

# REQUEST FOR COUNCIL ACTION

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**To:** Mayor & City Council

**From:** Dennis Workman

**Date:** 11-12-14 for 11-18-14 CC Hearing

**Subject:** Beehive Homes of Draper East Zone Change

**Applicant Presentation:** Michelle Ketcher

**Staff Presentation:** Keith Morey

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**RECOMMENDATION:**

To approve Ordinance 1135, as recommended by staff and Planning Commission.

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**BACKGROUND AND FINDINGS:**

Stan and Michelle Ketcher are the owners and managers of the Beehive Homes of Draper Assisted Living Facility located on the northeast corner of Pioneer and 700 East. Since the demand for the service they provide is ever-growing, they wish to establish an additional facility in Draper. The property they have selected is currently zoned RA1, which means that a rezone is in order. The applicant seeks a rezone to IC (Institutional Care), which is the most suitable zone for the intended use. The Planning Commission recommended approval based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the request to amend the zoning map providing the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan, and where the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
2. That developing the subject property according to the uses contemplated for the IC zone is not contrary to public health, safety or welfare.
3. That the proposed zoning would not adversely affect adjacent property.
4. That the facilities and services intended to serve the subject property are adequate, namely, roadways, parks and recreation facilities, police and fire protection, storm water drainage systems, water supplies and waste water and refuse collection.
5. That though IC is not consistent with the current land use designation, it is appropriate because an assisted living facility is a good transitional use between existing commercial on the west and existing residential on the east.
6. That Pioneer Road is classified as a minor collector, which lends itself to the kind of quasi-commercial use being proposed.
7. That the request is consistent with Section 9-21-010, which states that the IC zone should be located along a collector street, that it should be within reasonable walking distance to existing commercial, and that it should be in the proximity of mass transit options.

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**PREVIOUS LEGISLATIVE ACTION:**

November 6, 2014: Planning Commission reviewed and recommended approval of the rezone.

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**FISCAL IMPACT: Finance Review:** \_\_\_\_\_

This rezone anticipates the development of an Assisted Living Facility, much like the existing facility located on the northeast corner of Pioneer Rd. and 700 East.

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**SUPPORTING DOCUMENTS:**

Ordinance 1135; staff report to Planning Commission, with maps; and PC minutes from Nov. 6, 2014.

# **Planning Commission Application Summary**

**Project Name:** Beehive Homes of Draper East Rezone  
**Address:** 1393 E. Pioneer Rd.  
**Current Zoning:** RA1  
**Hearing Date:** November 6, 2014

## **Summary of Request**

The applicant is requesting to rezone 2.98 acres from RA1 to IC (Institutional Care)

## **Background**

Stan and Michelle Ketcher are the owners and managers of the Beehive Homes of Draper Assisted Living Facility located on the northeast corner of Pioneer and 700 East. Since the demand for the service they provide is ever-growing, they wish to establish an additional facility in Draper. The property they have selected is currently zoned RA1, which means that a rezone is in order. The applicant seeks a rezone to IC (Institutional Care), which is the most suitable zone for the intended use. An assisted living facility is allowed in many of the city's commercial zones subject to a conditional use permit, but is a permitted use in IC. The city has only one other property with the IC zone designation, and it is the location of the Rosegate Senior Living Center currently under construction at 14075 S. Bangerter Pkwy. This staff report will evaluate the suitability of the subject property for the uses contemplated for the IC zone.

## **General Plan and Zoning**

The General Plan designates the subject property as Residential Medium Density. The IC zone does not conform to this designation. Resolution No. 07-35 adopted by the City Council in June 2007 added the IC zone classification to the list of preferred zones for the Regional Commercial land use category in the General Plan. However, staff does not see the proposed zoning as being in conflict with the long term vision for the area, based on the following analysis.

## **Analysis**

The Draper City planning staff has reviewed this application and forwards a positive recommendation based on the following findings: 1) that though the requested zoning of IC is not consistent with the land use designation of Medium Density Residential, it is appropriate because an assisted living facility is a good transitional use between commercial on the west and residential on the east; 2) that the request is consistent with Section 9-21-010, which states that the IC zone should be located in areas along or very near an arterial or collector street, that it should be within reasonable walking distance to general commercial centers, and that it should be in proximity of mass transit facilities; 3) that Section 9-5-060 of the Draper City Code allows for the request to amend the zoning map which complies with the General Plan, and where the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; 4) that development of the subject property for this type of residential use is not contrary to public health, safety or welfare; 5) that based on ITE data, traffic generation and parking demand for the proposed use will actually be less than it would be for Medium Density Residential, which contemplates up to four single family dwellings per acre; 6) that Pioneer Road is classified as a minor collector street which lends itself to the kind of quasi-commercial use being proposed; 7) that the proposed use is compatible with the age-restricted housing development directly south of the subject property; and 8) that an assisted living facility is a permitted use in the IC zone, but is conditional in the commercial zones.

## **Deviations (If applicable)**

Not applicable

## **Staff Recommendation**

Staff recommends that the Planning Commission forward a positive recommendation on to the City Council.

**ORDINANCE NO. 1135**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF DRAPER CITY FOR 2.98 ACRES OF PROPERTY FROM RA1 TO IC (INSTITUTIONAL CARE), LOCATED AT APPROXIMATELY 1393 EAST PIONEER ROAD WITHIN DRAPER CITY, OTHERWISE KNOWN AS THE BEEHIVE HOMES OF DRAPER EAST REZONE.**

**WHEREAS**, the City has received a request submitted by the authorized agent of the subject parcel requesting certain described real property in Draper City, Salt Lake County, State of Utah, be rezoned; and

**WHEREAS**, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change and amendment to the official zone district map of Draper City, and the City Council has found the proposed zoning change to be consistent with the goals and objectives of the City's general plan; and

**WHEREAS**, all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the zone district map.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:**

**Section 1. Zoning Map Amendment.** The following described real property located at 1393 East Pioneer Road within Draper City, Salt Lake County, State of Utah, previously zoned RA1 as shown on the Draper City zone district map, is hereby rezoned to IC:

COM N 0-13'20" E 1320 FT & S 89-38'46" E 681.57 FT FR SW COR  
SEC 28, T 3S, R 1E, SL MER, N 89-38'46" W 293.83 FT; S 0-07'  
E 380.75 FT M OR L TO N LINE OF COUNTY ROAD; NE'LY ALG SD  
LINE 440 FT M OR L; N 23-58'20" W 290.8 FT M OR L TO BEG.  
LESS CANAL. 2.98 AC.

**Section 2. Severability Clause.** If any part or provision of this ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this ordinance and all provisions, clauses and words of this ordinance shall be severable.

**Section 3. Effective Date.** This ordinance shall become effective immediately upon publication or posting or 30 days after final passage, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**ATTEST:**

**DRAPER CITY**

By: \_\_\_\_\_ By: \_\_\_\_\_  
City Recorder Mayor



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**Development Review Committee**  
1020 East Pioneer Road  
Draper, UT 84020  
(801) 576-6539 Fax (801) 576-6526

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**STAFF REPORT**

October 24, 2014

**To:** Planning Commission  
Business Date: November 6, 2014

**From:** Development Review Committee  
Prepared by Dennis Workman, Planner II

**Re: Beehive Homes of Draper East Rezone**

Application No.: 141007-1393E  
Applicant: Michelle Ketcher  
Project Location: 1393 E. Pioneer Rd.  
Zoning: RA1  
Acreage: 2.98 acres  
Request: To rezone the parcel from the RA1 to IC (Institutional Care)

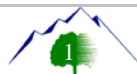
**BACKGROUND**

Stan and Michelle Ketcher are the owners and managers of the Beehive Homes of Draper Assisted Living Facility located on the northeast corner of Pioneer and 700 East. Since the demand for the service they provide is ever-growing, they wish to establish an additional facility in Draper. The property they have selected is currently zoned RA1, which means that a rezone is in order. The applicant seeks a rezone to IC (Institutional Care), which is the most suitable zone for the intended use. An assisted living facility is allowed in many of the city's commercial zones subject to a conditional use permit, but is a permitted use in IC. The city has only one other property with the IC zone designation, and it the location of the Rosegate Senior Living Center currently under construction at 14075 S. Bangerter Pkwy. This staff report will evaluate the suitability of the subject property for the uses contemplated for the IC zone.

**ANALYSIS**

*Criteria For Approval.* The criteria for review and potential approval of a zoning map amendment request is found in Section 9-5-060(e) of the Draper City Municipal Code. This section sets forth the standard of review for such requests as:

- (e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:
  - (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
  - (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;



- (3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
- (4) The extent to which the proposed amendment may adversely affect adjacent property; and
- (5) 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.

General Plan. The General Plan designates the subject property as Residential Medium Density. The IC zone does not conform to this designation. Resolution No. 07-35 adopted by the City Council in June 2007 added the IC zone classification to the list of preferred zones for the Regional Commercial land use category in the General Plan. However, staff does not see the proposed zoning as being in conflict with the long term vision for the area, as explained later in this staff report.

Purpose of the Institutional Care Zone. The IC zone was established by Ordinance 760 in 2007, and so far has been applied to only one property in the city, which is the site of Rosegate Senior Living Center currently under construction at 14075 S. Bangerter Pkwy. Chapter 9-21 of the Draper City Municipal Code contains the full text of the Institutional Care Ordinance. The purpose of the IC zone, as stated in Section 9-21-010 of the DCMC, is as follows:

The Institutional Care IC zone is established to provide a residential environment within Draper City for Institutional Care developments such as:

- (1) Alzheimer's Facilities;
- (2) Assisted Living Facilities;
- (3) Congregate Housing Facilities;
- (4) Hospices
- (5) Medical Services, Limited;
- (6) Nursing Care Facilities;
- (7) Transitional Care Developments; or
- (8) Other similar land uses that are constructed and used primarily for long term or permanent residence by the elderly and persons with a disability.

It is intended that this zone be located in areas along or very near an arterial or collector street, preferably within reasonable walking distance to general commercial centers that may include services such as grocery stores or pharmacies and to areas where mass transit may be available currently or in the future. To ensure neighborhood compatibility, all developments shall be approved by the Draper City Planning Commission as a part of site plan review.

Intended Use. The property is intended to be used as an *Assisted Living Facility*, defined in Chapter 9-3 of the Draper City Code as follows:

A residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24 hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services and who have a service plan based on the assessment, which may include:

- (1) Specified services of intermittent nursing care;
- (2) Administration of medication; and
- (3) Support services promoting resident's independence and self-sufficiency. An assisted living facility does not include a residential facility for persons with a disability or an adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

Planning Review. The Draper City planning staff has reviewed this application and forwards a positive recommendation based on the following findings:

1. That though the requested zoning of IC is not consistent with the land use designation of Medium Density Residential, it is appropriate because an assisted living facility is a good transitional use between commercial on the west and residential on the east.
2. That the request is consistent with Section 9-21-010, which states that the IC zone should be located in areas along or very near an arterial or collector street, that it should be within reasonable walking distance to general commercial centers, and that it should be in proximity of mass transit facilities.
3. That Section 9-5-060 of the Draper City Code allows for the request to amend the zoning map which complies with the General Plan, and where the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
4. That development of the subject property for this type of residential use is not contrary to public health, safety or welfare.
5. That based on ITE data, traffic generation and parking demand for the proposed use will actually be less than it would be for Medium Density Residential, which contemplates up to four single family dwellings per acre.
6. That Pioneer Road is classified as a minor collector street which lends itself to the kind of quasi-commercial use being proposed.
7. That the proposed use is compatible with the age-restricted housing development directly south of the subject property.
8. That an assisted living facility is a permitted use in the IC zone, but is conditional in the commercial zones.

Engineering Division Review. In a memo dated October 24, 2014, Brad Jensen with the engineering division states:

We have reviewed the subject zone map amendment application and recommend approval. 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 recommended 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 does not appear to be an issue, as it appears to have adequate access to Pioneer Road. Access to the public street shall be consistent with the Access Management Guidelines of the Draper City Master Transportation Plan.
- b. There are no storm drainage facilities fronting the property in Pioneer Road. A city storm drain system exists on Pioneer Road a few hundred feet west of the subject property. Storm drainage discharge must comply with onsite detention required in accordance with the provisions of the site plan requirements within the Draper City Municipal Code.
- c. Sanitary sewer facilities will be provided by South Valley Sewer District. Any site plan application will require a commitment to serve from the Sewer District that facilities are adequate to provide service for the proposed uses.
- d. Culinary water service is provided by WaterPro. Any site plan application will require a commitment to serve from 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. If you have any questions, please call.

*Building Division Review.* Building Official Keith Collier states that he has no concerns at this stage of development.

*Unified Fire Authority Review.* Don Buckley states that “the fire department does not have any comment at this time. However, once a plan does come in for the site the fire department will want to make comment.”

*Noticing.* Noticing for the Planning Commission hearing has been properly issued in the manner outlined in the City and State Codes, as it will be for the City Council hearing.

### **STAFF RECOMMENDATION**

Staff recommends approval of the rezone request by Michelle Ketcher, as outlined in this staff report, based on the following findings:

1. That Section 9-5-060 of the Draper City Code allows for the request to amend the zoning map providing the proposed amendment is consistent with the goals, objectives and policies of the City’s General Plan, and where the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
2. That developing the subject property according to the uses contemplated for the IC zone is not contrary to public health, safety or welfare.
3. That the proposed zoning would not adversely affect adjacent property.
4. That the facilities and services intended to serve the subject property are adequate, namely, roadways, parks and recreation facilities, police and fire protection, storm water drainage systems, water supplies and waste water and refuse collection.

5. That though IC is not consistent with the current land use designation, it is appropriate because an assisted living facility is a good transitional use between existing commercial on the west and existing residential on the east.
6. That Pioneer Road is classified as a minor collector, which lends itself to the kind of quasi-commercial use being proposed.
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### **MODEL MOTION**

*Sample Motion for a Positive Recommendation.* “I move we forward a positive recommendation to the City Council regarding the Beehive Homes of Draper East rezone request by Michelle Ketcher, application 141007-1393E, based on the findings listed in the staff report dated October 24, 2014 and as modified by the following additional findings:”

1. List any additional findings.

*Sample Motion for a Negative Recommendation.* “I move we forward a negative recommendation to the City Council regarding the Beehive Homes of Draper East rezone request by Michelle Ketcher, application 141007-1393E, based on the following findings:”

1. List any additional findings.



**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.


  
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Draper City Engineering Division

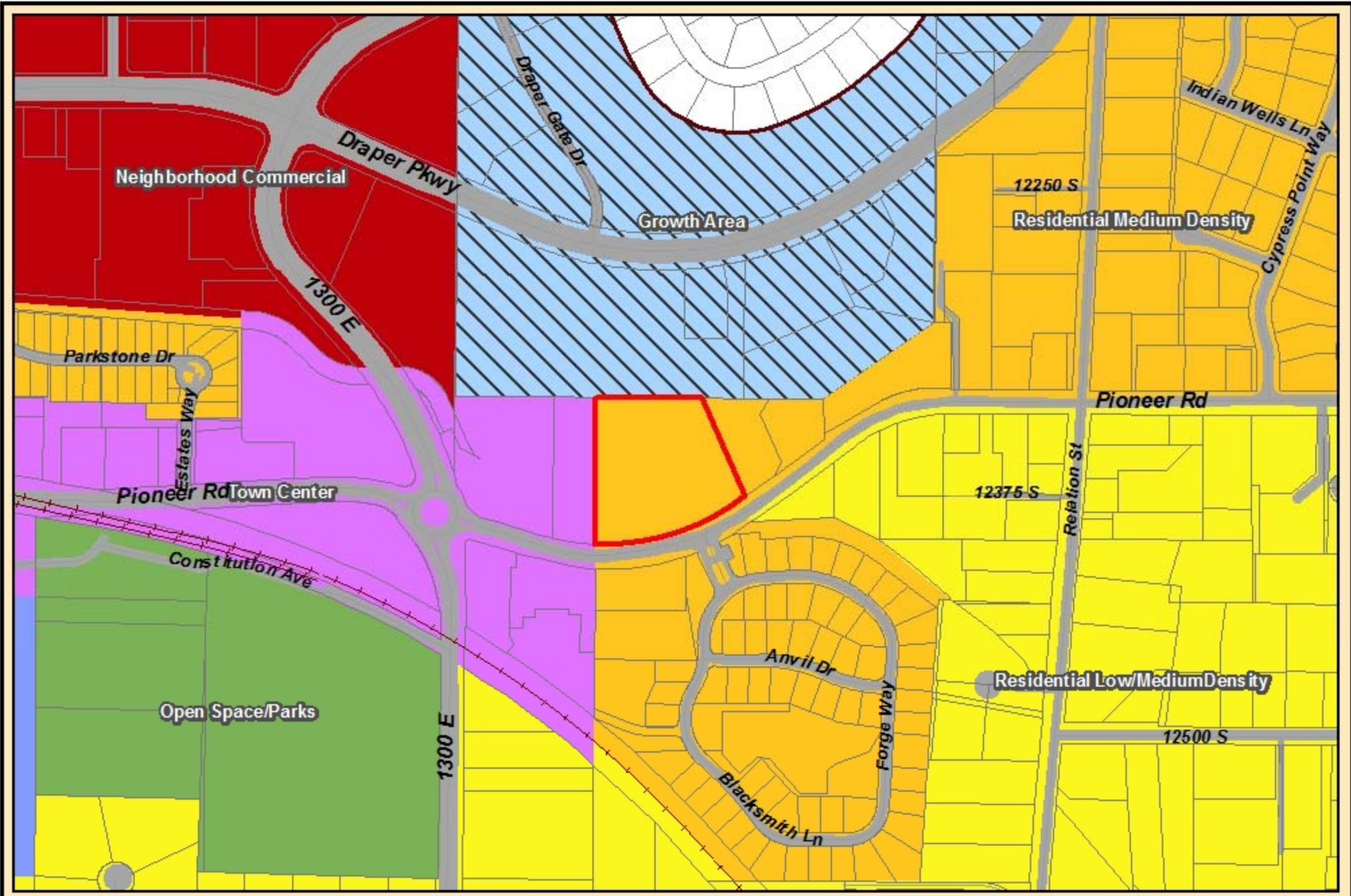
  
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Draper City Building Division

  
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Draper City Public Works Department

  
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Draper City Planning Division

  
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Unified Fire Authority

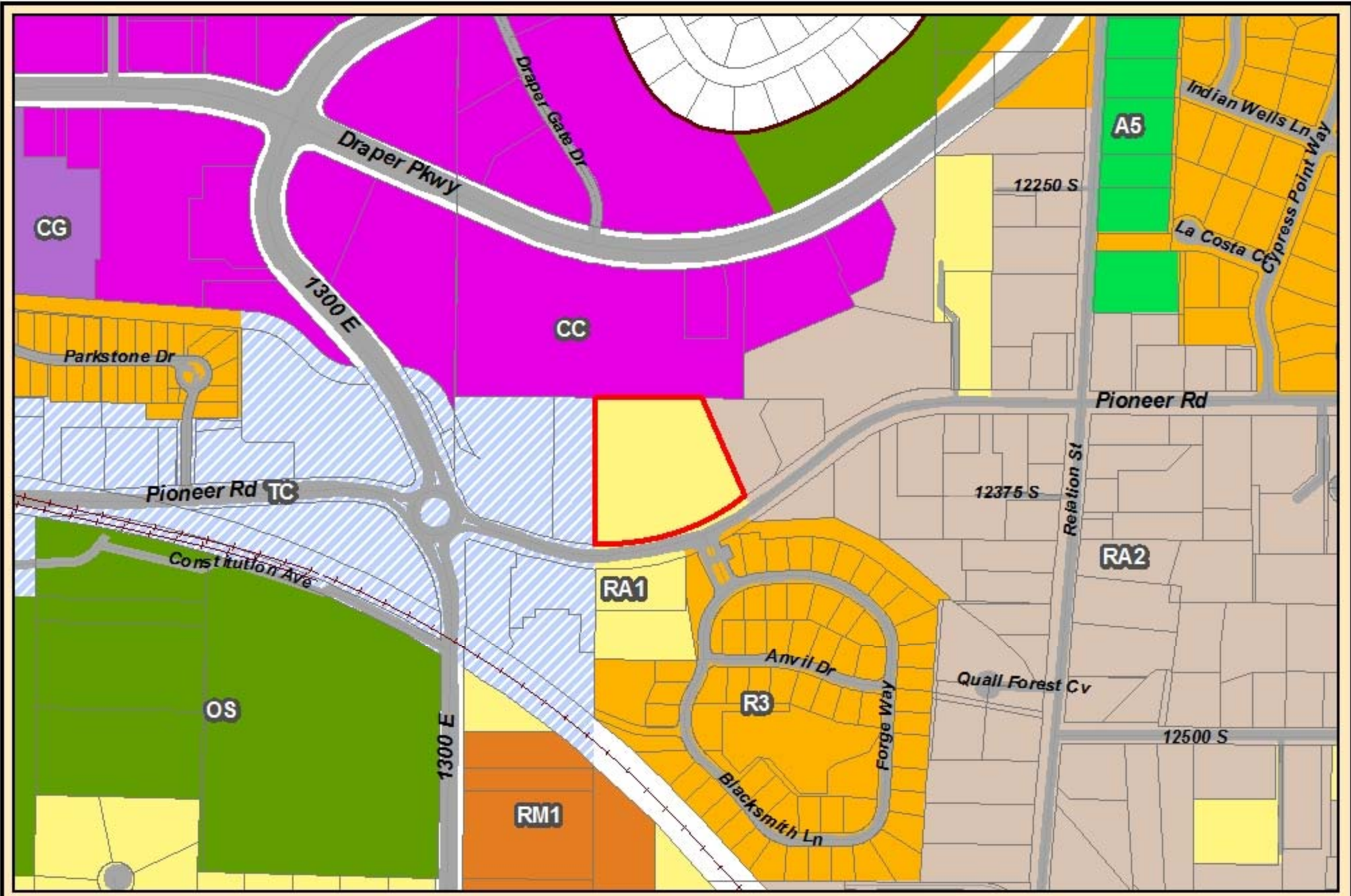
  
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Draper City Legal Counsel



Land Use Map for Beehive Homes of Draper East Rezone







**Zoning Map for Beehive Homes of Draper East Rezone**







**Aerial Map for Beehive Homes of Draper East Rezone**

