



Development Review Committee
1020 East Pioneer Road
Draper, UT 84020

STAFF REPORT
July 29, 2019

To: Jennifer Jastremsky, Zoning Administrator

Approved

Date

7/30/19

From: Jennifer Jastremsky, AICP, Senior Planner

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

Re: Liberty Point Plaza – Amended Site Plan Request

Application No.: SPR-615-2019
Applicant: Lee Dial, representing Liberty Point Properties, LLC
Project Location: 12243 South Draper Gate Dr.
Current Zoning: CC (Community Commercial) Zone
Acreage: Approximately 8.97 Acres (Approximately 390,733 ft²)
Request: Request for approval of an amended site plan in the CC (Community Commercial) zone regarding a modification to the plaza area for the Liberty Point development.

SUMMARY

This application is a request for approval of an amended site plan for approximately 8.97 acres located on the north side of Draper Parkway, at approximately 12243 South Draper Gate Dr. The property is currently zoned CC (Community Commercial). The applicant is requesting that an amended site plan be approved to allow for modifications to the plaza area of the Liberty Point development.

BACKGROUND

The property is part of the American Estates Management Corp. Commercial Subdivision Amended Plat No. 2, including Cactus and Tropical and Walmart Neighborhood Market. The applicant obtained a CUP for the mixed use building on December 4, 2014. A previous CUP for a mixed use building had been obtained on November 6, 2008, but due to the economic downturn, the applicant let that CUP expire.

A Site Plan was approved by the Planning commission on June 25, 2015, with an extension approved on June 23, 2016. The site plan featured 100 dwelling units in a six story building. The site also had several slope cuts and fill associated with the design. The applicant obtained an amendment to that design on September 22, 2016 based on the adjacent neighborhoods concerns and eliminated all cuts into the hillside. The final approved design features 50 dwelling units in a three story building.



ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Growth Area land use designation for the subject property. This category “supports the mix of four (4) land uses: multi-family residential, office, commercial, as well as industrial/manufacturing.” It also states that “The intent of this new category is to reduce automobile dependency with added benefits of reducing traffic congestion and improving air quality.”

The property has been assigned the CC (Community Commercial) and OS (Open Space) zoning classifications. The purpose of the CC zone “is to provide areas where commercial uses may be established which are generally oriented toward local residents rather than out-of-town patrons. Uses typical of this zone include planned retail and office development and limited medium-to-high density residential uses that can be harmoniously mixed with commercial development.” The applicant is not proposing development within the section of property zoned OS. Due to slope grade, that section of property is rendered undevelopable and will remain open space. The purpose of the OS zone is “to recognize...areas which are open and generally undevelopable due to their sensitive environmental nature and/or the unavailability of adequate public facilities.”

The General Plan calls out a zoning overlay as a preferred zoning classification for Growth Areas. The adjoining properties are zoned CC on the west, CC, RA2 (Residential Agricultural), R3 (Single-family Residential) and RA1 (Residential Agricultural) to the south and east. To the north of the property is Sandy City. These properties are zoned SD(R-1-9), which stands for Special Development District Residential SD(R-1-9). This zone is designed for single-family homes on 9,000 square foot lots.

Plaza Layout. The applicant is modifying the overall plaza area located outside the clubhouse and leasing office. The size of the plaza area will not be altered, but the amenities will be. The approved plans had a trellis, BBQ’s, and some planting beds. The applicant is proposing to modify the layout to include a fireplace and a water feature, in addition to the trellis and BBQ’s. The fireplace will be an 8-foot tall brick structure, with built in seating. The BBQ’s will also be in a brick structure that is 3-feet tall. The trellis will be a metal 10-foot by 16-foot structure that covers a seating area. Lighting has been adjusted on the plaza to provide two pole lights along with bollards. All photometric standards found in Draper City Municipal Code (DCMC) are being met, including an average foot candle level of 3.1 for the plaza area.

Sidewalk and Retaining Wall. During construction the applicant has run into challenges with the hillside in relation to the public-right-of way. Along the open space area of the property, which is to the east of the building and improvement area, the applicant has had to propose a contiguous sidewalk. This is due to the sidewalk alignment interfering with the existing slope. The contiguous sidewalk shall be at least 8-feet in width. The original plans showed street trees within the proposed parkstrip along Draper Parkway. Due to modifying the plans to a contiguous sidewalk, those trees will be moved to the inside of the sidewalk. There are certain areas where it maybe infeasible due to hillside slope to install a tree adjacent to the sidewalk. Due to this fact, trees will be required where feasible with spacing as originally approved, and not allowed where they may impact the slope.

The retaining wall adjacent to the intersection of Draper Parkway and Draper Gate Dr. also requires modification, as the wall will need to be located closer to the public right-of-way than originally planned. This will mean the wall will be placed in a public utility easement and a license and permit for such encroachment is required. This permit has been obtained by the applicant.

Previous Conditions of Approval. A Conditional Use Permit was approved on December 4, 2014 by the Planning Commission. The conditions placed on that CUP are as follows:

1. The density calculation shall meet the standards defined in DCMC Section 9-16-040(a). Property containing slopes of 30% or more may not be developed and of those areas only 30% may be included in the area calculation to determine density
2. The maximum number of residential units allowed shall be 100 units.
3. Building height is allowed up to 52-feet 6-inches in height, or 7.5-feet greater than otherwise allowed in the DCMC Table 96-11-3.
4. No residential units shall be located on the ground floor as listed in DCMC Table 9-11-1.
5. The ground floor shall contain only commercial uses, such as retail or office, to be considered a mixed-use building. Accessory parking uses are also allowed to be located on the ground floor in conjunction with the commercial and residential uses.
6. The maximum lot coverage by impervious materials shall not exceed 35% of the project area as listed in DCMC Section 9-16-040(d).
7. The development shall comply with requirements found in the Design Standards and Guidelines, DCMC Chapter 9-22. Deviations may be approved by the Planning Commission as outlined within DCMC Chapter 9-22 in conjunction with a Site Plan Application Review.
8. The development shall comply with the requirements found in the Parking Chapter 9-25, Landscaping and Screening Chapter 9-23, Outdoor Lighting Chapter 9-20, Signs Chapter 9-26, and the Supplementary Development Standards Chapter 9-27 of the Draper City Municipal Code.
9. The general massing of the building shall be comparable to the exterior massing studies provided in the concept plans shown in Exhibit F of this staff report.
10. The development shall meet all requirements of the Unified Fire Authority.
11. The development shall meet all requirements of the Draper Engineering Division.
12. The development shall meet all requirements of the Draper Building and Safety Division.
13. The development shall meet all requirements of a Draper City approved geo-technical report.
14. Per DCMC Section 9-5-080(j), unless there is substantial action under a conditional use permit within a maximum period of one (1) year from the date of its issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the conditional use permit for an extension of up to six (6) months, subject to approval of the Planning Commission, provided the requirements for extension under DCMC Section 9-5-030(j) are met.

A site plan was approved by the Planning Commission on June 25, 2015 with 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.
 - a. Sequencing of demolition of existing detention basin and construction of proposed basin shall be coordinated so that care is given to the site discharge, especially the area around the Cliff House, of any storm events during construction.
 - b. Grading plans do not include recommendations provided in the geo-tech report for excavation in the existing hillside. Please add recommendations onto the plans.
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 and Slope Stability Analysis are satisfied throughout the development of the site and the construction of all buildings on the site.
 - a. Basement construction is limited to 20 feet below finish grade due to potential long term slope instability. Temporary shoring will be required during construction.
 - b. All compaction for interior and exterior backfill adjacent to the building should be verified by the geotechnical engineer.
 5. Provide will serve letters from South Valley Sewer District and WaterPro.
 6. Obtain a building permit for all retaining walls.

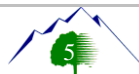
An amended site plan was approved by the Planning Commission on September 22, 2016 with the following conditions of approval:

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.
 - a. Sequencing of demolition of existing detention basin and construction of proposed basin shall be coordinated so that care is given to the site discharge, especially the area around the Cliff House, of any storm events during construction.
 - b. Provide revegetation plan to plant hillside where barren, include soil amendments or conditioning to ensure successful restoration.
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 and Slope Stability Analysis are satisfied throughout the development of the site and the construction of all buildings on the site.
 - a. All compaction for interior and exterior backfill adjacent to the building should be verified by the geotechnical engineer.
5. Provide an acceptable will serve letter from South Valley Sewer District.
6. Obtain a building permit for all retaining walls.
7. An Architectural Deviation has been approved to allow undisturbed roof lengths in excess of 50-feet as required in DCMC Section 9-22-040(D)(2).

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 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

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. 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 Request by Lee Dial, representing the Liberty Point Properties, LLC, application #SPR-615-2019, subject to the following conditions:

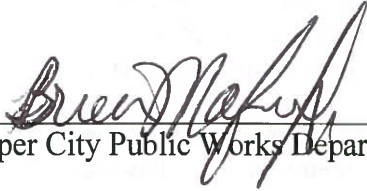
1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That the site comply with the conditions of approval dated December 4, 2014, June 25, 2015, June 23, 2016, and September 22, 2016.
3. The contiguous sidewalk along Draper Parkway shall be at least 8-feet in width.
4. Where feasible so as not to be impacted by existing slope north of the continuous sidewalk, street trees are required, spaced as originally approved in the site plan drawings.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
 - a. The Growth Area designation supports a mix of land uses, including multi-family.
2. That the proposed site plan is for a use that was conditional within the CC zone at the time of original approval and a conditional use permit has been obtained.
3. That the proposed site plan meets the Draper City ordinances pertaining to site plan approval.
4. That the proposed plaza complies 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

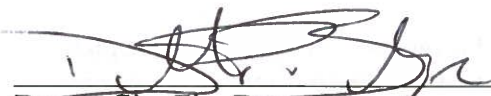
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.



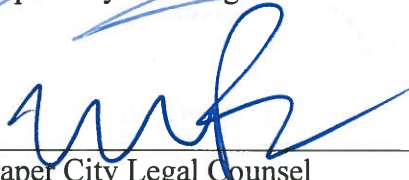
Draper City Public Works Department



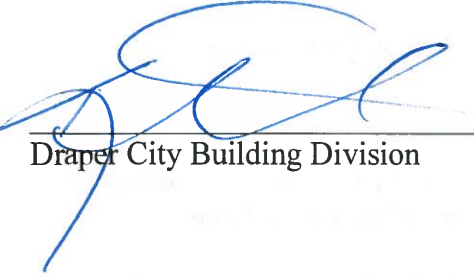
Draper City Planning Division



Draper City Fire Department



Draper City Legal Counsel



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 plaza conforms to code.

Engineering and Public Works Divisions Review.

1. Retaining wall along Draper Parkway public right-of-way is constructed within a public utility easement. Encroachment approval is required for retaining wall. Encroachment Agreement has been accepted by the City Engineer and is being processed.
2. Provide site plan showing the contiguous sidewalk, eight-feet in width, for the eastern portion of the lot where the sidewalk alignment interferes with the existing slope. Including sidewalk in this site plan amendment will avoid having the applicant submit a second site plan amendment application. When onsite changes are made to a site plan, per DCMC 9-5-090(H)(4), onsite drainage and public improvements are required to be brought into compliance with current code. Provide sheet showing proposed improvement and where they fit within the previously approved site plan layout.
3. Where feasible, i.e. when not impacted by existing slope north of continuous sidewalk, street trees are required, spaced as originally approved in site plan drawings. Questions regarding street trees to be approved by Draper City Planner.
4. The developer is to provide a drainage report including detention, orifice, and pipe sizing calculations per DCMC 9-5-090(D)(1)(d)(2)(G). The drainage report is to meet the requirement of the City of Draper Drainage Design Criteria available [online](#). Consider implementing LID (low-impact development) BMP's in the overall drainage design. It appears the site is not changing the amount of impermeable area and therefore additional calculations not required. If site is increasing concrete area for common area, additional calculations will be required.
5. Retaining walls are to comply with DCMC 9-27-085. Retaining walls are not reviewed or approved with this review and approval process.

**EXHIBIT B
AERIAL MAP**

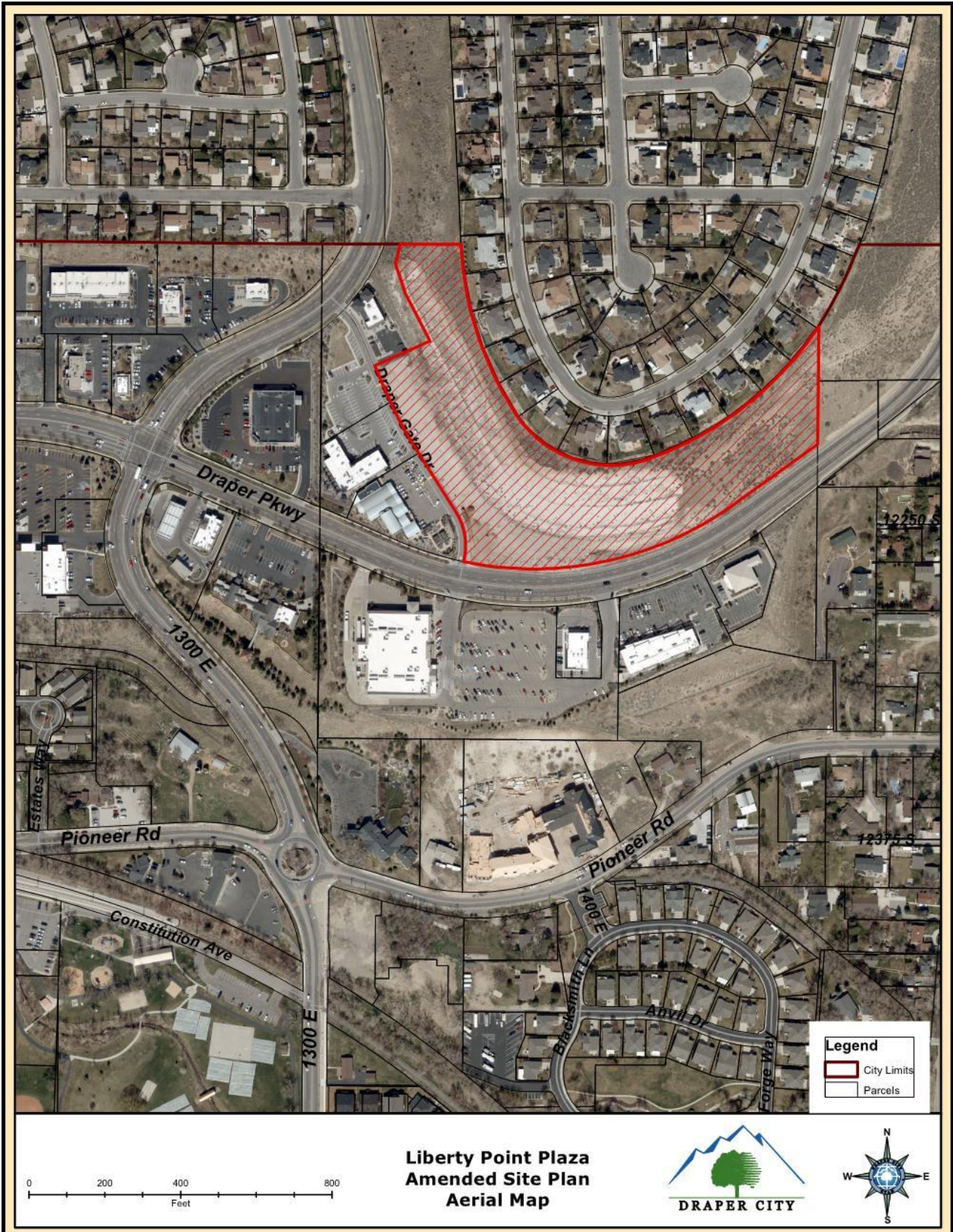
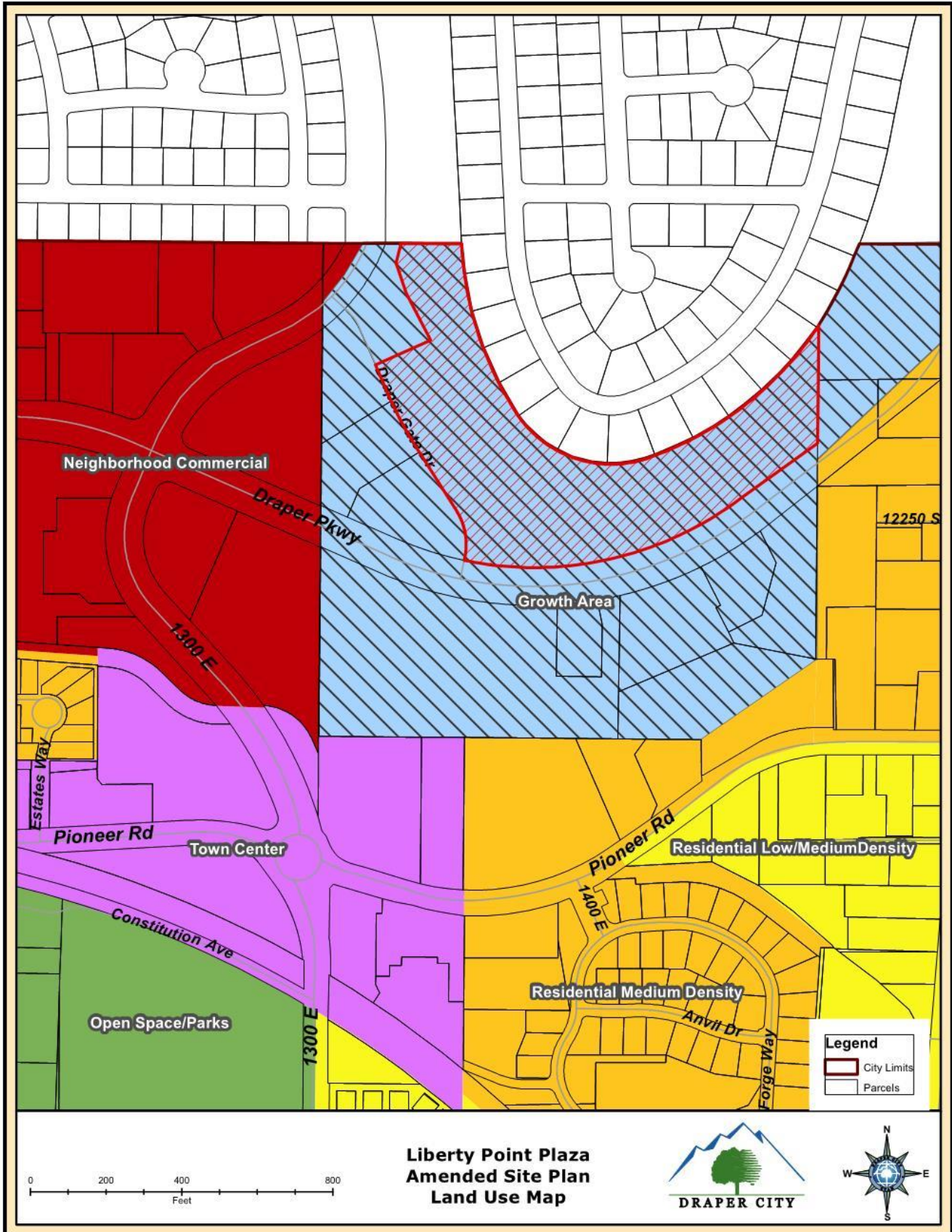


EXHIBIT C LAND USE MAP



**EXHIBIT D
ZONING MAP**

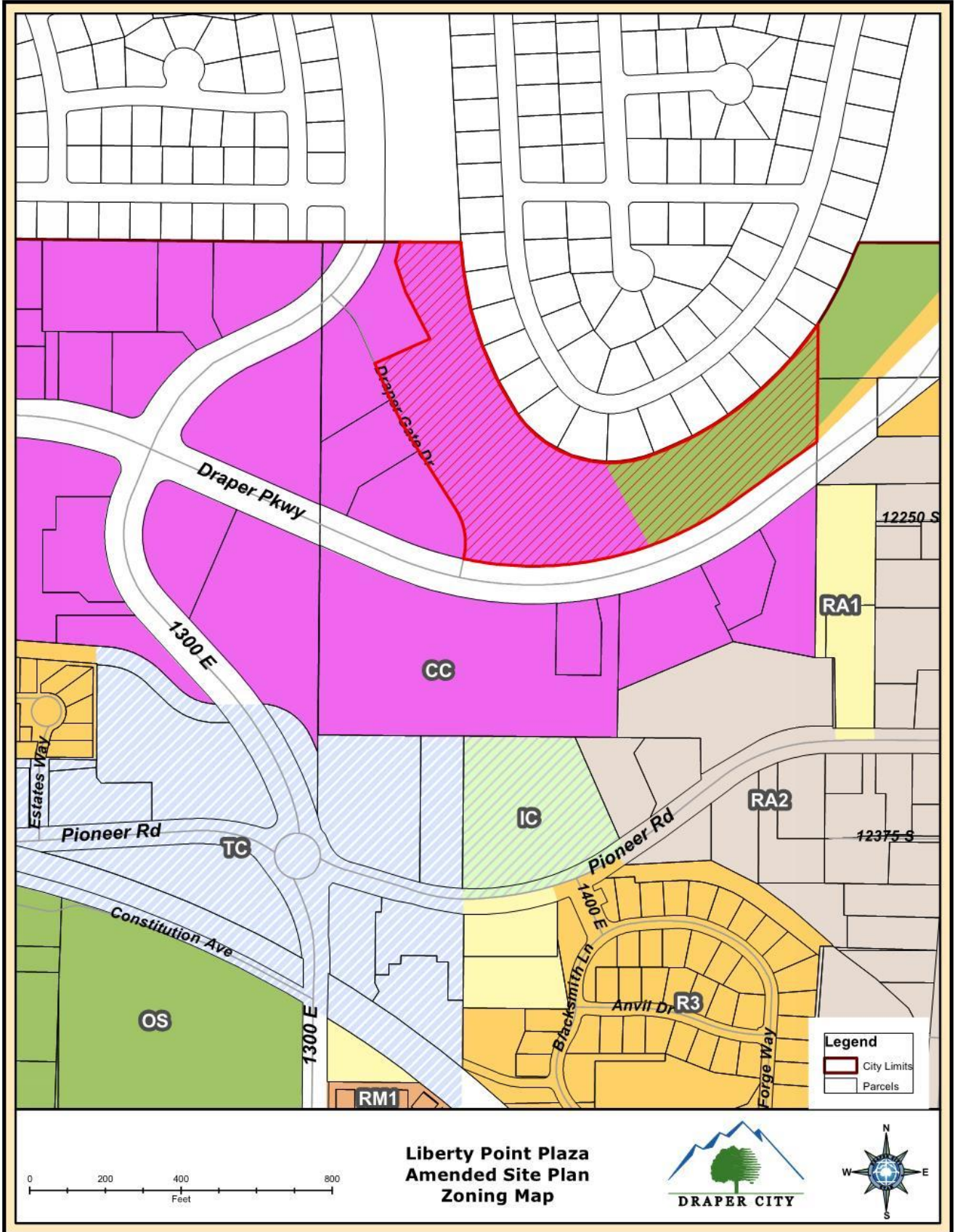


EXHIBIT E SITE PLAN

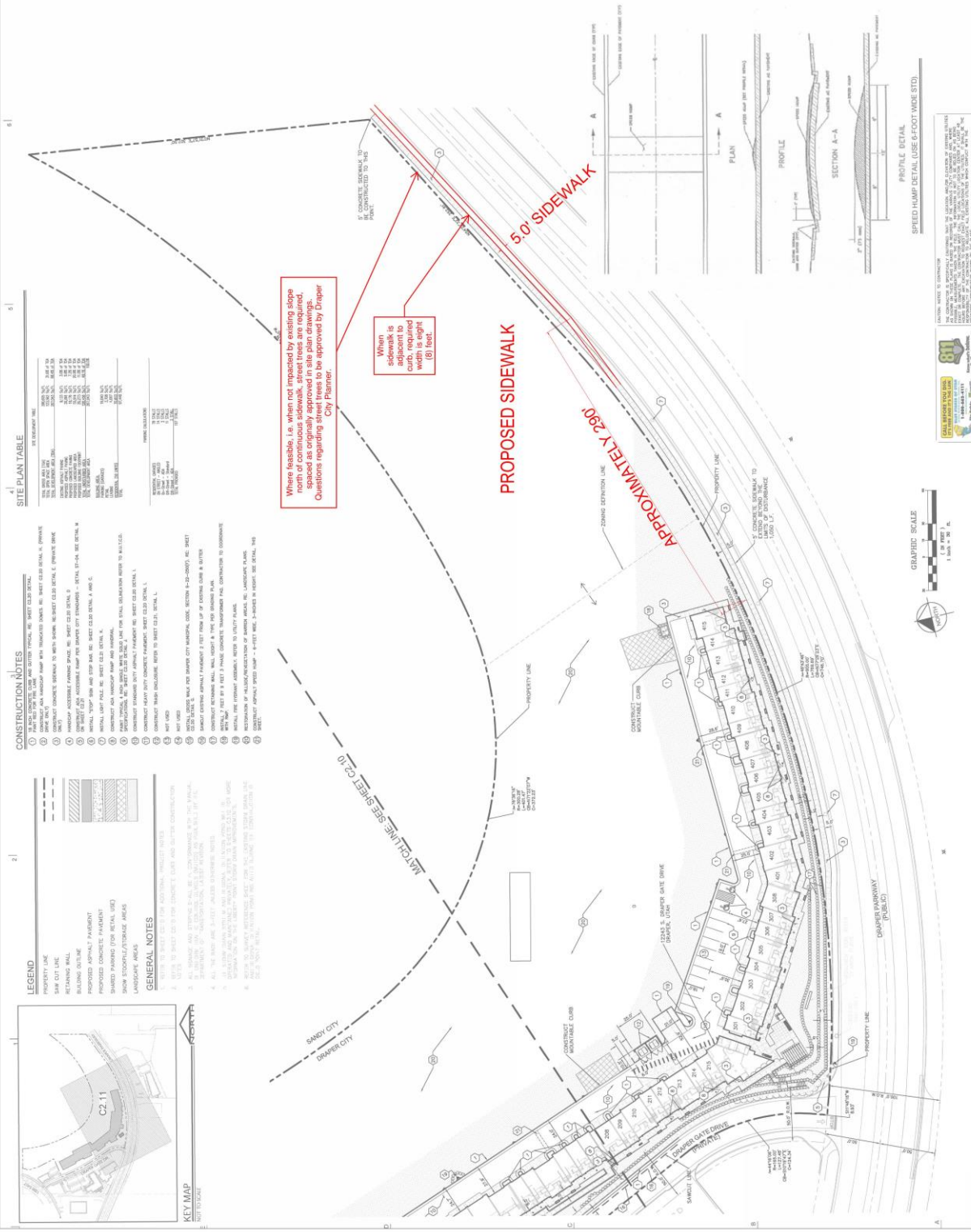


COWBOY PARTNERS
LIBERTY POINT
 12243 S DRAPER GATE DRIVE
 DRAPER, UTAH

NO.	REVISION
1	2/22/17 REVISION SET
2	2/22/17 REVISION SET
3	5/20/17 REVISION SET
4	11/27/17 REVISION SET
5	11/27/17 REVISION SET
6	11/27/17 REVISION SET
7	11/27/17 REVISION SET
8	11/27/17 REVISION SET
9	11/27/17 REVISION SET
10	11/27/17 REVISION SET

CONSTRUCTION DOCUMENTS
 SHEET PROJECT # 1505
 CONTRACT # 1505
 DATE 03/23/2016

SITE PLAN
C2.11



4 SITE PLAN TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. YD.)
1	PROPOSED SIDEWALK	1,200	138
2	5.0' SIDEWALK	2,800	323
3	PROPOSED SIDEWALK	1,500	173
4	5.0' SIDEWALK	3,500	403
5	PROPOSED SIDEWALK	1,000	116
6	5.0' SIDEWALK	2,000	232
7	PROPOSED SIDEWALK	1,500	173
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18	5.0' SIDEWALK	2,000	232
19	PROPOSED SIDEWALK	1,500	173
20	5.0' SIDEWALK	3,000	347

CONSTRUCTION NOTES

1. REFER TO SHEET C2.10 FOR ADDITIONAL CONSTRUCTION NOTES.
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3. ALL SIDEWALKS SHALL BE CONCRETE WITH 2" CURB AND 4" TYPICAL CONSTRUCTION.
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GENERAL NOTES

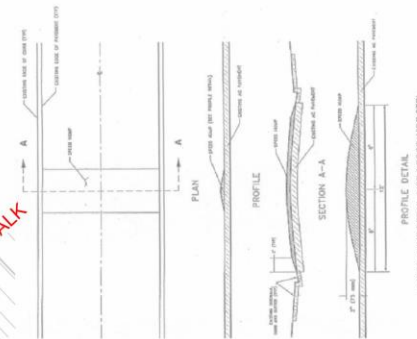
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20. ALL SIDEWALKS SHALL BE CONCRETE WITH 2" CURB AND 4" TYPICAL CONSTRUCTION.

KEY MAP



Where feasible, 15' sidewalk is proposed by using the north of proposed sidewalk, street to be widened and spaced as originally approved in site plan drawings. Questions regarding street lines to be approved by Draper City Planner.

When sidewalk is adjacent to curb, required width is 5' (5' foot) (5' foot).



PROFILE DETAIL (USE 6' FOOT WIDE STD.)
 SPEED HUMP DETAIL (USE 6' FOOT WIDE STD.)

GRAPHIC SCALE
 1" = 20' (1" = 20')

CALL ARCHITECTURAL NEXUS, INC. FOR MORE INFORMATION
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EXHIBIT F PLAZA PLAN

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