

Development Review Committee 1020 East Pioneer Road Draper, Utah 84020

STAFF REPORT

July 15, 2024

To: Jennifer Jastremsky, Zoning Administrator Approved Date Maryann Pickering, AICP, Planner III From: (801) 576-6391 or maryann.pickering@draperutah.gov Concord Farm Lane — Minor Subdivision Request Re: Application No.: 2024-0187-SUB Greg Wall of Landex Development, representing Element Applicant: Concord LLC Project Location: Approximately 13666 S. 300 East Current Zoning: RM1 (Multiple Family Residential) Acreage: Approximately 1.5 acres (approximately 65,340 square feet) A request to create a new subdivision with eight lots **Request:** accessed by a new private road.

SUMMARY and BACKGROUND

This application is a request for approval of a Minor Subdivision for approximately 1.5 acres located on the west side of 300 East (Exhibits B and C). The property is currently zoned RM1. The applicant is requesting that a Minor Subdivision be approved to allow for the creation of a new subdivision with eight lots accessed by a new private road.

In early 2022, a prior owner obtained approved for a Zoning Map Amendment, Land Use Map Amendment and Development Agreement for the two properties to develop this subdivision. The northern parcel contained a house built in 1939 and the southern parcel contained a house built in 1956. Both of these residences and all accessory buildings have been removed as part of the new subdivision. In January 2023, a Minor Subdivision application was approved for the site. However, the mylar was not recorded within the one-year time frame and an extension was not requested. The property was sold to the current owner and applicant in October 2023. The prior application expired on January 5, 2024 before a mylar was recorded or an extension requested. This is a new application for essentially the same project by a new owner.

<u>ANALYSIS</u>

Table 1	General Plan and Zoning Designations	Exhibit
Existing Land Use	Residential Medium/High Density	Exhibit D
Current Zoning	RM1	Exhibit E
Proposed Use	Single Family Residential	
Adjacent Zoning		
East	RA1 (Residential Agricultural, 40,000 square foot minimum) and RA2 (Residential Agricultural, 20,000 square foot minimum)	
West	RA1	
North	RM1	
South	RA1	

General Plan and Zoning.

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

Residential Medium-High Density

LAND USE DESCRIPTIC	N		
CHARACTERISTICS	 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 • Single-family homes • Patio homes • Townhouses • Multifamily housing	Secondary • Parks • Churches • Schools • Open Space	
DENSITY	Density range: 4-8 dwelling units per acre		
COMPATIBLE ZONING	 Single-family Residential (R4) Single-family Residential (R5) Master Planned Community (MPC) Multiple-family Residential (RM1) 		
OTHER CRITERIA	 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.*" The RM1 zone allows for single-family homes on lots with at least 6,000 square feet in size.

Table 2	Subdivision Design Rec	Subdivision Design Requirements			
Standard	DCMC Requirements	Proposal	Notes		
Lot/Parcel Size	6,000 square foot minimum		Exhibit F		
Lot 1		6,000 square feet			
Lot 2		6,000 square feet			
Lot 3		6,000 square feet			
Lot 4		6,000 square feet			
Lot 5		6,000 square feet			
Lot 6		8,075 square feet			
Lot 7		11,050 square feet			
Lot 8		7,954 square feet			
Lot Width	No minimum	All are a minimum of 60 feet			

<u>Subdivision Layout</u>.

Lot Depth	5.0 to 1 maximum	Ranges from 1.65 to 2.5	
Street Width	31 feet	31 feet	
Street Ownership	Private	Private	
Setbacks (*per approved Development Agreement)			
Front – Garage	20 feet	20 feet	
Front – Living Area	20 feet	15 feet*	
Side	6 feet	6 feet*	
Side – North and South Lines of Subdivision	n/a	12 feet*	
Rear Corner	6 feet	6 feet*	
Rear Interior	20 feet	20 feet	

<u>Subdivision Minor Plat.</u> The criteria for review and potential approval of a minor subdivision request are found in Sections 17-8-020 of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

The Zoning Administrator, or designee, shall have the ability to approve, approve with conditions, or deny a minor subdivision in accordance with the regulations of this chapter. Alternatively, the Zoning Administrator may direct that the application follow the standard procedure for subdivision approval. The applicant may appeal the decision of the Zoning Administrator to the Appeals and Variance Hearing Officer.

<u>REVIEWS</u>

<u>Planning Division Review</u>. The Draper City Planning Division has completed their review of the Minor Subdivision submission. Comments from this division, if any, can be found in Exhibit A.

<u>Engineering and Public Works Divisions Review</u>. The Draper City Engineering and Public Works Divisions have completed their reviews of the Minor Subdivision submission. Comments from these divisions, if any, can be found in Exhibit A.

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

<u>Fire Division Review</u>. The Draper City Fire Marshal has completed his review of the Minor Subdivision submission. Comments from this division, if any, can be found in Exhibit A.

STAFF RECOMMENDATION

Staff finds that the application complies with the DCMC and recommends that the Zoning Administrator review the request and approve the application based on the findings listed below and the criteria for approval or denial, as listed within the staff report.

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

- 1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
- 2. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.
- 3. That the developer shall have one (1) year from the date of approval to record the plat or begin construction of the required landscaping and infrastructure, otherwise the approval shall become null and void. This time period may be extended by the Zoning Administrator for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six (6) month period.
- 4. Submit proposed CC&R's for review by staff prior to the recordation of the mylar.

The findings for approval are as follows:

1. The proposed subdivision plat complies with DCMC Chapters 17-8, 17-3, and 17-4.

MODEL MOTIONS

Sample Motion for Approval – I approve the Minor Subdivision, as requested by Greg Wall of Landex Development, representing Element Concord LLC, application 2024-0187-SUB, based on the findings and subject to the conditions listed in the Staff Report dated July 1, 2024.

Sample Motion for Modified Approval – I approve the Minor Subdivision, as requested by Greg Wall of Landex Development, representing Element Concord LLC, application 2024-0187-SUB, based on the findings and subject to the conditions listed in the Staff Report dated July 1, 2024, and as modified by the findings and conditions below:

1. List any additional findings and conditions...

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.

1. Submit proposed CC&R's for review by staff prior to the recordation of the mylar.

<u>Building Division Review.</u>

1. No additional comments received.

Engineering and Public Works Divisions Review.

- 1. All subsurface drains or land drains require a private maintenance plan and protective covenants per DCMC 17-3-030(K) and 17-3-030(N).
- 2. Stormwater Maintenance Plan and Agreement are now required for every private storm drainage system, per DCMC 16-2-170. Submission of the maintenance plan is now required prior to site approval. The maintenance agreement is a condition of approval; it is required to be recorded and returned to the city prior to issuance of the Land Disturbance Permit for construction of the site. Comment is fully addressed with submission of maintenance plan. Agreement will be requirement of Land Disturbance Permit.
- 3. Once final plat has been approved, a Land Disturbance Permit is required prior to construction activities onsite. Permit is obtained through the Engineering Division.
- 4. Any work in a public right-of-way will require an Encroachment Permit obtained through the Engineering Division.
- 5. Draper City requires the engineer of record to provide the subdivision as- built drawings, retention basins volume certifications, and site grading and drainage certification letter after subdivision construction is complete.

<u>Fire Division Review</u>.

- 1. Fire Department Access is required. An unobstructed minimum road width of 26' exclusive of the shoulders and a minimum height of 13'6" inches shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of 28'. There shall be a maximum grade of 12%. Grades may be checked prior to building permits being issued.
 - a. D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20' to 26' wide.
 - This section requires that parking be prohibited on both sides of

narrower fire apparatus access roads. 20' is the appropriate width needed for two average-size fire trucks to pass one another. If that width is reduced by parking even on one side, it will be potentially difficult for a fire department to undertake emergency operations in that area.

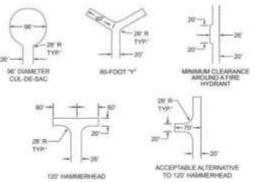
- b. D103.6.2 Roads more than 26' in width. Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26' wide and less than 32' wide.
 - Because this width is more than sufficient for maneuvering at least two fire department vehicles by one another, parking would be allowed on one side.
- 2. Site Access Required During Construction. Prior to and throughout construction a form of acceptable temporary Fire Department Access to the site shall be installed this includes turn arounds. The required access for fire apparatus access shall have a base material capable of supporting a 75,000 lb vehicle, during most-weather conditions, installed and compacted to 95% relative compaction at a minimum of 26' wide. There shall be no parking of construction vehicles, sub-contractor vehicles within the required fire access they shall be parked on the non-hydrant side of the road to allow for emergency vehicles to still access the subdivision. If at any time during the building phase any of the hydrants or temporary Fire Department Access becomes non-compliant any and all permits could be revoked.
- 3. Access and Fire Protection During Construction All buildings under construction shall meet the requirements of IFC Chapter 33, Fire Safety During Construction and Demolition as well as all of the sections detailed in this document.
- 4. IFC SECTION 3310 ACCESS FOR FIRE FIGHTING DURING CONSTRUCTION
 - a. 3310.1.1 Required access. Approved vehicle access for firefighting shall be, provided to all construction or demolition sites. Vehicle access shall be provided to within 100' of temporary or permanent fire department connections. Either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions, shall provide vehicle access. Vehicle access shall be, maintained until permanent fire apparatus access roads are available. Throughout development, please keep all construction parking to one side of road to allow fire access.
 - b. Until permanent fire apparatus access roads are constructed, fire-fighting vehicle access is the means by which fire fighters gain access to the construction or demolition site and building for fire suppression and rescue operations. Such access is an integral component of the fire prevention program. The site superintendent or other person responsible for construction and demolition operations is responsible for maintaining and policing fire-fighter access routes, as pro-vided in Section 3308. Fire apparatus must be able to get within 100' of any installed fire department connection supplying water to temporary or permanent fire protection systems. Access roads must support the weight of the heaviest vehicle that

might respond. The weight requirements are avail-able from the local fire department. All-weather sur-faces are required because the responding fire department should not waste time moving snow or trying to get out of mud.

5. D103.6 Signs May be Required. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12" wide by 18" high and have red letters on a white reflective background. Signs shall be, posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2. NO PARKING FIRE LANE signs shall be placed every 150'. Please show on plans.



6. Fire Department Approved Turn Around Required. Access roads over 150' long shall require an approved turn around. Below is a diagram of approved fire department turn arounds.



- 7. Fire Hydrants are required. Hydrants are required to be spaced at 450' as the hose lays not as the crow flies for this project. Fire Flow of 2,000 GPM @ 20 p.s.i. residual pressure. All fire hydrants are required to be operational and unobstructed at all times throughout the project. If at any time a hydrant needs to be shut down and made inoperable the Fire Marshal shall be notified immediately.
- 8. Utilities. All utilities including Fire hydrants within the required width of fire apparatus access roads shall be installed prior to introducing combustible materials to a site or commencing vertical construction. Any excavation in the required fire department access roadway after combustible materials are on site shall be performed in a manner to maintain access to the site and shall be coordinated with the Fire Marshal. Combustible material shall not be placed in any way that will impede fire apparatus access to any site.

- 9. Hydrants and Site Access. All hydrants and a form of acceptable temporary Fire Department Access to the site shall be installed and APPROVED by the Fire Department prior to the issuance of any Building Permits. If at any time during the building phase any of the hydrants or temporary Fire Department Access becomes non-compliant any and all permits could be revoked.
- 10. No combustible construction shall be allowed prior to hydrant installation and testing by water purveyor. All hydrants must be operational prior to any combustible elements being received or delivered on building site.
- 11. Street Signs required and are to be posted and legible prior to building permits being, issued. All lots to have lot number or address posted and legible.
- 12. 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.
- 13. 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 VICINITY MAP



EXHIBIT C AERIAL MAP

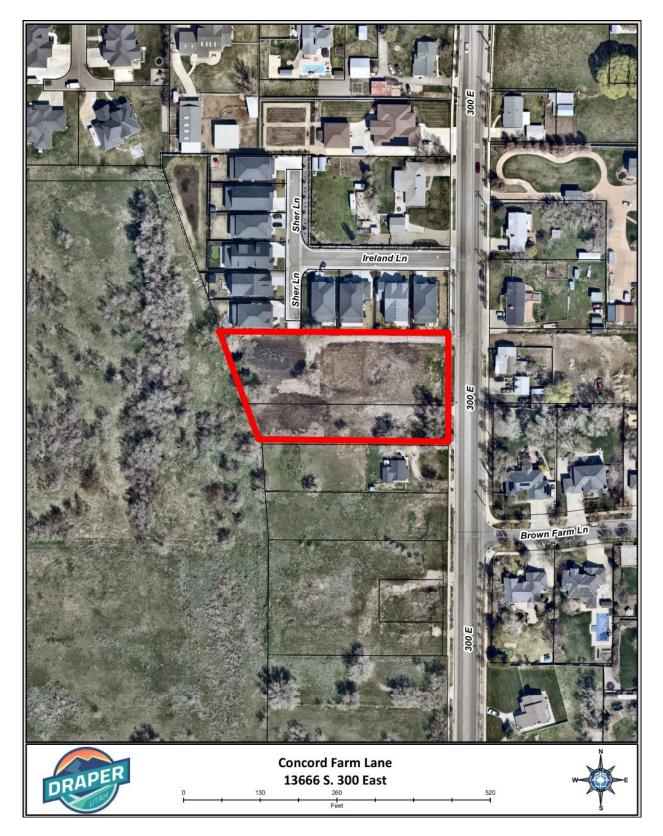


EXHIBIT D LAND USE MAP

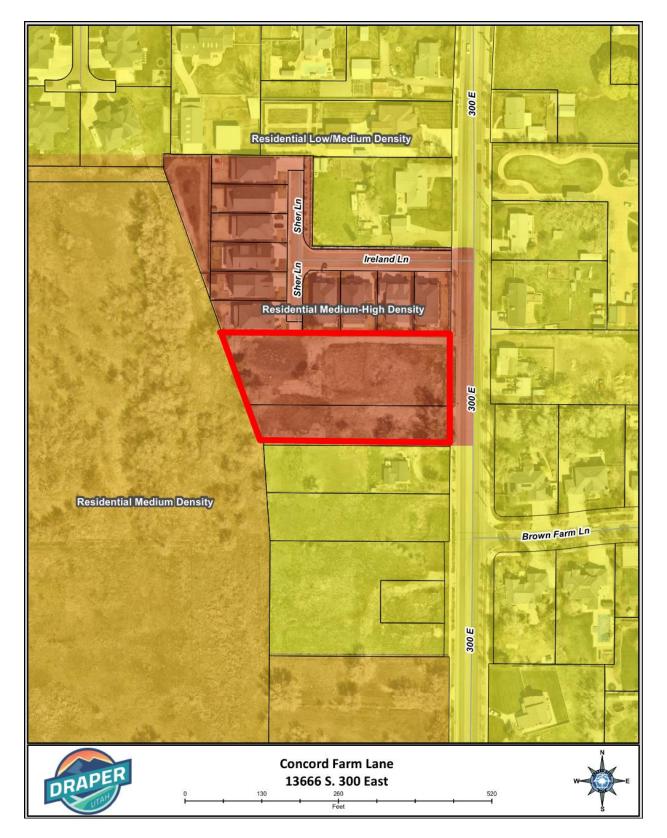


EXHIBIT E ZONING MAP

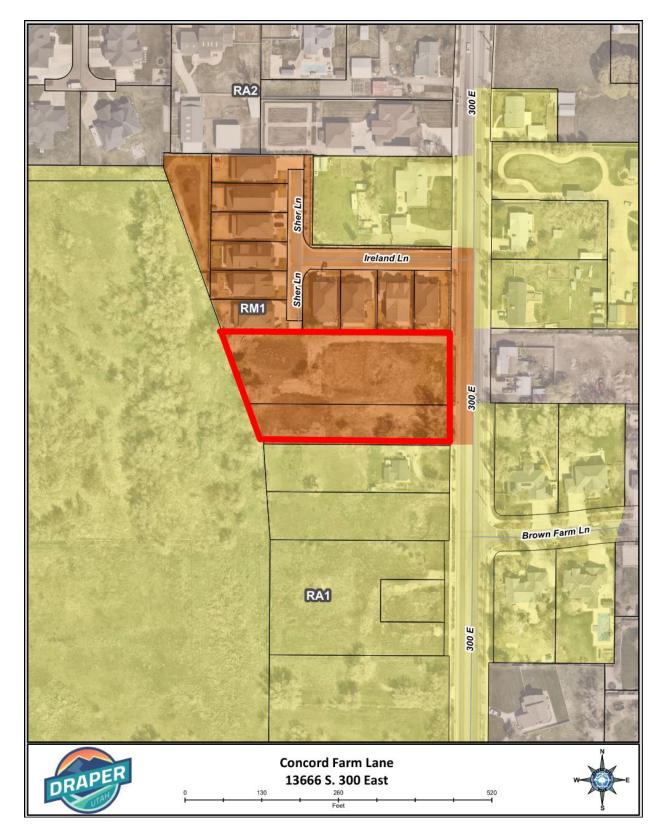
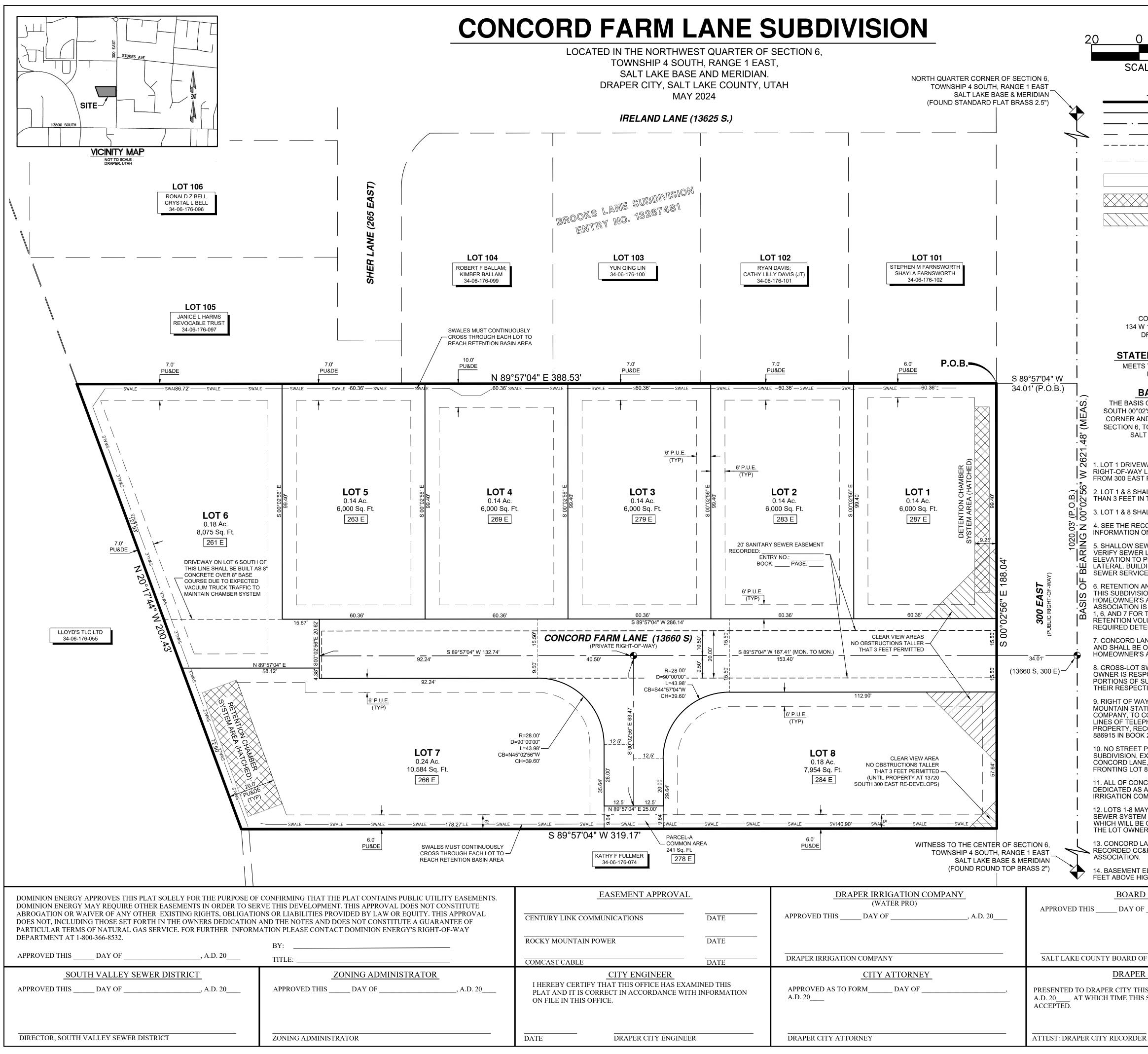


EXHIBIT F PROPOSED PLAT



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