were the direction the Planning Commission were leaning. Commissioner McDonald stated he is hesitant to move forward because of the issues that arose with lot 305 after the owner received a deviation to build on their property. Mr. Morey stated the retaining wall on that property was built without a permit and staff is working with the City's building official and code enforcement officer to resolve that issue; the feeling is that the wall was improperly constructed, which allowed water to get behind the wall and cause erosion. Commissioner McDonald asked if it is correct that the failure of the wall is not associated with a geotechnical issue. Mr. Morey stated that is correct. Mr. Taylor stated the City asked him to inspect the wall after it failed; the wall is a mechanically stabilized

earth structure with keystone block and geogrid. He noted the geogrid, made of polyester strands, was too short and was laid in the wrong direction so that the strands snapped and the wall fell over. He reiterated the wall was not permitted and the contractor did not do good work; the property owner has since submitted a redesign of the wall that has been approved and they have plans to move forward with the construction of a new all. He added lot 305 will have a tapered slope because it did not really need a retaining wall.

7:21:00 PM

3.18 Commissioner Hawker asked if it is accurate that the same codes that are in place today were not being enforced that the time the retaining wall on lot 305 was initially constructed. Mr. Barker clarified the owner did not obtain a permit for the wall so the City did not have the opportunity to regulate it. Mr. Taylor added that the standard of work for retaining walls has improved greatly since the time that the wall was constructed and the City has an ordinance governing the construction of retaining walls that was not in place at the time the wall was built. Commissioner McDonald asked Mr. Taylor if it is his opinion that the failure of the wall is not related in any way to the issues that are being considered tonight, to which Mr. Taylor answered yes.

7:22:26 PM

3.19 Commissioner Player indicated his motion still stands. Commissioner Hawker seconded the motion.

7:23:11 PM

3.20 Commissioner Player indicated he feels comfortable relying upon the expertise of Mr. Taylor and other geotechnical engineers. He added he does not feel there is any basis for denial of the application.

7:23:14 PM

3.21 **Vote:** A roll call vote was taken with Commissioners Player, Hawker, McDonald, and Adams voting in favor of approving the Site Plan including a deviation.

7:23:33 PM

4.0 **Public Hearing: On the request of Andrew Wilding for approval of a Conditional Use Permit (CUP) to operate a retail establishment in the M1 (Manufacturing) zone at 13702 South 200 West, Suite B6. This application is otherwise known as the *Stroller Depot Conditional Use Permit Request,* Application #CUP-83-2015.**

7:23:47 PM

4.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated January 4, 2016, Planner Dennis Workman reviewed the details of the application. He provided the Planning Commission with background information regarding

amendments to the Draper City Municipal Code (DCMC) land use table 9-13-1, which is a list of all permitted and conditional uses for the City's two manufacturing zones. He noted a retail establishment is allowed in the M1 zone upon approval of a conditional use permit (CUP). He then reviewed an aerial photograph to identify the location of the subject property and indicated the applicant wishes to open a business engaged in the supply of baby products, utilizing one of the tenant spaces located in the Bangerter Ridge Business Park, located south of the McDonalds on Bangerter Highway. He also reviewed the site plan for the project and explained the business model combines warehousing, retail sales and internet sales He reported the main concern staff has in allowing a retail use in this location is parking; however, the applicant has indicated the hours of operation will be Monday–Saturday from 10:00 am to 5:00 pm, by appointment only. He stated the number of employees will be up to eight and there will never be more than two customers on site at one time. He stated the parking requirement for the business is six stalls for retail and four stalls for warehousing, for a total of 10. He stated of the 267 stalls provided for the business park as a whole, 176 have been allocated for other office/warehouse uses, and 73 have been allocated for the retail use Beds and More and the personal instruction service Underground Cross Fit (both of which received a CUP earlier this year). He indicated the number of stalls left unallocated is 18, which is sufficient to meet the requirements for Stroller Depot and potentially one additional retail use. He concluded staff recommends approval of the CUP based on the findings and subject to the conditions listed in the staff report.

7:28:16 PM

4.2 Commissioner Player asked how parking would be handled for additional businesses in the future. Mr. Workman stated it would be necessary to prohibit additional uses with a high parking demand, which includes retail uses. Commissioner Hawker stated it is his understanding that the business model is mostly internet sales, but there are instances where a customer needs to see something in person before purchasing and that is why the parking demand is so low. Chairperson Gilliland stated that the Planning Commission should not be considering approval of the CUP on a business model since once the applicant receives approval they can move forward with anything allowed in the M1 zone according to DCMC. Mr. Workman stated the business model is actually important in this instance because the parking requirements are based on the business model and the business would not be allowed to have more than 10 parking stalls upon approval. There was a brief discussion about the overall parking needs for the business park, with Mr. Workman clarifying that it is necessary to preserve 176 of the 267 total stalls for other office and warehouse uses.

7:33:00 PM

4.3 Applicant's Presentation: Dirk Christensen stated he represents the ownership group of StrollerDepot.com and their business is primarily internet based; the business has been located in Colorado, but they are seeking to relocate to Utah because it is centrally located. He stated that there will be a small retail component. \

7:34:16 PM

4.4 Chairperson Gilliland opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:34:28 PM

4.5 **Motion**: Commissioner Hawker moved to approve the Stroller Depot More Conditional Use Permit request by Andrew Wilding, application CUP-000083-2015, based on the findings and conditions listed in the staff report dated January 4, 2016. Commissioner McDonald seconded the motion.

Conditions:

1. That all requirements of the Unified Fire Authority, as specified in this report, are met and continually maintained.
2. That signage is not approved with the conditional use permit approval. All signage requires separate permits and is required to comply with Chapter 9-26 of the Draper City Municipal Code.
3. That the tenant improvement, including all requirements from the city building official and the fire marshal, shall be completed prior to issuance of a business license.
4. That all parking associated with the business is contained on site.
5. That the applicant understands that if parking demand for this use exceeds 18 spaces, future lease opportunities to tenants with high customer traffic may not be approved.

Findings:

1. That the proposed use is consistent with the goals, objectives and policies of the General Plan.
2. That the proposed use will not adversely affect adjacent property.
3. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, police and fire protection, storm water drainage systems, water supplies, and waste water and refuse collection.
4. That the applicant's adherence to the above-stated conditions will safeguard the safety of employees and customers.
5. That the proposed use will not cause excessive noise, glare, dust, pollutants or odor.
6. That there is adequate parking on site to accommodate this retail use.

7:34:53 PM

4.6 **Vote:** A roll call vote was taken with Commissioners Hawker, McDonald, Adams, and Player voting in favor of approving the CUP.

7:35:07 PM

5.0 **Public Hearing: On the request of Connie Atkisson for approval of a Conditional Use Permit (CUP) in the RSD-5 Bellevue zone at 386 E. Cherry Crest Dr. to allow a home based business making quilts. This application is otherwise known as the *Connie Atkisson Home Occ. Conditional Use Permit Request*, Application #CUP-91-2015.**

7:35:32 PM

5.1 Commissioner McDonald reported he and Ms. Atkisson serve on the Draper Arts Council together and they are very good friends; he recused himself from the discussion regarding this application. He reported the application is a request for approval of a Conditional Use Permit for approximately 0.38 acres located within the Bellevue subdivision, at 386 East Cherry Crest Drive. He noted the property is currently zoned RSD-5-Bellevue and the applicant is requesting that a Conditional Use Permit be approved to allow for the applicant to have a business in which she would create quilts and sell them. He noted the applicant has lived in this home for about a year; according to the Salt Lake County Recorder's office, the home was built in 2005, is approximately 6,600 square feet and sits on a 0.38 acre lot. He stated the applicant has indicated she has no plans to have customers come to the home. He then reviewed a site plan to identify the location of the home that would be used for the business, noting that she will use just 100 square feet in a room of the home for quilting. He then concluded by noting staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:38:07 PM

5.2 Chairperson Gilliland opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

7:38:19 PM

5.3 **Motion:** Commissioner Hawker moved to approve the Conditional Use Permit Request by Connie Atkisson, for the Conditional Use Permit, application CUP-000091-2015, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2016. Commissioner Player seconded the motion.

Conditions:

1. The business shall meet all requirements of DCMC Section 9-34-040, except as provided by this permit.
2. Parking associated with or caused by the home occupation shall be located within the private drive-way or directly in front of the home on the public right-of-way.
3. All requirements of the Unified Fire Authority and Draper City Building Official shall be satisfied throughout the operation of the home occupation on the property.

Conditions continued on the next page.

Conditions Continued:

4. A building inspection and fire inspection shall be required with the business license application review.
5. The home occupation shall continually maintain a valid Draper City Business License throughout its operation.
6. The home occupation is required to maintain approval and adequate licensure from any and all necessary State and County agencies prior to receiving a business license.

Findings:

1. The proposed home occupation meets the intent, goals, and objectives of the Draper City General Plan by:
    a. increasing the diversity of business offerings while ensuring the sustainability of the economy and improving general quality of life;
    b. fostering new and existing economic activities and employment opportunities that are compatible with Draper's lifestyle;
    c. encouraging and supporting a diversity of businesses; and
    d. encouraging a diverse array of goods and services being provided for consumers.
2. The proposed home occupation meets the requirements and provisions of the Draper City Municipal Code.
3. The proposed home occupation will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed home occupation will not alter the general aesthetic and physical development of the area.
5. The proposed home occupation requires no utility or public services beyond that which the residence already requires, thereby safeguarding and ensuring the adequacy of utilities in the area.
6. The subject property is well suited to accommodate the addition of the proposed home occupation.
7. The proposed home occupation will not emit noxious or offensive emissions such as noise, glare, dust, pollutants, and odor.

7:38:59 PM

5.4 **Vote:** A roll call vote was taken with Commissioners Hawker, Player, and Adams voting in favor of approving the CUP.

5:44:53 PM & 7:39:11 PM

6.0 **Staff Reports:** Mr. Morey thanked the Commissioner for going through the general plan presentation during dinner and then advised of them of the recent actions taken by the City Council.

7:40:13 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** 7:40:13 PM.