DRAPER CITY

PLANNING COMMISSION AGENDA

Notice is hereby given that the Draper City Planning Commission will hold a Regular Meeting, at 5:30 p.m., on Thursday, June 6, 2013 in the City Council Chambers at 1020 East Pioneer Road.

The Agenda will be as follows: (Times listed on the agenda are approximate and may be accelerated or subject to change)

5:30 Dinner

Study Meeting: 6:00 p.m., City Council Chambers on the 1st floor

Study Business Items

Business Meeting: 6:30 p.m., City Council Chambers on the 1st floor

***Citizen Comments**: To be considerate of everyone attending the meeting and to more closely follow the published agenda times, public hearing comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting.*

1. **Action Item:** Approval of minutes from the May 23, 2013 Planning Commission meeting.

2. **Public Hearing:** On the request of Lisa Wuest for approval of a Conditional Use Permit (CUP) in the RA2 Residential Agricultural zone at 13756 Wingfield Circle to allow a daycare business as a home occupation. The application is otherwise known as the Corner Canyon Kids, LLC Home Occupation CUP, Application #130417-13756S. Staff contact is Dennis Workman at (801) 576-6522 or email Dennis.Workman@draper.ut.us.

3. **Public Hearing:** On the request of Boyd Bradshaw, representing Westmark Property for approval of a Zoning Map Amendment of 2.62 acres from RA1 to RA2. The subject property is located at approximately 12955 S Boulter Street. This application is otherwise known as the Pedersen Property Zoning Map Amendment, Application #130506-12955S. Staff contact is Dan Boles at (801) 576-6335 or email Dan.Boles@draper.ut.us.

Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fourteen (14) days from the date of such final determination.

Times listed above are approximate. Items may be held earlier or later than listed. For inquiries, please call the Planning Department, at 576-6539. In compliance with the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Tracy Norr, Draper City Recorder, 576-6502, at least 3 days prior to meeting.

4. **Public Hearing:** On the request of Boyd Brown for approval of a Zoning Map Amendment of 0.90 acres from RA1 to RA2. The subject property is located at 12825 S Fort Street. This application is otherwise known as the Greenwood Phase 3 Zone Change, Application #130508-12825S. Staff contact is Dennis Workman at (801) 576-6522 or email Dennis.Workman@draper.ut.us.

5. **Staff Reports**
   a) Discussion Items
   b) Administrative Reviews
   c) Other Items

6. **Adjournment**

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held the **June 6, 2013,** were posted on the Draper City Bulletin Board, Draper City website www.draper.ut.us, the Utah Public Meeting Notice website at www.utah.gov/pmn, and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

City Seal

Tracy Norr, City Recorder
Draper City, State of Utah

These minutes have not yet been approved and are not official until the Planning Commission votes to approve the minutes.

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, MAY 23, 2013 IN THE DRAPER CITY COUNCIL CHAMBERS

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

PRESENT:	Vice-Chairperson Leslie Johnson; Planning Commissioners Kent Player, and Marsha Vawdrey
ABSENT:	Chairperson Drew Gilliland and Planning Commissioners Ryan Clerico and Jeff Head
STAFF PRESENT:	Russ Fox, Dennis Workman, Dan Boles, Doug Ahlstrom, Don Buckley, and Angie Olsen
ALSO PRESENT:	Roll on File

Study Meeting:

6:19:32 PM
Study Business Items: The Commissioners reviewed the application for the business meeting and addressed questions to staff members.

Business Meeting:

Vice-Chairperson Johnson explained the rules of public hearings and called the meeting to order at 6:32:33 PM.

6:33:14 PM
1.0 **Action Item: Approval of minutes from the April 25, 2013 and May 9, 2013 Planning Commission meetings.**

6:33:22 PM
1.1 **Motion**. Commissioner Vawdrey made a motion to approve the minutes of the Planning Commission meetings held on April 25 and May 9, 2013 as presented. Commissioner Player seconded the motion.

6:33:40 PM
1.2 **Vote**. A roll call vote was taken with Commissioners Player, Vawdrey, and Johnson voting in favor of approving the minutes.

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2.0 **Public Hearing: On the request of Shon Allen, representing Wyngate Commons HOA for approval of a Conditional Use Permit (CUP) in the RM1 Residential Multifamily zone to allow gates in the community located at approximately 11620 South 700 East. The application is otherwise known as the Wyngate Commons Gate CUP, Application #130417-11620S.**

6:34:24 PM

2.1 Vice-Chairperson Johnson reported the Planning Commission has received some letters and comments relative to this application and she assumes comments will be made during the public comment portion of the meeting for this item. She stated Fire Marshall Don Buckley is present to address concerns regarding emergency access and traffic issues that have been brought to the attention of the Planning Commission; Mr. Buckley will be given time to speak following the staff report from Planner Boles.

6:34:51 PM

2.2 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 14, 2013, Planner Dan Boles reviewed the details of the proposed application. He explained the application is a request for a Conditional Use Permit (CUP) to allow three gates at the Wyngate Commons development located at 11620 South 700 East. He reviewed a plat of the general area of the property and identified the subject property and noted 11620 South is a private drive that was installed at the time that Wyngate Commons was developed; the fact that it is a private road needs to be taken into consideration approval of gating. He then pointed out various developments and land uses surrounding the subject property. He highlighted the areas on the subject property of the proposed gate locations. He then reviewed photographs of the subject property and he identified current access points for the development. He then stated he would like Mr. Buckley to provide his input regarding the application.

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2.3 Mr. Buckley stated he is aware that the largest concern regarding this application has been relative to gates and emergency access. He reviewed a map of the area and explained one of the biggest concerns right now is the existence of jersey barriers in the area; those jersey barriers should be eliminated from the development regardless of whether the Planning Commission grant the CUP. He stated they impede emergency vehicle access; gates do not impede emergency vehicle access, though they can slow emergency vehicles to a certain extent. He noted the applicant is requesting three gates: a main gate, and two secondary gates. He noted one set of secondary gates would be installed where jersey barrier is currently located. He explained secondary gates must have a knox box or knox lock that can only be opened by the Fire Department; a fire fighter would need to exit his vehicle to unlock the secondary gate in order to gain access to the development. He stated the subdivision does not need secondary access, meaning secondary access is

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required when there are more than 30 homes and this subdivision does not meet that requirement. He stated Auburn Fields and another development to the south would need secondary access, but this development does not. He stated this Wyngate Commons meets the intent of the code in requesting gates; the main gate is required to have an opened that can be a siren or the opticom on top of the fire trucks and engines. He stated that when the fire truck is within a certain distance and directional towards the gate, the driver can hit the siren and the gate will begin to open. He compared the function to that of a garage door opener. He stated this type of operation has replaced knox boxes on main gates due to an action of the City Council to increase emergency response times. He then discussed what would happen during power failures. He noted the gate will fault open during those types of events so that in the case of an emergency the Fire Department could gain access to the development. He stated the Fire Department would also be able to open the secondary gates. He stated that the Fire Department would also work out an agreement with the Home Owners Association (HOA) to provide for 'daisy-chaining' the locks on the secondary gates; this provides everyone the ability to get through the gates. He stated he is aware there have been questions regarding pedestrian access. He stated the Draper City Municipal Code (DCMC) regarding gates does require pedestrian access at the main gate and the main gate only. He stated from the point of view of the Fire Department jersey barriers are bad because they impede emergency vehicle access. He stated that if the Planning Commission decides to grant the CUP to allow the developer to install gates, that will not impede emergency access and the Fire Department will work with the applicant to ensure all requirements relative to access are met.

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2.4 Commissioner Player asked if pedestrian access is optional for the secondary gates even though it is not required. Mr. Buckley stated it is not a requirement. Mr. Fox stated it is optional.

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2.5 Mr. Ahlstrom asked Mr. Buckley if the application complies with the Fire Code. Mr. Buckley answered yes and noted it complies with the International Fire Code. Mr. Ahlstrom asked Mr. Buckley if he has any concerns regarding emergency response to Wyngate Commons if the gates are installed. Mr. Buckley answered no. Mr. Ahlstrom asked Mr. Buckley if has concerns about the gates' impact on emergency response for Auburn Hills. Mr. Buckley answered no and stated the gates would not affect emergency response to Auburn Hills or to the subdivision to the south of Auburn Fields or to the Harmon's development.

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2.6 Applicant's Presentation: Shon Allen stated he is the president of the HOA at Wyngate Commons and he noted the jersey barriers were put in place by Rimrock Construction in response to a request to help control construction traffic in the area. He noted there was a lot of heavy equipment and vehicles driving on the roads in

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Wyngate Commons and the jersey barriers were a means to block that traffic. He noted Rimrock is now working to patch the area between the two developments and the jersey barriers could come down soon. He then stated there is no agreement requiring access to Harmon's from Wyngate Commons, though there is a gentleman's agreement that provides for it. He stated the primary reason the HOA would like to add the gate is in order to beautify the community and he provided a rendering of what the gate would look like. He stated it is the same product that has been used in other locations throughout the City, such as at the City's skate park. He noted a secondary issue is safety; in the past eight weeks there have been two attempted burglaries in the development and he has heard there was a successful burglary in Auburn Fields. He stated adding the gate will add value, beauty, and safety to the community and the HOA is willing to comply with the DCMC and the International Fire Code.

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2.7 Commissioner Player stated gates are a mixed blessing; he has some mountain property in a gated community and gates do not always work as planned. He stated it is necessary for someone to maintain and monitor the gates and someone must always be available in case of any kind of problem. He stated it is much more complex than some may think. He stated there are some benefits to gates, but there are also some negative aspects to consider. He added they are also expensive to install and maintain. Mr. Allen stated the HOA is prepared to handle those issues; there will be several people on-call to respond to any problem with the gate to make sure all residents can get in or out of the development if needed. He stated the gate system has some fail safes built into it; for example, if there is a power outage the gate will operate on batteries until power can be restored. He added if batter back-up is not sufficient there is an option to use solar power. He noted there will also be a contract with a maintenance company and all residents will have contact information for that company.

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2.8 Commissioner Vawdrey stated she read letters from some residents expressing concerns about pedestrian access through the gates. She asked if residents are able to gain access to the Porter Rockwell Trail from the development. Mr. Allen stated there is not access to the Trail from the development. He stated pedestrian access is on 11620 South and there will be a pedestrian gate in that area that will meet American with Disabilities Act (ADA) requirements as requested by the City staff. Commissioner Vawdrey stated she is trying to understand the concerns expressed by residents about accessing the trail through the community. Mr. Allen stated that the community will be able to access the Harmon's development through a gate, but there will be no other pedestrian access from Auburn Fields because Wyngate Commons is a private community.

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2.9 Vice-Chairperson Johnson opened the public hearing. She stated the Planning Commission received a couple of letters regarding this application and they will be added to the record for this meeting.

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2.10 Jordan Close stated he is a resident of Auburn Fields and he lives on a south-facing lot that faces the jersey barrier. He stated he does not mind a gate being installed in the proposed location, but when he bought his home three months ago he was told by his realtor there would be parking space built on the spot because there is very limited parking in Auburn Fields. He stated several people have actually had their vehicles towed because of limited parking access. He stated that is his main concern. He then noted there have been several car accidents on 700 East because the road is a single lane road, so one thing he does to access his home safely is use the road prior to Auburn Fields because it is a double lane road, but a gate would make that practice difficult.

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

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2.12 Mr. Boles stated he reviewed the Auburn Fields plat and according to that record there are no future plans for adding additional parking areas to the development. He added the area referenced by Mr. Close is considered an emergency access area and parking would not be allowed in the area regardless of whether a gate is installed. Mr. Ahlstrom stated the City cannot be responsible for a promise a realtor made to a client. Mr. Boles added that if the Auburn Fields HOA felt they needed additional parking areas and they can find space in the development for those areas, the City would be willing to consider that as part of a site plan amendment. He stated that would be a separate application for the Planning Commission to consider. He added the development met the DCMC parking requirements when it was considered. He then referenced Mr. Close's comments regarding access onto 700 East and stated the Wyngate Commons development is private property, as was mentioned by Mr. Allen, and people should not consider the roads in the development to be public roads. He stated there are other access opportunities in the area.

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2.13 Commissioner Player asked Mr. Boles if all the roads in the area are private or if some of them are City streets. Mr. Boles stated they are all private and he identified the extent of the private road system on the plat for the area. Commissioner Player asked when 700 East will be improved in that area. Mr. Boles stated he is not sure when that will happen. Mr. Fox stated that 700 East is a Utah Department of

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Transportation (UDOT) road and they have plans for the road to be widened to 106 feet, but he does not know when that will happen.

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2.14 Vice-Chairperson Johnson asked if the gate could potentially have an impact on safety on 700 East. Mr. Boles stated he has not seen the reports of traffic accidents on 700 East that Mr. Close referenced, but it would be hard to determine whether the gates would cause a negative impact on travel on that road, though he does not anticipate that would be the case. He reiterated Auburn Fields residents should not be using the roads through Wyngate Commons as public streets. Vice-Chairperson Johnson asked if the Planning Commission can take Mr. Boles' comments to mean that the concerns regarding access and safety on 700 East are not relevant to this application. Mr. Boles answered yes.

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2.15 Mr. Buckley stated he wanted to add for the record that both secondary gates should have signs placed on both sides indicating no parking and emergency vehicle access only. Vice-Chairperson Johnson stated that should probably be added as a condition of approval. Mr. Boles referred the Planning Commission to page six of the staff report containing the Unified Fire Authority review and he noted item 1a talks about the appropriate signage to be installed for all three gates if approval of the CUP is granted.

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2.16 Vice-Chairperson Johnson stated the Planning Commission appreciates the concerns that have been addressed in the letters and in the comments made during the public hearing and she wanted those concerned residents to know that the only legal reason for denying this CUP is if it would create detrimental circumstances that could not be mitigated.

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2.17 **Motion:** Commissioner Player moved to approve the Conditional Use Permit Request by Shon Allen, representing the Wyngate Commons HOA to allow gates, application 130417-11620S-2, based on the findings and subject to the conditions listed in the Staff Report dated May 14, 2013. Commissioner Vawdrey seconded the motion.

Findings:

1. The proposed use will not 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. That the proposed gate will help reduce the amount of outside traffic and secure the development.

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Findings Continued:

3. That the development will comply with the requirements of section 9-27-200 which regulates gating a subdivision.

Conditions:

1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied.
2. That all requirements of the Draper City Building Division are continually satisfied.
3. That all requirements of the Unified Fire Authority and Police Department are continually satisfied.
4. That section 9-27-200 of the Draper City Municipal Code which regulates gating of subdivisions is continually adhered to and met.
5. That the plans that were submitted and attached to this staff report are met and adhered to except where the plans may conflict with requirements of the code or department review.

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2.18 **Vote:** Commissioners Player, Vawdrey, and Vice-Chairperson Johnson voted in favor of approving the CUP.

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3.0 **Public Hearing: On the request of Brad Mackay, representing Ivory Development to amend the Sunset at Draper Ridge Phase 2 Plat by removing Parcel A and amending all notes pertaining to Parcel A. The subject property is located at approximately 12100 S Aiden Ridge Drive in the RM1 and R3 zones. The application is otherwise known as the Sunset at Draper Ridge Phase 2 Plat Amendment, Application #130409-12091S.**

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3.1 Staff Report: Using the aid of a PowerPoint presentation and his staff report dated May 13, 2013, Planner Dennis Workman reviewed the details of the proposed application. He explained the Sunset at Draper Ridge Phase II subdivision received final plat approval in March of 2006 and last February the 8.75 acres of ground located to the west of the Sunset at Draper Ridge received preliminary plat approval; the applicant was seeking final plat approval from the City Council a couple of weeks ago and staff realized there is a small item of business that needs to be taken care of, which is an amendment of the Sunset plat to incorporate a sliver thin piece of property – identified as parcel A – within the Sunset at Draper Ridge Phase 2 subdivision into the Galena plat. He stated staff is not sure if the sliver was meant to be a protection strip or if it was not included in the plat by mistake, but regardless of the reason it is necessary to correct it because it does not comply with DCMC subdivision requirements. He then reviewed the Galena plat and

highlighted the area in question and explained a note will be added to the plat to read as follows:

PARCEL A AS SHOWN ON THE RECORDED PLAT CALLED SUNSET AT DRAPER RIDGE SUBDIVISION PHASE 2 IS HEREBY AMENDED PER THIS PLAT. THE PROPERTY FORMERLY CONTAINED IN SAID PARCEL A IS NOW PART OF LOT 13 AND THE GALENA GROVE WAY RIGHT-OF-WAY IN THE GALENA GROVE SUBDIVISION. THE NOTES ON THE SUNSET AT DRAPER RIDGE PHASE 2 PLAT PERTAINING TO PARCEL A ARE ALSO AMENDED AND NO LONGER APPLY TO PARCEL A.

He then stated if the Planning Commission approves this plat amendment it will be forwarded to the City Council for consideration at their next meeting and it will then be possible to proceed with final approval of the Galena Grove subdivision plat. He then concluded by stating staff recommends approval of the application based on the findings and subject to the conditions listed in the staff report.

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3.2 Commissioner Player asked if this is a result of a surveying error or a recording error. Mr. Workman answered yes. Commissioner Player asked if the recommended action is basically correcting that deficiency. Mr. Workman answered yes.

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3.3 Applicant's Presentation: Brad Mackey stated he is representing Ivory Development and he wanted to offer one point of clarification. He stated the parcel of property in question was never deeded to the Homeowners Association (HOA), though the plat reflected plans for it to be deeded to the HOA. He stated in the State of Utah plats to not convey title to property and that can only be done with deeds. He noted Goff Construction, LLC never deeded the property to the HOA and he has been paying the property taxes for it since 2006 until last year when he deeded the property to Ivory Homes. He stated the property was never landscaped and it is basically a strip of raw ground. He added he is not sure how the surveying error was made, but the plat had a different curve radius than the abutting road radius and that lent itself to the problem.

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3.4 Vice-Chairperson Johnson opened the public hearing.

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3.5 Jared Fields, 12091 Draper Ridge Drive, stated he lives in the built out portion of Sunset at Draper Ridge Phase II subdivision and he works as an attorney. He stated there are two concerns he would like to express to the Planning Commission: one is that he does not think it is as clear as has been stated that the ownership of the parcel is settled in the name of the HOA; the plat for the subdivision did say that an HOA was going to be formed to own and maintain parcels A, B, and C and while

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this strip is only six inches wide at its widest point the HOA has had the obligation to maintain the park-strip, which is part of the road section on the plat map. He stated that for the past three years since control of the common areas was turned over to the HOA, the HOA has been maintaining the park-strip. He reviewed photos of the property and highlighted the location of the six inch strip north of a sidewalk. He stated the property has been maintained as the entrance to the subdivision for as long as the HOA has been functioning. He stated he understands Goff Construction never deeded the parcel of property to the HOA and they have paid property taxes, but the HOA has been maintaining the park-strip that accompanies the strip of property and he would argue that the HOA has equitable title to the strip and Goff Construction conveyed property they no longer owned due to the formation of the HOA. He stated if the HOA does own the property it is problematic for the City to eliminate that ownership right via a plat amendment without exercising eminent domain authority and the process that accompanies that action. He then stated his second concern is relative to a bizarre triangle piece of property in the area where Sunpeak Lane meets Galena Parkway; it is identified as parcel 3 on the plat and the item being proposed by staff tonight would eliminate the strip of property while "sticking" the HOA with a small triangle parcel that essentially holds a stop sign. He stated he does not understand why the property was platted in this manner and his subdivision was never given notice of this proposed action and he only became aware of it when he happened upon a notice regarding potential final approval of a previous plat with the City Council. He then stated the next concern he has is the fact that the new subdivision is being created without any obligation to create an HOA, which was a condition for the creation of the Sunset at Draper Ridge Phase II subdivision. He stated the common area dues for the HOA are $120 per year because there are only two park-strips that are maintained by the HOA. He noted no one living in the subdivision wants an HOA, but it was a condition of approval, while the new development is being approved with an express statement that an HOA is not needed because the neighboring property has an HOA and the residents there are paying for common area maintenance at the entrance to the subdivision. He stated a number of people in the neighborhood have expressed concerns about the fact that the new subdivision is not required to have an HOA.

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3.6 Melissa Leavitt, 516 Suncrest Way, stated she is also the owner of record of 498 Suncrest Way. She stated she agrees with the concerns expressed by Mr. Fields and she asked to review the Ivory Homes plat. She stated that she has some concerns about the configuration of some of the roads on the plat and if they were reconfigured this entire problem would be alleviated. She added that the second concern she that the sprinkler clock and power meter are located in the strip of property and the sprinkler main manifold is located directly across the street and no one can understand why Goff Construction installed the utilities in that manner. She stated that if the Planning Commission decides to grant this application, the HOA would ask that Ivory relocate the utilities to the side of the road where the

sprinkler manifold is currently located. She reiterated she would strongly suggest a reconfiguration of the roads in the subdivision so that none of this is necessary. She added she is also concerned about the triangle parcel of property referenced by Mr. Fields and noted it should be added to the Ivory development if this application is granted.

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3.7 Devin Scheel, 12054 S. Draper Ridge Drive, stated most of his concerns have been addressed by the previous two speakers. He noted the park strip that will divide the neighborhood from Galena Park Boulevard should be added to the Ivory Homes development for them to maintain if this application is approved. He stated he would rather not have another entrance from his neighborhood into the Ivory development and he feels it should be accessed through Galena Park or 700 West. He stated he has safety concerns relative to the children living in the subdivision and this will force them to navigate another road crossing. He stated that he is concerned by the fact that when the HOA was established three years ago they owned and maintained parcels A, B, and C and the residents were paying common area maintenance dues. He stated Goff Construction has not been paying dues on the lots they own that have not yet been built upon. He stated that if this application is approved he would like the Planning Commission to address his safety concerns.

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3.8 Racheall Martin, 11979 Draper Ridge Drive, stated she is the current HOA president for Sunset at Draper Ridge and she wanted to reiterate everything the three previous speakers have said. She stated there is a concern among the neighbors about adding an additional entrance due to safety and traffic in the neighborhood and they are questioning why the access must be onto Sunpeak Lane rather than Galena Park Boulevard. She stated Mr. Scheel was correct in his statement that since Goff Construction turned the property over to the HOA in 2006 they have not paid any maintenance fees for the common areas. She stated that if this application is approved she would also like for the rectangle parcels to be deeded to Ivory Homes as well and they can be responsible for maintaining them. She stated the HOA has the responsibility to maintain the other side of the road; they do not find it fair that they will be bearing the cost of the maintenance for something that will benefit another development. She stated that another concern is that the property continues to be referred to as a six inch wide strip of property, but it will cut into the park-strip, which is a bigger area.

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

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3.10 Mr. Fox stated that the park-strip and sidewalk are both contained within the public right-of-way and the six inch strip of property is not part of that public right-of-way.

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He stated the DCMC dictates it is the responsibility of an adjacent property to maintain the park-strip. Commissioner Player asked if that includes the park-strip across the street. Mr. Workman answered no and reviewed the plat to identify which property owners would be required to maintain the park-strip areas. He stated one staff recommendation is that Sunset Ridge and the Ivory development work together to determine how to handle the maintenance of the sprinkler system. He then stated that relative to the comments regarding additional access the curve radius or the distance from the intersection prevents the use of the access point suggested by the residents.

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3.11 Vice-Chairperson Johnson stated that at the time that this plat was approved, that would have been the time to talk about the concerns that were expressed during the public hearing. She stated the property is zoned for multi-family use, but the density was diminished substantially to accommodate the sensitivity of the parcel. She stated she understands the concerns with access, but she feels the neighborhood is in a good position when considering the adjoining property could have been developed into apartments. She then stated there are some other interesting concerns regarding the HOA common maintenance dues and that is not something for the Planning Commission to address tonight. She asked staff if those concerns are completely irrelevant to the application and, instead, should be worked on between the HOA, Goff Construction, and Ivory Homes.

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3.12 City Attorney Ahlstrom stated he appreciates the comments made by the public this evening. He stated Mr. Fields indicated the HOA was formed to maintain parcels A, B, and C and the HOA requirements are established with the original subdivision development in the form of a contract recorded against the lots in the development. He stated Mr. Fields argued that the HOA has equitable title to the strip of property because they have been maintaining the property over the years; that may be the case, but that is not an issue for the Planning Commission to consider. He stated it is a civil issue to be resolved by the HOA and Ivory homes. He stated the Planning Commission can only be expected to rely on the title report received and he reviewed that report before this application was forwarded to the body. He stated Mr. Fields also indicated the City should condemn the property via eminent domain, but according to the title report Ivory Homes owns the property free and clear and there is nothing for the City to condemn until a court rules otherwise. He referred to the comments made regarding the triangle piece of property where the stop sign is located and stated that is a problem the original developer created for this subdivision; it should not be that way and it is hope that the HOA can work with Ivory Homes to have the obligation transferred. He stated that as the development is currently recorded, the property is the responsibility of the HOA. He stated they could let the property go un-maintained, but that would cause a mess for everyone and no one wants that to happen. He stated it is important for the public to understand that the City does not design subdivisions; they are designed

by the developer and if the design meets the DCMC, the Planning Commission and City Council must approve them. He stated the location of the streets in the development meet the DCMC and the development cannot be denied on that basis; the City cannot force the developer to reconfigure their roads. Mr. Ahlstrom then referenced Ms. Leavitt's comments regarding the location of the sprinkler manifold on the north side of the road and it is obvious to him that it should be located on the south side of the road in the area that is maintained by the HOA and it his hope Ivory Homes will work with the HOA to make that change. He stated Mr. Scheel commented that he did not want the residents of the Ivory development to gain access to their homes through his neighborhood. He stated the streets in the Sunset at Draper Ridge subdivision are public streets and the term "our neighborhood" must be shared because it is everyone's neighborhood. He stated he is concerned about the fence on the corner lot abutting lot 12; the property owner has the right to fence his backyard at a height of six feet and if the fence extends all the way to the corner of Galena Grove Way, that will be a problem. He stated he is hopeful Galena Grove Way will include park-strip and sidewalks, which should provide enough room for sight distance for children riding their bikes in the area. He stated the area was not planned well by the original developer, but the City is now "stuck" with it and the City cannot force any changes upon the area. He reiterated all the Planning Commission can do is approve the plan if it meets the code, which it does. He stated the body has no basis for denying the application.

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3.13 Commissioner Player stated one of the speakers mentioned the fact that the new development will not be required to have an HOA. He stated he thought developments were required to provide for that. Mr. Ahlstrom stated there is no requirement to create an HOA unless there are private areas within the development that require maintenance that is outside the scope of maintenance the City provides. He stated the new development has no private areas. Commissioner Player asked if that has always been the case. Mr. Ahlstrom answered yes. Commissioner Player stated he thought the developer was required to make provisions for an HOA whether one was actually required or not. Mr. Ahlstrom stated that is not the case. He noted the only requirement is for an HOA, if one is created, to submit their covenants, conditions, and restrictions (CC&Rs) to the City though the City is not responsible for enforcing them.

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3.14 Mr. Fox referenced the aerial photograph of the Sunset at Draper Ridge subdivision and noted the stop sign that was referenced by the residents is actually located within the park-strip, which is part of the public right of way.

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3.15 Vice-Chairperson Johnson stated the concerns that have been raised tonight are very valid and working through those issues with the developers of the property in the area would be wise of the HOA.

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7:38:14 PM

3.16 Mr. Mackey stated he wanted to let the Planning Commission know that he has been exchanging emails with the HOA of the Sunset at Draper Ridge subdivision and he has committed to meet with their landscapers to determine the operation of the sprinkler system in the area and the appropriate way to relocate sprinkler lines in the areas referenced. He stated that with regards to the triangle piece of property, it is not Ivory Homes' right to take that piece of property from Goff Construction, but Goff Construction can choose to convey the property to Ivory Homes. He stated Goff Construction still owns parcels B and C; they have not deeded any of those properties to the HOA. He stated that if Goff Construction wants to deed parcel C to Ivory Homes they will accept it and make it part of the abutting lot. He stated the note on the original plat stated an HOA would be created to maintain the landscaping on the parcels, but parcels A and C were never landscaped, though the adjoining park-strip was landscaped. Vice-Chairperson Johnson stated that is another issue for another day.

7:40:08 PM

3.17 Commissioner Player stated he is glad to see that Ivory Homes has been working with the HOA and with Goff Construction to resolve some of these issues because there is really nothing the City can do to address the concerns.

7:40:41 PM

3.18 **Motion:** Commissioner moved to forward a positive recommendation to the City Council for the Sunset at Draper Ridge Plat Amendment as outlined in this staff report, application 130409-12091S, based on the findings and subject to the conditions listed in the staff report dated May 13, 2013. Commissioner Player seconded the motion.

Conditions:

1. That the final mylar is consistent with all Draper City Municipal Codes governing the creation of a final subdivision plat.
2. That a mylar is signed and recorded at the Salt Lake County Recorder's office.
3. That all Draper City ordinances and requirements are met and continually adhered to.
4. That the Galena Grove mylar is revised to show all changes outlined in this staff report.

Findings:

1. That the proposed plat amendment is consistent with the General Plan and meets all requirements of the zoning ordinance.
2. That neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment.
3. That there is good cause for the vacation, alteration or amendment.

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Findings Continued:

4. That the proposed plat amendment will not be detrimental to the health, safety, or general welfare of persons or property in the area.
5. That Chapter 17-9 of the Draper City Municipal Code provides for the amendment of a subdivision plat.

7:41:16 PM

3.19 Commissioner Vawdrey stated she appreciated the discussions that took place this evening regarding this application and she is hopeful the issues raised can be amicably resolved. Commissioner Player agreed and stated he does not see many options for the City. Vice-Chairperson Johnson added there is no legal basis for the Planning Commission to deny this application.

7:41:39 PM

3.20 **Vote:** Commissioners Player, Vawdrey, and Vice-Chairperson Johnson voted in favor of forwarding a positive recommendation to the City Council.

7:42:08 PM

4.0 **Staff Reports:** Staff provided a brief summary of the recent actions of the City Council as well as a review of pending items to be added to upcoming Planning Commission meetings.

7:45:34 PM

5.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

5.1 **A voice vote was taken with all in favor. The meeting adjourned at** 7:45:42 PM

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DRAPER CITY

Community Development Department
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539 Fax (801) 576-6526

STAFF REPORT
May 24, 2013

To: Planning Commission
Business Date: June 6, 2013

From: Development Review Committee
Prepared by Dennis Workman, Planner II

Re: **Corner Canyon Kids Home Occupation CUP**

Application No.:	130417-13756S
Applicant:	Lisa Wuest
Project Location:	13756 Wingfield Cir.
Zoning:	RA2
Acreage:	0.47 acre
Request:	Approval of a conditional use permit to allow a day care business as a home occupation.

BACKGROUND

This application is a request for a home occupation conditional use permit on an approximately half-acre parcel in the Corner Canyon Estates subdivision. The applicant is requesting the permit to be allowed to run a daycare from her single family home. This type of activity is categorized in Chapter 9-34 as *Day Care, Limited* defined as "[a] day care establishment provided as a home occupation that provides care, protection, and supervision for up to six children per day during customer daytime hours." The code gives no provisions for more children to be allowed as part of this request and would therefore limit the number of children to six at any given time. Section 9-34-050 calls out *Day Care, Limited* as a permissible home occupation subject to approval of a conditional use permit. Currently there are three other home occupation business licenses in the general vicinity, but none on the cul-de-sac of the subject home (see Exhibit A). The applicant is working through the process of becoming a licensed day care facility through the State of Utah.

ANALYSIS

Zoning. Section 9-34-050 of the DCMC lists *Day Care, Limited* as a permitted use in the zone pursuant to a conditional use permit.

Proposed Use. The applicant seeks approval to run an in-home daycare. The children attending will be between the ages of 4-12 years old. As such, the proposed business is somewhat outside of the mold of a typical daycare, but it certainly cannot be categorized as a preschool. The applicant describes her business as "after-school care for school-age children." Proposed hours of operation are 7:30 a.m. to 8:20 a.m. and 3:00 p.m. to 6:00 p.m. during the school year, and 7:30 a.m. to 6:00 p.m. during the summertime and on non-school days. There would be no more than six children at any given time, which is in keeping with the definition of the term *Day Care, Limited* cited above. The service includes structured playtime, a reading curriculum, and help with assigned homework. The back yard of the home is large and fenced in.

The area of the home dedicated to the daycare is in the basement of the home, and does not exceed 25% of the dwelling unit, as stipulated by ordinance.

Parking. The driveway of the home is wide enough to accommodate parking of three vehicles and deep enough to accommodate tandem parking if needed. In addition, the home has a three-car garage, where personal vehicles will be kept during business hours, according to the applicant. As such, client parking will be easily accommodated on site.

Pick Up and Drop Off. The applicant states that during the school year (75% of the calendar year), approximately 66% of the students enrolled in care with Corner Canyon Kids could arrive by bus (from Draper Elementary) or be picked up directly by the applicant at one of the local elementary schools. Students that are bussed will be met by applicant at the bus stop just a few houses down from the facility. The approximate remaining 33% could be dropped off by a car pool or by a parent. That translates to a maximum of two out of the six students potentially being dropped off by a car pool or parents for nine months out of the year. With only two cars arriving per session during the school year, staff does not foresee the need for staggered times. However, things are different during the summer months and non-school days, when perhaps all six students could be dropped off and picked up by a parent or guardian. The applicant states that she will require staggered drop-off and pick-up times for those three months of the year. The following quote regarding drop off/pick up procedures comes from the Corner Canyon Kids' Parent Handbook, a copy of which accompanies this staff report: "Please do not allow your child to run out to your car while you are still inside or while you are in my backyard. No child is permitted outside without their parent or guardian with them. This also applies when dropping off your children." The policy is that the parent or guardian is to accompany the child (or children) into the facility to sign in/sign out each day. It is also stated in the parent handbook the drop off/pick up times are to be as brief as possible.

Home Occupation Development Standards. Section 9-34-040 of the Draper City ordinances lists the following findings that must be met in order to grant a Home Occupation Permit. These findings are:

(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.

(b) Business License. A business license for the home occupation shall be obtained from and continually maintained with the City pursuant to Chapter 6-11 of the Draper City Municipal Code.

(c) Employees. Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Non-family or non-resident employees shall be limited to one (1) person.

(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.

(e) Inventory. No stock in trade, inventory, or other merchandise to exceed 250 square feet shall be kept on the premises. No outside storage is allowed.

(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. Yards surrounding the dwelling and accessory buildings shall not be used for storage of the home occupation use. 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.

(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.

(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.

(i) Signs. All signage in a residential area must comply with the Draper City Sign Ordinance (Chapter 26 of this Title).

(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.

(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.

(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.

(m) Customers. No customers allowed. Children accessing a limited day care or limited preschool facility shall not be considered customers.

(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.

(o) Main Structure. The home occupations shall be conducted, located, and contained within the primary structure on the property.

(p) Single-Family Dwellings. Home occupations listed as permitted in Section 9-34-030 of this Title and which fully comply with the terms of this subsection may be permitted in a multiple-family dwelling. Home occupations which are not listed as permitted in Section 9-34-030 of this Title and/or which require a Conditional Use Permit to alter the standards of this section shall not be permitted in a multiple-family dwelling or development.

(q) Licensure. Any home occupation involving child care shall comply with all applicable State and local laws and regulations regarding residential child care, including, but not limited to provisions of the Utah Child Care Licensing Act, as set forth in Utah Code Ann. §§ 26-39-101, et seq., as amended, and the Residential Certificate Child Care Standards as set forth in the Utah Admin. Code §§ R430-50-1, et seq., as amended.

Conditional Use Permit Criteria. Section 9-5-080(e)(3) of the Draper City ordinances lists three findings that must be made in order to grant a Conditional Use Permit. These findings are:

(i) The proposed use will not 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.

(ii) 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.

(iii) The proposed use will comply with regulations and conditions specified in the Land Use and Development Code of Draper City for such use and to the intent of the City General Plan.

Planning Review. The planning staff feels that the Corner Canyon Kids Daycare would offer a desirable service to the community without affecting the neighborhood in a detrimental way. The area of the home to be dedicated to the pre-school is within the allowed 25% of the dwelling unit. Staff feels that the number of trips generated by parents and students arriving and leaving will have an insignificant impact on the existing traffic condition. Staff also believes that the applicant's drop-off/pick-up plan is well conceived, as it eliminates the need for any vehicular back up motion. As the applicant has made a

commendable effort to mitigate against any potential adverse impact to the surrounding area, and to give the highest priority to child safety, staff finds her request to be compliant with the intent of the city code and general plan.

Engineering Review. In a memo dated May 2, 2013, Carolyn Prickett states:

> We have reviewed the subject conditional use permit application and recommend approval. It is our understanding that the applicant is requesting a conditional use permit to operate an in-home day care as a home occupation. Accordingly, we offer the following comments:
>
> 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. The number of trips generated by parents and their children arriving and leaving is considered an insignificant impact to the existing and future traffic condition. We recommend the Applicant develop and provide, to the parents of children, a plan that clearly describes a method of pick-up and drop-off that will ensure the safety and function of both those attending and the general traveling public. Given the represented client load and hours of operation, the use is not anticipated to generate a significant traffic impact to the anticipated levels of service along Wingfield Circle and Hackamore Drive;
>
> 2. 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;
>
> 3. The proposed use appears to have been presented as desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
>
> 4. The proposed use appears to comply with the regulations and conditions as specified in the Draper City Municipal Code and appears to be in harmony with the intent of the Draper City General Plan.

Building Division Review. In a memo dated May 1, 2013, Keith Collier states: "No comment, other than that an inspection will be required when they are doing business."

Unified Fire Authority. In a memo dated May 9, 2013, Don Buckley recommends approval with the following conditions and comments:

1. 2A-10BC Fire Extinguishers shall be installed and properly labeled.
2. On each floor occupied by clients there shall be two separate means of egress, arranged so that if one is blocked the other will be available.
3. Any rooms in Family Day Care units that are provided for clients to sleep or nap, shall have at least one window or door approved for emergency escape.
4. If located in a basement or on the second story, shall be provided with two means of egress, one of which shall discharge directly to the outside.
5. Family Day Care units shall not be located on the second story, unless there is at least one exist that leads directly to the outside.
6. There shall be single station smoke detectors in good working condition on each level occupied by the clients. Battery operated smoke detectors shall be permitted if the facility demonstrates testing, maintenance, and battery replacement to insure continued operation of the smoke detectors.
7. Fire drills shall be conducted monthly and shall include the complete evacuation from the building of all clients and staff. At least quarterly the fire drill shall include the actual evacuation using the escape or rescue window, if one is used for one of the required means of egress.

8. Heating equipment in spaces occupied by children shall be provided with partitions, screens, or other means to protect children from hot surfaces and open flames.
9. A fire escape plan shall be completed and posted in a conspicuous place. All staff shall be trained on the fire escape plans and procedures.
10. There shall be a sufficient number of staff to client ratios to allow safe and orderly evacuation in case of fire.
11. If the applicant is wanting to watch children age 2 ½ and younger the Fire Department will need to re-review this application at that time for additional requirements. If the children are three years old and up all of the above requirements will need to be met.

R710-8-3. Amendments and Additions to Fire Code

Utah State Definitions:

R710-008

2.6 "Family Day Care" means providing care for clients listed in the following two groups:

2.6.1 **Type 1** - Services provided for **five to eight clients in a home.** This would also include a home that is certified by the Department of Health as Residential Certificate Child Care or licensed as **Family Child Care.**

2.6.2 **Type 2** - Services provided for **nine to sixteen clients in a home** with sufficient staffing. This would also include a home that is licensed by the Department of Health as **Family Child Care.**

More than 16 will change the occupancy from a residence to an institutional occupancy and additional requirements will be required.

STAFF RECOMMENDATION

Staff recommends approval of this request for a home occupation conditional use permit by Lisa Wuest, application 130417-13756S, subject to the following conditions:

1. That no vehicle parking associated with or caused by the proposed home occupation shall be allowed within any public right-of-way. This condition is not meant to disallow momentary parking on Wingfield Circle for the purpose of dropping off and picking up.
2. That parking for the purpose of parent-teacher meetings and such shall be accommodated in the driveway of the home.
3. That the drop-off/pick-up plan shown to and accepted by the planning commission is distributed to all clients and strictly adhered to.
4. That due to parking constraints, no function that would invite a student's family members to attend shall not be held in the home.
5. That prior to the issuance of a business license, all Fire Department concerns are satisfied.
6. That all window wells located in the children's outdoor play area are covered.
7. That an adult is always present during outside playtime, given that the yard is not escape-proof.
8. That any requirement of the building official identified during inspection is satisfied.
9. That any signage for the business shall comply with DCMC Section 9-26-100(3)(c).
10. That the applicant obtains and maintains a Draper City business license.
11. That all city regulations are adhered to at all times, especially those listed in Section 9-34-040.
12. That the number of children at the home at any given time does not exceed six.

13. That hours of operation are 7:30 a.m. to 8:20 a.m. and 3:00 p.m. to 6:00 p.m. during the school year, and 7:30 a.m. to 6:00 p.m. during the summertime and on non-school days.
14. That the pick-up and drop-off policy, as outlined in the parent handbook, is strictly adhered to.

This recommendation is based on the following findings:

1. That the proposed use, as regulated by the conditions imposed by the planning commission, will not 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. That the proposed use, as regulated by the conditions imposed by the planning commission, provides a service which will contribute to the general well-being of the neighborhood and the community.
3. That the proposed use, as regulated by the conditions imposed by the planning commission, will comply with the regulations and conditions specified in the zoning ordinance of Draper City, and that it will not violate the intent of the city's general plan.
4. That the property is well-suited to accommodate the proposed home occupation.
5. That the proposed home occupation meets the intent, goals and objectives of the city's general plan.

MODEL MOTION

Sample Motion to Approve. "I move we approve the request by Lisa Wuest for a conditional use permit to conduct a day-care business in her home, application 130417-13756S, based on the findings and conditions listed in the staff report dated May 24, 2013 and as modified by the conditions below:"

1. List any additional findings and conditions.

Sample Motion to Deny. "I move we deny the request by Lisa Wuest for a conditional use permit to conduct a day-care business in her home, application 130417-13756S, based on the following findings:"

1. List findings for denial.

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 has been reviewed by the Committee and has been found to be in substantial compliance with the terms of the Draper City Municipal Code and therefore appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Engineering Division

Draper City Public Works Department

Unified Fire Authority

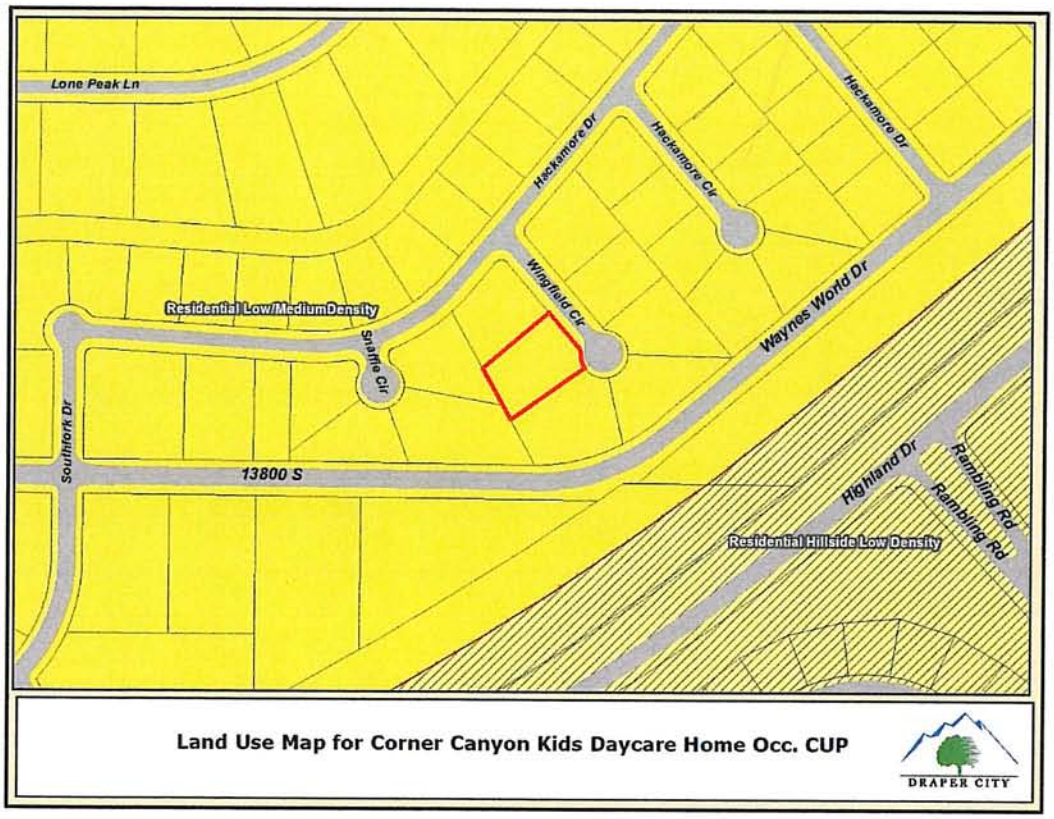
Draper City Building Division

Draper City Planning Division

Draper City Legal Counsel

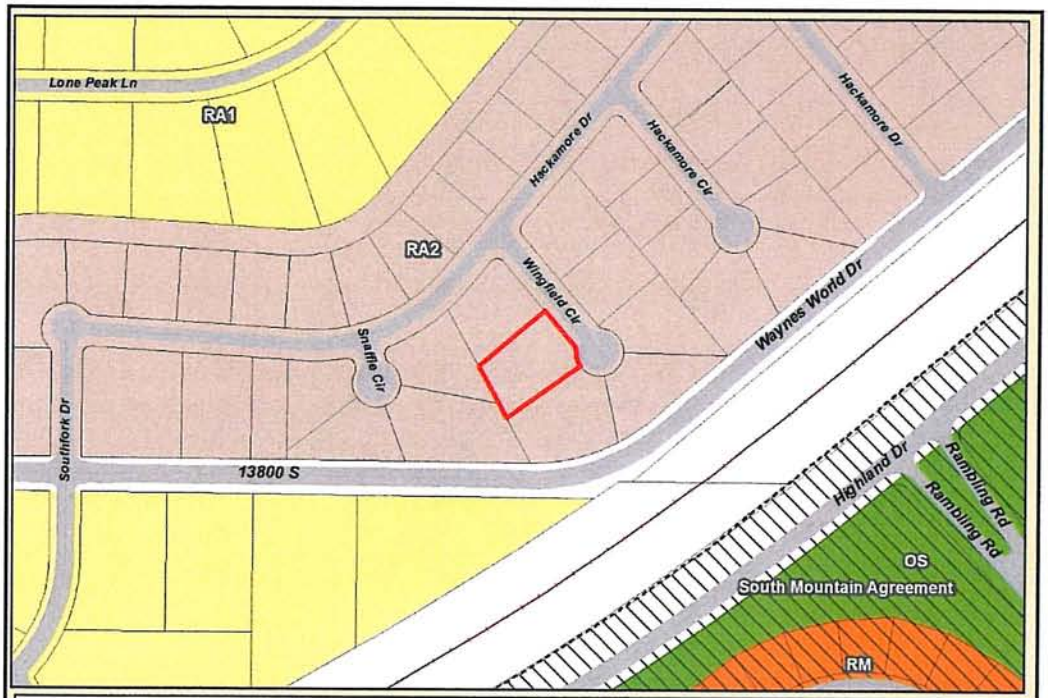
Aerial Map for Corner Canyon Kids Daycare Home Occ. CUP

DRAPER CITY



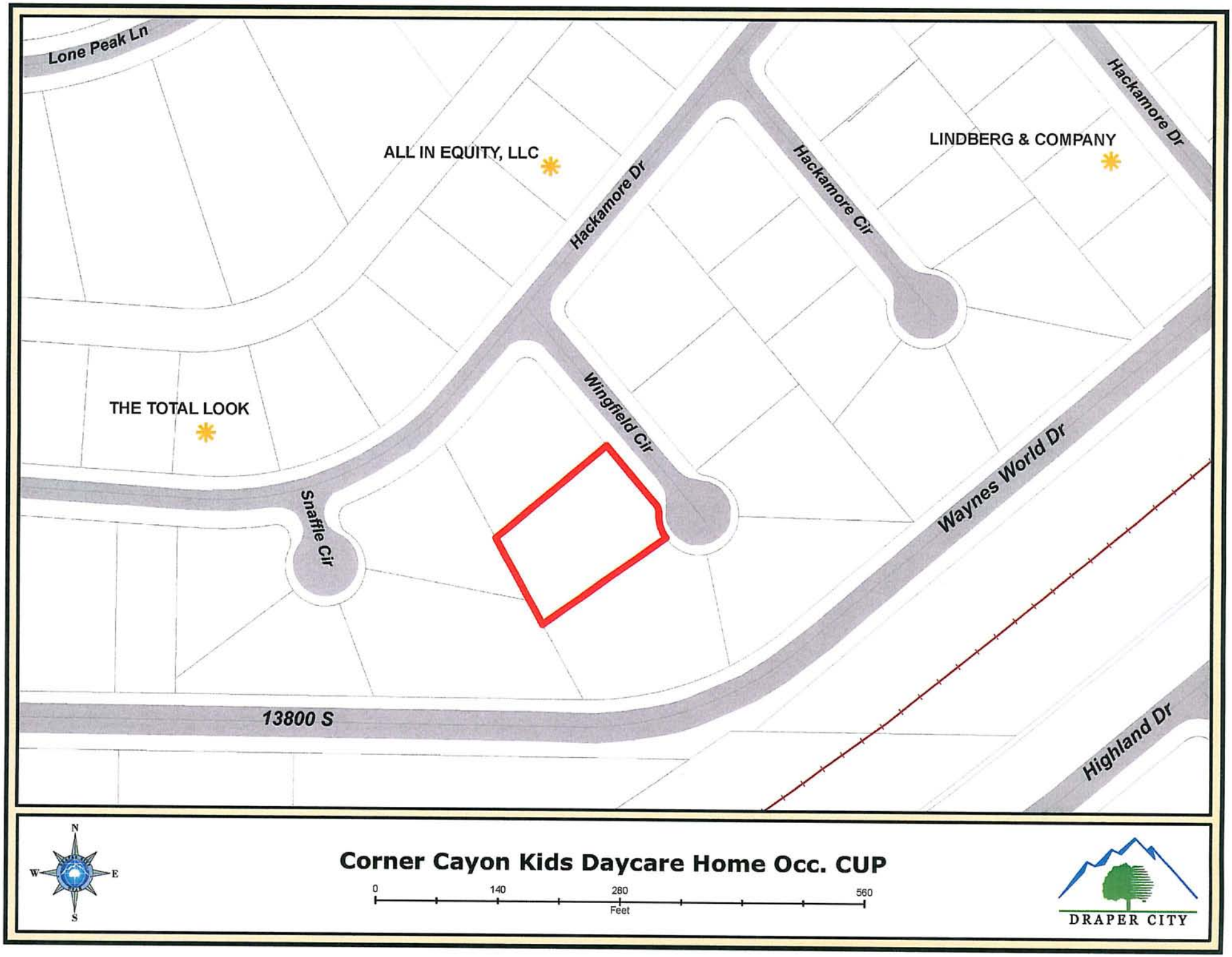
Land Use Map for Corner Canyon Kids Daycare Home Occ. CUP

DRAPER CITY



Zoning Map for Corner Canyon Kids Daycare Home Occ. CUP

DRAPER CITY


Lone Peak Ln
ALL IN EQUITY, LLC
Hackamore Dr
Hackamore Cir
LINDBERG & COMPANY
Hackamore Dr
THE TOTAL LOOK
Wingfield Cir
Snaffle Cir
Waynes World Dr
13800 S
Highland Dr
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S
Corner Cayon Kids Daycare Home Occ. CUP
0
140
280
560
Feet
DRAPER CITY

NEIGHBOR CONCERNS

To Whom it may concern,

I am writing regarding the proposed zoning to change to allow Corner Canyon Kids Day Care to be operated in my neighborhood. I know you have received letters from several of my neighbors and I am sure that many of the comments I make will echo theirs.

This is no doubt a sensitive issue. No one enjoys conflicts especially with those they live right near. All of the concerns of the neighbors are not personal against the daycare provider, but factually based about how the proposed day care will negatively impact our homes and our neighborhood.

The setting of the proposed daycare is rather unique. It is in a cul-de-sac, the grade of the road increases as you drive into the cul-de-sac so each home further in is slightly more elevated than the next door neighbors. The back yards of all three homes line up to each other and run parallel. Because of that, there is little privacy in any yard. The greatest concern with the proposed day care is that the fence that seperates the properties is a lattice vinyl fence. The two homes bordering the proposed day care and the subject property all have dogs. (with the subject property having two very large german sherpards). The concern of all of us is that should the kids attending a day care scare or torment the neighboring dogs even in their own yards, the homeonwners of those properties are liable should their dogs bite a child. That is a huge risk and burden to ask those homeowners to take.

The impact on our property values is another great concern. Although not everyone would object to having a daycare next door, many would. It is hard to predict what allowing a daycare would do to home values. Certainly there is no way it would increase a home's value and that seems like a very big sacrifice for all surrounding neighbors to make so that **one** person can have financial gain. All of the liability and financial loss is being put of the neighborhood. The increase in traffic, the noise and the overall loss of your privacy and quality of life.

Although I have researched and found that Utah State law does not prohibit where a registered sex offender lives. There has to be consideration and concern that the proposed day care is 100 yards from a registered sex offender.

We really appreciate the opportunity to voice our concerns to you and ask you to consider all aspects of this proposed daycare. The negative impacts to the neighborhood and especially the bordering neighbors is tremendous. The way of life that we chose by moving to a quiet RESIDENTIAL neighborhood would not be the same.

Thank you again for your time,

Laura Fidler

1109 E. Hackamore Drive

Draper, UT 84020

Dennis Workman

From:	Lisa Jungemann [Lisa@LisaJungemann.com]
Sent:	Wednesday, May 29, 2013 11:27 PM
To:	Dennis Workman
Cc:	Lisa Jungemann
Subject:	Home Occupation Day Care app # 130417-13756S
Attachments:	Subject's Dogs.jpg; Back of my house.jpg; Blindspot.jpg; Driveway and Sidewalk.jpg; View from my family room.jpg

Here are the major concerns without trying to get too personal.
The pictures attached show some things that might be helpful in putting things into a visual perspective.
I am more than happy to talk to anyone that is willing to listen and plan on attending the hearing on the 6th.
Again, I am not trying to be difficult, just trying to protect myself, the value of my home.
I appreciate your help and consideration in reviewing this matter.

Page 1 of 2

Name: Corner Canyon Kids; LLC
Applicant: Lisa Wuest
Location: 13756 Wingfield Circle; Draper
Requesting to run day care facility out of home. Here website is advertising hours of operation: 7:30 am - 5:30 pm

* My home is a corner lot with my backyard facing subject property backyard. My kitchen window, family room window and master bedroom window face subject property backyard.
I realized this when I purchased my home 10 years ago. But I was willing to deal with a family and pets behind me in a RESIDENTIAL ZONED AREA. NOT COMMERCIAL.

* A major concern is my **liability**. I have vinyl latice fencing all around, as do all the surrounding neighbors. I have a 4 year old black lab that has been teased by children in the neighborhood walking by our fence in the last 2 years and now he rushes the fence when they walk up the sidewalk or approach our fence. IF one of the kids was ever to stick a finger through the latice and even get a scratch from my dog, I'm liable and my dog would be put down. Even when he's in his own yard.

* The neighbor on the opposite side of the subject property also has a dog and has the same concerns.

* The way the houses lie, my house lies on a sloped hill with the subject property looking down into my yard so a solid vinyl privacy fence would not provide **privacy**.

* All three neighbors with adjoining property are opposed to the day care and are submitting written complaints.

* Our driveway has a blind spot due to our fence line that is a constant concern for **safety** of kids on the sidewalk when backing cars out. Her own children are the biggest culprits of just STANDING in

our driveway as we back out. This is a concern whether the day care kids are being dropped off by car or walking from day care to and from the bus stop.

* A **registered *sex offender*** lives 2 houses away just across 13800 from subject property. (330 feet according to laser golf reader)
Dylan Buckles
1116 E. 13800 S.
Case # 76-5b-201
Sexual Exploitation of a minor/ 2nd degree.
Convicted 9/12/11 - still residing at this location according to state employee.

* As a major RPAC investor and active Realtor, I'm concerned for the impact this will have on the value of my home as well as my neighbors.... along with home owner's rights.
DeAnna Dipo and Laura Fidler are also major donors and live within a few houses of subject. ***Resale value*** and ***Current Market Value*** are always our concern.

*The additional **traffic is a concern** for current home owners. Additionally there are 6 drivers under the age of 21 on our block or across the street from our cul de sac so safety is always a concern. Unfortunately the teenagers aren't the worst offenders for speeding down Hackamore Drive.

* **Noise** - My husband's normal routes are over night flights to Anchorage for Delta. This requires him to get some sleep in the middle of the afternoon, 3-5 pm, prior to heading to the airport to fly all night to Anchorage. When he returns at 8:30 am from flying all night, he is tired and usually takes a couple of hours nap. With our bedroom window facing the subject's backyard, the noise is certainly an issue.

* They own **two 90-100 lb. German shepards.** Gracie and Diesel. Both nice, but already bark every time I walk out or by my back door. I can't imagine that two large dogs are not a concern for running a day care. Not safe for kids and not fair to the dogs.

* My front yard seems to attract kids from the neighborhood with it's rock wall levels to climb on. I am concerned if she has kids coming from the school bus drop off that they will continue to use this as a "short cut" which not only agitates my dog when he hears them, but leaves me liable if they hurt themselves.

* On a personal note, our son past away on March 24th. All our neighbors were very kind and supportive during this time, including Lisa Wuest. However, it is still very emotional for us and we have difficulty with sleeping through the night. Our life has been turned upside down already. I can't imagine adding additional stress with noise, lack of privacy and uncertainty to our lives at this time.

Respectfully,
Lisa Jungemann

Lisa Jungemann

Realtor ® CRS; GRI; e-PRO

Dennis Workman

From: mjtinnes@comcast.net
Sent: Thursday, May 30, 2013 9:50 AM
To: Dennis Workman
Subject: Lisa Wuest home occupation meeting

Hi Dennis,
This email is in regards to the upcoming meeting on June 6th regarding the proposed "home occupation" day care for Lisa Wuest at 13756 Wingfield Circle.
I live right next to the Wuest residence. My address is 13768 Wingfield Circle. I am very opposed to a day care at the Wuest home. My main concerns are the liability that it puts on me due to the fact that I have a dog and the fence that separates our backyards is a "lattice" type fence and the fact that a day care center next to my house will likely decrease the value of my property.
The fence is not "secure" in that little hands and objects can reach thru the fence. If one of the children were to reach thru the fence and my dog bit their hand, I would be responsible for this injury. I am not willing to accept this liability. This fence offers no privacy either.
I am planning on selling my home in the next year. I will have to disclose that there is a day care operating next door. This a very negative factor. People do not want the noise, increased traffic, and liability of this business next to their home. Would you like to live next to a day care center?
I understand Utah does not have a law governing how close a registered sex offender can live to a day care center. There is a registered sex offender that lives less than 300 feet from the Wuest residence. This would likely be a cause of concern for parents that may have a child at the Wuest residence day care.
I hope that you would come to our neighborhood and see how our homes are situated. Wingfield Circle is a cul-de-sac and is on quite a steep slope. My house is at the top of the hill with the Wuest residence next to me and the Jungeman residence at the bottom. With this arrangement there is no privacy and clear views of everyones backyards from all three backyards. The Wuest family have 2 big dogs, the Jungemans and I also have a dog. The dogs are constantly running the fence line. I know this will be worse when the Wuest back yard is filled with kids.
Please consider my oppositions. A day care center at this residence would have a very negative impact on me and the neighborhood.
Kind regards,
Mary Jane Tinnes

Dennis Workman

From: Boyson, Mark [mark.boyson@integratelecom.com]
Sent: Wednesday, May 29, 2013 2:03 PM
To: Dennis Workman
Cc: Julie Boyson
Subject: Corner Canyon Kids, LLC - Opposed!

Dennis---

My wife and I wanted to express our concerns regarding our neighbor's request to operate a residential daycare center. Please note we live across the fence from the applicant, and although we have a good relationship w/ her and her family, we vehemently oppose her operating a daycare center from her home. Here are a few reasons why:

1. It will be noisy. We have two young children who nap during the day, and this will interrupt their needed rest.
2. It will negatively impact the value of our home, and a prospective buyer would likely choose an alternate dwelling if he recognizes the property's proximity to the neighboring daycare center.
3. It will likely increase our liability as the daycare's multiple clients could easily scale the fence and enter our property.
4. The quality of life to which we're accustomed will be diminished if a daycare center is operating this close to our home.
5. The applicant has two large dogs: screaming kids + dogs = chaos and commotion.

Given the choice, homeowners typically oppose to living next to schools, churches, and daycare centers, and the universal reasons supporting that decision are listed above. I naturally wouldn't contest one's opportunity to make a living, but I do oppose the location in which her living is made if it is at the expense of my family's security, comfort, and livelihood.

Please reject the applicant's request to run a daycare out of her home.

Regards,

Mark Boyson | Senior Account Executive
direct 801.898.9704 | fax 866.815.7992
Integra | 265 E. 100 S. | Suite 200 | SLC, UT 84111
www.integratelecom.com

May 30, 2013

Gretchen and Tom Cox
13757 Wingfield Circle
Draper, UT 84020
801-599-0597
gretchencox@comcast.net

Draper City
Community Development Department
1020 Pioneer Road
Draper, UT 84020

I am writing this letter in response to a letter received in the mail last week. The letter informed the owners of 13757 Wingfield Circle, Draper, Utah of a public hearing to be held June 6, 2013, regarding the opening and operation of a home day care facility at 13756 Wingfield Circle, Draper, Utah.

First, I would like to thank the City of Draper Planning Commission for contacting the neighbors who will be directly affected and allowing them to voice their opinions.

Second, I will state that my family and I moved to Draper six years ago and purchased our home on a beautiful, peaceful cul-de-sac. We most certainly would not have purchased in this cul-de sac or neighborhood if a home day care were in operation. We believe there are multiple valid reasons why a home day care does not fit into this quiet community.

One of our principal concerns is safety. The amount of increased traffic into the Wingfield Circle cul-de-sac would create a hazardous situation for our neighborhood children crossing the street, walking to and from the school bus, or outside playing. In addition, increased traffic on Hackamore Rd will also pose more potential safety problems for our children. Furthermore, idling cars waiting on children to be picked up or dropped off at a day care center would congest the area, be noisy and simply undesirable in any cul-de-sac-type reduced space.

Another significant reason of concern is the effect that a home day care center will have on neighboring property values. A day care center in a residential zone will limit the buyer pool when any of the direct neighbors place their homes on the market for sale. A home day care center will decrease the values, desirability and attractiveness of the property itself and the surrounding properties. In essence, a day care center on Wingfield Circle will directly affect, in an adverse way, the property and financial profiles of the other families living in the neighborhood.

My home is across the street, therefore, I will not be affected by back yard noise as much as the neighbors to each side and behind the property. I have spoken with numerous people who have had day cares open next to them and they state that the noise is

unbearable. They complained of screaming, yelling, and crying for the majority of the day. If the day care offers organized sports then the director or employees typically blow a whistle to start and end activities or to regain control of the children. A whistle can be heard from a long distance and it would also affect the dogs that surround this property. The proposed day care owner has two 70-80 pound German Shepherds that could react negatively to hearing a whistle or continued loud noise. Also, the neighbor dogs would be affected.

I have also been made aware that the children attending the day care enjoy attempting to make contact through the fencing with the neighbors or neighbors' animals. The fences surrounding the home are short and latticed, therefore fingers and noses can be poked through which could be quite dangerous.

Another major complaint is the amount of toys, bikes and other play items that are strewn across the yard during the day and also the weekend, if the Director does not tidy up. These items are typically left out in the summer and winter months are not aesthetically pleasing to the neighbors attempting to enjoy their own back yard for a gathering or family barbecue.

Lastly, during the winter months it will be dark during drop off and pick up times, therefore headlights will especially be a nuisance for the homes at the top and bottom of the cul-de sac.

In conclusion, the owners of 13757 Wingfield Circle are not in favor of the opening and operation of a day care facility across the street at 13756 Wingfield Circle. Another location should be considered for Corner Canyon Kids, LLC.

Yours Sincerely,

Gretchen Cox

Dennis Workman

From: Boyson, Mark [mark.boyson@integratelecom.com]
Sent: Thursday, May 30, 2013 9:14 AM
To: Dennis Workman
Subject: RE: Corner Canyon Kids, LLC - Opposed!

Dennis, can I conclude our objections will remain anonymous? The applicant lives across the fence, and we know her well.

Mark Boyson | Senior Account Executive, Integra
offc: 801.708.6136 | cell: 801.898.9704 | fax: 866.815.7992
mark.boyson@integratelecom.com

From: Dennis Workman [Dennis@draper.ut.us]
Sent: Wednesday, May 29, 2013 2:57 PM
To: Boyson, Mark
Subject: RE: Corner Canyon Kids, LLC - Opposed!

Your comments will be included in the Planning Commission packet that goes out this Friday. Thank you.

From: Boyson, Mark [mailto:mark.boyson@integratelecom.com]
Sent: Wednesday, May 29, 2013 2:03 PM
To: Dennis Workman
Cc: Julie Boyson
Subject: Corner Canyon Kids, LLC - Opposed!

Dennis---

My wife and I wanted to express our concerns regarding our neighbor's request to operate a residential daycare center. Please note we live across the fence from the applicant, and although we have a good relationship w/ her and her family, we vehemently oppose her operating a daycare center from her home. Here are a few reasons why:

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5. The applicant has two large dogs: screaming kids + dogs = chaos and commotion.

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Please reject the applicant's request to run a daycare out of her home.

Regards,

Mark Boyson | Senior Account Executive

Paul Anderson lives at 13731 S. Wingfield Circle (across the street from applicant's home). He left a phone message that he and his wife are very much against the Corner Canyon Kids Day Care proposal. He says they want the neighborhood to remain free from any type of business. He added that the steepness of the road is already hazardous to kids on bikes and scooters.

DRAPER CITY

Development Review Committee
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539

STAFF REPORT
May 28, 2013

To: Draper City Planning Commission
Business Date: June 6, 2013

From: Development Review Committee

Prepared By: Dan Boles, AICP, Senior Planner
Planning Division
Community Development Department

Re: **Pedersen Property – Zoning Map Amendment Request**

Application No.:	130506-12955S
Applicant:	Boyd Bradshaw, representing Westmark Property
Project Location:	Approximately 12955 South Boulter Street
Zoning:	RA1 Residential Zone
Acreage:	2.62 Acres (Approximately 114,127 ft^2)
Request:	Request for approval of a Zoning Map Amendment in the Boulter Street area to amend the official zoning map from RA1 to RA2.

SUMMARY & BACKGROUND

The applicant is requesting that his property be rezoned from RA1 to RA2. Though the subject property does not front Boulter but is stubbed in by Salz Way it is still addressed from Boulter Street. This application consists of only one parcel which is 2.62 acres in size and is located at 12955 South. There is one home and several out buildings on the property.

At issue with this application is the degree to which the requested zone change would affect the existing character of the area. Approving this request will likely result in a subdivision of up to five lots. It appears that the property owner has enough land to meet all of the requirements for such a subdivision though that will have to be determined through a subdivision review should this proposal be approved.

The applicant currently gains access to the property through a private lane that extends from Boulter Street. It appears that a more feasible route to a future subdivision would be via Salz Way which is a public street which stubs to the property.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential Low/Medium Density land use designation for the subject property. This category "*includes areas of very large lot single-family neighborhoods and ranchettes.*" It also states that "*Low density residential allows for*

enhancement of the rural character of Draper, and the buffering and transitions around existing low density single-family residences. Such buffers and transitions may consist of open space/retention areas, lots that are pie-shaped or otherwise designed to be larger than standard sized lots within the subdivision or a combination of these and other appropriate design techniques. This may include allowing the inclusion of existing homes into a proposed development." The property has been assigned the RA1 Residential zoning classification, supporting approximately one dwelling unit per acre. The RA1 and RA2 Residential zoning designations are identified by the General Plan as preferred zoning classifications for the Residential Low/Medium Density land use designation. RA-1 zoning abuts the subject property on the north, and RA-2 abuts on the south and west. The railroad tracks form the boundary on the east side with RA2 beyond the tracks.

<u>*Conservation Area Master Plan*</u>. The Boulter and Relation Street subarea states one of the purposes of the preservation of the character and image of Boulter and Relation Streets. Further, it states one of its purposes is to accommodate infill development with appropriate rural character through the use of flag lots, country lanes, private lanes and other features that maintain the dominant pattern of development.

<u>*Zoning in the Vicinity.*</u> The subject property is entirely surrounded by properties with the RA1 zoning classification. There are however, considerable amounts of RA2 zoning in the vicinity. Along Boulter Street are fifty-two lots. Of the fifty-two lots along Boulter, 20 are zoned RA1, 27 are zoned RA2 and five are zoned R3. The greatest number of lots along the street is RA2. Further, of the 21 RA1 lots, ten do not meet the minimum size requirement of 40,000 ft² leaving only 11 of the 52 lots that meet RA1 square footage standards. Finally, 17 of the 52 lots (or 33%) along Boulter Street are less than the 20,000 ft² required under the guideline of the RA2 zone. It does not appear that by approving the zoning request, a new standard would be introduced in the neighborhood along Boulter Street.

The subject property does not abut Boulter Street directly as it is tucked in at the terminus of Salz Way. The property is surrounded by RA2 with the exception of the property to the north. If the zone change is approved, once a subdivision is submitted for approval, that application will be evaluated for items such as impervious surface, storm water, frontage improvements, etc.

<u>*Criteria For Approval*</u>. The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 9-5-060(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

(e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

(1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
(2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
(3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
(4) The extent to which the proposed amendment may adversely affect adjacent property; and
(5) 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.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Map Amendment submission and has issued a recommendation for approval for the request.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have issued a recommendation for approval for the request without further comment.

Unified Fire Authority Review. The Unified Fire Authority has completed their review of the Zoning Map Amendment submission and has no issues with the change but will make further comments should a subdivision of the property be submitted.

Noticing. The applicant has expressed a desire to rezone the subject property and to do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Zoning Map Amendment by Boyd Bradshaw, representing Westmark Property, application 130506-12955S, based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That approval of the zoning request will not introduce a new standard in the neighborhood.
7. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

MODEL MOTIONS

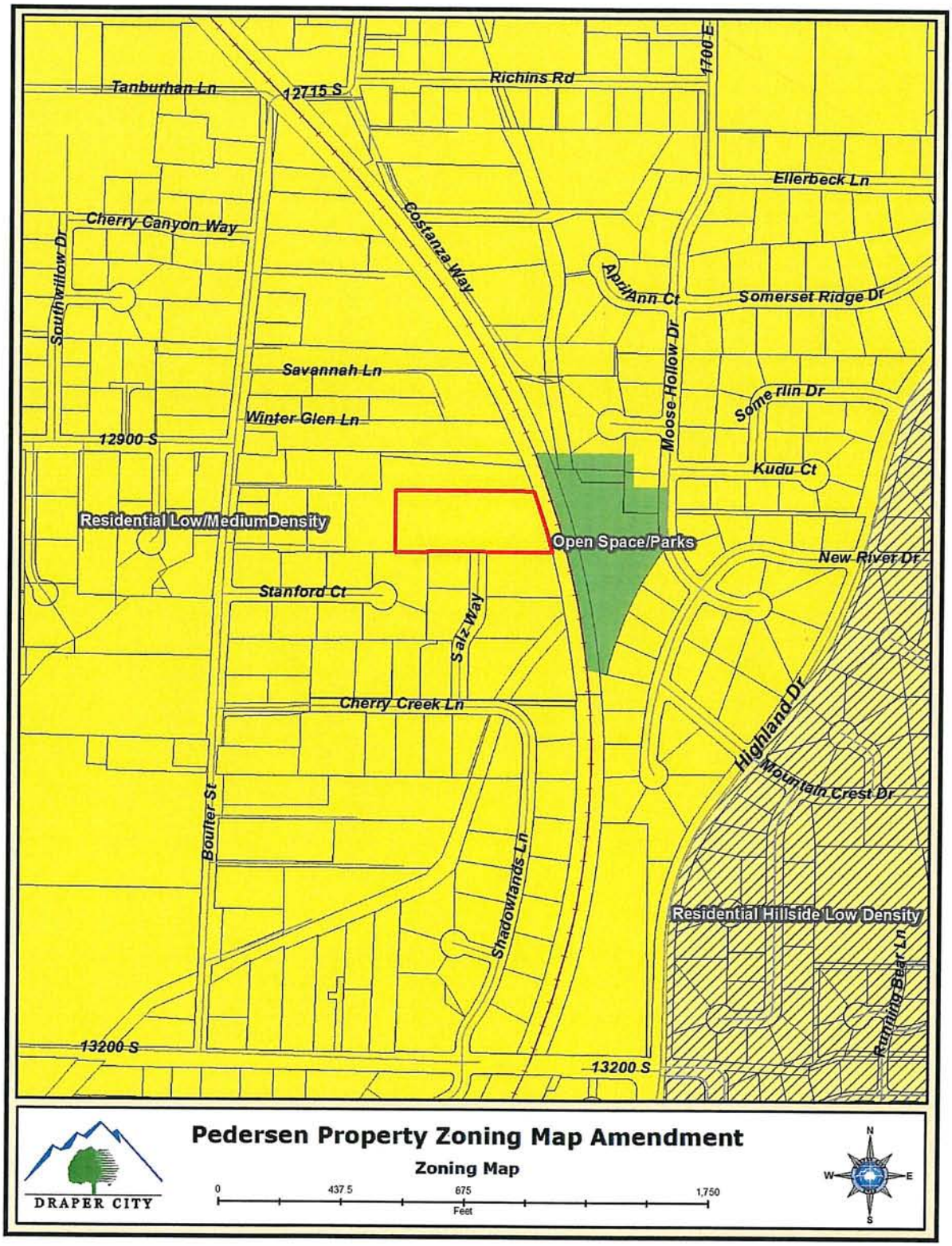
Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Pedersen Property Zoning Map Amendment Request by Boyd Bradshaw, representing Westmark Property to change the zoning designation on the subject property from RA1 to RA2, application 130506-12955S, based on the findings and subject to the conditions listed in the Staff Report dated May 28, 2013 and as modified by the conditions below:"

1. List any additional findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Pedersen Property Zoning Map Amendment Request by Boyd Bradshaw, representing Westmark Property to change the zoning designation on the subject property from RA1 to

RA2, application 130506-12955S, based on the following findings:"

1. List any additional findings…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Ellerbeck Ln
Cherry Canyon Way
Southwillow Dr
Costanza Way
AprilAnn Ct
Somerset Ridge Dr
Moose Hollow Dr
Savannah Ln
Winter Glen Ln
Somerlin Dr
12900 S
Kudu Ct
Residential Low/MediumDensity
Open Space/Parks
New River Dr
Stanford Ct
Salz Way
Cherry Creek Ln
Highland Dr
Mountain Crest Dr
Boulter St
Shadowlands Ln
Residential Hillside Low Density
Running Bear Ln
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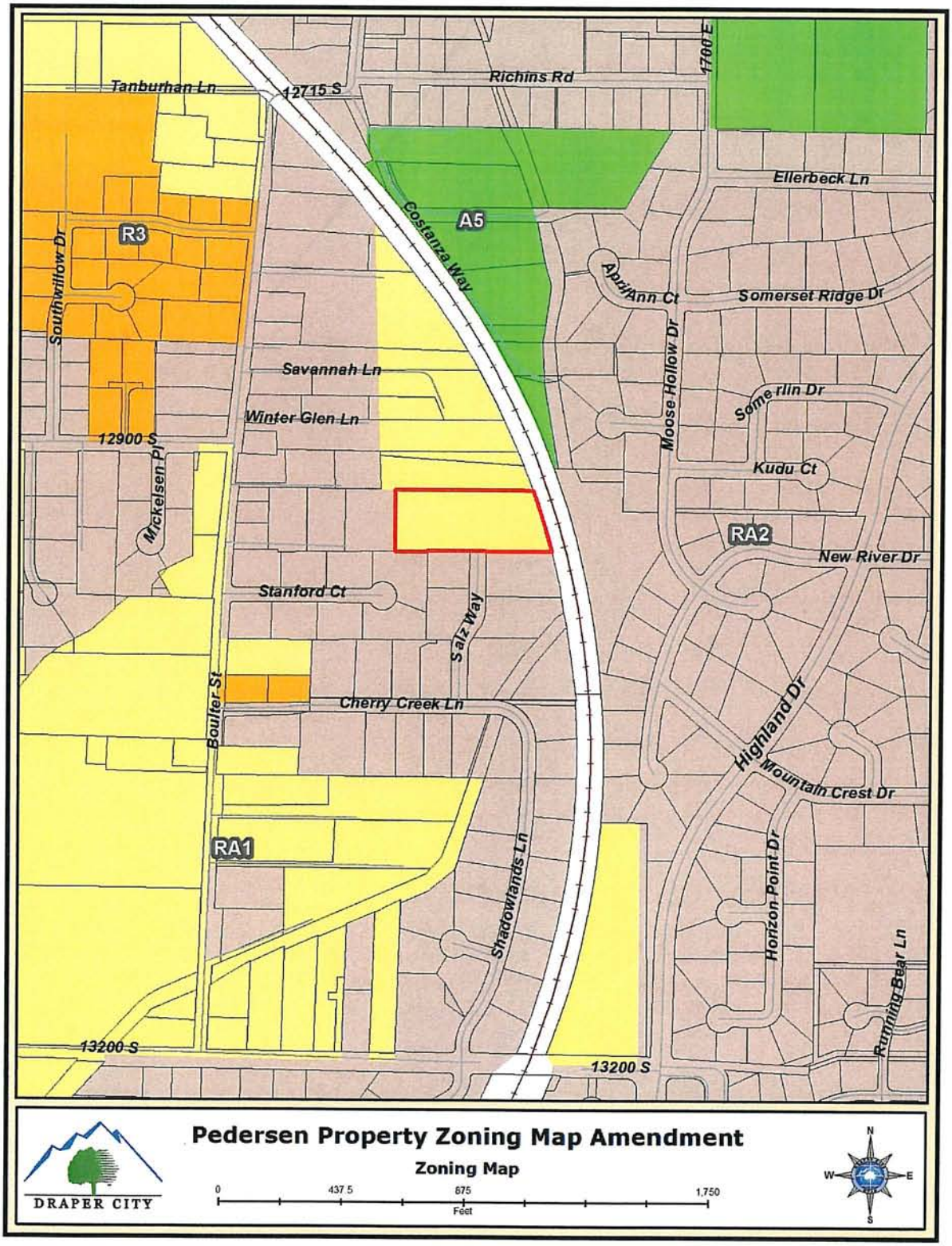
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Moose Hollow Dr
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Winter Glen Ln
Somerlin Dr
12900 S
Mickelsen Pl
Kudu Ct
RA2
New River Dr
Stanford Ct
Salz Way
Boulter St
Cherry Creek Ln
Highland Dr
Mountain Crest Dr
RA1
Shadowlands Ln
Horizon Point Dr
Running Bear Ln
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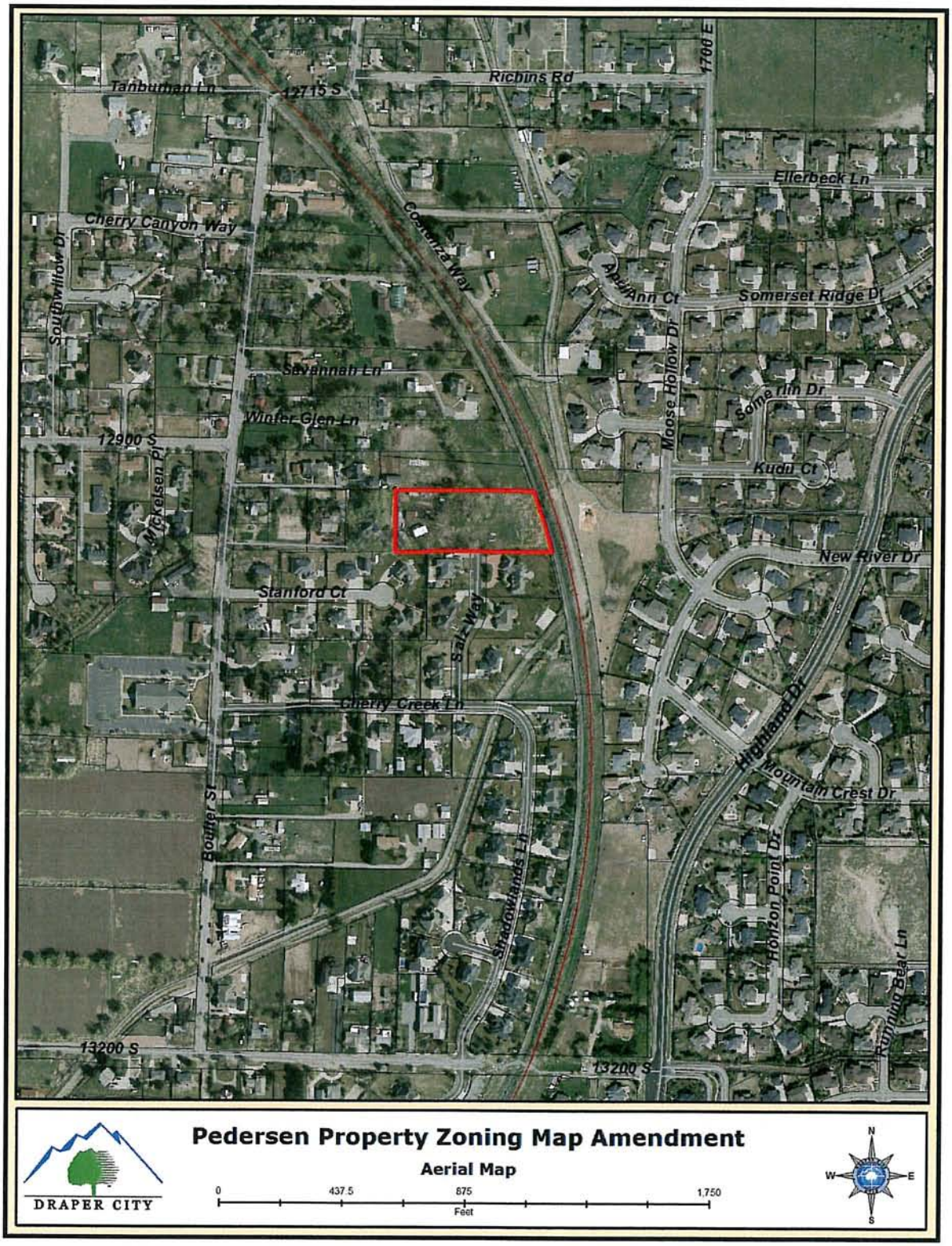
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Winter Glen Ln
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Kudu Ct
New River Dr
Stanford Ct
Salt Way
Cherry Creek Ln
Highland Dr
Mountain Crest Dr
Boulter St
Shadowhands Ln
Horizon Point Dr
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DEVELOPMENT 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 Engineering Division

Draper City Building Division

Draper City Public Works Department

Draper City Planning Division

Unified Fire Authority

Draper City Legal Counsel

DRAPER CITY

Community Development Department
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539 Fax (801) 576-6526

STAFF REPORT
May 24, 2013

To: Planning Commission
Business Date: June 6, 2013

From: Development Review Committee

Prepared by: Dennis Workman, Planner II
Community Development Department

Re: **Greenwood Phase 3 Zone Change**

Application No.:	130508-12825S
Applicant:	Boyd Brown
Location:	12825 S. Fort Street
Zoning:	RA1
Parcel Size:	0.90 acre
Request:	Zone change from RA1 to RA2

BACKGROUND

This is a request for a zone change from RA1 to RA2 on a portion of a 2.4-acre parcel located on the east side of Fort Street south of the Greenwood Phase I and II subdivision currently under construction. The Willow Creek Trail abuts the subject property on the north. Approximately one-third of the parcel already has RA2 zoning on it—the result of a rezone request in 2006 that was done in contemplation of the Derby Shire subdivision. (Derby Shire was never approved, but of course the zoning for it remains.) Running concurrently with this application is the Greenwood Phase 3 subdivision, which will be a five-lot subdivision if the zone change is approved, and a four lot subdivision if the zone change is not approved.

ANALYSIS

General Plan and Area Master Plan. The Land Use Plan designates this property as Low Density Residential, which has a density range of 0-2 units per acre; both RA1 and RA2 zoning are within this range. But the question at hand is whether or not RA2 zoning on the subject property would sustain the existing character of the neighborhood. The Conservation Area Master Plan, adopted by the Draper City Council on February 1, 2000, provides the following recommended actions pertaining to the future character of the Fort Street Sub-area:

1. Retain the unique character of the sheep farms and associated manors and preserve these buildings by providing incentives to the property owners.
2. Encourage existing trees, both along the street and on private property, to be retained and enhanced with new plantings.
3. Permit new subdivision developments south of 13200 South and limit it to large lots and agricultural uses, e.g., hobby farms.
4. Encourage clustering, if large-scale residential development occurs, so as to complement and retain the preferred agricultural uses.
5. Retain the open feeling of Fort Street.

The Conservation Area Master Plan also discusses the historical pattern of development along Fort Street and how different it is, and should remain, from the pattern of development in the foothills. To that end, it recommends that "the scale of new residential infill shall be consistent with both the size and scale of existing structures and also consistent with both the setting and density of the established neighborhoods." It further states that large lots and open spaces should be part of the residential pattern in the Fort St. area.

Criteria For Approval. The criteria for review and potential approval of a zone change request is found in Section 9-5-060(e) of the Draper City Municipal Code. The approval standards are as follows:

(e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

(1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
(2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
(3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
(4) The extent to which the proposed amendment may adversely affect adjacent property; and
(5) 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.

Planning Staff. Zoning on the east side of Fort Street in this area is an even mix of RA1 and RA2. Accompanying this report is a zoning map, identified as Exhibit A, showing the relative lot sizes in the immediate area. Staff has reviewed this request against the standards listed above and feels that RA2 zoning on the subject property is in harmony with the character of existing development in the area, and that it would have no adverse affect on adjacent property.

Other Recent RA1 to RA2 Rezones in the Fort Street Area. The City Council has acted on a number of RA1 to RA2 zone change requests in the Fort Street area over the past several years, with differing outcomes. See Exhibit B that accompanies this report.

Engineering Review. In a memo dated May 23, 2013, Robert Markle states: "We have reviewed the proposed zone change for Greenwood Phase 3 and have no engineering concerns."

Fire Marshal. In a memo dated May 28, 2013, Don Buckley with the Unified Fire Authority states that "the fire department has no concerns with this zone change at this time but may want to review at time that a building is planned for permit."

Large Animal Rights. Horses are a permitted use on properties having a minimum lot size of 20,000 square feet, which is what the RA2 designation signifies. The applicants understand this, and will market the newly created parcels accordingly.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a positive recommendation to the City Council regarding the Greenwood Phase 3 zone change request, application 130508-12825S, based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, which in this area provides for RA2 zoning, or two units per acre.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.
7. That approximately one-third of the full parcel has already been rezoned to RA2—a change which took place in 2006 in contemplation of the Derby Shire subdivision (which was never approved).
8. That pre-existing RA2 zoning abuts on the east, and a residential project with the density of RA2 is directly north.

MODEL MOTION

Sample Motion for Positive Recommendation. "I move we forward a positive recommendation to the City Council regarding the Greenwood Phase 3 zone change request by Boyd Brown, application 130508-12825S, based on the findings listed in the staff report dated May 24, 2013, and the following additional findings:"

1. List additional findings, if any.

Sample Motion for Negative Recommendation. "I move we forward a negative recommendation to the City Council regarding the Greenwood Phase 3 zone change request, application 130508-12825S, based on the following findings:"

1. List 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 in substantial compliance with the terms of the Draper City Municipal Code and therefore appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Engineering Division

Draper City Public Works Department

Unified Fire Authority

Draper City Building Division

Draper City Planning Division

Draper City Legal Counsel

DRAPER CITY

Date: 5/29/2013

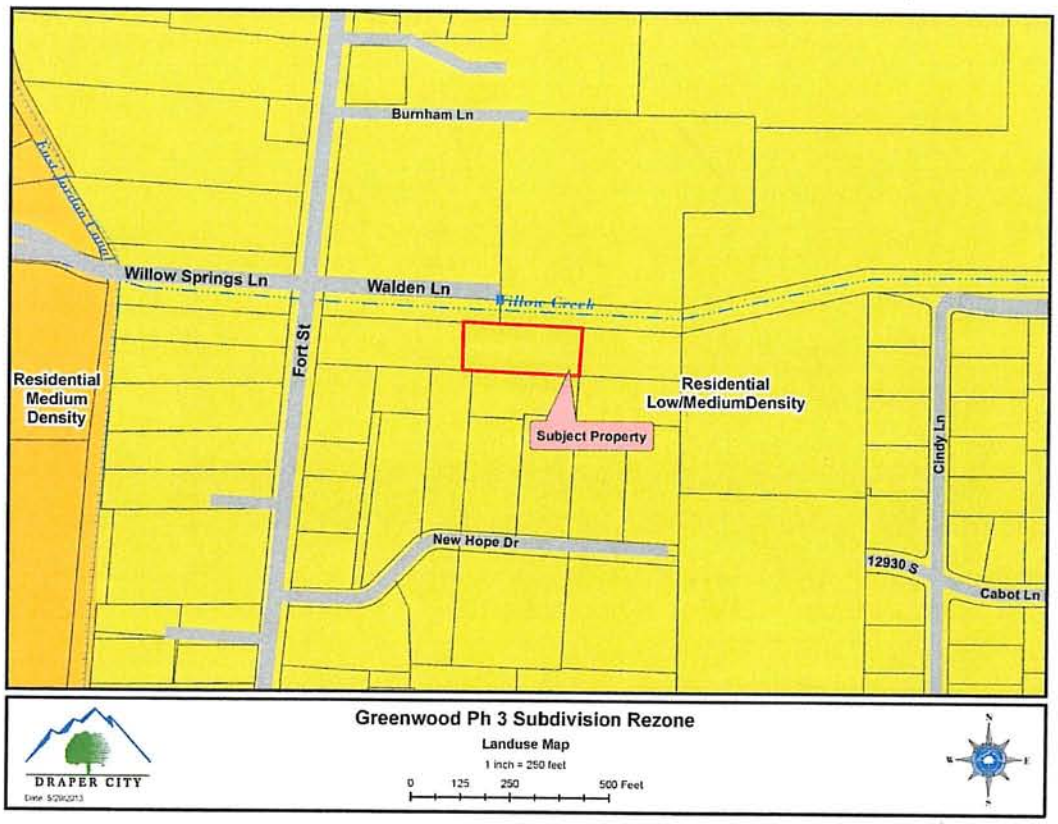
Greenwood Ph 3 Subdivision Rezone

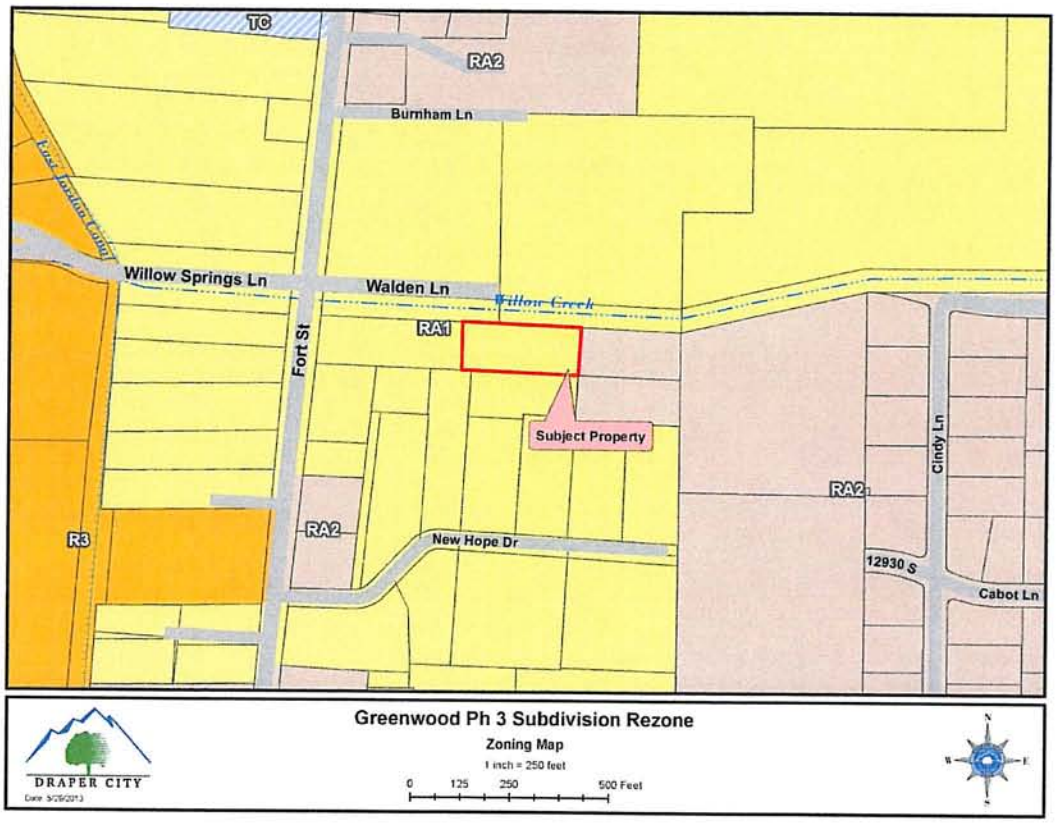
Aerial Map

1 inch = 250 feet

0 125 250 500 Feet

N W E S


Burnham Ln
East Jordan Canal
Willow Springs Ln
Walden Ln
Willow Creek
Fort St
Residential
Medium
Density
Residential
Low/MediumDensity
Subject Property
Cindy Ln
New Hope Dr
12930 S
Cabot Ln
DRAPER CITY
Greenwood Ph 3 Subdivision Rezone
Landuse Map
1 inch = 250 feet
0 125 250 500 Feet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RA2
Burnham Ln
East Jordan Canal
Willow Springs Ln
Walden Ln
Willow Creek
RA1
Fort St
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Cindy Ln
RA2
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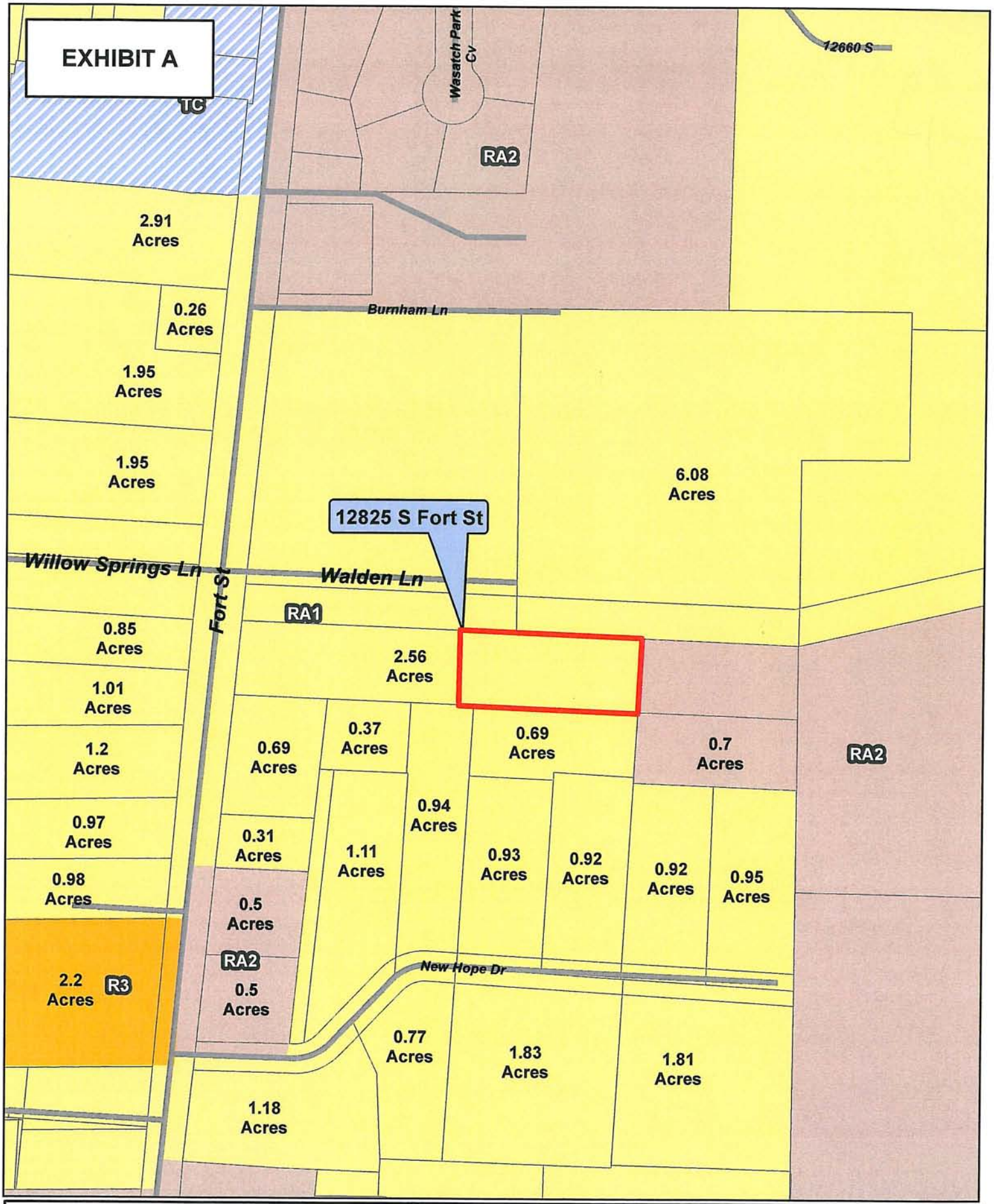
RA2
New Hope Dr
12930 S
Cabot Ln
DRAPER CITY
Greenwood Ph 3 Subdivision Rezone
Zoning Map
1 inch = 250 feet
0 125 250 500 Feet



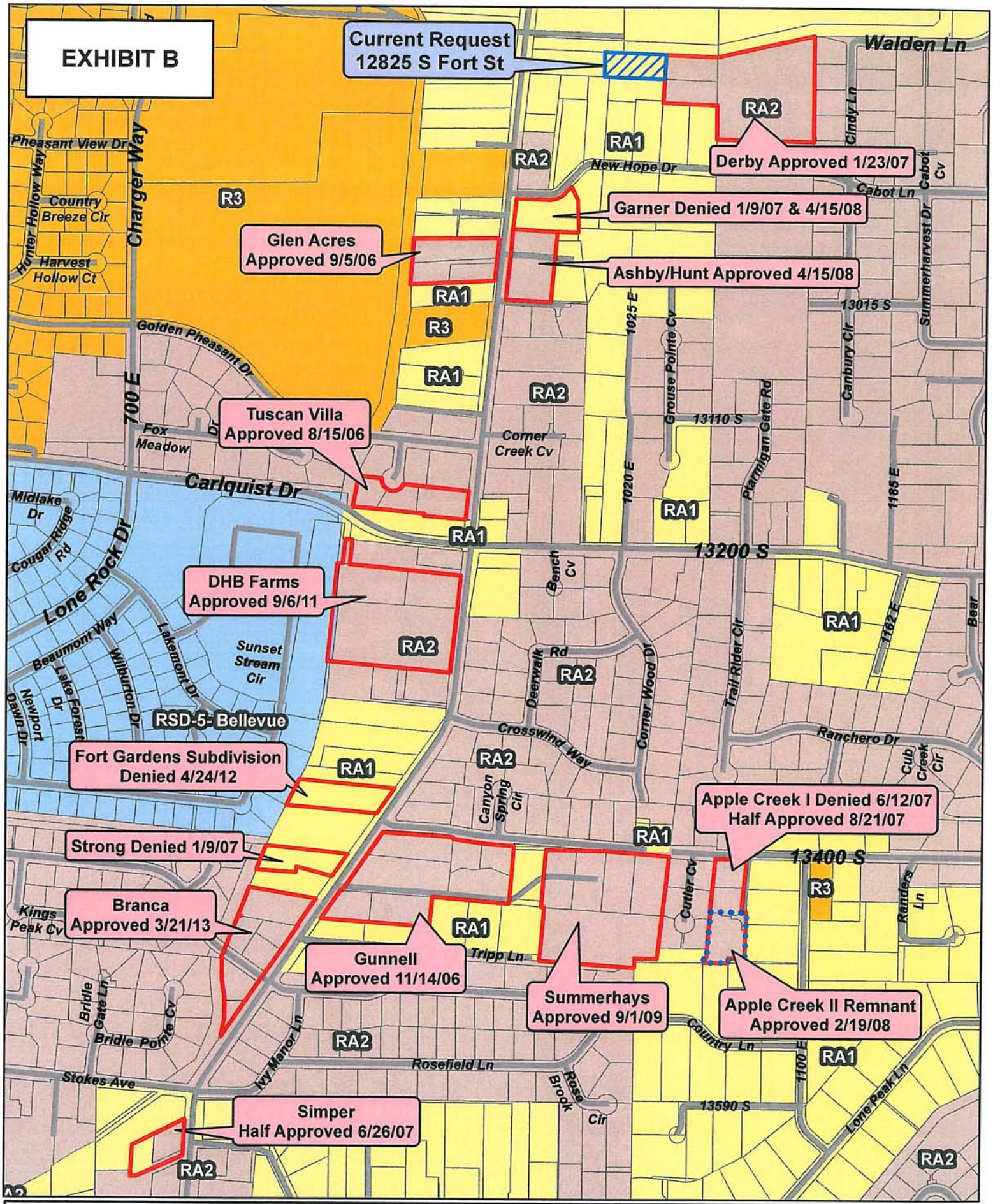
DRAPER CITY

Greenwood Ph 3 Subdivision Zone Change RA1 to RA2
Surrounding Parcel Acreage

0 100 200 400 Feet

N W E S

Date: 5/22/2013



DRAPER CITY

Recent RA1 - RA2
Zone Change Requests Near Fort Street

0 400 800 1,600 Feet

N W E S

Date: 5/22/2013