

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, APRIL 28, 2022 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Chairperson Andrew Adams, Vice Chairperson Craig Hawker, Commissioners Lisa Fowler and Mary Squire, and Alternate Commissioners DeLaina Tonks and Susan Nixon

ABSENT: Commissioners Gary Ogden and Alternate Commissioner Tab Bingham

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

6:30 PM Business Meeting:

1. Action Item: Willow Creek Industrial Properties Lot 2 Amended Site Plan Approval Extension (Administrative Action)

On the request of Bruce Kenner, representing Willow Creek Industrial Properties #1 LLC and Willow Creek Industrial Properties #3 LLC for an extension to the Amended Site Plan approval for Willow Creek Industrial Properties Lot 2 Amended Site Plan located at approximately 432 E. 12300 S., known as application SPR-1026-2020, Staff contact: Todd Draper, 801.576-6335, todd.draper@draperutah.gov.

Todd Draper, City Planner, presented the extension request for an amended site plan that was approved on May 13, 2021. He indicated the land use designation was Business and was zoned CBP. He provided a site plan for the unbuilt structure and the landscaping as well as a basic floor plan and rendering of the building including a color palette. He noted that the applicant was requesting an extension of the original approval to November 11, 2022.

Bruce Kenner, Applicant, pointed out that the application was for the last building of a three-building complex. It was noted that two of the buildings had already been completed and that the architecture of the last one would match the other two.

Commissioner Fowler indicated she was comfortable with the extension.

Motion: Commissioner Fowler motioned to approve the Site Plan Extension as requested by Bruce Kenner representing, Willow Creek Industrial Properties #1 LLC and Willow Creek Industrial Properties #3 LLC, for the Willow Creek Industrial Properties Lot 2 Amended Site Plan. Application SPR-1026-2020 based on the findings listed in the memo dated April 28, 2022.

Second: Commissioner Mary Squire

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

2. Public Hearing: Springer/Rivermark Plat Amendment (Administrative Action)

On the request of Ty Ricks, representing Noah and April Springer, a request to relocate the 20-foot-wide private storm drain easement from the west property line to the east property line for the Lot 7 of the Rivermark Plat located at 1123 E. Carraway Lane. Application: SUBD-070-2022. Staff contact: Maryann Pickering, 801.576.6391, maryann.pickering@draperutah.gov.

Maryann Pickering, City Planner, provided background on the property noting that it borders Draper Elementary and was part of the Rivermark Plat recorded in 2018. She noted that the land use designation was Residential Low/Medium Density, and the zoning was RA2. She noted that when the plat was originally approved it included a 20-foot storm drainage easement which they are proposing to move to the east side of the lot.

Chairperson Andrew Adams asked if staff had issues with the proposed location of the easement.

Ms. Pickering indicated that it was an access easement to get to the storm drains in the backyard. Brien Maxfield, City Engineer, clarified that it did not matter what side of the lot the easement was on.

Ty Ricks, Applicant, commented that he believed moving the access would make it easier to access the physical storm drain.

Chairperson Adams opened the meeting up for public comments on the item. No comments were offered, and the public hearing was closed.

Motion: Commissioner Susan Nixon motioned to approve the Plat Amendment as requested by Ty Ricks, representing Noah and April Springer, for the Springer Plat Amendment, Application SUBD-070-2022, based on the findings and subject to the conditions listed in the staff report dated April 19, 2022.

Second: Commissioner Fowler

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

3. Public Hearing: Pelion Site Plan (Administrative Action)

On the request of Liza Hart, representing Gardner Company, for a Site Plan on 6.49 acres of property located at 14761 South Future Way. The Site Plan is for a new office building. Application SPR-65-2022. Staff contact: Jennifer Jastremsky, 801.576.6328, jennifer.jastremsky@draperutah.gov.

Jennifer Jastremsky, Planning Manager, provided an overview of the subject property noting that it was within the Commercial Special District land use designation and the Highline Commercial Special District zoning. She noted that there was a text amendment made to the zone last year that modified the uses to allow for office buildings.

Ms. Jastremsky indicated that the site plan before them was for a single office building. She noted that the plan included heavy landscaping around the building and within the parking lot areas. She pointed out there would be a retaining wall between the parking lot accessed off of Highland Drive and the parking lot accessed off Future Way. She shared that there was a plaza entrance to the building as well as a deck area. She indicated there was also structured parking underneath the building in addition to the surface stalls and noted that they met parking standards with 494 parking stalls.

Ms. Jastremsky provided elevation renderings and pointed out that plans were under the maximum building height. She shared that the proposed building materials complied with what was allowed in the code including architectural concrete, wood, and metal panels. She stated that structurally they planned to use cross laminated timber.

Commissioner Nixon asked if a traffic study would be done.

Brien Maxfield, City Engineer, remarked that he believed the property was included with the Future Way traffic design and that the traffic for the site has already been analyzed. He clarified that he did not believe there were additional traffic study requirements for the site.

Ms. Jastremsky noted that they have requested an updated traffic study for this specific building and included it as a condition of approval.

Commissioner Craig Hawker inquired where people would park if it became a full office with commuting employees.

Ms. Jastremsky noted that the applicant could answer the question further but pointed out that the plans complied with city code.

Liza Hart, Applicant, commented that they were excited to have another building in Draper City and the first cross laminated timber (CLT) office building in the state of Utah.

Commissioner Hawker asked what they would do if parking became an issue.

Ms. Hart replied that they could not lease space beyond what they could provide parking for on site. She noted that on other buildings where they have put denser parking the extra spaces have gone unutilized.

Chairperson Adams opened the meeting up for public comment. No comments were offered, and the public hearing was closed.

Motion: Commissioner Squire motioned to approve the Site Plan as requested by Liza Hart, representing Gardner Company, for the Pelion Site Plan, Application SPR-65-2022, based on the findings and subject to the conditions listed in the staff report dated April 19, 2022.

Second: Commissioner Hawker

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

4. Public Hearing: Rockwell Station Subdivision Plat Amendment and Site Plan (Administrative Action)

On the request of Kaia Ragnhildstveit and Adam Watts, representing Northstar Builders, Gary Sturdevant, Brad Stevens, and Lisa Stevens, a Subdivision Plat Amendment and Site Plan request, on approximately 1.23 acres, located at approximately 696 E. 12100 S and 698 E. 12100 S. Known as applications SPR-0194-2021 and SUBD-0198-2021. Staff contact: Todd A. Draper, 801.576.6335, todd.draper@draperutah.gov.

Mr. Draper noted that the application included a site plan, subdivision, and requests for deviations. He stated that the property was within the Neighborhood Commercial land use designation and CN zone.

Mr. Draper presented the site plan which included two commercial buildings one located on the north of the property and the other located on the south with shared parking between. He indicated that within the middle of the parking there was a seating/picnic area. He presented the landscape plan which included adequate screening of parking and equipment. He shared renderings of the elevations which displayed the proposed modern style architecture for the north building, and neoclassical influenced style on the south building. He explained they would share some of the same exterior materials on each building and pointed out an inaccuracy in the architects letter and drawings regarding primary and secondary materials calculations for metal and metal composite materials.

Mr. Draper reviewed the deviation to face the main façade and entry to the parking area rather than the public street.

Mr. Draper shared proposed fencing plans which were for an eight-foot fence along areas that bordered residential property, which allowed them to reduce the land buffer from 20 feet to 10 feet, and a six-foot fence along areas adjacent to commercial property. It was noted that all fences would look similar in design with a stone masonry design created with precast cement. Mr. Draper noted that suggested specific and general conditions of approval were found in the staff report.

Commissioner Fowler asked if the land would be made level to the street or if there would be a change in grade from the street to the site.

Kaia Ragnhildstveit, Applicant, remarked that the site had a few challenges regarding grade. She noted that the retaining wall would mostly remain in the southeast corner. She pointed out that the

change in grade from the street was one of the reasons they were requesting a variation to the front entrance location.

Chairperson Adams called for public comment. No comments were offered, and the public hearing was closed.

Commissioner Hawker inquired if it was better for vehicles to enter and exit the site off 12100 South rather than 700 East.

Brien Maxfield, City Engineer, noted that 700 East belonged to the Utah Department of Transportation (UDOT), who did not want an access point at that location. He pointed out that the site did not meet the threshold to require a traffic study.

Motion: Commissioner Squire motioned to approve the request for deviations from the design standards of section 9-22-050A as requested by Kaia Ragnhildstveit and Adam Watts, representing Northstar Builders, Gary Sturdevant, Brad Stevens, and Lisa Stevens for orienting the main façade and entry of both buildings toward the parking and away from the public street. Application SPR-0194-2021, based on the findings and subject to the conditions listed in the staff report dated April 19, 2022.

Second: Commissioner Tonks

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

Motion: Commissioner Fowler motioned to conditionally approve the Site Plan based on the findings and subject to the specific and general conditions listed within the staff report dated April 19, 2022, as requested by Kaia Ragnhildstveit and Adam Watts, representing Northstar Builders, Gary Sturdevant, Brad Stevens, and Lisa Stevens for the development of two commercial office buildings. Application SPR-0194-2021. The site plan approval shall become effective upon notice from the Zoning Administrator if the specific conditions of approval have been met. The Zoning Administrator shall have the authority to determine if the specific conditions of approval have been met and issue final notice of approval. If the conditions are not met site plan shall not be deemed approved and any changes to site plan must be brought back to the planning commission for additional review and approval.

Second: Commissioner Hawker

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

Motion: Commissioner Tonks motioned to conditionally approve the Subdivision Plat Amendment based on the findings and subject to the specific and general conditions listed within the staff report dated April 19, 2022, as requested by Kaia Ragnhildstveit and Adam Watts, representing Northstar Builders, Gary Sturdevant, Brad Stevens, and Lisa Stevens for subdividing the property into two lots, Application SUBD-0198-2021. The Subdivision

Plat Amendment approval shall become effective upon written notice from the Zoning Administrator that the specific conditions of approval have been met. The Zoning Administrator shall have the authority to determine if the specific conditions of approval have been met and issue final notice of approval. If the conditions are not met the subdivision plat amendment shall not be deemed approved and any changes to the subdivision plat amendment must be brought back to the planning commission for additional review and approval.

Second: Commissioner Nixon

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

5. Public Hearing: Summerhays Landscaping Office Plat Amendment (Administrative Action)

On the request of Ryan Summerhays, representing Summerhays Landscaping, for a Plat Amendment to 2.41 acres of property located at 134 East 12300 South. The application will divide Lot 206 of the Draper Crossing Subdivision into two lots. Application SUBD-12-2022. Staff contact: Jennifer Jastremsky, 801.576.6328, jennifer.jastremsky@draperuiah.gov.

Ms. Jastremsky noted that the property had two buildings on it and was within the Commercial Special District land use designation and Draper Peaks Commercial Special District zone. She explained that the applicant was proposing to subdivide the property into two, to create a separate property for the office building and storage unit. She noted that the properties would still have shared parking and cross access.

Ms. Jastremsky noted that the applicant had an amended site plan in with the city and was being reviewed at staff level. She noted that the site plan included removal of the dumpster on the office/storage building and extending it to create more interior storage. She noted there would be five parking stalls on that property to service the building.

Commissioner Nixon noted there were six construction vehicles and equipment in the parking lot when she had driven by it the previous night. She expressed concern for the property to be able to accommodate those types of vehicles.

Ms. Jastremsky noted that outdoor equipment storage would not be allowed on the property since it would require additional fencing and screening.

Chairperson Adams invited the applicant to speak.

Ryan Summerhays, Applicant, remarked that they had another parking location for the vehicles that Commissioner Nixon had seen. He noted that there was never any equipment of his there and if they had seen equipment it was possibly the property owners. He stated that he can police his employees to make sure they are not parking there. He indicated that there was about 10 feet of

shared parking on the north side of his building that was not visible in the site photos but provided additional parking.

Mr. Summerhays reiterated that they planned to add onto the building for additional storage and to put the dumpster in a more enclosed space.

Chairperson Adams opened the meeting up for public comments on the item. No comments were offered, and the public hearing was closed.

Commissioner Tonks noted that if the properties to the north were ever sold there could be a conflict over parking.

Ms. Jastremsky remarked that it was designated shared parking so there should not be a conflict.

Motion: Commissioner Squire motioned to approve the Plat Amendment as requested by Ryan Summerhays, representing Summerhays Landscaping, for Summerhays Landscaping Office Plat Amendment. Application SUBD-12-2022, based on the findings and subject to the conditions listed in the staff report dated April 19, 2022.

Second: Commissioner Nixon

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

6. Discussion Item: Home Occupation Code

A discussion on the current home occupation code DCMC Chapter 9-34.

Ms. Jastremsky announced that staff was looking to revamp the Home Occupation code to address concerns they have seen with types of uses and intensity. She requested feedback from the commission regarding issues they have seen while reviewing permits. She noted that after gathering information from the commission and council they would bring back a possible text amendment for formal review.

Ms. Jastremsky noted there was a wide range of conditional uses and noted that they might find that some could be permitted without a conditional use. She noted that elements such as customers, employees, inventory and storage, use of garages or detached structures, traffic, and business vehicles could affect the intensity of a business and help determine the need for a conditional permit.

Commissioner Hawker stated that he would like to see letters from the HOA's that expressed approval of home occupation and businesses.

Ms. Jastremsky commented that approval from the HOA or management was required for home occupation applications for those that lived in areas with common area parking and needed parking for customers or business vehicles

Commissioner Hawker remarked that he felt that some businesses, such as lessons or classes that included a lot of students all at one time, should not be done in a home. He stated that he was not sure that businesses with only one client on site at a time needed to come before the planning commission.

Chairperson Adams noted that traffic always seemed to be a big concern. He inquired what defined a cottage business.

Ms. Jastremsky indicated a cottage business was where someone made a product in their home.

Chairperson Adams stated that it seemed like cottage businesses could be a permitted use if there was not a product pickup at the home and was not using heavy duty equipment.

Ms. Jastremsky remarked that staff could propose cottage businesses to be a permitted use if they met certain parameters.

Chairperson Adams asked if hair cutting, and massage were included under the cottage business category.

Ms. Jastremsky reported that they were both personal care services.

Commissioner Squire commented that number of customers a day mattered even if the business only took one client at a time. She clarified that four customers a day might not make a big difference in traffic but four clients per hour could.

Commissioner Hawker stated that he felt like home occupation permits were for people running a business on the side for only a couple hours a day or week and not for people running full time businesses out of their homes.

Chairperson Adams noted that those things could be difficult to delineate.

Ms. Jastremsky indicated they could investigate putting a cap on how many clients a business could have a day or per hour. She noted that for daycare and pre-schools they limited how many students they can have per session or kids they could have per day. She pointed out that personal instruction services such as dance or piano classes did not currently have student limits in the code.

Chairperson Adams pointed out that they need to be careful about limiting businesses to where they are no longer profitable, but also not allow businesses to be a nuisance to the neighborhood.

Commissioner Squire stated that she also wants to be sensitive to parents who want to run a business but still need to be at home with their children.

Chairperson Adams remarked that traffic might be the biggest concern. He commented that once a business starts to grow and become a nuisance to the neighborhood and one person's business is

benefiting at the expense of a neighborhood then that businesses would need to move to a commercial location.

Commissioner Nixon noted that it would be difficult to determine what was profitable since it could be subjective. She suggested they compare with other cities and see what they allow. She indicated that she did feel there should be a limit on clients for personal instruction services especially since daycare and pre-schools had limits already.

Chairperson Adams stated he would encourage members of the City Council to listen to this recording.

Ms. Jastremsky noted that she would also be gathering feedback from the City Council regarding home occupations. She explained that after that staff would draft changes to the home occupation code which would come back before the commission and council for approval.

Commissioner Squire commented that many of the things that concerned her were addressed in the home occupation development standards.

Ms. Jastremsky pointed out that while those standards existed anyone could request a conditional use permit (CUP) to modify those standards with no limits. She noted that they could change the code to include some caps on what could be permitted.

Commissioner Hawker suggested that they could investigate limiting employees to residents only.

Commissioner Nixon remarked that she was not opposed to allowing one employee. It was noted that family members that lived within the home did not count as employees.

Chairperson Adams reiterated he was in favor to permitting cottage businesses and supported staff creating more limits to help restrict conditional use permits.

Chairperson Adams called for a three-minute break.

7. Training: Ethics

Chairperson Adams called the meeting back to order.

Spencer DuShane, City Attorney, announced that nothing had changed in state ethics laws or the city's ethics ordinance since last year's ethics training. He noted that there were parts of the ethics code that appeared more aspirational than as fast rules that could be enforced.

Mr. DuShane, pointed out that according to 19-1-030 parties are prohibited from canvassing city council members for preferential consideration in connection with any appointment to city service.

Commissioner Hawker inquired if that pertained to members of the planning commission as well.

Mr. DuShane, noted that it was a bit different since the commission usually only recommends things to council or applied code in an administrative capacity. He pointed out that council took more legislative action.

Commissioner Squire pointed out that council could be lobbied but parties could not request preferential treatment.

Mr. DuShane, continued to review standards for fair and equal treatment noting that the commission could not discriminate on the basis of race, color, age, religion, sex, national origin, or other protected classes. He noted that they were not allowed to give special treatment for citizens beyond that which is available to every other citizen.

Mr. DuShane, explained that they wanted to avoid the impression of corruptibility and indicated that commissioner should not give citizens a reason to think they are improperly influenced. He suggested that if there was any doubt of their being influence that they should disclose it. He noted there was an annual conflict of interest disclosures that they should fill out but noted they did not need to wait for the annual form for them to disclose any additional information that comes up.

Mr. DuShane, noted that in some situations there are no hard rules that require someone to recuse themselves from official decision, but he indicated that if it may look like they could have a conflict that it was often best to recuse themselves. He clarified that recusing themselves keeps them on the right side of ethics laws and fulfilled the ideals of their ethics ordinance.

Mr. DuShane, announced that if they ever were unsure about ethical situations and are not able to ask the city attorney it is best to disclose and recuse themselves.

Chairperson Adams shared that one time his employer made a public comment and he felt compelled to disclose that information. He inquired what the right choice of action would be in that situation where they are not aware in advance that a conflict of interest may come up.

Mr. DuShane, noted that since it was public comment that since he was unsure, he made the right choice to be extra cautious and disclose the possible conflict even though it was only a public comment and Chairperson Adams had nothing to gain from it and was not a voting member for the item.

Ms. Jastremsky announced that the next meeting on May 12, 2022 has been cancelled. She indicated that there would be more training at their second meeting in May.

8. Adjournment

Motion: Commissioner Tonks motioned to adjourn the meeting.

The meeting was adjourned at 8:22pm.