



PLANNING COMMISSION AGENDA

Thursday, November 16, 2023, 6:30 PM
1020 East Pioneer Road
Draper, UT 84020
Council Chambers

1. 6:30 PM Business Meeting

2. Items for Commission Consideration

2.a Public Hearing: Joy's Just Desserts, LLC Home Occupation Conditional Use Permit (Administrative Action)

On the request of Rachel Shepherd for a Home Occupation Conditional Use Permit for a cottage business making freeze dried goods. The property is located at approximately 13822 S Tom Shoemaker Circle in the RM zone. Application 2023-4543-USE. Staff contact: Tevai Haunga at 801-576-6522, tevai.haunga@draperutah.gov

2.b Public Hearing: Tunbridge Zoning Map Amendment (Legislative Action)

On the request of Neil Tunbridge for a Zoning Map Amendment from RA2 (Residential Agricultural, 20,000 ft² min. lot size), to the CC (Community Commercial, on 0.48 acres of property) zone, located at approximately 11853 S. 700 E. Application TEXTMAP-0065-2023. Staff contact is Tevai Haunga, 801-576-6522, tevai.haunga@draperutah.gov

2.c Public Hearing: Brent Bytendorp Enterprises Landscaping Home Occupation Conditional Use Permit (Administrative Action)

On the request of Brent Bytendorp for a Home Occupation Conditional Use Permit for a home office for a landscaping business. The property is located at approximately 11841 S Blue Heron Drive in the R3 (Single Family Residential 13,000 ft² minimum lot size) zone. Application 2023-4507-USE. Staff contact: Tevai Haunga at 801-576-6522, tevai.haunga@draperutah.gov

2.d Public Hearing: City Initiated 12695 S. 1700 East Zoning Map Amendment (Legislative Action)

On the request of Draper City for a Zoning Map Amendment from the A5 zone to the RA2 zone for 10.87 acres of property located at 12695 South 1700 East. Application 2023-4598-MA. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov.

2.e Public Hearing: Town Center Station Area Plan (Legislative Action)

On the request of Draper City for a Station Area Plan for the Town Center TRAX Station, located at approximately 1131 East Pioneer Rd. The area covered under the Station Area Plan is approximately 1/2 mile radius around the Town Center TRAX station. Staff contact is Bret Millburn, 801-576-6516, bret.millburn@draperutah.gov.

This Item has been continued to the December 7, 2023 Planning Commission meeting.

3. Adjournment

I, the City Recorder of Draper City, certify that copies of this agenda for the **Draper Planning Commission** meeting to be held **November 16, 2023**, were posted at Draper City Hall, Draper City website www.draperutah.gov, and the Utah Public Notice website at www.utah.gov/pmn.

Date Posted:



Laura Oscarson, MMC, City Recorder
Draper City, State of Utah

In compliance with the Americans with Disabilities Act, any individuals needing special accommodations or services during this meeting shall notify Laura Oscarson, City Recorder at (801) 576-6502 or laura.oscarson@draperutah.gov, at least 24 hours prior to the meeting.

MEMO



To: Planning Commission

From: Tevai Haunga

Date: 2023-11-16

Re: Public Hearing: Joy's Just Desserts, LLC Home Occupation Conditional Use Permit
(Administrative Action)

Comments:

This application is a request for approval of a Home Occupation for approximately 0.23 acres located at approximately 13822 S. Tom Shoemaker Circle. The property is currently zoned RM (Residential Multiple-Family) and is subject to the regulations of the South Mountain Development Agreement including portions of the 1999 Draper City Municipal Code. The applicant is requesting that a Home Occupation Conditional Use Permit be approved for a cottage business. The applicant is making freeze dried goods in the home. All sale of products will be done online. No customers or employees are coming to the home.

The findings for approval are as follows:

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

The findings for denial are as follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.

ATTACHMENTS:

[Joy's Just Desserts SR Final.pdf](#)



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

November 2, 2023

To: Draper City Planning Commission
Business Date: November 16, 2023

From: Development Review Committee

Prepared By: Tevai Haunga, Planner I
Planning Division
Community Development Department
801-576-6522, tevai.haunga@draperutah.gov

Re: Joy's Just Desserts, LLC– Home Occupation Conditional Use Permit Request

Application No.: 2023-4543-USE

Applicant: Rachel Shepherd

Project Location: 13822 S Tom Shoemaker Circle

Current Zoning: RM (Multi Family Residential Zone) and South Mountain Development Agreement.

Acreage: 0.23 Acres (Approximately 10,018 square feet)

Request: Request for approval of a Home Occupation in the RM zone for a cottage business making freeze dried goods in the home.

BACKGROUND AND SUMMARY

This application is a request for approval of a Home Occupation for approximately 0.23 acres located at approximately 13822 S. Tom Shoemaker Circle (Exhibit B & C). The property is currently zoned RM and is subject to the regulations of the South Mountain Development Agreement including portions of the 1999 Draper City Municipal Code. The applicant is requesting that a Home Occupation Conditional Use Permit be approved for a cottage business. The applicant is making freeze dried goods in the home. All sale of products will be done online. No customers or employees are coming to the home.

The property is part of the Ridgewood Subdivision and the home was built in 2008.

ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density	Exhibit D

Current Zoning	RM	Exhibit E
Proposed Use		
Adjacent Zoning		
East	RM	
West	RM	
North	RM	
South	RM	

The Residential Medium Density land use designation is characterized as follows:

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	<ul style="list-style-type: none"> • Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage "piecemeal" infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants 	
LAND USE MIX	Primary <ul style="list-style-type: none"> • Single-family detached homes 	Secondary <ul style="list-style-type: none"> • Parks • Churches • Schools • Open Space
DENSITY	<ul style="list-style-type: none"> • Density range: 2-4 dwelling units per acre 	
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC) 	
OTHER CRITERIA	<ul style="list-style-type: none"> • Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures 	

According to the 1999 DCMC Section 9-4-030 the purpose of the RM zone was to *"provide areas for low-to-medium residential density' with the opportunity for varied housing styles and character, providing for a maximum density of up to twelve (12) units per acre for medium to high density residential unit projects subject to conditional-use permit procedures and conditions for this type of use and based on minimum development guidelines adopted by the City."*

Home Occupation. The applicant is requesting a Conditional Use Permit to run a home based business making freeze dried candy, fruit and ice cream. All products are made in the basement kitchen. Working hours are Monday- Friday 9-4 pm. All orders are sold online or outside the home. The applicant has no employees and no

customers will come to the home.

1999 DCMC SECTION 9-4-140 Home Occupations

(a) *Notwithstanding other sections of this Title, a home occupation shall be considered a permitted use in any residential, multiple family and agriculture zone if the proposed use meets all of the following conditions:*

1. *The home occupation is a home office, beauty salon, pre-school or day care business, as regulated by the State of Utah.*

-The home occupation is not one of the listed occupations and therefore requires a Conditional Use Permit in accordance with the 1999 DCMC Subsection 9-4-140(b).

2. *The business is owned and operated by the resident of the home.*

-Joy's Just Desserts is owned and operated by the home owner Rachel Shepherd, who resides in the home.

3. *No employees, other than residents of the home, utilize the facility.*

-There are no employees who reside outside of the home.

4. *For beauty salon, pre-school or day care business, the hours of operation do not begin before 7 a.m. or extend beyond 8 p.m.*

-Business hours are Monday-Friday 9 am - 4 pm.

5. *A business license is obtained from, and continually maintained with the City.*

-The applicant will comply with this section requirement and maintain a business license with the city.

6. *All facilities are inspected by the Fire Department prior to initial use and meet Fire Department standards at all times.*

-The applicant will comply with any and all inspections.

7. *All drop-off or customer parking is accommodated on paved portions of the property.*

-There are no customers coming to the home.

(b) *Any home occupation which does not meet the provisions outlined above shall be processed as a Conditional Use in accordance with Section 9-2-104 of this Title.*

-This application is for a Home Occupation Conditional Use Permit.

Criteria For Approval.

The 1999 DCMC Subsections 9-2-104(e) and 9-2-104(f) outline the standards which the Planning Commission should consider in determining whether a conditional use permit application should be approved, denied, or approved with conditions:

(e) *Requirements. The Planning Commission may permit a conditional use to be located within any district in which the particular conditional use is allowed by the use regulations of this Title, and may impose such requirements and conditions as are necessary or desirable for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish that:*

- 1. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*
- 2. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community; and*
- 3. The proposed use will comply with regulations and conditions specified in this Title for such use and to the intent of the City General Plan.*

(f) *Factors. The following factors shall be reviewed and considered by the Planning Commission in determining whether a conditional use permit application should be approved, denied, or approved with conditions.*

- 1. The harmony and compliance of the proposed use with the objectives and requirements of the City General Plan and Zoning Ordinances.*
- 2. The suitability of the specific property for the proposed use.*
- 3. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with the existing uses in the neighborhood.*
- 4. Whether or not the proposed use or facility may be injurious to potential or existing development within the vicinity.*
- 5. The economic impact of the proposed facility or use on the surrounding area.*
- 6. The aesthetic impact of the proposed facility or use on the surrounding area.*

7. *Whether or not the proposed use or facility is necessary or desirable to the City.*
8. *The number of other similar conditional uses in the area and the public need for the proposed conditional use.*
9. *The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area.*
10. *The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation.*
11. *The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use.*
12. *The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area.*
13. *The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.*
14. *The appropriateness and compatibility of the proposed use with the use tables set forth in this Title for the zone in which the property is located.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Home Occupation Conditional Use Permit submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Home Occupation Conditional Use Permit.

Noticing. Notice has been properly issued in the manner outlined in the City and

State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request based on the findings listed below and the criteria for approval, or denial as listed within the staff report. The Planning Commission should also review the request, hear from the applicant, and receive public comment prior to making a decision.

If the Planning Commission decides to approve the request, staff recommends they include the following conditions of approval:

1. That all business requirements of the Draper City Engineering, Public Works Building, Business Licensing, Planning and Fire Divisions are satisfied throughout the operation of the business.
2. A business license shall be maintained for the life of the business.
3. No customers are allowed to come to the property.
4. Employees who do not reside in the home are not permitted.

The findings for approval as are follows:

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

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Joy’s Just Desserts Home Occupation Conditional Use Permit, as requested by Rachel Shepherd representing application 2023-4589-USE based on the findings and subject to the conditions listed in the Staff Report dated November 2, 2023.

Sample Motion for Modified Approval– I move that we approve the Joy’s Just Desserts Home Occupation Conditional Use Permit, as requested by Rachel Shepherd, application 2023-4549-USE, based on the findings and subject to the conditions listed in the Staff Report dated November 2, 2023 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Joy’s Just Desserts Home Occupation Conditional Use Permit as requested by Rachel Shepherd, application

2023-4549-USE, based on the findings listed in the Staff Report dated November 2, 2023.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Brien Maxfield

Digitally signed by Brien Maxfield
DN: C=US, E=brien.maxfield@draperutah.gov,
O=Draper, OU=Public Works - Engineering,
CN=Brien Maxfield
Date: 2023.11.08 14:30:42-0700

Draper City Public Works Department

Todd A. Draper

Digitally signed by Todd A.
Draper
DN: C=US,
E=todd.draper@draper.ut.us,
O=Draper City Planning,
CN=Todd A. Draper
Date: 2023.11.08 16:30:30-0700

Draper City Planning Division

Don Buckley

Digitally signed by Don Buckley
DN: C=US, E=don.buckley@draper.ut.us,
O=Draper City Fire Department, OU=Fire
Marshall, CN=Don Buckley
Date: 2023.11.09 16:58:33-0700

Draper City Fire Department

Mike Barker

Digitally signed by Mike Barker
Date: 2023.11.08 14:08:26
-0700

Draper City Legal Counsel

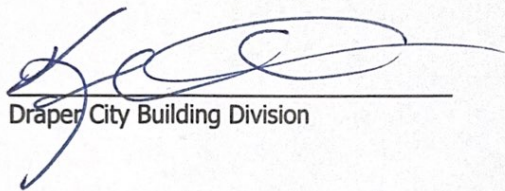

Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments provided.

Engineering and Public Works Divisions Review.

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted as described. Given the location and proposed use, the use is not anticipated to generate a significant impact to water, sewer, or other potential utilities.
2. The number of trips generated by the home owner/employees will not have a detrimental impact to traffic in the area due no employees and no customers visiting the house. The applicant has indicated product will be produced within the residence but will be sold online. With the applicant's no customers and no additional employees, no significant impact to traffic is anticipated with the proposed use.
3. No additional parking is anticipated for employees where the applicants being the only owner/employees. The applicant indicated no changes to the existing home use or parking. Based on the information from the applicant, no significant impact to parking is anticipated with the proposed use.
4. The proposed use does not appear to be detrimental to the health, safety or general welfare of the persons residing or working

Building Division Review.

1. No additional comments provided.

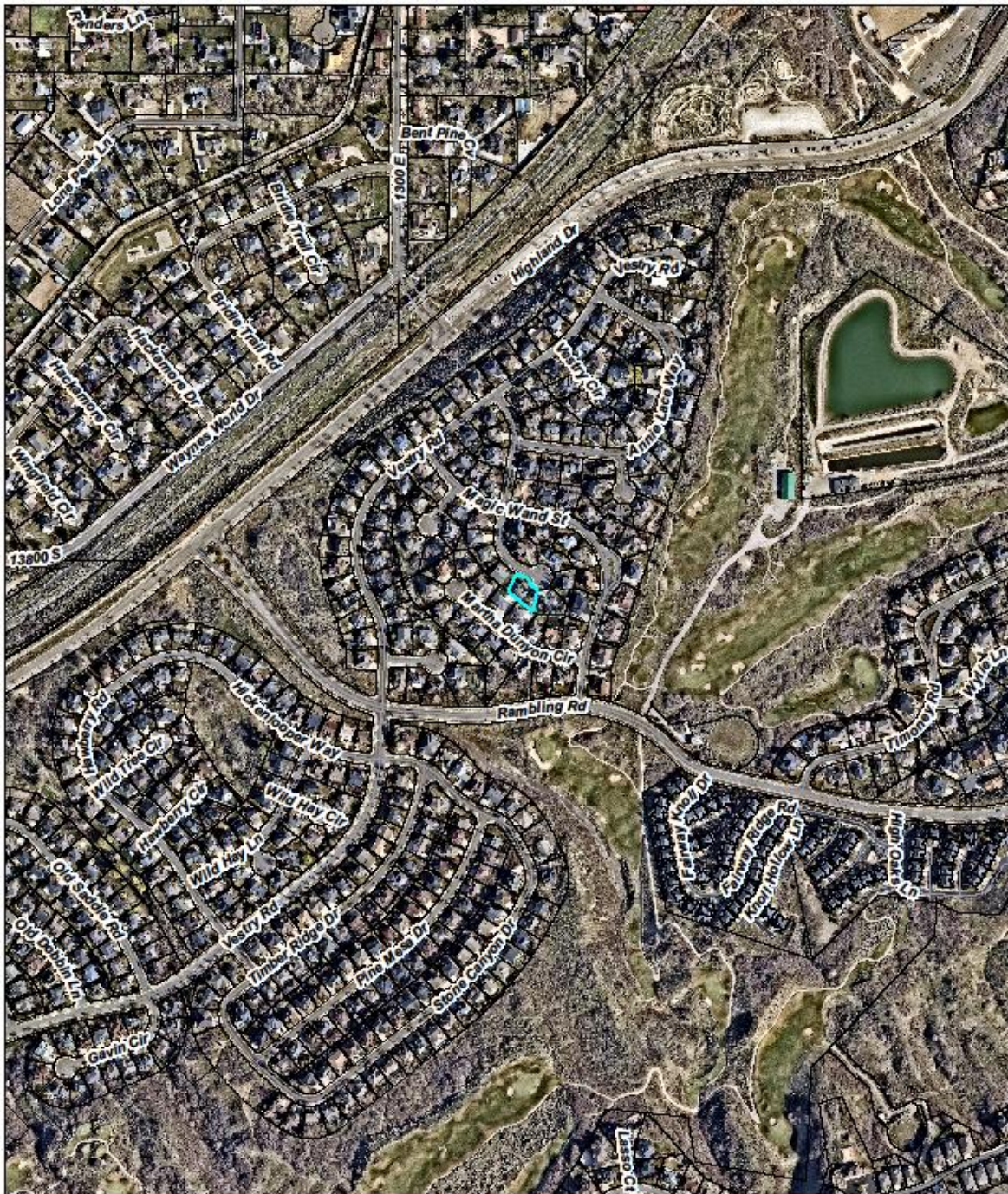
Fire Division Review.

1. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to located in a conspicuous location where the will be readily accessible and immediately available for use. Placed on every level of the home. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is more than five(5) feet above the floor.
2. There shall be single station inter connected smoke detectors in good working condition on each level occupied by the clients. Battery operated smoke detectors shall be, permitted if the home demonstrates testing, maintenance, and battery replacement to insure continued operation of

the smoke.

3. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

EXHIBIT B
VICINITY MAP



Joy's Just Desserts
13822 S Tom Shoemaker Circle

0 450 900 1,800 Feet

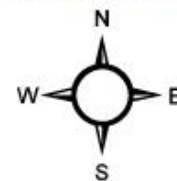
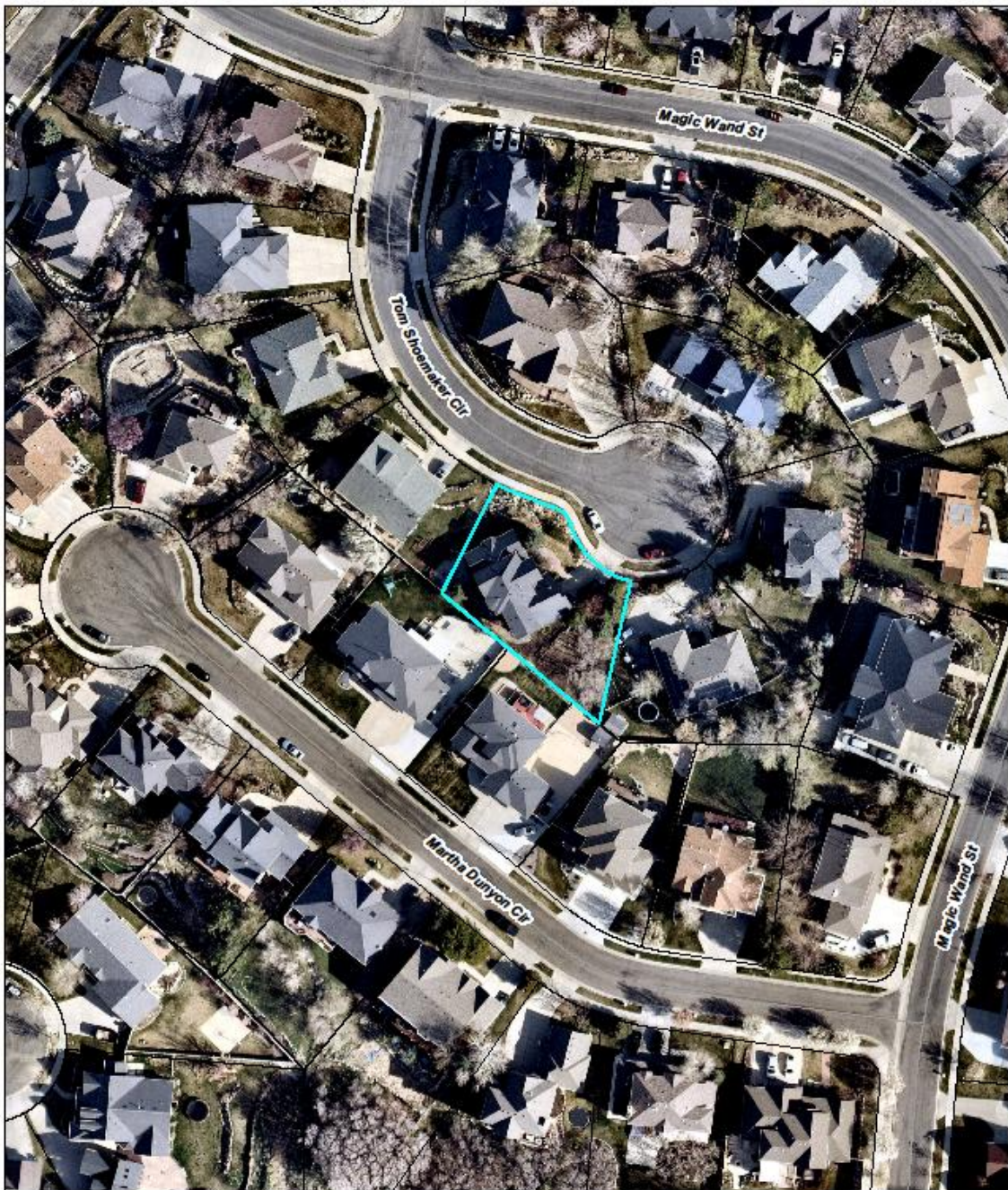


EXHIBIT C
AERIAL MAP



Joy's Just Desserts, LLC
13822 S Tom Shoemaker Circle

0 70 140 280 Feet

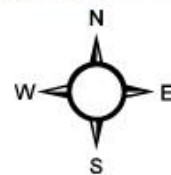
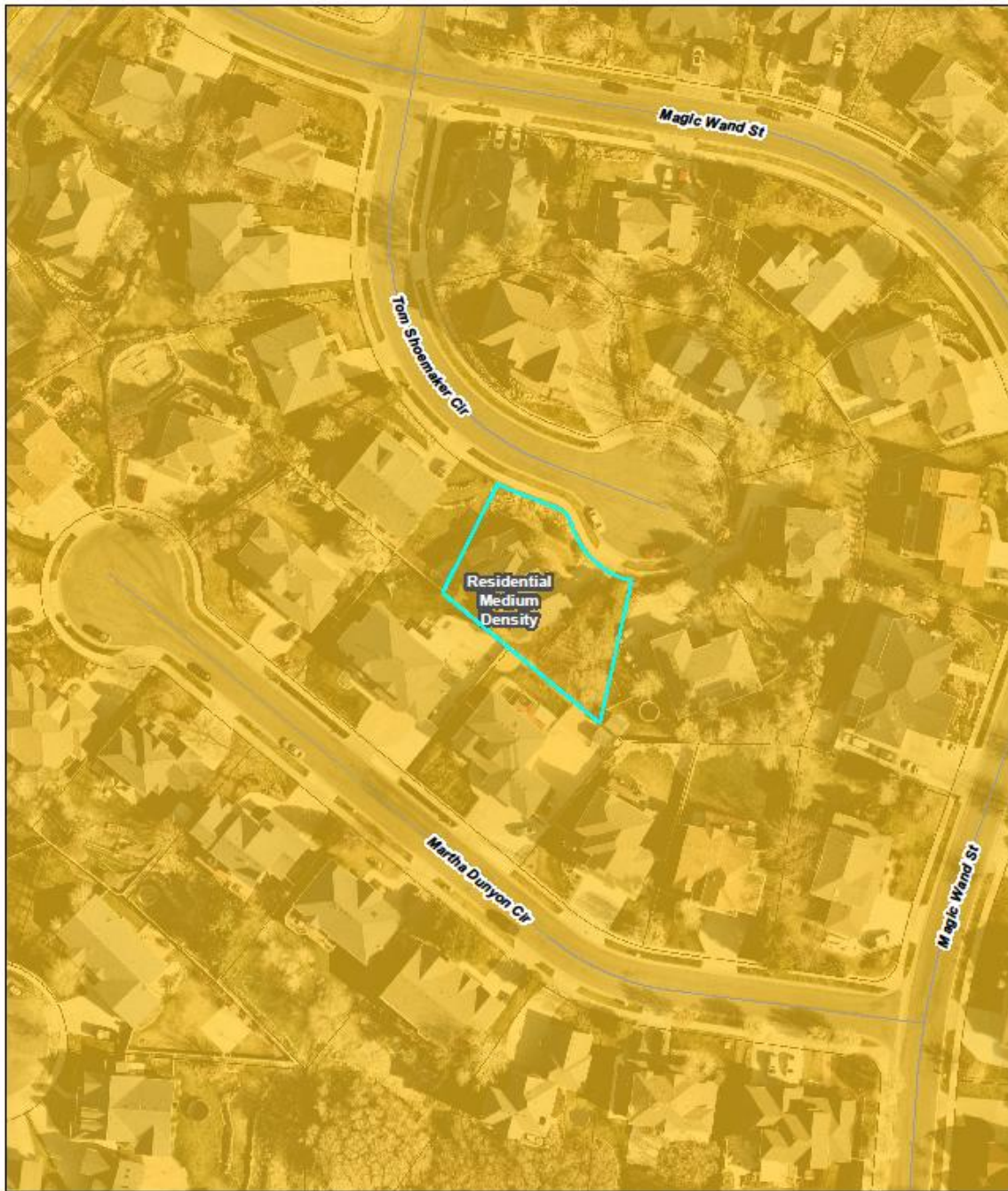


EXHIBIT D
LAND USE MAP



Joy's Just Desserts, LLC
13822 S Tom Shoemaker Circle

0 70 140 280 Feet

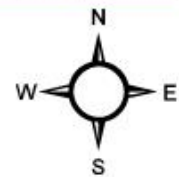
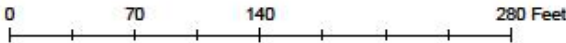


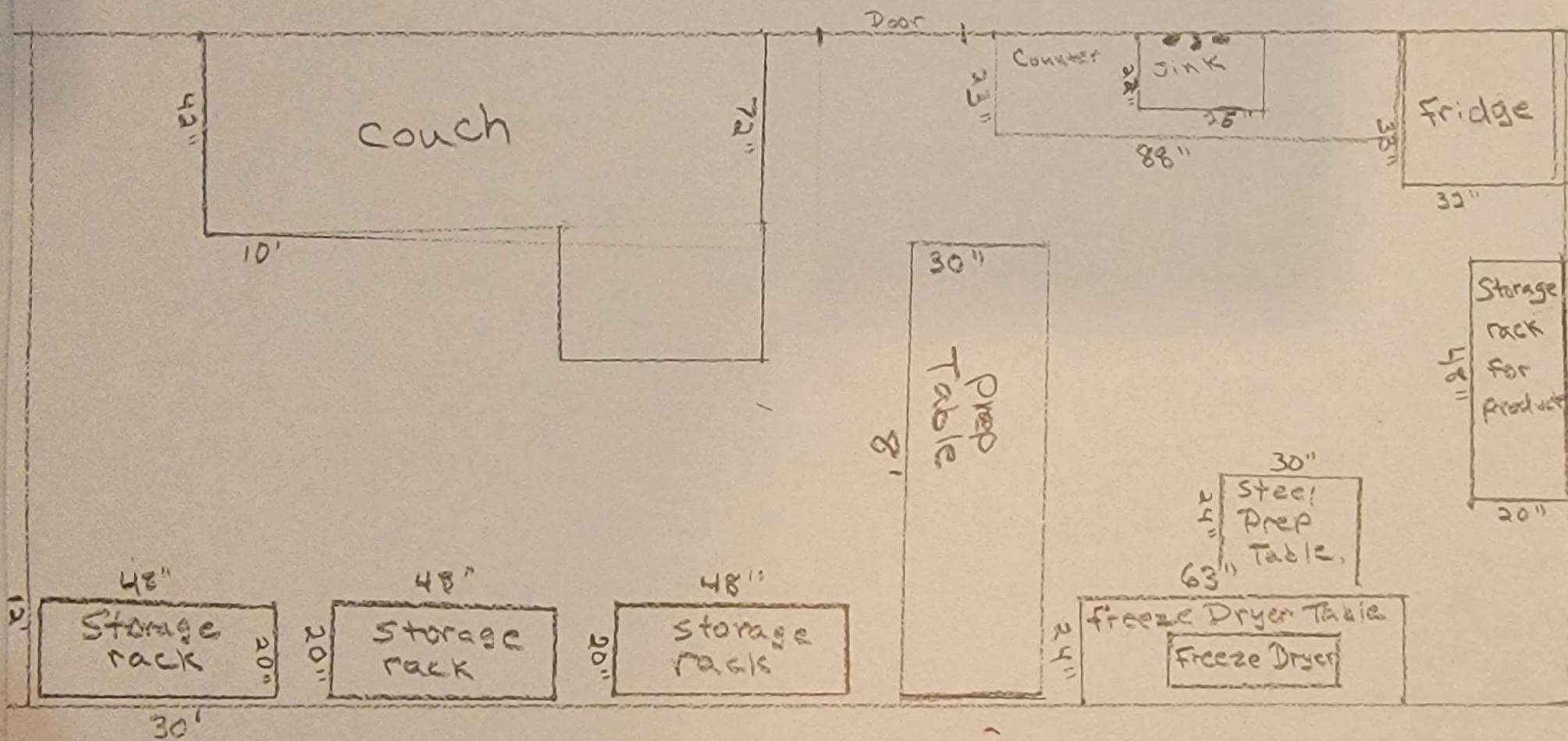
EXHIBIT E
ZONING MAP



Joy's Just Desserts, LLC
13822 S Tom Shoemaker Circle



**EXHIBIT F
FLOOR PLAN**



Kitchen in basement

EXHIBIT G
APPLICANT STATEMENTS

< Title



I am in the process of trying to get licensed to produce freeze dried candy, fruit and ice cream to sell wholesale to stores, venues and online. The product is produced in my downstairs kitchen, separate from the living quarters and separate kitchen upstairs. It's a very quiet process, the freeze dryer is as quiet as a regular clothes dryer and wouldn't cause a nuisance to the neighbors. There is no signage outside, no visitors, nothing to indicate any business is happening in the home. People won't be coming here to pick up product.

My working hours Mon-Fri 9-4 pm.

Any questions call or text me at 801-809-5938.

Thank you!

Rachel Shepherd

1/2



17▼



MEMO



To: Planning Commission

From: Tevai Haunga

Date: 2023-11-16

Re: Public Hearing: Tunbridge Zoning Map Amendment (Legislative Action)

Comments:

This application is a request for approval of a Zoning Map Amendment on approximately 0.48 acres located on the east side of 700 E., at approximately 11853 S. 700 E. The property is currently zoned RA2 and the current land use designation is Community Commercial. The applicant is requesting that a Zoning Map Amendment be approved to allow for future commercial development of the property by others.

The findings for approval are as follows:

For approval:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property
3. The proposed amendment is consistent with the standards of any applicable overlay zone.
4. The proposed amendment will not adversely affect adjacent property.
5. The facilities and services intended to serve the subject property are adequate including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

The findings for denial are as follows

For denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property
3. The proposed amendment is not consistent with the standards of any applicable overlay zone.
4. The proposed amendment will adversely affect adjacent property.

5. The facilities and services intended to serve the subject property are not adequate including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

ATTACHMENTS:

[Tunbridge Zoning MA SR Final.pdf](#)



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

November 6, 2023

To: Draper City Planning Commission
Business Date: November 16, 2023

From: Development Review Committee

Prepared By: Tevai Haunga, Planner I
Planning Division
Community Development Department
801-576-6522, tevai.haunga@draperutah.gov

Re: **Tunbridge – Zoning Map Amendment Request**
Application No.: TEXTMAP-0065-2023
Applicant: Neil Tunbridge
Project Location: 11853 S. 700 E.
Current Zoning: RA2 (Residential Agricultural, 20,000 ft² min. lot size) Zone.
Acreage: 0.48 Acres (Approximately 20,908.8 ft²)
Request: Request for approval of a Zoning Map Amendment. The proposed change would amend the Draper City Zoning Map for the subject property from RA2 to CC (Community Commercial).

BACKGROUND AND SUMMARY

This application is a request for approval of a Zoning Map Amendment on approximately 0.48 acres located on the east side of 700 E., at approximately 11853 S. 700 E. (Exhibits C & D). The property is currently zoned RA2 and the current land use designation is Community Commercial. The applicant is requesting that a Zoning Map Amendment be approved to allow for future commercial development of the property by others.

ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Community Commercial	Exhibit E
Current Zoning	RA2 (Residential Agricultural)	Exhibit F
Proposed Use	Community Commercial	
Adjacent Zoning		



East	R3 (Single Family Residential)	
West	RA1 (Residential Agricultural)	
North	CN (Neighborhood Commercial)	
South	CC (Community Commercial)	

The existing Community Commercial use designation is characterized as follows:

Community Commercial

LAND USE DESCRIPTION	
CHARACTERISTICS	<ul style="list-style-type: none"> • Includes the full scope of commercial land uses that require and utilize exposure to the freeway • Intended to be traveler-or commuter-oriented and should provide lodging, food, personal services and other similar uses • Frontage roads • Deeper setbacks for landscaping and enhancements • Limited traffic access points • Visual unity • Uniform design standards and aesthetics • Access to individual properties should be provided only from frontage roads • Well landscaped street frontages • Limited traffic access points for the site • Common off-street traffic circulation and parking areas • Pedestrian access from surrounding residential areas
LAND USE MIX	<ul style="list-style-type: none"> • Large-scale, master-planned commercial centers • Big-box stores and offices
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Community Commercial (CC) • General Commercial (CG) • Interchange Commercial (CI) • Institutional Care (IC)
LOCATION	<ul style="list-style-type: none"> • Strategically placed along high-traffic corridors with convenient points of traffic access to and from residential areas

The applicant is requesting a rezone from RA2 to the CC classification. According to the DCMC Section 9-080-020, the purpose of the CC zone *"to provide areas where commercial uses may be established which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development."*

The following tables depict the allowable uses within the current and proposed zoning classifications found in the DCMC Section 9-10-090 Table 9-10-1 for uses allowed in residential zones and section 9-11-110 Table 9-1-1 for uses allowed in commercial zones.

Table 2

	<i>Existing - RA2</i>
Uses	
Residential uses:	
Daycare, limited ²	C
Dwelling, single-family ¹	P
Dwelling, single-family with accessory dwelling unit	See chapter 31 of this title
Dwelling, two-family	NP
Dwelling, multiple family	NP
Dwelling, temporary	P
Home occupations ³	See chapter 34 of this title
Preschool, limited ²	C
Residential facility for persons with a disability	P
Residential facility for persons with a disability	P
Public and civic uses:	
Cemetery	P
Charter schools	P
Church or place of worship	P
Cultural service (only in a historic building)	See chapter 33 of this title
Golf course	C
Government service	P
Higher education facility, public	P
Park	P
Public school	P
Public utility substation	See chapter 36 of this title
Utility, Minor	P
Municipal uses:	
Franchise Municipal use	P
Municipal use	P
Commercial uses:	
Animal breeder	P
Bed and breakfast inn (only in a historic building)	See chapter 33 of this title
Medical service (only in a historic building)	See chapter 33 of this title
Office, general (only in a historic building)	See chapter 33 of this title
Personal care service (only in a historic building)	See chapter 33 of this title
Personal instruction service (only in a historic building)	See chapter 33 of this title

Reception center (only in a historic building)	See chapter 33 of this title
Restaurant, general (only in a historic building)	See chapter 33 of this title
Retail, general (only in a historic building)	See chapter 33 of this title
Temporary construction or model home office	See title 6, chapter 16 of this Code
Wireless telecommunication facility	See chapter 41 of this title

Table 3

	<i>Proposed - CC</i>
Uses	
Residential uses:	
Assisted living facility	P
Dwelling, multiple- family	NP
Dwelling, single- family	NP
Home occupations	See chapter 34 of this title
Residential facility for elderly persons	NP
Residential facility for persons with a disability	P
Public and civic uses:	
Auditorium, major	NP
Auditorium, minor	C
Charter schools	P
Church or place of worship	P
Club or service organization	P
Cultural service	P
Government service	P
Higher education facility, private	C
Higher education facility, public	P
Hospital	P
Private school	C
Protective service	P
Public school	P
Public utility substation	See chapter 36 of this title
Reception center	P
Trade/vocational school	C
Utility, minor	P
Municipal uses:	
Franchise Municipal uses	P
Municipal uses	P
Commercial uses:	

Auto, truck, RV, and equipment storage	NP
Bank or financial institution	P
Bar establishment ⁴	P
Bed and breakfast inns	P
Business equipment rental and supplies	P
Business service	P
Car wash	C
Cashing services	NP
Cattery	NP
Commercial vehicle and equipment rental or sale	NP
Commercial vehicle and equipment repair	NP
Construction sales and service	NP
Convenience store	P
Daycare, general	P
Farmers' market	P
Funeral home	P
Garage, public	P
Gas and fuel, storage and sales	P
Gasoline service station	P
Grooming service	P
Hotel	P
Kennel	NP
Laundry and dry cleaning, limited	P
Laundry service	P
Media service	NP
Medical cannabis pharmacy	P
Medical or dental laboratory	NP
Medical service	P
Motel or motor lodge	NP
Nursery	P
Office, general	P
Office, warehouse	NP
Parking, commercial	NP
Personal care service	P
Personal instruction service	P
Precious metals and gems dealer	P
Preschool, general	P
Printing and photocopying, limited	P
Printing, general	NP
Recreation and entertainment, indoor	P
Recreation and entertainment, outdoor	C
Recycling collection station	P
Repair service	P
Research service	NP
Restaurant	P
Retail, general	P

Secondhand or thrift store, large, with no outside storage and no drop off of items during hours the business is closed	NP
Secondhand or thrift store, small	P
Tattoo establishment	P
Transportation service	NP
Vehicle rental	P
Vehicle repair, general	NP
Vehicle repair, limited	C
Vehicle sale	P
Veterinary service	P
Warehouse, self- service storage	NP
Wireless telecommunication facility	See chapter 41 of this title
Manufacturing uses:	
Manufacturing, limited	NP
Wholesale and warehousing, limited	NP

P = Permitted
C = Conditional
NP = Not Permitted

The applicant is proposing the zoning map changes to match the commercial properties surrounding the subject property. The property to the north is zoned CN (Neighborhood Commercial) and to the south CC (Community Commercial). The applicant is hoping the change would attract buyers to develop a commercial space with its close vicinity to Kimballs Lane Trax station

Criteria For Approval

A Map Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in Section 9-5-060(E) of the DCMC:

1. Map Amendments:

- a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- c. Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*
- d. The extent to which the proposed amendment may adversely affect adjacent property; and*
- e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation*

facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the land use and zoning map amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their review of the zoning map amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the zoning map amendment submission. Comments from this division, if any, can be found in Exhibit A.

GIS Division Review. The Draper City GIS Division has completed their review of the zoning map amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the zoning map amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

The findings for a recommendation of approval of the amendment to the Zoning Map are as follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property
3. The proposed amendment is consistent with the standards of any applicable overlay zone.
4. The proposed amendment will not adversely affect adjacent property.
5. The facilities and services intended to serve the subject property are adequate including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

The findings for a recommendation of denial of the amendment to the Zoning Map are as follows:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is not consistent with the standards of any applicable overlay zone.
4. The proposed amendment will adversely affect adjacent property.
5. The facilities and services intended to serve the subject property are not adequate including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

MODEL MOTIONS

Zoning Map Amendment

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the proposed Zoning Map Amendment , as requested by Neil Tunbridge, for application TEXTMAP-0065-2023 based on the findings listed in the Staff Report dated November 16, 2023

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the proposed Zoning Map Amendment, as requested Neil Tunbridge for application TEXTMAP-0065-2023 based on the findings listed in the Staff Report dated November 16, 2023.

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a recommendation for denial to the City Council for the proposed Zoning Map Amendment, as requested by Neil Tunbridge for application TEXTMAP-0065-2023 based on the findings listed in the Staff Report dated November 16, 2023.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Brien Maxfield

Digitally signed by Brien Maxfield
DN: C=US,
E=brien.maxfield@draperutah.gov,
O=Draper, OU=Public Works -
Engineering, CN=Brien Maxfield
Date: 2023.11.09 14:05:01-0700'

Draper City Public Works Department

Todd A. Draper

Digitally signed by Todd A.
Draper
DN: C=US,
E=todd.draper@draper.ut.us,
O=Draper City Planning,
CN=Todd A. Draper
Date: 2023.11.09
16:38:48-0700'

Draper City Planning Division

Don Buckley

Digitally signed by Don Buckley
DN: C=US, E=don.buckley@draper.ut.us,
O=Draper City Fire Department, OU=Fire
Marshal, CN=Don Buckley
Date: 2023.11.09 16:57:50-0700'

Draper City Fire Department

Mike Barker

Digitally signed by Mike Barker
Date: 2023.11.09 07:12:27
-0700'

Draper City Legal Counsel

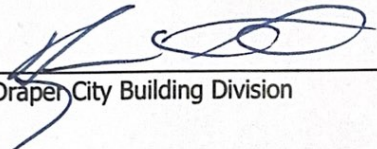

Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments

Engineering and Public Works Divisions Review.

We have reviewed the subject zone map and land use map amendment applications, proposing 3.89 acres to be zoned from Community Commercial (CC) to General Commercial (CG) in accordance with the provisions of Section 9-5-060(E)(1)(e) of the Draper City Municipal Code (DCMC). We speak primarily to the adequacy of facilities and services intended to serve the subject property. In making an amendment, the City Council should consider the following factors. Accordingly, the following comments are recommended for your consideration:

1. *The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection;*

Other than noted below, we are not aware of any inadequacies of the facilities intended to serve this property.

- a. The change in zone from residential / agricultural (RA2) to community commercial (CC) represents a significant increase in traffic by increasing the number of peak hour trips and the daily trips from the proposed site. The proposed zone could a variety of uses that generate different traffic volumes so it is impossible to identify a future impact other than to note the significant increase from its current zone of two single-family residential units per acre, where each unit generates up to eight daily trips and one peak hour trip, based on industry traffic generation tables. Based on the increased number of trips, the traffic intensity would be increased with the proposed zone change. However, the size of the parcel and the proposed uses do not trigger an automatic traffic impact study because it does not exceed the number of peak hour trips that typically would necessitate offsite mitigation measures. Any increase in traffic would be limited to 700 East, an arterial street planned for significant traffic. 700 East is owned by the Utah Department of

Transportation, UDOT. This development would require frontage improvements on 700 East where there are none currently.

- b. Connectivity with the subject parcel to a public right-of-way is on 700 East, an arterial street intended to accommodate heavy traffic. Access locations are required to meet Draper City Standards and are required to meet UDOT standards as outlined in our Master Transportation Plan and will be evaluated at the time of a site plan or subdivision application.
- c. There are no existing storm drainage facilities at the site, but there is an existing storm drainage pipeline near the rear of the lot that has limited available capacity. Any future site drainage will be required to be addressed with any subdivision or site plan application, and shall comply with the provisions of the development requirements within the Draper City Municipal Code.
- d. Sanitary sewer facilities will be provided by South Valley Sewer District. Any subdivision or site plan application will require a commitment to serve from the Sewer District that facilities are adequate to provide service for the proposed uses.
- e. Drinking water is provided by WaterPro to the subject parcel. Any subdivision or site plan application will require a commitment to serve from WaterPro that facilities are adequate to provide service for the proposed uses.

Accordingly, we will provide comments relative to the potential construction activities when the appropriate application is received. Thank you for the opportunity to review the Zone Amendment Request.

GIS Division Review

- 1. No additional comments

Building Division Review.

- 1. No additional comments

Fire Division Review.

- 1. No additional comments

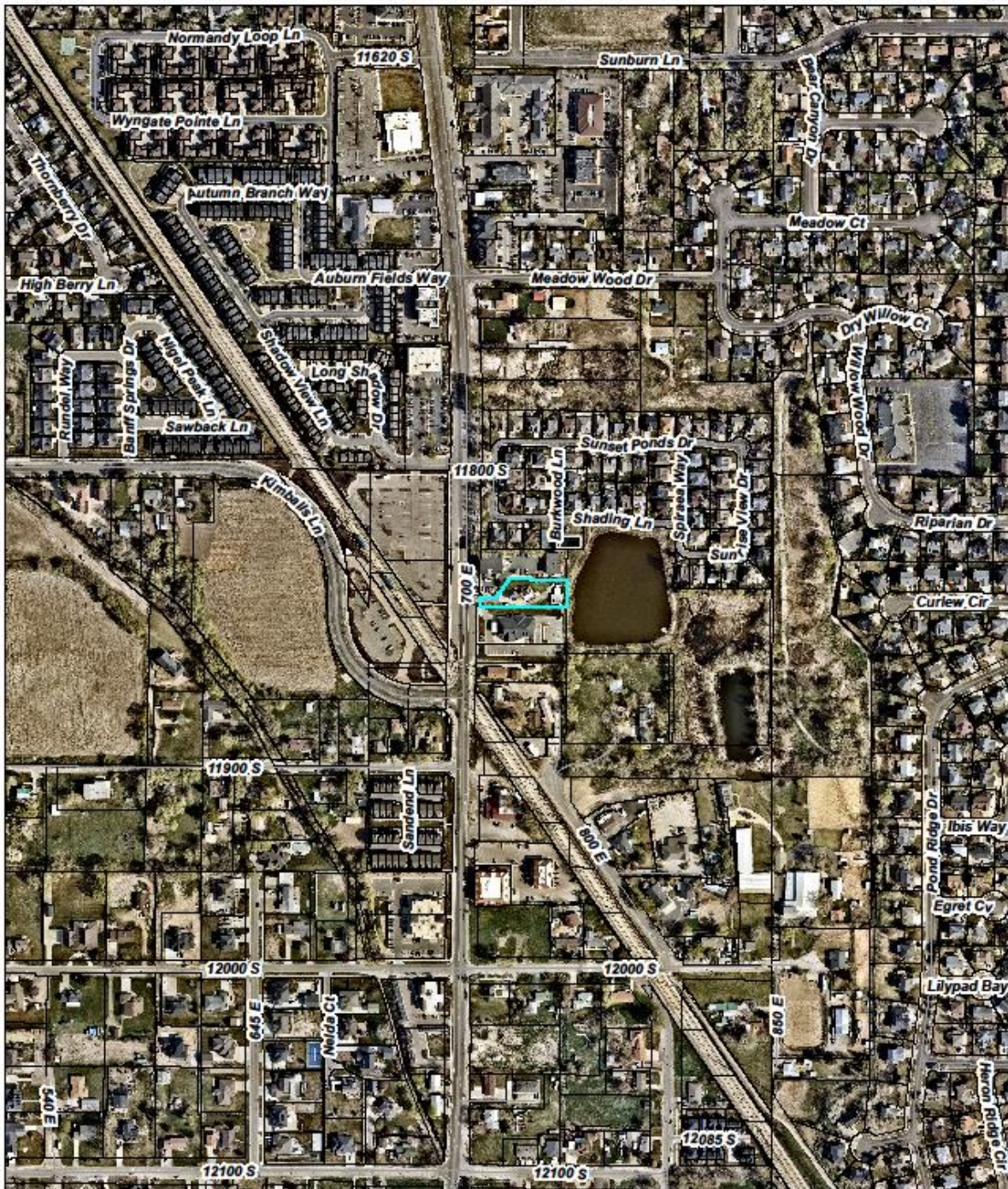
Legal Division Review.

- 1. No additional comments

**EXHIBIT B
LEGAL DESCRIPTION**

BEG S 0°05'37" W 117 FT & S 89°37'01" E 12.75 FT FR NW COR LOT 5,
BLK 40, DRAPERVILLE; S 0°05'30" W 30 FT; S 89°37'11" E 284.59 FT TO E
LINE LOT 6, SD BLK 40; N 0° 05'37" E 90 FT; N 89°37'01" W 185.34 FT; S
37°28'34" W 75.6 FT; N 89°37'08" W 53.25 FT TO BEG. 0.48 AC M OR L.
6987-2316 6152-168 4237-233 7007-0358 9262-5932

EXHIBIT C VICINITY MAP



Tunbridge Zoning Map Amendment 11853 S 700 E

0 355 710 1,420 Feet

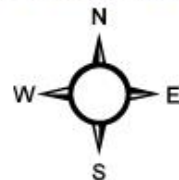
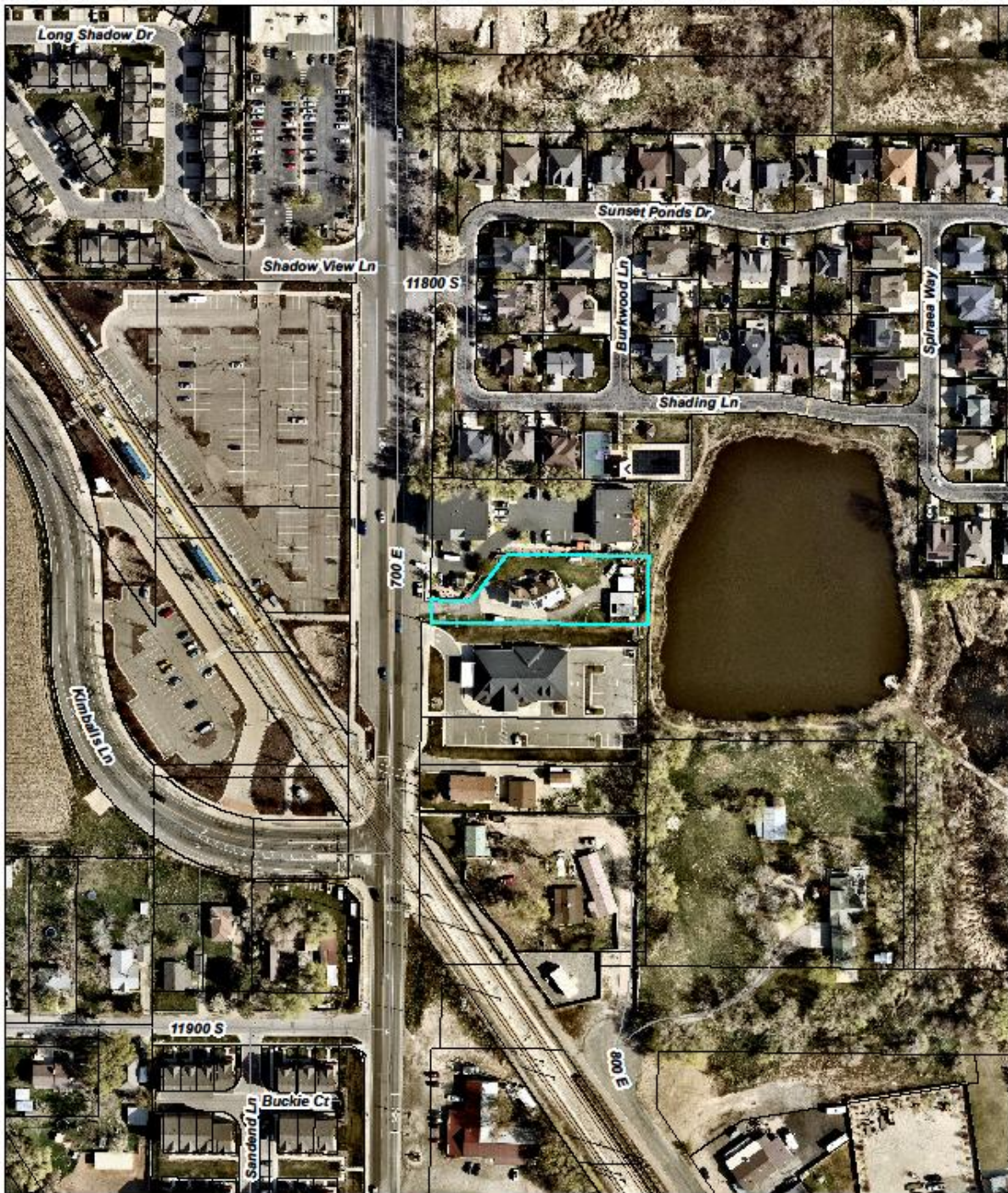


EXHIBIT D
AERIAL MAP



Tunbridge Zoning Map Amendment
11853 S 700 E

0 145 290 580 Feet

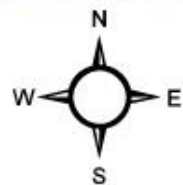
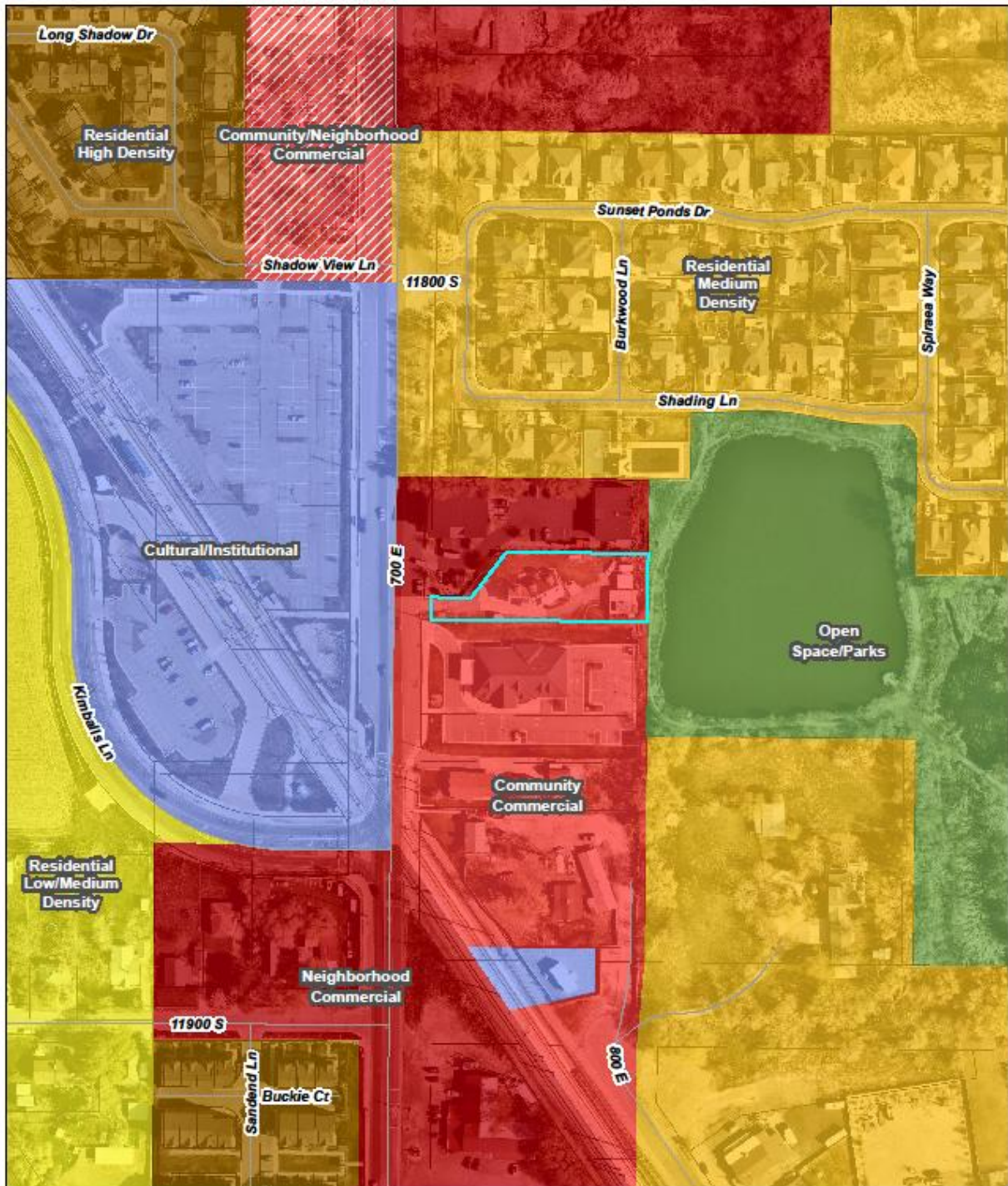


EXHIBIT E
LAND USE MAP

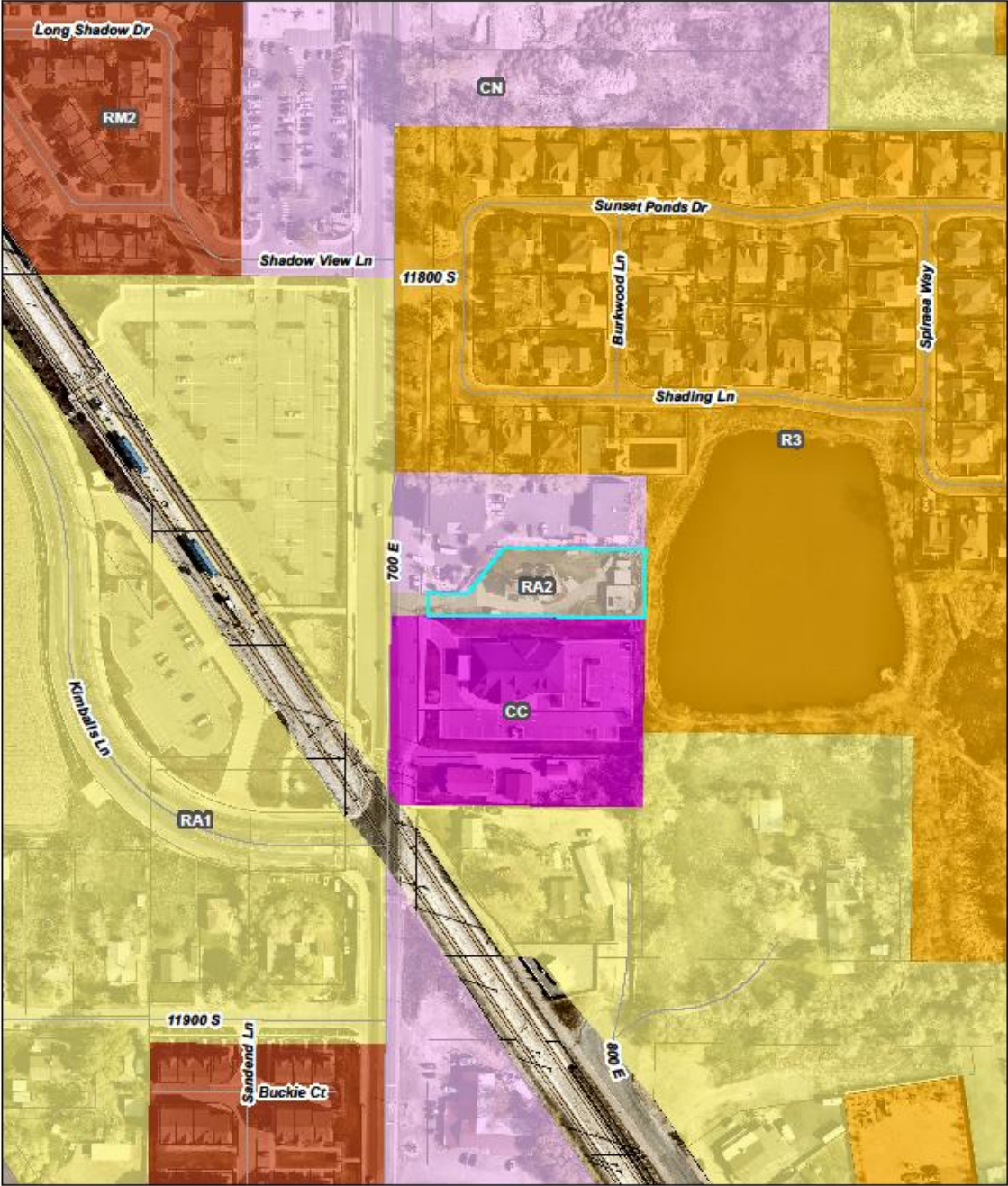


Tunbridge Zoning Map Amendment
11853 S 700 E

0 145 290 580 Feet



EXHIBIT F
ZONING MAP



Tunbridge Zoning Map Amendment
11853 S 700 E

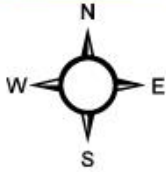
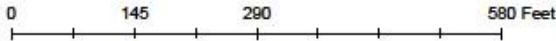


EXHIBIT G
APPLICANT LETTERS

MAP AMENDMENT APPLICATION CHECKLIST



Staff
Review
Applicant

Review ITEM NOTES

General Plan Land Use Map Amendment

1. What is the requested land use designation?
2. Please explain the reason for the request and the justification for approval.
3. How is the requested land use designation harmonious with the overall character of existing development in the vicinity of the subject property? Explain?
4. Is the proposed land use designation consistent with the goals, objectives, and policies of the City's General Plan? Explain.

Reply

1. CC- Community Commercial
2. I would like to sell my property with this new zoning designation CC. This land has been in my family for 90 years. There were residence homes on both sides when I purchased this land from my father. My father's home was on the north side of this property and Draper City compelled me to subdivide it to build my home 28 years ago. Since then the properties on both sides of me have been rezoned CC & NC. When I built my house I was not planning to be in the middle of 2 businesses. Rezoning my property to CC would allow this property to be used for business opportunities for myself or a potential buyer.
3. Feedback from potential buyers who were looking for a place to live, ie: a typical residential home, are not comfortable being situated between 2 businesses. I personally did not realize this because this area was residential most of my life and I have just had to deal with the changes to the rezoning on both sides. With that being said, it is not easy to find a buyer, for this property, as it is now.
4. I can't presume to know the goals or objectives of the city's general plan, but this property has a lot of potential. Kimballs Lane TRAX station is directly across the street allowing people to ride TRAX to the door. This home has a lot of space and room for a studio in the loft and there is a detached garage /shop on the premises.

MAP AMENDMENT APPLICATION CHECKLIST



Staff
Review
Applicant

Review ITEM NOTES

General Plan Land Use Map Amendment

1. What is the requested land use designation?
2. Please explain the reason for the request and the justification for approval.
3. How is the requested land use designation harmonious with the overall character of existing development in the vicinity of the subject property? Explain?
4. Is the proposed land use designation consistent with the goals, objectives, and policies of the City's General Plan? Explain.

4-yes

Reply

1. CC- Community Commercial
2. ~~Non-nuked~~. I would like to sell my property with this new zoning designation CC. This land has been in my family for 90 years. There were residence homes on both sides when I purchased this land from my father. My father's home was on the north side of this property and Draper City compelled me to subdivide it to build my home 28 years ago. Since then the properties on both sides of me have been rezoned CC & NC. When I built my house I was not planning to be in the middle of 2 businesses. Rezoning my property to CC would allow this property to be used for business opportunities for myself or a potential buyer.
3. Feedback from potential buyers who were looking for a place to live, ie: a typical residential home, are not comfortable being situated between 2 businesses. I personally did not realize this because this area was residential most of my life and I have just had to deal with the changes to the rezoning on both sides. With that being said, it is not easy to find a buyer, for this property, as it is now.
4. I can't presume to know the goals or objectives of the city's general plan, but this property has a lot of potential. Kimballs Lane Trax station is directly across the street allowing people to ride Trax to the door. This home has a lot of space and room for a studio in the loft and there is a detached garage /shop on the premises.

700 East

<https://mail.google.com/mail/u/1/#sent?projector=1>



Silverhawk Office - North Side

Screenshot_20230405-200004_Earth.jpg

~~Anderson~~



MEMO



To: Planning Commission

From: Tevai Haunga

Date: 2023-11-16

Re: Public Hearing: Brent Bytendorp Enterprises Landscaping Home Occupation Conditional Use Permit (Administrative Action)

Comments:

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.35 acres located on the cul-de-sac at the termination of Blue Heron Drive at approximately 11841 S. Blue Heron Drive. The property is currently zoned R3 (Single Family Residential 13,000 ft² minimum lot size). The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for a home office for a landscaping business with work vehicles and equipment parked outside the home to operate from the home.

The findings for approval are as follows:

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

The findings for denial are as follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.

ATTACHMENTS:

[Bytendorp SR Final2.pdf](#)



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

November 6, 2023

To: Draper City Planning Commission
Business Date: November 16, 2023

From: Development Review Committee

Prepared By: Tevai Haunga, Planner I
Planning Division
Community Development Department
801-576-6522, tevai.haunga@draperutah.gov

Re: Brent Bytendorp Enterprises Landscaping – Home Occupation Conditional Use Permit Request

Application No.: 2023-4507-USE
Applicant: Brent Bytendorp
Project Location: 11841 S. Blue Heron Drive
Current Zoning: R3 (Single Family Residential 13,000 ft² minimum lot size)
Acreage: 0.35 Acres (Approximately 15,246 ft²)
Request: Request for approval of a Home Occupation Conditional Use Permit in the R3 zone for a home office for a landscaping business.

BACKGROUND AND SUMMARY

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.35 acres located on the cul-de-sac at the termination of Blue Heron Drive at approximately 11841 S. Blue Heron Drive (Exhibit B & C). The property is currently zoned R3. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for a home office for a landscaping business with work vehicles and equipment parked outside the home to operate from the home.

The property is part of the Victors Pond Phase 1 Plat B subdivision and the home was built in 1994.



ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density	Exhibit D
Current Zoning	R3	Exhibit E
Proposed Use	Single-family Home with a Home Based Business	
Adjacent Zoning		
East	R-1-8 (Residential - Sandy City)	
West	R3	
North	R3	
South	R3	

The Residential Medium Density land use designation is characterized as follows:

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	<ul style="list-style-type: none"> • Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage "piecemeal" infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants 	
LAND USE MIX	Primary <ul style="list-style-type: none"> • Single-family detached homes 	Secondary <ul style="list-style-type: none"> • Parks • Churches • Schools • Open Space
DENSITY	<ul style="list-style-type: none"> • Density range: 2-4 dwelling units per acre 	
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC) 	
OTHER CRITERIA	<ul style="list-style-type: none"> • Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures 	

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the purpose of the R3 zone is to *"provide incentives to foster residential development with little impacts on its surroundings and on municipal services, and to generally preserve the semirural character called for in the density element of the general plan."*

Home Occupation. The applicant is requesting a Home Occupation Conditional Use Permit for a home office landscaping business with work vehicles, and equipment stored outside the residence, and to allow for three (3) nonfamily, nonresident employees. Business hours are proposed to be from 7 am -7 pm. There are no customers coming to the home. The application is a result of an enforcement action taken by the City in response to a complaint that the business is operating out of the home without a required conditional use permit or valid business license. The complaint indicated that non-resident employees were coming to the home and their vehicles, work trucks, and equipment were being parked or stored on the public street. The applicant has indicated in their submitted response (Exhibit G) that employees are parking their vehicles at a UTA park and ride to carpool to the property to mitigate traffic on the street. According to the applicant there are three work trucks and one work trailer used for the business. All vehicles and equipment will be parked on a cement pad on the side of the home behind a fence.

The DCMC Section 9-34-040 outlines development standards applicable to all home occupations. Those criteria, along with information specific to the subject request, are as follows:

- A. *Ownership: The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.*

-The applicant owns and resides at the property. The applicant is directly involved in providing some of the labor, work, and service, however the main source of work, labor, and service for the business comes from three (3) additional non-resident employees.

- B. *Business License: A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to title 6, chapter 11 of this code.*

-Once approved, a current business license will be maintained with the City of Draper and renewed every year.

- C. *Employees: Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.*

-The applicant has three (3) additional employees who do not reside in the home.

- D. *Inspection: All facilities shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes. Inspections during reasonable hours by city officials may occur as necessary to assure compliance with regulations.*

-The applicant will make his property available for any inspection during business hours.

- E. *Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed.*

-The applicant has indicated that the business will not exceed more than 250 ft² for inventory. The applicant has not indicated where inventory associated with the business will be stored. Given that this is a landscaping business the assumption of staff is that it would be stored outside of the main dwelling.

- F. *Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.*

-The applicant states there will be no evidence from the street that the house contains a business use. All trucks and the trailer will be parked on a cement pad on the side of the house that extends into the back yard. A 6 ft. privacy wood fence surrounds the cement pad.

- G. *Nuisance: Tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise shall be prohibited.*

-The applicant has stated that the business will not use any tools, items, equipment or conduct any activities in the dwelling which would be offensive or obnoxious by reason of odor, smoke, vibration, or magnetic interference or noise to disturb neighbors.

- H. *Secondary Use: The home occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty five percent (25%) of the dwelling unit shall be used for the home occupation.*

-The applicant has stated that he does not use more than 25% of the home for business and will continue to do so. No details regarding the actual amount of

space used for the operation of the business within the home or the area used for the storage of vehicles, trailers, and other equipment outside the home have been provided. If the application is approved, a condition should be added that the applicant provide updated floor plans and a site plan that are accurately scaled and dimensioned that indicate the size and location of the areas used for the business relative to the other living space and other yard areas of the property. Mitigating conditions limiting the amount of area used for the business to this 25% should also be included.

- I. *Signs: All signage in a residential area must comply with chapter 26, "Signs", of this title.*

-The applicant has indicated he does has business sign on the back of the work trailer. No details on the size of the sign were provided.

- J. *Traffic, Parking, And Access: No home occupation use shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone in which the use is located. All parking shall be provided and maintained on site with adequate provision for drop off traffic.*

-The applicant states in their responses that they believe no excess traffic is being created. The applicant indicates that they leave in the morning and come back in the late afternoon. The only on-site parking made available for the business is located on the cement pad behind a gated fence. The three (3) additional non-resident employees do create a potential negative impact within the community as no parking for their personal vehicles is provided for on-site at the business location. Mitigating conditions the Planning Commission might consider could include a requirement to add additional off-street parking on the subject property and limiting the number of permissible non-resident employees to the number of provided off-street parking spaces on the property provided for their use. Parking stalls designated for use of employees of the business should also not be allowed to block or impede access to the required parking stalls for the residence located inside the garage.

- K. *Vehicles: Other than the business owner's personal transportation, there shall be no vehicles or equipment on the property associated with the home occupation which would not normally be found at a residence. No signage for the home occupation shall be allowed on vehicles.*

- In addition to the personal transportation of residents of the property, the applicant has three (3) work vehicles and a single trailer associated with the business. The applicant did not indicate where equipment will be stored. No

details were provided regarding the number of personal vehicles that are owned and operated from the property.

-The applicant has stated he has signage on the work trailer. No dimensions or details have been given on the sign.

- L. *Yards: Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.*

-The applicant has utilized a 30-foot by 40-foot cement pad on the side of the home that extends into the back yard where he parks his work trucks and trailer, this area covers roughly 8% of the total square footage of the property.

- M. *Customers: No customers allowed. Children accessing a limited daycare or limited preschool facility shall not be considered customers.*

-The applicant will not permit customers to come to the home.

- N. *Utility Demand: The home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.*

-The home occupation does not create an excessive demand on utilities above what is typical for residential use.

- O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*

-The applicant indicated that they use the main structure as their personal residence and that they use one room as an office. The applicant did not provide details regarding the location or size of the room. The cement pad on the side of the home is used to park work trucks and a trailer. The conditions listed in the response to criterion H above would be applicable to this criterion also.

- P. *Single-Family And Multiple-Family Dwellings: Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section 9-34-060 of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles.*

-The home occupation is associated with an owner occupied single-family dwelling owned by the applicant.

Q. *Licensure: Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations.*

-The business is not involved in the provision of childcare services.

Criteria For Approval.

The criteria for review and potential approval of a conditional use permit request is found in Section 9-5-080(E) of the DCMC. This section depicts the standard of review for such requests as:

E. Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:

- 1. A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
- 2. Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.*
- 3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*
- 4. The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:*
 - a. The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;*
 - b. The suitability of the specific property for the proposed use;*
 - c. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;*
 - d. The economic impact of the proposed facility or use on the surrounding area;*
 - e. The aesthetic impact of the proposed facility or use on the surrounding area;*

- f. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
 - g. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and*
 - h. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.*
5. *The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Home Occupation Conditional Use Permit submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Home Occupation Conditional Use Permit.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request based on the findings listed below and the criteria for approval, or denial as listed within the staff report. The Planning Commission should also review the request, hear from the applicant, and receive public comment prior to making a decision.

If the Planning Commission decides to approve the request, staff recommends they include the following conditions of approval:

1. That all requirements of the Draper City Engineering, Public Works Building, Business Licensing, Planning and Fire Divisions are satisfied throughout the operation of the business.
2. That a business license be obtained and be maintained for the life of the business.

3. That no customers are permitted to come to the property.
4. That the number of employees not exceed three (3) total (not including the business owner) and the number of these employees that do not reside on the property are additionally limited to not exceed number of available on-site parking spaces designated for personal employee vehicles.
5. That additional paved parking spaces for the use of non-resident employees of the home based business be added to the property. The applicant shall provide a revised site plan to Planning Staff showing the location and number of parking spaces to be added and receive approval for the layout from staff prior to installation of the pavement and parking stalls.
6. Parking stalls designated for use of employees of the business may not block or impede access to the required parking stalls for the residence located inside the garage.
7. Parking for all personal vehicles owned and operated from the residence shall also be provided and designated on revised site plans. Parking stalls for employee vehicles, work vehicles and the trailer, shall be separate and may not displace on-site parking designated for any personal vehicles owned and operated by residents of the property.
8. That the number of work vehicles associated with the business be limited to three (3) and that they are parked on the site in parking spaces located behind the six foot (6') tall fence.
9. That all parking spaces on the property must be in compliance with the design, location, and access requirements found in Draper City Municipal Code.
10. That only one (1) trailer be associated with the business and that the trailer is parked on the property in a designated space behind the six foot (6') tall fence.
11. That all equipment associated with the business be stored on the concrete pad located behind the six foot (6') tall fence, or inside an enclosed building.
12. That no vehicle, trailer, or equipment, associated with the business be parked or stored on the street at any time.
13. That the applicant provide updated floor plans and a site plan that are accurately scaled and dimensioned that indicate the size and location of the areas used for the business relative to the other living space and other yard areas of the property.
14. That any inventory associated with the business not occupy more than 250 ft², and that the applicant provide details as to where this inventory will be stored on the revised updated plans.
15. That the amount of area within the residence used for the business be limited to twenty-five percent (25%) or less of the floor area of the home.
16. That the amount of area outside of the residence that is used for business purposes also be limited to not exceed an area equal to twenty-five percent (25%) of the overall yard areas of the lot (overall lot square footage net the

area covered by the residence). With the exception of necessary employee parking, the front yard area shall not be utilized for any business purposes.

The findings for approval as are follows:

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

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Home Occupation Conditional Use Permit, as requested by Brent Bytendorp, representing application 2023-4507-USE based on the findings and subject to the conditions listed in the Staff Report dated November 6, 2023.

Sample Motion for Modified Approval– I move that we approve the Home Occupation Conditional Use Permit ,as requested by Brent Bytendorp, application 2023-4507-USE, based on the findings and subject to the conditions listed in the Staff Report dated November 6, 2023 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Home Occupation Conditional Use Permit as requested by Brent Bytendorp, application 2023-4507-USE, based on the findings listed in the Staff Report dated November 6, 2023.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Brien Maxfield

Digitally signed by Brien Maxfield
DN: C=US, E=brien.maxfield@draperutah.gov,
O=Draper, OU=Public Works - Engineering,
CN=Brien Maxfield
Date: 2023.11.09 14:07:25-07'00'

Draper City Public Works Department

Don Buckley

Digitally signed by Don Buckley
DN: C=US,
E=don.buckley@draper.ut.us,
O=Draper City Fire Department,
OU=Fire Marshal, CN=Don Buckley
Date: 2023.11.09 16:59:20-07'00'

Draper City Fire Department

Todd A. Draper

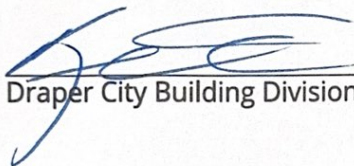
Digitally signed by Todd A.
Draper
DN: C=US,
E=todd.draper@draper.ut.us,
O=Draper City Planning,
CN=Todd A. Draper
Date: 2023.11.09
16:38:51-07'00'

Draper City Planning Division

Mike Barker

Digitally signed by Mike Barker
Date: 2023.11.09 17:33:34
-07'00'

Draper City Legal Counsel



Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments provided.

Engineering and Public Works Divisions Review.

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted as described. Given the location and proposed use, the use is not anticipated to generate a significant impact to water, sewer, or other potential utilities.
2. The number of trips generated by the home owner/employees will not have a detrimental impact to traffic in the area due to two employees and no customers visiting the residence. The applicant has indicated all services will be provided offsite where the employees meet at the residence and then leave to conduct service calls/landscaping. With the applicant's anticipation that there will be no more than two employees and no customers, no significant impact to traffic is anticipated with the proposed use.
3. No on-street parking is requested for the employees in the application. The applicant indicates all home business parking will be in the backyard / RV pad behind the fence onsite. Blue Heron Drive, at the indicated address, is a cul-de-sac and is a public local street where on-street parking is currently permitted. Parking on Blue Heron Drive may impact traffic if it is during poor weather or if there are other cars parked on the opposite side or within the cul-de-sac. However, based on the information from the applicant, no significant impact to parking is anticipated with the proposed use.
4. The proposed use does not appear detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

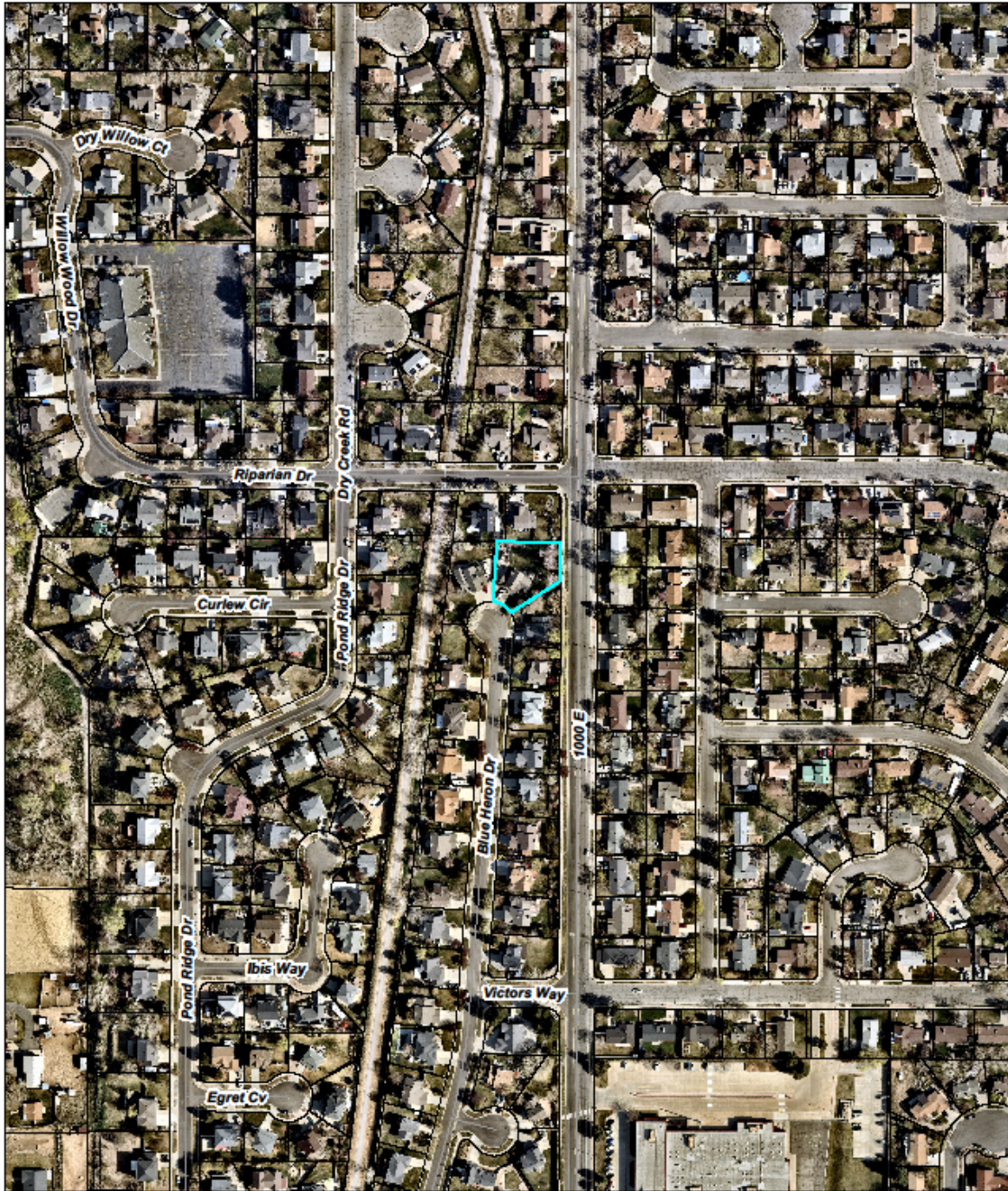
Building Division Review.

1. No additional comments provided.

Fire Division Review.

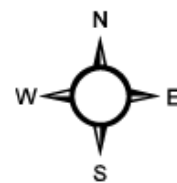
1. No additional comments provided

**EXHIBIT B
VICINITY MAP**

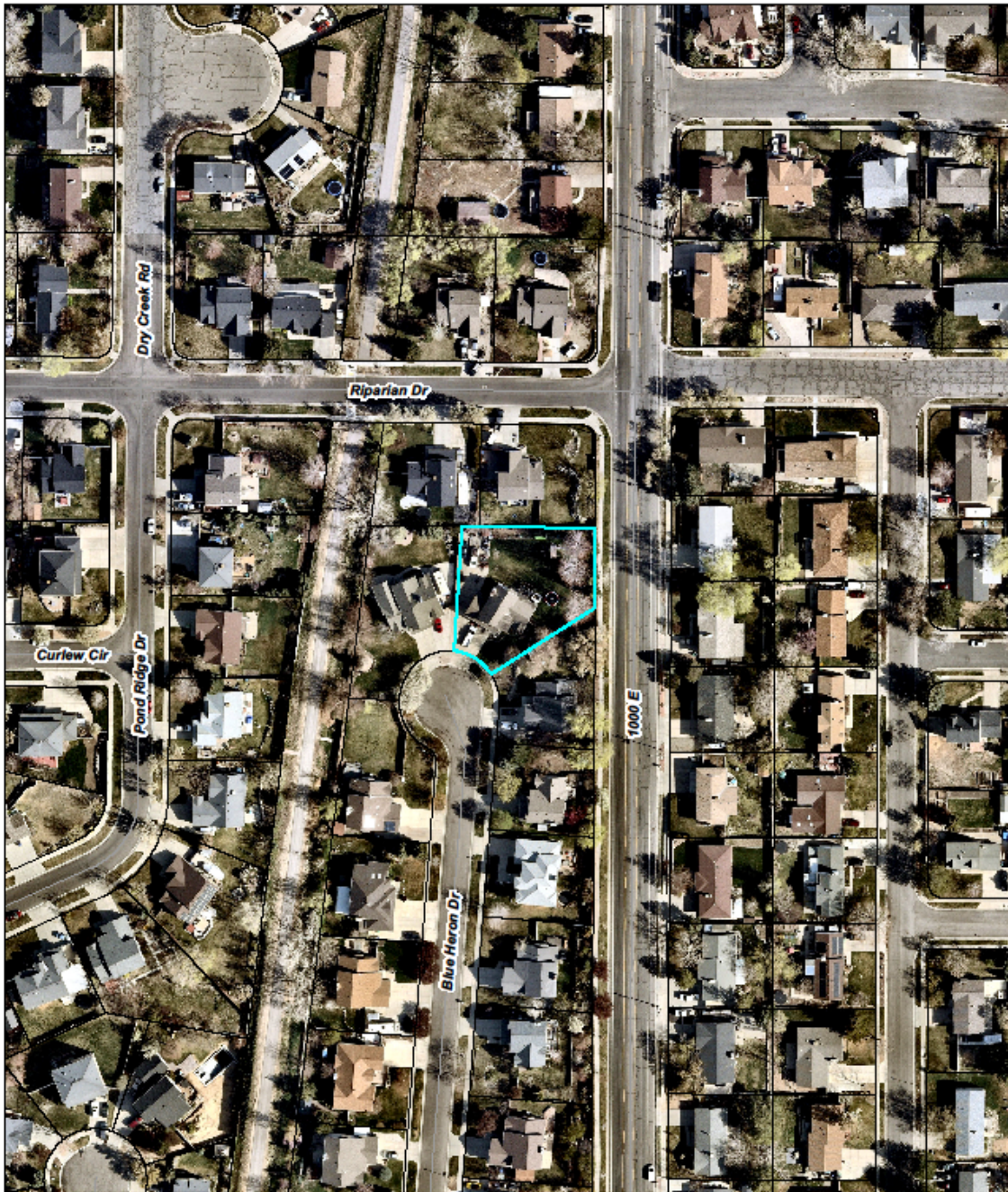


**Brent Bytendorp
11841 S Blue Heron Drive**

0 220 440 880 Feet



**EXHIBIT C
AERIAL MAP**



**Brent Bytendorp
11841 S Blue Heron Drive**

0 105 210 420 Feet

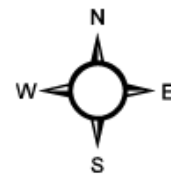


EXHIBIT D
LAND USE MAP



Brent Bytendorp
11841 S Blue Heron Drive

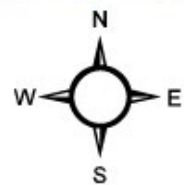
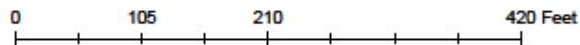
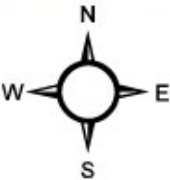
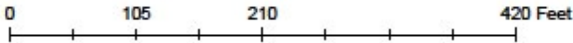


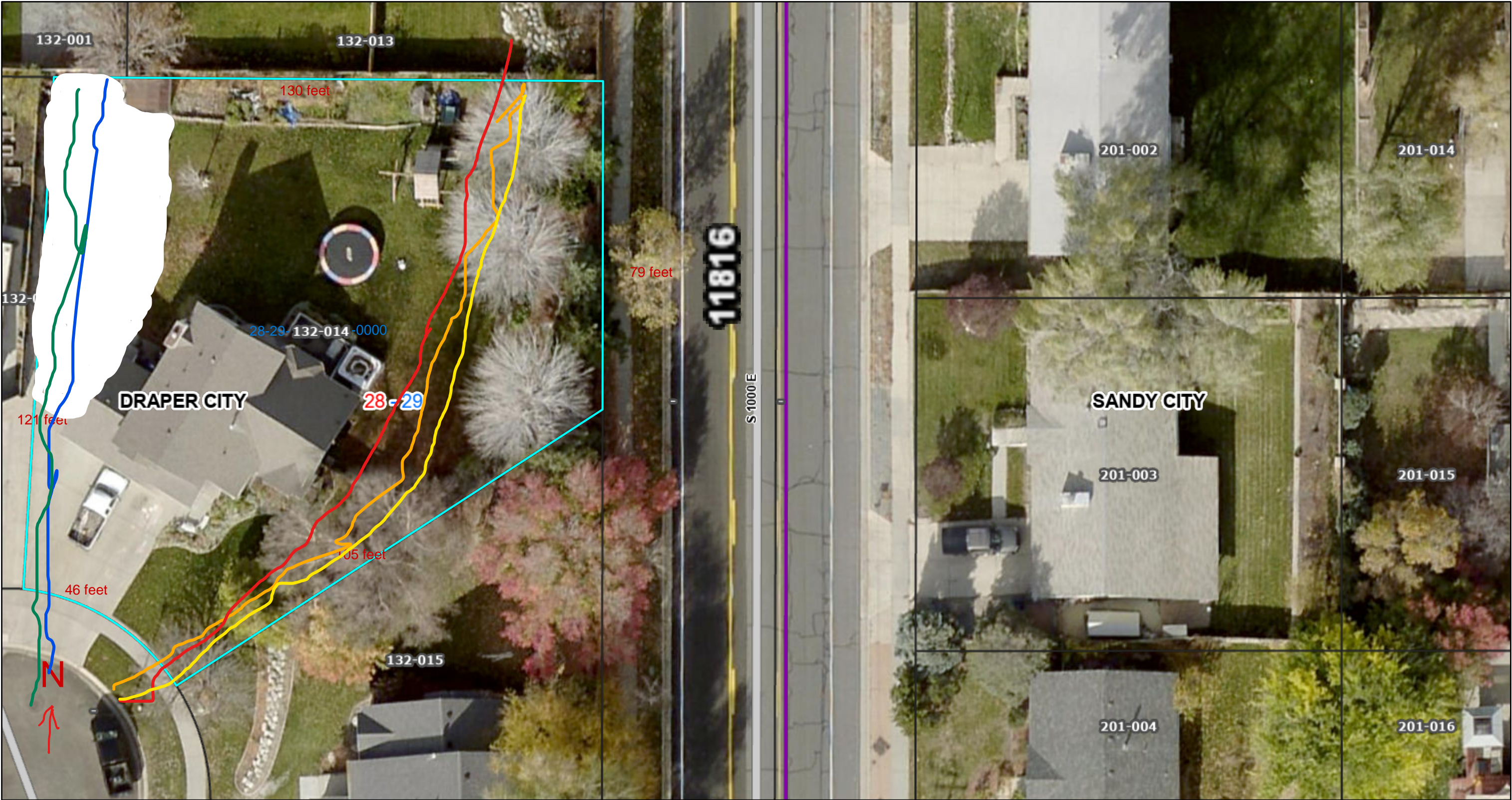
EXHIBIT E
ZONING MAP



Brent Bytendorp
11841 S Blue Heron Drive



**EXHIBIT F
SITE PLAN**



2/13/2023, 2:52:24 PM

1:357

World Transportation

Citations

Roads

World Imagery

7.5cm Resolution Metadata

11- Other Local, Neighborhood, Rural Roads

Low Resolution 15m Imagery

Cities

Roads Annotation

High Resolution 60cm Imagery

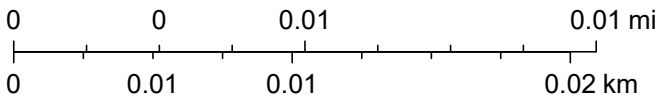
Prelim Parcels

Sections Annotation

High Resolution 30cm Imagery

ParcelsTaxYear

Areas



County of Salt Lake, County of Utah, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HERE, iPC, Salt Lake County, Maxar, Microsoft

EXHIBIT G
APPLICANT STATEMENTS

Overview Of Proposed use

I am using my property to leave my trucks and trailer in my backyard on a cement pad which I have done for over 20 years. One to two employees may leave their cars on my cement pad while they are working off site. The hours of my operation are from 7:00 am to 7:00 pm. No employees work at the residence specified. No patrons are coming to the residence specified. Because there is very little effects due to noise from my business other than starting cars and leaving the premises. I believe there is no detrimental effects due to the business. Starting now and going forward I am asking employees to meet me at a UTA park and ride to mitigate traffic on my street. The only vehicles that at my residence are owned by me and are parking on my cement pad in my back yard. There are no vehicles associated with my business parked in front of my house or on the street. From the street it looks like I don't have a business at my house. Unlike some of my neighbors on my same street, that their business vehicles and trailers are parked in front of their homes indicating they have a contracting business going on at their home. I believe having my business at my house is just like a person traveling from their house to an office building. They leave in the morning going to work and come back in the afternoon when they are done with work. I believe it is the same for me I leave for work in the morning and come back in the afternoon evening when my work is done.

Statement of Development Standards; Permitted use:

- A. Ownership: I own the property and live where the Home Occupation is and provide the main source of work and labor.
- B. Business License: I shall maintain a business License and renew such license every year.
- C. Employees: my Family members work with me and my employees work off sight and do not work at the house.
- D. Inspection: I will make my house and yard available to inspection by the city officials during city business hours to assure in compliance with regulations.
- E. Inventory: I don't have more than 200 square feet of Inventory. All Inventory is used on the job.
- F. Modification of structure of yards: There is no visible evidence from the street outside my home that I use my house or yard as a business. My trucks and trailer are behind a 6' gate and are parked on a cement pad in the back of my house. None of my front or back yard are used for my business except for the cement pad on the west side of my house.
- G. Nuisance: I shall not permit any tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of odor, smoke, gas, vibration, or magnetic interference or noise to disturb my neighbors.
- H. Secondary Use: I do not use more than 25% of my home for my business and will continue to do so. My house is like any other house on my street. I have hosted block captain parties in my back yard to benefit the neighborhood.
- I. Signs: I don't have any business signs in my yard or posted on my house.
- J. Traffic, Parking, and Access: There is no excess traffic I leave in the morning and come back in the late afternoon. The only Parking I use for my business is located on my cement pad behind my gate behind my house.
- K. Vehicles: all of my vehicles are owned by me at the house. I don't have any signs on my trucks and only one sign on the back of my trailer.
- L. Yards: The only part of my yard I use for my business is my cement pad on the side of the house where I keep my trucks and trailer.
- M. Customers: There are no customers that come to my house. I meet all my customers at there house. I don't have a preschool or day care at my house.
- N. Utility Demand: My business does not create a high Utility demand other than what is used at a normal house for Residential use.
- O. Main Structure: I use the main structure of my house for my family and use one section of one room for my office. The only part that is not in main structure is on my cement pad where I park my trucks and trailer.
- P. Single family and Multi- family Dwellings: the home occupation is in a single- family dwelling and not part of any HOA.
- Q. Licensure: We do not operate any childcare at the house and do not plan on doing so.

Analysis Of Deviations Requested

- A. The Harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title: I feel like my house and business fit in this neighborhood because customers don't come to my home. There is no evidence of a business from the street. It looks and feels like a normal Residential home.
- B. The suitability of my property for my use is Ideal. I have a cement pad for my truck and trailer to park on in back of my house. And I still have plenty of room for my kids to play soccer and football in my back yard. I conduct block parties in my back yard as well and have invited the police to attend and speak about crime and what we can do as a neighborhood better.
- C. I don't believe the proposed use to be injurious to potential or existing Development in the vicinity. Because I Don't have customers coming to the house. The business cannot be seen from the road. If the city wanted to widen 1000 E. my business would not have an impact on them doing so.
- D. The Economic Impact having my business at my house is minimal. I do work for my neighbors at a reduced cost to help them out. I provide for my family so I am able to pay my property taxes and bills. There is no other economical impacts that I am aware of that my business would cause.
- E. The Aesthetic Impact of my business to the surrounding area is Benefited. Because I keep my yard in good condition and have gotten a lot of compliments on how beautiful my yard looks. I clean my gutters in front of my house and pick up my neighbor's garbage that falls out of their garbage cans.
- F. The safeguards proposed are to park my truck and trailer in the back yard behind a six foot privacy gate and the whole backyard has a six foot privacy fence in place. There is no extra lighting in my backyard pointed at my cement pad where vehicles are parked. Cement sidewalk in front of my house is always clear to allow pedestrian traffic to pass.
- G. The safeguards to prevent noxious or offensive emissions are to maintain vehicles to always pass emissions and keep them registered with the state.
- H. I believe the impact to the health, Safety and welfare of the city, the area and persons owning or leasing property in the area is very minimal. Because I have a small business and it is not very large. I try to look out for my neighbors and their property. Too keep them safe.

MEMO



To: Planning Commission

From: Jennifer Jastremsky

Date: 2023-11-16

Re: Public Hearing: City Initiated 12695 S. 1700 East Zoning Map Amendment (Legislative Action)

Comments:

This application is a request for approval of a Zoning Map Amendment for approximately 10.87 acres located on the east side of 1700 East, at approximately 12695 South 1700 East. The property is currently zoned A5. The applicant is requesting that a Zoning Map Amendment be approved to the RA2 zone.

ATTACHMENTS:

[12695 S 1700 E ZMP PC Staff Report -11-16-23 Combined.pdf](#)



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

November 6, 2023

To: Draper City Planning Commission
Business Date: November 16, 2023

From: Development Review Committee

Prepared By: Jennifer Jastremsky, AICP, Planning Manager/Zoning Administrator
Planning Division
Community Development Department
801-576-6328, jennifer.jastremsky@draperutah.gov

Re: City Initiated 12695 S. 1700 East – Zoning Map Amendment Request

Application No.: 2023-4598-MA

Applicant: Draper City

Project Location: 12695 South 1700 East

Current Zoning: A5 (Agricultural, five acre lot minimum) Zone

Acreage: 10.87 Acres (Approximately 473,497 ft²)

Request: Request for approval of a Zoning Map Amendment to modify the properties zoning designation from A5 to RA2 (Residential Agricultural, 20,000 ft² lot minimum).

BACKGROUND AND SUMMARY

This application is a request for approval of a Zoning Map Amendment for approximately 10.87 acres located on the east side of 1700 East, at approximately 12695 South 1700 East (Exhibit C & D). The property is currently zoned A5. The applicant is requesting that a Zoning Map Amendment be approved to the RA2 zone.

The property has been historically used for agricultural purposes. The land has been farmed in the past and currently houses horses. There are no residential buildings on the property, but there are corrals and stables for the horses.

The City is looking to purchase all or some of the property from the current owners, Canyons School District. The City's interest is to put a cemetery on a portion of the property. Draper City Cemetery located at 12451 South 900 East is at capacity and the City is looking for possible locations for a new cemetery. Negotiations with Canyons School District are on-going. This rezone would allow for several different uses on the property,



including a public school, a cemetery, and housing.

ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Low/Medium Density	Exhibit E
Current Zoning	A5	Exhibit F
Proposed Use	RA2	
Adjacent Zoning		
East	RA2	
West	RA2	
North	RA2, A5	
South	RA2	

The Residential Low/Medium Density land use designation is characterized as follows:

Residential Low-Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	<ul style="list-style-type: none"> • Very large lot single-family neighborhoods or ranchettes allows for enhancement of Draper's rural character • Environmentally designed clustered housing with the Suncrest and South Mountain projects being the exceptions • Some natural features and cultivated vegetation is apparent and special care is required in order to preserve those features and areas • Equestrian uses and privileges may exist in certain areas 	
LAND USE MIX	Primary <ul style="list-style-type: none"> • Single-family detached homes 	Secondary <ul style="list-style-type: none"> • Parks • Open space • Churches • Schools
DENSITY	<ul style="list-style-type: none"> • Density range: up to 2 dwelling units per acre • Reduction for non-buildable areas 	
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Residential Agricultural (RA1) • Residential Agricultural (RA2) • Single-family Residential Hillside (RH) • Master Planned Community (MPC) 	
OTHER CRITERIA	<ul style="list-style-type: none"> • Increased densities within equestrian areas may be allowed only with compliance to specified performance standards and impact mitigation measures • Buffers and transitions around existing low-density single-family residences may consist of open space/ retention areas, lots that are pie-shaped or otherwise larger than standard sized lots or a combination of these and other appropriate design techniques 	

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the A5 zone is to *"is to maintain the status of large tracts of agricultural land by allowing most commercial agricultural uses. Typical uses include farming, dairy, and cattle production."*

Zoning Map Amendment. The applicant is requesting a rezone to the RA2 zone. The RA2 zone is a single-family residential zone, and is considered large lot horse property. The minimum lot size in the RA2 zone is 20,000 square feet.

According to DCMC Section 9-8-020 the purpose of the RA2 zone is to *"foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City's semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of animals and fowl. The predominant use in these zones is intended to be detached single-family dwellings, protected from encroachment by commercial and industrial uses."*

A use chart showing the various uses allowed within the A5 and RA2 zones can be found in Exhibit G of this report. The surrounding neighborhood is developed under the RA2 zone and includes single-family lots that are a third to half acre in size.

Criteria For Approval.

A Map Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in Section 9-5-060(E) of the DCMC:

1. Map Amendments:

- a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- c. Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*
- d. The extent to which the proposed amendment may adversely affect adjacent property; and*
- e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Map Amendment submission. Comments from this division, if any, can be

found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Zoning Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Zoning Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed his review of the Zoning Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes, including applicable notice to the property owner concerning their rights.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation on the request based on the findings listed below and the criteria for approval, as listed within the staff report. The Planning Commission should also review the request and receive public comment prior to making a decision.

The findings for approval as are follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan; including the existing Residential Low/Medium Density land use designation.
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is consistent with the standards of all applicable overlay zones.
4. The proposed amendment will not adversely affect adjacent property as the proposed zoning matching the adjacent property zoning.
5. Facilities and services intended to serve the subject property are adequate, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

The findings for denial as are follows:

1. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
2. The proposed amendment will adversely affect adjacent property.

MODEL MOTIONS

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Zoning Map Amendment, as requested by Draper City for the City Initiated 12695 S. 1700 E Zoning Map Amendment, application 2023-4598-MA, based on the findings listed in the Staff Report dated November 6, 2023.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Zoning Map Amendment, as requested by Draper City for the City Initiated 12695 S. 1700 E Zoning Map Amendment, application 2023-4598-MA, based on the findings and subject to the conditions listed in the Staff Report dated November 6, 2023 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Zoning Map Amendment, as requested by Draper City for the City Initiated 12695 S. 1700 E Zoning Map Amendment, application 2023-4598-MA, based on the findings listed in the Staff Report dated November 6, 2023, and as modified by the findings below:

1. List additional findings...

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division



EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. The proposed zoning district, RA2, is a preferred zoning category for the properties existing Residential Low/Medium Density land use designation.
2. The surrounding neighborhood is developed primarily under the RA2 zone.

Engineering and Public Works Divisions Review.

1. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection;

Other than noted below, we are not aware of any inadequacies of the facilities intended to serve this property.

a. The change in zone from agricultural five acres (A5) to residential / agricultural (RA2) represents a significant increase in traffic by increasing the number of peak hour trips and the daily trips from the proposed site. The proposed zone would allow for residential single family at a density of two per acre. Each residential lot would contribute one peak hour trip and up to nine daily trips. The gross area of the proposed parcel would accommodate 20 units, or 20 peak hour trips and 180 daily trips. Based on the increased number of trips, the traffic intensity would be increased with the proposed zone change. However, the size of the parcel and the proposed uses do not trigger an automatic traffic impact study because it does not exceed the number of peak hour trips that typically would necessitate offsite mitigation measures, typically around 100 peak hour trips. Any increase in traffic would be onto 12600 South and then divided as traffic moved through the neighborhood towards the collector and arterial streets, Pioneer Road and Highland Drive respectively. Any development on the proposed site would require frontage improvements and public right-of-way dedication on 12600 South of sidewalk and park strip where curb and gutter are the only improvements existing.

b. Connectivity with the subject parcel to a public right-of-way is on 12600 South, a local street intended to accommodate neighborhood residential traffic. Access locations are

be required to meet Draper City Standards as outlined in our Master Transportation Plan and will be evaluated at the time of a site plan or subdivision application.

c. There are existing storm drainage facilities fronting the subject parcel that has limited available capacity. Any future site drainage will be required to be addressed with any subdivision or site plan application, and shall comply with the provisions of the development requirements within the Draper City Municipal Code.

d. Sanitary sewer facilities will be provided by South Valley Sewer District. Any subdivision or site plan application will require a commitment to serve from the Sewer District that facilities are adequate to provide service for the proposed uses.

e. Drinking water is provided by WaterPro to the subject parcel. Any subdivision or site plan application will require a commitment to serve from WaterPro that facilities are adequate to provide service for the proposed uses.

EXHIBIT B
LEGAL DESCRIPTION

Parcels 2833203007 and 2833203010

Starting from:

Beginning N 89-39-15 W 1642.847 FT along the North section line of said Section 33 and S 0-3-28 E 40.939 FT from the Northeast Corner of Section 33, Township 3 South Range 1 East Salt Lake Base and Meridian.

Thence running:

N 89-39-23 W 397.399 FT; S 0-24-8 W 25.01 FT; N 89-39-30 W 349.35 FT; S 0-23-50 W 271.147 FT; S 0-23-50 W 342.272 FT; S 89-40-31 E 195.287 FT; S 0-0-8 W 8.202 FT; S 89-29-1 E 552.27 FT; N 0-19-16 E 618.231 FT; N 0-19-21 E 5.014 FT; N 0-19-16 E 24.996 FT to the point of beginning.

Contains 10.87 Acres

EXHIBIT C VICINITY MAP

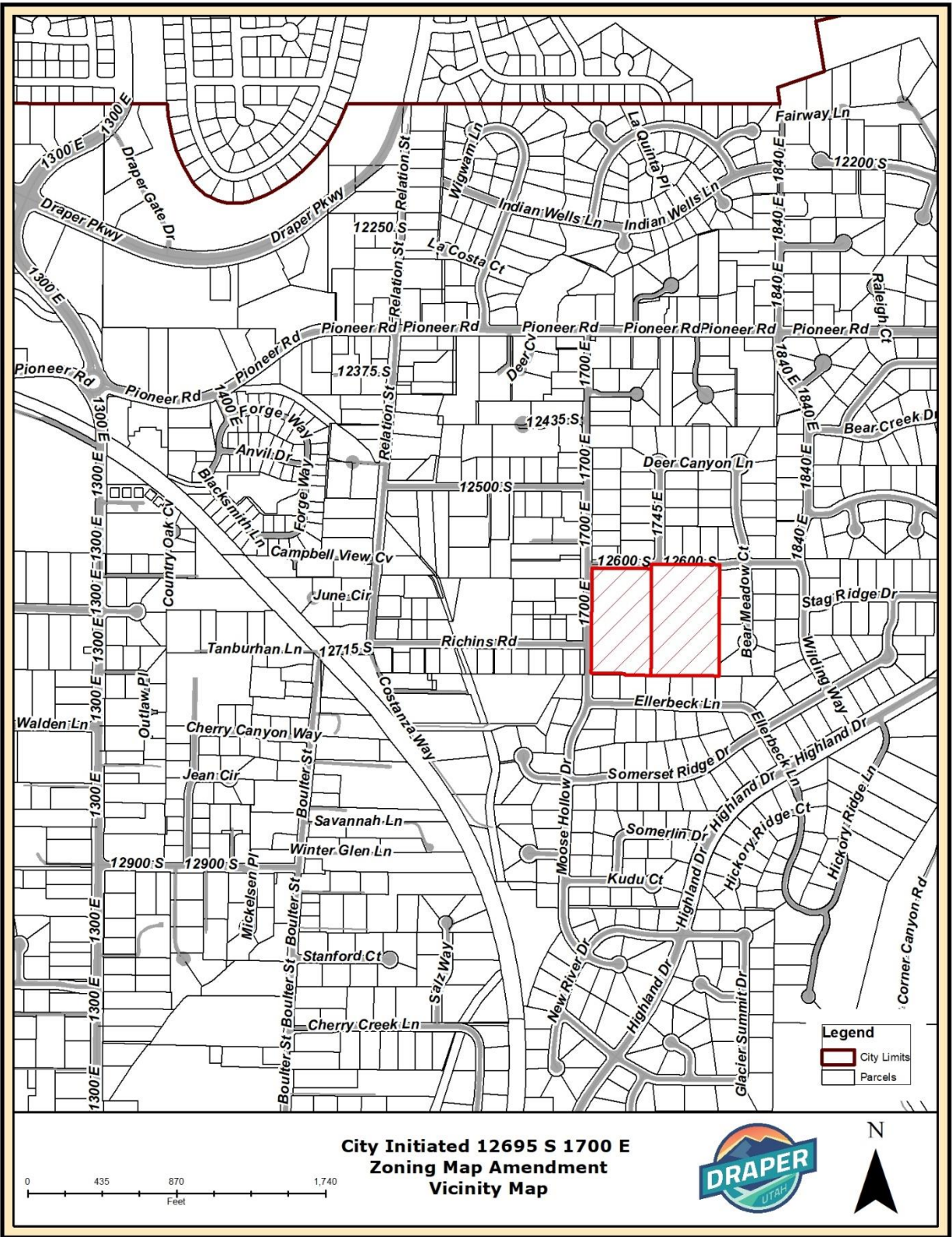


EXHIBIT D AERIAL MAP

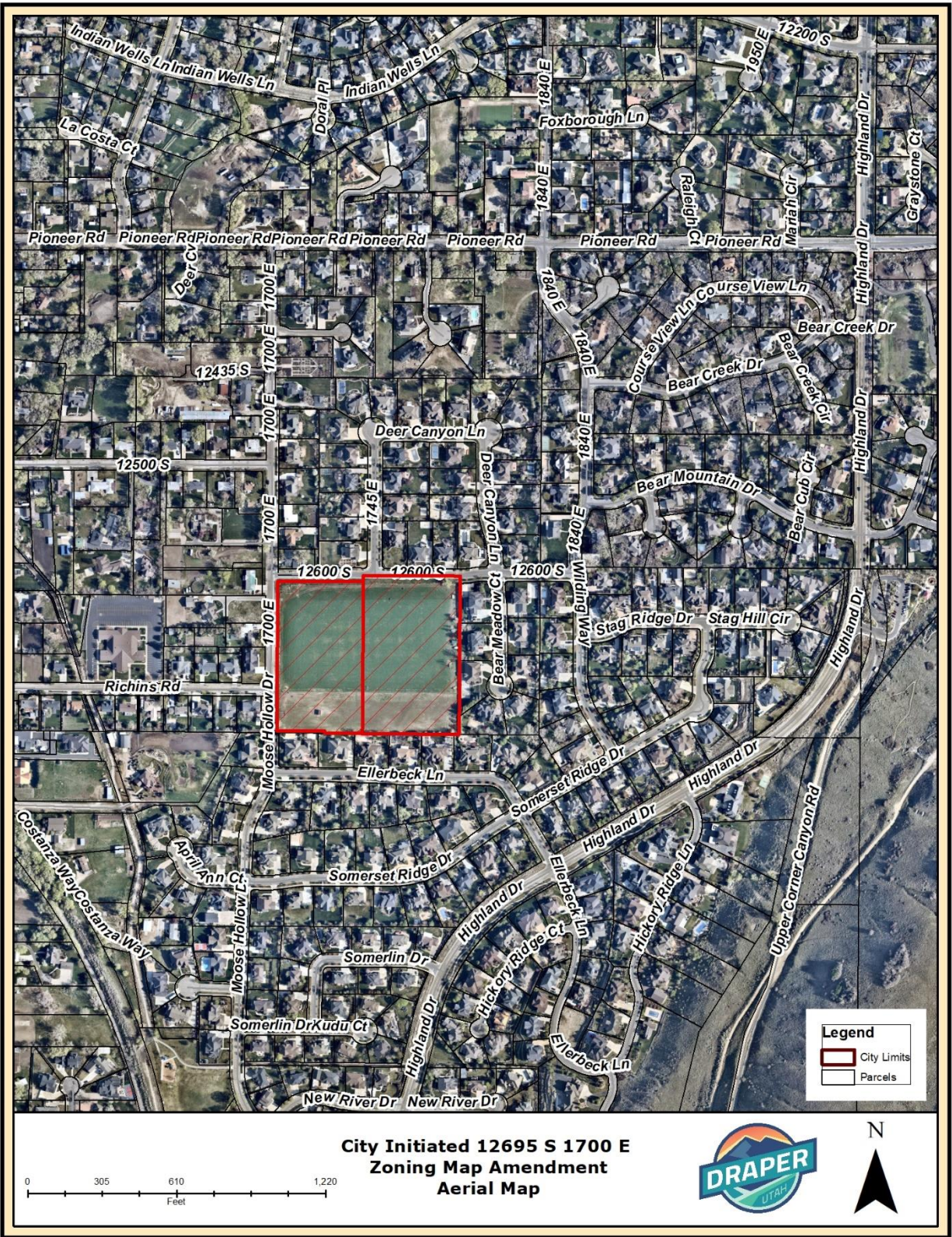


EXHIBIT E LAND USE MAP

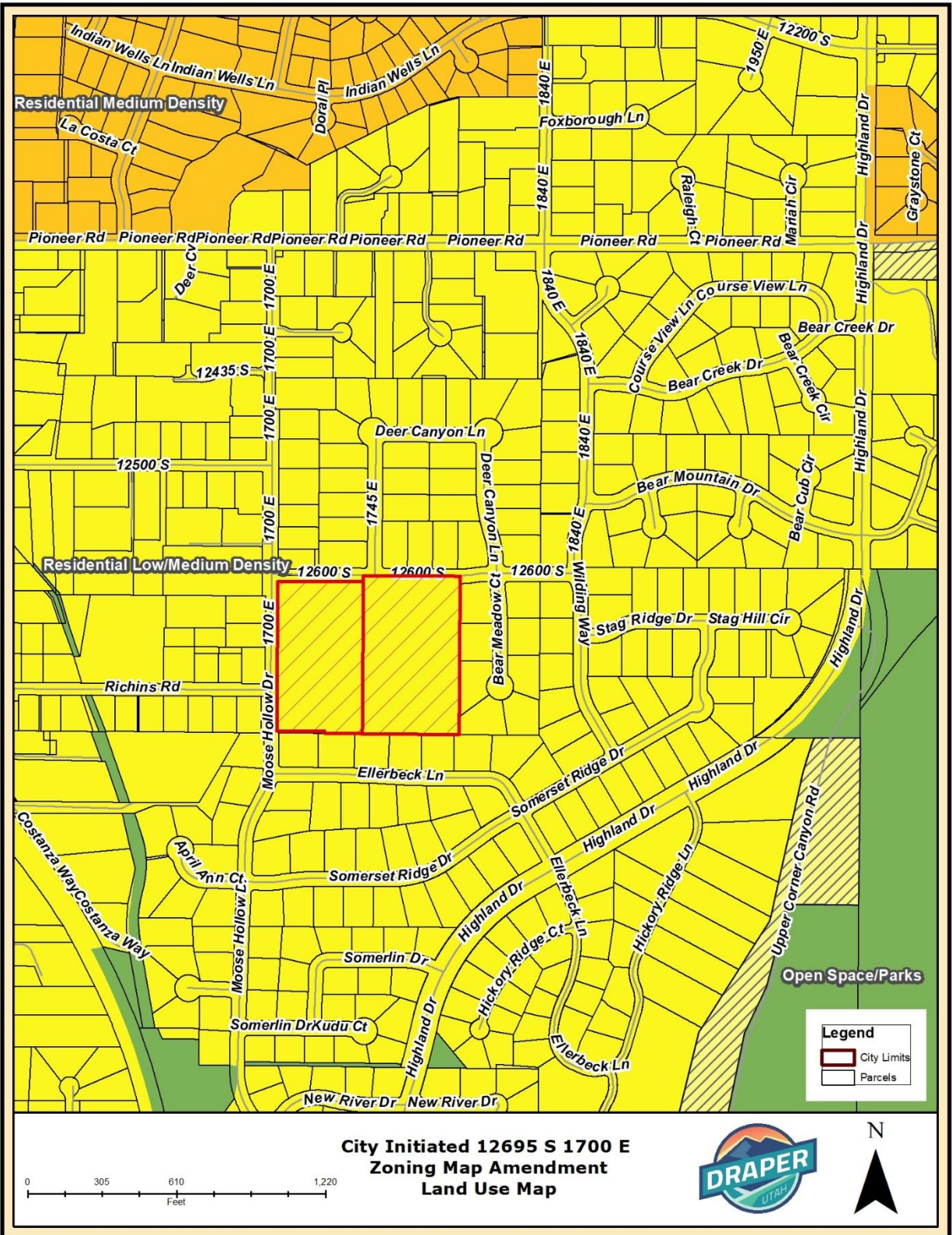


EXHIBIT F
ZONING MAP

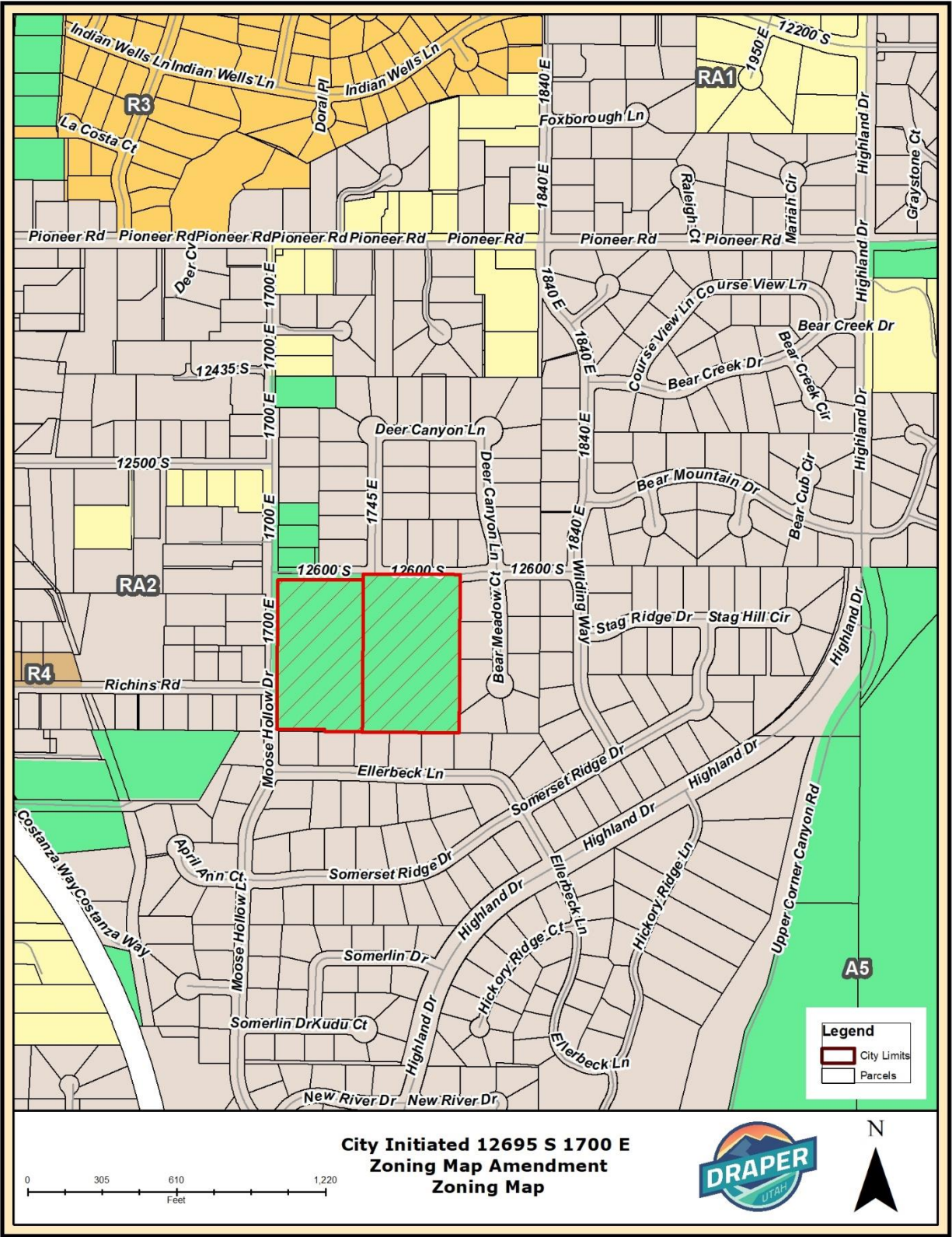


EXHIBIT G
PERMITTED AND CONDITIONAL USES

Combined DCMC Tables 9-9-1 and 9-10-090 Showing A5 and RA2 Permitted and Conditional Uses

P= Permitted

C= Conditional

NP= Not Permitted

*If a use is not listed in one of the tables, that is designated with a "-" in the zone column and is considered not permitted in the zone.

Use	Zones	
	A5	RA2
Agricultural uses:		
Agricultural business	P	NP
Agricultural industry	C	-
Agricultural processing	P	-
Agriculture	P	P
Animal specialties	P	NP
Animals and fowl for recreation and family food production (subject to section 9-27-050 of this title)	P (1 animal unit per 20,000 sq. ft. of total lot or parcel area)	C (1 animal unit per 20,000 sq. ft. of total lot or parcel area)
Cannabis production establishment	NP	-
Apiary	-	P
Keeping of chickens for familial gain (subject to section 9-27-055 of this title)	P	P
Residential uses:		
Daycare, limited ²	-	C
Dwelling, single-family ¹	P	P
Dwelling, single-family with accessory dwelling unit	See chapter 31 of this title	
Dwelling, two-family	-	NP
Dwelling, multiple-family	-	NP
Dwelling, temporary	P	P
Home occupations ³	-	See chapter 34 of this title

Preschool, limited ²	-	C
Residential facility for elderly persons	See chapter 38 of this title	P
Residential facility for persons with a disability	See chapter 38 of this title	P
Temporary construction or model home office	See title 6, chapter 16 of this Code	-
Public and civic uses:		
Cemetery	P	P
Charter schools	P	P
Church or place of worship	P	P
Cultural service (only in a historic building)	-	See chapter 33 of this title
Golf course	C	C
Government service	P	P
Higher education facility, public	P	P
Park	P	P
Private school	C	-
Public school	P	P
Public utility substation	See chapter 36 of this title	
Riding academy or stable	P	-
School, elementary, middle, or high	P	-
Utility, minor	P	P
Municipal uses:		
Franchise Municipal use	P	P
Municipal use	P	P
Commercial uses:		
Agricultural sales and service	P	-
Animal breeder	P	P
Cattery	P	-
Daycare, general	P	-
Daycare, limited	P	-
Kennel	P	-

Low power radio services facility	See chapter 41 of this title	-
Medical cannabis pharmacy	P	-
Preschool, general	P	-
Veterinary service	P	-
Bed and breakfast inn (only in a historic building)		See chapter 33 of this title
Medical service (only in a historic building)	-	See chapter 33 of this title
Office, general (only in a historic building)	-	See chapter 33 of this title
Personal care service (only in a historic building)	-	See chapter 33 of this title
Personal instruction service (only in a historic building)	-	See chapter 33 of this title
Reception center (only in a historic building)	-	See chapter 33 of this title
Restaurant, general (only in a historic building)	-	See chapter 33 of this title
Retail, general (antique store only in a historic building)	-	See chapter 33 of this title
Temporary construction or model home office	-	See title 6, chapter 16 of this Code
Wireless telecommunication facility	-	See chapter 41 of this title
Accessory uses	See subsection 9-9-030B of this chapter	-

Table 10-9-090 Notes:

1. See [chapter 30](#) of this title for provisions for a second kitchen in a single-family dwelling.
2. See [chapter 34](#) of this title for applicable provisions.
3. See use table regulations and specifications for Daycare, limited and Preschool, limited home occupations.
4. In detached single-family dwellings only.

EXHIBIT H
PUBLIC COMMENT

November 7, 2023

Mr. Andrew Adams, Chair
Draper City Planning Commission
1020 E. Pioneer Road
Draper, UT 84020

**RE: Zoning Map Amendment
12695 S 1700E**

Dear Mr. Adams:

We are writing you regarding an upcoming Zoning Amendment that will be discussed by the Planning Commission on November 16, 2023. The property is located at 12695 S, 1700 E. in our neighborhood in Draper.

We have been Draper residents since 2010 and were attracted to this area by its serenity, its beautiful horse fields, and its relatively low density relative to its population and traffic.

We are voicing our strong objection to the re-zoning of the property in question. If this sizable lot is re-zoned to accommodate additional plans for housing, it will go against all that attracted us to this area. The beautiful horse park and its horses will become more pavement and yet another accumulation of houses, people, and traffic.

We shouldn't have to remind you that Pioneer Road is our only convenient and practical access to this area. Those of us who live in the area are already convinced that it is already at capacity, and any additional development will quickly result in a transportation crisis.

We also implore you to reject the efforts of developers and builders who very likely neither live in this neighborhood nor care about the features that make it a beautiful place to live. They only care about the completion of another project and making more money.

Please do not re-zone and develop this property!

Respectfully,

Victor Sandoval 
Leslie Karns 

12479 S. 1840 E
Draper, UT 84020
Cell: 702-806-7375