



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

STAFF REPORT
March 11, 2019

To: Jennifer Jastromsky, AICP, Zoning Administrator

Approved

Date

4/2/19

From: Dan Boles, AICP

Re: **Deer Hollow Recovery II Permitted Use Permit**

Application No.: USE-367-2018

Applicant: Troy Long

Location: 13666 S Annie Lace Way

Current Zoning: RM (Multi-family Residential)

Parcel Size: 0.23 Acre

Request: Permitted Use Permit review of a proposed Residential Facility for Persons with a Disability.

SUMMARY OF REQUEST

This application proposes to utilize the existing home at 13666 S Annie Lace Way in phase one of the South Mountain development as a Residential Facility for Persons with a Disability, which is a permitted use in all residential zones. The program will be called Deer Hollow Recover 2. 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 Section 9-38-040 of the DCMC (Draper City Municipal Code). 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 of DCMC 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 facility itself will have eight residents seeking treatment for substance recovery. Residents will have already gone through detoxification by the time they reach the facility and will be required to participate in or have graduated from the home's outpatient programming. The residents will be adult men who have drug addiction. The zoning ordinance allows residential facilities to have up to 8 residents, unless a reasonable accommodation is obtained to allow more. In this particular case, due to the size of the home and other factors, the applicant is only asking for approval of eight residents and is not seeking reasonable accommodation.

The properties layout will not be affected by the requested use. There is a single home on the property, with a three car attached garage. Staff has determined that the home will be able to comply with all building, safety and health regulations. In addition, it is not within 500 feet of a school and 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) of the above referenced code. The applicant expects the facility to receive no visitors. As noted in Subsection D of the foregoing, 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.

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:

- Certificate of approval from Salt Lake County Health Department
- Sworn statement of no physical threat
- Notarized property owner affidavit

- Elevation photos of all sides of the house
- Aerial view of the house
- 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. However, the Draper City Municipal Code allows the applicant to have more than eight residents subject to approval of a “reasonable accommodation” request, which requires zoning administrator approval. No such request has been made at this time. If additional residents are desired at a future date a new permitted use permit will be required seeking the reasonable accommodation.

Fire Review. Draper City Fire has reviewed this request and has not provided any further comments regarding the request.

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 13666 S Annie Lace Way as a Residential Facility for Persons with a Disability, and to house up to eight residents. This recommendation is subject to the following conditions, and based on the following findings:

Conditions:

1. That all conditions of the Draper City Fire Department are followed throughout the duration of this use.
2. That the facility will house no more than eight occupants at any given time.
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.
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.

Findings:

1. That the applicant is in the process of getting a Draper City business license, a fire inspection, and a health inspection.
2. That the applicant meets all state licensing requirements, and has provided the necessary business license from the State of Utah Office of Licensing.
3. That the facility will not fundamentally alter the character of the immediate neighborhood.
4. 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.
5. That the applicant has stated that there will be no parking on the street but will contain any parking associated with the facility either within the garage or the driveway.

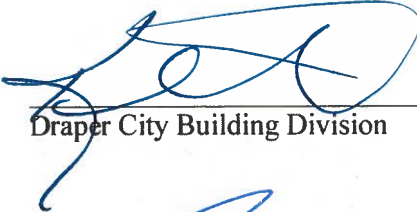
6. That the applicant has furnished a fire escape plan for both main floor and basement.

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.



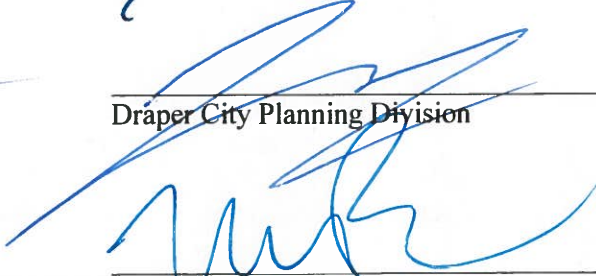
Draper City Engineering Division




Draper City Building Division



Draper City Fire Department

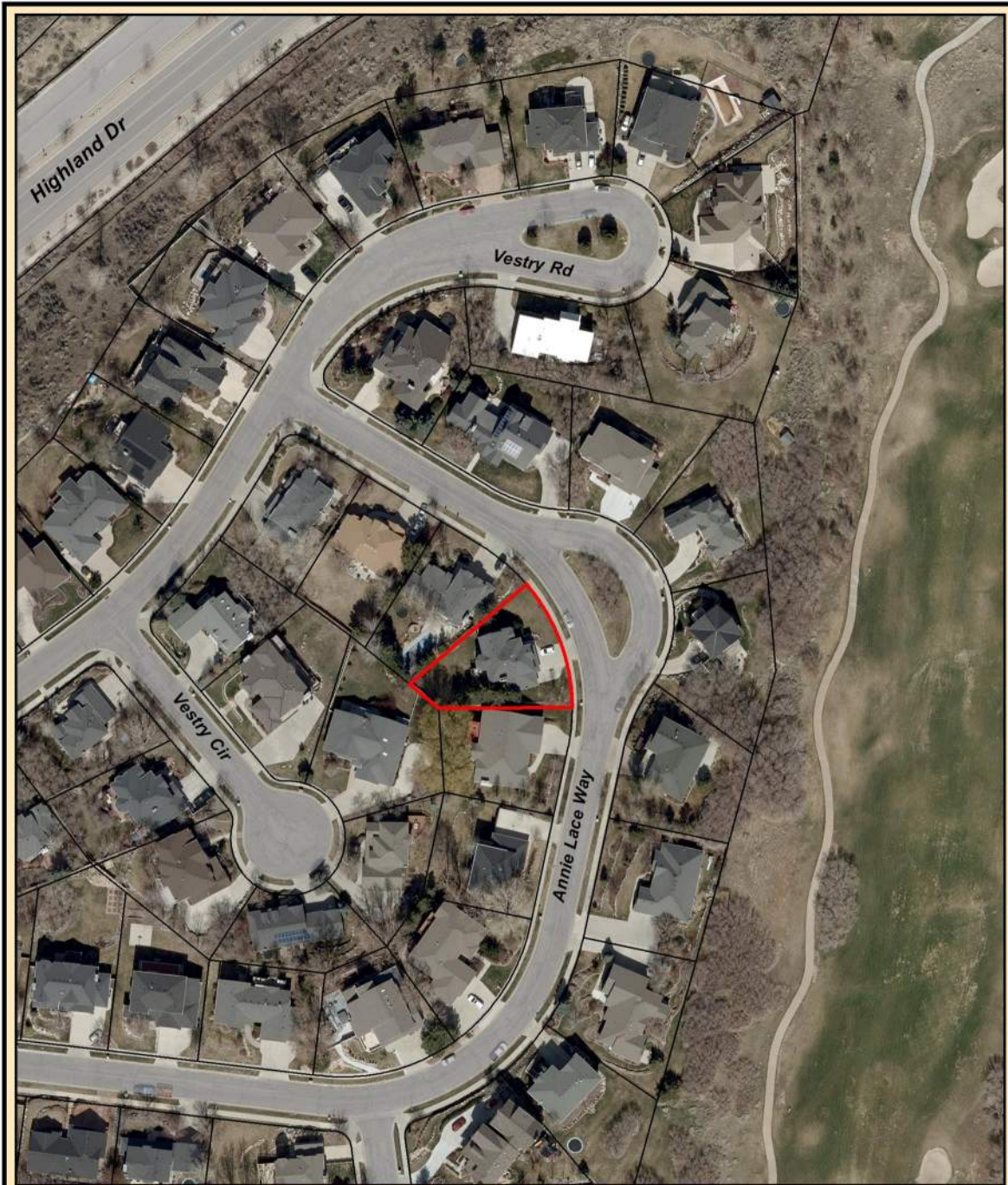


Draper City Planning Division

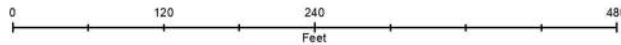


Draper City Legal Counsel

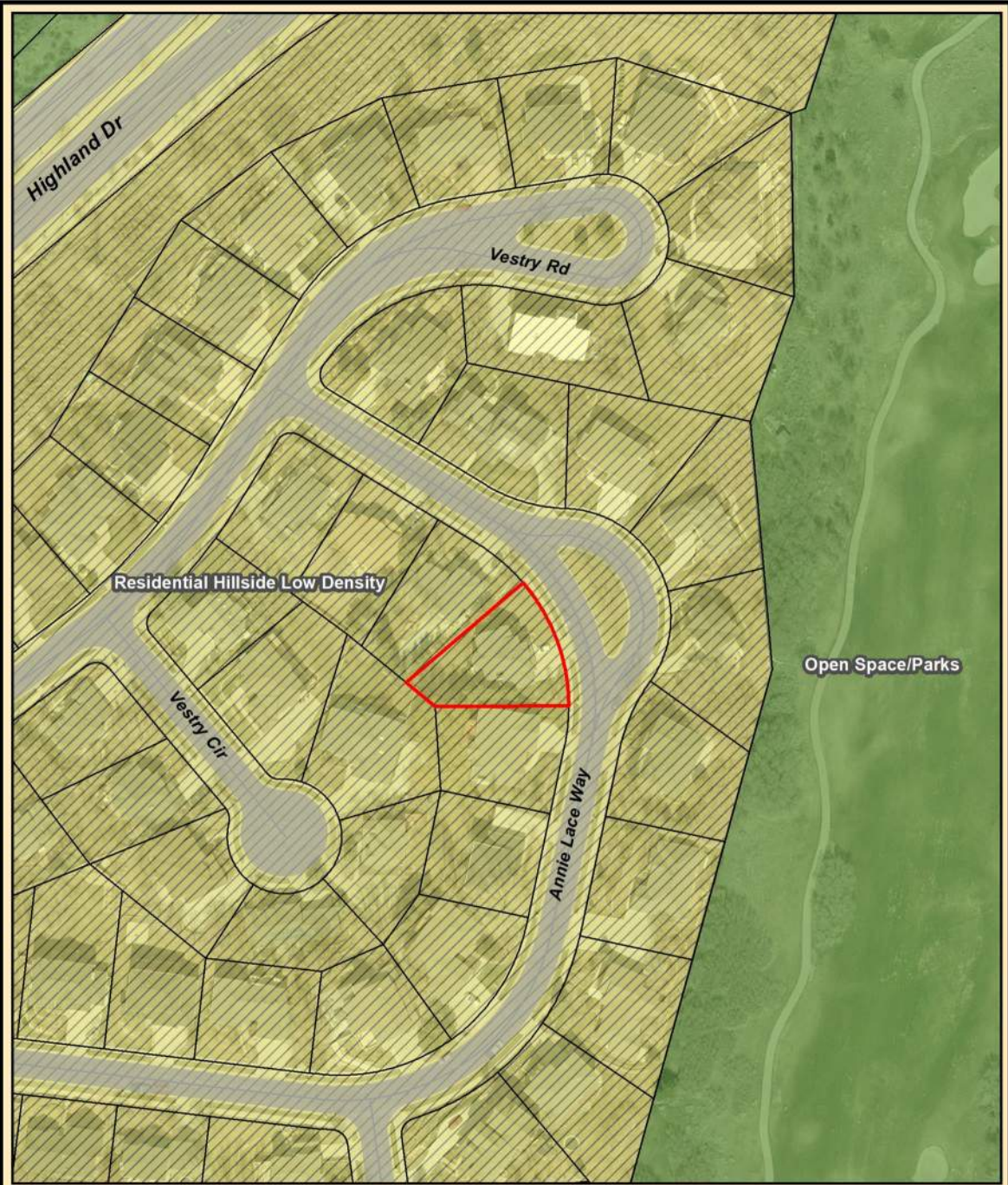
**EXHIBIT A
AERIAL MAP**



Deer Hollow Recovery II
13666 South Annie Lace Way



**EXHIBIT B
LAND USE MAP**



Deer Hollow Recovery II
13666 South Annie Lace Way



**EXHIBIT C
ZONING MAP**



Deer Hollow Recovery II
13666 South Annie Lace Way



**EXHIBIT D
SCHOOL BUFFER MAP**

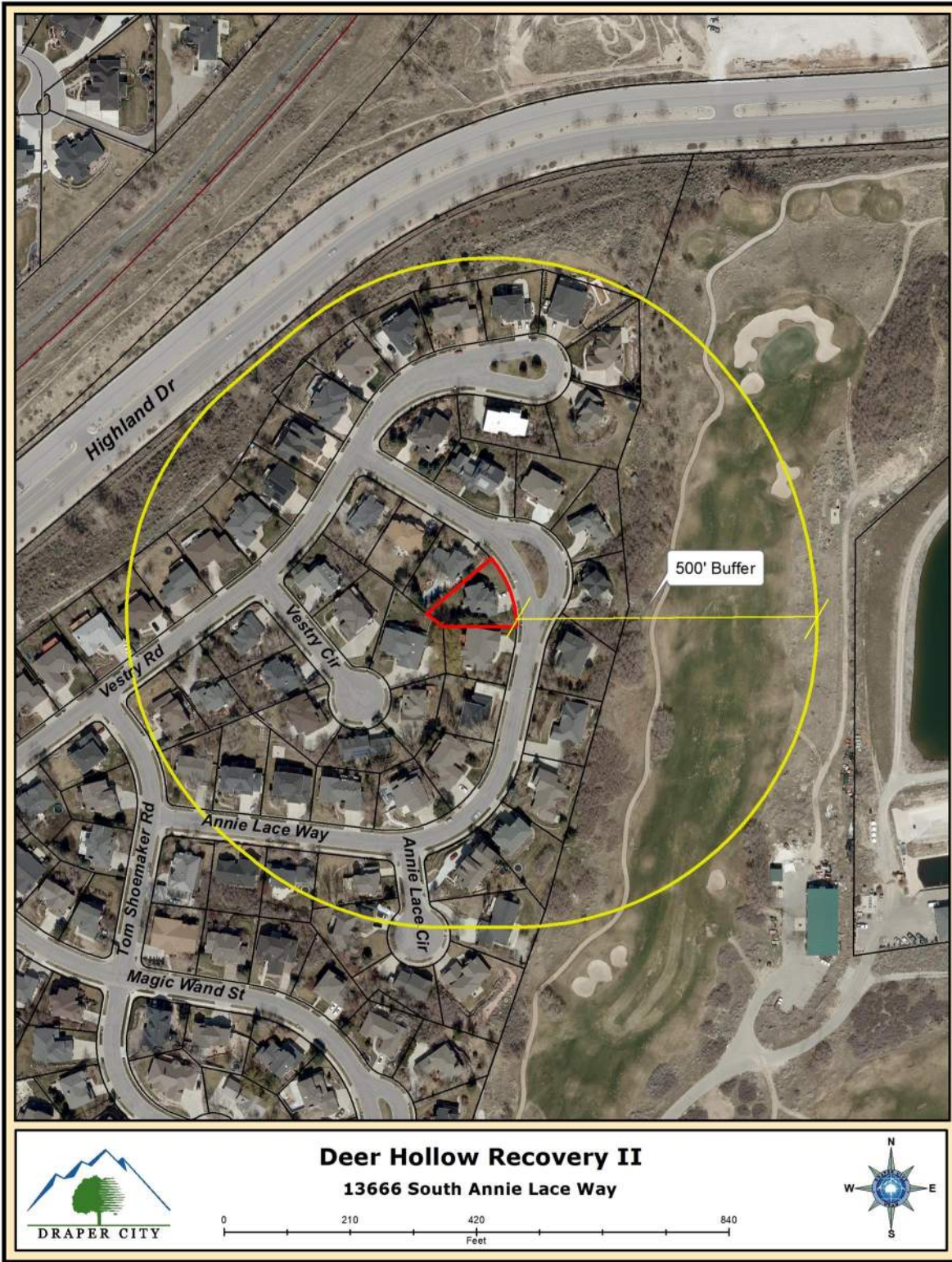


EXHIBIT E APPLICATION LETTER



1481 E Pioneer Road
Draper, UT 84020

September 25, 2018

Draper City
Community Development Department
1020 East Pioneer Road
Draper, UT 84020

RE: Planning review of Deer Hollow Sober Living 2, Permitted Use Permit 13666 S Annie Lace Way, Draper, UT 84020.

Information as Requested;

1. Application Fee - Paid
2. Completed Application Form
3. Detailed Site Plan - There is no change to the exterior or interior of the residence. Site plan is the same as approved when building constructed. Building safety, and health regulations are that of similar residences in the existing neighborhood. See "Schedule "A" plat map for house number.
4. Elevations - See Attached Schedule "B"
5. The specific type of facility as defined by the Utah State Administrative Code is; Recovery Residence Service. The Recovery Residence is regulated and audited semi-annually by the Utah State Department of Human Services, Department of Licensing. The residence is also regulated and operated under the Rule R-501-18, Recovery Residence Service of the Utah Administrative Code.
6. Maximum number of residents will be 8. Zero number of visitors per day is expected. Supervision will be provided specially through Rule R-501-189 Utah Administrative Code appx 10-12 hours per week.
7. There are zero similar facilities within the vicinity of the residence, as defined by the ADA, FHAA Act of 1988 which is 200 feet.
8. Sworn Statement - See Attached schedule "C"
9. Health Department - See Attached schedule "D"

Deer Hollow Sober Living 2 is at this point requesting the approved permitted use at the proposed residential dwelling. After the use is approved by Draper City, I will complete the licensing requirements with the State of Utah and will provide the current license to Draper City to complete the application for Business License.

If there are any problems or concerns please let me know. Thank you for help with this matter.

Sincerely,


Troy Long
801-548-4458

**EXHIBIT F
BUILDING OCCUPANCY AFFIDAVIT**



I Troy Long as owner/operator of my business Dear Hollow Solera Living 2, LLC located at 13666 Annie Lane, 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 December, 20 18.

Signature [Handwritten Signature]

STATE OF UTAH)

: ss.

County of Salt Lake)

On the 18th day of December, 20 18, 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

**EXHIBIT G
DANGEROUS PERSONS AFFIDAVIT**



I, Tray Long, as the applicant for the Deer 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,

Tray 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)

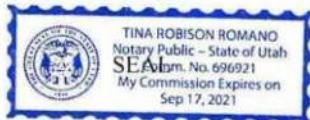
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County of Salt Lake)

On this 27 day of September, in the year 2018, before me Tina Romano, a notary public, personally appeared Tray 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



**EXHIBIT H
SITE PLAN**



Aerial View

**EXHIBIT I
ELEVATIONS**
Schedule B

9/25/2018



Front Elevation

9/25/2018

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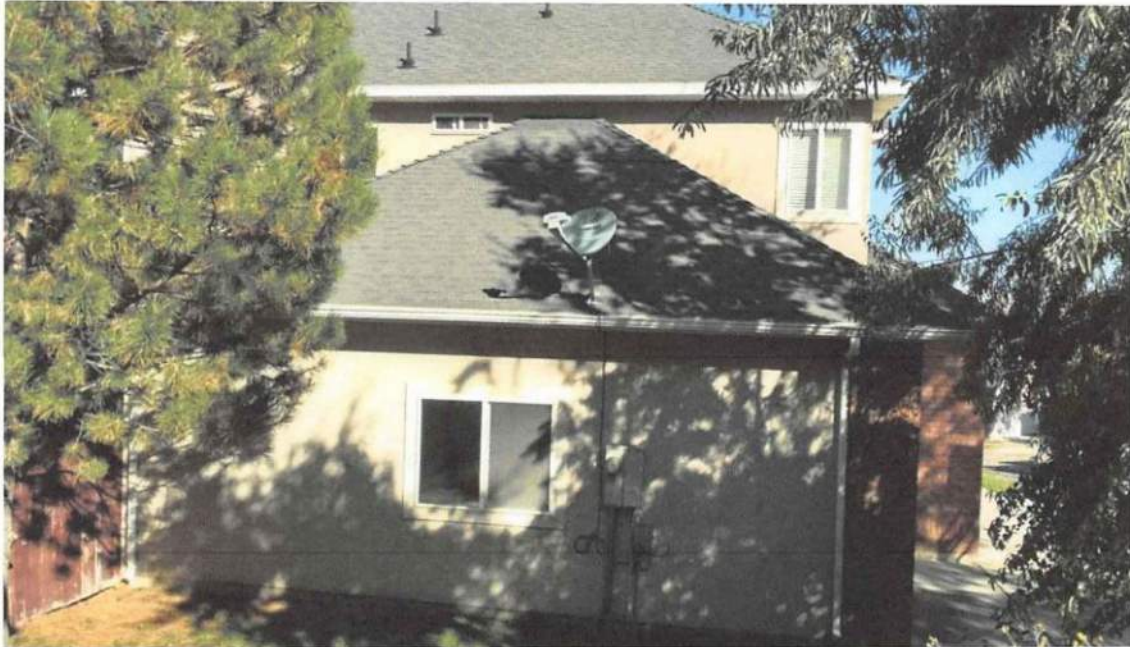
Back Elevation



*Side
Elevation*

9/25/2018

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Side Elevation

**EXHIBIT J
SAFETY PLAN**



DEER HOLLOW
Recovery & Wellness Centers

SAFETY PLAN

Deer Hollow Sober 4 Recovery Residence Service is located at 11882 Preamble Dr, Draper UT. Deer Hollow Sober 4 has 3 cameras set up around the residence. Two cameras outdoors on each point of entry/exit, and one indoor camera facing the main living spaces and stair case traffic. This allows for 24-hour surveillance of the facility. The House Coordinator for Sober 4 spends 10-12 hours per week, performing general house checks and is available by phone when not on site.

If you have any questions, please contact me.

Troy Long, 801-548-4458

EXHIBIT K
SALT LAKE COUNTY LETTER

Schedule D



August 29, 2018

RE: Deer Hollow Sober Living 2

To whom it may concern:

Deer Hollow Sober Living located at 13666 Annie Lace Drive in Draper, Utah 84020 is not required to have a permit or inspection by the Salt Lake County Health Department Food Protection Bureau. This decision is based on information provided to SLCohd by Erica Peterson that clients at Deer Hollow Sober Living will be responsible for purchasing and preparing their own food. Signs are posted in the facility that they cannot use other people's food and they cannot prepare food for other individuals. Should this operation change in any way, Deer Hollow Sober Living must inform the Salt Lake County Health Department immediately as a plan review, food service permit, and kitchen renovation may be required.

If you have any questions regarding this decision, please contact me at 385-468-3814.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seth L. Nelson'.

Seth L. Nelson, LEHS
Supervisor, Food Protection Bureau

EXHIBIT L
UTAH STATE LICENSING CERTIFICATE

State of Utah
Department of Human Services
Office of Licensing



DEER HOLLOW HOLDINGS, LLC
DEER HOLLOW SOBER LIVING 2, LLC
13666 ANNIE LANE
DRAPER, UT 84020

is hereby licensed to provide
SUBSTANCE ABUSE / RECOVERY RESIDENCE
FOR 8 ADULT MALE CLIENTS

in accordance with the laws of the State of Utah and the rules and
regulations prescribed by the State Office of Licensing.
This license is issued for the period
November 1, 2018 to October 31, 2019
This license is not transferable and is subject to revocation for cause

Number 66553