

Approved minutes 10/14/2021

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, AUGUST 26, 2021 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Vice Chairperson Craig Hawker Commissioners Mary Squire, Lisa Fowler, Gary Ogden, and John Van Hoff, Alternate Commissioners Susan Nixon and Tab Bingham

ABSENT: Chairperson Andrew Adams and Alternate Commissioner DeLaina Tonks

STAFF PRESENT: Jennifer Jastremsky, Mike Barker, Brien Maxfield, Spencer DuShane, Amie Salazar, Todd Draper, Jake Sorensen and Travis Van Ekelburg

6:30 PM Business Meeting:

- 1. Action Item: Approve Planning Commission Meeting Minutes for July 22, 2021 (Administrative Action)**

Motion: Commissioner Van Hoff motioned to approve the Planning Commission Meeting Minutes for July 22, 2021.

Second: Commissioner Squire

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

- 2. Action Item: Big Willow Creek Phase 3 Final Subdivision Plat Request (Administrative Action)**

On the request of Bryon Prince, representing Ivory Development LLC, for approval of a Final Subdivision Plat for 37 single-family residential lots in the Big Willow Creek Phase 3 development, located on 11.91 acres of property located at approximately 425 West 11400 South. The property is located in the R4 zoning designation. Application SUBD-068-2021. Staff contact is Jennifer Jastremsky, 801.576.6328, jennifer.jastremsky@draperutah.gov.

Jennifer Jastremsky, Planning Manager, presented. She illustrated the overall layout for the entire development. She explained the developmental agreement. She showed the land use designations and zoning map. She stated that the subdivision plat would have 37 lots. She stated that the lots proposed in phase 3 are those originally shown in the preliminary plat.

Applicant, Bryon Prince, was not present.

Motion: Commissioner Van Hoff motioned to approve the final subdivision plat as requested by Bryon Prince, representing Ivory Development LLC, for Big Willow Creek Phase 3 subdivision plat application SUBD-068-2021 based on the findings and subject to general and specific conditions as stated and listed in the staff report dated August 18, 2021.

Second: Commissioner Fowler

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

3. Public Hearing: Brotherson Inc. Home Occupation Conditional Use Permit (Administrative Action)

On the request of Stacey Brotherson representing Brotherson Inc., a Home Occupation Conditional Use Permit request to operate a photo studio in a detached garage, on approximately 0.52 acres, located at 786 E. Golden Pheasant Dr. Known as application USE-0107-2021, Staff contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Todd Draper, Planner, presented an aerial map of the property and the land use designation as well as the zoning map. He stated that the detached garage footprint is approximately 1600 square feet, which includes an 800 square foot loft, with the total footage being 2400 square feet, and this is where the photo studio would be. He stated that the garage is used for personal and commercial use. He stated that there would be no yard space or additional house space used for the business. He stated that there are two parking spaces designated to the business with customers coming to the business, and two additional spaces proposed to be added for personal use. He stated that the size of the proposed business is 56% of the size of the main home, which exceeds the typical 25% requirement of home occupations. He stated that the applicant is asking for deviation for that as well as the customers coming to the home. He stated that the applicant does live in the home and is willing to comply with all other standards. He listed the proposed conditions for the business including that customers were permitted on an appointment only basis and limited to one customer group per hour. That 2 parking spaces be reserved for the business use, and stated that the proposed hours of operation limit is between 8AM and 8PM. He stated that the driveway must be left open during business hours so that backup space behind parking stalls was maintained and that ingress and egress was available.

Commissioner Van Hoff inquired about the 56% size of the business.

Mr. Draper clarified that the 56% is the size of the garage compared to the home itself.

Vice Chairman Hawker asked about possible personal use for the garage.

Mr. Draper stated that they do use the garage for personal use at times, but that the full garage would be available to the business. He stated that the customers would only come to the detached garage.

Vice Chairman Hawker asked about workshop space.

Mr. Draper indicated that the work room on the plans was part of the main home and not part of this business.

Commissioner Nixon asked about the garage functioning as an office.

Mr. Draper stated that the applicant would be able to address that.

Commissioner Nixon asked about varying from the standards.

Mr. Draper stated that the Planning Commission does have the authority to allow deviations from the standards.

Commissioner Fowler asked about voting for the deviations separately.

Mr. Draper stated that they're included in one vote as a single operation and don't need to be voted on individually.

Applicant's husband, Bryan Brotherson, stated that they've had a business license in Draper for many years. He explained their history of their internet business and how they came to be photographers. He stated that they received a letter from the city years ago stating that they did not need a business license, then received another letter after that stating that they were required to have a business license. He stated that they obtained a license and it now came to their attention that they need a home occupational permit. He stated that they've lived in Draper in 22 years. He stated that they've used the external barn for many personal events, weddings and parties. He stated that the photography sessions are usually about 20-30 minutes long. They will comply with parking only 2 cars and keeping the driveway open. He stated that customers are by appointment only.

Commissioner Fowler asked about using the yard, or if it was confined to the garage.

Mr. Brotherson stated that it's usually confined to the garage. He stated that outdoor shots are usually taken elsewhere.

Vice Chairman Hawker opened the public hearing.

Mark Weisbender stated that he lives in the home east of the proposed business. He stated that his property is the most affected by this business. He stated that the detached garage is more of a large barn and he believes it to be a commercial building built with city approval under false pretenses. He stated that the barn soon became very active. He stated that customers use his property to park or turn around or walk through his yard. He stated that he asked the Brothersons to confine their customers and they seemed willing to comply. He stated that crime rates go up in neighborhoods where construction projects like this are prevalent. He stated that, on one occasion, the Brothersons asked him to park his car in their driveway so the home appeared occupied as to deter any potential crime or theft from their customers. He stated that he built a fence to secure his privacy, and that the Brothersons have not approached him about the Conditional Use Permit (CUP). He stated that he had many more complaints, but that they would exceed the time limit given.

Jenifer Vance stated she is a neighbor of the Brothersons. She stated that the parking has not been a problem. She stated that she believes the impact on the neighborhood is not substantial.

Nate Call stated that there is traffic already on the streets and the traffic caused by the Brotherson's business is nothing compared to the traffic already there. He stated that the disruption to the neighborhood is negligible.

Elisa Eaton stated that she built and used to live in what is now Mr. Weisbender's home. She stated that she lived there for 14 years. She stated that the Brothersons are a wonderful family. She stated that she's never observed any issues or concerns from them.

Kayli Stewart stated that she has a friend who parked in front of Mr. Brotherson's house when she was visiting. She stated that Mr. Brotherson came out and was very angry about the parking despite the fact that there was no business going on at the time.

Vice Chairman Hawker closed the public hearing.

Commissioner Bingham asked about a privacy fence.

Ms. Jastremsky stated that extended fencing could be an option, but that may be a question for the applicant. She stated that the fence should address Mr. Weisbender's issue of privacy, and that it appeared to already be installed.

Mr. Draper referred to the photographs in the presentation and indicated that a privacy fence was already installed.

Commissioner Van Hoff asked again about the 56% size in comparison to the main home.

Mr. Draper stated that they're able to ask for more usage of more square footage with CUPs.

Vice Chairman Hawker clarified CUPs. He stated that sometimes the business is too big for residential space and the applicant is asked to obtain some commercial space. He stated that the CUP allows them to monitor the business.

Commissioner Nixon stated that she's okay with allowing them the CUP. She stated that she does like the conditions listed.

Commissioner Van Hoff stated that they could move the backgrounds to use less than 56%, but he doesn't see it as a problem. He asked about bylaws for photography and limits on photography studios the number of people who can come at one time.

Mr. Draper stated that there is no such limit on the number of people in the Home Occupation Standards.

Commissioner Fowler stated that as long as the applicant is adhering to the two car limit, that's a reasonable request.

Vice Chairman Hawker noted that they have to be very strict with the number of customers because there is a point at which there are too many people for a residential area and they should move to a commercial area.

Vice Chairman Hawker stated that the parking should be limited; however, he reminded everyone that the street is public parking and anyone can park on the street. He stated that the parking is more confined with a CUP than without one.

Commissioner Squire stated that they should modify it early if they're going to modify it.

Commissioner Fowler stated that they should limit the parking stalls and the number of vehicles.

Motion: Commissioner Nixon motioned to grant the Conditional Use Permit as requested by Stacey Brotherson representing Brotherson Inc. Application USE-0107-2021, based on the findings and subject to the conditions listed in the staff report dated August 16, 2021 with modification to condition #6, limiting the number of customers to 14 at any one time and 2 vehicles.

Second: Commissioner Fowler.

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

4. Public Hearing: Larson Zoning Map Amendment (Legislative Action)

On request of Mark Larson for approval of a Zoning Map Amendment on 1.95 acres of property regarding a rezone on the property from the RA1 zoning designation to the RA2 zoning designation located at 12990 S. Boulter Street. Application TEXTMAP-0111-2021; Staff contact: Travis Van Ekelenburg, 801-576-6391 travis.vanekelenburg@draperutah.gov.

Travis Van Ekelenburg, Planner, presented the land use map and zoning map. He stated that the property is surrounded by RA1 and RA2 designations. He stated that the applicant is looking to rezone to RA2 for the possibility of a future subdivision. He explained the qualifications for RA1 and RA2 designations. He stated that the intent is to go from one lot to three lots.

Mark Larson, applicant, presented. He stated that he hopes to rezone to get some additional lots in the back.

Commissioner Fowler asked about a private lane.

Mr. Larson stated that they would put in a private lane.

Opened the public hearing.

Closed the public hearing.

Motion: Commissioner Fowler motioned to approve the zoning map amendment as requested by Mark Larson for application TEXTMAP-0111-2021 based on the findings and subject to the conditions listed in the staff report dated August 18, 2021.

Second: Commissioner Van Hoff.

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

5. Adjournment

Motion: Commissioner Fowler motioned to adjourn.

Vote: A vote was taken with the Commissioners voting 5-0 in favor of the motion.

The meeting adjourned at 7:19PM