



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

STAFF REPORT
July 30, 2019

To: Jennifer Jastrfemsky, Zoning Administrator

Approved

Date

8/5/19

From: Dennis Workman, Planner II

Re: Deer Hollow Recovery Permitted Use Permit

Application No.: USE-317-2018

Applicant: Troy Long

Location: 11882 S. Preamble Dr.

Zoning: R3 (Single-family Residential, 13,000 square foot minimum)

Parcel Size: 0.11 acre

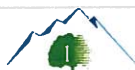
Request: Compliance review of a proposed Residential Facility for Persons with a Disability

SUMMARY OF REQUEST

This application proposes to utilize the existing home at 11882 S. Preamble Dr. as a Residential Facility for Persons with a Disability, which is a permitted use in all residential zones. The specific type of facility as defined by the Utah State Administrative Code is *Recovery Residence Service*. The program will be called Deer Hollow Sober Living 4. It will comply with all building, safety and health regulations applicable to this type of treatment center. The building itself will not be altered in any way that would compromise its residential character, and all parking will be on site. The applicant has submitted all required materials as outlined in DCMC Section 9-38-040. This activity is regulated by Section 10-9a-516 of the Utah Code in conjunction with Chapter 9-38 of the DCMC. Section 9-38-040 states in part:

B. Residential facilities for persons with a disability.

1. The facility shall comply with all building, safety and health regulations applicable to similar structures.
2. The facility must be able to be used as a residential facility for persons with a disability without fundamental alterations that would change the structure's residential character or negatively impact the character of the immediate neighborhood.
3. The facility shall be limited to eight occupants, exclusive of staff.
4. If the facility is housing persons whose disability is substance abuse related and is located within 500 feet of a school, a security plan satisfactory to local law enforcement



officials must be submitted and include 24-hour supervision of residents and other 24-hour security measures.

C. No Dangerous Persons Permitted: No residential facility shall be made available to an individual whose tenancy would:

1. Constitute a direct threat to the health or safety of other individuals; or
2. Result in substantial physical damage to the property of others.

D. License And Certification: Prior to occupancy of any residential facility, the person or entity operating the facility shall:

1. Provide to the city a copy of any license or certification required by the Utah state department of health or the Utah state department of human services; and
2. Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
 - a. Constitute a direct threat to the health or safety of other individuals; or
 - b. Result in substantial physical damage to the property of others. (Ord. 838, 8-5-2008)

The proposed facility is within 500 feet of the American Preparatory Academy Draper 2 campus. As a mitigating factor—and as provided for in Item B(4) of the above-referenced code—the applicant has provided a security plan that has been deemed satisfactory by local law enforcement (signed copy attached). Staff has determined that the home will be able to comply with all building, safety and health regulations, and that it will not fundamentally alter the character of the neighborhood. The facility will operate 24/7. The maximum number of residents will be eight, which complies with Item B-3 above. The applicant expects the facility to receive zero visitors. As noted in Subsection D of the above code, occupancy of the facility will not be granted until the applicant obtains a license from the Utah State Department of Human Services (DHS), and provides Draper City a copy of the same. However, DHS will not issue the license until they have planning and business license approval from Draper City.

The applicant has submitted a parking plan, which staff has reviewed and accepted. The driveway of the home, which is accessed by an alley on the rear side of the home, has room for two vehicles on the parking pad, and room for two more in the garage. The parking demand for residents in this type of facility is light because the residents rarely drive. They normally spend Monday-Friday from 9:00 am to 5:00 pm in outpatient services, and Saturday and Sunday from 8:00 am to 5:00 pm doing community service, meaning that there will be no vehicles on the premises during these times. Based on his past experience, the applicant anticipates that there will be no more than three cars at any given time.

Planning Review. In addition to his letter of request, the applicant has submitted all documentation required by Chapter 9-38 of the DCMC as well as all submittal requirements contained in the application form, as follows:

- License from State of Utah Department of Human Services
- Letter of approval from Salt Lake County Health Department
- Sworn statement of no physical threat
- Notarized property owner affidavit

- Fire escape routes for main floor and basement
- Parking plan showing that all parking will be on site
- Elevation photos of all sides of the house
- Aerial view of the house
- Draper City Fire Marshal Inspection
- Delta Fire System Inspection
- Occupancy Classification of R3, per Building Official

There is one final document that the applicant needs to acquire, and that is a Draper City business license. Said license will be issued upon approval of this application by the Draper City planning division. The facility is limited to eight residents. At this time, the applicant is not asking for more than eight. Should he wish to increase that number at some future day, the DCMC provides the flexibility for him to do so. He would need to submit a request for “reasonable accommodation” to the Draper City Community Development Department, and the zoning administrator would determine if he met the necessary criteria.

Fire Review. Draper City Fire recommends approval of this request with the comments and conditions contained in Exhibit A of this report.

Building Review. The building official for Draper City has reviewed this application and has designated the occupancy classification as R-3. The application file includes a notarized affidavit with his signature.

RECOMMENDATION

Staff recommends approval of the request by Troy Long to utilize the existing home at 11882 S. Preamble Dr. as a Residential Facility for Persons with a Disability. This recommendation is subject to the following conditions, and based on the following findings:

Conditions:

1. That all conditions of Draper City Fire are followed throughout the duration of this use.
2. That all conditions of the Engineering Division are followed throughout the duration of this use.
3. That no person or persons will reside in the facility that will be a threat to the health, safety and property of others in the area.
4. That no change is made to the exterior of the building that would fundamentally alter its residential character.
5. That the facility complies with all regulations contained in Sections 9-38-040-B through D of the DCMC, as stated earlier in this report.
6. That the facility obtains a business license from Draper City.
7. That the facility may not be occupied until the Utah State Department of Human Services issues a license and the city receives a copy of the same.
8. That the residence is limited to eight occupants, unless the applicant obtains “reasonable accommodation” approval, which request must be approved the city zoning administrator.
9. That the applicant complies with the approved security plan.

Findings:

1. That though the facility is closer than 500 feet from a school, the applicant has furnished a security plan that has been deemed satisfactory by the Draper City Chief of Police.
2. That the applicant is in the process of getting a Draper City business license, a fire inspection, and a health inspection.

3. That the applicant meets all state licensing requirements, and has provided the necessary business license from the State of Utah Office of Licensing.
4. That the facility will not fundamentally alter the character of the immediate neighborhood.
5. That the applicant has provided a sworn statement that no person or persons will reside in the facility that will be a threat to the health, safety and property of others in the area.
6. That the applicant has provided a parking plan to ensure that all parking associated with the facility is on site. The plan, which will be distributed to all tenants and visitors, includes the warning that violators will be towed at car owner's expense.
7. That the applicant has furnished a fire escape plan for both main floor and basement.

EXHIBIT A

Fire Review

1. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed on every level of the home. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.

2. Interconnected Smoke Detectors Required. All smoke detectors in the home will be required to be interconnected throughout the home.

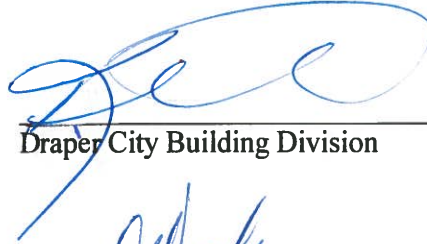
3. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

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.



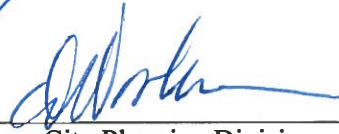
Draper City Engineering Division



Draper City Building Division



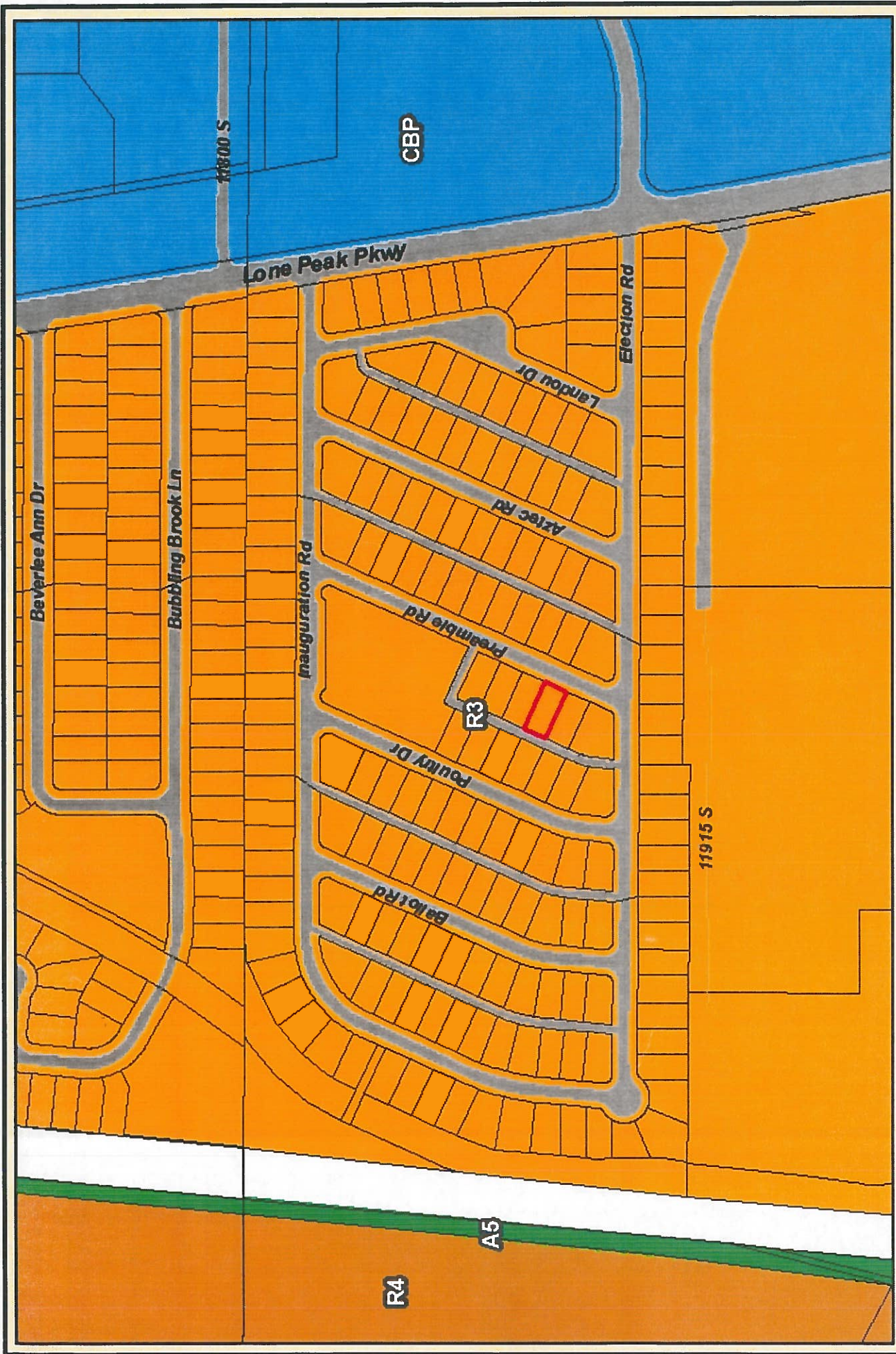
Draper City Legal Counsel



Draper City Planning Division



Draper City Fire



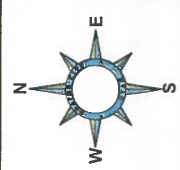
Zoning Map for Deer Hollow Recovery Permitted Use Permit





Aerial Map for Deer Hollow Recovery Permitted Use Permit

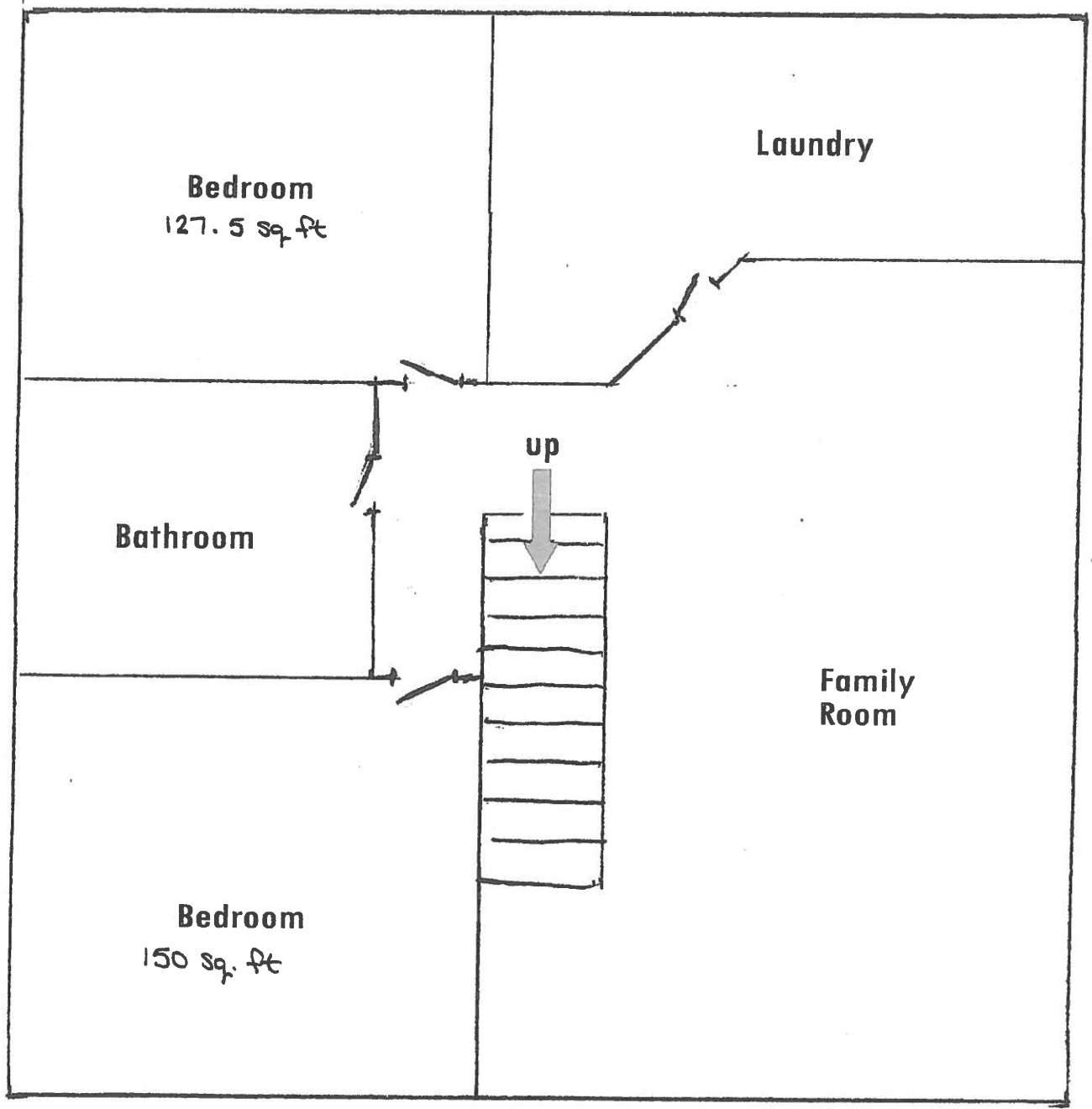




Deer Hollow Sober Living 4



Emergency Exit Plan



Basement



DEER HOLLOW

Recovery & Wellness Centers

1481 E Pioneer Rd.
Draper UT 84020

Parking Plan

The Drive way for Deer Hollow Sober Living 4 has room for two vehicles on the parking pad and the garages has room for two more. The residents transitioning into sober living rarely drive; it is anticipated no more than three cars at any given time. Residents will spend Monday through Friday from 9:00 am to 5:00 pm in outpatient services, and Saturday and Sunday from 8:00 am to 5:00 pm doing community service, meaning there will be no cars on premises during these times. All residents of Deer Hollow Sober living will abide by the parking plan and violators will be towed at the car owner's expense.

Schedule B



Front Elevation



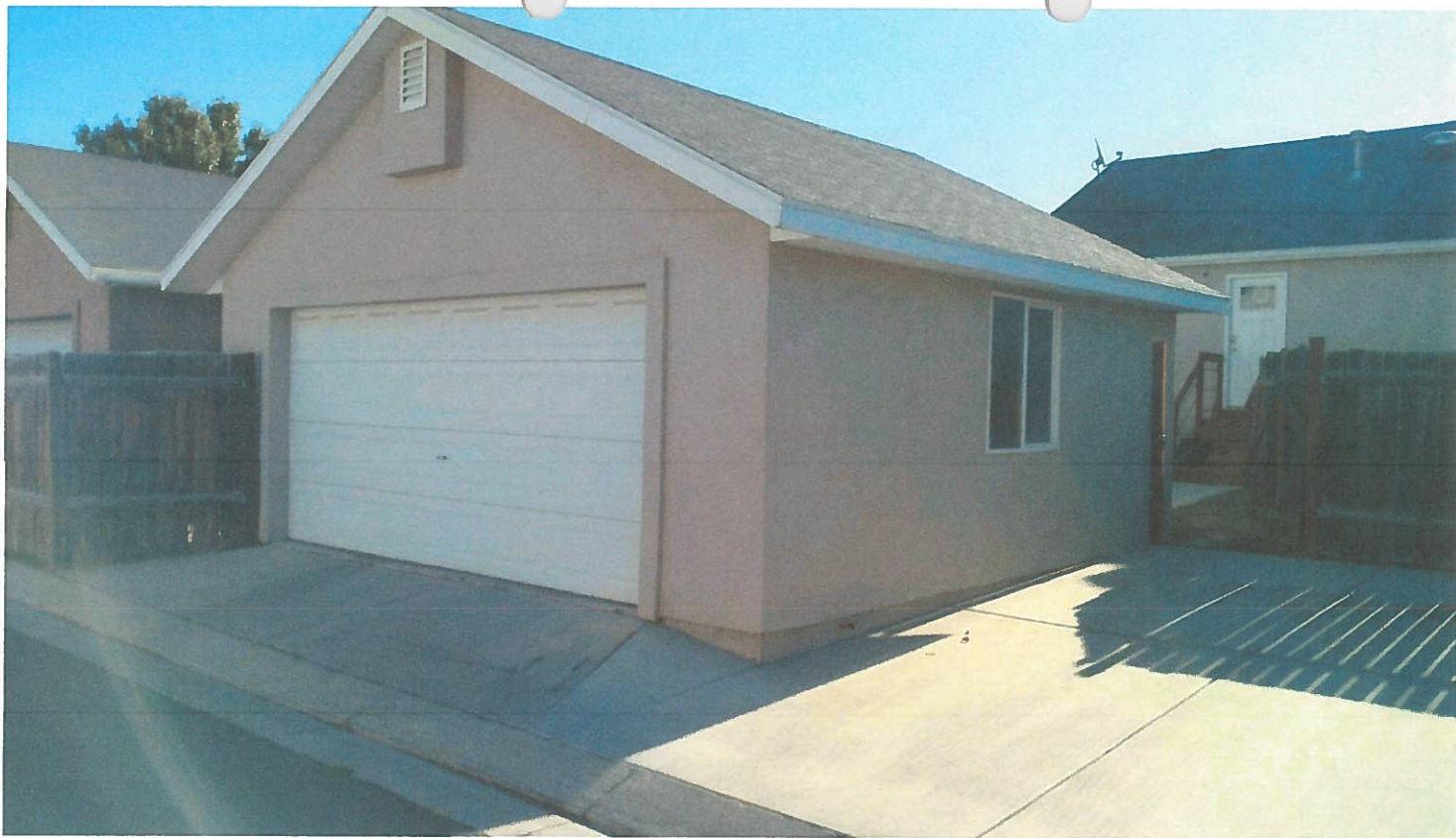
North side elevation



South side elevation



Rear Elevation



Garage Elevation



8'6"

10'5"

6'0"

23'10"

24'0"

5'0"

22'2"

20'9"

DRAPER CITY

27-25

203-011

203-012

203-013

Aerial View



I, Troy Long as owner/operator of my business Deer Hollow Subor Living 4, LLC located at 11882 Preamble Dr, Draper declare to the building Department of Draper City, that the definition of Custodial Care as defined in section 202 in chapter 2 of the 2015 IBC (International Building Code) as amended and adopted by the State of Utah, and of Draper City does not describe the nature of my business, therefore understanding the definition of Custodial Care as it relates to my business and occupancy classification, request that the Building Official of Draper City designate occupancy classification for my business as an R-3, and not an R-4 use.

Dated this 18 day of Dec, 2018.

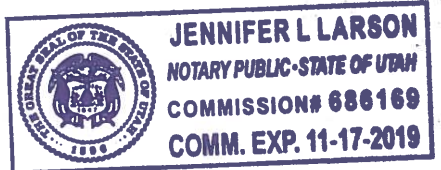
Signature [Handwritten Signature]

STATE OF UTAH)

: ss.

County of Salt Lake)

On the 18th day of December, 2018, personally appeared before me Troy Long, signer(s) of the within instrument, who duly acknowledged to me that (t)he(y) executed the same.



[Handwritten Signature]
Notary Public

Approved by Draper City:

By: [Handwritten Signature] Date 12/18/18



I Troy Long as owner/operator of my business Dear Hollow Holdings LLC located at 11882 Preamble Dr, Draper declare to the building Department of Draper City, that the definition of Custodial Care as defined in section 202 in chapter 2 of the 2015 IBC (International Building Code) as amended and adopted by the State of Utah, and of Draper City does not describe the nature of my business, therefore understanding the definition of Custodial Care as it relates to my business and occupancy classification, request that the Building Official of Draper City designate occupancy classification for my business as an R-3, and not an R-4 use.

Dated this 27 day of September, 20 18.

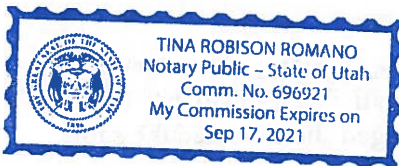
Troy Long
Signature

STATE OF UTAH)

: ss.

County of Salt Lake)

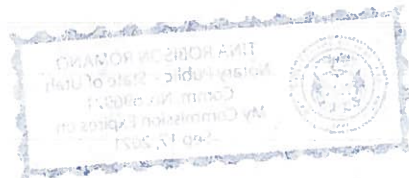
On the 27 day of September, 20 18, personally appeared before me _____, signer(s) of the within instrument, who duly acknowledged to me that (t)he(y) executed the same.

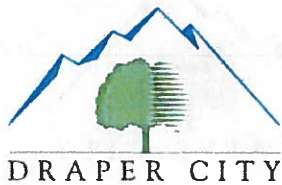


Tina Robison Romano
Notary Public

Approved by Draper City:

By: _____ Date





I, Troy Long, as the applicant for the Dear Hollow Holdings LLC Residential
Print Applicant Name Print Facility Name
Facility swear to abide by all City Ordinance, including DCMC Section 9-38-040, as listed below.

Regards,

Troy Long
Signature

9-38-040: DEVELOPMENT STANDARDS:

“The development standards set forth in this section shall apply as follows:

D. License And Certification: Prior to occupancy of any residential facility, the person or entity operating the facility shall:

2. Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
 - a. Constitute a direct threat to the health or safety of other individuals, or
 - b. Result in substantial physical damage to the property of others.”

State of Utah)

§

County of Salt Lake)

On this 29 day of September, in the year 2018, before me Tina Romano, a notary public, personally appeared Troy Long, proved on the basis of satisfactory evidence to be the person whose name is subscribed to the attached instrument, and acknowledged she executed the same. Witness my hand and official seal.

Tina Romano
NOTARY PUBLIC

