



PLANNING COMMISSION AGENDA

February 9, 2023 at 6:30 PM
1020 E. Pioneer Rd. Draper, UT 84020
Council Chambers

6:30 PM Business Meeting

1. Action Item: Approve Planning Commission Meeting Minutes for January 12, 2023 (Administrative Action)

2. Public Hearing: Cola's Little Treaterie Home Occupation Conditional Use Permit (Administrative Action)

On the request of Alexis Ao, for a Home Occupation Conditional Use Permit for a cottage business making dehydrated dog treats with online sales located at 14118 S. Deer Arch Lane. The property is 0.09 acres in size and located in the RM1 zone. Application: USE-217-2022. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

3. Public Hearing: Simmons Lot Line Adjustment Plat Amendment Request (Administrative Action)

On the request of Lahn Simmons, property owner, for approval to amend the Pheasant Hills Phase 4 Plat in order to adjust the common property line between Lots 410, 412 and 413. The three properties affected are approximately 1.163 acres in size and located at approximately 2052 E. Graystone Court. Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

4. Public Hearing: Lyle McAllister Zoning Map Amendment (Legislative Item)

On the request of Lyle McAllister a Zoning Map Amendment to change the zoning designation from RA1 to RA2 for approximately 0.92 acres located at approximately 275 E. 13275 S. Known as application TEXTMAP-221-2022, Staff Contact: Todd A. Draper, (801) 576-6335, todd.draper@draperutah.gov.

5. Public Hearing: Federal Heights Holdings LLC Zoning and Land Use Amendments (Legislative Action)

On the request of Marlon Bates, representing Chris Silvestro, for a land use map amendment from Community Commercial to Neighborhood Commercial and a rezone from RA1 to CN (Neighborhood Commercial) for approximately 1.19 acres located at approximately 11743 S. 700 East. Applications: TEXTMAP-204-2022 (Zoning) and TEXTMAP-206-2022 (Land Use). Staff contact: Maryann Pickering at 801-576-6391 or maryann.pickering@draperutah.gov.

6. Public Meeting: City Initiated Water Wise Landscaping and Site Amendments Text Amendment (Legislative Item)

On the request of Draper City for a Text Amendment to Titles 9 and 17 of Draper City Municipal Code in order to amend regulations regarding definitions, site plan review, site design, landscaping including water-wise landscaping, screening, parking area design, outdoor storage and display, and related subdivision requirements. This application is known as the City Initiated Water-Wise Landscaping and Site Amendments Text Amendment. Application: TEXTMAP-187-2022. Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov. **This item was continued from the January 26, 2023 meeting. Planning staff is requesting an additional continuance to a date uncertain.**

7. 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: February 3, 2023

Laura Oscarson

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:

CC:

Date: February 9, 2023

Re:



MEMO

To: Planning Commission
From: Maryann Pickering, AICP
CC:
Date: February 9, 2023
Re: Cola's Little Treaterie Home Occupation Conditional Use Permit

Comments:

This application is a request for 0.09 acres located on the west side of Deer Arch Lane. The property is currently zoned RM1. The applicant is requesting approval of a home based cottage business to make dehydrated dog treats with online sales. The home was built in 2018 and is Lot 127 of Deer Run Preserve Phase 1.

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	Upload Date	Type
PC Staff Report	2/2/2023	Backup Material



Development Review Committee
1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT
January 31, 2023

To: Draper City Planning Commission
Business Date: February 9, 2023

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: Cola's Little Treaterie — Home Occupation Conditional Use Permit Request

Application No.: USE-217-2022
Applicant: Alexis Ao
Project Location: Approximately 14118 S. Deer Arch Lane
Current Zoning: RM1 (Multi-Family Residential)
Acreage: Approximately 0.09 acres (approximately 3,920.4 square feet)
Request: Approval of a Home Occupation Conditional Use Permit in the RM1 zone for a cottage business to make dehydrated dog treats with online sales.

SUMMARY and BACKGROUND

This application is a request for 0.09 acres located on the west side of Deer Arch Lane (Exhibits B and C). The property is currently zoned RM1. The applicant is requesting approval a home based cottage business to make dehydrated dog treats with online sales. The home was built in 2018 and is Lot 127 of Deer Run Preserve Phase 1.



ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium High Density	Exhibit D
Current Zoning	RM1	Exhibit E
Existing Use	Single Family Residential	
Adjacent Zoning		
East	RM1	
West	RM	
North	RM1	
South	RM1	

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

Residential Medium-High Density

LAND USE DESCRIPTION		
CHARACTERISTICS		<ul style="list-style-type: none"> • Abundant landscaping • Uniform design standards which also allow architectural variation between units • Architectural variation between units and/or buildings, designed to look like houses, not boxes • Adequate off-street parking • Avoid walls and fences, except for screening and buffering with neighboring developments
LAND USE MIX	Primary <ul style="list-style-type: none"> • Single-family homes • Patio homes • Townhouses • Multifamily housing 	Secondary <ul style="list-style-type: none"> • Parks • Churches • Schools • Open Space
DENSITY		<ul style="list-style-type: none"> • Density range: 4-8 dwelling units per acre
COMPATIBLE ZONING		<ul style="list-style-type: none"> • Single-family Residential (R4) • Single-family Residential (R5) • Master Planned Community (MPC) • Multiple-family Residential (RM1)
OTHER CRITERIA		<ul style="list-style-type: none"> • The Master Planned Community may be utilized • 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 RM1 zone is to *"permit well designed apartments, townhomes, twin homes, and condominiums at relatively high densities that are appropriately buffered from and compatible with surrounding land uses."*

Site Plan Layout. The property is located within a platted subdivision. The applicant intends to only use the kitchen in the residence for the cottage business. A food dehydrator will be used to make the dog treats. The treats are made with fresh refrigerated ingredients so there is no large dedicated storage or inventory area associated with the home based business. All activates associated with the home based business will be within the residence.

The applicant will be the only employee of the business and does all business activities online. There are no customers and no outside employees. Orders are prepared and packaged at the home and then shipped to customers.

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.*
 - The applicant lives in the home with her parents 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.*
 - The applicant must obtain this 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.*
 - Applicant is the sole employee and her parents may drop off packages at the post office when needed. There will 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.*
 - 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.*

- Any fresh food that is made into the dehydrated dog treats will be kept in a refrigerator. Any storage areas will be less than 250 square feet.

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 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.

- 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.

- 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.

- 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.

- The home occupation will not generate traffic as there will not be any customers coming to the residence.

K. Vehicles: Other than the business owner's personal transportation, there shall be no vehicles or equipment on the property associated with the home occupation which would not normally be found at a residence. No signage for the home occupation shall be allowed on vehicles.

- The 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.

- 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.*
- All products made are shipped to customers. There will be no customers coming 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 excessively demand public utilities.

O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*
- 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.*
- 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.*
- The applicant will be required to obtain applicable approval from the Utah Department of Agriculture for food production.

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 the Division, 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 the Division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions has completed their review of the home occupation conditional use permit submission. Comments from the Division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire has completed their review of the home occupation conditional use permit submission. Comments from the Division, if any, can be found in Exhibit A.

Legal Review. The Draper City Attorney has completed their review of the home occupation conditional use permit 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.

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 are as 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 Alexis Ao, application USE-217-2022, based on the findings and subject to the conditions listed in the staff report dated January 31, 2023.

Sample Motion for Modified Approval – I move that we approve the home occupation conditional use permit, as requested by Alexis Ao, application USE-217-2022, based on the findings and subject to the conditions listed in the staff report dated January 31, 2023, 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 Alexis Ao, application USE-217-2022, based on the findings and subject to the conditions listed in the staff report dated January 31, 2023.

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 Division

Draper City Building Division

Draper City Fire Department

Draper City Planning Division

Draper City Legal Counsel

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. No employees or customers to visit site.
2. No on-street parking.
3. No impact to utilities.

Fire Division Review.

No additional comments provided.

EXHIBIT B
VICINITY MAP



EXHIBIT C
AERIAL MAP

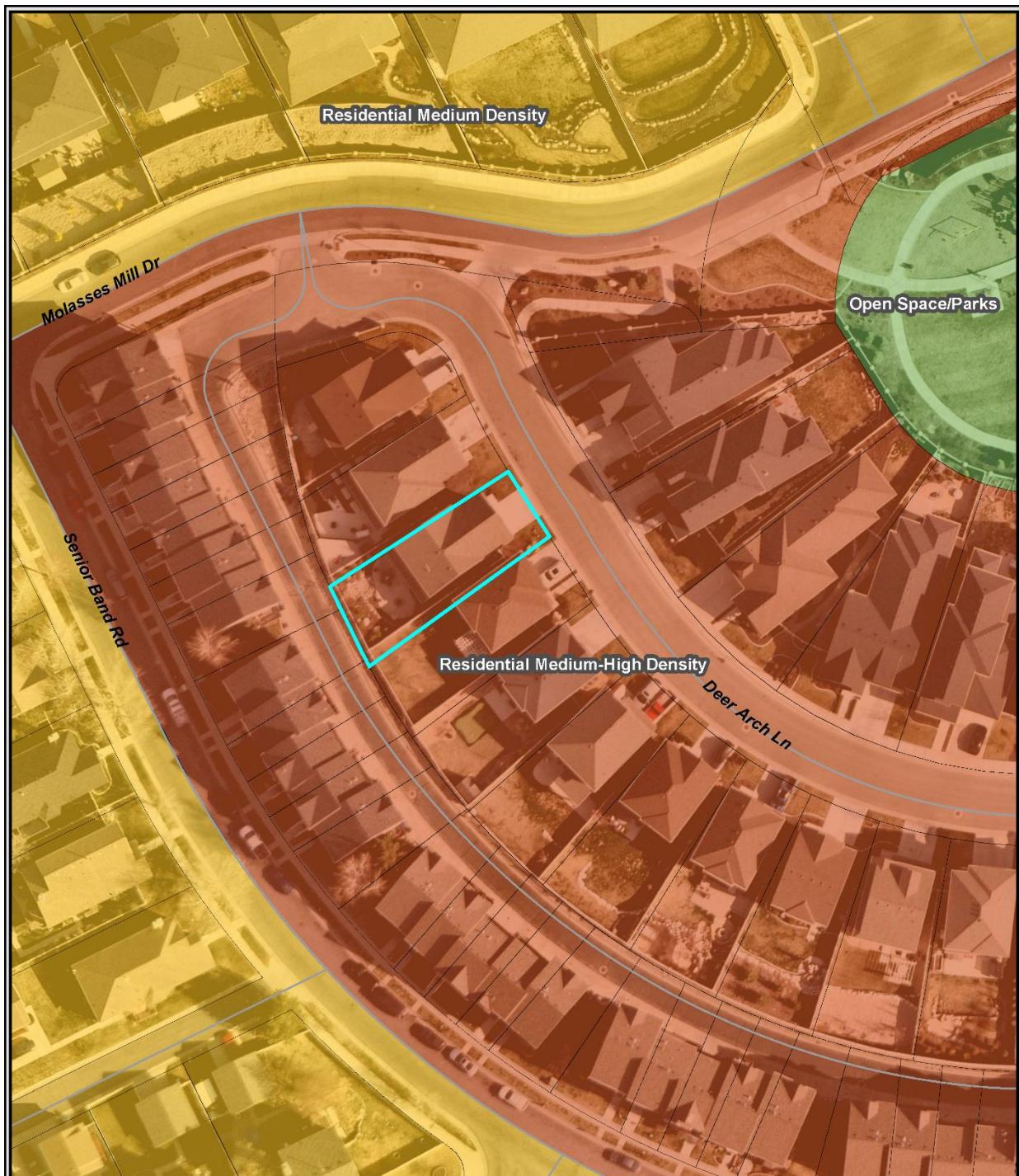


Cola's Little Treaterie
14118 S. Deer Arch Lane

0 60 120 240
Feet



EXHIBIT D
LAND USE MAP



Cola's Little Treaterie
14118 S. Deer Arch Lane

0 60 120 240
Feet

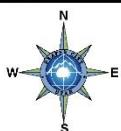


EXHIBIT E
ZONING MAP



Cola's Little Treaterie
14118 S. Deer Arch Lane

0 60 120 240
Feet

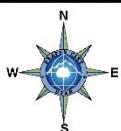


EXHIBIT F
APPLICANT'S INFORMATION

- A. I reside in the home where the home occupation is located. My mother owns the home and I reside in the dwelling. I am the only employee of the business.
- B. I will obtain a license from Draper city and continually maintain it.
- C. I will be the only employee of the business.
- D. All facilities will comply with state/federal codes.
- E. The kitchen fridge will be used to store inventory(meats and vegetables). However, inventory stock will never be high because I plan on getting the freshness ingredients and using them as soon as possible.
- F. The business is purely online so no customers will be coming to the property, and only the kitchen is utilized, so there will be no visible evidence of dwelling being used for other purposes.
- G. A single dehydrating machine will be utilized and will cause minimal odor. Overall, it will be a very minimal nuisance, which residents are alright with.
- H. My parents and I live in the home. Only the kitchen will be used for the business which is surely under 25% of the property.
- I. No signs will be used because it is purely an online business.
- J. No customers will actually physically come to my property, products are dropped off at the post office and shipped to customers.
- K. Only my car as well as my parent's cars used for personal transportation will be at the property. They will not have any signage on them.
- L. No outdoor space will be used for business.
- M. Products are shipped to buyers, buyers will not come to the property.
- N. Dehydrator being used is energy efficient so it shouldn't cause a demand for public utilities in excess.
- O. The kitchen of the home is where operations are conducted.
- P. Business is operated in a single family home.
- Q. I comply with the regulations by the department of food and agriculture.

Cola's Little Treaterie, LLC focuses on homemade dehydrated/freeze-dried dog treats using all natural ingredients. I, Alexis Ao, will be the only employee of Cola's Little Treaterie, LLC. There is no required parking because this is an online store. The business will not have set hours of operation because I work on it whenever I would like. There will not be any detrimental effects to the neighbors/neighborhood.



Cola's Little Treaterie, LLC

Alexis Ao

14118 S Deer Arch Ln, Draper, UT, 84020

Date of Drawing: NOV 30, 2022

Dimensions: ~2.794 m x ~4.064 m





MEMO

To: Planning Commission
From: Maryann Pickering, AICP
CC:
Date: February 9, 2023
Re: Simmons Lot Line Adjustment Plat Amendment Request

Comments:

This application is a request for approval of a Plat Amendment for approximately 1.163 acres located at approximately 2052 E. Graystone Court. The property is currently zoned RA2. The applicant is requesting that a Plat Amendment be approved to allow for the adjustment of the common property line between Lots 410, 412 and 413.

The findings are as follows:

For approval:

1. There is good cause for the vacation or amendment; and no public street, right-of-way, or easement has been vacated or amended.

For denial:

1. There is not good cause for the vacation or amendment.

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report	2/1/2023	Backup Material



Development Review Committee
1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT
January 31, 2023

To: Draper City Planning Commission
Business Date: February 9, 2023

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: Simmons Lot Line Adjustment — Plat Amendments

Application No.: SUBD-189-2022
Applicant: Lahn Simmons
Project Location: Approximately 2052 E. Graystone Court
Current Zoning: RA2 (Residential Agricultural, 20,000 square foot minimum)
Acreage: Approximately 1.163 acres (approximately 50,660 square feet)
Request: Approval to amend the Pheasant Hills Phase 4 Plat in order to
adjust the common property line between Lots 410, 412 and
413.

SUMMARY and BACKGROUND

This application is a request for approval of a Plat Amendment for approximately 1.163 acres located at approximately 2052 E. Graystone Court (Exhibits B and C). The property is currently zoned RA2. The applicant is requesting that a Plat Amendment be approved to allow for the adjustment of the common property line between Lots 410, 412 and 413.



ANALYSIS

General Plan and Zoning.

Table 1 General Plan and Zoning Designations

		Exhibit
Current Land Use	Residential Medium Density	Exhibit D
Current Zoning	RA2	Exhibit E
Proposed Use	Residential	
Adjacent Zoning		
East	RA2	
West	RA2	
North	RA2	
South	A5 (Agricultural) and RA1 (Residential Agricultural, 40,000 square foot minimum)	

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

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS		<ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Single-family detached homes 	Secondary <ul style="list-style-type: none"> • Parks • Churches • Schools • Open Space
DENSITY		<ul style="list-style-type: none"> • Density range: 2-4 dwelling units per acre
COMPATIBLE ZONING		<ul style="list-style-type: none"> • Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC)
OTHER CRITERIA		<ul style="list-style-type: none"> • 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 RA1 and RA2 zones are 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."

Subdivision Layout.

Table 2

Subdivision Design Requirements

Standard	PUD Approval	Proposal	Notes
Lot/Parcel Size	9,850 square feet minimum		
Lot 410 (new 416)	15,115	14,766	349 square feet smaller
Lot 412 (new 417)	18,861	19,732	871 square feet larger
Lot 413 (new 418)	16,683	16,160	523 square feet smaller
Street Frontage	50 feet minimum		
Lot 410 (new 416)	92 feet	No change	-
Lot 412 (new 417)	116 feet	No change	-
Lot 413 (new 418)	103 feet	No change	-
Setbacks			
Front - Interior and Corner	25 feet minimum	No change	-
Rear - Interior	30 feet minimum	No change	-
New Lot 416	-	46.5 feet	-
New Lot 417	-	No change	-
New Lot 418	-	No change	-
Rear - Corner	10 feet minimum	No change	-
Side - Interior	10 feet minimum	-	-
New Lot 416	-	No change	-
New Lot 417	-	33 feet (east) and 20 feet (west)	-
New Lot 418	-	28 feet	-
Easement			
Open Space	25 foot Draper City easement	No change	-

All three lots contain a 25 foot wide Draper City Open Space easement at the rear of their lots adjacent to Pioneer Road. The adjustment between the three lots will not alter or remove any portion of that open space easement. This proposed plat will also adjust the common property line between Lots 410, 412 and 413 and renumber them at 416, 417 and

418 respectively. Proposed Lot 417 will be approximately 871 square feet larger and proposed lot 416 will be approximately 349 square feet smaller and proposed Lot 418 will be smaller by approximately 523 square feet. The existing plat, proposed plat and setback exhibit can be found in Exhibit F.

Criteria For Approval. The grounds for review and potential approval of a subdivision plat amendment request is found in Section 17-9-040 of the DCMC. This section depicts the standard of review for such requests as:

The Planning Commission may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the Land Use Authority finds that there is good cause for the vacation or amendment; and no public street, right-of-way, or easement has been vacated or amended.

REVIEWS

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

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

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions has completed their review of the plat amendment submission. Comments from the Division, if any, can be found in Exhibit A.

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

Legal Review. The Draper City Attorney has completed their review of the plat amendment 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 condition of approval:

1. Section 17-9-070 of the Draper City Municipal Code specifies that the approval of a Plat Amendment expires one year from the date of approval if the plat has not been recorded or construction of the required landscaping and infrastructure has not commenced. The expiration of the approval can also be avoided through an extension of the approval. A maximum of one extension for a period of up to six months can be requested in writing to the Community Development Department prior to the date of expiration.

The findings for approval as are follows:

1. There is good cause for the vacation or amendment; and no public street, right-of-way, or easement has been vacated or amended.

The findings for denial as are follows:

1. There is not good cause for the vacation or amendment.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Simmons Lot Line Adjustment Plat Amendment, as requested by Lahn Simmons, application SUBD-189-2022, based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023.

Sample Motion for Modified Approval – I move that we approve Simmons Lot Line Adjustment Plat Amendment, as requested by Lahn Simmons, application SUBD-189-2022, based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023 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 Simmons Lot Line Adjustment Plat Amendment, as requested by Lahn Simmons, application SUBD-189-2022, based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023.

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 Division

Draper City Building Division

Draper City Fire Department

Draper City Planning Division

Draper City Legal Counsel

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.

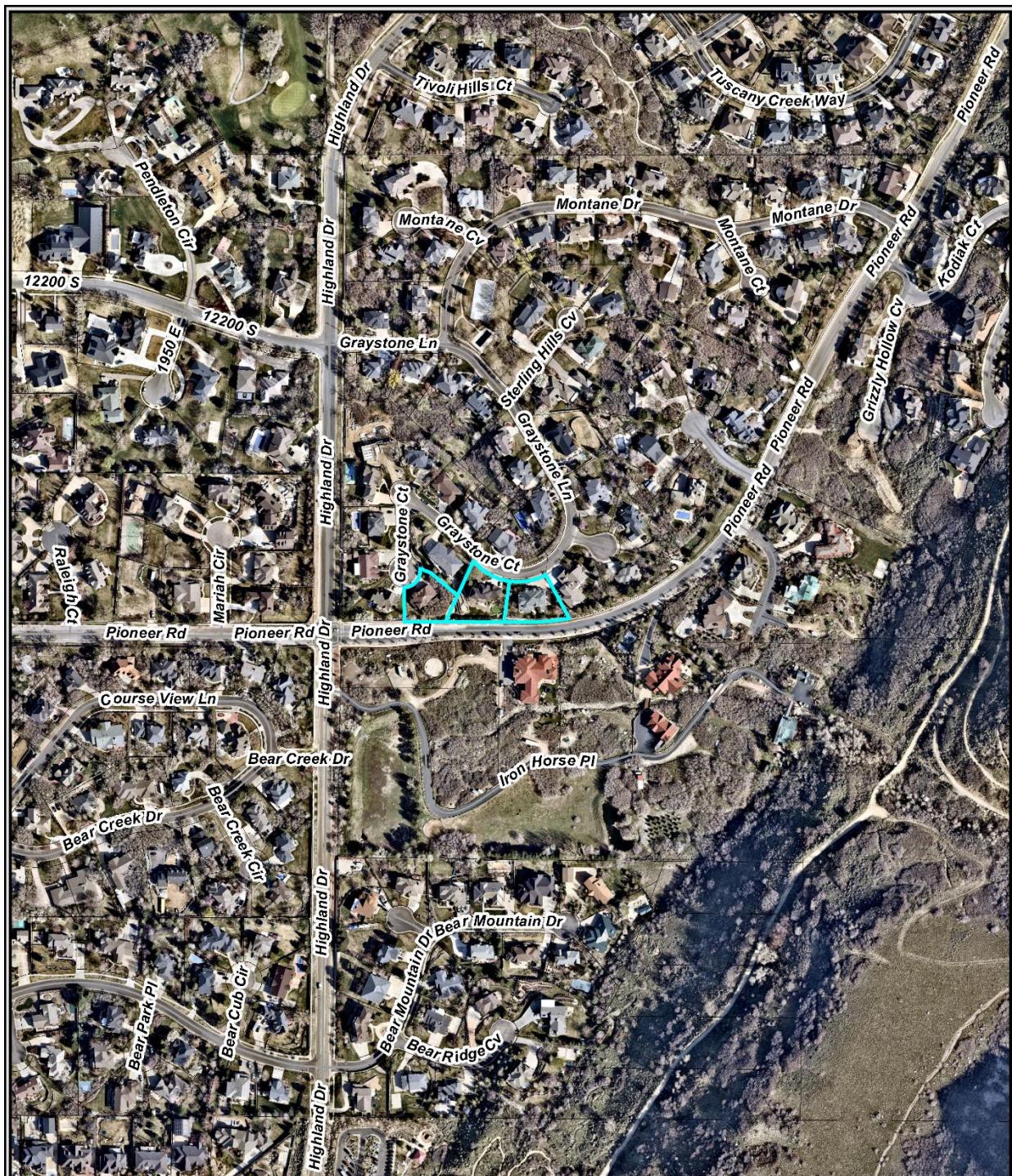
Engineering and Public Works Divisions Review.

No additional comments provided.

Fire Division Review.

No additional comments provided.

EXHIBIT B
VICINITY MAP



Simmons Lot Line Adjustment
Pheasant Hills Phase 4

0 350 700 1,400
Feet



EXHIBIT C
AERIAL MAP



EXHIBIT D
LAND USE MAP

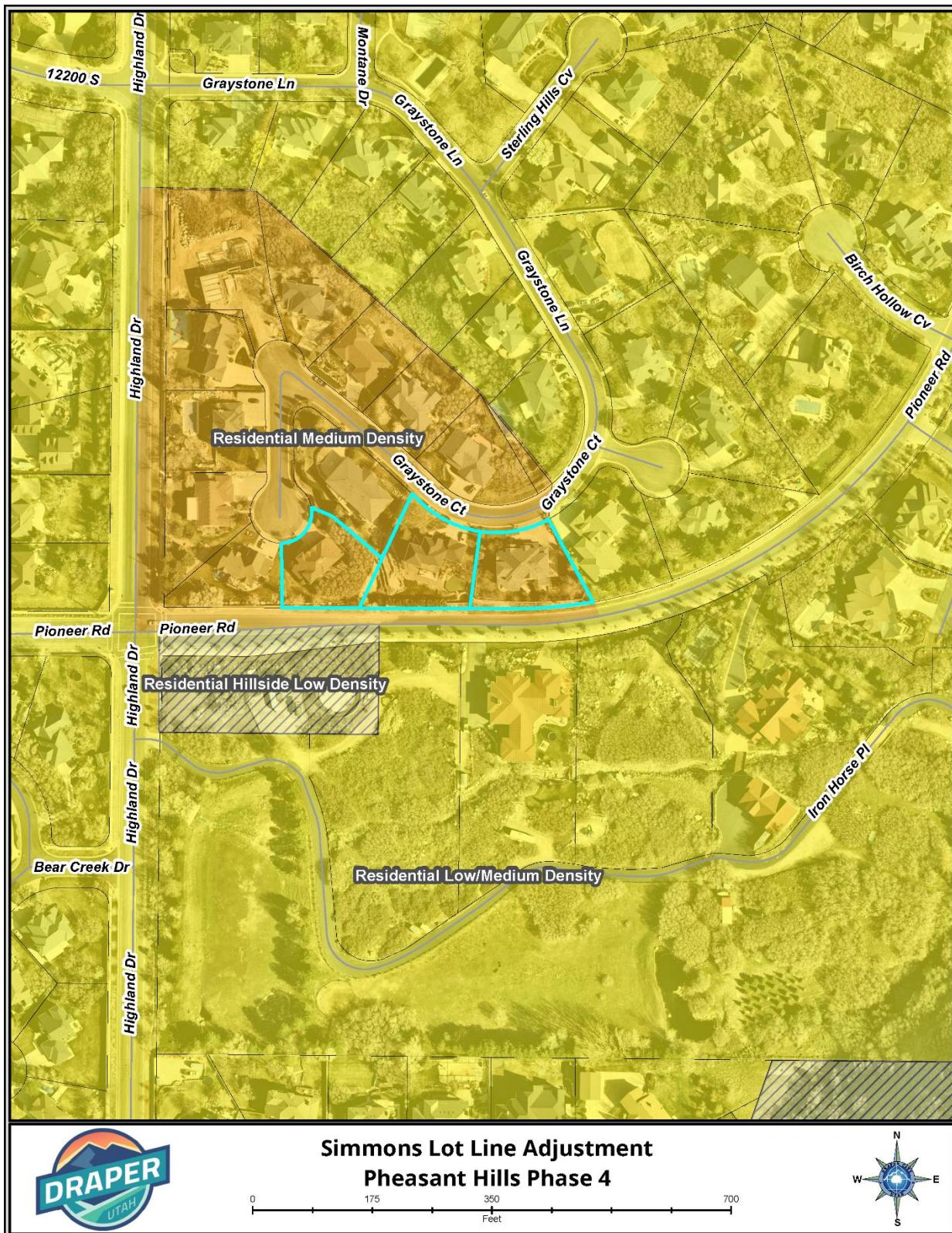


EXHIBIT E
ZONING MAP

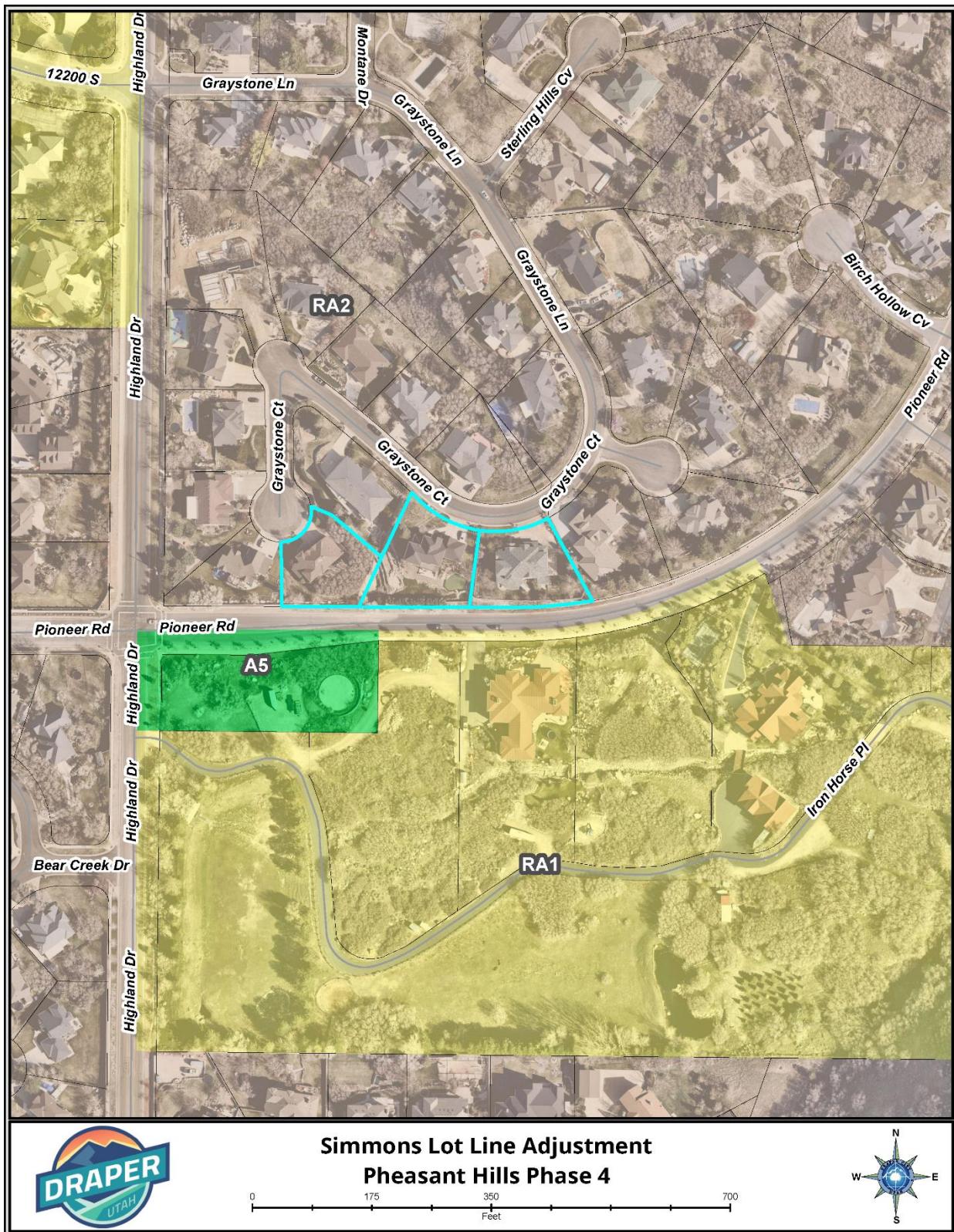


EXHIBIT F
EXISTING AND PROPOSED PLATS AND SETBACK EXHIBIT

WEST 1/4 CORNER, SECTION 27
T3S, R4E, SLCB
BRASS CAP MONUMENT
REMOVED DURING
CONSTRUCTION OF PLAT 2

SUMMARY OF OPEN SPACE

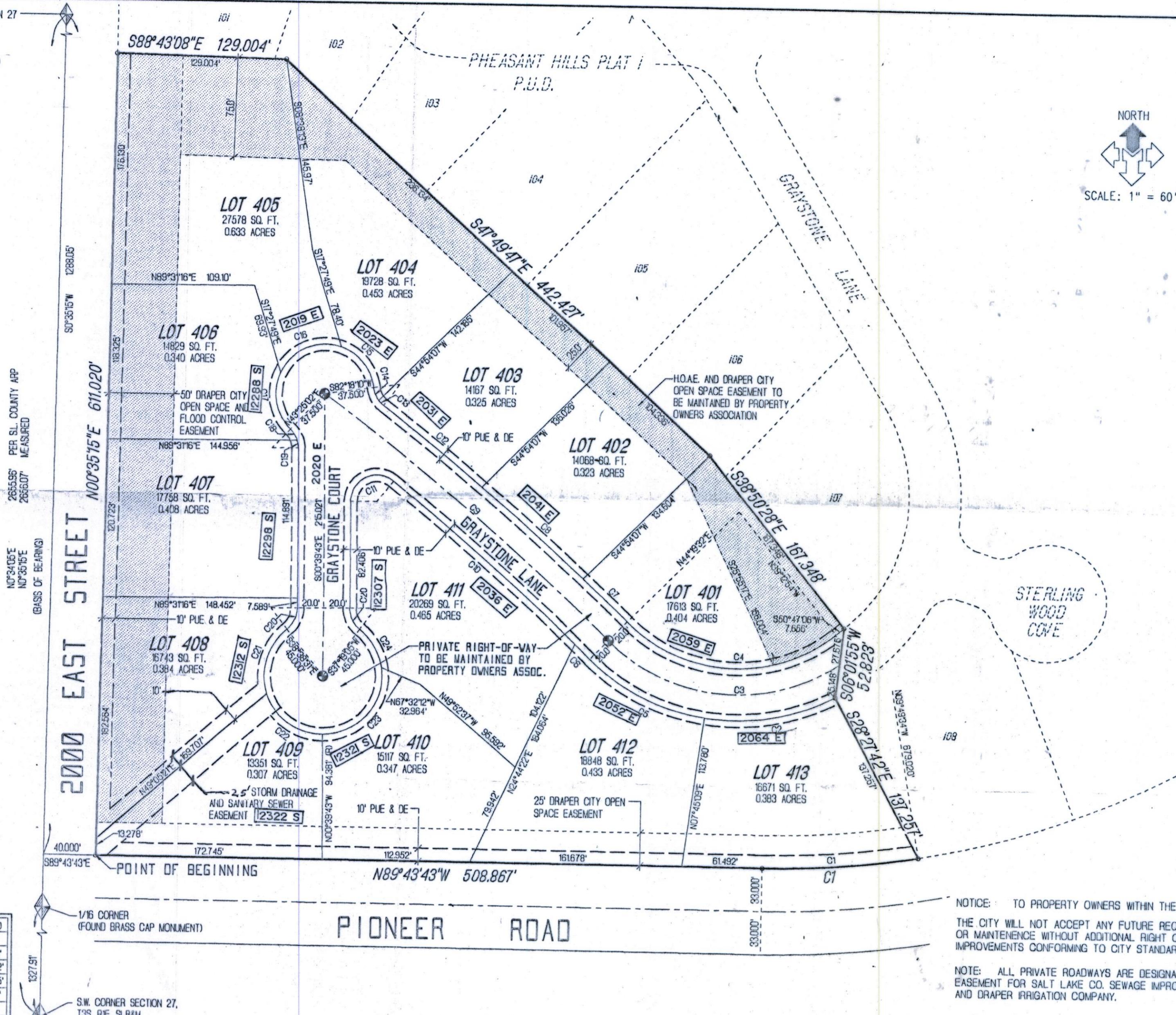
PHASE I = 3.618 ACRES
PHASE II = 0.403 ACRES
PHASE III = 1.258 ACRES
PHASE IV = 1.238 ACRES
TOTAL = 6.517 ACRES

LEGEND

- MONUMENTS TO BE SET
- SECTION CORNER MONUMENT
- SUBDIVISION BOUNDARY CORNER (SET 1/2" X 24" BAR W/ CAP)
- PUBLIC UTILITIES EASEMENT AND DRAINAGE EASEMENT
- BOUNDARY LINE OF OVERALL SUBDIVISION
- OTHER EASEMENTS AS SHOWN / RADIAL LINES
- 4' X 4' POSTAL EASEMENT
- RADIAL LOT LINE
- HOAE & DRAPER CITY OPEN SPACE EASEMENT TO BE MAINTAINED BY PROPERTY OWNERS ASSOC. TOTAL AREA = 24.610 SQFT. (0.568 ACRES)
- HOAE HOME OWNERS ASSOCIATION EASEMENT

LOT ADDRESSES

LOT	ADDRESS
401	GRAYSTONE LANE
402	GRAYSTONE LANE
403	GRAYSTONE LANE
404	GRAYSTONE LANE
405	GRAYSTONE COURT
406	GRAYSTONE COURT
407	GRAYSTONE COURT
408	GRAYSTONE COURT
409	GRAYSTONE COURT
410	GRAYSTONE COURT
411	GRAYSTONE COURT
412	GRAYSTONE COURT
413	GRAYSTONE COURT



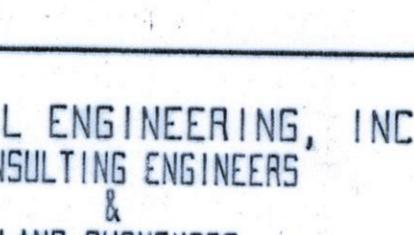
CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C1	10°05'6"	679.020'	19.667'	69.989'	19.512'
C2	36°59'07"	160.000'	103.143'	53.435'	101.966'
C3	78°37'27"	140.000'	192.115'	114.638'	177.332'
C4	82°32'26"	120.000'	174.957'	107.180'	159.975'
C5	35°51'03"	160.000'	100.114'	51.757'	98.489'
C6	0°29'35"	190.000'	16.939'	8.197'	16.350'
C7	12°34'49"	194.000'	47.422'	23.777'	47.420'
C8	37°04'34"	194.000'	104.424'	52.224'	104.411'
C9	8°39'16"	192.000'	267.427'	143.981'	267.300'
C10	5°26'51"	190.500'	188.663'	93.406'	186.588'
C11	128°52'49"	20.000'	44.988'	41.888'	36.066'
C12	194.500"	97.267'	48.643'	97.268'	
C13	14°58'02"	20.000'	5.226'	2.827'	5.210'
C14	30°20'54"	20.000'	10.694'	5.424'	10.470'
C15	63°34'54"	37.500'	416.14'	23.243'	39.511'
C16	84°10'03"	37.500'	55.087"	33.964'	50.266'
C17	77°08'11"	37.500'	45.559'	26.818'	43.625'
C18	29°01'06"	20.000'	10.129'	5.176'	10.021'
C19	167°43'09"	20.000'	5.900'	2.972'	5.879'
C20	52°01'12"	20.000'	19.168'	9.759'	17.541'
C21	69°34'36"	45.000'	54.645'	31.262'	51.949'
C22	72°26'37"	45.000'	56.897'	32.961'	53.182'
C23	98°14'35"	45.000'	92.592'	62.387'	91.659'
C24	43°46'37"	45.000'	34.382'	18.079'	33.552'



NOTARY PUBLIC
RESIDING IN

NOTARY PUBLIC
RESIDING IN



PREPARED BY:
MCNEIL ENGINEERING, INC.
CONSULTING ENGINEERS
&
LAND SURVEYORS
152 EAST 7000 SOUTH SUITE 200, SLC, UT 84121
(801) 944-8112

DRAPER CITY MAYOR'S APPROVAL
PRESSURED FOR DRAPER CITY MAYOR
THIS 25TH DAY OF JUNE
A.D. 1993 AT WHICH TIME THIS SUBDIVISION WAS APPROVED
AND ACCEPTED
1978
ATTESTED
CITY RECORDER DRAPER CITY MAYOR
DRAPER CITY

SURVEYOR'S CERTIFICATE

I, Dale K. Bennett do hereby certify that I am a Registered Professional Land Surveyor, and that I hold Certificate No. 8707, as prescribed under the laws of, the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as:

PHEASANT HILLS, PLAT 4, A PLANNED UNIT DEVELOPMENT

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS SOUTH 0°35'15" WEST ALONG THE SECTION LINE 1288.05 FEET AND SOUTH 89°43'43" EAST 40.00 FEET FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 0°35'15" EAST ALONG THE EAST SIDE OF 2000 EAST STREET 611.026 FEET TO THE SOUTHWEST CORNER OF LOT 101, PHEASANT HILLS PLAT 1 PLANNED UNIT DEVELOPMENT AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE ALONG THE SOUTH AND SOUTHWESTERLY LINES OF SAID "PHEASANT HILLS PLAT 1 PLANNED UNIT DEVELOPMENT" THE FOLLOWING FIVE (5) COURSES: SOUTH 89°43'08" EAST 129.004 FEET; THENCE SOUTH 47°49'47" EAST 442.427 FEET; THENCE SOUTH 36°50'28" EAST 167.348 FEET; THENCE SOUTH 6°01'55" WEST 52.823 FEET; THENCE SOUTH 28°27'42" EAST 137.257 FEET TO THE NORTH LINE OF PIONEER ROAD; THENCE WESTERLY ALONG THE ARC OF A 679.020 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 9°49'34" WEST) THROUGH A CENTRAL ANGLE OF 10°05'51" A DISTANCE OF 119.637 FEET; THENCE NORTH 89°43'43" WEST ALONG SAID NORTH LINE OF PIONEER ROAD 508.867 FEET TO THE POINT OF BEGINNING.

13 LOTS TOTAL



OWNER'S DEDICATION

Know all men by these presents that I, the undersigned owner/s of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

PHEASANT HILLS, PLAT 4 A PLANNED UNIT DEVELOPMENT

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as follows for Public use, in witness whereof, I have hereunto set this 25th day of May, A.D. 1993.

Hendrik Lam. Owner

West on Bank, Utah
Hendrik
Vice President

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of Salt Lake }

On the 25th day of May, A.D. 1993, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in said State of Utah, by Hendrik Lam, who after being duly sworn, acknowledged to me that West on Bank, Utah

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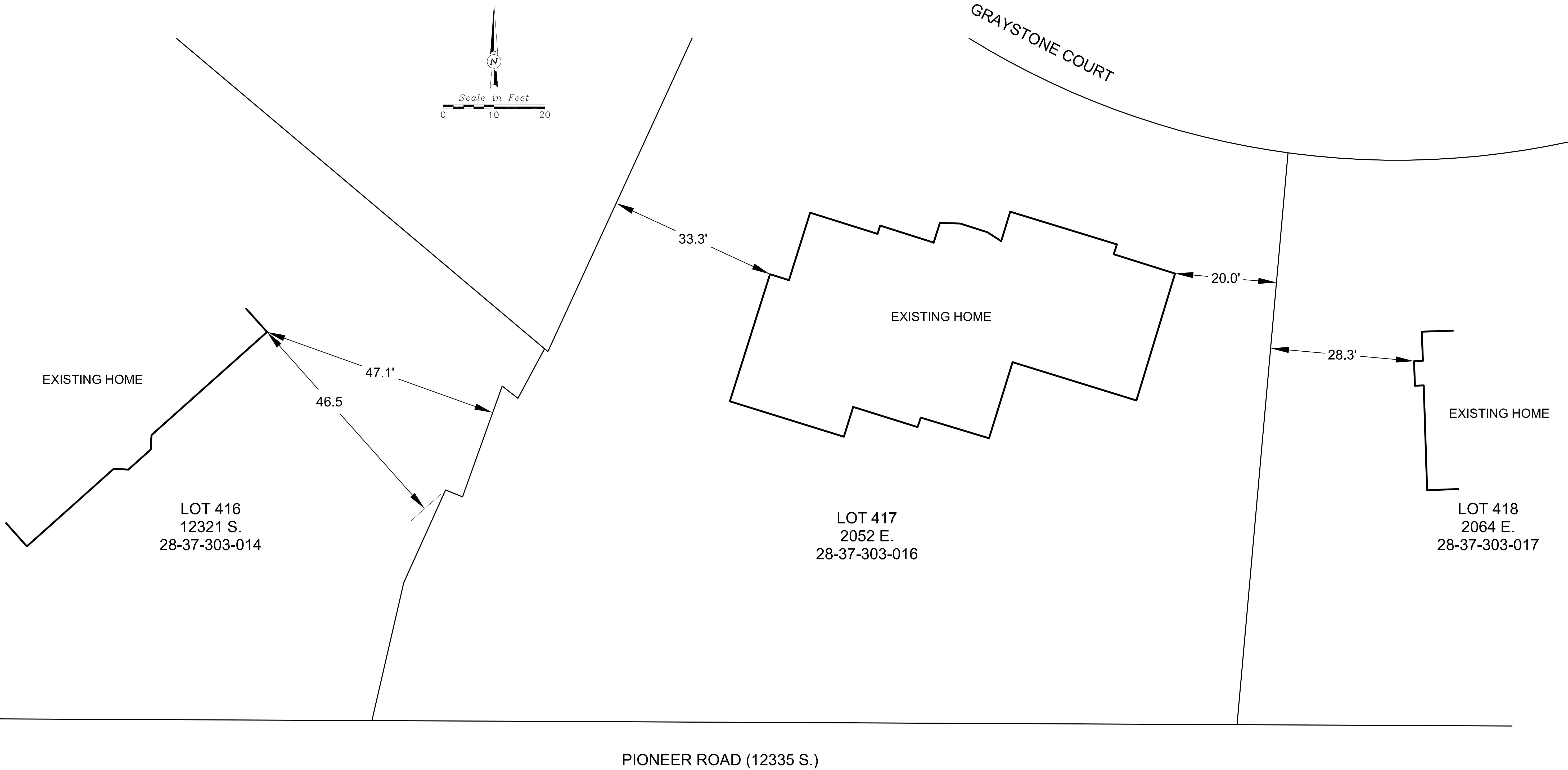
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EXHIBIT SHOWING OFFSETS TO NEW LOT LINES
PHEASANT HILLS PLAT 4 SUBDIVISION, LOTS 410, 412 & 413 AMENDED





MEMO

To: Planning Commission
From: Todd A. Draper
CC:
Date: February 9, 2023
Re: Lyle McAllister Zoning Map Amendment Request

Comments:

This application is a request for approval of a Zoning Map Amendment for approximately 0.92 acres located on the north side of 13275 S. Street, at approximately 275 E. 13275 S. The property is currently zoned RA1. The applicant is requesting that a Zoning Map Amendment be approved to change the zoning designation from RA1 to RA2 to allow for a future lot line adjustment between neighboring properties.

The findings are as follows:

For recommendation of approval:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is consistent with the standards of any applicable overlay zone;
4. The proposed amendment does not adversely affect adjacent property; and
5. Adequate facilities and services exist to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

For recommendation of denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendment is not harmonious with the overall character of existing

development in the vicinity of the subject property;

3. The proposed amendment is not consistent with the standards of any applicable overlay zone;
4. The proposed amendment adversely affects adjacent property; and
5. Adequate facilities and services do not exist to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

ATTACHMENTS:

Description	Upload Date	Type
P.C. Staff Report	2/1/2023	Cover Memo



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 27, 2023

To: Draper City Planning Commission
Business Date: February 9, 2023

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: Lyle McAllister - Zoning Map Amendment Request

Application No.: TEXTMAP-221-2022
Applicant: Lyle McAllister
Project Location: 275 E. 13275 S.
Current Zoning: RA1 (Residential Agricultural, 40,000 ft² minimum lot size) Zone
Acreage: 0.92 Acres (Approximately 40,075ft²)
Request: Request for approval of a Zoning Map Amendment in the RA1 zone regarding changing the zoning designation from RA1 to RA2 (Residential Agricultural, 20,000 ft² minimum lot size).

BACKGROUND AND SUMMARY

This application is a request for approval of a Zoning Map Amendment for approximately 0.92 acres located on the north side of 13275 S. Street, at approximately 275 E. 13275 S. (Exhibit C & D). The property is currently zoned RA1. The applicant is requesting that a Zoning Map Amendment be approved to change the zoning designation from RA1 to RA2 to allow for a future lot line adjustment between neighboring properties.

The subject property consists of a single parcel containing a single-family home on the south of the property that was built in approximately 1980 and a large detached shed built in approximately 1981 in the northwest corner of the subject property. A small 0.08 acre portion of the original property surrounding the shed was sold to the neighbor in 2006 in violation of the subdivision ordinance, and this small piece of property is not included in this proposed zone change (Exhibit B).

ANALYSIS

General Plan and Zoning.

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium Density	Exhibit E
Current Zoning	RA1	Exhibit F
Proposed Use	RA2	
Adjacent Zoning		
East	RA1	
West	RA1	
North	RA2	
South	RA1 RA2	

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

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS		<ul style="list-style-type: none"> • 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		<ul style="list-style-type: none"> • Density range: 2-4 dwelling units per acre
COMPATIBLE ZONING		<ul style="list-style-type: none"> • Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC)
OTHER CRITERIA		<ul style="list-style-type: none"> • 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 RA1

and RA2 zones is to "foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the city's semirural 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."

The applicant has indicated their desire to adjust lot lines with one of the neighboring properties (Exhibit G), but in part is unable to do this as the current zoning would not permit their parcel to be less than 40,000 ft² in size. The proposed change in zoning designation would allow for a reduction in their minimum lot or parcel size down to as small as 20,000 ft². Additional issues regarding the violation of both the subdivision and zoning ordinances in 2006 related to the creation of the 0.08 parcel would need to be resolved separately, or as part of the intended future lot line adjustment application.

Criteria for Approval.

A Text and Map Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in Section 9-5-060(E) of the DCMC:

1. Map Amendments:

- a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- c. Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*
- d. The extent to which the proposed amendment may adversely affect adjacent property; and*
- e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Map Amendment 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 Zoning Map Amendment submission.

Comments from these divisions, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Zoning Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

GIS Division Review. The Draper City GIS Division has completed their review of the Zoning Map Amendment 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 recommendation based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

The findings for approval as are follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is consistent with the standards of any applicable overlay zone;
4. The proposed amendment does not adversely affect adjacent property; and
5. Adequate facilities and services exist to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

The findings for denial as are follows:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is not consistent with the standards of any

applicable overlay zone;

4. The proposed amendment adversely affects adjacent property; and
5. Adequate facilities and services do not exist to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

MODEL MOTIONS

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Zoning Map Amendment, as requested by Lyle McAllister, application TEXTMAP-221-2022, based on the findings and subject to the conditions listed in the Staff Report dated January 27, 2023.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Zoning Map Amendment, as requested by Lyle McAllister, application TEXTMAP-221-2022, based on the findings and subject to the conditions listed in the Staff Report dated January 27, 2023 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Zoning Map Amendment, as requested by Lyle McAllister, application TEXTMAP-221-2022, based on the findings and subject to the conditions listed in the Staff Report dated January 27, 2023.

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: C=US, E=brien.maxfield@draperutah.gov,
O=Draper, OU=Public Works - Engineering,
CN=Brien Maxfield
Date: 2023.01.30 11:10:15-07'00'

Draper City Public Works Department

Don Buckley

Digitally signed by Don Buckley
DN: C=US, E=don.buckley@draperutah.gov,
O=Draper City Fire Department, OU=Fire Marshal,
CN=Don Buckley
Date: 2023.01.30 09:21:46-07'00'

Draper City Fire Department

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: 2023.01.30 09:01:51-07'00'

Draper City Building Division

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: 2023.01.30 10:08:15-07'00'

Draper City Planning Division

Mike Barker

Digitally signed by Mike Barker
Date: 2023.01.30 09:23:07
-07'00'

Draper City Legal Counsel

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. We have reviewed the subject zone map amendment application, proposing 0.92 acres to be zoned from RA1 to RA2 in accordance with the provisions of Section 9-5-060(E)(1)(e) of the Draper City Municipal Code (DCMC). We speak primarily to the adequacy of facilities and services intended to serve the subject property. In making an amendment, the City Council should consider the following factors. Accordingly, the following comments are recommended for your consideration:
 - a. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection; Other than noted below, we are not aware of any inadequacies of the facilities intended to serve this property.
 - i. The change in zone from residential / agricultural (RA1) to residential / agricultural (RA2) represents a minor potential change in traffic by increasing the number of peak hour trips and the daily trips from the proposed site. The proposed zone, based on the application, would not allow any additional units unless adjacent parcels or lots were included in a development. This application, essentially, keeps the traffic trips equal with current conditions. Any increase in traffic would be limited to 13275 South, a private street connecting to 300 East, a major collector street planned for higher traffic volumes.
 - ii. Connectivity with the subject parcel to a public right-of-way is on 300 East, a major collector street intended to accommodate heavy traffic. The street fronting the subject parcel is a private local street, 13275 South. Access locations are required to meet Draper City Standards and are required to meet city standards as outlined in our Master Transportation Plan and will be evaluated at the time of a site plan or subdivision application.
 - iii. There are no existing storm drainage facilities at the site. Any future site drainage will be required to be addressed with any subdivision or site plan application, and shall comply with the provisions of the development requirements within the Draper City Municipal Code.

- iv. Sanitary sewer facilities will be provided by South Valley Sewer District. Any subdivision or site plan application will require a commitment to serve from the Sewer District that facilities are adequate to provide service for the proposed uses.
- v. Drinking water is provided by WaterPro to the subject parcel. Any subdivision or site plan application will require a commitment to serve from WaterPro that facilities are adequate to provide service for the proposed uses.

Fire Division Review.

- 1. No additional comments.

GIS Division Review.

- 1. No Additional Comments

EXHIBIT B
LEGAL DESCRIPTION

September 11, 2006
6641.9999\doc\mcallister.doc

New McAllister Overall Property Description

Beginning at a point which is North, 921.00 feet and East, 2103.76 feet from the Southwest Corner of Section 31, Township 3 South, Range 1 East, Salt Lake Base and Meridian; and running thence North, 141.25 feet; thence East, 1.00 feet; thence North 47.75 feet; thence West, 30.82 feet; thence North, 69.75 feet; thence East, 176.82 feet; thence South, 258.75 feet; thence West, 147.00 feet to the point of beginning.

Contains: 0.92 Acres



EXHIBIT C
VICINITY MAP

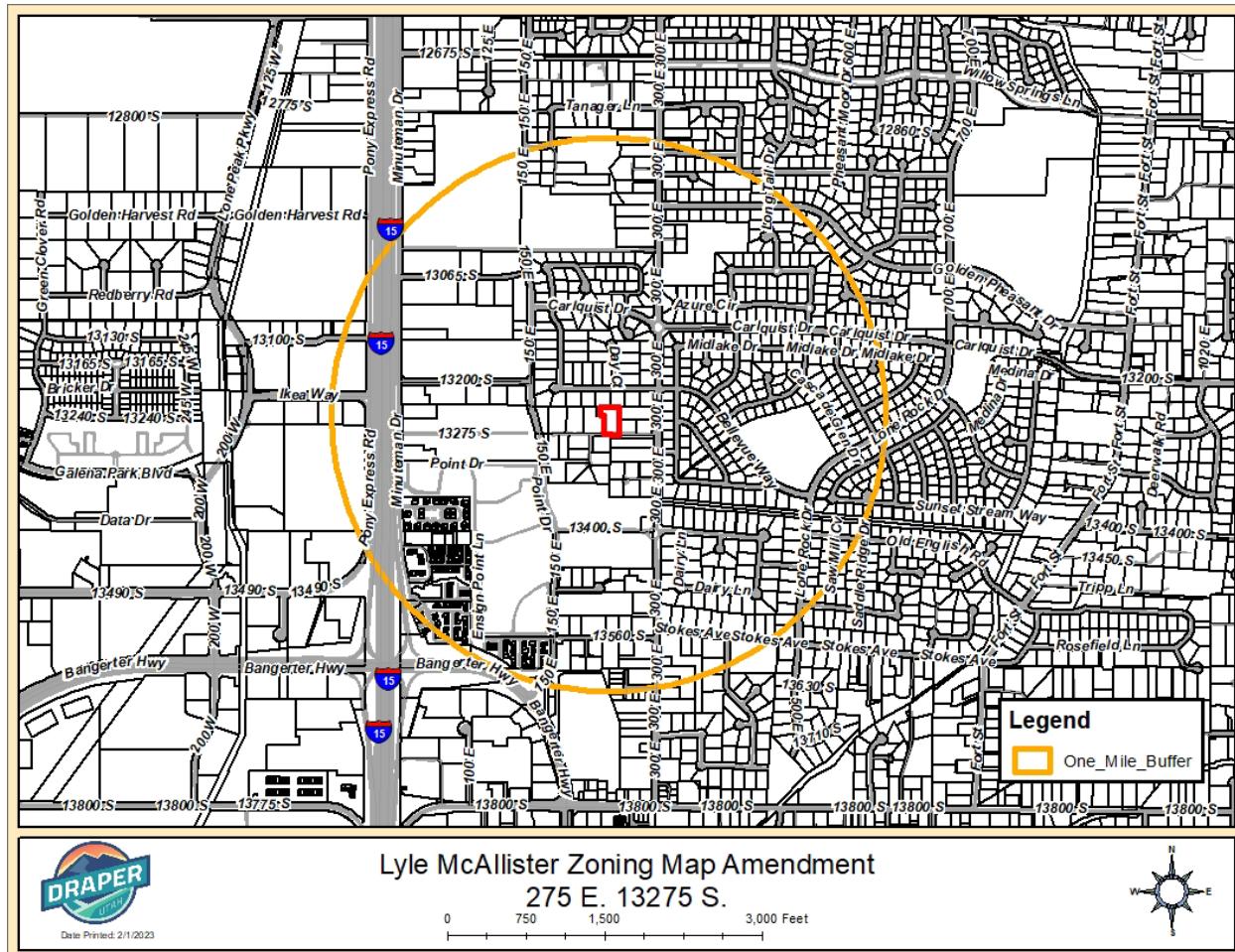


EXHIBIT D
AERIAL MAP

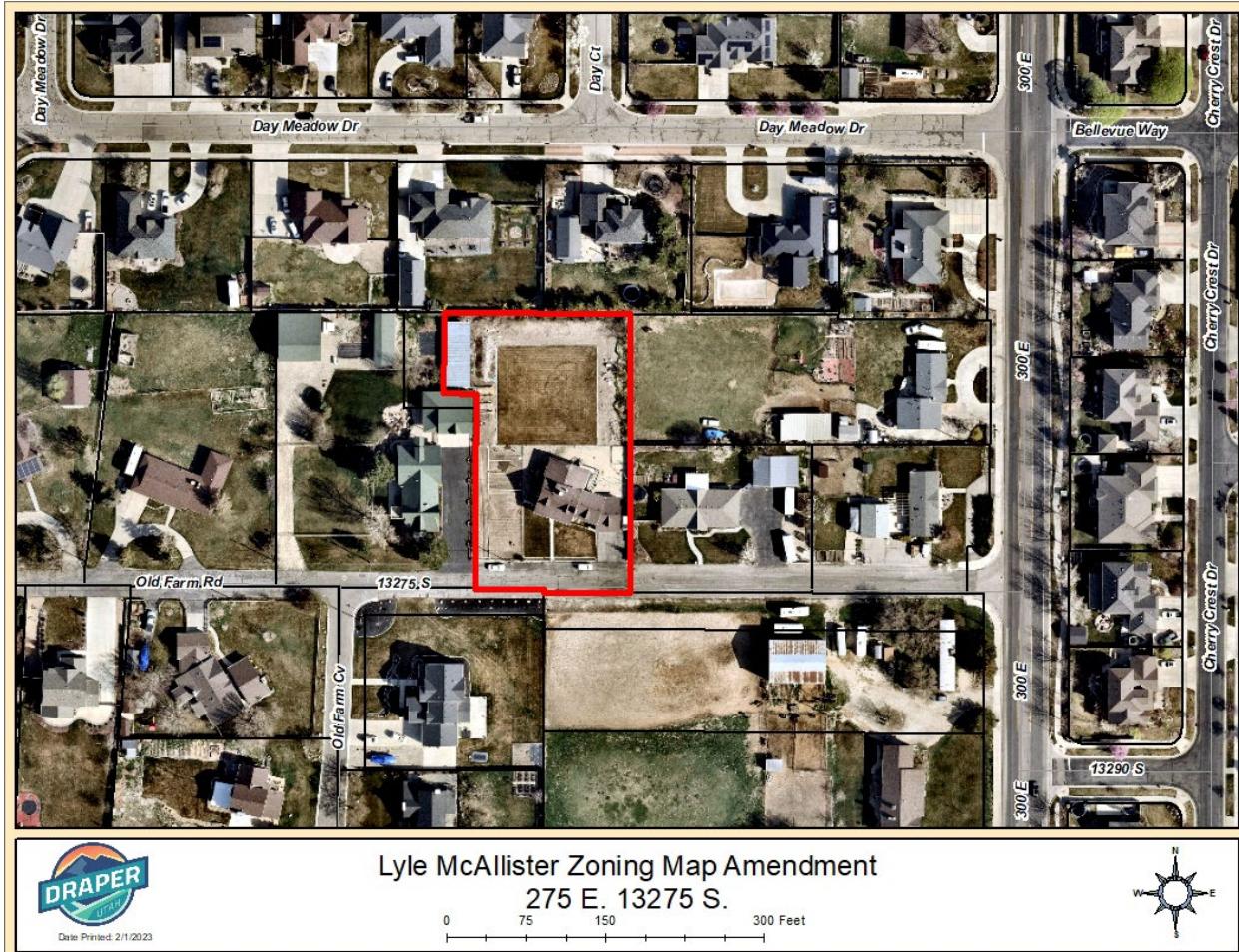


EXHIBIT E LAND USE MAP

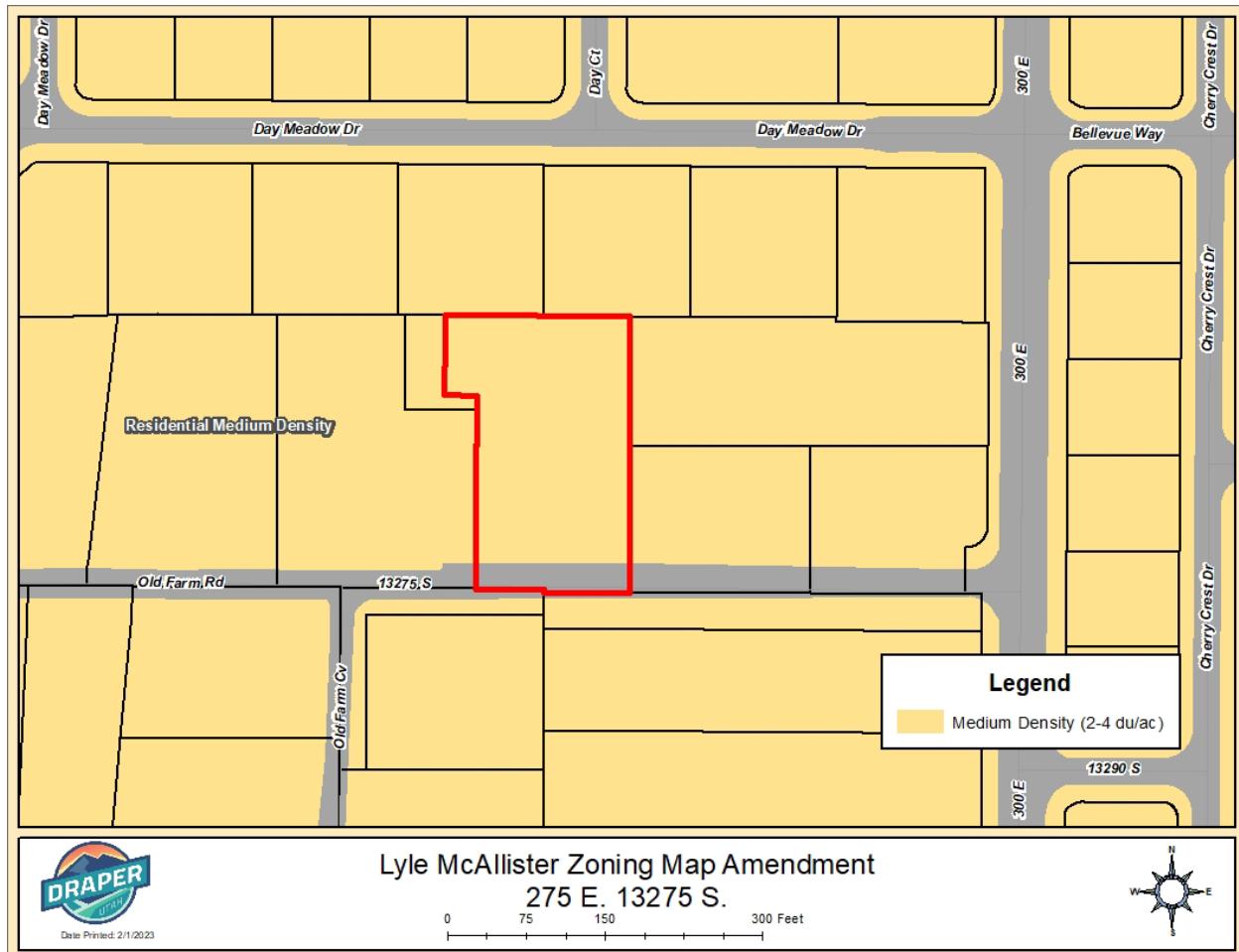


EXHIBIT F ZONING MAP

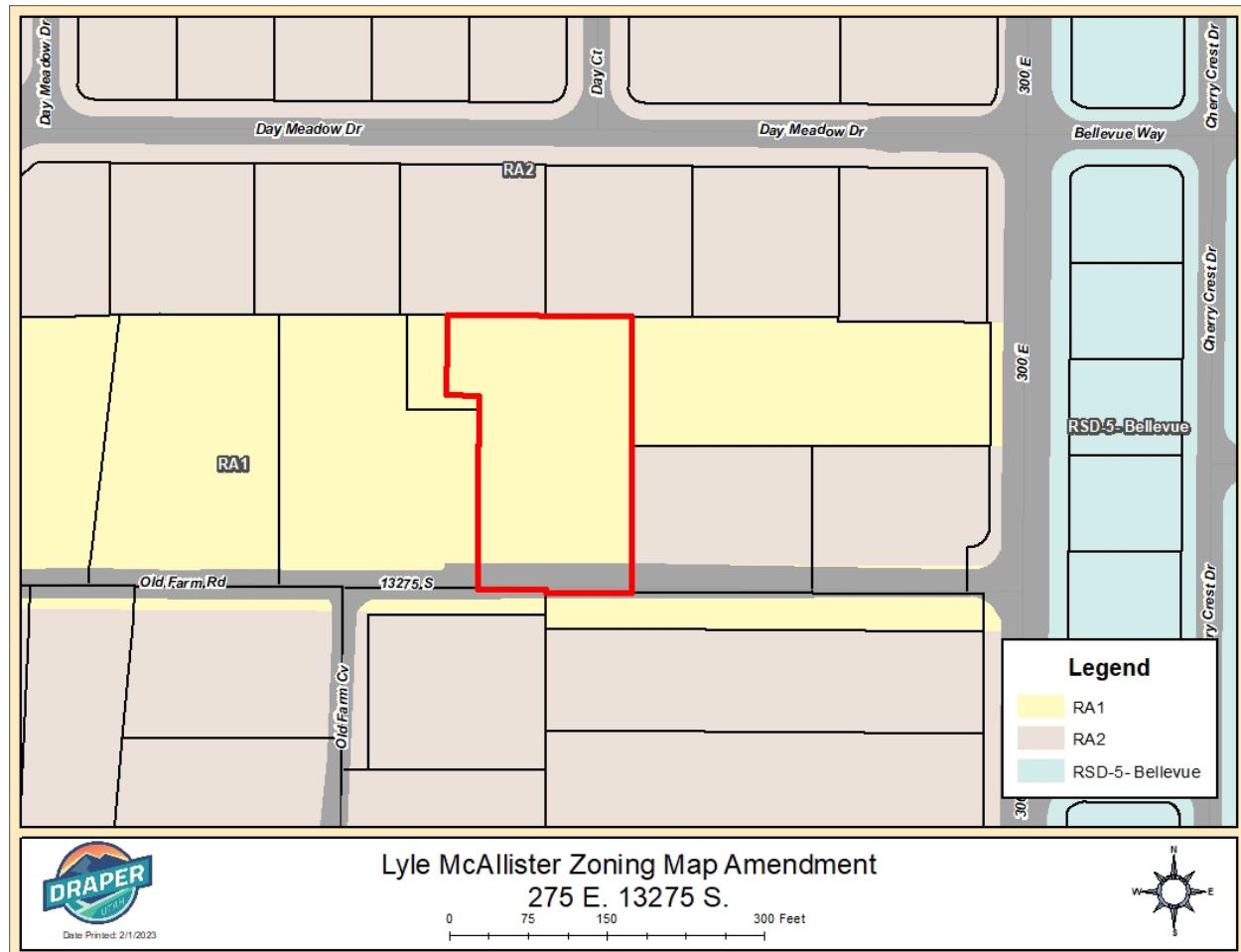


EXHIBIT G
APPLICANT QUESTIONNAIRE

Zoning Map Amendment

1. RA1 to RA2
2. My neighbor [Adam Terry] wants to enlarge his back yard. The sale will help him accomplish his desire, and it will help us financially at this time. After selling the parcel [.13 acre], I will be left with .79 acre.
3. Selling a piece of my back yard to attach to his back yard should make no noticeable difference with the overall character of existing development in the vicinity of subject property. It is also away from street view of both properties.
4. The parcel will attach to property [within an established subdivision of many years] which has all of the required facilities and services sufficient to serve the property under proposed zoning.
5. Yes, it is consistent. The proposed zoning designation should in no way affect the present goals, objectives, and policies of the City's General Plan.

RA2

RA2

EAST

178.82'

NORTH
62.75'

WEST
30.82'

90°00'00" W
67.82'

14.00'
47.75'

NORTH

EAST
1.00'

RA1

NORTH
141.25'

RA1

RA2

RA1

RA2

80 ft. x 69.75 ft. = 0.1281 acre
(5580 sq. ft.)

BEG N 921 FT & E 2103.76 FT FR SW
COR SEC 31, T 3S, R 1E, SLM; E 147
FT; N 258.75 FT; W 80.0 FT M OR L; S
69.75 FT; E 80.0 FT M OR L; N 69.75
FT.

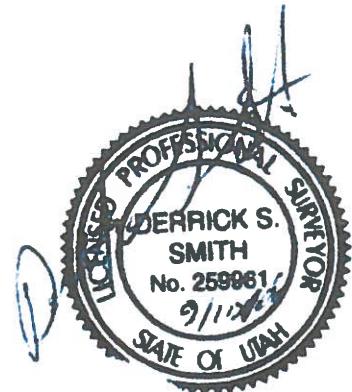
RA1

.92 acre before sale
.79 acre after sale

LYLE & SARAH MCALLISTER
PAR. 28-31-376-008
ENTRY NO. 7755860
BOOK 8399 PAGE 7742
1.00 ACRES BEFORE SALE
0.92 ACRES AFTER SALE

SOUTH
258.75'

RA1 TO RA2





MEMO

To: Planning Commission
From: Maryann Pickering, AICP
CC:
Date: February 9, 2023
Re: Federal Heights Holdings LLC Zoning and Land Use Amendments

Comments:

This application is a request for approval for zoning and land use map amendments for approximately 1.19 acres located on the east side of 700 East, at approximately 11743 S. 700 East. The property is currently zoned RA1. The applicant is requesting that the zoning and land use map amendments are approved to allow for an office to operate in the existing home on the site.

The property owners applied for a business license to locate a software company at the property in the existing home. However, because the business owner does not intend to live at the home and will have employees, the zoning needs to be changed from RA1 to CN. The business license is pending until the outcome of the zoning and land use map amendment request. If the applicant is successful in obtain the land use and zoning map changes, they will have to obtain approval of an amended site plan to add the parking to the property.

The findings are as follows:

For approval:

1. The proposed amendment is consistent with the goals, objectives and policies of the city's general plan;
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is consistent with the standards of any applicable overlay zone;
4. The proposed amendment should not adversely affect adjacent property;
5. The facilities and services intended to serve the subject property; including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection, are adequate; and
6. The proposed land use map amendment complies with DCMC Sections 9-2-020(F) and 9-5-060(D).

For denial:

1. The proposed amendment is not consistent with the goals, objectives and policies of the city's general plan;
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is not consistent with the standards of any applicable overlay zone;
4. The proposed amendment is likely to adversely affect adjacent property;
5. The facilities and services intended to serve the subject property; including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection, are inadequate; and
6. The proposed land use map amendment does not comply with DCMC Sections 9-2-020(F) and 9-5-060(D).

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report	2/1/2023	Backup Material



Development Review Committee
1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT
January 31, 2023

To: Draper City Planning Commission
Business Date: February 9, 2023

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: Federal Heights Holding LLC — Zoning and Land Use Map Amendments

Application Nos.: TEXTMAP-204-2022 (Zoning) and TEXTMAP-206-2022 (Land Use)
Applicant: Marlon Bates representing Chris Silvestro
Project Location: Approximately 11743 S. 700 East
Current Zoning: RA1 (Residential Agricultural, 40,000 square foot minimum)
Acreage: Approximately 1.19 acres (approximately 51,836.4 square feet)
Request: Request to amend the land use designation from Community Commercial to Neighborhood Commercial and rezone the property from RA1 to CN (Neighborhood Commercial).

SUMMARY and BACKGROUND

This application is a request for approval for zoning and land use map amendments for approximately 1.19 acres located on the east side of 700 East, at approximately 11743 S. 700 East (Exhibits B and C). The property is currently zoned RA1. The applicant is requesting that the zoning and land use map amendments are approved to allow for an office to operate in the existing home on the site.



The property owners applied for a business license to locate a software company at the property in the existing home. However, because the business owner does not intend to live at the home and will have employees, the zoning needs to be changed from RA1 to CN. The business license is pending until the outcome of the zoning and land use map amendment request. If the applicant is successful in obtain the land use and zoning map changes, they will have to obtain approval of an amended site plan to add the parking to the property.

ANALYSIS

General Plan and Zoning

Table 1

General Plan and Zoning Designations

Exhibit

Current Land Use	Community Commercial	Exhibit D
Current Zoning	RA1	Exhibit E
Proposed Use	Office for software company	
Adjacent Zoning		
East	RA1	
West	CC (Community Commercial)	
North	RA1	
South	CN (Neighborhood Commercial)	

The Community Commercial land use designation is characterized as follows:

Community Commercial

LAND USE DESCRIPTION	
CHARACTERISTICS	<ul style="list-style-type: none"> Includes the full scope of commercial land uses that require and utilize exposure to the freeway Intended to be traveler- or commuter-oriented and should provide lodging, food, personal services and other similar uses Frontage roads Deeper setbacks for landscaping and enhancements Limited traffic access points Visual unity Uniform design standards and aesthetics Access to individual properties should be provided only from frontage roads Well landscaped street frontages Limited traffic access points for the site Common off-street traffic circulation and parking areas Pedestrian access from surrounding residential areas
LAND USE MIX	<ul style="list-style-type: none"> Large-scale, master-planned commercial centers Big-box stores and offices
COMPATIBLE ZONING	<ul style="list-style-type: none"> Community Commercial (CC) General Commercial (CG) Interchange Commercial (CI) Institutional Care (IC)
LOCATION	<ul style="list-style-type: none"> Strategically placed along high-traffic corridors with convenient points of traffic access to and from residential areas

According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the RA1 and RA2 zones are 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."*

The zoning and land use map amendments would change the current maps to allow the business to operate in the existing home as a commercial business and make all applicable site improvements for the office building. The proposed land use for the property is Neighborhood Commercial. The Neighborhood Commercial land use designation is characterized as follows:

Neighborhood Commercial

LAND USE DESCRIPTION	
CHARACTERISTICS	<ul style="list-style-type: none"> • Small-scale commercial land uses that serve local residents in adjacent neighborhoods • Minimal impact in predominantly residential areas • Well-landscaped street frontages • Limited traffic access points and pedestrian access from surrounding residential areas • Don't overcrowd commercial lots; i.e., require adequate setback and landscape buffers • Screened parking and adequate ingress and egress to parking areas • Adequate drainage • Low noise standards
LAND USE MIX	<ul style="list-style-type: none"> • Small-scale commercial • Planned retail • Office
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Neighborhood Commercial (CN) • Institutional Care (IC) • Commercial Services (CS)
LOCATION	<ul style="list-style-type: none"> • Adjacent to neighborhood • Along local roads

The proposed zoning designation for the assisted living facility is CN. Per DCMC Section 9-8-020, the purpose of the CN zone is to *"provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities which, in character and scale, meet day to day needs of nearby residents."*

Criteria For Approval

A Zoning Map Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in Section 9-5-060(E) of the DCMC:

1. *Map Amendments:*
 - a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
 - b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
 - c. Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*
 - d. The extent to which the proposed amendment may adversely affect adjacent property; and*

e. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

The Land Use Map amendment request falls under DCMC Section 9-2-020(F) because the Land Use Map is part of Draper City's General Plan. That section lists the following criteria for a General Plan amendment as:

Plan Amendment: All plan amendments shall be in accordance with Utah Code Annotated 10-9a-404, as amended and, unless requested by the city's legislative body, shall follow the procedures as outlined in Draper City Municipal Code 9-5-060(D)." That section is noted as follows:

D. Procedure: Zoning text and map amendments shall be considered and processed as provided in this subsection:

1. *A complete application shall be submitted to the office of the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:*
 - a. *The name, address and telephone number of the applicant and the applicant's agent, if any.*
 - b. *The name and address of every person or company the applicant represents.*
 - c. *The requested amendment and reasons supporting the request.*
 - d. *If the proposed amendment requires a change in the zoning map, the application shall include:*
 - (1) *An accurate property map showing present and proposed zoning classifications;*
 - (2) *All abutting properties showing present zoning classifications; and*
 - (3) *An accurate legal description and an approximate common address of the area proposed to be rezoned.*
- e. *If the proposed amendment requires a change in the text of this title, the application shall include chapter and section references and a draft of the proposed text.*
2. *After the application is determined to be complete, the zoning administrator shall prepare a staff report evaluating the application.*
3. *The planning commission shall schedule and hold a public hearing on the application as provided in sections 9-5-040 and 9-5-045 of this chapter. Following the public meeting, the planning commission shall recommend approval, approval with modifications, or denial of the*

proposed amendment and shall submit its recommendation to the city council for review and decision.

4. *The city council shall schedule and hold a public hearing on the application as provided in sections 9-5-040 and 9-5-045 of this chapter. Following the public hearing, the city council may approve, approve with modifications, or deny the proposed amendment.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the zoning and land use map amendments submission. Comments from the Division, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the zoning and land use map amendments submission. Comments from the Division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions has completed their review of the zoning and land use map amendments submission. Comments from the Division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire has completed their review of the zoning and land use map amendments submission. Comments from the Division, if any, can be found in Exhibit A.

Legal Review. The Draper City Attorney has completed their review of the zoning and land use map amendments 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.

The findings for approval are as follows:

1. The proposed amendment is consistent with the goals, objectives and policies of the city's general plan;

2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is consistent with the standards of any applicable overlay zone;
4. The proposed amendment should not adversely affect adjacent property;
5. The facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection, are adequate; and
6. The proposed land use map amendment complies with DCMC Sections 9-2-020(F) and 9-5-060(D).

The findings for denial are as follows:

1. The proposed amendment is not consistent with the goals, objectives and policies of the city's general plan;
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property;
3. The proposed amendment is not consistent with the standards of any applicable overlay zone;
4. The proposed amendment is likely to adversely affect adjacent property;
5. The facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection, are inadequate; and
6. The proposed land use map amendment does not comply with DCMC Sections 9-2-020(F) and 9-5-060(D).

MODEL MOTIONS

Land Use Map Amendment

Sample Motion for Approval - I move that we forward a positive recommendation to the City Council for the Federal Heights Holdings LLC Land Use Map Amendment, as requested by Marlon Bates, representing Chris Silvestro, application TEXTMAP-206-2022 based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023.

Sample Motion for Modified Approval - I move that we forward a positive recommendation to the City Council for the Federal Heights Holdings LLC Land Use Map Amendment, as requested by Marlon Bates, representing Chris Silvestro, application TEXTMAP-206-2022 based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023 and as modified by the findings and conditions below:

1. List any additional findings and conditions . . .

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Federal Heights Holdings LLC Land Use Map Amendment, as requested by Marlon Bates, representing Chris Silvestro, application TEXTMAP-206-2022 based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023.

Zoning Map Amendment

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Federal Heights Holdings LLC Land Use Map Amendment, as requested by Marlon Bates, representing Chris Silvestro, application TEXTMAP-204-2022 based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023.

Sample Motion for Modified Approval – I move that we forward a positive recommendation to the City Council for the Federal Heights Holdings LLC Land Use Map Amendment, as requested by Marlon Bates, representing Chris Silvestro, application TEXTMAP-204-2022 based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023 and as modified by the findings and conditions below:

1. List any additional findings and conditions . . .

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Federal Heights Holdings LLC Land Use Map Amendment, as requested by Marlon Bates, representing Chris Silvestro, application TEXTMAP-204-2022 based on the findings and subject to the conditions listed in the Staff Report dated January 31, 2023.

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 Division

Draper City Building Division

Draper City Fire Department

Draper City Planning Division

Draper City Legal Counsel

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.

No additional comments provided.

Fire Division Review.

No additional comments provided.

EXHIBIT B
VICINITY MAP



Federal Heights Holdings LLC
11743 S. 700 East

0 260 520 1,040
Feet

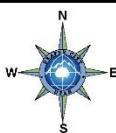
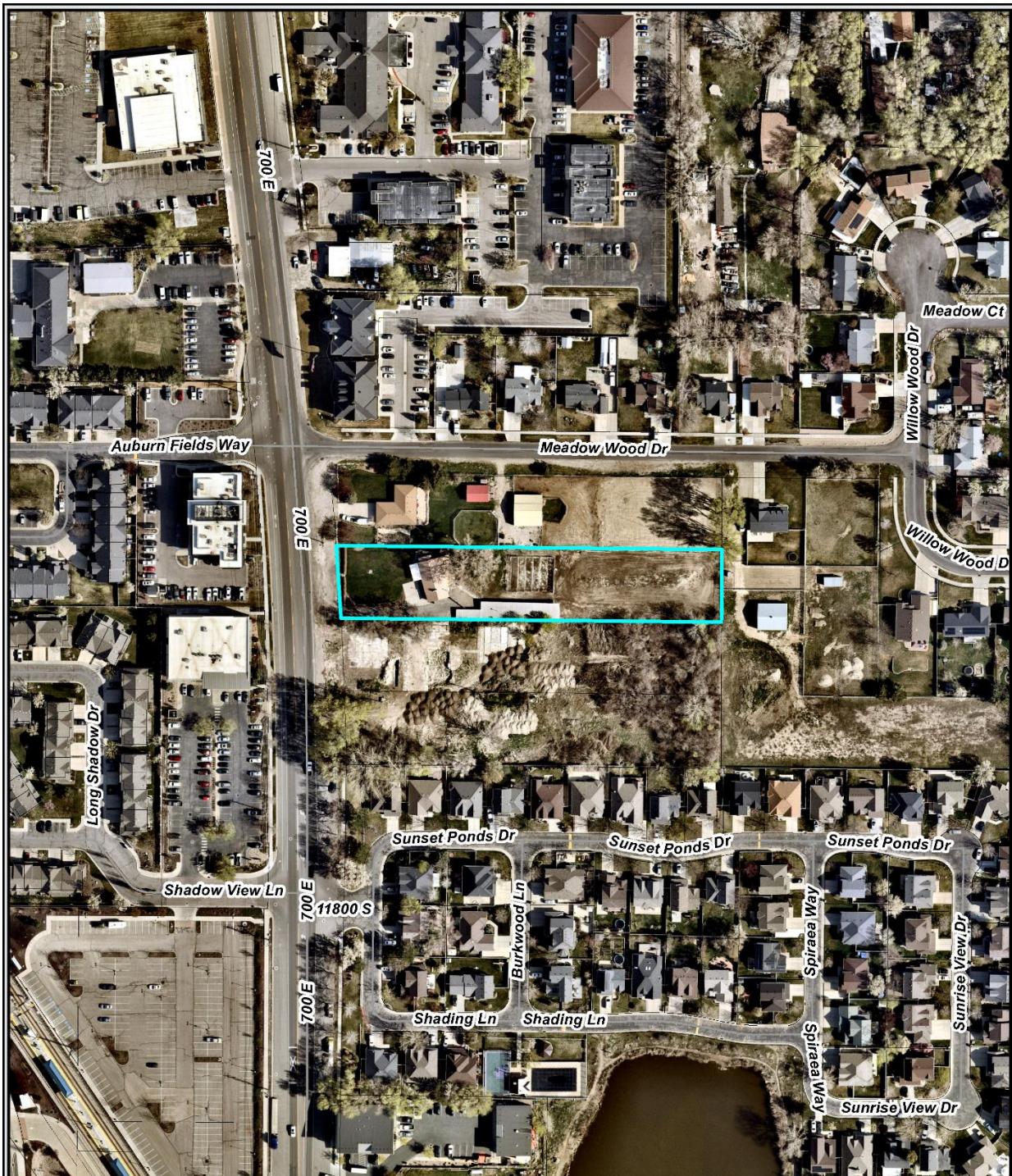


EXHIBIT C
AERIAL MAP

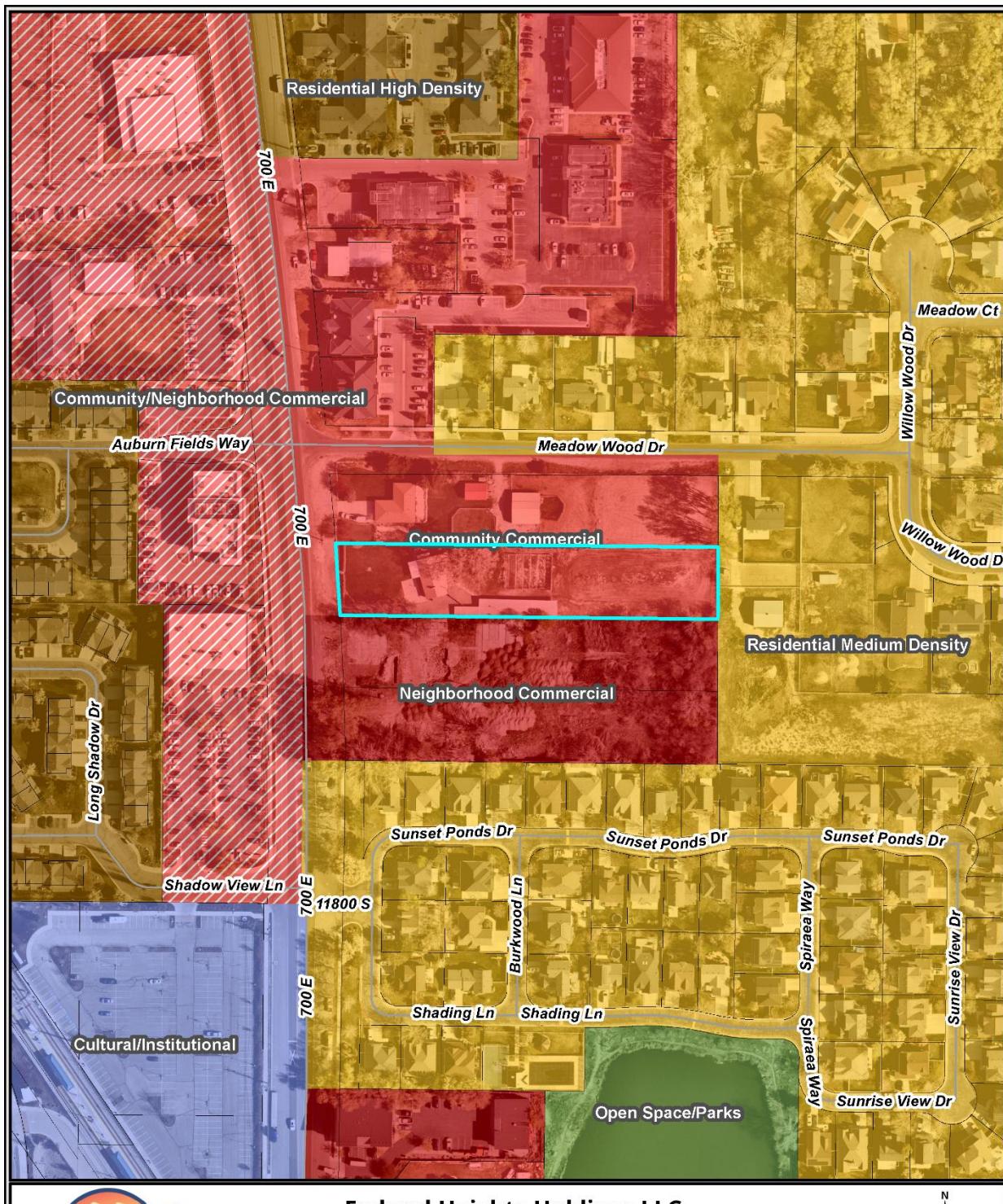


Federal Heights Holdings LLC
11743 S. 700 East

0 175 350 700
Feet



EXHIBIT D
LAND USE MAP



Federal Heights Holdings LLC
11743 S. 700 East

0 175 350 700
Feet



EXHIBIT E
ZONING MAP

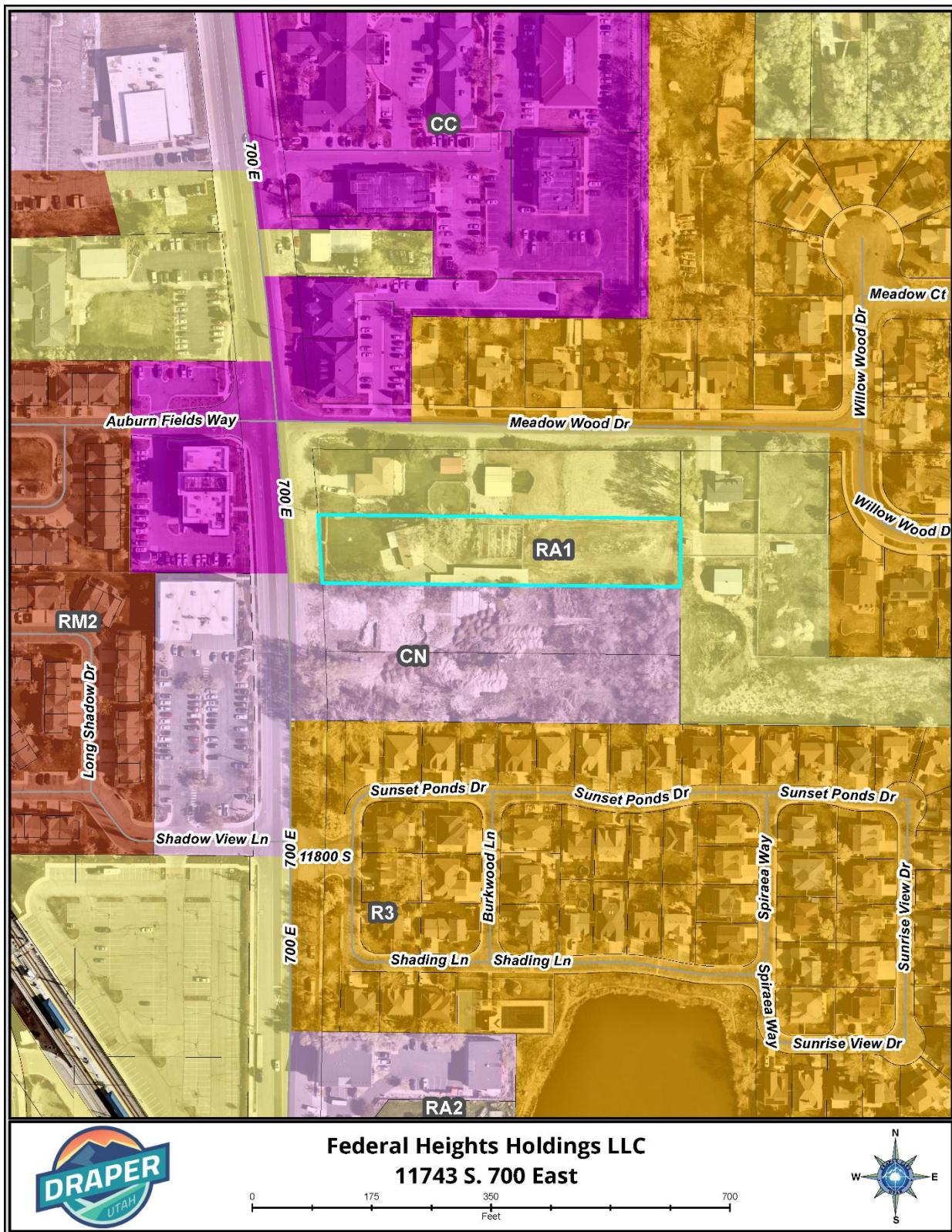
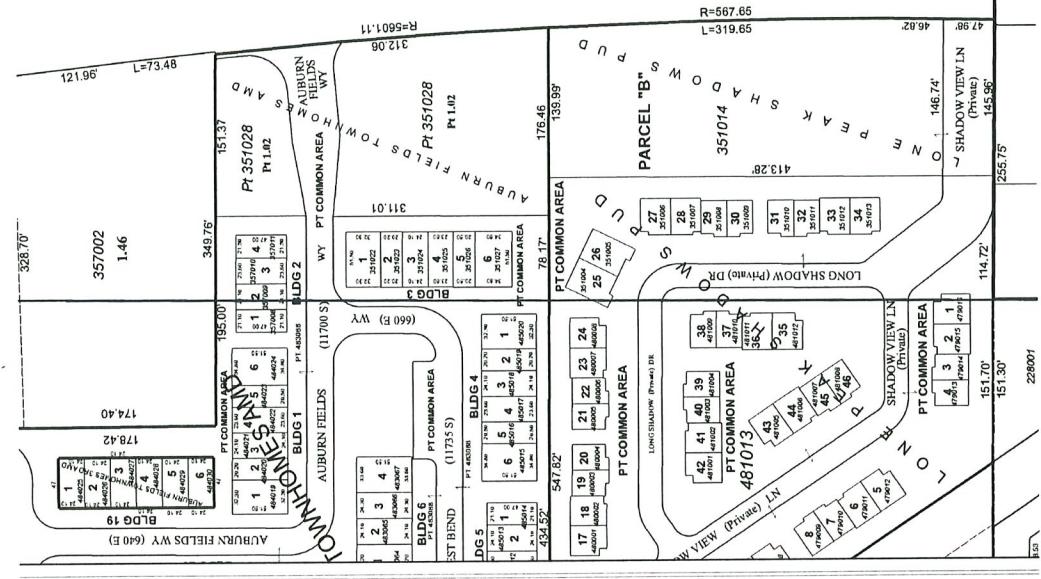
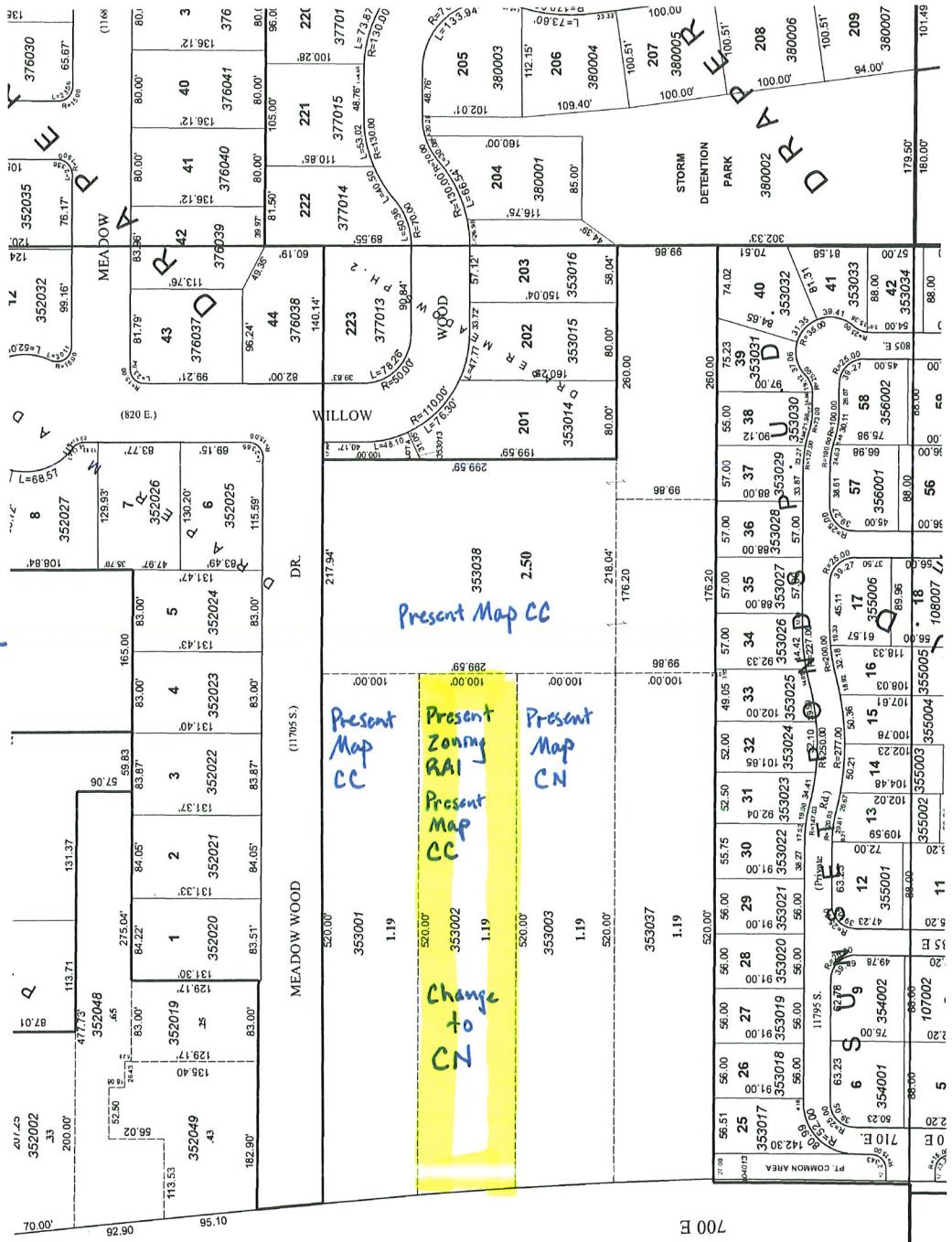


EXHIBIT F
APPLICANT'S INFORMATION

Property Map



Responses to Zoning Map Amendment Questions

1. We are requesting a zoning designation of Commercial Neighborhood (CN). It is currently zoned RA1.
2. The properties along 700 East are changing from residential to commercial. This house will be used for an office for a software company.
3. The properties along 700 East are changing from residential to commercial because 700 East is a busy traffic corridor. The property adjacent to the south has changed from RA1 to CN and this property will be in line with that zoning.
4. Yes, the facilities and services are sufficient to service a software company office. A parking facility will be needed but the roadway and utilities will not need to be changed.
5. The proposed zoning designation is consistent with the goals, objectives, and policies of the city's General Plan. The city's map shows this property as having a designation of Community Commercial, which shows the transformation of properties in this area from residential to commercial. The designation of this property as Commercial Neighborhood is consistent with this transformation.

From: noreply@civicplus.com
Sent: Thursday, March 10, 2022 10:26 AM
To: Business Licensing
Subject: Online Form Submittal: Commercial Business License Application

Categories: Work in Progress

Commercial Business License Application

Business Details

BUSINESS DETAILS

Business Name	Mystic Media LLC
Doing Business As "DBA" Name	<i>Field not completed.</i>
Opening Date	3/31/2022
Temporary Business Dates	<i>Field not completed.</i>
Application Type:	Commercial Business
Type of Organization	Limited Liability Company (LLC)
Detailed Business Description	<p>Mystic Media is a multi-disciplined software development agency. As a leading mobile app and software development agency, we continuously monitor the latest trends to anticipate future technological growth. Our team of senior programmers, engineers, app designers, digital marketers, and graphic designers have years of experience creating industry-leading strategies and custom solutions.</p> <p>While our teams have decades of software design and development experience, we are constantly learning and enhancing our skills to stay on the forefront of technology. From powerful mobile applications to custom data-driven websites and desktop applications, we use proven technologies to create stable, sustainable tools for your business.</p> <p>Our app development company can respond quickly to meet your changing business needs. Across our eight main service areas, we provide exceptional reliability and advanced software</p>

to anticipate future business growth as well as effective digital media solutions.

(Section Break)

BUSINESS LOCATION

Address	11743 South 700 East
Suite/Unit #	<i>Field not completed.</i>
City	Draper
State	UT
Zip	84020

(Section Break)

BUSINESS MAILING ADDRESS

If different than the address entered above, please enter the business mailing address below.

Address

Suite/Unit #	<i>Field not completed.</i>
City	Sandy
State	UT
Zip	84090

(Section Break)

BUSINESS OWNER INFORMATION

This name will appear on the business license. To list a business as the owner, input the business name in both the First and Last Name slots.

Owner's First Name	Christopher
--------------------	-------------

Owner's Last Name	Silvestro
-------------------	-----------

Email

Phone

(Section Break)



MEMO

To: Planning Commission

From: Todd A. Draper

CC:

Date: February 9, 2023

Re: City Initiated Water Wise Landscaping and Site Amendments Ordinance Request

Comments:

This application is a request for approval of a Text Amendment to amend landscaping, site development, and subdivision regulations within the Draper City Municipal Code (DCMC) primarily pertaining to the incorporation of water-wise landscaping practices and principals into the ordinance and the published water efficiency standards of the Jordan Valley Water Conservancy District (JVWCD).

This item was heard at the January 26, 2023 meeting of the Draper City Planning Commission, and decision on the recommendation to the Draper City Council was continued to the February 9, 2023 meeting to allow planning staff to make additional edits to the legislative text. Staff is requesting that the item be continued to a date uncertain to facilitate additional coordination with JVWCD and City Administration affecting the proposed legislative text.

Sample Motion for Continuance- I move that we continue the City Initiated Water-Wise Landscaping and Site Amendments Text Amendment, as requested by Draper City, application TEXTMAP-187-2022, to a date uncertain.

The findings are as follows:

For a positive recommendation:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendment furthers the specific purpose statements of the zoning ordinance;
3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;
4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan;
5. The potential effects of the proposed amendment have been evaluated and are

determined not to be detrimental to public health, safety, or welfare and represent an overall community benefit; and

6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering.

For a negative recommendation:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendment does not further the specific purpose statements of the zoning ordinance;
3. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance;
4. The proposed amendment could create a conflict with another section or part of this title or the general plan;
5. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
6. The proposed text amendment is not consistent with current best practices of urban planning, design, and engineering.