

**AMENDED MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING
HELD ON THURSDAY, JUNE 27, 2019 IN THE DRAPER CITY COUNCIL CHAMBERS**

PRESENT: Chairperson Andrew Adams, Traci Gundersen, Craig Hawker, Kent Player, John Van Hoff, Mary Squire, Gary Ogden, and Lisa Fowler

ABSENT: Vice-Chairperson Scott McDonald

STAFF PRESENT: Jennifer Jastremsky, Ellen Xanthos, Dan Boles, Russell Fox, Christina Oliver, Mike Barker

ALSO PRESENT: Roll on File

Business Meeting: (Meeting does not begin until 44:10 on the video.)

Chairperson Andrew Adams welcomed and thanked everyone for their preparation for, attendance of, and participation in the meeting.

1. Action Item: Hidden Canyon Estates Phase 4 Final Subdivision Plat

On the request of Matt Hansen, representing Edge Homes, for the Hidden Canyon Estates Phase 4 Final Subdivision Plat located at 2355 East 14720 South for a 37-lot single family subdivision. Staff contact is Jennifer Jastremsky, jennifer.jastremsky@draper.ut.us, 801-576-6328. **Application number SUBD-426-2018**

Chairperson Andrew Adams introduced the first action item and turned the time over to Jennifer Jastremsky.

Ms. Jastremsky stated that the Hidden Canyon Estates is located off Suncrest Drive near the top of the mountain and is phase 4 of the development. It was previously approved with a development agreement in 2014/2015 for single family residences with a minimum lot size of 7,500 sq. ft. All the lots on the proposed plat meet that requirement, with the smallest lots being 7,500 sq. ft. and the largest being over 15,000 sq. ft. Ms. Jastremsky noted that all the streets are public and meet the minimum 60 ft. right-of-way standard.

Commissioner Hawker noted that he has seen people struggling with snow in the winter in Suncrest and asked whether these public streets can be widened.

Ms. Jastremsky commented that, after looking at the staff report, the streets have a 50 ft. right-of-way, which is allowed with the development agreement and is consistent with other streets in Suncrest. Christina Oliver stated that the development agreement dictates the street width.

Matt Hansen, representing the applicant, Edge Homes, came forward to address any questions but there were none.

Chairperson Adams reiterated that this is an action item rather than a public hearing and opened it up for discussion amongst the commissioners.

Commissioner Hawker asked if anyone had a copy of the written motion and Commissioner Squire indicated that she didn't see it in the materials.

Ms. Jastremsky stated that the motion was not included but reminded them that there are conditions noted in the staff report and suggested that the commissioners see the report for reference.

Motion: Commissioner Squire motioned to approve the request for Hidden Canyon Estates Phase 4 Final Subdivision Plat located at 2355 East 14720 South, Application number SUBD-426-2018, subject to the findings for approval and conditions listed in the staff report.

Second: Commissioner Hawker

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

2. Public Hearing: City Initiated Mineral Extraction Text Amendment Request

On the request of Draper City for a text amendment to Draper City Municipal Code Section 9-13-080, Table 9-13-1 in order to change Mineral Extraction from a conditional use to a not permitted use in the M2 (Major Manufacturing) zone. Staff contact is Jennifer Jastremsky, jennifer.jastremsky@draper.ut.us, 801-576-6328. **Application TEXTMAP-383-2018**

Chairperson Adams introduced item number two and turned the time over to Russell Fox.

Mr. Fox presented a brief history and timeline from 2018, noting that the Geneva Rock went before the Planning Commission in August 2018 but withdrew that initial application at the City Council Hearing in September because of some things presented in that meeting. He stated that in October 2018, the City Council adopted Resolution 18-82, giving notice of pending amendments to remove Mineral Extraction from the M2 Zone.

Mr. Fox continued by noting that there is only one M2 Zone in the City. He commented that Mineral Extraction is defined in the code as the removal of sand, gravel, dirt, or other materials by grading or excavating and that the definition will not be changing. The proposed text amendment is to remove Mineral Extraction as a Conditional Use in the M2 Zone and change it to Not Permitted.

Mr. Fox stated that this proposed amendment will not restrict, prohibit, or regulate any of the existing vested operators or uses in those zones. It will not shut down any existing operations, but only dictates that no new mining operations will occur in any zone. He also noted that this does not prohibit anyone from making an application to amend the text in the code in the future.

Commissioner Squire noted that when an application comes in, an applicant must wait one year if they are denied their requested zone change. She asked if there is any way to include a grace period given to the city to restrict any text amendment applications for a specified period and Mike Barker indicated affirmatively.

Mr. Fox mentioned that the commissioners should have one email that was received for public comments.

Chairperson Adams opened the meeting for public comments, reminding that each person desiring to speak will be allowed three minutes, or five minutes for those representing a group or HOA.

David Kallas, representing Geneva Rock, stated that because his company is currently operating in the M2 Zone that is affected by this change, he is against the proposal. He believes that this change will have a negative impact on their current operation as it restricts their property rights and is a violation of their vested rights, given by the state. He stated that this proposal violates Utah State Code Title 17, Chapter 41, Part 4, Section 402, subsection 6.

Robert Macfarlane stated that he owns a home near where Geneva Rock is operating. He noted that agricultural land has been very protected in Draper, but he is concerned that if the Commission does not stand its ground with Geneva Rock there may be mines everywhere, with marred landscape, as in Lehi. He stated that it should be considered that there are companies in the dust fall-out area and that the City Council wants to go to a clean air environment, with homeowners also desiring this.

Ms. Oliver directed the public's attention to the projected Utah State Legislature website so everyone had an opportunity to see the Utah State Code that Mr. Kallas was referencing when he spoke.

Adrian Dybwad, representing a group called, Stop Geneva Rock, whose goal is to protect the mountain, the environment, and the air quality. He reiterated that this proposed amendment does not affect Geneva Rock's current mining operations, but it will stop them from opening a new mining operation in a nearby A5 Zone where they also own property. He commented that people are heartened by this current text amendment proposal because it shows that the City Council is listening to the people. He stated that Geneva Rock does not pay a lot of taxes and they pollute the environment, so the goal should be to attract more tech companies that will bring people in and enhance quality of life.

Pat McGuinness indicated that he sees manipulative tactics on the part of Geneva Rock, even bullying. He stated that they want to do anything they can to get their way without playing fair or following the directives they have previously agreed to. He feels they have violated every agreement from the beginning.

Porter Rickabaugh commented that he believes Utah's greatest resource is highly educated, underemployed people, with more coming all the time. He also stated that people want to come here but the brown haze of dirt and dust from the mining makes life less enjoyable for all who want to spend time outdoors. He is glad that the city has taken this initiative and listened to the citizens.

Chris Hunlow stated that the proposed text amendment is the right thing to do. He suggested that Geneva Rock will still thrive and everyone else can thrive, too.

Crystal Olszewski representing the Castlehill Subdivision HOA, stated that because of the affordability of the 122 homes in this neighborhood, there are a lot of young families with children. She stated that on many occasions, parents had to bring their children inside because the air is

filled with dust. She noted that the City Code revolves around families and quality of life, with nothing guaranteed to providing a manufacturing or mining environment. She indicated that this HOA fully supports the proposed text amendment.

Matthew Dybwad, a child, asked for no more mining in Draper, Utah because it is not allowed any more.

Myra Chaput who lives on Steep Mountain Drive, stated that she often cannot allow her grandchildren to play outside because the air quality is horrific. She commented that she has considered taking samples of the dust and dirt from around and in her home to have it analyzed because she is concerned about the silica content and how it might be affecting the health of her family. She asked for the Commission's support for this proposed amendment on behalf of all the children in Draper.

Jonathan Jefferies, a resident of Draper, stated that he is in favor of the proposed amendment. He is also concerned that some operations being done in Lehi have left a huge cliff on the border of Draper and Lehi and he questioned what is to be done about that.

Chairperson Adams closed the public hearing portion.

Commissioner Hawker asked for Mr. Russell Fox to come back up and address the Utah State Legislature 17.41.402.6A and B.

Mr. Fox stated that there are no new regulations or restrictions of any vested operators in the area. It only dictates that there will be no new mining operations in the M2 Zone.

Chairperson Adams asked if the proposed amendment will impede what they are doing now, and Mr. Fox replied that it will not.

Commissioner Van Hoff questioned whether the operators must have a permit through the state and the length of such permit. Mr. Fox replied that a permit from the State is required and he does not believe it has an expiration date. He stated that the bond for reclamation dictates what must be done when they are finished with the mining of the permitted area.

Chairperson Adams posed a question to Mr. Fox that if someone wants to propose an M2 Zone somewhere else in the future, it will be a non-permitted use if the current proposal is approved. Mr. Fox replied affirmatively but reminded that future applicants can concurrently apply for a text amendment to reverse the currently proposed amendment, should it pass.

Commissioner Gundersen confirmed that this does not limit their current M2 use because they are already vested and will only limit it to the extent that they rezone any other areas that are not already zoned M2 and Mr. Fox replied affirmatively.

Ms. Gunderson asked about Utah Code 17.41.402 subsection 1, particularly the critical infrastructure materials protection areas and mining protection areas. She stated that even though Geneva Rock has claimed areas as critical infrastructure areas, the City's position is that they are

not being restricted because they are vested so it will cause no conflict whatsoever in their current operations and Mr. Fox replied that that is correct.

Mr. Fox stated that operations have been ongoing in this area since the mid-1940's so there is a lot of backing that goes long before the city incorporated in 1978. Because Geneva Rock was operating before the City incorporated, they never received a conditional use permit and are operating in a legal nonconforming use status.

Commissioner Player commented that the mining operations have caused a problem for a lot of people, but reminded that there are some positive things as Geneva Rock provides materials for concrete for our roads and homes, meaning local consumers don't have to pay more to have it brought in.

Motion: Commissioner Hawker moved to forward a positive recommendation to the City Council for the City Initiated Mineral Extraction Text Amendment as requested by Draper City amended DCMC Section 9-13-080, Table 9-13-1 to make a mineral extraction a Not Permitted use in the M2 zone, Application TEXTMAP-383-2018 based on the findings listed in the staff report dated June 17, 2019.

Second: Commissioner Van Hoff

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

3. Public Hearing; Abby's Beauty Salon Home Occupation Conditional Use Permit

On the request of Abby Hogan, for approval of a home occupation conditional use permit for a personal care service, at 12374 S Course View Ln in the RA2 zone. Staff Contact: Ellen Xanthos, ellen.xanthos@draper.ut.us, 801-576-6551. **Application #USE-646-2019**

Ms. Xanthos indicated that the applicant would like to use her home, which is in the RA2 zone, to run a beauty salon where she will do lashes and waxing, which falls under the use personal care service. There will be no outside employees with one to five customers per day, between 9 a.m. and 5 p.m., one customer at a time. There is adequate space in the driveway for two vehicles.

Commissioner Hawker asked if any neighbors have contacted staff and Ms. Xanthos responded that none have.

Abby Hogan, the applicant, stated that she is a licensed aesthetician and would like to get her lash and wax business going. She indicated that there is extra space for customer parking to the side of her garage.

Commissioner Player questioned whether it will be one customer at a time and Ms. Hogan indicated to the affirmative.

Chairperson Adams opened the agenda item up to the public, but no one came forward, so the public hearing portion was closed.

Motion: Commissioner Squire moved to approve the Home Occupation Conditional Use Permit as requested by Abby Hogan, representing Abby's Beauty Salon, for personal care service, Application #USE-646-2019, based on the findings of and subject to the conditions listed in the staff report dated June 29, 2019.

Second: Commissioner Player

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

4. Public Hearing: Anderson Peterson Plat Amendment

On the request of Tyler Leggett for a plat amendment in the Anderson Petersen PUD Subdivision located at 12433 South Deer Cove, Staff Contact is Dan Boles at dan.boles@draper.ut.us, 801-576-6335. **Application #SUBD-590-2019**

Mr. Boles stated that the purpose of this amendment is to vacate a portion of the plat, amending the boundary of the subdivision plat. The affected property is lot 3 of the Anderson Petersen PUD, which was recorded in 1996. The proposed plat will remove a portion of lot 3 which will be made into its own parcel and later united with an adjoining lot. Both affected properties are zoned RA2.

Susan Day, a representative for the applicant, came forward. She indicated that she has nothing to add but is available for questions.

Commissioner Player questioned whether both property owners have agreed to this proposal and Ms. Day indicated that they have.

Chairperson Adams opened for public comment and seeing none he then closed the public hearing portion.

Motion: Commissioner Van Hoff motioned to approve the Plat Amendment on the request of Tyler Leggett, for a plat amendment in the Anderson Petersen PUD Subdivision, Application # SUBD-590-2019, based on the findings of and subject to the conditions listed in the staff report dated June 18, 2019.

Second: Commissioner Player

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

5. Public Hearing: Village Shoppes at Day Dairy

On the request of Adam Lankford, representing Wasatch Residential Group for approval of a site plan on a 6.86-acre site in the CSD-DD (Day Dairy Commercial Special District) zone for a mixed-use development known as the Village Shoppes at Day Dairy Phase II site plan. Staff Contact is Dan Boles at dan.boles@draper.ut.us or at 801-576-6335. **Application SPR-587-2019**

Mr. Boles stated that this is the final phase of development for the applicant on this site. Several years ago, the applicant came before the Planning Commission and their application was approved

but didn't work out well for them. They came more recently to the Planning Commission seeking a text amendment to their CSD, which was ultimately approved by the City Council. It is zoned CSD-DD, which is unique to their property. The proposed site plan includes 88 townhome units, three new retail buildings, and changing of some existing parking lot drive aisles from running north-south to east-west.

Commissioner Hawker asked for more explanation regarding the parking lot drive aisles and Mr. Boles showed again with the presented graphic.

Commissioner Player asked about the overall difference in parking and Mr. Boles replied that parking will still meet or exceed the parking code requirements for the retail spaces as well as for the townhomes.

Commissioner Player asked for some clarification regarding 12230 south and a nearby round about and Mr. Boles identified some points on the projected map.

Commissioner Van Hoff sought more clarification regarding whether the street 12230 south extends east and connects to the roundabout by the post office. Mr. Boles replied that it does not but noted that is a proposal for the future.

Commissioner Van Hoff commented that the additional townhomes will add a lot of new traffic to the area.

Commissioner Hawker asked if the applicant is asking for any deviations to the site plan and Mr. Boles replied to the negative.

Mr. Boles went on to describe the plaza area and the open space in the middle that will be shared by people living in the townhomes and patrons of the shops. He indicated that it will be a landscaped area that will include a splash pad.

Commissioner Van Hoff stated that it shows that 198 parking stalls are needed and that 214 are provided. He questioned if that includes parking for guests. Mr. Boles replied that the lower number of 198 includes guest parking so all stalls above that number are extra.

Mr. Boles briefly presented some graphics to show the elevations for the proposed 4-plexes, 5-plexes, 6-plexes, and the retail buildings, which are all consistent with the amendment of the CSD. He stated that the townhomes will be for rent so there will be no plat for that.

Commissioner Squire asked if a development agreement has been signed and Mr. Boles replied that there has not. Commissioner Squire stated that there is mention of one in the staff report. Mr. Boles confirmed that there is no development agreement so if it is in the staff report then that is a mistake.

Commissioner Squire asked whether this proposal is compliant with the requests of the City Council. Mr. Boles replied that it is.

Commissioner Hawker asked if businesses will be able to restrict parking to patrons only. Mr. Boles stated that the intent is for the parking to be shared.

Adam Lankford, a representative for Wasatch Residential Group, stated that they want to create a mixed-use residential retail gathering place, which is something that Draper doesn't currently have. It will include open areas, covered areas, green spaces, a fire pit, and a splash pad. These open spaces can be used for many things such as concerts or Farmer's Markets. He reiterated that this is what was brought to City Council and approved.

Commissioner Hawker commented that the applicant has struggled in the past to find bigger box retail businesses and asked if the applicant will have any problems finding businesses to move into these smaller retail spaces and Mr. Lankford indicated that he does not foresee any problems as these spaces are not meant for big or mid-box businesses, but smaller, like what is already there.

Commissioner Hawker asked about what will happen if business owners become unwilling to share the parking spaces. Mr. Lankford confirmed that the spaces for retail as well as for the townhomes exceeds parking code requirements. He stated that Wasatch is a long-term holder of all the discussed properties and their property management group will manage the townhomes as well as the retail properties. Because of this, if parking ever does become a problem, then Wasatch will be able to mark off separate parking for residential and retail.

Commissioner Squire asked if the townhomes have driveways. Mr. Lankford confirmed that some of the townhomes have driveways but that every unit has a two-car garage and that tenants must sign a contract to keep it empty and available for parking.

Commissioner Squire reiterated that the open spaces can be used for things such as concerts and Farmer's Markets and she asked about what the process will be for people to apply for these types of events. Mr. Lankford stated that they are amenable to the idea of concerts and such. He also mentioned the possibility of coordinating with the city regarding Farmer's Markets.

Commissioner Player noted how much things have changed since the applicant's original plans to place medium-box stores in the area and he thinks the plans look a lot better now. He commented that what people are looking for now is housing and this is a piece of it.

Commissioner Squire asked whether all the open areas, the plaza, townhomes, and retail spaces will be built concurrently, and Mr. Lankford stated that it will all be built in one phase.

Chairperson Adams opened the public hearing.

Crystal Olszewski, a Draper resident, stated that in her development the garages are not large enough for full-sized trucks and that tradesmen who live in the townhomes will also be needing somewhere to park their company vehicles. She then mentioned that 12230 south is a small road for how much traffic the townhomes will be bringing in. She noted that trying to turn onto that road is already difficult and will become increasingly difficult for commuters when the townhomes are rented. She asked for the developer to come back up and speak to these issues.

Chairperson Adams, seeing no further comments, closed the public hearing portion.

Chairperson Adams asked if the commissioners had any concerns about the traffic. Commissioner Squire replied that there are always concerns, but that this is a site plan so the so the time for that has passed. In addition, the Planning Commission does not consider traffic. Chairperson Adams spoke about planned road construction that may alleviate this concern.

Commissioner Hawker mentioned that because this is a private ownership of the townhomes, they will create their own rules and regulations for managing the parking of their tenants.

Motion: Commissioner Player moved to approve the site plan requested by Adam Lankford, representing Wasatch Residential Group, Application SPR-587-2019, based on the findings and subject to the conditions noted in the staff report dated June 18, 2019.

Second: Commissioner Van Hoff

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

Ms. Jastremsky stated that the Commission needs to discuss the July 25th meeting. Commissioner Hawker asked if she knows how many applicants are already schedule for that meeting. She stated that there are three items that have been penciled in so if the meeting gets moved, those items can move to the new meeting date.

Commissioner Hawker stated that he is in favor of doing that, but mentioned that one time they had previously done this, they ended up with twelve items in the agenda and the meeting was very long.

Chairperson Adams asked if any of the three items is controversial or might take a long time to get through. Ms. Jastremsky replied that people may come out for them, but she doesn't believe they will be controversial.

Commissioner Gundersen asked about the date in question and Ms. Jastremsky confirmed that it is July 25th. Each commissioner stated that he/she will be in town on the noted date and Chairperson Adams confirmed that the meeting will be held on July 25th.

6. Adjournment: Commissioner Van Hoff moved to adjourn the meeting. A voice vote was taken with all in favor. The meeting adjourned.