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

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**STAFF REPORT**  
September 20, 2013

**To:** Planning Commission  
Business Date: October 3, 2013

**From:** Development Review Committee

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

**Re:** Steep Mountain Church Zone Change  
**Application No.:** 130920-365E  
**Applicant:** Draper City  
**Location:** 365 E. Steep Mountain Dr.  
**Zoning:** Open Space (OS)  
**Parcel Size:** 2.34 acres  
**Request:** Zone change from OS to R3

**BACKGROUND**

This is a request for a zone change from OS (Open Space) to R3 (third-acre residential) on 2.34 acres of city-owned property within the Centennial Heights B plat. The subject property is located on the north side of Steep Mountain Park which, unlike the south side of the park, is unimproved natural open space. The rezone is being done to accommodate development on the site for a new LDS Church meeting house. The use category *Church or place of worship* requires a conditional use permit in the R3 zone, which request will run concurrently with the site plan application after the rezone process has been completed.

**ANALYSIS**

*General Plan.* The land use element of the general plan designates the property as Open Space/Parks. While R3 is not the perfect fit for this land use designation, the subject property includes three acres of existing R3 that will be included in the anticipated development. As such, staff does not recommend a change to the land use plan. The use category *Church or place of worship* requires a conditional use permit in the R3 zone, which request will run concurrently with site plan review of the church.

*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 R3 zoning on east, west and north. In fact, the Highlands at South Point subdivision and the Centennial Heights B and C subdivisions, all of which are zoned R3, encompass the entire park area. As such, increasing the amount of R3 zoning in this area is appropriate. Staff has reviewed this request against the standards listed above and finds that R3 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. Moreover, rezoning to accommodate the development of a *Church or place of worship* in this neighborhood promotes the goals and objectives of the city's General Plan.

City Engineer. In an e-mail dated September 23, 2013, Troy Wolverton states that he has reviewed the subject zoning map and text amendment and recommends approval.

Fire Marshal. Don Buckley with the Unified Fire Authority states that the fire department has no concerns with the zone change but will want to review plans at the building permit stage.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission send a positive recommendation to the City Council regarding the Steep Mountain Park zone change request, application 130920-365E, based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, which include the following:
  - a. Create a balanced community where residents can live, work and play, and have their essential needs met.
  - b. Encourage development and maintenance of quality development projects.
  - c. Establish and implement a basic service and facility improvement plan including schools, library, recreation and other desirable amenities.
  - d. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
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 city-initiated Steep Mountain Church zone change request, application 130920-365E, based on the findings listed in the staff report dated September 20, 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 Steep Mountain Church zone change request, application 130920-365E, based on the following findings:”

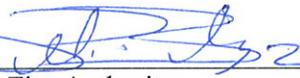
1. List findings.

**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

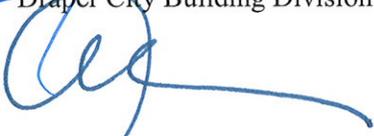
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be in substantial compliance with the terms of the DCMC and therefore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

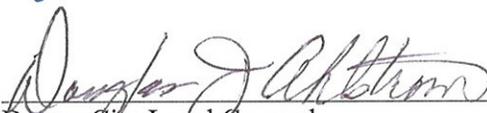
  
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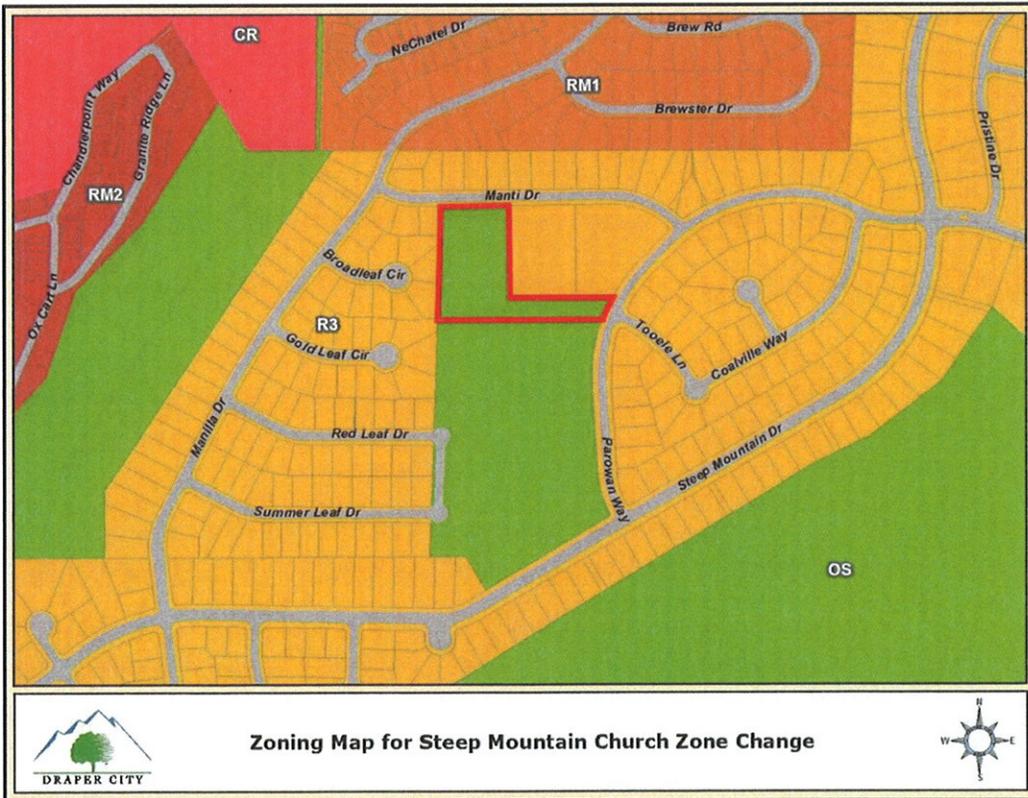
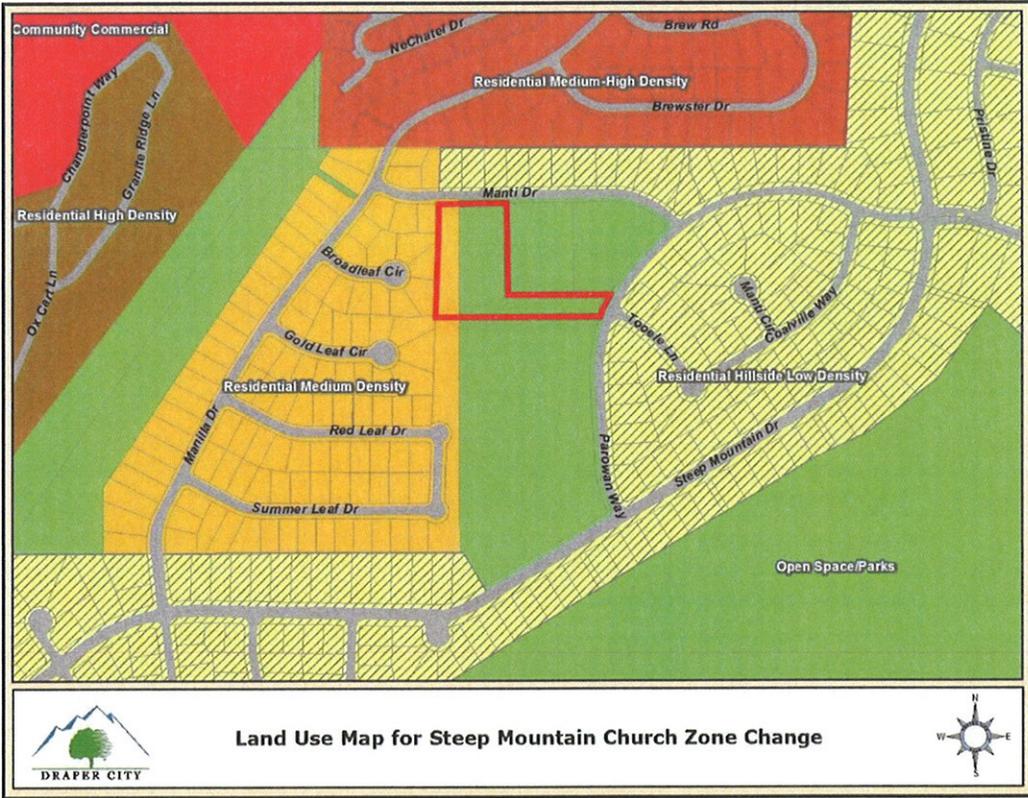
  
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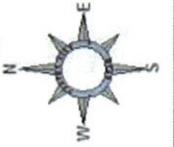
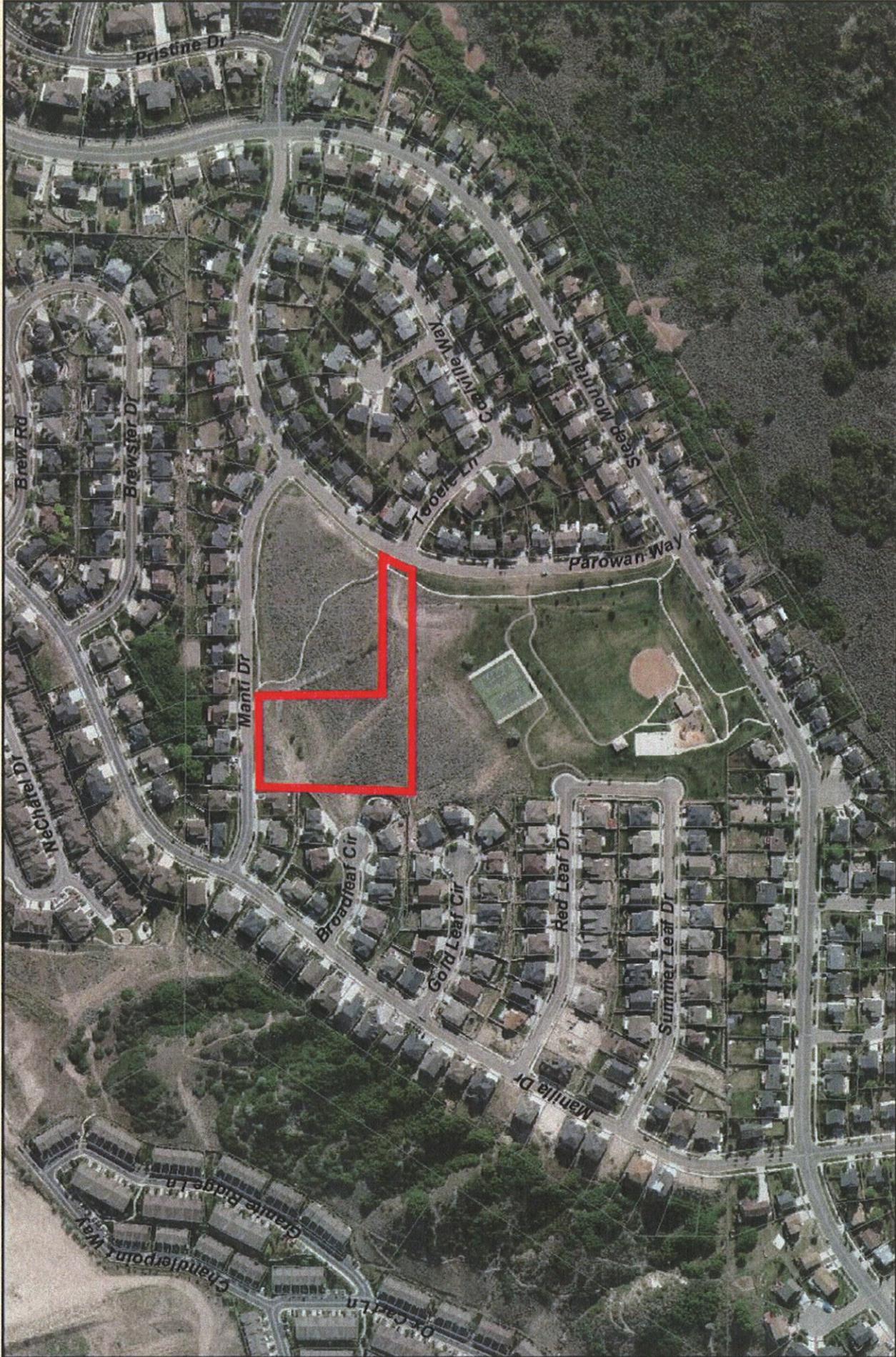
  
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Draper City Building Division

  
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Draper City Planning Division

  
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Draper City Legal Counsel





# Aerial Map for Steep Mountain Church Zone Change







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**Development Review Committee**

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

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**STAFF REPORT**

September 20, 2013

**To:** Planning Commission  
Business Date: October 3, 2013

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

**Re: Galena Park Place General Plan and Zoning Map Amendment**

Application No.: 130903-12223S  
Applicant: Matt Lepire, representing Mariner Real Estate Management, First National Bank, and Quest Development  
Project Location: 12223 S. Galena Park Blvd.  
Zoning: Community Commercial (CC)  
Acreage: 9.68 acres  
Request: To approve a land use map amendment and a rezone

**BACKGROUND**

This application proposes to modify the zoning and land use designation on approximately ten acres of property located on the east side of Galena Park Blvd. between 12300 South and the Sunset at Draper Ridge II subdivision. The applicant wishes to change the land use designation on these ten acres from Neighborhood Commercial to Residential Medium-High Density, and the zoning from CC to RM1. The requested changes would accommodate a townhome development with a density of eight units per acre.

**ANALYSIS**

*General Plan.* The property currently has a Neighborhood Commercial land use designation. This category is designed to encourage retail and office uses. The general plan states that medium and high density residential development is appropriate within this land use category, but only if it is secondary to these other uses. As such, the applicant is requesting a new land use designation of Residential Medium-High Density. This designation contemplates a density of four to eight dwelling units per acre, and can include single-family, patio, townhouse and multi-family type units. The general plan envisions housing developments that incorporate naturally into suburban neighborhoods. Zones that are appropriate within the requested land use category are RM1, R4 and R5. (The city has yet to adopt the R4 and R5 zoning categories, but the general plan recognizes them as possible future changes to the zoning ordinance.)

*Zoning.* The lot is currently zoned CC (Community Commercial), as is all the property west of Galena Park Blvd. North of the subject property is RM1 zoning with detached single-family homes. Running along the property's east side is the railroad corridor for FrontRunner. The property is bounded on the west by Galena Park Blvd. and on the south by 12300 South.



Criteria for Approval. The criteria for review and potential approval of a land use map amendment are found in the General Plan Land Use Goals and Objectives. They are:

- Create a balanced community where residents can live, work and play, and have their essential needs met.
- Encourage the establishment of a strong tax base by accommodating commercial and industrial development in appropriate areas.
- Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
- Encourage development that can be adequately supported by required services and facilities; which conserves, to the extent possible, the natural and man-made environment.
- Protect property values while providing opportunities for development which meets the health, safety and welfare needs of City residents.
- Encourage development and maintenance of quality development projects.
- Encourage infill development in close proximity to existing facilities to promote orderly growth while reducing the cost and extent of public services.
- Encourage land uses that preserve a high quality of life and define Draper's unique identity within the region.
- Support the location of regional land uses, such as major employment and mixed-use centers along regional mobility networks.
- Support regional land use policies, patterns, and planning.
- Provide a balance of live, work, and play land uses and development intensities that enable convenient non-automotive trips (pedestrian, cycling and transit) where environmentally and physically feasible.
- Maintain a balance of land uses that support a high quality of life, a diverse economic base, and a rich mixture of housing and leisure opportunities.
- Concentrate future development in "growth areas" and other centers of activity, thereby discouraging sprawl, conserving energy, and promoting community identity.
- Ensure that neighborhoods transition to one another by considering appropriate land uses, development patterns, character elements, and access to mobility networks.
- Locate employment uses where impacts on residential neighborhoods are limited and access is available at citywide and regional levels.
- Encourage transitions between different land uses and intensities through the use of gradual land use changes, particularly where natural or man-made buffers are not available.
- Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.
- Incorporate a diverse range of residential and non-residential uses within mixed-use neighborhoods.
- Encourage redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods.

As for the zone change, the Planning Commission and City Council should consider the following factors, as set forth in Subsection 9-5-060(e) the DCMC:

- (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, stormwater drainage systems, water supplies, and waste water and refuse collection.

Staff has identified a number of considerations pertaining to this request that may not support the city's long-range objectives. For example, it may be too soon to tell if this commercially-zoned property will be a tax generator for the city or not. After all, the Vista Station TOD will ultimately include a significant amount of office space, retail space, and residential living space that could help ignite commercial activity in the subject area. Since the area is very much in flux right now, maybe the city should take a wait-and-see approach before making a decision it may someday lament. It may also be reasoned that a 77-unit townhome project is not compatible with the surrounding development. Staff has considered these and other potential negatives of amending the master plan and zoning map as proposed. In the final analysis, however, positive considerations outweighed the negative.

Planning Recommendation. The reasons that staff feels the proposed changes are supportable include:

- That the subject property is bounded by Galena Park Blvd. on its west side and a railroad corridor on its east side, which sets it apart from adjacent commercial and gives the property its own identity.
- That the power substation on 12300 South next door to Jack's Place makes a poor gateway to commercial.
- That a townhome development could be done in a way that integrates naturally with the existing residential development to the north.
- That the Galena Office Plaza, approved by the Planning Commission in February 2008, entitled five office buildings. The reason that only one building has been constructed to date is that the location has proven to be unfavorable for an office use.
- That topography is not conducive to retail (referring to the slope of 12300 South where it runs under the railroad tracks).
- That the grade separation between 12300 South and the subject property—enough to warrant a six foot block retaining wall in places—creates a condition that retailers generally avoid.
- That a townhome project at this location would provide more ridership for the Front Runner train.
- That a townhome project at this location would provide housing opportunities for those employed at the Vista Station TOD.

Engineering Review. In a memo dated September 11, 2013, Troy Wolverton states:

We have reviewed the application for the subject Land Use and Zoning Map Amendment and approval standards outlined in Section 9-5-060 Zoning Map and Text Amendments of the Draper City Municipal Code. As you are aware, 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. Accordingly, the following comments are recommended for your consideration:

1. *Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;*

The City's Land Use Element of the General Plan does not appear to contemplate Residential Medium to High Density having an accompanying zone district of RM1. The requested RM1 zoning is a zone classification representing Medium to High Density (8 dwelling units per acre) and is inconsistent with the Community Commercial land use represented in 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;*

The subject property is bounded by Galena Park Boulevard to the west; railroad right of way to the east; commercial property and 12300 South Street to the south; and some commercial property and residential properties to the north.

3. *Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*

No additional standards appear to apply.

4. *The extent to which the proposed amendment may adversely affect adjacent property;*

We can find no quantifiable data or information to support that the requested zone will have an adverse affect on adjacent property.

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;*

It is our understanding that facilities intended to serve this property are in place within the fronting roadway. Utilities currently stubbed to the properties may need to be modified depending upon the type of proposed use and subsequent site plan approval pending the outcome of this zoning map amendment request.

*Noticing.* Notice has been properly issued in the manner outlined in the City and State Codes for rezones and land use map amendments, including newspaper notices.

## **STAFF RECOMMENDATION**

### **General Plan Land Use Amendment**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding the land use amendment request by Matt Lepire, representing Mariner Real Estate Mgmt., First National Bank, and Quest Development, application 130903-12223S. This recommendation is based on the following findings:

1. That the proposal satisfies the goals and objectives of the General Plan, which are:
  - a. To create a balanced community where residents can live, work and play, and have their essential needs met.
  - b. To encourage the establishment of a strong tax base by accommodating commercial and industrial development in appropriate areas.
  - c. To encourage infill development in close proximity to existing facilities to promote orderly growth while reducing the cost and extent of public services.
  - d. To encourage land uses that preserve a high quality of life and define Draper's unique identity within the region.
  - e. To support the location of regional land uses, such as major employment and mixed-use centers along regional mobility networks.
  - f. To support regional land use policies, patterns, and planning.
  - g. To maintain a balance of land uses that support a high quality of life, a diverse economic base, and a rich mixture of housing and leisure opportunities.
  - h. To incorporate a diverse range of residential and non-residential uses within mixed-use neighborhoods.

- i. To encourage redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods.
2. That the subject property is bounded by Galena Park Blvd. on its west side and a railroad corridor on its east side, which sets it apart from adjacent commercial and gives the property its own identity.
3. That the power substation on 12300 South next door to Jack's Place makes a poor gateway to commercial.
4. That a townhome development could be done in a way that integrates naturally with the existing residential development to the north.
5. That the Galena Office Plaza, approved by the Planning Commission in February 2008, entitled five office buildings. The reason that only one building has been constructed to date is that the location has proven to be unfavorable for an office use.
6. That topography is not conducive to retail, referring to the slope of 12300 South where it runs under the railroad tracks.
7. That the grade separation between 12300 South and the subject property—enough to warrant a six foot block retaining wall in places—creates a condition that retailers generally avoid.
8. That a townhome project at this location would provide more ridership for the Front Runner train.
9. That a townhome project at this location would provide housing opportunities for those employed at the Vista Station TOD.

### **Zoning Map Amendment**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the rezone request by Matt Lepire, representing Mariner Real Estate Management, First National Bank, and Quest Development, application 130903-12223S. This recommendation is based on the following findings:

1. That the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. That the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. That the proposed amendment is consistent with the standards of any applicable overlay zone.
4. That the proposed amendment will not adversely affect adjacent property; and
5. That there is adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

### **MODEL MOTIONS**

#### **General Plan Land Use Amendment**

*Sample Motion for Positive Recommendation.* "I move we forward a positive recommendation to the City Council regarding the land use map amendment request by Matt Lepire, representing Mariner Real Estate Management, First National Bank, and Quest Development, application 130903-12223S, which would amend the land use designation on the subject property from Neighborhood Commercial to Residential Medium-High Density, based on the findings for approval listed in the staff report dated September 20, 2013."

1. List any additional findings, if any.

*Sample Motion for Negative Recommendation.* "I move we forward a negative recommendation to the City Council regarding the land use map amendment request by Matt Lepire, representing Mariner Real Estate Management, First National Bank, and Quest Development, application 130903-12223S, which



would amend the land use designation on the subject property from Neighborhood Commercial to Residential Medium-High Density, based on the following findings.”

1. List all findings.

**Zoning Map Amendment**

*Sample Motion for Positive Recommendation.* “I move we forward a positive recommendation to the City Council regarding the rezone request by Matt Lepire, representing Mariner Real Estate Management, First National Bank, and Quest Development, application 130903-12223S, which would change the zoning on the subject property from CC to RM1, based on the findings for approval listed in the staff report dated September 20, 2013.”

1. List any additional findings, if any.

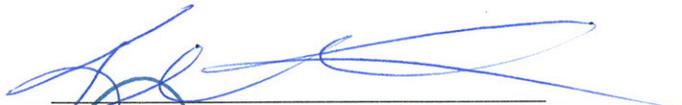
*Sample Motion for Negative Recommendation.* “I move we forward a negative recommendation to the City Council regarding the rezone request by Matt Lepire, representing Mariner Real Estate Management, First National Bank, and Quest Development, application 130903-12223S, which would change the zoning on the subject property from CC to RM1, based on the following findings:”

1. List all findings.

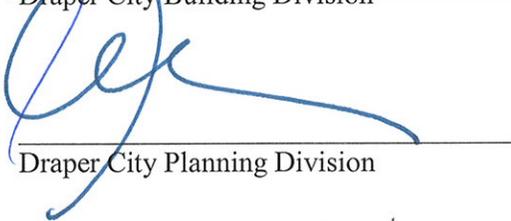
**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

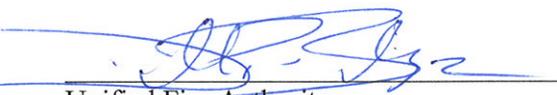
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission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

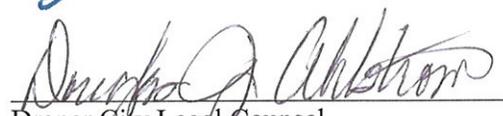
  
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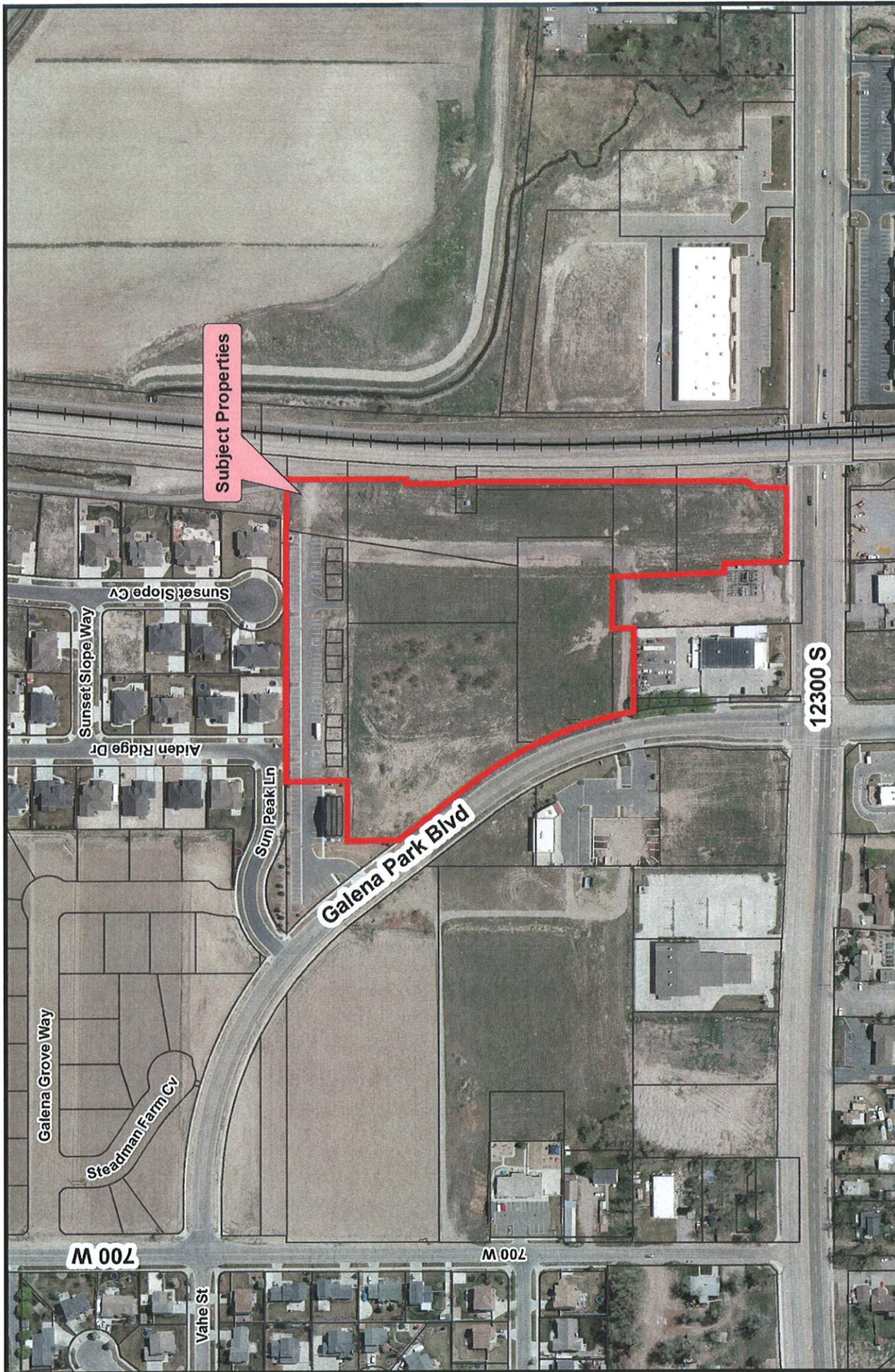
  
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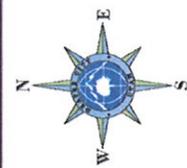
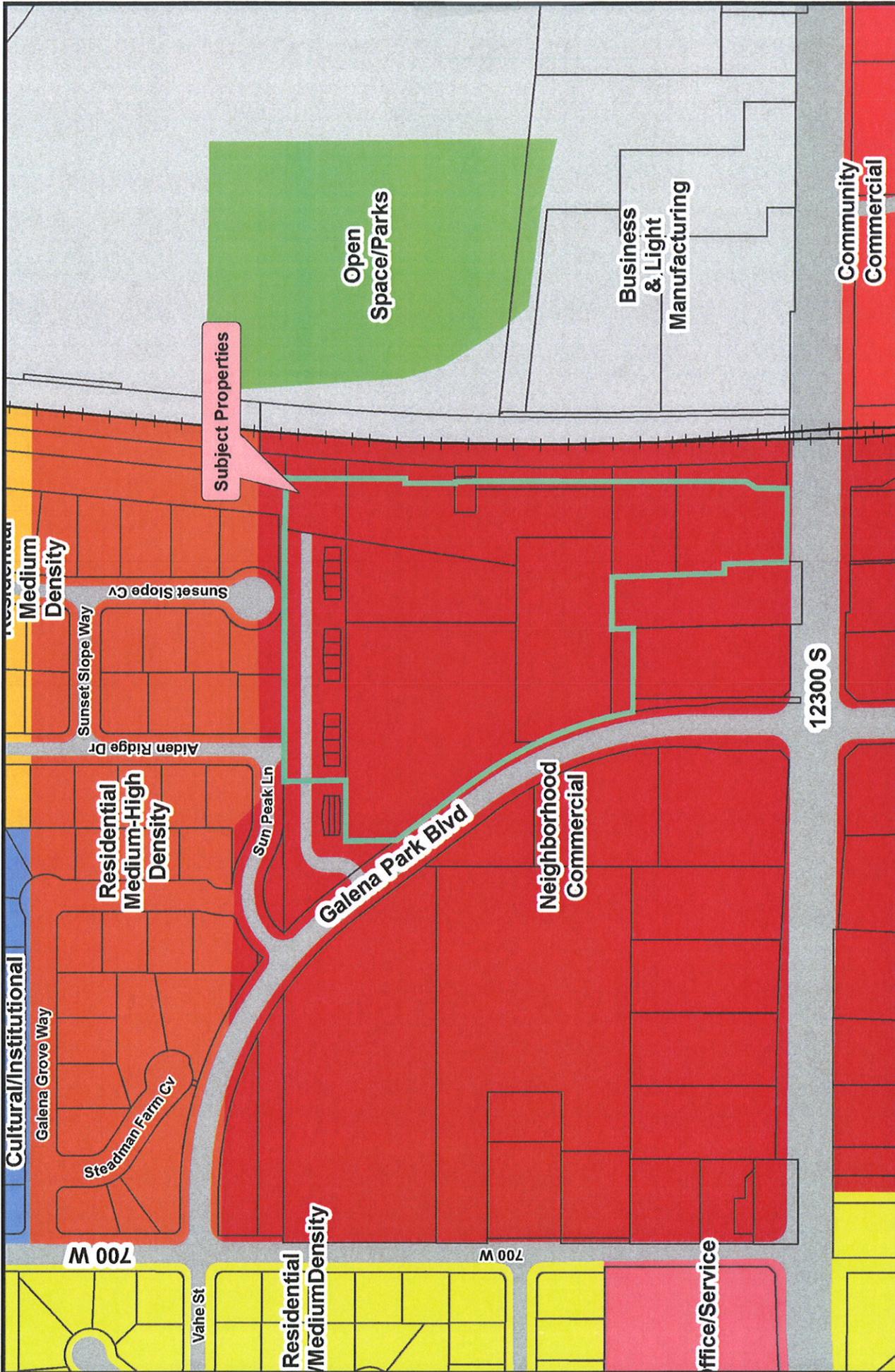
### Galena Park Place Master Plan and Zone Change

Aerial Map



DRAPER CITY

Date: 9/16/2013

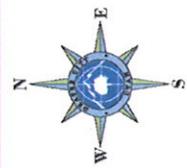
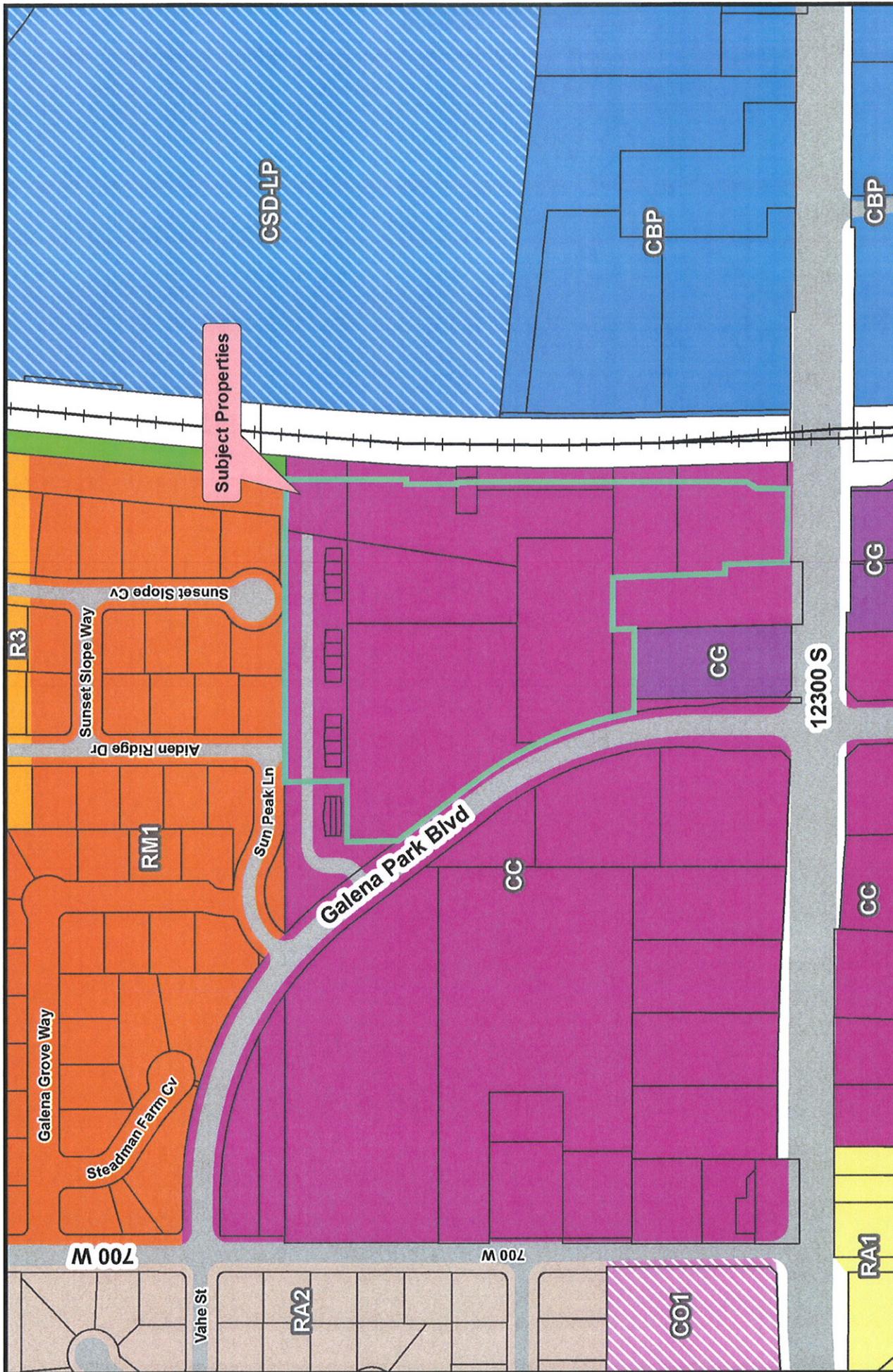


Galena Park Place Master Plan and Zone Change

Landuse Map

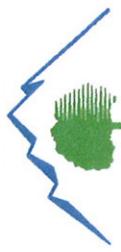


DRAPER CITY  
Date: 9/16/2013



### Galena Park Place Master Plan and Zone Change

Zoning Map



DRAPER CITY

Date: 9/16/2013

EXHIBIT D

# Galena Park Place

DR Horton

8/8/13

## General Plan/Master Plan:

**1. What is the present land use designation of the property?**

Current land use for the property is Neighborhood Commercial.

**2. Is the proposed land use designation similar or compatible with other land use designations in the immediate area? Please explain.**

The proposed land use is identical to the existing land use to the north and is compatible to the surrounding single family uses.

**3. What do you anticipate the land being used for?**

The land use that is being proposed is Residential Medium-High Density with 8 residential townhomes to the acre.

**4. How would the proposed land use designation affect Draper City?**

The proposed land use would affect Draper City in a positive manner and would lend itself to be a great balance between the existing land uses to the surrounding area. This type of land use will allow residence of all ages an option to live, work, and play right in their own back yard.

# Galena Park Place

DR Horton  
8/8/13

## Zone District:

### **1. What is the present zoning of the property?**

Current zoning for the property is Community Commercial (CC).

### **2. Is the proposed zoning consistent with the current land use designation? Please explain.**

The proposed zoning is RM-1 which is residential development with a density of 8/units to the acre, and the current land use designation is Community Commercial (CC).

### **3. Is the proposed zoning similar or compatible to the current zoning in the same area? Please explain.**

Although the existing is Community Commercial the adjacent development to the North is zoned consistently with the proposed zoning request.

### **4. Is the proposed zoning suitable for the proposed site? Please explain.**

With the proposed site situated in between a walking trail/rail lines to the east, RM-1 zoning to the north, Community Commercial (CC) to the west, and 12300 South to the south it is a very suitable site for the proposed development. It is a great buffer between all the variables that the site contends with.

## EXHIBIT E



This photo looks south over the subject property. The railroad corridor for the FrontRunner train is on the left.



This photo shows:

- the slope of 12300 South where it runs under the railroad corridor
- the grade separation between 12300 South and the subject property
- the Rocky Mountain Power facility



Taken from the northeast section of the subject property, this photo shows the lone office building. Five office buildings were approved for this site in 2008.

EXHIBIT F

**Table 9-10-1  
Permitted and Conditional Uses Allowed in Residential Zones**

Use	Zones					
	RA1	RA2	RH	R3	RM1	RM2
<b>Agricultural Uses</b>						
Agricultural business	C	NP	NP	NP	NP	NP
Agriculture	P	P	C	P	P	P
Animals and fowl for recreation and family food production (subject to Sections 9-27-050 and 9-27-055 of this Title)	P (one animal unit per ½ acre) C (more than one animal unit per ½ acre)	C	NP	NP	NP	NP
Animal specialties	C	NP	NP	NP	NP	NP
<b>Residential Uses</b>						
Day care, limited <sup>2</sup>	C	C	C	C	C <sup>4</sup>	NP
Dwelling, single-family <sup>1</sup>	P	P	P	P	C	C
Dwelling, single-family with accessory dwelling unit	See Chapter 9-31 of this Title					
Dwelling, two-family	NP	NP	NP	NP	P	P
Dwelling, multiple-family	NP	NP	NP	NP	P	P
Dwelling, temporary	P	P	P	P	P	P
Home Occupations <sup>3</sup>	See Chapter 9-34 of this Title					
Pre-school, limited <sup>2</sup>	C	C	C	C	C <sup>4</sup>	NP
Residential facility for elderly persons	P	P	P	P	P	P
Residential facility for persons with a disability	P	P	P	P	P	P
<b>Public and Civic Uses</b>						
Cemetery	P	P	P	P	C	C
Charter schools	P	P	P	P	P	P
Church or place of worship	C	C	C	C	C	C
Convalescent care facility	NP	NP	NP	NP	C	C

<sup>1</sup> See Chapter 9-30 of this Title for provisions for a Second Kitchen in a Single Family Dwelling

<sup>2</sup> See Chapter 9-34 of this Title for applicable provisions

<sup>3</sup> See Use Table regulations and specifications for Day Care, Limited and Pre-School Limited Home Occupations

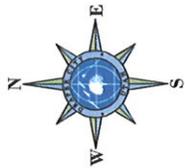
<sup>4</sup> In Detached Single-Family Dwellings Only

**Table 9-10-1  
Permitted and Conditional Uses Allowed in Residential Zones**

Use	Zones					
	RA1	RA2	RH	R3	RM1	RM2
<b>Public and Civic Uses</b>						
Cultural service (only in a historic building)	See Chapter 9-33 of this Title					
Golf course	C	C	C	C	C	C
Government service	C	C	C	C	C	C
Higher education facility, private	NP	NP	NP	NP	NP	NP
Higher education facility, public	NP	NP	NP	NP	NP	NP
Park	C	C	C	C	C	C
Private school	C	NP	NP	NP	NP	NP
Public school	P	P	P	P	P	P
Trade / vocational school	NP	NP	NP	NP	NP	NP
Public utility substation	See Chapter 9-36 of this Title					
School, elementary, middle, or high	C	C	C	C	C	C
Utility, minor	P	P	P	P	P	P
<b>Municipal Uses</b>						
Franchise Municipal Use	C	C	C	C	C	C
Municipal Use	P	P	P	P	P	P
<b>Commercial Uses</b>						
Agricultural sales and service	C	C	NP	NP	NP	NP
Bed and breakfast inn	See Chapter 9-33 of this Title					
Temporary construction or model home office	See Chapter 9-40 of this Title					
Day Care, General	NP	NP	NP	NP	NP	NP
Kennel	C	NP	NP	NP	NP	NP
Office, general (only in a historic building)	See Chapter 9-33 of this Title					
Personal care service (only in a historic building)						
Personal instruction service (only in a historic building)						
Pre-school, general	C	NP	NP	NP	NP	NP



EXHIBIT G



**Galena Park Place Master Plan and Zone Change**



- Subject Property
- Quarter Mile
- Half Mile
- City Boundary



**DRAPER CITY**  
Date: 9/19/2013





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

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**STAFF REPORT**  
September 20, 2013

**To:** Planning Commission  
Hearing Date: October 3, 2013

**From:** Dennis Workman, Planner II  
Community Development Department

**Re:** **Autism and Behavioral Intervention Conditional Use Permit**

Application No.: 130904-12350S  
Applicant: Anika Hoybjerg  
Project Location: 12350 S. 800 E.  
Zoning: RA2  
Acreage: 0.78 acre  
Request: Approval of a conditional use permit to allow the former Senior Center building to be used as a school for children with autism

**BACKGROUND**

The building on the subject property is currently vacant but served as the Draper City Senior Citizens Center for many years. This application seeks approval to use the building as a type of school that helps children diagnosed with autism and other developmental disorders. The property is zoned RA2, where "School, elementary, middle or high" is an allowed use pursuant to a conditional use permit. While the proposed use is not a school per se, the zoning administrator has determined that the use fits in the "school" category as long as it educates students who would otherwise be in any of the grades mentioned in the name of the use.

**ANALYSIS**

*General Plan and Zoning.* The land use element of the General Plan designates the subject property as Neighborhood Commercial. RA2 zoning is technically incompatible with this land use designation, just as it is incompatible with the commercial zones which surround it, namely CC to the west, O-R to the south, and CN to the east and north. However, staff has determined that a rezone is not needed because the use may be conditionally approved in RA2.

*Proposed Use.* Accompanying this staff report is a letter from the applicant describing specifics of the proposed use. As a brief summary of the letter, Autism and Behavioral Intervention provides one-on-one attention to children diagnosed with autism or other developmental disorders. The program is very intense and closely monitored. Geared toward children ages 2-17 years of age, each child will be with an adult the entire time they are the facility. Emphasis is on helping them with speech, social skills and academics. No more than 15 children will be at the facility at any given time, plus an equal number of

adults. Hours of operation will be 8:00 am to 5:00 pm Monday through Friday. Each child will come for two hours per day, meaning that there is the potential to serve 60 children over an eight-hour day.

Conditional Uses. As already noted, the use “School, elementary, middle or high” is listed as *conditional* in the RA2 zone. Subsection 9-5-080(e) of the Draper Municipal Code sets forth the approval standards for conditional use permits:

(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.

Parking. Certain site plan elements are relevant in the review of a conditional use permit. Parking is one of these. As stated above, staff is categorizing the proposed use as a school, though one that is highly specialized. Table 9-25-1 stipulates that the parking requirement for an elementary or middle school

should be based on “1 space per 4 students,” and for high school “1 space per 1.25 students.” Using the more restrictive of these, the required number of stalls is four. The formula is flawed for this particular use, however, because the one-adult-per-student ratio does not apply to a regular school. Adding 15 more stalls to accommodate the staff brings the number of required stalls to roughly 20. Seventy-five stalls are provided, three of which are signed handicap accessible. Pavement on the parking lot is in good shape, but parking stalls need re-stripping. Staff is recommending a condition of approval that at least 20 parking stalls be re-stripped.

Landscaping. Landscaping is another element that needs to be considered when reviewing a conditional use permit for an existing site. Staff has visited the site and found that the existing landscaping is healthy and well-maintained. Understandably, there are weeds in the landscape beds near the front of the building that need to be taken care. The applicant states that she is anxious to bring all landscaping up to a high standard and to keep it maintained.

Signage. The existing monument sign is completely legal, though nonconforming because it is not mounted on a base. The applicant will be switching out the sign copy, and does not need a permit to do so. She has no plans for additional signage at this time. Should she at some point wish to replace the existing monument sign with a more substantial one, or add signage to the building, she will be required to conform to the regulations of Sub. 9-26-070 of the DCMC.

Engineering Review. In a memo dated September 17, 2013, Robert Markle with the engineering division states that he has no concerns with this application.

Building Review. In a memo dated September 11, 2013, Keith Collier states: “I have met with the owner and contractor on site, and we have worked out what was needed. I have no other issues with this use and have given them my approval.”

Fire Department. In a memo dated September 16, 2013, Don Buckley with the Unified Fire Authority recommends approval with the following comments and conditions:

1. **Fire Department Access is required.** An unobstructed minimum road width of twenty (20) feet and a minimum height of thirteen (13) feet six (6) inches shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of twenty – eight (28) feet. There shall be a maximum grade of 10%. Grades may be checked prior to building permits being issued.
2. **Life Safety Systems (ie Fire Sprinklers/Fire Alarms)** although this building does not fall under the requirements for these type of systems due to its square footage. The applicant needs to be aware that the occupancy classification of the building may end up causing it to require these types of systems.
3. **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.
4. **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.

### **STAFF RECOMMENDATION**

Staff recommends approval of the conditional use permit for Autism and Behavioral Intervention, application 130904-12350S, subject to the following conditions:

1. That all conditions of the Fire Department, including but not limited to those contained in Don Buckley's memo dated September 16, 2013 are continually adhered to.
2. That all site improvements are constructed or installed prior to receiving a certificate of occupancy.
3. That the applicant obtains a Draper City business license prior to receiving a certificate of occupancy.
4. That no signage is approved with this site plan. All signage requires separate permits and is required to comply with Chapter 9-26 of the Draper City Municipal Code.
5. That all parking is to be contained on site. No parking shall be allowed on 800 East or on the fire station property to the north.
6. That the applicant re-stripes at least 20 parking stalls.
7. That the existing monument sign is allowed to stay, and changing out the sign copy will not require city review.

This recommendation is based on the following findings:

1. That the proposed conditional use permit for "School, elementary, middle or high" meets the requirements of Section 9-5-080(e)(3) of the Draper City Municipal Code.
2. That the proposed use will not be detrimental to the health, safety, or general welfare of persons or properties in the area.
3. That the proposed site plan will have no negative impacts on adjacent land uses.
4. That the applicant expresses a desire to bring all landscaping up to a high standard and keep it maintained.

### **MODEL MOTIONS DONE**

Sample Motion to Approve CUP. "I move we approve the conditional use permit for Autism and Behavioral Intervention, as requested by Anika Hoybjerg, application 130904-12350S, based on the findings and conditions listed in the staff report dated September 20, 2013 and as modified by the following:"

1. List any additional findings and conditions.

Sample Motion to Deny CUP. "I move we deny the conditional use permit for Autism and Behavioral Intervention, as requested by Anika Hoybjerg, application 130904-12350S, based on the following 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 Operations Division

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

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

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

  
\_\_\_\_\_  
Draper City Attorney

Dear Planning Commissioners,

The building located at 12350 S. 800 E. has been used for so many things in the past in our community. It most recently was used as the Draper Senior Center and provided a place for friendship and healing. As new owners, we hope to maintain the same feeling of this building as being a place for people to come to feel loved and heal their hearts and spirits.

I have worked as a school psychologist in Draper for 6 years and recently received a third post-graduate degree in Autism. There is a significant need for autism related services in our community. After traveling the country and speaking with experts in the field I have developed an amazing program for individuals and families with autism.

At our center based facility we will provide one-on-one intervention to each individual, specific to their needs. Our intervention is very intense and monitored very closely and carefully using research based programs that provide significant results. We will be seeing children ages 2-17 years of age. Each child will be with an adult one-on-one the entire time they are at our facility. We know this is the only way for each child to make significant improvements in their speech, social skills, and academics.

At our maximum capacity we will have 15 children at the facility at a time. This will mean that there will also need to be 15 adults at the facility during that time. Our hours of operation will be from 8-5 for employees and the children will be there during the hours of 8:30-4:30 Monday through Friday.

Each day I receive call from parents asking me when our facility will be opening. Some parents have even mentioned moving to Draper just to be close to our center. Each child will come for 2 hours a day. This potentially allows us to service 60 children over an 8 hour day. This will benefit Draper in many ways, parents coming from areas such as Ogden and Provo each day for two hours will most likely do their grocery shopping, dry cleaning, buying gas, etc in Draper when they wait for their child.

There will not be a high flow of traffic because we will only have 15 children in our facility at a time. The parking lot is designed to hold 75 spots but we do not plan on those parking spaces being used to capacity at any time. We believe at the very most there will be around 35 cars in the parking lot.

When I first saw this building I was so excited because it happens to be so perfect for exactly what we need. I was amazed at how little changes need to occur to make it perfect for our needs. I have been told that parts of the building date back to 1947 (I think). I love the history of the building and all that it has provided for Draper. We hope to only make a few changes to update the outside a little but feel so privileged and fortunate to have such a wonderful place.

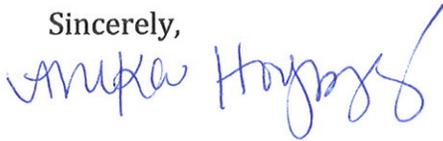
Our proposed use for the building fits in so well with the community. We understand and know that Draper is a very family and service oriented community. Our facility will meet both criteria as it is helping and healing families. The location of this facility is also very safe and accessible for families and children.

Although the building is currently zoned residential there are commercial properties including Canyon Bicycles and the Fire Station which are on the same city block as our property. We have also talked to neighbors on the other side and they are very excited about our future plans.

There will be no glare, dust, pollutants, odor, or anything that would be harmful or displeasing to the community in anyway.

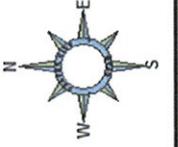
I look forward to talking with you personally in an upcoming Planning Commission meeting. Thank you so much for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Anika Hoybjerg". The signature is written in a cursive style with a long, sweeping underline.

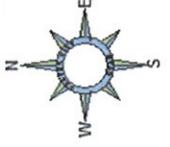
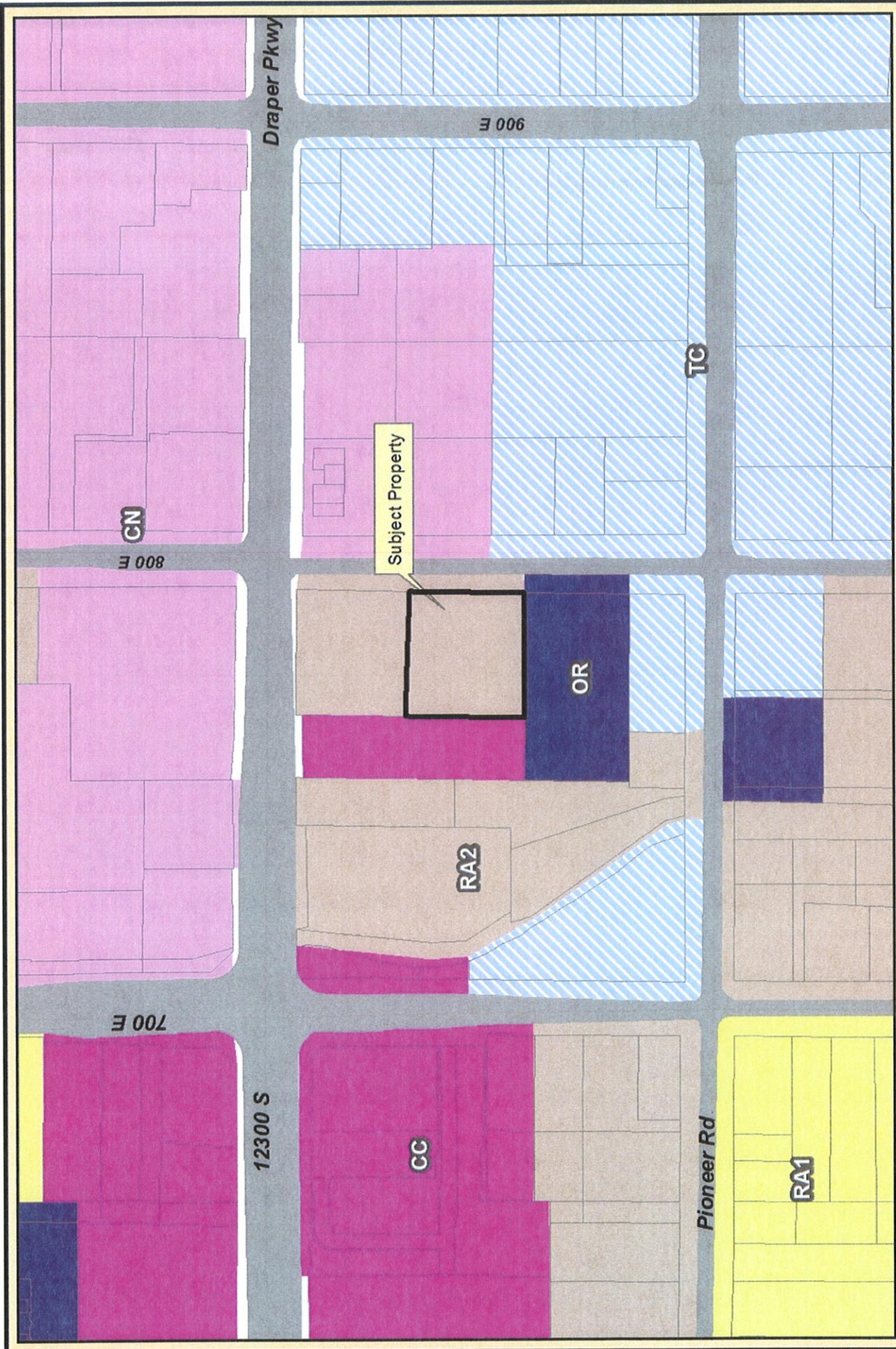
Anika Hoybjerg, Ed.S.

Autism and Behavioral Intervention  
801-499-6469



# Aerial Map for Autism and Behavioral Intervention CUP





# Zoning Map for Autism and Behavioral Intervention CUP

