

Approved October 22, 2020

MINUTES OF THE DRAPER CITY PLANNING COMMISSION ELECTRONIC MEETING HELD ON THURSDAY, MAY 28, 2020 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING

ELECTRONICALLY: Chairperson Andrew Adams, Commissioner Mary Squire, Traci Gundersen, Kent Player, John Van Hoff, Alternate Commissioners Gary Ogden, Lisa Fowler and DeLaina Tonks

ABSENT: Vice Chairman Craig Hawker

STAFF PRESENT: Russell Fox, Jennifer Jastremsky, Brien Maxfield, Mike Barker, Travis Van Ekelburg, Maryann Pickering and Amie Salazar

STAFF PRESENT

ELECTRONICALLY: Christina Oliver, Spencer DuShane

6:30 PM Business Meeting

The Agenda will be as follows:

1. Electronic Meeting

This meeting will be an electronic meeting pursuant to Draper City Resolution #14-54. As restrictions take place across the State for limiting public gatherings, we want to make sure everyone interested in participating can do so in a manner they feel most comfortable.

- Listen through our website - <https://www.draper.ut.us/95/Agendas-Minutes>
- Email your comments to planning.comment@draper.ut.us by noon on the day of the meeting. These will become part of the public record.
- If you wish to speak during the Public Comment or Public Hearings portion of the meeting, please send a request for the Zoom Meeting ID to planning.comment@draper.ut.us by noon, May 28, 2020.

Motion: Commissioner Player made a motion to adopt the Zoom Meeting Rules.

Second: Commissioner Ogden.

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, "Aye".

2. Action Item: Village Shoppes at Day Dairy Phase II Site Plan Extension (Administrative Item)

On the request of Adam Lankford, representing Wasatch Residential Group, for an extension to the approval of the Village Shoppes at Day Dairy Phase II located at 527 East 12300 South. Application SPR-587-2019. Staff contact is Jennifer Jastremsky, 801-576-6328, Jennifer.jastremsky@draper.ut.us.

Jennifer Jastremsky stated the Village Shoppes at Day Dairy, Phase II, site plan originally received Planning Commission approval on June 27, 2019. It included additional townhomes and retail space. She commented the site plan approval would expire on June 27, if no land disturbance permit were issued. The applicant is looking for a six-month extension intending to pull a land disturbance permit in the next month.

Commissioner Traci Gundersen asked if the applicant has made substantial efforts to move forward with this project.

Jennifer Jastremsky replied, yes. She noted that the applicant has been working with the Engineering Department for a Land Disturbance Permit. Additionally, due to COVID 19, the applicant considered breaking the project into more phases to move the project forward but have now decided to move forward with the entire phase. She felt that COVID 19 had slowed the project.

Chairman Adams commented there is not a public hearing regarding this item but will open this item for a motion and vote.

Commissioner Player felt that this is a complicated process and that they should give them an additional six months.

Adam Lankford, the applicant, updated the Commission on the progress made within the week. The applicant expected to place bonds the following Monday. The anticipated date for SWPPP approval and the beginning of excavation is June 9. He commented that due to COVID 19, it had taken longer to work through financing.

Motion: Commissioner Player moved to approve the six-month site plan extension requested by Adam Lankford for Village Shoppes Phase 2, based on the memo on May 28, 2020.

Second: Commissioner Gundersen.

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, "Aye".

3. Public Hearing: East Point CSD – Land Use Map, Zoning Text and Zoning Map Amendment Requests - (Legislative Action)

A request by Ben Seastrand, representing the Gardner Company to create a new commercial special district called the East Point Commercial Special District. The proposed district standards will be located in Chapter 9-18 of the Draper City Municipal Code. The property is located at approximately 13782 South 300 East in the RA1 (Residential Agricultural, 40,000 square foot lot minimum) zoning district. Applications: TEXTMAP-1001-2020, TEXTMAP-824-2019 and TEXTMAP-825-2019. Staff contact: Maryann Pickering at (801) 576-6391 or maryann.pickering@draper.ut.us.

Staff Member Maryann Pickering presented on the East Point Commercial Special District located at approximately 13782 South 300 E. She commented that currently, the designation RA1 is allowing residential medium density and also low-medium density. She noted the applicant is proposing three changes: a Land Use Map Amendment, a Zoning Map Amendment, and a Zoning Text Amendment. She listed highlights of the proposed Commercial Special District including building specifications:

- one building at max 62 feet in height and all other buildings a max of 48 feet
- retail pads no more than 30 feet in height,
- no vehicle access to 300 E,
- solar panel carports are permitted,
- cross access with adjoining commercial must be provided.

She added that traffic impact studies should be implemented and a new traffic signal would be needed at 300 E and 13800 South. She identified access points at 150 East, Bangerter, and 13800 South. She stated that sign standards were provided and that all development must go through a site plan review and Planning Commission approval.

Additionally, the City Staff analyzed the district. Staff found that there are similar districts in the area and felt concerned there would be nine uses allowed in the CSD but not in the OR zone directly south. She detailed primary uses, and the Staff's recommendation that two retail pads be provided. Building heights do not include rooftop screening, and the Staff was concerned that buildings might be taller than the maximum height allowance due to mechanical equipment.

The applicant proposed 15% landscaping. However, 20% is the standard in the Draper City Municipal Code. Recent Commercial Special District Zones provided 20% landscaping, allowing for more trees. There was a proposed buffer on 300 E using a landscaped berm. Staff felt that parking would be more appropriate in line with the Draper City Municipal Code and was currently under what was recommended. The applicant proposed 25% compact parking, where only 10% is allowed in the Draper City Municipal Code. Carports were proposed at two feet less in depth than what was allowed.

She noted that cross access on 13800 South would be required to improve traffic flow per the Municipal Code. The applicant provided a provision to limit cross access that is detrimental to their site. City Staff did not support limiting cross access and felt "detrimental" was too vague a term for the Staff to interpret.

She addressed traffic improvements. Staff suggested that the 300 East and 13800 South traffic signals be completed with the first building regardless of where it was located on the site. They recommended that a traffic study be required for each subsequent development application. Improvements needed as a result of traffic studies should be built with each development. Staff felt that they needed clarification on the proposed sign types. It was noted that portions of the adjacent UDOT properties would be required for development to occur. The portions belonging to UDOT are not included currently but will require future rezoning.

Ms. Pickering then provided renderings of potential office, hotel, and retail styles. She recommended the Planning Commission review the request, receive public comment, and then make recommendations based on the findings. The City Staff included both positive and negative findings. She reminded the Commission that there would need to be three motions as there are three applications.

Commissioner Adams appreciated the presentation.

Commissioner Squire asked how the intersection of 13800 South was expected to be affected by the project.

Brien Maxfield answered that the traffic impact study of this area with the proposed development found this intersection needs a light to create gaps in the already existing heavy traffic. That improvement was a key element to make traffic function in this development.

Commissioner Squire noted she has seen only monument signs in this area and would be concerned if the applicant was proposing freestanding signs. She asked for clarification on the sign types.

Ms. Pickering stated that there was a proposed site sign, and the Staff has asked for clarification on what that is. Page seven of the proposal displayed a monument sign but needed clarification. The applicant proposed multi-tenant wayfinding signs.

Commissioner Squire asked for clarification about the setbacks, for example, 1D.

Ms. Pickering answered that on 1D it is proposed as a 10 foot minimum set back that is along 150 East or 13800 South. The intent of this was to allow buildings a road presence. The maximum set back on Bangerter would be 50 feet.

Commissioner Squire stated if there is a 10 foot set back, then buildings will be close to existing homes.

Ms. Pickering answered that was correct.

Commissioner Squire asked if new traffic studies were required per each additional site plan.

Staff Member Brien Maxfield replied yes and that each new site plan to come in will need an updated study.

Commissioner Squire asked if that would allow the Planning Commission to deny an application if traffic couldn't be mitigated or if mitigation could be required as part of an approval. She noted that if the Planning Commission required traffic mitigation, they would have to install improvements before constructing a building.

Ms. Pickering stated that the applicant would do their best to mitigate traffic, but the Planning Commission could decide to deny. It was written into the text of the CSD that the applicant must provide an updated study with each site plan submission. She agreed that the mitigation would need installing before the construction of a building.

Brien Maxfield added that the applicant would be required to cover costs for any new construction mitigation.

Commissioner Van Hoff asked if the provided traffic impact study was a footprint of the possible improvements.

Brien Maxfield replied, yes. As the applicant provides specifics, the traffic study will become more detailed. The applicant would fix existing issues with city streets but would mitigate the new traffic that the Commercial Special District added.

Commissioner Van Hoff asked if the City can't require them to make improvements on city streets.

Brien Maxfield clarified that there are existing traffic issues on this street. The City could not require them to fix those issues but could require them to mitigate any new traffic that would be introduced.

Commissioner Van Hoff referred to figure 6, that there was not an Eastbound turn lane and would need a median to prevent that.

Brien Maxfield stated that was correct, and there is a specification in the CSD text on what would be required to make that turn not permissible.

Commissioner Van Hoff stated he did not see that in the report. He referred to page 17 regarding the 2024 background traffic. He stated it clearly wouldn't be opening in 2019 as indicated. He wanted clarification on the dates of the study and if this coincides with their opening date.

Mr. Maxfield clarified that they picked a date in time that they had information for. The report started with present-day traffic and then projected traffic and project growth.

Commissioner Van Hoff then referred 300 East and 13800 South in the study that said the southbound movement was at a service level C, eastbound was a level A, and westbound was level A. It then showed the intersection at a level F. He wanted to know how the level F could result from an A, A, and C. He noted that the page stated it would be a two way stop.

Mr. Maxfield replied that the study was conducted under the assumption that a traffic light was installed. He continued that the existing condition, without improvements, was at a level F. Additionally, the report projected if a traffic signal existed, they could better provide service through traffic studies.

Commissioner Gundersen referred to the map with three access points. She pointed out a possible fourth access point on Brown Farm Lane. She asked if the study was limited to three access points to keep traffic away from 300 East. She felt that with no access from a fourth point, there would be more strain on the other three access points.

Mr. Maxfield believed that the purpose of only three-point access was to keep traffic away from 300 East. He stated that the traffic engineer projected most traffic would be to and from I-15 or Bangerter. Therefore, he decided not to have access to Brown Farm Lane.

Commissioner Gundersen stated that by trying to prevent access through neighborhoods, it creates a pressure onto the main intersections that become bottlenecked.

Mr. Maxfield commented that there would be a strain on traffic in this area by not having access to 300 East.

Commissioner Gundersen expressed concern about the south-west corner parcel and wanted to ensure access would be provided when developed.

Mr. Maxfield stated the goal should be to have traffic flow as efficiently as possible. Staff felt that one access point is the maximum on 13800 South. Additionally, there needs to be a discussion of easements to accommodate adjacent properties.

Applicant John Bankhead with the Gardner Company, felt this property was important to Draper City. He stated that over the last 18 months, they have not rushed this process and want to address any concerns. He felt after meeting with residents and Staff. There are three primary concerns. First, the proximity of a commercial zone next to a residential zone. Second, traffic. Third, access to 300 East was not wanted. The plan evolved over two years to the current proposed CSD, which has been scaled back from the start of this project. He detailed the project.

Chairman Adams asked if there are questions for the Applicant or the Engineer.

John Dorny presented the traffic study for the applicant. He detailed the trip totals estimated at the site with the projected four office buildings and a retail pad with a drive-

thru. He listed the intersections studied being Bangerter and I-15 Interchange, Bangerter and 150 East, Bangerter Hwy and 13800 South, and 13800 South and 300 East.

He commented on the findings of the traffic study. He detailed the intersection at Bangerter and 150 East would add southbound double left turns onto 150 East, add exclusive northbound right onto 150 East, add double right turns at westbound 150 East to Bangerter, and widen 150 East. He commented on the unique situation of the Bangerter Arterial, which turns into a local or collector road with houses 600 feet away.

He added that an independent traffic review was conducted, and based on the findings, 13800 South would not have a left turn into the project, and 150 East will have two receiving lanes. He commented that the trip generation total was 5,000 and explained that this number does not mean that 5,000 different cars would be making a trip daily. He explained that the following activities are considered trips: commute to and from work, lunch breaks, and any meetings when people would leave an office.

They had based findings on a possible box store or grocery store that have an estimated 10,000 trips per day and also apartments with 3,300 trips per day. The study estimated trips based on complementary land uses to what is existing in the area. The types of buildings built would not compete with but support the retail across the street.

He answered a question posed previously about stop-controlled intersections. Multiple A ratings could exist, but if one area receives an F, the whole intersection received that rating. Signalized intersections would be different, and ratings were weighted on that. He also stated direction was given not to add any access points on 300 East. The residents expressed opposition to having an access point on 300 E.

Commissioner Squire asked how to prevent left-hand turns on 13800 South. She stated that the growth rate used in the study at 2% might not be accurate.

John Dorny answered that hardscaping would be necessary because Bangerter is a UDOT road. He believed that simple striping would not be enough to prevent the left-hand turn. He stated that they used the best historical data possible to estimate growth rates, and they estimated higher than the data resulting in 2%. Estimates of surrounding areas were factored into the growth percentage.

Commissioner Squire stated there would be an additional building built South of the proposed district that has been approved. She stated that the charter school in the area creates traffic in the morning and would like to know how that was factored into the study.

Mr. Dorny replied that charter schools don't usually have busses but have large amounts of traffic. The school was counted as background traffic in the AM peak hours. The school was not included in the PM peak hours as school is usually out before businesses closing.

Commissioner Van Hoff referred to page 79 of the traffic study where the rating is F due to four vehicles. He referred to page 17 and asked if the queue lane westbound will go past the entrance of 150 East.

Mr. Dorny replied that the Applicant and City Staff would need to study that. He said that based on the math, the City had to decide to put a light in with the knowledge that four cars will have to queue. He responded that the westbound queue lane would go past the entrance if nothing was done in that area. He stated if they leave the site as it is, the rating will stay the same.

Commissioner Van Hoff commented that with the mitigations, it appeared to be about 900 feet away from the 150 East entrance.

Mr. Dorny presented a slide with projections for the project. He stated that there would be long queues based on the Existing Plus Project section. He commented that the slide referred to was not for the 2024 time period. He showed the mitigation and assured the Commission that the applicant is committed to making improvements alongside the City, and the widening of the intersection will improve traffic generally.

Chairman Adams opened the public hearing.

Chairman Adams asked Ms. Pickering how many public comments she had received regarding the project. He detailed how the public hearing would proceed. He stated that remarks needed to remain under three minutes, and the public was required to use the “raise hand” feature on the zoom call to be added in the queue.

Ms. Pickering responded that approximately 60 public comments had been received. Two were in favor of the project, and 58 were against.

Russell Fox reminded the public that the public hearing was an opportunity to comment and not to have conversations with the Planning Commission.

Chris Mace at 13584 Meadow Heights Lane commented on page 12 of the traffic study. He is concerned that the traffic study based on a 2% growth rate is incorrect. He stated that the City website claims a 5% growth rate. He was concerned that the mitigations are needed regardless of the project being built. He felt the applicant bought the property knowing that the residents would not support this type of development. He referred the Commission to savedraper.com, where 810 signatures are showing a 99% rate against this project. He felt Draper no longer had a small-town feeling. He mentioned the other traffic light at the Harmons is a concern.

Larry Jensen, at 13839 Wheadon Court, stated he has lived in the home he built for eight years now. He felt 13800 South is a busy street, and he understood that a street light would be installed due to the current conditions. Currently, his neighborhood doesn't have a turn lane into their subdivision. He did not feel that the applicant had a way to mitigate the traffic. He thought it would be catastrophic to add a hotel and office

buildings to contribute to the already existing traffic problem. On behalf of the HOA, he is opposed to this kind of traffic.

Steve Pulley, at 583 East Stokes Avenue, commented that he is a Draper resident of 20 years. He felt that for the last then years, commercial development is something they have fought. He believed the zoning should stay as it is due to traffic. He noted that the growth in this area over the next five years had not been taken into account.

Jennifer Pulley stated that many Pluralsight employees would be moving to Draper, and she did not feel that had been accounted for in the traffic study. She noted that if there are issues on the I-15, this area takes a massive number of commuters getting off the freeway.

Ben Jones at 13572 S. Meadow Heights Lane, added that he lives in the development to the North of this project. He felt that no buffer between their homes was addressed in the study. He believed that an increase in traffic and vehicles would increase the noise issue. He stated he did research on the RA1 currently zoned on the parcel, and that is why they purchased a home in the area. He believed that this development would reduce property values.

Marcia Day at 369 E. Corner Bridge Lane commented that she was concerned about this project within a neighborhood. She felt that many cars exit the freeway on 160 East and turn directly onto 150 East. She listed many neighborhood amenities contributing to her safety concern. She did not believe this is an appropriate place for commercial development. She listed many permitted uses in the Commercial Special District and expressed concern that the applicant could change the proposed office buildings. She stated she was not in favor of the zoning change.

Matthew Smith, 329 E Brown Farm Lane, stated that he did research when he purchased his home. He noted he is an engineer by trade and that he also looked at best case and a worse case concerning growth rate. He referred to finding number six in the traffic study and that there should be a more in-depth traffic study conducted. He is concerned about the safety and felt the current proposal does not provide a sufficient transition to a new commercial zone. The proposed mitigation was not an adequate buffer. He appreciated the community outreach but felt the proposal become more expansive as time progressed. He believed this project would ruin the general aesthetic of the area.

Howard Baik at 13742 Brown Farm Lane added that the mitigation efforts are minimal due to current conditions. He felt a traffic light would not reduce traffic. Additionally, the past growth rates did not reflect what could come in the future and that the traffic study needed to assume that growth. He was concerned about site pollution and felt a survey should be conducted.

David York at 438 Morning Ridge Circle stated that the 2019 Draper City Master Plan encouraged the transition of land uses and ensured neighborhoods transition with appropriate uses of land development. He noted that the proposed project fundamentally

changed the zoning. He felt there is ample retail space available in Draper, and this project would burden a pivotal entrance to Draper.

Alexandra Mace at 13584 S. Meadow Heights Lane referred to a previous comment that the current plan did not allow access to the land in the south-west corner. She felt that proper consideration should be given to that property owner. She expressed concern that, according to research, mixing residential and commercial land use results in increased crime and violent crime. She was disappointed in the study and felt it was biased to the applicant.

Bob Clark, 13590 S. 300 East, stated his concern that this zone would be in the middle of a residential area when most of the businesses are on the west side of 150 East. He was concerned about the traffic, safety, and residential zone. He did not think that the commercial zone should expand east.

Charlene Miner at 328 E Brown Farm Lane felt the proposal was not in line with the Draper Zoning Code. She commented that the project began at 270,000 square feet of office space but has grown. She felt the Commercial Special District zoning is too broad, and once rezoned, Draper City would lose control of what is built. She expressed concern that a three-quarter turn on 380 South was too close to allow. Additionally, other developments in the area were not considered in the traffic study. She added that the splash pad would have a traffic backup. Part of this comment was inaudible.

Rosemary Thomas 13703 Brown Farm Lane, asked for the City to work with residents. She felt the zoning should not change, and the traffic heading east with no left turn was not sufficiently addressed.

Chairman Adams closed the public hearing.

Chairman Adams asked the applicant if he wanted to comment.

John Bankhead, Gardner Company, stated he would be willing to answer any questions. He expressed appreciation to the residents for participating in the process.

Commissioner Squire stated that two things had not been addressed yet. She wanted specifics on signs and also the buffer between the homes and commercial areas.

Mr. Bankhead stated there is no plan for freestanding or tall signs. He added it would be monument signage and building signage. A greater landscape buffer would be installed.

Commissioner Squire expressed she is not in favor of Commercial Special Districts. She felt that applicants take liberties in these district types. She thought that the Planning Commission needed to be more cognizant of the potential development in this zone, and the district does not make sense zoning wise. She expressed that the commercial could be built here but should be consistent with the character of the area. She expressed concern that 300 East is purely residential and that a simple berm and landscaping would not be a

sufficient buffer. A buffer should be built along every home. Traffic was an issue, and she thought the minimum set back was not enough along the homes. She commented that there are too many potential uses in this zone and did not believe this is an appropriate use for the parcel. She felt the proposed landscaping was not in compliance with Code. She did not agree with the statement that the improvements could be complete at project completion.

Commissioner Van Hoff stated he does not like commercial zoning expanding in the area and felt that the zoning should transition, which was not demonstrated in this development.

Chairman Adams commented that currently, one-acre residences are permitted, but he failed to see that type of development against Bangerter. He was concerned about the access to the project and felt traffic is a side effect of growth and unavoidable. He commented that many proposals in this project are not in line with the Draper Code.

Commissioner Player felt this project was too large for this corner.

Motion re: Commissioner Player moved to forward a negative recommendation to the City Council for the East Point CSD Land Use Map Amendment Request, by Ben Seastrand representing the Gardner Company, Application TEXTMAD 1001-2-2020, based on the finding of the Staff Report on May 19, 2020.

Second: Commissioner Squire.

Vote: A roll call vote was taken with Commissioners voting 4-1 in favor of the motion. This item passed with a 4 to 1 vote. **Commissioners Squire, Player, Van Hoff, and Ogden voted, “Aye”. Commissioner Gunderson voted, “Nay”.**

Motion re: Commissioner Squire moved to forward a negative recommendation to the City Council for the East Point CSD Zoning Text Amendment, by Ben Seastrand representing the Gardner Company, Application Text Map 824-2019, based on the finding of the Staff Report on May 19, 2020.

Second: Commissioner Van Hoff

Vote: A roll call vote was taken with Commissioners voting in favor of the motion. This item passed with a 4 to 1 vote. **Commissioners Squire, Player, Van Hoff, and Ogden voted, “Aye”. Commissioner Gunderson voted, “Nay”.**

Motion re: Commissioner Van Hoff moved to forward a negative recommendation to City Council on the East Point CSD Zoning Map Amendment, by Ben Seastrand representing the Gardner Company, Application Text Map 825-2019, based on the findings of the Staff Report on May 19, 2020.

Second: Commissioner Ogden.

Vote: A roll call vote was taken with Commissioners voting in favor of the motion. This item passed with a 4 to 1 vote. **Commissioners Squire, Player, Van Hoff, and Ogden voted, “Aye”. Commissioner Gunderson voted, “Nay”.**

Item 4 was not discussed.

4. Public Hearing: Quality Diamond Tools Home Occupation Conditional Use Permit (Administrative Action)

This item has been Continued.

On the request of Jim and Lois Duncan for a Home Occupation Conditional Use Permit for 0.94 acres of property located at 12138 South 800 East for a home office located within a detached accessory structure, with employees, storage, and business vehicles. Application USE-973-2020. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draper.ut.us.

Motion re: Commissioner moved to forward a positive/negative and Commissioner seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 4 to 1 vote.

Item 5 was discussed at this point in the meeting.

5. Public Hearing: Lot 12 Alan Point Plat Amendment (Administrative Action)

On the request of Jay Hale for approval of a Plat Amendment in the RA2 (Residential Agricultural, 20,000 square foot lot minimum) Zone. The property is located at 865 West Alan Point Dr. The applicant is requesting that a Plat Amendment be approved to vacate a wetlands no-build area from the lot. Application SUBD-967-2020. Staff contact is Travis Van Ekelenburg, 801-576-6522, travis.vanekelenburg@draper.ut.us.

Travis Van Ekelenburg presented. He stated the property is currently zoned RA2, which has a 20,000 square foot minimum lot size. In 1998 the recorded plat showed 22 lots ranging from .5 - 1 acre in size. Lots 11-19 had a wetland in the rear yard and cannot be built on without permission to vacate the wetland from the Army Corp of Engineers. The lot had a family home on the east side, and almost half of the property was non-buildable. The applicant received a letter from the Army Corp stating that the wetland is dried, and the building would not affect the wetland negatively.

Commissioner Squire asked if the letter from the Army Corp would apply to other properties and if other property owners could go through the same process as this Applicant.

Travis Van Ekelburg answered it only applies to the applicant's property. He added if other home-owners wanted to apply, they could do that on one application together through the same process as the applicant.

Commissioner Player asked if this is the first request in this area to vacate.

Mr. Van Ekelburg replied to this if the first application they have received.

Applicant Jay Hale stated he is the first to address this, and other neighbors intend to apply as well. He stated the wetland had been dry for 19 years while they have lived there.

Chairman Adams opened the public hearing.

Chairman Adams closed the public hearing.

Motion re: Commissioner Van Hoff moved to approve the plat amendment as requested by Jay Hale, Application SUBD-967-2020 based on the findings of the Staff Report dated May 20, 2020.

Second: Commissioner Player

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, "Aye".

6. Public Hearing: Fairfield Inn & Suites Site Plan (Administrative Action)

On the Request of Elizabeth Cole representing Wadsworth Development Group for approval of a Site Plan for approximately 3.05 acres located at approximately 13690 S 100 E. The property is currently zoned CO2 (Professional Office) Zone. Application SPR-969-2020. Staff contact is Travis Van Ekelburg, 801-576-6522, travis.vanekelburg@draper.ut.us.

Travis Van Ekelburg presented the proposal for the Fairfield Inn Marriott at 13690 South 100 East. The property is currently part of the CO2 zone. The property east of the hotel is office space and currently under review. The boundary line between the developments would be adjusted. The area would be heavily landscaped. The applicant had requested deviations from the design standards listed in the Staff Report. The applicant is requesting a deviation to building materials for the south façade of the building. The façade is short the required primary materials. The three other sides meet the requirements. The applicant is also requesting a deviation from the current max building height of 45 feet to 55 feet to accommodate room size and interior. A deviation for building articulation is being requested from being required every 50' along the building façade. This is to accommodate the room layout inside the building. The deviations would be from section 9-22-040 Municipal Code design requirements.

Municipal Code 9-22-030 stated applicants can request deviation with reasoning to the Planning Commission.

Applicant Elizabeth Cole commented she felt Mr. Van Ekelenburg did a good job presenting.

Commissioner Player asked if there has been an approved building on the site and if this is new or a redo.

Chairman Adams stated that it was approved but now needed approval for the deviations.

Jennifer Jastremsky clarified there was not an approval on this specific site, but that there is an existing hotel to the south that has been constructed. She commented there was another application submitted for this site, which has since expired, and any new proposals will need an application and approval.

Elizabeth Cole stated this is their first formal site plan application for the north portion of this development.

Commissioner Van Hoff noted there appeared to be an access point to the east leading to the traffic signal at Harmons.

Commissioner Squire asked if the parking lots will connect.

Applicant Elizabeth Cole stated that cross access and parking easement are currently being worked on with Harmons, Bangerter Crossing, Bowerman Ownership, and the hotel. She added this would have cross access both ways, allowing shared parking.

Commissioner Squire commented that could be beneficial but also problematic at the light during peak hours.

Chairman Adams thanked Elizabeth Cole for joining the Commission.

Chairman Adams opened the public hearing.

Chairman Adams closed the public hearing.

Commissioner Squire inquired about the building heights of Town Place Suites and Harmons adjacent to this location.

Ms. Cole clarified the Town Place Suites is also a four-story hotel, and although she does not know the height specifically, it would be very close.

Brady Morris, Civil Engineer, clarified that the Town Place Suites is approximately 3 feet lower in elevation than the proposed location.

Chairman Adams asked if that is the reason for the height deviation.

Ms. Cole stated the deviation was based on Marriott's requirements for the number of stories in the hotel itself. She added there were minimum room heights and story requirements that be met.

Commissioner Player stated the siding of this building next to the Bangerter ramps would make the elevations look deceptive.

Commissioner Squire agreed and stated Bangerter was set far above the grade of these hotels. She commented that deviations are cause to stop and think. She felt that this was an ideal area to allow height deviations.

Chairman Adams stated he agreed. He asked how much taller the proposed structure would be compared to what is existing.

Mr. Morris stated the Town Place Suites is 51 feet high, and the Fairfield is requesting 55 feet.

Commissioner Squire asked if there would be any additional equipment on the top of the building that would exceed the height deviation requested.

Chairman Adams asked the Staff to go back to the elevations slide. He wondered if this would include the equipment coverage.

Ms. Cole stated that it would cover mechanical equipment, and the majority of the façade is lower in height. The mechanical equipment required screening, and if any additional coverage were needed, it would be addressed during the permit review.

Mr. Morris corrected that the Town Place Suites has a façade that is taller than the 51 feet he mentioned earlier. He did not have exact measurements but believed the height was comparable to the proposed building.

Ryan, an AE Urbia employee, stated that mechanical equipment is usually rooftop units. However, beyond esthetics, the purpose of the wood and a gray area of the building is to screen mechanical equipment.

Chairman Adams asked if all equipment would be located in that rooftop area.

Ryan stated that the large equipment would be in that area, but smaller equipment would be installed throughout the roof.

Chairman Adams asked if Staff had any additional questions for the applicant.

Motion re: Commissioner Van Hoff moved to approve the deviation for the length of the uninterrupted roofline, requested by Elizabeth Cole, application SPR 959-2020 based on the finding and Staff Report on May 18, 2020.

Second: Commissioner Player

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, “Aye”.

Motion re: Commissioner Ogden moved to approve the deviation of maximum height building height, by Elizabeth Cole representing the Wadsworth Development Group, Application SPR-958-2020 A, based on the conditions in the staff report of May 18, 2020.

Second: Commissioner Van Hoff.

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, “Aye”.

Motion re: Commissioner Squire moved to approve the deviation to materials, by Elizabeth Cole representing the Wadsworth Development Group, Application SPR-959-2020, based on the conditions in the staff report of May 18, 2020.

Second: Commissioner Player

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, “Aye”.

Motion re: Commissioner Van Hoff moved to approve the site plan as requested by Elizabeth Cole representing the Wadsworth Development Group, Application SPR 959-2020 based on the findings and conditions in Staff Report dated May 18, 2020.

Second: Commissioner Ogden.

Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Squire, Gundersen, Player, Van Hoff, and Ogden voted, “Aye”.

7. Training: Open Meetings Training and Land Use Liability Training

Annual Training for the Planning Commissioners on Open Meetings and Land Use Liability.

Mike Barker stated that three pieces of training needed to be completed by the end of June to meet IRMA requirements.

Jennifer Jastremsky commented that there are five items on the next Planning Commission Meeting for June 11. She felt that a few of the items would require a discussion. She didn't feel it would be a fast meeting but not as long as the current meeting.

Mr. Barker addressed the inadequacies of the Land Use Task Force. He detailed LUDMA revisions and what constitutes a "subdivision amendment". See the definitions below.

- Defines the "subdivision amendment"- an application to vacate all or existing portion of a plat alters the outside boundary of a plat, a change to a number of lots or an application that alters a public right of way, easement, or infrastructure.
- Clarifies platting requirements for subdivision amendments. When a plat is amended, you only show the portion being amended and give a distinguishing name.
- Clarifies failure to record plat within time limits is voidable by the Land Use Authority. The transfer of land under a void plat is voidable by the Land Use Authority.

Planning Commission Powers and Duties

- Makes more explicit the powers and duties of the planning commission
- Review and make recommendations in legislative matters.
- Clearly states the requirement to hold public hearings on legislative items.
- Clearly states legislative body options to Planning Commission recommendation.
- Failure of PC to make a "timely" recommendation may be considered a negative recommendation.

He then addressed the changes regarding appeals.

- Appeals – "Adverse Party"
- Appeals may be taken only by the applicant, board, or officer of the governmental entity, or an adversely affect party (AAP).
- AAP is defined as someone who owns real property adjoining the applicant's property, or someone who will "suffer damage different in kind than, or an injury distinct from, that of the general community as a result of a land use decision."

He commented that the HB 273 Property Rights Ombudsman Amendment came into a discussion last summer by the Property Rights Coalition, and through negotiation, this is the result.

- If a party receives an advisory opinion from the PRO, and further litigates the same land use dispute in court, the prevailing party may collect a civil penalty of \$250/day.
- If the court rules on the same facts and circumstances as the PRO decision and finds that the opposing party knowing and intentionally violated the law, then penalties can apply.
- Calculation of penalties.

He concluded that Staff would incorporate the changes to the subdivision statute and are trying to anticipate the gaps in the Code by making amendments.

He showed the Commission the Open and Public Meetings Act Training video.

Mr. Barker complimented the Planning Commission as a governing body in line with the law. If any questions or topics that the Commission would like covered, please contact Mr. Barker or members of Staff.

8. **Adjournment**

Chairman Adams moved to adjourn the meeting.

Chairman Adams took a vote, and all were in favor.

The meeting adjourned at 9:44 PM.