

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, FEBRUARY 9, 2023 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Andrew Adams, Chairman
Craig Hawker, Vice-Chair
Commission Member Mary Squire
Commission Member DeLaina Tonks
Alternate Commission Member Susan Nixon
Alternate Commission Member Tab Bingham

ABSENT: Commission Member Lisa Fowler
Commission Member Gary Ogden
Alternate Commission Member Kendra Shirey

STAFF PRESENT: Jennifer Jastremsky, Planning Manager
Spencer DuShane, Assistant City Attorney
Maryann Pickering, City Planner III
Brien Maxfield, Senior Engineer Manager
Amie Salazar, Office Manager

6:30 PM Business Meeting

Chair Adams called the meeting to order.

- 1. Action Item: Approve Planning Commission Meeting Minutes for January 12, 2023, (Administrative Action).**

Motion: Commissioner Tonks moved to APPROVE the January 12, 2023, Meeting Minutes.

Second: Commissioner Squire.

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

- 2. Public Hearing: Cola’s Little Treaterie Home Occupation Conditional Use Permit (Administrative Action).**

On the request of Alexis Ao, for a Home Occupation Conditional Use Permit for a cottage business making dehydrated dog treats with online sales located at 14118 S. Deer Arch Lane. The property is 0.09 acres in size and located in the RM1 zone. Application: USE-217-2022. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

City Planner III, Maryann Pickering, presented the Staff Report and stated that the property is located in Deer Run Preserve. The property is a single-family residence with a land use of Residential Medium-High Density in the RM1 Zone. The request is for a home occupation for a

cottage business. The applicant plans to make homemade dog treats with all of the work being done in the kitchen using typical household appliances. She will use a food dehydrator to dry out the meats and the treats that are made. All orders will be done online with the product shipped to the purchaser. No customers will come to the home. Staff received an email from someone who was opposed to the request, but they were under the impression that the use was to take place outside and that it would be a large commercial business. Another individual contacted Ms. Pickering as well asking for clarification. They were concerned that the work would be done outside. Ms. Pickering assured them that it would be done inside the home, which satisfied their concerns with the application.

The applicant, Alexis Ao, reported that the product will be dehydrated dog treats made of beef, chicken, and salmon that will be sold online. The production process will not create any odors other than typical cooking.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

Motion: Commissioner Squire moved to APPROVE the Home Occupation Conditional Use Permit as requested by Alexis Ao, Application USE-217-2022 subject to the following:

Conditions:

1. All requirements of the Draper City Fire Department, Building Division, and Business License Division shall be satisfied throughout the operation of the home occupation on the property.
2. The home occupation is required to maintain approval and adequate licensure from any and all necessary agencies.

Findings:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.

Second: Commissioner Hawker.

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

3. Public Hearing: Simmons Lot Line Adjustment Plat Amendment Request (Administrative Action).

On the request of Lahn Simmons, property owner, for approval to amend the Pheasant Hills Phase 4 Plat in order to adjust the common property line between Lots 410, 412 and 413. The three properties affected are approximately 1.163 acres in size and located at approximately 2052 East Graystone Court. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

Ms. Pickering presented the Staff Report and identified the location of the subject property on the east side of the City. The land use designation is Residential Medium Density with a zoning of RA2. The three lots identified have historically involved the use of each other's property without the knowledge of the property owners until a recent survey was conducted. The purpose of the lot line adjustment was to correct errors that exist. All standards will be met and there will be no non-conforming structures created. All three property owners signed the application and are aware of the proposed change. There were no plans by any of the property owners to add on to their properties.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

Motion: Commissioner Tonks moved to **APPROVE** the Simmons Lot Line Adjustment Plat Amendment as requested by Lahn Simmons, Application Number SUBC-189-2022 subject to the following:

Condition:

- 1. Section 17-9-070 of the Draper City Municipal Code specifies that the approval of a Plat Amendment expires one year from the date of approval if the plat has not been recorded or construction of the required landscaping and infrastructure has not commenced. The expiration of the approval can also be avoided through an extension of the approval. A maximum of one extension for a period of up to six months can be requested in writing to the Community Development Department prior to the date of expiration.**

Finding:

- 1. There is good cause for the vacation or amendment; and no public street, right-of-way, or easement has been vacated or amended.**

Second: Commissioner Bingham.

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

4. Public Hearing: Lyle McAllister Zoning Map Amendment (Legislative Item).

On the request of Lyle McAllister a Zoning Map Amendment to change the zoning designation from RA1 to RA2 for approximately 0.92 acres located at approximately 275 E. 13275 South known as Application TEXTMAP-221-2022. Staff contact is Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Planning Manager, Jennifer Jastremsky, presented the Staff Report and stated that the subject property is located off 300 East near 13200 South. There is currently a single-family home on the property. The applicant is looking to sell some of his backyard to the adjacent neighbor to the rear. The first step in that process is to rezone the property. The property is in the Medium Density land use designation, which supports two to four dwelling units per acre. Currently, the property is in the RA1 zoning district, which allows minimum 40,000 square-foot lots. The subject property is .92-acre in size. The proposal is to rezone the property to RA2, which requires a minimum 20,000 square-foot lot size. The property is surrounded on multiple sides by RA2 zoning. The reduction in the minimum lot size would allow the applicant to pursue a plat amendment to sell a portion of the property. Ms. Jastremsky stated that the Code does not have any restrictions on spot zoning. RA1 and RA2 are similar within the Code and have different lot sizes. Both, however, are considered large lots with animal rights.

In response to a question raised, Ms. Jastremsky explained that if the property owner were to sell his property, he would not have enough acreage to subdivide into two parcels. It was noted that the stem of a flag lot does not count toward the minimum lot size. The applicant would not have enough acreage to provide a stem going back and two 20,000 square-foot lots. After the sale, the remaining square footage of the lot will be at least 20,000 square feet.

The applicant, Lyle McAllister, reported that he is selling .13-acre. He will be left with .79-acre, which is not enough to subdivide.

Chair Adams opened the public hearing. There were no public comments. The public hearing was closed.

The comment was made that because the property cannot be subdivided, the request would not set a precedence. Commissioner support was expressed. It was noted that what is proposed would not change the feel of the neighborhood and will not impact the neighbors.

Motion: Commissioner Hawker moved to forward a POSITIVE recommendation to the City Council for the Zoning Map Amendment as requested by Lyle McAllister, Application TEXTMAP-221-2022 based on the following:

Findings:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan.
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is consistent with the standards of any applicable overlay zone.
4. The proposed amendment does not adversely affect adjacent property.
5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Second: Commissioner Nixon.

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

5. Public Hearing: Federal Heights Holdings LLC Zoning and Land Use Amendments (Legislative Action)

On the request of Marlon Bates, representing Chris Silvestro, for a land use map amendment from Community Commercial to Neighborhood Commercial and a rezone from RA1 to CN (Neighborhood Commercial) for approximately 1.19 acres located at approximately 11743 S. 700 East. Applications: TEXTMAP-204-2022 (Zoning) and TEXTMAP-206-2022 (Land Use). Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

The above item was to be continued.

Motion: Commissioner Squire moved to CONTINUE agenda item number five, Federal Heights Holding, LLC Zoning and Land Use Amendments to a date uncertain.

Second: Commissioner Nixon.

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

6. Public Hearing: City Initiated Water-Wise Landscaping and Site Amendments Text Amendment (Legislative Item)

On the request of Draper City for a Text Amendment to Titles 9 and 17 of Draper City Municipal Code in order to amend regulations regarding definitions, site plan review, site design, landscaping including water-wise landscaping, screening, parking area design, outdoor storage and display, and related subdivision requirements. This application is known as the City Initiated Water-Wise Landscaping and Site Amendments Text Amendment. Application: TEXT-187-2022. Staff contact: Todd Draper, 801-576-6335, todd.draper@draperutah.gov.

The above item was to be continued. Ms. Jastremsky reported that staff was continuing to work with the Jordan Valley Water Conservancy District (“JVWCD”) before bringing the matter back for final recommendation.

Motion: Commissioner Squire moved to CONTINUE agenda item number six, City-Initiated Water-Wise Landscaping and Site Amendments Text Amendment to a date uncertain.

Second: Commissioner Tonks.

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

7. Adjournment.

Ms. Jastremsky reported that the Utah American Planning Association (“APA”) Conference is scheduled for May 10 to 12 in Vernal. Those interested in attending were asked to contact Office Manager, Amie Salazar.

Motion: Commissioner Nixon moved to ADJOURN. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at 6:54 p.m.