



## DRAPER CITY HALL

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Community Development | 1020 E. Pioneer Rd. Draper, UT 84020

September 9, 2024

*Draper City Planning Division  
Administrative Interpretation*

**RE: Dillman Square**

This letter answers a question that has arisen concerning whether parking and landscaping need to be brought into compliance with current code. The property is within the Dillman Square development and concerns the construction of Buildings H and I on an existing pad site. The property is Lot 3 of the Dillman Square Subdivision Plat Amendment and is located at 751 East 12300 South, parcel number 28-29-305-037.

The Dillman Square property received Phase 1 site plan approval in September 1999. Phase 2 received site plan approval in January 2004. The subject property is part of Phase 2. The site plan shows a three phased development incorporating ten buildings. Phase 1 had four buildings in it, with Phase 2 including the remaining six buildings. Phase 3 was to include an adjacent property that up until recently had a house on it. No proposed buildings were shown in the future Phase 3. All access aisles, parking, and landscaping on the subject property was installed with the Phase 2 improvements leaving a pad site for the building.

The Dillman Square Subdivision was recorded in 2002, with an amendment in 2004. The plats provide for pedestrian and vehicular cross access, and a parking easement on the all parking and drive aisles within Phases 1 and 2, including on the subject property.

The amended site plan for Buildings H and I utilizes the existing parking, landscaping, and circulation on site and proposes to place two new retail and restaurant buildings on the pad site. The parking and landscaping on the lot do not comply with current code but did at the time the phased development was approved.

Draper City Municipal Code (DCMC) provides standards for approving a site plan within DCMC Section 9-5-090(j), as listed below.

***9-5-090: SITE PLAN REVIEW:***

*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.*

Dillman Square was approved as a phased development incorporating a shared parking and circulation plan and pad sites for various buildings. The different buildings have been built over the years between 2002 and 2009. There are two pad sites left which will incorporate three buildings per the approved site plan.

DCMC provides standards for when a nonconformity shall come into conformance within DCMC Section 9-6-070, as listed below.

***9-6-070: OTHER NONCONFORMITIES:***

*This chapter shall apply to any other circumstance which does not conform to the requirements of this title, including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off street parking; and any other nonconformity not addressed by sections 9-6-040, 9-6-050 and 9-6-060 of this chapter.*

*A. Nonconforming Development With Approved Site Plan: Nonconforming development that is consistent with a site plan approved before the effective date of this title shall be deemed to be in conformance with this title to the extent that it is consistent with the approved site plan and to the extent that such plan or conditions imposed thereon directly address the specific issue involved in a determination of conformity. A nonconformity other than one of those enumerated in sections 9-6-040, 9-6-050, and 9-6-060 of this chapter shall be brought into conformance upon the occurrence of any one of the following:*

1. *Any increase of more than thirty percent (30%) floor area or fifty percent (50%) of the County Assessor's Office assessed value of the building or premises.*
2. *For a lot or parcel located in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.*

When reviewing DCMC Section 9-6-070, the amended site plan does not propose a change in use to a more intensive use. It also does not increase the floor area by 30% or more. Phase 2 contains 22,800 square feet of floor space that has been built within three buildings. Buildings H and I will add another 5,538 square feet to the development, equaling 24.5% of the existing floor area. It is hard to know what the County Assessor's Office would assess the proposed buildings as, but we can look up the assessed values for the existing land and buildings within Phase 2 and estimate the valuation based on what is existing. The Salt Lake County Assessors Office has assessed all the buildings within Phase 2 as being worth \$3,595,900 and the land value within Phase 2 as \$2,983,400. Looking at each individual building on a per square foot basis, the buildings valuation ranges from \$137.95 per square foot to \$253.27 per square foot. Figuring the highest number, the proposed Buildings H and I would have a valuation of \$1,402,609.26. This would equal 39.0% of the overall building value and 47.0% of the land value currently assessed. Both are below the 50% threshold.

It is the Zoning Administrator's position that the proposed development does not meet the thresholds listed in DCMC Section 9-6-070 requiring site improvements such as parking and landscaping to come into compliance. Any improvements built within the currently unimproved pad site have to conform to current DCMC standards, including landscaping and building design.

There are a couple options available to you if you wish to pursue this matter further. You may seek a text amendment in order to change the code, or you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and shall be made within 10 days of the decision which is appealed. Applications for all options can be found on the city's website.

If you have further questions, please contact me at [jennifer.jastremsky@draperutah.gov](mailto:jennifer.jastremsky@draperutah.gov) or at 801-576-6328.

Respectfully,



Jennifer Jastremsky, AICP  
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Community Development Department