



CITY COUNCIL AGENDA

Notice is hereby given that the Draper City Council will hold a **Business Meeting** beginning at **5:30 p.m.** on **Tuesday, September 3, 2013** in the City Council Chambers at 1020 East Pioneer Road, Draper, Utah.

(Timings listed for each item on the agenda are approximate and may be accelerated or delayed)

The Agenda will be as follows:

STUDY MEETING

- 5:30 p.m.** **1.0** Dinner
- 6:00 p.m.** **2.0** **Adjourn to Closed Meeting** to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual.
- 6:30 p.m.** **3.0** **Council/Manager Reports**

BUSINESS MEETING

- 7:00 p.m.** **1.0** **Call to Order:** Mayor Darrell Smith
- 7:00 p.m.** **2.0** **Comment/Prayer and Flag Ceremony:** to be announced
- 7:10 p.m.** **3.0** **Citizen Comments:** *To be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be restricted to items not listed on the agenda and limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.*
- 7:20 p.m.** **4.0** **Consent Items:**
- a. Approval of August 20, 2013 City Council Minutes.
 - b. Approval of 2013/2014 Community Forestry Partnership Grant Application.
 - c. Approval of **Amendment #1 to Agreement #12-139** changing Nelson Contractors from a secondary vendor to the primary vendor for road salt deicing materials and extending the contract term through October 22, 2014.

d. Approval of **Agreement #13-207** to S & L, Inc. for the Traverse Ridge Road-Detention Basin 6A Storm Drain Project.

- 7:25 p.m. 5.0 Public Hearing: Ordinance #1057**, Approving a Zoning Map Amendment of 1.71 acres at 12201 South 300 East from the A5 Agricultural zone to the CC Community Commercial zone. The application is otherwise known as the **Chick-fil-A Zone Change Request**, Application #130719-12201S. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.
- 7:35 p.m. 6.0 Public Hearing: Ordinance #1060**, Approving a Zoning Map Amendment in the Ptarmigan Pointe II subdivision to amend the official zoning map on Lot 209 from RA1 to RA2 at 13133 Grouse Pointe Cove. The application is otherwise known as the **Ptarmigan Pointe Zoning Map Amendment Request**, Application #130703-13133S. Staff contact is Dan Boles at (801) 576-6335 or email at Dan.Boles@draper.ut.us.
- 7:45 p.m. 7.0 Adjourn** to Closed Meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual. (If needed)

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the Deputy City Recorder of Draper City, certify that copies of the agenda for the **Draper City Council** meeting to be held the **3rd day of September, 2013**, were posted on the Draper City Bulletin Board, Draper City website www.draper.ut.us, the Utah Public Meeting Notice website at www.utah.gov/pmn, and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

Date Posted: 08/30/2013
City Seal



Angie Olsen
Angie Olsen, CMC, Deputy City Recorder
Draper City, State of Utah

PUBLIC HEARING PROCEDURE AND ORDER OF BUSINESS

In compliance with the American with Disabilities Act, any individuals needing special accommodations including auxiliary communicative aides and services during this meeting shall notify Angie Olsen, CMC, Deputy City Recorder at (801) 576-6539 or angie.olsen@draper.ut.us, at least 24 hours prior to the meeting. Meetings of the Draper City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone and the meeting will be conducted pursuant to Draper City Municipal Code 2-1-040(e) regarding electronic

Return to Agenda

ITEM #5

REQUEST FOR COUNCIL ACTION

To: Mayor & City Council
From: Dennis Workman
Date: 8-27-13 for 9-3-13 CC hearing

Subject: Chick-fil-A Zone Change

Applicant Presentation: Ryan Robinson

Staff Presentation: Dennis Workman

RECOMMENDATION:

To approve Ordinance 1057, as recommended by the Planning Commission.

BACKGROUND AND FINDINGS:

This is a request for a zone change from A5 to CC on 1.71 acres located east of McDonalds on 12300 S. This request is in anticipation of the site being developed for a Chick-fil-A restaurant, which is a permitted use in the CC zone. The parcel depicted on the attached maps has actually not been created yet, meaning that the applicant is rezoning to a described boundary. The subdivision of property will not be applied for until after the city council approves the rezone. The Planning Commission approved this request with the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

PREVIOUS LEGISLATIVE ACTION:

August 22, 2013: Planning Commission reviewed and recommended approval of the rezone.

FISCAL IMPACT: Finance Review: Pow

- This rezone will facilitate the development of the subject property for a Chick-fil-A restaurant, which will contribute to the city's tax base.

SUPPORTING DOCUMENTS:

- Ordinance 1057
- Staff Report to Planning Commission, with maps
- Minutes from Planning Commission hearing of August 22, 2013

ORDINANCE NO. 1057

AN ORDINANCE AMENDING THE DRAPER CITY ZONING MAP CHANGING THE ZONING OF APPROXIMATELY 1.71 ACRES OF PROPERTY LOCATED WITHIN DRAPER CITY, STATE OF UTAH, FROM A5 TO CC, OTHERWISE KNOWN AS THE CHICK-FIL-A ZONE CHANGE

WHEREAS, the City has received a request submitted by the authorized agent of the subject parcel requesting certain described real property in Draper City, Salt Lake County, State of Utah, be rezoned; and

WHEREAS, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change and amendment to the Official Zone District Map of Draper City, and the City Council has found the proposed zoning change to be consistent with the City's General Plan; and

WHEREAS, all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zone District Map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Zoning Map Amendment. The following described real property located at 12201 S. 300 E. within Draper City, Salt Lake County, State of Utah, previously zoned A5 as shown on the Draper City Zone District Map, hereinafter referred to as the "Property," is hereby changed and rezoned to CC:

Beginning at a point on the north line of 12300 South Street said point being North 00°03'00" West 1,622.05 feet along the section line and South 89°38'13" East 226.80 feet from the South Quarter Corner of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running:

thence North 00°03'00" West 238.18 feet;
thence North 89°40'10" West 15.20 feet;
thence North 00°03'00" West 104.73 feet;
thence North 89°40'10" West 175.97 feet to a point on the east line of 300 East Street;
thence North 00°03'00" East 34.48 feet along said east line;
thence South 89°40'10" East 366.22 feet;
thence South 117.11 feet;
thence South 00°03'00" East 267.38 feet to a point on said north line of 12300 South Street;
thence North 89°38'13" West 23.56 feet along said north line;
thence North 78°37'26" West 36.64 feet along said north line;
thence North 89°38'13" West 115.53 feet along said north line to the point of beginning.

Contains 74,533 square feet or 1.711 acres.

Section 2. Severability Clause. If any part or provision of this ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This ordinance shall become effective immediately upon publication or posting or thirty (30) days after final passage, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH,
ON THIS ____ DAY OF _____, 2013.**

ATTEST:

DRAPER CITY

By: _____ By: _____
City Recorder Mayor



Community Development Department
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539 Fax (801) 576-6526

STAFF REPORT
August 9, 2013

To: Planning Commission
Business Date: August 22, 2013

From: Development Review Committee
Prepared by Dennis Workman, Planner II

Re: Chick-fil-A Zone Change
Application No.: 130719-12201S
Applicant: Ryan Robinson
Location: 12201 S. 300 E.
Zoning: A5
Parcel Size: 1.71 acres
Request: Zone change from A5 to CC

BACKGROUND

This is a request for a zone change from A5 to CC on 1.71 acres located east of McDonalds on 12300 S. This request is in anticipation of the site being developed for a Chick-fil-A restaurant, which is a permitted use in the CC zone. The parcel depicted on the attached maps has actually not been created yet, meaning that the applicant is rezoning to a described boundary. The subdivision of property will not be applied for until after the city council approves the rezone, which will likely be at the council's first meeting in September. The subdivision application will run concurrently with the site plan application at the Planning Commission.

ANALYSIS

General Plan. The land use element of the General Plan designates the subject property as Neighborhood Commercial. The CC zone is appropriate within the Neighborhood Commercial land use—a designation that extends from 300 East to 1300 East on the north side of 12300 South. Chapter 9-8 states that “[T]he purpose of the CC zone is to provide areas where commercial uses may be established which are generally oriented toward local residents rather than out-of-town patrons. Uses typical of this zone include planned retail and office development and limited medium-to-high density residential uses that can be harmoniously mixed with commercial development.”

Criteria for Rezone Approval. The criteria for review and potential approval of a zone change request is found in Section 9-5-060(e) of the Draper City Municipal Code. The review standards are:

- (e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

- (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
- (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- (3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
- (4) The extent to which the proposed amendment may adversely affect adjacent property; and
- (5) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Planning Review. As stated above, CC zoning is appropriate within the Neighborhood Commercial land use designation. There is pre-existing CC zoning on either side of the subject site along 12300 South. The 1.71 acre subject site is presently part of a 12 acre parcel that is zoned A5, meaning that all the property north of the subject site will retain that designation. A restaurant with a drive-up window (which puts it in the *fast food* category) is appropriate for this high traffic location, and staff sees no downside to rezoning the property to accommodate it. The zoning map shows that a section of the McDonald's parcel has retained the A5 zoning. Staff has reviewed past GIS data sets and learned that in May 2010, the McDonald's property was three separate parcels. The next time the city received a revised data set, which was August 2010, the parcels had been merged. The McDonald's rezone obviously took place sometime before the lot line merge, and only affected the larger parcel. Such zoning anomalies can be easily fixed at staff level through by the Zoning Administrator.

Engineering Review. In a memo dated August 1, 2013 Brien Maxfield states:

We have reviewed the subject zone map amendment application and recommend approval. In accordance with the provisions of Section 9-5-060(e) of the Draper City Municipal Code (DCMC), we speak primarily to the adequacy of facilities and services intended to serve the subject property. As you are aware, a decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors. Accordingly, the following comments are recommended for your consideration:

1. *Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;*

The City's Land Use Element of the General Plan appears to designate this parcel as "Commercial/Employment Zone." Its current zoning is A5. This use is characterized by their strategic placement along high-traffic corridors with convenient points of traffic access to and from residential areas. This category includes the full use of retail and commercial businesses providing economic vitality to the community. Examples of appropriate services include restaurants and fast food establishments, personal services, commuter oriented areas, etc. The General Plan recommends encouraging Community Commercial (CC) zoning development along 12300 South.

2. *Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*

No conflicts were noted.

3. *The extent to which the proposed amendment may adversely affect adjacent property;*

The adjacent property owners to the east and west are zoned CC. North of the parcel is zoned RA2. In the General Plan it indicates that buffering and transitions around existing low density single-family residences are appropriate.

4. *The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection;*

We are not aware of any inadequacies of the facilities intended to serve this property.

1. Connectivity with this parcel is not an issue. It has fronting access to both 12300 South and 300 East. The future connection of 12200 South to 300 East passes through this parcel.
2. The storm drainage facilities fronting the property in 12300 South are owned and maintained by Utah Department of Transportation (UDOT). Any connection or drainage discharge to that system requires UDOT authorization. Any discharge must still comply with onsite detention required in accordance with the provisions of the site plan requirements within the Draper City Municipal Code.
3. Sanitary sewer facilities will be provided by South Valley Sewer District. Any site plan application will require a commitment to serve from the Sewer District that facilities are adequate to provide service for the proposed uses.
4. Culinary water service is provided by WaterPro. Any site plan application will require a commitment to serve from WaterPro that facilities are adequate to provide service for the proposed uses.

Fire Marshal. Don Buckley with the Unified Fire Authority has no comment at this time.

Building Official. Keith Collier has no comment at this time.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a positive recommendation to the City Council regarding the Chick-fil-A zone change request, application 130719-12201S, based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

MODEL MOTION

Sample Motion for Positive Recommendation. "I move we forward a positive recommendation to the City Council regarding the Chick-fil-A zone change request by Ryan Robinson, application 130719-12201S,

based on the findings listed in the staff report dated August 9, 2013, and the following additional findings:"

1. List additional findings, if any.

Sample Motion for Negative Recommendation. "I move we forward a negative recommendation to the City Council regarding the Chick-fil-A zone change request, application 130719-12201S, based on the following findings:"

1. List all findings.



Subject Property



Chick-fil-A Zone Change A5 to CC

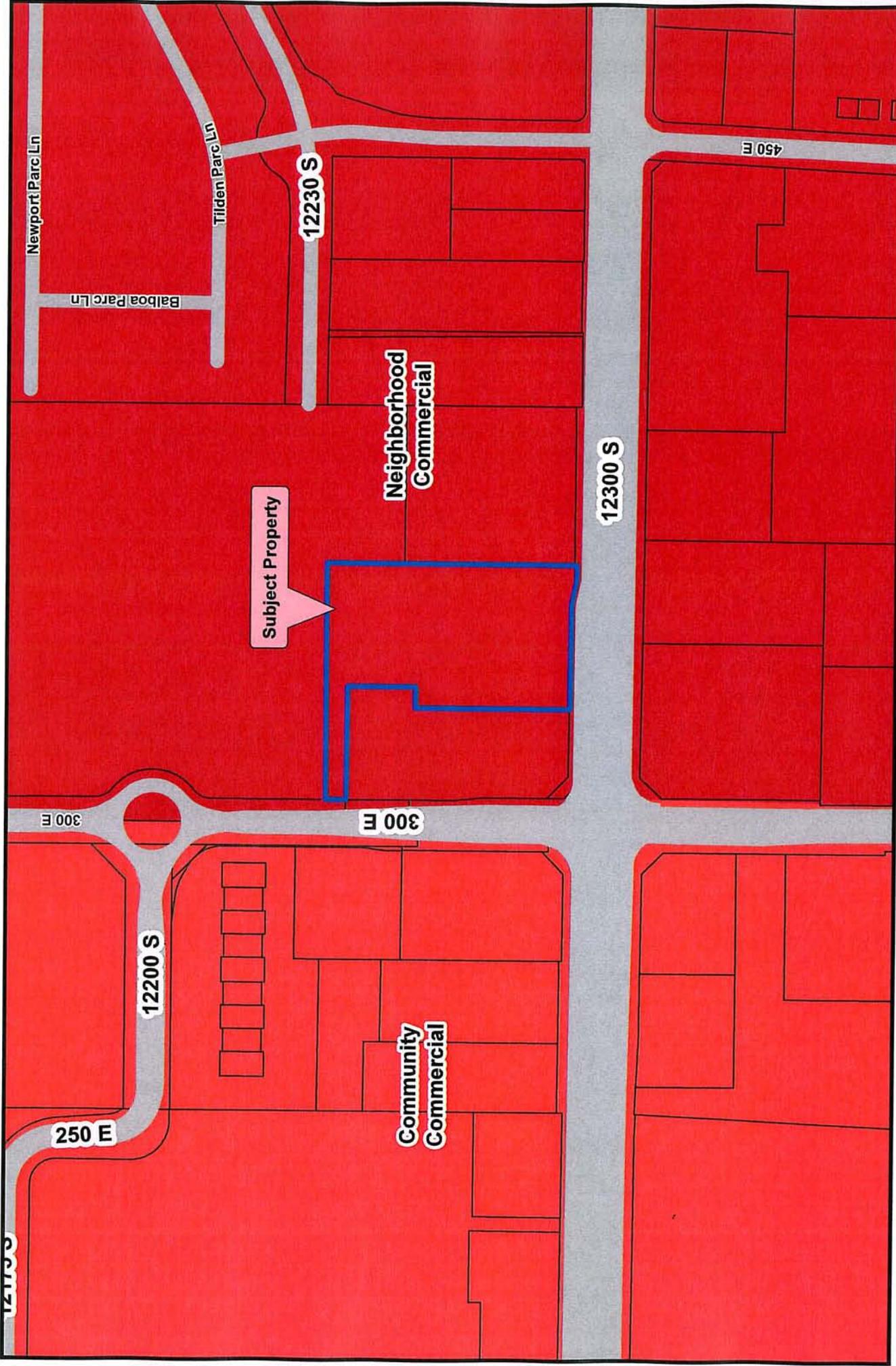
Aerial Map

1 inch = 200 feet



DRAPER CITY

Date: 8/12/2013



Chick-fil-A Zone Change A5 to CC

Landuse Map
1 inch = 200 feet





Chick-fil-A Zone Change A5 to CC

Zoning Map

1 inch = 200 feet



**MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD
ON THURSDAY, AUGUST 22, 2013 IN THE DRAPER CITY COUNCIL
CHAMBERS**

*“This document, along with the digital recording, shall constitute the complete minutes for
this Planning Commission meeting.”*

PRESENT: Chairperson Drew Gilliland, Planning Commissioners Andrew Adams, Ryan, Clerico, Leslie Johnson, Kent Player, and Marsha Vawdrey. Alternate Commissioners Craig Hawker and Traci Gundersen.

STAFF PRESENT: Doug Ahlstrom, Keith Morey, Dennis Workman, Dan Boles, Carolyn Prickett, Jennifer Jastremsky, and Angie Olsen

ALSO PRESENT: Roll on File

Study Meeting:

6:16:14 PM

Study Business Items: The Commissioners reviewed the application for the business meeting and addressed questions to staff members.

**** Staff Reports were heard out of order.*

6:22:37 PM

5.0 **Staff Reports:** Staff provided the Planning Commission with a report regarding the recent actions of the City Council.

Business Meeting:

Chairperson Gilliland explained the rules of public hearings and called the meeting to order at 6:32:50 PM.

The Oath of Office for Alternate Planning Commissioner Craig Hawker was administered by Deputy City Recorder, Angie Olsen at 6:33:23 PM.

6:34:40 PM

1.0 **Action Item: Approval of minutes from the July 18, 2013 Planning Commission meeting.**

6:35:26 PM

- 1.1 **Motion.** Commissioner Player made a motion to approve the minutes of the Planning Commission meeting held on July 18, 2013 with submitted changes. Commissioner Head seconded the motion.

6:35:56 PM

- 1.2 **Vote.** A roll call vote was taken with Commissioners Player, Vawdrey, Head, Adams, and Johnson voting in favor of approving the minutes.

6:36:05 PM

- 2.0 **Public Hearing: On the request of Ryan Robinson for approval of a Zoning Map Amendment of 1.71 acres at 12201 South 300 East from the A5 Agricultural to the CC Community Commercial zone. The application is otherwise known as the Chick-fil-A Zone Change Request, Application #130719-12201S.**

6:36:25 PM

- 2.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated August 9, 2013, Planner Dennis Workman reviewed the details of the proposed application. He explained the applicant has requested a zone change for the subject property from A5 Agriculture to CC Community Commercial. He reviewed the overall parcel of property owned by the applicant and highlighted the section of the parcel that is being rezoned, which is 1.71 acres. He stated the applicant has plans to develop the property for a Chick-fil-A restaurant and staff recommends approval of the application, based on the findings and subject to the conditions listed in the staff report, because it meets all development requirements included in the Draper City Municipal Code (DCMC).

6:38:41 PM

- 2.2 Chairperson Gilliland opened the public hearing.

6:39:02 PM

- 2.3 Brenton Rasmussen, 723 E. Corner Ridge Drive, stated he feels like the addition of Craig Hawker to the Planning Commission is fantastic. He stated he has three fairly quick comments; one is the God is not making any more land or roads. He added that he thinks Chick-fil-A will be very competitive with the other businesses in the area. He stated he owns lands on two sides of this subject property and he is extremely excited for a quality company and quality people to come to the City and he is in favor of the zone change. He added that anything that can be done for agricultural property would be greatly appreciated because those property owners are fighting a battle to get water down the ditch to have a field to farm. He stated he plans to farm until he dies and he then thanked the staff for all their hard work and professionalism as well.

6:41:03 PM

- 2.4 There being no additional persons appearing to be heard and the public hearing was closed.

6:41:10 PM

- 2.5 **Motion:** Commissioner Head moved to forward a positive recommendation to the City Council regarding the Chick-fil-A zone change request by Ryan Robinson, application 130719-12201S, based on the findings listed in the staff report dated August 9, 2013. Commissioner Player seconded the motion.

Findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

6:41:40 PM

- 2.6 Commissioner Head stated he thinks this is a very good use of the subject property and the business will be a great addition to the City.

6:41:58 PM

- 2.7 **Vote:** A roll call vote was taken with Commissioners Head, Adams, Johnson, Player, and Vawdrey voting in favor of forwarding a positive recommendation to the City Council.

6:42:08 PM

- 3.0 **Public Hearing: On the request of Trace Coccimiglio for approval of a Zoning Map Amendment of approximately 1.97 acres at 12855 South & 12875 South Minuteman Drive from CR Regional Commercial to CG General Commercial. This application is otherwise known as the Valet Auto Body Zoning Map Amendment Request, Application #130723-12855S.**

6:42:37 PM

- 3.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated August 13, 2013, Planner Dan Boles reviewed the details of the proposed application. He stated this is an application for approval of a Zoning Map Amendment for approximately 1.97 acres located on Minuteman Drive, at approximately 12855 & 12875 South Minuteman. He noted the application consists of three parcels that are currently zoned CR Regional Commercial and the applicant is requesting that a Zoning Map Amendment be approved changing the property's zoning category from CR to CG (General Commercial). He reviewed a plat of the area and highlighted the location of the subject property and noted it is located in the middle of an industrial area. He stated most of the surrounding property owners are also zoned CR, but there are CG properties located to the north of the subject property. He reviewed the land use map and noted it is the guide for how the property should be zoned in the future. He pointed out that the future projected use of the property is CC Community Commercial and CR and CG zones are both permitted in that land use category. He stated the question of whether to approve the rezone should be based on what is most appropriate for the area. He noted the CG and CR zones are not too different and he reviewed some of the minor differences between the two zones. He noted the applicant is seeking to move his business from 12675 South Minuteman to the subject property and he will build another building to the north of the existing building that would be used as an auto body shop. He stated that if the property is zoned CG, the applicant is allowed to ask for a conditional use permit (CUP) for that use, but he would not be allowed to do that if the property continues to carry the CR zoning designation. He stated staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

6:46:20 PM

- 3.2 Commissioner Player stated it appears the proposed use fits in with other uses in the area.

6:46:36 PM

- 3.3 Mr. Boles stated the applicant was unable to attend tonight's meeting.

6:46:36 PM

- 3.4 Chairperson Gilliland opened the public hearing. Seeing no persons appearing to be heard, the public hearing was closed.

6:46:53 PM

- 3.5 Commissioner Johnson referred the Planning Commissioners to the land use table provided by staff and noted there are three areas where there is a non-permitted use in the CR zone that are conditionally permitted uses in the CG zone. She stated those uses could be concerning, though she does not know if that is the case. She reviewed the three uses that she was referencing and stated that just because the Planning Commission is being told tonight that the plan is to build an auto body

repair shop on the property, once the zone changes that plan could change. She stated any uses allowed in the zone could be requested once the rezone is approved. She stated she is somewhat concerned about the application for that reason, but she thinks the applicant has good intentions and the use being specified tonight does fit into the surrounding area.

6:48:12 PM

- 3.6 Commissioner Player stated the applicant would need to apply for a CUP for those uses referenced by Commissioner Johnson and the Planning Commission would have the opportunity to consider that application. Commissioner Johnson stated that is correct, but noted the Planning Commission could not deny the application for a CUP if the impacts of the use could be mitigated. Commissioner Head added that he would not have a concern about any of the other uses referenced by Commissioner Johnson locating in the area of the subject property.

6:48:41 PM

- 3.7 **Motion:** Commissioner Head forward a positive recommendation to the City Council for the Valet Auto Body Zoning Map Amendment Request by Trace Coccimiglio, application 130723-12855S, based on the findings and subject to the conditions listed in the Staff Report dated August 13, 2013. Commissioner Vawdrey seconded the motion.

Findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, which identifies the subject property as Community Commercial, specifically:
 - a. *Create a balanced community where residents can live, work and play, and have their essential needs met.*
 - b. *Encourage the establishment of a strong tax base by accommodating commercial and industrial development in appropriate areas.*
 - c. *Encourage development that can be adequately supported by required services and facilities; which conserves, to the extent possible, the natural and man-made environment.*
 - d. *Encourage infill development in close proximity to existing facilities to promote orderly growth while reducing the cost and extent of public services.*
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.

6. That CG zoning has already been established in the area specifically along Minuteman Drive.
7. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

6:49:22 PM

- 3.8 **Vote:** Commissioners Head, Johnson, Adams, Vawdrey, and Player voted in favor of forwarding a positive recommendation to the City Council.

6:49:34 PM

- 4.0 **Public Hearing: On the request of Clark Jones, representing Parkway Lane Group, LLC for approval of a Commercial Site Plan on 1.58 acres in the CC Community Commercial zone to allow an office building at 13957 South Bangerter Parkway. The application is otherwise known as the Black Sage Professional Office Site Plan Request, Application #130626-13957S.**

6:49:56 PM

- 4.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated August 9, 2013, Planner Dennis Workman reviewed the details of the proposed application. He reviewed an aerial map of the site and referenced some of the businesses located in the Black Sage Subdivision and stated the building under review will be located closer to the street and is located on 0.75 acres of property that has been called out as lot two of the Subdivision. He stated the application meets the requirements of the DCMC and he noted that one of the main concerns of staff in the past has been relative to building materials and in this case the applicant recommended a building with 80 percent of primary building materials on all sides of the building, which exceeds the requirements of the DCMC. He then reviewed the landscape plan for the project and stated staff is comfortable with it as well. He reviewed the proposed architecture of the building and noted it is a modern architecture that has been 'dressed up' somewhat. He stated the parking requirements have also been met by the applicant; there will be 25 parking spaces on the subject property and it was necessary to use a portion of lot three to provide that many spaces. He stated there is a cross parking agreement or easement throughout the entire Black Sage Subdivision. He then concluded his report by stating staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

6:53:18 PM

- 4.2 **Applicant's Presentation:** Clark Jones representing Parkway Land Group of Highland stated he had nothing to add to Mr. Workman's report.

6:53:45 PM

- 4.3 Commissioner Player stated this is an interesting design that the City has not seen before and it is nice to see something different. Mr. Jones stated the idea was

gathered from a nearby development. Commissioner Player asked if there are confirmed tenants to occupy the office building. Mr. Jones stated there are an orthodontist and pediatric dentist that may take both suites in the building. Commissioner Player stated that is good because there are many office buildings throughout the City that are vacant.

6:55:12 PM

- 4.4 Commissioner Vawdrey asked if the office building will share parking spaces with the Jiffy Lube located in the subdivision. Mr. Jones stated that the building will not technically share parking with any other business. He stated that he owns the entire Subdivision; the business will encroach somewhat on lot three, but all three lots are owned by the same owner so there was not need to change the lot lines.

6:55:56 PM

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

6:56:09 PM

- 4.6 **Motion:** Commissioner Adams moved to approve the site plan request by Clark Jones, application 130626-13957S, based on the findings and subject to the conditions listed in the staff report dated August 9, 2013. Commissioner Player seconded the motion.

Conditions:

1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site.
4. That all requirements and recommendations of the geotechnical report and the subsequent city review of that report are satisfied throughout the development of the site.
5. That the applicant submits a CD to the City that contains all plan set sheets in their final versions, using appropriate AutoCAD format.
6. That no signage is reviewed or approved as a part of the subject site plan review, and all signage is reviewed and approved under a separate application.
7. That the final plan set shows the future building site to be treated with weed barrier and gravel.
8. That upon Planning Commission approval, the applicant submits 12 sets of plans to be stamped "Approved for Construction." Six of these shall be 24x36 in size and six shall be 11x17. Each of these sets shall contain all

sheets previously submitted for review stapled together.

Findings:

1. That the proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
2. That the proposed development meets the requirements and provisions of the DCMC.
3. That the proposed development will not be deleterious to the health, safety, and general welfare of the public nor the residents of the adjacent properties.
4. That the proposed development conforms to the general aesthetic and physical development of the area.
5. That the public services in the area are adequate to support the subject development.

6:56:33 PM

- 4.7 Commissioner Johnson stated that feels the building has a very unique design and it will complement the area very well.

6:56:48 PM

- 4.8 **Vote:** Commissioners Adams, Player, Vawdrey, Head, and Johnson voted in favor approving the site plan.

6:56:59 PM

- 5.0 **Staff Reports:** *Staff Reports were also heard during the Study Meeting (above).* Staff provided the Planning Commission with a report regarding the recent actions of the City Council.

7:02:54 PM

- 6.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

- 6.1 **A voice vote was taken with all in favor. The meeting adjourned at 7:03:02 PM.**

Return to Agenda

ITEM #6

REQUEST FOR COUNCIL ACTION

To:	Mayor & City Council
From:	Dan Boles, AICP, Senior Planner
Date:	September 3, 2013
Subject:	Ptarmigan Pointe Zoning Map Amendment
Applicant Presentation:	Heather Prowell, representing Progressive Properties LLC
Staff Presentation:	Dan Boles

RECOMMENDATION:

To approve the request for a Zoning Map Amendment, as unanimously recommended by the Planning Commission, as per the staff report dated July 30, 2013, and as reflected in Ordinance #1060.

BACKGROUND AND FINDINGS:

This recommendation is based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, such as:
 - a. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
 - b. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
 - c. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.
3. That all five findings for a zone change, as contained in 9-5-060(e) and outlined in this staff report, are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That approval of the zoning request will not introduce a new standard in the neighborhood.
7. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

This application is a request for approval of a Zoning Map Amendment for approximately 1.58 acres located on Grouse Pointe Cove, at 13133 Grouse Pointe Cove. The property is currently zoned RA1 Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow for the property to be split into two new parcels.

This application consists of only one parcel which is 1.58 acres in size. The property is lot 209 of the Ptarmigan Pointe Phase II subdivision. In searching through the Ptarmigan Pointe files, it is unclear as to the reason why this property was not rezoned in 1996 with the rest of the property. It may be because it was unnecessary as the lot met all of the standards of the RR-43 (now RA1) zone. It may have been because of animal rights that would have been lost as a result in the change in zone though this is unlikely since a conditional use permit was granted to allow animals on all lots of the Ptarmigan Pointe subdivision. It may have also been necessary to keep that lot larger since only 20 lots were allowed on a dead-end system at that time rendering the rezone again unnecessary. That number has now been raised to 30 lots.

The property owner is now requesting that the change from RA1 to RA2 be made in order for the lot to be split into two lots. If the zone change is approved, the applicant will have to submit an application to amend the plat to split the lot.

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential Low/Medium Density land use designation for the subject property. This category “includes areas of very large lot single-family neighborhoods and ranchettes.” The property has been assigned the RA1 Residential zoning classification, supporting approximately one dwelling unit per acre. The purpose of the RA1 and RA2 zones is to “foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City’s semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of animals and fowl.” The RA1 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential Low/Medium Density land use designation. RA-1 zoning abuts the subject property on the south, and RA-2 abuts on all other sides.

Zoning in the Vicinity. The subject property is entirely surrounded by properties with the RA2 zoning classification with the exception of the property to the south which is outside the boundary of the Ptarmigan Pointe subdivision and is zoned RA1. There are however, considerable amounts of RA2 zoning in the vicinity. Of the twenty one lots within the boundary of the two phases of the Ptarmigan Pointe subdivision, this is the only lot that is zoned RA1. All other lots have met the standards of the RA2 zone while this larger lot meets all standards of the RA1. Rezoning the subject property to RA2 would not introduce anything new to the neighborhood.

PREVIOUS LEGISLATIVE ACTION:

- Ptarmigan Pointe II subdivision plat was recorded in 1998 subdividing the property into nine lots.

FISCAL IMPACT: Finance Review: BW

- No fiscal impact is anticipated with the approval of this application.

SUPPORTING DOCUMENTS:

- Ordinance #1060
- Staff Report with Supporting Documentation
- Zoning, Land Use & Aerial Maps
- Planning Commission Minutes – August 8, 2013 (as prepared)

ORDINANCE NO. 1060

AN ORDINANCE AMENDING THE DRAPER CITY ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 1.58 ACRES OF PROPERTY LOCATED WITHIN DRAPER CITY, STATE OF UTAH, FROM RA1 TO RA2, OTHERWISE KNOWN AS THE PTARMIGAN POINTE II ZONE CHANGE.

WHEREAS, the City has received a request submitted by the property owner of the subject property requesting certain described real property in Draper City, Salt Lake County, State of Utah, be rezoned; and

WHEREAS, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change and amendment to the Official Zone District Map of Draper City, and the City Council has found the proposed zoning change to be consistent with the City's General Plan; and

WHEREAS, all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zone District Map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Zoning Map Amendment. The following described Real Property located at 13133 South Grouse Pointe Cove within Draper City, Salt Lake County, State of Utah, previously zoned RA1 as shown on the Draper City Zone District Map, hereinafter referred to as the "Property," is hereby changed and rezoned to RA2:

LOT 209, PTARMIGAN POINTE PH 2.

Section 2. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting or thirty (30) days after final passage, whichever is closer to the date of final passage.

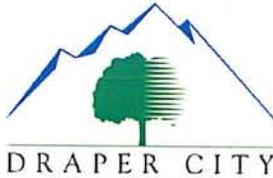
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS ____ DAY OF _____, 2013.

ATTEST:

DRAPER CITY

By: _____
City Recorder

By: _____
Mayor



Development Review Committee

1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539

STAFF REPORT

July 30, 2013

To: Draper City Planning Commission
Business Date: August 8, 2013

From: Development Review Committee

Prepared By: Dan Boles, AICP, Senior Planner
Planning Division
Community Development Department

Re: Ptarmigan Pointe – Zoning Map Amendment Request

Application No.: 130703-13133S
Applicant: Heather Prowell, representing Progressive Properties LLC
Project Location: 13133 Grouse Pointe Cove
Zoning: RA1 Residential Zone
Acreage: 1.58 Acres (Approximately 68,825 ft²)
Request: Request for approval of a Zoning Map Amendment in the Ptarmigan Pointe II subdivision to amend the official zoning map on lot 209 from RA1 to RA2.

SUMMARY & BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1.58 acres located on Grouse Pointe Cove, at 13133 Grouse Pointe Cove. The property is currently zoned RA1 Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow for the property to be split into two new parcels.

This application consists of only one parcel which is 1.58 acres in size. The property is lot 209 of the Ptarmigan Pointe Phase II subdivision. In searching through the Ptarmigan Pointe files, it is unclear as to the reason why this property was not rezoned in 1996 with the rest of the property. It may be because it was unnecessary as the lot met all of the standards of the RR-43 (now RA1) zone. It may have been because of animal rights that would have been lost as a result in the change in zone though this is unlikely since a conditional use permit was granted to allow animals on all lots of the Ptarmigan Pointe subdivision. It may have also been necessary to keep that lot larger since only 20 lots were allowed on a dead-end system at that time rendering the rezone again unnecessary. That number has now been raised to 30 lots.

The property owner is now requesting that the change from RA1 to RA2 be made in order for the lot to be split into two lots. If the zone change is approved, the applicant will have to submit an application to amend the plat to split the lot.



ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential Low/Medium Density land use designation for the subject property. This category “includes areas of very large lot single-family neighborhoods and ranchettes.” The property has been assigned the RA1 Residential zoning classification, supporting approximately one dwelling unit per acre. The purpose of the RA1 and RA2 zones is to “*foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City’s semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of animals and fowl.*” The RA1 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential Low/Medium Density land use designation. RA-1 zoning abuts the subject property on the south, and RA-2 abuts on all other sides.

Zoning in the Vicinity. The subject property is entirely surrounded by properties with the RA2 zoning classification with the exception of the property to the south which is outside the boundary of the Ptarmigan Pointe subdivision and is zoned RA1. There are however, considerable amounts of RA2 zoning in the vicinity. Of the twenty one lots within the boundary of the two phases of the Ptarmigan Pointe subdivision, this is the only lot that is zoned RA1. All other lots have met the standards of the RA2 zone while this larger lot meets all standards of the RA1. Rezoning the subject property to RA2 would not introduce anything new to the neighborhood.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 9-5-060(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- (e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:
 - (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City’s General Plan;
 - (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
 - (3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
 - (4) The extent to which the proposed amendment may adversely affect adjacent property; and
 - (5) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

As the proposed zoning of RA2 is listed as a preferred zoning category within the “Low/Medium Density” land use category, it can be stated that it is consistent with the general plan. Specifically, some of those goals, objectives and policies are to:

- a. *Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area’s character.*
- b. *Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.*

- c. *Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.*

As stated previously, the amendment would be harmonious with the neighborhood as all other properties in the subdivision are zoned RA2. There are no overlay zones in the area. Creating two lots out of one should not adversely affect adjacent property. Finally, there are adequate facilities to serve one more lot including roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Map Amendment submission and has issued a recommendation for approval for the request.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have issued a recommendation for approval for the request without further comment.

Noticing. The applicant has expressed a desire to rezone the subject property and to do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Zoning Map Amendment by Heather Prowell, representing Progressive Properties LLC, application 130703-13133S, based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, such as:
 - d. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
 - e. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
 - f. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.
3. That all five findings for a zone change, as contained in 9-5-060(e) and outlined in this staff report, are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That approval of the zoning request will not introduce a new standard in the neighborhood.
7. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Ptarmigan Pointe Zoning Map Amendment Request by Heather Prowell,

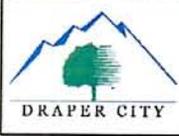
representing Progressive Properties LLC to change the zoning on her property from RA1 to RA2, application 130703-13133S, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2013 and as modified by the conditions below:"

1. List any additional findings and conditions...

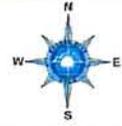
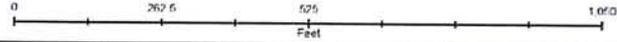
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Ptarmigan Pointe Zoning Map Amendment Request by Heather Prowell, representing Progressive Properties LLC to change the zoning on her property from RA1 to RA2, application 130703-13133S, based on the following findings:”

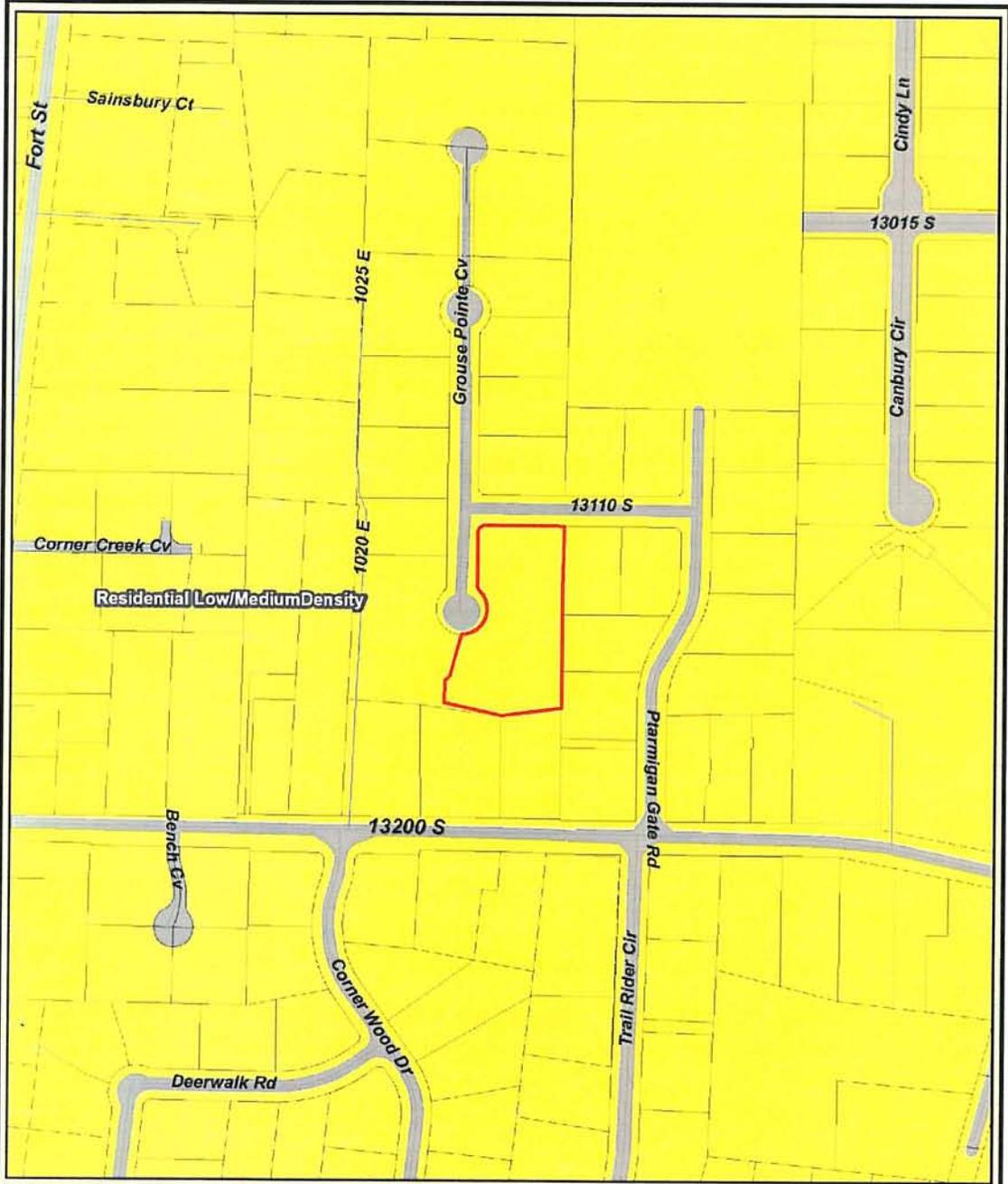
1. List any findings...





Ptarmigan Pointe Zoning Map Amendment
13133 South Grouse Pointe Cove

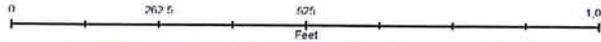


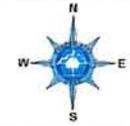


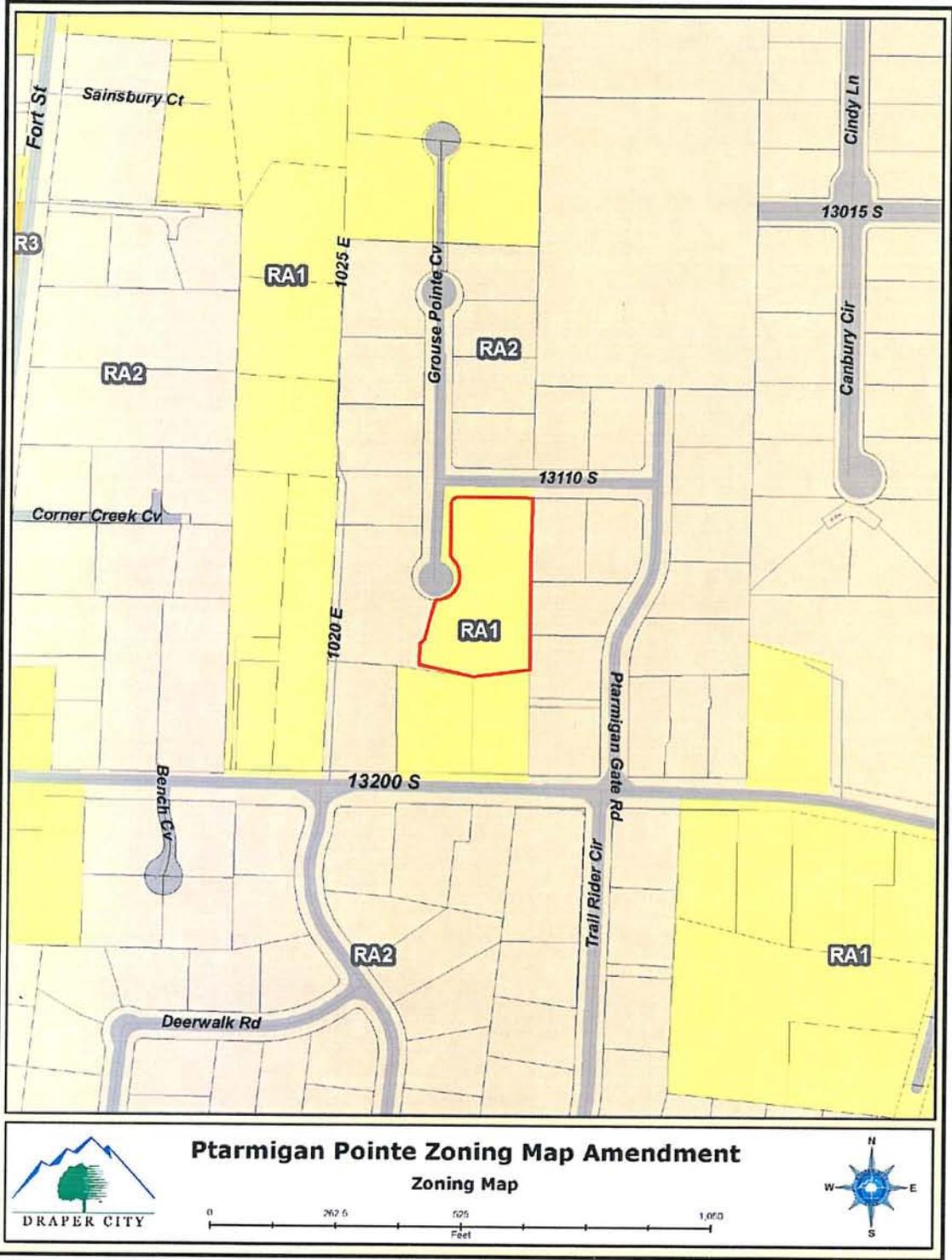


DRAPER CITY

Ptarmigan Pointe Zoning Map Amendment
Land Use Map







DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

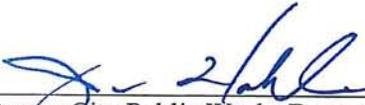
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.



Draper City Engineering Division



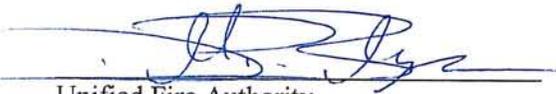
Draper City Building Division



Draper City Public Works Department



Draper City Planning Division



Unified Fire Authority



Draper City Legal Counsel

These minutes have not yet been approved and are not official until the Planning Commission votes to approve the minutes.

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, AUGUST 8, 2013 IN THE DRAPER CITY COUNCIL CHAMBERS

"This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting."

PRESENT: Chairperson Drew Gilliland, Planning Commissioners Andrew Adams, Traci Gundersen, and Kent Player

ABSENT: Commissioners Ryan Clerico, Craig Hawker, Leslie Johnson, and Marsha Vawdrey

STAFF PRESENT: Doug Ahlstrom, Russ Fox, Keith Morey, Dennis Workman, Dan Boles, Carolyn Prickett, Jennifer Jastremsky, and Angie Olsen

ALSO PRESENT: Roll on File

Study Meeting:

6:08:09 PM

Study Business Items: The Commissioners reviewed the application for the business meeting and addressed questions to staff members.

**** Staff Reports were heard out of order.*

6:21:55 PM

8.0 **Staff Reports:** Staff provided the Planning Commission with a report regarding the recent actions of the City Council.

Business Meeting:

Chairperson Gilliland explained the rules of public hearings and called the meeting to order at 6:35:20 PM.

The Oath of Office for Traci Gundersen and Andrew Adams was administered by Deputy Recorder, Angie Olsen at 6:36:43 PM.

6:38:00 PM

- 1.0 **Action Item: On the request of Zane Morris, Triton Terrace, Ltd. to reinstate the Triton Terrace (Phase I) and Triton Terrace East (Phase II) Site Plan Approvals for development of a townhome and apartment project in the RM-2 (Multi-Family Residential) Zone at 350 Vestry Road. The application is otherwise known as the Site Plan Approval Reinstatement Request for Triton Terrace (Phase I) and Triton Terrace East (Phase II), Application #'s: PLN-2007-0142 and 110504-457E.**

6:38:32 PM

- 1.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated July 29, 2013, Planner Dan Boles reviewed the details of the proposed application. He stated the Planning Commission has seen this item several times in the past and he provided a brief overview of this new request; there are two phases to the project and phase one was initially approved in 2009 with phase two approved in 2011. He noted both approvals have expired and the applicant is requesting that the approvals be reinstated at this time. He reviewed the site plan of the subject property and noted it is located just north of the intersection of Traverse Ridge Road and Highland Drive. He noted initial approval of the project included 21 buildings and a club house, which translated into 177 dwelling units and those numbers have not changed. He stated this action will reinstate the site plan, landscape plan, elevation plan, and lighting plan. He concluded his report by stating staff recommends approval based in the findings and subject to the conditions listed in the staff report.

6:40:51 PM

- 1.2 **Motion:** Commissioner Head moved to approve the request by Zane Morris to reinstate the site plan approvals for Triton Terrace and Triton Terrace East Site Plans, application # PLN-2007-0142 and # 110504-457E, for a period of one year, based on the findings stated in this memo dated July 29, 2013. Commissioner Player seconded the motion.

Conditions:

1. Meet all conditions of approval from the previous site plan approvals for Phase 1 and Phase 2, dated January 8, 2009 and July 28, 2011.
2. All requirements of the Draper City Planning, Engineering, Public Works, and Building Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. All requirements of the Unified Fire Authority shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. Satisfy all requirements of the geotechnical report throughout the development of the site and the construction of all buildings on the site.

Findings on next page ...

Findings:

Phase 1:

1. That the proposed development plans meet the intent, goals, and objectives of the Southpointe Master Plan.
2. That the proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
3. That the proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
4. That the proposed development plans meet the stipulations of the development agreements executed between the City and the applicant.
5. That the proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
6. That the proposed development conforms to the general aesthetic and physical development of the area.
7. That the public services in the area are adequate to support the subject development.

Phase 2:

1. The proposed development is consistent with goals, objectives and policies of the Land Use element of the City's General Plan with respect to:
 - a. Providing a wide range of housing opportunities while protecting property values and promoting quality development.
 - b. Achieving orderly land development patterns which provide for compatible, functional, cost-effective development.
 - c. Encouraging development that that can be adequately supported by required services and facilities.
 - d. Relating regional transportation corridors to regional land use intensities and patterns.
 - e. Protecting property values while providing opportunities for development which meets the health, safety, and welfare needs of City residents.
 - f. Encouraging infill development in close proximity to existing facilities to promote orderly growth while reducing costs and extent of public services.
 - g. Developing land use patterns that are compatible with and support a variety of mobility opportunities and choices.
2. The proposed development would not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed development would not adversely affect adjacent property.
4. The public services in the area are adequate to support the proposed development.

6:41:28 PM

- 1.3 Commissioner Player noted the motion indicated this approval is good for a period of one year and he asked what will happen if the applicant does not begin developing within that year period. Mr. Boles stated the applicant can ask for a one time extension of six months and if that period also expired they would be required to follow this same process again. He added that at any given point the Planning Commission can require the applicant to follow the entire development approval process again to ensure the application still complies with Draper City Municipal Code (DCMC). He reiterated there have been no substantial changes to this development since the last time it was approved.

6:41:58 PM

- 1.4 **Vote:** Commissioners Head, Player, Adams, and Gundersen voted in favor of reinstating site plan approval.

6:42:05 PM

- 2.0 **Public Hearing: On the request of Debbie Curtis, for approval of a Home Occupation Conditional Use Permit (CUP) in the RA2 (Residential Agricultural) Zone to allow a hair salon as a home occupation at 1947 E Stag Hill Circle. The application is otherwise known as the Curtis, Debbie Hair Salon Home Occupation CUP Request, Application #130701-1974E.**

6:42:36 PM

- 2.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated July 30, 2013, Planner Mr. Boles reviewed the details of the proposed application. He stated the subject property is located at 1947 E. Stag Hill Circle and it is a single family residential property. He noted the property is zoned residential RA2, which calls for half-acre lots. He added the area also included A1 agricultural zoning and RA1 residential zoning, which calls for one acre lots. He reviewed the land use and general plan maps and noted the zoning of the property conforms with the general plan. He then reviewed an aerial photograph of the property and noted there is room for plenty of parking to allow for off-street parking, which is one of the conditions of approval listed in the staff report. He stated there is a space that is roughly 260 square feet in size located in the basement that will be used for the salon; this is well within the 25 percent of a home that is allowed for a home occupation. Chairperson Gilliland noted the home is approximately 6,600 square feet in size. Mr. Boles stated the applicant is proposing to locate a hair salon in their basement; they have a walk-out basement and clients will park in the driveway and then walk to the backyard to enter the salon. He added the applicant is not requesting any additional employees, though she would be allowed one extra employee per DCMC without needing any additional approvals. He noted the applicant is simply asking to be allowed to have clients come to her home and that is why she is required to obtain a CUP. He stated one neighbor sent a letter to the City opposing the application and that letter has been provided in the Planning

Commission packet. He added another neighbor contacted City staff with concerns and they were opposed to the application as well. He stated the applicant has communicated that she will have one client at a time in her home, but on occasion there may be an overlap of clients while one is waiting for their appointment. He concluded by stated staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

6:46:47 PM

- 2.2 Chairperson Gilliland asked if one of the conditions of approval is that all parking must be on-site rather than on-street. Mr. Boles answered yes, but noted the Planning Commission can change that condition if they so choose.

6:47:01 PM

- 2.3 Chairperson Gilliland asked City Attorney Ahlstrom to provide the Planning Commission with legal input regarding what the body should be looking for in this application. Mr. Ahlstrom stated CUPs are generally allowed for home occupations. He noted that sometimes there may be negative impacts felt by the neighbors, but if those negative impacts can be mitigated by the conditions that are recommended by staff, the use is allowed and the Planning Commission must approve the request. He stated the Planning Commission should not consider public clamor as emotion should not serve for a reason to deny an application. He stated a decision to deny must be based on factual, scientific information.

6:48:19 PM

- 2.4 Applicant's Presentation: Mr. Curtis stated he wanted to first talk about he and his wife's past experience with home salons and then he would address the concerns that have been raised and how he plans to mitigate them. He stated his wife has been a hair dresser for over 20 years and has an average clientele with most clients having been with her for over 10 years. He stated there is no need to use any signage for the business and there will be no walk-in appointments; all appointments are booked six weeks in advance and there will be no additional employees in the salon besides his wife. He added that one of the reasons his wife has been successful is that she is always on time and that means there should be little overlap of clients, which will mitigate the concern about cars and traffic in the neighborhood. He stated his wife provides a quality product and her specialty is color. He stated that in the past 17 years he and his wife have had two home salons in Sandy and the last neighborhood they lived in was similar to their current neighborhood and they were successfully able to operate both of their home salons with no complaints; he feels that is a result of running the salon well and being a good neighbor. He stated he and his wife will try to do the same thing in their new home and salon. He stated one of the neighborhood concerns that has been raised deals with parking and he stated he believes this could be the most major issue. He stated he has provided the City with a parking plan and the clients will also see a copy of the plan when they come to the salon; his wife will also call each client and explain the parking situation to them. He stated there are a number of parking spots

and his wife will explain that if a vehicle is blocking the spaces associated with the business the client is to call Ms. Curtis and she will have it moved. He added he has an empty garage and in extreme circumstances clients can park their vehicles there. He stated that he has tried to consider several contingencies to prevent vehicles from blocking ingress and egress from the property. He stated that one of the neighbors that complained is currently trying to sell their home and they do not want vehicles parked on the street. He stated he understands where they are coming from and he wished they would have talked to him first, but he still takes their concern as a major concern and he wants to accommodate them. He stated there was also a concern about the people that will be coming to the neighborhood to visit the salon. He reiterated that the average client has been with his wife for over 10 years and they book six weeks out. He stated that eliminates most men and the majority of his clients are middle aged women in their mid-forties; they are successful business women that book their appointments six weeks out. He reiterated there are no walk-in appointments and every new client comes to his wife by referral. He stated he will strive to keep a low profile business that does not impact the neighborhood. He stated that he is willing to work with all neighbors to correct any concerns. He stated the last thing that concerns him is that his daughter is a captain of the cheerleading team at her junior high school and the cheerleaders often come to his house for various purposes. He stated that may generate more traffic, but that is part of his family. He stated he will commit to keeping his own cars and client's cars off the street and he takes all concerns seriously. He then requested the Planning Commission approve the application for a CUP and he added he is comfortable with the Planning Commission removing permission for signage for the business because it has never been necessary for him to have any type of signage.

6:56:31 PM

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

6:56:46 PM

2.6 Commissioner Player stated this appears to be the best planned home occupation and CUP application the body has seen and he highlighted the fact that it includes a parking plan. He then stated that in any neighborhood with active families there will be times that the space in front of the home will be taken by vehicles participating in various activities, but that does not have anything to do with the home occupation and he does not think that is an issue for the Planning Commission to consider.

6:57:17 PM

2.7 **Motion:** Commissioner Player moved to approve the Conditional Use Permit Request by Debbie Curtis, application #130701-1947E, based on the findings and subject to the conditions as listed in the Staff Report dated July 30, 2013, and

subject to the additional conditions listed below. Commissioner Gundersen seconded the motion.

Conditions:

1. All requirements of the Unified Fire Authority and Draper City Building Official be satisfied throughout the operation of the home occupation on the property.
2. No parking associated with or caused by the home occupation shall be located within any public right-of-way.
3. Obtain the necessary sign permits prior to installation of any proposed signage.
4. The home occupation shall continually maintain a valid Draper City Business License throughout its operation.
5. The home occupation is required to maintain approval and adequate licensure from any and all State and County agencies prior to receiving a business license, including the Salt Lake Valley Health Department.
6. The parking plan that was submitted by the applicant will be followed.

Findings:

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

6:58:24 PM

- 2.8 Commissioner Head stated the only legitimate complaint in his opinion was related to parking and as long as the applicant keeps all parking off the street he does not see any reason for any of the neighbors to complain.

6:58:56 PM

- 2.9 **Vote:** A roll call vote was taken with Commissioners Player, Gundersen, Head, and Adams voting in favor of approving the CUP.

6:59:03 PM

- 3.0 **Public Hearing: On the request of Michelle Bullett for approval of a Home Occupation Conditional Use Permit (CUP) in the RA2 (Residential Agricultural) Zone to allow an at home dog grooming business at 13712 South 500 East. The application is otherwise known as the Yuppy Puppy Grooming Home Occupation CUP Request, Application #130617-13712S.**

6:59:33 PM

- 3.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated July 30, 2013, Planner Dan Boles reviewed the details of the proposed application. He noted this is a request for a CUP to allow a home dog grooming business; the subject property is located on 500 East at 13712 South and is zoned RA2, which calls for half acre lots. He noted the surrounding land use is RA1, which calls for one acre lots. He stated that if the permit is granted, the applicant plans to run the business from a garage on the property, which is a close to a horse property that can serve as a buffer to any neighbors in the area. He noted people would bring their dogs to the property to be groomed and then retrieve them when the work is completed. He stated he is not sure how long a typical grooming takes and that may be a question the Planning Commission wants to ask the applicant. He stated the home is approximately 4,500 square feet in size and the applicant would be utilizing approximately 18 percent of that square footage, though the business will actually be located in the garage and not in the home. He noted the DCMC includes standards for a grooming business and he briefly reviewed the standards as included in the staff report. He concluded his report by noting staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:03:12 PM

- 3.2 **Applicant's Presentation:** Michelle Bullett stated that she has attended grooming school and she is looking for part time work to keep her busy. She stated she does not want to kennel dogs; she wants to set appointments for grooming and people will pick up their dogs on the same day they are groomed. She added she lives at the end of a dead-end street and there will be no on-street parking; she will only have one client at her home at a time. She added a leash is required for all dogs and she has a latched gate and a double entry door to keep dogs from escaping. She

stated she will not do any advertising via signs or flyers and hopes to do all work by word of mouth. She stated her hours of operation will be between 9:00 a.m. and 3:00 p.m. five days a week.

7:05:12 PM

- 3.3 Commissioner Player stated that his experience with dog grooming is that it is hard for the owner to know when to come back to pick up their dog and he asked Ms. Bullett if she will call her clients to tell them their dogs are finished. Ms. Bullett stated she is pretty good at knowing how long any given grooming will take her and she can inform the client of an approximate time to pick up their dog. She added, however, that she will have all clients' phone numbers and she can call them or send them a text message when their dog is ready to be picked up. Commissioner Player asked what if one client has not picked up their dog before her next client arrives. Ms. Bullett stated she will make sure to block out enough time to avoid overlap. Commissioner Player stated his point is that on occasion Ms. Bullett will likely have two dogs at her business and she should be prepared to accommodate two dogs for a short period of time. Ms. Bullett stated she has a small kennel that she can use if someone is late picking up their dog.

7:06:24 PM

- 3.4 Commissioner Gundersen asked if pet groomers must be licensed. Ms. Bullett answered no.

7:06:50 PM

- 3.5 Chairperson Gilliland opened the public hearing. Seeing no persons appearing to be heard, the public hearing was closed.

7:07:20 PM

- 3.6 **Motion:** Commissioner Gundersen moved to approve the Conditional Use Permit Request by Michelle Bullett, for a grooming service, application 130617-13712S, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2013. Commissioner Adams seconded the motion.

Conditions:

1. That all parking is accommodated in the driveway of the home or garage.
2. That all Fire and Building codes and regulations are adhered to.
3. That any signage for the business shall comply with DCMC Section 9-26-100(3)(c).
4. That the applicant obtains and maintains a Draper City business license.
5. That all City regulations are adhered to at all times, especially those listed in Section 9-34-040. Subsection (m), which disallows customers, is modified with this conditional use permit.
6. That the four conditions associated with a grooming service, as stated in Section 9-34-050, are strictly adhered to. These are:

- a. Animal being groomed must be current on the following vaccinations: rabies, parvovirus, distemper, and kennel cough.
- b. Facility shall be subject to periodic inspection by city staff.
- c. Animal being groomed shall be kept indoors the whole time in a controlled environment.
- d. Up to two animals shall be allowed on the premises at a time for grooming purposes.

Findings:

1. That the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. That the proposed use provides a service which will contribute to the general well-being of the neighborhood and the community.
3. That the proposed use is one of the six uses listed in Section 9-34-050 that can be approved as a home occupation subject to a conditional use permit.
4. That the proposed use will comply with the regulations and conditions specified in the zoning ordinance of Draper City, and that it will not violate the intent of the City's General Plan.
5. That the Planning Commission is authorized to alter home occupation standards through the conditional use permit process.

7:07:47 PM

- 3.7 Commissioner Head stated Ms. Bullett seems to have a good business model, but he wanted to reiterate that she is allowed to have two animals on the property at a time and if there are three or more animals on the property the business will be considered a kennel by definition. He added that when there are several dogs they tend to bark a lot and that can upset the neighbors. He stated it is important to follow the guidelines and not have more than two dogs on the premises at a given time.

7:08:33 PM

- 3.8 **Vote:** Commissioners Gunderson, Adams, Player, and Head voted in favor of approving the CUP.

7:08:40 PM

- 4.0 **Public Hearing: On the request of Heather Prowell, representing Progressive Properties LLC, for approval of a Zoning Map Amendment in the Ptarmigan Pointe II subdivision to amend the official zoning map on Lot 209 from RA1 to RA2 at 13133 Grouse Pointe Cove. The application is otherwise known as the Ptarmigan Pointe Zoning Map Amendment Request, Application #130703-13133S.**

7:09:20 PM

- 4.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated June 21, 2013, Planner Dan Boles reviewed the details of the proposed application. He stated this is a request for a Zoning Map Amendment for approximately 1.58 acres located on Grouse Pointe Cove, at 13133 Grouse Pointe Cove. The property is currently zoned RA1 Residential and is located in the low/medium density land use category according to the General Plan and associated map. He reviewed the Zoning Map and noted the applicant would like to change their zone from RA1 to RA2. He noted there was a Zoning Map amendment in 1992 in this area, but the subject property was not part of that rezone and the zoning designation remained RA1. He then reviewed an aerial photograph of the property and highlighted a barn that was previously located on the property that has been removed. He stated that the applicant is requesting that a Zoning Map Amendment be approved to allow for the division of property into two lots; because this request meets the General Plan designation for the property of low/medium density, staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

7:12:30 PM

- 4.2 Commissioner Player asked to review the site plan including the roads in the area. He asked where the dividing line would be and where entrances would be in the two lots. Mr. Boles stated staff has not seen a formal application addressing those issues, but he identified the subject property on the site plan and explained how he felt the lots would be split. Commissioner Head mentioned that during the study meeting Mr. Boles noted that it may be possible to divide the subject property into three lots. Mr. Boles stated that is correct; each lot would need to be 20,000 square feet and the subject property is currently 68,000 square feet. He stated, however, that the applicant has indicated they only wish to divide the subject property into two lots. He then noted the item for the Planning Commission to consider this evening is whether RA2 zoning is appropriate for the subject property.

7:13:38 PM

- 4.3 Applicant's Presentation: The applicant stated he had nothing to add to Mr. Boles' report.

7:13:57 PM

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

7:14:13 PM

- 4.5 Motion: Commissioner Adams moved to forward a positive recommendation to the City Council for the Ptarmigan Pointe Zoning Map Amendment Request by Heather Prowell, representing Progressive Properties LLC to change the zoning on her property from RA1 to RA2, application 130703-13133S, based on the findings and

subject to the conditions listed in the Staff Report dated July 30, 2013.
Commissioner Head seconded the motion.

Findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, such as:
 - a. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
 - b. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
 - c. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.
3. That all five findings for a zone change, as contained in 9-5-060(e) and outlined in this staff report, are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That approval of the zoning request will not introduce a new standard in the neighborhood.
7. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

7:15:10 PM

- 4.6 Commissioner Gundersen asked if staff could make the argument that the rezoning of this property would not be appropriate. Mr. Boles stated that may be possible, but he cannot think of what that argument would be. He stated there are standards and criteria for reviewing a zone change and in his mind the application meets all of those standards. Commissioner Player added that one of the questions is the land use of the surrounding properties and in this case this zone change matches the zoning of the surrounding properties. Chairperson Gilliland agreed.

7:15:53 PM

- 4.7 City Attorney Ahlstrom stated that the motion made referenced conditions, but there are no conditions and imposing conditions upon a rezone is improper and he wanted the record to clearly reflect that there are no conditions upon the rezone.

7:16:14 PM

- 4.8 **Vote:** Commissioners Adams, Head, Gundersen, and Player voted in favor of forwarding a positive recommendation to the City Council.

6:21:55 PM

5.0 **Staff Reports:** *Staff Reports were heard during the Study Meeting (above).*

6.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

6.1 **A voice vote was taken with all in favor. The meeting adjourned at 7:16:34 PM.**

DRAFT