



## 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, September 19, 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 1<sup>st</sup> floor**

Study Business Items

### **Business Meeting: 6:30 p.m., City Council Chambers on the 1<sup>st</sup> 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 September 5, 2013 Planning Commission meeting.
- 2. Public Hearing:** On the request of Richard Welch, representing Garbett Homes for approval of Land Use and Zoning Map Amendments of 9.02 acres at approximately 12052 South 300 East. The applicant is proposing to change the General Plan map from Low Density Residential to High Density Residential and changing the zoning designation from A5 to RM2. The application is otherwise known as the **Smith Property Land Use and Zoning Map Amendments Request**, Application #130822-12052S. Staff contact is Dan Boles at 801-576-6335 or email [Dan.Boles@draper.ut.us](mailto:Dan.Boles@draper.ut.us).
- 3. Public Hearing:** On the request of Curtis Neider for approval of a Zoning Map Amendment of 2.46 acres at 13338 and 13350 S Fort Street from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. This application is otherwise known as the **Neider Zone Change Request**, Application #130822-13338S. Staff contact is Dennis Workman at 801-576-6522 or email [Dennis.Workman@draper.ut.us](mailto:Dennis.Workman@draper.ut.us).

4. **Public Hearing:** On the request of Daniel Sprengeler, representing Southwestern Furniture/Ashley Furniture for approval of a Text Amendment in the -SWF (Commercial Special District- Southwestern Furniture) Zone regarding the provision of banner signs. This application is otherwise known as the *Southwestern Furniture CSD Banner Text Amendment Request*, Application #130816-13177S. Staff contact is Jennifer Jastremsky at 801-576-6328 or email [Jennifer.Jastremsky@draper.ut.us](mailto:Jennifer.Jastremsky@draper.ut.us).
5. **Public Hearing:** On the request of Lisa Koncar for approval of a Zoning Map Amendment of 2.14 acres at 590 East 12100 South from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. This application is otherwise known as the *Koncar Zone Change Request*, Application #130822-590E. Staff contact is Jennifer Jastremsky at 801-576-6328 or email [Jennifer.Jastremsky@draper.ut.us](mailto:Jennifer.Jastremsky@draper.ut.us). At the applicant's request, this item has been moved to a date uncertain.
6. **Staff Reports**
  - a) Discussion Items
  - b) Administrative Reviews
  - c) Other Items
7. **Adjournment**

*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.*

---

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

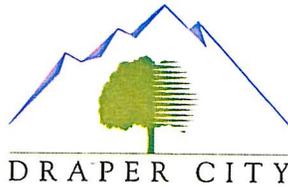
I, the Deputy City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held the **September 19, 2013**, were posted on the Draper City Bulletin Board, Draper City website [www.draper.ut.us](http://www.draper.ut.us), the Utah Public Meeting Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn), and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

City Seal



*Angie Olsen*  
\_\_\_\_\_  
Angie Olsen, CMC, Deputy City Recorder  
Draper City, State of Utah





---

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

---

**STAFF REPORT**  
September 6, 2013

**To:** Planning Commission  
Business Date: September 19, 2013

**From:** Development Review Committee

**Prepared by:** Dennis Workman, Planner II  
Community Development Department

**Re:** Neider Zone Change  
**Application No.:** 130822-13338S  
**Applicant:** Curtis Neider  
**Location:** 13338 and 13350 S. Fort Street  
**Zoning:** RA1  
**Parcel Size:** 2.46 acres  
**Request:** Zone change from RA1 to RA2

**BACKGROUND**

This is a request for a zone change from RA1 to RA2 on two contiguous parcels on the west side of Fort Street, totaling 2.46 acres. As a preview, this rezone could result in the creation of a five-lot subdivision. The two easternmost lots would access directly from Fort Street and the other three from a 20-foot private hammerhead that would run down the center of the subdivision.

**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, whether or not a five-lot subdivision in this location would add to or detract from the quality of life that Fort Street is known for. 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 Zoning Map Amendment request is found in Section 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.

Planning Staff. The subject property abuts RA1 zoning on both north and south, and the RSD Bellevue zone on the west. RSD stands for *Residential Special District*, which is a zoning category unique to a particular development, providing for lot size flexibility. (The City has five of these; the opportunity to create an RSD zone has been taken out of the code.) The East Jordan Canal runs between the Bellevue subdivision and the subject parcel. Zoning on the east side of Fort Street in this area is predominantly RA2. Accompanying this report is a zoning map, identified as Exhibit A, showing the relative lot sizes in the immediate area. The Wildflower Park and Corner Crossing I subdivisions located on the east side of Fort Street directly across from the subject property are zoned RA2; they look similar to what the subject property will eventually look like if this zone change is approved. 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.

City Engineer. In a memo dated August 27, 2013, Todd Hammond states that he has no issues with this request.

Fire Marshal. Don Buckley with the Unified Fire Authority states that he has no concerns with the zone change, but will need to be consulted at the subdivision and building permit stage.

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.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission send a positive recommendation to the City Council regarding the Neider Zone Change, application 130822-13338S, 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 the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

**MODEL MOTION**

*Sample Motion for Positive Recommendation.* "I move we forward a positive recommendation to the City Council regarding the Neider Zone Change, application 130822-13338S, based on the findings listed in the staff report dated September 6, 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 Neider Zone Change, application 130822-13338S, based on the following findings:"

1. List findings.

**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

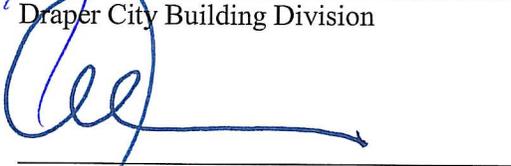
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be in substantial compliance with the terms of the Draper City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

  
\_\_\_\_\_  
Draper City Engineering Division

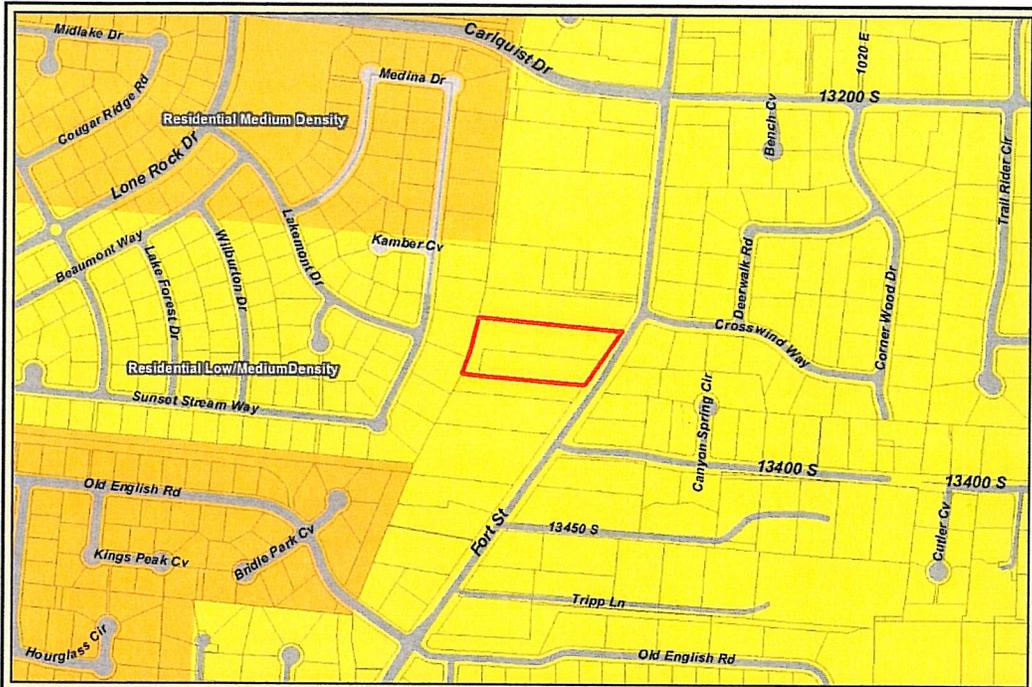
  
\_\_\_\_\_  
Draper City Public Works Department

  
\_\_\_\_\_  
Unified Fire Authority

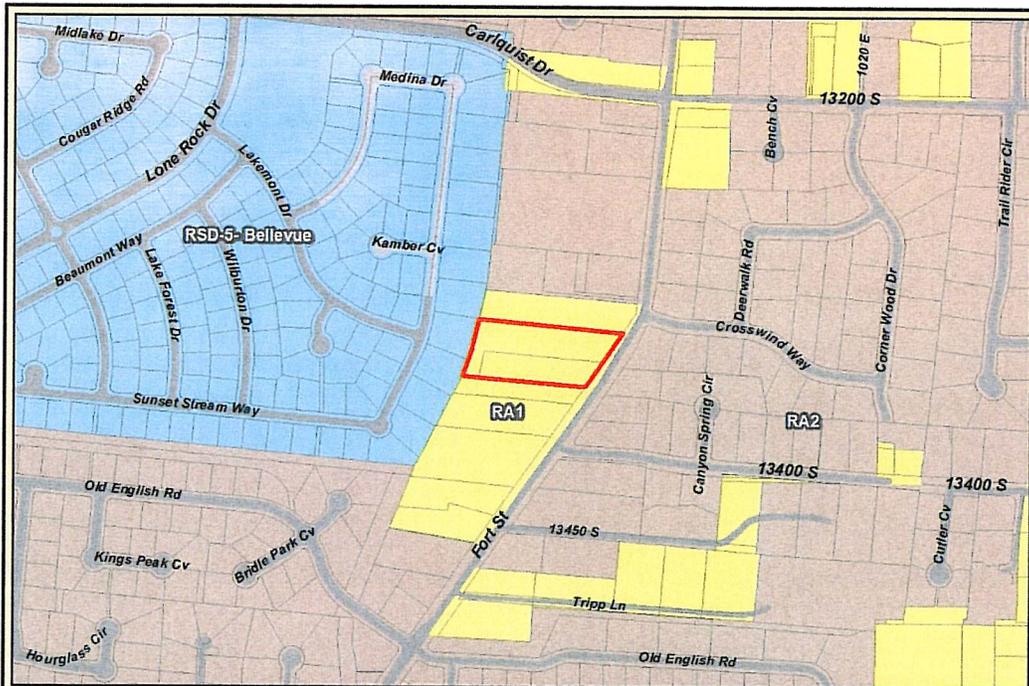
  
\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Draper City Legal Counsel

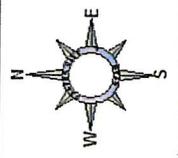
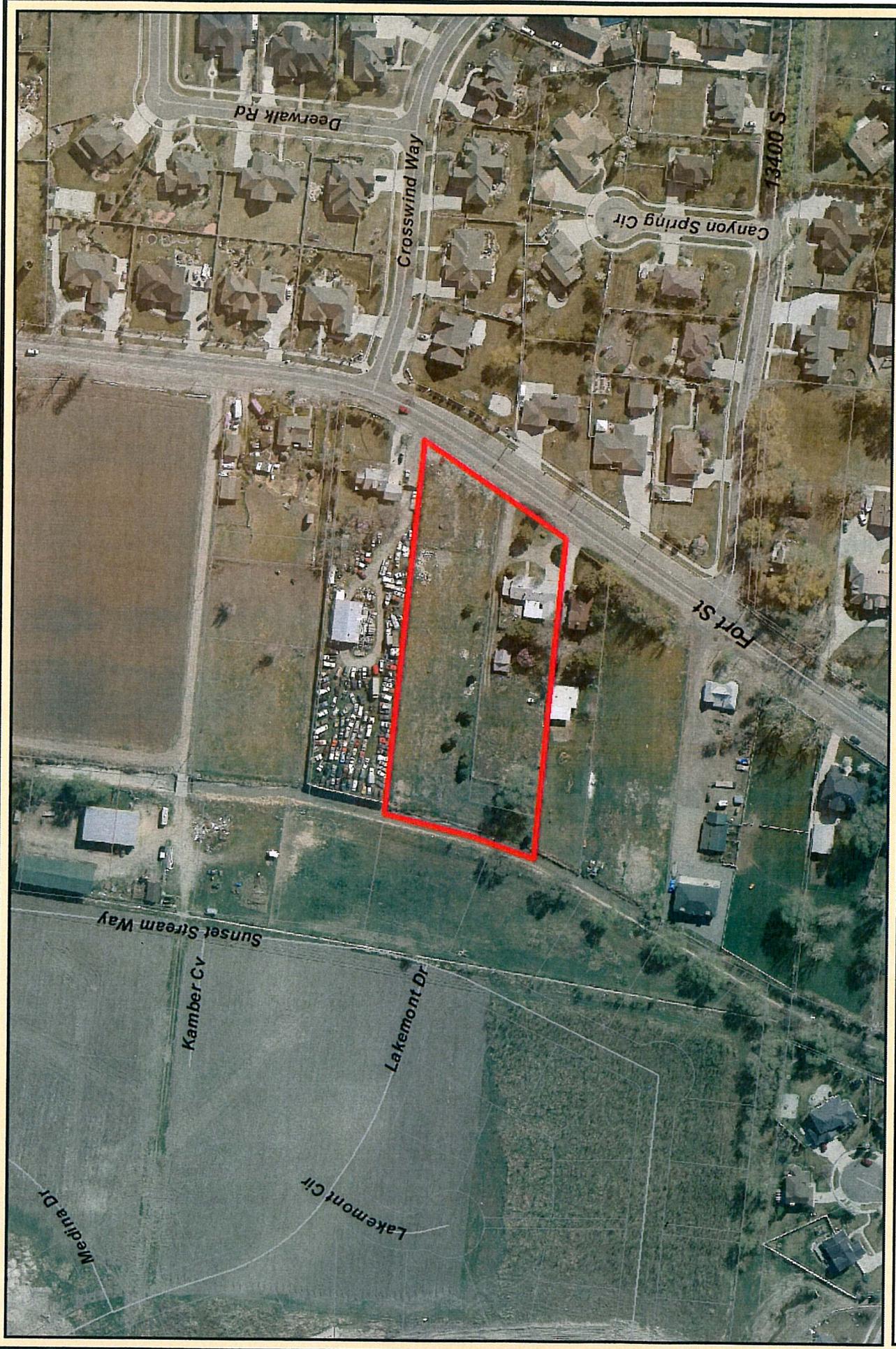


Land Use Map for Neider Zone Change



Zoning Map for Neider Zone Change

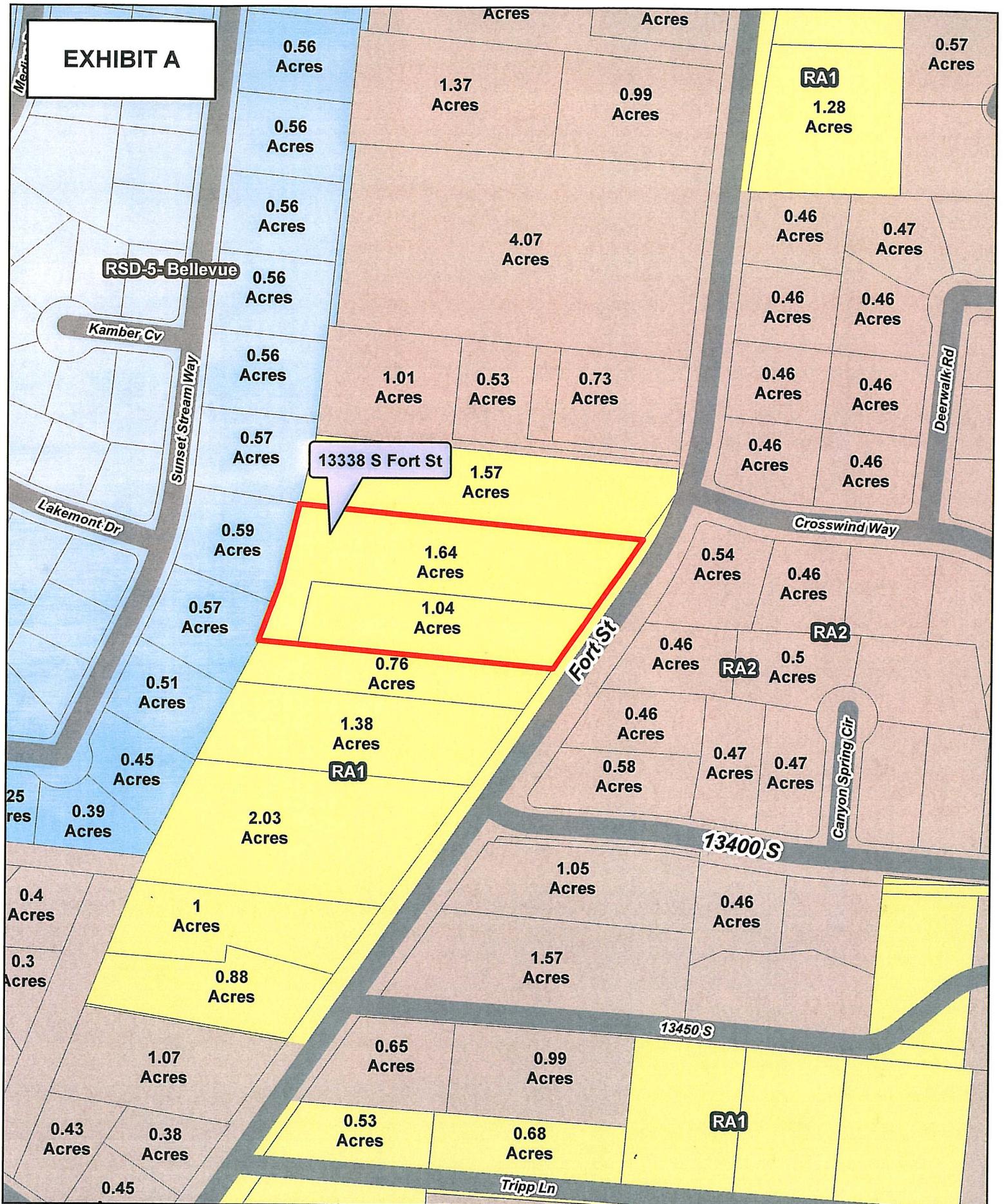




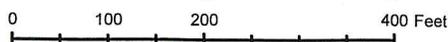
# Aerial Map for Neider Zone Change



**EXHIBIT A**



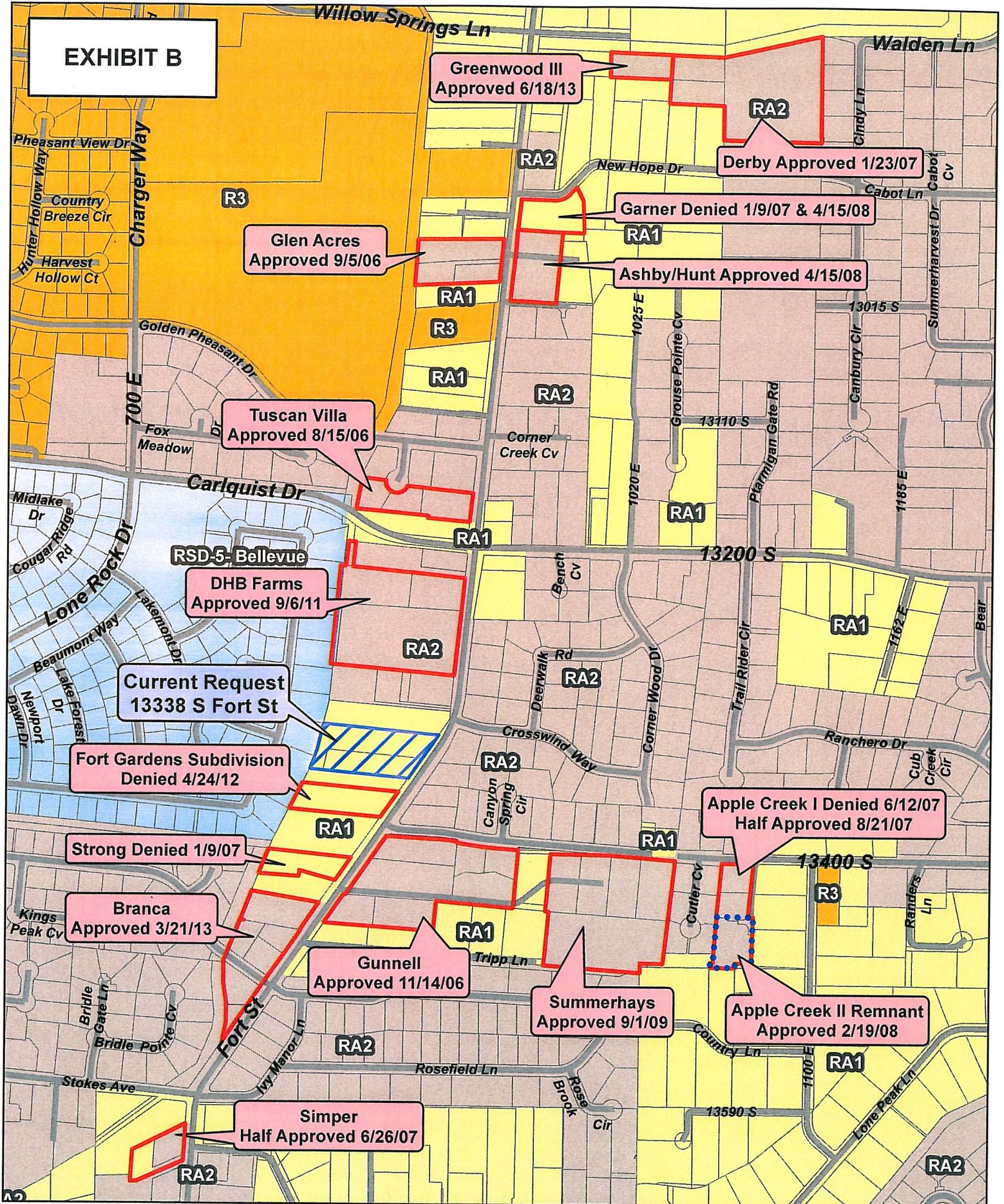
**Neider Zone Change RA1 to RA2  
Surrounding Parcel Acreage**



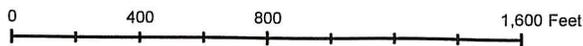
Date: 8/26/2013



**EXHIBIT B**



**Recent RA1 - RA2  
Zone Change Requests Near Fort Street**



Date: 8/26/2013







---

**Development Review Committee**

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

---

**STAFF REPORT**

9/11/13

**To:** Draper City Planning Commission  
Business Date: 9/19/13

**From:** Development Review Committee

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

**Re: Southwestern Furniture CSD Banner Text Amendment Request**

Application No.: 130816-13177S  
Applicant: Daniel Sprengeler, representing Southwestern Furniture/Ashley Furniture  
Project Location: 13177 South 135 West  
Zoning: CSD-SWF (Commercial Special District- Southwestern Furniture) Zone  
Acreage: 3.89 Acres  
Request: Request for approval of a Text Amendment in the -SWF (Commercial Special District- Southwestern Furniture) Zone regarding the provision of banner signs.

**SUMMARY**

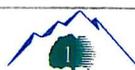
This application is a request for approval of a Text Amendment for the CSD-SWF (Commercial Special District- Southwestern Furniture) zone, which encompasses approximately 3.89 acres located at 13177 South 135 West. The proposed text amendment would allow for a permanent banner sign.

**BACKGROUND**

The CSD-SWF zoning district was created on May 12, 2009 for Ashley Furniture. The main purpose of the zone is to allow for greater building height and modified architectural standards than what is found within the zoning ordinance. The code also covers regulations for wall signage in an excess size of what is typically allowed within the sign code.

**ANALYSIS**

*General Plan.* The Land Use Map of the General Plan calls for the *Destination Commercial* land use designation for the subject zoning district. This category is a subcategory of the *Office/Service* land use type. The *Office/Service* land use is intended to allow a variety of office and service uses that range from residential scale and character to major offices. It further states that “for major offices and services,



arterial access is desirable and should be located around the central business district, other major commercial cores, or freeway interchanges.”

Zoning. The property has been assigned the CSD-SWF (Commercial Special District- Southwestern Furniture) zoning classification. The purpose of the CSD-SWF zone is to “facilitate commercial development in the West Bangerter Area.”

The subject site is surrounded by the DC (Destination Commercial) zoning district on three sides. The DC zone is intended to provide areas that are “uniquely regional in nature, with lodging, food establishments, retail, office, service uses and entertainment as the only allowed uses.” The immediate area containing the subject CSD-SWF zone also includes the DC and the CSD-DRC (Commercial Special District-Dahle Retail Center), making a regional destination area specializing in furniture wares.

The proposed text amendment follows the language used within the CSD-DRC (Commercial Special District-Dahle Retail Center) which houses Ikea and the future RC Willey, and which is a neighboring zoning district to the subject zone and site. The proposed language does, however; limit the size of the banner to 14’x20’, a size smaller than that allowed in the CSD-DRC zone.

The proposed language to allow banners can be found in Exhibit B of this report and is as follows:

*Banner Sign. A banner is also an important component of Southwestern Furniture CSD and will contribute to freeway visibility in Draper City. For the Principal Building, a total of one building-mounted banner shall be allowed. The building-mounted banner shall not exceed 14 feet wide by 20 feet high and may be externally illuminated by spotlights or similar lights. The banner shall not be counted as monument or building signage.*

Criteria For Approval. The criteria for review and potential approval of a Text 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 Text Amendment submission and has issued a recommendation for approval for the request. The proposed banner is similar in nature to what is already allowed within the vicinity of the CSD-SWF zone and will be harmonious in character. There are no foreseeable adverse affects for the neighborhood.

*Legal Review.* The Draper Legal Division has completed their review of the Text Amendment and found that the text is legal and content neutral.

*Noticing.* The applicant has expressed their desire to modify the text of their respective zoning district 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 Southwestern Furniture CSD Banner Text Amendment Request by Daniel Sprengeler representing Southwestern Furniture \ Ashley Furniture, application #130816-13177S.

This recommendation is based on the following findings:

1. The proposed text amendment would permit a banner sign in a similar nature to what is already allowed within the vicinity of the CSD-SWF zone and will be harmonious in character.
2. There are no foreseeable adverse affects to the neighborhood.
3. The text is legal and content neutral.

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Southwestern Furniture CSD Banner Text Amendment Request by Daniel Sprengeler representing Southwestern Furniture \ Ashley Furniture for the purpose of allowing banner signage within the zoning district, application #130816-13177S, based on the findings and subject to the conditions listed in the Staff Report dated 9/11/13.”

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Southwestern Furniture CSD Banner Text Amendment Request by Daniel Sprengeler representing Southwestern Furniture \ Ashley Furniture for the purpose of allowing banner signage within the zoning district, application #130816-13177S, based on the following findings:”

1. List all findings...



**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

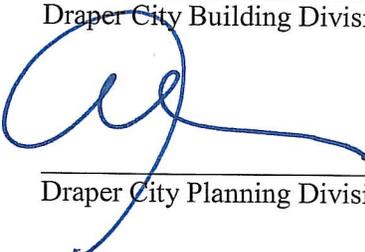
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission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

  
\_\_\_\_\_  
Draper City Engineering Division

\_\_\_\_\_  
Draper City Public Works Department

\_\_\_\_\_  
Unified Fire Authority

\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Draper City Legal Counsel

**EXHIBIT A  
EXISTING CSD TEXT**

**Chapter 9-18-030 Southwestern Furniture Commercial Special District.**

**A. Purpose.** The Southwestern Furniture Commercial Special District (CSD) is hereby created to facilitate commercial development in the West Bangerter Area. The area is characterized by large vacant parcels near the freeway with the potential for visibility and ample access to frontage roads. It is approximately 3.3 acres in size. Given the site's location, the City anticipates a substantial retail presence within the CSD that forwards the community's economic development goals.

**B. Permitted Uses.** The following uses are permitted in the Southwestern Furniture CSD:

1. office, general;
2. printing and photocopying, limited;
3. retail, general;
4. department store;
5. health and fitness facility; and
6. furniture store.

**C. Development Standards.** The following development standards are applicable in the Southwestern Furniture CSD:

1. Maximum building height is 45 feet.
2. For buildings in excess of 50,000 square feet, preference will be given to corporate-determined architectural schemes; for exterior finishes Section 9-22-040(f) of this Title will apply with the exception of the percentage stated in Subsection (3) of that Section being modified to 40% of all surface materials, not including glass or roofing materials.
3. Dumpsters shall be enclosed within a decorative masonry enclosure designed to be compatible with overall project architecture.
4. Outdoor storage and display is prohibited.

**D. Signage.** Signage is very important to the success of the Southwestern Furniture CSD. Visibility of the business presence and signage from the freeway is a key consideration. For this reason, the district shall be allowed one freeway visible sign integrated into the overall building architecture, not to exceed 58 feet in height as typically measured for pitched roofs. This freeway-visible sign may have up to 1,500 square feet in area, and be multi-sided.

**E. Other Regulations.** All development within the Southwestern Furniture CSD shall be subject to all City regulations except as otherwise provided for in this Chapter.

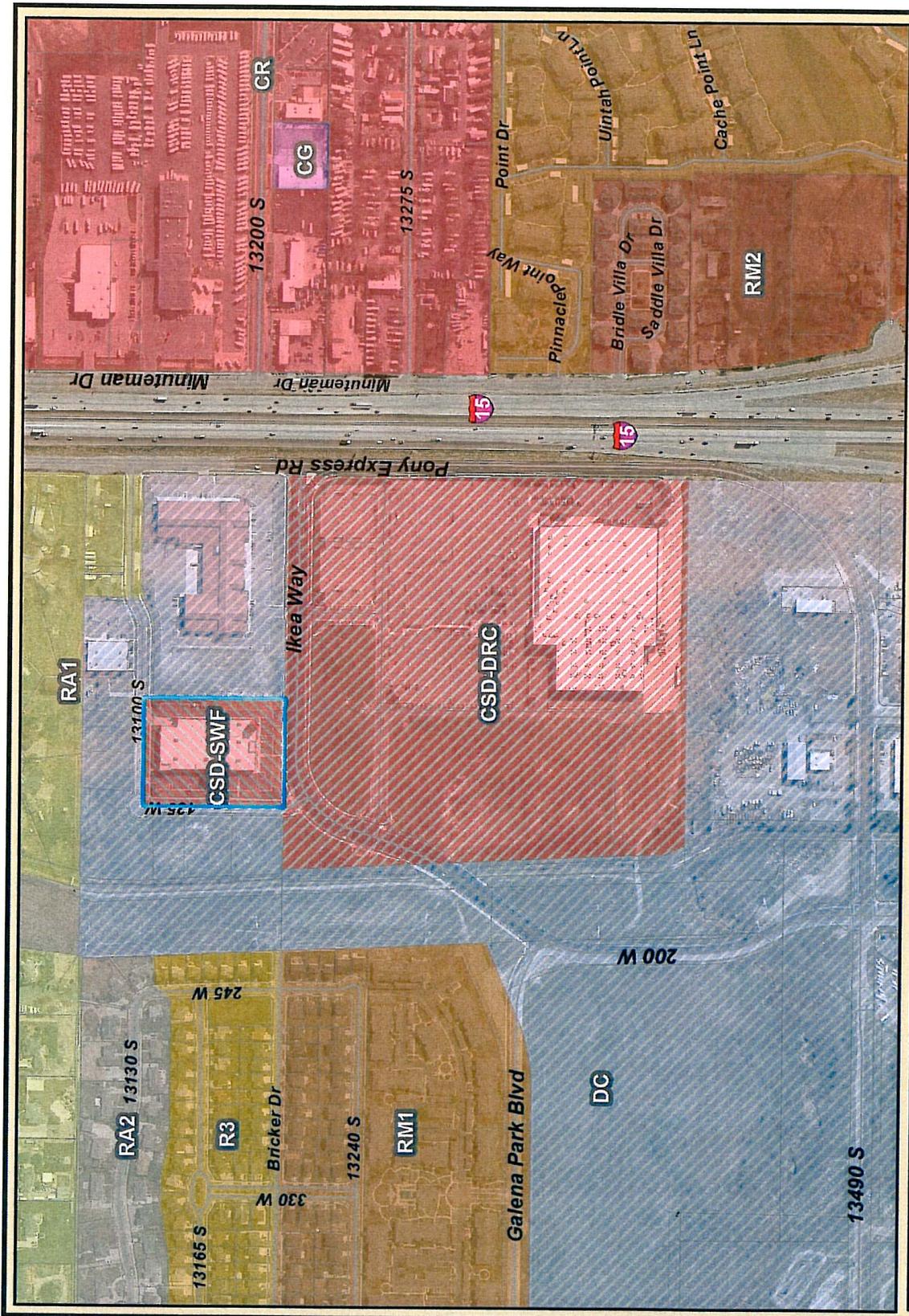
**EXHIBIT B**  
**TEXT AMENDMENT LEGISLATIVE DRAFT**

**Chapter 9-18-030 Southwestern Furniture Commercial Special District**

**D. Signage.** Signage is very important to the success of the Southwestern Furniture CSD.

- 1. Freeway Sign.** Visibility of the business presence and signage from the freeway is a key consideration. For this reason, the district shall be allowed one freeway visible sign integrated into the overall building architecture, not to exceed 58 feet in height as typically measured for pitched roofs. This freeway-visible sign may have up to 1,500 square feet in area, and be multi-sided.
- 2. Banner Sign.** A banner is also an important component of Southwestern Furniture CSD and will contribute to freeway visibility in Draper City. For the Principal Building, a total of one building-mounted banner shall be allowed. The building-mounted banner shall not exceed 14 feet wide by 20 feet high and may be externally illuminated by spotlights or similar lights. The banner shall not be counted as monument or building signage.

# EXHIBIT C ZONING DISTRICT MAP



0 315 630 1260  
FEET

DRAPER CITY

## Southwestern Furniture CSD Banner Amendment : Zoning Map

EXHIBIT D  
LETTER OF INTENT

RECEIVED

JUL 31 2013



**Proposal for Text Amendment to Southwestern Furniture Commercial Special District  
Re: Text Amendment to Section D of Chapter 9-18-030 (Signage)**

Southwestern Furniture (dba Ashley Furniture HomeStore) is hereby proposing a text amendment to our current Commercial Special District verbiage – specifically to Section D pertaining to Signage.

Our proposal is to amend the current text (outlined below) for the allowance of a banner that is 14 feet wide by 20 feet high mounted on our Clock Tower facing the I-15 freeway.

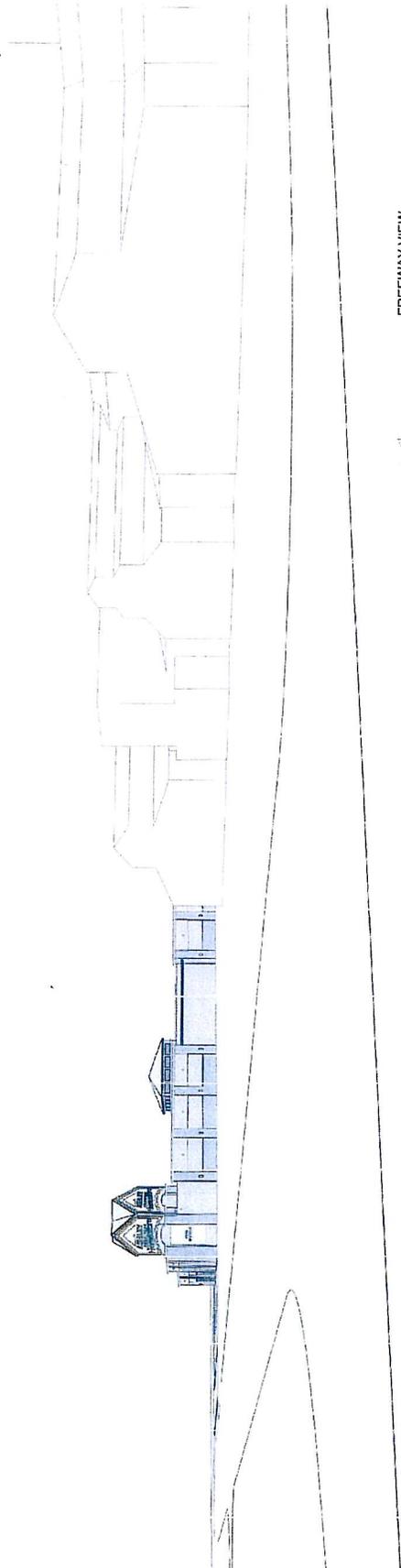
Southwestern Furniture believes that the banner will allow for a greater visibility presence from the freeway that will draw in customers passing through the City of Draper via the I-15 freeway corridor. The addition of a 14'W x 20' H banner will draw greater awareness to the property. Businesses on adjacent parcels in the area will benefit as well from increased customer traffic due to the additional signage. Banner would be made of 13 oz. PVC Banner Frontlit(Glossy) 500Dx500D 9\*9(440g/m2) Total White Color with professionally imprinted graphics pertaining to Ashley Furniture HomeStore and any event we are promoting, these events rotate periodically every few weeks. Flags would include the Ashley Furniture HomeStore logo. Southwestern Furniture feels that the banner will be in-line with the Dahle retail complex located directly across the street on 200 West, and will complement the current theme of a major retail destination directly off the freeway in the City of Draper. Southwestern Furniture believes that the addition will be aesthetically pleasing and will not adversely affect the City of Draper in any manner.

Current Verbiage in Section D: "Signage is very important to the success of Southwestern Furniture CSD. Visibility of the business presence and signage from the freeway is a key consideration. For this reason, the district shall be allowed one freeway visible sign integrated into the overall building architecture, not to exceed 58 feet in height as typically measured for pitched roofs. This freeway-visible sign may have up to 1,500 square feet in area, and be multi-sided".

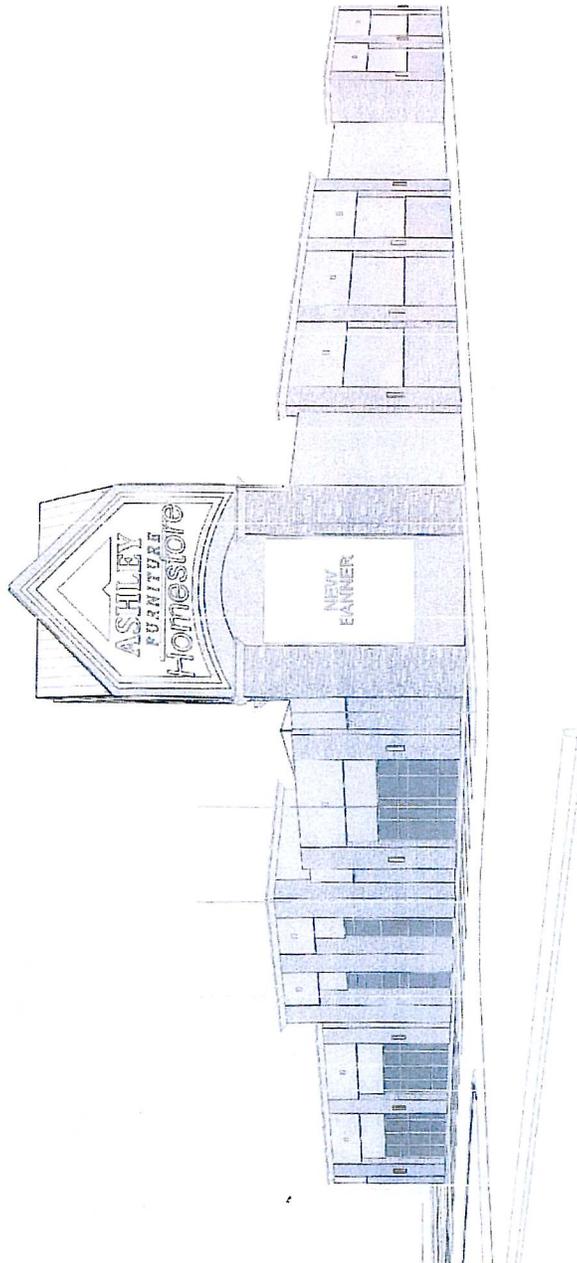
Proposed added amendment of verbiage to the current CSD Text: "A mounted banner is also an important component of Southwestern Furniture CSD. The mounted banner will contribute to a festive atmosphere consistent with freeway visibility in Draper City. For the Principal Building, a total of 1 building mounted banner shall be allowed. The building mounted banner shall not exceed 14 feet wide by 20 feet high. Mounted banner may be externally illuminated by spotlights or similar lights. Banner shall not be counted as monument or building signage."

Submitted by Southwestern Furniture dba Ashley Furniture HomeStores  
Presented by Daniel Sprengeler (General Manager- Ashley Furniture HomeStores Utah)

**EXHIBIT E**  
**EXAMPLE OF PROPOSED SIGN**



FREEWAY VIEW



STREET VIEW

