

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON
THURSDAY, APRIL 13, 2023 IN THE DRAPER CITY COUNCIL CHAMBERS**

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

STAFF PRESENT: Jennifer Jastremsky, Planning Manager
Fred Aegerter, Community Development Director
Mike Barker, City Attorney
Spencer DuShane, Assistant City Attorney
Todd Draper, Planner III
Brien Maxfield, Senior Engineer Manager
Amie Salazar, Office Manager

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

6:30 PM Business Meeting

Chair Andrew Adams called the meeting to order.

- 1. Action Item: Approve Planning Commission Meeting Minutes for November 17, 2022 (Administrative Action).**

Motion: Commissioner Hawker moved to APPROVE the November 17, 2022, Planning Commission Meeting Minutes.

Second: Commissioner Squire.

Vote: A roll call was taken with the Commissioners voting 4-to-0 in favor of the motion. Commissioners Hawker, Squire, Nixon, and Bingham voted “Aye.” The motion passed unanimously.

- 2. Action Item: Approve Planning Commission Meeting Minutes for December 8, 2022 (Administrative Action).**

Motion: Commissioner Nixon moved to APPROVE the December 8, 2022, Planning Commission Meeting Minutes, with the amendments submitted to Staff.

Second: Commissioner Bingham.

Vote: A roll call was taken with the Commissioners voting 4-to-0 in favor of the motion. Commissioners Hawker, Squire, Nixon, and Bingham voted “Aye.” The motion passed unanimously.

3. Action Item: Approve Planning Commission Meeting Minutes for March 23, 2023 (Administrative Action).

Motion: Commissioner Squire moved to APPROVE the March 23, 2023, Planning Commission Meeting Minutes, with the amendments submitted to Staff.

Second: Commissioner Hawker.

Vote: A roll call was taken with the Commissioners voting 4-to-0 in favor of the motion. Commissioners Hawker, Squire, Nixon, and Bingham voted “Aye.” The motion passed unanimously.

4. Public Hearing: Avery Townhomes Site Plan and Plat Amendment (Administrative Action). On the request of Troy Dana for a Site Plan and Plat Amendment for a townhome development located at 650 East 12225 South on 2.44 acres of property. The property is located within the RM2 zone. Application numbers SPR-218-2022 and SUBD-11-2023. Staff contact: Jennifer Jastremsky, (801) 576-6328, jennifer.jastremsky@draperutah.gov.

Planning Manager, Jennifer Jastremsky, presented the Staff Report and stated that the request was for a Site Plan and Plat Amendment for a townhome development. The property is located at 650 East 12225 South on approximately 2.44 acres of property. She reported that the Avery Townhomes property is partially developed with roadways and parking. It is within the Residential High-Density land use designation and the RM2 Multi-Family Zone. The Planning Commission saw a Rezone and Development Agreement for the property last year. Ms. Jastremsky informed the Commission that the property is part of the Midas Creek Site Plan Area, which is a Master Plan from the mid-2000s. It included both residential and office uses. A map of the Midas Creek Site Plan was shared. Everything but the two office buildings shown have been built. The previous owner received approval for 17 townhomes and the plat was recorded but the townhomes were never built.

Last year, the Planning Commission reviewed a Rezone to the RM2 Zone and a Development Agreement, which allowed the current developer to increase the density to 21 townhomes. That modification to the townhomes was currently before the Planning Commission. The proposed subdivision follows the same format as the previous subdivision. That was largely due to the fact that the roads already exist. Ms. Jastremsky reviewed the Site Plan with the Commissioners. There would be some front-loaded townhomes as well as some alley-loaded townhomes. Each unit will have a 20-foot-deep driveway. There will be common open space as well as a pond area. Some new guest parking spaces will be added to the existing spaces for a total of 21 guest parking spaces for the property. In addition, each townhome unit would have a two-car garage.

The Landscape Plan was shared. Ms. Jastremsky reported that the applicant proposed keeping the trees that exist along the south property line and installing new trees along the roadway and open

space areas. As for the Lighting Plan, there were Conditions of Approval related to lighting. A few modifications needed to be made to the Lighting Plan. The plan showed three new light poles that will match the existing poles in the overall development and along the existing private road. However, the foot-candle levels were slightly off compared to the Code.

Ms. Jastremsky shared the elevations and explained that there are two and three-story units. All designs fully comply with the Code as far as the amount of brick and the building heights. The applicant provided renderings for additional context as well. Ms. Jastremsky reviewed site photos. She identified the original pad site for the previously planned office buildings that remained vacant. The private roads will remain but the pads will be removed.

The Conditions of Approval in the Staff Report included Condition #3, which was as follows:

- Address the outstanding redlines listed in Exhibit A of this report, and provided at the public hearing prior to obtaining the Land Disturbance Permit.

Ms. Jastremsky reported that the redlines are minor issues that have not been addressed, such as the lighting foot candle levels. The redlines will not impact the overall design of the project. Exhibit A for the engineering redlines states that the memo will be provided during the Planning Commission Meeting. She noted that it was distributed to Commissioners. Senior Engineer Manager, Brien Maxfield, reviewed the redlines. The Geotechnical Report identified groundwater as being near the surface. That may infiltrate the stormwater system and collect where the stormwater is supposed to go. That would need to be addressed in the field if the groundwater is found to be higher than expected. The developer planned to use perforated pipe as a low-impact development standard to allow the stormwater to get back into the ground. If the groundwater is too high, that will not work and a modification will need to be made. Mr. Maxfield noted that there is a requirement for a Stormwater Maintenance Plan and Agreement. That would need to be completed before the Land Use Disturbance Permit is issued.

There was discussion regarding the unit types. Ms. Jastremsky confirmed that all of the units have driveways. The Code states that if there is a garage, there also needs to be a driveway that is 20 feet deep. That was true whether the units are front-loaded or alley-loaded. The applicant, Troy Dana, discussed the retention pond on the northwest. He explained that the retention pond came back smaller so the units shown on the Site Plan have more flat back area to use for the common area.

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

Motion: Commissioner Hawker moved to APPROVE the Site Plan/Plat Amendment, as requested by Troy Dana for Avery Townhomes, Application SPR-218-2022/SUBD-11-2023, subject to the following:

Conditions:

- 1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 2. That all requirements of the Geotechnical Report are satisfied throughout the development of the site and the construction of all buildings on the site.**
- 3. Address the outstanding redlines listed in Exhibit A of this report, and provided at the public hearing prior to obtaining Land Disturbance Permit and include the Engineering redlines provided to the Planning Commission during the Planning Commission Meeting.**

Findings:

- 1. The remaining phase of a multi-phase development is being developed.**
- 2. The site plan conforms to applicable standards set forth in this title, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.**
- 3. The proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the zone district in which the site is located.**
- 4. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.**
- 5. The proposed development plans comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of this code, including traffic, storm water drainage, and utilities concerns.**
- 6. There is good cause for the plat 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 4-to-0 in favor of the motion. Commissioners Hawker, Squire, Nixon, and Bingham voted “Aye.” The motion passed unanimously.

5. Public Hearing: Take 5 Car Wash Conditional Use Permit (Administrative Action).

On the request of Andre Sutiono representing Draper Waggy, LLC. A Conditional Use Permit for a car wash on an approximately 1.28-acre site, located at approximately 12276 S. Galena Park Blvd. Known as application USE-225-2022, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Planner III, Todd Draper, presented the Staff Report and stated that the request was for a Conditional Use Permit. The property is located at approximately 12276 South Galena Park Boulevard and is approximately 1.28 acres in size. He shared a Vicinity Map of the area and identified the subject parcel location. An aerial map was also shown. The land use category is Neighborhood Commercial and the zone is Community Commercial (“CC”). Mr. Draper noted that this is a Conditional Use Permit only and this application does not include the Site Plan application or review. As a result, many of the items that are normally looked at will be considered during the Site Plan stage instead. One proposed condition with this application is that the application for the Site Plan be filed, which is already in process.

Mr. Draper reported that some basic information about a car wash on this property was known. For instance, access to 12300 South would not be a possibility. Access would need to come from Galena Park Boulevard instead and be as far north as possible based on the layout of the street and proximity to the intersection. At the time of the Site Plan application, the cross-access to adjacent property would need to be designated and reserved for future use. Various site photos were shared with the Commission. Mr. Draper noted that one phone call was received. That resident had questions and concerns about adjacent businesses parking on the street and the location of the access. He noted that those types of issues will be dealt with at the Site Plan level.

Commissioner Hawker reported that 12300 South is a Utah Department of Transportation (“UDOT”) road. Draper City does not have any control over that so he believed UDOT will have to approve anything that comes off of there. This was confirmed by Senior Engineering Manager, Brian Maxfield. Commissioner Hawker wondered if UDOT supports access to the subject property. Mr. Maxfield clarified that the site has frontage on a City street. As a result, UDOT will require the property to have access to the City street rather than 12300 South. Commissioner Hawker believed that from Galena Park Boulevard, visitors will be able to make both left and right turns. Mr. Draper explained that those details will be looked at in the future with the Site Plan application.

Commissioner Nixon noted that the Staff Report states that there does not seem to be any reasonably anticipated detrimental effects that need to be mitigated. She wondered if that was still the case. Mr. Draper confirmed this. As long as the ordinances are followed, there did not appear to be anything that would create additional detrimental effects in need of mitigation. Commissioner Nixon asked if the regular sound ordinances would apply to a car wash. It was noted that the vacuums and dryers would fall under power equipment in terms of noise. The hours between 10:00 p.m. to 7:00 a.m. are the restricted hours for higher volume sounds. Mr. Draper explained that a residential area is across the street and to the north.

The CC Zone land use table was reviewed. Mr. Draper highlighted some of the uses that are permitted in that zone, such as assisted living facilities, banks, and business equipment rentals. He noted that a

car wash is allowed as a Conditional Use. There was discussion regarding why certain uses are conditional. Mr. Draper explained that it is determined by City Ordinance. Ms. Jastremsky added that a use is typically designated as a Conditional Use because it can potentially have a negative effect on the area, depending on the location. The Conditional Use allows the City to look at an individually proposed use in an individually proposed site to determine whether any conditions need to be placed on the application. For a car wash, conditions could relate to the mitigation of noise.

City Attorney, Mike Barker shared additional information about a Conditional Use versus a Permitted Use. He explained that the State Legislature made it difficult to deny a Conditional Use Permit. The only way a Conditional Use Permit application can be denied is if there is no way to mitigate the detrimental effects. State Code clearly states that the impacts be mitigated rather than eliminated. Typical impacts could relate to noise, light, odors, or traffic.

The applicant's representative, Phillip Sarandos, from JM Civil Engineering, introduced himself and was present on behalf of Andre Sutiono. He shared comments related to noise concerns. There will be a central vacuum in a screened-in and enclosed area that is fairly quiet. In addition, for the car wash itself, all of the mechanics will be contained within the tunnel building. There are other locations he has been involved with in Ohio, North Carolina, and Arkansas. The Commission further discussed noise concerns. Mr. Sarandos indicated their client would comply with ordinance provisions regarding noise and operational hours.

Chair Adams opened the public hearing.

Derek Seal was present representing the Galena Park Homeowners Association ("HOA"). He explained that the HOA is not opposed to car washes but there were concerns about the location of the development. Mr. Seal owned a unit in the Galena Park townhomes and lived there for approximately six years. He understood the community well. There is a desire for commercial uses but the adjoining businesses have a lot of vehicles nearby, which creates issues because it is difficult to turn left out of the subdivision due to reduced visibility. A lot of extra vehicles from the repair shop nearby are parked on the street during the day, which adds to the congestion. He asked that the Commission consider how the area is already being used and how the car wash will fit in. Mr. Seal noted that there were concerns about noise because some units are close to the property.

Jameson Fairbourn gave his address. Other Take 5 Car Wash locations have had major secondary access. His concern was that Galena Park Boulevard does not have a shoulder or painted lines next to the curb. As a result, he was not certain it was possible to mitigate or adequately address safety concerns for those entering the development to the north. He felt it was important to consider the current use of the road before anything else is added.

Reba Kiger-Kolasch has many children who play at Galena Park. She also noted that her family walks in the area a lot. Many days, there are as many as 10 to 12 vehicles parked on the road and those vehicles come out into the street because there is not a parking lane. There are existing safety issues that the Planning Commission needs to consider. In addition, she was concerned about the car wash exit being on the south end. Concerns were expressed about noise and the impacts on residents.

Stephen Farias gave his address. His main objections related to noise, safety, and congestion. He asked the Commission to look at the aerial view of the property. The only egress that will be allowed for the car wash was right next to the car dealership egress. That was where the car carriers were parked, which was already an obstacle for residents who want to enter and exit the neighborhood. It is particularly difficult for left turns to reach the intersection. Mr. Farias reiterated his concerns about safety and the increase in traffic related to the car wash use. He also expressed concerns about noise. The blower exiting a car wash area can be quite loud. The dryers and vacuums in the center section also need to be considered. He was concerned that certain residents will be unable to use their outdoor areas due to the continual noise.

Stephanie Castro gave her address. She was very concerned about the safety issues raised by other residents as well as the noise caused by the car wash. Ms. Castro pointed out that there are other car washes on 12300 South and she did not know that another was needed. She explained that there is already a lot of noise from traffic and she did not want the blowers and vacuums to be added to the existing noise issues. While she appreciated the applicant wanting to use the property, she did not necessarily believe a car wash was appropriate.

Andy Whitelock identified himself as the Chief Financial Officer (“CFO”) of Velocity Auto. He noted that the company had some concerns, especially related to the entrance location. The road to Galena Park is backed up most afternoons. If car wash traffic is added through there as well, the backups will be much worse and there will be greater levels of congestion. Mr. Whitelock explained that there were also concerns about dust. Blowers drying off the cars could impact the retail vehicles at Velocity. He wanted to understand how dust will be mitigated. In addition, he had concerns about the signage to be posted on 12300 South. Velocity kept their signage to a minimum out of respect for the nearby residents and he was concerned that the same would not be true for the car wash.

Mike Stangl, a Midvale resident, identified himself as the property owner and understood a lot of the concerns expressed by residents. It was noted that another allowed use, such as a bar or a convenience store, would be more detrimental in terms of traffic and noise than a car wash. The intention was to use the property for something that is less impactful to others. As far as the vehicles that park on the side of the road, that is an enforcement issue. He believed that once the car wash business is added to the area, a lot of the unlawful parking that is taking place will cease.

Nicole Stangl acknowledged the sound concerns expressed by residents. She noted that there are several other Take 5 Car Wash locations that are close to residential areas. If residents have not visited those locations, she suggested that they do so to better understand the noise levels. The noise depends on the direction of the facility. As a result, she believed the sound issues were something that are easily mitigated. In terms of the traffic concerns, it seemed that they stem from the current uses rather than the proposed uses. Ms. Stangl pointed out that anything that is developed on the property will increase traffic. That being said, a car wash will not increase traffic any more than the other allowed uses for the site.

There were no further comments. The public hearing was closed.

Mr. Sarandos understood the concerns expressed about the blower noise. He pointed out that on the Site Plan, the blower is located at the south end of the building facing the main street. Its location will shield property owners from the noise. The vacuum enclosure could be moved to the south end near the exit of the tunnel if desired by the Commission. Additional screening and walls could also be added to further mitigate noise. As far as the dust concerns that were mentioned, he explained that the blowers on clean cars do not produce a lot of dust. Also, there will not be a lot of silt or dust on the site because of the underground drainage system for the car wash. He stated that the absolute maximum number of vehicles that can move through the car wash per hour is between 50 and 60, however the average number they expect is 50 to 100 vehicles per day. The peak hours for their type of operation are between 5:00 p.m. to 6:00 p.m. during the week and 9:00 a.m. to 10:00 a.m. on the weekends. He was confident that all of the concerns expressed by residents could be addressed with the Site Plan application.

Chair Adams stated that the Conditional Use Permit was before the Planning Commission for consideration. The Site Plan would be addressed at a later date. It was noted that the tunnel exits toward the street and away from the houses. That was likely the best approach in terms of addressing the noise concerns. Mr. Draper explained that the best way to look at the Site Plan materials that were submitted was as a conceptual level. If there were additional conditions that the Planning Commission felt needed to be added beyond the ones listed in the Staff Report, he asked that those be included in the motion language. Ms. Jastremsky suggested that any specific concerns be clearly stated, such as the location of the vacuum equipment. Chair Adams noted that the main noise factor was when the vehicles came out of the blowing bay. The entrance and exits of the car wash tunnel will likely be the noisiest. Ms. Jastremsky again asked that all language for conditions be specific. Mr. Barker cautioned the Commission not to try to engineer the site. Although there needs to be some specificity to the language and the conditions, it is important to leave some flexibility as well.

Chair Adams wondered what would happen if the terms of the Conditional Use Permit are not met in the future. Mr. Barker reported that every Conditional Use Permit is subject to revocation if the property does not comply with the conditions that have been imposed. The Site Plan has a defined set of objective standards while the Conditional Use Permit relates to use, impacts, and mitigation.

Chair Adams pointed out that Velocity Auto unloads vehicles more often than most residents are comfortable with. It is important to consider what, if anything, can be done about that. As for the subject property, the surrounding properties already impact the area in a negative way, this application cannot be used to solve issues created by other properties. It was noted that traffic is an important consideration but in this instance, the car wash will not create the problem. The only aspect of the site that is not self-contained in his opinion was the noise. There was no request with this application to park on the street or unload vehicles on a regular basis. There was discussion about the Traffic Committee that meets monthly. The Committee meets to talk about traffic enforcement, parking problems, and speeds. The area around the subject property could be something that the Traffic Committee reviews.

Community Development Director, Fred Aegerter, noted that during previous Planning Commission Meetings when car washes were presented, the main question was how much noise the car wash and associated equipment will make. He explained that normally that specific information is something

that could be provided by the car wash company. That information is essential to imposing mitigating conditions. The Commission could ask that the information be provided with the Site Plan for review. Chair Adams reiterated that noise is something that the applicant could control. All of the other issues mentioned such as existing congestion and parking are outside their control.

There was discussion regarding the hours of operation for the car wash. Mr. Draper was not certain about the hours of operation but referenced the County Health Department and the Noise Ordinance. Ms. Jastremsky clarified that between 10:00 p.m. to 7:00 a.m. the noise levels should be quieter.

Commissioner Squire stated she was not as concerned about specific decibel levels because the Commission does not have a way to determine what an appropriate or inappropriate decibel was in this case. A car wash is a Conditional Use in the zone and the Planning Commission needs to consider mitigation. The best way to mitigate the noise was through the orientation of the building. She asked Mr. Barker about language for mitigating conditions. For example, if it was possible to state that if the Site Plan differs substantially from what was submitted, the Conditional Use Permit would no longer be valid. The Commission further reviewed the details submitted regarding the site.

Mr. Sarandos pointed out that the central vacuum was screened and was all piped to the individual vacuum stalls. The location of the equipment in the building that runs the blowers was pointed out to the Commission. He explained that it is near the exit and near where the blowers are located. The Commissioners asked about the central vacuum unit and the amount of noise it will emit. Mr. Sarandos confirmed that the unit itself produces some noise but not as much as the blowers. However, the individual vacuum hoses do not produce much noise. Commissioner Squire wondered if it would be possible to move the central vacuum enclosure to the south end to shift as much noise as possible away from the residential area. This was confirmed as possible. Mr. Sarandos explained that as long as the layout does not interfere with the Landscape Ordinances or tree requirements, the site design can accommodate the request of the Planning Commission. He reiterated that additional screening of the enclosure could be provided, if necessary. He believed the wall and fence would block a lot of the noise to the residences.

Commissioner Nixon has reviewed several car washes during her career. She thought the proposed layout was as good as it could be. She liked the queuing of the cars coming into the property along the north side. There is plenty of room for stacking and queueing. Additionally, she liked that there will be tunnel and that the blowers for the car wash itself will be on the south end. Commissioner Nixon supported the suggestion from Commissioner Squire to move the central vacuums further to the south and possibly add additional screening there as well. She noted that there could potentially be an additional buffer wall along the north side of the property to further mitigate noise and sight lines. As far as vehicles parking on the street due to existing neighboring uses, she felt that was an enforcement issue.

Mr. Draper informed the Commission that the planned hours of operation were included in the letter submitted by the applicant. The proposed hours were 7:00 a.m. to 7:00 p.m. on weekdays, 7:00 a.m. to 6:00 p.m. on Saturdays, and 10:00 a.m. to 4:00 p.m. on Sundays. The business will close before the time listed in the noise ordinance. The Commission discussed whether it was necessary to add the hours of operation to the Conditional Use Permit. Commissioner Squire noted that the proposed

hours were within the current Noise Ordinance. She did not want to limit the applicant further under the Conditional Use Permit. Mr. Barker explained that there needs to be substantial evidence provided to support the need for a condition.

Commissioner Squire pointed out that there are a lot of car washes in Draper. She liked this because water usage from car washes is lower as the water is reused. She wondered if there had been any complaints about the noise from the existing car washes. Ms. Jastremsky indicated that she had not heard of any such complaints in Draper. Commissioner Nixon pointed out that the proposed layout was preferable and that the orientation makes a difference in terms of the overall noise levels coming from the car wash.

MOTION: Commissioner Nixon began to make a motion that included a condition to add a six-foot solid masonry buffer wall along the north end of the property.

It was noted that there needs to be a substantial reason to add that condition. It needs to be clear what detrimental effect is being mitigated. She explained that the wall would mitigate noise and improve the overall aesthetics of the residential area to the north. Chair Adams asked if she would consider a wall that would cover or screen the tunnel portion instead. A partial wall would still mitigate noise. Commissioner Nixon felt that was an appropriate suggestion. It was determined that the minimum length of the wall would coincide with coverage of the tunnel and the vacuum area.

Motion: Commissioner Nixon moved to APPROVE the Conditional Use Permit, as requested by Andre Sutiono, representing Draper Waggy, LLC, for Take 5 Car Wash, Application USE-225-2022 subject to the following:

Conditions:

- 1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 2. That a separate site plan application be submitted for review and approval for the site that is in compliance with all applicable ordinance requirements, including but not limited to site design, building design, landscaping, screening and exterior lighting.**
- 3. That the exit of the car wash or dryer tunnel be towards the South end of the property.**
- 4. That the central vacuums be on the south side of the property, with screening, and comply with setbacks for accessory structures per the code.**

5. **That the hours of operation comply with the City quiet hours from 10:00 p.m. to 7:00 a.m.**
6. **That a minimum six feet (6') tall masonry buffer wall be placed on the North end that meets fencing regulations. The minimum length of the wall shall be sufficient to screen the car wash building and vacuum area from the views coming from the residential areas northeast of the property.**

Findings:

1. **Reasonable conditions are included as part of the approval that substantially mitigate reasonably anticipated detrimental effects of the proposed use.**
2. **There are no reasonably anticipated detrimental effects of the proposed conditional use that cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards.**

Second: Commissioner Hawker.

Vote: A roll call was taken with the Commissioners voting 4-to-0 in favor of the motion. Commissioners Hawker, Squire, Nixon, and Bingham voted "Aye." The motion passed unanimously.

6. **Public Hearing: Galena Grove AT&T Conditional Use Permit (Administrative Item)**
On the request of Tyler Laros, representing Smartlink Group and Cingular Wireless PCS, LLC, a Conditional Use Permit for the installation of a new wireless telecommunications facility (monopole) on an approximately 5.77-acre site located at approximately 483 W. 12300 S. Known as application USE-124-2022, Staff Contact: Todd Draper (801) 576-6335, todd.draper@draperutah.gov.

Mr. Draper presented the Staff Report and stated that the request was for a Conditional Use Permit for a 5.77-acre parcel located at approximately 483 West 12300 South. The proposal is for a cell tower on land that was owned by Draper City. He shared an image of the subject parcel and an aerial map. The land use map in the area is Cultural and Institutional with Open Space and Parks to the south. It is located in the Open Space Zone.

The Site Plan was shared, which showed the access coming down an existing paved right-of-way to where there is some dirt parking. It then extends over to the site, which is directly to the east of the Animal Services Building. Mr. Draper noted that the proposal is for a fairly standard cell tower, a building for the service equipment, and an equipment pad and enclosure for the generator. The elevations were shared. As mentioned in the Staff Report, the antenna array is five inches taller than allowed by ordinance. It is 100' 5" although the maximum that can be approved under a Conditional Use is 100 feet. The condition Staff included in the report was that it be lowered to the maximum of

100 feet at the time of Building Permit. The Fencing Plans were reviewed. Mr. Draper clarified that it is not to scale and the applicant has not dimensioned the overall height. It was proposed to be standard chain link with barbed wire on top. The maximum height for a fence is 10 feet. One additional condition included by staff is the fence be under the maximum height.

No additional screening or landscaping was provided and would typically be required for a Permitted Use. Mr. Draper reviewed the ordinance reference that states that if the applicant does not meet or will not conform to the development standards of a Permitted Use, the Planning Commission can approve of the exception through a Conditional Use Permit. That was what was being requested by the applicant in this instance. The Planning Commission could approve the application without additional screening or landscaping if they choose. Mr. Draper read the standard in the Conditional Use Section related to fencing and screening. It states that higher-grade fencing and more aesthetic fence designs and landscaping may be required. Mr. Draper stated that this is an opportunity for the Commission to determine whether the current application is compliant with the standards. Site photos were shared and reviewed. Mr. Draper reported that one email and one phone call were received about the application. The email was forwarded to the Planning Commission. There were concerns about the fact that the site is close to the proposed future realignment of Vista Park Boulevard. That was considered but the actual location of the cell tower does not impact the current design for the road.

Commissioner Hawker asked if the proposal will impact the nearby parking. Mr. Draper explained that the property is in an area where no actual parking will be removed. He further reviewed the aerial image with the Commission. Commissioner Hawker wondered if access to the tower would be needed in the evenings when there are games and activities taking place. Mr. Draper was not certain but believed the applicant would be able to address that. Commissioner Nixon wanted to know if anything had been heard from the Utah Transit Authority (“UTA”) about the proposal. Mr. Draper clarified that there was not any requirement that UTA grant approval. There were standard setbacks from rights-of-way which this proposal does not meet, but under the Conditional Use Permit criteria, those could be approved closer as shown.

The applicant’s representative, Jason Hadley, was present on behalf of Tyler Laros. Mr. Laros is his colleague and they work for Smartlink Group which represents Cingular Wireless PCS, LLC. He addressed some of the information that was shared with the Commission. With regard to height, he was not sure where the extra five inches were appearing. Exhibit H showed 100 feet to the top of the tower, which was intended. He had no issue with there being a condition stipulating that the 100-foot maximum be followed. He noted that there will be a lightning rod on top that will add an additional four feet. It was his understanding that the lightning rod itself was not calculated into the height of the cell tower.

Mr. Hadley reported that Smartlink Group would make the fence whatever height or material that the City wanted to see. The standard was set at eight feet to provide additional security. As for the screening and landscaping, the intention was to keep the tower out of the way so it was not too visible. That was the reason the subject property was selected. The existing area and adjacent areas are used to store materials, so he did not believe there was a need to provide landscaping. Mr. Hadley discussed access and explained that after the site is built, there will be routine maintenance with a

Technician visiting the site once each month. That could occur at various times of the day. There will not be a lot of visitation on the site so access was not a major concern. Mr. Hadley noted that there is currently a lease in place with the City. He expressed gratitude to City Staff for their work.

Commissioner Nixon asked about the number of providers who would be on the cell tower. Mr. Hadley reported that AT&T would be the only one right now. The height was engineered to provide maximum coverage for the area but it could serve up to three additional co-locators on the pole. Commissioner Nixon noted that a 22-foot array was requested but 15 feet is the maximum permitted. Mr. Hadley was not entirely sure where the 22 feet came from. He explained that there are three sectors on the monopole. Each one of the boom arms is approximately 12 feet wide. There are three 12-foot arms on the pole. Commissioner Nixon expressed concerns about the height and width. Mr. Hadley stated that the mount on top of the monopole is standard. It might be possible to find one that was not offset away from the pole as much. The reason that mount was used was because most radios are now placed on the tower. Those radios used to be down in the equipment shelter. However, with the current technology, the radios need to be closer to the antennas. There also needs to be some distance between the antennas and the radios, otherwise, there would be a certain level of interference. There was additional discussion regarding the height of the monopole and what is necessary for the site.

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

Commissioner Squire noted that the applicant mentioned that the lightning rod is higher than the maximum height but it is allowed to be higher. Mr. Draper explained that ordinance permits only the lightning rod to be taller than 100 feet. All antennas and antenna mounts need to be below that. Currently the antenna mounts are the portion that exceeds the 100 feet limit. As for the 15 feet versus 22 feet width question raised, he clarified that 15 feet is the standard Permitted Use width and this is a Conditional Use and can be wider. The question was whether there would be a negative impact caused by the use as proposed and whether there were mitigation measures that needed to be implemented that have not been.

Motion: Commissioner Squire moved to APPROVE the Conditional Use Permit, as requested by Tyler Laros, representing Smartlink Group and Cingular Wireless PCS, LCC, for a new wireless telecommunications facility (monopole), Application USE-124-2022, subject to the following:

Conditions:

- 1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**

2. That prior to approval of a building permit that the plans be revised to comply with maximum height limitations and not exceed one-hundred feet (100'), found in DCMC Subsection 9-41-070(E)(2).
3. That prior to approval of a building permit fencing be amended to indicate height. All fencing is limited to 10-feet in height or less.
4. That revised plans be submitted at the time of the building permit application demonstrating that all site lighting associated with the wireless telecommunications facility use will conform to the applicable requirements of DCMC Chapter 9-20.

Findings:

1. Reasonable conditions are included as part of the approval that substantially mitigate reasonably anticipated detrimental effects of the proposed use.
2. There are no reasonably anticipated detrimental effects of the proposed conditional use that cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards.

Second: Commissioner Bingham.

Vote: A roll call was taken with the Commissioners voting 4-to-0 in favor of the motion. Commissioners Hawker, Squire, Nixon, and Bingham voted "Aye." The motion passed unanimously.

7. Adjournment.

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

The meeting adjourned at 8:13 p.m.