

Minutes approved 04/14/2022

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, MARCH 10, 2022 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Chairman Andrew Adams, Vice Chairman Craig Hawker, Commissioners Lisa Fowler, John Van Hoff and Alternate Commissioners Susan Nixon Tab Bingham and DeLaina Tonks

ABSENT: Commissioner Mary Squire

STAFF PRESENT: Jennifer Jastremsky, Amie Salazar, Fred Aegerter, Mike Barker, Spencer DuShane, Brien Maxfield, Todd Draper, Maryann Pickering and Fire Marshal Don Buckley

6:30 PM Business Meeting:

- 1. Action Item: Approve Planning Commission Meeting Minutes for March 10, 2022 (Administrative Action)**

Motion: Commissioner Tonks made a motion to approve the Draper City Planning Committee Meeting Minutes for March 10, 2022 with a few minor changes to provide consistency in titles, “chair” to “chairman” used in the minutes.

Second: Commissioner Fowler

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

- 2. Public Hearing: Edson Plat Amendment (Administrative Action)**

On the request of Aaron Edson, for a Plat Amendment to Lot 302 Cove at Bear Canyon Phase 3 subdivision, located at 12258 South Grizzly Hollow Cv., on 1.83 acres of property. Applications SUBD-193-2021 and TEXTMAP-16-2022. Staff Contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov.

Jennifer Jastremsky, Planning Manager, presented the staff report. She indicated the property is located off Pioneer Rd. where it curves to the north. The property is zoned RA2 which is a half-acre lot zoning. The property contains a Residential Low Medium Density land use category which support ½ acre lots. The lot is located in the Cove at Bear Canyon Phase III Subdivision. This subdivision is unique from others in the city as there are designated no-build areas. City code does not allow for areas of 30% or more slope to be developed. The applicant is requesting to modify the no build area on their lot and to impact the drainage easements on the lot. There is a 30 wide drainage

easement running through the center of the lot to a detention basin on lots 302 and 301. The majority of the buildable area is on the east side of the lot. They will not impact the detention pond but will create channels along the property to reroute the drainage around the center of the property to create a centrally located pad. They want to reduce the no-build area on the property within the north and will create a new no-build area based on the new grading proposal.

She overviewed the Geotech map and noted areas on the property and indicated areas on the site that are not buildable. The proposal will allow a place for the driveway to access the center of their property. She pointed out other areas in the subdivision that have received deviations. She shared photos looking east from Pioneer Rd. at the property. There is a steep drop off from Grizzly Hollow onto the lot.

Vice Chairman Hawker asked if there were any non-buildable areas due to vegetation.

Jennifer Jastremsky stated that it isn't due to vegetation and it's due to the slope. She explained that the Suncrest area has several reasons why there maybe a non-disturbance area on lots, but that this subdivision is different and the no-build areas are slope based.

Commissioner Fowler asked if the re-engineering of the site for drainage will create additional buildable areas.

Jennifer Jastremsky stated the driveway and home will impact the 30%+ areas denoted in the site plan. The deviation will allow for this impact. She mentioned the findings indicated that the commission can allow development within 30% slope areas if no significant harm will result, the modifications will result in a more functional and improved plan and the developer agrees to comply with any conditional requirements imposed by the Planning Commission to mitigate any adverse impacts that may result from the proposed modification.

Commissioner Fowler asked if the city has liability if they approve the modification and something bad happens in the future.

Mike Barker, City Attorney stated no and that it would come down to proper engineering.

Commissioner Squire asked what would be significant harm that they need to evaluate.

Jennifer Jastremsky stated that it would relate to hillside stability or issues with drainage. There is not a definition for "significant harm" in the code. She mentioned the applicant has completed a slope stability analysis and it has been determined to be adequate.

Commissioner Squire asked if there is adequate drainage.

Eric Lundell, Staff Engineer stated that they have and drainage is provided around the home. The drainage report satisfies their requirements and will not impact neighboring lots.

Vice Chairman asked what is included in a drainage channel.

Eric Lundell stated they can vegetate or provide riprap. He mentioned the applicant is proposing to stabilize it with vegetation.

Commissioner Nixon asked regarding fire department reviews and if the distance to the detached garage is problematic.

Jennifer Jastremsky noted the fire department has reviewed the plat and will review the building permit once it is submitted.

Aaron Edson, applicant, commented that they have lived in the city for seven years and this is their dream home.

Chairman Adams opened the public hearing.

Joe Cook, stated he owns lot 16. He mentioned the slope between his lot and the 302 lot is around 30%. There is a no build area on the plat. He commented there is a trench shown to be encroached upon. The geotechnical trench will steepen the 30% slope. He requested that from the property T to the east that the trench be filled. He noted the trench does move a little every year and would like it to be brought back to its original configuration.

Chairman Adams closed the public hearing.

Commissioner Squire asked, Aaron Edson for clarification on the map, black is existing grade and silver in addition to less than 20%.

Aaron Edson stated the new grade lines will erase several 30% slope areas. He noted they will fill about 2500-4000 yards of dirt.

Commissioner Hawker asked if there is more that can be done to this slope than proposed.

Eric Lundell, staff engineer explained this will go through the building permit process and there is a lot that can be done to stabilize the slope.

Motion: Commissioner Squire motioned to approve the deviation to the 30% slope area as requested by Aaron Edson, for a Plat Amendment, Application SUBD 193-2021, based on the findings and subject to the conditions listed in the staff report, dated March 1, 2022.

Second: Commissioner Fowler.

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

Motion: Commissioner Van Hoff motioned to approve the plat amendment as requested by Aaron Edson, for the Edson Plat Amendment, Application SUBD 193-2021, based on the findings and subject to the conditions listed in the staff report, dated March 1, 2022.

Second: Commissioner Fowler.

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

3. Public Hearing: Kum and Go Site Plan (Administrative Action)

On the request of Nathan Abbott, representing Galloway & Co. Inc. for Site Plan on 2.3 acres of property located at 137 West 12300 South in order to develop a convenience store and gasoline station. Application SPR-132-2021. Staff Contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov.

Jennifer Jastremsky presented the staff report. She mentioned that the property is on the corner of Lone Peak Parkway and 12300 South. The property is 3.65 acres in size and the applicant would like to develop 2.3 acres of the overall site. The property is designated Community Commercial in the General Plan and zoned Regional Commercial. She showed the site plan and indicated cross access is preserved for future development. The applicant is proposing to construct a Kum and Go gas station on the property. The building is single story and gas pumps are located to the west. One access is proposed and an additional access will be added when the rest of the site is developed. Parking will be adjacent to the building. The applicant complies with parking standards. There is 36% landscaping on the site. She showed elevations and mentioned 100% of the exterior is a primary material including fiber cement panels, stone and aluminum composite material. The canopy over the gas pumps will match the building.

Commissioner Nixon asked about access and if it will be a right-in-right-out.

Eric Lundell stated it will be full access but may be restricted in the future. This will be determined by a traffic study and volumes.

Commissioner Van Hoff asked if the road will be wide enough.

Eric Lundell stated that it will match the rest of Lone Peak as a five-lane road.

Commissioner Van Hoff asked if the level of service would be acceptable.

Eric Lundell indicated that this development will not impact the level of service. He stated the city can only require improvements of half of the road. He mentioned that traffic impact fees are to help will arterial road improvements.

Chairman Adams invited the applicant to speak.

Applicant Christian Michaelson stated that there is one store on Bangerter Highway under construction. He stated Draper is one of the first Utah communities with a Kum and Go.

Chairman Adams opened the public hearing. There were no comments. He then closed the public hearing.

Motion: Commissioner Nixon motioned to approve the site plan by Nathan Abbott, representing Galloway & Co. for a Come and Go Site Plan, Application SPR-132-2021, based on the findings and subject to the conditions listed in the staff report, dated March 1, 2022.

Second: Commissioner Hawker

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

4. Public Hearing: Boondocks Addition Site Plan Amendment (Administrative Action)

On the request of Randy Fullmer, representing Boondocks Food and Fun Draper and BDU Property, LLC, a Site Plan Amendment together with deviation requests from building design standards, to expand the existing building to add a bowling alley, add an outdoor climbing structure, and to make adjustments to the parking layout and landscaping, 8.5 acres, 75 E. Southfork Dr., Application SPR-0148-2021, Staff Contact: Todd Draper,(801) 576-6335, todd.draper@draperutah.gov.

Todd Draper, Planner presented the staff report. He indicated the property is designated as Regional Commercial in the Land Use map and zoned Regional Commercial. He showed the site plan and noted the addition is about 13,800 square feet on the north end of the building to accommodate a bowling alley. The Delicate Arch style climbing structure will be removed and replaced with a smaller scale climbing structure. He explained that the exterior of the building contains primary materials but they are requesting a deviation to the percentage required under the code. The building is tilt-up concrete and the addition is proposed to match materialistically. Another deviation being requested is for the horizontal façade change and articulation. They are proposing some articulation but not at the amounts required under the ordinance. The site will see a reduction in parking from 264 spaces to 253 spaces. They will still remain compliant with city code.

He showed the floor plan and noted the location of the bowling alley. He mentioned the façade changes and where metal panels will be located. The climbing structure will be placed in the location where the delicate arch structure is currently existing. He showed the plans and rendering of the climbing structure. He explained the changes to the landscaping and mentioned the perimeter boundary landscaping on the north will be upgraded. He presented site photos and aerial photos of the property illustrating current site conditions. He mentioned there was one public comment received and provided to the Commissioners.

Commissioner Nixon expressed interest in the LEED Certification of the building.

Commissioner Hawker asked if there is an addition does it require compliance with the current code.

Todd Draper responded affirmatively and mentioned the extension can be considered in compliance with current code if the deviation is approved.

Commissioner Squire asked if the code was different when the site was originally constructed.

Todd Draper replied that it was different and allowances for deviations have change. He then showed the residential areas surrounding the site to the south and east. Storage is located to the north and office building are to the southwest. Interstate 15 is also adjacent to the property on the west.

Chairman Adams invited the applicant to speak.

Donald Kiley with K&E Architecture stated he is representing Boondocks. He stated they were not the original architects for the property. They wanted to elaborate the current panels that are in place. He presented a PowerPoint of the proposed design. He mentioned the canopy will be replaced with an airlock vestibule. They are going to use tilt-up concrete and have tried to be compliant with code as much as possible. He indicated they will add decorative treatments to all sides of the building. The rear of the building will have added color and paint. He commented that a ropes course will be added. The event rooms will remain and will have some modified finishes. He showed the alterations for the interior and commented they are trying to make the space feel more inviting. He overviewed renderings of the property and showed a digital fly-thru video of the concept.

Damon Day, Owner of the company stated that they built the facility in 2004 and the concerns at that time were surrounding noise of the go carts. They completed noise studies and found that the noise generated from I-15 was much greater. The owner of the ministorage complained that there were noise issues during graduation nights. They decided to close the batting cages at 10 pm and they discontinued using the PA system during late night events.

Commissioner Square asked if they have a way to notify neighbors of upcoming late-night events.

Mr. Day stated they do have the ability to do this. He stated the batting cages are going away and there is not as much demand for this. He indicated the bowling is projected to do well as they focus on group activities.

Chairman Adams opened the public hearing.

Robert Barton stated he is in favor of the modifications.

Chairman Adams closed the public hearing.

Todd Draper clarified that the building is not LEED Certified. He clarified that this request is just an amendment to the site plan and not the conditional use permit.

Motion: Commissioner Hawker motioned to approve the deviation request for the minimum architectural façade articulation as requested by Randy Fullmer, representing Boondocks Food and Fun Draper and BDU Property, LLC for Boondocks addition site plan amendment, Application SPR-0148-2021, based on the findings and subject to the conditions listed in the staff report, dated February 28, 2022.

Second: Commissioner Fowler

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

Motion: Commissioner Squire motioned to approve the deviation request for roof line and parapet deviations as requested by Randy Fullmer, representing Boondocks Food and Fun Draper and BDU Property, LLC for Boondocks addition site plan amendment, Application SPR-0148-2021, based on the findings and subject to the conditions listed in the staff report, dated February 28, 2022.

Second: Commissioner Hawker

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

Motion: Commissioner Van Hoff motioned to approve the deviation request for material requirements as requested by Randy Fullmer, representing Boondocks Food and Fun Draper and BDU Property, LLC for Boondocks addition site plan amendment, Application SPR-0148-2021, based on the findings and subject to the conditions listed in the staff report, dated February 28, 2022.

Second: Commissioner Fowler

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

Motion: Commissioner Fowler motioned to approve the site plan amendment as requested by Randy Fullmer, representing Boondocks Food and Fun Draper and BDU Property, LLC for Boondocks addition site plan amendment, Application SPR-0148-2021, based on the findings and subject to the conditions listed in the staff report, dated February 28, 2022.

Second: Commissioner Squire

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

5. Public Hearing: Upside Down Ambo Home Occupation Conditional Use Permit (Administrative Action)

On the request of Amber Colton for a Home Occupation Conditional Use Permit in order to operate a personal instruction business out of her home at 537 East Ports Cv., on 2.3 acres of property. Application number USE-20-2022. Staff Contact is Jennifer Jastremsky, 801-576-6328, Jennifer.jastremsky@draperutah.gov.

Ms. Jastremsky presented the staff report. She noted the property is off Highland Drive and located in the Medium Density land use designation. The property is zoned C2, Commercial. Originally this property was planned for commercial uses and it was not rezoned when the development agreement was modified to allow residential uses. The applicant is proposing a home gym where she will provide training and nutritional coaching to clients within the basement of the home. Clients will park on the driveway and walk around to the rear of the home into the basement. The hours of operation are from 6:30 AM to 8:00 PM Monday through Thursday; 6:30 AM to 4:00 PM on Fridays, and 8:00 AM to 10:00 AM on Saturdays. Clients will be by appointment only and limited to one client at a time. The driveway has room for three vehicles which provide adequate space for clients.

Commissioner Squire asked if there is a walkway for clients walking from the driveway to the rear yard.

Jennifer Jastremsky stated there is nothing in the zoning code requiring this. When she comes in for a business license, she will have to meet those requirements.

Commissioner Nixon asked regarding the non-conforming use of the property since it is zoned commercial and used residentially.

Jennifer Jastremsky stated that it is legally conforming since there is a development agreement which allows the use.

Chairman Adams opened the public hearing.

Rebecca Barton stated she lives five houses from the applicant and is in favor of it. She indicated there is a walkway connecting the driveway to the basement. She indicated that cars are kept off the street.

Chairman Adams closed the public hearing.

Motion: Commissioner Hawker motioned to approve the home occupational conditional use permit as requested by Amber Colton for Upside Down Ambo, Application USE-20-2022, based on the findings and subject to the conditions listed in the staff report, dated February 25, 2022.

Second: Commissioner Squire

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

Jennifer Jastremsky let the Commissioners know that the new Community Development Director will be starting on Monday, March 14, 2022.

6. Adjournment

Commissioner Fowler made a motion to adjourn the meeting. All were in favor.

The meeting adjourned at 7:53p.m.