

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, NOVEMBER 6, 2014 IN THE DRAPER CITY COUNCIL CHAMBERS

“This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting.”

PRESENT: Chairperson Leslie Johnson, Vice-Chairperson Jeff Head, Planning Commissioners Andrew Adams, Drew Gilliland, Traci Gundersen, Craig Hawker, Scott McDonald, and Kent Player

STAFF PRESENT: Doug Ahlstrom, Keith Morey, Scott Cooley, and Dennis Workman

ALSO PRESENT: Roll on File

Study Meeting:

[6:07:56 PM](#)

Study Business Items: The commissioners reviewed the applications for the business meeting and addressed questions to staff members.

Business Meeting:

Vice-Chairperson Head explained the rules of public hearings and called the meeting to order at [6:31:46 PM](#).

[6:33:10 PM](#)

1.0 **Action Item: Approval of minutes from the October 9, 2014 Planning Commission meeting.**

[6:33:20 PM](#)

1.1 **Motion:** Commissioner Gilliland moved to approve the minutes of the October 9, 2014 Planning Commission meeting as presented. Commissioner Hawker seconded the motion.

[6:33:34 PM](#)

1.2 **Vote:** A roll call vote was taken with Commissioners Adams, Gilliland, Hawker, Gundersen, and Player voting to approve the minutes.

[6:33:45 PM](#)

- 2.0 **Action Item: On the request of Matt Rindlisbacher for approval of a plat amendment to relocate the location of the storm drain, sewer, and water easements as requested by the city engineering department. The application is otherwise known as *The Parc at Day Dairy Plat Amendment, Application #140930-523E.***

[6:34:08 PM](#)

- 2.1 **Staff report:** Using the aid of a PowerPoint presentation and his staff report dated October 24, 2014, Planner Dennis Workman reviewed the details of the proposed application. He explained the request to modify easements on the subdivision plat for The Parc at Day Dairy came from the Draper City Engineering staff. He reviewed the recently approved site plan for the subject property and noted the building layout would not be accommodated by the recorded plat and easements. He noted the requested plat changes pertain to the relocation of the water easement, the sewer easement and the storm drain easement; two tables have been added to the plat: one is a line table for the water easement on Lot 2, and the other is a line table for a storm drain easement on Lot 2. He indicated that in addition, a note has been added to clarify who is responsible for the installation and maintenance of dry utilities; for ease of identifying the above changes on the plat itself, this memo is accompanied by a copy of the recorded plat, labeled as Exhibit A, and a copy of the proposed amended plat, labeled as Exhibit B. He noted Exhibit B shows all proposed changes highlighted in yellow. He concluded staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

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- 2.2 **Applicant presentation:** Matt Rindlisbacher stated Mr. Workman sufficiently covered the reasons for the application. He indicated he is comfortable with the recommendations of the City's Engineering staff.

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- 2.3 **Motion:** Commissioner Gilliland moved to forward a positive recommendation to the City Council regarding Matt Rindlisbacher's request to amend the Parc at Day Dairy subdivision plat, application 140930-523E, based on the findings for approval and subject to the conditions of approval listed in the staff report dated October 24, 2014. Commissioner Hawker seconded the motion.

Conditions:

1. That all conditions of approval of the original Parc at Day Dairy subdivision plat that are not modified by this plat amendment remain in full force.
2. That the applicant follows the process for plat approval and records the amended plat and controlling documents with the Salt Lake County Recorder.

Findings:

1. That the proposed plat amendment is consistent with the goals and objectives of Draper City's General Plan.
2. That the proposed plat amendment is consistent with Title 17-9 of the Draper City Municipal Code regarding review and approval.
3. That there is good cause to amend the plat.
4. That the amendment will not cause material harm to other owners in the plat.

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- 2.4 Commissioner Gilliland noted he trusts in the City Engineer's competency and ability to recommend appropriate plat amendments to accommodate the approved site plan. He stated that if the applicant is comfortable with the changes recommended by staff, the Planning Commission and City Council should approve the application.

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- 2.5 **Vote:** A roll call vote was taken with Commissioners Gilliland, Hawker, Gundersen, Player, and Adams voting in favor of forwarding a positive recommendation to the City Council.

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- 3.0 **Public Hearing: On the request of Michelle Ketcher for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential) to IC (Institutional Care) on 2.98 acres located at 1393 E. Pioneer Road. The application is otherwise known as the Beehive Homes of Draper East Rezone, Application #141007-1393E.**

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- 3.1 **Staff report:** Using the aid of a PowerPoint presentation and his staff report dated October 24, 2014, Planner Dennis Workman reviewed the details of the proposed application. He noted Stan and Michelle Ketcher are the owners and managers of the Beehive Homes of Draper Assisted Living Facility located on the northeast corner of Pioneer and 700 East. He noted that since the demand for the service they provide is ever-growing, they wish to establish an additional facility in Draper; the property they have selected is currently zoned RA1, which means that a rezone is in order. He explained the applicant seeks a rezone to IC (Institutional Care), which is the most suitable zone for the intended use; an assisted living facility is allowed in many of the city's commercial zones subject to a conditional use permit, but is a permitted use in IC. He added the applicant has prepared a draft site plan for the project that they are prepared to review tonight with the Planning Commission and the audience, but they understand the Planning Commission is not considering the site plan this evening. He explained the City has only one other property with the IC zone designation: the Rosegate Senior Living Center currently under

construction at 14075 S. Bangerter Pkwy. He noted the current land use designation of the property is medium density, which would allow for 10 quarter-acre lots; the IC zone does not conform to this designation. He explained that though the requested zoning of IC is not consistent with the land use designation of Medium Density Residential, staff feels it is appropriate because an assisted living facility is a good transitional use between commercial on the west and residential on the east. He identified the types of uses the IC zone has been created to accommodate after which he reviewed photographs of the property in its current state. He noted staff feels the proposed use will be less impactful on the area than a residential development would be and he concluded staff recommends approval of the rezone application based on the findings and subject to the conditions listed in the staff report.

[6:42:31 PM](#)

3.2 Commissioner Gundersen stated that Mr. Workman indicated that extending the Town Center zoning designation to the subject property would be more impactful than the use being requested by the applicant. Mr. Workman stated that is correct.

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3.3 Applicant presentation: Michelle and Stan Ketcher approached the Planning Commission. Mr. Ketcher stated he and his family are residents of Draper and he provided an overview of the layout and operation of the current Beehive Homes Assisted Living Facility, which contains 35 studio apartments and none of the residents living at that facility currently operate vehicles. He stated that he would like to duplicate this use at the subject property, but double the size by building two buildings containing 36 units each. He then briefly reviewed the draft concept plan for the development.

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3.4 Commissioner Player inquired as to the parking plan for the new facility. Mr. Ketcher stated the subject property is larger than the property upon which the existing facility is located and, therefore, there will be more space for parking accommodations. He then reiterated there is a large demand for a business of this type in this area.

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3.5 Commissioner Gundersen inquired as to the total number of units, to which Mr. Ketcher answered 72. Ms. Ketcher noted the development will be phased; they would like to build the building on the western side of the property first and wait 18 months to build the second.

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3.6 Vice Chairperson Head clarified that the applicant has reviewed a draft site plan or concept drawing, but the Planning Commission is not considering approval of a site plan the evening; rather, the only item of consideration is the rezone application.

He then opened the public hearing.

6:49:12 PM

3.7 Ed Ross stated he is the president of Willow Bend Homeowners Association (HOA), which represents 57 individual homeowners. He stated he spoke with Ms. Ketcher recently and she provided him a very brief, nondescript view of what she and her husband intended to do with the subject property; she indicated they may only build one building on the property. He stated that his opinion is that the intention of the Ketcher's is to exploit the zoning of the property, much like they did at their current property. He stated that Ms. Ketcher told him that there were 14 parking spaces at the current Beehive facility, but he drove through the development and could not find 14 marked parking spaces and the driveway is lined with parked vehicles, which spill out onto 700 East and Pioneer Road. He stated that it appears the concept for the development has changed since he spoke to her at the beginning of the week and he wondered if she was given a copy of his talking points by Draper City staff as he submitted his comments prior to tonight's meeting. He stated that the facility on 700 East is located on one acre and the subject property is nearly three times its size, though some of it is a hillside. He stated that if the same density were applied to the subject property, the development could potentially consist of up to 105 units. He stated that Ms. Ketcher indicated to him that there will be open space and landscaping, but he is unsure of how that landscaping will look depending upon the layout of the buildings. He stated parking is an issue at the current location and even though no residents drive, there are many staff and visitors that need to park at the facility and he reiterated there is often on-street parking on Pioneer Road. He stated it would be problematic for the same parking problems to exist on the subject property because the nearby is a two-land country road and the residents are worried parking may overflow to the point of blocking the gate to the Willow Bend development and associated parking spaces for resident use. He stated the residents feel the parking issues need to be adequately addressed. He added the residents are also concerned about the increase in traffic in the area associated with the development; residents currently must wait a considerable amount of time to get onto Pioneer Road during the heavy commute hours and it would not be unrealistic to expect traffic to back up clear to the nearby round-a-bout. He asked if Draper City intends to widen the road and install a left hand turn lane to improve traffic conditions. He recommended that a traffic study be done relative to the development and he wondered where Beehive intends to place their exit and entrance to the development. He stated he would like to see the landscape plans and future expansion plans for the development and he feels these plans should be available prior to an action being taken on the rezone. He concluded the most important things to him and the HOA residents are the parking and traffic issues and he does not think the development is in the best interest of Draper City or the Willow Bend development.

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3.8 Barry Anders stated he is a lifelong resident of Draper and he is present on behalf of Corinne Burton, the current owner of the property. He indicated she desires to sell the property and she had an offer last November for the transaction; the minimum number of units that needed to be built on the property to make the transaction profitable was 34, which equates to high-density residential development. He stated the people trying to purchase the property have one of the best plans for the site. He emphasized the property will be sold by the property owner, whether it is to the Ketcher's or to another party that will seek approval to develop it.

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3.9 Sheryl Carlson stated she owns the property directly east of the subject property at 1439 East Pioneer Road and she shares many of the concerns expressed by Mr. Ross relative to parking and traffic; the traffic in the area is already dangerous and something needs to be done in the area if the City chooses to proceed allowing the development. She stated she does not like the idea of the high density and the traffic that will be generated by the development.

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3.10 Christine Keyser stated she is a resident of Willow Bend; when she moved to the area 10 years ago she was looking for a residential area. She stated she is concerned about the rezoning because it invites many different future developments. She stated the area is currently pristine and quiet and she would like for that feeling to be maintained.

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3.11 Devere Anderson, 1434 E. Blacksmith Lane, stated he lives in the Willow Bend development. He noted part of the subject property is very steep and he is concerned that the steep portion of the property will be taken into the calculation of the acreage, which will be used to determine the number of units that can be built on the property. He stated he assumes that the zoning of the property would accommodate more than 100 units and he would be gravely concerned about that. He stated his biggest concern relates to parking at the development and he is hopeful the City would require a specific parking plan indicating parking limitations. He stated it is his opinion that there should be at least one parking space per unit to make the development functional.

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3.12 Claude Wrathall stated he is a resident of Willow Bend and his main concern is the traffic on Pioneer Road; currently he often waits a long period of time for an adequate opening in traffic to allow him to exit Willow Bend onto Pioneer Road and when he does find an adequate opening he often finds a car barreling down on him from behind. He stated it is obvious that cars are speeding on Pioneer Road and he is concerned about the safety of residents of Willow Bend as well as the

people that would live in or visit the proposed facility. He stated he feels a rezone of the property is inviting an accident on the road.

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3.13 Dennis Toland stated he and his partner own Beehive Homes and it is a business that was started in 1987 to take care of their own families. He stated he now has facilities in 17 states throughout the United States and the facilities are constructed small on purpose to ensure that every resident has their own private room and bathroom. He stated he has been to several meetings similar to this one over the years and the concerns expressed in those meetings are the concerns that have been expressed this evening; he appreciated the person that stood to declare that the property will be sold regardless of the type of development that will be constructed upon it. He stated he also appreciates the comments that have been made by staff. He stated he understands the concerns expressed by the neighbors regarding traffic, but he reiterated someone will purchase and develop the property and if this development is not approved the property may be used for town homes or other living spaces. He stated the nice thing about the facilities he owns is that the residents living in them typically do not drive. He stated the people that do drive to the facilities are the daily staff, which is typically three nurses, the cook, and visitors that truly do not visit as often as they should. He stated that he is breaking ground in several other cities in the state and the parking standard required in those cities has typically been one stall for every three residents at the development with additional handicapped parking and unloading stalls. He stated that in some other states he has been required to provide one stall for every two residents and in those cases he has built large parking lots that are not used. He stated he will comply with the standards of Draper City; he loves to be in neighborhoods and the use works well in those types of settings. He concluded that he feels the use is appropriate for the area and will not be negatively impactful on the neighborhood.

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3.14 Sam Leaver stated that he lives in Willow Bend and he stated he wonders how much of the steep acreage on the property will be usable for the facility; how much of it will be used for parking or for an outside use for the residents at the development. He stated that Pioneer Road feeds the upper area of Willow Bend and if there is a disaster in that area it will be difficult for people to get out; he stated that with the traffic and the round-a-bout below the road will need to be widened regardless of how the subject property is developed.

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3.15 There being no additional persons appearing to be heard, Vice-Chairperson Head closed the public hearing.

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3.16 Mr. Ketcher addressed the concerns expressed regarding parking, specifically the concerns regarding on-street parking. He noted there will be more than a sufficient

amount of parking space at the development, with at least 40 to 45 parking stalls meeting the Draper City requirements. He added that staff at the existing facility on 700 East and Pioneer Road are not allowed to park on Pioneer Road or 700 East; they parking in the designated parking areas. He stated there may be an occasion where someone parks on the street, but they are not associated with the operation of the facility. He clarified on-street parking is not a constant issue. He then addressed staffing of the proposed facility; he reiterated he plans to construct 72 units and not the 105 units mentioned during the public hearing. He stated that in a typical day there will be 20 support staff vehicles and there will be home health care professionals visiting the facility, with up to eight visits a day. He stated that family members also visit and at the existing facility there is an average of six family visits per day. He stated he realizes there are high traffic times on Pioneer Road, but noted his shift changes will not increase those problems because changes in staffing are done during the non-rush hour times of the day. He addressed concerns regarding landscaping and stated he plans to create a beautiful landscaping design and noted he will make improvements to the area of the property that contains steep slopes.

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3.17 Commissioner Hawker asked Mr. Ketcher if his intention is to purchase and develop the property as discussed tonight rather than purchase the property and 'flip' it by selling it to another developer. Mr. Ketcher stated he plans to keep and develop the property as discussed. Vice-Chairperson Head noted that based on the zone change being requested, the development of the property could not be much different than the development concept that has been discussed tonight because this is the type of use the IC zoning designation has been designed for.

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3.18 Commissioner Gundersen stated that if the facility will have 42 parking spaces and 20 of those will be taken by staff and the other eight by daily visitors, there will not be many extra parking stalls. Vice-Chairperson Head noted that is a site plan issue and he reiterated the Planning Commission is not considering the site plan tonight and should only be considering issues relative to the rezone request. Commissioner Gundersen stated she understands that, but is trying to understand if the requested zone will have an impact on surrounding zones. The Commission had a brief general discussion regarding development standards that would be imposed upon the project, after which Commissioner Hawker inquired as to the amount of heavy truck traffic that will potentially access the subject property. Mr. Ketcher stated that items are delivered to his existing facility by small delivery trucks or small moving trucks; there is currently no need for heavy trucks or moving vans and he plans to duplicate that same practice at the new facility.

[7:17:12 PM](#)

3.19 Commissioner Player stated that traffic will be an issue for any development on any road in Draper City due to the dramatic change in the City over the past several

years; he noted that is a reality for the City. Vice-Chairperson Head agreed and added that it is safe to assume that the property will not maintain the RA1 zoning designation once it's sold; there is a chance that a developer could seek zoning to accommodate high density development. He stated he does not feel that the proposed development will generate a significant increase in traffic in the area and he does not feel the traffic associated with the business will compound rush hour traffic issues. He noted he feels the traffic issues and concerns are being inflated. Commissioner Player agreed and stated that those details should be addressed at the site plan phase of the project.

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3.20 Commissioner Gundersen inquired as to the long term plans for Pioneer Road. Mr. Workman stated that he has been told that within eight to ten years the round-a-bout on Pioneer Road will need to be replaced with a traffic signal. He stated he is not sure of widening plans for the road.

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3.21 Commissioner Hawker asked if there are mechanisms in place to limit the height of the buildings constructed on the property. Mr. Workman indicated Draper City Municipal Code (DCMC) provides for buildings with a maximum height of 35 feet in the IC zone.

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3.22 Commissioner Adams stated that he does not feel the proposed zoning would negatively impact the adjacent properties and he feels the concerns regarding traffic and parking can be addressed by staff at the site plan phase of the project. Vice-Chairperson Head agreed and stated he feels the development will be an improvement to the subject property.

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3.23 Commissioner Gilliland stated that the most critical finding to him is number five, which states "that though IC is not consistent with the current land use designation, it is appropriate because an assisted living facility is a good transitional use between existing commercial on the west and existing residential on the east". He stated that in order for him to vote in favor of the application he must decide whether he agrees with that finding. He stated that he wonders if the zone is a good transition zone and he is comforted by the fact that there is a specific list of uses that are allowed in the IC zone. Vice-Chairperson Head added that the Planning Commission is not approving the zone change; they are simply forwarding a negative or positive recommendation to the City Council. Commissioner Gilliland stated he wishes he would have heard more information about the findings rather than being provided with a draft site plan, which is somewhat influential during these types of discussions.

7:27:00 PM

- 3.24 **Motion:** Commissioner Player moved to forward a positive recommendation to the City Council regarding the Beehive Homes of Draper East rezone request by Michelle Ketcher, application 141007-1393E, based on the findings listed in the staff report dated October 24, 2014. Commissioner Hawker seconded the motion.

Findings:

1. That Section 9-5-060 of the Draper City Code allows for the request to amend the zoning map providing the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, and where the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
2. That developing the subject property according to the uses contemplated for the IC zone is not contrary to public health, safety or welfare.
3. That the proposed zoning would not adversely affect adjacent property.
4. That the facilities and services intended to serve the subject property are adequate, namely, roadways, parks and recreation facilities, police and fire protection, storm water drainage systems, water supplies and waste water and refuse collection.
5. That though IC is not consistent with the current land use designation, it is appropriate because an assisted living facility is a good transitional use between existing commercial on the west and existing residential on the east.
6. That Pioneer Road is classified as a minor collector, which lends itself to the kind of quasi-commercial use being proposed.
7. That the request is consistent with Section 9-21-010, which states that the IC zone should be located along a collector street, that it should be within reasonable walking distance to existing commercial, and that it should be in the proximity of mass transit options.

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- 3.25 Commissioner Adams asked if any Commission member has concerns regarding the parcel of property situated between the subject property and the Town Center. Commissioner Gundersen stated the parcel contains a house and she wondered what will happen to that home. Commissioner Adams stated he is concerned about the impact the zone change could have on the property and the home. Mr. Workman noted the owner of the home was informed of the meeting and is not in attendance this evening.

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- 3.26 **Vote:** A roll call vote was taken with Commissioners Player, Hawker, and Gundersen voting to forward a positive recommendation to the City Council. Commissioners Gilliland and Adams voted in opposition.

[7:28:54 PM](#)

- 5.0 **Staff Reports:** Community Development Director Morey briefly reviewed the calendar of Planning Commission meeting for November and December. He also provided the Commission with information regarding a joint project between Sandy City and Draper City to make trail improvements upon a parcel of property declared surplus.

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- 5.1 Commissioner Player inquired as to the status of the potential Highland Drive extension project. Mr. Morey stated he is unsure of the plans relative to the project.

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- 5.2 Commissioner Gilliland then expressed his concerns regarding a draft site plan or conceptual design being provided when a zone change is being requested. Mr. Morey stated that he does not believe the staff or Planning Commission can prevent an applicant from providing such information. Vice-Chairperson Head stated that he was clear that the Planning Commission was not considering the site plan this evening. The Planning Commission had a general discussion regarding their feelings about the submission of a draft site plan at the rezone phase of a project, with a focus on rules that could be implemented relative to materials submission and education of the public regarding the action being considered by the Planning Commission.

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- 6.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.
- 6.1 **A voice vote was taken with all in favor. The meeting adjourned at [7:42:07 PM](#).**