



## **Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

August 13, 2020

**To:** Draper City Planning Commission  
Business Date: September 3, 2020

**From:** Development Review Committee

**Prepared By:** Todd A. Draper, AICP, Planner III  
Planning Division  
Community Development Department  
801-576-6335, [todd.draper@draper.ut.us](mailto:todd.draper@draper.ut.us)

**Re: Short Subdivision – Zoning Map Amendment Request**

Application No.: TEXTMAP-1028-2020  
Applicant: Alex Short  
Project Location: 1017 E. 13200 S.  
Current Zoning: RA1 (Residential Agricultural, 40,000 square foot lot minimum) Zone  
Acreage: 1.5 Acres (Approximately 65,340 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment from the RA1 (Residential Agricultural, 40,000 ft<sup>2</sup> lot minimum) to RA2 (Residential Agricultural, 20,000 ft<sup>2</sup> lot minimum) on the subject property.

### **BACKGROUND AND SUMMARY**

This application is a request for approval of a Zoning Map Amendment for approximately 1.5 acres located on the north side of 13200 South, at approximately 1017 East (Exhibit C). The property is currently zoned RA1 (Residential Agricultural, 40,000 ft<sup>2</sup> lot minimum). The applicant is requesting that a Zoning Map Amendment be approved to allow for potential future subdivision of the property.

The applicant, Alex Short, has submitted the application on behalf of the property owner Derek Coulter; owner of the subject property. The property is currently accessed from 13200 South, a commercial minor collector street. Along the eastern side of the subject property is a private street located on adjacent properties serving as principal access for four homes directly north and east of the subject property.

The property was involved in a settlement agreement in October of 2016 between the owner, Derek Coulter and Draper City as part of a condemnation proceeding related to expansion of the roadway along 13200 South (Exhibit G). As part of that settlement, Draper City provided Mr. Coulter a sample plot plan illustrating how the subject property could be subdivided into three lots per the requirements of the RA2 zone. The parties acknowledged that in order for Mr. Coulter or his successor(s) to develop the property in such a manner, rezoning of the property from RA1 to RA2 would be required, followed by submission of an application to subdivide. Compliance with ordinances in place at the time of an application submission will be required. If this Zoning Map Amendment is approved, the assumption is that Mr. Coulter, or his successor(s), would then proceed with a subdivision application.

## ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential Low/Medium Density land use designation for the subject property (Exhibit D). Characteristics of this category includes the following:

### *Residential Low-Medium Density*

| LAND USE DESCRIPTION     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                  |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>CHARACTERISTICS</b>   | <ul style="list-style-type: none"> <li>• Very large lot single-family neighborhoods or ranchettes allows for enhancement of Draper's rural character</li> <li>• Environmentally designed clustered housing with the Suncrest and South Mountain projects being the exceptions</li> <li>• Some natural features and cultivated vegetation is apparent and special care is required in order to preserve those features and areas</li> <li>• Equestrian uses and privileges may exist in certain areas</li> </ul> |                                                                                                                                  |
| <b>LAND USE MIX</b>      | Primary <ul style="list-style-type: none"> <li>• Single-family detached homes</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        | Secondary <ul style="list-style-type: none"> <li>• Parks</li> <li>• Open space</li> <li>• Churches</li> <li>• Schools</li> </ul> |
| <b>DENSITY</b>           | <ul style="list-style-type: none"> <li>• Density range: up to 2 dwelling units per acre</li> <li>• Reduction for non-buildable areas</li> </ul>                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                  |
| <b>COMPATIBLE ZONING</b> | <ul style="list-style-type: none"> <li>• Residential Agricultural (RA1)</li> <li>• Residential Agricultural (RA2)</li> <li>• Single-family Residential Hillside (RH)</li> <li>• Master Planned Community (MPC)</li> </ul>                                                                                                                                                                                                                                                                                       |                                                                                                                                  |
| <b>OTHER CRITERIA</b>    | <ul style="list-style-type: none"> <li>• Increased densities within equestrian areas may be allowed only with compliance to specified performance standards and impact mitigation measures</li> <li>• 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</li> </ul>                                |                                                                                                                                  |

The Residential Low/Medium Density category anticipates the RA1 or RA2 zoning categories in this area. The property is currently assigned the RA1 zoning classification, supporting approximately one dwelling unit per acre (40,000 ft<sup>2</sup>. min lot size) (Exhibit E). Draper City Municipal Code (DCMC) Section 9-8-20(B)(1) *"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."*

Adjacent properties abutting the subject property on the north and along the southern 1/3 of its western property line are currently zoned RA1. Properties abutting the subject property on the northern 2/3 of the western property line and the entire eastern property line are currently zoned RA2.

**Zoning Map Amendment.** The applicant is requesting the RA2 zoning designation for the subject property. The RA2 zoning designation is very similar to the RA1 designation with the exception of the minimum lot area required for subdividing. The minimum lot area requirements for RA2 is 20,000 ft<sup>2</sup> (0.45 acre) versus RA1 which is 40,000 ft<sup>2</sup> (0.91 acre). Since the subject property is approximately 1.5 acres in size, this zone change would possibly allow for the creation of three (3) lots if access were able to be provided via the adjacent private lane.

**Criteria For Approval.** The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 9-5-060(E)(1) of the DCMC. This section depicts the standard of review for such requests as:

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.

**Parks & Trails Committee Review.** The Draper City Parks and Trails Committee has completed their review of the Zoning Map Amendment 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 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 to the City Council based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

The findings for a positive recommendation are as follows:

1. That Section 9-5-060 of the Draper City Municipal Code allows for the amendment of the city's zoning map;
2. That all findings for a zone map change, as contained in DCMC Section 9-5-060(E), are satisfied;
3. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

The findings for a negative recommendation as are follows:

1. That the findings for a zoning map amendment, as contained in DCMC Section 9-5-060(E), are not satisfied.

### **MODEL MOTIONS**

*Sample Motion for a Positive Recommendation* – “I move that we forward a positive recommendation to the City Council for the Short Subdivision Zoning Map Amendment, as requested by Alex Short, from RA1 to RA2, application TEXTMAP-1028-2020, based on the findings listed in the Staff Report dated August 13, 2020.”

*Sample Motion for a Negative Recommendation* – “I move that we forward a negative recommendation to the City Council for the Short Subdivision Zoning Map Amendment, as requested by Alex Short, from RA1 to RA2, application TEXTMAP-1028-2020, based on the findings listed in the Staff Report dated August 13, 2020.”

## 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, email=brien.maxfield@draper.ut.us,  
c=US  
Date: 2020.08.17 14:02:48 -06'00'

Draper City Public Works Department

**Jennifer Jastremsky**  
Digitally signed by Jennifer Jastremsky  
DN: C=US, E=jennifer.jastremsky@draper.ut.us, O=Draper  
City Planning, CN=Jennifer Jastremsky  
Date: 2020.08.18 11:41:38 -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 ", OU=Fire Marshal, CN=Don Buckley  
Date: 2020.08.18 12:38:47 -06'00'

Draper City Fire Department

**Mike Barker**  
Digitally signed by Mike Barker  
DN: cn=Mike Barker, o=Draper City, ou=City  
Attorney, email=mike.barker@draper.ut.us, c=US  
Date: 2020.08.17 10:25:21 -06'00'

Draper City Legal Counsel

**Matthew T. Symes**  
Digitally signed by Matthew T. Symes  
DN: C=US, E=Matt.symes@draper.ut.us,  
O=Draper City, CN=Matthew T. Symes  
Date: 2020.08.17 12:32:24 -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. The subject property is located within the Residential Low/Medium Density land use designation on the adopted Draper City General Plan land use map. The desired RA2 zone is compatible with the land use designation of the land use map
2. The purpose of the RA2 zone is the same as that of the RA1 zone, which is to foster low to medium 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.
3. If the application is approved, the applicant will be required to comply will DCMC for any further subdivision, plat amendment, redevelopment, development, or otherwise.

### Engineering and Public Works Divisions Review.

We have reviewed the subject zone map amendment application, proposing 1.547 acres to be zoned from RA1 to RA2 in accordance with the provisions of Section 9-5-060(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 provided for your consideration:

1. *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.

- a. Connectivity with this parcel is required to be through access to 13200 South, a minor collector. Specific access locations will be evaluated with any site plan or subdivision submittal. Access locations will be required to meet Draper City Standards as outlined in our Master Transportation Plan. A Traffic Impact Study may be required.
- b. Existing storm drainage facilities are available in 13200 South. Provisions for storm drainage will need 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.
- c. Sanitary sewer facilities will be provided by South Valley Sewer District. Any subdivision application will require a commitment to serve from the Sewer District that facilities are adequate to provide service for the proposed uses.

- d. Drinking water facilities will be provided by WaterPro. Any subdivision application will require intent to serve from the WaterPro that facilities are adequate to provide service for the proposed uses.

Accordingly, we will provide comments relative to the potential construction activities when the appropriate application is received. Thank you for the opportunity to review the Zone Amendment Request.

Fire Division Review.

1. Review approved

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.

## **EXHIBIT B LEGAL DESCRIPTION**

\*This description reflects the property description currently on file with the County Assessor. A revised description based upon a survey of the property and the settlement agreement (Exhibit G) is pending and should appear in future documents related to this application.

BEG 550.67 FT S & 66.42 FT W M OR L FR CEN SEC 32, T 3S, R 1E, S L M; N 86°05'40" W 105.5 FT, M OR L; S 2°31'12" W 650.985 FT, M OR L TO CEN OF STREET; S 89°45'40" E 106.4 FT; N 2°29'20" E 644.575 FT, M OR L TO BEG. LESS STREET. 1.5 AC M OR L.

**EXHIBIT C  
AERIAL MAP**



**EXHIBIT D  
LAND USE MAP**

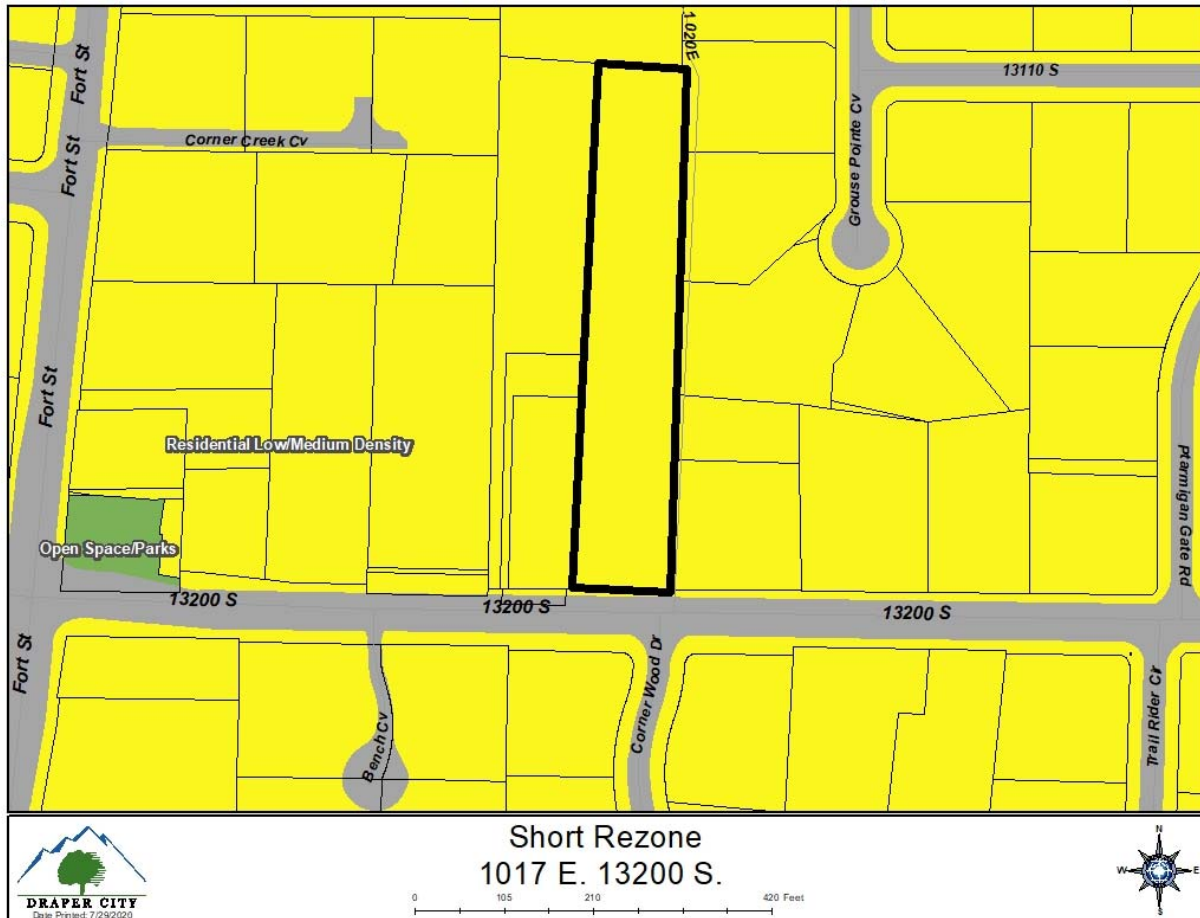
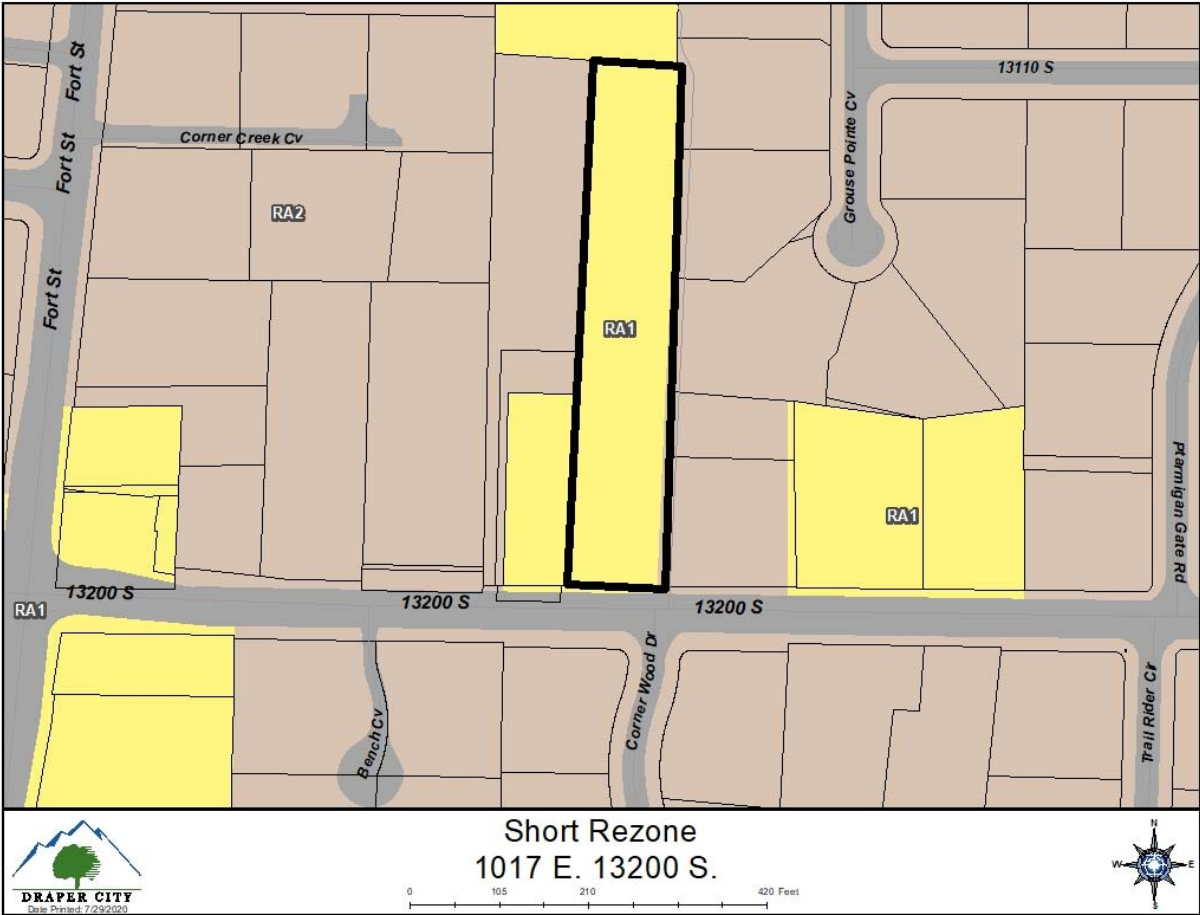


EXHIBIT E  
ZONING MAP



## EXHIBIT F APPLICANT QUESTIONNAIRE

### Short Subdivision

#### **Zone District**

1. What is the present zoning of the property? RA1
2. Is the proposed zoning consistent with the current land use designation? Yes, this is a residential area and the intended use is residential. This parcel is 1.5 acres so three lots could be developed in the RA2 zone, but the owner only wants two lots.
3. Is the proposed zoning similar or compatible to the current zoning in the same area? Yes, see the attached zone map. Most of the properties surrounding this property are zoned RA2.
4. Is the proposed zoning suitable for the proposed site? Yes, the existing old house will be raised and a new home will be constructed on the front lot. There are many nice new homes in the area. The back lot will be available for another house. There is a lane east of the property which provides access to the two lots. Three lots could be developed on this property, but the owner only wants two lots.

**EXHIBIT G**  
**SETTLEMENT AGREEMENT**

## SETTLEMENT AGREEMENT

**Draper City** a municipality and political subdivision of the State of Utah (the “**City**”) and **Derek Coulter**, an individual and owner of real property located at 1017 East 13200 South in the City (“**Coulter**”), hereby enter into this Settlement Agreement (the “**Agreement**”) as of this 14<sup>th</sup> day of October, 2016, for the purposes of settling and resolving certain claims, controversies, disputes, and legal actions between them on terms and conditions and for the considerations set forth below:

1. Intent of the Parties. The City and Coulter are parties to that certain condemnation action now pending in the Third Judicial District Court for Salt Lake County, State of Utah, *Draper City v. Derek A. Coulter*, Civil No. 140404026 (the “**Litigation**”). It is the intent and purpose of the parties to fully settle and resolve all claims, controversies and disputes between them arising out of or related to the Litigation and to provide the City with a Final Judgment of Condemnation of a portion of the real property subject to the City’s Complaint (the “**Purchased Property**”) of Coulter’s real property (the “**Subject Property**”). The Parties enter into this Agreement based on the understanding that the remainder of the Subject Property could still be developed for use as a three lot residential subdivision, subject to the terms set forth below.

2. Payment and other Consideration.

a. The City agrees to pay, and Coulter agrees to accept, thirty-five thousand dollars (\$35,000) as just compensation for the City’s acquisition of the Purchased Property, inclusive of all elements and damages as described in Utah Code Ann. §78B-6-511.

b. The City has provided Coulter a sample plot plan, attached hereto as Exhibit A, showing how the Subject Property could still be subdivided into three lots based on current development standards of the RA2 zone after purchasing a portion of the Subject Property. The Parties acknowledge the Subject Property is currently zoned RA1 so any approval of a three-lot subdivision, such as one depicted in Exhibit A, would require rezoning the Subject Property. The Parties also acknowledge approval of a three-lot subdivision as depicted in Exhibit A would require Coulter or his successors to comply with all aspects of the Draper City Municipal Code in effect at the time Coulter or his successors apply for subdivision approval, and the City will facilitate a similar residential use three lot subdivision for the Subject Property.

3. Dismissal of the Litigation and Final Judgment. The parties hereby agree that upon payment of the funds referenced above, counsel for the parties will execute a Joint Stipulation and Motion for Final Judgment of Condemnation, and approve and submit a Final Judgment of Condemnation, giving the City fee title and other interests in the Subject Property as sought by the City’s Complaint in the Litigation, also dismissing the Litigation with prejudice and upon the merits, with the parties to bear their own costs and attorney’s fees.

4. Integration. This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter herein, and integrates all prior conversations, discussions or undertakings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

5. Counterparts. This document may be executed in one or more counterparts, which together shall constitute one and the same document.

6. Authorization. Each individual executing this Agreement does hereby represent a warrant to the other signers and parties that the individual has been duly authorized to execute and deliver this Agreement in the capacity and for the parties specified.

7. Mutual Participation and Document Preparation. Each party has participated materially in the negotiation and preparation of this Agreement and any related items. In the event a dispute concerning the interpretation of any provision of this Agreement or any related item the Rule of Construction to the effect that certain ambiguities are to be construed against the party drafting a document shall not apply.

8. Third-Party Beneficiary Interests. Except as expressly set forth in paragraph 2, above, nothing contained in this Agreement is intended to benefit any person or entity other than the parties to this Agreement and no representation or warranty is intended for the benefit of, or to be relied upon, any person or entity which is not a party to this Agreement.

WHEREFORE, the parties have executed the foregoing to be effective the date first appearing above.

**DRAPER CITY**

By Troy K. Walker  
Troy K. Walker, Mayor

Attest:

Rachelle Conner  
Rachelle Conner  
Draper City Recorder

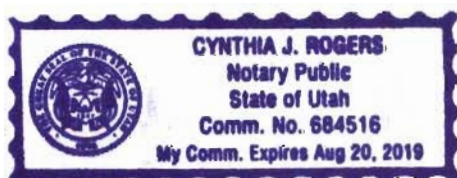


**DEREK A. COULTER**

By Derek A. Coulter  
Derek A. Coulter

STATE OF UTAH )  
COUNTY OF Salt Lake )  
:ss.

On this 6th day of October, 2016, Derek A. Coulter personally appeared before me and duly acknowledged to me that he executed this Agreement for the purposes herein stated.



[Signature]  
Notary Public

22,872 S.F.  
WITH  
HAMMERHEAD  
&  
22,702 S.F.  
WITHOUT

22,087 S.F.  
WITH  
HAMMERHEAD  
&  
22,721 S.F.  
WITHOUT

20,104 S.F.

13000 SOUTH

## EXHIBIT A

CONSULTANT INFORMATION  
**DRAIPER CITY**  
ENGINEERING  
DIVISION  
801-576-6538

PROJECT NAME: **DEREK COULTER**  
1017 E. 13200 So.

TITLE OF DRAWING: **PROPOSED SUBDIVIDE  
PROPERTY**

**EXHIBIT H**  
**PUBLIC COMMENT**

**From:** [Bryan Campbell](#)  
**To:** [Todd Draper](#)  
**Subject:** Short Subdivision Zoning Map Amendment  
**Date:** Monday, August 17, 2020 3:25:35 PM

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Hi Todd,

We received in the mail a notice of public hearing for a zoning map amendment - TEXTMAP-1028-2020. Based on the notice, its difficult to understand what the applicant (Alex Short) is requesting. We live in 13104 S Grouse Pointe Cv, and our property includes the dirt road and about 1-2 feet inside the fenced area (outlined) on the back of the notice. Could you provide a little bit more information so we can see what concerns we have? Is he wanting to subdivide the property? If so, what is the plan with the road and the 1-2 feet we own inside the outlined area?

Thanks for your help!  
Bryan Campbell

**From:** [Kerry Fisher](#)  
**To:** [Todd Draper](#)  
**Subject:** Short Subdivision Zoning Amendment  
**Date:** Tuesday, August 18, 2020 1:36:40 PM

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Sent on behalf of Chad K. Fisher;

Sirs,

While I am supportive of this zoning amendment in principal, please remember that the small lane on the east border of the property in question (CornerWood Drive) is a private lane, not wide enough to accommodate access to multiple additional dwellings. Therefore entrance to the above described, "Short Subdivision", must be via the "Short" property. The existing cement block wall on the east side of the "Short" property is also questionably over the property line.

Respectfully,  
Chad K. Fisher

Sent from my iPhone

**From:** [Elizabeth Hansen](#)  
**To:** [Todd Draper](#)  
**Subject:** Tony Short Zoning amendment  
**Date:** Thursday, September 3, 2020 1:47:35 PM

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Dear planning commission,

I have been a Draper resident for the past 26 years and I live at 13052 South 1020 East. I live up the dirt lane that borders Tony Short's property.

It seems unclear as to what Mr. Short's intentions for the property are, other than rezoning it to half acre lots rather than acre lots.

My main concern with this rezoning is how many units he wants to put on that property and how he intends to access those units: I.e. from the existing lane or from his own property.

I question whether the lane, as it now stands, can handle much additional traffic. If paved, perhaps it could.

There have been many rumors flying around of what Mr. short wants to build, and I don't know what is true and what is not. I certainly would not be adverse to having two houses on that property. I think it could sustain it, and I think it would be in addition to the neighborhood.

However, even having said that, I am still concerned about the lane and the possible use of the lane.

Until rezoning and knowing Mr Short's plans, anything else I could voice would be assumptions and speculations.

Thank you for your time.

Yours,  
Elizabeth Hansen

Sent from my iPhone