

Approved minutes May 27, 2021

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION ELECTRONIC
MEETING HELD ON THURSDAY, MAY 13, 2021 IN THE DRAPER CITY COUNCIL
CHAMBERS**

PARTICIPATING

ELECTRONICALLY: Chairperson Andrew Adams, Vice Chairperson Craig Hawker, Commissioners Gary Ogden, John Van Hoff, Mary Squire, Lisa Fowler and Alternate Commissioners DeLaina Tonks, Tab Bingham and Susan Nixon

ABSENT: None

STAFF PRESENT: Mike Barker, Brien Maxfield, Jennifer Jastremsky, Maryann Pickering, Todd Draper and Amie Salazar

STAFF PRESENT

ELECTRONICALLY: Spencer DuShane

The Agenda will be as follows:

6:30 PM Business Meeting

1. Electronic Meeting Notice

- 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 2021-24 Pursuant to Utah Code Ann. 52-4-207(4)

I, Andrew Adams, 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.
- While COVID-19 cases and hospitalizations in Draper show an encouraging downward trend and vaccines are becoming available to a larger segment of the Draper population, vigilance is required so that there isn't a rebound in cases and hospitalizations.

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- 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.

Motion re: Commissioner Fowler made a motion to remove Item #8 for River Park Hill 2nd Plat Amendment Request from tonight's agenda to a date unknown. Commissioner Squire seconded the motion.

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

3. (Action Item): Approve Planning Commission Meeting Minutes for April 8, 2021 (Administrative Action)

Motion re: Commissioner Ogden made a motion to approve the Planning Commission meeting minutes for April 8, 2021, and Commissioner Hawker seconded the motion.

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

4. (Action Item): Approve Planning Commission Meeting Minutes for April 22, 2021 (Administrative Action)

Motion re: Commissioner Squire made a motion to approve the Planning Commission meeting minutes for April 22, 2021, and Commissioner Hawker seconded the motion.

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

5. Public Hearing: NCS Residential Development Land Use and Zoning Map Amendment Requests (Legislative Action)

A request by Tyler Bordrero of PACE CM for Draper School Development to: 1.) change the land use designation from Neighborhood Commercial to Residential High Density, and 2.) change the zoning designation from A5 (Agricultural) to RM2 (Multiple Family Residential) on approximately 9.81 acres. The property is located at approximately 12197 S. 300 East. Applications TEXTMAP-060-2021 and TEXTMAP-061-2021. Staff contact: Maryann Pickering at 801-576-6391 maryann.pickering@draperutah.gov.

Maryann Pickering, Planner, presented. She stated that the property had been presented before the commission in November, and that concerns arose at that time regarding using the property for commercial purposes. She stated that the property is now being proposed

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as a residential site. She stated that this would allow the development of residential property of up to 12 dwelling units per acre.

Commissioner Fowler asked whether a school would be built on this lot.

Ms. Pickering stated that there is nothing of that nature proposed at this time.

Tyler Bordrero, applicant, stated that he is working with the current property owner, the school development group. He stated that the remarks made in November have been taken under consideration. He stated that they're currently working with several builders for residential construction lots. He stated that they are looking for some amendments in the rezone to allow that to occur.

Chairperson Adams asked commissioners if they had any questions. They did not.

Chairperson Adams opened the public comment.

Suzanne Nelson stated that she lives at 12073 S. 300 East, just down the street from this piece of land. She stated that this is still not the project for this area. She stated that the traffic and the neighborhood can't withstand any more high-density zoning.

Cameron Nelson stated that the commission had just heard from his wife. He reiterated what was said before. He stated that there are two very large multi-family units in the area. He stated that they would like to preserve what land remains, despite the high-density areas. He suggested that they come up with a different plan.

Christian Cole stated that he lives at 11963 S. 645 East in Draper, just east of the development. He shared the concerns of the neighborhood. He stated that they shouldn't cram something in there just because there's space to do so. He stated that the homes in the area range from $\frac{1}{2}$ acre to full acre lots, and they're surrounded by high-density residential areas. He stated that people are going through the neighborhood at 40-60 miles per hour. He asked for a compromise of single residential family units.

Jeff Hansen stated that he lives at 12057 S. 300 East. He stated that a couple years ago, a developer proposed 73 units be built on this land. He asked why that hadn't been approved. He stated that trying to cram in five times that density is a terrible idea and is not safe. He stated that there's no buffer, and that the city code requires a substantial buffer. He stated that 300 units next to $\frac{1}{2}$ acre lots does not provide any buffer, let alone a substantial one.

Chairperson Adams closed the public comment.

Chairperson Adams invited the applicant, Tyler Bordrero, to speak.

Mr. Bordrero stated that there are no plans for apartments, condos, or town homes. He stated that the plan is to develop the land into single-family units. He stated that they were previously looking to blend the density from the north to the south with single-family units

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to town homes; however, now they believe that they can develop all of it into single-family units. He stated that they would like a blend of single-family dwelling units ranging from 4,000 to 8,000 square feet. He stated that they tried to blend the area from commercial to residential, but that the compromise is to rezone the entirety of the parcel to residential. He addressed concerns regarding the density of the traffic.

Chairperson Adams stated that the city code would allow for up to 12 dwellings per acre, which would be a high-density area. He asked what the minimum lot size is for RM2.

Ms. Pickering stated that the minimum lot size for RM2 is 4,000 square foot lots for single family units, but they could still put in 12 units per acre. However, roads would need to be put in, which would take away from acreage, which would reduce the maximum number of units permitted.

Chairperson Adams asked whether the applicant is seeking 12 dwelling units per acre on the acreage left after the dedication of roads, or a minimum of 4,000 square foot lots on that parcel.

Jennifer Jastremsky stated that the RM2 allows for multi-family and single-family uses. She stated that single-family homes must have a minimum lot size of 4,000 square feet.

Commissioner Hawker clarified that it's not necessary for them to blend the multi-family and single-family units in the RM2. He stated that they could do all single-family, all multi-family units, or a combination of the two.

Commissioner Fowler asked if they needed to have 8 to 12 dwelling units per acre, or if they could have as few as 5. She asked why they don't ask for residential medium density.

Chairperson Adams reiterated Commissioner Hawker's statement. He reminded that the purpose tonight was whether or not to approve the rezone. He stated that it's important to keep in mind the highest possible outcome, which would be 12 units per acre.

Brien Maxfield stated that, typically for single-family units, it's usually about a quarter of the acreage that is developed into infrastructure. He stated that the city is still working on improvement projects in the area, which will go forward regardless in order to relieve some of the traffic.

Commissioner Hawker asked whether it was the city or the developer who would extend the 12220 South road.

Mr. Maxfield stated that the city is responsible to pay for the existing deficiencies; however, for that specific road, it would fall on the developer.

Commissioner Squire asked if there has been any discussion about a development agreement.

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Mr. Bordrero stated that there has not been any discussion about a development agreement. He stated that the plan is for there to only be between 60 and 75 single-family homes. He asked whether it would be helpful for them to show a site plan and subdivision plat. He stated that they hadn't considered a development agreement, but they are open to considering one if needed. He stated that the original intention for the land was to develop it into a public charter school but because of the feedback they got, they are now going to develop it into a single-family residential area.

Commissioner Squire stated that she still has some hesitations about sending a recommendation forward to the city council.

Chairperson Adams clarified that the zone change could allow for 12 dwelling units per acre, and that a development agreement would help.

Ms. Jastremsky stated that the commission or the city council could recommend a development agreement to lock in specific restrictions on what the developer could do. She clarified that the zoning for the RM2 zone allows the lot size for the single-family units to be 4,000 square feet. She stated that the reason the developer chose the RM2, which allows for multi-family units, was likely to get the smaller lot size for single-family lots.

Chairperson Adams stated that he trusts that the developer is going to do what they've agreed upon; however, there is nothing in the code that prevents them from building multi-family homes.

Commissioner Hawker stated that this low-density area is surrounded by high-density and commercial areas. He stated that this has been a difficult thing to navigate in the past and that there's no way to please everybody. He stated that there would likely be less than 100 units on this parcel. He stated that he's in favor.

Commissioner Squire stated that she's uncomfortable sending a positive recommendation to the city council without a development agreement in place.

Commissioner Van Hoff agreed with Commissioner Squire. He stated that he doesn't expect it to be any less dense than what exists already; however, it's difficult to approve the recommendation knowing that the possibility exists for apartments to be put in.

Commissioner Fowler agreed with Commissioners Squire and Van Hoff. She stated that she would approve the recommendation if there was a development agreement; however, as there is not at this time, she will not approve it.

Commissioner Ogden agreed with the need for a development agreement.

Motion re: Commissioner Van Hoff made a motion to send a negative recommendation to the city council for the NCS residential development land use and zoning map amendment as requested by Tyler Bordrero representing Draper School Development for a land use and zoning change request, applications TEXTMAP-060-2021 and TEXTMAP-

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061-2021, based on the findings and subject to the conditions listed in the staff report dated May 4, 2021. Commissioner Fowler seconded the motion.

Vote: A roll call vote was taken with Commissioners Van Hoff, Fowler, Ogden, and Squire voting in favor of the motion. Commissioner Hawker voted no for the motion. This item passed with a 4 to 1 vote.

6. Public Hearing: Kimball Home Plat Amendment (Administrative Action)

On the request of Greg Kimball for a Plat Amendment in the TC (Town Center) zone. The property is 0.38 acres in size and located at 12587 South Fort St. Application SUBD-837-2019. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov

Jennifer Jastremsky presented. She stated that the applicant is asking to divide the property in two so that there is a lot for the single-family home that is currently existing as well as a lot for the office building. The office building lot would be 0.17 acres in size, while the home lot would be 0.21 acres in size. She stated that this proposal complies with the existing density requirements.

Greg Kimball, applicant, stated that he'd like to subdivide the lot.

Chairperson Adams thanked Mr. Kimball and excused him.

Chairperson Adams opened the public comment.

Chairperson Adams closed the public comment.

Motion re: Commissioner Hawker made a motion to approve the plat amendment as requested by Greg Kimball for the Kimball Home Plat Amendment application SUBD-837-2019 based on the findings and is subject to the conditions listed in the staff report dated May 3, 2021. Commissioner Squire seconded the motion.

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

7. Public Hearing: Lone Peak Specialty Centre Condominium 2nd Amended Plat (Administrative Action)

On the request of Andy Hubbard representing Women's Hospital of Indianapolis, L.P., a Delaware limited partnership, a Subdivision Plat Amendment request on .78 acres at approximately 96 E. Kimballs Ln., known as application SUBD-1076-2020. Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov

Mr. Draper, Planner, presented. He stated that they're looking to split unit 308 into units 309 and 310. He stated that the intention is to amend the plat to divide the unit.

Commissioner Fowler asked if the purpose of the building is to expand medical offices.

Mr. Draper stated that it is for a medical office space.

Mr. Hubbard reiterated Mr. Draper's statement that the space is for medical offices.

Commissioner Adams opened the public comment.

Commissioner Adams closed the public comment.

Motion re: Commissioner Hawker made a motion to approve the subdivision plat amendment as requested by Andy Hubbard representing Women's Hospital of Indianapolis, L.P., a Delaware limited partnership for Lone Peak Specialty Centre Condominium 2nd Amended Plat Application SUBD-1076-2020 based on the finding and subject to the conditions listed in the staff report dated April 29, 2021. Commissioner Ogden seconded the motion.

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

8. Public Hearing: River Park Hill 2nd – Plat Amendment Request (Administrative Action)

A request by Jeffry Anderson to amend the existing River Park Hill Subdivision by dividing Lot 103 into two lots. The property is located at approximately 12194 S. Jerema Court in the R3 (Single Family Residential) zoning district. Application SUB-232-2018. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov
This item has been continued to a date uncertain.

9. Public Hearing: Willow Creek Industrial Properties Lot 2 Amended Site Plan (Administrative Action)

On the request of Bruce Kenner, representing Willow Creek Industrial Properties #1 LLC and Willow Creek Industrial Properties #3 LLC an Amended Site Plan request including a deviation from site and architectural design standards request for construction of a new industrial building on approximately 2.06 acres located at approximately 432 E. 12300 S., known as application SPR-1026-2020. Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov

Todd Draper presented. He stated that it does incorporate two lots of the subdivision. He stated that such lots are numbered 2 and 4, and that lot 4 is a non-buildable lot. He stated that the majority of this is about lot 2. He stated that the site was previously approved, but that the approval expired, and they need to comply with ordinances that have changed. They are also requesting some deviations. One of the deviations is for the main entrance to face away from the street. Another deviation is regarding that of the façade articulation.

Mr. Kenner, applicant, stated that this is the last of three buildings to be completed. He gave some background about Willow Creek and the other two buildings. He stated that the

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reason for the deviation is freight access to the building is more ideal if the building faces away from the street, and that they intend to match the façade to make them look compatible.

Commissioner Adams opened the public comment.

Commissioner Adams closed the public comment.

Motion re: Commissioner Squire made a motion to approve the deviation from building orientation to the street as requested by Bruce Kenner representing Willow Creek Industrial Properties #1 LLC and Willow Creek Industrial Properties #3 LLC for the Willow Creek Industrial Property's lot 2 amended site plan application SPR-1026-2020 based on the findings and subject to the staff report dated April 30, 2021. Commissioner Fowler seconded the motion.

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

Motion re: Commissioner Fowler made a motion to approve the deviation from the building façade articulation as requested by Bruce Kenner representing Willow Creek Industrial Properties #1 LLC and Willow Creek Industrial Properties #3 LLC for the Willow Creek Industrial Property's lot 2 amended site plan application SPR-1026-2020 based on the findings and subject to the staff report dated April 30, 2021. Commissioner Ogden seconded the motion.

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

Motion re: Commissioner Ogden made a motion to approve the site plan amendment Bruce Kenner representing Willow Creek Industrial Properties #1 LLC and Willow Creek Industrial Properties #3 LLC for the Willow Creek Industrial Property's lot 2 amended site plan application SPR-1026-2020 based on the findings and subject to the staff report dated April 30, 2021. Commissioner Van Hoff seconded the motion.

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

10. Public Hearing: Ironhorse Run – Plat Amendment Request (Administrative Action)

A request by Greg Wilson of Flint Engineering on behalf of Kip Wadsworth, Tod Wadsworth and Cory Stark to amend the lots lines and boundary in both the Ironhorse and Deer Run subdivisions. No new lots will be created, and no lots will be removed. All lots will continue to meet the standards for the zoning districts they are located within. The subdivisions total approximately 23.31 acres and are located in the RA1 and RA2 (Residential Agricultural) zoning districts at approximately 2108 E. Pioneer Rd and 12352 S. Deer Shadow Cove. Application SUBD-1078-2020. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov

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Commissioner Ogden recused himself from this item as he lives in this development and has signed a contract stating his support.

Maryann Pickering presented. She stated that both Ironhorse and Deer Run have the land use designation of residential to medium density. She stated that Ironhorse is RA1 and Deer Run is RA2. She stated that the proposal is to adjust some property lines. She explained why the property lines are being adjusted in Ironhorse, and subsequently Deer Run. She stated that the purpose is to clean up the property lines in both subdivisions.

Commissioner Fowler asked about the residents and whether they approve these changes.

Ms. Pickering stated that every owner will sign the plat for Ironhorse and the plat for Deer Run.

Greg Wilson, applicant, stated that he appreciates Draper and the staff, especially for the detail in the staff report. He noted that it's almost like housekeeping. He stated that everyone has agreed to sign the plat for the subdivisions.

Commissioner Adams opened the public comment.

Commissioner Adams closed the public comment.

Motion re: Commissioner Fowler made a motion to approve the plat amendment as requested by Greg Wilson of Flint Engineering on behalf of Kip Wadsworth, Tod Wadsworth and Cory Stark to the Ironhorse and Deer Run plat amendments, application SUBD-1078-2020 based on the findings and subject to the conditions listed in the staff report dated May 4, 2021. Commissioner Hawker seconded the motion.

Vote: A roll call vote was taken with Commissioners voting unanimously in favor of the motion. This item passed with a 4 to 0 vote.

11. Public Hearing: South Willow Pad Site – Java Express Amended Site Plan (Administrative Action)

On the request of James Duffin, representing South Willow Business Park, LLC and Thomas A. Duffin, an Amended Site Plan request and a deviation from site design standards request for the purpose of constructing a drive through restaurant on approximately 3.05 acres, at approximately 177 W. 12300 S., known as application SPR-1032- 2020, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov

Todd Draper presented. He stated that the land use is community commercial, and the zoning is CR. He stated that previous approval was given but required some changes to the site. He explained how the drive thru would operate with parking and outdoor seating. He stated that a licensed architect has to sign off on the project before approval is given. He stated that the deviation is to change the main entrance so that it's away from the street. He stated that the architect has only provided two of three criteria for the deviation. He stated

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that the staff report confirms that they do meet criteria; however, the architect still needs to approve the plans.

Commissioner Van Hoff asked where the ordering device will be.

Mr. Draper stated that it meets ordinance.

James Duffin, applicant, stated they've worked meticulously with staff on the design. He stated that the size of the area is approximately 900 square feet. He stated that they've complied with all of the code requirements and have worked closely with staff.

Commissioner Adams opened the public comment.

Commissioner Adams closed the public comment.

Motion re: Commissioner Fowler made a motion to approve the deviation of building orientation from the street as requested by James Duffin, representing South Willow Business Park, LLC and Thomas A. Duffin for the South Willow Pad Site Java Express, application SPR-1032- 2020, based on the findings and subject to the conditions of the staff report dated May 3, 2021. Commissioner Squire seconded the motion.

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

Motion re: Commissioner Fowler made a motion to approve the amended site plan as requested by James Duffin, representing South Willow Business Park, LLC and Thomas A. Duffin for the South Willow Pad Site Java Express, application SPR-1032- 2020, based on the findings and subject to the conditions listed in the staff report dated May 3, 2021. Commissioner Van Hoff seconded the motion.

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

12. Public Hearing: Bear Canyon Preschool Home Occupation Conditional Use Permit (Administrative Action)

On the request of Shon and Emily Wettstein representing Bear Canyon Preschool LLC for a Home Occupation Conditional Use Permit for a Limited Preschool on 0.13 acres, located at 14116 S. Winfield Scott Way, known as application USE-0046-2021, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

This item has been continued to a date uncertain.

13. Training: General Powers and Duties and State Law Changes

Mike Barker, City Attorney, presented. He elaborated on the bills and state law changes that have been passed and put into effect. He explained the LUDMA amendments. He stated that there is a new training requirement for the planning commission and explained

what that would entail. He discussed development agreements. He stated that there have been some clarifications to the definitions of terms. He discussed conditional use permits and the vesting of single-family plats. He clarified boundary and lot line adjustments. He discussed the changes made to low impact development and road infrastructure. He defined internal accessory dwelling units (IADU) as well as the single-family limit. He stated that the deadline for modifying and regulating the IADU was October 1, 2021. He discussed the ways the planning commission could regulate IADUs including certain limitations and prohibitions. He clarified the decision-making process for land use decisions. He stated that cities need to have clear, plain language standards to make them easily understood.

14. Adjournment

Motion re: Chairperson Adams made a motion to adjourn the meeting.

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

The meeting adjourned at 9:03 pm