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## Development Review Committee

1020 East Pioneer Road  
Draper, UT 84020

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### STAFF REPORT

April 27, 2020

**To:** Jennifer Jastremsky, Zoning Administrator

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Approved                      Date

**From:** Jennifer Jastremsky, AICP, Senior Planner  
801-576-6328, [jennifer.jastremsky@draper.ut.us](mailto:jennifer.jastremsky@draper.ut.us)

**Re:** **Village Shoppes at Day Dairy Phase 2 Phasing Boundary – Amended Site Plan Request**

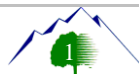
Application No.: SPR-985-2020  
Applicant: Adam Lankford, representing Wasatch Residential Group  
Project Location: Approximately 527 East 12300 South  
Current Zoning: CSD-DD (Day Dairy Commercial Special District) Zone  
Acreage: Approximately 1.04 Acres (Approximately 45,436 ft<sup>2</sup>)  
Request: Request for approval of an Amended Site Plan in the CSD-DD zone regarding the creation of phasing lines.

#### **SUMMARY**

This application is a request for approval of an Amended Site Plan for approximately 1.04 acres located on the north side of 12300 South, at approximately 527 East 12300 South. The property is currently zoned CSD-DD (Day Dairy Commercial Special District). The applicant is requesting that an Amended Site Plan be approved to allow new phasing lines in the Phase 2 Village Shoppes at Day Dairy site.

#### **BACKGROUND**

For many years, the property was used as a dairy farm and agricultural use. By 2008, the dairy had relocated and the property was left vacant. In 2011, the applicant submitted a proposal to the Planning Commission and City Council for approval of a Commercial Special District (CSD), which was ultimately approved in 2012. The CSD anticipated a mix of uses on the overall property including multifamily residential and retail. At the time, the multi-family portion was north of 12200 South. That multi-family portion was approved in 2012 and completed construction by the end of 2013. The approval of the multi-family residential development was followed by approval of a minor subdivision. The subdivision did two things, it dedicated the property that became 12200 South to Draper City and it created two lots, one on each side of 12200 South. The lot on the north contains the multi-family residential units and the lot on the south now contain the commercial buildings. The first phase of the commercial element of the site was approved in July of 2014. Phase 2 of the commercial portion was approved in October of 2015. No building permit was pulled for the site and the approval expired. The applicant amended the CSD in order to allow for additional residential uses on the commercial property



on February 19, 2019, and received site plan approval for an altered Phase 2 on June 27, 2019.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Neighborhood Commercial land use designation for the subject property. This category is characterized as follows:

*Neighborhood Commercial*

LAND USE DESCRIPTION	
<b>CHARACTERISTICS</b>	<ul style="list-style-type: none"> <li>• Small-scale commercial land uses that serve local residents in adjacent neighborhoods</li> <li>• Minimal impact in predominantly residential areas</li> <li>• Well-landscaped street frontages</li> <li>• Limited traffic access points and pedestrian access from surrounding residential areas</li> <li>• Don't overcrowd commercial lots; i.e., require adequate setback and landscape buffers</li> <li>• Screened parking and adequate ingress and egress to parking areas</li> <li>• Adequate drainage</li> <li>• Low noise standards</li> </ul>
<b>LAND USE MIX</b>	<ul style="list-style-type: none"> <li>• Small-scale commercial</li> <li>• Planned retail</li> <li>• Office</li> </ul>
<b>COMPATIBLE ZONING</b>	<ul style="list-style-type: none"> <li>• Neighborhood Commercial (CN)</li> <li>• Institutional Care (IC)</li> <li>• Commercial Services (CS)</li> </ul>
<b>LOCATION</b>	<ul style="list-style-type: none"> <li>• Adjacent to neighborhood</li> <li>• Along local roads</li> </ul>

The property has been assigned the CSD-DD zoning classification. The purpose of the CSD-DD zone is *“to broaden the commercial tax base of the City while providing commercial amenities to the City residents and visitors alike, while the Residential District will provide a transition from the more intense land uses on 12300 South to the less intense, medium density residential neighborhood to the north. Also, the Residential District will help support the existing retail along the 12300 South corridor.”*

The site is abutted by the CC (Community Commercial) & CR (Regional Commercial) to the south west, A5 (Agricultural) to the west, and a mix of RA1, RA2 (Residential Agricultural) and OR (Office Residential) to the north and east of the property.

*Site Plan Layout.* The site plan for Phase 2 approved a mix of uses, with 88 townhomes and 3 retail buildings. Open space is planned between the two uses, including areas for residents and commercial customers. In addition, the site plan included a redesign of existing parking that was constructed with Phase 1. The Phase 1 parking has parking stall rows running north/south. It was designed this way to accommodate eventual connection to a larger parking lot serving the originally anticipated mid-box retail. With the changes in uses on Phase 2, the north/south running parking spaces were rendered inefficient and redesigned with the Phase 2 site plan to be east/west running stalls. This will facilitate better traffic flow through the development. It is this parking area that is the subject of the amended site plan request. The applicant is not proposing any changes to the design, but is designating the parking area as Phase 2A in order to split the improvements of the parking lot from the improvements of the proposed commercial

and townhome development. This will allow the developer to bond for each section separately, and construct them at different times. The intent is to be able to construct the redesigned parking for the existing commercial before constructing the new commercial area.

Previous Conditions of Approval. The Planning Commission placed the following conditions on the site plan approval dated June 27, 2019:

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. All outstanding redlines and department/division comments listed in Exhibit A of this staff report shall be addressed and application documents modified to comply with redlines/comments prior to application being eligible to apply for or obtain a land disturbance permit or building permit.
4. Section 9-5-090(j) of the Draper City Municipal Code specifies that the approval of a site plan expires one year from the date of approval. As such, the approval granted for the subject request will be rendered null and void on June 27, 2020 if no building permit has been issued for the project. The expiration of the approval can also be avoided through an extension of the approval. A maximum of one extension for a period of up to six months can be requested in writing prior to the date of expiration from the Community Development Department.

Criteria For Approval. The criteria for review and potential approval of an Amended Site Plan request is found in Sections 9-5-060(E) and (H) of the Draper City Municipal Code (DCMC). This section depicts the standard of review for such requests as:

- E. Standards For Approval: The following standards shall apply to the approval of a site plan:
1. The entire site shall be developed at one time unless a phased development plan is approved.
  2. A site plan shall conform to applicable standards set forth in this title, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.
  3. The proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the zone district in which the site is located.
  4. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.
  5. The proposed development plans comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of this code, including traffic, storm water drainage, and utilities concerns.
- H. Amendments: Except as may be provided for in this section, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:
1. Alteration or expansion of an approved site plan may be permitted by the Zoning Administrator upon making the following findings:
    - a. The proposed use is consistent with uses permitted on the site;
    - b. Existing uses were permitted when the site plan was approved, or have received a conditional use permit;
    - c. The proposed use and site will conform to applicable requirements of this Code;

- d. The proposed expansion meets the approval standards of subsection E of this section;
- e. The site can accommodate any change in the number of people on the site or any change in impact on surrounding infrastructure; and
2. If the Zoning Administrator cannot make the findings required in this subsection H, the amended site plan may only be approved by the Planning Commission. The Planning Commission may only approve an amended site plan after a public hearing that complies with all requirements of this code, including section 9-5-045.
3. If the Zoning Administrator can make all findings required in this subsection H the Zoning Administrator may approve the proposed amendment without a public hearing and without notice.
4. Properties that do not conform to the standards found within this code may be required to come into compliance, subject to the standards in 9-6-040, 9-6-050, 9-6-060, and 9-6-070 of this title.

## **REVIEWS**

*Planning Division Review.* The Draper City Planning Division has completed their review of the Amended Site Plan submission and has issued a recommendation for approval. Comments from the Division, if any, can be found in Exhibit A.

*Engineering and Public Works Divisions Review.* The Draper City Engineering and Public Works Divisions have completed their reviews of the Amended Site Plan submission and have issued a recommendation for approval. Comments from the Division, if any, can be found in Exhibit A.

*Fire Division Review.* The Draper City Fire Marshal has completed his review of the Amended Site Plan submission and has issued a recommendation for approval for the request. Comments from the Division, 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**

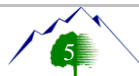
Staff finds that the application complies with the DCMC and recommends that the Zoning Administrator review the request and approve the application based on the findings listed below and the criteria for approval, as listed within the staff report.

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 applicant comply with all conditions of approval from the June 27, 2019 Site Plan approval.

The findings for approval as are follows:

1. The proposed use is consistent with uses permitted on the site.
2. Existing uses were permitted when the site plan was approved.
3. The proposed use and site will conform to applicable requirements of this Code.
4. The proposed expansion meets the approval standards of DCMC Section 9-5-060(E).
5. The site can accommodate any change in the number of people on the site or any change in impact on surrounding infrastructure.



**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 Public Works Department

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Draper City Planning Division

Please see planning file for legal  
counsel signature, dated 4/27/20.

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Draper City Fire Department

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Draper City Legal Counsel

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Draper City Building Division

**EXHIBIT A**  
**DEPARTMENT REVIEWS**

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

None provided.



**EXHIBIT B  
AERIAL MAP**

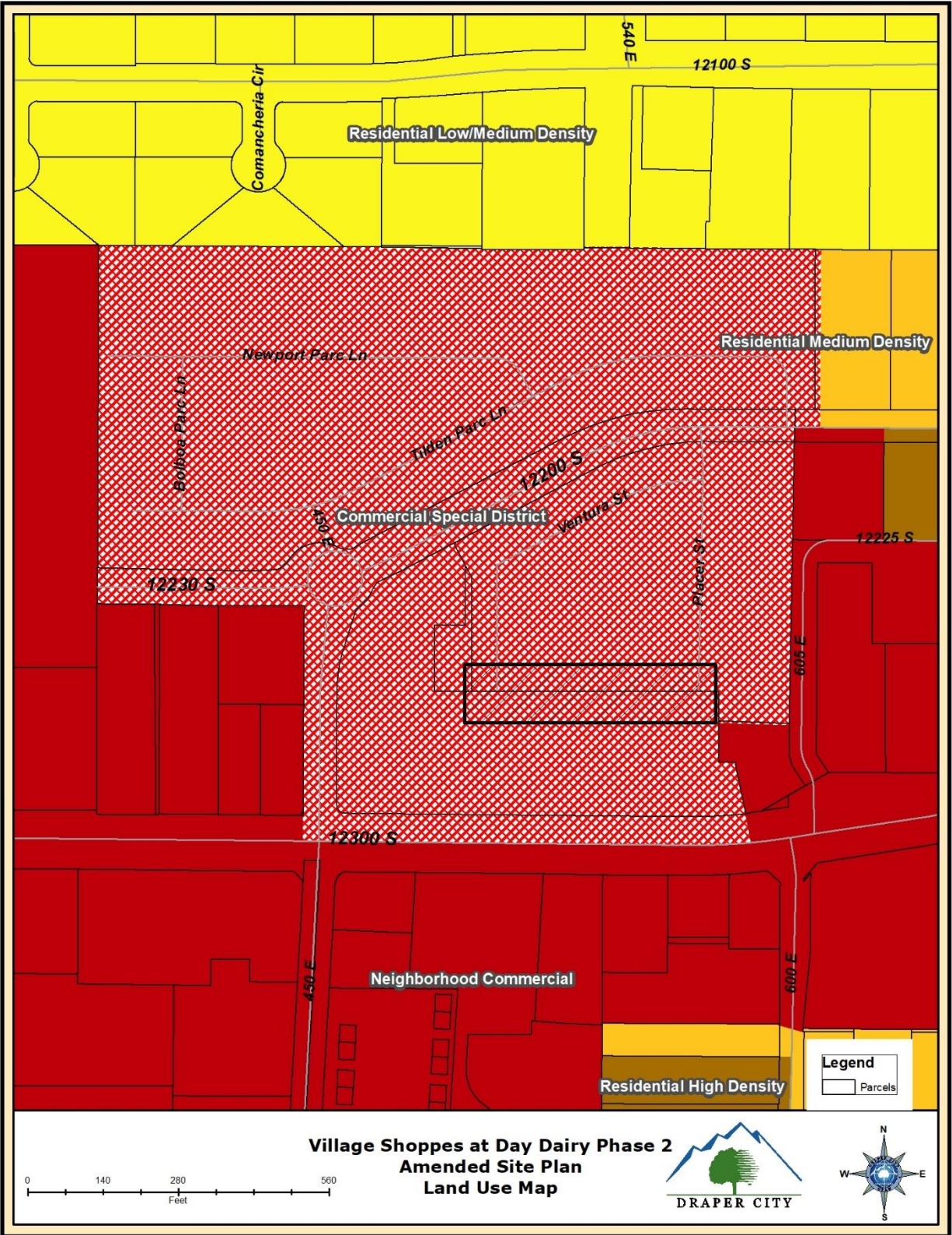


**Village Shoppes at Day Dairy Phase 2  
Amended Site Plan  
Aerial Map**





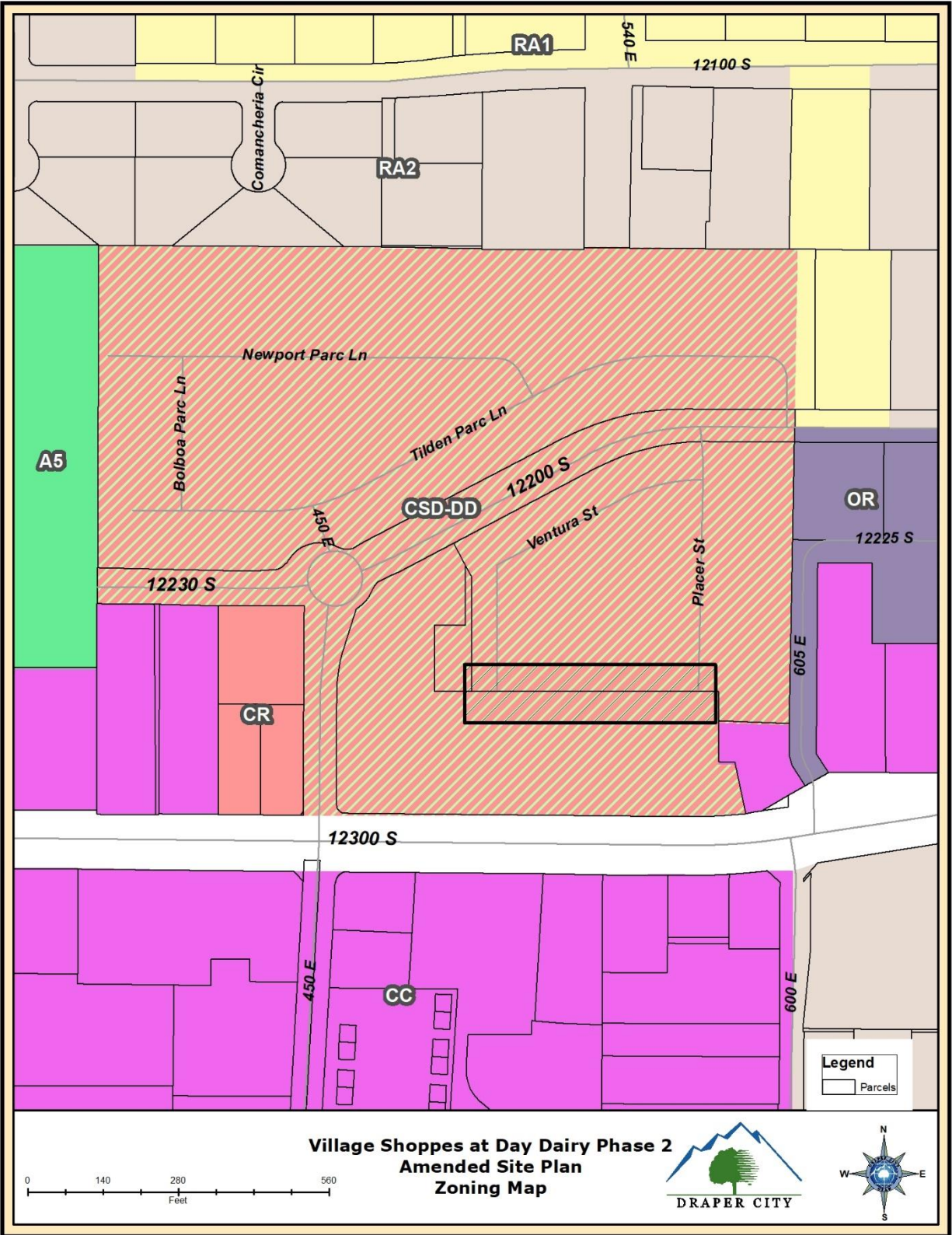
# EXHIBIT C LAND USE MAP



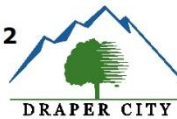
Village Shoppes at Day Dairy Phase 2  
Amended Site Plan  
Land Use Map



**EXHIBIT D  
ZONING MAP**



**Village Shoppes at Day Dairy Phase 2  
Amended Site Plan  
Zoning Map**



**EXHIBIT E**  
**PHASING PLAN**