

*Approved minutes 2/11/21*

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION ELECTRONIC MEETING HELD ON THURSDAY, DECEMBER 17, 2020 IN THE DRAPER CITY COUNCIL CHAMBERS**

**PARTICIPATING**

**ELECTRONICALLY:** Chairperson Andrew Adams, Commissioners Kent Player, John Van Hoff, and Alternate Commissioners DeLaina Tonks, Lisa Fowler, and Tab Bingham

**ABSENT:** Vice Chairman Craig Hawker, Commissioners Mary Squire and Gary Ogden

**STAFF PRESENT:** Jennifer Jastremsky, Maryann Pickering, Brien Maxfield, Amie Salazar, Don Buckley, Todd Draper, Travis Van Ekelburg, and Mike Barker

**STAFF PRESENT**

**ELECTRONICALLY:** Christina Oliver and Spencer DuShane

**6:30 PM Business Meeting:**

Chairperson Andrew Adams called the meeting to order.

**1. Electronic Meeting Notice**

**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 2020-29, pursuant to Utah Code Annotated 52-4-207(4)**

This meeting will be an electronic meeting according to Draper City Municipal Code 2-1-040.

A. 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.

B. 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.

- COVID-19 case and hospitalizations in Draper continue to fluctuate at high levels, both of which pose a risk of overburdening the local health care system and health care providers.
- 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 state and local health departments health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents.
- 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.

C. This written determination shall be included in the public notice of the Draper City Planning Commission meetings and shall be read at the beginning of an electronic meeting held without an anchor location.

D. The public notice of any meeting conducted pursuant to this written determination shall include information on how members of the public may hear, or view and hear, or make a comment at the meeting.

E. This written determination shall take effect immediately and will expire thirty (30) days after the date written below or until revoked, whichever is earlier.

**1. Action Item: Approve Planning Commission Meeting Minutes for November 12, 2020 (Administrative Action)**

**Motion:** Commissioner Lisa Fowler motioned to approve the Planning Commission Meeting minutes from November 12, 2020.

**Second:** Commissioner John Van Hoff

**Vote:** A roll call was taken with the Commissioners voting 3-0 in favor of the motion. Commissioners Van Hoff, Fowler, and Bingham voted, “Aye”.

**2. Action Item: Approve Planning Commission Meeting Minutes for November 19, 2020 (Administrative Action)**

Commissioner DeLaina Tonks joined the meeting.

**Motion:** Commissioner Van Hoff motioned to approve the Planning Commission Minutes for November 19, 2020.

**Second:** Commissioner Bingham

**Vote:** A roll call was taken with the Commissioners voting 4-0 in favor of the motion. Commissioners Van Hoff, Fowler, Tonks, and Bingham voted, “Aye”.

Commissioner Kent Player joined the meeting.

**3. Action Item: Election of the 2021 Chairperson and Vice Chairperson**

**Motion:** Commissioner Van Hoff motioned to nominate Andrew Adams as Chairman for 2021.

**Second:** Commissioner Player

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

**Motion:** Commissioner Van Hoff motioned to nominate Craig Hawker as Vice Chairman for 2021.

**Second:** Commissioner Tonks

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

**4. Public Hearing: Kohler Fence Conditional Use Permit (Administrative Action)**

On the request of Braxton Roth, representing Tri-City Construction for approval of a Conditional Use Permit in the RA2 (Residential Agricultural 40,000 square foot minimum lot size) zone regarding a request to increase fence height from 6-feet to 8-feet along the east property line located at 1097 East 13200 South. Application USE-1095-220. Staff contact: Travis Van Ekelenburg, 901-576-6522, [travis.vanekelenburg@draper.ut.us](mailto:travis.vanekelenburg@draper.ut.us).

Chairman Adams clarified that this was a public hearing with public comment.

Travis Van Ekelenburg, City Planner, presented an overview of the item. He shared that the zoning for the subject site was Residential Agricultural and the land use was residential low to medium density. He clarified that the landowner was looking to build a fence along the east portion of the property and increasing the fence height from six to eight feet to shield from the neighboring school due to noise and other factors. He shared that the property is currently entirely fenced in with a five-foot wood fence and was looking to use eight-foot stone panels for the newly proposed fence.

Commissioner Fowler asked if the applicant’s property sat lower than the school’s land.

Mr. Van Ekelenburg indicated information on that was not submitted.

Tyler Kohler, Property Owner, replied that the school sits about eight feet higher than his property. He explained that his intent was to create more privacy on his property.

Chairman Adams opened up the public hearing for the item and explained how to participate in the public hearing via Zoom. No requests were made to speak, and the public hearing was closed.

Commissioner Player noted that he had a similar fence on his property, and it works well. He added that he believes this would be a good addition.

**Motion: Commissioner Fowler motioned to approve the Conditional Use Permit as requested by Braxton Roth, representing Tri-City Construction, Application USE-1095-220 based on the findings and subject to the conditions listed in the staff report dated December 7, 2020**

**Second: Commissioner Bingham**

**Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Van Hoff, Player, Fowler, Tonks, and Bingham voted, "Aye".**

**5. Public Hearing: Summit Commerce Center Subdivision Plat Amendment (Administrative Action)**

On the request of Brad Reha representing Exeter Draper Land LLC a Subdivision Plat Amendment for approximately 26.937 Acres, located at approximately 12965 S. Wheatfield Way (encompasses the entirety of the Greenfield Farms Subdivision), known at application SUBD-1084-2020. Staff Contact: Todd A. Draper, 801-576-6335, [todd.draper@draper.ut.us](mailto:todd.draper@draper.ut.us).

Todd Draper, City Planner, introduced the Item and noted the land use for the subject site was business and light manufacturing and the zoning was light industrial. He shared at the City Council meeting last Tuesday an ordinance was passed to vacate the public roads and the applicant will be vacating the additional easements throughout the property. He noted that they will need to add seven-foot-wide public utility easements along the front, rear, and side property lines of the new subdivision lot as a condition of approval. He presented several photos of the site. He clarified that Staff was recommending approval with the conditions and recommendations listed in the staff report. He pointed out that he had received public comments from Steve Baily and James and Clyde Crane.

Commissioner Fowler inquired who took care of the ditch mentioned in the letter from Steve Baily.

Mr. Draper stated it looked like it might be a lateral that was no longer in use. He noted that engineering would look to see if water ran through it and would need to be taken care of.

Commissioner Fowler asked if they would put in a noise wall to block out commercial traffic.

Mr. Draper replied there would be and noted they would look into it further during the site plan review.

Commissioner Fowler inquired about the adjacent residential properties.

Mr. Draper indicated there were two on the south east corners and the rest of the residents were across Lone Peak Parkway.

Commissioner Player commented that he has never seen an entire subdivision sell out for a commercial development.

Colby Traegle, Property Developer Representative, indicated this was a continuation of the zoning they got so they could clear the way for their development.

Chairman Adams opened the public hearing for the agenda item. No comments were made, and the public hearing was closed.

**Motion: Commissioner Van Hoff motioned to approve the subdivision Plat Amendment as requested by Brad Rhea representing Exeter Draper Land LLC for the Summit Commerce Center amended subdivision plat, application SUBD-1084-2020, based on the findings and subject to the conditions listed in the staff report dated December 4, 2020.**

**Second: Commissioner Fowler**

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

**6. Public Hearing: Rivermark 2 Lots 210 and 211 Plat Amendment (Administrative Action)**

On the request of Peter Gamroulas, representing Ivory Development LLC, for a Plat Amendment in order to consolidate Lots 210 and 211 within the Rivermark Phase 2 Subdivision into one lot. The property is located at 1079 East 13015 South and contains 0.92 acres. Application SUBD-1082-2020. Staff Contact: Jennifer Jastremsky, 801-576-6328, [Jennifer.jastremsky@draper.ut.us](mailto:Jennifer.jastremsky@draper.ut.us).

Jennifer Jastremsky, Senior Planner, identified the location of the subject site and provided a brief background on the site. She noted that the property was located in the low-density land use which supports the acre and half-acre lots and was zoned RA2 which has a half-acre lot minimum. She clarified that the applicant’s proposal was to combine lots 210 and 211 to create one larger 40,000 square foot lot. She noted that the plat amendment would remove the public utility easements that ran between the two lots so a home can be built on the property. She shared that the changes would not affect the public right of way or drainage easements on the property.

Commissioner Fowler inquired what effect a larger lot would have to the neighborhood.

Ms. Jastremsky responded that from a city standpoint it did not affect the neighborhood.

Commissioner Player shared that there were several other lots in the area that were a similar size.

Chairman Adams asked what the purpose was for combining the lots.

Peter Gamroulas, Applicant, indicated they had a contracted buyer who was interested in a larger lot.

Chairman Adams opened the meeting up for public comments, there were none who wished to speak.

**Motion:** Commissioner Player motioned to approve the subdivision plat amendment as requested by Peter Gamroulas representing Ivory Development LLC for Rivermark 2 Lots 210 and 211, Application SUBD-1082-2020, based on the findings and subject to the conditions listed in the staff report dated December 7, 2020.

**Second:** Commissioner Tonks

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

**7. Public Hearing: HCA Lone Peak Hospital Dietary and Imaging Expansion – Site Plan Amendment Request (Administrative Action)**

On the request of Jason Yost, representing Catalyst Design Group for a site plan amendment approval and material deviation for an expansion to Lone Peak Hospital. The proposed expansion is one story in height. The total area of the expansion is approximately 17,000 square feet in size. The property is located at approximately 11925 S. State Street in the CR (Regional Commercial) zoning district. Application SPR-1087-2020. Staff Contact: Maryann Pickering, 801-576-6391, [maryann.pickering@draper.ut.us](mailto:maryann.pickering@draper.ut.us).

Ms. Pickering, City Planner, identified the location of the site and noted the current land use designation was cultural and institutional and the zoning was regional commercial. She summarized the applicants request which was to add approximately 17,000 square feet mainly at the southeast corner of the building and in an interior courtyard. The proposal also included additional parking, landscaping, and lighting to meet code. She explained that a deviation is needed for materials since they would like to primarily use EIFS to match the existing hospital building.

Commissioner Player asked what EIFS was.

Ms. Pickering noted that it is not a primary material in the code, but they have approved it in the past. She explained that EIFS was a type of stucco.

Chairman Adams opened the public hearing for the Item. No comments were made, and the public hearing was closed.

**Motion:** Commissioner Tonks motioned to approve the deviation to materials as requested by Jason Yost, representing Catalyst Design Group, Application SPR-1087-2020, based on the findings and subject to the conditions listed in the staff report dated December 8, 2020.

**Second:** Commissioner Fowler

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

**Motion:** Commissioner Fowler motioned to approve the site plan as requested by Jason Yost, representing Catalyst Design Group for HCA Lone Peak Hospital Expansion, Application SPR-1087-2020, based on the findings and subject to the conditions listed in the staff report dated December 8, 2020.

**Second:** Commissioner Tonks

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

**8. Public Hearing: Wolf Addition Amended Site Plan (Administrative Action)**

On the request of Christian Wolf an Amended Site Plan and modification of development requirements for approximately 1.75 acres located at approximately 12169 s. Kodiak Ct. Application SPR-1096-2020. Staff Contact: Todd A. Draper, 801-576-6335, [todd.draper@draper.ut.us](mailto:todd.draper@draper.ut.us).

Mr. Draper, City Planner, presented an overview of the Item noting the site was designated as residential low-medium density on the land use map and was zoned RA2. He shared the site plan which showed the two proposed additions to the home that encroach into the 30% slope area. He noted that there was a fault on the site that limited the area they could expand onto. He showed the landscape and grading plan and elevation renderings as well as site photos. He shared that he received one public comment from a neighbor that was concerned about what may take place close to the property line. He clarified that staff was recommending approval of the modification of the development standards to allow encroachment in the 30% slope and approval of the amended site plan both with the conditions listed in the staff report.

Commissioner Fowler asked if the retaining walls too close together needed to be added to the motion.

Ms. Jastremsky explained that was not part of the deviation process but will be addressed when they get the building permit for the walls.

Commissioner Fowler asked how close the proposed retaining walls to the neighbor who had sent in a concern.

Mr. Draper indicated it was the neighbor to the north and pointed out the closest retaining walls on the landscape and grading plan.

Brien Maxfield, City Engineer, explained that part of the review process for a building permit will include review of encroachment and proximity to the fence and property lines. He noted that they will be sure that onsite activity did not affect offsite neighbors.

Commissioner Fowler asked if the retaining walls would help protect the slope of the site.

Mr. Maxfield responded that without seeing the engineering designs it was hard to answer.

Commissioner Van Hoff inquired if the proposed pool would be right on the fault line.

Mr. Draper stated the fault line was just outside of the pool area.

Mr. Maxfield stated part of the pool building permit will include geologic hazard evaluation to ensure there is not a public safety or health issue.

Ms. Jastremsky shared the pool location was not being approved tonight. She clarified that it would go through a separate building permit process.

Commissioner Tonks expressed that she would like them to be sure the 30% slope was safe to building on and that engineering was satisfied everything could be kept in place with retaining walls.

Mr. Draper stated that there was a geotechnical report that was reviewed, and they determined that they would include a foundation inspection when they make the excavation and before they put in the concrete forms.

Christian Wolf, Applicant, commented that they purchased the property because they were nature lovers and wanted it to blend in with the surroundings. He stated that regarding the retaining walls would replace some of the crumbling limestone that needed to be replaced anyway. He explained that the retaining walls most adjacent to his neighbor's property would not be an intrusion for them and planned to leave them in place. He clarified that some of the walls were not retaining walls but were purely decorative but were not clearly marked in the landscape design at this time.

Chairman Adams opened the public hearing. No comments were made, and the public hearing portion of the Item was closed.

**Motion:** Commissioner Fowler motioned to approve the modification of development requirements to allow for development into the 30% slope area as requested by Christian Wolf, Application SPR-1096-2020, based on the findings and subject to the conditions listed in the staff report dated December 4, 2020.

**Second:** Commissioner Van Hoff

**Vote:** A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Van Hoff, Player, Fowler, Tonks, and Bingham voted, "Aye".

**Motion:** Commissioner Van Hoff motioned to approve the site plan amendment as requested by Christian Wolf, Application SPR-1096-2020, based on the findings and subject to the conditions listed in the staff report dated December 4, 2020.

**Second:** Commissioner Bingham

**Vote:** A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Van Hoff, Player, Fowler, Tonks, and Bingham voted, "Aye".



**9. Public Hearing: Windsor Mill Townhomes and Office 2<sup>nd</sup> Site Plan Request (Administrative Action)**

On the request of Jay Olsen, representing Olsen and Associates for a Site Plan in the RM1, Cn and RA2 zone on 4.789 acres of property. The site plan proposes 30 residential townhome units and an office building at 11450 South 820 West. Application SPR-1069-2020. Staff Contact: Jennifer Jastremsky, 801-576-6328, [Jennifer.jastremsky@draper.ut.us](mailto:Jennifer.jastremsky@draper.ut.us).

Ms. Jastremsky identified the location of the site and pointed out the land use was mainly split between residential medium-high density and neighborhood commercial. She shared that the zoning was also split between RM1 zone and CN zone. She explained that there was a third of an acre of the property that was zoned RA2, but staff believed that there was an error in the legal description when the property was rezoned in 2009. She clarified that the 2009 application was for the entire property to be zoned RM1 and CN zones. She shared that there were no dwelling units proposed for the area zoned RA2 and indicated a portion of it would be dedicated for public right of way and the rest is a Utah Department of Transportation (UDOT) easement.

Ms. Jastremsky presented a brief history of the application including that the site plan was approved in February 2019 as well as a preliminary subdivision plat in July 2019. She explained that the application has expired, and they are requesting a new site plan approval. She pointed out the site plan had not changed from the 2019 version. She shared that the site plan included a two-story office building as well as thirty town home units. She shared that there will be a single access to serve the office building and a single access to serve the town homes. She reviewed the landscape plan and noted that they met city standards for both office and residential.

Ms. Jastremsky reviewed the materials for the office building and showed renderings of the elevations. She noted that a deviation was being requested for the townhomes from the requirement to have 50% brick or stone on all sides of the structure. She clarified that the applicant was proposing architecture with a range of 25% to 52% brick on each side. She shared that the site complied with residential and office parking standards.

Commissioner Fowler asked if the site could be accessed from a left hand turn off the main road.

Mr. Maxfield explained that the main road was owned and managed by UDOT and they have indicated they would not allow a left turn from 114 South to 820 West.

Commissioner Fowler commented that would be frustrating.

Commissioner Player expressed concern that would cause additional traffic issues in the area.

Commissioner Fowler inquired if there would be a fence between this development and the neighborhood to the south.

Ms. Jastremsky stated that there was no fencing proposed or required along Windsor Mill Drive.

Commissioner Tonks asked if there were any plans to mitigate traffic and parking in the area.

Mr. Maxfield responded that the proposed plans were not big enough to trigger a traffic study. He noted that the City could not require a developer to mediate or correct existing deficiencies.

Commissioner Player commented that they may have to do a lot of foundation work before the site could be built on since dirt was moved to that site when they built Soccer City.

Mr. Maxfield agreed that there was a lot of undocumented fill on the site. He shared that they went through a geologic and geotechnical review and issues were being addressed.

David Jenkins, Applicant Representative, shared that he had been with the project for a long time. He noted that everything was the same as what was approved before except for modifications of retention wall locations to meet city ordinances. He added that he believed it would be an asset to allow the property to be developed. He added that this would create additional parking for Soccer City rather than taking space away.

Commissioner Player asked if the office spaces would be available for Soccer City users.

Mr. Jenkins stated that at night the parking would certainly be available.

Corey Solum, Think Architecture Representative, explained that they were working on another parking expansion project for Soccer City but could not move that project forward until this one was approved since it was not financially responsible for them to do the projects at different times. He added that during the evenings and weekends they would be able to use this parking lot as overflow for Soccer City.

Chairman Adams opened the public hearing for the Item. No comments were made, and the public hearing portion of the item was closed.

Commissioner Player noted there were letters that were sent in concerning this Item.

Commissioner Fowler shared that the letters included concerns about parking for Soccer City as well as town home residents parking along Windsor Mill Drive.

Ms. Jastremsky pointed out that the townhomes complied with city code for parking including requirements for guest parking stalls.

**Motion:** Commissioner Fowler motioned to approve the architectural deviation for DCMC section 9-32-030 subsection B3 as requested by Jay Olsen, representing Olsen and Associates for Windsor Mill Townhomes and Office 2<sup>nd</sup> Site Plan. Application SPR-1069-2020. Based on the findings and subject to the conditions listed in the staff report dated December 7, 2020.

**Second:** Commissioner Van Hoff

**Vote:** A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Van Hoff, Player, Fowler, Tonks, and Bingham voted, "Aye".

**Motion:** Commissioner Van Hoff motioned to approve the Site Plan as requested by Jay Olsen, representing Olsen and Associates for Windsor Mill Townhomes and Office 2<sup>nd</sup> Site Plan. Application SPR-1069-2020. Based on the findings and subject to the conditions listed in the staff report dated December 7, 2020.

**Second:** Commissioner Bingham

**Vote:** A roll call was taken with the Commissioners voting 4-1 in favor of the motion. Commissioners Van Hoff, Fowler, Tonks, and Bingham voted, “Aye”. Commissioner Player voted, “Nay”.

**10. Action Item: Windsor Mill Townhomes Final Subdivision Plat (Administrative Action)**

On the request of Jim Poloncic and Corey Solum, representing Olsen and Associates for a Final Subdivision Plat for 4.789 acres of property in the RM1, CN, and RA2 zone regarding the creation of 30 townhome units and a commercial parcel. The property is located at approximately 11450 South 820 West. Application SUBD-772-2019. Staff Contact: Jennifer Jastremsky, 801-576-6328, [Jennifer.jastremsky@draper.ut.us](mailto:Jennifer.jastremsky@draper.ut.us).

Ms. Jastremsky noted this was the same property as discussed in the previous Item. She noted this would create a parcel for the proposed office building and create an HOA for the townhomes. She shared that this item would also dedicate some right of way along Windsor Mill Drive to the City.

Mr. Solum Applicant Representative, remarked that this project was also delayed due to issues with the owner’s health and COVID. He shared that no changes had been made since to the previous approval which was now expired.

Commissioner Fowler asked if Commissioner Player thought the townhomes would mitigate some of the sound from 11400 South.

Commissioner Player replied that Soccer City did but they could still hear it clearly all the way down by the river.

Commissioner Fowler clarified that traffic and parking may be the biggest issues with the nearby neighborhood. She encouraged neighbors to contact UDOT to try and help with traffic issues and the City Engineering Department.

Mr. Maxfield pointed out that if on street parking became an issue on City streets, they could put no parking signs up.

Don Buckley, City Fire Marshal, explained that in his review of the townhomes he found that the streets were not wide enough to allow for parking and he has required no parking signs to be put along those roads.

Ms. Jastremsky reiterated that the site plan complied with city parking standards.

**Motion:** Commissioner Fowler motioned to approve the final subdivision plat as requested by Jim Poloncic and Corey Solum, representing Olsen and Associates, for Windsor Mill Townhomes. Application SUBD-772-2019. Based on the findings and subject to the conditions listed in the staff report dated December 7, 2020.

**Second:** Commissioner Tonks

**Vote:** A roll call was taken with the Commissioners voting 4-1 in favor of the motion. Commissioners Van Hoff, Fowler, Tonks, and Bingham voted, “Aye”. Commissioner Player voted, “Nay”.

**11. Public Hearing: Alice Lane Site Plan (Administrative Action)**

On the request of Cori Place, representing the Alice Lane Home Collection Company, a Site Plan request for 1.75 acres at approximately 123 West Ikea Way. Application SPR-1030-2020. Staff Contact: Todd A. Draper, 801-576-6335, [todd.draper@draper.ut.us](mailto:todd.draper@draper.ut.us).

Mr. Draper introduced the item and pointed out that the application was seeking site plan approval in addition to a parking deviation. He clarified up front that staff’s recommendation was for continuance on the item since the application does not meet the Draper City Municipal Code at this time. He shared that a geotechnical analysis has not been submitted for the site.

Mr. Draper indicated that the proposal included an office building with a furniture show room and some additional storage on the main level and second floor. The property is located in a commercial special district land use area and valley retail center commercial district zone. He explained there was a schematic development plan for the district. He shared that the proposed site plan has a smaller landscape buffer than what is recommended in that development plan. He pointed out the applicant was proposing a parking reduction from the required 153 spaces to 82 spaces. He stated that the landscape plans and elevations did comply with city ordinances. He remarked that if the application is approved, staff requests they restrict the second floor to storage only since that is what the parking calculations were based on. He noted that they received one public comment form RC Willy who was concerned about the height of the building.

Commissioner Fowler asked if delivery would come to the site since she did not see a delivery location.

Mr. Draper stated that the applicant indicated they would have minimal delivery to the site.

Commissioner Van Hoff asked what the original purpose was for the large buffer area.

Mr. Draper responded that he only found that they may have wanted to make a grander entrance to the area.

Cori Place, Applicant, stated they were seeking a conditional approval based on finishing and obtaining a geotechnical report. He clarified that delivery to the site was minimal since they had an offsite warehouse that did all the product distribution.

Andrew James, Applicant, clarified that they currently have a shop in Salt Lake City that is able to receive deliveries through a small door. He noted it fit their business model to have smaller doors and receive shipments at specific times. He remarked that they did not know about the buffer until after they were underway with the project and they feel they have provided enough landscaping.

Mr. Place shared that they were excited to be doing work in Draper and indicated they were good at what they do and would add to the complex.

Robert Johnson, RBG Engineering, remarked that they did the geotechnical investigation for IKEA and others in the area. He recognized the site needed a liquefaction special study and were waiting on getting reviews back. He indicated that they did not anticipate any geological issues other than some ground improvement elements that may factor into the cost for the owner.

Commissioner Fowler asked why they wanted to get approved before completing the geological hazard report.

Mr. Place replied they have been under contract with IKEA for over a year trying to get this project finalized and so it was simply a timing issue and so they know if they could move forward or not.

Mr. James pointed out things had taken longer than they anticipated as they tried to balance needed parking spaces with the required green space.

Brian Zaitz, JCW Architect, commented that they originally submitted the geotechnical report that was done with the original IKEA development. He explained that they believed this would be sufficient as a place holder as they got a site-specific report.

Commissioner Fowler inquired if the applicant would be comfortable with the Commission approving only the parking deviation and not the site plan yet would allow them to move forward enough.

Mr. James responded that he would only be comfortable with that if they knew that the geotechnical report was the only thing holding them back from approval.

Commissioner Van Hoff remarked that he understood the parking deviation but was concerned that if another business comes in and wants to use the second floor for something other than storage there would not enough parking.

Mr. James replied that if they were to sell the building in the future, he would imagine parking would still be conditional on the size.

Chairman Adams opened the meeting up for public comments on the Item. No comments were made, and the public hearing period was closed.

Commissioner Fowler inquired if overflow parking would be allowed in the sites around the subject property.

Mr. Draper responded that would not be permitted in their agreement.

Commissioner Fowler asked what the difference was between the green space the applicant is asking to be allowed versus what the property covenants required.

Mr. Draper explained the difference between the actual buffer is about 4,000 square feet, but if some of the other green space on the site was added in the difference is about 700 square feet short.

Commissioner Fowler commented that she was confident this business would do well in the area and was excited about it. She shared that she did not think parking would be an issue. She inquired if they could indicate that they would pass the site plan and parking deviation contingent on the submission of the geotechnical and geologic hazards report by a certain date.

Mr. Draper replied that they could but noted staff's recommendation is for a continuance.

Ms. Jastremsky clarified that under the conditions for the site plan there were ones regarding a condition on the geotechnical report. She noted they were numbers two and four located on page seven. She read those conditions aloud to the Commission.

Commissioner Fowler stated she would like to accommodate the needs of the company.

Commissioner Tonks expressed she would be comfortable approving it contingent on all the items being met.

Commissioner Van Hoff agreed.

**Motion:** Commissioner Fowler motioned to approve the parking deviation as requested by Cori Place, representing the Alice Lane Home Collection Company. Application SPR-1030-2020. Based on the Staff recommendations and findings, especially the conditions of approval listed in the Staff report dated December 7, 2020

**Second:** Commissioner Van Hoff

**Vote:** A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Van Hoff, Player, Fowler, Tonks, and Bingham voted, "Aye".

**Motion:** Commissioner Fowler motioned to approve the Site Plan as requested by Cori Place, representing the Alice Lane Home Collection Company. Application SPR-1030-2020. Based on the Staff recommendations and findings, especially the conditions of approval listed in the Staff report dated December 7, 2020

**Second:** Commissioner Tonks

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

**12. Public Hearing: Quinn Court Office 2<sup>nd</sup> Amended Site Plan (Administrative Action)**

On the request of Jay Rice, representing JAR Real Estate Development, for an Amended Site Plan to the Quinn Court Office located on 1.93 acres at 11980 South 700 East. Application SPR-1107-2020. Staff Contact: Jennifer Jastremsky, 801-576-6328, [Jennifer.jastremsky@draper.ut.us](mailto:Jennifer.jastremsky@draper.ut.us).

Ms. Jastremsky provided an overview of the Item. She shared that there was an office building on the property approved in August 2018. She stated the property was in the land use designation of neighborhood commercial and was zoned neighborhood commercial. She further explained that the applicant was proposing to modify the type of wall on their site from a masonry rock wall to a steel enforced polyethylene fence. She noted the proposal complied with code.

Commissioner Fowler asked if the neighborhood had been against a regular vinyl fence when this item came before them previously for approval.

Ms. Jastremsky stated the applicant had proposed to get rid of the fence all together and that the existing vinyl fence along the residence to the north was sufficient.

Commissioner Van Hoff asked if the top portion was open decorative rail.

Ms. Jastremsky clarified that there was eight inches of decorative rail along the top.

Jay Rice, Applicant, commented that they could install a polyethylene fence quickly and believed it would serve the purpose quite well.

Chairman Adams opened the public hearing portion of the Agenda Item.

Chase Yates, 698 East, shared that his main concern was safety. He shared that there was more security with the masonry wall if a car were to crash into the fence. He noted the neighboring homes all had their gas lines on the south side of their property neighboring the commercial building.

Mike Denney, 685 East 1200 South, commented that when the city approved for the commercial building to be built it was indicated a masonry fence would be put up as well. He shared that he was opposed to putting the wall on the west side of the canal because it did not work for him, He explained that a wall on the west side would block a driveway he uses and would not cover the entirety of the west side of the office space. He pointed out that the commercial building site drains into the canal and Draper City needs access to the canal. He noted that people still use the canal and he believed that East Jordan Irrigation Company would not agree to a fence being put over it.

Christian Cole pointed out that the condition of the concrete wall was part of the original approval done in 2017. He asked that the applicant do what they originally said they would do. He clarified that the community wanted a concrete rhino wall. He shared that they have compromised on

multiple items, but they will not budge on this. He indicated they wanted the fence to act as a buffer of sound, enhancement of privacy, and to keep items and people out of the ditch.

Louis Haupt 637 East Falconer Court, he shared that he hoped the commission received the petition signed by over 20 local neighbors. He listed several commercial buildings in the area built with masonry walls. He commented that vinyl buffer walls were not consistent with Draper City Code. He stated that vinyl did not provide the necessary safety and sound mitigation and was not durable. He explained that he believed this material had not previously been used because it did not meet code requirements. He expressed that the proposed change was only about money and asked that the commission not allow the variance since it would set a bad precedence.

Michael Mangelson, 676 East Falconer Court, he pointed out that his front door was about 20 feet from where the proposed wall would be built. He pointed out that the office complex was a quality project, and he did not believe the vinyl fence was consistent with it. He added that he questioned if the proposed fence were up to code since code requires a wall and it is not a solid structure. He clarified that he did not believe it was a sufficient buffer. He respectfully requested the Commission deny the request.

Tyson Moore, 12041 South 645 East, agreed with the previous comments. He remarked that safety for children was a major concern for him. He noted there was two bus stops for kids along 12000 South. He stated the neighbors wanted a substantial wall and it was clear that the code required one at least six feet tall.

Cameron Nelson indicated he agreed with all the previous comments. He noted that there was a lot of pedestrian traffic in the area and vinyl fences get destroyed. He expressed that it made more sense to build a stronger fence that would be harder to damage and demand less maintenance. He stated that he hoped the Planning Commission would not vote in favor of the amendment.

Chairman Adams closed the public comment period.

Commissioner Bingham commented that a rhino wall was much sturdier, looked nice, and would do a better job separating off the community.

Commissioner Van Hoff pointed out that staff has identified the fence has to be a minimum of six feet tall. He shared that on exhibit E the fence is along the east side of the canal and he believes it should stay that way.

Commissioner Fowler stated she understood that the applicant did originally promise to build a masonry fence and the neighbors still want that.

Ms. Jastremsky noted that the applicant's proposal complies with the City Code and so there were only so many things they could and could not do. She noted that in January the City planned to fix some deficiencies in the land use buffer code.

Commissioner asked if they could hold the applicant to their original promise even if the amendment complies with code.



Mike Barker, City Attorney, responded that if they planned to deny it, they needed to identify a portion of the code the application did not meet.

Commissioner Fowler asked if the wall they were proposing really met code if it was only steel re-enforced on the posts.

Ms. Jastremsky replied that the code did not specify what portions of the wall needed to be re-enforced.

Commissioner Tonks inquired what the role of public clamor was in all of this even if everything met code.

Mr. Barker responded that public clamor has no role in an administrative decision.

Mr. Rice noted that the cost for a rhino wall was only seven dollars more, so the cost was not an issue. He clarified that he would be willing to do the rhino wall if they could order the wall and allow tenants to move in prior to it being installed potentially five months later.

Ms. Jastremsky indicated the applicant would be allowed to post a bond to get temporary occupancy of the building before the fence was installed.

Mr. Rice stated he would like to withdraw the application and go with the already approve rhino fence.

Ms. Jastremsky remarked that she would email Mr. Rice the bond information tomorrow.

### **13. Public Hearing: Crosspoint CSD Zoning Text and Zoning Map Amendment (Legislative Action)**

On the request of Ralph Johnson to create a new commercial special district and rezone the subject property the Crosspoint Commercial Special District. The proposed district standards will be located in Chapter 9-18 of the Draper City Municipal Code and the new zoning designation would be Crosspoint Commercial Special District (CSD-CP). The property is currently zoned CR (Regional Commercial) and is located at approximately 166 E. Highland Road. Applications TA-051-2018, and GPMA-002-2018. Staff Contact: Maryann Pickering, 801-576-6391, [maryann.pickering@draper.ut.us](mailto:maryann.pickering@draper.ut.us).

Ms. Pickering introduced the item by first identifying the location of the site at the corner of Highland and Traverse Ridge Road. She noted the land use designation was community commercial and the zoning for the property was regional commercial. She explained that the proposed rezoning was to change the site from Regional Commercial to Commercial Special District and to create the new Commercial Special District (CSD) as part of a zoning text amendment. She pointed out the new text amendment would be in chapter 9-18 of the municipal code.

Ms. Pickering presented some highlights of the proposed CSD including a maximum of three multi-story office buildings, retail pads can be one story or 22 feet, cross access within the project is identified, design and sign standards, as well as standards for landscaping and lighting. She further described the CSD and noted the uses would be for things similar to other commercial district in the area. She identified the primary use of the property as office with up to four retail buildings and three drive through.

Ms. Pickering pointed out that the building height did not include rooftop screening allowing a building to be taller than the maximum height allowed. She continued identify the proposed landscaping at 15% with no buffer size identified and no trees required which are things required in the municipal code. She shared that regarding parking it was slightly less than the municipal code and is only shown for office and retail which she believed could be problematic. She shared that the current CSD only identifies cross access if there is separate ownership. She noted that she would recommend cross access regardless of ownership making it consistent with city code as well as stronger language regarding cross access to the project to the south called The Seasons.

Ms. Pickering stated that an updated traffic study has been requested but has not been submitted to the City. She presented a visual of the site layout and identified the access points on the layout. Current site photos were then shared with the Commission.

Commissioner Fowler liked the changes Ms. Pickering recommended for the CSD.

Ms. Pickering explained the different options of moving forward if they wanted to implement those changes.

Ralph Johnson, Applicant, stated that they were proposing a development plan that was economically favorable to Draper City and complies with the goals and objectives of the General Plan. He noted they discussed this plan with each member of City Council and believed this plan had their support. He provided a history of the site indicating that a master plan for the area was done about 30 years ago. He believed his development would help complete that master plan as originally envisioned. He shared that this site would have retail and four restaurants. He noted that they would landscape the area and that trees would be included. He noted there were plans to have a micro hospital in the development with office spaces to accommodate medical clinics. He shared that they also had technology office buildings. He pointed out that the buildings were put perpendicular to the road to create less impact on views from the valley. He shared that they explained that there would be more than typical requirements for parking and open space within this project. He reiterated that he was convinced that the development was consistent with the general plan. He shared that there was a height limit to the buildings that included the parapet wall and they have submitted a traffic plan. He clarified that they were there tonight to ask for their support by approving this advantageous plan. He noted they were willing to talk more with the city and clear up any additional misunderstandings.

Ms. Pickering identified different options to move forward with this Item.

Chairman Adams indicated he was in favor of continuing the Item and allowing the applicant to work more with Staff.

Commissioner Fowler remarked that there was a lot of community members present to speak on the Item and wanted to allow them to make their comments.

Chairman Adams opened the public hearing and recommended speakers bringing new ideas to the table and not repeat comments.

Joycelyn Araya commented that she was not clear of the recommended city code change. She stated that he wanted to increase building height by 25 feet which would directly affect the view of the townhomes she lives in and would devalue them. She noted that the development would add traffic to the area. She explained that she was not opposed to the development and liked that the buildings were placed perpendicularly but she wanted them to stay within the code.

Samuel Wilkinson stated the cross-access road between the residential and commercial space was not to meet city requirements but to accommodate the neighbor. He pointed out the request for the CSD are in line with other CSDs in the area that have been approved and he did not believe the development conflicted with city plans.

Ann Barrett shared that here were both aesthetic and practical reasons for being against having lower amounts of landscaping and higher buildings including reducing their ability to deal with runoff and putting neighboring properties at more risk for safety issues. She noted that building codes were put in place for a reason and should be followed.

Catherine Merrill remarked that she had concern with the lack of landscaping in addition to possibly not being able to get out onto Highland Drive because of the development. She believed it was not a good idea to have taller buildings and would like to maintain the views that they paid for.

Jeff Jacobs explained that he has seen a lot that he likes about the developments including the restaurants going in but understood the valid concerns from neighbors. He hoped that the project could move forward about how it is currently being proposed.

Tiffany Bloomquist indicated she had questions about the protection between the development and the townhomes. She asked specifically if there would be a wall and how tall it might be. She noted that she was also concerned about a second light being put in so close to an existing one and how that might affect traffic in the area.

Bryson Perry commented the site layout was appealing to him but understood the concerns with traffic. He stated he was not clear where the light would be put in. He shared that they felt the developer should build things within reason, but he also feels that the homeowners cannot stop commercial land from being developed simply because of views.

Alyssa Dvorak stated she was in support of the project. She remarked that she believes the micro hospital and restaurants would be beneficial to the area.

Mark Holliday expressed he was excited about the project as it is laid out, especially the restaurants. He noted that people in the neighborhood did not have a right to the skyline but did feel that the height limits in place did need to be kept. He noted that the developer may get more support from the community if they would clean up the garbage on the property.

Chris Dyas remarked that he was excited for the development and believed they were supporting small businesses by allowing this to go forward. He stated this was exactly what then needed for the area.

Jackie Manuell stated that while she was in support of the micro hospital and restaurant, she believed it was unfair for the height restrictions to be changed that would negatively impact neighboring property values.

Wendy Anderson commented they were opposed to the development amending any current Draper Code. She asked that they consider the investment that current homeowners had made and protect that as much as possible.

John Pain explained that they did a lot of research on the area before purchasing a property in the area and indicated that views were very important to them. He noted that his properties with views were worth much more than those with the same floor plan because of the views. He indicated that he appreciated the developers plan but noted blocking those views would directly impact the amount of money his properties were worth. He added that he would like to see something nice done between the Chandler Point homes and the developer's property.

Daniel Rino noted he was also excited about the restaurants but did not see a reason for them to make exceptions for the developer from the current code. He suggested they add more green space to the office park as well.

Mary O'Donnell remarked that she wanted the developer to keep to his plan of putting a masonry wall between the development and the neighboring homes and not putting exterior lights near the residence. She stated that she wanted the developer to keep to the city's landscaping requirements. She reiterated that they should not allow for the height limit to be changed for this development.

Chairman Adams indicated he would leave the public hearing open in case the Item is continued.

**Motion: Commissioner Fowler motioned to continue both the Crosspoint CSD zoning text amendment and zoning map amendment proposed by Ralf Johnson, applications TA-051-2018 and GPMA-002-2018, to a date uncertain.**

**Second: Commissioner Tonks**

**Vote: A roll call was taken with the Commissioners voting 5-0 in favor of the motion. Commissioners Van Hoff, Player, Fowler, Tonks, and Bingham voted, "Aye".**

#### **14. Adjournment**

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Chairperson Adams motioned to adjourn the meeting; all were unanimous in favor of the adjournment.

**The meeting adjourned at 10:51 p.m.**