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, August 8, 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:** On the request of Zane Morris, Triton Terrace, Ltd. to reinstate the Triton Terrace (Phase I) and Triton Terrace East (Phase II) Site Plan Approvals for development of a townhome and apartment project in the RM-2 (Multi-Family Residential) Zone at 350 Vestry Road. The application is otherwise known as the ***Site Plan Approval Reinstatement Request for Triton Terrace (Phase I) and Triton Terrace East (Phase II)***, Application #'s: PLN-2007-0142 and 110504-457E. Staff contact is Jennifer Jastremsky at (801) 576-6382 or email at Jennifer.Jastremsky@draper.ut.us. Staff presentation by Dan Boles.

2. **Public Hearing:** On the request of Debbie Curtis, for approval of a Home Occupation Conditional Use Permit (CUP) in the RA2 (Residential Agricultural) Zone to allow a hair salon as a home occupation at 1947 E Stag Hill Circle. The application is otherwise known as the ***Curtis, Debbie Hair Salon Home Occupation CUP Request***, Application #130701-1974E. Staff contact is Jennifer Jastremsky at (801) 576-6382 or email at Jennifer.Jastremsky@draper.ut.us. Staff presentation by Dan Boles.

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.

3. **Public Hearing:** On the request of Michelle Bullett for approval of a Home Occupation Conditional Use Permit (CUP) in the RA2 (Residential Agricultural) Zone to allow an at home dog grooming business at 13712 South 500 East. The application is otherwise known as the ***Yuppy Puppy Grooming Home Occupation CUP Request***, Application #130617-13712S. Staff contact is Dan Boles at (801) 576-6335 or email at Dan.Boles@draper.ut.us.

4. **Public Hearing:** On the request of Heather Prowell, representing Progressive Properties LLC, for approval of a Zoning Map Amendment in the Ptarmigan Pointe II subdivision to amend the official zoning map on Lot 209 from RA1 to RA2 at 13133 Grouse Pointe Cove. The application is otherwise known as the ***Ptarmigan Pointe Zoning Map Amendment Request***, Application #130703-13133S. Staff contact is Dan Boles at (801) 576-6335 or email at Dan.Boles@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 **August 8, 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

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.

Planning Division
Community Development Department
1020 East Pioneer Road
Draper, Utah 84020
www.draper.ut.us

MEMORANDUM

To: Draper City Planning Commission

From: Jennifer Jastremsky, AICP, Planner II

Date: July 29, 2013

Re: Site Plan Approval Reinstatement for Triton Terrace and Triton Terrace East Multi-Family Residential Development

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BACKGROUND:

The Triton Terrace development first began the review process with the City in 2009. The multi-family community can be broken into two separate phases, with Phase 1 containing 148 dwelling units, and Phase 2 containing 29 dwelling units. A timeline of approvals can be found below.

1. Phase 1:
    a. Initial Planning Commission Approval: January 8, 2009
    b. Six-month Extension Approved: January 7, 2010
    c. Reinstatement of Site Plan Approved: October 27, 2010
    d. Expiration of Reinstated Site Plan: October 27, 2011
2. Phase 2:
    a. Initial Planning Commission Approval: July 28, 2011
    b. Expiration of Site Plan: July 28, 2012
    c. Note: Approvals included deviation from architectural standards so that Phase 2 may match Phase 1 in architectural design. This was due to a code change between phases which altered design standards.

Per Code Section 9-5-090-j, a site plan may be reinstated by the Planning Commission. The Planning Commission has the discretion to approve the site plan as it was formerly approved or to require that a new site plan be submitted and approved. Code Section 9-5-090-j can be found below.

> *"(j) Expiration. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Planning Commission may require that a new site plan be submitted and approval obtained pursuant to this section. A written request may be submitted to the Community Development Department prior to expiration of the site plan for an extension of up to six months, subject to approval of the Planning Commission, provided substantial action is shown toward obtaining a building permit and the requirements for extension under Section 9-5-030 of this Title are met."*

The applicant has requested that both phases be approved in conformance to the previous submittals and approvals. The previous approvals were conditioned on meeting several redlines from staff in order for the plans to fully conform to City Code. The applicant has addressed all redlines and the plans fully conform to the 2009 and 2011 City requirements in affect at the time of the original approvals.

RECOMMENDATION:

Staff recommends that the planning commission approve the request by Zane Morris to reinstate the site plan approvals for Triton Terrace and Triton Terrace East, application # PLN-2007-0142 and # 110504-457E, subject to the following conditions:

1. Meet all conditions of approval from the previous site plan approvals for Phase 1 and Phase 2, dated January 8, 2009 and July 28, 2011.
2. All requirements of the Draper City Planning, Engineering, Public Works, and Building Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. All requirements of the Unified Fire Authority shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. Satisfy all requirements of the geotechnical report throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings, as were previously found in the original approvals:

Phase 1:

1. That the proposed development plans meet the intent, goals, and objectives of the Southpointe Master Plan.
2. That the proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
3. That the proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
4. That the proposed development plans meet the stipulations of the development agreements executed between the City and the applicant.
5. That the proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
6. That the proposed development conforms to the general aesthetic and physical development of the area.
7. That the public services in the area are adequate to support the subject development.

Phase 2:

1. The proposed development is consistent with goals, objectives and policies of the Land Use element of the City's General Plan with respect to:
    a. Providing a wide range of housing opportunities while protecting property values and promoting quality development.

b. Achieving orderly land development patterns which provide for compatible, functional, cost-effective development.
c. Encouraging development that that can be adequately supported by required services and facilities.

d. Relating regional transportation corridors to regional land use intensities and patterns.
e. Protecting property values while providing opportunities for development which meets the health, safety, and welfare needs of City residents.
f. Encouraging infill development in close proximity to existing facilities to promote orderly growth while reducing costs and extent of public services.
g. Developing land use patterns that are compatible with and support a variety of mobility opportunities and choices.

2. The proposed development would not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed development would not adversely affect adjacent property.
4. The public services in the area are adequate to support the proposed development.

SAMPLE MOTION:

Sample Motion to Approve. "I move we approve the request by Zane Morris to reinstate the site plan approvals for Triton Terrace and Triton Terrace East Site Plans, application # PLN-2007-0142 and # 110504-457E, for a period of one year, based on the findings stated in this memo dated July 29, 2013, and with the conditions as listed in the memo."

a. List additional findings or conditions, if any.

Sample Motion to Require New Site Plan Submittal and Review. "I move we require a new site plan submittal, review and approval for Triton Terrace and Triton Terrace East Site Plans, applicant Zane Morris and application # PLN-2007-0142 and #110504-457E, based on the following findings:

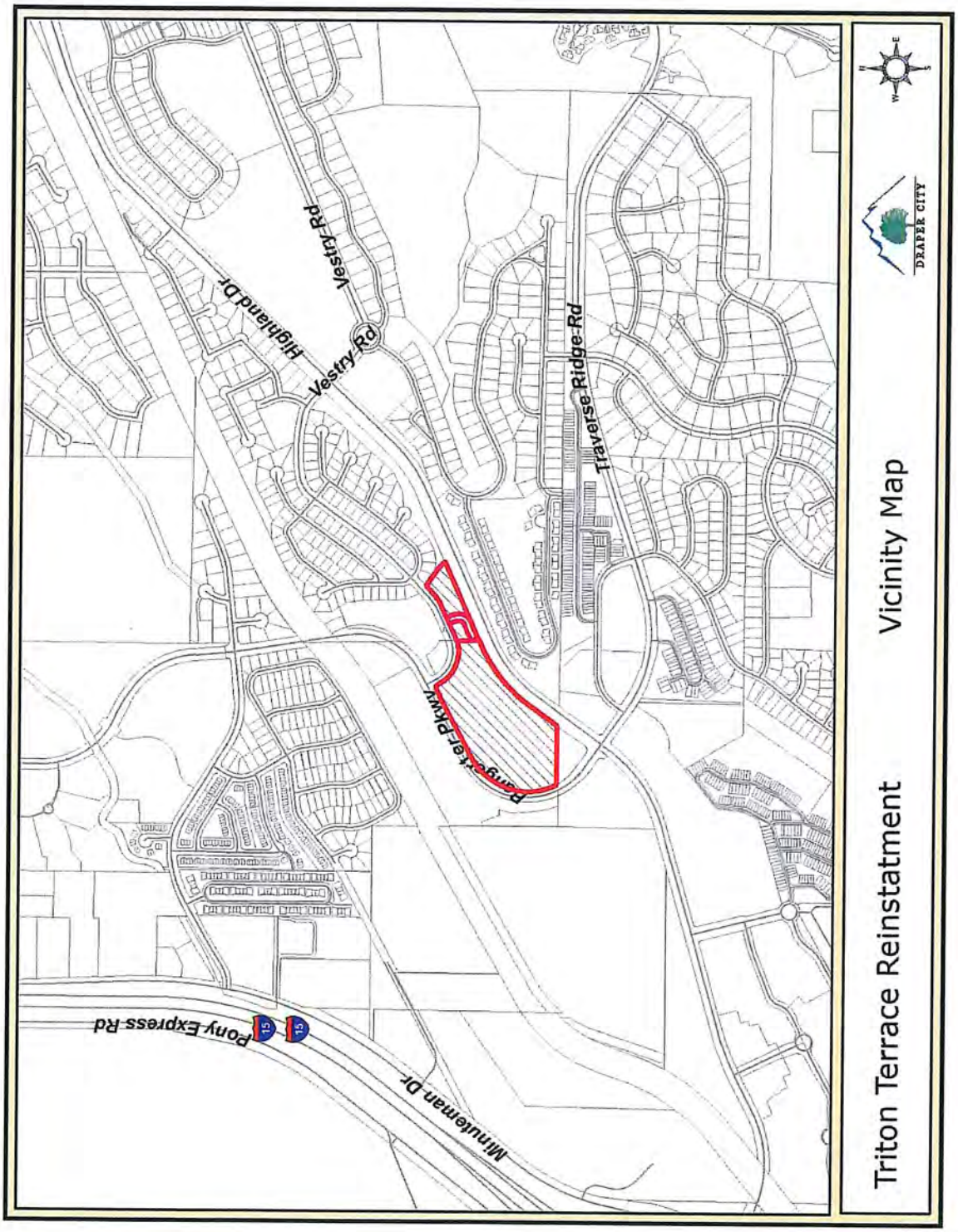
a. List all findings.

Sample Motion to Deny. "I move we deny the request by Zane Morris to reinstate the site plan approval for Triton Terrace and Triton Terrace East Site Plans, application # PLN-2007-0142 and #110504-457E, based on the following findings:

a. List all findings.

Planning Division
Community Development Department
1020 East Pioneer Road
Draper, Utah 84020
www.draper.ut.us

EXHIBIT A
VICINITY MAP



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1020 East Pioneer Road
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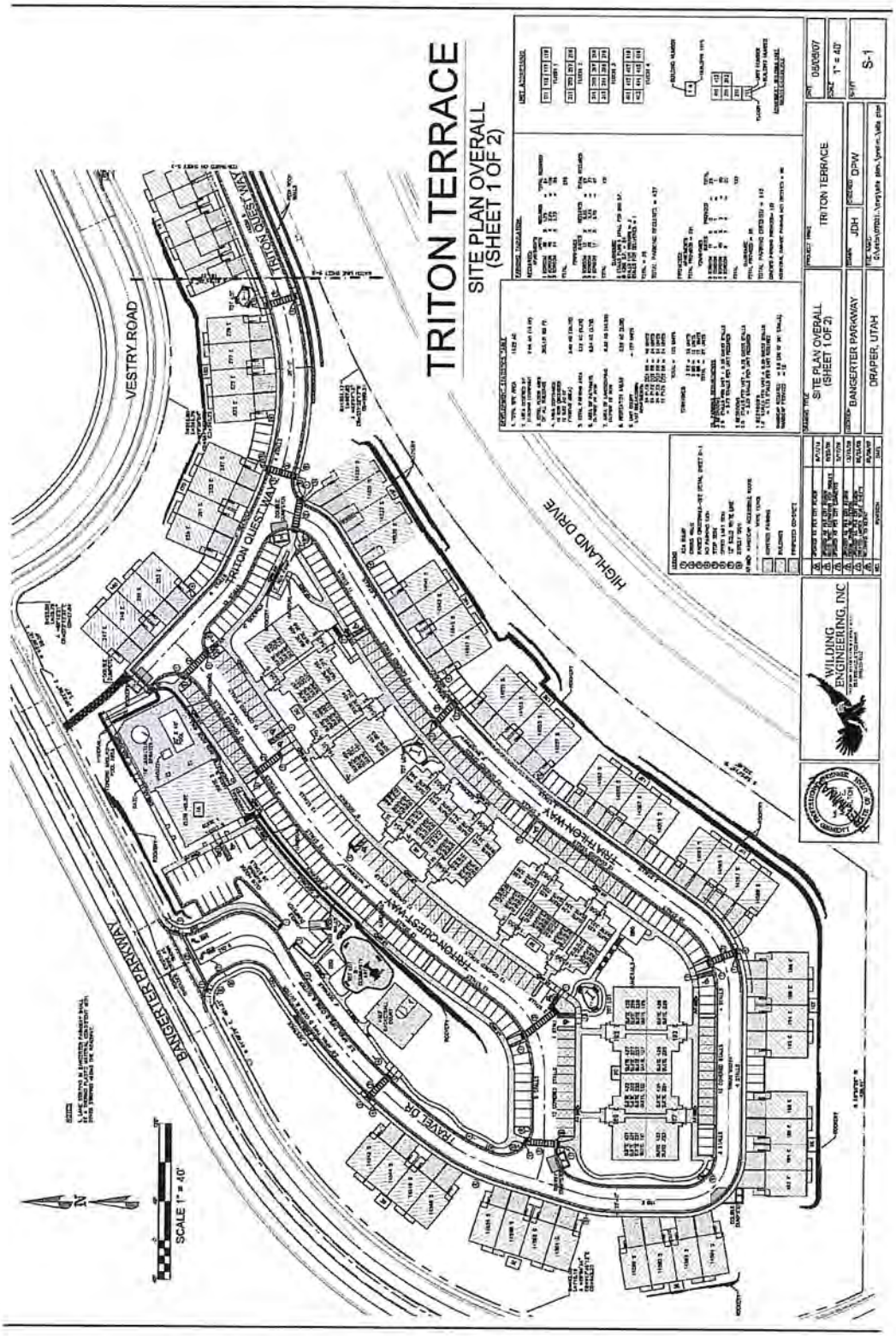
EXHIBIT B
OVERALL SITE PLAN



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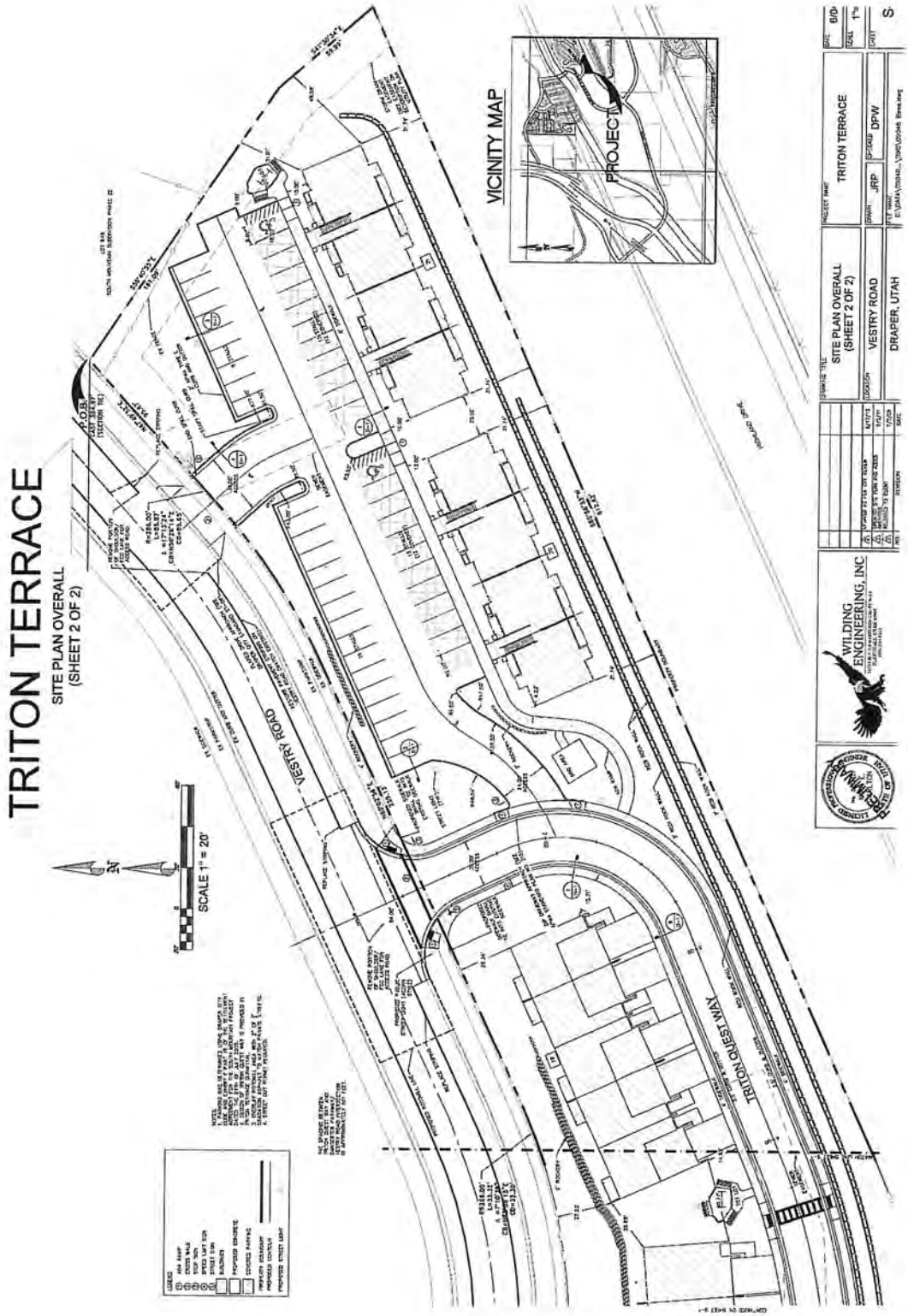


DRAPER CITY

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

STAFF REPORT
July 30, 2013

To: Draper City Planning Commission
Business Date: August 8, 2013

From: Development Review Committee

Prepared By: Jennifer Jastremsky, Planner II
Planning Division
Community Development Department

Re: **Curtis, Debbie Hair Salon – Conditional Use Permit Request**

Application No.:	130701-1974E
Applicant:	Debbie Curtis
Project Location:	1947 E. Stag Hill Circle
Zoning:	RA2 (Residential Agricultural) Zone
Acreage:	0.46 Acres (Approximately 20,037 ft^2)
Request:	Request for approval of a Conditional Use Permit in the RA2 (Residential Agricultural) zone to allow Hair Salon business.

SUMMARY

This application is a request for approval of a Conditional Use Permit for approximately 0.46 acres located at 1947 East Stag Hill Circle (12620 South). The property is zoned RA2 (Residential Agricultural). The applicant is requesting that a Conditional Use Permit be approved to allow her to run an in-home Hair Salon business. For the purposes of classification within the zoning ordinance, it has been determined a "Personal Care Service."

The applicant desires to run a home occupation business from a single room in the basement of the home. Presently the basement is unfinished; however, a building permit has been applied for. Plans to finish the basement to accommodate the aforementioned salon are attached to this report as an Exhibit. According to the applicant there will be no outside employees. Clients will be seen by appointment only, and walk-ins are not allowed. Business hours will be Tuesday thru Friday and occasionally on Mondays, if needed. Typically, there will be one, possibly two clients at any one time. There is ample parking in the driveway with the client parking designated by an orange cone. The driveway can accommodate up to six vehicles. The applicant is not applying for any signage for the business at this time. If signage is sought at a later date, the sign would be limited

to a wall sign which is two- square feet or less in size.

Staff did receive an email from two neighbors objecting to the issuance of a Conditional Use Permit. The letters, one with picture attachments, have been included in this staff report as Exhibit H.

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. The General Plan calls for housing which provides "live, work, and play" opportunities. It further states that these opportunities can be achieved by using home based businesses, telecommuting and on-line shopping, etc. (Page 142)

The property has been assigned the RA2 (Single-family Residential) zoning classification, supporting approximately two dwelling units per acre. The subject property is surrounded by like zoning on all sides. Home based "Personal Care Services" are allowed within all residential zoning districts subject to a Conditional Use Permit.

Draper City Municipal Code (DCMC). The type of business being requested has been determined to be classified a "Personal Care Service" use. Personal care businesses are defined in Chapter 9-3 of the DCMC as:

> *"An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment".*

Chapter 9-10 DCMC details, in part, the permitted and conditional uses for the various residential zones within Draper City, including the RA2 zone to which the subject property has been assigned. Table 9-10-1 declares home occupations to be permissible uses based on the terms of Chapter 9-34 which governs home occupations. Section 9-34-050 calls out "Personal Care Services" as a permissible home occupation class following the application for and approval of a Conditional Use Permit. There are several home occupation businesses in the general vicinity, with one home based salon located a little over 1,000-feet away from the subject property.

Parking and Site Plan Layout. The property contains one single family home and a detached garage. The applicant has set aside approximately 260 square feet of space within the basement for the salon. The room has direct access to the outside via the rear yard.

The applicant has stated that the worst case scenario would be one customer coming to the home before a prior customer has finished creating a maximum need for two parking stalls. The driveway measures 23-feet x 60-feet which has enough room for six standard 10-foot x 20-foot parking spaces stacked three deep which will accommodate the worst case scenario and allow all parking to be retained on site.

Home Occupation Criteria. The City Code outlines development standards applicable to all home occupations. Those standards are found in Section 9-34-040 of the Draper City Municipal Code. Those criteria, along with information specific to the subject request, are as follows:

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

The business owner is the owner of the home.

(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.*

The applicant will be required to maintain a valid Draper City Business License throughout the operation of the business.

(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 person.*

The applicant is the only employee for the proposed home occupation. Per City ordinance, the applicant could have members of the household as well as one outside employee if desired in the future.

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

The proposed home occupation will be subject to all required inspections associated with receiving a Business License and operating a business.

(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.*

The proposed home occupation will require very little salon inventory. The applicant meets this requirement.

(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.

The basement of the existing dwelling is being finished to accommodate the salon. There are no other proposed structural or aesthetic alterations to the home or property to accommodate the proposed 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.*

The proposed home occupation should produce no nuisances to neighboring property owners.

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

The proposed home occupation is clearly incidental and secondary to the residential use of the property and the neighborhood. Tax records declare the home to be approximately 6,600 ft^2 and she will be using approximately 260 ft^2 which is approximately 4% of the total livable home square footage.

(i) *Signs. All signage in a residential area must comply with the Draper City Sign Ordinance (Chapter 26 of [the Draper City Municipal Code]).*

The proposed home occupation would be permitted the standard signage allowances dictated in Chapter 9-26 of the Draper City Municipal Code, should the applicant desire and apply for such signage. No signage is being applied for at this time.

(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.*

Given the represented client load, the use is not anticipated to generate a significant traffic impact to the anticipated levels of service in the general area.

(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.*

The proposed home occupation will have no vehicles associated with the business alone or beyond that used and intended for the homeowner's personal transportation.

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

The proposed home occupation will have no involvement with the property on the outside of the home.

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

As previously mentioned, the applicant proposes to see clients by appointment only. Her days of operation are Tuesday thru Friday and may see clients on Mondays if her schedule will not allow for the set days.

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

The proposed home occupation does not detrimentally impact the utility system of the city or the subject area of the community.

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

The proposed home occupation will be completely contained within the main structure on the property.

(p) *Single-Family Dwellings. A home occupation listed in Section 9-34-050 of this code that does not conform to any of the development standards in Section 9-34-040 of this code may nonetheless be established through the issuance of a Conditional Use Permit specifically for the desired alteration to those development standards.*

The subject property for which the proposed home occupation is to be located is a single-family dwelling as required.

(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. In addition, Cottage Food Production*

Operations are regulated and inspected by the Utah Department of Agriculture. Any food-related home occupation under their jurisdiction must comply with these regulations.

The proposed home occupation does not involve child care or food.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Section 9-5-080(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

(e) Approval Standards. The standards of this subsection shall apply to the issuance of a Conditional Use Permit.

(1) A Conditional Use Permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.

(2) Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Section. Such conditions shall be expressly set forth in the motion authorizing the Conditional Use Permit.

(3) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(4) The following factors shall be reviewed and considered in determining whether a Conditional Use Permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:

(i) the harmony and compliance of the proposed use with the objectives and requirements of the City's General Plan and this Title;

(ii) the suitability of the specific property for the proposed use;

(iii) whether the proposed use or facility may be injurious to potential or existing development in the vicinity;

(iv) the economic impact of the proposed facility or use on the surrounding area;

(v) the aesthetic impact of the proposed facility or use on the surrounding area;

(vi) the safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;

(vii) the safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and

(viii) the impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

(5) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection (e) can be met.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following conditions:

1. That all requirements of the Unified Fire Authority and Draper City Building Official are satisfied throughout the operation of the home occupation on the property.
2. That the home occupation continually maintains a valid Draper City Business License throughout its operation.
3. That the home occupation is required to maintain approval and adequate licensure from any and all State agencies prior to receiving a business license.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Conditional Use Permit submission and have issued a recommendation for approval for the request with 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 is considered an insignificant impact to the existing and future traffic condition. 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 in the general area.

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. The Draper City Building Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request without further comment. Any building related issues will be addressed during the building permit process.

Unified Fire Authority Review. The Unified Fire Authority has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following condition:

1. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.

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

Noticing. The applicant has expressed their desire for approval of a conditional use permit on 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 Conditional Use Permit by Debbie Curtis, application 130701-1947E, subject to the following conditions:

1. All requirements of the Unified Fire Authority and Draper City Building Official be satisfied throughout the operation of the home occupation on the property.
2. No parking associated with or caused by the home occupation shall be located within any public right-of-way.
3. Obtain the necessary sign permits prior to installation of any proposed signage.
4. The home occupation shall continually maintain a valid Draper City Business License throughout its operation.
5. The home occupation is required to maintain approval and adequate licensure from any and all State and County agencies prior to receiving a business license, including the Salt Lake Valley Health Department.

This recommendation is based on the following findings:

1. The proposed home occupation meets the intent, goals, and objectives of the Draper City General Plan by:
   a. increasing the diversity of business offerings while ensuring the sustainability of the economy and improving general quality of life;

b. fostering new and existing economic activities and employment opportunities that are compatible with Draper's lifestyle;
c. encouraging and supporting a diversity of businesses; and
d. encouraging a diverse array of goods and services being provided for consumers.

2. The proposed home occupation meets the requirements and provisions of the Draper City Municipal Code.
3. The proposed home occupation will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed home occupation will not alter the general aesthetic and physical development of the area.
5. The proposed home occupation requires no utility or public services beyond that which the residence already requires, thereby safeguarding and ensuring the adequacy of utilities in the area.
6. The subject property is well suited to accommodate the addition of the proposed home occupation.
7. The proposed home occupation will not emit noxious or offensive emissions such as noise, glare, dust, pollutants, and odor.

MODEL MOTIONS

Sample Motion for Approval – "I move we approve the Conditional Use Permit Request by Debbie Curtis, application #130701-1947E, based on the findings and subject to the conditions as listed in the Staff Report dated July 30, 2013:"

1. List any additional findings and conditions…

Sample Motion for Denial – "I move we deny the Conditional Use Permit Request by Debbie Curtis, application #130701-1947E, 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 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

EXHIBIT A
VICINITY MAP

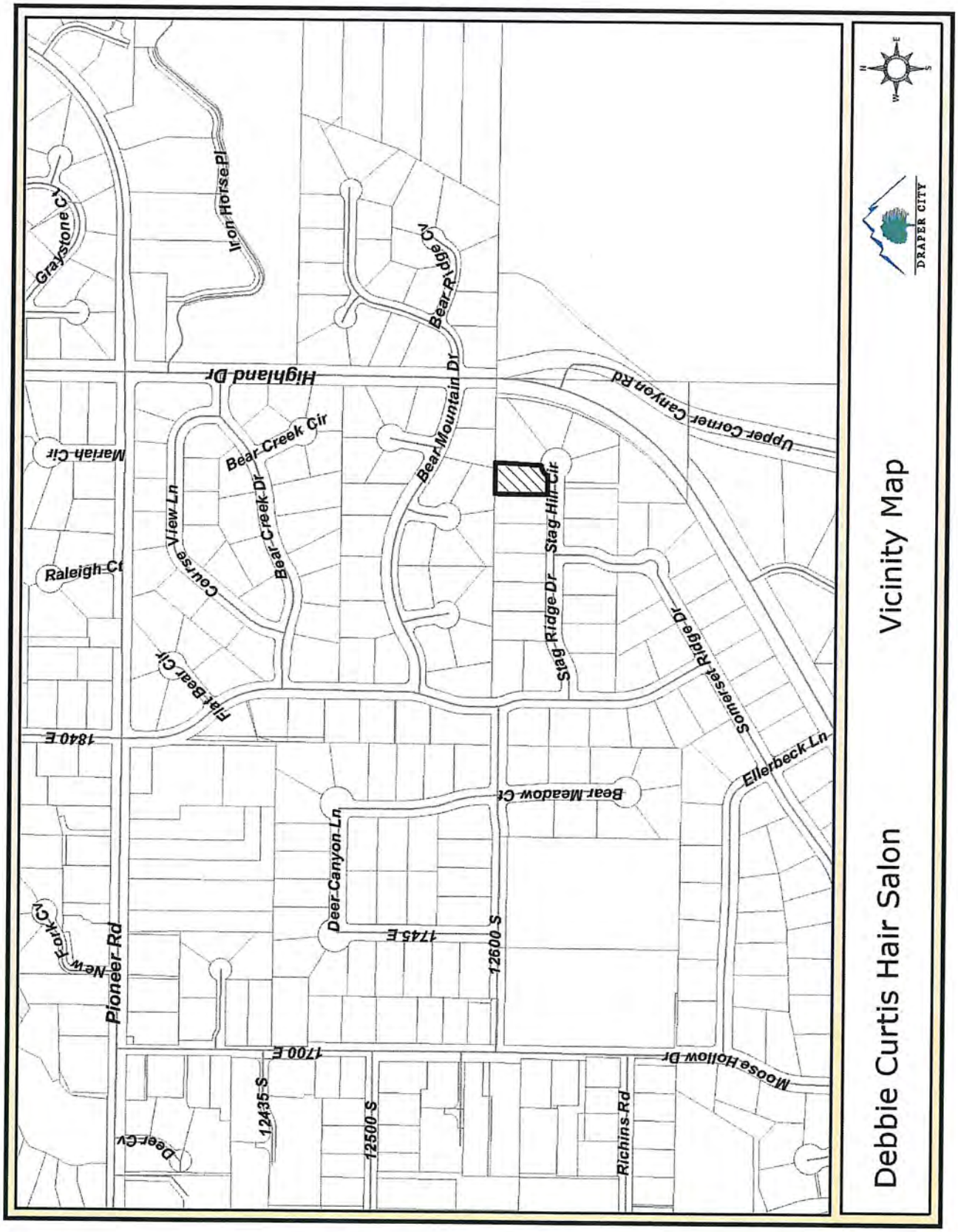


EXHIBIT B
ZONING MAP

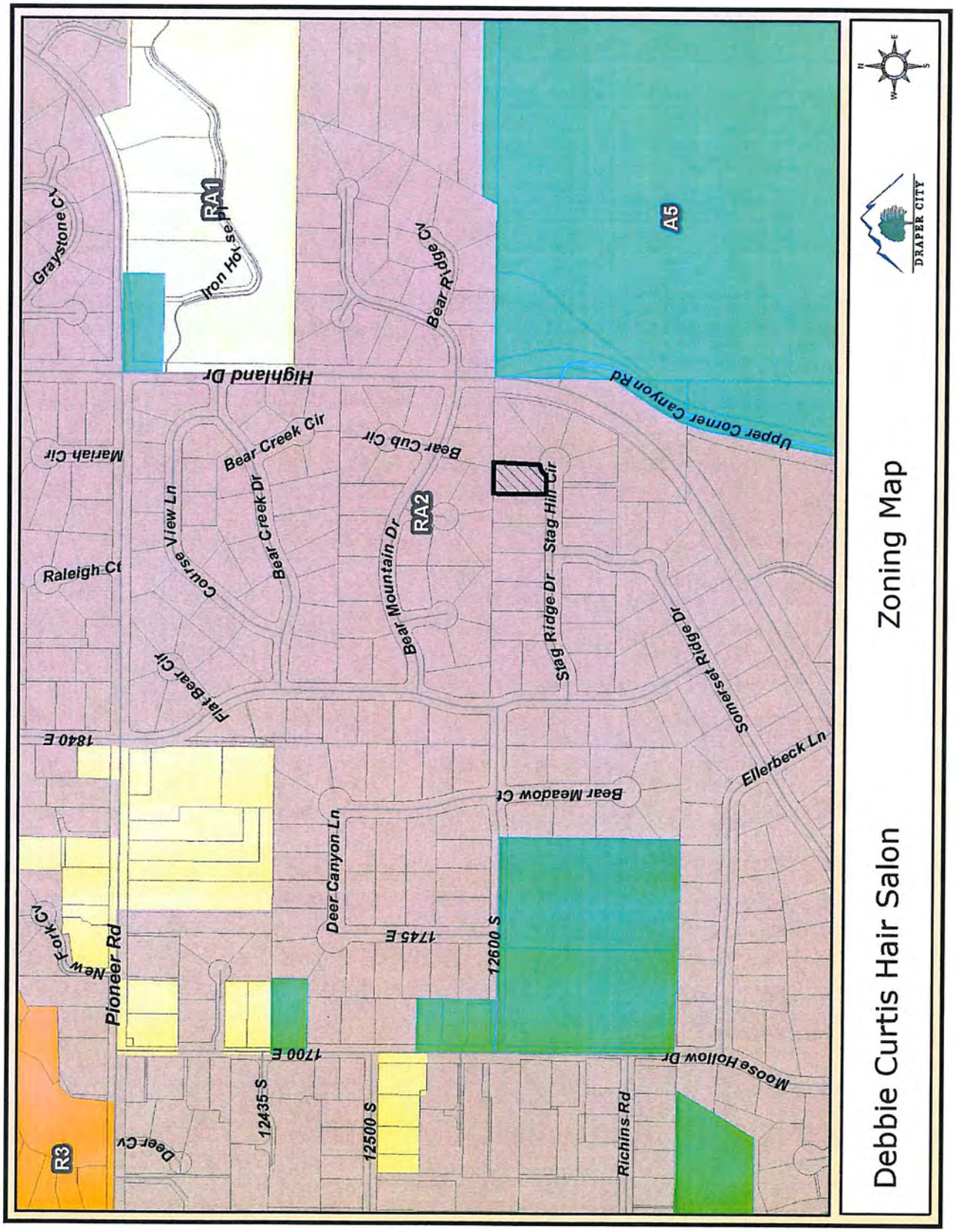


EXHIBIT C
ARIAL MAP

EXHIBIT D
SITE PLAN

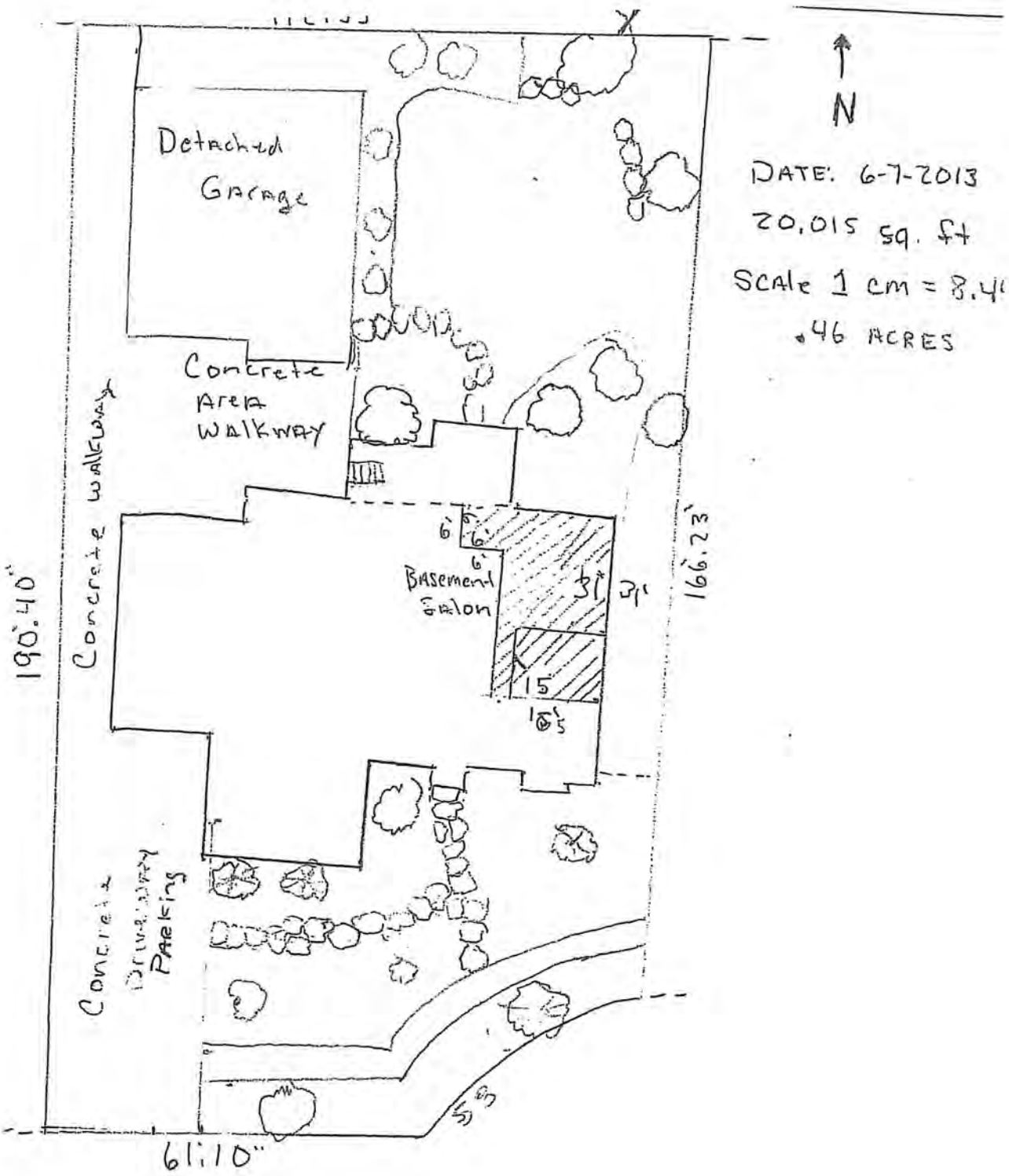


EXHIBIT E
FLOOR PLAN

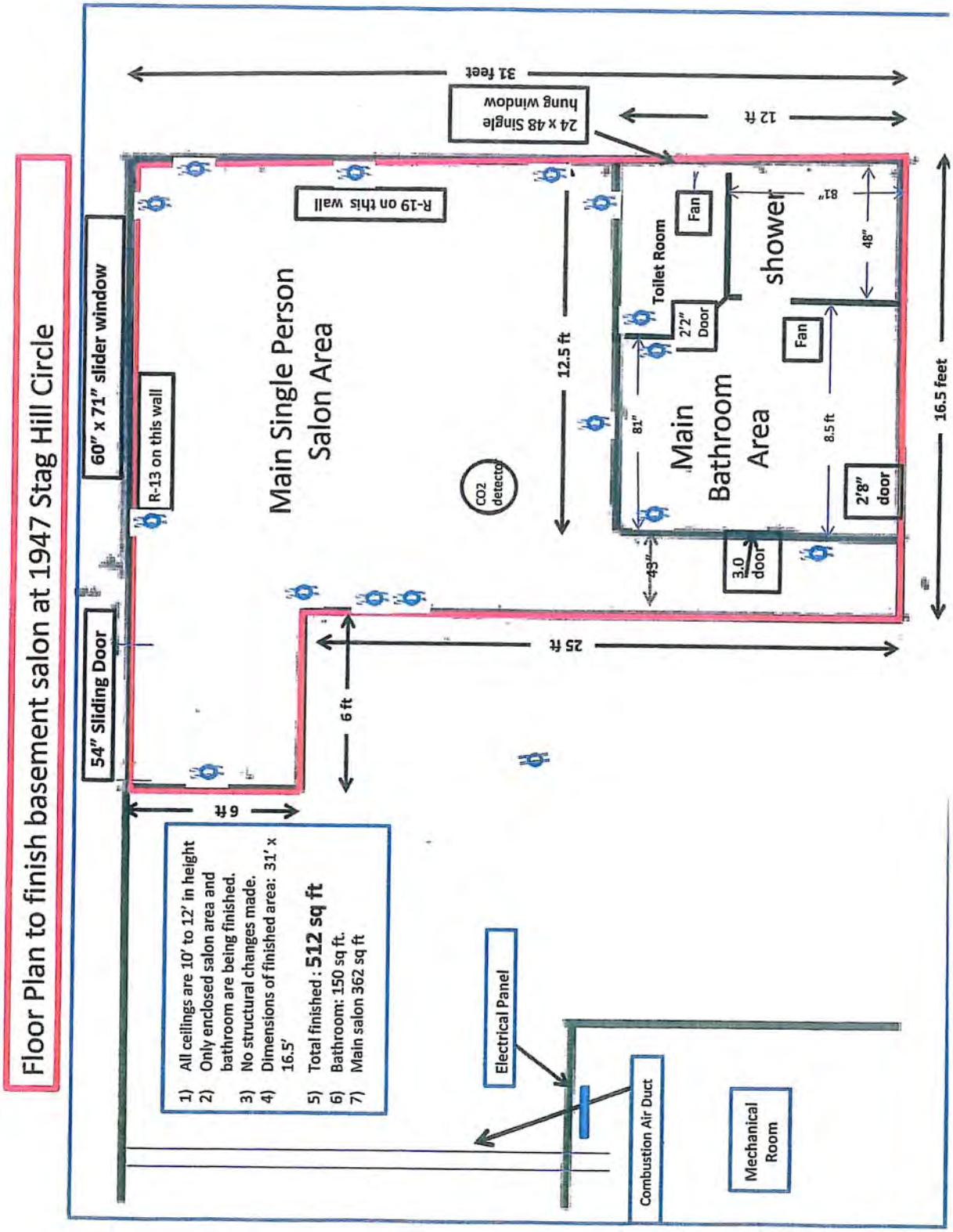


EXHIBIT F
APPLICANT LETTER

1949 Stag Hill Circle Conditional Use Application

Conditional Use Permit Q & A

1. Residential
2. Hair salon located in basement accessed by a separate entrance. Hours of operation are usually Tues thru Fri from 8-5. Typically, there are only one, possibly two customers there at a time. There is ample parking in the driveway and will have no signs indicating there is a business at the home.
3. There are no indications that there is a business in the residential area other than the low volume of customers.
4. Personal grooming services
5. Consistent use given noise, traffic and other related issues.
6. Yes, there will be minimal physical evidence of a business in the area.
7. Yes. There is ample parking in the driveway and a separate entrance and restroom as needed.
8. No
9. Tues thru Friday 8-5 sometimes shop is closed earlier No employees. Customers by appointment only.
10. Approximately 4-8 depends on the day

EXHIBIT G
HOME BASED BUSINESS MAP

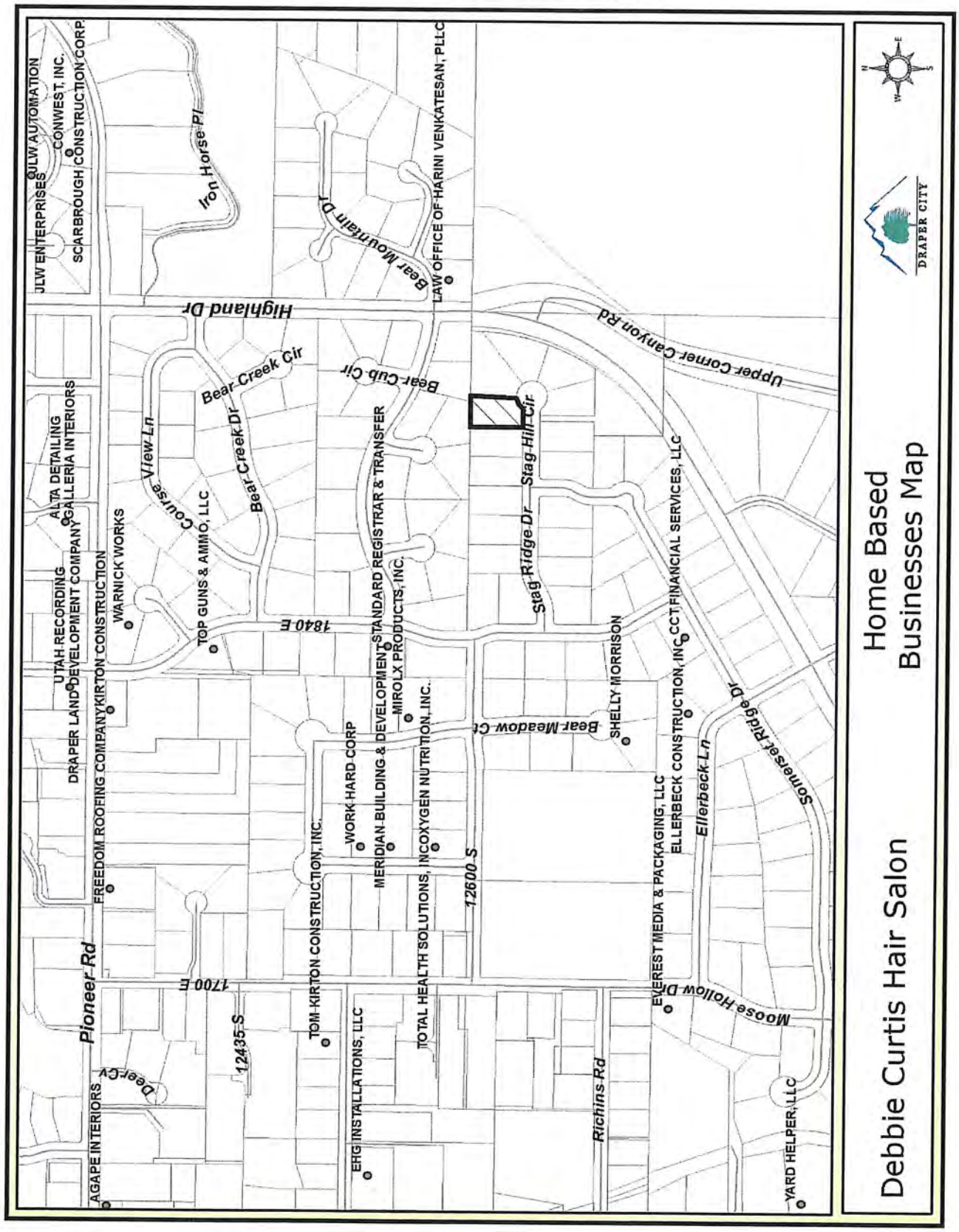


EXHIBIT H
NEIGHBOR LETTERS AND PICTURES

Jennifer Jastremsky

From: Todd Kemp [todd.cherie@gmail.com]
Sent: Friday, August 02, 2013 10:07 AM
To: Jennifer Jastremsky
Subject: App # 130701-1947E Hair Salon

Dear Ms. Jastremsky:

Regarding the Debbie Curtis application for a Home Occupation Conditional Use Permit for a Hair Salon at 1947 East Stag Hill Circle, we, as nearby neighbors, are opposed to granting this permit. We live two houses west and across the street from this address and do not want a commercial enterprise established in this quiet neighborhood primarily for reasons of increased traffic and property devaluation. We bought our property never anticipating any commercial enterprise ever being established in the neighborhood and would like to keep it that way.

Sincerely,

Todd and Cherie Kemp
12659 S. Somerset Ridge Drive
Draper, UT 84020

EXHIBIT H
NEIGHBOR LETTERS AND PICTURES

Jennifer Jastremsky

From:	Dennis Wanlass [dlwanlass@gmail.com]
Sent:	Thursday, August 01, 2013 1:11 PM
To:	Jennifer Jastremsky
Cc:	Dennis Wanlass; Karen Wanlass
Subject:	Home conditional use permit, Debbie Curtis, 1947 E Stag Hill Cr.
Attachments:	photo 1.JPG; ATT00001.txt; photo 2.JPG; ATT00002.txt; photo 3.JPG; ATT00003.txt; photo 4.JPG; ATT00004.txt; photo 5.JPG; ATT00005.txt

Thank you for talking about the conditional use permit for the home next door (to the west of my home. Please confirm that you have received this email along with the pictures as we are traveling

As suggested I am submitting an email voicing my objection to the granting of the conditional use permit noted in the above " subject" notation.

First of all the question 3 on the submission could not be answered in any way that would support the granting of this permit. A hair salon would never "fit in" to the surrounding uses of the high end housing neighborhood. Any rationalization would be a significant stretch. Our entire local street has no home occupational permits. People buy in our neighborhood to invest in quiet peaceful residential areas. To approve the permit would allow a growing and cancerous detraction of Drapers residential value as a controlled zoning area and a nice place to live. Commercial areas should so be developed keeping the commercial growth to specific areas which can address the traffic, parking, congestion. Can you imagine what the neighborhood would be like if every home had a home business which Draper City had allowed. Degradation of zoning control always starts with one, then another , then another.

On question 6 the response is the same as 3 above as the proposed use of the property is not consistent with the uses in the surrounding area

We have a very peaceful and quiet neighborhood at the top of a very inclined street, the dead end circle where my home and the subject home is, is the only flat area on the street and is where the neighborhood children ride bikes and other play activities. The only cars using our street is the local residents and those occasional lost drivers. There is no doubt this would increase the non resident traffic in the neighborhood hundreds of percent increasing the risk and decreasing the safety of the neighborhood

I took some pictures of Stag Hill Circle and down the hill on Stag Hill Drive this morning, Thursday, ,August 1, 2013, to give the commission a view of the actual street so they have something to view other than a plat site from the Draper City facility. Note how empty the street is except where the subject home is. I suppose you can guess where the hair salon is. I believe the three cars are not residents of the house. Unfortunately just before I took the picture a fourth car was pulling away from the site. Parking will be a major problem and a street congestion issue. They of course could play the pea game and park their personal cars on the street and allow four cars in their driveway which maybe while meeting a technical requirement would not alleviate the congestion and safety issue. I would also point out that the problems would be exacerbated in the winter months as a 30-40% incline up the hill on our street causes extremely slippery and icy road conditions. With increased traffic and parking on the street, (whether its customer cars or resident cars to allow for customer driveway parking) the icing conditions would intensify and the ability to clear the street and circle of snow by plowing would be difficult. Stag Hill circle is a fairly small circle and the snow plows cannot make a complete circle when they plow which necessitates the driver pushing the snow to a point and piles it on the street where the white car is parked in the picture. He then reverses and proceeds down the street . The street itself is only 3 cars wide so if a car parks in the street on the other side of a parked car it narrows the street

to one lane again making it congested and limiting access. Again this becomes more difficult in winter conditions. To complicate further, there is a private driveway access across the street from the where the black car is parked in the picture which complicates the congestion issue in the winter. The street needs to be clear of all vehicles particularly in the winter months so the Draper City snow crew can make the hill and circle safe. The residents have four wheel drive vehicles to navigate the icy streets in the winter even when the roads are plowed. Who knows the condition of the customers tires and cars to meet these icy conditions all of which contributes to traffic , congestion, snow clearing, and children safety issues. Many times cars become parked on the side when they cannot make it up the hill because of winter conditions

I hope I have made a case to deny the conditional permit because its in the best interest of the immediate neighborhood area. If allowed to proceed strict adherence of customers off street parking must be maintained for safety , congestion, access and winter condition. Nothing from the operation of the hair salon should detract from the appearance , the "fit" , the neighbors use of their property, and the peaceful and quiet enjoyment of the neighborhood as it exists today. Many did not buy their properties to have someone come in and change the environment to something else. I strongly urge the planning commission to deny the application as it does change the traffic, access, congestion, of the neighborhood given its a quiet , non traffic dead end circle

Sincerely
Dennis and Karen Wanlass. 801 835 3481(cell)
>

EXHIBIT H
NEIGHBOR LETTERS AND PICTURES

DRAPER CITY

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

STAFF REPORT
July 30, 2013

To: Draper City Planning Commission
Business Date: August 8, 2013

From: Development Review Committee

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

Re: **Yuppy Puppy Grooming – Conditional Use Permit Request**

Application No.:	130617-13712S
Applicant:	Michelle Bullett
Project Location:	13712 South 500 East
Zoning:	RA2 Residential Zone
Acreage:	0.51 Acres (Approximately 22,215 ft^2)
Request:	Request for approval of a Conditional Use Permit in the RA2 Residential zone to allow an at home dog grooming business.

SUMMARY & BACKGROUND
This application is a request for approval of a Conditional Use Permit for approximately 0.51 acres located on the end of 500 East at 13712 South. The property is currently zoned RA2 Residential. The applicant is requesting that a Conditional Use Permit be approved to allow for the development of the currently vacant site as an office building.

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. The property has been assigned the RA2 Residential zoning classification, supporting approximately two dwelling units per acre. The purpose of the RA2 zone is to "*foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City's semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of animals and fowl.*" The RA2 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential Low/Medium Density land use designation. RA-1 zoning abuts the subject property on the south-west, and RA-2 abuts on the north and east.

Draper City Municipal Code (DCMC). The type of business being requested has been determined to be

classified a "grooming service" use. Personal care businesses are defined in Chapter 9-3 of the Draper City Municipal Code (DCMC) as *"An establishment for the grooming, bathing, clipping, and non-medical care of household animals. Such uses may also include the sale of grooming and care items as well as accessory items for the keeping of household pets. Such uses shall not include the sale, breeding, training, or boarding of animals."*

Chapter 9-10 of the DCMC details, in part, the permitted and conditional uses for the various residential zones within Draper City, including the RA2 zone to which the subject property has been assigned. Table 9-10-1 within that chapter declares home occupations to be permissible uses based on the terms of Chapter 9-34 which governs home occupations. Section 9-34-050 calls out "grooming service" as a permissible home occupation class following the application for and approval of a Conditional Use Permit, which has led to the current request. However, this use is subject to the following conditions:

> *(a) Animal being groomed must be current on the following vaccinations: rabies, parvovirus, distemper, and kennel cough.*
> *(b) Facility shall be subject to periodic inspection by city staff.*
> *(c) Animal being groomed shall be kept indoors the whole time in a controlled environment.*
> *(d) Up to two animals shall be allowed on the premises at a time for grooming purposes.*

Currently, there is one home occupation business licenses along 500 East and the previous owner of the property conducted a business from the home with no customers. There are more home occupation businesses in the general vicinity.

<u>*Parking and Site Plan Layout*</u>. The property contains one single family home and an accessory building. The applicant is proposing to run the business from the accessory building. The building is on the south side of the property. The adjacent property is a horse pasture.

The applicant has stated that the clients would book a time for to bring their dog to be groomed in order to control how many dogs are on the premises at any given time. The dogs would not be held in cages and will therefore need to leave the property fairly quickly. The property has two driveways, one for the main home and the other for the garage. The driveway which leads to the garage has enough room for four standard 9'X18' parking spaces which will accommodate all parking to be retained on site.

<u>*Home Occupation Criteria*</u>. The City Code outlines development standards applicable to all home occupations. Those standards are found in Section 9-34-040 of the Draper City Municipal Code. Those criteria, along with information specific to the subject request, are as follows:

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

(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.* The applicant will be required to maintain a valid Draper City Business License throughout the operation of the business.

(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 person.* The applicant is the only employee for the proposed home occupation.

Per City ordinance, the applicant could have members of the household as well as one outside employee if desired in the future.

(d) *Inspection. All facilities shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes. Inspections during reasonable hours by City officials may occur as necessary to assure compliance with regulations.* The proposed home occupation will be subject to all required inspections associated with receiving a Business License and operating a business.

(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.* The proposed home occupation will require very little inventory but there will be products needed to groom the pets. The applicant should have no trouble meeting this requirement.

(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.* There are no structural or aesthetic alterations needed to the home or property to accommodate the proposed 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.* The proposed home occupation should produce no nuisances to neighboring property owners specifically due to the location of the accessory building to be used next to an open horse pasture.

(h) *Secondary Use. The home occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty-five percent (25%) of the dwelling unit shall be used for the home occupation.* The proposed home occupation is clearly incidental and secondary to the residential use of the property and the neighborhood. County records declare the home to be approximately 4,500 ft^2. The detached garage the applicant is proposing to use is approximately 1,100 ft^2 and she will be using approximately 200 ft^2 which is approximately 18% of the garage square footage. Combined with the home, it is a total of 3.5% of all buildings.

(i) *Signs. All signage in a residential area must comply with the Draper City Sign Ordinance (Chapter 26 of [the Draper City Municipal Code]).* The proposed home occupation would be permitted the standard signage allowances dictated in Chapter 9-26 of the Draper City Municipal Code, should the applicant desire and apply for such signage. No signage is being applied for at this time.

(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.* Some traffic will be generated as a result of the

home occupation however, the maximum she anticipates, which is four per day is not anticipated to have a great impact to the neighborhood.

(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.* The proposed home occupation will have no vehicles associated with the business alone or beyond that used and intended for the homeowner's personal transportation.

(l) *Yards. Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.* The proposed home occupation will have no involvement with the property on the outside of the home.

(m) *Customers. No customers allowed. Children accessing a limited day care or limited preschool facility shall not be considered customers.* As previously discussed, the applicant is requesting approval to have applicants come to the home. She is anticipating up to four clients a day. Hours of operation were not defined. No more than two cars should ever be at the home at any given time.

(n) *Utility Demand. The home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.* The proposed home occupation should have no impact on the utility system of the city or the subject area of the community.

(o) *Main Structure. The home occupations shall be conducted, located, and contained within the primary structure on the property.* The proposed home occupation will be completely contained within the main 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.* The subject property for which the proposed home occupation is to be located is a single-family dwelling as required. However, the applicant is requesting that the business be approved to be located within the detached garage on the property to keep the pets in a separate location and not in the home.

(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. In addition, Cottage Food Production Operations are regulated and inspected by the Utah Department of Agriculture. Any food-related home occupation under their jurisdiction must comply with these regulations.* The proposed home occupation does not involve child care or food.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Section 9-5-080(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

(e) Approval Standards. The standards of this subsection shall apply to the issuance of a Conditional Use Permit.

(1) A Conditional Use Permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.

(2) Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Section. Such conditions shall be expressly set forth in the motion authorizing the Conditional Use Permit.

(3) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(4) The following factors shall be reviewed and considered in determining whether a Conditional Use Permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:

(i) the harmony and compliance of the proposed use with the objectives and requirements of the City's General Plan and this Title;

(ii) the suitability of the specific property for the proposed use;

(iii) whether the proposed use or facility may be injurious to potential or existing development in the vicinity;

(iv) the economic impact of the proposed facility or use on the surrounding area;

(v) the aesthetic impact of the proposed facility or use on the surrounding area;

(vi) the safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;

(vii) the safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and

(viii) the impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

(5) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection (e) can be met.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. That all parking is accommodated in the driveway of the home.
2. That any signage for the business shall comply with DCMC Section 9-26-100(3)(c).
3. That the applicant obtains and maintains a Draper City business license.
4. That all City regulations are adhered to at all times, especially those listed in Section 9-34-040. Subsection (m), which disallows customers, is modified with this conditional use permit.
5. That the four conditions associated with a grooming service, as stated in Section 9-34-050, are strictly adhered to. These are:
    a. Animal being groomed must be current on the following vaccinations: rabies, parvovirus, distemper, and kennel cough.
    b. Facility shall be subject to periodic inspection by city staff.
    c. Animal being groomed shall be kept indoors the whole time in a controlled environment.
    d. Up to two animals shall be allowed on the premises at a time for grooming purposes.

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

Building Division Review. The Draper City Building Division has completed their review of the Conditional Use Permit submission and has 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 Conditional Use Permit submission and has issued a recommendation for approval for the request with the following proposed condition:

1. **2A-10BC Fire Extinguishers required**. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.

Noticing. The applicant has expressed their desire for approval of a conditional use permit on 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 Conditional Use Permit by Michelle Bullett, application 130617-13712S, subject to the following conditions:

1. That all parking is accommodated in the driveway of the home or garage.
2. That all Fire and Building codes and regulations are adhered to.
3. That any signage for the business shall comply with DCMC Section 9-26-100(3)(c).
4. That the applicant obtains and maintains a Draper City business license.
5. That all City regulations are adhered to at all times, especially those listed in Section 9-34-040. Subsection (m), which disallows customers, is modified with this conditional use permit.

6. That the four conditions associated with a grooming service, as stated in Section 9-34-050, are strictly adhered to. These are:
    e. Animal being groomed must be current on the following vaccinations: rabies, parvovirus, distemper, and kennel cough.
    f. Facility shall be subject to periodic inspection by city staff.
    g. Animal being groomed shall be kept indoors the whole time in a controlled environment.
    h. Up to two animals shall be allowed on the premises at a time for grooming purposes.

This recommendation is based on the following findings:

1. That 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 use provides a service which will contribute to the general well-being of the neighborhood and the community.
3. That the proposed use is one of the six uses listed in Section 9-34-050 that can be approved as a home occupation subject to a conditional use permit.
4. That the proposed use 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.
5. That the Planning Commission is authorized to alter home occupation standards through the conditional use permit process.

MODEL MOTIONS

Sample Motion for Approval – "I move we approve the Conditional Use Permit Request by Michelle Bullett, for a grooming service, application 130617-13712S, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2013 and as modified by the conditions below:"

1. List any additional findings and conditions…

Sample Motion for Denial – "I move we deny the Conditional Use Permit Request by Michelle Bullett, for a grooming service, application 130617-13712S, based on the following findings:"

1. List any findings…

13630 S
Morning Ridge Cir
Mapleton Ct
500 E
13710 S
Farm Hollow Ln
Brown Farm Ln
DRAPER CITY
Yuppy Puppy Conditional Use Permit
13712 South 500 East
0
130
260
520
Feet
N
W
E
S

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

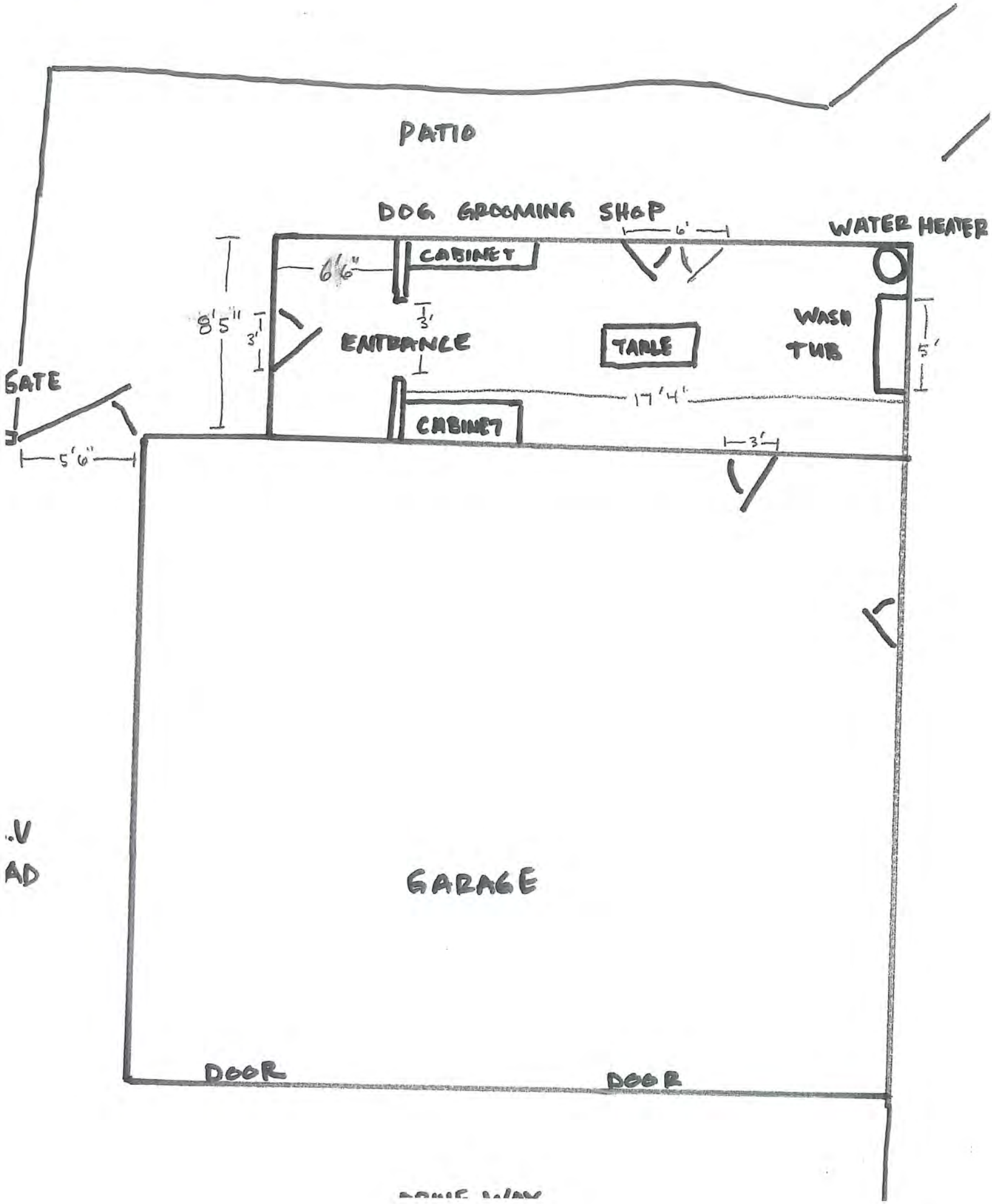
Unified Fire Authority

Draper City Legal Counsel

10 Questions

1. Residential
2. The planned use is for the owner Michelle Bullett without employees to do Dog Grooming in the back of the detached garage on the south side of the property.
3. Proposed use is at the south end of our lot which borders horse property on a dead end street. There will be no extra cars parked at the residence nor will there ever be more than 2 extra car at a time there. We have a large 3 car drive way with an RV pad for customers to pull in so there is no need for extra vehicles parked on the street either. I believe there will not be any obvious evidence that there is a business being run out of the back of the garage and the neighborhood will remain the same residential feel. There will be no large truck delivery for supplies outside of UPS or FED EX type express vehicles.
4. The type of service it will supply to the city of Draper is for mainly small 20-75 lb dog grooming.
5. It is consistent in the fact that we are not adding any extra animals to the property nor any extra vehicles or additional structures to existing property.
6. Proposed use is compatible to other uses in the area and the fact we boarder a horse pasture on the south side where business is proposed is virtually unnoticeable. Possibly the 2 neighbors directly across the street will even be the only two to see any one come or go.
7. Proposed use is suitable for the proposed site as no new structure is to be added or changed and existing garage is to be used for grooming shop.
8. There will be no extra noise, dust, pollutants and odor. All work is done inside small back shop of garage.
9. Four clients to home a day at maximum as this is really desired to be a part time job ideally that. Most dogs take about one to one and half hours each. I will not be holding dogs in cages, I will be booking each client for their appointment.
10. This includes bath, dry on all dogs and a shave or trim of the hair on them.

- 13712 So. 500 EAST
DRAPER, UTAH



DRAPER CITY

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

STAFF REPORT
July 30, 2013

To: Draper City Planning Commission
Business Date: August 8, 2013

From: Development Review Committee

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

Re: **Ptarmigan Pointe – Zoning Map Amendment Request**

Application No.:	130703-13133S
Applicant:	Heather Prowell, representing Progressive Properties LLC
Project Location:	13133 Grouse Pointe Cove
Zoning:	RA1 Residential Zone
Acreage:	1.58 Acres (Approximately 68,825 ft^2)
Request:	Request for approval of a Zoning Map Amendment in the Ptarmigan Pointe II subdivision to amend the official zoning map on lot 209 from RA1 to RA2.

SUMMARY & BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1.58 acres located on Grouse Pointe Cove, at 13133 Grouse Pointe Cove. The property is currently zoned RA1 Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow for the development of the currently vacant site as an office building.

This application consists of only one parcel which is 1.58 acres in size. The property is lot 209 of the Ptarmigan Pointe Phase II subdivision. In searching through the Ptarmigan Pointe files, it is unclear as to the reason why this property was not rezoned in 1996 with the rest of the property. It may be because it was unnecessary as the lot met all of the standards of the RR-43 (now RA1) zone. It may have been because of animal rights that would have been lost as a result in the change in zone though this is unlikely since a conditional use permit was granted to allow animals on all lots of the Ptarmigan Pointe subdivision. It may have also been necessary to keep that lot larger since only 20 lots were allowed on a dead-end system at that time rendering the rezone again unnecessary. That number has now been raised to 30 lots.

The property owner is now requesting that the change from RA1 to RA2 be made in order for the lot to be split into two lots. If the zone change is approved, the applicant will have to submit an application to amend the plat to split the lot.

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." The property has been assigned the RA1 Residential zoning classification, supporting approximately one dwelling unit per acre. The purpose of the RA1 and RA2 zones is to "*foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City's semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of animals and fowl.*" The RA1 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential Low/Medium Density land use designation. RA-1 zoning abuts the subject property on the south, and RA-2 abuts on all other sides.

Zoning in the Vicinity. The subject property is entirely surrounded by properties with the RA2 zoning classification with the exception of the property to the south which is outside the boundary of the Ptarmigan Pointe subdivision and is zoned RA1. There are however, considerable amounts of RA2 zoning in the vicinity. Of the twenty one lots within the boundary of the two phases of the Ptarmigan Pointe subdivision, this is the only lot that is zoned RA1. All other lots have met the standards of the RA2 zone while this larger lot meets all standards of the RA1. Rezoning the subject property to RA2 would not introduce anything new to the neighborhood.

Criteria For Approval. 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.

As the proposed zoning of RA2 is listed as a preferred zoning category within the "Low/Medium Density" land use category, it can be stated that it is consistent with the general plan. Specifically, some of those goals, objectives and policies are to:

a. *Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.*
b. *Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.*

c. *Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.*

As stated previously, the amendment would be harmonious with the neighborhood as all other properties in the subdivision are zoned RA2. There are no overlay zones in the area. Creating two lots out of one should not adversely affect adjacent property. Finally, there are adequate facilities to serve one more lot including 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.

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 Heather Prowell, representing Progressive Properties LLC, application 130703-13133S, 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, such as:
    d. Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
    e. Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
    f. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that reenergize an area.
3. That all five findings for a zone change, as contained in 9-5-060(e) and outlined in this staff report, 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 Ptarmigan Pointe Zoning Map Amendment Request by Heather Prowell,

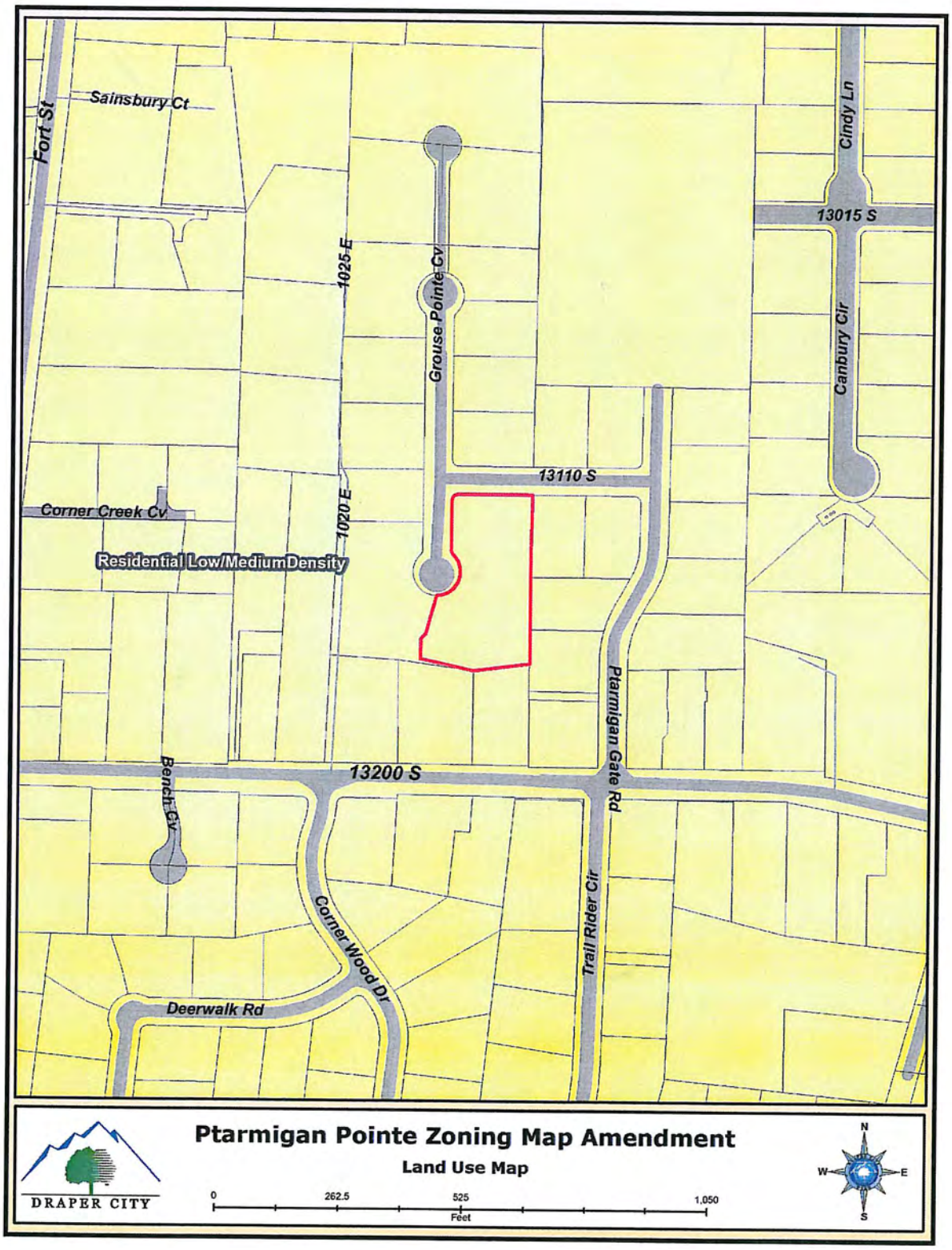
representing Progressive Properties LLC to change the zoning on her property from RA1 to RA2, application 130703-13133S, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2013 and as modified by the conditions below:"

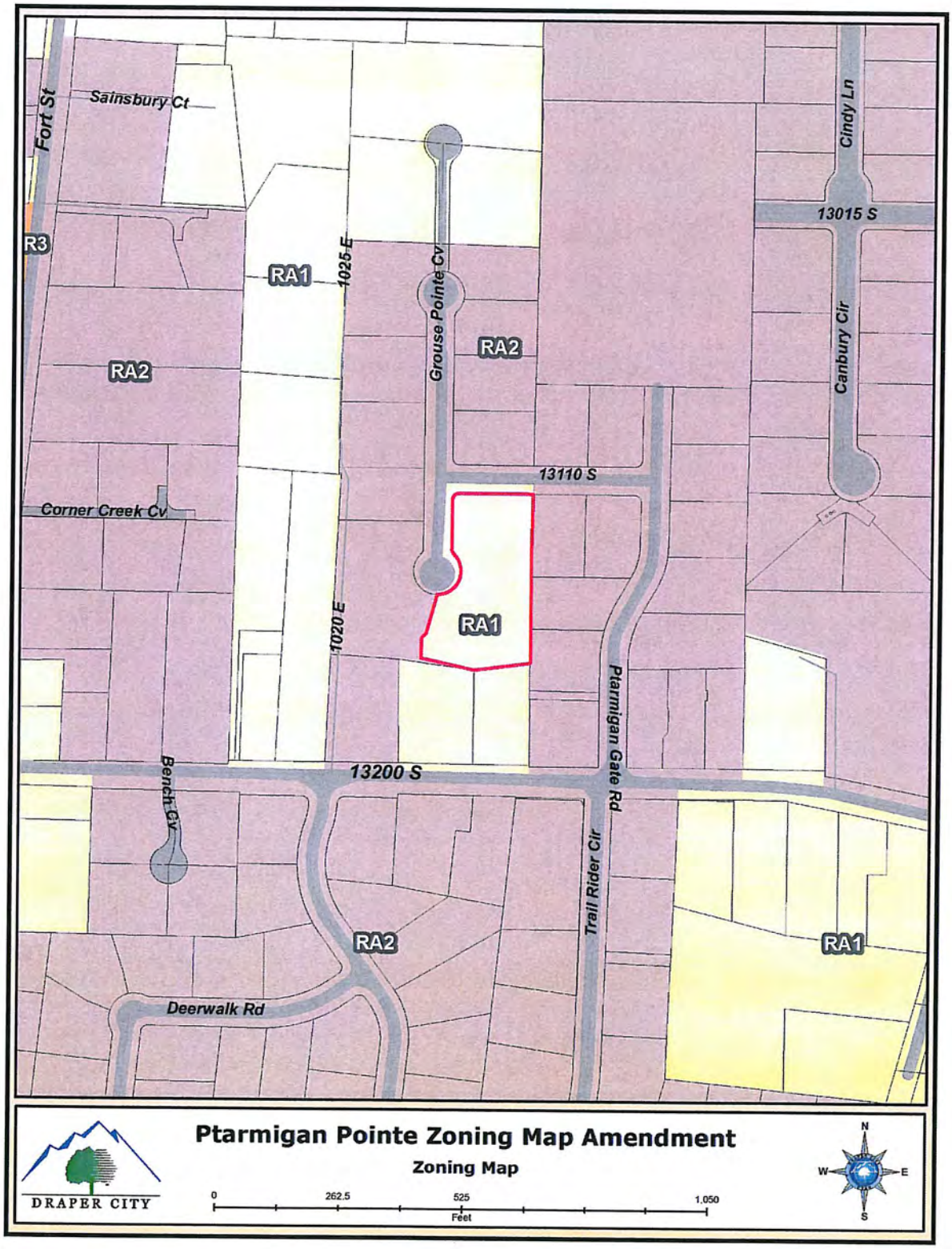
1. List any additional findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Ptarmigan Pointe Zoning Map Amendment Request by Heather Prowell, representing Progressive Properties LLC to change the zoning on her property from RA1 to RA2, application 130703-13133S, based on the following findings:"

1. List any findings…

Sainsbury Ct
Fort St
Cindy Ln
13015 S
1025 E
Grouse Pointe Cv
Canbury Cir
13110 S
Corner Creek Cv
1020 E
Ptarmigan Gate Rd
13200 S
Bench Cv
Corner Wood Dr
Trail Rider Cir
Deerwalk Rd
DRAPER CITY
Ptarmigan Pointe Zoning Map Amendment
13133 South Grouse Pointe Cove
0
262.5
525
1,050
Feet
N
W
E
S


Sainsbury Ct
Fort St
Cindy Ln
13015 S
1025 E
Grouse Pointe Cv
Canbury Cir
13110 S
Corner Creek Cv
1020 E
Residential Low/Medium Density
Ptarmigan Gate Rd
13200 S
Bench Cv
Corner Wood Dr
Trail Rider Cir
Deerwalk Rd
DRAPER CITY
Ptarmigan Pointe Zoning Map Amendment
Land Use Map
0
262.5
525
1,050
Feet
N
W
E
S


Fort St
Sainsbury Ct
R3
RA1
1025 E
Grouse Pointe Cv
RA2
RA2
Cindy Ln
13015 S
Canbury Cir
13110 S
Corner Creek Cv
RA1
1020 E
Ptarmigan Gate Rd
13200 S
Bench Cv
Trail Rider Cir
RA2
RA1
Deerwalk Rd
DRAPER CITY
Ptarmigan Pointe Zoning Map Amendment
Zoning Map
0
262.5
525
1,050
Feet
N
W
E
S

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