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**Development Review Committee**  
1020 East Pioneer Road  
Draper, UT 84020

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**STAFF REPORT**  
July 25, 2019

**To:** Jennifer Jastremsky, Zoning Administrator

Approved

Date

7/25/19

**From:** Jennifer Jastremsky, AICP, Senior Planner

**Prepared By:** Jennifer Jastremsky, AICP, Planner III  
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Planning Division  
Community Development Department

**Re:** Evans Square – Amended Site Plan Request

Application No.: SPR-685-2019  
Applicant: Brandon Pehrson, representing Property Dynamics II, LLC.  
Project Location: Approximately 12219 South 900 East  
Current Zoning: TC (Town Center) Zone  
Acreage: Approximately 0.988 Acres (Approximately 43,037.2 ft<sup>2</sup>)  
Request: Request for approval of an amended site plan to modify the landscape plan and elevations of the Evans Square mixed use development.

**SUMMARY**

This application is a request for approval of an amended site plan for approximately 0.988 acres located on the east side of 900 East, at approximately 12245 South 900 East. The property is currently zoned TC (Town Center). The applicant is requesting that an amended site plan be approved to allow for modifications to the building elevations and landscaping for the mixed use site.

**BACKGROUND**

The property obtained a conditional use permit and site plan on December 8, 2016 for a mixed use development. The site plan approval was reinstated by the Planning Commission on June 14, 2018. A rezone was approved on June 7, 2016 from the CN (Neighborhood Commercial) zone to the TC (Town Center) zone. Prior to that the property housed a single family residence since 1928.

**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 “target[s] local residents and



neighborhoods.”

The property has been assigned the TC (Town Center) zoning classification. The purpose of the TC (Town Center) zone is “to provide a method for implementing special provisions found within the general plan and the Draper City conservation area master plan regarding the establishment and promotion of a historic core area of the community characterized by stringent design standards for buildings, public spaces, site design and landscaping with a harmonious mix of commercial uses, limited high density residential uses and civic areas.”.

The CN (Neighborhood Commercial) zoning designation is identified by the General Plan as a preferred zoning classification for the Neighborhood Commercial land use designation. The CN zoning abuts the subject property on the south, The CO1 (Professional Office) zone abuts to the east and the TC (Town Center) zone abuts on the north and west sides of the property.

Landscaping. The landscape plan is proposed to change in two ways. First, the applicant is proposing to eliminate the fire pit amenity. The plan still calls for a patio, pergola, BBQ and seating areas. For developments with under 50 units, the Draper City Municipal Code (DCMC) calls for an amenities package appropriate for the project size and location. Evans Square has 15 dwelling units, in addition to the commercial space on the ground floor, therefore no specific amenities are required and the site will still conform to code after the removal of the fire pit. There are no changes proposed to the amount of landscaping on site or trees. The site will still conform to the TC zone and provides 15% overall landscaping.

The second change the applicant is making is along the north property line. The approved site plan shows the buildings 1-foot from the north property line. The applicant has obtained a 4-foot fence/retaining wall easement from the property owner to the north. The easement area equals 1,029 square feet and is to allow access and maintenance to any fencing and retaining walls along the north property line. This allows the applicant to access the north side of the buildings for maintenance purposes without trespassing. It also has allowed the applicant to adjust the location of the proposed retaining wall to ensure drainage and access is maintained. The applicant will be landscaping within the 4-foot easement. Adjacent to the buildings will feature cobble rock, and adjacent to the parking lot landscaping, the sod will be continued north to the easement line. In addition, the applicant has obtained a 10-foot fire protection easement from the property owner to the north. This easement equals 1,339 square feet and is indented to allow fire access to the buildings during emergency situations.

Architecture. The applicant has proposed two changes to the building elevations. The first change is to the fenestration on the south side of the building. The TC zone requires 50% transparency along the ground floor where a building faces a pedestrian or vehicular pathway. The approved building elevations show a 50.6% transparency along the south side ground floor for all three buildings. The applicant has run into issues on their first building with the size of their electrical meters hindering window placement. The applicant will use a different type of electrical panel for the other two buildings which will not hinder window placement. The applicant is proposing to eliminate the window that is located adjacent to the electrical panels and instead place transom windows above the other windows on that façade. This will provide 53.5% transparency on the ground floor.

The second change deals with building materials. The original design called for cedar wood accent siding along the balconies and entry ways. The applicant is proposing to modify the material to a wood composite siding, for durability and maintenance reasons. The applicant will also eliminate the wood accents along the third floor, using brick in those locations instead. All facades will contain 81% to 100% brick. The TC zone requires at least 80% brick or stone on all façade sides.

Previous Conditions of Approval. During the conditional use permit and site plan review in 2016, and the 2018 site plan reinstatement, the Planning Commission placed the following conditions of approval:

1. That all requirements of the Draper City Engineering and Public Works 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 Draper City Building and Planning Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.
5. Multi-family dwellings are allowed as a Mixed Use Building, with residential units prohibited on the first floor.
6. Address any outstanding redlines.
7. New businesses located in the commercial component of the buildings will be required to have a fire inspection at the time of opening.
8. Shared parking is approved for the site per the shared parking calculation table in Exhibit H.
9. A deviation to DCMC Section 9-32-030(D)(4) is approved allowing sidewalk on one side of the street. Pedestrian walkways shall be provided as shown in the Site Plan Exhibit of this report.
10. A deviation to DCMC Section 9-11-090(D)(2)(a) is approved to allow architectural features in excess of 35-feet in height. These architectural features shall be as shown in the Elevations Exhibit of this staff report.
11. Per DCMC Section 9-11-090(D)(1)(h) any fencing provided on the side or rear property lines shall be decorative masonry and not exceed 6-feet in height.
12. Comply with building transparency standards found in DCMC Section 9-11-090(D)(2)(e) prior to pulling a building permit.

Criteria For Approval. The criteria for review and potential approval of a site plan amendment request is found in Sections 9-5-090(e) and (h) of the Draper City Municipal Code. 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. In addition, consideration shall be given to the following:
    - a. Considerations relating to traffic safety and traffic congestion:
      - (1) Effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned;
      - (2) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
      - (3) Arrangement and adequacy of off street parking facilities to prevent traffic congestion and compliance with the provisions of city ordinances regarding the same;
      - (4) Location, arrangement, and dimensions of truck loading and unloading facilities;
      - (5) Vehicular and pedestrian circulation patterns within the boundaries of the development;

- (6) Surfacing and lighting of off street parking facilities; and
- (7) Provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.
- b. Considerations relating to outdoor advertising:
  - (1) Compliance with the provisions of chapter 26 of this title. Sign permit applications shall be reviewed and permits issued as a separate process. Action may be taken simultaneously with or following site plan review.
- c. Considerations relating to landscaping:
  - (1) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
  - (2) Planting of ground cover or other surfaces to prevent dust and erosion;
  - (3) Unnecessary destruction of existing healthy trees; and
  - (4) Compliance with the Draper City general plan guidelines to promote consistent forms of development within the districts of the city as identified in the general plan.
- d. Considerations relating to buildings and site layout:
  - (1) The general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the general plan; and
  - (2) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the general plan relating to the character of the district or neighborhood.
- e. Considerations relating to drainage and irrigation:
  - (1) The effect of the site development plan on the adequacy of the storm and surface water drainage; and
  - (2) The need for piping of irrigation ditches bordering or within the site.
- f. Other considerations including, but not limited to:
  - (1) Buffering;
  - (2) Lighting;
  - (3) Placement of trash containers and disposal facilities; and
  - (4) Location of surface, wall and roof mounted equipment.
- 3. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.
- 4. In a planned center, individual uses shall be subject to the following requirements:
  - a. The overall planned center shall have been approved as a conditional use, which shall include an overall site plan, development guidelines and a list of allowable uses in the center.
  - b. The city and the developer of the planned center shall enter into a development agreement governing development of the center. The agreement shall include a provision to the effect that staff review and approval of uses and the site plan is typically sufficient.
  - c. Development guidelines for a center shall, as a minimum, address the following topics:
    - (1) General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);
    - (2) Architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors;

- (3) Landscaping and open space standards;
- (4) Signage;
- (5) Exterior lighting;
- (6) Parking, pedestrian and vehicular circulation, and access to the site;
- (7) Rights of access within the center (use of cross easements, etc.);
- (8) Development phasing and improvements/amenities to be completed with each phase;
- (9) Outdoor sales, storage and equipment;
- (10) Fencing and walls; and
- (11) Maintenance standards and responsibilities.

H. Amendments: Except as may be provided for elsewhere in this title, 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 architecture of the proposed alteration or expansion, and landscaping, site design and parking layout are compatible with facilities existing on the site;
  - f. The site can accommodate any change in the number of employees on the site or any change in impact on surrounding infrastructure; and
  - g. The proposed site alteration does not negatively impact neighboring property owners.
2. If the Zoning Administrator cannot make the findings required in this subsection H:
  - a. A conditional use permit or amended site plan, as the case may be, shall be approved by the Planning Commission before any alteration or expansion occurs; and
  - b. Notice of proposed alteration or expansion should be given as provided in section [9-5-045](#) of this chapter.
3. If the Zoning Administrator can make all findings required in this subsection H, no noticing shall be necessary and the Zoning Administrator may approve the proposed amendment without a public hearing.
4. Except as may be provided elsewhere in this title, when a site plan is amended, the site shall be brought into compliance with current provisions of this title in the following areas:
  - a. Landscaping;
  - b. Storage;
  - c. Off street parking;
  - d. Lighting;
  - e. Pedestrian and vehicular access;
  - f. Off street loading and unloading;
  - g. Setbacks and building heights;
  - h. On site surface water drainage;
  - i. Off site curb, gutter and sidewalk;
  - j. Piping of irrigation ditches; and
  - k. Sign requirements.

## **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.

*Building Division Review.* The Draper City Building 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.

*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 recommends approval of the request for an amended site plan by Brandon Pehrson, representing the Property Dynamics II, LLC, application SPR-685-2019, subject to the following conditions:

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. Comply with the conditions of approval from December 8, 2016 and June 14, 2018.

Findings for approval are as follows:

1. That the proposed site plan is for a use that is conditional within the TC zone and a conditional use permit has been obtained.
2. That the proposed site plan meets the Draper City ordinances pertaining to site plan approval, namely those contained in DCMC Sections 9-11-090.
3. That the proposed site plan conforms to the requirements of the General Plan.
  - a. The town center land use designation supports a mix of uses, including single and multi-family residential, office, commercial and institutional.
  - b. The intent of the land use designation is to rejuvenate or upgrade the town center.
4. That the proposed building elevations comply the requirements of the DCMC.
5. The proposed changes comply with the findings listed in DCMC Section 9-5-090(h).



**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

  
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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.

*Planning Division Review.*

1. The proposed modifications comply with code.



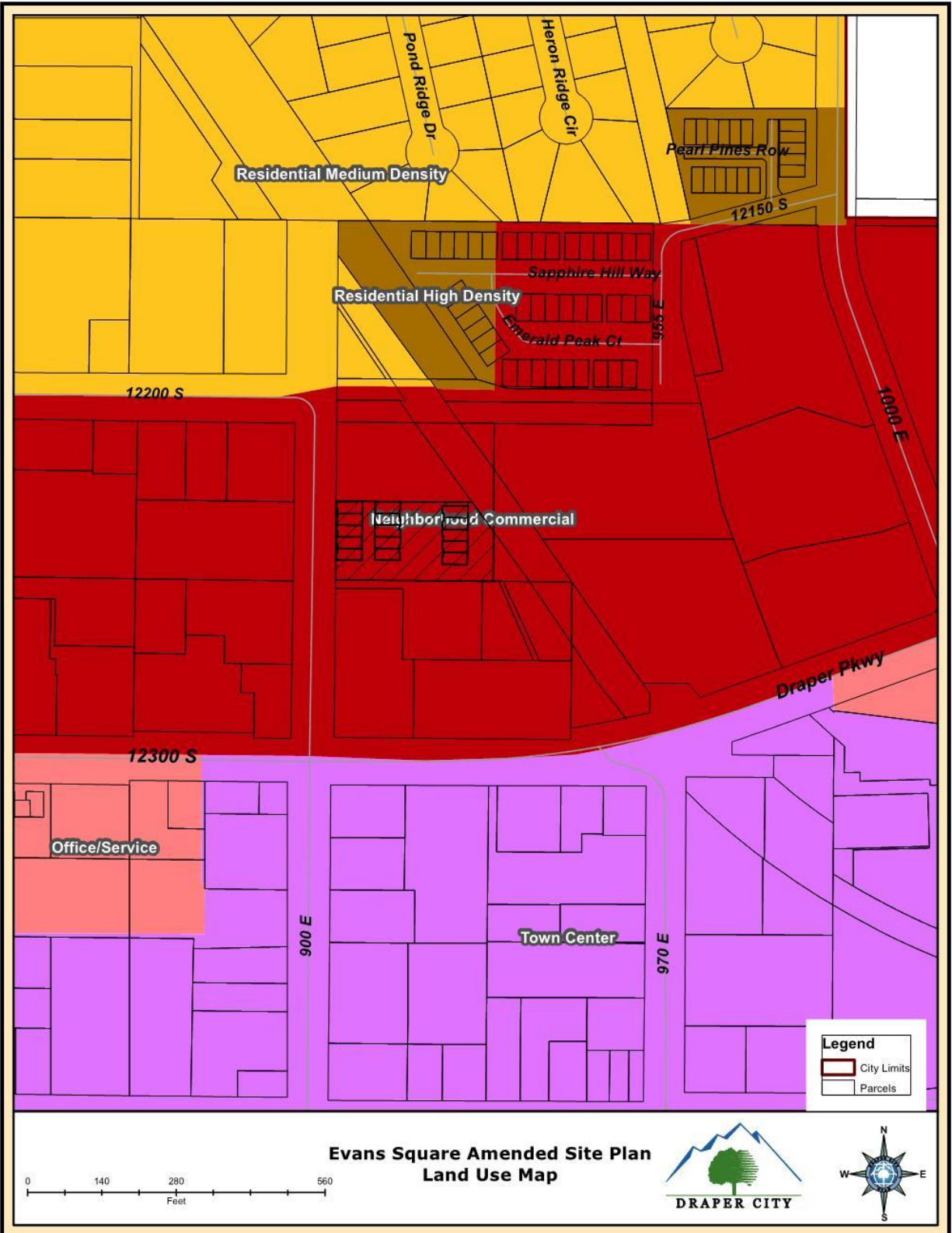
**EXHIBIT B  
AERIAL MAP**



**Evans Square Amended Site Plan  
Aerial Map**



# EXHIBIT C LAND USE MAP

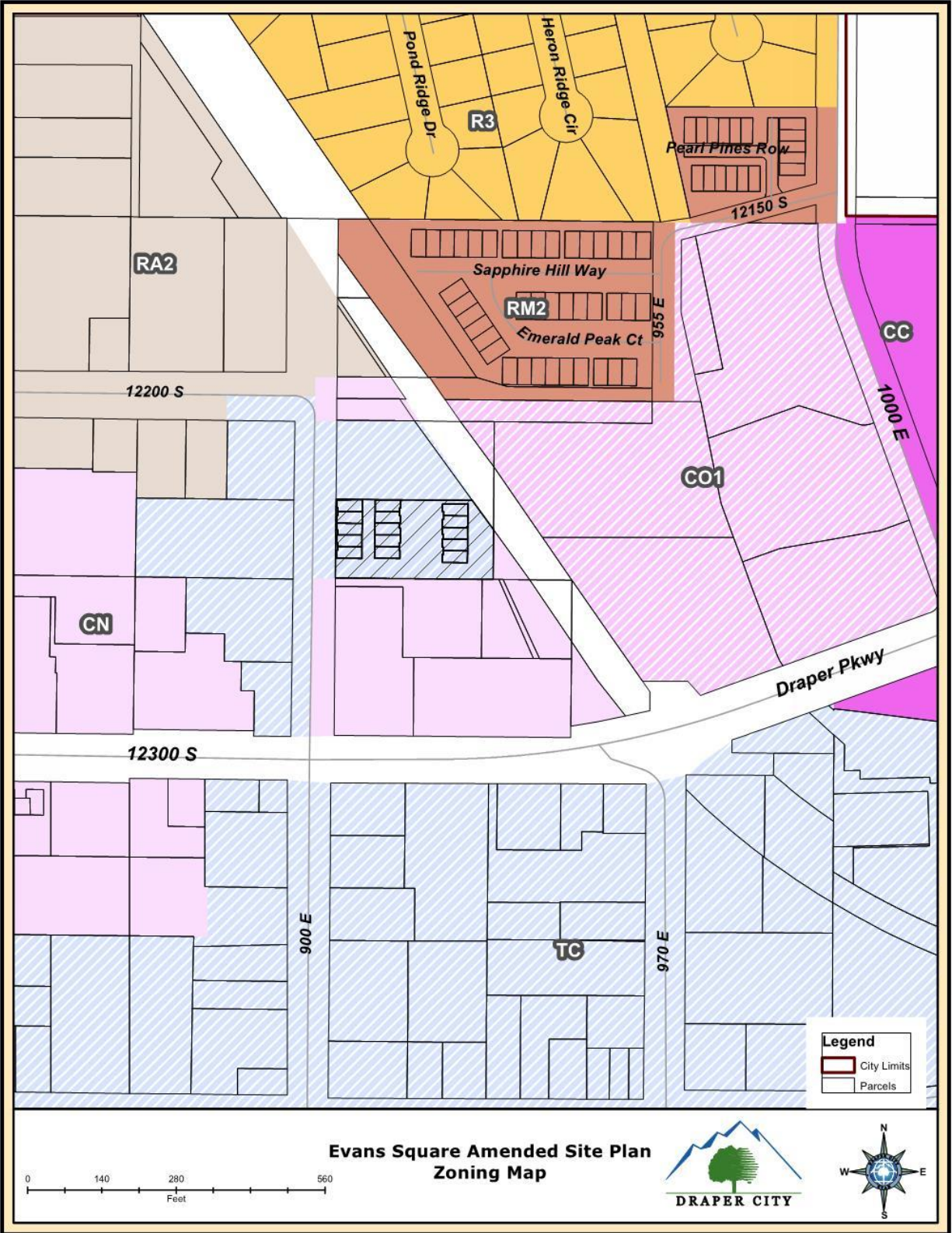


Evans Square Amended Site Plan  
Land Use Map





# EXHIBIT D ZONING PLAN



Evans Square Amended Site Plan  
Zoning Map







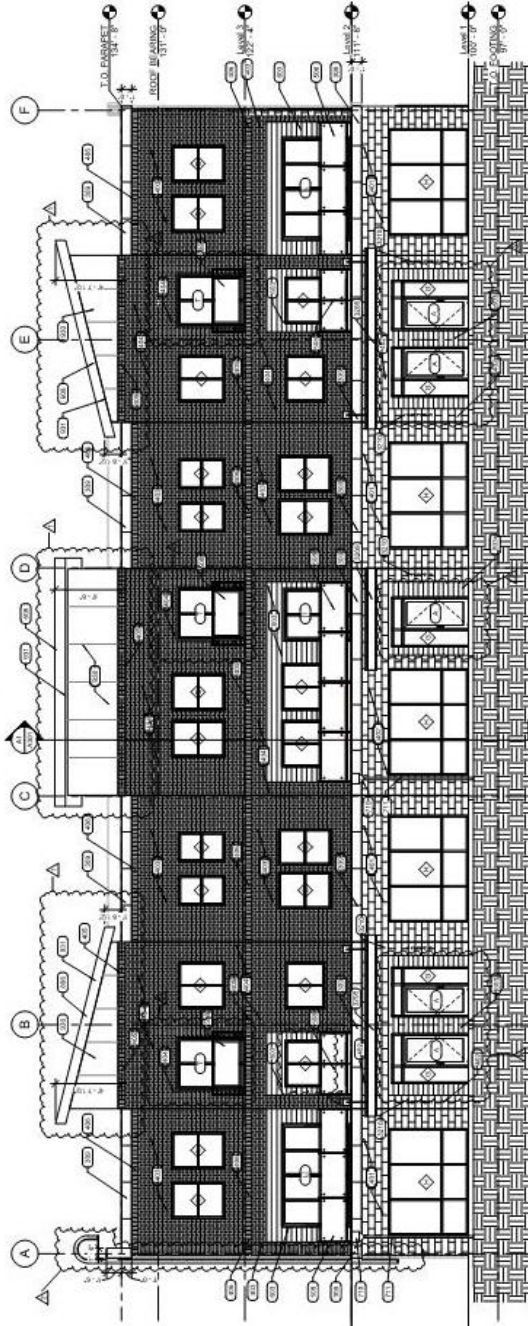
# EXHIBIT F ELEVATIONS

## KEYED NOTES

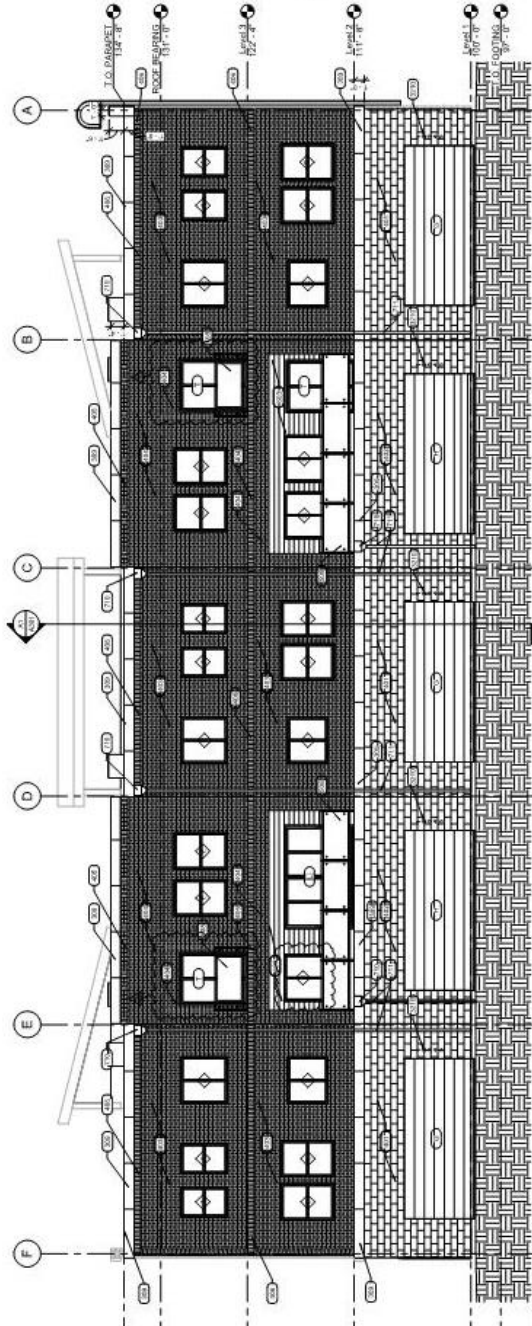
- 309 CONCRETE LEVEL CORNICE, FINISH AS IS, LESS THAN 3/4" INSTALL 1" FRODO OF RUNNING BOND BRICK FAZE. SEE EXTERIOR MATERIAL LEGEND (A2).
- 401 4" EMERSON THIN BRICK IN MIDDNIGHT BLACK RUNNING BOND. SEE EXTERIOR MATERIAL LEGEND (A2).
- 402 2-1/4" MODULAR THIN BRICK IN MIDDNIGHT BLACK. SEE EXTERIOR MATERIAL LEGEND (A2).
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- 406 2-1/4" MODULAR THIN BRICK IN MIDDNIGHT BLACK. SEE EXTERIOR MATERIAL LEGEND (A2).
- 506 GLASS QUARROR. SEE DETAILS ON A506.
- 603 HORIZONTAL WOOD Siding. SEE EXTERIOR MATERIAL LEGEND (A2).
- 608 FALSE FRAMED POP-UP ROOF STRUCTURE WITH SLOPED ROOF AS SHOWN. FRAME ROOF WITH 2" PREMANUFACTURED TRUSSES. INSULATION TO BE ON LOWER MAIN STRUCTURAL DECK. NO ROOF FRAMING.
- 710 ROOF SCUPPER WITH A METAL STYLE CONAR FINISH FLASH ROOFING MEMBRANE ACCORDING TO ROOFING MANUF. REQ.
- 711 A STYLE BOX DOWNSPOUT. SEE MECHANICAL 7.
- 801 SMOOTH VERTICAL PANELS WITH METAL LINES. DARK GRAY KYNAR COATED METAL. SORTIT AND FINISH AS NOTED ON WALL TYPES. TO BE REQUIRED BY MANUFACTURER.
- 811 DARK GRAY KYNAR COATED METAL. SORTIT AND FINISH AS NOTED ON WALL TYPES. TO BE REQUIRED BY MANUFACTURER.
- 8208 CANOPY WITH STEEL STRUCTURE. WOOD DECK AND METAL ROOF. SEE DETAILS (A820) AND (A821).
- 8209 CANOPY WITH STEEL STRUCTURE. WOOD DECK AND METAL ROOF. SEE DETAILS (A821) AND (A822).
- 8210 UNIT ADDRESS LOCATION. VERIFY EACH HOUSE NUMBER. FINAL DESIGN TO BE SELECTED BY OWNER.

## EXTERIOR MATERIALS LEGEND

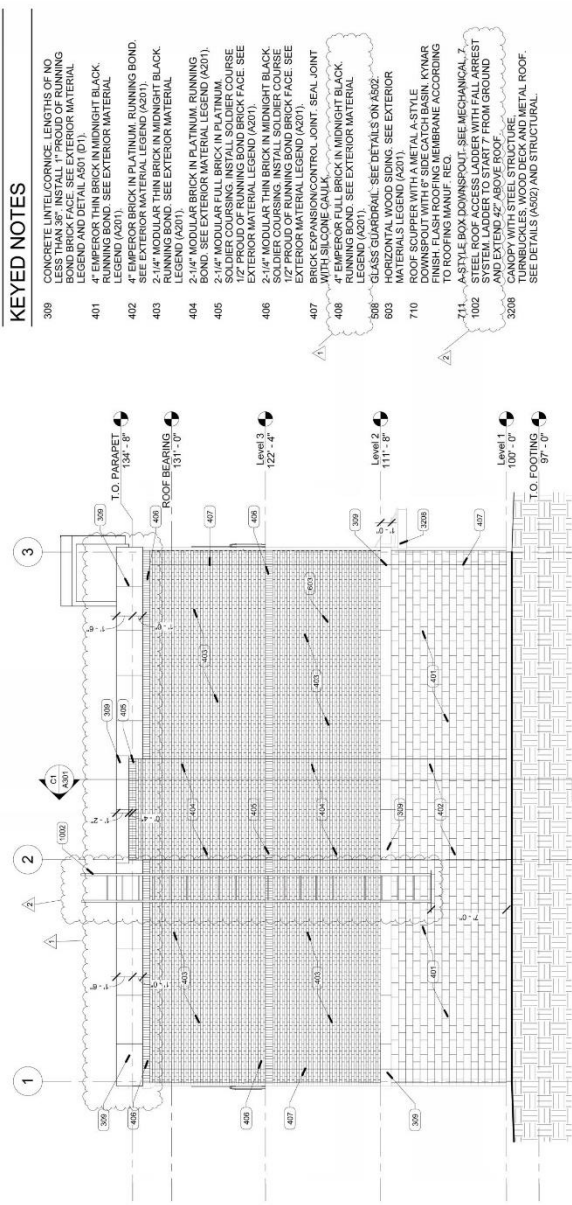
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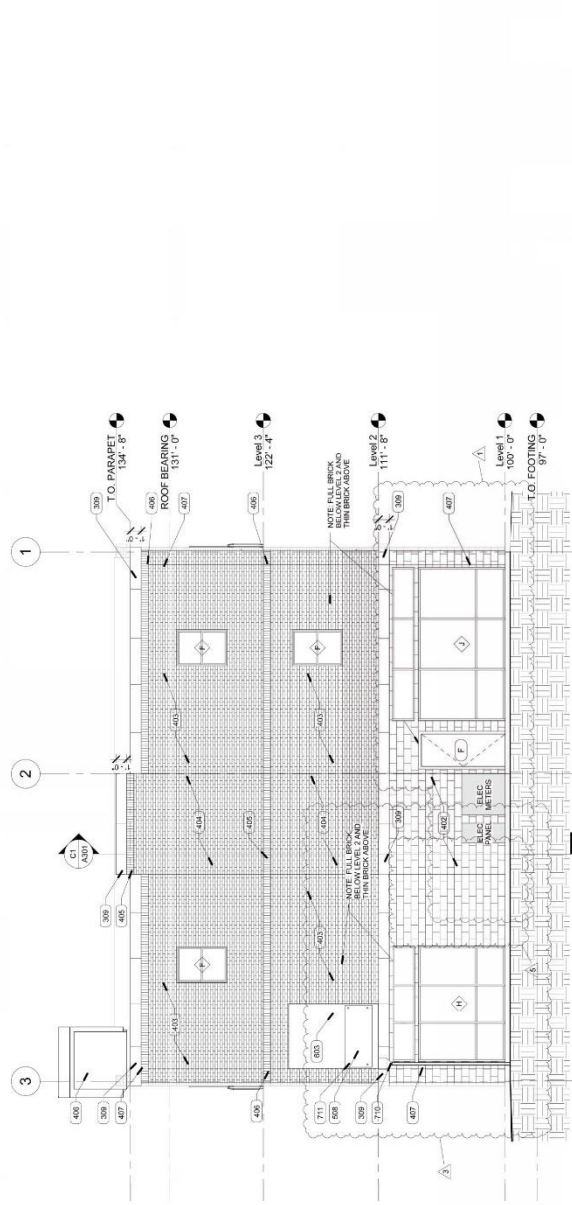
FRONT ELEVATION  
1/8" = 1'-0"



REAR ELEVATION  
1/8" = 1'-0"



C1 | NORTH ELEVATION  
3/16" = 1'-0"



A1 | SOUTH ELEVATION  
3/16" = 1'-0"

**KEYED NOTES**

- 309 CONCRETE INTELCORNICICE. LENGTHS OF NO. LESS THAN 36". INSTALL 1" PROUD OF RUNNING BOND BRICK FACE. SEE EXTERIOR MATERIAL LEGEND (A201).
- 401 4" EMPEBOR THIN BRICK IN MIDNIGHT BLACK. RUNNING BOND. SEE EXTERIOR MATERIAL LEGEND (A201).
- 402 2" EMPEBOR THIN BRICK IN PLATINUM. RUNNING BOND. SEE EXTERIOR MATERIAL LEGEND (A201).
- 403 2-1/4" MODULAR THIN BRICK IN MIDNIGHT BLACK. RUNNING BOND. SEE EXTERIOR MATERIAL LEGEND (A201).
- 404 2-1/4" MODULAR THIN BRICK IN PLATINUM. RUNNING BOND. SEE EXTERIOR MATERIAL LEGEND (A201).
- 405 2-1/4" MODULAR FULL BRICK IN PLATINUM. SOLDIER COURSING. INSTALL SOLDIER COURSE WITH PLATINUM FINISH ON EXTERIOR FACE. SEE EXTERIOR MATERIAL LEGEND (A201).
- 406 2-1/4" MODULAR THIN BRICK IN MIDNIGHT BLACK. SOLDIER COURSING. INSTALL SOLDIER COURSE WITH PLATINUM FINISH ON EXTERIOR FACE. SEE EXTERIOR MATERIAL LEGEND (A201).
- 407 BRICK EXPANSION CONTROL JOINT. SEAL JOINT WITH SILICONE CAULK. IN MIDNIGHT BLACK. SEE EXTERIOR MATERIAL LEGEND (A201).
- 408 BRICK EXPANSION CONTROL JOINT. SEAL JOINT WITH SILICONE CAULK. IN PLATINUM. SEE EXTERIOR MATERIAL LEGEND (A201).
- 508 GLASS GUARDRAIL. SEE DETAILS ON A502.
- 603 HORIZONTAL WOOD SIDING. SEE EXTERIOR MATERIAL LEGEND (A201).
- 710 ROOF SCUPPER WITH A METAL A-STYLE DOWNSPOUT WITH 6" SIDE CATCH-BASIN. KYMAR FINISH. INSTALL IN MEMBRANE ACCORDING TO ROOF MANUFACTURER'S REQUIREMENTS.
- 711 A-STYLE BOX DOWNSPOUT. SEE MECHANICAL 7.
- 1002 STEEL ROOF ACCESS LADDER WITH FALL ARREST SYSTEM LADDER TO START 7' FROM GROUND AND END 7' FROM GROUND.
- 3008 CANOPY WITH STEEL STRUCTURE, TURNBUCKLES, WOOD DECK AND METAL ROOF. SEE DETAILS (A502) AND STRUCTURAL.