



PLANNING COMMISSION AGENDA

Notice is hereby given that the Draper City Planning Commission will hold a Regular Meeting, at 5:30 p.m., on Thursday, December 5, 2013 in the City Council Chambers at 1020 East Pioneer Road.

The Agenda will be as follows: (Times listed on the agenda are approximate and may be accelerated or subject to change)

5:30 Dinner

Study Meeting: 6:00 p.m., City Council Chambers on the 1st floor

Study Business Items

Business Meeting: 6:30 p.m., City Council Chambers on the 1st floor

***Citizen Comments:** To be considerate of everyone attending the meeting and to more closely follow the published agenda times, public hearing comments will be 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.*

- 1. Public Hearing:** On the request of Bret Hilton and Brent Pollard for approval of a Zoning Map Amendment of 6.12 acres at approximately 1375 E. Country Oak Lane from the RA2 Residential Agriculture to RM1 Residential Multi-Family zone. This application is otherwise known as the ***B & B Zone Change Request***, Application #131025-1375E. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.
- 2. Public Hearing:** On the request of Brent Kendall, representing The Rock Church for approval of a Site Plan on 2.8 acres in the CN, RM2, and RA1 zones at 11630 South 700 East to allow a church to locate on and develop the property. This application is otherwise known as the ***The Rock Church Site Plan Request***, Application #130812-11630S. Staff contact is Jennifer Jastremsky at 801-576-6328 or email Jennifer.Jastremsky@draper.ut.us.
- 3. Public Hearing:** On the request of Tom Dipo for approval of a text amendment regarding restaurant drive through lanes in the Town Center (TC) zone. This application is otherwise known as the ***Town Center Restaurant Drive Through Text Amendment (aka: Diamond Mind/Texting Yetti)***, Application #131115-12485S. Staff contact is Dan Boles at 801-576-6335 or email Dan.Boles@draper.ut.us.

Times listed above are approximate. Items may be held earlier or later than listed. For inquiries, please call the Planning Department, at 576-6502. In compliance with the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Rachelle Conner, Draper City Recorder, 576-6502, at least 3 days prior to meeting.

4. **Action Item:** Approval of minutes from the November 21, 2013 Planning Commission meeting.
5. **Action Item:** On the request of Draper City for approval of amendments to the Planning Commission Bylaws. Staff contact is Dan Boles at 801-576-6335 or email Dan.Boles@draper.ut.us.
6. **Action Item:** Approval of the 2014 Planning Commission public meeting schedule.
7. **Staff Reports**
 - a) Discussion Items
 - b) Administrative Reviews
 - c) Other Items
8. **Adjournment**

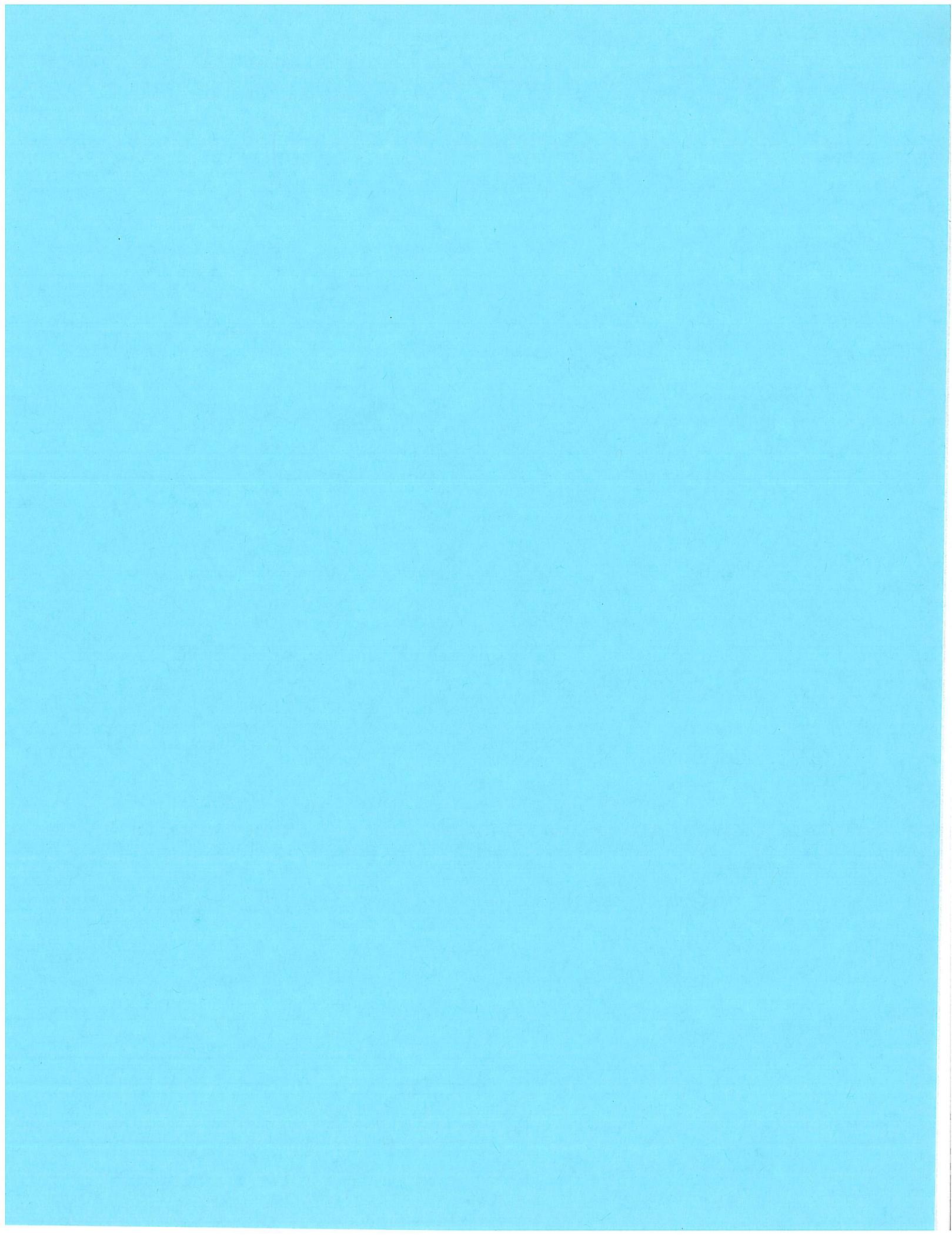
Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fourteen (14) days from the date of such final determination.

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held the **December 5, 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.

City Seal

Rachelle Conner, MMC, City Recorder
Draper City, State of Utah





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

STAFF REPORT
November 22, 2103

To: Planning Commission
Business Date: December 5, 2013

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

Re: B & B Zone Change
Application No.: 131025-1375E
Applicant: Bret Hilton and Brent Pollard
Location: Approximately 1375 E. Country Oak Lane
Zoning: RA2
Parcel Size: 6.12 acres
Request: Zone change from RA2 to RM1

BACKGROUND

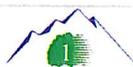
This is a request for a rezone from RA2 to RM1 on approximately six acres located on the east side of 1300 East, directly east of the park. The proposed rezone anticipates a townhouse development with a density of eight units per acre. The property (with the exception of the southernmost parcel) was rezoned from RA1 to RA2 on September 17, 2013.

ANALYSIS

General Plan. The land use plan designates this property Low Density Residential, which has a density range of 0-2 units per acre. As such, the land use plan does not support a rezone to RM1, which carries a density of up to eight units per acre.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 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.

Planning Staff. Rezoning the subject property to RM1 does not comply with the city's general plan; RM1 carries a density of up to eight units per acre, and the general plan designation of Residential Low Density contemplates a density of up to two units per acre. That said, staff is forwarding a positive recommendation on this request for RM1 density, based largely on the following factors:

- Though the subject property abuts RA1 and RA2 zoning on the south, it is hemmed in by the UTA rail corridor on the east and a high traffic collector street on the west (1300 East).
- The property abuts the Town Center (TC) zone. Though the TC zone itself only allows residential as part of a mixed use development, high density in the vicinity of the Town Center zone is desirable and even necessary if the envisioned commercial development in the zone is to be realized.
- The IFA TRAX station is approximately a half-mile from the proposed development. In the planning profession it is widely understood that residents are willing to walk between a quarter- and a half mile to get to mass transit. The distance between TRAX and the subject site is about one-third mile, considering that there is a convenient shortcut through the park, which residents would undoubtedly take.
- There are other high density developments in the area, such as Parkstone Estates with a density of six units per acre and Willow Bend Estates with a density of four units per acre. These developments are appropriate for this area as they support the goals of the TC zone and help provide ridership for TRAX.

The planning staff has reviewed this request with respect to the above factors and against the standards of Sub. 9-5-060(e) and feels that RM1 zoning at this location is appropriate. Staff's opinion is that RM1 zoning on the subject site is in harmony with the character of existing development in the vicinity, that it would have no adverse affect on adjacent property, and that it would help support mass transit and the goals of the TC zone.

City Engineer. In a memo dated November 7, 2013, Brien Maxfield with the Engineering Division 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. In making an amendment, the City Council should consider the following factors. Accordingly, the following comments are recommended for your consideration:

1. *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;*

Other than noted below, we are not aware of any inadequacies of the facilities intended to serve this property.

- a. Connectivity with these parcels is not an issue, as a block. It has fronting access to 1300 East for three of the four included parcels. The last remaining parcel accesses 1300 East through a private lane that would require improvements to become a public street.

However, if the block of parcels becomes a single site, then access is not an issue. 1300 East is currently scheduled to be improved in the area, providing sufficient capacity for any potential use of the proposed zoning and land use amendment.

- b. Willow Creek crosses this block of parcels and will function as the discharge point for storm drainage runoff from the site. 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. Willow Creek is regulated by Salt Lake County Flood Control.
- c. 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.
- d. 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 concerns at this time, but will want to review at subdivision and building permit stages.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a positive recommendation to the City Council regarding the B & B Zone Change, application 131025-1375, 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.
7. That the proposed rezone would support the goals of the TC zone and help provide ridership for TRAX.

MODEL MOTION

Sample Motion for Positive Recommendation. "I move we forward a positive recommendation to the City Council regarding the B & B Zone Change by Bret Hilton and Brent Pollard, application 131025-1375E, based on the findings listed in the staff report dated November 22, 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 B & B Zone Change, application 131025-1375E, based on the following findings:"

1. List findings.

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.

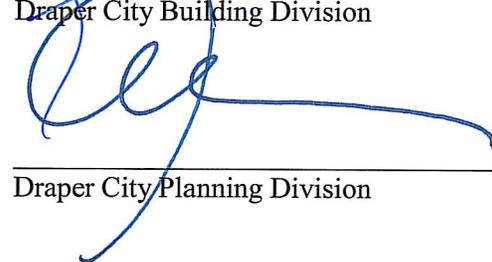


Draper City Engineering Division



Draper City Building Division

Draper City Operations Division

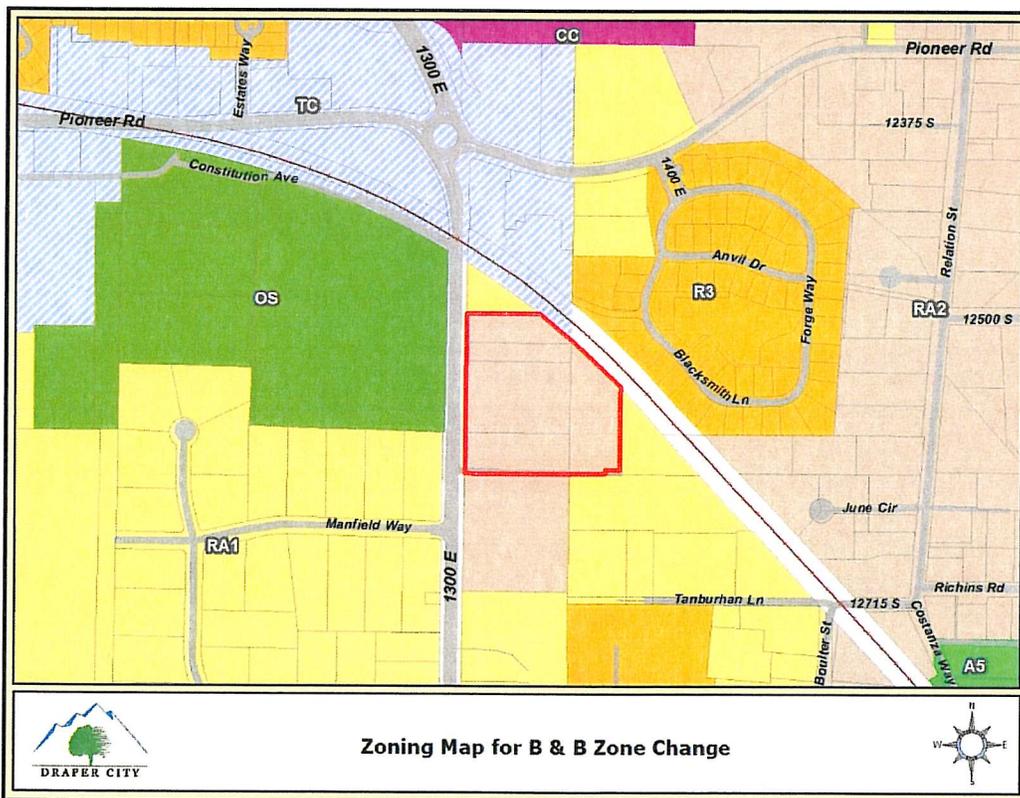
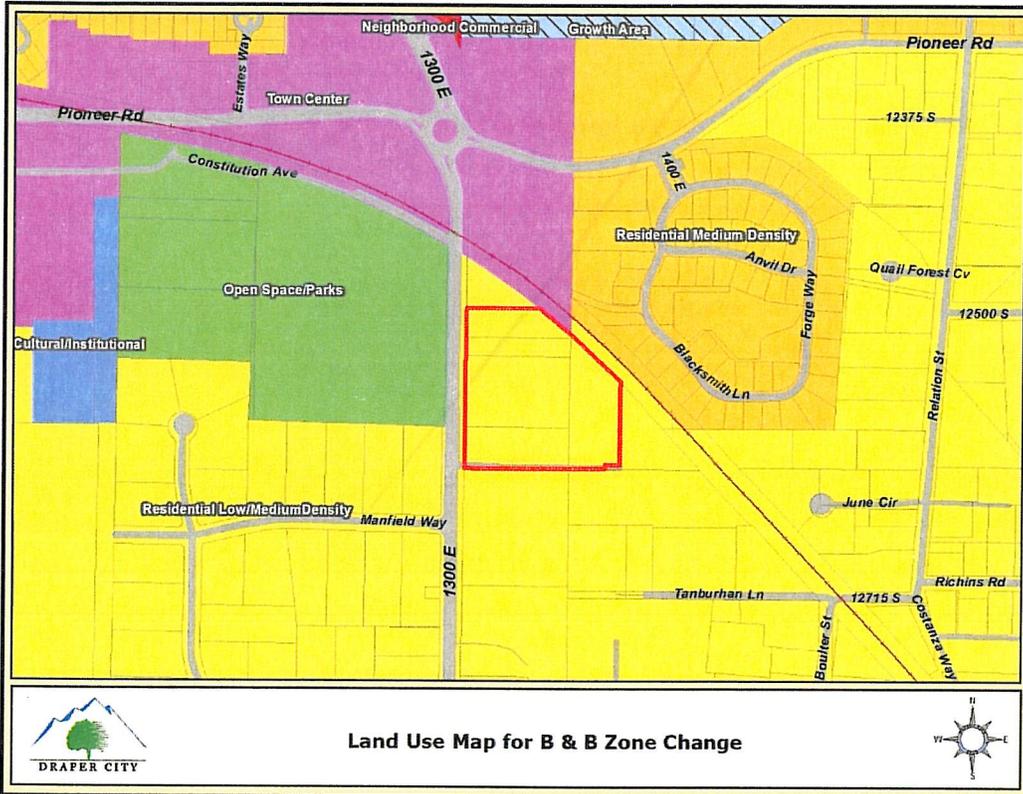


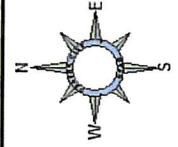
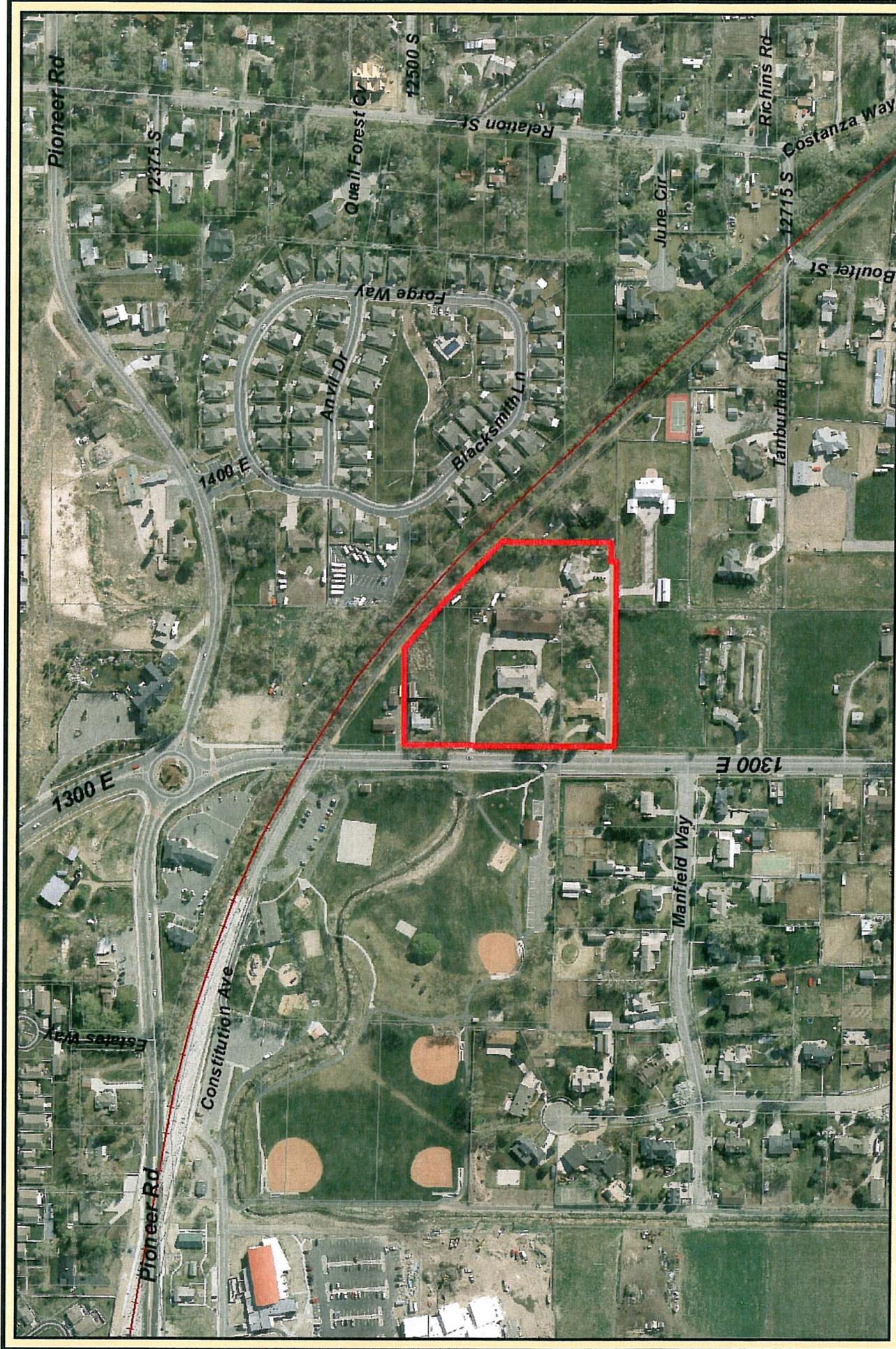
Draper City Planning Division

Unified Fire Authority



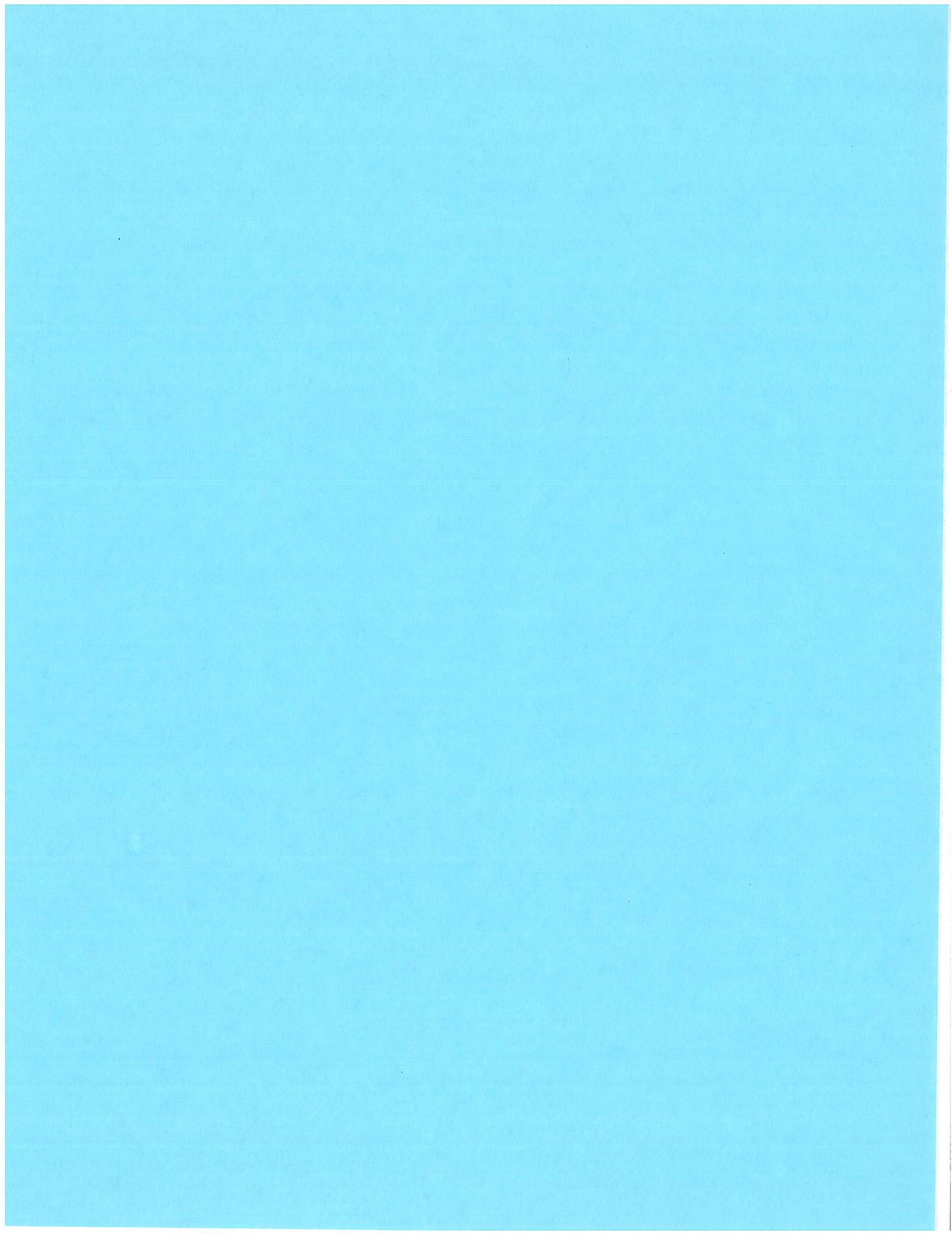
Draper City Legal Counsel

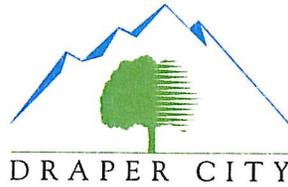




Aerial Map for B & B Zone Change







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

STAFF REPORT
November 22, 2013

To: Draper City Planning Commission
Business Date: December 5, 2013

From: Development Review Committee

Prepared By: Jennifer Jastremsky, AICP, Planner II
Planning Division
Community Development Department

Re: The Rock Church Site Plan

Application No.: 130812-11630S
Applicant: Brent Kendall, representing The Rock Church
Project Location: 11630 South 700 East
Zoning: CN (Neighborhood Commercial), RM2 (Multiple-family Residential) and RA1 (Residential Agricultural) Zones
Acreage: 2.8 Acres (Approximately 121,968 ft²)
Request: Request for approval of a Site Plan in the CN, RM2, and RA1 zone in order to allow a church to locate on and develop the property.

SUMMARY

This application is a request for approval of a Site Plan for approximately 2.8 acres located on the west side of 700 East, at approximately 11630 South 700 East. The property is currently zoned CN (Neighborhood Commercial), RM2 (Multiple-family Residential), and RA1 (Residential Agricultural). The applicant is requesting that a Site Plan be approved to allow for the development of the site as a church building. The northern property is vacant and the southern property contains an old home.

BACKGROUND

The applicant purchased the properties in 2009 with the intent of one day developing them for a church location. The Rock Church was first organized in 1999, and currently operates out of three locations: Sandy, Provo and Salt Lake City. The subject site plan has been designed to allow future expansion as the congregation continues to grow.

The actual church building will be located exclusively within the CN zoning district. Some of its supportive site features, such as landscaping and parking, will be located within the RM2 and the RA1 zoning districts. Staff has reviewed the request and determined that no Conditional Use Permit is required within the residential zones for the supportive site features, wherein a church use itself does require a Conditional Use Permit within residential zones. Churches are a permitted use within the CN zone.



ANALYSIS

General Plan. The Land Use Map of the General Plan calls for the Community/ Neighborhood Commercial land use designation for the subject property. This category “permits commercial land uses that target local residents and neighborhoods.” It also states that “planned retail and office are encouraged.” The CN (Neighborhood Commercial) zoning designation is identified by the General Plan as a preferred zoning classification for the Community/ Neighborhood Commercial land use designation.

Zoning. The property has been assigned the CN (Neighborhood Commercial), RM2 (Multiple-family Residential), and RA1 (Residential Agricultural) zoning classifications. The intent of the CN zone is to provide areas where convenience buying outlets, having small trade areas may be established to serve surrounding residential neighborhoods. The RM2 zone was created to permit well-designed apartments, townhomes, twin-homes and condominiums. The RA1 zone’s purpose is to foster low density development with little impact on its surroundings and municipal services. Churches are allowed in all zoning districts as either a permitted or conditional use.

Site Plan Layout. The applicant has submitted a site plan showing a two phased development. Phase 1 will include half of the building, 14,780 square feet, all the parking and all the landscaping. At a future date, the applicant will seek approval for Phase 2, a 15,403 square foot building. The building will be placed at the corner of 11620 South 700 East, with the parking located to the west and south of the building.

Landscaping and Lot Coverage. The building’s footprint is designed to eventually cover approximately 30,183 ft² of the 2.81 acre parcel on which it is proposed. This provides a lot coverage of 24.6% which easily complies with the maximum allowable lot coverage of 30% identified in the Draper City Municipal Code Table 9-11-3. The site contains 32,264 ft² of landscaping primarily along the west and south boundaries of the property and the area immediately adjacent to the building, providing a site landscaping calculation of approximately 26.37% which exceeds the 20% minimum outlined within the City Code. Additionally, the parking area on the parcel contains 4,082 ft² of parking area landscaping, producing a parking area landscaping proportion of approximately 7.01%. This proportion also meets the Code requirement of 7%.

The landscaping on the site is a combination of sod, trees, shrubs, perennials and rock mulch. The detention pond located on the southwest portion of the property will have cobble rock, along with trees and shrubs. Forty-four new trees will be provided on the property, with the 13 existing trees to remain on the site, including the street trees along 11620 South Street. Draper City Municipal Code Table 9-23-5 requires a 30-foot landscaping buffer along the south property line, adjacent to Gateway Academy. The applicant has provided landscaping at 35-feet to 54-feet in depth. Included in this area is the detention pond, sod, 15 trees and 49 shrubs. The table requires 14 trees and 25 shrubs in this area.

Landscaping Modification. Chapter 23 of the Draper City Municipal Code makes provisions for the Planning Commission to authorize a deviation to the strict compliance with the terms of the Code regarding landscaping requirements. Section 9-23-030 states that development constraints can vary greatly among sites and therefore the Planning Commission may approve landscaping plans that deviate from the landscaping requirements of the Draper City Municipal Code based on making certain required findings in whole. Those findings, according to section 9-23-030(b), are that the deviation:

- (1) Is consistent with the purpose of this Chapter and any applicable master plan or ordinance;

- (2) Reflects a design that conforms to the requirements of this Chapter to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested;
- (3) Will not adversely affect neighboring property owners or residents;
- (4) Will not adversely affect sight distance or otherwise diminish public safety;
- (5) Is justified by site constraints; and
- (6) Is of high quality and integrates aesthetically with the design of the primary buildings on site and established streetscape.

According to the subject application, the applicant is requesting a deviation from strict compliance to the terms of Table 9-23-5 determining the minimum buffering required from neighboring land uses. The table, when applying project specific data, conditions, and features dictate a minimum of 10-feet from the west property line to the closest edge of the parking area. The submitted plans provide for a 7-foot landscape buffer along the west property line. There is an existing 6-foot masonry fence along said property line, and the applicant will provide an excess of landscaping to what is required per the buffer table. Five trees and 10 shrubs are required within the landscape buffer area. The applicant is providing eight trees and 42 shrubs.

Parking. According to Table 9-25-1 of the City Code, the use of “Church or Place of Worship” requires 10 parking spaces per 10,000 ft² of gross building floor area. Staff understands that this requirement may equal a low amount of parking and therefore has requested the applicant use a parking calculation of 6 spaces per 1,000 ft². Based on the parking provided in past churches within Draper City, staff believes this alternative requirement will meet parking needs, and will be presented to the Planning Commission and City Council at a future date as a text amendment. The proposed code requirement of 6 spaces per 1,000 ft² yields a requirement of 181 parking spaces for the overall church, with 89 spaces required for Phase 1 and 92 spaces required for Phase 2. This overall requirement has a natural deviation allowed of 163-199 parking spaces. The applicant is proposing 159 parking spaces.

No deviation from parking requirements is required, as the 159 planned parking spaces are in excess of the required 30 parking spaces. Even though the proposed amount of parking is four spaces less than the requested 163 natural deviation, staff believes that the amount will provide sufficient parking for the applicant. The amount of parking requested is fully adequate for Phase 1. The property is located between two TRAX stations, with one being located 1,300-feet (0.24 miles) away and the other being located 3,200-feet (0.6 miles) away. There is available parking on 700 East Street until such a time as the road is widened. The applicant has stated that if additional parking is needed with the construction of Phase 2, they are interested in and willing to look into a shared parking agreement with a nearby office business and there is a potential to purchase property to the north which could then be developed into additional parking.

Architecture. Given the rigorous architectural standards found within Draper City Municipal Code Section 9-22-040, churches and places of worship are not required to meet the standards. Religious architecture can be symbolic and unique to a specific religion, and a requirement to meet detailed architectural standards may impinge on religious freedom.

The building will feature the stucco alternative EIFS, honed CMU veneer and Centria Exterior Wall Panels, a galvanized steel siding. Overall the building has a contemporary style and will be 20-feet in height. The dumpster enclosure is shown to be constructed of masonry and will match the building in color.

Lighting. The site plan calls for the installation of five light poles as a part of this development proposal: three within the west side parking area, and two along the south side parking area. In addition, the plans

call for 10 light fixtures mounted above building doors and along long uninterrupted portions of the building. The site lighting details show a basic pole light for the site using a box light fixture with 250 Watt bulbs. The poles for the site are shown to be a height of 18-feet with a light fixture of 1.5-feet in height. The lighting plan calls for a no light spillage at the property line, with the foot-candles anticipated along all property lines to be 0.0. After hours lighting shows the lights will not be used during non-operating hours.

Fencing. There is an existing 6-foot masonry wall along the western property line. This wall has a 28-foot gap on the southern portion of the property. The applicant will be filling in the gap with a 6-foot masonry wall to match the existing wall. Along the southern property line is an existing 6-foot tall vinyl fence.

Criteria For Approval. The criteria for review and potential approval of a Site Plan request is found in Sections 9-5-090(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

Site Plan 9-5-090

(e) Standards for Approval. The following standards shall apply to the approval of a site plan.

- (1) The entire site shall be developed at one time unless a phased development plan is approved.
- (2) A site plan shall conform to applicable standards set forth in this Title. In addition, consideration shall be given to the following:

(i) Considerations relating to traffic safety and traffic congestion:

- (A) effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned;
- (B) layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
- (C) arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of City ordinances regarding the same;
- (D) location, arrangement, and dimensions of truck loading and unloading facilities;
- (E) vehicular and pedestrian circulation patterns within the boundaries of the development;
- (F) surfacing and lighting of off-street parking facilities; and
- (G) provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.

(ii) Considerations relating to outdoor advertising:

- (A) compliance with the provisions of Chapter 9-26 of this Title. Sign permit applications shall be reviewed and permits issued as a separate process. Action may be taken simultaneously with or following site plan review.

- (iii) Considerations relating to landscaping:
 - (A) location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
 - (B) planting of ground cover or other surfaces to prevent dust and erosion;
 - (C) unnecessary destruction of existing healthy trees; and
 - (D) compliance with the Draper City General Plan guidelines to promote consistent forms of development within the districts of the City as identified in the General Plan.

- (iv) Considerations relating to buildings and site layout:
 - (A) the general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the General Plan; and
 - (B) exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the district or neighborhood.

- (v) Considerations relating to drainage and irrigation:
 - (A) the effect of the site development plan on the adequacy of the storm and surface water drainage; and
 - (B) the need for piping of irrigation ditches bordering or within the site.

- (vi) Other considerations including, but not limited to:
 - (A) buffering;
 - (B) lighting;
 - (C) placement of trash containers and disposal facilities; and
 - (D) location of surface, wall and roof-mounted equipment.

- (3) In order to assure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.
- (4) In a planned center, individual uses shall be subject to the following requirements:

- (i) The overall planned center shall have been approved as a conditional use which shall include an overall site plan, development guidelines and a list of allowable uses in the center.
 - (ii) The City and the developer of the planned center shall enter into a development agreement governing development of the center. The agreement shall include a provision to the effect that staff review and approval of uses and the site plan is typically sufficient.
 - (iii) Development guidelines for a center shall, as a minimum, address the following topics:
 - (A) general site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);
 - (B) architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors;
 - (C) landscaping and open space standards;
 - (D) signage;
 - (E) exterior lighting;
 - (F) parking, pedestrian and vehicular circulation, and access to the site;
 - (G) rights of access within the center (use of cross-easements, etc.);
 - (H) development phasing and improvements/amenities to be completed with each phase;
 - (I) outdoor sales, storage and equipment;
 - (J) fencing and walls; and
 - (K) maintenance standards and responsibilities.
- (5) Building permits for individual uses with an approved planned center shall be reviewed by the Zoning Administrator for compliance of the proposed use to the overall site plan, development guidelines and approved use list for the planned center. The Zoning Administrator shall approve, approve with conditions, or deny the permit based on compliance with applicable conditions of the site plan and provisions of this Title.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Site Plan submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. Any outstanding items from the Planning, Engineering and Building Divisions or the Unified Fire Authority shall be addressed prior to the issuance of final construction drawings.
2. Address all items as outlined in the Geo-technical report.
3. Pay any outstanding invoices for the Building Permit Peer Review prior to the issuance of a Building Permit.
4. A deviation to the minimum landscape buffer standards has been approved along the western property line, allowing for a 7-foot wide buffer in place of the required 10-foot wide buffer. Landscaping shall be provided as shown in the attached Landscape Plan Exhibit D of this report.

5. Site plan approvals expire within one year unless a building permit has been obtained during that time. A written request may be submitted to the Community Development Department prior to expiration of the site plan for an extension of up to six months, subject to approval of the Planning Commission, provided substantial action is shown toward obtaining a building permit and the requirements for extension under Draper City Municipal Code Section 9-5-030 of this Title are met.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Site Plan submission and have issued a recommendation for approval for the request with the following proposed conditions:

1. Plans shall indicate the drive approach will be constructed per UDOT Standard Drawing GW 4A modified to 8" thick per Draper City standards.
2. Plans shall indicate a concrete pad for the trash enclosure per the geotechnical report specifications.
3. We recommend an inlet/outlet structure with an emergency spillway/overflow as in the attached detail and engineered for this site be constructed as part of the detention system. The proposed system with the open outlet pipe at the bottom of the detention basin tends to draw in debris and increase the likelihood of a clogged orifice. A pipe that functions as both the outlet and inlet into the detention basin as proposed will hold storm water in the pipe. Such a design leads to decreased capacity of the pipes as sediment deposits in the pipes and becomes a challenge for the owner to maintain.
4. Copies of the referenced standard drawings and details in the plans shall be included in the plan set.

Building Division Review. The Draper City Building Division has completed their review of the Site Plan submission and has issued a recommendation for approval for the request with the following proposed comments:

1. Depending on the occupant load of this structure, it may be a Category III Structure which will require a peer review of the structural elements.

Geotechnical and Geologic Hazards Review. Taylor Geo-Engineering, LLC, in working with the Draper City Building and Engineering Divisions, has completed their review of the geotechnical and geologic hazards report submitted as a part of the Site Plan submission and has issued a recommendation for approval for the request without further comment.

Unified Fire Authority Review. The Unified Fire Authority has completed their review of the Site Plan submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. **Fire Department Access is required.** An unobstructed minimum road width of twenty-six (26) feet and a minimum height of thirteen (13) feet six (6) inches shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of twenty – eight (28) feet. There shall be a maximum grade of 10%. Grades may be checked prior to building permits being issued.
2. **Fire Hydrants are required** there shall be a total of 5 hydrants required spaced at 300ft. increments, 40 feet minimum distance out from the building. Hydrants are to be protected

with bollards if susceptible to vehicle damage. The required fire flow for this project is 4750GPM for full 4 hour duration.

3. **Hydrants and Site Access.** All hydrants and a form of acceptable temporary Fire Department Access to the site **shall be installed and APPROVED by the Fire Department prior to the issuance of any Building Permits.** If at any time during the building phase any of the hydrants or temporary Fire Department Access becomes non-compliant any and all permits could be revoked.
4. **No combustible construction** shall be allowed prior to hydrant installation and testing by water purveyor. All hydrants must be operational prior to any combustible elements being received or delivered on building site.
5. **Fire Sprinklers Required.** Deferred submittal for fire sprinkler shop drawings are to be sent directly to the following address: Unified Fire Authority, 3380 South 900 West, Salt Lake City, Utah 84119. Attention: Stewart Gray. A minimum of two sets of plans, complete with manufacturer cut sheets, and hydraulic calculations. Plans must be ink signed by a NICET level III or better in Auto Sprinkler Layout. (There needs to be a hydrant with-in a 100 feet of the FDC.) **FDC is required to have KNOX Locking Caps. ALL FIRE PROTECTION PLANS REQUIRE 3rd PARTY REVIEW PRIOR TO BE SUBMITTED TO THE UNIFIED FIRE AUTHORITY.**
6. **Post Indicator Valve with Tamper Required.** If there is no designated fire riser room with a direct access door from the outside. There shall be either a wall mounted P.I.V (OS&Y) or a typical P.I.V placed a minimum distance of 40 feet from the building with a tamper switch.
7. **Fire Alarm Required.** Deferred submittal for fire alarm shop drawings are to be sent directly to the following address: Unified Fire Authority, 3380 South 900 West, Salt Lake City, Utah 84119. Attention: Stewart Gray. A minimum of two sets of plans, complete with manufacturer cut sheets, and battery calculations. Plans must be ink signed by a NICET level III or better in Fire Alarm Systems. **ALL FIRE ALARM PLANS REQUIRE 3rd PARTY REVIEW PRIOR TO BE SUBMITTED TO THE UNIFIED FIRE AUTHORITY.**
8. **Knox Boxes Required.** Fire Department “Knox Brand” lock box to be mounted to exterior walls, near the main entrance and/or nearest the door serving the exterior access to the fire sprinkler riser room. (At a height of 5 feet to the top of the box) Lock box purchase can be arranged by the General Contractor. See attached information form.
9. **2A-10BC Fire Extinguishers required.** The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.
10. **Visible Addressing Required.** New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

Parks & Trails Committee Review. The Draper City Parks and Trails Committee has completed their review of the Site Plan submission and has issued a recommendation for approval for the request without further comment:

Noticing. The applicant has expressed their desire to develop the subject property and 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

Site Plan:

Staff recommends approval of the request for a Site Plan by Brent Kendall, representing the Rock Church, application 130812-11630S, subject to the following conditions:

1. Any outstanding items from the Planning, Engineering and Building Divisions or the Unified Fire Authority shall be addressed prior to the issuance of final construction drawings.
2. Pay any outstanding invoices for the Building Permit Peer Review prior to the issuance of a Building Permit.
3. Address all items as outlined in the Geo-technical report including following construction standards during development of the property.
4. Site plan approvals expire within one year unless a building permit has been obtained during that time. A written request may be submitted to the Community Development Department prior to expiration of the site plan for an extension of up to six months, subject to approval of the Planning Commission, provided substantial action is shown toward obtaining a building permit and the requirements for extension under Draper City Municipal Code Section 9-5-030 of this Title are met.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
2. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
3. 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.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

Deviation From Strict Compliance For Landscaping:

Staff recommends approval of the request for a Deviation from Strict Compliance for Landscaping by Brent Kendall, representing the Rock Church, application 130812-11630S, subject to the following conditions:

1. A deviation to the minimum landscape buffer standards shall be approved along the western property line, allowing for a 7-foot wide buffer in place of the required 10-foot wide buffer. Landscaping shall be provided as shown in the attached Landscape Plan Exhibit D of this staff report dated November 22, 2013.

This recommendation is based on the following findings:

1. Is consistent with the purpose of this Chapter and any applicable master plan or ordinance;
2. Reflects a design that conforms to the requirements of this Chapter to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested;
3. Will not adversely affect neighboring property owners or residents;
4. Will not adversely affect sight distance or otherwise diminish public safety;
5. Is justified by site constraints; and
6. Is of high quality and integrates aesthetically with the design of the primary buildings on site and established streetscape.

MODEL MOTIONS

Site Plan:

Sample Motion for Approval – “I move we approve the Site Plan Request by Brent Kendall, representing the Rock Church for the proposed site church site at 11630 South 700 East, application 130812-11630S, based on the findings and subject to the conditions listed in the Staff Report dated November 22, 2013 and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Site Plan Request by Brent Kendall, representing the Rock Church for the proposed site church site at 11630 South 700 East, application 130812-11630S, based on the following findings:”

1. List any additional findings...

Deviation From Strict Compliance For Landscaping

Sample Motion for Approval – “I move we approve the Deviation from Strict Compliance Request for Landscaping by Brent Kendall, representing the Rock Church for the purpose of reducing the western landscape buffer by three feet, as a part of application 130812-11630S, based on the findings and subject to the conditions listed in the Staff Report dated November 22, 2013 and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Deviation from Strict Compliance Request for Landscaping by Brent Kendall, representing the Rock Church for the purpose of reducing the western landscape buffer by three feet, as a part of application 130812-11630S, based on the following findings:”

1. List any additional findings...

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.



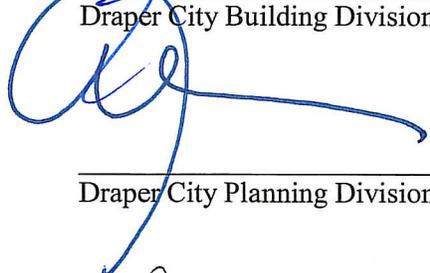
Draper City Engineering Division

Draper City Operations Division

Unified Fire Authority



Draper City Building Division



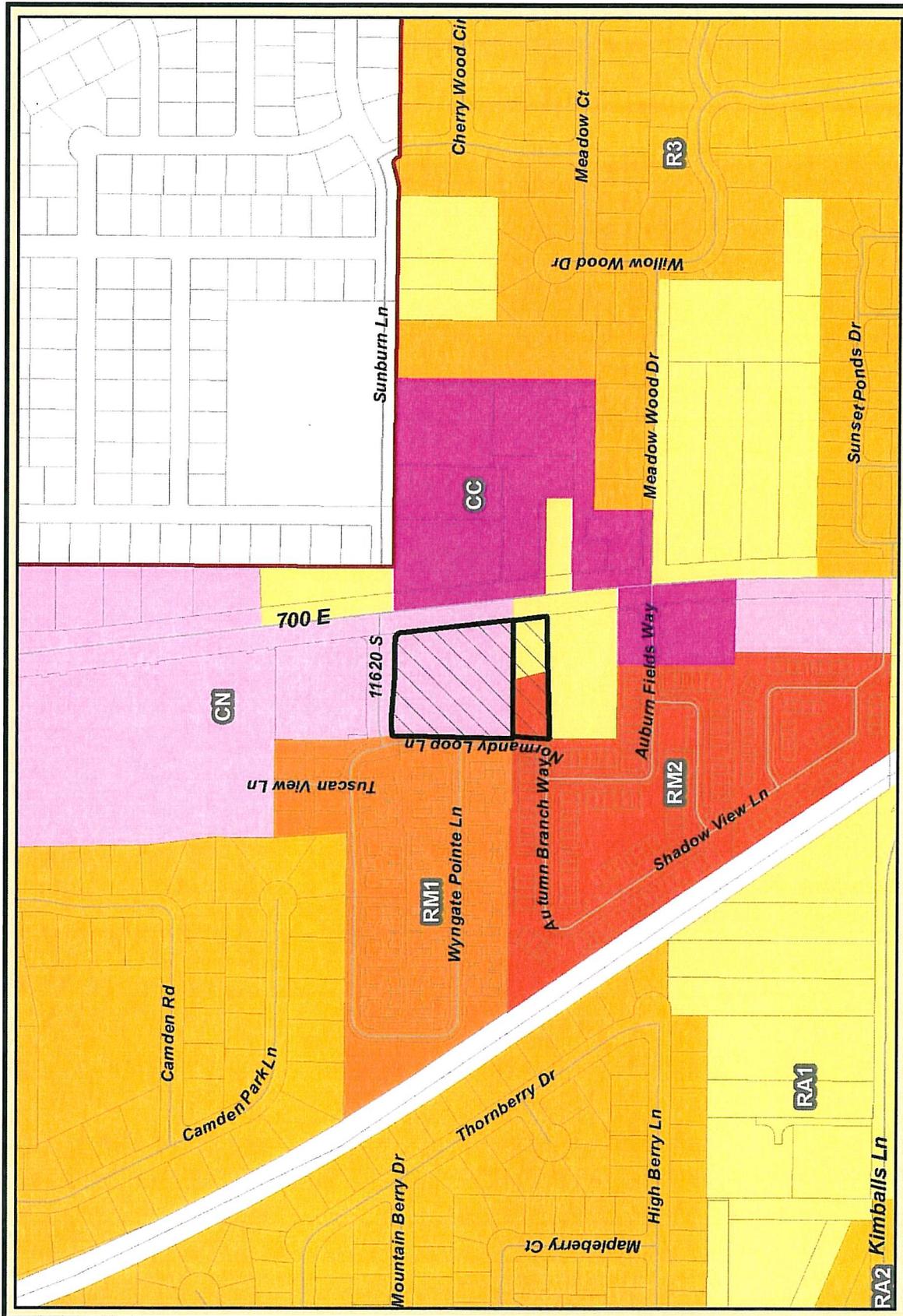
Draper City Planning Division



Draper City Legal Counsel



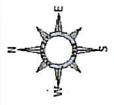
EXHIBIT A ZONING MAP



The Rock Church Zoning Map



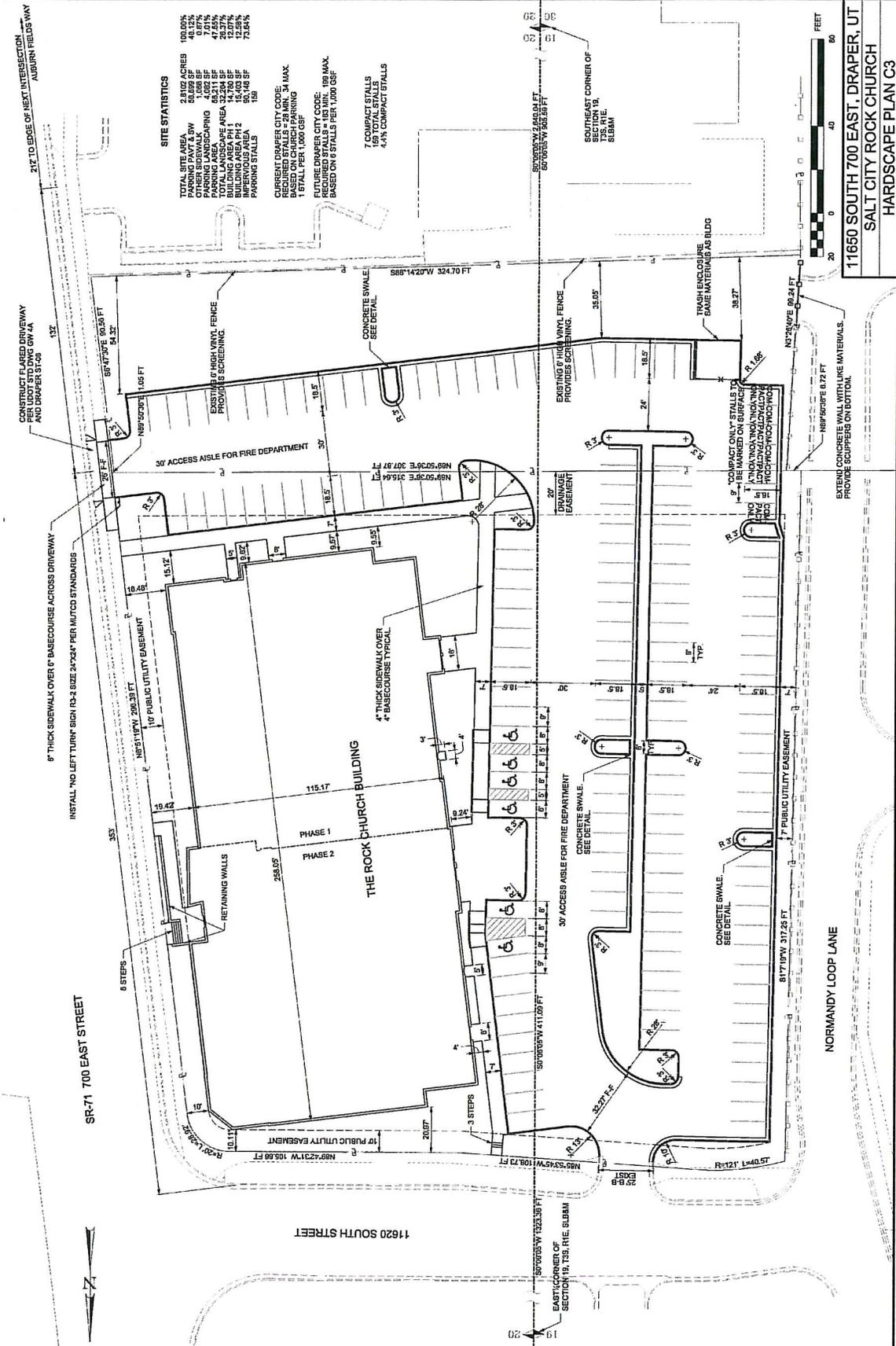
EXHIBIT B
AERIAL MAP



The Rock Church
Aerial Map



EXHIBIT C SITE PLAN



SITE STATISTICS

TOTAL SITE AREA	100.00%
PARKING PAVT. & SW	48.13%
PARKING LANDSCAPING	7.01%
TOTAL LANDSCAPE AREA	26.25%
BUILDING AREA PH 1	14.76%
BUILDING AREA PH 2	12.07%
IMPERVIOUS AREA	55.14%
PARKING STALLS	158

CHURCH OFFERS CITY CODE, 1 MAX. BASED ON CHURCH PARKING
 FUTURE DRAPER CITY CODE, 100 MAX. BASED ON 2 STALLS PER 1,000 GSF.
 7 COMPACT STALLS
 4.1% COMPACT STALLS

11650 SOUTH 700 EAST, DRAPER, UT
SALT CITY ROCK CHURCH
HARDSCAPE PLAN C3

FEET
0 20 40 60

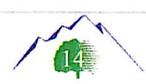
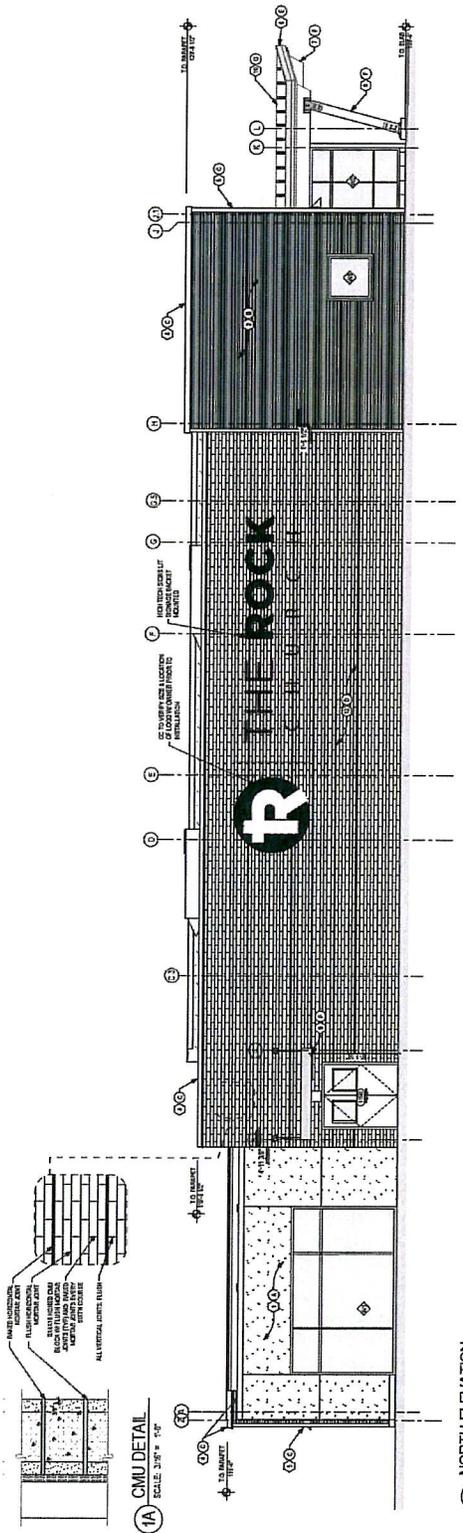
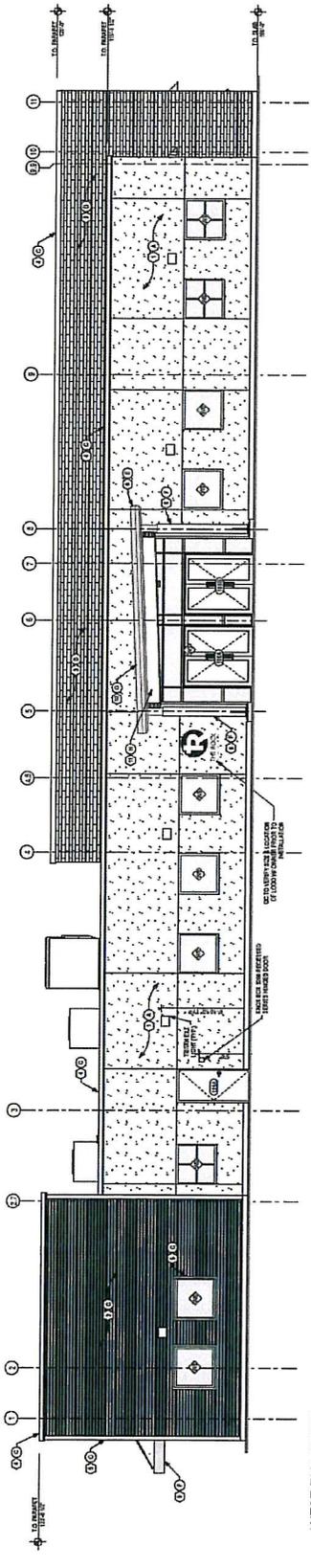


EXHIBIT E ELEVATIONS

EXTERIOR	FINISH
1	ALUMINUM CLADDING
2	ALUMINUM CLADDING
3	ALUMINUM CLADDING
4	ALUMINUM CLADDING
5	ALUMINUM CLADDING
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100	ALUMINUM CLADDING



1 NORTH ELEVATION
SCALE: 3/8" = 1'-0"



2 WEST ELEVATION
SCALE: 3/8" = 1'-0"



EXHIBIT F
REDUCTION IN LANDSCAPE BUFFER REQUEST LETTER



THE ROCK CHURCH

October 25, 2013

Draper City Planning Commission
1020 E Pioneer Road
Draper City, UT 84020

Dear Planning Commission,

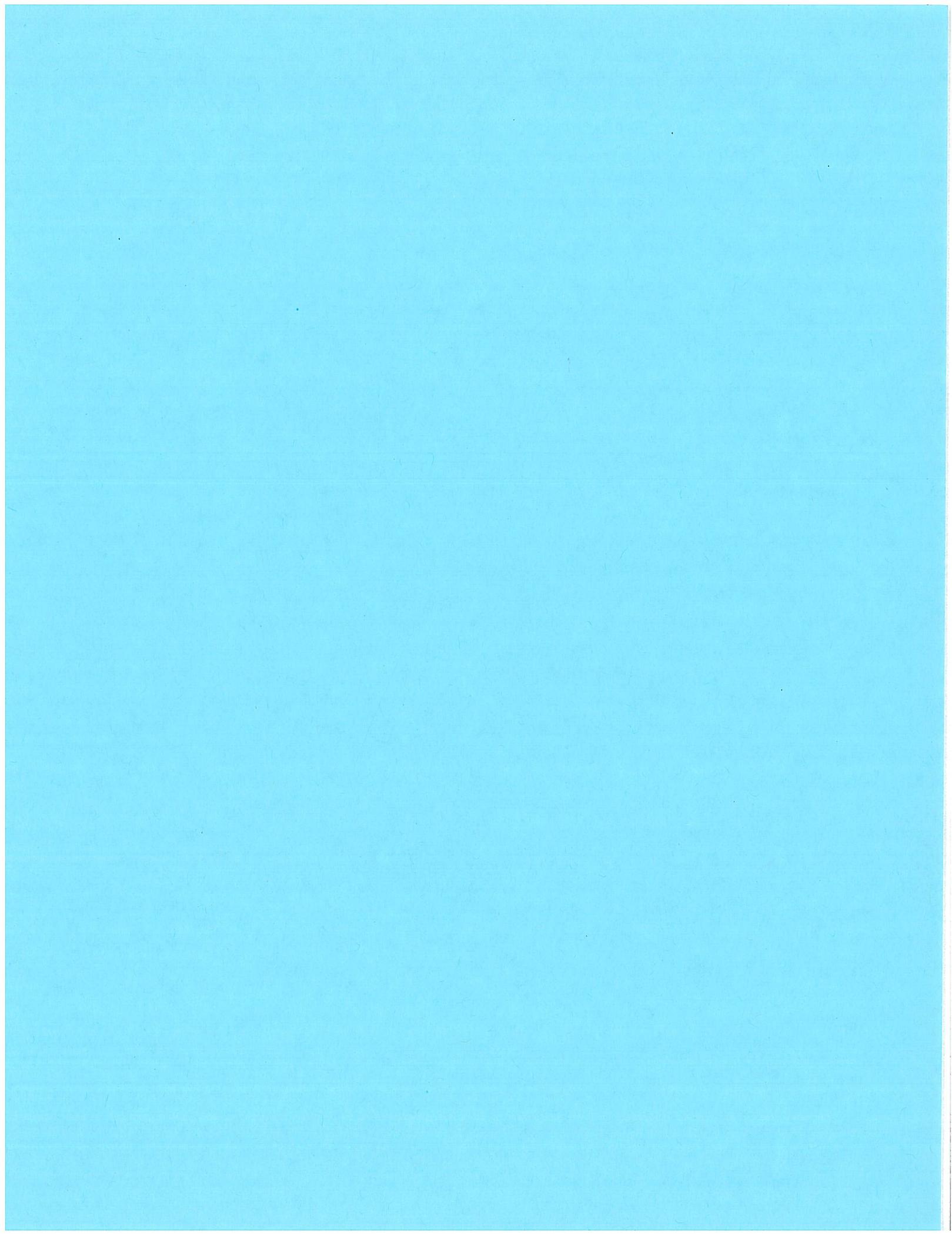
This is a formal request for a reduction in landscaping buffers on our recent site plan submittal for 11650 S 700 E. We have read code 9-23-110, 9-23-3 and 9-23-4 regarding the buffers and the land use tables. Per the code we are required a 10-foot buffer to the West.

Our request for landscaping buffer to the West:

From table 9-23-4, a reduction in the L.U.I. difference of 1 for local road means the landscape buffer should be 0 feet. An existing masonry wall already provides for a buffer. Our site produces less noise and use when compared to the office space category that it is included in. We are asking for a reduction in landscape buffer from 10-foot to 7-foot. Amounts of landscaping will not be reduced.

I appreciate your review and consideration of our request.

Brent Kendall
Director of Administration and Finance
The Rock Church
brent@experiencetherock.com
(801) 618-8010





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

STAFF REPORT
November 26, 2013

To: Draper City Planning Commission
Business Date: December 5, 2013

From: Development Review Committee

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

Re: Town Center Restaurant Drive Through – Text Amendment Request

Application No.: 131115-12485S

Applicant: Tom Dipo

Request: Request for approval of a text amendment regarding restaurant drive through lanes in the Town Center (TC) zone.

SUMMARY

This application is a request for approval of a Text Amendment that would affect the use table of chapter 9-11. The table currently does not allow restaurants in the Town Center (TC) zone (see map, exhibit 'A') to have a restaurant. The applicant is requesting that a Text Amendment be approved to allow restaurants in the TC zone be allowed a single drive through lane.

ANALYSIS

In July of 2006, the Town Center zone was created and the area generally around City Hall was master planned and zoned the TC designation. In conjunction with this zone designation, design standards were adopted for the TC zone. Some of those standards included maximum building setbacks, building design guidelines and requiring parking to be in the rear of the building. Additionally, a restriction was placed on restaurant drive through lanes in an effort to deemphasize auto traffic within the Town Center. However, the same restriction was not placed on banks which are allowed a single drive through lane associated with their business. The applicant is requesting that the code be changed to allow restaurants to have a single drive through, the same as banks. It is not anticipated that this change would have a substantial impact on the town center if approved. The applicant as well as another restaurant owner within the town center has expressed an interest in changing the text to allow their businesses the ability to have a drive through lane. The proposed change is shown on exhibit 'B' attached to this staff report.



Criteria For Approval. The criteria for review and potential approval of a Text 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.

REVIEWS

Planning Division Review. The Draper City Planning Division is recommending approval of the zoning text amendment as proposed.

Noticing. Draper City as the applicant has desired to comply with all noticing requirements for an amendment to the zoning text. 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 Text Amendment by Tom Dipo, application 131115-12485S regarding restaurant drive throughs in the Town Center zone. This recommendation is based on the following findings:

- 1. That the proposed amendment is consistent with goals, objectives and policies of the City's General Plan such as:
 - a. Encourage the establishment of a strong tax base by accommodating commercial and industrial development in appropriate areas.
 - b. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
 - c. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
- 2. That special design guidelines are already in place for businesses within the Town Center zone which will give extra consideration to screening and site design to mitigate any potential unwanted visual effects of drive through lanes.
- 3. That the proposed change would not be detrimental to the health, safety and general welfare of the community and its citizens.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Town Center Restaurant Drive Through Text Amendment Request by Tom Dipo, application 131115-12485S, based on the findings and subject to the conditions listed in the Staff Report dated November 26, 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 Town Center Restaurant Drive Through Text Amendment Request by Tom Dipo, application 131115-12485S, based on the following findings:”

1. List any findings...

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.



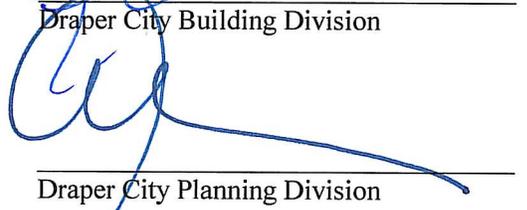
Draper City Engineering Division

Draper City Operations Division

Unified Fire Authority



Draper City Building Division

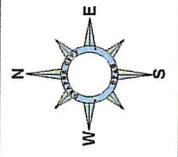
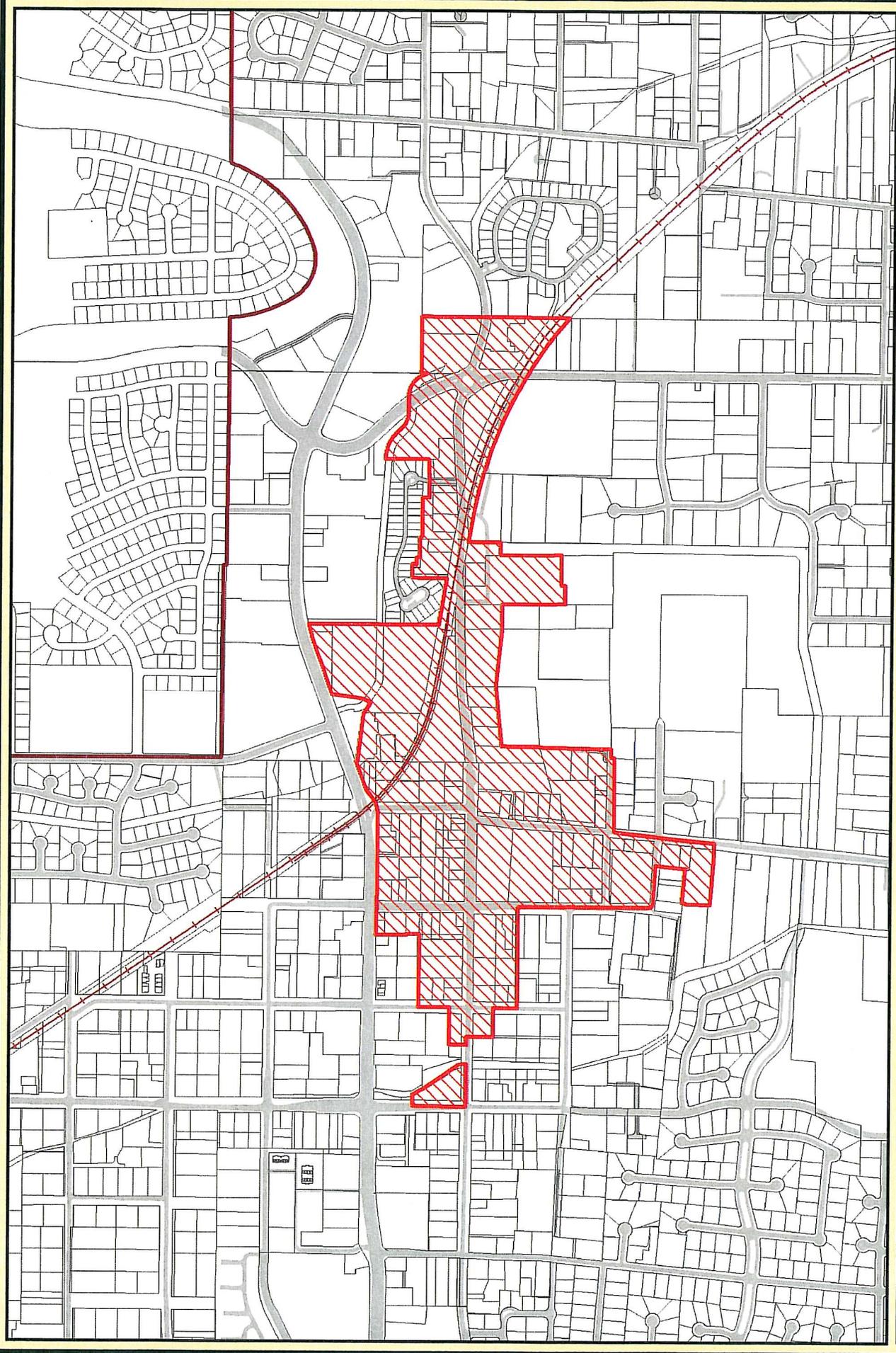


Draper City Planning Division



Draper City Legal Counsel

Exhibit 'A'



Town Center Boundaries

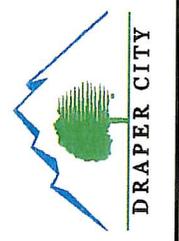


Exhibit 'B'

Table 9-11-1 Permitted and Conditional Uses Allowed in Commercial Zones (except CSD zones).

Uses	Zones											
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS
Residential Uses												
Assisted Living Facility	C	C	C	C	NP	NP	NP	NP	C	C	NP	C
Dwelling, Multiple-Family	C ¹	C ¹	C ¹	NP	NP	NP	NP	NP	P	C ¹	NP	NP
Dwelling, Single-Family	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP
Home Occupations	See Chapter 9-34 of this Title											
Residential Facility for Elderly Persons	C	C	C	C	NP	NP	NP	NP	C	C	NP	C
Residential Facility for Persons With a Disability	C	C	C	C	NP	NP	NP	NP	C	C	NP	C
Public and Civic Uses												
Auditorium, Major	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	NP
Auditorium, Minor	NP	C	C	NP	NP	C	NP	C	NP	C	NP	NP
Bus Terminal	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	NP
Charter Schools	P	P	P	P	P	P	P	P	P	P	P	P
Church or Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P
Club or Service Organization	P	P	P	NP	NP	P	P	P	P	NP	NP	NP
Government Service	P	P	P	NP	NP	P	P	P	P	P	NP	NP
Higher Education Facility, Private	NP	C	C	C	C	C	C	C	NP	C	NP	NP
Higher Education Facility, Public	NP	C	C	C	C	C	C	C	NP	C	NP	NP
Hospital	NP	C	P	NP	NP	C	NP	C	NP	NP	NP	NP
Private School	C	C	C	C	C	C	C	C	C	NP	NP	C
Protective Service	P	P	P	P	P	P	P	P	P	P	NP	P
Public School	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Substation	See Chapter 9-36 of this Title											
Reception Center	NP	C	P	C	NP	NP	NP	C	NP	C	P	NP
Trade / Vocational School	NP	C	C	C	C	C	C	C	C	NP	NP	NP
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P
Municipal Uses												
Franchise Municipal Uses	C	C	C	C	C	C	C	C	C	C	C	C
Municipal Uses	P	P	P	P	P	P	P	P	P	P	NP	NP
Commercial Uses												
Auto, Truck, RV, and Equipment Storage	NP	NP	C	C	NP	C	NP	NP	NP	NP	NP	NP
Bank or Financial Institution	P	P	P	P	P	P	P	P	C	C ²	P	C
Bed and Breakfast Inns	C	NP	NP	NP	NP	NP	NP	NP	C	P ³	NP	NP
Business Equipment Rental and Supplies	NP	P	NP	P	P	P	NP	P	NP	P	NP	NP
Business Service	NP	P	NP	P	P	P	P	P	NP	P	NP	NP
Car Wash	NP	C	C	NP	C	C	NP	NP	NP	NP	NP	NP
Cashing Services	NP	NP	NP	NP	C	NP	NP	NP	NP	NP	NP	NP
Club, Dining ⁴	C	P	P	P	P	P	NP	NP	NP	P	P	NP
Club, Social ^{4,5}	NP	C	C	C	C	C	NP	C	NP	C	P	NP
Construction Sales and Service	NP	NP	C	C	NP	NP	NP	NP	NP	NP	NP	NP
Convenience Store	C	C	C	P	P	P	P	P	NP	C ⁶	P	NP
Day Care, General	P	P	P	P	P	P	P	P	C	NP	NP	NP
Farmers Market	P	P	P	NP	NP	NP	NP	NP	NP	P	NP	NP
Funeral Home	C	C	C	C	C	C	C	C	NP	P	NP	NP
Garage, Public	NP	C	C	C	C	C	C	C	NP	C	C	C
Gas And Fuel, Storage and Sales	NP	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP
Gasoline Service Station	C	C	P	P	P	C	NP	NP	NP	NP	P ⁷	NP
Grooming Service	P	P	P	P	C	P	NP	NP	C	NP	NP	C

¹ Only as a part of a mixed use center with no dwellings allowed on the ground floor.

² Limited to no more than 1 drive-through lane.

³ In existing historic structures only.

⁴ Subject to the alcohol provisions per Chapter 4 of Title 6 DCMC.

⁵ Allowed only in combination with a hotel or as part of a restaurant and comprising less than 50% of the floor space of the entire facility.

⁶ Without gasoline sales.

Table 9-11-1 Permitted and Conditional Uses Allowed in Commercial Zones (except CSD zones).

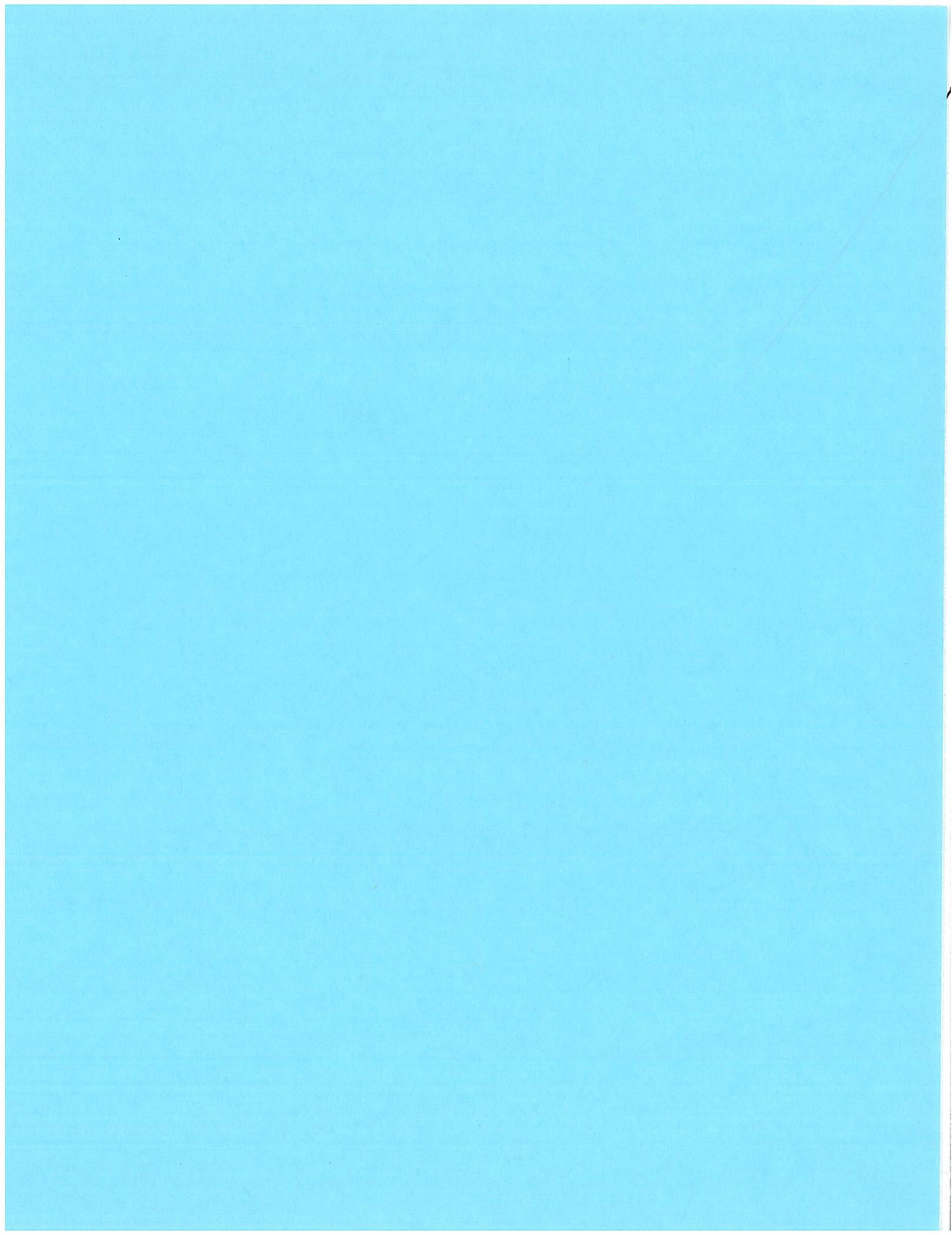
Uses	Zones												
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS	
Hotel	NP	C	C	C	C	C	NP	C	NP	C	P	NP	
Kennel	NP	NP	C	C	NP	NP	NP	NP	C	C ⁴⁰⁹	NP	NP	
Laundry and Dry Cleaning, Limited	C	P	P	P	P	P	NP	P	NP	C ⁸²	P	NP	
Laundry Service	C	C	P	P	P	P	NP	NP	NP	NP	NP	C	
Media Service	NP	NP	P	P	NP	P	P	P	C	NP	NP	NP	
Medical or Dental Laboratory	NP	NP	NP	C	NP	P	P	P	P	NP	NP	NP	
Medical Service	C	P	P	P	NP	P	P	P	P	C	NP	NP	
Motel or Motor Lodge	NP	NP	C	C	P	C	NP	C	NP	NP	P	NP	
Nursery	C	C	P	P	C	NP	NP	NP	NP	NP	NP	C	
Office, General	P	P	P	P	P	P	P	P	P	P	P	C	
Parking, Commercial	NP	NP	C	C	C	C	NP	NP	NP	NP	NP	NP	
Personal Care Service	P	P	P	P	P	P	P	P	P	P	P	NP	
Personal Instruction Service	P	P	P	P	P	P	P	P	P	P	NP	NP	
Pre-School, General	P	P	P	P	P	P	P	P	C	C	NP	NP	
Precious Metals and Gems Dealer	NP	C	P	P	NP	C	NP	NP	NP	NP	NP	NP	
Printing and Photocopying, Limited	C	P	P	P	P	P	P	P	C	P	P	NP	
Printing, General	NP	NP	NP	P	NP	P	NP	NP	NP	P	NP	NP	
Recreation and Entertainment, Indoor	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Recreation and Entertainment, Outdoor	NP	C	C	C	NP	NP	NP	NP	NP	NP	NP	NP	
Recycling Collection Station	NP	C	P	P	C	P	NP	NP	NP	C	NP	NP	
Repair Service	NP	P	P	P	NP	NP	NP	NP	C	NP	NP	P	
Research Service	NP	NP	NP	P	NP	P	P	P	P	NP	NP	NP	
Restaurant	C	P	P	P	P	P	NP	NP	NP	P ⁸²	P	NP	
Retail, General	P	P	P	P	P	P	NP	NP	NP	P	P	C	
Secondhand or Thrift Store, Large, With No Outside Storage and No Drop-Off of Items During Hours the Business is Closed	NP	NP	NP	C	NP	P	NP	NP	NP	NP	NP	NP	
Secondhand or Thrift Store, Large, With Outdoor Storage or Drop-Off of Items During Hours the Business is Closed	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Secondhand or Thrift Store, Small	P	P	P	P	NP	NP	NP	NP	C	NP	NP	NP	
Sexually Oriented Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Tattoo Establishment	NP	C	C	C	NP	NP	NP	NP	NP	NP	NP	NP	
Transportation Service	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	NP	
Vehicle and Equipment Rental or Sale	NP	C	P	P	P	P	NP	NP	NP	NP	NP	NP	
Vehicle and Equipment Repair, General	NP	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	
Vehicle Rental, Limited	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	
Vehicle Repair, Limited	NP	C	P	P	P	P	NP	NP	NP	NP	NP	NP	
Veterinary Service	C	C	C	C	NP	NP	NP	NP	C	C ⁸⁸	NP	C	
Warehouse, Self-Service Storage	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	C	
Wireless Telecommunication Facility	See Chapter 9-41 of this Title												
Manufacturing Uses													
Manufacturing, Limited	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	NP	
Wholesale and Warehousing, Limited	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	NP	

⁷ Only on the corner of Bangerter Highway.

⁸ ~~With no drive-through lanes only.~~

⁸⁸ With no kennel services.

⁴⁰⁹ No breeding or outdoor kennels.



MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, NOVEMBER 21, 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 Craig Hawker, Jeff Head, Leslie Johnson, Kent Player, and Marsha Vawdrey. Alternate Member Traci Gundersen.

ABSENT: Commissioner Andrew Adams

STAFF PRESENT: Keith Morey, Doug Ahlstrom, Dan Boles, and Angie Olsen.

ALSO PRESENT: Roll on File

Study Meeting:

[6:22:47 PM](#)

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

Business Meeting:

Chairperson Gilliland explained the rules of public hearings and called the meeting to order at [6:32:38 PM](#).

[6:33:09 PM](#)

1.0 **Action Item: Approval of minutes from the November 7, 2013 Planning Commission meeting.**

[6:33:25 PM](#)

1.1 **Motion.** Commissioner Vawdrey made a motion to approve the minutes of the Planning Commission meeting held on November 7, 2013 with submitted changes. Commissioner Head seconded the motion.

[6:33:38 PM](#)

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

[6:33:45 PM](#)

- 2.0 **Public Hearing: On the request of Steve Pruitt, representing Phoenix West for approval of a Commercial Site Plan in the CI Commercial Interchange zone on 0.73 acres at 11440 South State Street to allow construction of a restaurant. This application is otherwise known as the Toscano Commercial Site Plan Request, Application #131001-111440S.**

[6:34:07 PM](#)

- 2.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated November 12, 2013, Senior Planner Dan Boles reviewed the details of the proposed application. He explained this application is a request for approval of a Commercial Site Plan for approximately 0.73 acres located on the west side of State Street, at approximately 11440 South State Street. He reviewed an aerial map of the area and identified the location of the subject property as well as some surrounding landmarks. He noted the property is currently zoned CI Commercial Interchange and the applicant is requesting that a Commercial Site Plan be approved to allow for the development of the site as a restaurant. He explained a small home was built on the property around the turn of the twentieth century; over the years the home has become dilapidated and run down. He identified the accessory building that was also built on the property and explained both structures will be razed as part of the development. He then noted a restaurant is a permitted use in the CI zone after which he reviewed the actual Site Plan. He added there is one request for a deviation relative to the 10-foot buffer requirement; the applicant is proposing a reduced buffer of five feet to allow for trucks to make deliveries to the back of the restaurant. He explained staff supports the request for the deviation. He then briefly reviewed the landscape plan, building elevations, and the materials to be used in the construction of the building. He concluded his report by reviewing photographs of the property in its current state.

[6:38:35 PM](#)

- 2.2 Commissioner Player asked if there are any issues associated with northbound State Street traffic trying to make a left turn into the property. Mr. Boles answered noted there is a median in that area that will block left turns by northbound State Street traffic.

[6:38:56 PM](#)

- 2.3 Commissioner Hawker asked if there will be access to the property from 11400 South. Mr. Boles answered no and stated there is another parcel of property between the subject property and 11400 South. Commissioner Head stated it is his understanding the only ingress and egress to the property will be from southbound State Street. Mr. Boles stated that is correct. He then stated staff recommends approval of the request for deviation relative to landscaping as well as the site plan.

[6:39:43 PM](#)

- 2.4 Commissioner Player stated it appears there are some drainage issues on the property and he asked if the applicant is prepared to address those issues. Mr. Boles answered yes.

6:39:59 PM

2.5 Commissioner Vawdrey inquired as to who owns the property directly south of the subject property. Mr. Boles stated the owner is Megadine.

6:40:24 PM

2.6 Commissioner Head asked if the property to the north of the subject property will be retained by the Utah Department of Transportation (UDOT) or if they have plans to sell it. Mr. Boles stated he is not sure of UDOT's plans relative to the ownership of the property.

6:40:48 PM

2.7 Applicant Presentation: Steve Pruitt stated he is the owner of the Toscano restaurant currently located in Sandy, which will be relocated to the subject property. He stated he has been in his current location for four years and he developed the surrounding properties as well. He stated he has a vested interest in the area; he originally acquired the subject property as an investment property. He addressed the questions regarding access to the subject property from 11400 South and noted the frontage of the property is less than 600 square feet and, therefore, access is not permitted from the parcels to the north or south. He noted UDOT acquired the parcel they own through the process of condemnation and it was part of the Interstate-15 off-ramp project. He noted he has negotiated access and easement agreements with UDOT on their property and UDOT does not have any current plans to surplus the property. He added if that eventually happens, a public process will be followed. He then reviewed his development plans and noted the design will closely follow the design of a restaurant he owns in downtown Salt Lake City.

6:44:09 PM

2.8 Commissioner Player stated he lives in the neighborhood of the subject property and he is looking forward to this development. Mr. Pruitt stated he is looking forward to it as well and noted there has been much vandalism of the property as of late.

6:44:39 PM

2.9 Chairperson Gilliland opened the public hearing. There being no persons appearing to be heard, the public hearing was closed.

6:45:11 PM

2.10 **Motion re: deviation from strict compliance for landscaping:** Commissioner Head moved to approve the Deviation from Strict Compliance Request for Landscaping by Steve Pruitt, representing Phoenix West to allow for a reduction in required buffer along the southern property line, as a part of application 131001-11440S, based on the findings and subject to the conditions listed in the Staff Report dated November 12, 2013. Commissioner Hawker seconded the motion.

6:45:46 PM

2.11 **Vote:** A roll call vote was taken with Commissioners Head, Hawker, Player, Johnson, and Vawdrey voting in favor of approving the request for deviation from strict compliance for landscaping.

6:45:57 PM

2.12 **Motion:** Commissioner Player moved to approve the Commercial Site Plan Request by Steve Pruitt, representing Phoenix West for a commercial site plan, application 131001-11440S, based on the findings and subject to the conditions listed in the Staff Report dated November 12, 2013. Commissioner Hawker 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 including those items listed in this staff report.
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 and the construction of all buildings on the site including those items listed in this staff report.
4. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.
5. That the site and building is constructed as depicted in the plans submitted to the City and presented to the Planning Commission July 18, 2013.
6. That any changes to the approved site plan are submitted to staff and proceed through the system to receive approval of said changes.
7. That all lighting is cut off and fully shielded per requirements of chapter 9-20 of the Draper City Municipal Code.
8. That light poles are limited to twenty feet in height and are black in accordance with chapter 9-20 of the Draper City Municipal Code.
9. That a lighting plan is submitted that meets all requirements of the lighting ordinance prior to issuance of a building permit.
10. That the dumpster enclosure is constructed of the same materials as the building or a masonry product.
11. That the screening wall around the patio complies with section 9-22-040(f)(3) of the DCMC as it relates to CMU requirements.

Findings are listed on the next page ...

Findings:

1. The proposed development plans meet 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. helping to create a balanced community where residents can live, work and play, and have their essential needs met;
 - d. encouraging development and maintenance of quality development projects;
 - e. supporting the location of regional land uses, such as major employment and mixed-use centers along regional mobility networks;
 - f. relating regional transportation corridors to regional land use intensities and patterns;
 - g. supporting regional land use policies, patterns, and planning;
 - h. encouraging and supporting a diversity of businesses; and
2. The proposed development plans meet the general requirements and provisions of the Draper City Municipal Code.
3. 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.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

6:46:31 PM

- 2.13 **Vote:** A roll call vote was taken with Commissioners Player, Johnson, Hawker, Head, and Vawdrey voting in favor of forwarding a approving the site plan.

6:46:50 PM

- 3.0 **Staff Reports:** Staff provided the Planning Commission with a report regarding the recent actions of the City Council. The calendar of upcoming Planning Commission meetings and events was also reviewed briefly.

6:49:40 PM

- 3.1 Commissioner Player briefly expressed his concerns regarding parking and traffic issues at Velocity Auto. Mr. Morey stated a zone change for the property has been approved by the City Council and that issue will be addressed throughout the site plan approval process.

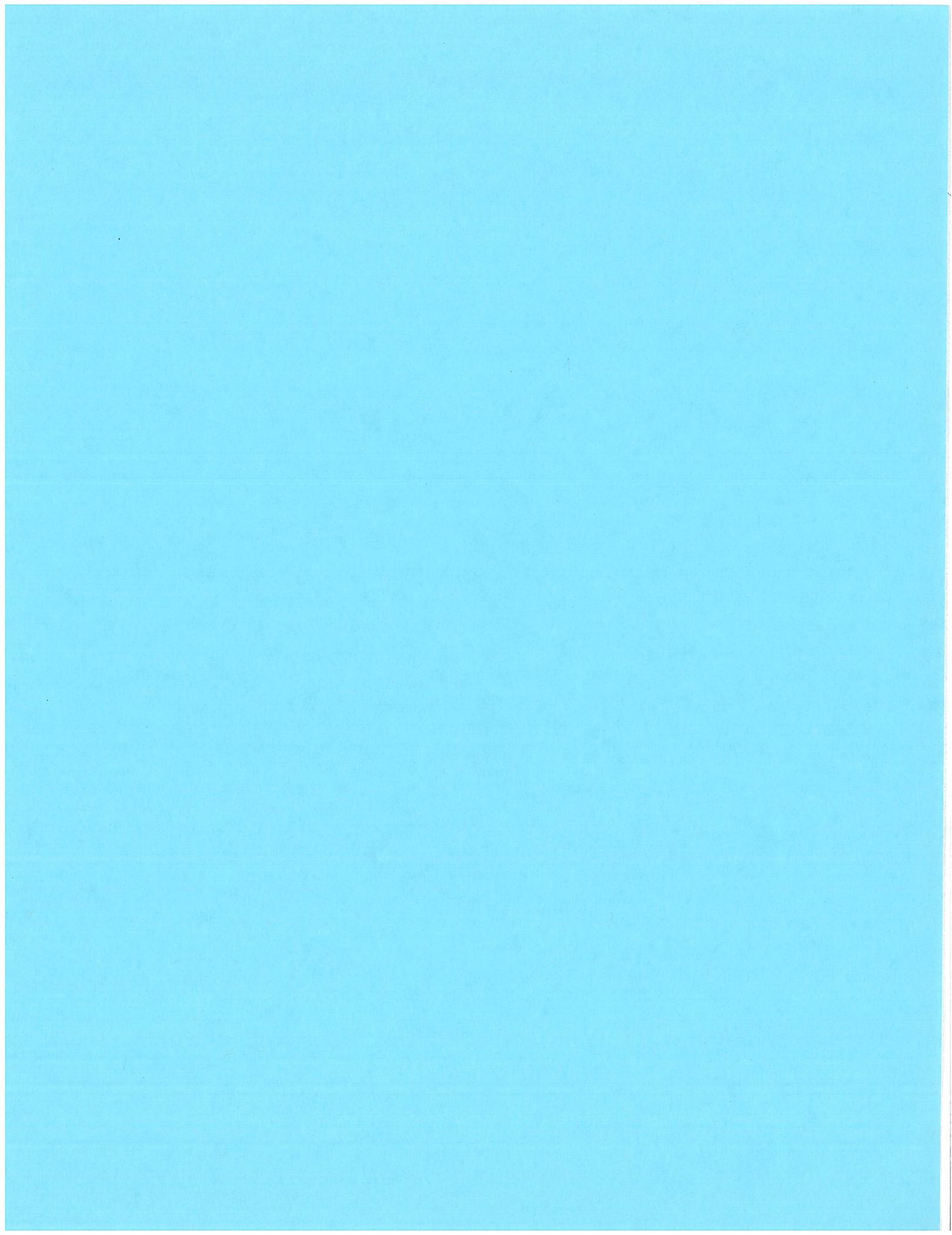
6:51:54 PM

- 3.2 Commissioner Head asked if staff has time to work on issues relative to the R4 and R5 residential zones. Mr. Morey stated that it may be necessary to have a work session meeting to further discuss the issue so that staff can better understand the Planning Commissions intent regarding the lot sizes in both zones.

6:53:01 PM

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

- 4.1 **A voice vote was taken with all in favor. The meeting adjourned at.**





Planning Division
Community Development Department
1020 East Pioneer Road
Draper, Utah 84020
www.draper.ut.us

MEMORANDUM

To: Draper City Planning Commission
From: Dan Boles, A.I.C.P., Senior Planner
Date: November 27, 2013
Re: Planning Commission Bylaws and Calendar

Subject:

Attached is a proposal to change the text of the bylaws as it pertains to scheduling meetings for the year. The bylaws as written require that the Planning Commission meetings are to be held "*on Thursdays of the week containing the first and third Tuesdays of the month*". In an effort to simplify the procedure, staff is recommending that the Planning Commission simply adopt a calendar for the year that will act as the schedule for the meetings. Planning Commission meetings will typically be scheduled on the second and fourth Thursday of the month with a few noted exceptions where holidays interfere with this schedule. The attached revisions of the bylaws will clear this up. Please find attached a copy of the revised bylaws and the proposed calendar of meetings.

Draper City Planning Commission Bylaws and Rules of Procedure

ARTICLE I. GENERAL PROVISIONS

- 1.1 Terms of Commonality. When used herein, the following terms shall be defined and used as stated:
- a. Bylaws. The Bylaws and Rules of Procedure for the Draper City Planning Commission, commonly referred to herein as “the Bylaws.”
 - b. City Council. The City Council of Draper City, including the Mayor, commonly referred to herein as “the Council.”
 - c. Draper City Municipal Code. The entirety of the Draper City Municipal Code, commonly referred to herein as “the Code.”
 - d. Executive Director. The Executive Director to the Planning Commission, established to be the Community Development Director for Draper City, commonly referred to herein as “the Director.”
 - e. Member, Alternate. A duly appointed alternate member of the Planning Commission serving a one-year renewable term and having the ability to sit and vote as a member of the Commission in the absence of a regular member, commonly referred to herein as “Alternate.”
 - f. Member, Regular. A duly appointed member of the Planning Commission serving a four-year renewable term and having the ability to sit and vote as a member of the Commission whenever present, commonly referred to herein as “Member.”
 - g. Member, Sitting. A duly appointed Member or Alternate of the Planning Commission who is counted in the establishment of a quorum and who actively participates and votes as a part of the Commission at any one meeting or on any one agenda item.
 - h. Planning Commission. The Planning Commission of Draper City including all regular and alternate members, commonly referred to herein as “the Commission” when referencing the entirety of the body or “Commissioner(s)” when referencing an individual.
 - i. Subdivision Ordinance. The Subdivision Ordinance of Draper City established to be the entirety of Title 17 of the Draper City Municipal Code.
 - j. Zoning Ordinance. The Zoning Ordinance of Draper City established to be the entirety of Title 9 of the Draper City Municipal Code.
- 1.2 Applicable State Statutes, Local Ordinances, and Rules. The Commission shall be governed by state statutes and local ordinances and policies including, but not limited to, the following:
- a. State statutes applying generally to public boards, members, and officials, including those dealing with conflicts of interest, disclosure requirements, and open and public meetings.

- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including Title 10, Chapter 9a, the Municipal Land Use, Development, and Management Act.
 - c. The Zoning Ordinance of Draper City.
 - d. The Subdivision Ordinance of Draper City.
 - e. The Draper City General Plan and related overlay plans.
 - f. The Bylaws of the Draper City Planning Commission as set forth herein.
- 1.3 Affect of These Bylaws. These Bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines on procedure and conduct only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviations shall not be grounds for invalidating a hearing held during that meeting or any decisions made at that meeting.
- 1.4 Requirement of Familiarity with State Statutes, Local Ordinances, and Rules Affecting the Commission. Upon taking office, all members of the Commission shall familiarize themselves with the foregoing. While in office, members shall maintain such knowledge, including amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

ARTICLE II. MEMBERSHIP AND OFFICERS

- 2.1 Number of Members and Appointment. The membership and appointment of the Commission shall be as established in Section 3-1-280 of the Code with six Members, one of whom serves as a non-voting Chairperson, and Alternates in a number deemed appropriate by the Council.
- 2.2. Chairperson and Vice Chairperson.
- 2.2.1 Appointment.
- a. At the last regularly scheduled meeting in December of each year, the Commission shall have an agenda item as the appointment of Members to serve as Chairperson and Vice Chairperson for the following calendar year. The Chairperson and Vice Chairperson shall maintain their duties and responsibilities until the first meeting in January of the following year. Should the last regular meeting in December not be held, the Commission shall have the first item of business at the first January meeting as the appointment of a Chairperson and Vice Chairperson. In such an event, Members appointed to those positions shall assume their duties immediately following the election of the Chairperson and Vice Chairperson. Members may serve more than one term and in both appointed positions, not concurrently, if properly nominated and appointed.
 - b. Appointment of the Chairperson and Vice Chairperson shall be done separately, each according to the following procedure:
 - i. The Chairperson shall designate any Commissioner or a member of staff

to track the nomination and appointment processes.

- ii. The Chairperson shall call for the nomination of Regular Members through verbal or written nomination, at the discretion of the Chairperson.
- iii. Once all nominations have been submitted and accepted by the Chairperson, the Chairperson, following an allowance of time for each nominated Member to make comment, shall call for a voice or silent ballot vote, at the discretion of the Chairperson, of the Regular Members present.
- iv. Following collection of the votes of all Regular Members present, including the Chairperson and all nominated Members, a count shall be taken of the votes and the results announced by the individual designated to track the nomination process. A simple majority vote shall determine the appointment.
- v. In the event of a tie vote, a second vote, by silent ballot vote only and including the Alternate Members present, shall be collected with a simple majority determining the appointment. Should the second vote result in a tie, the nominations and votes received shall be disregarded and the process started again as specified herein until a majority vote determines the appointment.

2.2.2 Duties of the Chairperson. If present and able, the Chairperson shall preside at all meetings and hearings. In accordance with these and other applicable rules, the Chairperson shall decide all points of procedure and order, unless otherwise directed by the sustaining vote of the Sitting Members. When necessary to deciding points of order, Roberts Rules of Order, newly revised, shall be used by the Chairperson as a reference. Furthermore, the Chairperson is to:

- a. Direct the official business of the Commission, interface with the Director in the conduct and affairs of the Commission, request needed staff assistance from the Director or the Council, and exercise general management direction of the affairs of the Commission;
- b. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
- c. Announce the business before the Commission in the order in which it is to be heard and/or acted upon;
- d. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by Commissioners;
- e. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such action taken;
- f. Direct the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chairperson shall have the right to call upon

legal counsel or staff for advice;

- g. Authenticate by signature, as necessary, all decisions of the Commission;
- h. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
- i. Move the agenda along, reduce redundancy by reasonably limiting time allowed for comment, whenever possible, set guidelines for public input, and reference handouts and procedures during meetings;
- j. Recognize speakers and Commissioners prior to receiving comments and presentations;
- k. Act as a voting Member of the Commission when he or she is counted as a part of a quorum of three members only but shall relinquish the right to vote at the beginning of the next agenda item after the arrival of another Commissioner;
- l. Cast a tie-breaking vote for all seconded motions which result in a tie following the vote of all Sitting Members.
- m. Ensure the legal due process for all items and people involved in each item on each meeting agenda; and
- n. Facilitate the elimination of any and all public clamor during meetings.

2.2.3 Delegation to Vice Chairperson. The Chairperson may delegate duties generally to the Vice Chairperson, may authorize the Vice Chairperson to perform specific duties during his or her absence, or in case of his or her disability to perform necessary Commission functions in a timely manner. In case of absence or incapacity of the Chairperson outside of a Commission meeting, on approval by a majority of the Commission, the Vice Chairperson shall perform any or all duties of the Chairperson whether or not delegated.

2.2.4 Duties of the Vice Chairperson. The Vice Chairperson shall have and perform all of the duties and functions of the Chairperson as delegated. When acting in the capacity of the Chairperson, the Vice Chairperson shall become a non-voting member except as would be typical procedure for the Chairperson. During properly noticed Commission meetings, the Vice Chairperson shall assume the duties of an absent, disabled, or incapacitated Chairperson automatically without necessity of delegation.

2.2.5 Succession of Vice Chairperson to the Office of Chairperson and Special Elections. If the Chairperson resigns office or is no longer a member of the Commission, the Vice Chairperson shall automatically become the Chairperson for the remainder of the calendar year. If the Vice Chairperson resigns office, becomes no longer a member of the Commission, or succeeds to the Chairperson's office, a special election shall be held at the next regular meeting of the Commission to select a Vice Chairperson to complete the term. If a special election is to reasonably precede the yearly regular election, the Commission may permit the office of Vice Chairperson to remain vacant until it's filled in the regular election.

2.2.6 Temporary Chairperson.

- a. In the event of the absence or disability of the Chairperson and Vice Chairperson, and with a proper quorum present, a Temporary Chairperson shall be appointed to conduct business prior to any agenda item to serve as the Temporary Chairperson until the return of either the Chairperson or Vice Chairperson, whomever is first.
- b. The Temporary Chairperson shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chairperson.

2.3 Members and Alternates Responsibilities. The following shall be the non-exclusive responsibilities of all Members and Alternates of the Commission, including the Chairperson.

2.3.1 Meeting Attendance. Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any member expecting to be absent from a Commission meeting shall notify the Director and/or the Chairperson.

2.3.2 Representation of Applicants or Petitioners. No Commissioner or its staff shall represent applicants or petitioners in matters on which the Commission is to make determinations or recommendations.

2.3.3 Conflict of Interest.

- a. No Commissioner shall participate in the review of or voting on any agenda item in which they have any financial, familial, or personal interest in the property, action, or applicant being heard by the Commission, or has or believes they have any other conflict of interest as defined or regulated under the provisions of Title 10, Chapter 3, Part 13 of the Utah State Code (U.C.A.), Municipal Officers' and Employees' Ethics Act. No member of the staff to the Commission or of any entity serving the Commission who has similar interests shall participate or act in violation of the above-referenced Utah State statutes.
- b. Commissioners shall not sell, offer to sell services, or solicit prospective clients or employment by stating an ability to influence Commission decisions or on the basis of being a Commissioner.
- c. Commissioners shall not use the power of his or her appointed office as a Commissioner to seek or obtain any special advantage.

2.3.4 Disqualification on the Grounds of Influence Other Than at a Public Meeting. Commissioners should avoid *ex-parte* contact with developers, applicants, and/or property owners regarding matters related to a pending application before the Commission. A Commissioner may be disqualified from voting whenever an applicant, or their agent, has sought to influence the vote of the Commissioner on their application or petition, other than in the public hearing, through an *ex-parte* contact.

2.3.5 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination. Commissioners may seek information from other Commissioners, the Director, counsel to the Commission, staff serving the Commission, or staff of other departments or agencies advising the Commission, but no member should discuss the case with any other parties thereto outside of a public meeting, or express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination.

- 2.3.6 Inquiry Regarding Conflicts of Interest, Ex-Parte Contacts, and Bias. It shall be the responsibility of the Chairperson, Vice Chairperson, or presiding officer to inquire regarding potential conflicts of interest, *ex-parte* contacts and issues of bias, regarding the pending agenda items, at the beginning of the review of that item. Commissioners shall be responsible for bringing forth information or disclosing personal conflicts of interest or potential conflicts of interest.
- 2.3.7 Causes for Removal. Causes for consideration of removal of Members or Alternates from the Commission by the Mayor with the advice and consent of the Council may include malfeasance, misfeasance, or nonfeasance generally, and in particular:
- a. Failure to maintain reasonable familiarity with the state statutes, local ordinances, and rules affecting the Commission.
 - b. Failure to disclose a conflict of interest for purposes of disqualification when a Commissioner has a personal or monetary interest, or will be directly affected by a decision of the Commission, which the City Council deems to be in violation of the provisions of Title 10, Chapter 3, Part 13 U.C.A.
 - c. Attendance at less than 75% of regularly scheduled and special Commission meetings in any one calendar year.
- 2.3.8 Resignations, Generally and by Absence. Commissioners proposing to resign, if reasonably feasible, shall give notice of their intent to the Director, Chairperson, and the Mayor and make the date of the resignation effective in such a manner as to allow time for appointment of placements.
- Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without prior notice to the Chairperson may be construed by the Chairperson as grounds for resignation by absence from the Commission. The Chairperson may then recommend removal of the Commissioner to the Mayor.
- 2.3.9 Vacation of Office. When a Commissioner dies or resigns, including resignation by absence, the Director shall promptly indicate to the Mayor and Council that a vacancy exists. When a Commissioner becomes incapacitated permanently or for what appears likely to be a prolonged period, moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chairperson should cause any necessary investigation to be made and shall present the facts to the Director and the Mayor who may declare the office vacant and appoint a replacement to fill the unexpired term.
- 2.3.10 Alternate Members Not to Participate in Discussions Unless Sitting at the Meeting. Alternates shall not participate in discussions during the business meeting on any item in which he or she will not be a Sitting Member. The first Alternate to be called as a Sitting Member for a specific meeting shall be determined on a pre-set rotating basis. In the event the Alternate designated for a particular meeting is absent or unable to attend or participate, another Alternate shall be utilized.
- 2.4 Communication With Staff. Commissioners shall have the individual ability to converse with staff prior to meetings of the Commission so as to gain greater understanding of the business before them. This clause shall in no way restrict a Commissioner's ability to have discussion

with or ask questions of staff during meetings.

ARTICLE III. MEETINGS

3.1 Meeting Schedule.

- a. At the ~~last first~~ regularly scheduled meeting in December of each year, the Commission shall have an agenda item to determine the General Meeting Schedule for the following calendar year. Meetings of the Commission are typically held twice a month on Thursdays ~~of the week containing the first and third Tuesdays of the month~~, with the exception of those meetings rescheduled or cancelled under the provisions of Article III, Section 3.12 herein, and are to begin promptly at ~~7:00-6:30~~ p.m., and are to be held in the City Council Chambers of Draper City Hall. Alteration to the time of day or place a meeting is to be held may be made through special notice and advertisement of the meeting which states the specific alteration(s).
- b. The determination of the General Meeting Schedule shall take into consideration the dates for which meetings will be scheduled, conflict with City-observed holidays and events, and the possibility of special meetings or the cancellation of meetings to avoid conflicts.
- c. Following the determination of a General Meeting Schedule, the Commission shall approve the schedule through the proper approval process, and the schedule shall be approved by resolution of the City Council. Following approval, the adopted meeting schedule shall be posted in the Community Development Department, distributed to each Commissioner and the Council.
- d. Open Meetings. Every meeting of the Planning Commission is to be open to the public and conducted in accordance to the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. seq.).

3.2 Regular Meetings. Regular meetings of the Commission shall be held in the Draper City Council Chambers, Draper City Hall. As a standard course of business, regular meetings are immediately preceded by a study session directed towards discussion of items on the business meeting's agenda. These study sessions shall be considered a part of the business meeting and not a study meeting. Meetings may be held at any other convenient place if directed by the Chairperson, upon appropriate notice in advance of the meeting.

3.3 Study Meetings. Study meetings may be held as deemed appropriate by the Chairperson, provided public notice of the time and place of the meeting is provided as required by law. Said meeting shall be called and scheduled by the Chairperson at the greatest convenience of the Commission. The Chairperson's granting of a study meeting with a specified time and place during a regular meeting of the Commission shall be notice thereof to Commissioners in attendance and all other Commissioners shall receive notice of the study meeting by telephone or email. If not a part of a regular meeting, all Commissioners shall receive telephone or email notification of the meeting as soon as details of the meeting are known..

3.4 Special Meetings. Special business meetings of the Commission may be requested by any Commissioner, the Council, or the Director to hear matters of Commission business. It shall be at the discretion of the Chairperson to grant or deny such a request and schedule such a meeting. Notice for such meeting shall be as typical and required for regular meetings.

- 3.5 Quorum. A minimum of three Commissioners, including alternates, shall constitute a quorum for the transaction of business. The Chairperson shall be counted as a Commission member to establish a quorum but shall have the ability vote only in those instances outlined in Article II, Section 2.2.2(k) herein. Any Sitting Member choosing to abstain from a vote on an agenda item shall be included in constitution of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum. When a conflict of interest results in a lack of Sitting Members present to approve a motion the issue, at the discretion of the Chairperson, may be heard by the Commission but shall not have action taken upon it until an adequate number of Sitting Members can be present to properly vote on the issue.
- 3.5.1 Lack of a Quorum. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of time for a quorum to arrive, through a motion for adjournment. No second shall be required for such a motion so long as the Chairperson recognizes the necessity of the motion because of a reasonable inability to gather a quorum. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of a quorum before any matters of business are heard at the next scheduled Commission meeting.
- 3.6 General Order of Business. The business of the Commission at its meetings shall generally be conducted in accordance with the following order: 1) items continued from previous meetings; 2) public hearing items; 3) action items; and 4) City business. This order may be adjusted in whole or for any one item of business prior to publication of an agenda if it is believed that doing so is in the best interest of the general public anticipated to be present.
- 3.6.1 Reordering of Agenda Items. Any Sitting Member may, prior to the initiation of review of any one agenda item, recommend the reordering of one or more agenda items to the Chairperson. Following a motion, second, and affirming vote of the Sitting Members to the same, the agenda items shall then be heard as reordered.
- 3.7 Not to Vote Unless Present. Except as permitted by electronic meeting no Commissioner shall vote on any matter unless present at the meeting when the vote is taken. Electronic voting shall be allowed per the provisions of State Law and City Ordinances regarding the conduct of electronic meetings. Commissioners participating electronically shall be counted as though present at the meeting. No Commissioner shall give his or her proxy to any other person to vote on any issue.
- 3.8 Agenda Items and Public Hearings. The following procedure shall be observed for all agenda items, but may be rearranged at the discretion of the Chairperson for an individual item for the benefit of the expeditious conduct of business:
- a. Explanation of the procedures for submitting testimony for public hearings prior to the first hearing listed on the agenda.
 - b. Introduction of the agenda item by the Chairperson.
 - c. Presentation of facts and recommendations by staff.
 - d. Presentation of the proposal by the applicant(s) or their agent.

- e. Opening of the public hearing by declaration of the Chairperson if the item is noticed as a public hearing.
 - f. Testimony by citizens present to discuss the item through comment of facts or arguments if the item is a public hearing.
 - g. Closure of the public hearing by declaration of the Chairperson if the item is a public hearing.
 - h. Rebuttal and concluding comments by the applicant.
 - i. Commission discussion, questioning, and deliberation. The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff, the applicant(s), or a member of the general public present who is or may be directly involved or impacted by the issue under consideration.
 - j. Vote of the Sitting Members in the form of approval, approval with conditions, continuation, or denial.
- 3.9 No Commission Action During Public Hearings. No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighed but not responded to by Commissioners during the public hearing. Commissioners may ask questions of the general public providing testimony although questions should be limited to clarification of testimony offered.
- 3.10 Public Comment During Public Hearings. Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three minute timeframe. A spokesperson for a group wishing to submit comments in behalf of that group shall be granted five minutes to speak upon demonstration of the group being represented. Public comments should be non-repetitious. The Chairperson shall have the ability to discontinue the receipt of public comment at his or her discretion if the commentary and testimony becomes repetitious, disrespectful, rude, or otherwise rowdy or inappropriate. All public comment shall be directed toward the Commission and may only be received in writing or from the speaker's podium, with recognized exceptions due to a disability of the speaker, within the location of the meeting. Public comment not originated from the podium shall not be accepted or considered by the Commission.
- 3.11 Recess. Any regular or special meeting may be recessed from time to time by sustaining vote of the Sitting Members. Recesses should be limited to not more than 15 minutes unless extenuating circumstances arise.
- 3.12 Cancellation. If no business is scheduled for a Commission meeting, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chairperson by giving notice to all Commissioners.
- 3.13 Length of Meetings. All meetings of the Commission should conclude no later than 10:00 p.m. In the event a meeting goes beyond 10:00 p.m., and following the conclusion of the agenda item under consideration at 10:00 p.m., the Commission shall by motion, second, and sustaining vote:
- a. Conclude the meeting without hearing any further agenda item and continuing all remaining agenda items to the next regular meeting or a special meeting;

- b. Continue the meeting to hear one or more remaining agenda items, but not the entire remaining agenda, while continuing all other items of business; or
 - c. Continue the meeting to the conclusion of the agenda.
- 3.14 Time Control. The Chairperson may, at any time, institute measures to control the time for discussion on any issue. Care should be taken to insure fairness in the hearing process so that those speaking in support and opposed should have substantially equal time. The Chairperson may stop discussion once he or she believes the issue has been adequately and fairly heard.

ARTICLE IV. ORDER AND DECORUM

- 4.1 General Decorum. The atmosphere of Commission meetings shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings. Actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated.
- 4.2 Commissioner Decorum.
- a. Commissioners in attendance at each meeting shall portray an appropriate appearance as a representative of Draper City to conduct the meeting in a serious, respectful, and sincere manner.
 - b. Commissioners shall avoid leaving their seats except during approved recesses of a meeting or removing themselves for a conflict of interest.
 - c. Members shall avoid conversation that is not plainly audible to all present at the meeting.
- 4.3 Public Clamor. Information submitted by way of public clamor occurring during the course of a meeting shall not be considered by the Commission when rendering decisions.
- 4.4 Due Process. The Chairperson shall conduct each meeting in such a manner as to afford due process throughout the proceedings.
- 4.5 Conduct During Meetings. During any and all agenda items, any individual submitting testimony shall be allowed to proceed without interruption. All testimony, statements, and comments shall be addressed to the Chairperson. The Chairperson shall not permit questioning or arguing between individuals in the audience. Any Sitting Member, Counsel to the Commission, or staff, upon recognition and permission by the Chairperson, may direct any questions to the applicant, witnesses, or any person speaking from the audience to bring out clarifying or pertinent facts. No Commissioner or staff shall debate or argue with persons in the audience.
- 4.6 Cause for Removal. It shall be the authority and discretion of the Chairperson to order the removal of any individual member or groups of the general public present at a Commission meeting by an officer of the Draper City Police Department. Removal may be for the duration of the discussion and consideration regarding any single agenda item or for the remainder of the meeting, if said person or groups become rude, disrespectful, disorderly, or otherwise disruptive towards the Commission, a Commissioner, staff, the applicant, or other members of the general public.

- 4.7 Chairperson's Adjournment. In the event of refusal to leave the meeting by anyone present under the authority granted under Article IV, Section 4.6 herein, it shall be the authority and discretion of the Chairperson to promptly adjourn any Commission meeting when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

ARTICLE V. MOTIONS, VOTING, FINDINGS, AND DECISIONS

- 5.1 Making a Motion. Any Sitting Member may make or second any motion.
- 5.2 Findings. Motions for approval, denial, or approval with conditions should state within the motion the reasons, issues, and facts leading to the motion.
- 5.3 Motions Repeated. Motions may be repeated for clarification, further understanding, or consideration at the request of the Chairperson or any Sitting Member, or by staff for the purpose of clarification for the official record.
- 5.4 Legal Counsel. Any Sitting Member may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motions.
- 5.5 Second Required. Each motion of the Commission must be seconded with the exception of a motion to adjourn a meeting.
- 5.6 Withdrawing a Motion. After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to a vote. Withdrawal of a second shall become automatic with the withdrawal of the motion. The author of a second may also withdraw the second at any time prior to the motion being put to a vote. The withdrawal of a second does not constitute withdrawal of the motion.
- 5.7 Motion to Continue. A motion to continue an agenda item shall be accompanied by the reasoning and rationale for the continuance, and whenever possible, a specific date when the issue would be heard again.
- 5.8 Amending Motions. Following the second to any motion and prior to the motion being put to a vote, any Sitting Member may offer a motion to add to and/or amend the initial motion in any manner that does not change the decision stated in the motion. Amending motions shall be dealt with in the same manner as an initial motion and voted upon prior to further consideration of the initial motion.
- 5.9 Reconsideration of Motions. Any Commissioner who voted in favor of any sustained motion may offer a motion to reconsider the action taken at any time during the meeting in which the vote took place. A motion to reconsider must be sustained itself in order to reconsider the action taken. If reconsideration finds that the previously approved motion should stand, no formal vote shall be necessary. If the former motion is to be amended or made void, the reconsideration motion shall be put to a formal vote of the Sitting Member.
- 5.10 Motion That Carry. Any seconded motion receiving three or more affirming votes shall carry forward as the decision of the Commission. In no case, regardless of the size of the quorum present, shall a motion be considered approved and constitute the official action of the

Commission with less than three affirming voted. In the instance where a motion is voted upon receiving affirmation from a majority of the quorum but less than three votes, it shall be considered a dead motion.

- 5.11 Motion to Recess. Any Commissioner may offer a motion for recess, and have said motion considered and voted upon, at any point during a Commission meeting. Any such motion shall contain a specific time to reconvene the meeting.
- 5.12 Dead Motions and New Motions. In the event that a motion does not carry due to the lack of an adequate sustaining vote, or doesn't receive a second, the motion is determined to be dead and the discussion and consideration of the agenda item shall continue until another motion is offered and sustained.
- 5.13 Motions to Adjourn. A motion to adjourn shall be required to conclude every Commission meeting, following the addressing of each item on the agenda for that meeting. No second shall be required for a motion to adjourn so long as the Chairperson accepts the motion as appropriate in timing and declares the meeting closed.
- 5.14 Decisions.
- 5.14.1 Timing of Decisions. After conclusion of the public hearing, when necessary, for any application or petition, the Commission shall examine the evidence before it in relation to findings required, and make a decision. With due consideration to the length of the agenda, the nature of the case, the complexity of the evidence, and the findings required, the Commission may elect, by a sustaining vote, one of the following alternatives:
- a. To proceed immediately to determination and decision of approval, approval with amendments or conditions, or denial;
 - b. To defer determination and decision until later in the same meeting; or
 - c. To continue the case for determination and decision, with or without further public comment, at a specified later special or regular meeting.
- 5.14.2 Findings. If a sustaining vote of the Sitting Members concurs that the evidence supports favorable findings upon an application or petition before it, or that such findings could be made if conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for a favorable finding are specified in the decision. Such safeguards and requirements shall be binding upon the applicant or petitioner and his successor and interests.
- 5.14.3 Form and Procedure of Decisions. Unless otherwise provided, all decisions of the Commission shall be made at a public meeting by motion sustaining vote. Motions shall be in the form of findings of fact, shall state the reason(s) for the findings by the Commission, and a statement of any conditions or safeguards to be attached to the action.
- 5.14.4 Notification. A sustaining vote of the Commission shall cause notice to be given to the applicant of the decision made. Notice shall be issued as soon as reasonably possible after the decision is reached. Such notice shall include a copy of the complete conditions of approval attached to the decision. Such notification shall not be necessary if the decision reached by the Commission is in the form of a recommendation to the Council.

5.15 Voting.

- 5.15.1 Changing a Vote. No member shall be permitted to change his or her vote once the Chairperson has declared the result of the decision except under the terms of reconsideration outlined in Article V, Section 5.9, herein.
- 5.15.2 Abstention. Any Sitting Member may choose to abstain from voting on any agenda item. Commissioners wishing to abstain may remain at the Commission table and participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken, but must be disclosed as a part of the Commissioner's vote for abstention in order to ensure that no conflict of interest has occurred. In the event of an abstention, the vote to abstain shall count as a vote and shall not be replaced by the affirming or negative vote of another Commissioner.
- 5.15.3 General Voting. Any agenda item requiring a vote of the Commission, except items requiring a roll call vote, shall be conducted, following the Chairperson's recognition of a motion, a second, and discussion on the motion, by: 1) the Chairperson's request for votes in favor of the motion and an audible response from Sitting Member in favor; 2) the Chairperson's request for votes opposed to the motion and an audible response from Sitting Member opposed; 3) the Chairperson's identification of any abstentions; and 4) the Chairperson's declaration of the voting results. At any time during the voting procedure that a unanimous vote occurs or all Sitting Member declare their vote prior to the completion of the process in its entirety, the Chairperson may immediately supersede the procedure, declare the result of the vote, and proceed with the remainder of the agenda.
- 5.15.4 Roll Call Vote. A roll call vote shall be held to vote on seconded motions made regarding:
- a. The approval of an agenda item where the Commission is the designated approving body;
 - b. Recommendations to the Council; or
 - c. The adoption of any Commission resolution.
- 5.15.5 Conducting a Roll Call Vote. When a roll call vote is necessary, the Chairperson shall, following a motion, second, and discussion on the motion, request a vote individually from each Sitting Member. Each Sitting Member shall, when called upon, declare their vote orally by stating "Aye" or "Yes" if voting in favor of the motion, "Nay" or "No" if voting in opposition of the motion, or "I abstain" if choosing not to vote. When a roll call vote is necessary, each Sitting Member's vote shall be recorded in the official minutes of the meeting.
- 5.15.6 Voting On Continued Items. In the event an agenda item is heard and continued, the Sitting Members at the meeting in which the item was first heard shall constitute the Sitting Members, for that agenda item only, at the continuance to the greatest degree possible. If the initial Sitting Members are not present at the continuance in their entirety, remaining seats shall be filled according to standard Sitting Member selection procedure.
- 5.15.7 Sitting Members Only to Vote and Late Arrivals. Sitting Members, as constituted at the

Chairperson's introduction of an agenda item, shall be the only Commissioners permitted to vote on the item. Sitting Members shall not be replaced by any other Member or Alternate when disqualified from participation for conflict of interest or any other reason. If a Member arrives at the meeting after the introduction of any agenda item, the Member shall wait until the next agenda item to replace an Alternate as a Sitting Member and may defer the remainder of the meeting to the Alternate.

ARTICLE VI. NON-EXCLUSIVE AND SUSPENSION OF RULES

- 6.1 Non-Exclusive Rules. The rules set forth are non-exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or in particular circumstances for the purposes of orderly and effective conduct of the affairs of the City.
- 6.2 Waiving or Suspending Rules. A rule of procedure may be suspended or waived at any meeting by unanimous vote of Commission members present unless such rule is set by state law or by the Zoning Ordinance.

ARTICLE VII. REFERRED FUNCTIONS

- 7.1 Referred to Staff. The following functions have been referred to staff, staff committees, or citizen committees for recommendations as specified. Such referral of function does not in any way relinquish final power and authority over these functions as specified by state law and the Zoning Ordinance. The individuals or agencies to whom referral has been made will act in the name of the Commission in conformance with the provisions of Section 9-4-060 of the Zoning Ordinance. Applicants or petitioners may choose, in any event, to have said application or petition reviewed by the Commission. Upon waiving, in writing, the right to a review by the Commission, the recommendation by the person or committee to whom the function has been referred shall be considered to be an action by the Commission. Staff shall regularly submit to the Commission a summary of all site plan and site plan amendment requests that have been approved at the staff level.
- a. Commercial Site Plan Approval for commercial, institutional, and multi-family projects where delegated by the Commission pursuant to section 9-4-060 of the Code, and according to the criteria and limitations set forth therein.
 - b. Commercial Site Plan Amendment Approval for commercial, institutional, and multi-family projects that meet all findings contained in Section 9-5-090(h)(1) of the Code.

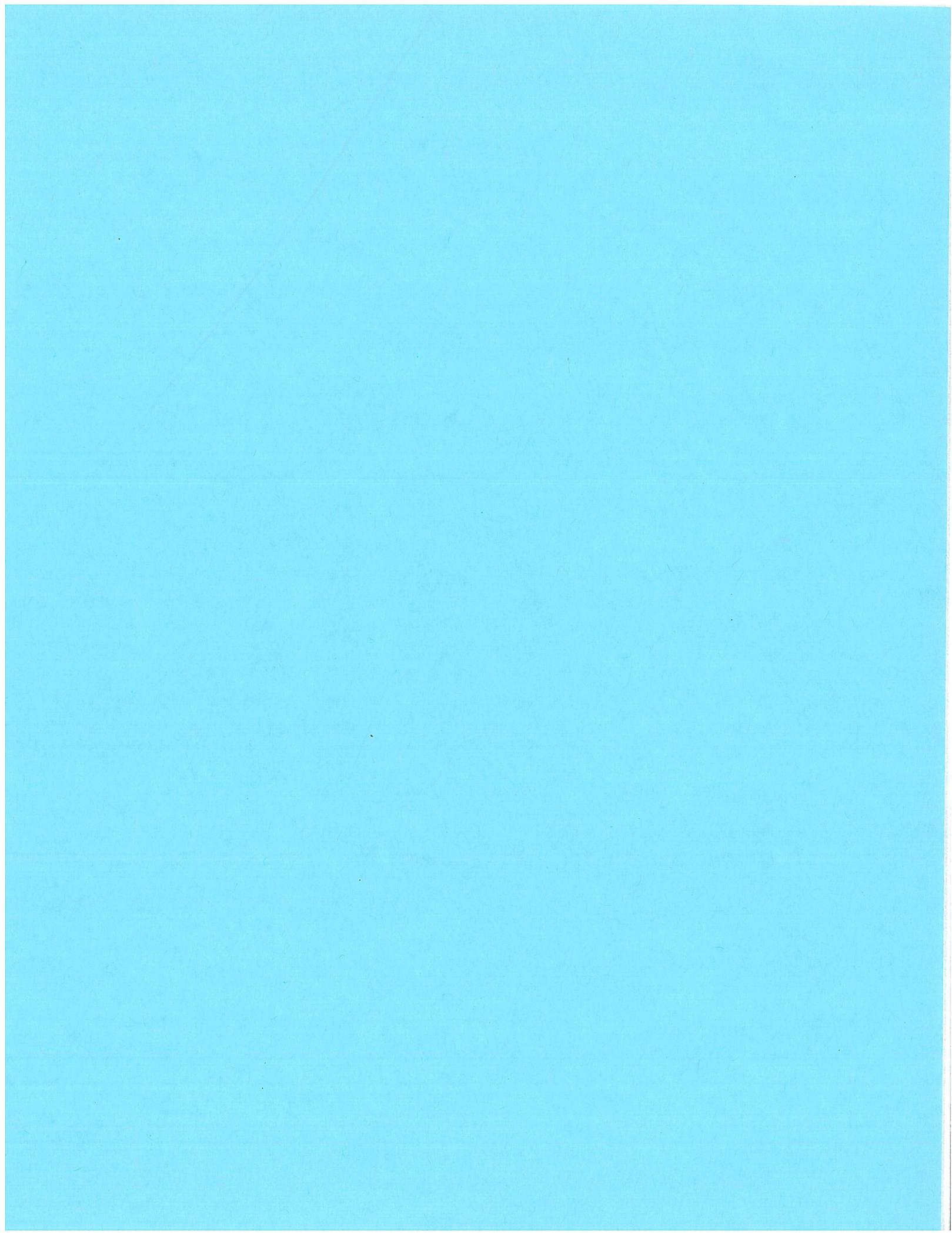
ARTICLE VIII. ADOPTION, AMENDMENT, AND MAINTENANCE OF BYLAWS

- 8.1 Adoption of Bylaws. Adoption of these Bylaws is to supersede and replace all those adopted previously. The adoption of the Bylaws shall be done by roll call vote of the Planning Commission, without need of a public hearing, as a recommendation to the City Council who shall authority to approve, approve with amendments, or deny.
- 8.2 Amendment of Bylaws. Amendments to the Bylaws shall follow the same procedure as the adoption of the Bylaws. A recommendation may be made by any Commissioner to review the bylaws for amendment at any time following their inception. A concurring opinion of the majority of the Commission shall be required to open the review of the Bylaws for amendment.

No amendment to these Bylaws shall become effective until incorporated in the official copy.

8.3 Recording. These Bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the Community Development Department.

8.4 Bylaws of the Commission to be Available in City Recorder's Office. An official copy of the Bylaws, in its most current form, shall be maintained and available in the City Recorder's office as a public record with that copy to govern.



Planning Commission Public Meeting Schedule 2014

Blue - meetings

Green - packet date

Orange - holidays

Noticing Deadlines

Meeting Date	Newspaper Ad Submittal (Wednesday)	Newspaper Ad Run Date (Sunday)	Mail & Website Notice (Friday)
9-Jan	24-Dec	29-Dec	27-Dec
23-Jan	8-Jan	12-Jan	10-Jan
13-Feb	29-Jan	2-Feb	31-Jan
27-Feb	12-Feb	16-Feb	14-Feb
13-Mar	26-Feb	2-Mar	28-Feb
27-Mar	12-Mar	16-Mar	14-Mar
10-Apr	26-Mar	30-Mar	28-Mar
24-Apr	9-Apr	13-Apr	11-Apr
8-May	23-Apr	27-Apr	25-Apr
22-May	7-May	11-May	9-May
12-Jun	28-May	1-Jun	30-May
26-Jun	11-Jun	15-Jun	13-Jun
10-Jul	25-Jun	29-Jun	27-Jun
17-Jul	2-Jul	6-Jul	4-Jul
14-Aug	29-Jul	3-Aug	1-Aug
28-Aug	13-Aug	17-Aug	15-Aug
11-Sep	27-Aug	31-Aug	29-Aug
25-Sep	10-Sep	14-Sep	12-Sep
9-Oct	24-Sep	28-Sep	26-Sep
23-Oct	8-Oct	12-Oct	10-Oct
13-Nov	29-Oct	2-Nov	31-Oct
20-Nov	5-Nov	9-Nov	7-Nov
11-Dec	26-Nov	30-Nov	28-Nov
18-Dec	3-Dec	7-Dec	5-Dec

