



PLANNING COMMISSION AGENDA

October 13, 2022 at 6:30 PM
1020 E. Pioneer Rd. Draper, UT 84020
Council Chambers

6:30 PM Business Meeting

1. Public Hearing: Corner Canyon Quilting, LLC Home Occupation Conditional Use Permit (Administrative Action)

On the request of Jessica Clayton, representing Corner Canyon Quilting, LLC, for a Home Occupation Conditional Use Permit for a cottage business, located at 12657 S Bridgewood Ln. The property is 0.33 acres in size and located in the R3 zone. Application USE-171-2022. Staff contact is Jonathan Concidine, 801-576-6522, j.concidine@draperutah.gov. Staff report by Jennifer Jastremsky.

2. Public Hearing: Beacon Crest Cottages Landscape Deviation (Administrative Action)

On the request of David Meredith, representing Beacon Crest of Draper, LLC and Beacon Crest Heritage, LLC, a request for approval of a Landscape Deviation from the requirement to provide a minimum of ten feet (10') of landscaping around the property perimeter, related to potential future expansion of the Beacon Crest Assisted Living Facility onto an adjacent property. The combined properties total approximately 1.55 acres in size and the request applies to the northernmost property that is 0.46 acres in size. The properties are located at 12374, 12382, & 12392 S. 600 E. Known as application VAR-185-2022, Staff Contact: Todd A. Draper, (801)576-6335, todd.draper@draperutah.gov.

3. Public Hearing: Dean Fence Conditional Use Permit (Administrative Action)

On the request of Barton Dean, for a Conditional Use Permit for an 8-foot fence, located at 12564 S. Bear Park Pl. The property is 0.41 acres in size and located in the RA2 zone. Application USE-163-2022. Staff contact is Jonathan Concidine, 801-576-6522, j.concidine@draperutah.gov. Staff report by Jennifer Jastremsky.

4. Public Hearing: Angela's Finest Caramels Home Occupation Conditional Use Permit (Administrative Action)

On the request of Dan Bruns, representing Angela's Finest Caramels, for a Home Occupation Conditional Use Permit for a candy making business in an accessory structure. The property is located at 1328 E. Hana Court in the RA2 zoning district and is approximately .44 acres in size. Application: USE-173-2022. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

5. Public Hearing: Elizabeth Jones Home Occupation Conditional

Use Permit (Administrative Action)

On the request of Elizabeth Jones, for a Home Occupation Conditional Use Permit for a home salon, located at 13242 S. Lone Rock Dr. The property is 0.23 acres in size and located in the RSD-5-Bellevue zone. Application USE-184-2022. Staff contact is Jonathan Concidine, 801-576-6522, j.concidine@draperutah.gov. Staff report by Jennifer Jastremsky.

6. Public Hearing: First Steps Foot Zone Home Occupation Conditional Use Permit (Administrative Action)

On the request of Sara Derrick, representing First Steps Foot Zone, for a Home Occupation Conditional Use Permit for a personal care business, located at 12646 S. 600 E. The property is 0.34 acres in size and located in the R3 zone. Application USE-167-2022. Staff contact is Jonathan Concidine, 801-576-6522, j.concidine@draperutah.gov. Staff report by Jennifer Jastremsky.

7. Training: Origins of American City Planning Part 2

8. Adjournment

SALT LAKE COUNTY AND UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of this agenda were posted on the Draper City Electronic Bulletin Board, Draper City website www.draperutah.gov, the Utah Public Notice website at www.utah.gov/pmn, and sent by email to the *Salt Lake Tribune* and the *Deseret News*.

Date Posted: October 7, 2022



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



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



MEMO

To: Planning Commission

From: Jonathan Concidine

CC: Jennifer Jastremsky

Date: October 13, 2022

Re: Corner Canyon Quilting, LLC - Home Occupation Conditional Use Permit

Comments:

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.33 acres located on the west side of Bridgewood Lane, at 12657 Bridgewood Lane. The property is currently zoned R3. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for the operation of a home quilting business.

The findings are as follows:

For approval:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

For denial:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report	10/5/2022	Cover Memo



Development Review Committee

1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT

September 23, 2022

To: Draper City Planning Commission
Business Date: October 13, 2022

From: Development Review Committee

Prepared By: Jonathan Concidine, Planner
Planning Division
Community Development Department
801-576-6522, j.concidine@draperutah.gov

Re: Corner Canyon Quilting – Home Occupation Conditional Use Permit Request

Application No.: USE-171-2022

Applicant: Jessica Clayton, representing Corner Canyon Quilting, LLC

Project Location: 12657 Bridgewood Lane

Current Zoning: R3 (Single Family Residential, 13,000 sq. ft. min. lot size)
Zone

Acreage: 0.33 Acres (Approximately 14,350 ft²)

Request: Request for approval of a Home Occupation Conditional Use Permit in the R3 zone.

BACKGROUND AND SUMMARY

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.33 acres located on the west side of Bridgewood Lane, at 12657 Bridgewood Lane (Exhibit B & C). The property is currently zoned R3. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for the operation of a home quilting business.

The home was built in 1995. It is Lot No. 226 of the Stonebridge Estates Phase 2 subdivision. The plat was recorded in 1994.

ANALYSIS



General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density	Exhibit D
Current Zoning	R3	Exhibit E
Proposed Use	Single Family Residence	
Adjacent Zoning		
East	R3	
West	R3	
North	R3	
South	R3	

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

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage "piecemeal" infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Churches • Schools • Open Space
DENSITY	• Density range: 2-4 dwelling units per acre	
COMPATIBLE ZONING	• Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC)	
OTHER CRITERIA	• Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures	

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the R3 zone is to *"permit medium density residential development without special mitigation requirements. This zone is intended to provide incentives to foster residential development with little impact on its surroundings and on municipal services, and to generally preserve the semirural character called for in the density*

element of the general plan."

Home Occupation. The applicant wishes to run a quilting business from her home. Customers will drop off the quilt materials and pick up the finished quilts. The applicant estimates a traffic impact of 5-7 trips per week. The hours of operation will be 8:00 AM to 6:00 PM. Parking will be provided in the applicant's driveway.

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

- A. *Ownership: The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.*
 - a. Applicant owns the home.
- B. *Business License: A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to [title 6, chapter 11](#) of this code.*
 - a. Applicant will obtain a business license.
- C. *Employees: Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.*
 - a. Employees will be family members.
- 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.*
 - a. Facilities will comply with code.
- E. *Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed.*
 - a. Inventory will not exceed 250 sq. ft.
- F. *Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.*
 - a. Structures and yards will not be modified.

- 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.*
a. Home occupation will not cause a nuisance.
- 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.*
a. Home occupation is the secondary use. Less than 25% of the house will be used for the home occupation.
- I. *Signs: All signage in a residential area must comply with [chapter 26](#), "Signs", of this title.*
a. Signs will comply with the DCMC.
- 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.*
a. Minimal traffic impacts are anticipated.
- 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.*
a. No vehicles associated with the home occupation will be found on the property.
- 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.*
a. Yards will not be used for the home occupation.
- M. *Customers: No customers allowed. Children accessing a limited daycare or limited preschool facility shall not be considered customers.*
a. Recommend limit of 7 customers per week as a condition of approval.
- 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.*
a. The home occupation will not require excessive utility demand.
- O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*

- a. The home occupation will occur within the primary structure.
- P. *Single-Family And Multiple-Family Dwellings: Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section [9-34-060](#) of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles.*
- a. Home occupation will take place in a single-family dwelling.
- Q. *Licensure: Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations.*
- a. No licenses are required.

Criteria For Approval.

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

- E. *Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:*
1. *A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
 2. *Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.*
 3. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*
 4. *The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved,*

approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:

- a. The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;*
 - b. The suitability of the specific property for the proposed use;*
 - c. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;*
 - d. The economic impact of the proposed facility or use on the surrounding area;*
 - e. The aesthetic impact of the proposed facility or use on the surrounding area;*
 - f. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
 - g. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and*
 - h. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.*
- 5. The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.*

REVIEWS

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

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

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

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

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

STAFF RECOMMENDATION

Staff finds that the application complies with the DCMC and recommends that the Planning Commission review the request, receive public comment, and approve the application based on the findings listed below and the criteria for approval, as listed within the staff report.

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

1. That customers shall park solely on the driveway.
2. That customers shall be limited to 7 per week.
3. Per DCMC Section 9-5-080(J), unless there is substantial action under a conditional use permit within one year from the date of its issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the conditional use permit for an extension of up to six (6) months, subject to approval of the Planning Commission, provided substantial action is shown toward establishing the conditional use and the requirements for extension under DCMC Section 9-5-030 are met.

The findings for approval as are follows:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Corner Canyon Quilting Home Occupation Conditional Use Permit, as requested by Jessica Clayton, representing Corner Canyon Quilting, LLC, application USE-171-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 23, 2022.

Sample Motion for Modified Approval– I move that we approve the Corner Canyon Quilting Home Occupation Conditional Use Permit, as requested by Jessica Clayton, representing Corner Canyon Quilting, LLC, application USE-171-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 23, 2022 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Corner Canyon Quilting Home Occupation Conditional Use Permit, as requested by Jessica Clayton, representing Corner Canyon Quilting, LLC, application USE-171-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 23, 2022.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division

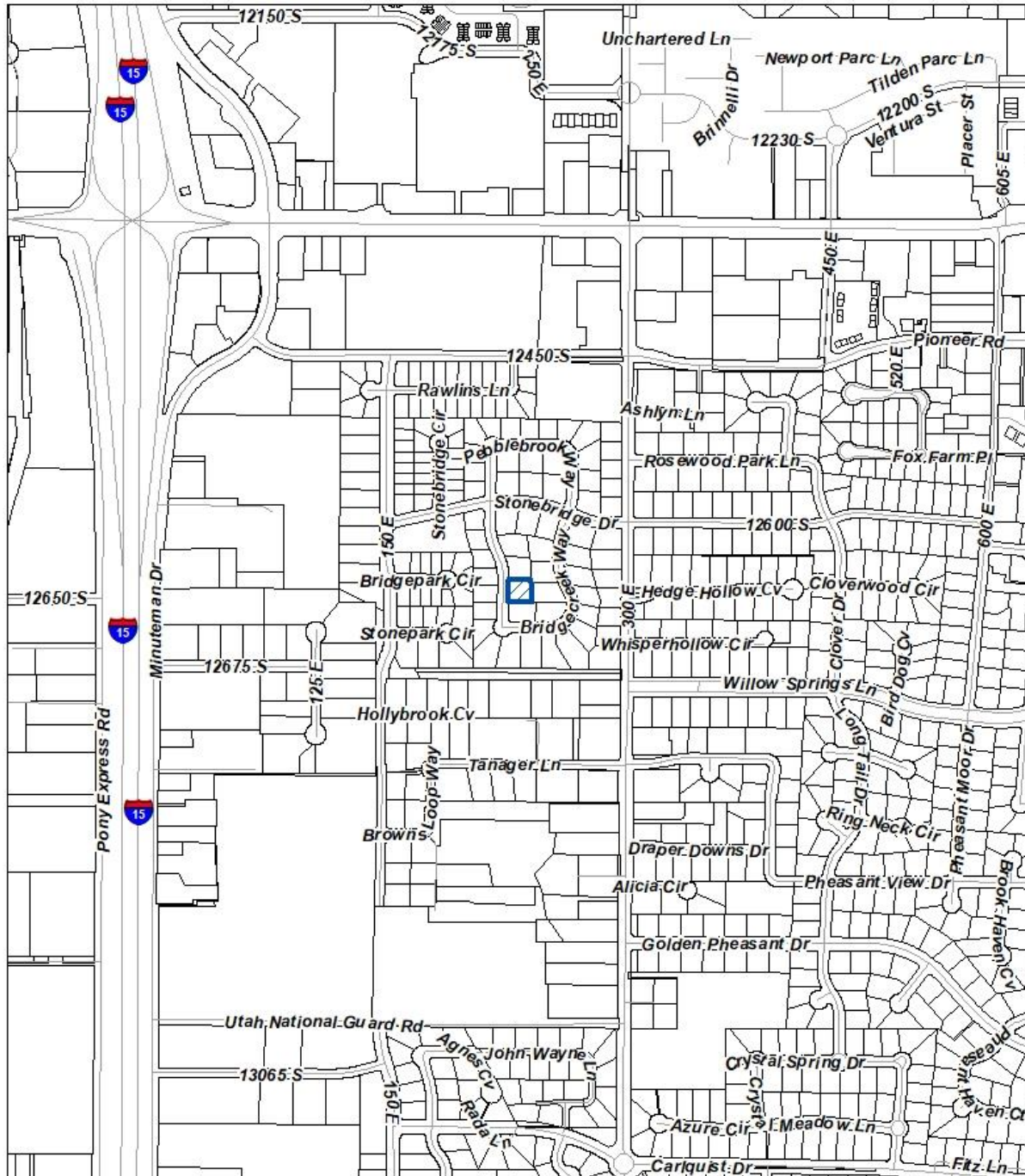


EXHIBIT A
DEPARTMENT REVIEWS

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

No outstanding comments.

EXHIBIT B VICINITY MAP

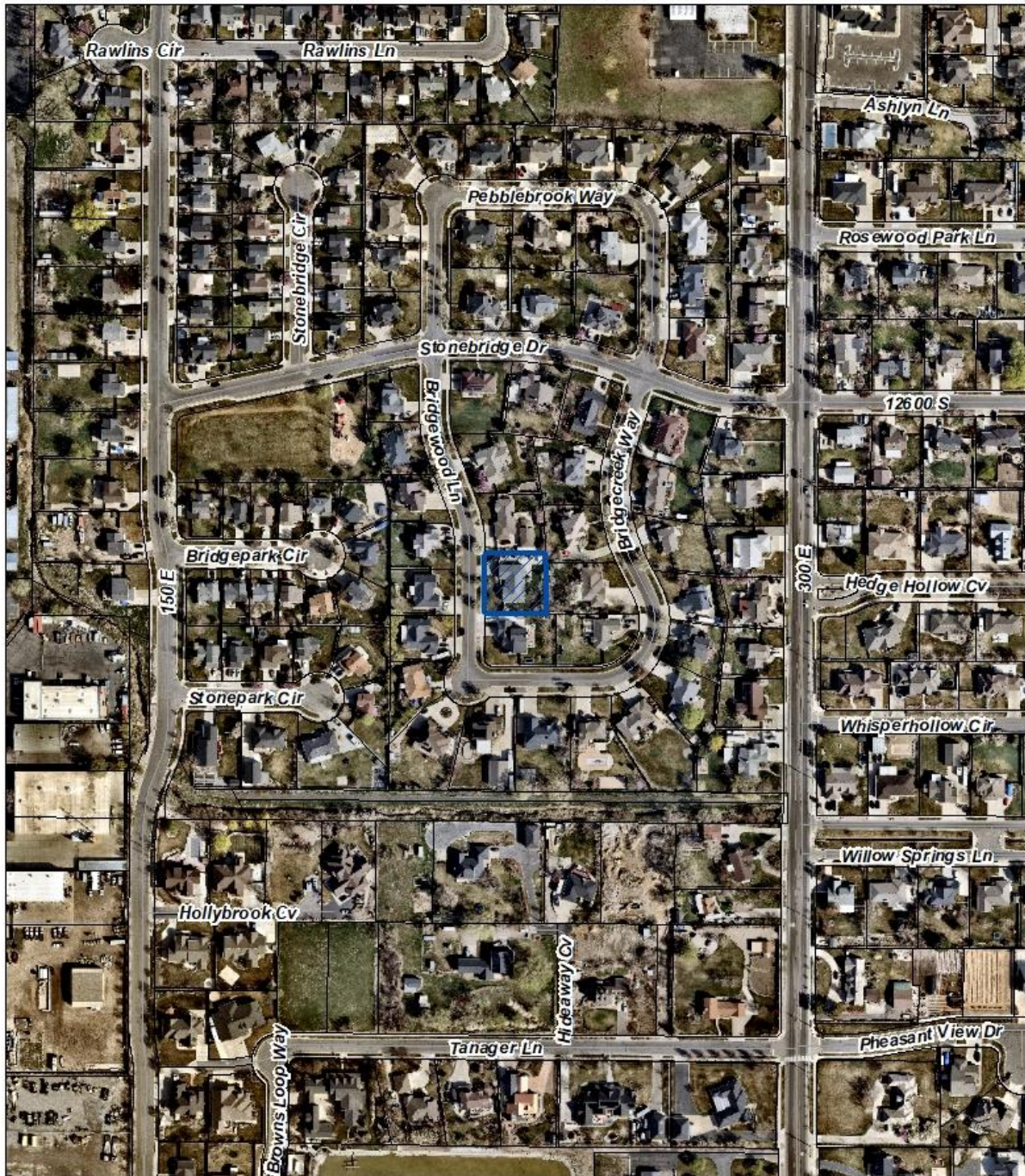


Corner Canyon Quilting, LLC
Home Occupation Conditional Use Permit
Vicinity Map

0 0.125 0.25 0.5 Miles



EXHIBIT C AERIAL MAP

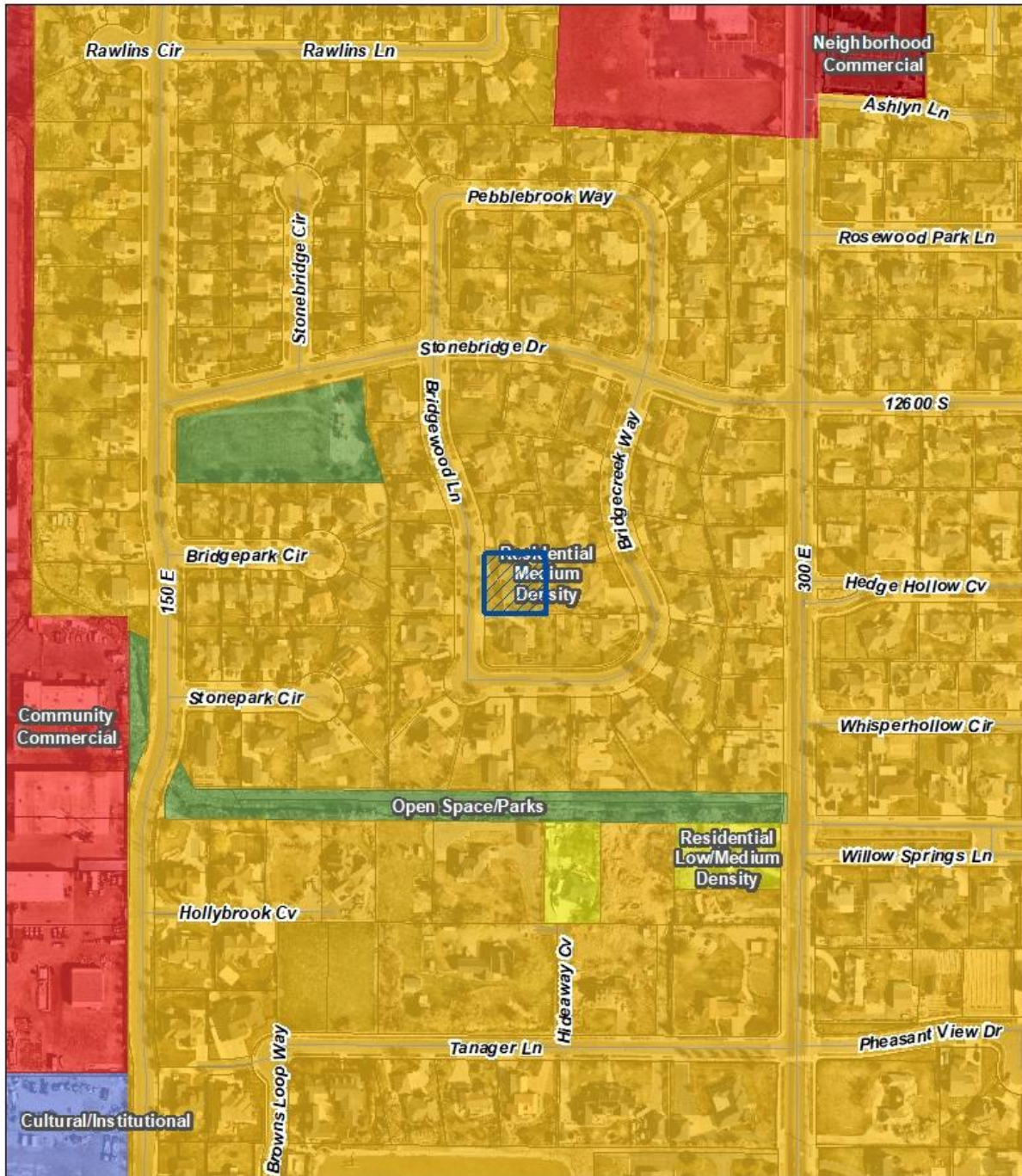


Corner Canyon Quilting, LLC
Home Occupation Conditional Use Permit
Aerial Map

0 0.045 0.09 0.18 Miles



EXHIBIT D LAND USE MAP

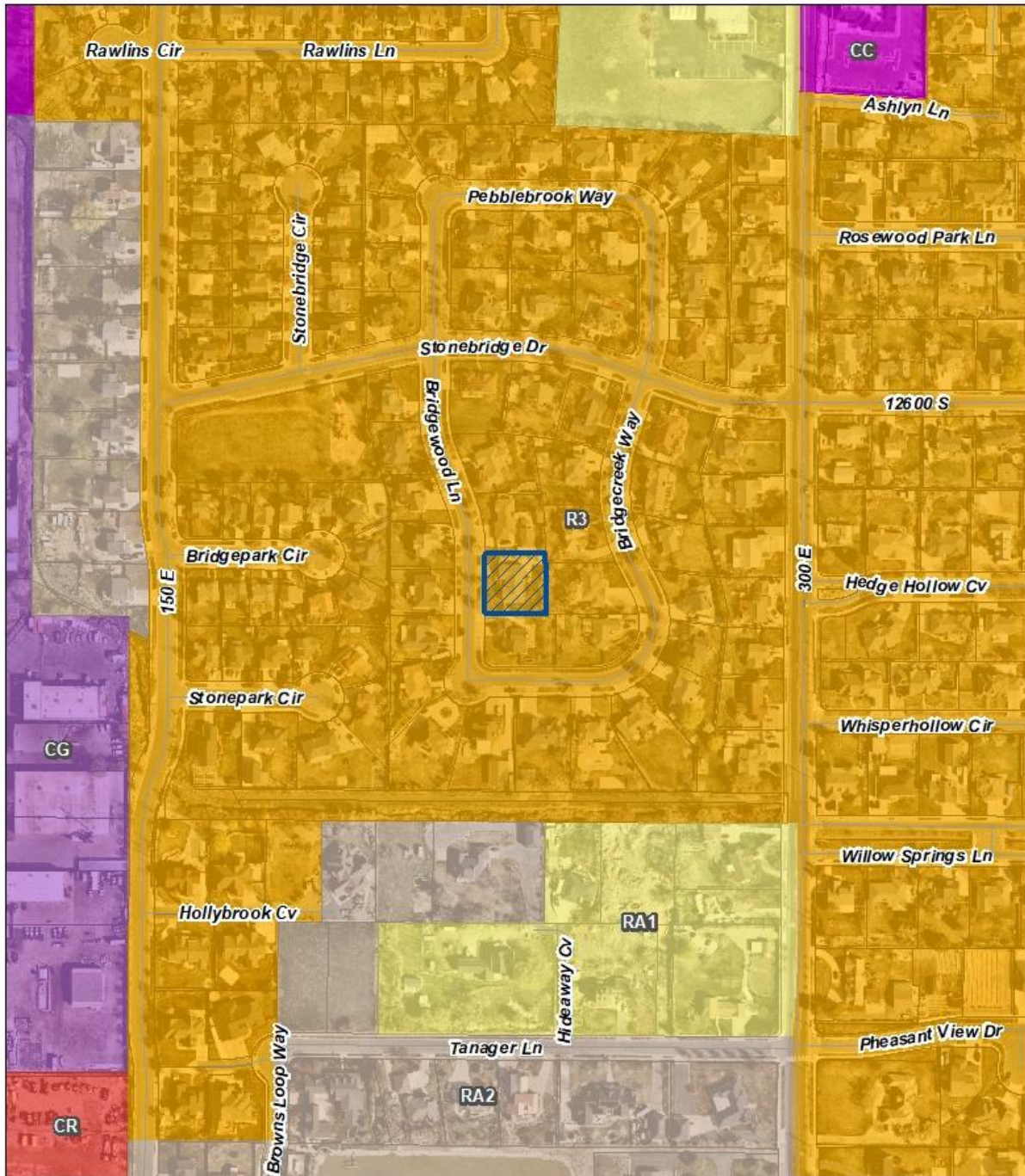


Corner Canyon Quilting, LLC
Home Occupation Conditional Use Permit
Land Use Map

0 0.045 0.09 0.18 Miles



EXHIBIT E ZONING MAP



Corner Canyon Quilting, LLC
Home Occupation Conditional Use Permit
Land Use Map

0 0.045 0.09 0.18 Miles



EXHIBIT F
APPLICANT QUESTIONNAIRE

1. A) A statement by the applicant demonstrating how the home occupation conditional use permit request meets the approval standards of DCMC 9-5-080(E).

This business within the home will incur minimal impact to the neighborhood.

The **use** of the business will have customers dropping off and picking up their completed quilts. There is more than adequate parking in our driveway and directly in front of our house to accommodate the infrequency of visits without imposing on neighbors.

There is no **construction** occurring with this business.

The **character** of the business does not impose any detrimental effect.

The **location** of the business is inside of our home and does not impose on neighbors.

There is no change to **landscaping**.

Customers will have been **screened** prior to being permitted an appointment to drop off a quilt. Any customer who presents concerning behavior will not be granted an appointment.

There is more than adequate **parking** in our driveway and directly in front of our property. There is approximately 120 feet of parking available directly in front of our property which would be more than adequate for customers not to impose on other residences.

Hours of operation are 8:00am-6:00pm by appointment only.

In regards to section 4:

- a. There is no detrimental affect to general plan of neighborhood given that no additional noise or noxious elements will be added to neighborhood. Customers will be instructed to park in our driveway or directly in front of our property.
- b. There are no changes to suitability of property for proposed use. There is more than adequate space in sidewalks to house and inside house for customers.
- c. There is no impact to other development in the vicinity
- d. There is only positive economic impact to the proposed use.
- e. There is no change in the aesthetic of the property.
- f. There is no change to adequate safeguards on or surrounding the neighborhood.
- g. No additional change of the following: noise, glare, dust, pollutants and odor from the proposed facility
- h. No change to health and safety of anyone in surroundings.

B) A written narrative describing the nature of the home occupation conditional use, including information about the proposed use (describe the proposed use, including information such as required parking, hours of operation, expected patrons and/or employees, proposed site improvements, etc.). Include details of reasonably

anticipated detrimental effects to adjacent properties and the neighborhood (such as traffic or noise), and any mitigation measures being proposed to alleviate those effects.

As shown on page 2 of the 'Home Occupation Conditional Use Permit':

"Will be doing a quilting business at this property. This involves customers dropping off quilt top/bottom and we will sew these layers (along with batting) together and they come pick the quilt up. Parking in driveway or in street in front of our residence. Hours of operation are 8:00am-6:00pm. No employees. Expect 5-7 patrons per week. Could increase traffic by 5-7 visitors per week. Customers will be provided with detailed parking information"

2. A) a. Any images, graphics, or additional information to better demonstrate the use or activity



This is a longarm quilting machine. This is located in our basement. There is no detrimental effect to any of our surroundings by actual use of the machine. It is entirely confined within our structure, poses no hazard to anyone.

Project Name: Corner Canyon Quilting, LLC

Applicant Name: Jessica Clayton

Site Address: 12657 S Bridgewood Ln, Draper UT 84020

Date of Drawing: 2022-08-05

Property Boundary shown in Yellow Line Dimensions: $123' \times 119' = 14,646 \text{ ft}^2$

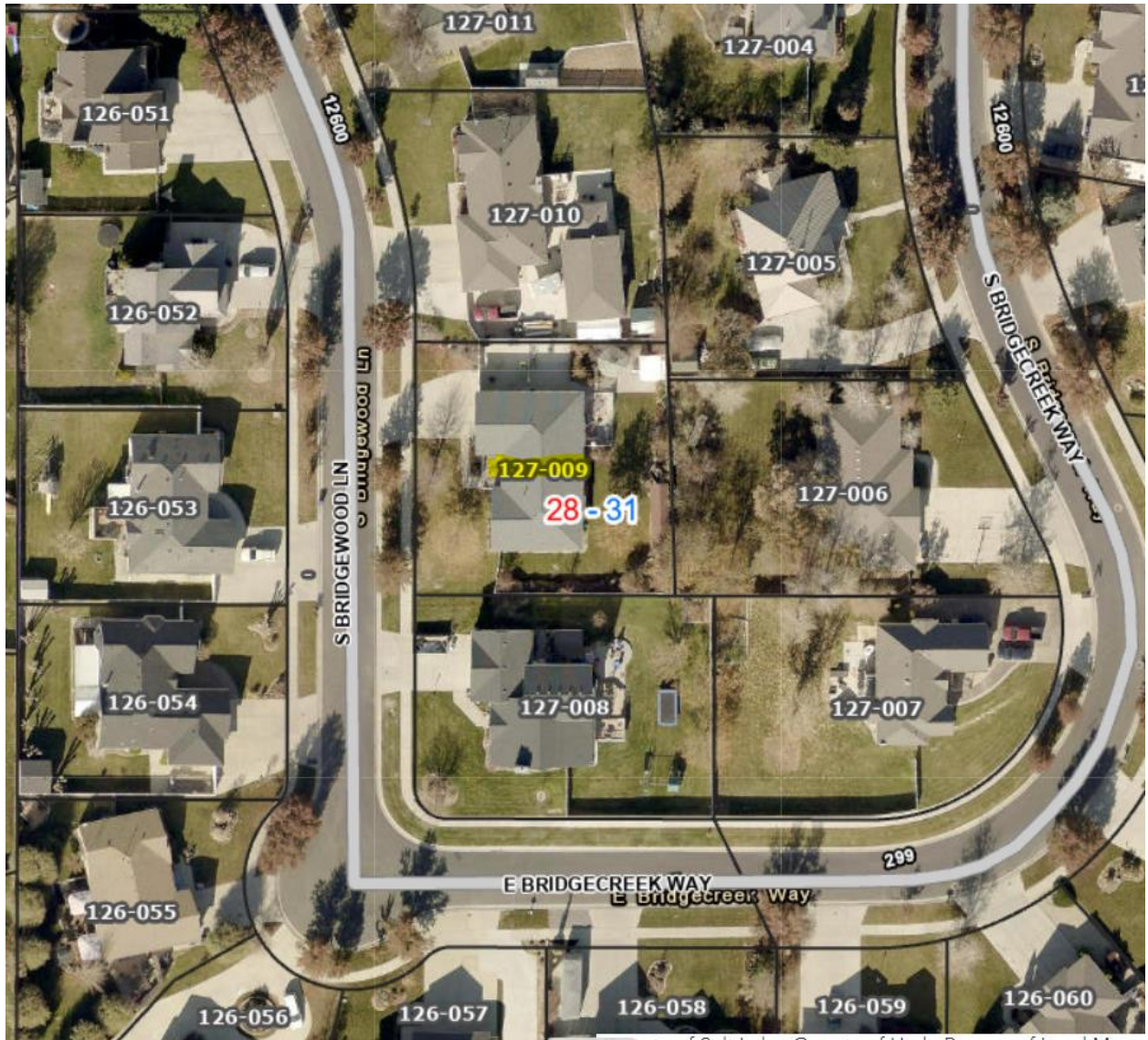
Property to South: 12671 S Bridgewood Ln; Benjamine and Jennifer Hawkins

Property to East: 12656 S Bridgecreek Wy; Trenton Hymas

Property to North: 12639 S Bridgewood Ln; TTM&KEML Trust (Thor and Karen)

Property to West: 12658 S Bridgewood Ln; Roger and Kristi Evans







MEMO

To: Planning Commission

From: Todd A. Draper

CC:

Date: October 13, 2022

Re: Beacon Crest Cottages Landscape Deviation Request

Comments:

This application is a request for approval of a Landscape Deviation for a 0.46 acre portion of a combined development site of approximately 1.55 acres located on the north side of Pioneer Road and West of 600 E., at approximately 12374, 12382, and 12392 S. 600 E. The property is currently zoned CC (Community Commercial). The applicant is requesting that a Landscape Deviation from the requirement to provide a minimum of ten feet (10') of landscaping around the property perimeter be approved to allow for potential future expansion of the Beacon Crest Assisted Living Facility onto adjacent property.

The findings are as follows:

For Approval:

1. The proposed landscape plan is consistent with the purpose of chapter 23 of the Draper City Municipal Code and any applicable master plan or ordinance;
2. The proposed landscape plan reflects a design that conforms to the requirements of chapter 23 of the Draper City Municipal Code to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested.
3. The proposed landscape plan will not adversely affect neighboring property owners or residents;
4. The proposed landscape plan will not adversely affect sight distance or otherwise diminish public safety;
5. The proposed landscape deviation is justified by site constraints; and
6. The proposed landscape plan is of high quality and integrates aesthetically with the design of the primary buildings on site and established streetscape.

For Denial:

1. The proposed landscape plan is not consistent with the purpose of chapter 23 of the Draper City Municipal Code and any applicable master plan or ordinance;
2. The proposed landscape plan does not reflect a design that conforms to the requirements of chapter 23 of the Draper City Municipal Code to the greatest extent possible and/or does not offer alternative methods for addressing the landscape requirement for which the deviation is being requested.
3. The proposed landscape plan will adversely affect neighboring property owners or residents;
4. The proposed landscape plan will adversely affect sight distance or otherwise diminish public safety;
5. The proposed landscape deviation is not justified by site constraints; and
6. The proposed landscape plan is not of high quality and does not integrate aesthetically with the design of the primary buildings on site and established streetscape.

ATTACHMENTS:

Description

P.C. Staff Report

Upload Date

10/6/2022

Type

Cover Memo



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

October 3, 2022

To: Draper City Planning Commission
Business Date: October 13, 2022

From: Development Review Committee

Prepared By: Todd A. Draper, AICP, Planner III
Planning Division
Community Development Department
801-576-6335, todd.draper@draperutah.gov

Re: Beacon Crest Cottages – Landscape Deviation Request

Application No.: VAR-185-2022

Applicant: David Meredith, representing Beacon Crest of Draper, LLC and Beacon Crest Heritage, LLC.

Project Location: Approximately 12374, 12382, and 12392 S. 600 E.

Current Zoning: CC (Community Commercial) Zone

Acreage: Approximately 1.55 Acres (Approximately 67,518 ft²)

Request: Request for approval of a Landscape Deviation for the purpose of a deviating from the requirement to provide a minimum of ten feet (10') of landscaping around the property perimeter, related to potential future expansion of the Beacon Crest Assisted Living Facility onto an adjacent property.

BACKGROUND AND SUMMARY

This application is a request for approval of a Landscape Deviation for a 0.46 acre portion of a combined development site of approximately 1.55 acres located on the north side of Pioneer Road and West of 600 E., at approximately 12374, 12382, and 12392 S. 600 E. (Exhibits B & C). The property is currently zoned CC. The applicant is requesting that a Landscape Deviation from the requirement to provide a minimum of ten feet (10') of landscaping around the property perimeter be approved to allow for potential future expansion of the Beacon Crest Assisted Living Facility onto adjacent property.

The Beacon Crest Assisted Living facility currently consists of two residential assisted living structures built in approximately 2021 and located across two parcels with street address



of 12382 S. 600 E. and 12392 S. 600 E. Both residential structures were approved under a single Site Plan application and have mailing addresses listed as 557 E. Pioneer Rd. and 591 E. Pioneer Rd. The potential future expansion of the assisted living facility would be directly to the north of the existing facility primarily on property owned by Beacon Crest Heritage, LLC.

ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density and Residential High Density	Exhibit D
Current Zoning	CC (Community Commercial)	Exhibit E
Proposed Use	Assisted Living Facility	
Adjacent Zoning		
East	RA2 (Residential Agricultural – Min. 20,000 ft ² lot) (across 600 E.)	
West	CC (Community Commercial)	
North	CC (Community Commercial)	
South	R3 (Residential – Min. 13,000 ft ² lot) (across Pioneer Rd.)	

The land use designation is characterized as follows:

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage “piecemeal” infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Churches • Schools • Open Space
DENSITY	• Density range: 2-4 dwelling units per acre	
COMPATIBLE ZONING	• Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC)	
OTHER CRITERIA	• Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures	

Residential High Density

LAND USE DESCRIPTION		
CHARACTERISTICS	- Abundant landscaping - Architectural variation between units and/or buildings, designed to look like houses, not boxes - Avoid walls and fences, except for screening and buffering with neighboring developments	
LAND USE MIX	Primary - Patio homes - Townhouses - Multifamily housing	Secondary - Parks - Churches - Schools - Open Space
DENSITY	Density range: 8-12 dwelling units per acre	
COMPATIBLE ZONING	- Institutional care (IC) - Multiple-family Residential (RM1) - Multiple-family Residential (RM2) - Master Planned Community (MPC)	
LOCATION	- Near retail centers, offices, or other compatible uses - Near major transit investment corridors	
OTHER CRITERIA	- Care must be taken to minimize impacts on other residential areas to provide adequate circulation to accommodate the traffic demands - The developer must demonstrate that the project provides a quality living environment	

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the CC zone is to *"is to provide areas where commercial uses may be established which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development."*

Landscaping Modification. DCMC Section 9-23-030 states that development constraints can vary greatly among sites and therefore the Planning Commission may approve landscaping plans that deviate from the landscaping requirements of the DCMC based on making certain required findings in whole. Those findings, according to DCMC Section 9-23-030(B), are that the deviation:

1. *Is consistent with the purpose of this chapter and any applicable master plan or ordinance;*
2. *Reflects a design that conforms to the requirements of this chapter to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested. Alternative methods may include additional fencing, berming and plant material than what would otherwise be required;*
3. *Will not adversely affect neighboring property owners or residents;*
4. *Will not adversely affect sight distance or otherwise diminish public safety;*
5. *Is justified by site constraints; and*
6. *Is of high quality and integrates aesthetically with the design of the primary buildings on site and established streetscape.*

The applicant is requesting approval to deviate from the requirement to provide ten feet (10') of landscaped area around the perimeter of the property north of the existing assisted living facility. The applicant is considering submitting an application for approval to construct five dwelling units for independent senior living cottages, indicating that it would be part of an expansion of the assisted living facility operations (Exhibit H). The applicant desires to first obtain approval for the landscape deviation prior to submitting a site plan or amended site plan application for the subject properties as they believe that the narrow width of the property reduces the ability to develop the property in a way that is economically beneficial to their business, and to reduce the risk of expending funds to create a site plan and construction drawings should a landscape deviation ultimately not be approved.

The applicant has submitted a conceptual proposal for evaluation as a potential development scenario as part of this application (Exhibit F). This design scenario is only one potential scenario for development of the property and other potential development scenarios will also exist, possibly including scenarios where a smaller deviation, or no deviation at all from the minimum ten-foot (10') landscape perimeter requirement would be required. Although the applicant stated their underlying economic interest in the proposed concept plan in their deviation request letter (Exhibit H), additional information or evidence supporting the claim, such as an analysis of other development scenarios, was not provided.

The concept plan includes an access drive approximately twenty feet (20') wide, and units approximately thirty-six feet (36') deep. If a site plan application was submitted for the property, independent of the adjacent assisted living facility, ten feet (10') of perimeter landscaping would be required on all sides of the property. The total combined width of the main conceptual plan elements and required perimeter landscaping would be approximately seventy-six feet (76'). This total width is fourteen and three-quarter feet (14.75') wider than the actual property width of sixty-one and one-quarter feet (61.25'). If instead an amended site plan application was submitted and the property was developed under a single unified site plan that included the property on which the assisted living center sits, the ten foot (10') perimeter between the current property lines would not apply as the area would be internal to the development plan. Under the amended site plan scenario the desired concept layout would still be approximately four and three-quarters feet (4.75') wider than the available parcel width, however, absent an amended site plan application, including complete and accurate drawings and dimensions, staff is unable to determine if the additional width needed might be accommodated on a small amount of the adjacent property or not. Also notable, is the fact that the submitted concept plan as drawn already utilizes some of the land area from the existing assisted living facility for installation of a turnaround for emergency vehicles.

Another potential site constraint that could be considered is the change in grade between the properties. This grade change was created by the developer during the construction of the existing assisted living facility buildings. During the staff review of this deviation request, it was discovered that both buildings were constructed slightly larger than what was initially approved through the planning process (Exhibits C and G), and that significant changes to site grading were approved around the time the construction of the first building began in January of 2016. The existing site grading is similar to, but does not completely follow the approved plans. The resulting changes staff approximates create a cumulative rise in the grade of five feet (5') located towards the center of the assisted living facility property along the northernmost boundary adjacent to the shared property line. This rise is supported by an existing stone retaining wall, and the grade change tapers out from the center towards both east and west property lines. A planned and approved pavilion and connected walking path/trail system were not installed as part of the approved assisted living facility landscaping, and instead the rise in grade appears to ultimately have been made to accommodate an expansion of the parking area including an increase in the parking stall count. Staff was unable to locate a specific approval for this increase in the parking area. As no site plan or amended site plan application has been submitted with respect to this deviation request, an analysis of aspects pertaining to existing grade differentials between properties cannot be accurately evaluated at this time as the potential for creating a similar rise in grade on the northern property is not able to be explored, evaluated, or addressed, and ultimately could result in an altered site layout from that of the included concept plan.

The potential impact of approving the requested deviation to eliminate the requirement for providing a ten foot (10') wide landscaped perimeter for future development of the property would vary depending on the specific proposal and type of application made for development. The adjacent property to the north of the property for which this deviation has been sought has an existing large strip mall type building directly abutting on the property line. This produces the visual effect of a large blank wall as seen from the subject property. Ten feet (10') of landscaping adjacent to the wall would not benefit the neighboring property owner, however vertical landscaping elements adjacent to the wall could potentially soften the view as seen by the public or current and future residents of the subject properties. Where parking is shown on the concept plan abutting the northern line approval of a deviation may permit the creation of parking stalls that allow for vehicles to overhang into parking stalls on adjacent property. No justification for the deviation to eliminate the perimeter landscaping on the east or west has been provided, nor is the justification for the elimination along the south supported as the site could potentially be developed as unified site under an amended site plan application.

As part of the concept plan the applicant is proposing to include an additional 1.7% of the property area as landscaped area above the 20% minimum area required by ordinance. They are also proposing to install a "green park" area and walking paths for use by residents of both properties. These are similar to features that were proposed and

approved by the Planning Commission as part of the current development (Exhibit G) but which ultimately were not installed. Notably absent from the concept drawing is the identification of the proposed recreational walking paths mentioned in the request letter. Staff has included in the suggested conditions for approval that these elements be specifically required to be include in a future site plan or amended site plan application as a condition of approval for the deviation.

The provided concept plan has not been evaluated for compliance with other applicable ordinance provisions at this time, as this application is not for review of a site plan. If a site plan application is submitted in the future, the actual site design would then be evaluated for compliance with all applicable ordinances and modifications may be necessary. The deviation, if approved, would apply strictly to the ordinance requirements of 9-23-090 and would not give approval to other specific design features or elements shown on the provided concept plans. Granting of this deviation request does not grant nor imply that deviations will be granted from other ordinance sections related to a complete site plan or amendment site plan application that may be made in the future. To ensure that timely development of the site occurs should the deviation be granted, staff has included a recommended condition of approval that the deviation approval expire if a site plan (or an amended site plan) application is not submitted within one year, and is not diligently pursued to completion. If the deviation is not approved, development of the site would be required to conform to ordinance requirements in effect at the time a site plan or amended site plan application is made.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Landscape Deviation submission. Comments from this division, if any, can be found in Exhibit A.

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

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

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

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

STAFF RECOMMENDATION

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

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

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site, including permitting.
2. That the applicant submit a site plan or amended site plan application for the subject properties within one year of the date of the deviation approval by the Planning Commission and diligently pursue the application to completion, or the approval of the landscape deviation will be null and void.
3. That approval of a landscape plan per DCMC Section 9-5-090(D)(1)(d)(4) is required to be obtained with the site plan or amended site plan application.
4. That the proposed on-site recreational amenities of a park and walking path or trail system be developed and installed as part of a future site plan or amended site plan application as indicated in the applicant's deviation request letter.
5. That at a minimum 21.7% of the gross area of the property at approximately 12374 S 600 E. be provided as landscaped area consistent with other requirements of Draper City Municipal Code, and the written proposal provided by the applicant.
6. That the granted deviation be only from compliance with the ten foot (10') wide portion along the northern property line adjacent to the wall of the existing strip-mall building for the purpose of allowing for potential vehicular access to abut the property line.

The findings for approval as are follows:

1. The proposed landscape plan is consistent with the purpose of chapter 23 of the Draper City Municipal Code and any applicable master plan or ordinance;
2. The proposed landscape plan reflects a design that conforms to the requirements of chapter 23 of the Draper City Municipal Code to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested.
3. The proposed landscape plan will not adversely affect neighboring property owners or residents;
4. The proposed landscape plan will not adversely affect sight distance or otherwise diminish public safety;

5. The proposed landscape deviation is justified by site constraints; and
6. The proposed landscape plan is of high quality and integrates aesthetically with the design of the primary buildings on site and established streetscape.

The findings for denial as are follows:

1. The proposed landscape plan is not consistent with the purpose of chapter 23 of the Draper City Municipal Code and any applicable master plan or ordinance;
2. The proposed landscape plan does not reflect a design that conforms to the requirements of chapter 23 of the Draper City Municipal Code to the greatest extent possible and/or does not offer alternative methods for addressing the landscape requirement for which the deviation is being requested.
3. The proposed landscape plan will adversely affect neighboring property owners or residents;
4. The proposed landscape plan will adversely affect sight distance or otherwise diminish public safety;
5. The proposed landscape deviation is not justified by site constraints; and
6. The proposed landscape plan is not of high quality and does not integrate aesthetically with the design of the primary buildings on site and established streetscape.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Landscape Deviation, as requested by David Meredith, representing Beacon Crest of Draper, LLC and Beacon Crest Heritage, LLC from perimeter landscaping, application VAR-185-2022, based on the findings and subject to the conditions listed in the Staff Report dated October 3, 2022.

Sample Motion for Modified Approval– I move that we approve the Landscape Deviation, as requested by David Meredith, representing Beacon Crest of Draper, LLC and Beacon Crest Heritage, LLC from perimeter landscaping, application VAR-185-2022, based on the findings and subject to the conditions listed in the Staff Report dated October 3, 2022, and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Landscape Deviation, as requested by David Meredith, representing Beacon Crest of Draper, LLC and Beacon Crest Heritage, LLC from perimeter landscaping, application VAR-185-2022, based on the findings and subject to the conditions listed in the Staff Report dated October 3, 2022.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Brien Maxfield

Digitally signed by Brien Maxfield
DN: cn=Brien Maxfield, o=Draper City,
ou=PW - Engineering,
email=brien.maxfield@draperutah.gov, c=US
Date: 2022.10.04 08:44:10 -06'00'

Draper City Public Works Department

Jennifer Jastremsky

Digitally signed by Jennifer Jastremsky
DN: C=US, E=jennifer.jastremsky@draperutah.gov,
O=Planning Division, OU=Draper City, CN=Jennifer
Jastremsky
Date: 2022.10.04 10:20:41-06'00'

Draper City Planning Division

Don Buckley

Digitally signed by Don Buckley
DN: C=US, E=don.buckley@draper.ut.us,
O=Draper City Fire Department, OU=Fire
Marshal, CN=Don Buckley
Date: 2022.10.03 17:39:38-06'00'

Draper City Fire Department

Mike Barker

Digitally signed by Mike Barker
Date: 2022.10.04 11:07:56
-06'00'

Draper City Legal Counsel

Keith Collier

Digitally signed by Keith Collier
DN: C=US, E=keith.collier@draperutah.gov,
O=Draper City, OU=Building Official,
CN=Keith Collier
Date: 2022.10.04 06:59:48-06'00'

Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

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

Planning Division Review.

1. No additional comments.

Engineering and Public Works Divisions Review.

1. General Items

- a. Engineering recommends the applicant consider the grade differential from the existing site to the proposed expansion site. This differential will impact the overall design of the proposed site. This will be addressed during the site plan process.
- b. The provided information by the applicant was not required to address any onsite drainage or retention. Storm runoff may impact the proposed site design and will need to be addressed during the site plan process. Due to the existing grade of this site, all storm water runoff will be retained onsite or potentially cross adjacent private property to connect to the public storm drainage system, which would require the adjacent owner's written permission.
- c. The applicant is showing single-car garages as part of the conceptual layout included in the deviation request. With a twenty-foot access road, the turning radius into the garages will need to be evaluated during the site plan process to ensure vehicle access to the garage parking.

Building Division Review.

1. No comments provided.

Fire Division Review.

1. No comments provided.

EXHIBIT B VICINITY MAP

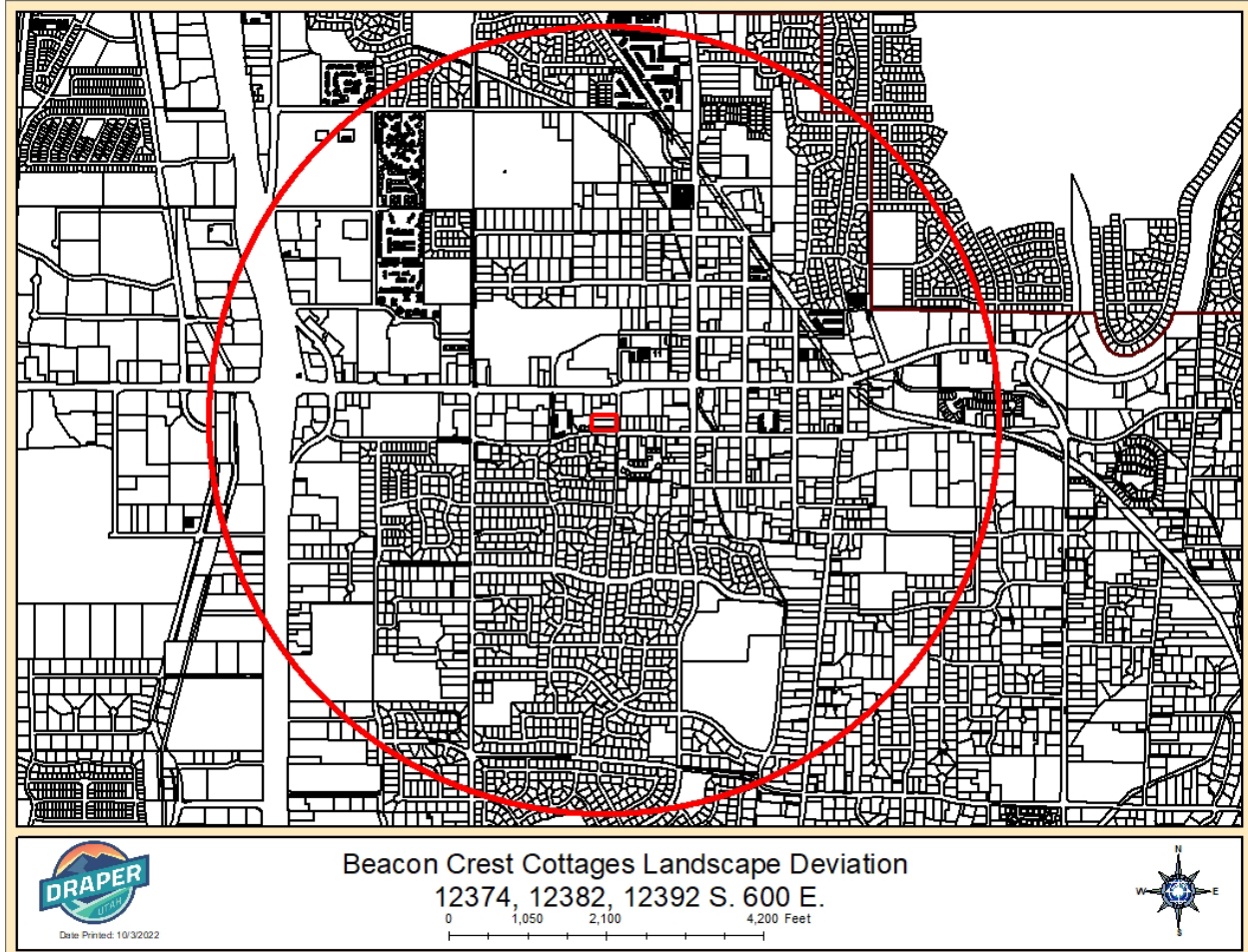


**EXHIBIT C
AERIAL MAP**



EXHIBIT D LAND USE MAP

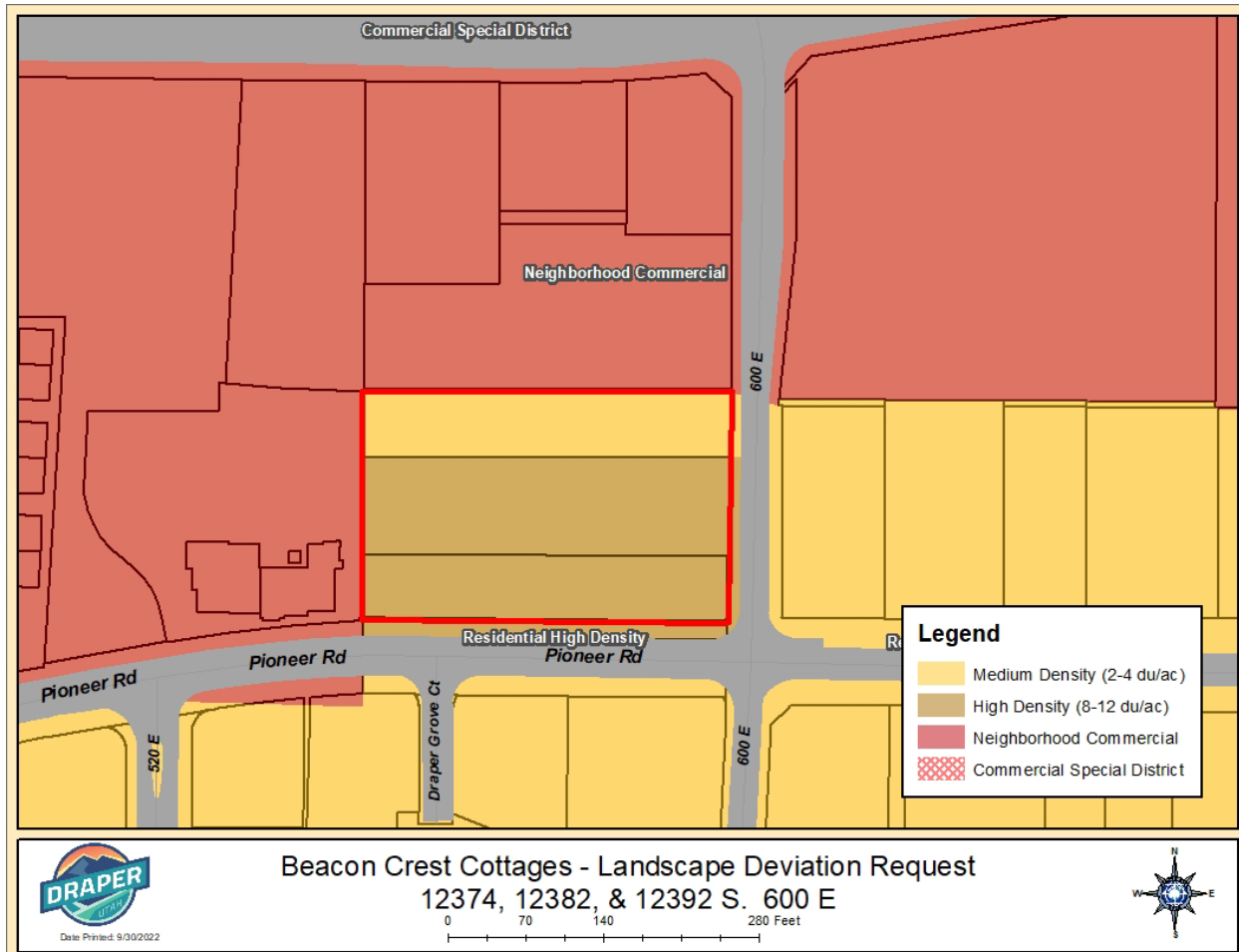


EXHIBIT E
ZONING MAP

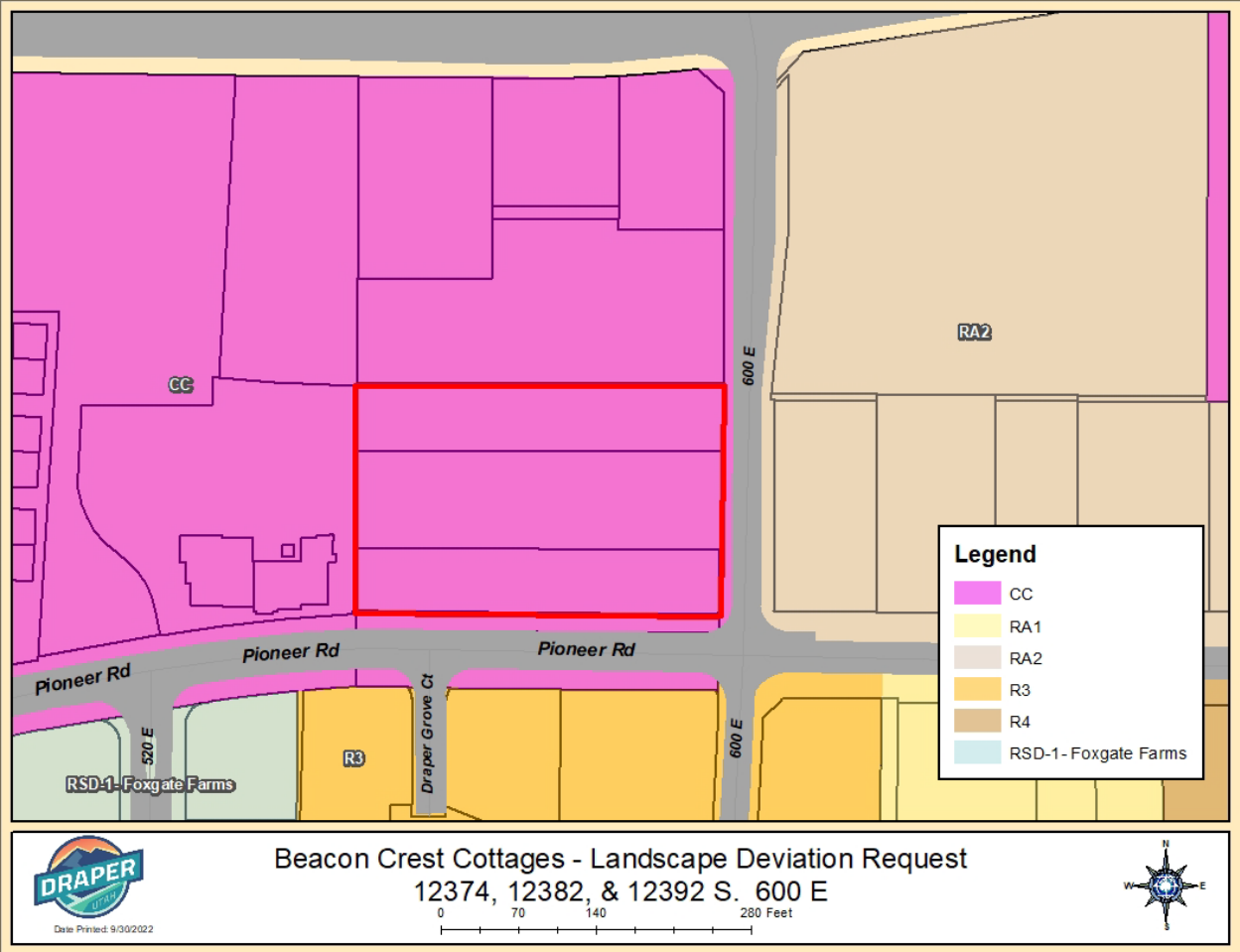
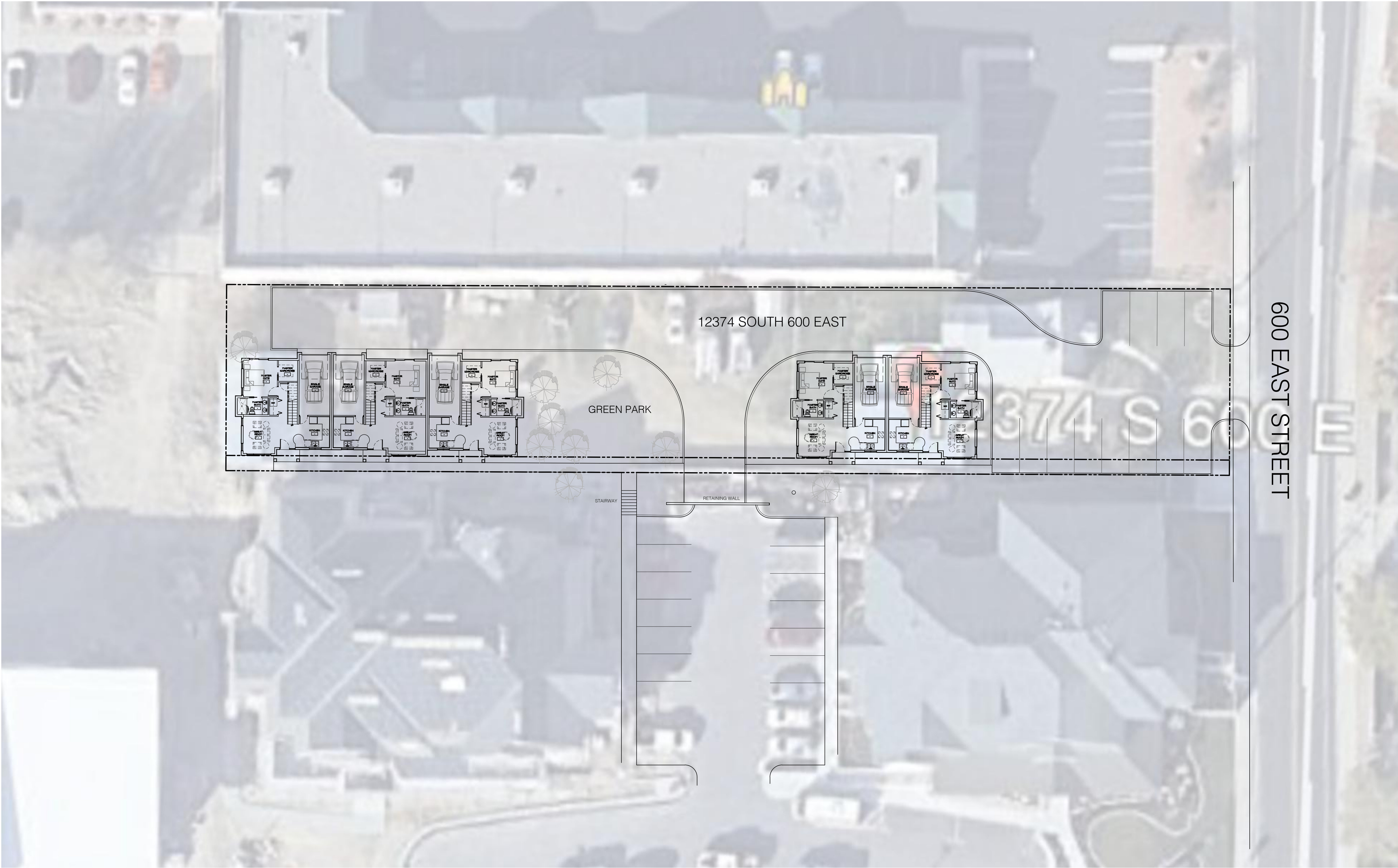


EXHIBIT F
CONCEPT LAYOUT AND LANDSCAPING CALCULATION



↑ NORTH
1
A100
ARCHITECTURAL SITE PLAN
SCALE: 1/16" = 1' - 0"

PRINTED DATE
08.24.2022

LAYTONDAVIS
ARCHITECTS
2005 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
P.801.487.0715 | WWW.LAYTONDAVISARCHITECTS.COM

BEACON CREST
COTTAGES
Draper, UTAH

CHRONOLOGY

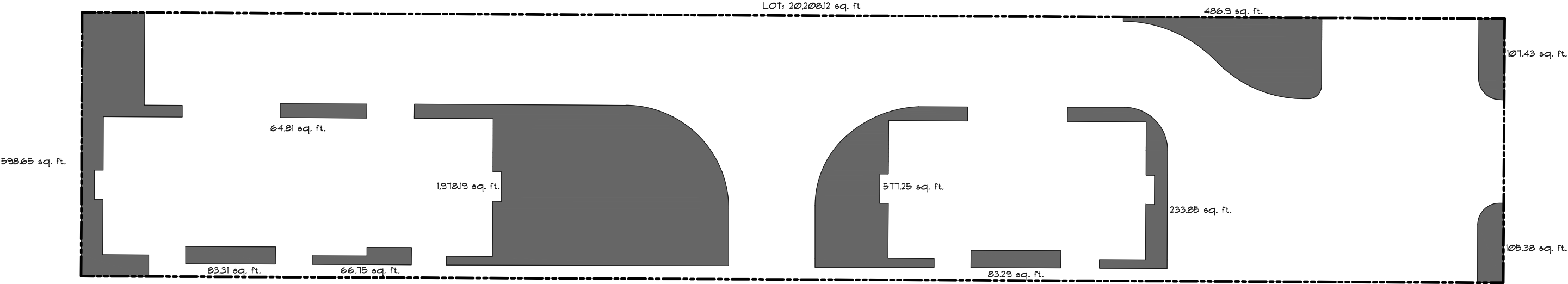
PROJECT NO
20.120

DWN BY/ CHK BY
CWL

TITLE
ARCHITECTURAL
SITE PLAN

24X36 SHEET #
A001

The drawings, designs, plans, arrangements and details indicated or represented are the sole property of Layton Davis Architects and are subject to the copyright of Layton Davis Architects. They were created, evolved and developed for use on and in connection with the specified project. Any use of the drawings, designs, plans, arrangements and details for any other project without the written consent of Layton Davis Architects is strictly prohibited and an infringement of the copyright and may result in liability.



598.65 sq. ft.
83.31 sq. ft.
64.81 sq. ft.
66.75 sq. ft.
1,978.19 sq. ft.
577.25 sq. ft.
83.29 sq. ft.
233.85 sq. ft.
486.90 sq. ft.
107.43 sq. ft.
105.38 sq. ft.

TOTAL LANDSCAPE AREA: 4,385.81 sq. ft. = 21.70 %

LOT AREA: 20208.12 sq. ft.

EXHIBIT G
CURRENT APPROVED SITE PLAN

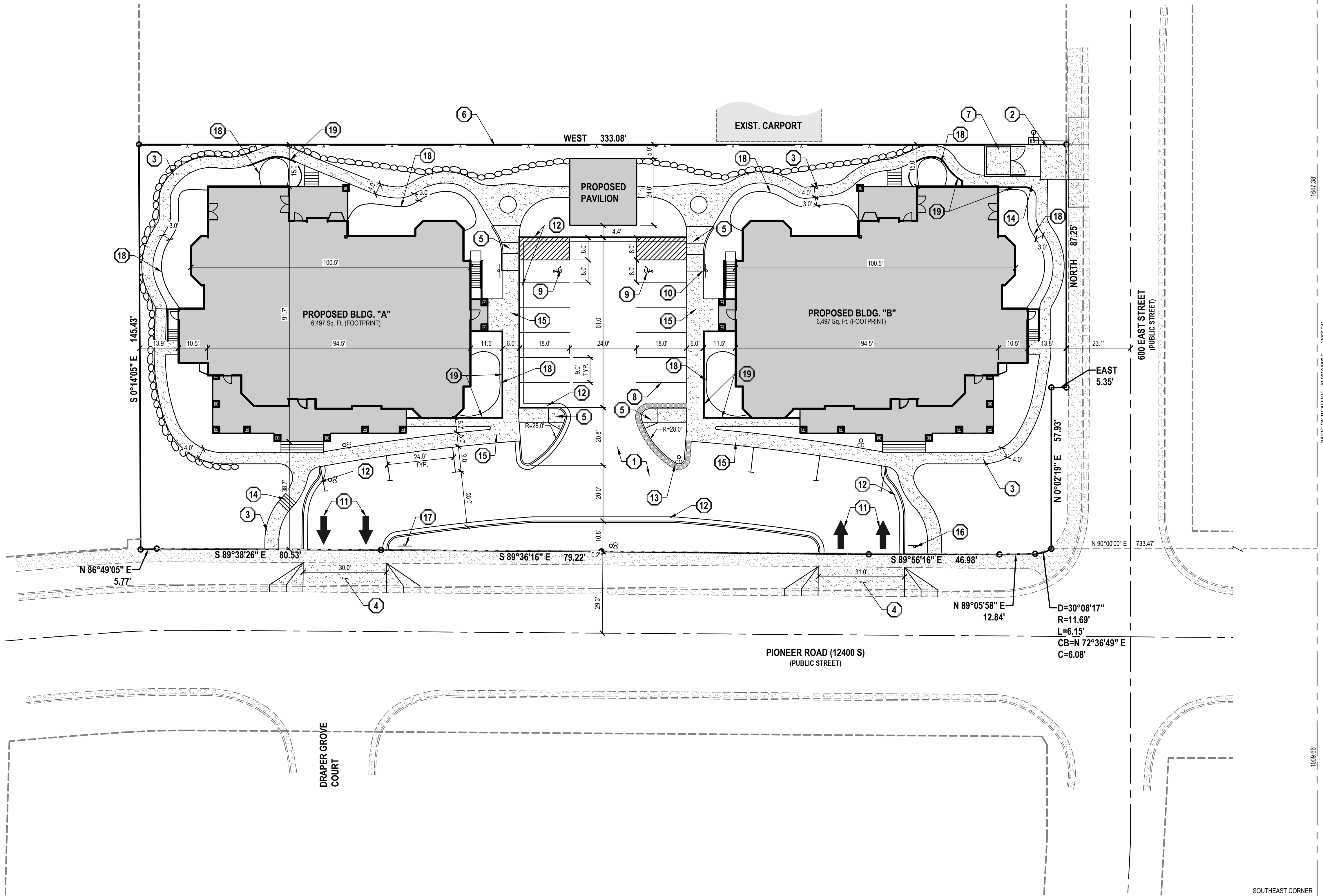
811

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.
Know what's below.
Call before you dig.

BENCHMARK

EAST QUARTER CORNER
SECTION 30
T3S, R1E
SLB&M

ELEVATION = 4468.89'

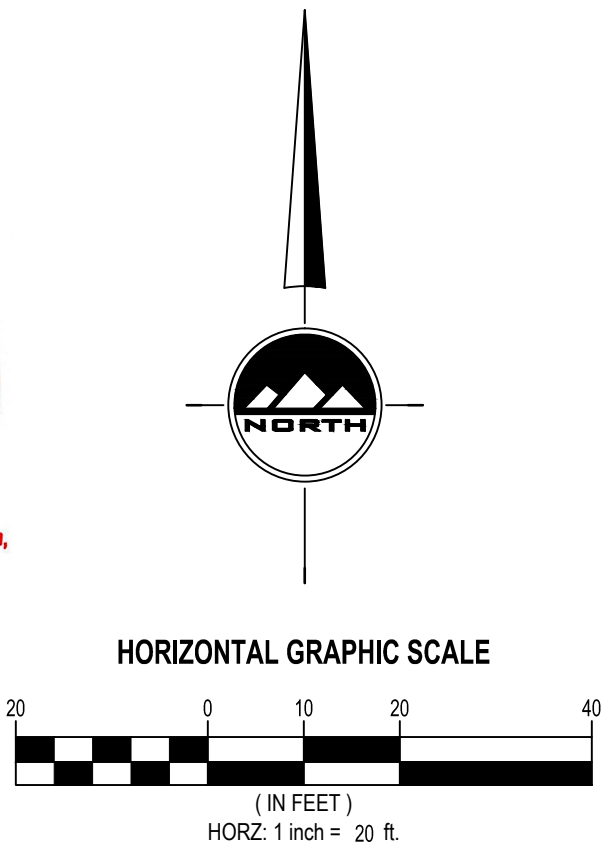
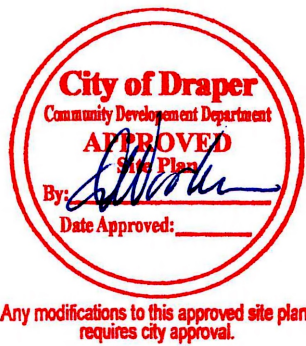


AREA CALCULATIONS TABLE		
DESCRIPTION	AREA	PERCENTAGE
PAVEMENT	15,490 s.q. ft.	32%
BUILDING (FOOTPRINT)	15,920 s.q. ft.	33%
LANDSCAPING	16,930 s.q. ft.	35%
TOTAL SITE	48,340 s.q. ft. 1.110 acres	100%

PARKING CALCULATION
PARKING REQUIRED 1 SPACE PER 2 RESIDENTIAL UNITS
32 UNITS / 2 = 16 STALLS

16 STALLS REQUIRED
18 STALLS PROVIDED

- SCOPE OF WORK:**
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- 1 ASPHALT PAVEMENT: 3" THICK ASPHALTIC CONCRETE WITH 8" UNTREATED BASE COURSE PER GEOTECHNICAL REPORT.
 - 2 CONCRETE PAVEMENT: 6" THICK CONCRETE WITH 6" UNTREATED BASE COURSE PER GEOTECHNICAL REPORT.
 - 3 4" THICK CONCRETE SIDEWALK PER APWA STANDARD PLAN NO. 231 AND SPECIFICATIONS.
 - 4 NOT USED
 - 5 ON-SITE HANDICAP ACCESS RAMP PER DETAIL 13/C-601.
 - 6 6" VINYL FENCE. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
 - 7 TRASH ENCLOSURE PER DETAILS 10 AND 11/C-601 WITH 6" THICK CONCRETE APRON WITH #4 REBAR @ 24" O.C. E.W. ON 6" GRAVEL BASE.
 - 8 4" WIDE SOLID WHITE PAVEMENT MARKING PER M.U.T.C.D. STANDARD PLANS.
 - 9 PAINTED ADA SYMBOL AND ASSOCIATED HATCHING PER M.U.T.C.D. STANDARD PLANS.
 - 10 "HANDICAP PARKING" SIGN PER PER DETAIL 9/C-601.
 - 11 PAINTED LANE-USE ARROWS PER M.U.T.C.D. STANDARD PLANS.
 - 12 24" COLLECTION CURB AND GUTTER PER APWA STANDARD PLAN NO. 205 TYPE E AND SPECIFICATIONS.
 - 13 24" REVERSE PAN CURB AND GUTTER PER DETAIL 12/C-601.
 - 14 CONCRETE STAIRS AND HANDRAIL PER DETAIL 6 AND 7/C-601.
 - 15 MONOLITHIC FACE SIDEWALK PER DETAIL 8/C-601.
 - 16 INTERNAL SIGN INDICATING ENTRANCE ONLY
 - 17 EXTERNAL SIGN INDICATING EXIT ONLY
 - 18 WINDOW WELL. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
 - 19 GUARD RAIL. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.



ENSIGN

SALT LAKE CITY
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Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

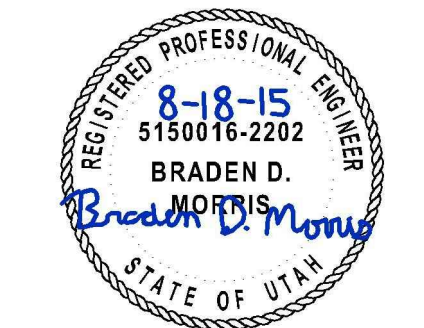
RICHFIELD
Phone: 435.590.0187

WWW.ENSIGNENG.COM

FOR:
BRIGHT LIVING OF DRAPER
2322 PERALTA DRIVE, SUITE 105
LAGUNA HILLS, CA 92653

CONTACT:
DAVID MEREDITH
PHONE: 949-466-1592
FAX:

BRIGHT LIVING
557 & 591 EAST PIONEER RD
DRAPER, UTAH



SITE PLAN

PROJECT NUMBER
6279

DRAWN BY
C. CESTREICH

PROJECT MANAGER
B. MORRIS

C-200

EXHIBIT H
APPLICANT REQUEST LETTER

Subject Property address: 12374 S. 600 East, Draper, Ut

The subject property is very long and narrow (61.25 ft x 330 ft) and therefore has several challenges in order to economically develop this property into something that is economically useful and beautifies the surrounding Draper area.

Objective / Goal:

1. Phase one of the development was to build two Beautiful large Assisted living homes called Beacon Crest (591 E. Pioneer Road, Draper). That was completed late summer 2021. Phase two is to add five independent senior living cottages adjacent to the two Beacon Crest Assisted living homes. The subject property is just north of Beacon Crest assisted living with a vacant home and barn. We would like to move forward with phase 2 by greatly improving this property and building five small cottages for independent senior living with additional "green park" space for all seniors on both properties.
2. The current Beacon Crest Assisted living campus will expand with this additional "green park" and 5 independent senior living cottages.
3. These independent senior cottages will add to the availability of housing for seniors and allow them to live comfortably as they age and they will also be in close proximity to senior social events at Beacon Crest and medical help.
4. "Green park" space on the subject property will be used for both the Beacon Crest Assisted Living property and the new independent living cottages. It will just expand the Beacon Crest Campus for Seniors.
5. The Park will have shade trees, walking / exercise path for seniors and benches for resting and relaxation.

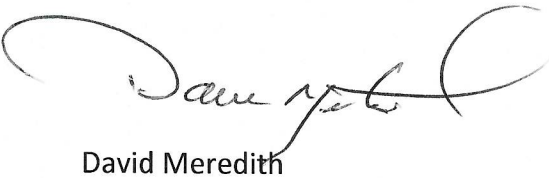
Requested exceptions from standard development requirements:

- 1) The subject property is adjacent and contiguous (just north) to another property that I own (591 Pioneer Road, Draper). This property (591 Pioneer Rd. to the south) has two beautiful small assisted living buildings. These two buildings are set up as a campus and approved under one Conditional Use Permit.
- 2) The deviation that I am requesting is to code 9-23-090: Perimeter Landscaping. Rather than the normal code regarding 10' offset landscape I desire to build a green park with a walking path on the subject property. This will allow both new senior residents on the subject property and also the older senior residents of the assisted living property to enjoy the fresh air and out of doors in a green park setting. It is anticipated that they will be able to

walk on a meandering path, sit under shade trees on park benches and enjoy the beautiful out of doors.

- 3) I believe this deviation conforms to the requirements of 9-23-030 via the following items:
- A. The purpose of landscaping is to beautify the site and surrounding Draper area. Even though we are requesting a deviation to the 10' perimeter landscaping requirement we are adding a green park that will beautify the property. The site is 20,208 sq ft and as currently drawn contains is 4,385 ft of landscaping throughout the site, providing a site landscaping calculation of 21.7% which is above the 20% minimum outlined within the City Code.
 - B. We feel that by adding the park we are conforming to the intent of this landscape code.
 - C. This will in no way will adversely affect the surrounding neighborhood as the building to the north is the back side of a commercial building and to the west is parking lot. It will greatly enhance the assisted living buildings to the south as the senior will greatly enjoy the walking paths and green park space.
 - D. It will enhance public safety as it gives seniors a place to be out of doors in a close location as they have difficulty driving to existing parks.
 - E. We feel this deviation is justified by site constraints as the site is only 61.25' wide and with the required fire hammerhead it is not economically feasible with a 10' landscaping buffer.

Thank you in advance for your consideration,

A handwritten signature in black ink, appearing to read "David Meredith", with a large, stylized flourish at the end.

David Meredith



MEMO

To: Planning Commission
From: Jonathan Concidine
CC: Jennifer Jastremsky
Date: October 13, 2022
Re: Dean Fence - Conditional Use Permit Request

Comments:

This application is a request for approval of a Conditional Use Permit for approximately 0.41 acres located on the west side of Highland Drive, at 12564 S. Bear Park Place. The property is currently zoned RA2. The applicant is requesting that a Conditional Use Permit be approved to allow the applicant to install an 8-foot tall fence on his property.

The findings are as follows:

For approval:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

For denial:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report	10/5/2022	Cover Memo



Development Review Committee

1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT

September 16, 2022

To: Draper City Planning Commission
Business Date: October 13, 2022

From: Development Review Committee

Prepared By: Jonathan Concidine, Planner I
Planning Division
Community Development Department
801-576-6522, j.concidine@draperutah.gov

Re: Dean Fence – Conditional Use Permit Request

Application No.: USE-163-2022

Applicant: Barton Dean

Project Location: 12564 S. Bear Park Place

Current Zoning: RA2 (Residential Agricultural, 20,000 sq. ft. min. lot size)
Zone

Acreage: 0.41 Acres (Approximately 17,850 ft²)

Request: Request for approval of a Conditional Use Permit in the RA2 zone regarding an 8-foot tall fence on applicant's property.

BACKGROUND AND SUMMARY

This application is a request for approval of a Conditional Use Permit for approximately 0.41 acres located on the west side of Highland Drive, at 12564 S. Bear Park Place (Exhibit B & C). The property is currently zoned RA2. The applicant is requesting that a Conditional Use Permit be approved to allow the applicant to install an 8-foot tall fence on his property.

ANALYSIS

General Plan and Zoning.

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



Use		
Current Zoning	RA2	Exhibit E
Existing Use	Single-family Residence	
Adjacent Zoning		
East	RA2	
West	RA2	
North	RA2	
South	RA2	

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

Residential Low-Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Very large lot single-family neighborhoods or ranchettes allows for enhancement of Draper's rural character • Environmentally designed clustered housing with the Suncrest and South Mountain projects being the exceptions • Some natural features and cultivated vegetation is apparent and special care is required in order to preserve those features and areas • Equestrian uses and privileges may exist in certain areas	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Open space • Churches • Schools
DENSITY	• Density range: up to 2 dwelling units per acre • Reduction for non-buildable areas	
COMPATIBLE ZONING	• Residential Agricultural (RA1) • Residential Agricultural (RA2) • Single-family Residential Hillside (RH) • Master Planned Community (MPC)	
OTHER CRITERIA	• Increased densities within equestrian areas may be allowed only with compliance to specified performance standards and impact mitigation measures • Buffers and transitions around existing low-density single-family residences may consist of open space/retention areas, lots that are pie-shaped or otherwise larger than standard sized lots or a combination of these and other appropriate design techniques	

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the RA2 zone is to *"foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the City's semi-rural areas; and to promote and preserve conditions favorable to large-*

lot family life, including the keeping of limited numbers of animals and fowl. The predominant use in these zones is intended to be detached single-family dwellings, protected from encroachment by commercial and industrial uses.”

Fencing.

Table 2 Fencing Design Requirements			
Standard	DCMC Requirements	Proposal	Notes
Fencing Required	No Fence Required		
Height			
Front	4-feet		
Rear	6-feet		
Side	6-feet	8-feet	
Side	6-feet	8-feet	
Material	N/A	Aluminum	

The applicant is requesting a conditional use permit to construct a fence 8 feet high instead of the maximum 6 feet height permitted by right under the DCMC. The fence is proposed to run about 20 feet in the east side yard and about 28 feet in the west side yard.

Criteria For Approval.

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

- E. Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:*
- 1. A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
 - 2. Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.*
 - 3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*
 - 4. The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:*

- a. *The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;*
 - b. *The suitability of the specific property for the proposed use;*
 - c. *Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;*
 - d. *The economic impact of the proposed facility or use on the surrounding area;*
 - e. *The aesthetic impact of the proposed facility or use on the surrounding area;*
 - f. *The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
 - g. *The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and*
 - h. *The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.*
5. *The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.*

REVIEWS

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

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

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

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

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

STAFF RECOMMENDATION

Staff finds that the application complies with the DCMC and recommends that the

Planning Commission review the request, receive public comment, and approve the application based on the findings listed below and the criteria for approval, as listed within the staff report.

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

1. The 8-foot fencing is limited to those areas shown in Exhibit F.
2. That the fence be limited solely to the applicant's property.

The findings for approval as are follows:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;

8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Dean Fence Conditional Use Permit, as requested by Barton Dean, application USE-163-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 16, 2022.

Sample Motion for Modified Approval– I move that we approve the Dean Fence Conditional Use Permit, as requested by Barton Dean, application USE-163-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 16, 2022 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Dean Fence Conditional Use Permit, as requested by Barton Dean, application USE-163-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 16, 2022.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division

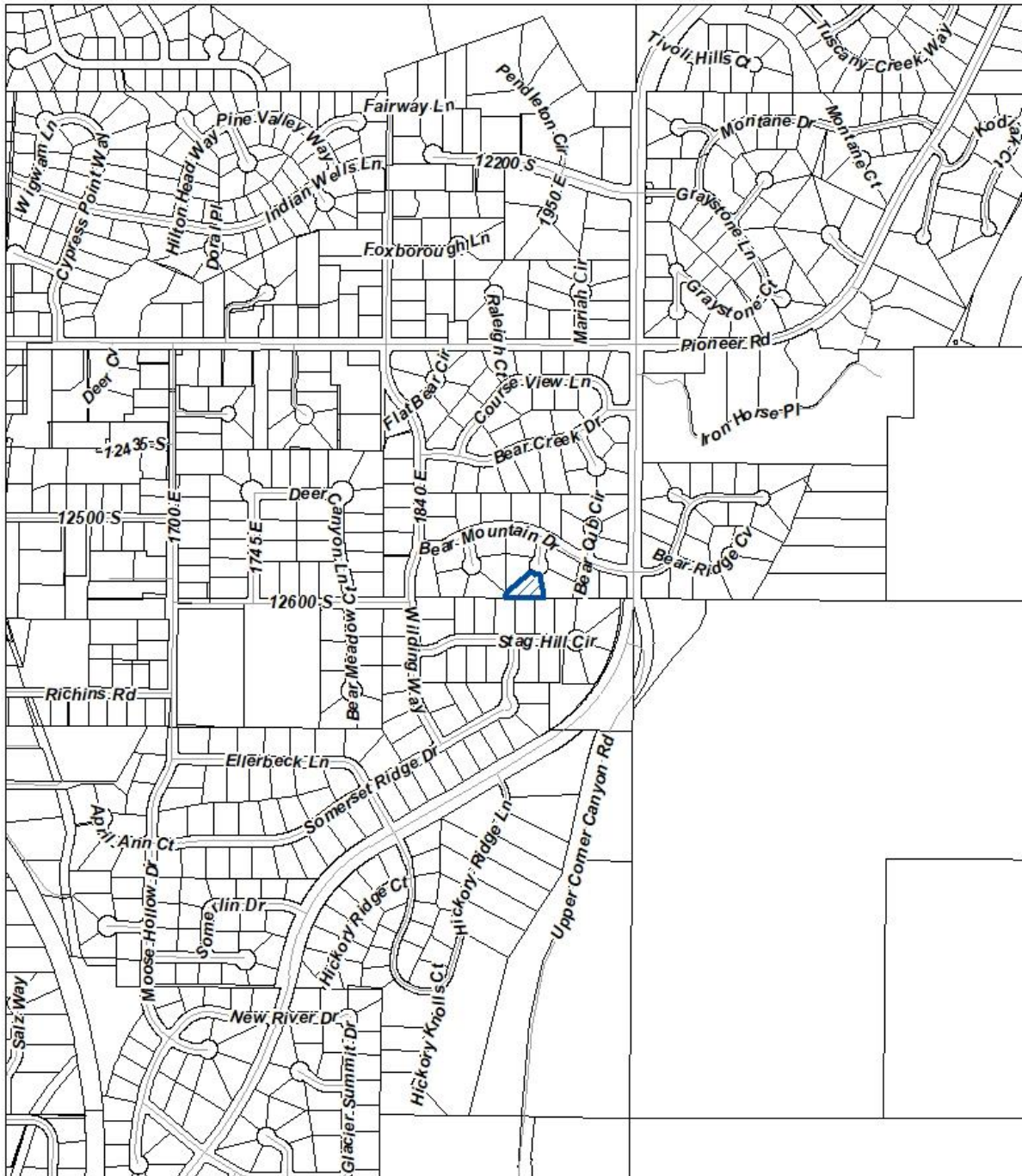


EXHIBIT A
DEPARTMENT REVIEWS

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

No outstanding comments.

EXHIBIT B VICINITY MAP

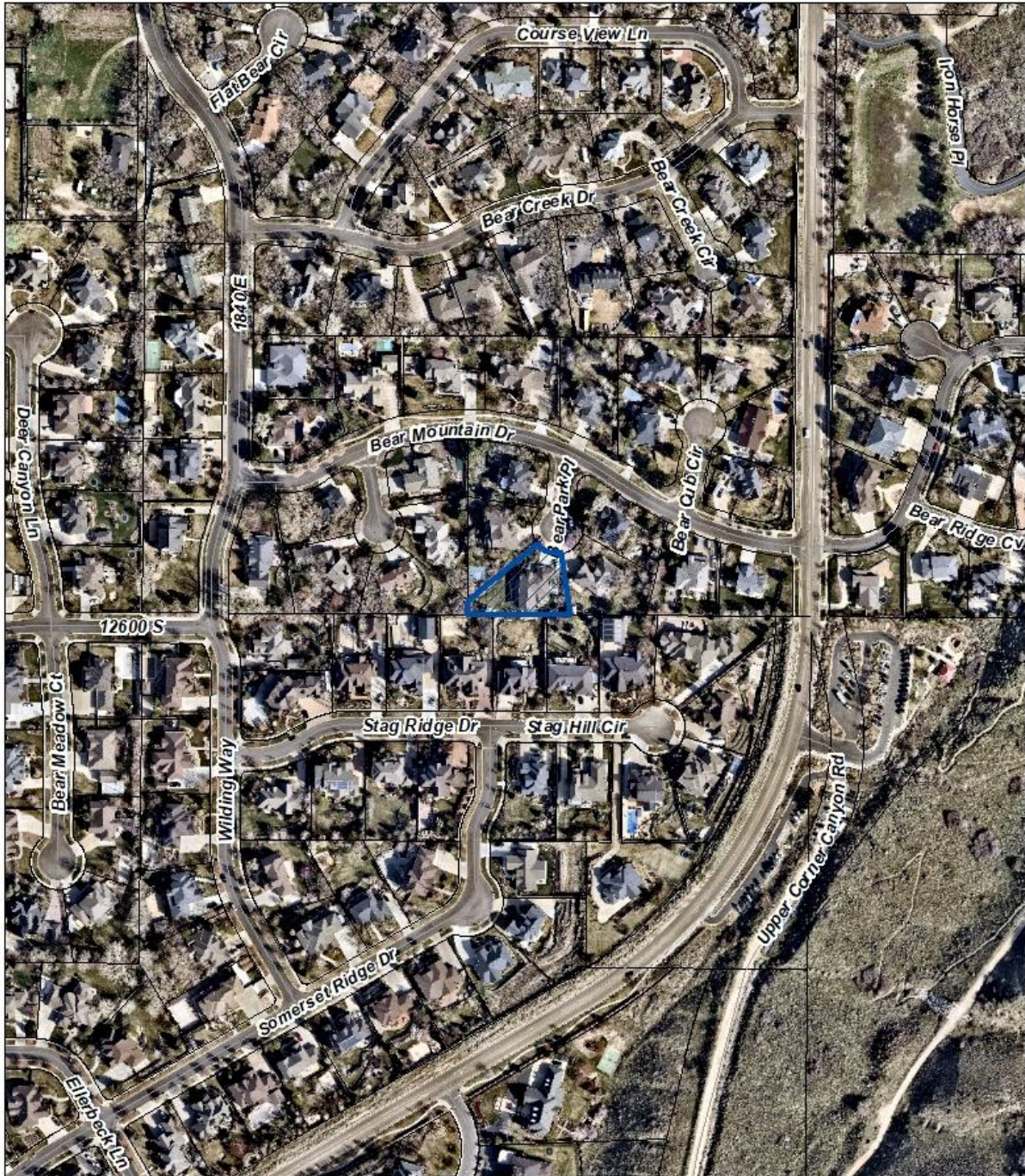


Dean Fence
Conditional Use Permit
Vicinity Map

0 0.125 0.25 0.5 Miles



**EXHIBIT C
AERIAL MAP**

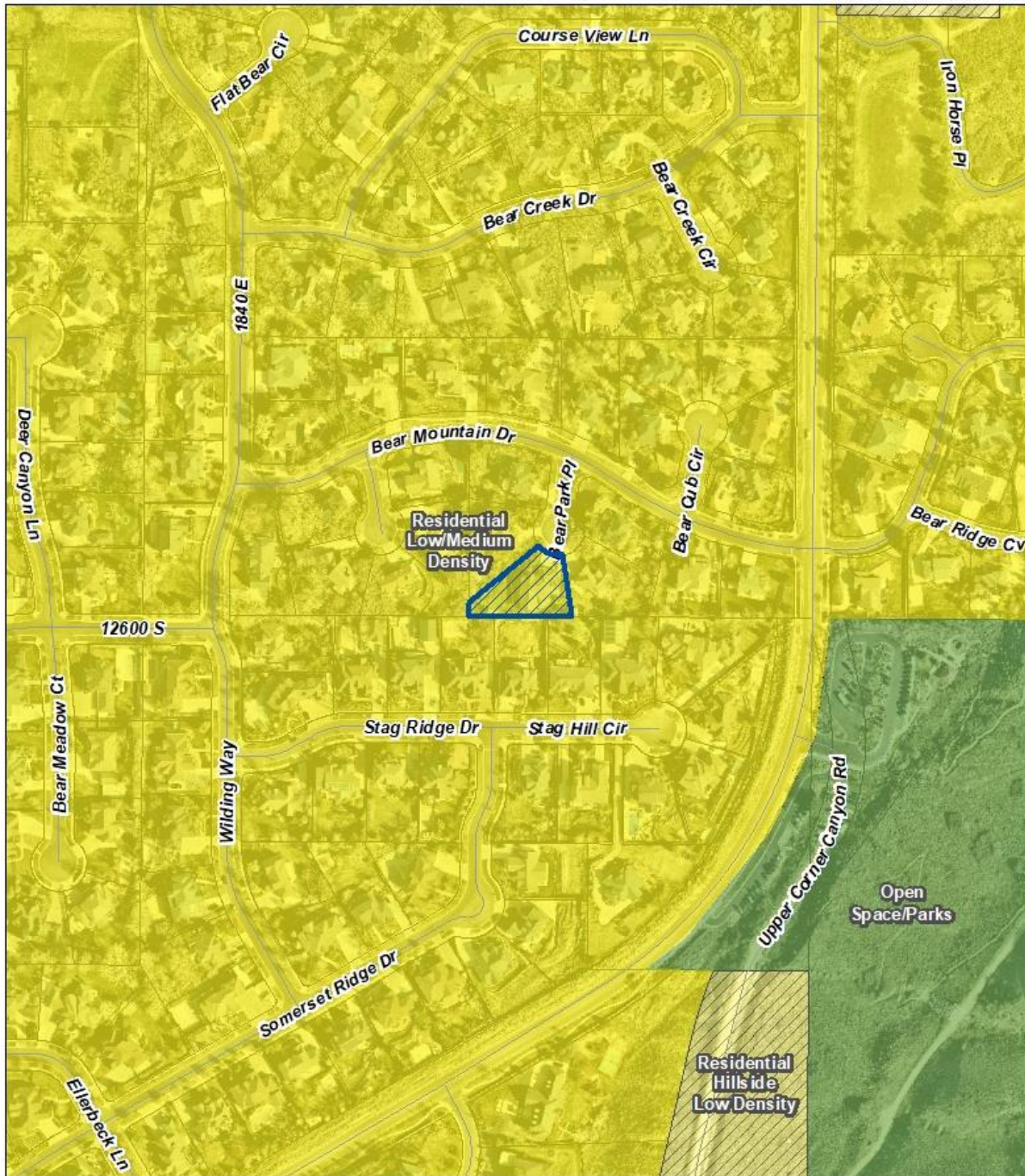


Dean Fence
Conditional Use Permit
Aerial Map

0 0.045 0.09 0.18 Miles



EXHIBIT D LAND USE MAP

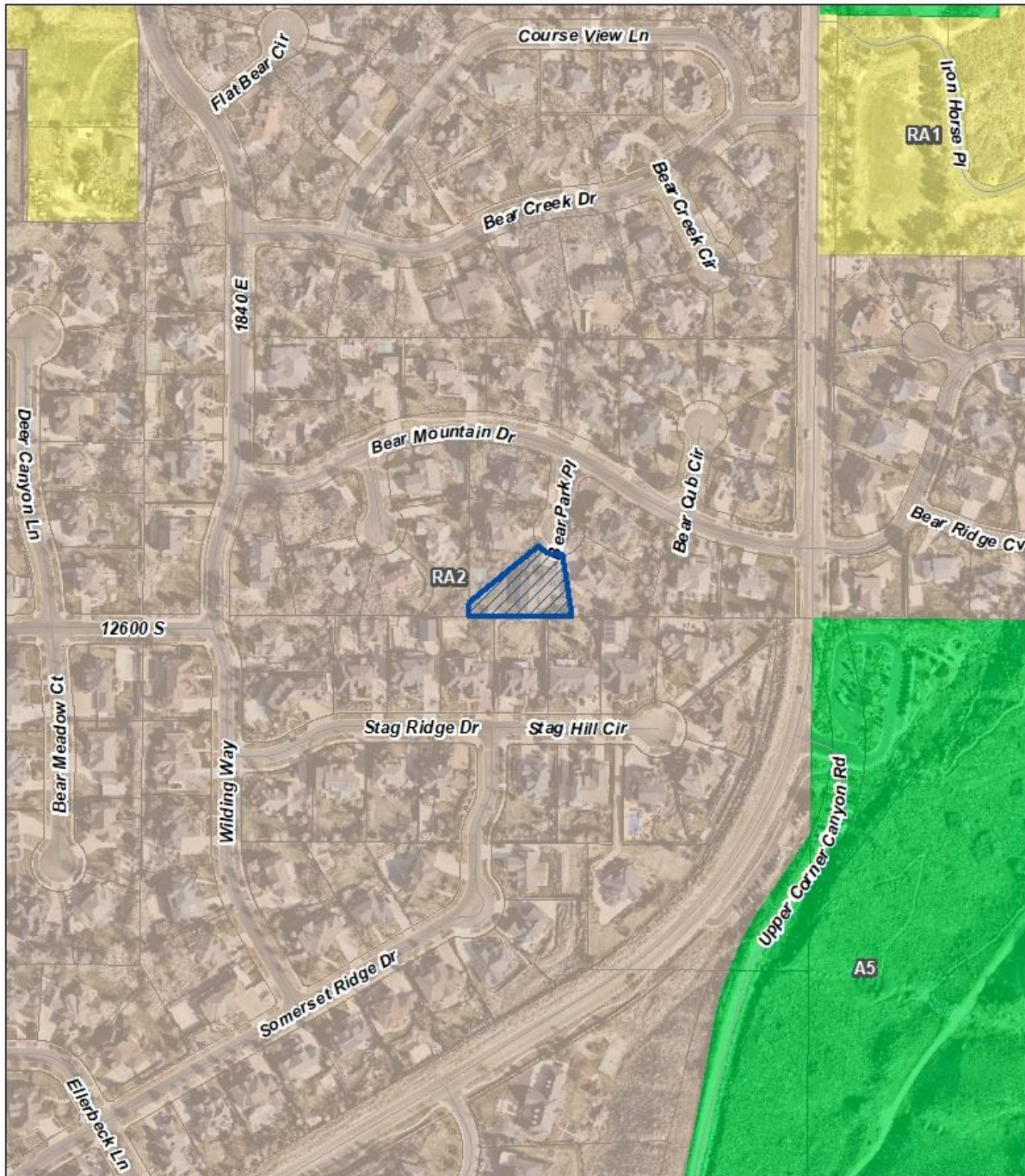


Dean Fence
Conditional Use Permit
Land Use Map

0 0.045 0.09 0.18 Miles



EXHIBIT E ZONING MAP



Dean Fence
Conditional Use Permit
Zoning Map

0 0.045 0.09 0.18 Miles



EXHIBIT F
APPLICANT QUESTIONNAIRE



8 ft.
fence



MEMO

To: Planning Commission

From: Maryann Pickering, AICP

CC:

Date: October 13, 2022

Re: Angela's Finest Caramels Conditional Home Occpation

Comments:

The proposed business is a wholesale caramel business. There are no customers coming to the home and all deliveries of the candies are made by the applicant and his family. The applicant is proposing to construct a building in their rear yard area that will be utilized as a commercial kitchen. The structure will have the appearance of a cottage that is complimentary to the design of the house. The proposed building is approximately 16 x 30 or 480 square feet. The applicant had initially proposed a 12 x 30 for 360 square foot building, but due to the location on the lot and required setbacks, the location was moved. The new location allows the applicant to have a slightly larger building. The building will still need to obtain building permits and all development standards will be verified by Planning with that building permit. Because this is a corner lot with streets on three sides of it, there will be minimal impact on the neighborhood. The proposed accessory building is not different than other properties that have accessory buildings.

The findings are as follows:

For approval:

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

For denial:

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

ATTACHMENTS:

Description

PC Staff Report

Upload Date

10/6/2022

Type

Backup Material



Development Review Committee

1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT

October 4, 2022

To: Draper City Planning Commission
Business Date: October 13, 2022

From: Development Review Committee

Prepared By: Maryann Pickering, AICP, Planner III
Planning Division
Community Development Department
(801) 576-6391 or maryann.pickering@draperutah.gov

Re: Angela's Finest Caramels – Home Occupation Conditional Use Permit Request

Application No.: USE-173-2022
Applicant: Dan Bruns, property owner
Project Location: Approximately 1328 E. Hana Court
Current Zoning: RA2 (Residential Agricultural, 20,000 square foot lot minimum)
Acreage: Approximately 0.44 acres (approximately 19,166.4 square feet)
Request: The applicant is requesting to have a home business in a new building in the back yard area. The applicant will be making candies in the proposed accessory building and kitchen. No other uses will be located within the proposed building.

SUMMARY AND BACKGROUND

This application is a request for 0.44 acres located at the southeast corner of Hana Court and Lindsay Grove Court (Exhibits B and C). The property is currently zoned RA2. The applicant is requesting approval of a home occupation business for a candy making business at the property in a proposed accessory structure.

The home was originally built in 1999 and is Lot 53 of the Akagi Farm Phase 1 residential subdivision.



ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Low/Medium Residential	Exhibit D
Current Zoning	RA2	Exhibit E
Adjacent Zoning		
East	RA2	
West	RA2	
North	RA2	
South	RA2	

The land use designation is characterized as follows:

Residential Low-Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Very large lot single-family neighborhoods or ranchettes allows for enhancement of Draper's rural character • Environmentally designed clustered housing with the Suncrest and South Mountain projects being the exceptions • Some natural features and cultivated vegetation is apparent and special care is required in order to preserve those features and areas • Equestrian uses and privileges may exist in certain areas	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Open space • Churches • Schools
DENSITY	• Density range: up to 2 dwelling units per acre • Reduction for non-buildable areas	
COMPATIBLE ZONING	• Residential Agricultural (RA1) • Residential Agricultural (RA2) • Single-family Residential Hillside (RH) • Master Planned Community (MPC)	
OTHER CRITERIA	• Increased densities within equestrian areas may be allowed only with compliance to specified performance standards and impact mitigation measures • Buffers and transitions around existing low-density single-family residences may consist of open space/retention areas, lots that are pie-shaped or otherwise larger than standard sized lots or a combination of these and other appropriate design techniques	

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

Home Occupation. The proposed business is a wholesale caramel business. There are no customers coming to the home and all deliveries of the candies are made by the applicant and his family. The applicant is proposing to construct a building in their rear yard area that will be utilized as a commercial kitchen. The structure will have the appearance of a cottage that is complimentary to the design of the house. The proposed building is approximately 16 x 30 or 480 square feet. The applicant had initially proposed a 12 x 30 for 360 square foot building, but due to the location on the lot and required setbacks, the location was moved. The new location allows the applicant to have a slightly larger building. The building will still need to obtain building permits and all development standards will be verified by Planning with that building permit. Because this is a corner lot with streets on three sides of it, there will be minimal impact on the neighborhood. The proposed accessory building is not different than other properties that have accessory buildings.

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

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

For this business, the homeowner is the business owners and there are no outside employees.

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

The applicant will comply as needed.

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

There will be no outside employees.

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

The applicant will comply with this requirement.

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

The applicant will utilize items typically associated with a household kitchen in the proposed accessory building. All supplies and inventory will be stored inside the accessory building and there will be no outside storage. The accessory building will be up approximately 480 square feet in size and no more than 100 square feet will be used for inventory or ingredient storage.

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

No visible evidence of commercial uses, no outdoor commercial activities, or front yard area has been altered to provide parking.

- 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 use is a kitchen used for making candy and will be conducted within an enclosed building. It is similar to a kitchen in any residential dwelling.

- 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 home occupation is the secondary use. Less than 25% of the dwelling unit is used for the home occupation.

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

No signs exist or are planned to exist on the property.

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

The home occupation will not generate any traffic in excess of what is customary.

- 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.*

No vehicles are associated with the home occupation.

- 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.*

Yards will not be used for home occupation activities.

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

The business is a wholesale candy business and there are no customers who come to the home.

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

The home occupation will not increase the demand for public utilities in excess of what is customary.

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

The applicant needs a commercial kitchen to operate the business and cannot have a commercial kitchen in the main structure because the floorplan of their existing

house does not comply with the Utah Department of Agriculture requirements of a commercial kitchen.

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

This is a single family dwelling.

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

The applicant will be required to obtain all applicable licenses and approvals.

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

- E. *Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:*
1. *A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
 2. *Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.*
 3. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable*

conditions to achieve compliance with applicable standards, the conditional use may be denied.

4. *The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:*
 - a. *The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;*
 - b. *The suitability of the specific property for the proposed use;*
 - c. *Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;*
 - d. *The economic impact of the proposed facility or use on the surrounding area;*
 - e. *The aesthetic impact of the proposed facility or use on the surrounding area;*
 - f. *The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
 - g. *The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and*
 - h. *The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.*
5. *The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.*

REVIEWS

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

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

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

Legal Review. The Draper City Attorney has completed their review of the Conditional Home Occupation submission. Comments from the Division, if any, can be found in Exhibit A.

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

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a decision based on the findings listed below and the criteria for approval, or denial, as listed within the staff report. If the Planning Commission decides to approve the request, staff recommends they include the following conditions of approval:

1. All requirements of the Draper City Fire Department, Building Division, and Business License Division shall be satisfied throughout the operation of the home occupation on the property.
2. The home occupation is required to maintain approval and adequate licensure from any and all necessary agencies.
3. A building permit shall be issued for the proposed accessory structure containing the commercial kitchen.

The findings for approval as are follows:

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

The findings for denial as are follows:

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

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the home occupation conditional use permit, as requested by Dan Bruns, application USE-173-2022, based on the findings and subject to the conditions listed in the staff report dated October 4, 2022.

Sample Motion for Modified Approval – I move that we approve the home occupation conditional use permit, as requested by Dan Bruns, application USE-173-2022, based on the findings and subject to the conditions listed in the staff report dated October 4, 2022, and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the home occupation conditional use permit, as requested by Dan Bruns, application USE-173-2022, based on the findings and subject to the conditions listed in the staff report dated October 4, 2022.



DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division



EXHIBIT A DEPARTMENT REVIEWS

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

Planning Division Review

No additional comments provided.

Building Division Review

No additional comments provided.

Engineering and Public Works Divisions Review.

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted as described. Given the location and proposed use, the use is not anticipated to generate a significant impact to water, sewer, or other potential utilities.
2. The number of trips generated by the home owner/employees will not have a detrimental impact to traffic in the area due no employees and limited clients visiting the house. With the applicant's stated limit no additional employees, no significant impact to traffic is anticipated with the proposed use.
3. 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.

Fire Division Review.

1. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed on every level of the home. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.
2. Class "K" Extinguishers Required. A Class "K" kitchen extinguisher shall be placed for use with ovens. Within 30 feet of unit and mounted appropriately.
3. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

Legal Review.

No additional comments provided.

**EXHIBIT B
VICINITY MAP**

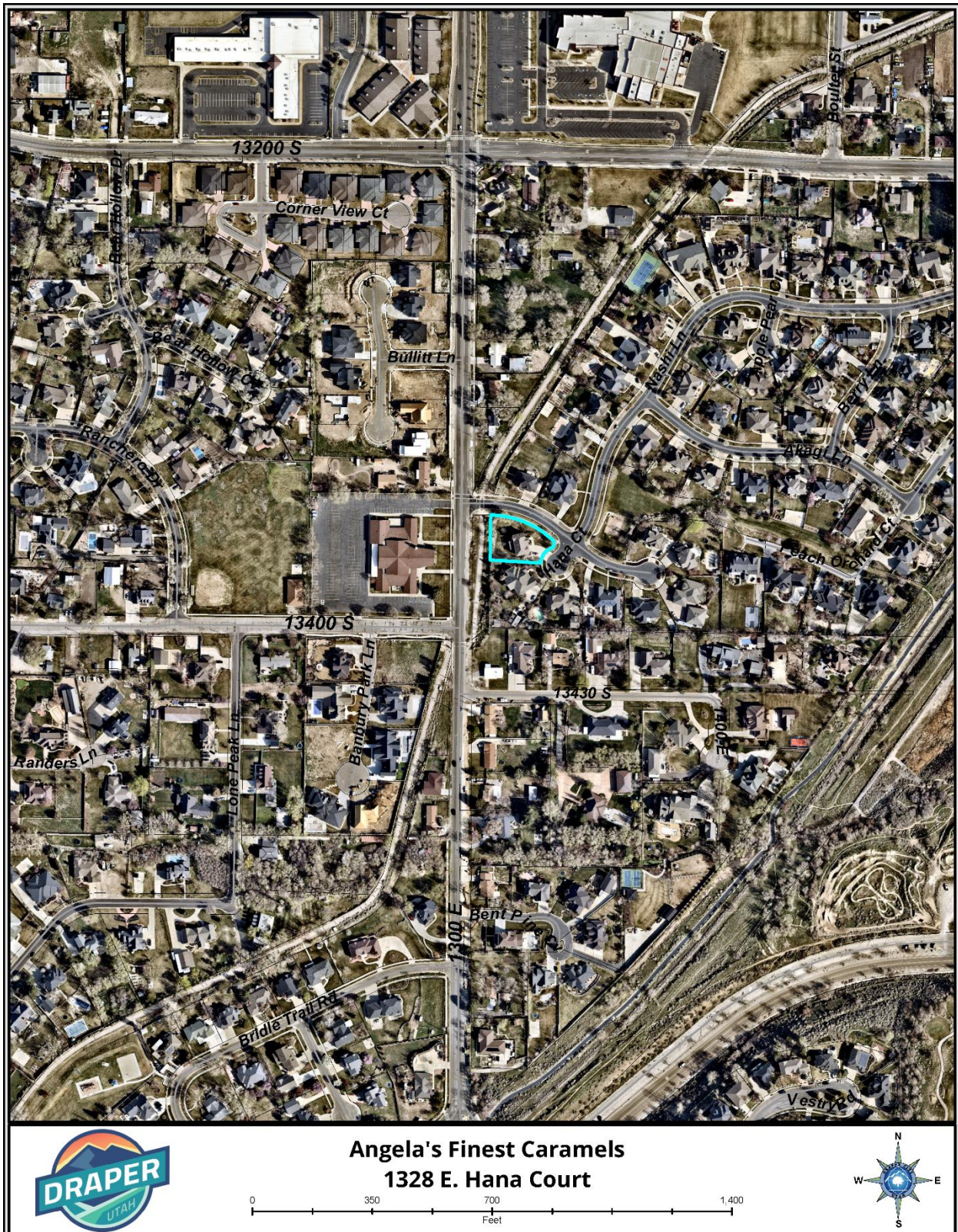


EXHIBIT C
AERIAL MAP



EXHIBIT D
LAND USE MAP

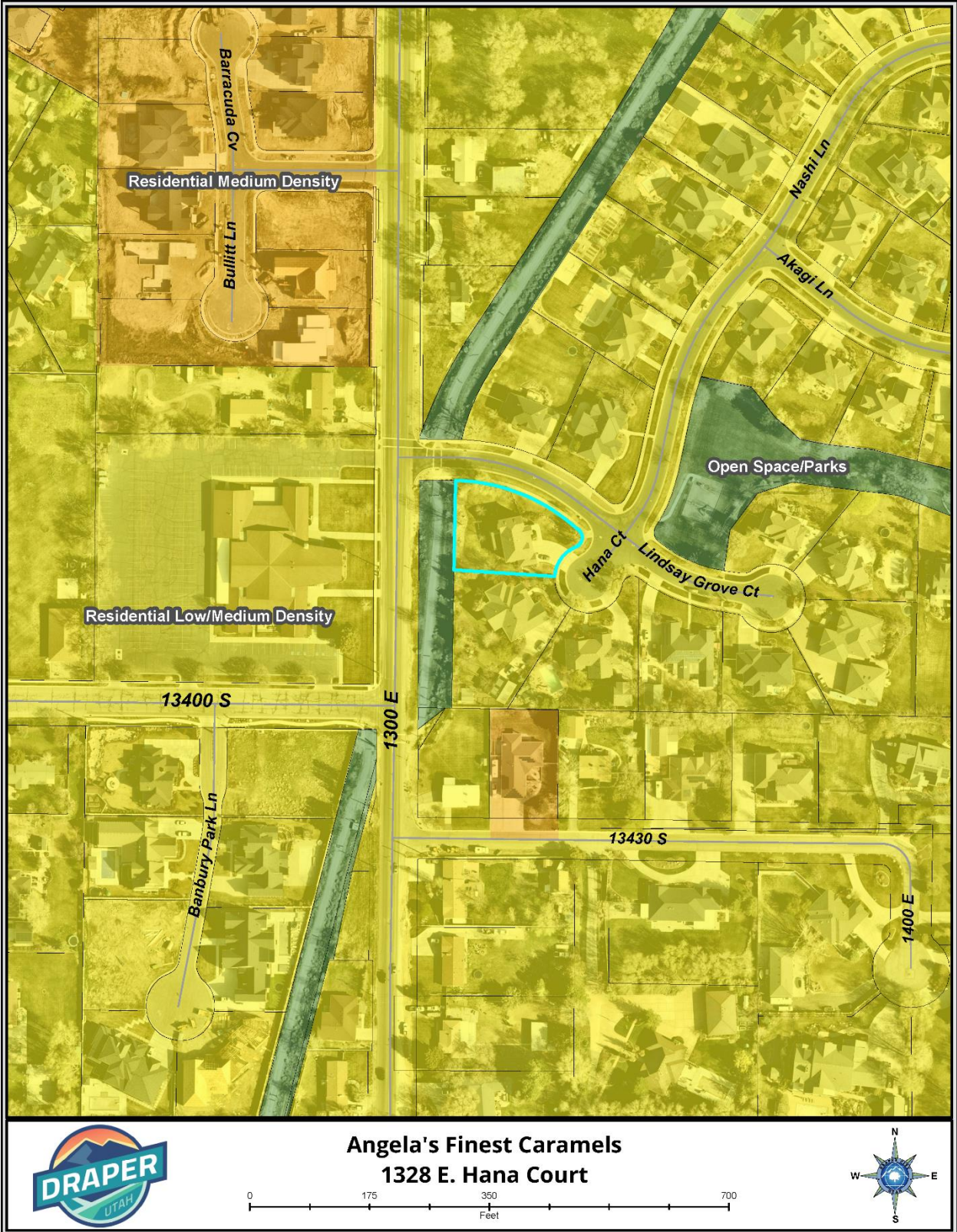


EXHIBIT E
ZONING MAP

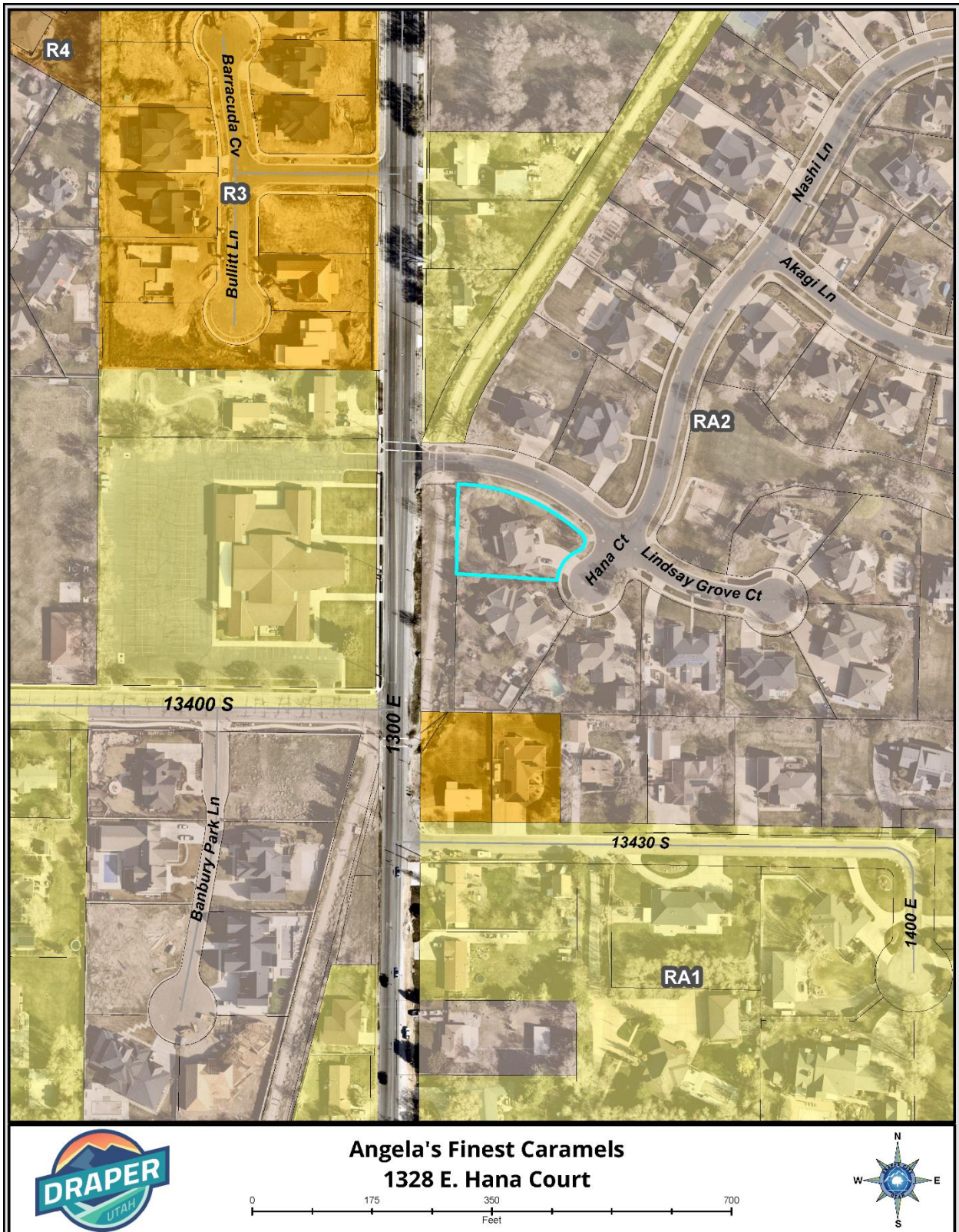


EXHIBIT F
PROPOSED PLANS



S 1300 E

Nashi Ln

Nashi Ln

Nashi Ln

Nashi Ln

Nashi Ln

E Hana Ct

Lindsay G

1300 E

S 1300 E

Draper Canal Trail

Draper Canal Trail

Draper Canal Trail

Draper Canal Trail

canal Trail

1328 Hana Ct,
Draper, UT 84020

16' x 30'

10 foot buffer

20 ft

20 ft

1338

1338

1346

1300, 1302 Nashi Ln



Customer Information

Dan Bruns
123 fake st
salt lake city, UT 84020
rpissm@yahoo.com

Shipping Information

Dan Bruns
123 fake st
salt lake city, UT 84020

Description	Qty	List Price	Discount	Ext Net Price
Premier Pro Tall Ranch 12 x 30	1/Ea	\$12049.00	\$0.00	\$12049.00
Upgrade - 6068 Sliding Glass Door	1/Ea	\$1069.00	\$0.00	\$1069.00
Credit for Removal of Default Door	1/Ea	\$-324.00	\$0.00	\$-324.00
4'x3' Insulated Horizontal Sliding Window	6/Ea	\$319.00	\$66.67	\$1514.00
House Wrap	676/Sq Ft	\$0.40	\$0.00	\$270.40
Vertical Groove Cement Panel Siding	676/Sq Ft	\$6.50	\$0.00	\$4394.00
Paint - Brick Dust	676/Sq Ft	\$0.00	\$0.00	\$0.00
Paint - Delicate White	1/Sq Ft	\$0.00	\$0.00	\$0.00
Paint 10% of building base price	1/Ea	\$1205.00	\$0.00	\$1205.00
Paint discount, customer to apply 2nd coat. Tuff Shed supplies paint, roller & brush	1/Ea	\$-482.00	\$0.00	\$-482.00
Pewter Gray Lifetime	437/Sq Ft	\$0.00	\$0.00	\$0.00
Ridge Vent	31/Lin Ft	\$11.00	\$0.00	\$341.00
2x2 Skylight	2/Ea	\$249.00	\$0.00	\$498.00
Metal Roof Vent	4/Ea	\$70.00	\$0.00	\$280.00
Shed Anchor into Dirt - Auger or MR88	10/Ea	\$55.00	\$0.00	\$550.00
Leveling 0"-4"	1/Ea	\$0.00	\$0.00	\$0.00
Less than 18"/24" build space	1/Ea	\$200.00	\$0.00	\$200.00
Engineering Fees	360/Sq Ft	\$1.25	\$0.00	\$450.00

Description	Qty	List Price	Discount	Ext Net Price
Delivery Fee	1/Ea	\$99.00	\$0.00	\$99.00
Fuel Surcharge	1/ea	\$20.00	\$0.00	\$20.00
List Price				\$22533.40 USD
Discount				\$400.00 USD
Subtotal				\$22133.40 USD

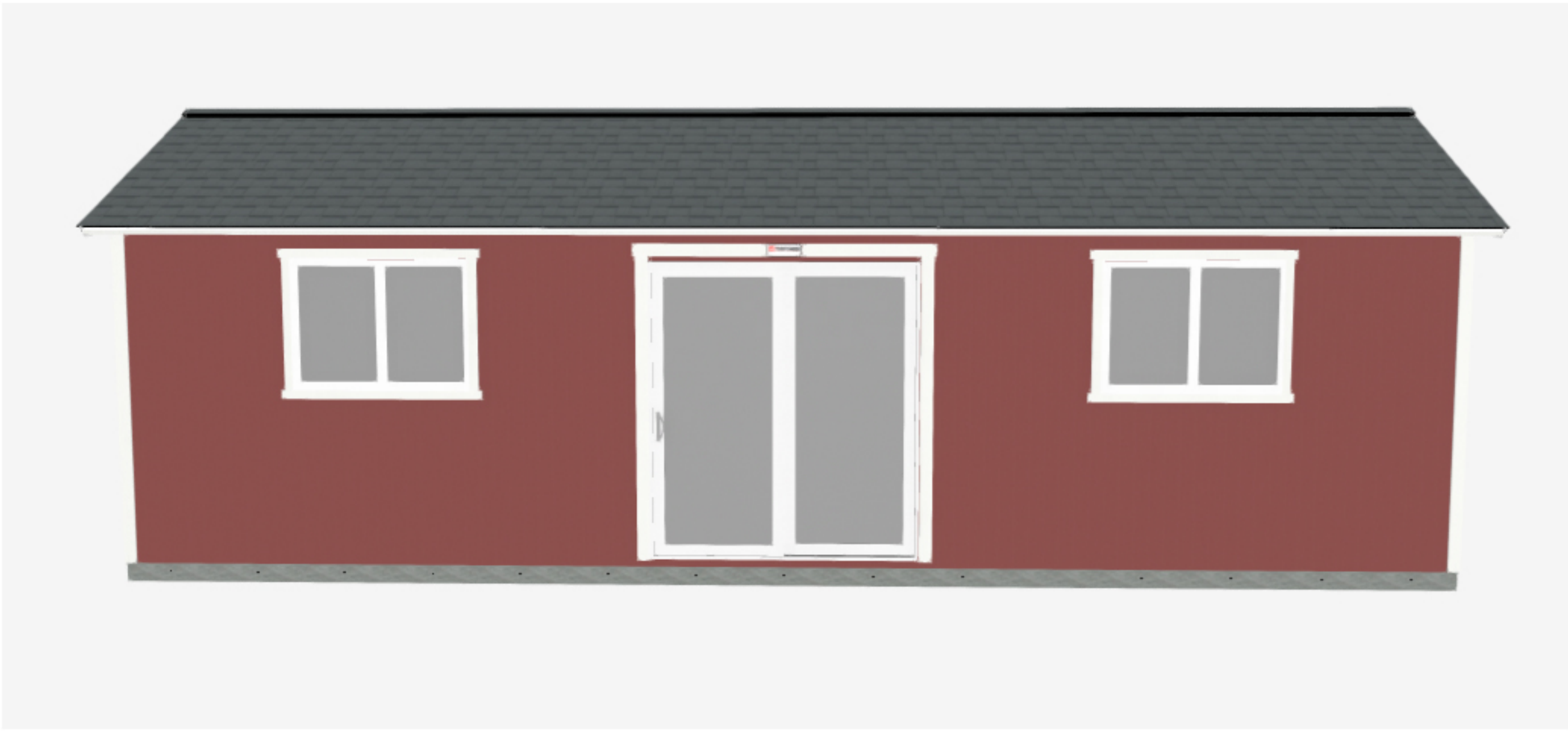
Prices shown in the online Build-A-Quote process are subject to change without notice, do not reflect custom quote selections or any local taxes, and will be verified at time of order. Online customers selecting the Buy Now option will have appropriate local taxes added to their order. While Tuff Shed makes every effort to ensure correct information is included in the online Build-A-Quote process, Tuff Shed is not responsible for technical malfunction of any telephone network, telephone or data lines, computer online systems, servers, internet providers, computer equipment, or software that may result in a pricing error or other discrepancy with the online Build-A-Quote process.

Additional delivery charges and / or sales taxes may apply for out of state customers.

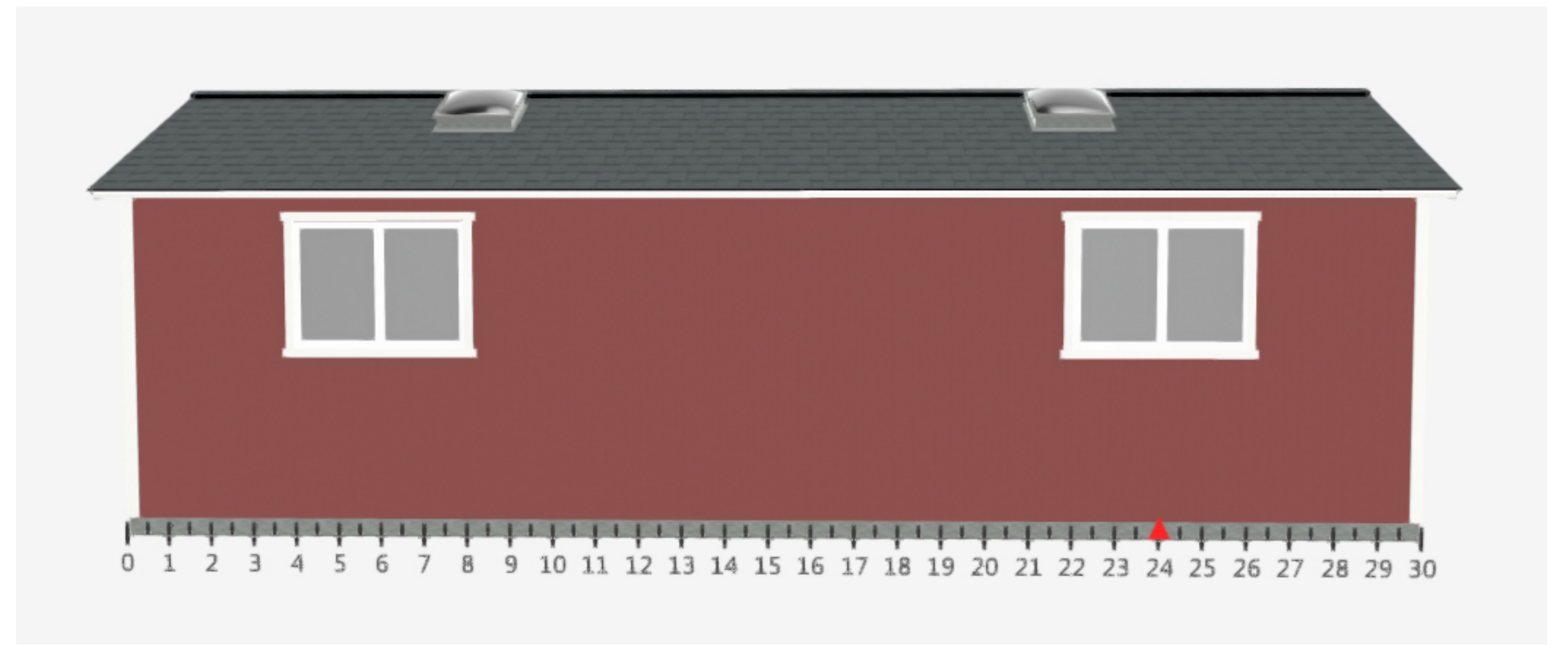
Building price is based on level lot and does not include any engineering fees or building permits unless otherwise indicated on order. Customer is responsible for site preparation. Engineered plans may be required for permit application, and are not included in above prices. Engineering charges are relative to style and size of building. Cancelled orders are subject to a restocking fee.

This saved quote includes any applicable promotional discounts, which have limitations and expiration dates.

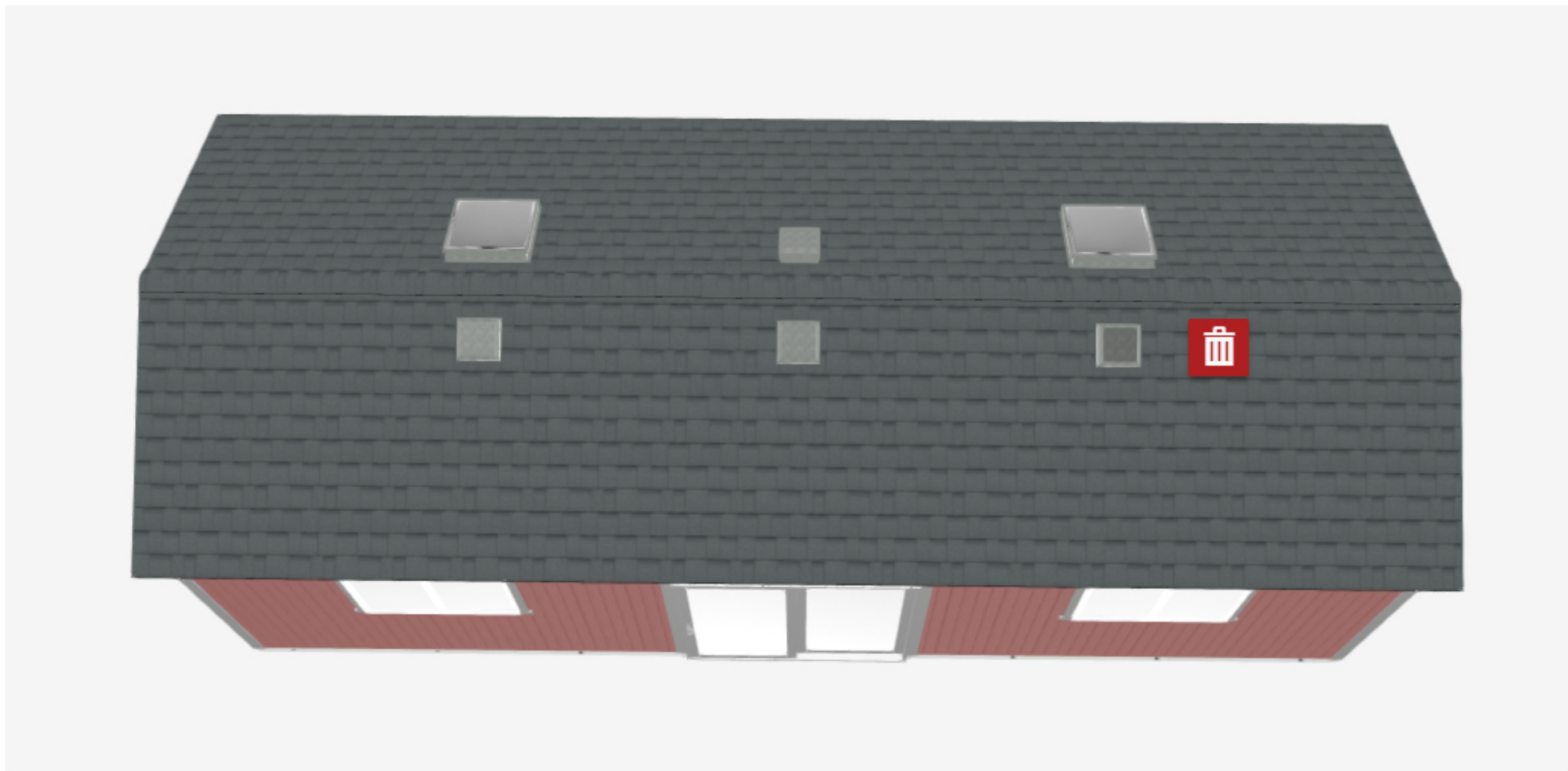
The price quoted is valid through the expiration date of the promotion. Once an order has been placed, pricing is guaranteed for up to 12 months. If the installation is not completed within 12 months for any reason, Tuff Shed has the right to modify the order pricing. You will be notified regarding any price adjustment prior to installation or incurring any additional charges.



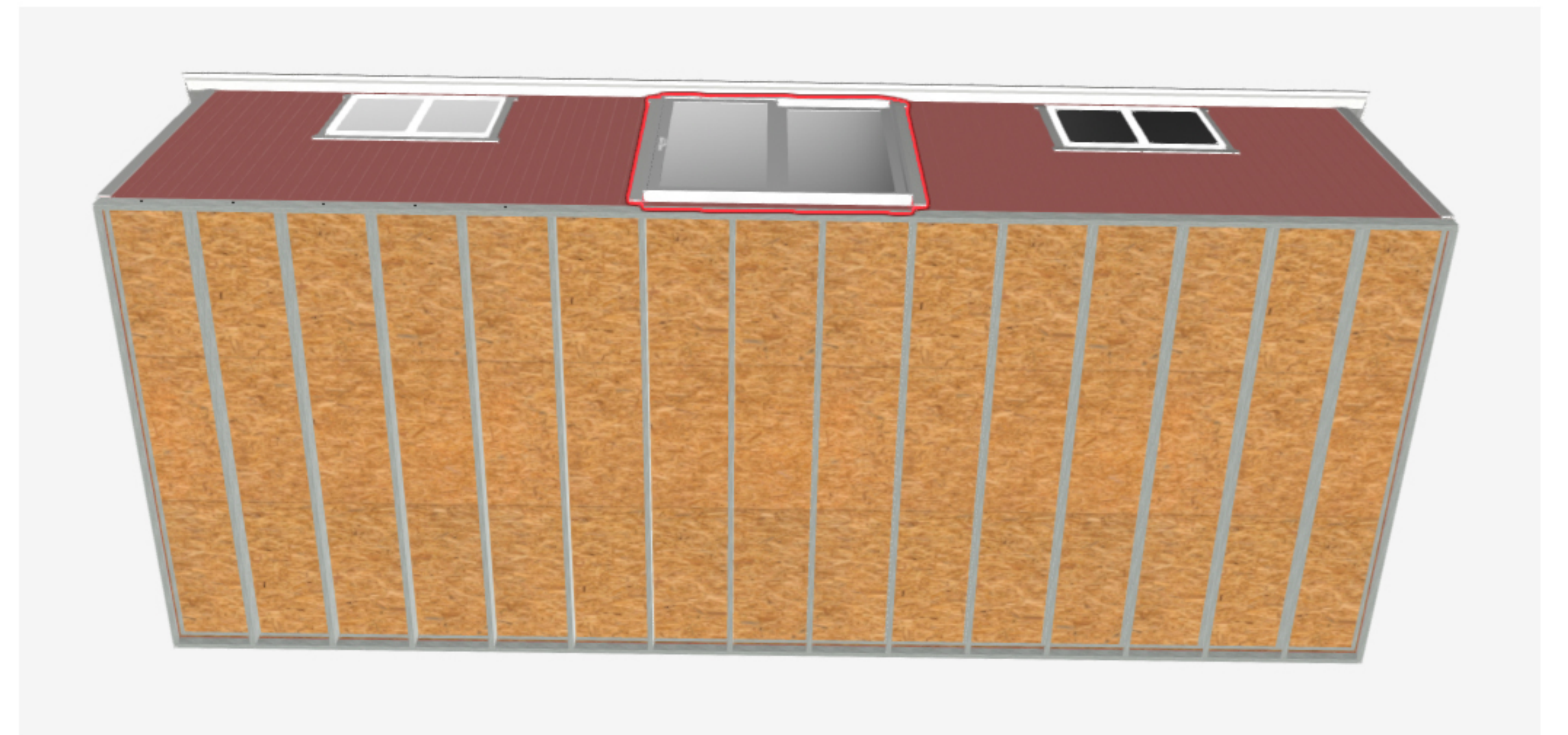
FRONT



BACK



TOP



BOTTOM



LEFT



RIGHT

1328 E. Hanna Ct Proposed Additional Building



NOTE:
INTERIOR WALLS
WILL BE INSULATED
AND FINISHED WITH
DRYWALL
TO CODE

Entry

Handwashing
Sink

Fridge

Stove

3 compartment sink

Shelves

Prep
Table

Wall C

EXHIBIT G
PROPOSED PLANS

Exceptions to 9-34-040 for 1328 E. Hanna Ct.

Dan Bruns
801-608-2476
dan@bruns.com

The business will be run from my premises at 1328 E. Hanna Ct, but it will not be run as part of my main house. I will construct a code-compliant building in my backyard which will be made in to a fully compliant Commercial Kitchen, per UDAF health code guidance. As such, I am requesting the following exceptions to 9-34-040, Development Standards; Permitted use:

E. Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed. (Ord. 909, 7-21-2009)

The supplies, inventory, etc will be stored in a completely enclosed, code-compliant Commercial Kitchen building separate from my main structure. The size of the structure is 360 square feet, but less than 100 square feet of that will be used for inventory or ingredient storage.

F. Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation. (Ord. 1132, 2-17-2015)

The accessory building will not have any signage (we're a wholesale business, so we do not sell directly to the public) or anything that would make it appear as anything other than a "mother in law apartment". There are no special parking requirements, no customers, or signage. It will be designed to blend in with the background and painted in a manner similar to my main house on the property. Please see drawings / renderings of the building I have included.

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.

With the addition of the code-compliant accessory building in our backyard, all activities and storage of items related to this business will be completely self-contained within the accessory structure.

O. Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property. (Ord. 909, 7-21-2009)

The operations of the business (cooking caramels) will occur within the accessory building. We cannot have a commercial kitchen in our main structure because the floorplan of our existing house does not

allow for all the requirements of a Commercial Kitchen per the UDAF's "Minimum Facility Requirements" for a Commercial Kitchen, namely:

*No operation of a food establishment shall be conducted in any room used as living or sleeping quarters. **All food processing and packaging areas shall have no doors, windows, or other entrances leading into living or sleeping quarters***

We have a space in our basement that we were planning on using as a Commercial Kitchen, but the space includes doors to additional bedrooms, and is adjoined to a second family room (living space). Thus, the location inside our residence will not work, which is why we are looking at this accessory building.

Dan Bruns

1328 E. Hanna Ct

Draper UT 84020

dan@bruns.com

STATEMENT OF COMPLIANCE WITH STANDARDS

In addition to the requirements listed as part of 9-5-080, our building will also abide by the requirements laid out as part of our HOA's CC&R, which include making the building appear similar to the main house it is located behind. As such, our building will have white trim, a red brick color on the panels, and a grey shingle roof. It will also be similar to the architectural style of our existing house at 1328 E. Hanna Ct.

Our business is a wholesale caramel business. As such we do not have customers visiting our property, nor are we selling items from our home or this building. Its use will be strictly for the production of caramels during regular business hours on days as needed, Sunday – Saturday.

The area that this building will be located in backs up to the street (1300 E). Therefore, any possible nuisance behavior (and we can't think of any that would be produced) will have no impact on our neighbors.

OVERVIEW OF PROPOSED USE

We'd like to build a building to house the production of our caramels, which we sell wholesale to local merchants (Angela's Finest Caramels). The unit will be a fully finished building, including insulation, wiring, lighting, and paneling as described by the Health code for commercial kitchens, and abiding by all local codes and requirements. It will be 360 sq ft in size (12 x 30). We will run complete sewer, water, and electrical lines to this building. It will resemble a small cottage in appearance (please see proposed views in the other documents).

As mentioned above, the building will only be used during standard business hours on Sunday – Saturday. Exceptions to these times will be minimal. Since the business is wholesale, we deliver the caramels ourselves; there are no changes to parking or traffic patterns, and we do not have patrons coming to our facility. The noise level will be minimal, maybe the occasional clanging of pots and pans. We are locating the building on the portion of our property that backs up to 1300 E, and equidistant from our neighbors on either side to mitigate any undesired noises.



MEMO

To: Planning Commission

From: Jonathan Concidine

CC: Jennifer Jastremsky

Date: October 13, 2022

Re: Elizabeth Jones - Home Occupation Conditional Use Permit Request

Comments:

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.23 acres located on the northeast side of Lone Rock Drive, at approximately 13242 S. Lone Rock Drive. The property is currently zoned RSD-5-Bellevue. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for the operation of a salon.

The findings are as follows:

For approval:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

For denial:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report	10/5/2022	Cover Memo



Development Review Committee

1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT

September 23, 2022

To: Draper City Planning Commission
Business Date: October 13, 2022

From: Development Review Committee

Prepared By: Jonathan Concidine, Planner I
Planning Division
Community Development Department
801-576-6522, j.concidine@draperutah.gov

Re: Elizabeth Jones – Home Occupation Conditional Use Permit Request

Application No.: USE-184-2022

Applicant: Elizabeth Jones

Project Location: 13242 S. Lone Rock Drive

Current Zoning: RSD-5-Bellevue (Residential Special District, Bellevue) Zone

Acreage: 0.23 Acres (Approximately 10,000 ft²)

Request: Request for approval of a Home Occupation Conditional Use Permit in the RSD-5-Bellevue zone.

BACKGROUND AND SUMMARY

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.23 acres located on the northeast side of Lone Rock Drive, at approximately 13242 S. Lone Rock Drive (Exhibit B & C). The property is currently zoned RSD-5-Bellevue. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for the operation of a salon.

The home was built in 2010 and the subdivision was recorded in 2006. The property is part of the Bellevue Phase 4 subdivision.

ANALYSIS

General Plan and Zoning.



Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density	Exhibit D
Current Zoning	RSD-5-Bellevue	Exhibit E
Proposed Use	Single-family Residential	
Adjacent Zoning		
East	RSD-5-Bellevue	
West	RSD-5-Bellevue	
North	RSD-5-Bellevue	
South	RSD-5-Bellevue	

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

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage "piecemeal" infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Churches • Schools • Open Space
DENSITY	• Density range: 2-4 dwelling units per acre	
COMPATIBLE ZONING	• Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC)	
OTHER CRITERIA	• Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures	

According to Draper City Municipal Code (DCMC) Section 9-17E-010 the purpose of the RSD-5-Bellevue zone is to *"allow for and permit flexibility in terms of planning, site design, lot size and development through the ability to customize the zoning and development standards to achieve unique development opportunity. The Bellevue project seeks to utilize this RSD zone, which provides the flexibility required to make possible significant project, community and system improvements and amenities. The Bellevue RSD is located between 13200 South and Corner*

Canyon Creek, 300 East and the East Jordan Canal."

Home Occupation. The applicant intends to work out of her home in a salon in her basement. There is an outside entrance to the salon and a bathroom for clients to use. Operating hours are expected to be Tuesdays and Thursdays, 8 AM to 3 PM. There is driveway space for customers – four cars can fit side by side. Noise and traffic impacts are expected to be negligible, with about 5-6 clients expected each day, spread out during the day with appointments.

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

- A. *Ownership: The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.*
 - a. The applicant lives in the home and is the primary provider of services.
- B. *Business License: A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to [title 6, chapter 11](#) of this code.*
 - a. The applicant must obtain the home occupation conditional use permit before obtaining a business license.
- C. *Employees: Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.*
 - a. Applicant is the sole employee.
- 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.*
 - a. Facilities comply with applicable codes.
- E. *Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed.*
 - a. No inventory associated with the home occupation.
- F. *Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.*

- a. No yards or structures will be modified.
- 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.*
 - a. The home occupation will not present a nuisance.
- 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.*
 - a. The home occupation is incidental and secondary to the building's use as a residence. The space used will be less than 25% of the dwelling unit.
- I. *Signs: All signage in a residential area must comply with [chapter 26](#), "Signs", of this title.*
 - a. No signs exist or are proposed for the home occupation.
- 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.*
 - a. The home occupation will not generate traffic above that which is normal. Clients will park in the driveway.
- 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.*
 - a. The home occupation does not have any vehicles associated with it.
- 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.*
 - a. The yards will not be used for the home occupation.
- M. *Customers: No customers allowed. Children accessing a limited daycare or limited preschool facility shall not be considered customers.*
 - a. The salon will facilitate 5-6 clients daily.
- 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.*
 - a. The home occupation will not excessively demand public utilities.

- O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*
- a. The home occupation will occur within the primary structure.
- P. *Single-Family And Multiple-Family Dwellings: Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section [9-34-060](#) of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles.*
- a. The home occupation is in a single-family dwelling.
- Q. *Licensure: Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations.*
- a. No licenses are required.

Criteria For Approval.

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

- E. *Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:*
1. *A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
 2. *Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.*
 3. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable*

- conditions to achieve compliance with applicable standards, the conditional use may be denied.*
- 4. The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:*
- a. The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;*
 - b. The suitability of the specific property for the proposed use;*
 - c. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;*
 - d. The economic impact of the proposed facility or use on the surrounding area;*
 - e. The aesthetic impact of the proposed facility or use on the surrounding area;*
 - f. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
 - g. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and*
 - h. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.*
- 5. The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.*

REVIEWS

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

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

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

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

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

STAFF RECOMMENDATION

Staff finds that the application complies with the DCMC and recommends that the Planning Commission review the request, receive public comment, and approve the application based on the findings listed below and the criteria for approval, as listed within the staff report.

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

1. That customer parking shall be limited to the driveway.
2. That applicant shall obtain and maintain a business license from the city for the home occupation.
3. That customers be limited to no more than 7 per day.
4. Per DCMC Section 9-5-080(J), unless there is substantial action under a conditional use permit within one year from the date of its issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the conditional use permit for an extension of up to six (6) months, subject to approval of the Planning Commission, provided substantial action is shown toward establishing the conditional use and the requirements for extension under DCMC Section [9-5-030](#) are met.

The findings for approval as are follows:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and

9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Elizabeth Jones Home Occupation Conditional Use Permit, as requested by Elizabeth Jones, representing application USE-184-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 23, 2022.

Sample Motion for Modified Approval– I move that we approve the Elizabeth Jones Home Occupation Conditional Use Permit, as requested by Elizabeth Jones, representing application USE-184-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 23, 2022 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Elizabeth Jones Home Occupation Conditional Use Permit, as requested by Elizabeth Jones, representing application USE-184-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 23, 2022.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division

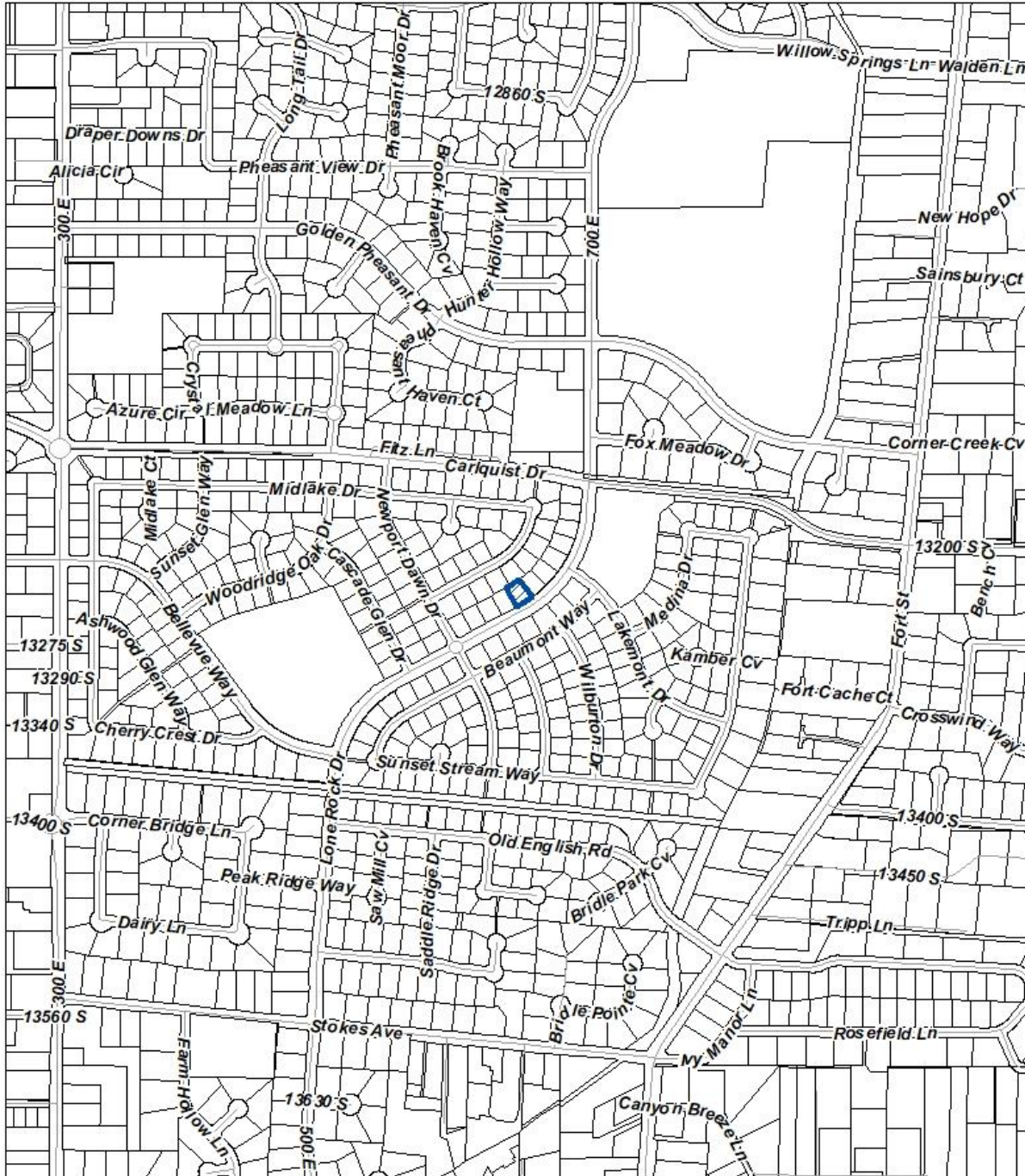


EXHIBIT A
DEPARTMENT REVIEWS

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

No outstanding comments.

EXHIBIT B VICINITY MAP

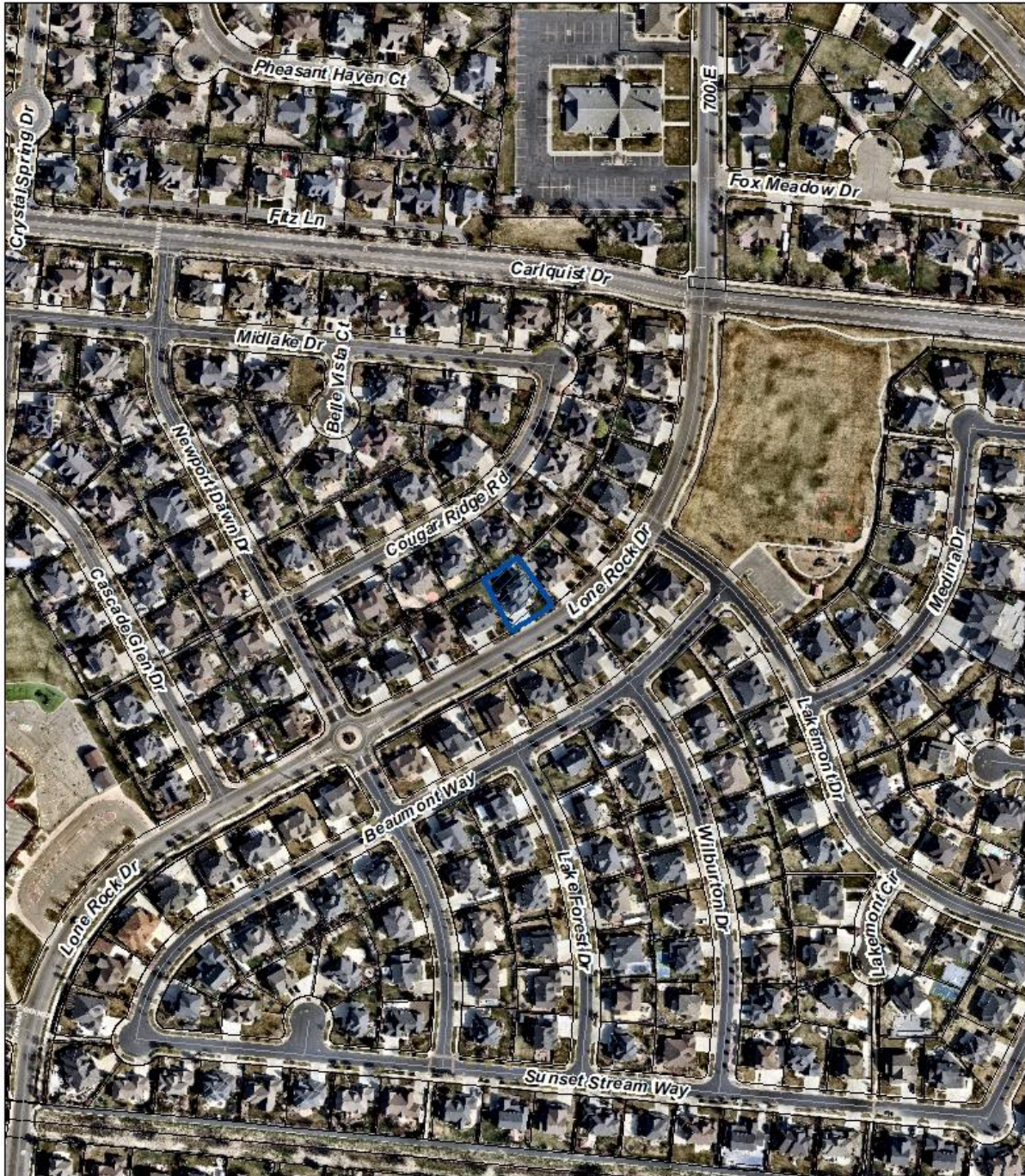


Elizabeth Jones
Home Occupation Conditional Use Permit
Vicinity Map

0 0.125 0.25 0.5 Miles



EXHIBIT C AERIAL MAP

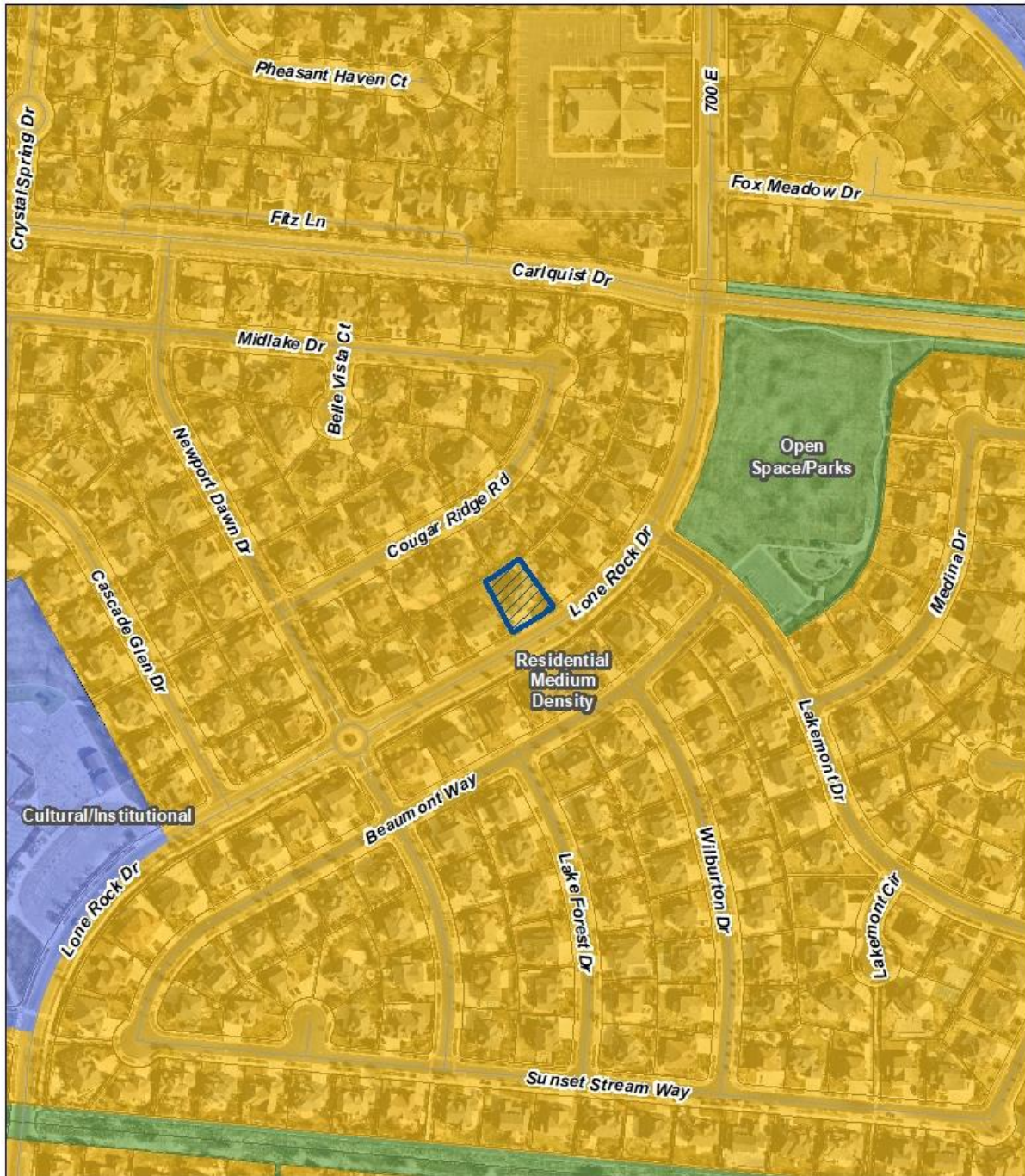


Elizabeth Jones
Home Occupation Conditional Use Permit
Aerial Map

0 250 500 1,000 Feet



EXHIBIT D LAND USE MAP



Elizabeth Jones
Home Occupation Conditional Use Permit
Land Use Map

0 250 500 1,000 Feet



EXHIBIT E ZONING MAP



Elizabeth Jones
Home Occupation Conditional Use Permit
Zoning Map

0 250 500 1,000 Feet



EXHIBIT F
APPLICANT QUESTIONNAIRE

KEYNOTES

Copyright © 1996 Larry Horner. All rights reserved.
The use of these plans is expressly limited to
Larry Horner. No use, reproduction, or alteration by
any method, in whole or in part, is prohibited.

Westminster (Late Plan)

DATE	11/16	DATE CREATED	10/01
TIME	11:15	SCALE	
TIME	11:15	NOTED	
TIME	11:15	DRAWN	bc
TIME	11:15	JOB	BASE PLAN
TIME	11:15	SHEET	7
TIME	11:15	of 12 Sheets	

**NO GRIDS
IN ANY WINDOWS**

LEFT SIDE ELEVATION

LONG 1" MIN. (REAR) FRONT ELEVATION

Address
Block

पर्याप्त

parking

Draper City

I INTEND TO WORK OUT OF MY HOME IN A SALON IN MY BASEMENT. I HAVE AN OUTSIDE ENTRANCE TO THIS SPACE. THERE IS A BATHROOM FOR ALL CLIENTS TO USE.

I INTEND TO WORK TUESDAYS & THURSDAYS 8AM- 3PM I HAVE SPACE IN MY DRIVEWAY FOR PARKING ON AN RV PAD.

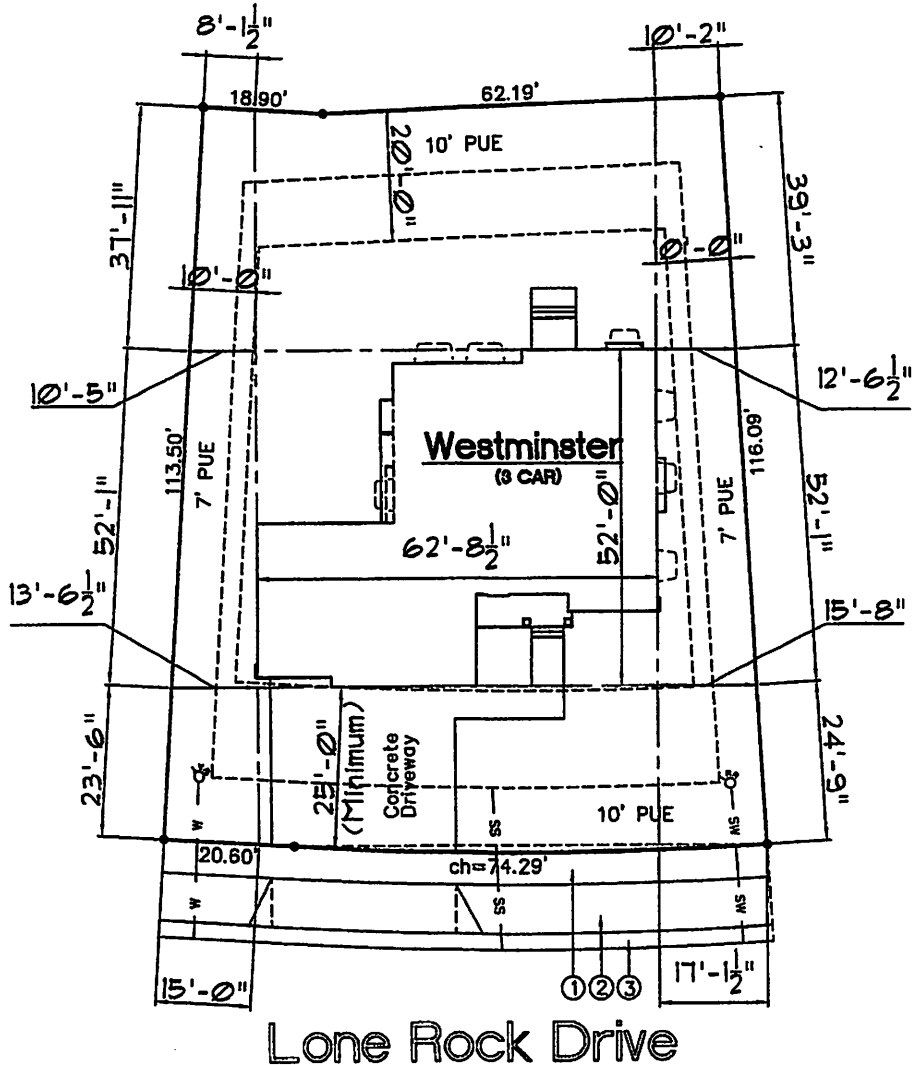
THERE IS NO NOISE OR TRAFFIC. NO EMPLOYEES. I INTEND TO SEE 5-6 CLIENTS ON TUESDAY AND THURSDAY.

10-12 WEEKLY. THERE ARE NO EFFECTS TO ADJACENT PROPERTIES OR NEIGHBORS

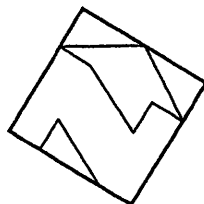
Any utilities shown are based upon the best information available & are subject to change. Ivory Homes assumes no liability for any utilities shown (or not shown).

Ivory Homes will provide sufficient grading around the foundation to allow water drain away from the home. It is the home buyer's responsibility to maintain this drainage away from the home when grading for finished landscape. Home buyer must take extra care when installing landscaping or structures in order to avoid impairing the lot drainage of neighboring lots. Elevations of the home will be determined solely at the discretion of Ivory Homes based upon utilities, grade, neighboring homes & site conditions. As subdivisions allow

Diagonal Measure Across Foundation = 81'-5 1/2"
(Field Supervisor to verify independantly)



1. Sidewalk
2. Parkstrip
3. Curb / Gutter



Lot 449 Bellevue
13242 South Lone Rock Drive
Draper, Utah
10,116 Square Feet

SITE PLAN

SCALE: 1"=30'

Initial Date: 9/2/09
Initial Date: 7/2/09

Subject to any changes necessary made at the discretion of Ivory Homes

Drawn By: Brian

By: Jones

EXHIBIT G
PUBLIC COMMENTS

From: Dixie Lewis <dixielewis@me.com>
Sent: Wednesday, October 5, 2022 9:16 AM
To: Jonathan Concidine
Subject: In support of Elizabeth Jones operating a salon out of her home

To whom it may concern I just want to offer my support of Elizabeth Jones being able to operate her salon out of her home. She is a responsible, respectful and productive member of our community. I trust her to operate in a way that won't disrupt her neighbors, flow of traffic etc. I 100% support her using her home in a way that will financially support her family during these hard economic times, while giving her the ability to be close to her kids during the day.

Respectfully,

Dixie Lewis (neighbor of Elizabeth Jones)

Sent from my iPhone



MEMO

To: Planning Commission

From: Jonathan Concidine

CC: Jennifer Jastremsky

Date: October 13, 2022

Re: First Steps Foot Zone - Home Occupation Conditional Use Permit Request

Comments:

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.34 acres located on the west side of 600 E., at 12646 S. 600 E. The property is currently zoned R3. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for personal care business to be run out of the home.

The findings are as follows:

For approval:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

For denial:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report	10/5/2022	Cover Memo



Development Review Committee

1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT

September 15, 2022

To: Draper City Planning Commission
Business Date: October 13, 2022

From: Development Review Committee

Prepared By: Jonathan Concidine, Planner
Planning Division
Community Development Department
801-576-6522, j.concidine@draperutah.gov

Re: First Steps Foot Zone – Home Occupation Conditional Use Permit Request

Application No.: USE-167-2022
Applicant: Sara Derrick, representing First Steps Foot Zone
Project Location: 12646 S. 600 E.
Current Zoning: R3 (Single Family Residential, 13,000 sq. ft. min. lot size)
Zone
Acreage: 0.34 Acres (Approximately 14,800 ft²)
Request: Request for approval of a Home Occupation Conditional Use Permit in the R3 zone.

BACKGROUND AND SUMMARY

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.34 acres located on the west side of 600 E., at 12646 S. 600 E. (Exhibit B & C). The property is currently zoned R3. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for personal care business to be run out of the home.

The home was built in 1994. It is Lot No. 420 of the Pheasant Brook Estates Phase 4 subdivision. The plat was recorded in 1994.

ANALYSIS



General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density	Exhibit D
Current Zoning	R3	Exhibit E
Proposed Use	Single-family Residence	
Adjacent Zoning		
East	R3	
West	R3	
North	R3	
South	R3	

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

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage "piecemeal" infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Churches • Schools • Open Space
DENSITY	• Density range: 2-4 dwelling units per acre	
COMPATIBLE ZONING	• Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC)	
OTHER CRITERIA	• Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures	

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the R3 zone is to *"permit medium density residential development without special mitigation requirements. This zone is intended to provide incentives to foster residential development with little impact on its surroundings and on municipal services, and to generally preserve the semirural character called for in the density element of the general plan."*

Home Occupation. First Steps Foot Zone is a small business focused on the health, wellbeing, and education of clients. According to the applicant, a foot zone is a noninvasive holistic approach to bring the body back to homeostasis, similar to a foot massage. The business will accept clients Tuesday and Thursday evenings between 8-10 pm. One to two clients will be booked per work day, with each appointment to last between 1-1.5 hours. No walk-ins will be accepted. There will be no signs or postings in front of the property. The front lights will be turned on for visibility, walkways will be shoveled and salted during winter months, and clients will park in the 30-foot wide driveway. The applicant will be the sole employee.

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

- A. *Ownership: The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.*
 - a. Applicant owns the home.
- B. *Business License: A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to [title 6, chapter 11](#) of this code.*
 - a. Applicant will obtain a business license.
- C. *Employees: Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.*
 - a. Employees will be family members.
- 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.*
 - a. Facilities will comply with code.
- E. *Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed.*
 - a. Inventory will not exceed 250 sq. ft.
- F. *Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home*

occupation. No front yard area shall be altered to provide parking required for a home occupation.

a. Structures and yards will not be modified.

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.*

a. Home occupation will not cause a nuisance.

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.*

a. Home occupation is the secondary use.

I. *Signs: All signage in a residential area must comply with [chapter 26](#), "Signs", of this title.*

a. Signs will comply with the DCMC.

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.*

a. No traffic impacts are anticipated.

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.*

a. No vehicles associated with the home occupation will be found on the property.

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.*

a. Yards will not be used for the home occupation.

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

a. Recommend customers be limited to 5 per week.

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.*

a. The home occupation will not require excessive utility demand.

- O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*
- a. The home occupation will occur within the primary structure.
- P. *Single-Family And Multiple-Family Dwellings: Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section [9-34-060](#) of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles.*
- a. Home occupation will take place in a single-family dwelling.
- Q. *Licensure: Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations.*
- a. No licenses are required.

Criteria For Approval.

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

- E. *Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:*
1. *A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
 2. *Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.*
 3. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

4. *The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:*
 - a. *The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;*
 - b. *The suitability of the specific property for the proposed use;*
 - c. *Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;*
 - d. *The economic impact of the proposed facility or use on the surrounding area;*
 - e. *The aesthetic impact of the proposed facility or use on the surrounding area;*
 - f. *The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
 - g. *The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and*
 - h. *The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.*
5. *The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.*

REVIEWS

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

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

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

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

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

State Codes.

STAFF RECOMMENDATION

Staff finds that the application complies with the DCMC and recommends that the Planning Commission review the request, receive public comment, and approve the application based on the findings listed below and the criteria for approval, as listed within the staff report.

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

1. That customer parking shall be limited to the driveway.
2. Per DCMC Section 9-5-080(J), unless there is substantial action under a conditional use permit within one year from the date of its issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the conditional use permit for an extension of up to six (6) months, subject to approval of the Planning Commission, provided substantial action is shown toward establishing the conditional use and the requirements for extension under DCMC Section 9-5-030 are met.
3. That customers shall be limited to no more than 5 per week.

The findings for approval as are follows:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is appropriate for the proposed use;
4. The proposed use or facility is unlikely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is beneficial;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negligible;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are adequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are unlikely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be unaffected.

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.
2. The proposed use is not harmonious with the objectives and requirements of the city's general plan and this title;
3. The specific property is inappropriate for the proposed use;
4. The proposed use or facility is likely to be injurious to potential or existing development in the vicinity;
5. The economic impact of the proposed facility or use on the surrounding area is negative;
6. The aesthetic impact of the proposed facility or use on the surrounding area is negative;
7. The utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation are inadequate;
8. Noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use are likely; and
9. The health, safety, and welfare of the city, the area, and persons owning or leasing property in the area will be negatively affected.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the First Steps Foot Zone Home Occupation Conditional Use Permit, as requested by Sara Derrick, representing First Steps Foot Zone, application USE-167-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 15, 2022.

Sample Motion for Modified Approval– I move that we approve the First Steps Foot Zone Home Occupation Conditional Use Permit, as requested by Sara Derrick, representing First Steps Foot Zone, application USE-167-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 15, 2022 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the First Steps Foot Zone Home Occupation Conditional Use Permit, as requested by Sara Derrick, representing First Steps Foot Zone, application USE-167-2022, based on the findings and subject to the conditions listed in the Staff Report dated September 15, 2022.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

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

Engineering and Public Works Divisions Review.



Public Works Department

Engineering Division Memorandum

To: Jonathan Concidine / Planning Division
Civil Engineering reviewed by: Brien Maxfield / Engineering Division
Date: August 25, 2022
Subject: First Steps Foot Zone - CUP at 12646 South 600 East – USE-167-2022

We have reviewed the subject conditional use permit (CUP) application according to the standards of the Draper City Municipal Code. It is our understanding that the applicant is requesting a conditional use permit to operate a home-based business. Accordingly, we offer the following comments related to the engineering findings, including the following:

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted as described. Given the location and proposed use, the use is not anticipated to generate a significant impact to water, sewer, or other potential utilities.
2. The number of trips generated by the home owner/employees will not have a detrimental impact to traffic in the area due no employees and limited clients visiting the house. The applicant has indicated clients will visit one at a time. With the applicant's stated limit to clients and no additional employees, no significant impact to traffic is anticipated with the proposed use.
3. No additional parking is anticipated for employees where the applicant being the only employee. The applicant indicated all clients will park in the driveway. Parking on 600 East may impact traffic if it is during poor weather or if there are other cars parked on the opposite side of the street nearby. However, based on the information from the applicant, no significant impact to parking is anticipated with the proposed use.

4. The proposed use does not appear detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

We appreciate the opportunity to review and provide comments related to the subject application. If you have any further questions, please call.

Fire Division Review.



**Draper City Fire Department
Fire Prevention Bureau
Building and Site Development Plan Review**



DEVELOPMENT REVIEW COMMITTEE DRAPER CITY FIRE DEPARTMENT REVIEW

Application #: USE-000167-2022
Application Name: First Steps
Project Description: HOCUP
Address: 12646 South 600 East
Planner: Jonathan Concidine
Applicant: Sara Derrick
Contact Person: Sara Derrick
Contact: 801-824-1860
Email: sarawright53@gmail.com

Date: August 30, 2022

Thank you for submitting your plans for the First Steps project. Please review all comments contained in this letter. This project SHALL be designed to meet all requirements of the 2018 International Fire Code. Please contact the Fire Marshal Don Buckley at (801) 824-3714 for any and all inspections or questions.

Comments:

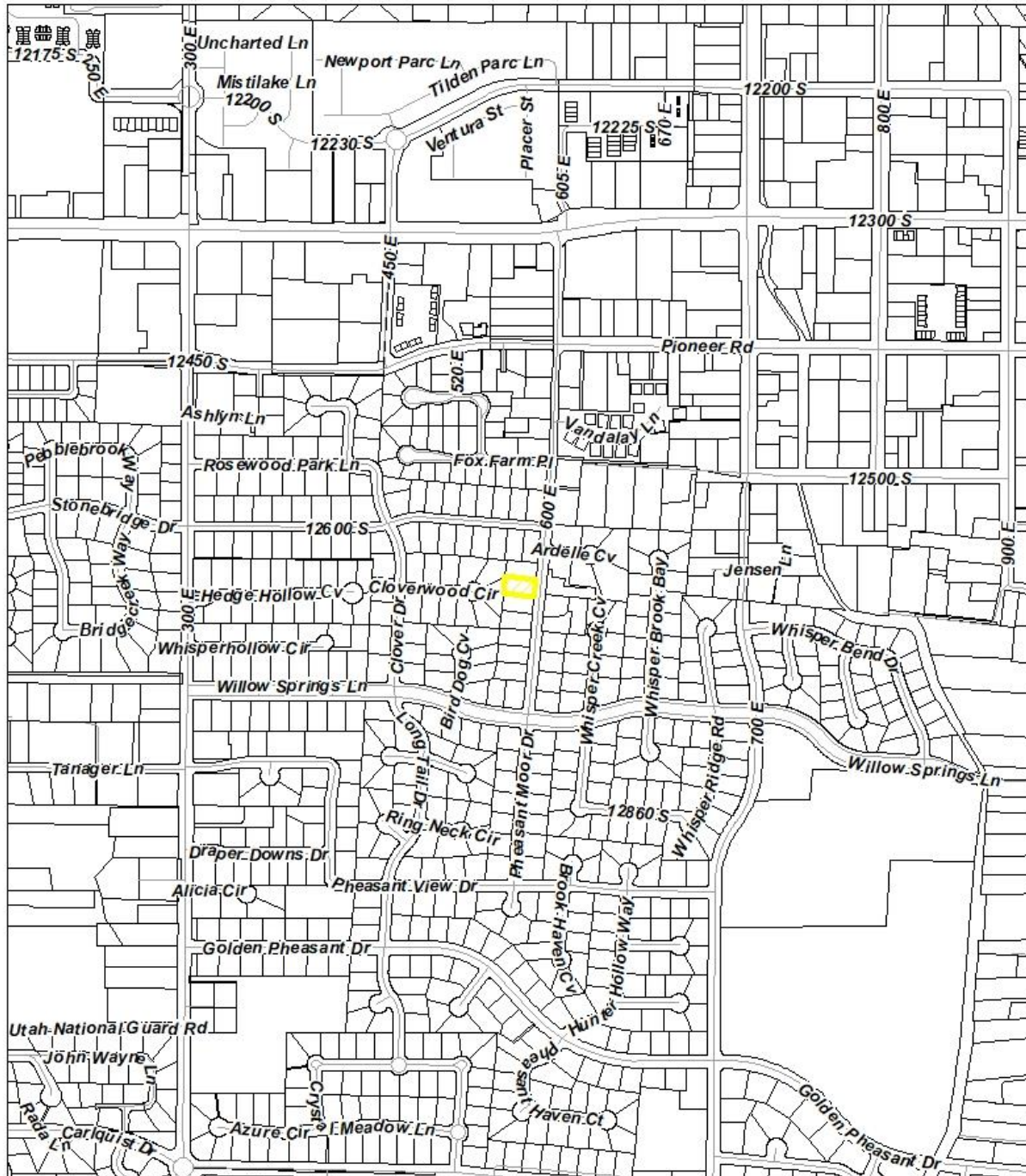
1. **2A-10BC Fire Extinguishers required.** The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed on every level of the home. If in cabinet 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. There shall be single station interconnected smoke detectors in good working condition on each level occupied by the clients. Battery operated smoke detectors shall be permitted if the facility demonstrates testing, maintenance, and battery replacement to insure continued operation of the smoke detectors.
3. **Visible Addressing Required.** New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

Notes:

Plan approval or review shall not be construed to relieve from or lessen the responsibility of any person designing, owning, operating or controlling any building. Damages to persons or property caused by defects, fire, improper installation, or other emergency conditions that occur in or on the building property shall not hold the Draper City Fire Department as assuming any liability.

Thank you,
Don Buckley
Draper Fire Marshal,
Draper City Fire Department,
1020 East Pioneer Rd
Draper, UT 84020
Phone: (801) 824-3714
don.buckley@draperutah.gov

EXHIBIT B VICINITY MAP

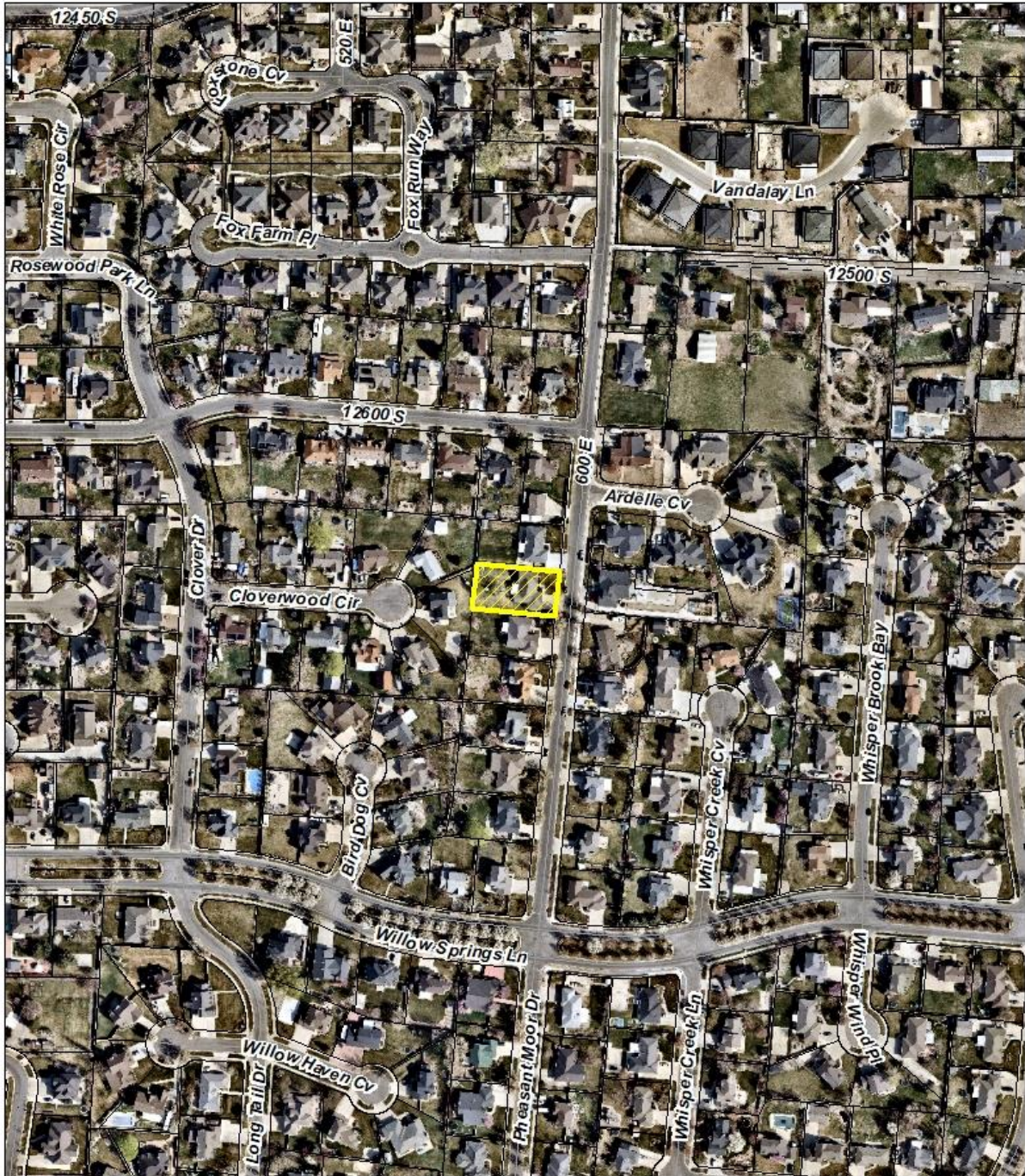


First Steps Foot Zone
Home Occupation Conditional Use Permit
Vicinity Map

0 0.125 0.25 0.5 Miles



EXHIBIT C AERIAL MAP

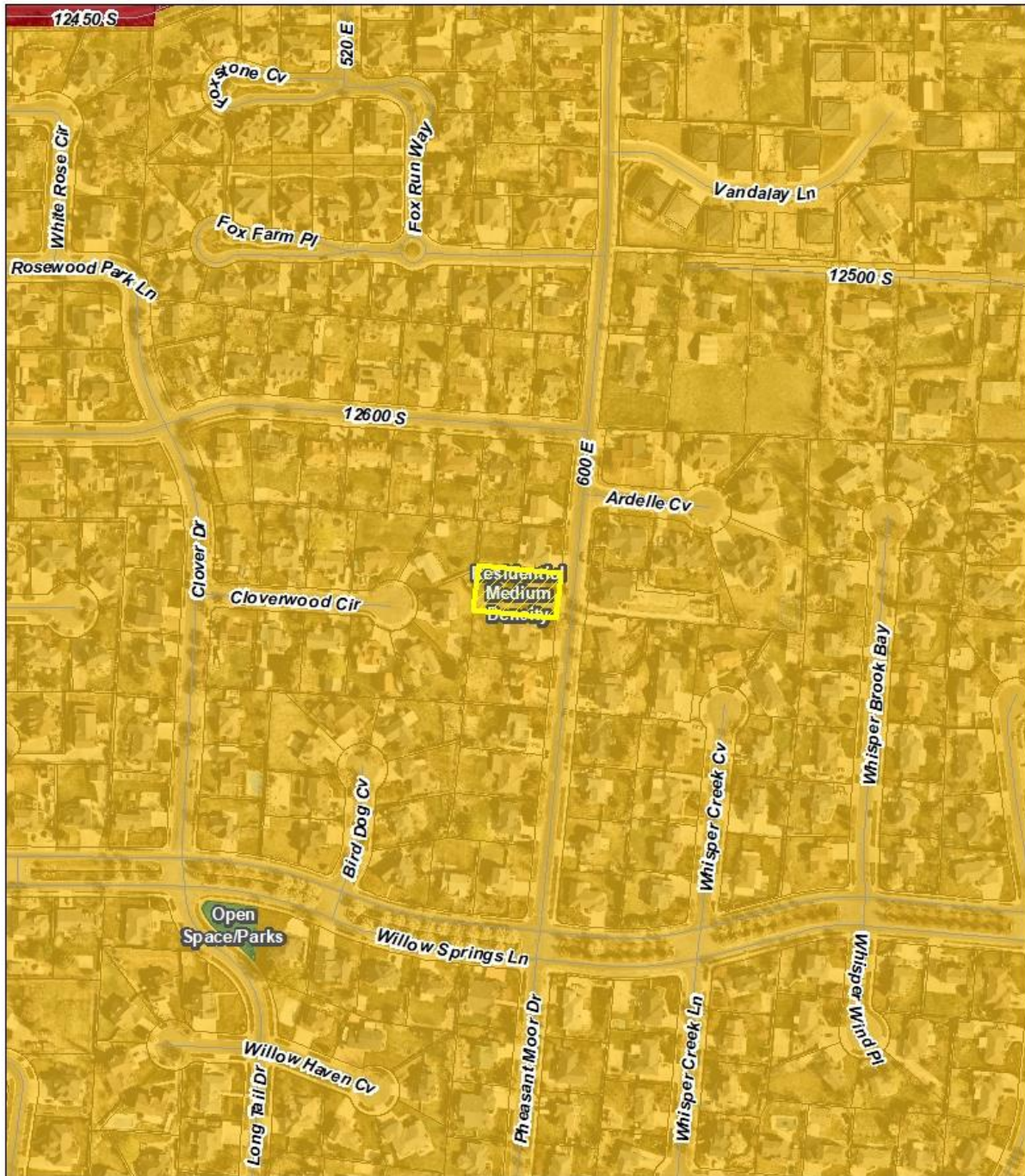


First Steps Foot Zone
Home Occupation Conditional Use Permit
Aerial Map

0 250 500 1,000 Feet



EXHIBIT D LAND USE MAP

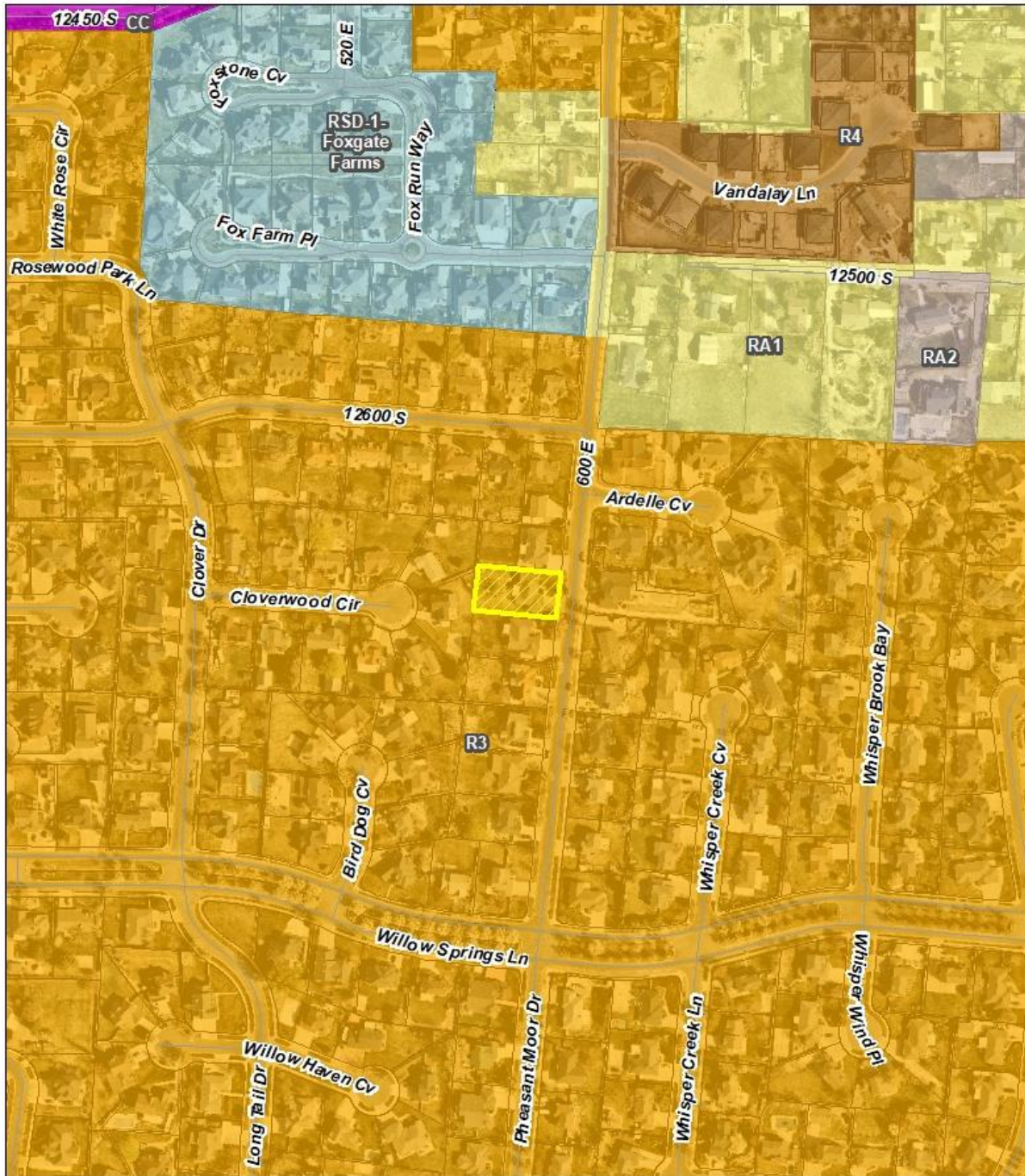


First Steps Foot Zone
Home Occupation Conditional Use Permit
Land Use Map

0 250 500 1,000 Feet



EXHIBIT E ZONING MAP



First Steps Foot Zone
Home Occupation Conditional Use Permit
Zoning Map

0 250 500 1,000 Feet



EXHIBIT F

APPLICANT QUESTIONNAIRE

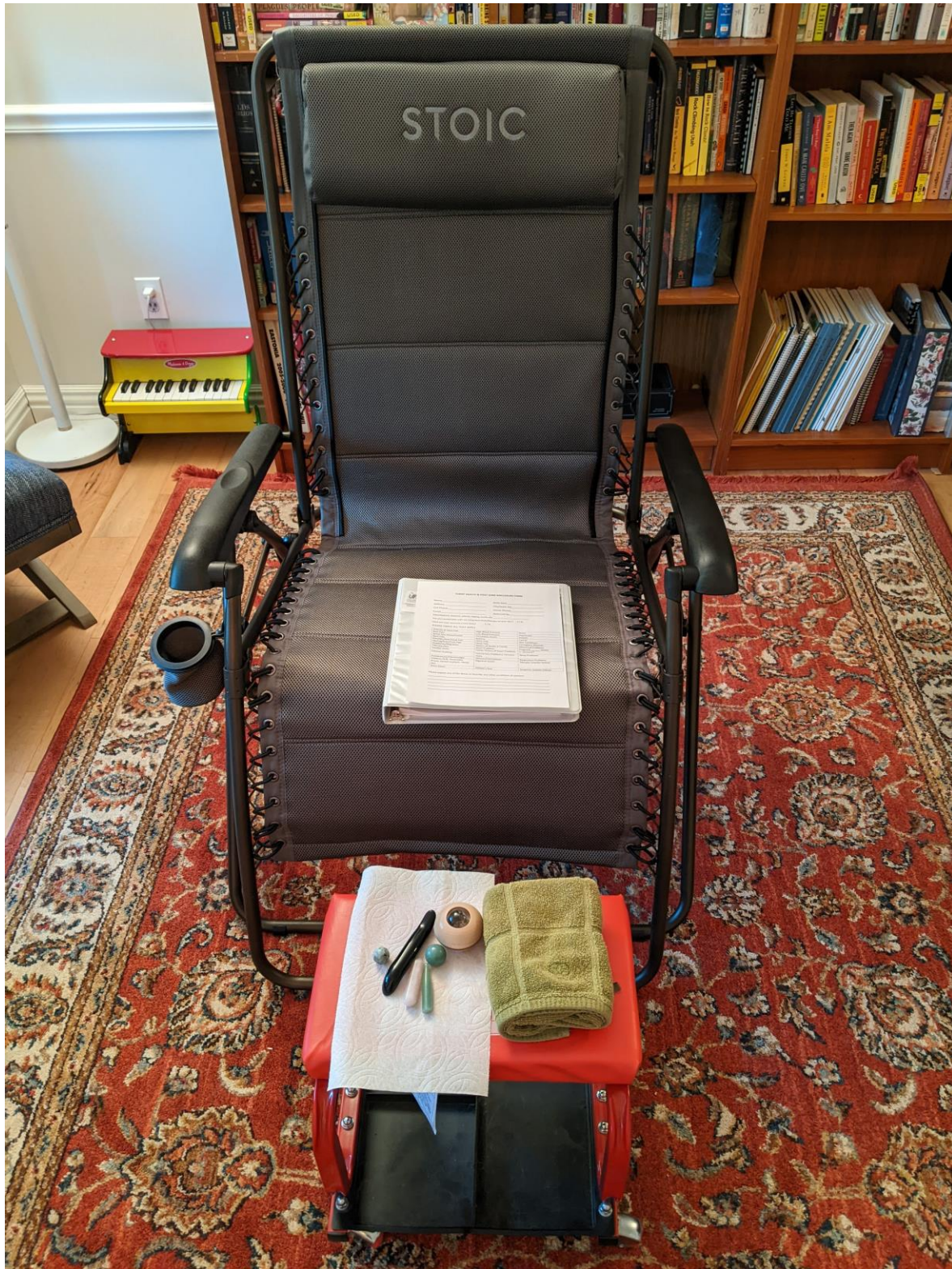
STATEMENT OF COMPLIANCE WITH STANDARDS 9-5-080 E

- a) First Steps Foot Zone will work harmoniously with the neighborhood.
- b) I feel that my home is a suitable place for First Steps Foot Zone to operate. We have a front room that is separate from the majority of our home and a bathroom close by.
- c) First Steps Foot Zone will not negatively impact potential or existing development in the area.
- d) First Steps Foot Zone is a small starting business. I will be accepting clients via referrals only. The economic impact will benefit my family and the community I serve.
- e) I will be accepting clients via referrals. I will not be using any signs or advertisement on my property. I anticipate the aesthetic impact of First Steps Foot Zone on the neighborhood to be nonexistent. A car in the driveway would be the biggest impact.
- f) Safeguards provided by First Steps Foot Zone include; parking in the driveway, front house lights, guest bathroom for customers, a room separated from the rest of the house, and a home with updated alarms and access to fire extinguishers. Clients can expect clean towels, hands, tools, and blankets for their foot zone.
- g) There will be no noxious or offensive emissions from First Steps Foot Zone. As my business hours are between 8 pm and 10 pm, I will only be seeing one, or at the most, two clients during that time. There should be no overlap or loud or boisterous conversations outside the home to disturb the neighborhood.
- h) I hope and anticipate that First Steps Foot Zone will add value and community to the neighborhood. My focus is in the health and well being of my clients.

OVERVIEW OF PROPOSED USE

First Steps Foot Zone is a small business focused on the health, wellbeing, and education of clients. The foot zone is a noninvasive holistic approach to bring the body back to homeostasis, similar to a foot massage. I will accept clients Tuesday and Thursday evenings between 8 pm to 10 pm. One to two clients will be booked per day operating. One client per work day is to be expected. A scheduled foot zone will last between one hour to an hour and a half. No walk ins will be accepted. First Steps Foot Zone will be operating inside my home so I feel strongly that the clients I see will be people that I know or come from referrals. There will be no signs or postings in front of my house. The front lights will be turned on for visibility, walkways will be shoveled and salted during winter months, and clients will park in the driveway. I will be the sole employee. There is no need for site improvements. My home will remain a home. The set up and take down for a foot zone includes a client chair, my tools, my chair, and client intake form. I see no anticipated detrimental effects to the adjacent properties and neighborhood. I will conclude any discussions inside the home to mitigate noise. I will adhere to the highest standards of a professional foot zone practitioner.

WORK AREA AND MATERIALS





MEMO

To: Planning Commission

From:

CC:

Date: October 13, 2022

Re:
