

Approved 1/14/21

MINUTES OF THE DRAPER CITY PLANNING COMMISSION ELECTRONIC MEETING HELD ON THURSDAY, DECEMBER 10, 2020 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING

ELECTRONICALLY: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler and Tab Bingham

ABSENT: Vice Chairman Craig Hawker, Alternate Commissioner DeLaina Tonks

STAFF PRESENT: Jennifer Jastremsky, Brien Maxfield, Fire Marshal Don Buckley and Amie Salazar

STAFF PRESENT

ELECTRONICALLY: Christina Oliver, Mike Barker, and Spencer DuShane

6:30 PM Business Meeting

The Agenda will be as follows:

Electronic Meeting Notice

1. **This meeting will be held electronically**
 - Listen through our website - <https://www.draper.ut.us/95/Agendas-Minutes>
 - Email your comments to the project planner listed on the agenda item below 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 the project planner listed on the agenda item below by noon, on the day of the meeting.

2. **Written Determination 2020-24**

This meeting will be an electronic meeting according to Draper City Municipal Code 2-1-040. Determination 2020-24, pursuant to Utah Code Annotated 52-4-207(4).

- I, Andrew Adams, Chair for the Draper City Planning Commission, do hereby determine conducting an electronic meeting of the Draper City Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Planning Commission to conduct electronic meetings without an anchor location.

The foregoing determination is based on the following facts:

- Federal, state and local leaders, including the Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
- Under Governor Herbert's COVID-19 Transmission Index, Salt Lake and Utah Counties are classified as "high" level meaning both counties meet "high" level criteria in at least two of the three following criteria: 7-day average positivity rate, 14-day case rate per 100,000 people, and statewide ICU utilization.
- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with COVID-19 Transmission Index guidelines and Salt Lake and Utah County Public Health Orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents and the public in general.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

3. Action Item: Approve Planning Commission Meeting Minutes for October 8, 2020 (Administrative Action)

Motion re: Commissioner Fowler made a motion to approve the Planning Commission Meeting minutes for October 8, 2020 and Commissioner Ogden seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 5 to 0 vote.

Moved by: Commissioner Lisa Fowler

Seconded by: Commissioner Gary Ogden

Vote: AYE: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler

NAY: Members: none

Absent: None

The motion was approved.

4. Action Item: Approve Planning Commission Meeting Minutes for October 22, 2020 (Administrative Action)

Motion re: Commissioner Ogden made a motion to approve the Planning Commission Meeting minutes for October 22, 2020 and Commissioner Van Hoff seconded the motion.

Moved by: Commissioner Gary Ogden

Seconded by: Commissioner John Van Hoff

Vote Aye: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler

NAY: Members: none

Absent: None

The motion was approved.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 5 to 0 vote.

5. **Action Item: The Exchange at 140th Building C Site Plan Approval Extension (Administrative Action)**

On the request of Elizabeth Cole, representing Wadsworth Development Group, for approval to extend the Site Plan approval issued on December 12, 2019 for The Exchange at 140th Building C Site Plan, the property is located at 14068 S. 145 E. Application: SPR-850-2019. Staff Contact: Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draper.ut.us.

Jennifer Jastremsky presented an aerial map of the property. Wadsworth Development is requesting a six-month extension to their site plan approval. Site plans are good for one year unless a land disturbance is approved, which they have not received.

Chairman Adams invited Elizabeth Cole to add anything.

Elizabeth Cole stated she wished to obtain an extension to finalize the terms with new tenets and finalize construction in the Spring of 2021.

Chairman Adams asked if there were any questions for the Commissioners.

No questions were offered.

Motion re: Commissioner Player made a motion to approve and Commissioner Squire seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 5 to 0 vote.

Moved by: Commissioner Player

Seconded by: Commissioner Squire

Vote Aye: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler

NAY: Members: none

Absent: None

The motion was approved.

6. Public Hearing: Chandler Pointe at South Mountain Amended Site Plan and Conditional Use Permit (Administrative Action)

On the request of Mary O'Donnell, representing Chandler Pointe at South Mountain for a Conditional Use Permit and Amended Site Plan in order to install an emergency access gate at the east entrance into the Chandler Pointe at South Mountain development. The property is located at approximately 14874 South Quarry Pointe Ln and is in the RM2 zone. Applications SPR-1083-2020 and USE-1098-2020. Staff Contact: Jennifer Jastremsky, (801) 576-6328 or jennifer.jastremsky@draper.ut.us.

Jennifer Jastremsky presented an aerial map of Chandler Pointe and The Seasons. Currently, a road connection goes through Chandler Pointe and The Seasons. The applicant proposes making an emergency access gate at the junction between these properties. This would be an emergency gate and not be for everyday use. A conditional use permit is needed in order to have a gate on the property. The amended site plan application is for the amendment of adding the gate.

Jennifer Jastremsky requested that additional condition of approval be include that gate is for both egress and ingress.

Commissioner Player stated that the plan would include a requirement for the gate to be operational.

Fire Marshal Don Buckley explained that is correct. Currently, cones are placed between the properties which poses some problem when emergency personnel need to enter the area and the cones must be removed.

Commissioner Fowler inquired if the lighting at the gate was currently sufficient, or if more lighting is needed.

Jennifer Jastremsky observed that the existing lighting should be good enough. Both properties have lights in close proximity to the gate; however, they can add more lights if they deem it necessary.

Commissioner Van Haff inquired if only the fire department would be able to access the knox box.

Fire Marshal Don Buckley confirmed that is the case. It is only set up for the fire department in the event of the need for manual operation.

Commissioner Squire inquired if this particular location was considered an access point.

Fire Marshal Don Buckley stated that when Chandler Pointe was built it was required to have two access points that went all the way to Traverse Ridge; however, the code allows for delayed construction when there is knowledge of a second development, which was the case. When the Seasons was built, their plans also required a second access point. The second access point is by Chandler Pointe so both locations need this connection.

Commissioner Squire asked if the requirement for a second access point was for emergency access or for regular traffic.

Fire Marshal Buckley stated the fire code reads that locations with more than 30 single family homes or more than 100 multi-family units are required to have two separate and approved access points.

Jennifer Jastremsky noted that the City Council recently approved code changes to clarify what type of secondary access is required and at what point they are required for developments.

Commissioner Squire asked if they approved the gate if it violated the code.

Jennifer Jastremsky stated it would not.

Commissioner Fowler asked if the primary access for The Seasons is sufficient, or if the residents wanted the egress from their unit.

Jennifer Jastremsky referenced the site plan for the Seasons stating that the main answer to the question is that there are two separate private roads through The Seasons and Chandler Pointe. Residents from The Seasons are not legally allowed to exit through Chandler Pointe since it is a private community. The intent is to add an additional access point at The Seasons during future developments.

Commissioner Fowler observed the current “right in, right out” access point is probably awkward, and another access point seems needed.

Commissioner Player inquired if there would be reflectors on the gate.

Jennifer Jastremsky recommended they ask the applicant as the request did not show them.

Chairman Adams noted that he only sees three conditions but believed there were four.

Jennifer Jastremsky noted that for the conditional use permit there are four conditions, and the site plan has three conditions listed on page seven in the report.

Chairman Adams invited the applicant, Mary O'Donnell, to comment.

Mary O'Donnell observed that Chandler Pointe has 190 units with dedicated homeowners who take pride in their community. Her understanding is the City Council declined to allow more townhomes to be built at Chandler Pointe. She stated Chandler Pointe is conveniently located, surrounded by office buildings, and the area is growing. She stated they want to keep their community private and safe. They have had issues with residents from The Seasons who speed through the neighborhood, residents who walk through their community, and dogs who use their lawns as bathrooms. She stated that three more office buildings are being built. They wish to have the gate so they can stay safe and keep the community separate. They are trying to observe all the

rules required by Fire Marshal Buckley and expressed hope that the Planning Commission would approve the request.

Chairman Adams opened the public hearing.

Joy Araya stated she lives at 14751 South Granite Ridge Road which faces The Seasons. The Planning Commission denied a request for additional construction of Chandler Pointe; however, they approved the construction of The Seasons. There were multiple issues due to the construction of these apartments. She used to have a view and she no longer has that. She stated the builders overbuilt. There is no green space for the large apartments. Chandler Pointe needs the gate.

Catherine Merrill stated she has lived in Draper for 10 years. She has not been impacted the same way as Joy; however, City Council or the Planning Commission held a meeting three years ago where residents complained about The Seasons. The median was put in so new apartments would not be able to drive through the nearby Chateau Apartments. There are many children in the neighborhood and residents do not want any children hit by the cars, FedEx, or UPS trucks that drive through their private streets. She stated that Draper City knew about the problem for some time. Chandler Pointe has worked with the fire department, lawyers, and engineers; they need the gate.

Tiffany Blomquist stated she lives at 14921 South Treseder Street in Chandler Pointe and has lived in the area since 2005. It is unfortunate that The City Council rejected the second phase of community homes and now their community is in the state it is in. She stated the builder told her the original street was always intended to connect to the second phase of building for Chandler Pointe. She commented that The Seasons causes many issues. Chandler Pointe residents had not heard about the new building until it was too late. They have been proactive in trying to get the gate installed for four years. Liberty Hills has two exits, and one is a very simple gate and they used them as a model. The City of Draper had other requests and they have complied. The residents want the gate installed.

Brandon Farzad stated he lives in The Seasons apartment and moved in a few months ago. He stated he strongly opposes putting in this gate. Entering and exiting on Traverse Road has been a huge inconvenience due to the right in, right out requirement. He stated that others spoken as if the residents at The Seasons are a business. He stated there are almost as many residents in The Seasons as there are at Chandler Pointe. He noted that there is speeding in both areas and people have run over the cones in both directions. He noted The Seasons is trying to install a dog park. He noted the issue with the FedEx trucks is true; he spoke with a driver who indicated it would be highly inconvenient for him to drive all the way around the communities. He reiterated he strongly opposes putting in the gate.

Michael Miller stated he is an attorney from Miller Harris and represents Chandler Pointe. He noted that in 2018 the client reached out to Draper City to find out how to install the emergency access gate on the property. The City suggested they amend the code in a way that would allow

the HOA to install the gate. The amendment was approved by City Council. Never at any point during the discussion was a requirement mentioned to have a two way egress or ingress installed.

This condition is announced very late. Had they known in advance of the meeting they would have submitted information in advance of the meeting. He stated that it seems to him the City is trying to use Chandler Pointe to correct its error. The previous land maps that were established for the apartments indicated there was a second access that would run into a new commercial development. It is not the fault of the client that Chandler Pointe is currently not within code with only one entrance and access point. The City approved Chandler Pointe. He does not see how the City could withhold the approval of the gate.

Eric Richards stated he lives at 14858 S Ox Cart Lane. He spent three months looking for an apartment and has lived in Chandler Pointe for five years. He stated they did not need to have a thoroughfare for many years because they are a private community. The Seasons has a private road as well. He understands why people come to their community, but he hopes that the Commission will support installing the gate. There are future possibilities for other roadways. Chandler Pointe, like The Seasons, also has a one way in and one way out exit. He observed that apartments tend to be more transient whereas people who live in Chandler Pointe stay for a long time.

Kandra Pearson stated she lives at 14904 Treseder Street. She has been in the community for 6 years. She stated their community never had a chance to speak about the impact of the construction. They should not have to pay the price of poor city planning.

Daniel Rino stated he lives at 14805 S. Granite Ridge Lane. He also lives in Chandler Pointe and agrees with the other residents. He understands that there is an inconvenience to The Seasons but that is something that should be taken up with the City to address with their property. He believes there is no easy solution, but he supports the instillation of the gate.

Ann Barrett stated she lives at 14839 Ox Cart Lane. She is also a Chandler Pointe resident and has been there 9 years. She sympathizes with those living in The Seasons. It can be inconvenient for them to exit their property as well; however, they pay for their roads and traffic has increased and has created a safety issue. She requested the City allows the community to put in the gate.

Christie Taumoepeau stated that their family has been a resident at Chandler Pointe for six years. She has been a resident of Draper for 18 years. They love the community and had no idea an apartment complex would be built. The residents of Chandler Pointe did not have proper notification and did not have a chance to voice their opinion. She stated it is very important to protect the community. They have children, safety issues, and every morning she watches the cones get driven over. She puts them back up every morning. She stated the planning for these communities was poorly planed and poorly executed. She stated that Draper should come up with a solution as it is not Chandler Pointe's responsibility. She expressed her hope the gate is approved.

John Pain stated he owns 4 properties in Chandler Pointe and his partner owns 3 properties. Both he and his partner have had numerous complaints from their tenants, which have been discussed. The area with The Seasons was originally supposed to be a second phase of Chandler Pointe and he and his partner planned to purchase property there as well. He noted that one of the Commissioners asked if it was easy for the members of The Seasons to exit their property. He stated that coming out of The Seasons here really is no need for them to come through Chandler Pointe as they can go South on public roads. That is very similar in length to driving through

Chandler Pointe. He stated he would love for the City to approve the instillation of the gate. He asked that the City separate the two communities.

Chairman Adams noted that Kevin Burns was next in line for public comment and invited him to unmute and make his comment.

Jennifer Jastremsky stated he may have dropped off.

Chairman Adams asked if there was anyone else that would like to make a comment.

Jennifer Jastremsky stated she did not see anyone else.

Chairman Adams closed the Public Hearing.

Chairman Adams invited the applicant to come forward.

Michael Miller stated he is the attorney for Mary O'Donnell, the applicant. He stated that currently there is no gate that allows parties to trespass into the neighboring subdivision. That will not change if the gate is installed with the requirement for the gate to be shared as an ingress and egress with The Seasons. It does solve the issue of people trespassing. The report lists seven factors that allow the Commission to approve the petition for the conditional use permit. None of those factors state a requirement for them to share the gate with The Seasons, nor does any of the conditions prepared by staff suggest that requirement. The report complies with all the codes. He stated this is a very important decision for Chandler Pointe and they ask the Planning Commission to give this serious consideration.

Mr. Miller stated the residents at Chandler Pointe love where they live as well as the safety and the quiet. The roads are a significant expense to his client. They are private roads that are common property under HOA, and they are obligated to maintain the roads. If the roads are utilized by more than the residents, it shortens the life of the road which requires more financial contributions. He asked that the Planning Commission grant the conditional use permit without the condition that it be shared with The Seasons hotel. This allows both parties to prevent trespassers. It does not preclude other parties from negotiating for additional access. He stated The Seasons are in a better position to negotiate a second access points imposed on them since they are still developing. Chandler Pointe has been developed for more than 17 years. He asked the request for the gate be granted without the condition of egress and ingress. To the extent that the client is required to negotiation cross access easement with The Seasons, that should be predicated to The Seasons willingness to contribute to the usefulness cost.

Mary O'Donnell stated that the public comments reflected the community's desire to install the gate and keep the community from changing.

Chairman Adams asked the Fire Marshal what it means when they say that they are for both projects.

Fire Marshal Buckley clarified that as to the operation of the gate as it sits as an emergency access gate is always locked. The gate allows for egress and ingress of emergency vehicles, not for regular access. He stated that there are misconceptions regarding the gate. The fire department is in favor of the gate, but it needs to have egress and ingress.

Chairman Adams inquired how they operate the gate.

Fire Marshal Buckley noted that it would open via key, siren, or pressure plate.

Chairman Adams stated he appreciated the clarification.

Fire Marshal Buckley stated the gate be electronic as required by code.

Jennifer Jastremsky clarified that the addition was added to ensure the emergency gate opens both ways for emergency personnel.

Chairman Adams recommended the applicant put reflectors on the gate to minimize the risk of someone running into it.

Commissioner Fowler stated she is in favor of the gate; however, she supports the ingress and egress for emergency personnel.

Commissioner Player stated his support of the gate.

Commissioner Squire stated that the maintenance of private roads is a very good point. It is a big expense for an HOA. If that cost can be minimized by a gate, she supports its installation.

Chairman Adams asked the Commission if they felt it was fair to have an emergency gate that opens both ways.

Commissioner Squire stated her support.

Motion re: Commissioner Squire made a motion to approve the CUP requested by Mary O'Donnell, representing Chandler Pointe at South Mountain, based on findings and with the amendment that the gate must be accessible from both sides by emergency vehicles. Commissioner Fowler seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 5 to 0 vote.

Moved by: Commissioner Squire

Seconded by: Commissioner Fowler

Vote Aye: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler.

NAY: Members: none

Absent: None

The motion was approved.

Motion re: Commissioner Van Hoff made a motion to approve the Site Plan Commissioner Ogden seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 5 to 0 vote.

Moved by: Commissioner Van Hoff **Seconded by:** Commissioner Ogden

Vote Aye: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler

NAY: Members: none

Absent: None

The motion was approved.

8. Adjournment

Chairperson Adams called for a vote to adjourn the meeting and all were unanimous in favor of adjournment.

Motion re: Commissioner Player made a motion to approve and Commissioner Squire seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 5 to 0 vote.

Moved by: Commissioner Player **Seconded by:** Commissioner Squire

Vote Aye: Chairperson Andrew Adams, Commissioners Kent Player, and Mary Squire, Gary Ogden, John Van Hoff and Alternate Commissioners Lisa Fowler

NAY: Members: none

Absent: None

The motion was approved.

The meeting adjourned at 7:55 pm