



Development Review Committee

1020 East Pioneer Road
Draper, Utah 84020

STAFF REPORT

June 2, 2020

To: Draper City Planning Commission
Business Date: June 11, 2020

From: Development Review Committee

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

Re: 123 XD – Land Use Map and Zoning Map Amendments

Application Nos.: TEXTMAP-1006-2020 (Land Use Map Amendment) and TEXTMAP-973-2019 (Zoning Map Amendment)
Applicant: Keaton Morton, representing X Development
Project Location: Approximately 736 East 12300 South and 749-763 East Pioneer Road
Current Zoning: RA2 (Residential Agricultural, 20,000 square foot lot minimum) Zone
Acreage: Approximately 2.62 acres (approximately 114,127.2 square feet)
Request: A request to amend the land use map for the southern half of the subject property from Town Center to Neighborhood Commercial and to amend the zoning designation for the entire site from RA2 (Residential Agricultural, 20,000 square foot lot minimum) to CC (Community Commercial).

SUMMARY

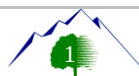
This application is a request for approval of a land use map amendment and zoning map amendment for approximately 2.62 acres (see Exhibit B) located at approximately 736 East 12300 South and 749-763 East Pioneer Road (see Exhibit C). The site has a land use designation of Neighborhood Commercial and Town Center and is currently zoned RA2. The applicant is requesting to change the land use designation for the southern portion (approximately .99 acres) of the property from Town Center to Neighborhood Commercial and to rezone the entire property from RA2 to CC.

BACKGROUND and SUMMARY

The subject property is developed with residential uses that have existed since at least 1978 when the City incorporated. Should the request for the land use and zoning map amendments be approved, the residential uses on the site would be removed and the property redeveloped as office and commercial.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan identifies the northern portion of the property as Neighborhood Commercial and the southern portion as Town Center (see Exhibit D). These



categories are characterized as follows:

Neighborhood Commercial

LAND USE DESCRIPTION	
CHARACTERISTICS	• 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	• Small-scale commercial • Planned retail • Office
COMPATIBLE ZONING	• Neighborhood Commercial (CN) • Institutional Care (IC) • Commercial Services (CS)
LOCATION	• Adjacent to neighborhood • Along local roads

Town Center

LAND USE DESCRIPTION	
CHARACTERISTICS	- Requires a commitment to exceptional levels of quality and a specific plan of development that meets the City's approval - Advance the traditional town center character by supporting the preservation and adaptive re-use of existing structures, the preservation of existing natural features, new development that blends in with existing conditions, architectural standards befitting a town center destination, and site design standards that promote walkability and human scale - Reasonable scale, to encourage secondary forms of circulation - Not bisected by arterial streets - A well-conceived site, with access to and integration with mass transit facilities - Buildings designed per the standards of the City's design guidelines and Town Center ordinance - Amenities provided as per the quality design standards - Allowance of buildings with a maximum height of three (3) stories
LAND USE MIX	- Multifamily Residential - Office - Commercial - Institutional
DENSITY	Density range: 6-25 units per acre
COMPATIBLE ZONING	Town Center (TC)
LOCATION	Adjacent to and near Draper Town Center light rail station, Draper City Hall, Draper City Park and Draper Historical Park

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

The property is surrounded by a mix of zoning designations. To the east is CC, RM1 (Multiple Family Residential, up to 8 dwelling units per acre) and RA2. The south, across Pioneer Road, is RA2 and OR (Office Residential) zoning. On the west side, there is a portion zoned Town Center (TC) and a portion of CC. To the north across 12300 South is CN (Neighborhood Commercial) zoning.

Land Use Map Amendment. The applicant has requested a land use map amendment for the southern portion of the site. The current designation of Town Center only supports the TC zoning designation. That zone contains development standards and requirements that the applicant would not be able to meet due to the narrow frontage of the southern parcels that front on to Pioneer Road. Therefore, this request is to amend the land use map to for the southern portion of the site to Neighborhood Commercial, the same

as the northern portion of the site. The CC zoning designation is not identified by the General Plan as a preferred zoning classification for the Neighborhood Commercial land use designation.

Zoning Map Amendment. The zoning map amendment request will change the property from the RA2 to CC. Although the CC designation does exist for the properties on either side along 12300 South, it should be noted that a potentially taller building might be built. The CC zone allows development up to 45 feet tall which would easily allow for three stories in height. The recently constructed Cubes Storage located to the west across 700 East is just under 40 feet tall. That project is located in the CS (Commercial Services) zoning designation, which has a maximum height of 25 feet, and it did receive a height deviation from the Planning Commission in 2016.

Second, the applicant has indicated that any development on the site would likely be located directly adjacent to 12300 South, but rezoning of the entire parcel could potentially locate a three story development adjacent to a single-family residence. In addition, the existing RM1 zoning located east of the subject site would be limited to only 35 feet in height, which is the same height allowed in the RA2 zone.

Third, even though properties in the area have a similar zoning designation of CC, their size makes it unlikely that a 45 foot tall building could be constructed. The property directly to the west is zoned CC, and it is part of the canal owned by Salt Lake City Public Utilities and is unlikely to be developed. The narrow parcel to the east of the canal is owned by UDOT and like the canal property, would be difficult to develop due to its size. The property to the west is also narrow and it is unlikely a 45 foot tall building could be built and meet all other development standards. The CN zoned properties across the street do have a maximum height of 35 feet which would typically allow a two story building.

Criteria for Approval. The criteria for review and approval of a zoning map amendment and request to the zoning code are found in Subsection 9-5-060(E) of the DCMC. They are as follows:

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 waste water and refuse collection.

The DCMC Section 9-2-020(F) lists the following criteria for a General Plan amendment:

"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 proposed land use map and zoning map amendments. Comments, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review.

The Engineering and Public Works Divisions have completed their review of the proposed land use map and zoning map amendments. Comments, if any, can be found in Exhibit A.

Draper City Fire Review. The Draper City Fire Marshal has completed his review of the proposed land use map and zoning map amendments. Comments, 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 a positive recommendation are as follows:

1. That DCMC Section 9-5-060(E) provides for and outlines the process for amending the zoning text and maps of the DCMC.
2. That this map amendment does not compromise any of the five factors listed in DCMC Section 9-5-060(E)(1).
3. That the proposed land use map amendment complies with DCMC Section 9-2-020(F).

The findings for negative recommendation are as follows:

1. That this map amendment compromises one or more of the five factors listed in DCMC Section 9-5-060(E)(1).

MODEL MOTION

Land Use Map Amendment

Sample Motion for a Positive Recommendation – “I move that we forward a positive recommendation to the City Council for the 123 XD Land Use Map Amendment request, as requested by Keaton Morton representing the X Development, application TEXTMAP-1006-2020, based on the findings listed in the staff report dated June 2, 2020.”

Sample Motion for a Negative Recommendation. “I move that we forward a negative recommendation to the City Council for the 123 XD Land Use Map Amendment request, as requested by Keaton Morton representing the X Development, application TEXTMAP-1006-2020, based on the findings listed in the staff report dated June 2, 2020.”

Zoning Map Amendment

Sample Motion for a Positive Recommendation – “I move that we forward a positive recommendation to the City Council for the 123 XD Zoning Map Amendment request, as requested by Keaton Morton representing the X Development, application TEXTMAP-973-2019, based on the findings listed in the staff report dated June 2, 2020.”

Sample Motion for a Negative Recommendation. “I move that we forward a negative recommendation to the City Council for the 123 XD Zoning Map Amendment request, as requested by Keaton Morton representing the X Development, application TEXTMAP-973-2019, based on the findings listed in the staff report dated June 2, 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
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Jennifer Jastremsky

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Draper City Planning Division

Don Buckley

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CN=Don Buckley
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Draper City Fire Department

Mike Barker

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Draper City Legal Counsel

Matthew T. Symes

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Draper City Building Division



EXHIBIT A
DEPARTMENT/DIVISION COMMENTS

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

Planning Division Review.

No additional comments provided.

Engineering and Public Works Divisions Review.

No additional comments provided.

Draper City Fire Review.

No additional comments provided.

Legal Review.

No additional comments provided.

EXHIBIT B
LEGAL DESCRIPTION
(pending final review by Draper staff)

Parcel #: 28293090130000:

Legal Description:

BEG W 360.25 FT & S 13.80 FT FR NE COR BLK 13, DRAPERVILLE; S 87°20'30" W 43.89 FT; S 88°57'19" W 111.66 FT; N 14°10'20" W 18.43 FT; S 5°49'30" W 208.45 FT; S 4°01' E 52.91 FT; S

33°08'27" E 82.22 FT; E 132.50 FT; N 315.20 FT M OR L TO BEG. 1.22 AC M OR L. 9425-9660

Parcel #: 28293090020000

Legal Description:

BEG 287.5 FT W FR NE COR OF BLK 13, DRAPERVILLE; W 72.75 FT; S 243 FT; E 72.5 FT; N 243 FT TO BEG 4672-0227 05408-0526

Parcel #: 28293090060000

Legal Description:

COM 297 FT W FR THE SE COR OF BLK 13, DRAPER TOWNSITE SUR; N 265 FT; W 102.50 FT; S 18°18' E 246.74 FT; S 7°25' E 31.01 FT; E 21 FT TO BEG. ALSO COM 287.50 FT W & 265 FT N FR SE COR BLK 13, DRAPERVILLE; W 72.50 FT; N 86 FT; E 72.50 FT; S 86 FT TO BEG. ALSO COM

287.50 FT W & 85 FT N FR SE COR BLK 13, DRAPERVILLE; N 180 FT; W 9.5 FT; S 180 FT; E 9.5 FT TO BEG. 3853-220 3853-0221 5399-0502 6605-2990 9605-2522

Parcel #: 28293090050000

Legal Description:

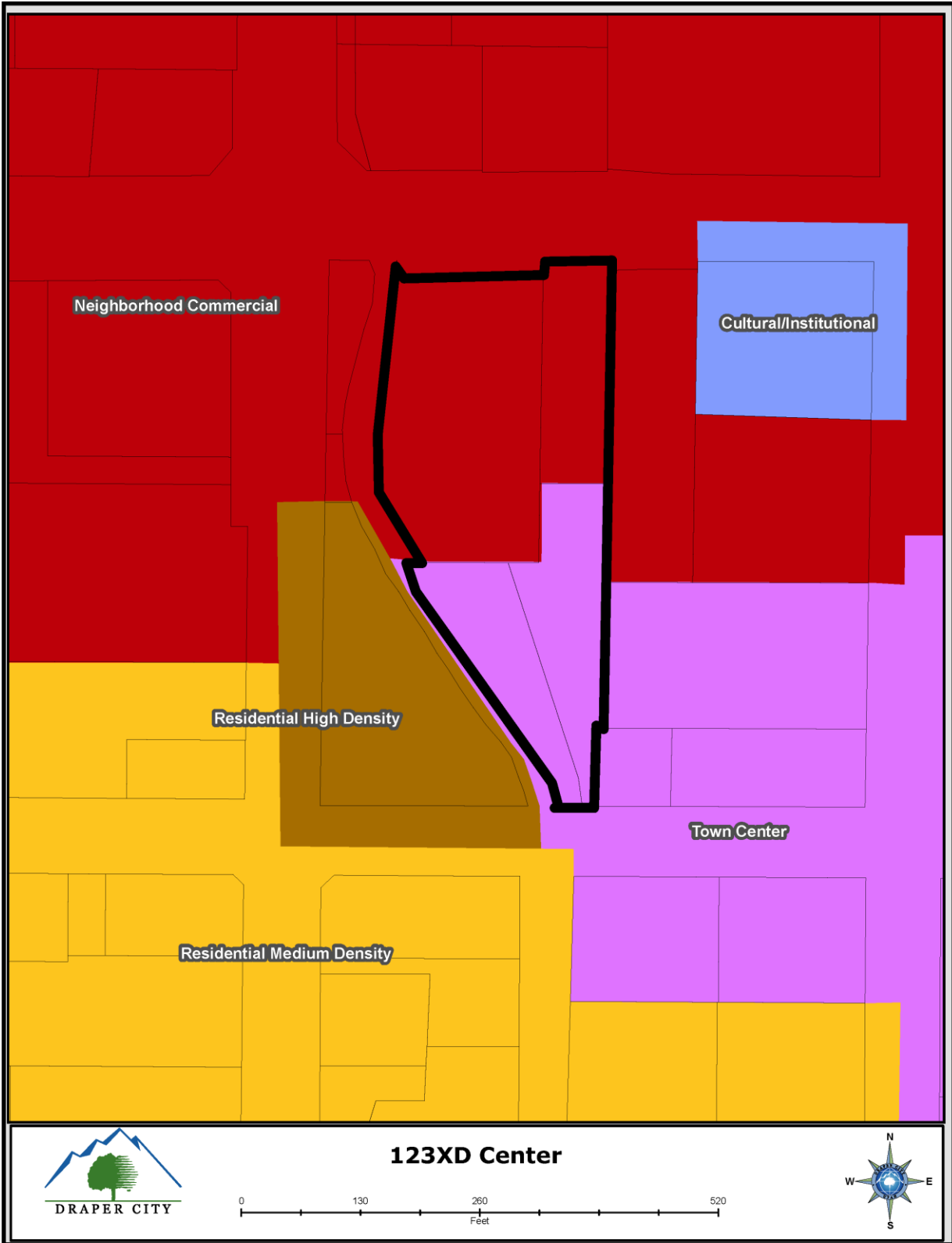
COM 308.5 FT W FR SE COR BLK 13 DRAPERVILLE N 7°25' W 31.01 FT N 18°18' W 246.74 FT W 112 FT TO EAST JORDAN CANAL S 17°30' E 32.1 FT S 35°31' E 250.19 FT S 14°35' E 31.77 FT E

30.5 FT TO BEG

**EXHIBIT C
AERIAL MAP**



**EXHIBIT D
LAND USE MAP**



**EXHIBIT E
ZONING MAP**

