



## PLANNING COMMISSION AGENDA

Notice is hereby given that the Draper City Planning Commission will hold a Regular Meeting, at 5:30 p.m., on Thursday, October 17, 2013 in the City Council Chambers at 1020 East Pioneer Road.

The Agenda will be as follows: (Times listed on the agenda are approximate and may be accelerated or subject to change)

5:30 Dinner

### **Study Meeting: 6:00 p.m., City Council Chambers on the 1<sup>st</sup> floor**

Study Business Items

### **Business Meeting: 6:30 p.m., City Council Chambers on the 1<sup>st</sup> floor**

*Citizen Comments: To be considerate of everyone attending the meeting and to more closely follow the published agenda times, public hearing comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting.*

- 1. Action Item:** Approval of minutes from the September 19, 2013 Planning Commission meeting.
- 2. Public Hearing:** On the request of Draper City, for approval of a Zoning Text Amendment allowing 'Vehicle and Equipment Rental or Sale' in the CC Community Commercial zone. This application is otherwise known as the *Vehicle Sales in CC Zone Zoning Text Amendment Request*, Application #131001-1020E. Staff contact is Dan Boles at 801-576-6335 or email [Dan.Boles@draper.ut.us](mailto:Dan.Boles@draper.ut.us).
- 3. Public Hearing:** On the request of Cindy Cobbley, for approval to amend existing Lots 101 and 103 of the Eastgate Subdivision into three lots known as 101a, 102a, and 103a. The property is located in the CR Regional Commercial Zone at 12093 S. State Street. The application is otherwise known as the *Eastgate Subdivision Plat Amendment #2 Request*, Application #130923-12093S. Staff contact is Dennis Workman at 801-576-6522 or email [Dennis.Workman@draper.ut.us](mailto:Dennis.Workman@draper.ut.us).

*Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fourteen (14) days from the date of such final determination.*

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Times listed above are approximate. Items may be held earlier or later than listed. For inquiries, please call the Planning Department, at 576-6502. In compliance with the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Rachelle Conner, Draper City Recorder, 576-6502, at least 3 days prior to meeting.

4. **Public Hearing:** On the request of Dustin Holt, representing Draper Holdings, LLC for approval of a Plat Amendment of approximately 81.47 acres in the TSD Transit Station District Zone, to subdivide the existing seven lot subdivision into 25 smaller lots ranging from 36 to 0.72 acres. The application is otherwise known as the ***Draper TOD (Vista Station) Plat Amendment Request***, Application #130920-12870S-2. Staff contact is Dan Boles at 801-576-6335 or email [Dan.Boles@draper.ut.us](mailto:Dan.Boles@draper.ut.us).
5. **Public Hearing:** On the request of Chris Mast, for approval of a Commercial Site Plan for two office/warehouse building on 1.33 acres in the CR Regional Commercial Zone at 13112 South 150 East. The application is otherwise known at the ***Remco Management Office Warehouse Site Plan***, Application #130715-13112S. Staff contact is Dennis Workman at 801-576-6522 or email [Dennis.Workman@draper.ut.us](mailto:Dennis.Workman@draper.ut.us).
6. **Public Hearing:** On the request of Draper City, for approval of a text amendments to the Zoning and Subdivision Ordinances bringing both into compliance with the Utah State Code. This application is otherwise known as the ***City Initiated LUDMA Text Amendment Request***, Application #130926-1020E. Staff contact is Jennifer Jastremsky at 801-576-6328 or email [Jennifer.Jastremsky@draper.ut.us](mailto:Jennifer.Jastremsky@draper.ut.us).
7. **Staff Reports**
  - a) Discussion Items
  - b) Administrative Reviews
  - c) Other Items
8. **Adjournment**

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held the **October 17, 2013**, were posted on the Draper City Bulletin Board, Draper City website [www.draper.ut.us](http://www.draper.ut.us), the Utah Public Meeting Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn), and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

City Seal

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Rachelle Conner, MMC, City Recorder  
Draper City, State of Utah



*These minutes have not yet been approved and are not official until the Planning Commission votes to approve the minutes.*

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, SEPTEMBER 19, 2013 IN THE DRAPER CITY COUNCIL CHAMBERS**

*“This document, along with the digital recording, shall constitute the complete minutes for this Planning Commission meeting.”*

PRESENT: Acting-Chairperson Leslie Johnson, Planning Commissioners Craig Hawker, Jeff Head, Kent Player, and Marsha Vawdrey. Alternate Member Traci Gundersen

ABSENT: Chairperson Drew Gilliland and Commissioner Andrew Adams

STAFF PRESENT: Doug Ahlstrom, Keith Morey, Dennis Workman, Dan Boles, Carolyn Prickett, Jennifer Jastremsky, and Angie Olsen

ALSO PRESENT: Roll on File

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**Study Meeting:**

6:15:57 PM

**Study Business Items:** The Commissioners reviewed the application for the business meeting and addressed questions to staff members.

*\*\*\* Staff Reports were heard out of order.*

6:20:51 PM

6.0 **Staff Reports:** Staff provided the Planning Commission with a report regarding the recent actions of the City Council.

**Business Meeting:**

Acting-Chairperson Johnson explained the rules of public hearings and called the meeting to order at 6:32:04 PM.

6:32:30 PM

1.0 **Action Item: Approval of minutes from the September 5, 2013 Planning Commission meeting.**

6:32:35 PM

1.1 **Motion.** Commissioner Vawdrey made a motion to approve the minutes of the Planning Commission meeting held on September 5, 2013 with submitted changes. Commissioner Hawker seconded the motion.

6:33:01 PM

- 1.2 **Vote.** A roll call vote was taken with Commissioners Hawker, Player, Vawdrey, and Head voting in favor of approving the minutes.

6:33:13 PM

- 2.0 **Public Hearing: On the request of Richard Welch, representing Garbett Homes for approval of Land Use and Zoning Map Amendments of 9.02 acres at approximately 12052 South 300 East. The applicant is proposing to change the General Plan map from Low Density Residential to High Density Residential and changing the zoning designation from A5 to RM2. The application is otherwise known as the Smith Property Land Use and Zoning Map Amendments Request, Application #130822-12052S.**

6:33:38 PM

- 2.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated September 10, 2013, Senior Planner Dan Boles reviewed the details of the proposed application. He noted this is a request to modify the zoning and land use designation for the property located at 12052 South 300 East. He explained the subject property is approximately nine acres in size and has been farmed for many years in combination with an adjacent separate parcel of ground. He provided a brief history of the property and the surrounding property explaining in the mid-1990's, the property to the west began to develop into condos and townhomes and were built out by 2002. During that same time period, Juan Diego High School was constructed to the north and the property to the south was rezoned CC (Community Commercial) though that property has, along with the subject property, continued to be farmed. Additionally during that same time frame, the property to the west on 12000 South was subdivided into roughly one acre lots and had nearly completed build out by 2000. He then referenced the application and explained the master plan for the area is low to medium density residential development and the applicant is proposing to change the designation to high density. He stated that RA1 and RA2 zoning designations fit under the low to medium density zoning classification, but the master plan for the area is changed to high density the developer would be allowed to apply for RM1 or RM2 zoning; RM 1 would allow up to eight units per acre and RM 2 would allow up to 12 units per acre and that is what the applicant is requesting. He noted the applicant claims RM 2 zoning is suitable for the property and staff has considered whether the project is walkable; there are considerable services within one-quarter to one-half mile of the subject property, so the property is very much considered a walkable area. He added a traffic study has also been ordered for the property and will be made available to staff once it is completed. He then reviewed an aerial photograph of the area and identified the location of the subject property as well as highlighted uses on surrounding properties. He noted the development to the west is very similar to the type of development the applicant wants to build in that it has 12 units per acre with heavy landscaping. He then concluded by noting staff recommends approval of the

application based on the findings and subject to the conditions listed in the staff report.

6:45:39 PM

2.2 Commissioner Head stated Mr. Boles noted the property to the west is zoned RM 1, but has 12 units per acre and he asked if that development was grandfathered when changes to zoning laws were made. Mr. Boles stated the property was rezoned in 2001 and what likely happened is that the property was just given a RM designation without the actual density calculated.

6:46:34 PM

2.3 Commissioner Hawker inquired as to the zoning of the property to the south. Mr. Boles explained it is zoned Community Commercial CC. Commissioner Hawker asked if the applicant also owns that property, to which Mr. Boles answered no.

6:46:58 PM

2.4 Applicant Presentation: Renee Oehlerking thanked Mr. Boles for his representation of the application and explained he feels the area is walkable and there are many services in the area that makes the property well suited for this type of product. He then provided some renderings of some ideas for how the project will be developed, including a layout of the townhomes that would attract a buyer that would appreciate being close to the services in the area. He first reviewed a few potential site plans that could be used for the development and noted they would provide some diversity to the area and would be attractive to young families that would be interested in the close proximity to the school and other services. He then added he is a local developer and every home is constructed with solar power features and they are up to 80 percent more efficient than most homes built in Utah; combined utility bills will be approximately \$20 per month. He then reviewed potential elevations that would be incorporated into the project if constructed. He concluded his report by reiterating he is requesting the RM 2 zoning designation to allow him to build something similar to the renderings he has reviewed. He noted a property adjacent to his parcel is zoned CC and could develop as a commercial use and he feels his project would compliment that type of use and add to what is already being created as an urban area.

6:56:55 PM

2.5 Richard Welch stated he works with Mr. Oehlerking and wanted to note that they held a neighborhood meeting in the area and that is what prompted the request for a traffic study, which is not typically a requirement at this point in the process. Mr. Oehlerking stated the study should be available within the next week.

6:57:58 PM

2.6 Commissioner Player stated this is an interesting development and he asked where the solar panels are located on the housing units. Mr. Oehlerking stated the solar panels are integrated into the roofs and can barely be seen from the street. He stated

many residents ask for the panels to be more visible. Commissioner Player stated there are other developments like this in the Day Dairy area and he asked if those developments are being filled. Mr. Oehlerking stated he has a relationship with the developer of an apartment complex project in the area and he is actually pre-leasing the units; it will be the fastest leased project in the history of Draper as there was a huge need for that type of housing. Commissioner Player stated he will be interested to see the results of the traffic study.

7:00:36 PM

2.7 Commissioner Hawker the applicants when they met with residents, to which Mr. Oehlerking answered a meeting was held last week.

7:00:42 PM

2.8 Acting-Chairperson Johnson opened the public hearing and she asked City Attorney Ahlstrom to provide a brief explanation of the types of public comments that can be considered when making this type of decision.

7:01:29 PM

2.9 Mr. Ahlstrom explained the two issues being considered by the Planning Commission are legislative in nature and the Planning Commission is a recommending body only. He added the public should express their concerns regarding density, noise, or other issues for the Planning Commission to consider before making a recommendation to the City Council.

7:02:51 PM

2.10 Karen Hansen stated she lives in Murray, but is the mother of Jeff Hansen who lives across from the subject property on 300 East. She stated Murray is currently in a situation where they have allowed too many high density apartment and condominium developments. She stated she lives in a nice home and the developments located over a half mile from her have decreased her property value to a point that she cannot sell her home for what it is worth. She stated Draper is a beautiful place, but it seems it is getting a bit overrun by development. She stated the homes in the area of the subject property are 5,000 to 7,000 square feet and the homes being proposed as part of this application are only 1,500 square feet, which will attract young people and eventually renters. She added 12 units per acre seems very high to her. She stated her son has communicated to her that the street he lives on is very busy so he does not walk to services in the area and instead he drives. She added there will be problems with parking because Juan Diego School is a busy hub in the City that is used night and day seven days a week. She noted the speed limit on the street is 25 miles per hour, but kids driving to school drive much faster than that. She concluded that she feels the Planning Commission should adhere to the master plan.

7:06:24 PM

2.11 Bryce Green, 313 E. 12000 S., stated he lives across the street from the proposed development and when he moved there it was a dead end street; there have been a lot of changes in the area since he has lived there. He stated he is glad to have the school, but it changed the complexity of the area and the school took over 300 East and cut the street in half meaning traffic options to residents have been reduced. He stated during the day there are quiet times when traffic is minimal, but during events traffic is very heavy and people park on both sides of the street. He stated he did not see anything in the development plan to widen the street and that will be problematic. He stated adding more homes to the area is too much; he has a one acre lot and he is having a hard time seeing 12 homes built on the one acre lot across the street from him. He stated it is more practical to allow half-acre lots or third-acre lots. He concluded his major concern is traffic and accessibility to the proposed development.

7:10:20 PM

2.12 Ken Aguire, 468 E. 12000 S., stated he has two concerns; Mr. Green summed up his concern regarding traffic. He stated he finds it somewhat offensive that it is up to the Planning Commission to make a decision tonight when the Planning and Zoning Department of the City has not met its due diligence. He stated no traffic study has been completed, though the greatest concern of the neighborhood is traffic. He added the City recently approved building lots at the top of the street that are a half-acre in size; Ivory Homes asked for smaller lot sizes and the Planning Commission denied that request. He stated he is sure Ivory Homes would not be happy to hear that the City may allow this project to proceed. He reiterated Mr. Green's concerns regarding parking issues during events at the school, which make it impossible for emergency responders to respond to problems in the area. He noted the average speed on his street is 12000 South is 35 miles per hour and that is only due to the recent installation of speed bumps. He further summarized other traffic issues in the neighborhood and reiterated heavy traffic is his major concern. He stated he also lives on an acre lot and he cannot imagine allowing 12 units on one acre in the area. He stated that his son purchased a half-acre lot in the Day Dairy development and he and his neighbors have since sold because of excessive noise in the area. He concluded that it is premature for the Planning Commission to be considering this application and he does not feel the City has done its due diligence.

7:14:44 PM

2.13 Acting-Chair Johnson clarified the Planning Commission is a recommending body and will only be passing on a recommendation to the City Council this evening. She stated there will be another opportunity for citizens to speak about this issue before a final action is taken.

7:14:57 PM

2.14 Jeff Hansen stated he lives across the street from the property in question and he loves where he lives and would like to stay there. He reviewed photographs of the steady stream of traffic as well as parking associated with the school. He noted people drive way too fast on the road and enforcement action should be taken by the City. He stated he does not think the area can handle this high density development and he does not believe the developer should be granted their request when they have not offered a viable solution to the traffic issues that they will only exacerbate. He then read from the Draper City Municipal Code (DCMC) regarding this type of development as follow: "a substantial buffer shall be required when adjacent to property when large animal rights are allowed by permitted or conditional use." He stated there is no plan for a buffer, let alone a substantial buffer, between the RM 1 zone and RA 1 and RA2 on the east. He then read a portion of a letter from former Planning Commissioner Mike Malan as follows: "given the traffic, health, safety, and welfare concerns that this proposal raises and the fact that it goes against good planning practices and contravenes the intent of the Draper City land use plan that has been in place for over 10 years now, I would strongly recommend against approving this zone change." Mr. Hansen concluded that he would hope the Planning Commission would at least postpone the decision regarding this application until they have had time to review the traffic study.

7:18:50 PM

2.15 Doris Brunatti, 526 E. 12100 S., stated she has lived in her home through four master plan changes that included proposals and possibilities for the area; what she sees now is a mini New York and development of that nature continues. She stated the residents were promised a park and swimming pool and instead that was given to South Mountain in trade for a Post Office. She added with the addition of TRAX many people drive through her neighborhood to avoid heavier traffic. She noted she timed her commute from 500 East and 12100 South to the freeway onramp and it took her 35 minutes to get there because of traffic controls to prevent problems at various intersections. She added there is no public green space in the area, though residents have been promised green space as well as the preservation of the integrity of their lot sizes and the possibility to keep large animals. She stated when the two remaining vacant parcels are gone development will stretch all the way to 12300 South. She stated it was her dream to be in the area she lives in, but she feels as though the area is being squeezed to a point that it is forcing everyone to leave. She stated she has no objection to the type of developments the applicant constructs, but she already lives in the area and she would like to stay and she would like the City to help her to do that without making it impossible for her to breath.

7:22:18 PM

2.16 Charles Pugh stated like most of the residents that have spoken he moved to Draper because of the open space and larger lot sizes and to have a proposal for high density housing across from the one acre and half acre lot sizes seems like strangulation of his dream. He stated if the high density housing is located in the

proposed area the neighborhood will be damaged and the existing homes will be greatly impacted by the increased traffic. He stated the application is not a good thing and at the very least the City should require a buffer between the current houses and this proposed development.

7:23:49 PM

2.17 Cody Glassett, 545 E. 12000 S., read a letter from his parents as follows: "This letter is written in strong opposition to the proposed zone change currently being decided in the area. It seems the first standard should be that Draper City should be required to follow and adhere to all Draper City ordinances. It is unfair and a waste of everyone's time and energy and the City's money to present something otherwise. Although not fluent in all said ordinances, the suggestion to review and/or avoid some of them seems to be a blatant and obvious violation of the original City plan. Specifically the ordinance that requires a high density area and a low density area to be buffered by a development whose density is between the two. It is not new information to Draper City that the area in question will be a lower density area than the condominiums directly to the west and a direct violation to its own ordinance. If it was the standard of the original City plan, the reason for that plan was to avoid too many people and too much traffic in any given area to help the flow of the neighborhoods in Draper City. Another big concern is that Draper City cannot or does not even handle the current traffic situation regarding the Skaggs Catholic Center; traffic is incredibly high every morning and afternoon, but also during times when there is an event at the Center. Finally, we have been told a traffic study will be done, but also understand it is a study that will not be completed until after the decision regarding the zoning is made. How can a decision to change the zoning be properly made when the City has no idea the amount of traffic that exists on 300 East. A zoning change to allow for high density homes in the area would create nothing more than problems for those who live and travel through the area when the current problems have not even been addressed." Mr. Glassett then noted he was riding his bike to work recently and kids leaving Juan Diego drove past him travelling at least 30 miles per hour and they threw candy at him. He stated he does not know if that is classified as littering, but it is incredibly rude. He stated they should not be allowed to do that to 18 year old people, let alone young families that will be living in the area if the development is approved.

7:26:55 PM

2.18 Lisa Hansen stated the issue of walkability should be considered along with the lack of sidewalks in the area. She stated she realizes that if the development were approved, it is likely more sidewalks would be installed, but all the children walking the streets pose a safety hazard. She added she feels the applicant is being somewhat deceptive in their remarks; they had already ordered a traffic study and they did not order that study based on the discussion at the cottage meeting. She stated that Mr. Oehlerking also explained that there are negotiations underway to sell the property to the south and if thinking that property be zoned CC is part of the

consideration that would sway the Planning Commission to grant this application it is important for the Planning Commission to know that the property may, in fact, be used for another housing development.

7:28:39 PM

2.19 Ann Marie Curran stated she lives on 12000 South and she has children that attend Juan Diego and she feels this is such an important issue. She stated the traffic is very bad in the area and she cannot imagine how much worse that traffic will be with the addition of the homes associated with this development. She stated she also lived on an acre and she cannot see how having 12 units per acre will improve the area for the people that already live there and love where they live.

7:30:30 PM

2.20 Glenna Sharpman, 189 Kimball Cottage, stated that there are no green spaces and parks in the vicinity of the subject property. She noted she and her husband were drawn to Utah by the open space and amount of parks and he would like to suggest that if it is necessary to change the master plan, the property should be changed to a park. She noted that in other areas of the City and the State there are many parks that are inviting and provide family activities, but that is not the case in this area. She agreed that traffic is very heavy in the area and adding more homes will further compound that problem. She stated a beautiful, green park would be a much better use of the land.

7:32:00 PM

2.21 Chuck Pelligrino, 338 E. 12000 S., stated traffic is the biggest problem in the area. He noted Draperville was initially planned for one acre sized lots; that was then reduced to half acres and then quarter acres and now there is a request for lots one tenth of an acre in size. He stated his road is the easiest access from the subject property and traffic will be worse there. He stated this project should not be done.

7:32:42 PM

2.22 Clint Daley, 333 E. 12000 S., stated he would like to reiterate everything that has been said about traffic problems in the area. He added this is a unique situation because Juan Diego is a school with activities every night of the week, all year round. He stated he hopes a traffic study is conducted and he hopes it is something the Planning Commission will consider before making a decision. He added he hopes the traffic study will encompass everything, including the roundabout in the area. He noted the heaviest traffic will be on 12000 South and 12300 South. He asked that the zoning of the property not be changed per the applicant's request.

7:34:48 PM

2.23 Suzanne Nelson stated she lives on 300 E. and she addressed Mr. Boles and asked that he not try to communicate the nature of the traffic in the area after coming to her house one time and taking a few pictures. She stated she would never presume to tell someone what the traffic is like in front of her home if she did not live in the

area. She added she noticed there were no pictures taken of the homes on 300 East; those were very conspicuously missing from the pictures of the surrounding area and that is a misrepresentation of the neighborhood because there are large, lovely homes there. She stated that although she feels the developer builds very nice homes, this project is not right for the neighborhood. She stated she feels a buffer of one quarter to one fifth of an acre lots would be more appropriate; it is still a higher density, but it is a fair compromise between the high density to the west and the low density to the east.

7:36:38 PM

2.24 Larry Hardy, 371 E. 12000 S., stated his home is four houses from the subject property. He and his wife moved to Draper two years ago after looking at different areas for quite a while; one of the things the liked about Draper was the openness and they have enjoyed living here. He stated they moved from the foothill area, which was very congested, and he is glad to be away from that, but this high density proposal would cause the same things to happen to his neighborhood and that is very discouraging. He reiterated the comments made by others regarding the traffic problems on 12000 South and noted people turn around in his driveway constantly and that is an issue as well. He noted he is also concerned about the safety of pedestrians walking to and from the school. He reviewed the map of the area and noted the zoning of nearby properties and stated there is no transition from the low density to high density uses. He stated a licensed real estate appraiser has said this project will definitely decrease the property values of those living on one-acre lots. He added those that attended the cottage meeting held by the developer are not in favor of the project and they would request a gradual transition between the varied densities.

7:39:31 PM

2.25 Jewel Pew stated she lives on 300 East and she feels safety is of utmost importance. She stated everyone wants to spend time outside on their property and walk up and down the streets and the traffic is bad enough already; adding the new housing and increased traffic would make the neighborhood very unpleasant and very dangerous.

7:40:19 PM

2.26 Jim Duncan stated he lives on 11800 and he reiterated the comments that have been made regarding the traffic associated with Juan Diego. He added Draper is growing up and changing too quickly and his question is why more of this type of housing is needed considering the high amounts of high density developments in the immediate area. He added a buffer between the two different densities is very appropriate.

7:41:41 PM

2.27 David George, 446 E. 12000 S., stated he has only lived in the area since April and his biggest concern is the safety of his children and the children living around them.

He wondered if the police force will have the ability to provide safety for the current residents as well as the new residents that would be living in the proposed development.

7:42:57 PM

2.28 Don Simons, 449 E. 12000 S., stated when he first heard about this project he thought about value; value to current residents is their current way of life and homes built for \$108 per square foot will decrease the value of the existing homes. He stated that is a big concern to him and it should be to everyone. He stated the City may see it as a good thing because increased residents equates to an increase in tax revenue and building fee revenue, but he would be willing to guarantee no member of the Planning Commission or City Council would want the project constructed in their neighborhood ruining their property value.

7:44:07 PM

2.29 There being no further persons appearing to be heard, Acting-Chair Johnson closed the public hearing.

7:44:11 PM

2.30 Acting-Chair Johnson asked staff to address some of the issues that were raised during the public hearing.

7:44:37 PM

2.31 Mr. Boles agreed that if the rezone is approved, the subsequent development will obviously increase traffic in the area, but the traffic study will help the City understand the extent of that increase. He stated the Planning Commission has the option of delaying a decision regarding the application until after the traffic study is available. He stated he understands there are traffic problems in the area and it may be a good idea for the Planning Commission to table this item and visit the area for themselves in addition to waiting for the traffic study. He then addressed the suggestion to provide a transition between the two different land uses and noted that can be done in various ways; there have been discussions regarding building a buffer into the site plan for the development if this action is approved. He added there are several developments like this throughout the City and there are buffers and transition uses between low and high density projects.

7:47:42 PM

2.32 Commissioner Hawker asked if there are sidewalks on the east side of 300 East. Mr. Boles identified the location of sidewalks on the east side of 300 East and noted there are no sidewalks on the west side. Acting-Chair Johnson asked if the developer would be required to install sidewalks in the area and around his project, to which Mr. Boles answered yes.

7:48:39 PM

2.33 Acting-Chair Johnson stated there was a question regarding property values and she noted the staff report references property values and the Planning Commission finds that very relevant. She noted there are many issues that will be considered more carefully in future steps of the development process and noted the Planning Commission must consider a balance between protecting current property values and providing opportunities for development.

7:49:51 PM

2.34 Mr. Oehlerking thanked those that have made comments this evening and stated that many of those same comments were also expressed during the cottage meeting. He noted the traffic study had been ordered before that meeting and he reiterated he is expecting to have the results of that study next week. He stated he does not believe there are any additional comments he can make regarding traffic until that study is available. He addressed the comments regarding a buffer and noted he has built a lot of projects of similar density in situations very similar to this one and he has not seen property values reduced as a result. He stated the cost of his homes is \$180 per square foot and that is actually higher than current property values in the area. He noted his homes are smaller so they will be more affordable, but the price per square foot is actually higher. He stated he believes the eco-village he desires to develop at the current density will be absorbed quickly and the built time will be fast; there is demand for housing in Draper at this price point. He stated his company is a developer that works to meet the needs of the communities they develop in. He stated he always conducts market studies and he does not believe a development of half or quarter acre lots would be successful in this area. He stated a higher density product will work very well in the area especially because of its relationship to the amenities within walking distance and the amount of young people moving to Draper that would like to own a home rather than rent; each unit will be owner occupied and concerned citizens will live in the development. He stated it seems the biggest concern is related to traffic and he shares that concern; he wants to create a development that people want to live in and he wants to address those traffic concerns so he is excited to see what the study says.

7:53:11 PM

2.35 Commissioner Player stated it seems to him that the development looks excellent, but the real question is related to traffic because it appears that traffic is already strangling the neighborhood. He stated there is a possibility that these additional homes will compound those problems and he would recommend this application be continued until the traffic study is available for the Planning Commission to review.

7:54:02 PM

2.36 **Motion:** Commissioner Player moved to continue consideration of the application until the next Planning Commission meeting in order for the Planning Commission to have access to the completed traffic study regarding the project. No additional public comment will be accepted. Commissioner Head seconded the motion.

7:54:14 PM

2.37 Commissioner Head stated he would also like staff to take into consideration the comments made regarding buffering and determine if there are any guidelines the Planning Commission should be following relative to buffering between the high and low density uses.

7:54:57 PM

2.38 Commissioner Hawker stated he would also like to see information regarding other developments in the City where there is a high density development located near a low density development.

7:55:18 PM

2.39 Acting-Chair Johnson addressed the audience and stated that if the motion to continue consideration of the application carries, the public hearing will not be continued and the residents will not have an opportunity to address the Planning Commission regarding the application; however, there will be an opportunity for public comment after a recommendation is provided to the City Council. She stated she understands residents likely wanted a decision to be made tonight, but it is important for the Planning Commission to complete its due diligence on this matter.

7:56:02 PM

2.40 **Vote:** A roll call vote was taken with Commissioners Hawker, Player, Vawdrey, and Head voting in favor of forwarding a positive recommendation to the City Council.

7:56:50 PM

3.0 **Public Hearing: On the request of Curtis Neider for approval of a Zoning Map Amendment of 2.46 acres at 13338 and 13350 S Fort Street from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. This application is otherwise known as the Neider Zone Change Request, Application #130822-13338S.**

7:57:44 PM

3.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated September 6, 2013, Planner Dennis Workman reviewed the details of the proposed application. He stated this is a request for a zone change from RA1 to RA2 on two contiguous parcels on the west side of Fort Street, totaling 2.46 acres. He noted staff recommends the Planning Commission forward a positive recommendation to the City Council based on the fact that an RA2 zoning designation is complicit with the low density land use designation; there are several other properties in the area that have been rezoned to RA2 in the recent past. He noted staff feels this application is in keeping with the character of the area and is appropriate according to the master plan. He then reviewed photographs of the subject property and

noted it would be possible for the developer to develop five lots on the property if the RA2 zoning designation is approved. He reiterated staff recommends approval based on the findings listed in the staff report.

8:00:06 PM

3.2 Commissioner Head asked if the property to the north is zoned RA1. Mr. Workman answered yes and noted the applicant approached that property to see if they wanted to participate in the application for a zone change and they declined. He reviewed some of the characteristics of the property referenced by Commissioner Head.

8:00:59 PM

3.3 Applicant Presentation: Curt Neider stated he lives in Draper and would like to live in a home on the subject property. He stated the property owner to the south is participating in this application for a zone change and the home located on his property will likely remain. He thanked the Planning Commission for their time in considering this application.

8:02:21 PM

3.4 Acting-Chairperson Johnson opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

8:02:34 PM

3.5 Motion: Commissioner Head move to forward a positive recommendation to the City Council regarding the Neider Zone Change, application 130822-13338S, based on the findings listed in the staff report dated September 6, 2013. Commissioner Player seconded the motion.

Findings:

1. That Section 9-5-060 of the Draper City Code allows for the amendment of the City's zoning map.
2. That the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan.
3. That all five findings for a zone change, as contained in 9-5-060(e), are satisfied.
4. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
5. That the proposed zone change is harmonious with the overall character of existing development in the vicinity of the subject property.
6. That the proposed amendment would not adversely affect adjacent property or the character of the neighborhood.

8:03:23 PM

3.6 Commissioner Head stated he feels it seems like RA1 zoning is becoming scarcer in the area and he likes the focus on developing the property into an appropriate use

that maintains the charm of Fort Street. He stated he feels this is a practical application.

8:04:06 PM

- 3.7 **Vote:** A roll call vote was taken with Commissioners Vawdrey, Head, Player, and Hawker voting in favor of forwarding a positive recommendation to the City Council.

8:04:30 PM

- 4.0 **Public Hearing: On the request of Daniel Sprengeler, representing Southwestern Furniture/Ashley Furniture for approval of a Text Amendment in the -SWF (Commercial Special District- Southwestern Furniture) Zone regarding the provision of banner signs. This application is otherwise known as the Southwestern Furniture CSD Banner Text Amendment Request, Application #130816-13177S.**

8:04:56 PM

- 4.1 **Staff Report:** Using the aid of a PowerPoint presentation and his staff report dated September 11, 2013, Planner Jennifer Jastremsky reviewed the details of the proposed application. She noted the zoning district is very unique in that it is very small and encompasses one parcel of property that is approximately 3.89 acres in size; the property is home to Ashley Furniture. She explained the proposed text amendment would allow for a permanent banner sign to be placed on the property and specifically the applicant would like to use a 14 foot by 20 foot building mounted banner sign. She stated signage in the existing district boundaries includes a wall sign and a freeway oriented sign and it is the applicant's intent to place the banner sign under the freeway oriented sign, although the text language does not limit where the banner may be located. She concluded her report by noting staff recommends the Planning Commission forward a positive recommendation to the City Council regarding this application based on the findings listed in the staff report.

8:06:57 PM

- 4.2 Commissioner Player inquired as to the nature of the banner. Ms. Jastremsky stated the applicant would need to answer that question, but noted banners are typically made of vinyl material.

8:07:18 PM

- 4.3 **Applicant Presentation:** Dan Sprengeler, representing Ashley Furniture, stated the banner will be made of vinyl; it will be professionally made and the graphics will be professionally imprinted on the sign. He stated the banner sign he is requesting is smaller than the banner sign used by Ikea, of which they have two. He stated the banner will tie in with the theme of the area; it is a retail destination and the banner will help to draw people from the freeway to come see the store. He stated the

banner will be aesthetically pleasing and will not be detrimental to the neighborhood and he asked for Planning Commission approval of the application.

8:08:30 PM

4.4 Commissioner Player asked if the banner is durable, to which Mr. Sprengeler answered yes. Commissioner Player asked if the banner will be replaced if it becomes tattered. Mr. Sprengeler answered yes and noted that the banners are replaced every couple of weeks in order to change the theme of the banner.

8:09:23 PM

4.5 Commissioner Hawker asked if the banner will contain advertisements or if it will simply contain the name of the business. Mr. Sprengeler stated it may have advertisements, similar to the banner used at Ikea, but the message will vary.

8:09:42 PM

4.6 Commissioner Hawker stated the ordinance states the banner can be placed anywhere on the building, but he asked if it will only be located under the freeway directional sign. Mr. Sprengeler stated it is his intention to locate the banner under the clock tower and noted that it will not really fit anywhere else on the building. Commissioner Hawker stated he drove by the property today and the proposed location of the sign cannot be seen from the freeway and he asked Mr. Sprengeler believes the sign will help to attract additional freeway traffic. Mr. Sprengeler stated that the banner will draw awareness from customers of other businesses in the area, such as Ikea and RC Willey.

8:10:43 PM

4.7 Acting-Chairperson Johnson opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

8:10:56 PM

4.8 Commissioner Hawker asked if there are any other stores in the City that use these types of banner signs, besides of those in the general area of Ashley Furniture. Ms. Jastremsky stated she cannot think of any other locations where this type of signage has been approved.

8:11:08 PM

4.9 Commissioner Head asked if the text requires the banner to be hung on the building. Ms. Jastremsky stated the text does specify the banner must be a building-mounted banner.

8:11:38 PM

4.10 City Attorney Ahlstrom clarified that the City cannot regulate the content of the sign; the City may only regulate the location and size of the sign.

8:12:46 PM

4.11 **Motion:** Commissioner Hawker move to forward a positive recommendation to the City Council for the Southwestern Furniture CSD Banner Text Amendment Request by Daniel Sprengeler representing Southwestern Furniture \ Ashley Furniture for the purpose of allowing banner signage within the zoning district, application #130816-13177S, based on the findings and subject to the conditions listed in the Staff Report dated September 11, 2013. Commissioner Vawdrey seconded the motion.

Findings:

1. The proposed text amendment would permit a banner sign in a similar nature to what is already allowed within the vicinity of the CSD-SWF zone and will be harmonious in character.
2. There are no foreseeable adverse affects to the neighborhood.
3. The text is legal and content neutral.

8:13:29 PM

4.12 **Vote:** A roll call vote was taken with Commissioners Player, Vawdrey, Hawker, and Head voting in favor of forwarding a positive recommendation to the City Council.

8:14:02 PM

5.0 **Public Hearing: On the request of Lisa Koncar for approval of a Zoning Map Amendment of 2.14 acres at 590 East 12100 South from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. This application is otherwise known as the Koncar Zone Change Request, Application #130822-590E.**

8:14:25 PM

5.1 Acting-Chair Johnson stated the applicant has requested that this item be continued to a date uncertain.

6:20:51 PM

6.0 **Staff Reports:** *Staff Reports were heard during the Study Meeting (above).*

8:14:35 PM

7.0 **Adjournment:** Commissioner Player moved to adjourn the meeting.

7.1 **A voice vote was taken with all in favor. The meeting adjourned at 8:14:36 PM**





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**Development Review Committee**

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

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**STAFF REPORT**

October 8, 2013

**To:** Draper City Planning Commission  
Business Date: October 17, 2013

**From:** Development Review Committee

**Prepared By:** Dan Boles, AICP, Senior Planner  
Planning Division  
Community Development Department

**Re: Vehicle Sales in CC Zone – Zoning Text Amendment Request**

Application No.: 131001-1020E

Applicant: Draper City

Request: Request for approval of a Zoning Text Amendment to consider allowing 'Vehicle and Equipment Rental or Sale' in the CC Community Commercial zone.

**SUMMARY**

This application is a request for approval of a Zoning Text Amendment that would affect the use table of chapter 9-11. The table currently does not allow 'Vehicle and Equipment Rental or Sale' sales in the Community Commercial (CC) zone. The proposal within this staff report would open up this category to the CC zone as a conditional use.

**ANALYSIS**

In 2010, the land use table found in section 9-11 of the Draper City Municipal Code (DCMC) was revised. During this revision different classifications were added while others were eliminated. Prior to this change, 'Vehicle and Equipment, Rental or Sale' was allowed with approval of a conditional use permit in the CC zone. It is unclear why that change was made at that time since it was not individually discussed. Staff is recommending adding that back to the table as a conditional use.

The vast majority of CC zoning is along streets with greater traffic capacity such as 12300 South, 700 East, State Street and Bangerter Highway/Parkway. There are pockets of CC zoning that are off the beaten path so to speak, but they are few and far between (see attached zoning maps). Auto dealers rely heavily on pass by traffic and look for areas that they will be visible such as freeway frontage roads and arterial streets. It is not anticipated that some of the outlying properties that are zoned CC will be utilized as a auto sales facility. Additionally, any vehicle sales lot will be required to go through the same site plan process and meet all the same ordinances and requirements as all commercial sites are. Such requirements would include landscaping and buffering, architecture, lighting and site design. By



requiring a conditional use permit to be issued, any issues, case by case, that need to be mitigated, may be through that process.

The following depicts the proposed change:

Uses	Zones											
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS
Vehicle and Equipment Rental or Sale	NP	NP_C	P	P	P	P	NP	NP	NP	NP	NP	NP

Criteria For Approval. The criteria for review and potential approval of a Zoning Text Amendment request is found in Sections 9-5-060(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- (e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:
  - (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City’s General Plan;
  - (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
  - (3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
  - (4) The extent to which the proposed amendment may adversely affect adjacent property; and
  - (5) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

**REVIEWS**

Planning Division Review. The Draper City Planning Division is recommending approval of the zoning text amendment as proposed.

Noticing. Draper City as the applicant has desired to comply with all noticing requirements for an amendment to the zoning text. As such, notice has been properly issued in the manner outlined in the City and State Codes.

**STAFF RECOMMENDATION**

Staff recommends approval of the request for a Zoning Text Amendment by Draper City, application 131001-1020E, based on the following findings:

- 1. That the proposed amendment is consistent with goals, objectives and policies of the City’s General Plan such as:
  - a. Encourage the establishment of a strong tax base by accommodating commercial and industrial development in appropriate areas.

- b. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
- c. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
2. That automobile dealers rely heavily upon visual exposure thereby limiting most auto dealers to major street with higher traffic capacity.
3. That automobile dealers are required, like any other commercial use, to follow all ordinances outlined within the Draper City Municipal Code.
4. That the proposed change would not be detrimental to the health, safety and general welfare of the community and its citizens.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Vehicle Sales in CC Zone Zoning Text Amendment Request by Draper City, application 131001-1020E, based on the findings listed in the Staff Report dated October 8, 2013 and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Vehicle Sales in CC Zone Zoning Text Amendment Request by Draper City, application 131001-1020E, based on the following findings:”

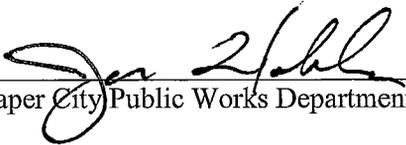
1. List any findings...

**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

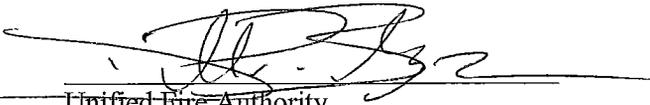
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission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

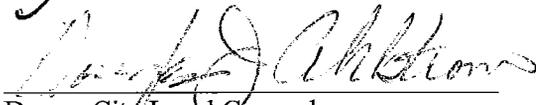
  
\_\_\_\_\_  
Draper City Engineering Division

  
\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Public Works Department

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Unified Fire Authority

  
\_\_\_\_\_  
Draper City Legal Counsel





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**Community Development Department**  
1020 East Pioneer Road  
Draper, UT 84020  
(801) 576-6539 Fax (801) 576-6526

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**STAFF REPORT**  
October 4, 2013

**To:** Planning Commission  
Hearing Date: October 17, 2013

**From:** Dennis Workman, Planner II  
Community Development Department

**Re:** **Eastgate Subdivision Amended (#2)**  
Application No.: 130923-12093S  
Applicant: Cindy Cobbley  
Project Location: 12093 S. State Street  
Zoning: Regional Commercial (CR)  
Acreage: 16.25 acres  
Request: Approval to amend Lots 101 and 103 of the Eastgate Subdivision

**BACKGROUND**

In the fall of 2008, Lot 1 of the Factory Stores of America Subdivision was divided into Lots 101-104 under the application Eastgate Subdivision Plat Amendment. The purpose of this application is to amend Lots 101 and 103 by creating three new lots which will be called Lots 101a, 102a and 103a. Lot 101a will contain 2.55 acres, Lot 102a will contain 11.91 acres, and Lot 103a will contain 1.79 acres. Lot 101a will eventually be sold and developed as a hotel. Lot 103a, which is essentially the northern one-third of the mall building (aka the 1994 addition), will allow current tenant All-Star Bowling to purchase the property outright. Lot 102a will contain the remainder of the building and the existing parking lot.

**ANALYSIS**

*General Plan and Zoning.* The General Plan designates the subject parcel as Community Commercial. This land use category supports “the full scope of commercial land uses that are destination-oriented. The areas may include large-scale, master-planned commercial centers, big-box stores and offices. These are strategically placed along high-traffic corridors with convenient points of traffic access to and from residential areas.” Zoning on the property is CR; a ‘Recreation and entertainment, indoor’ use in the CR zone is permitted.

*Utah Code.* State law outlines the criteria for review and approval of plat amendments. In order to approve a plat amendment, the legislative body must make two findings:

1. That there is good cause to amend the plat; and
2. That the amendment will not cause material harm to other owners in the plat.

Shared Parking Agreement. The Eastgate Subdivision plat amendment that was approved by the City Council in late 2008, contains the following note: "Parking and access is to be commonly shared between all lots within the subdivision." As such, it shall be prohibited to install a sign anywhere within the Eastgate Subdivision stating that a parking stall is for the exclusive use of a particular business. CCRs for the mall also set forth the requirement for cross-access and cross parking throughout the development.

Engineering Department Review. In a memo dated September 26, 2013, Troy Wolverton states:

We have reviewed the plat amendment application for the subject project and recommend approval subject to conditions. Accordingly, we have included the following comments for your consideration:

1. The plat indicates distances on Lot 3 that do not appear to be accurate. Verify and update accordingly.
2. The section tie notation for Lot 3 shall be adjusted to better clarify that distance and bearing is from section monument.
3. Plat shall indicate location of point of beginning of the legal description.
4. Plat indicates existing street on west as "Factory Outlet Drive". City records identify street as "State Street". Verify name of street and revise accordingly.
5. Plat shall indicate location of existing public utility easements.
6. Plat shall indicate lot addresses.
7. Plat shall reference entry, book, and page number of existing recorded ingress and egress easements.
8. No additional right-of-way improvements appear necessary to support the proposed subdivision. The deferral agreement dated July 25, 1995 is sufficient to address improvements along the south half of 11950 South Street limited to curbing, guttering and sidewalks.

Building Department Review. In a memo dated September 24, 2013, Building Official Keith Collier stated his concerns as follows:

1. What type of property line is this?
2. We will need to discuss the wall at the location of the property line and the construction requirements.

Fire Department Review. In a memo dated September 27, 2013, Don Buckley with the Unified Fire Authority issues a positive recommendation with the following comment: "The fire department wants to make sure all parties involved understand that the fire sprinkler and alarm system are required by law to have an annual inspection. This is not done by the fire department; however, the fire department will request a copy annually."

#### **STAFF RECOMMENDATION**

Staff recommends approval of the request to amend the Eastgate Subdivision, as outlined under application 130923-12093S, subject to the following conditions:

1. That all requirements of the Draper City Engineering Division are satisfied throughout development of the site, particularly those contained in this staff report.
2. That all requirements of the Unified Fire Authority are met throughout development of the site.

3. That there shall be no change to the cross-parking and cross-access agreement previously executed, and that there shall be no sign within the Eastgate Subdivision stating that a parking stall is for the exclusive use of a particular business.
4. That the new lots are numbered 101a, 102a and 103a.
5. That the amended plat is prepared and recorded in accordance with the standards outlined in Title 17 of the Draper City Municipal Code.

This recommendation is based on the following findings:

1. That the proposed number of parking stalls on the overall site (1628) is adequate, as shown on the Hales Engineering parking study dated May 4, 2010.
2. That the proposed plat amendment will not be detrimental to the health, safety, or general welfare of persons or property within the area.
3. That there is good cause for the plat amendment, and that it will cause no material harm to the public or any person.
4. That the proposed plat amendment is amending a plat that has previously been approved by Draper City and properly recorded at Salt Lake County.
5. That the proposed plat amendment is in accordance with both the General Plan and the Zoning Ordinance of Draper City.

**MODEL MOTION**

*Sample Motion to Approve.* “I move we approve this request to amend the Eastgate Subdivision, as outlined under application 130923-12093S, based on the findings and conditions listed in the staff report dated October 4, 2013 and as modified by the conditions below:”

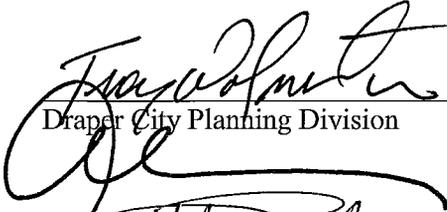
1. List any additional conditions....

*Sample Motion to Deny.* “I move we deny the request to amend the Eastgate Subdivision, as outlined under application 130923-12093S, based on the following findings:”

1. List all findings....

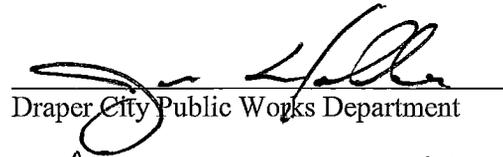
**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

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 Planning Division

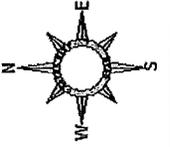
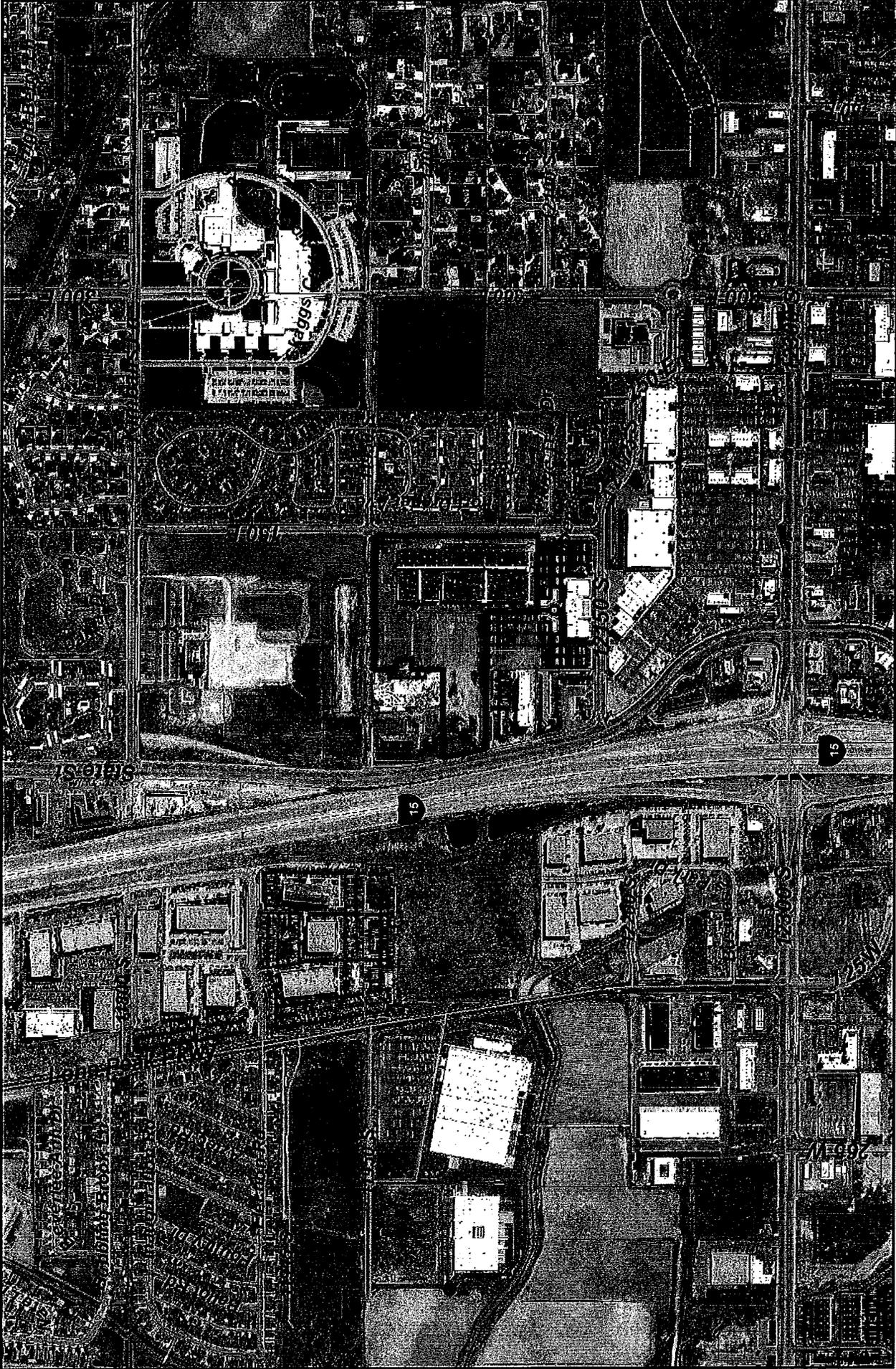
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Draper City Engineering Division

  
\_\_\_\_\_  
Unified Fire Authority

  
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Draper City Public Works Department

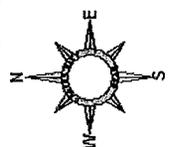
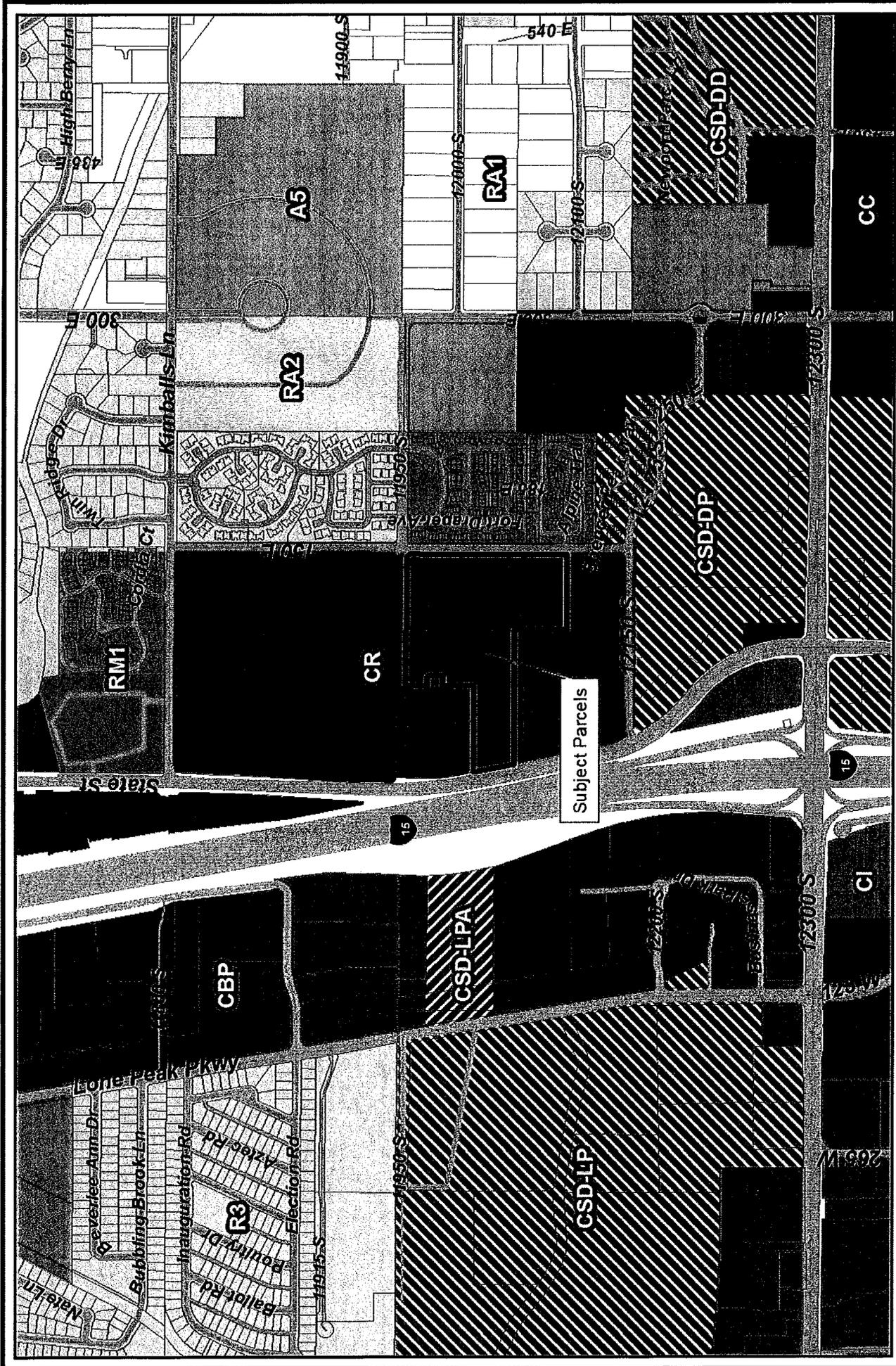
  
\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Legal Counsel



**Aerial Map for Eastgate Plat Amendment**





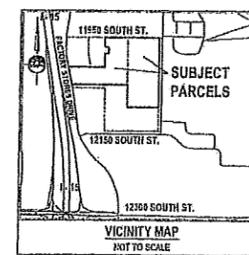
# Zoning Map for Eastgate Plat Amendment



# EASTGATE SUBDIVISION AMENDED

AMENDING LOTS 101 AND 103 OF EASTGATE SUBDIVISION  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,  
 TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN  
 DRAPER CITY, SALT LAKE COUNTY, UTAH

11950 SOUTH STREET



**SURVEYOR'S CERTIFICATE**  
 I, PATRICK HARRIS, a duly qualified and Licensed Land Surveyor, and that I hold Certificate No. 21812, as prescribed under laws of the State of Utah, I have carefully and by authority of the Owner, have made a survey of the land shown on this plat and described below, and have subdivided said tract of land into lots and blocks, hereinafter to be known as EASTGATE SUBDIVISION AMENDED, and that the same have been correctly surveyed and staked on the ground as shown on this plat. I further certify that all line and corner bearings and distances are in accordance with the applicable surveying ordinances.

**BOUNDARY DESCRIPTION**  
 A PORTION OF LOTS 101 AND 103 OF EASTGATE SUBDIVISION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 A PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY UTAH.

BEGINNING AT A POINT ON THE SOUTH LINE OF 11950 SOUTH STREET AND THE NORTH LINE OF LOT 103 EASTGATE SUBDIVISION, SAID POINT BEING SOUTH 00°00'00" EAST 108.88 FEET ALONG THE CENTER QUARTER SECTION LINE AND NORTH 89°57'50" WEST 137.42 FEET FROM THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 45°00'11" EAST 21.23 FEET TO A POINT ON THE WEST LINE OF 150 EAST STREET; THENCE SOUTH 00°00'00" EAST 91.65 FEET ALONG SAID WEST LINE OF 150 EAST STREET; THENCE SOUTH 89°57'50" WEST 43.00 FEET; THENCE NORTH 00°00'00" WEST 100.10 FEET; THENCE SOUTH 89°57'50" WEST 76.50 FEET TO THE EAST LINE OF FACTORY OUTLET DRIVE; THENCE NORTH 11°35'00" WEST 24.14 FEET ALONG SAID FACTORY OUTLET DRIVE; THENCE SOUTH 89°57'50" WEST 44.00 FEET; THENCE NORTH 00°00'00" WEST 191.16 FEET; THENCE SOUTH 89°57'50" WEST 44.00 FEET; THENCE NORTH 00°00'00" WEST 87.00 FEET; THENCE NORTH 89°57'50" WEST 44.00 FEET; THENCE NORTH 00°00'00" WEST 125.21 FEET TO THE SOUTH LINE OF 11950 SOUTH STREET; THENCE SOUTH 89°57'50" WEST 725.81 FEET ALONG SAID SOUTH LINE OF 11950 SOUTH STREET TO THE POINT OF BEGINNING.  
 CONTAINS 708,123 SQUARE FEET, 16.265 ACRES.

**LEGEND**  
 SECTION CORNER: REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIION ENG. & LAND SURV."  
 BOUNDARY LINE: DASHED LINE  
 SECTION LINE: DASHED LINE  
 CENTER LINE: DASHED LINE  
 EASEMENT LINE: DASHED LINE  
 SECTION TIE: DASHED LINE  
 LOT LINE: DASHED LINE  
 ADJOINING PARCEL: DASHED LINE

**NOTES:**  
 1) THE LOT LINE SEPARATING LOT 3 ON THE SOUTH AND LOT 2 IS SITUATED BETWEEN 2 WALLS FOR SEPARATE BUILDINGS ON EACH LOT. EACH BUILDING IS STRUCTURALLY INDEPENDENT OF THE OTHER BUILDING AS REQUIRED BY CITY ORDINANCE.  
 2) THE LOTS DEPICTED ON THIS AMENDED PLAT WILL BE SUBJECT TO RECIPROCAL EASEMENTS AS PURSUANT TO THE DECLARATION OF COEXISTENT COVENANTS AND RESTRICTIONS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER ON ENTRY NO. \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

**OWNER'S DEDICATION**  
 Know all men by these presents that I, we, the undersigned owner (s) of the herein described tract of land, hereby set apart and dedicate the same to the public use and service as shown on this plat and explain:

**EASTGATE SUBDIVISION AMENDED**  
 and do hereby dedicate, grant and convey to Draper City, Utah (1) all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever; (2) those certain public utility and drainage easements as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage.

In witness whereof I have hereunto set our hand (s) this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

By: \_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT**  
 STATE OF UTAH  
 County of Salt Lake  
 On this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer of the foregoing instrument, who duly acknowledged to me that he/she is the \_\_\_\_\_ of \_\_\_\_\_ a Utah Corporation, and is authorized to execute the foregoing Agreement in his behalf and that he/she executed it in such capacity.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

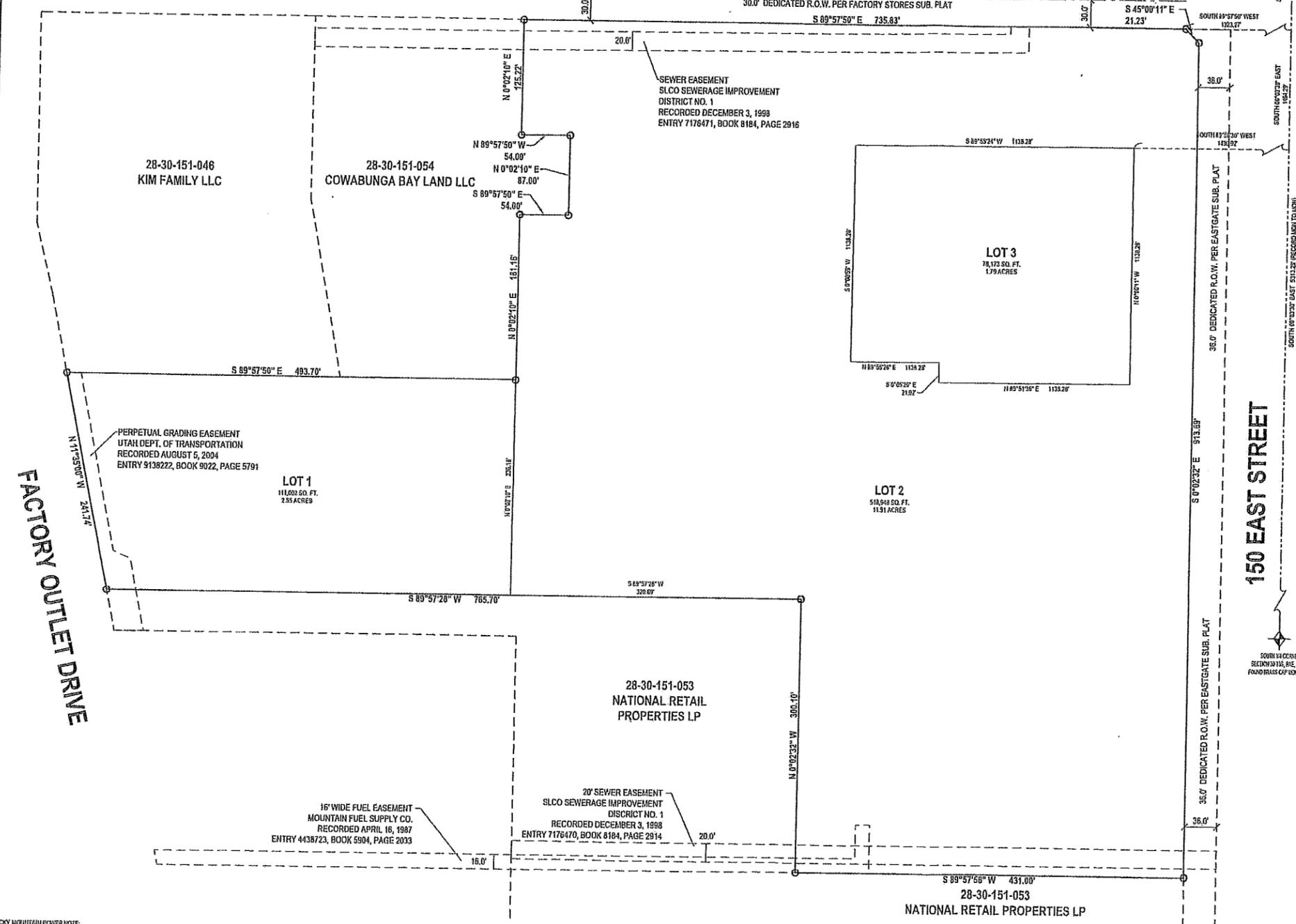
**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**  
 STATE OF UTAH  
 County of Salt Lake  
 On this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer of the foregoing instrument, who duly acknowledged to me that he/she is a \_\_\_\_\_ of \_\_\_\_\_ a Utah limited liability company, and is authorized to execute the foregoing Agreement in his behalf and that he/she executed it in such capacity.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

**EASTGATE SUBDIVISION AMENDED**  
 AMENDING LOTS 101 AND 103 OF EASTGATE SUBDIVISION  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,  
 TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN  
 DRAPER CITY, SALT LAKE COUNTY, UTAH

RECORDED IN \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE  
 REQUEST OF: \_\_\_\_\_  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 FEES: \_\_\_\_\_ DEPUTY SALT LAKE COUNTY RECORDER



**ROCKY MOUNTAIN POWER NOTE:**  
 UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT AND AS ANY OBSTRUCTION OR EASEMENT IN PROXIMITY TO UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTION INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.

**QUESTAR NOTE:**  
 QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENT AT 1-800-355-8532.

**DEVELOPER**  
 DRAPER SPECTRUM  
 1165 EAST WILMINGTON AVE.  
 SALT LAKE CITY, UTAH 84106  
 801-487-6670  
 ATTN: CINDY COBBLEY

**WATERPRO**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY THE WATERPRO.

**ENSIION**  
 SALT LAKE CITY  
 45 West 10000 South, Suite 500  
 Sandy, UT 84070  
 Phone: 801.226.0023  
 Fax: 801.255.4443  
 WWW.ENSIION.COM/UTAH

LAYTON  
 Phone: 301.547.1160  
 TOLELE  
 Phone: 435.819.3590  
 CEDAR CITY  
 Phone: 435.865.1453

**SHEET 1 OF 1**  
 PROJECT NUMBER: 574  
 MANAGER: P. HARRIS  
 DRAWN BY: S. CLARK  
 CHECKED BY: P. HARRIS  
 DATE: 2/9/13

**SURVEY RECORDING DATA**  
 DATE: \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_

**EASEMENT APPROVAL**

CENTURIZ	DATE
ROCKY MOUNTAIN POWER	DATE
QUESTAR GAS CO	DATE
COGICAST	DATE

**SOUTH VALLEY SEWER DISTRICT APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY THE SOUTH VALLEY SEWER DISTRICT.

SOUTH VALLEY SEWER DISTRICT MANAGER

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY THE DRAPER CITY PLANNING COMMISSION.

DRAPER CITY PLANNING COMMISSION

**SALT LAKE VALLEY HEALTH DEPARTMENT APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY THE SALT LAKE VALLEY HEALTH DEPARTMENT.

SALT LAKE VALLEY HEALTH DEPARTMENT

**CITY ENGINEER APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY THE DRAPER CITY ENGINEER.

DRAPER CITY ENGINEER

**CITY MAYOR APPROVAL**  
 PRESENTED TO THE UNINCORPORATED CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
 APPROVED AND ACCEPTED

ATTEST: CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

**CITY ATTORNEY'S APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY THE DRAPER CITY ATTORNEY.

DRAPER CITY ATTORNEY





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**Development Review Committee**

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

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**STAFF REPORT**

October 8, 2013

**To:** Draper City Planning Commission  
Business Date: October 17, 2013

**From:** Development Review Committee

**Prepared By:** Dan Boles, AICP, Senior Planner  
Planning Division  
Community Development Department

**Re: Draper TOD (Vista Station) – Plat Amendment Request**

Application No.: 130920-12870S-2  
Applicant: Dustin Holt, representing Draper Holdings, LLC  
Project Location: Approximately 12870 South Front Runner Blvd.  
Zoning: TSD Transit Station District Zone  
Acreage: Approximately 81.47 Acres (Approximately 3,548,833 ft<sup>2</sup>)  
Request: Request for approval of a Plat Amendment in the TSD Transit Station District zone to subdivide the existing seven lot subdivision into 25 smaller lots ranging from 36 to 0.72 acres.

**SUMMARY**

This application is a request for approval of a Plat Amendment for approximately 81.47 acres located within the Vista Station plat, at approximately 12870 South Front Runner Blvd. The property is currently zoned TSD Transit Station District. The applicant is requesting that a Plat Amendment be approved to subdivide the large parcels that exist into smaller lots. Approval of this plat amendment will allow the applicant to, with the creation of these new lots, adjust lines as necessary, in a quick and efficient manner to facilitate growth as it happens.

**BACKGROUND**

On November 3, 2008, the City Council adopted Ordinances 857, 858, 859, and 860 to establish the text of the General Plan and zoning ordinance as well as amend the Land Use and Zoning Maps to establish the provisions and assignments of the TSD land use and zoning classification. Subsequently, on November 20, 2008, the City Council approved and entered into a development agreement regarding the provision and construction of certain infrastructure facilities for the subject properties. On August 16, 2011, City Council approved the six lot TOD subdivision which is proposed to be amended at this time. Finally on January 8, 2013, an amended plat was approved adding one more lot to the subdivision for a total of seven lots.



## ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Transit Station District land use designation for the subject properties. This category “provides an alternative to standard, segregated zoning strategies. New development and zoning will be required to mix commercial, residential, and public uses to support the ridership of transit and create unique walkable and bicycle friendly successful urban centers.” It also states that “residential development densities and commercial floor area ratios within this district will be higher than those allowed in other parts of Draper City, and in some cases, significantly higher. In order to mitigate the concerns of higher density and development intensity, more stringent design guidelines, architectural requirements, landscaping quality, and public space amenities will be required to be incorporated into new zoning categories and specific development proposals.”

The properties have been assigned the TSD Transit Station District zoning classification. The purpose of the TSD zone is to “promote transit-oriented and transit-supportive development in areas that are generally located near a commuter rail transit or rapid transit station and to maximize the flexibility of the development approval process so as to permit such development in a manner that is responsive to market demands and consistent with the purposes and objectives of the TSD.” The TSD Transit Station District zoning designation is identified by the General Plan as a preferred zoning classification for the Transit Station District land use designation.

Subdivision Layout. Of the seven existing lots, there are four lots that would be affected by the requested amendment to the Draper TOD plat. The largest of the affected lots, lot six, which is 40 acres, will be divided into seven lots as will lot two, currently 23 acres. Lots 104 and 105 will be divided into two and six lots respectively. When all is said and done, a total of 25 lots will exist. No lots with structures such as eBay or UTA parking structure will be divided or affected by this proposed change. Again, the purpose of the change is to accommodate future growth in a more efficient manner.

Criteria For Approval. The grounds for review and potential approval of a Subdivision Plat Amendment request is found in Section 17-9-040(b) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- (b) If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot within the plat.

## REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Plat Amendment submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. That a vicinity map is added to the plat.
2. That easements are added to all affected lots as required under section 17-5-050(g) of the Draper City Municipal Code.
3. That each sheet of the amended plat contain the name of the plat.
4. That ownership of all adjoining tracts of land are labeled on the plat as required under section 17-3-030(b)(11).
5. That addresses are added to each lot as required under section 17-4-030(k).

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works

Divisions have completed their reviews of the Plat Amendment submission and have issued a recommendation for approval for the request with the following proposed conditions:

1. DCMC 17-9-050 requires that all plat amendments comply with DCMC 17-3 & 17-4. These elements shall be submitted and meet the requirements of the Engineering Division for approval prior to recording of the plat.
2. DCMC 17-3-030 requires a grading plan including contours and 100-year flood plan, a drainage plan, a utility plan indicating how the public utilities will be provided to each lot, etc. These Plat Improvement Plans shall be prepared, stamped and signed by a professional engineer licensed by the State of Utah in accordance with Section 17-3-030 of the Draper City Municipal Code.
3. The application shall include the updated hydraulic and hydrologic storm drainage calculations per Section 17-3-030(e)(2) of the Draper City Municipal Code to meet the proposed lot and drainage modifications. For example, how are lots 124 and 125 going to be drained?
4. Existing utility connection stubs are to be reflected on the utility drawings to either allow for usage by a proposed lot or abandonment. Any utility work in the street, including abandonment, shall show street repair, etc.
5. Utility easements shall be provided for public utility purposes. The fronting PUE of the original plat is 15 feet. All lots shall have front and rear yard easements, *and at least one side yard* easement, of at least 7 feet in accordance with Section 17-5-050(g) of the Draper City Municipal Code.

*Building Division Review.* The Draper City Building Division has completed their review of the Plat Amendment submission and has issued a recommendation for approval for the request without further comment.

*Unified Fire Authority Review.* The Unified Fire Authority has completed their review of the Plat Amendment submission and has issued a recommendation for approval for the request without further comment.

*Parks & Trails Committee Review.* The Draper City Parks and Trails Committee has completed their review of the Plat Amendment submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. Designate that Corner Creek corridor and lot 122 as open space.
2. Recommend lot 122 be designated as open space to accommodate present and future trails per the TOD master plan.

*Noticing.* The applicant has expressed their desire to amend the Draper TOD plat and to do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Plat Amendment by Dustin Holt, representing Draper Holdings, LLC, application 130920-12870S-2, subject to the following conditions:

1. That the final mylar is consistent with all Draper City Municipal Codes governing the creation of a final subdivision plat.
2. That the mylar is prepared in a way that is acceptable to the County Recorder's plat department.
3. That the requirements of all reviewing divisions are adhered to.

4. That all requirements of the Fire Department are met.
5. That all requirements of the Engineering Department are met, including but not limited to the items listed in this staff report.
6. That all Draper City ordinances and requirements are met and continually adhered to.
7. That this approval does not constitute use, site plan, or building permit approval, and is limited to the subdivision plat only.

This recommendation is based on the following findings:

1. The proposed plat amendment meets the intent, goals, and objectives of the Draper City General Plan in the following areas:
  - a. Encourage the establishment of a strong tax base by accommodating commercial and industrial development in appropriate areas.
  - b. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
  - c. Integrate alternative modes of transportation along regional networks.
2. The proposed plat amendment meets the requirements and provisions of the Draper City Municipal Code.
3. The proposed plat amendment will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed project is consistent with the zoning in the area.

#### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Vista Station Plat Amendment Request by Dustin Holt, representing Draper Holdings, LLC, application 130920-12870S-2, based on the findings and subject to the conditions listed in the Staff Report dated October 8, 2013 and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Vista Station Plat Amendment Request by Dustin Holt, representing Draper Holdings, LLC, application 130920-12870S-2, based on the following findings:”

1. List any findings...

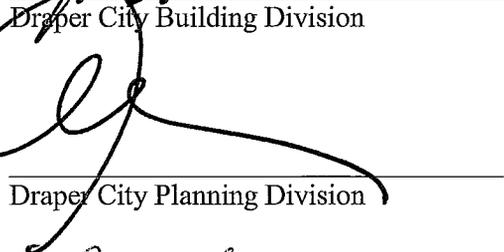
**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

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.

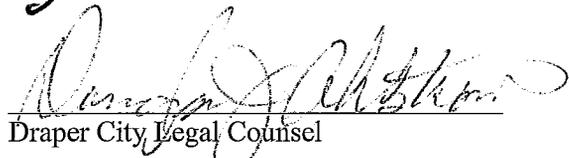
  
\_\_\_\_\_  
Draper City Engineering Division

  
\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Public Works Department

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Unified Fire Authority

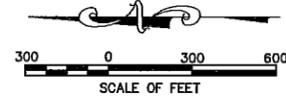
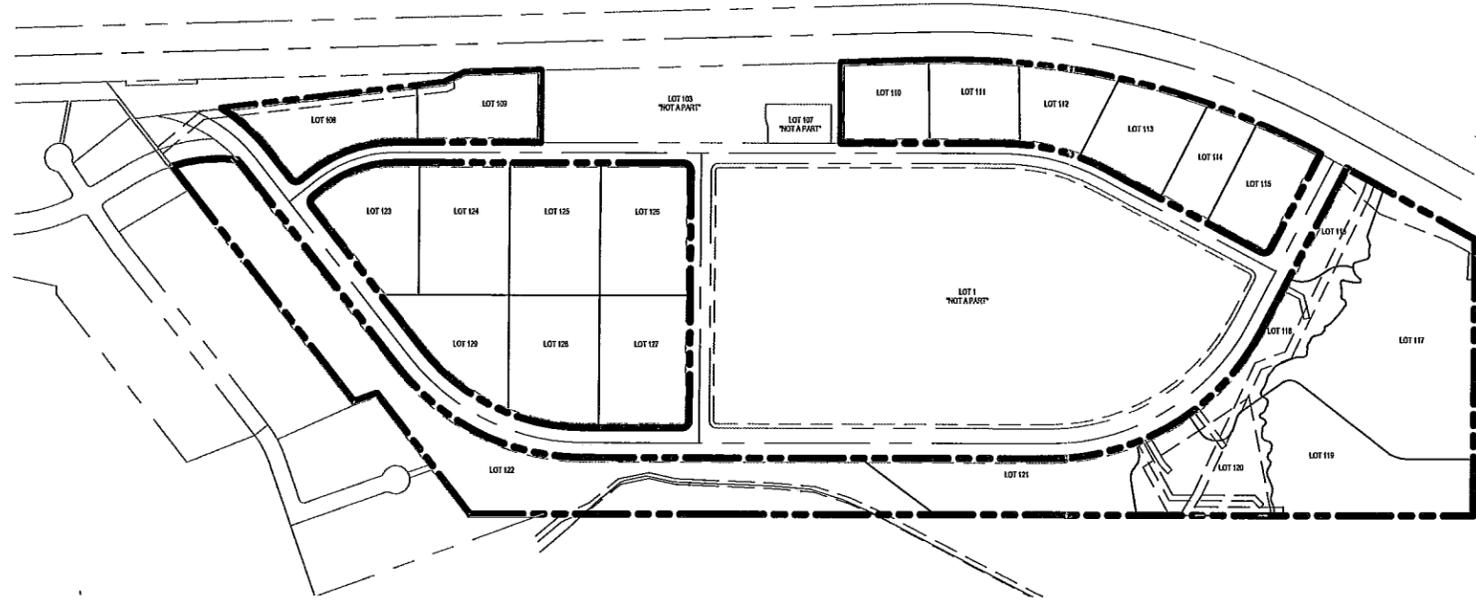
  
\_\_\_\_\_  
Draper City Legal Counsel

**EXHIBIT A**

**PROPOSED PLAT AMENDMENT**

# DRAPER TOD SECOND AMENDMENT

(AMENDING LOTS 2 AND 6 DRAPER TOD SUBDIVISION ALSO AMENDING LOTS 104 AND 105 DRAPER TOD AMENDING LOTS 3, 4 AND 5)  
A SUBDIVISION LOCATED IN THE WEST HALF OF SECTION 36, TOWNSHIP 3 S. RANGE 1 W., SALT LAKE BASE AND MERIDIAN,  
DRAPER CITY, SALT LAKE COUNTY, UTAH



## LEGAL DESCRIPTIONS

### LOT 2

LOT 2 OF DRAPER TOD PLAT AS RECORDED ENTRY NO. 11281837 NOVEMBER 18, 2011, BOOK 2011P PAGE 146, AND AS AMENDED WITH THIS PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS N00°01'20"E 185.93 FEET AND EAST 306.01 FEET FROM THE WEST QUARTER CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N00°01'16"E 353.06 FEET; THENCE NORTHEASTERLY 672.84 FEET ALONG THE ARC OF A 747.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N25°49'30"E A DISTANCE OF 650.33 FEET; THENCE N51°37'44"E 637.43 FEET; THENCE EASTERLY 40.84 FEET ALONG THE ARC OF A 26.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S83°22'16"E A DISTANCE OF 36.77 FEET; THENCE S38°22'16"E 48.34 FEET; THENCE SOUTHERLY 278.60 FEET ALONG THE ARC OF A 416.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S19°11'08"E A DISTANCE OF 273.42 FEET; THENCE SOUTH 1034.08 FEET; THENCE SOUTHWESTERLY 40.85 FEET ALONG THE ARC OF A 26.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S45°00'38"E A DISTANCE OF 36.78 FEET; THENCE N89°58'44"W 887.57 FEET; THENCE NORTHWESTERLY 40.84 FEET ALONG THE ARC OF A 26.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N44°58'44"W A DISTANCE OF 36.77 FEET TO THE POINT OF BEGINNING.

CONTAINS 23.063 ACRES (1,004,652 SQUARE FEET)

### LOT 6

LOT 6 OF DRAPER TOD PLAT AS RECORDED ENTRY NO. 11281837 NOVEMBER 18, 2011, BOOK 2011P PAGE 146, AND AS AMENDED WITH THIS PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MARKED WITH A 3" COUNTY SURVEYOR BRASS CAP; THENCE N00°01'13"E ALONG THE WEST LINE OF SAID SECTION 36, 2650.69 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 36, MARKED WITH A 3" COUNTY SURVEYOR BRASS CAP; THENCE N00°01'20"E ALONG THE WEST LINE OF SAID SECTION 36, 945.85 FEET, TO THE SOUTH LINE OF GALENA HILLS PHASE II SUBDIVISION, PER RECORDED PLAT AS ENTRY NO. 6342728, IN BOOK 98-4P, AT PAGE 141; THENCE EASTERLY ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES: 1) N51°49'34"E 542.97 FEET, AND 2) N19°46'28"W 88.63 FEET TO THE SOUTH LINE OF GALENA HILLS PHASE I SUBDIVISION, PER RECORDED PLAT AS ENTRY NO. 6342727, IN BOOK 98-4P, AT PAGE 140; THENCE N51°37'44"E 1061.80 FEET; THENCE SOUTHERLY 237.80 FEET ALONG THE ARC OF A 854.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S05°40'08"E A DISTANCE OF 236.04 FEET; THENCE SOUTHWESTERLY 36.92 FEET ALONG THE ARC OF A 497.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S49°30'02"W A DISTANCE OF 36.92 FEET; THENCE S51°37'44"W 895.28 FEET; THENCE SOUTHWESTERLY 788.32 FEET ALONG THE ARC OF A 853.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S25°49'30"W A DISTANCE OF 742.81 FEET; THENCE S00°01'16"W 1672.43 FEET; THENCE SOUTHEASTERLY 928.65 FEET ALONG THE ARC OF A 853.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S31°10'03"E A DISTANCE OF 883.46 FEET; THENCE S62°21'22"E 649.92 FEET TO THE WEST LINE OF THE UNION PACIFIC RAILROAD AS CALLED FOR IN THE BOUNDARY LINE AGREEMENT RECORDED AS ENTRY NO. 9412169, BOOK 9148, PAGES 8632-8639, OFFICIAL RECORDS AS PER THE SALT LAKE COUNTY RECORDERS OFFICE; THENCE ALONG SAID WEST LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHERLY 42.97 FEET ALONG A 100 FOOT OFFSET SPIRAL CURVE WITH A RADIUS OF 2764.79 FEET 2) THENCE S28°45'50"W 482.03 FEET; THENCE N89°58'29"W 980.88 FEET TO THE POINT OF BEGINNING.

CONTAINS 40.085 ACRES (1,746,098 SQUARE FEET)

### LOT 104

LOT 104 OF DRAPER TOD AMENDING LOTS 3, 4 & 5 AS RECORDED ENTRY NO. 11591484 MARCH 7, 2013, BOOK 2013P PAGE 37, AND AS AMENDED WITH THIS PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS N00°01'20"E 700.79 FEET AND EAST 1317.37 FEET FROM THE WEST QUARTER CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 518.88 FEET; THENCE NORTHWESTERLY 326.81 FEET ALONG THE ARC OF A 488.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N19°11'08"W A DISTANCE OF 320.74 FEET; THENCE N38°22'16"W 48.34 FEET; THENCE NORTHEASTERLY 40.84 FEET ALONG THE ARC OF A 26.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N03°37'44"E A DISTANCE OF 36.77 FEET; THENCE N51°37'44"E 133.84 FEET; THENCE NORTHEASTERLY 221.10 FEET ALONG THE ARC OF A 803.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N41°07'28"E A DISTANCE OF 219.86 FEET, TO THE WEST LINE OF THE REAL PROPERTY OWNED BY UDOT PER WARRANTY DEED ENTRY NO. 8823456, IN BOOK 8783, AT PAGE 4274; THENCE ALONG SAID WEST LINE THE FOLLOWING TWO (2) COURSES: 1) S06°42'28"E 802.92 FEET, AND 2) S25°38'18"E 82.36 FEET; THENCE THE WEST LINE OF THE UNION PACIFIC RAILROAD AS CALLED FOR IN THE BOUNDARY LINE AGREEMENT RECORDED AS ENTRY NO. 9412169, BOOK 9148, PAGES 8632-8639, OFFICIAL RECORDS AS PER THE SALT LAKE COUNTY RECORDERS OFFICE; THENCE S01°35'26"E 273.37 FEET ALONG SAID WEST LINE; THENCE WEST 255.37 TO THE POINT OF BEGINNING.

CONTAINS 5.390 ACRES (234,791 SQUARE FEET)

### LOT 105

LOT 105 OF DRAPER TOD AMENDING LOTS 3, 4 & 5 AS RECORDED ENTRY NO. 11591484 MARCH 7, 2013, BOOK 2013P PAGE 37, AND AS AMENDED WITH THIS PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS N00°01'20"E 700.79 FEET, EAST 1317.37 FEET AND SOUTH 1073.94 FROM THE WEST QUARTER CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE EAST 285.19 FEET TO THE WEST LINE OF THE UNION PACIFIC RAILROAD AS CALLED FOR IN THE BOUNDARY LINE AGREEMENT RECORDED AS ENTRY NO. 9412169, BOOK 9148, PAGES 8632-8639, OFFICIAL RECORDS AS PER THE SALT LAKE COUNTY RECORDERS OFFICE; THENCE ALONG SAID WEST LINE THE FOLLOWING FOUR (4) COURSES: 1) S01°35'26"E 213.36 FEET TO THE BEGINNING OF A 100 FOOT OFFSET SPIRAL CURVE WITH A RADIUS OF 2764.79 FEET 2) SOUTHERLY ALONG SAID SPIRAL 245.64 FEET, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST, WITH A RADIUS OF 2764.79 FEET 3) SOUTHERLY ALONG SAID CURVE 1223.48 FEET THROUGH A CENTRAL ANGLE OF 25°21'16" TO THE BEGINNING OF A 100 FOOT OFFSET SPIRAL CURVE WITH A RADIUS OF 2764.79 FEET 4) SOUTHERLY ALONG SAID SPIRAL 98.65 FEET; THENCE N62°21'22"W 381.12 FEET; THENCE NORTHWESTERLY 40.84 FEET ALONG THE ARC OF A 26.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N17°21'22"W A DISTANCE OF 36.77 FEET; THENCE N27°38'38"E 820.77 FEET; THENCE NORTHEASTERLY 402.87 FEET ALONG THE ARC OF A 835.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N13°49'19"E A DISTANCE OF 398.97 FEET; THENCE NORTH 575.20 TO THE POINT OF BEGINNING.

CONTAINS 12.841 ACRES (559,359 SQUARE FEET)

**DRAPER TOD SECOND AMENDMENT**  
(AMENDING LOTS 2 AND 6 DRAPER TOD SUBDIVISION  
ALSO AMENDING LOTS 104 AND 105 DRAPER TOD AMENDING LOTS 3, 4 AND 5)  
A SUBDIVISION LOCATED IN THE WEST HALF OF SECTION 36,  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN  
DRAPER CITY, SALT LAKE COUNTY, UTAH SHEET 1 OF 3

## OWNER'S DEDICATION

Know all men by these presents that I/we, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat and name said plat DRAPER TOD SECOND AMENDMENT and do hereby dedicate, grant and convey to Draper City, Utah: (1) all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever; (2) those certain public utility and drainage easements as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage; and (3) those parcels designated as public open space, parks, trails or easements, or if similar designation. In witness whereof, we have here unto set our hands this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

Jeffrey M. Vittek, Managing Member  
Draper Holdings Associates, LLC

## CORPORATE ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) S.S.  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_ WHO BEING BY ME DULY SWORN OR AFFIRMED, DID SAY THAT JEFFREY M. VITTEK IS THE MANAGING MEMBER OF DRAPER HOLDINGS ASSOCIATES, LLC, A UTAH LIMITED LIABILITY COMPANY, WHO IS THE MANAGING MEMBER OF DRAPER HOLDINGS, LLC, A UTAH LIMITED LIABILITY COMPANY, THE HEREIN OWNER'S DEDICATION WAS SIGNED IN BEHALF OF SAID \_\_\_\_\_ AND THE SAID \_\_\_\_\_ EXECUTED THE SAME.

NOTARY PUBLIC \_\_\_\_\_  
RESIDING IN \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I, Brian D. Arnold, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 187007 as prescribed by the Laws of the State of Utah. I further certify that by Authority of the Owners I have made a Survey of the Parcel of Land shown on this Plat and have subdivided said Parcel of Land into parcels and streets, together with easements hereafter known as

## DRAPER TOD SECOND AMENDMENT

and that the same has been correctly surveyed and staked on the ground as shown on this Plat.

Brian D. Arnold \_\_\_\_\_ Date  
P.L.S. 187007

## BASIS OF BEARING

THE BASIS OF BEARING USED FOR THIS SURVEY IS BETWEEN THE SOUTHWEST CORNER OF SECTION 36 AND THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

## UTILITIES EASEMENT APPROVALS

NOTE: THIS AMENDED PLAT IS SUBJECT TO ALL OF THE MATTERS PERTAINING TO THE ORIGINAL RECORDED PLAT, OTHER THAN ANY DIFFERENCES SHOWN ON THE RECORDED AMENDED PLAT, OR SAID DRAPER TOD, AS NOTED ABOVE. THEY INCLUDE, BUT NOT LIMITED TO, EASEMENTS, RIGHTS-OF-WAY, COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER MATTERS OF RECORD.

CENTURY LINK	DATE
ROCKY MOUNTAIN POWER	DATE
QUESTAR GAS	DATE
COMCAST	DATE

## SEWER DISTRICT NOTE

1. THE SIGNATURE OF SOUTH VALLEY SEWER DISTRICT ON THIS PLAT DOES NOT CONSTITUTE ANY GUARANTEE OF AVAILABILITY OF SANITARY SEWER SERVICE TO THE PROPERTY OF ANY APPROVAL OF SEWER LINES OR FACILITIES. THE OWNER(S) OR THE PROPERTY MUST HAVE PROVIDED SATISFACTORY PLANS TO THE SEWER DISTRICT FOR REVIEW AND APPROVAL BEFORE CONNECTING TO THE DISTRICT'S SEWER SYSTEM AND WILL BE REQUIRED TO COMPLY WITH THE DISTRICT'S RULES AND REGULATIONS.

## ROCKY MOUNTAIN POWER COMPANY EASEMENT

REFERENCE BOOK 7Y OF DEEDS PAGE 368, BOOK 8Y OF DEEDS PAGES 242-243. A BLANKET EASEMENT ENCUMBERING LOTS 108-115 OF THIS AMENDED PLAT. SAID EASEMENT IS FOR A RIGHT OF WAY TO ERECT AND MAINTAIN A LINE OF POLES FOR ELECTRIC TRANSMISSION LINE OR CIRCUIT. ALL BUILDINGS ERECTED NEAR EXISTING POWER LINE LOCATIONS MUST MEET CURRENT OSHA AND NESC CODE OF FEDERAL REGULATIONS AND CLEARANCE REQUIREMENTS.

## SALT LAKE COUNTY FLOOD CONTROL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013, SALT LAKE COUNTY FLOOD CONTROL.

SCOTT BAIRD, ENGINEERING AND FLOOD CONTROL DIVISION DIRECTOR

## DRAPER CITY WATER

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013, BY DRAPER CITY WATER.

DRAPER CITY WATER

## SOUTH VALLEY SEWER DISTRICT

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013, BY SOUTH VALLEY SEWER DISTRICT.

SOUTH VALLEY SEWER DISTRICT, DISTRICT MANAGER

## PSOMAS

4179 Riverboat Road Suite 200  
Salt Lake City, Utah 84123  
(801) 270-5777 (801) 270-5782 (FAX)

DATE: 09-12-2013  
SCALE: 1" = 200'  
PROJECT No.: 80HL010100  
DESIGNED: BDA  
DRAFTED: TOM  
CHECKED: BDA

## PLANNING COMMISSION

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013 BY THE CITY OF DRAPER PLANNING COMMISSION.

CHAIRMAN, DRAPER CITY PLANNING AND ZONING COMMISSION

## SALT LAKE VALLEY HEALTH DEPARTMENT

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013.

DIRECTOR, SALT LAKE VALLEY HEALTH DEPARTMENT

## DRAPER CITY ENGINEER CERTIFICATE

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

DATE \_\_\_\_\_ DRAPER CITY ENGINEER \_\_\_\_\_

## APPROVAL AS TO FORM

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013.

DRAPER CITY ATTORNEY

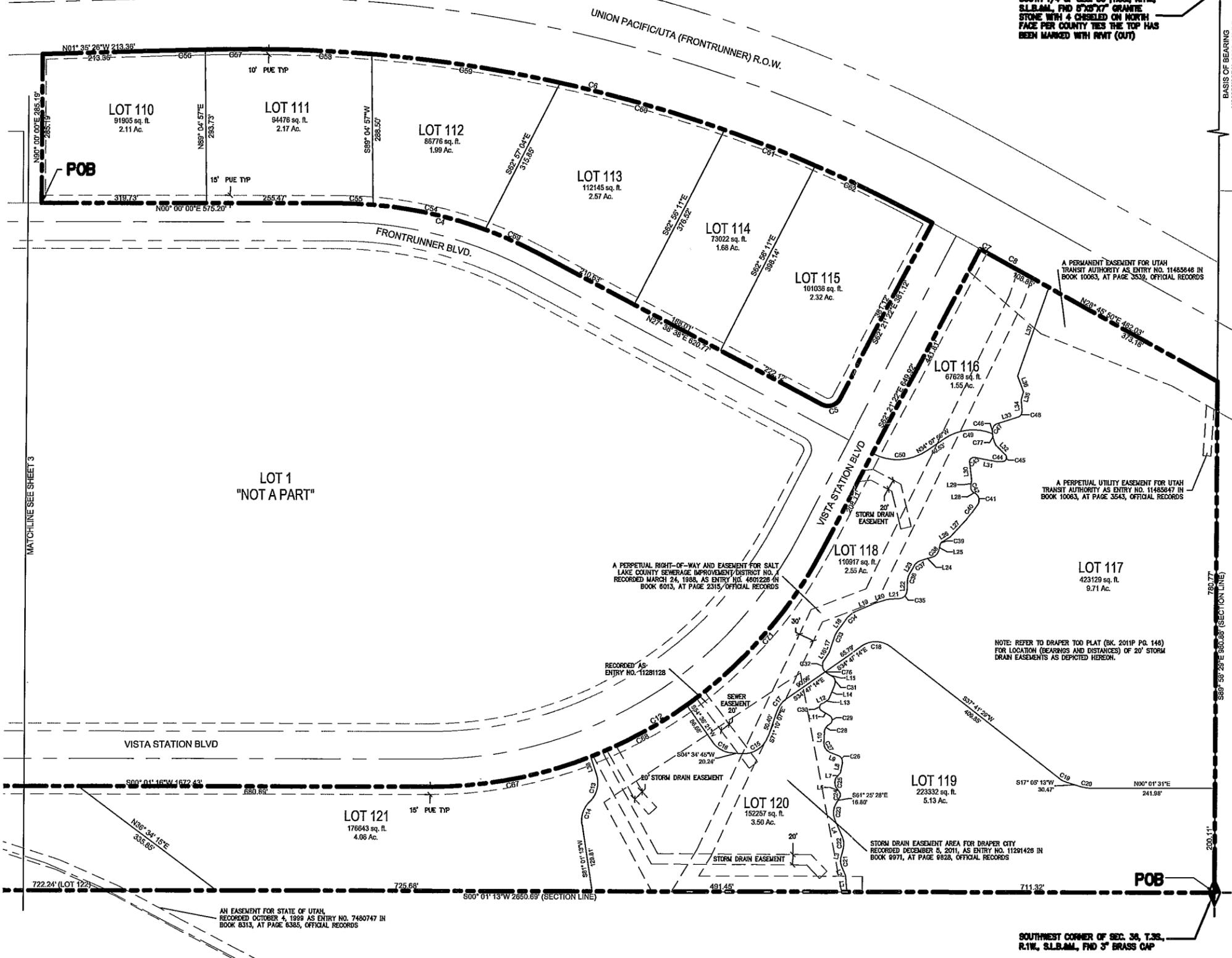
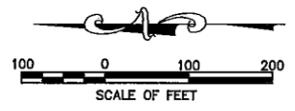
## DRAPER CITY MAYOR

PRESENTED TO THE DRAPER CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2013, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: CITY RECORDER \_\_\_\_\_ DRAPER CITY MAYOR \_\_\_\_\_

## SALT LAKE COUNTY RECORDER

RECORDED \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE  
REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \$ \_\_\_\_\_  
SALT LAKE COUNTY RECORDER



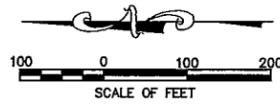
Line Table			Curve Table					
LINE	LENGTH	DIRECTION	CURVE	LENGTH	RADIUS	DELTA	CHORD	DISTANCE
L1	30.27	N85° 32' 28"E	C4	402.87	835.00	27° 38' 38"	N13° 49' 19"E	398.97
L2	19.30	N66° 13' 11"E	C5	40.84	26.00	90° 00' 00"	S17° 21' 22"E	38.77
L3	18.82	S75° 53' 37"E	C6	1223.48	2764.79	25° 21' 16"	N13° 35' 12"E	1213.82
L4	39.92	N86° 23' 47"E	C7	18.00	18993.04	0° 03' 16"	N28° 42' 57"E	18.00
L6	10.05	N55° 04' 21"E	C8	24.97	85843.67	0° 01' 00"	N28° 45' 20"E	24.97
L7	10.07	S50° 12' 50"E	C12	928.65	853.00	62° 22' 38"	S31° 10' 03"E	883.46
L8	19.97	S79° 42' 07"E	C13	58.47	50.00	64° 42' 23"	S78° 15' 41"E	53.51
L9	20.35	N21° 16' 08"E	C14	48.06	50.00	55° 04' 17"	N71° 26' 58"W	48.23
L10	21.26	S87° 35' 39"E	C15	68.10	50.00	75° 44' 52"	S33° 17' 41"E	61.39
L11	19.22	N31° 04' 57"E	C16	43.68	50.00	50° 01' 39"	S29° 35' 33"W	42.28
L12	4.68	S23° 51' 12"E	C17	31.75	50.00	36° 22' 53"	N52° 58' 40"W	31.22
L13	11.11	S37° 24' 01"E	C18	63.25	50.00	72° 28' 43"	N01° 27' 08"E	58.12
L14	30.39	S67° 35' 08"E	C19	17.96	50.00	20° 36' 16"	S27° 23' 21"W	17.88
L15	15.09	N31° 18' 15"E	C20	14.89	50.00	17° 03' 42"	S08° 33' 22"W	14.83
L16	17.62	S57° 40' 13"E	C21	18.29	28.95	36° 11' 20"	S86° 00' 43"W	17.98
L17	25.80	S71° 09' 32"E	C22	16.62	28.36	37° 36' 51"	N85° 12' 12"E	18.28
L18	24.18	S54° 02' 56"E	C23	29.32	34.47	48° 44' 47"	N85° 47' 51"W	28.45
L19	41.00	S22° 57' 22"E	C24	8.08	7.68	65° 23' 44"	N87° 46' 13"E	7.65
L20	25.17	S16° 43' 54"E	C25	24.49	18.09	77° 35' 49"	N89° 00' 44"W	22.66
L21	25.31	S03° 51' 28"E	C26	15.03	10.87	78° 13' 36"	N60° 52' 56"E	13.66
C27	21.48	18.87	65° 10' 18"	S50° 49' 16"W	20.32			
C28	18.23	21.10	49° 29' 51"	N55° 49' 53"W	17.87			
C29	19.78	9.62	117° 50' 06"	N90° 00' 00"E	16.46			
C30	15.86	7.52	120° 59' 15"	N84° 20' 49"W	13.09			
C31	14.72	13.57	62° 08' 53"	N82° 40' 43"E	14.01			
C32	23.91	17.78	77° 02' 30"	S83° 48' 32"W	22.14			
C33	18.81	48.22	22° 21' 03"	N65° 13' 07"W	18.69			
C34	28.66	49.55	33° 06' 12"	N39° 30' 28"W	28.46			
C35	19.98	14.33	78° 53' 41"	S47° 38' 31"E	18.40			
C36	16.46	37.43	25° 13' 43"	N73° 08' 32"W	16.35			
C37	16.83	25.21	38° 09' 28"	N35° 59' 50"W	16.62			
C38	15.66	15.82	56° 25' 20"	S48° 12' 43"E	15.06			
C39	7.19	12.23	33° 39' 34"	N49° 03' 50"W	7.08			
C40	36.59	226.21	9° 15' 59"	S52° 44' 46"E	36.55			
C41	22.55	14.47	80° 17' 46"	N77° 58' 22"E	20.33			
C42	8.73	10.36	53° 47' 02"	S67° 52' 06"W	8.37			
C43	15.59	8.90	100° 22' 19"	N38° 55' 50"W	13.67			
C44	23.49	58.24	23° 55' 42"	S03° 36' 13"W	23.32			
C45	16.34	7.35	127° 19' 38"	S72° 01' 27"E	13.18			
C46	7.87	55.74	8° 05' 16"	S88° 47' 34"W	7.86			
C47	15.32	12.61	69° 35' 03"	N52° 22' 17"W	14.39			
C48	12.28	10.19	89° 13' 38"	S89° 28' 10"E	11.53			
C49	97.84	100.00	56° 08' 54"	N08° 04' 29"W	94.07			
C50	107.82	100.00	61° 46' 34"	S03° 14' 39"E	102.67			
C54	222.35	835.00	15° 15' 28"	N12° 15' 00"E	221.70			
C55	67.36	835.00	4° 37' 17"	N02° 18' 39"E	67.33			
C56	24.78	11359.16	0° 07' 30"	N01° 25' 58"W	24.78			
C57	24.43	4307.37	0° 19' 30"	N00° 31' 56"W	24.43			
C58	179.22	2764.79	3° 42' 51"	N02° 45' 59"E	179.19			
C59	369.18	2764.79	7° 39' 02"	N08° 28' 58"E	368.90			
C60	330.27	2764.79	6° 50' 39"	N15° 41' 46"E	330.07			
C61	188.07	2764.79	3° 55' 05"	N21° 04' 39"E	188.03			
C62	155.74	2764.79	3° 13' 39"	N24° 39' 01"E	155.72			
C67	317.36	833.00	21° 19' 02"	S10° 38' 18"E	316.54			
C68	209.89	833.00	14° 05' 53"	S28° 20' 42"E	209.36			
C69	113.16	833.00	7° 45' 54"	N23° 45' 41"E	113.08			
C71	401.40	833.00	28° 57' 43"	S48° 52' 30"E	397.71			
C76	4.88	17.78	15° 40' 22"	S37° 26' 42"W	4.85			
C77	24.25	55.74	24° 55' 32"	S72° 17' 10"W	24.06			

DRAPER TOD SECOND AMENDMENT  
DRAPER, UTAH

**P S O M A S**  
4179 Riverboat Road, Suite 200  
Salt Lake City, Utah 84125  
(801) 270-5777 (801) 270-5782 (FAX)

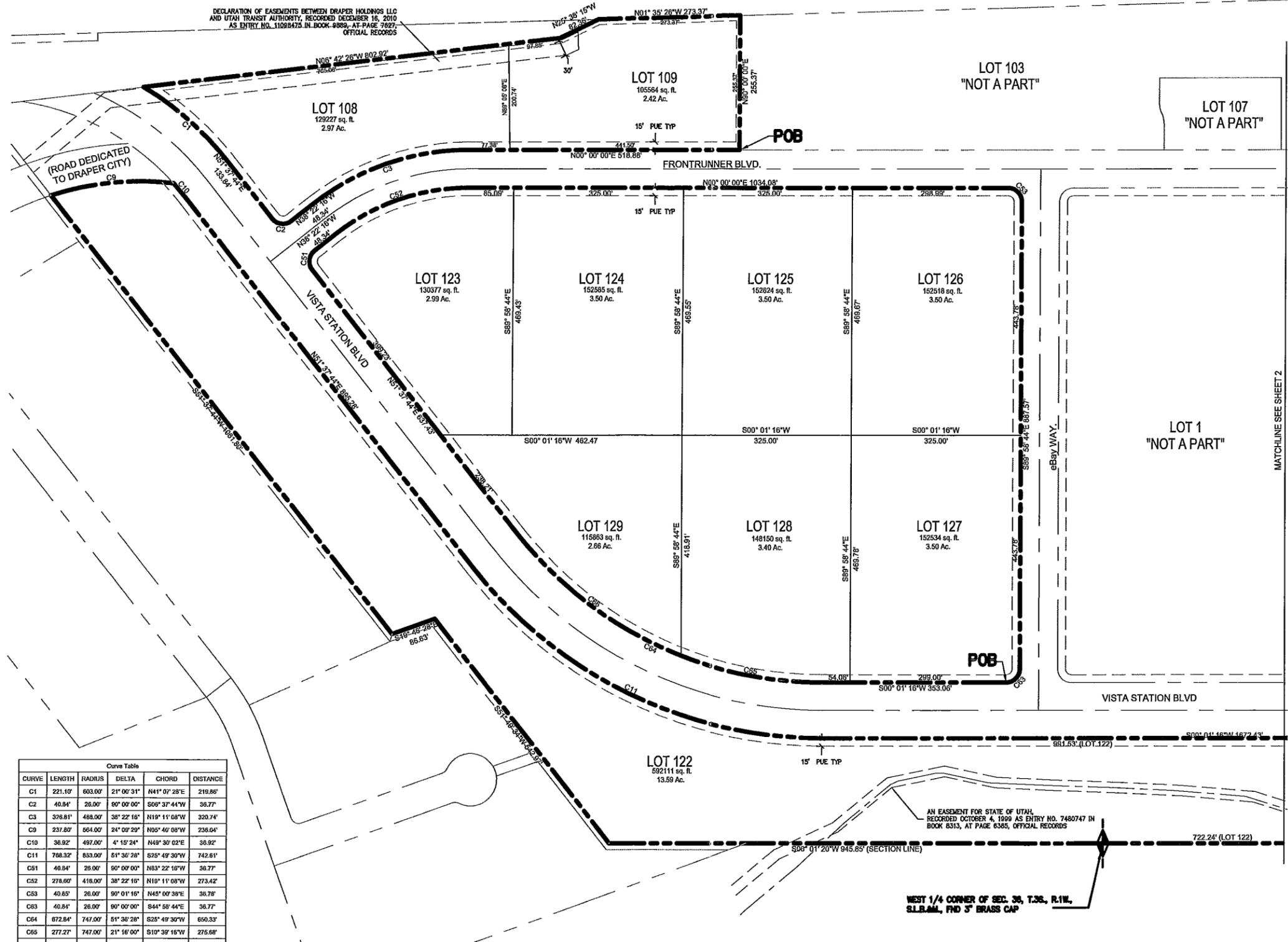
DATE: 09-12-2013  
PROJECT: DRAPER TOD SECOND AMENDMENT  
SCALE: 1" = 100'  
DRAWN BY: BDA  
CHECKED BY: TDM  
APPROVED BY: BDA

SHEET 2 OF 3



UNION PACIFIC/UTA (FRONTRUNNER) R.O.W.

DECLARATION OF EASEMENTS BETWEEN DRAPER HOLDINGS LLC AND UTAH TRANSIT AUTHORITY, RECORDED DECEMBER 16, 2010 AS ENTRY NO. 11092475 IN BOOK 8885, AT PAGE 7827, OFFICIAL RECORDS



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD	DISTANCE
C1	221.10'	603.00'	21° 00' 31"	N41° 07' 28"E	219.86'
C2	40.84'	26.00'	90° 00' 00"	S06° 37' 44"W	36.77'
C3	326.81'	468.00'	38° 22' 16"	N19° 11' 08"W	320.74'
C9	237.80'	664.00'	24° 09' 29"	N05° 40' 08"W	236.04'
C10	36.92'	497.00'	4° 15' 24"	N49° 30' 02"E	36.92'
C11	768.32'	833.00'	51° 36' 26"	S25° 49' 30"W	742.61'
C51	48.84'	26.00'	90° 09' 00"	N83° 22' 10"W	36.77'
C52	278.60'	418.00'	38° 22' 10"	N19° 11' 08"W	273.42'
C53	40.85'	26.00'	90° 01' 16"	N45° 00' 38"E	36.78'
C63	48.84'	26.00'	90° 00' 00"	S44° 58' 44"E	36.77'
C64	672.84'	747.00'	51° 36' 28"	S25° 49' 30"W	650.33'
C65	277.27'	747.00'	21° 16' 00"	S10° 39' 16"W	276.68'
C66	385.57'	747.00'	30° 20' 28"	S36° 27' 30"W	390.97'

AN EASEMENT FOR STATE OF UTAH, RECORDED OCTOBER 4, 1999 AS ENTRY NO. 7480747 IN BOOK 8313, AT PAGE 6385, OFFICIAL RECORDS

WEST 1/4 CORNER OF SEC. 36, T.36., R.1W, S.L.B.M., FND 3" BRASS CAP

DATE: 09-12-2013  
 PLOT DATE:  
 SCALE: 1" = 100'  
 DRAWN BY:  
 CHECKED BY:  
 PROJECT NUMBER: 8DHL010100

DRAPER TOD SECOND AMENDMENT  
 DRAPER, UTAH

**P S O M A S**  
 479 Riverboat Road, Suite 200  
 Salt Lake City, Utah 84123  
 (801) 270-5777 (801) 270-5782 (FAX)

DESIGNED BY	BDA
CHECKED BY	TDM
DATE	BDA
SHEET	
3	
3	





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**Community Development Department**  
1020 East Pioneer Road  
Draper, UT 84020  
(801) 576-6539 Fax (801) 576-6526

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**STAFF REPORT**  
October 4, 2013

**To:** Planning Commission  
Hearing Date: October 17, 2013

**From:** Development Review Committee  
Prepared by Dennis Workman, Planner II

**Re: Remco Management Office Warehouse Site Plan**

Application No.: 130715-13112S  
Applicant: Chris Mast  
Project Location: 13112 S. 150 E.  
Zoning: CR  
Acreage: 1.33 acres  
Request: Site plan approval for two office/warehouse buildings

**BACKGROUND**

This application seeks approval to build two office/warehouse buildings on Lot 103 of the Knudsen Business Park. The buildings will each contain 6,000 square feet. The breakdown of uses within the buildings will be approximately 25% office and 75% warehousing. The use tables in the DCMC relegate a warehousing use, whether limited or general, to the CG and CBP zones, or to the manufacturing zones. However, the 1998 approval of the Knudsen Business Park included a blanket list of uses that would be permitted within the park, and general warehousing was among those listed.

**ANALYSIS**

*General Plan and Zoning.* The General Plan identifies the subject property as Community Commercial, which anticipates commercial land uses that are destination-oriented. The text of the General Plan states that this land use designation “may include large-scale, master-planned commercial centers, big-box stores and offices.” It also states that businesses located within this master-planned area should have “convenient points of traffic access to and from residential areas.” The subject property is zoned CR, in which an office use is permitted. As noted above, the DCMC does not permit a warehousing use in the CR zone, but this regulation is superseded by a blanket use permit approved with the Knudsen Business Park which includes general warehousing.

*Site Plan Layout.* The subject property is on the southwest corner of 150 East and 13065 South. It is Lot 103 of the Knudsen Business Park. The development will have two access points from 150 East, one in the center of the parcel that is 34 feet wide, and one near the south property line that is 25 feet wide. Two 6000 square foot buildings will be constructed on the west side of the lot with all of the parking east of

the buildings near 150 East. Asphalt yards north of the north building and south of the south building will not be used for outdoor storage but for delivery and parking of company vehicles. The dumpster enclosure will be in the northeast corner of the parcel where it will be largely obscured by landscaping.

Public Improvements. Public improvements for the Knudsen Business Park were installed years ago, but the developer will have a small amount of work to do in this area. Namely, there is a missing section of sidewalk that the developer will install, and there is an existing entrance toward the north end of the site that the developer will remove and replace with curb and gutter.

Architecture. The primary materials standard of 75% without any one material exceeding 50% is fully satisfied: the front elevation will be 48.6% split-face CMU and 26.7% stone; the rear elevation will be 46.5 % split-face CMU and 30.9% brick; the left elevation will be 49.2% split-face CMU and 26.5% brick; and the right elevation will be 48.9% split-face CMU and 29% brick. The remainder of each wall façade will be stucco. The primary entry will be clearly articulated under an anodized steel canopy. The CR zone allows a maximum building height of 45 feet, and the plans show highest point of building at 27 feet. No portion of the roofline will be more than 50 feet without a visual break.

Landscaping. Section 9-22-050(d) states that “at least 20% of any development site shall be devoted to landscaping, exclusive of park strips and walkways.” The proposed landscape plan shows that 22.1% of the site will be landscaped, 10% of which will be in the parking lot portion of the site (7% is required). The plan shows nine Autumn Blaze maple trees in the public park strip that wraps around this corner lot. The interior of the site will have 12 Skyline Honey Locust trees, seven of which are in parking lot islands on the east side of the buildings. In addition, there will be three Chanticleer Pear trees, four Trinity Pear trees, and six Colorado Blue Spruces dispersed throughout the site. Perimeter landscape beds will contain an abundant variety of shrubs, along with cobble rock, sod, tall grasses and accent boulders.

Outdoor Lighting. The photometric plan meets all requirements of the Outdoor Lighting Ordinance as outlined in Chapter 9-20. The plan shows five 20-foot light poles throughout the parking lot. They all meet the maximum illumination standard of 0.2 foot candles at the property line, which is required for developments that are adjacent to a residential use or zone. (Fitzgerald Estates and Day Meadow Estates II are both located across the street east.) In addition, there will be seven wall-mounted lights on the north building and six on the south building. All light sources will have full cut-off fixtures as required by code.

Off-street Parking. The off-street parking requirement for the use category *General Office* is “3 spaces per 1,000 square feet of gross building floor area.” For *Wholesale and Warehousing*, the requirement is “0.5 spaces per 1,000 square feet of gross building floor area.” Based on 1,800 square feet of office space and 5,100 square feet of warehousing space, each building requires eight stalls, meaning 16 stalls overall. The number of stalls provided is 44, two of which are handicap accessible. All parking stalls will be required to have concrete wheel stops to prevent vehicle intrusion into landscaped areas and pedestrian walkways.

Parks and Trails. Parks and trails had no comment on this application.

Building Review. In a memo dated July 19, 2013, Keith Collier states that he has no comment at this stage of development.

Geotechnical Review. In a review memo dated July 25, 2013, Alan Taylor with TGE states that he has reviewed the geotechnical report prepared by Earthtec Engineering. His memo states: “Based upon the information presented in the referenced report, it is TG’s opinion that Wilding Engineering has adequately addressed the geotechnical engineering parameters for the proposed project.”

Engineering Review. In a memo dated September 23, 2013, Carolyn Prickett states:

We have reviewed the site plan application for the subject project and recommend approval subject to conditions. Accordingly, we have included the following comments for your consideration:

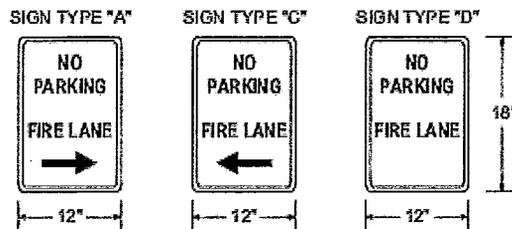
1. Plans shall include construction details for the structures and appurtenances to be built (snouts, catch basins, clean out boxes, swale spillways, etc.)
2. The Grading Plan and the Drainage Report indicate a portion of this site will drain to the adjacent west property. An easement shall be provided on the neighboring property to accept the drainage.
3. Retaining walls will require a building permit in accordance with the Draper City Municipal Code Section 9-27-085.

Fire Department. In a memo dated September 19, 2013, Don Buckley with the Unified Fire Authority recommends approval with the following conditions and comments:

1. **Fire Department Access is required.** An unobstructed minimum road width of twenty (26) feet and a minimum height of thirteen (13) feet six (6) inches shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of twenty – eight (28) feet. There shall be a maximum grade of 10%. Grades may be checked prior to building permits being issued. **There SHALL be NO PARKING ALLOWED between the two buildings.**

**a. 2012 International Fire Code Appendix D requirements on street widths:**

**D103.6 Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with permanent **NO PARKING—FIRE LANE** signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305mm) wide by 18 inches (457mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



**FIGURE D103.6  
FIRE LANE SIGNS**

2. **Hydrants and Site Access.** All hydrants and a form of acceptable temporary Fire Department Access to the site shall be installed and **APPROVED by the Fire Department prior to the issuance of any Building Permits.** If at any time during the building phase any of the hydrants or temporary Fire Department Access becomes non-compliant any and all permits could be revoked.
3. **Fire Hydrants are required** there shall be a total of 2 hydrants required spaced at 300ft. increments, 40 feet minimum distance out from the building. Hydrants are to be protected with bollards if susceptible to vehicle damage. The required fire flow for this project is 2000GPM for full 2 hour duration.

4. **No combustible construction** shall be allowed prior to hydrant installation and testing by water purveyor. All hydrants must be operational prior to any combustible elements being received or delivered on building site.
5. **Fire Sprinklers Required.** Deferred submittal for fire sprinkler shop drawings are to be sent directly to the following address: Unified Fire Authority, 3380 South 900 West, Salt Lake City, Utah 84119. Attention: Stewart Gray. A minimum of two sets of plans, complete with manufacturer cut sheets, and hydraulic calculations. Plans must be ink signed by a NICET level III or better in Auto Sprinkler Layout. (There needs to be a hydrant with-in a 100 feet of the FDC.) **FDC is required to have KNOX Locking Caps. ALL FIRE PROTECTION PLANS REQUIRE 3<sup>rd</sup> PARTY REVIEW PRIOR TO BE SUBMITTED TO THE UNIFIED FIRE AUTHORITY.**
6. **Post Indicator Valve with Tamper Required.** If there is no designated fire riser room with a direct access door from the outside. There shall be either a wall mounted P.I.V (OS&Y) or a typical P.I.V placed a minimum distance of 40 feet from the building with a tamper switch.
7. **Fire Alarm Required.** Deferred submittal for fire alarm shop drawings are to be sent directly to the following address: Unified Fire Authority, 3380 South 900 West, Salt Lake City, Utah 84119. Attention: Stewart Gray. A minimum of two sets of plans, complete with manufacturer cut sheets, and battery calculations. Plans must be ink signed by a NICET level III or better in Fire Alarm Systems. **ALL FIRE ALARM PLANS REQUIRE 3<sup>rd</sup> PARTY REVIEW PRIOR TO BE SUBMITTED TO THE UNIFIED FIRE AUTHORITY.**
8. **2A-10BC Fire Extinguishers required.** The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.
9. **Visible Addressing Required.** New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the Remco Management Office Warehouse site plan application by Chris Mast, application 130715-13112S, subject to the following conditions:

1. That the proposed development is required to continually meet and adhere to all comments and requirements of the Fire Department, including but not limited to the comments in the staff report dated October 4, 2013.
2. That the proposed development is required to continually meet and adhere to all requirements of the Engineering Department, including but not limited to the comments in the staff report dated October 4, 2013.
3. That no signage is approved with the site plan. All signage is required to meet the requirements of Chapter 9-26 and obtain applicable sign permits through the appropriate city process.
4. That if a monument sign is desired, the applicant must submit a revised landscape plan showing monument sign landscaping, as outlined in Section 9-23-130.
5. That the dumpster enclosure has the same materials and colors as the main building and is screened by metal gates.
6. That site lighting conforms to Chapter 9-20, with careful consideration given to the residential development across the street east.

7. That all site improvements, including landscaping, are installed and/or bonded for prior to receiving a certificate of occupancy.
8. That all parking stalls adjacent to a pedestrian walkway shall have concrete wheel stops to prevent vehicle intrusion.
9. That as per the Knudsen Business Park Project Development and Design Standards, no outside storage is permitted, except for trash receptacles. The asphalt yards north of the north building and south of the south building shall not be used for storage, but for delivery and parking of company vehicles.

This recommendation is based on the following findings:

1. That the proposed site plan is consistent with the goals, objectives and policies of the City's General Plan.
2. That the proposed site plan will not adversely affect adjacent property.
3. That adequate facilities and services exist to serve the subject property, including but not limited to roadways, police and fire protection, storm water drainage systems, water supplies, and waste water and refuse collection.
4. That all site plan drawings were developed in accordance with the standards contained in Draper City's zoning ordinance.
5. That light sources of outdoor lighting fixtures will be shielded and downward directed, and in all ways comply with Chapter 9-20, to ensure that residences to the east are not adversely impacted.
6. That an office/warehouse is a permitted use within the Knudsen Business Park.

**MODEL MOTION**

*Sample Motion to Approve Site Plan.* "I move we approve the commercial site plan request by Chris Mast, application 130715-13112S, based on the findings and conditions listed in the staff report dated October 4, 2013, and as modified by the conditions below:"

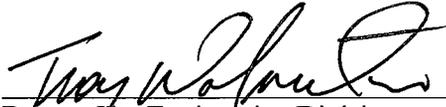
1. List any additional conditions.

*Sample Motion to Deny Site Plan.* "I move we deny the commercial site plan request by Chris Mast, application 130715-13112S, based on the following findings:"

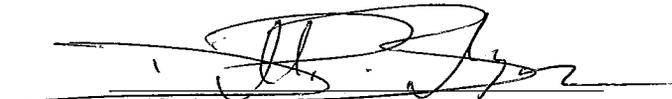
1. List findings for denial.

**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 in substantial compliance with the terms of the Draper City Municipal Code and therefore appropriate for review by the Draper City Planning Commission and/or City Council.

  
\_\_\_\_\_  
Draper City Engineering Division

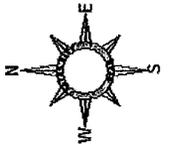
  
\_\_\_\_\_  
Draper City Operations Division

  
\_\_\_\_\_  
Unified Fire Authority

  
\_\_\_\_\_  
Draper City Building Division

\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Draper City Legal Counsel



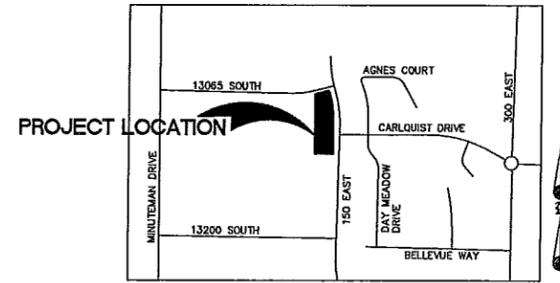
**Aerial Map for Remco Office/Warehouse Site Plan**



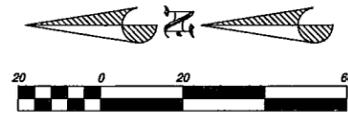


# REMCO MANAGEMENT OFFICE WAREHOUSE

## SITE PLAN



VICINITY MAP  
N.T.S.



Scale 1" = 20 ft

**WILDING**  
ENGINEERING

14721 SOUTH HERITAGE CREEK WAY  
BLUFFDALE, UTAH 84068  
801.553.8112  
WWW.WILDINGENGINEERING.COM

DRAWING NOTES:

**PARKING TABULATION**  
REQUIRED:  
3 SPACES PER 1,000 SQUARE FEET (OFFICE, GENERAL)  
BUILDING SQUARE FOOTAGE = 12,000 SQ FT  
TOTAL PARKING REQUIRED = 36 STALLS

PROVIDED:  
TOTAL PARKING PROVIDED = 44 STALLS  
HANDICAP PROVIDED = 2

**SITE TABULATIONS:**

IMPERVIOUS AREAS:  
BUILDING FOOTPRINT: 12,000 SF (20.8%)  
SIDEWALKS: 1,338 SF  
PARKING LOT: 30,956 SF  
TOTAL AREA (IMPERVIOUS): 44,294 SF

LANDSCAPE AREA (PERVIOUS): 13,566 SF (23.4%)  
TOTAL AREA IN SITE: 57,860 SF (1.33 AC)

NO.	REVISION	DATE

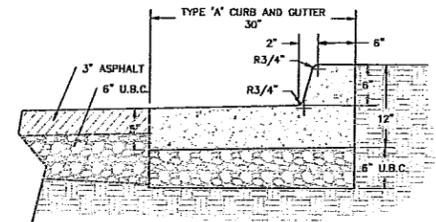
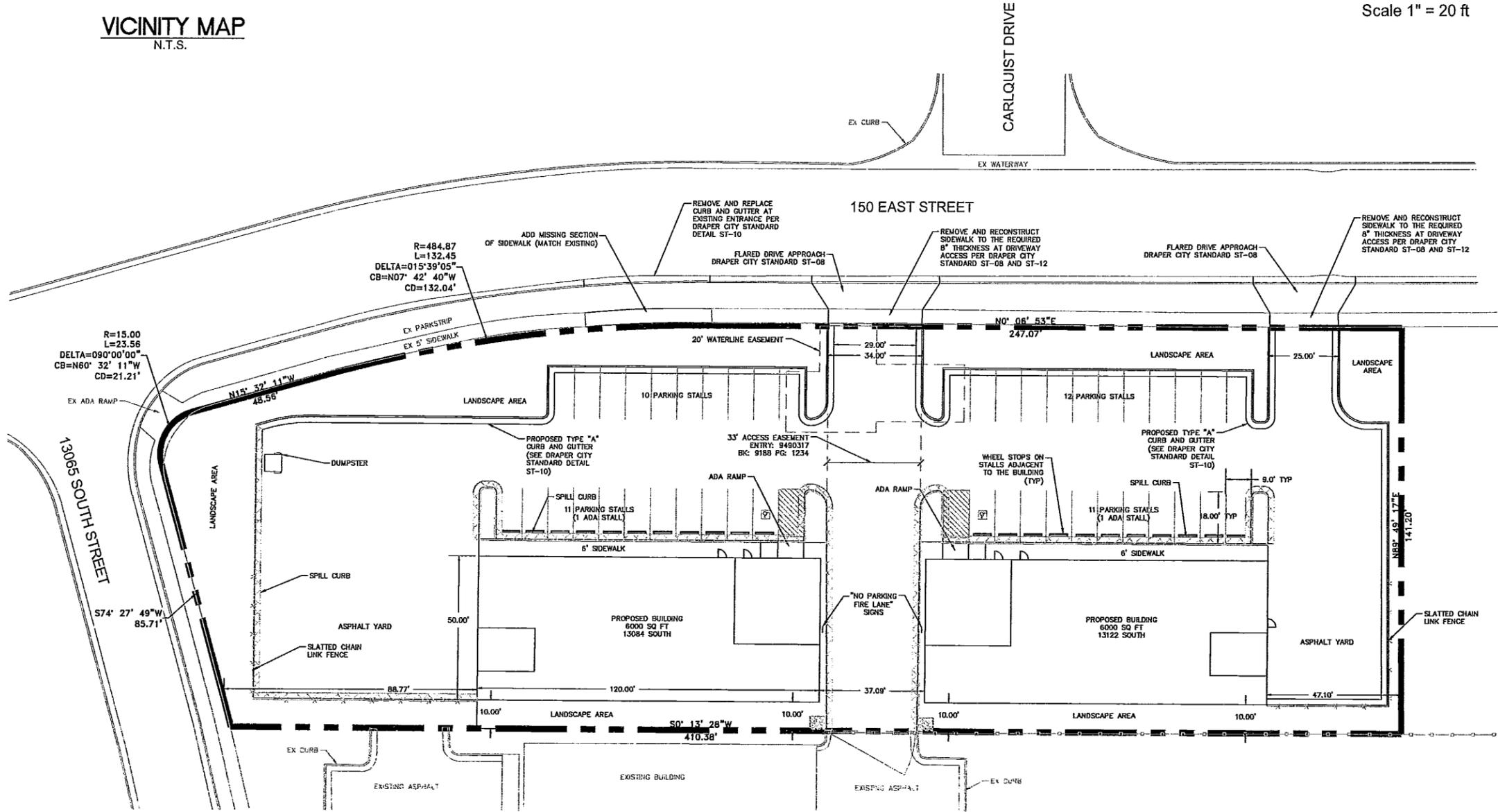
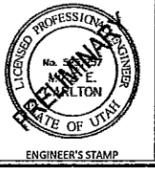
PROJECT INFORMATION

**REMCO MANAGEMENT OFFICE WAREHOUSE**

SITE PLAN

DRAPER, UTAH

DRAWN JRP	CHECKED MEC	PROJECT # 13024
DATE 6/25/13		SCALE 1" = 20'
SHEET C101		ENGINEER'S STAMP



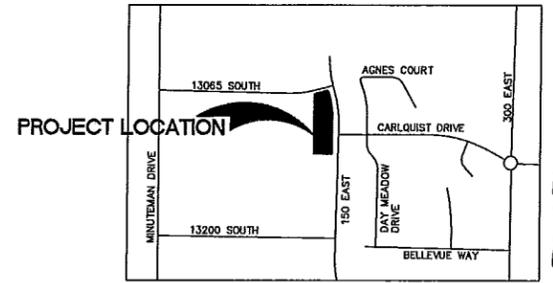
- CURB AND GUTTER NOTES:**
- UNTREATED BASE COURSE (U.B.C.): COMPACT TO A MODIFIED PROCTOR DENSITY OF 95% OR GREATER.
  - CONCRETE: USE CLASS 3,000 CONCRETE.
  - EXPANSION JOINTS: PROVIDE TYPE F1 JOINT FILLER, PLACED FULL DEPTH AT 40' INTERVALS, WITH TOP SET FLUSH WITH SURFACE OF CUTTER. NO SEALANT IS REQUIRED.
  - CONTROL JOINTS: PLACE AT 10' INTERVALS.
  - CURING: USE LIQUID MEMBRANE WITH CHLORINATED RUBBER SUBSTANCE TYPE UNLESS SPECIFIED OTHERWISE.
- PARKING LOT AND SPILL CURB AND GUTTER DETAIL**  
NOT TO SCALE

G:\DATA\13024\_Knudsen Business Park Lot 103.dwg\13024\_Base.dwg  
PLOT DATE: Sep 26, 2013

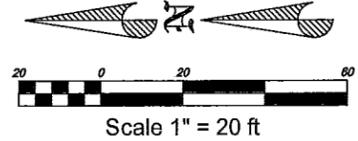


# REMCO MANAGEMENT OFFICE WAREHOUSE

## GRADING AND DRAINAGE PLAN

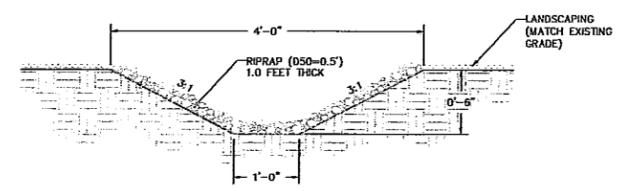
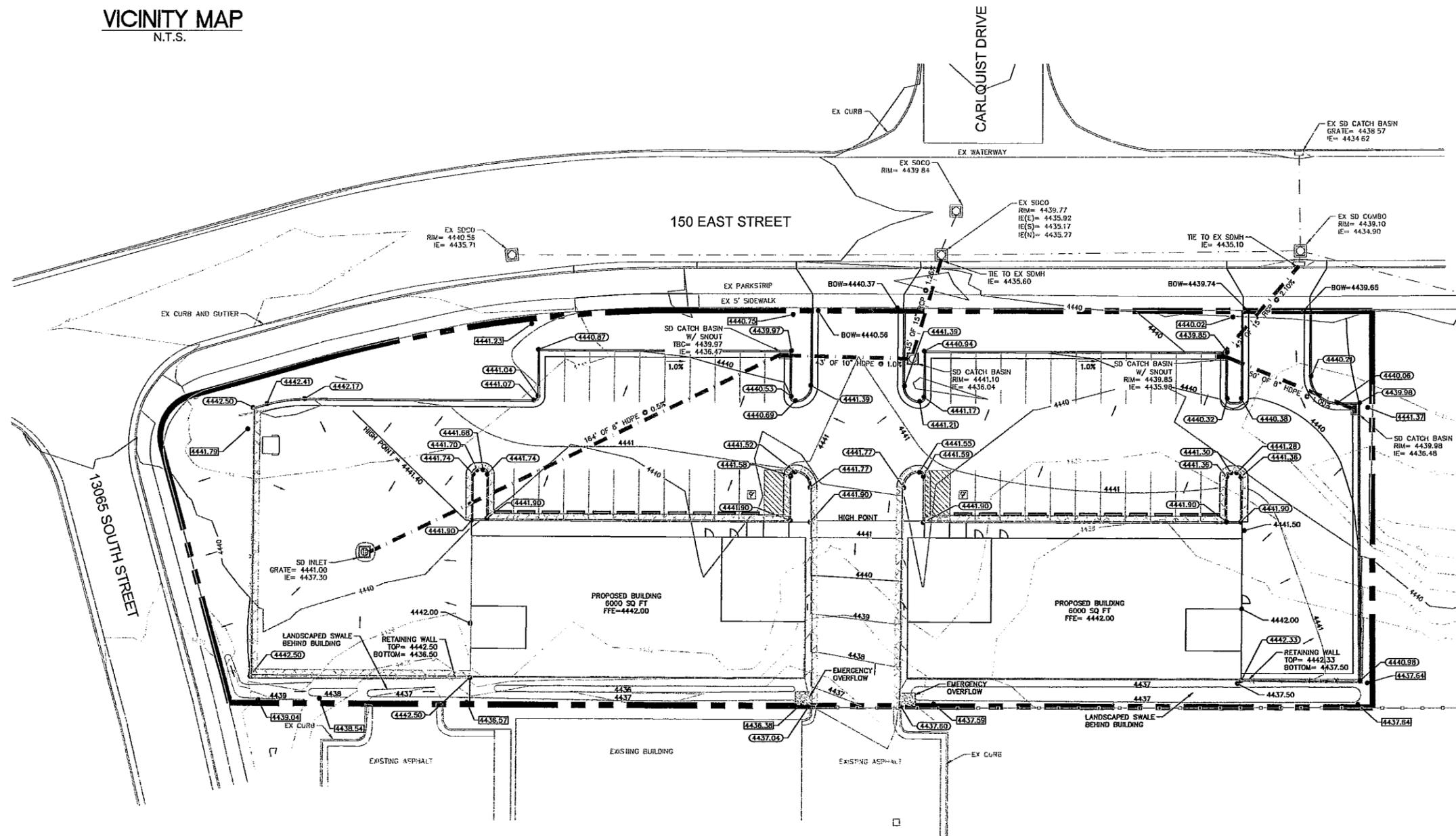


VICINITY MAP  
N.T.S.



**WILDING**  
ENGINEERING  
14721 SOUTH HERITAGE GREET WAY  
BLUFFDALE, UTAH 84068  
801.553.8112  
WWW.WILDINGENGINEERING.COM

DRAWING NOTES:  
1. THE SITE IS LOCATED IN ZONE X OF FEMA FLOODPLAIN MAP 48035C04440 WITH AN EFFECTIVE DATE OF 09/25/2009



OVERFLOW CHANNEL CROSS SECTION  
NOT TO SCALE

**LEGEND**

EXISTING SPOT ELEVATION	(4499.20)
TBC SPOT ELEVATION	(4498.20)
TDA ELEVATION/ FINISH GROUND	4499.20
DRAINAGE DIRECTION	---
PROPOSED CONTOUR	-----
PROPOSED INDEX CONTOUR	-----
EXISTING CONTOUR	-----
EXISTING INDEX CONTOUR	-----
PROPOSED STORM DRAIN	-----
PROPOSED CATCH BASIN	[Symbol]
SPILL CURB	[Symbol]

NO.	REVISION	DATE

PROJECT INFORMATION  
**REMCO MANAGEMENT OFFICE WAREHOUSE**  
GRADING AND DRAINAGE PLAN  
DRAPER, UTAH

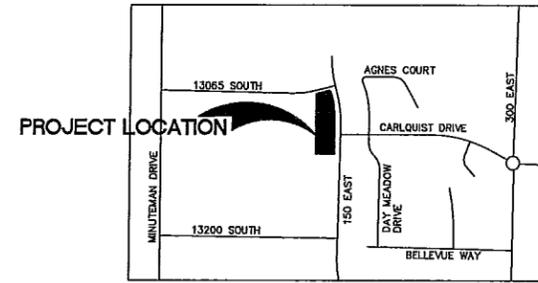
DRAWN JRP	CHECKED MEC	PROJECT # 13024
--------------	----------------	--------------------

DATE: 6/25/13  
SCALE: 1" = 20'  
SHEET: C103

G:\DATA\13024 Knudsen Business Park Lot 103.dwg\13024\_Base.dwg  
PLOT DATE: Sep 26, 2013

# REMCO MANAGEMENT OFFICE WAREHOUSE

## EROSION CONTROL PLAN



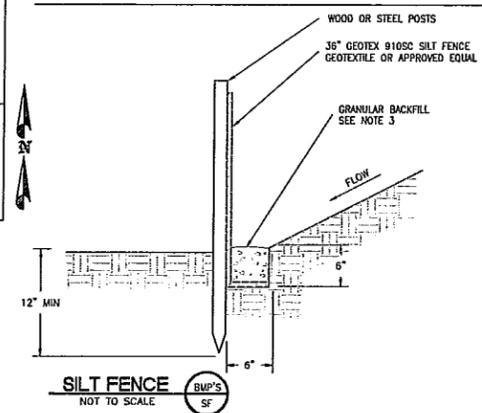
VICINITY MAP  
N.T.S.

**BEST MANAGEMENT PRACTICES (BMP'S)**

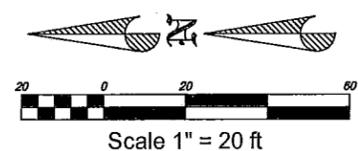
- IP INLET PROTECTION
- PT PORTABLE TOILETS
- SF SILT FENCE
- EF ENVIRONMENTAL FENCE
- SM STOCKPILE MANAGEMENT
- SCE STABILIZED CONSTRUCTION ENTRANCE

- STAGING AREA:**
- CWA CONCRETE WASH AREA
  - PT PORTABLE TOILET

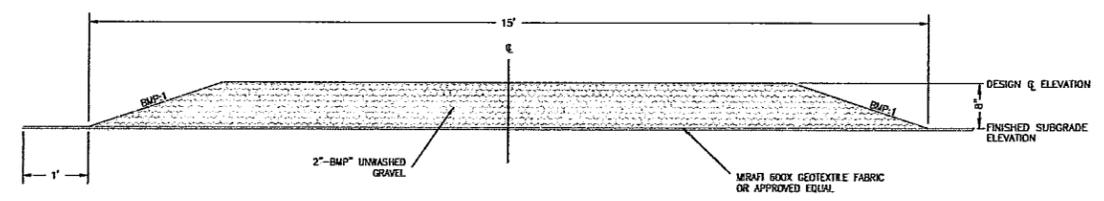
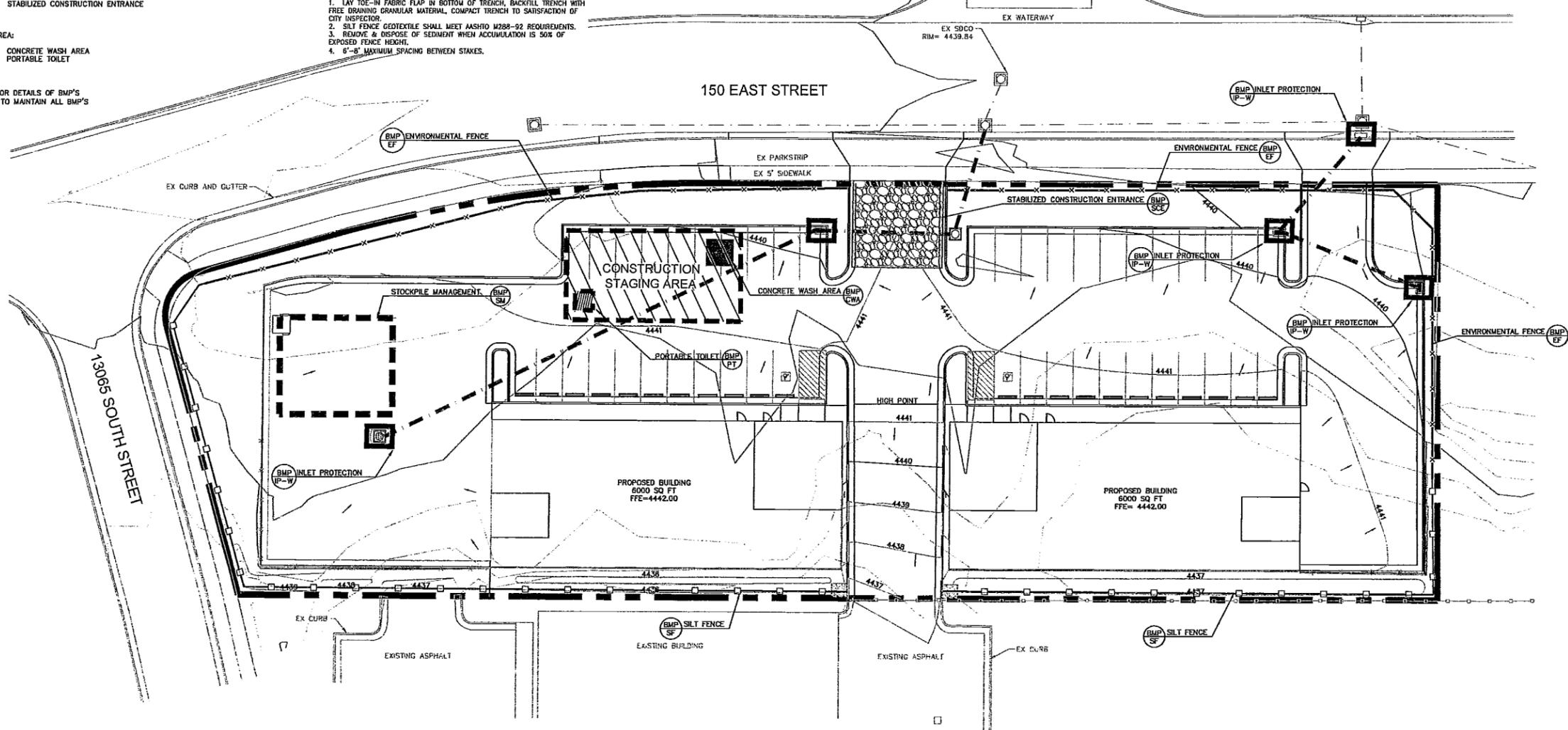
**NOTES:**  
SEE SWPPP FOR DETAILS OF BMP'S  
CONTRACTOR TO MAINTAIN ALL BMP'S



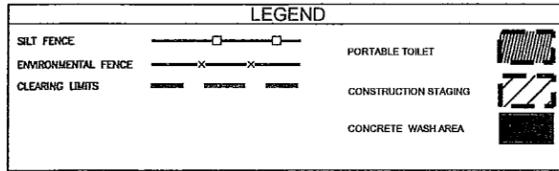
- NOTES:**
- LAY TOE-IN FABRIC FLAP IN BOTTOM OF TRENCH, BACKFILL TRENCH WITH FREE DRAINING GRANULAR MATERIAL, COMPACT TRENCH TO SATISFACTION OF CITY INSPECTOR.
  - SILT FENCE GEOTEXTILE SHALL MEET AASHTO M228-92 REQUIREMENTS.
  - REMOVE & DISPOSE OF SEDIMENT WHEN ACCUMULATION IS 50% OF EXPOSED FENCE HEIGHT.
  - 6"-8" MAXIMUM SPACING BETWEEN STAKES.



- DRAWING NOTES:**
- EROSION CONTROL NOTES:**
- CONTRACTOR TO PROVIDE DUST CONTROL AT ALL TIMES. CONTRACTOR SHALL PROVIDE THE NECESSARY MITIGATION TO KEEP DUST TO THE ACCEPTABLE LIMITS IDENTIFIED IN THE AIR QUALITY PERMIT OBTAINED FROM THE STATE OF UTAH. DEPARTMENT OF AIR QUALITY, DIVISION OF AIR QUALITY. IGNORANCE OF THESE CODES AND STATUTES IS NOT AN ACCEPTABLE REASON FOR NOT COMPLYING WITH THESE REQUIREMENTS. THE CITY INSPECTOR MAY REQUIRE SOIL ADHESIVES TO CONTROL DUST. PROVISIONS TO CONTROL DUST MUST BE ON SITE AND OPERATIONAL PRIOR TO ANY LAND DISTURBANCE.
  - EXISTING PAVED ROADWAYS ARE TO BE KEPT CLEAN AT ALL TIMES. CONTRACTOR TO MAINTAIN STREETS TO BE FREE FROM SEDIMENT AND DEBRIS.
  - EROSION CONTROL DEVICES ARE TO BE INSPECTED AND MAINTAINED EVERY 14 DAYS AND WITHIN 24 HOURS AFTER EACH SIGNIFICANT STORM EVENT (0.5 INCHES).
  - TEMPORARY SEDIMENTATION BASINS AND STORM WATER MANAGEMENT FACILITIES REQUIRE A MANDATORY INSPECTION ONCE A WEEK OR WITHIN 24 HOURS OF A MAJOR STORM EVENT (0.5 INCHES) OR A SNOW MELT UNTIL ALL DISTURBED AREAS ARE STABILIZED ACCORDING TO THESE PLANS.
  - CONTRACTOR TO REPLACE DAMAGED EROSION CONTROL DEVICES, OR DEVICES THAT DO NOT FUNCTION PROPERLY AT NO ADDITIONAL COST TO THE OWNER.



CROSS SECTION OF STABILIZED CONSTRUCTION ENTRANCE (BMP SCE)  
NOT TO SCALE



**LEGEND**

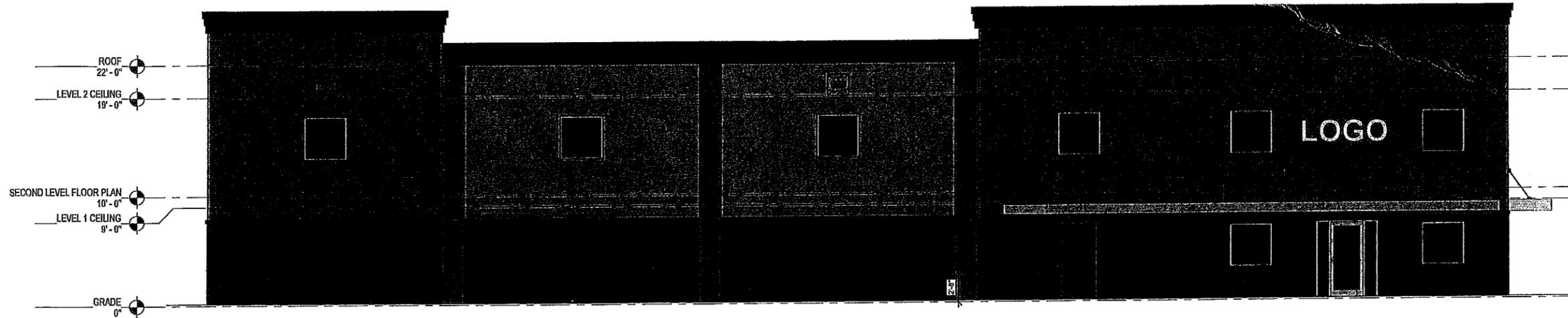
EXISTING SPOT ELEVATION	4499.20
TBC SPOT ELEVATION	4499.20
TDA ELEVATION/ FINISH GROUND	4499.20
DRAINAGE DIRECTION	
PROPOSED CONTOUR	4500
PROPOSED INDEX CONTOUR	
EXISTING CONTOUR	4500
EXISTING INDEX CONTOUR	
PROPOSED STORM DRAIN	
PROPOSED CATCH BASIN	

NO.	REVISION	DATE

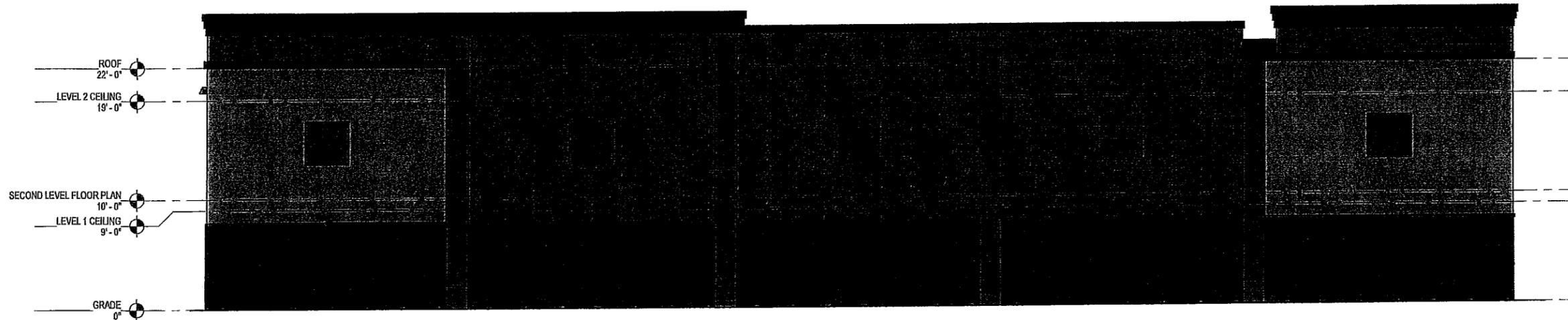
PROJECT INFORMATION  
**REMCO MANAGEMENT OFFICE WAREHOUSE**  
EROSION CONTROL PLAN  
DRAPER, UTAH

DRAWN JRP	CHECKED MEC	PROJECT # 13024
DATE 6/25/13		SCALE 1" = 20'
SHEET C104		ENGINEER'S STAMP

G:\DATA\13024 Kowaleen Business Park Lot 103\13024 Base.dwg  
PLOT DATE: Sep 26, 2013



**2 FRONT ELEVATION**  
 TOTAL - 2,854 S.F.  
 CMU - 1,387 S.F. (48.6%)  
 STONE - 703 S.F. (26.7%)  
 STUCCO - 704 S.F. (24.7%)



**1 REAR ELEVATION**  
 TOTAL - 2,875 S.F.  
 BRICK - 888 S.F. (30.9%)  
 STUCCO - 851 S.F. (29.6%)  
 CMU - 1,336 S.F. (46.5%)

**ae urbia**  
 architects and engineers  
 2875 south decker lake drive, suite 275  
 salt lake city, utah 84119  
 phone: 801.746.0456 - fax: 801.575.6456  
 webpage: aeurbia.com

**REMCO MANAGEMENT  
 OFFICE/WAREHOUSE**

**DRAPER UT, 84020**

**AE2013.034**

**SCHEMATIC  
 ELEVATIONS**

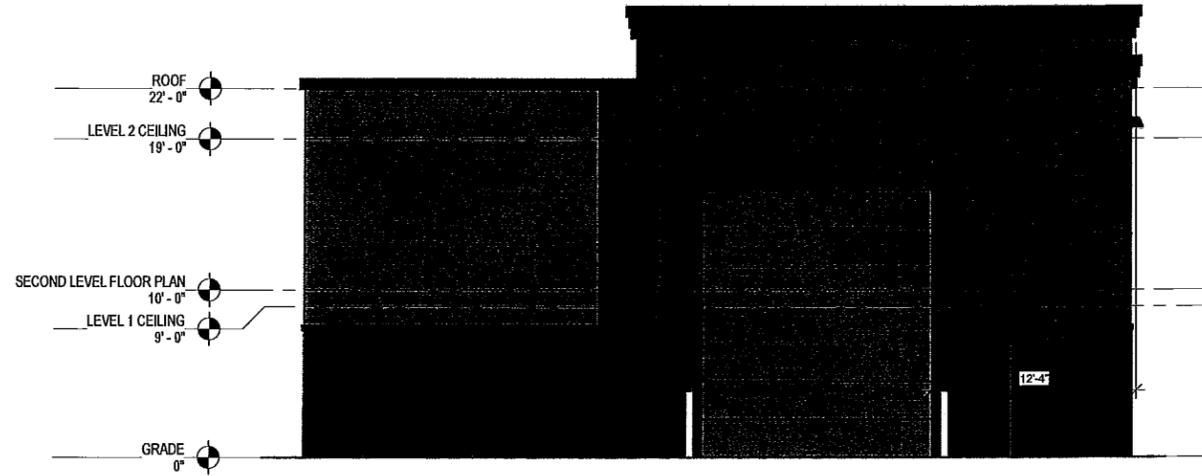
REV 5/03S

DATE: **JUNE 13, 2013**

SHEET #

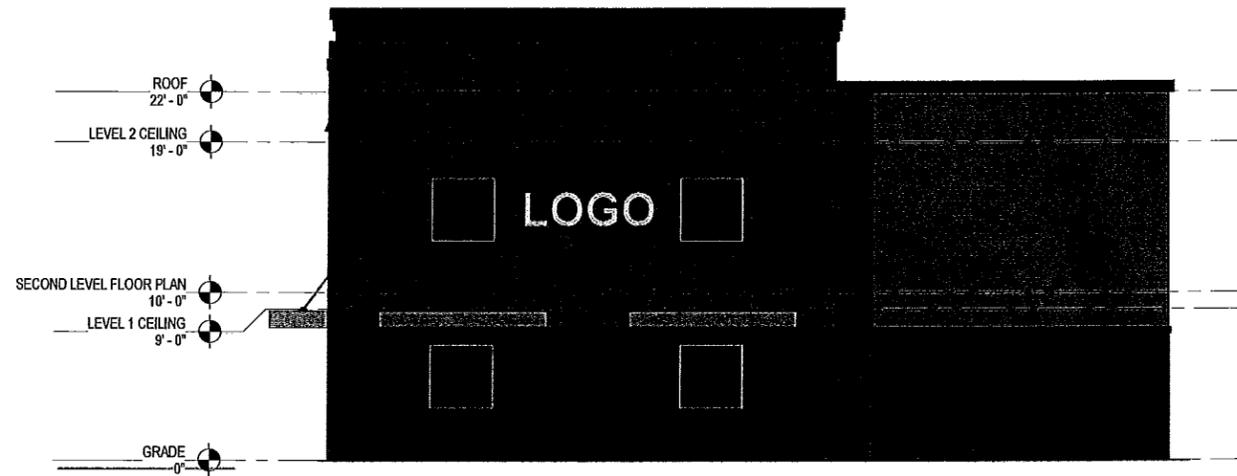
**A3.1**

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 AE URB A, LLC.



**1 LEFT ELEVATION**

**A3.2** TOTAL - 1,033 S.F.  
 STUCCO - 250 S.F. (24.2%)  
 BRICK - 274 S.F. (26.5%)  
 CMU - 509 S.F. (49.2%)



**2 RIGHT ELEVATION**

**A3.2** TOTAL - 1,187 S.F.  
 STUCCO - 251 S.F. (22.1%)  
 BRICK - 347 S.F. (29.3%)  
 CMU - 581 S.F. (48.6%)

**aeurbia** architects and engineers  
 2875 south decker lake drive, suite 275  
 salt lake city, utah 84119  
 phone: 801.746.0456 - fax: 801.575.6456  
 webpage: aeurbia.com

**REMCO MANAGEMENT  
 OFFICE/WAREHOUSE**  
 DRAPER UT, 84020

**AE2013.034**

**SCHEMATIC  
 ELEVATIONS**

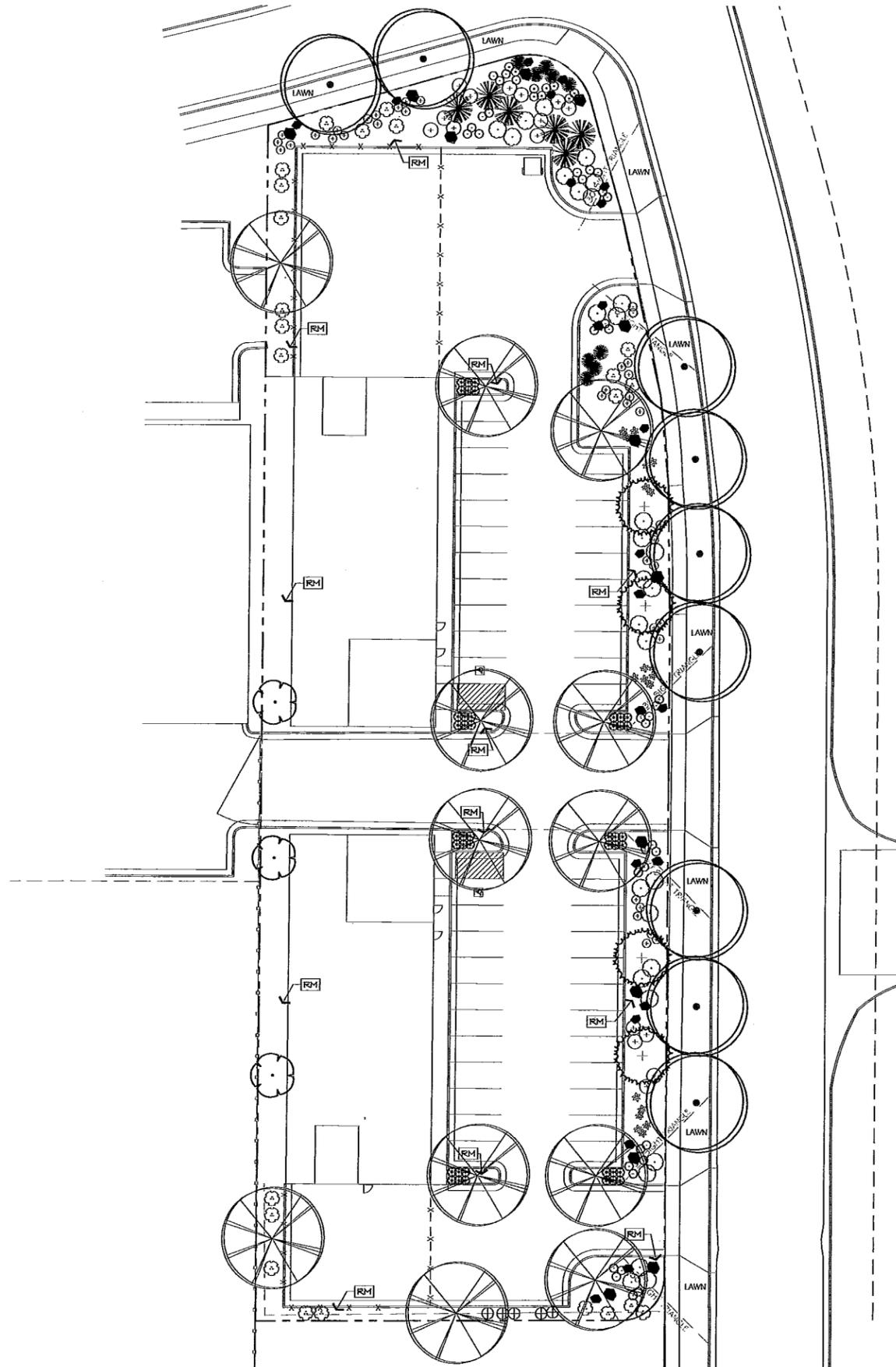
REV'S ONS:

DATE: **JUNE 13, 2013**

SHEET #:

**A3.2**

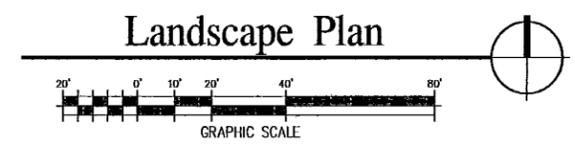
COPYRIGHT ©  
 AE URB A, LLC.



PLANT SCHEDULE					
TREES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE
	9	Acer freemanii 'Jeffersred' TM	Autumn Blaze Maple	B & B	2' Cal
	3	Anelocher x grandiflora 'Princess Diana'	'Autumn Brilliance' Serviceberry	B & B	2' Cal
	12	Gleditsia triacanthos inermis 'Skyline'	Skyline Honey Locust	B & B	2' Cal
	4	Pyrus calleryana 'Trinity' TM	Trinity Pear	B & B	2' Cal
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE
	6	Picea pungens glauca 'Baby Blue Eyes' TM	Baby Blue Eyes Colorado Blue Spruce	B & B	6" HT MIN
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE
	5	Buddleia davidii 'Black Knight'	Black Knight Butterfly Bush	Container	5 gal
	16	Euonymus alatus 'Compacta'	Compact Burning Bush	Container	5 gal
	9	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Creeping Juniper	Container	5 gal
	37	Perovskia atriplicifolia 'Little Spire' TM	Little Spire Russian Sage	Container	5 gal
	23	Physocarpus opulifolius 'Ruby Spice'	Ruby Spice Ninebark	Container	5 gal
	9	Potentilla fruticosa 'Gold Drop'	Gold Drop Potentilla	Container	5 gal
	31	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	Container	5 gal
	40	Spiraea x bumalda 'Goldflame'	Goldflame Spiraea	Container	5 gal
	20	Yucca filamentosa 'Ivory Tower'	Ivory Tower Yucca	Container	2 gal
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE
	42	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	Container	1 gal

MISC	
	Kentucky Bluegrass Sod
	Install 3" depth 3/4" - 1 1/4" washed Southtown Cobble (Neph Sandstone) OR 3" depth 3/4" - 1 1/4" washed Nelo Cobble (Statler Parson). Install over DeWit Pro-S Weed Barrier.
	2'-6" to 5' boulders from Brown's Canyon Quarry. Submit Sample To Landscape Architect For Approval. 20% 2'-6" Boulders 30% 3' Boulders 30% 3'-6" Boulders 10% 4' Boulders 10% 5' Boulders Percentages are by quantity not weight.
NOTES:	1. See details and specifications for additional information.

DRAPER CITY REQUIREMENTS	
PERIMETER PLANTINGS ALONG LOCAL STREET FRONTAGES (PARKING LOT) 2 TREES/100 LF, 3' SHRUBS FOR 75% SCREENING	500 LF FRONTAGE, 10 TREES PROVIDED WITH SHRUB SCREENING
PERIMETER PLANTINGS ALONG LOCAL INTERIOR LOT LINES (PARKING LOT) 1 TREE + 9 SHRUBS/100 LF	265 LF PARKING ALONG INTERIOR LOT LINE, 3 TREES + 24 SHRUBS PROVIDED
PERIMETER PLANTINGS ALONG LOCAL INTERIOR LOT LINES (BUILDING) 1 TREE /100 LF	275 LF BUILDING ALONG INTERIOR LOT LINE, 3 TREES PROVIDED
STREET TREES - CLASS (III) STREET TREES	TREES SPACED AT 30' OC



**E. A. Lyman**  
Landscape Architecture  
Land Planning  
Urban Design  
8188 South Highland Dr. - Suite D7  
Sandy, Utah 84093  
Telephone: 801.943.6564  
Fax: 801.943.6526  
E-mail: eal@ealandscape.com

**Remco Management Office/Warehouse**  
13084 S. 150 East (North Building)  
13122 S. 150 East (South Building)  
Draper, Utah

DATE:  
14 AUGUST 2013  
REVISIONS:  
CUIBH:  
SHEET NAME:  
**Landscape Plan**  
SHEET NUMBER:  
**L1.1**







---

**Development Review Committee**

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

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**STAFF REPORT**

October 2, 2013

**To:** Draper City Planning Commission  
Business Date: October 17, 2013

**From:** Development Review Committee

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

**Re: City Initiated LUDMA Text Amendment Request**

Application No.: 130926-1020E

Applicant: Draper City

Request: Request for approval of text amendments to the Zoning and Subdivision Ordinances in order to bring both into compliance with Utah State Code.

**SUMMARY**

The text amendments as found in Exhibit A represent modifications made to state law in the 2013 General Session. There are a few amendments to the public noticing requirements which were made in previous General Sessions which have also been included. With these proposed changes, the Zoning Ordinance and Subdivision Ordinance will be in compliance with the Land Use and Development Management Act (LUDMA) of Utah State Code, as found in Title 10, Chapter 9a of Utah State Code. It is this section of State Code which gives municipalities the right to master plan and zone properties within their boundaries as well as review and regulate development.

**BACKGROUND**

Within this report I will briefly review the proposed amendments, grouped by topic.

*Noticing:* The majority of the amendments cover public noticing requirements. The State added a provision requiring those items which involve a public hearing include a notice on the Utah Public Notice Website. Another modification is to allow notices to be placed in at least three public locations *or* on the city's website. Previous language required notice in both public locations and on the city's website.

State Code outlines specifically what must be included in a notice to a property owner whose real property is to be affected by a potential rezone. This provision, to be located in 9-5-045(i), is designed for City initiated rezone applications and master planning, wherein the City must notify property owners whose property may be rezoned of the date of public hearings, regulations the property would be held to if the rezone is approved, and their objection rights.



*Lot Line Adjustments:* City's may no longer require review for parcel boundary adjustments or boundary line agreements. This type of development has traditionally been called a Lot Line Adjustment, and covers the movement of a common lot line between two properties, wherein no new lots are created. The new text language references State Code.

*General Changes:* Several general changes are proposed in order to clean up language, punctuation and eliminate redundancies within the code.

## **ANALYSIS**

The LUDMA grants City's the authority to create zoning codes and review developments. As part of this grant, the State may alter the specific requirements and regulations. When altered, these changes must be incorporated into locate ordinances to ensure the locality is operating in full compliance with the law.

Public noticing requirements are an important aspect of development review. Public notices allow a neighborhood to not only be notified of a proposed development but to be involved with the approval process of a development. These regulations help ensure neighborhood concerns are met, and help to mitigate adverse affects a development might have, by allowing the city and developers to hear neighbor concerns and address those concerns.

*Criteria For Approval.* The criteria for review and potential approval of a text amendment request to the Zoning Code are found in Sections 9-5-060(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- (e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:
  - (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
  - (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
  - (3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
  - (4) The extent to which the proposed amendment may adversely affect adjacent property; and
  - (5) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

There are no criteria listed in the City Code for text amendments to the Subdivision Ordinance.

## **REVIEWS**

*Planning Division Review.* The Draper City Planning Division has proposed these amendments in order to bring City Code into compliance with recent changes in Utah State Code. While City Staff has been conducting reviews and notices as required within the State Code, it is now time to formalize the changes. Planning staff recommends the text amendments be approved.

*Legal Review.* Legal Counsel has reviewed the proposed changes and recommends approval.

*Noticing.* Notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends a positive recommendation to the City Council of a request for text amendments by Draper City, application # 130926-1020E.

This recommendation is based on the following findings:

1. The proposed text amendments meet the requirements set by the State of Utah for municipality review of development.
2. The amendments will increase the types of public noticing, which will in turn increase the accessibility that allow a neighborhood to be not only be notified of a proposed development but to be involved with the approval process of a development.

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the City Initiated LUDMA Text Amendment Request by Draper City for the purpose of bringing the Zoning and Subdivision Codes into compliance with Utah State Code, application # 130926-1020E, based on the findings listed in the Staff Report dated October 2, 2013.

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the City Initiated LUDMA Text Amendment Request by Draper City for the purpose of bringing the Zoning and Subdivision Codes into compliance with Utah State Code, application # 130926-1020E, based on the following findings:”

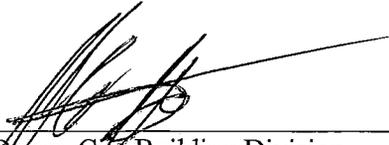
1. List all findings...



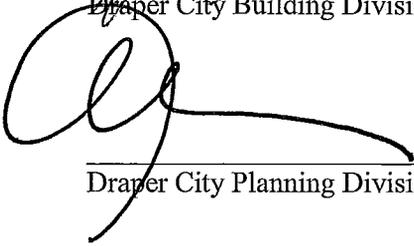
**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

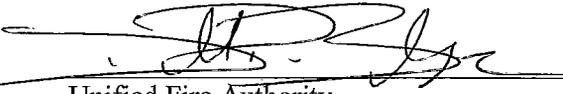
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission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

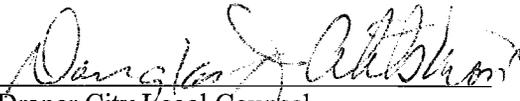
  
\_\_\_\_\_  
Draper City Engineering Division

  
\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Operations Division

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Unified Fire Authority

  
\_\_\_\_\_  
Draper City Legal Counsel

**EXHIBIT A**

**LEGISLATIVE DRAFT**

2013  
LUDMA Text Amendments

**Section 9-5-045 Noticing.** Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions.

(a) Mailing List and Labels. The applicant for a land use application shall provide the Community Development Department with an ~~approved~~ list of all owners of real property located within ~~four hundred (400)~~ feet of the boundary of the subject property, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City ~~in providing to mail~~ the notices, and shall bear sole responsibility to ensure the accuracy of the property owner list.

(b) Applicant Notification. For all land use applications, the City shall ~~be required to~~ give notice to the applicant of the date, time and place of each public hearing and public meeting to consider the application, and of any final action on a pending application.

(c) Notice to Third Parties.

\_\_\_\_\_ (1) For site specific land use applications, the City shall mail notice to the record owner of each parcel within a 400 foot radius of the subject property, and the applicant shall post on the property one ~~(1)~~ City-provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign ~~should~~ shall be posted on a nearby street as determined by the Zoning Administrator. ~~The S~~sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. ~~If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the Zoning Administrator.~~ It shall be the responsibility of the applicant to remove and dispose of the sign(s) within five ~~(5)~~ calendar days of the hearing. Failure to do so shall constitute a violation of this ~~section code~~. Third party property owners who live within the 400 foot radius but outside of Draper City boundaries shall be sent notice equivalent to that sent to property owners within Draper City.

\_\_\_\_\_ (2) The applicant shall submit a signed affidavit of public posting.

\_\_\_\_\_ (3) The affidavit shall include a photograph verifying that the sign has been installed, at least ten days prior to the public hearing.

\_\_\_\_\_ (4) Failure to post the public notice sign and provide the required verification at least ten days prior to the public hearing will cause a delay in the processing of the application, to allow for the required public hearing notice.

\_\_\_\_\_ (5) If the sign is destroyed or damaged the applicant shall replace the sign within twelve hours upon being notified.

(d) Intent to Prepare or Amend General Plan. Before preparing a proposed general plan or general plan amendment the City shall provide ~~10 ten~~ calendar days notice of its intent to prepare or amend the general plan to the following listed entities or persons. Such notice shall comply with the requirements of Utah Code Ann. 10-9a-203, as amended. This notice of intent is to be provided to designated entities or persons before the plan or amendment is prepared to

allow those entities and persons to submit information to the City. Notice of intent shall be provided to:

- \_\_\_\_\_ (1) ~~to Each~~ affected entity (as defined in Section 9-3-040);
- \_\_\_\_\_ (2) ~~to The~~ Automated Geographic Reference Center (as defined in Utah Code Ann. 63F-1-506;
- \_\_\_\_\_ (3) ~~to The~~ association of governments of which the City is a member; ~~and~~
- \_\_\_\_\_ (4) ~~to The~~ State Planning Coordinator (appointed pursuant to Utah Code Ann. 63-38d-202); ~~and~~
- \_\_\_\_\_ (5) on the Utah Public Notice Website.

(e) General Plan Adoption or Amendment. The City shall provide advance notice of the date, time and place for public hearings and meetings regarding a general plan adoption or amendment as follows:

\_\_\_\_\_ (1) The City shall provide notice of the first public hearing to consider the adoption or modification of all or any portion of the general plan at least ~~10~~ ten calendar days before the public hearing. Notice shall be:

- \_\_\_\_\_ (i) ~~P~~ublished in a newspaper of general circulation in the area;
- \_\_\_\_\_ (ii) ~~M~~ailed to each affected entity (as defined in Section 9-3-040);
- \_\_\_\_\_ (iii) ~~P~~osted in at least three public locations within the City ~~and-or, if practical,~~ on the City's website; ~~and~~
- \_\_\_\_\_ (iv) published on the Utah Public Notice Website.

\_\_\_\_\_ (2) The City shall provide notice of each public meeting regarding the adoption or modification of all or any part of the general plan at least 24 hours before the meeting. Notice shall be:

- \_\_\_\_\_ (i) ~~S~~ubmitted to a newspaper of general circulation in the area; ~~and~~
- \_\_\_\_\_ (ii) ~~P~~osted in at least three public locations within the City ~~and-or, if practical,~~ on the City's website; ~~and~~
- \_\_\_\_\_ (iii) published on the Utah Public Notice Website.

(f) Adoption or Amendment of Land Use Ordinance. The City shall provide advance notice of the date, time and place for public hearings and meetings regarding a land use ordinance adoption or amendment as follows:

\_\_\_\_\_ (1) The City shall provide notice of the first public hearing to consider the adoption of any modification of a land use ordinance at least ~~10~~ ten calendar days before the public hearing. Notice shall be:

- \_\_\_\_\_ (i) ~~M~~ailed to each affected entity (as defined in Section 9-3-040);
- \_\_\_\_\_ (ii) ~~P~~osted in at least three public locations within the City ~~and-or, if practical,~~ on the City's website;

\_\_\_\_\_ (iii) ~~P~~ublished in a newspaper of general circulation in the area, or mailed at least ~~10~~ten days before the public hearing to each property owner whose land is directly affected by the land use ordinance change and each adjacent property owner within 400 feet; and

\_\_\_\_\_ (iv) published on the Utah Public Notice Website.

\_\_\_\_\_ (2) The City shall provide notice of each public meeting regarding the adoption or modification of a land use ordinance at least 24 hours before the meeting. Notice shall be: ~~(i)~~ Posted in at least three public locations within the City and or, if practical, on the City's website.

(g) Subdivision Plat Amendment or Approval. The City shall provide advance notice of the date, time and place for public hearings and meetings regarding a proposed subdivision or an amendment to a subdivision as follows:

\_\_\_\_\_ (1) ~~T~~he City shall mail notice of a public hearing to consider a proposed subdivision or an amendment to a subdivision not less than ~~10~~ten calendar days before the public hearing addressed to the record owner of each parcel within 400 feet of the subject property; and

\_\_\_\_\_ (2) ~~N~~ot less than ~~10~~ten calendar days before the public hearing, the applicant shall post on the property one ~~(1)~~ City-provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the Zoning Administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by.

\_\_\_\_\_ (3) ~~T~~he City shall mail notice to each affected entity (as defined in Section 9-3-040) of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.

(h) Plat Amendments that Vacate, Alter or Amend an Existing Street. For any proposal to vacate, alter or amend a platted street, the City shall hold a public hearing and give notice of the date, place and time of the hearing in accordance with the noticing requirements provided in Subsection 9-5-045(g) and additionally:

\_\_\_\_\_ (1) ~~M~~ail notice to each affected entity (as defined in Section 9-3-040);

\_\_\_\_\_ (2) ~~P~~ublish notice once a week for four ~~(4)~~ consecutive weeks before the hearing in a newspaper of general circulation in the City;:

\_\_\_\_\_ (3) ~~C~~omply with all other requirements set forth in *Utah Code Ann.* §§ 10-9a-208, -608 and -609, as amended; and.

\_\_\_\_\_ (4) publish notice on the Utah Public Notice Website.

(i) Adoption or Amendment of Zoning Map. The City shall provide a courtesy notice to each owner of the private real property whose property is located entirely or partially within the proposed map at least ten days prior to the scheduled day of the public hearing. Such notice shall:

- (1) identify with specifically each owner of record of real property that will be affected by the proposed zoning map or map amendment;
- (2) state the current zone in which the real property is located;
- (3) state the proposed new zone for the real property;
- (4) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
- (5) state that the owner of real property may no later than ten days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
- (6) state the address where the property owner should file the protest;
- (7) notify the property owner that each written objection filed with the City will be provided to the City Council; and
- (8) state the location, date, and time of the public hearing.

(ij) Notice of Land Use Applications. The following land use applications shall be noticed at least ~~10~~ten calendar days before the public hearing:

- (1) ~~G~~Pgeneral ~~P~~lan map amendments;
- ~~(2) Zoning map amendments;~~
- (3) ~~C~~Conditional use permits;
- (4) ~~S~~Site plans or site plan amendments; and
- (5) ~~V~~Variances.

(jk) Challenge of Notice. If notice given under authority of this Section is not challenged in accordance with applicable appeal procedures within ~~thirty~~ (30) days after the meeting or action for which notice was given, the notice shall be deemed adequate and proper.

#### **Section 17-1-085      Public Notification.**

(a) Required Notice. Any public hearing required herein shall be scheduled and held by the Zoning Administrator, Planning Commission or City Council, as designated. Required notice of such hearing shall be given as provided for in Section ~~9-5-045~~(g) of the ~~Draper City Municipal~~this Code.

(1) The applicant shall provide the Community Development Department with an approved list of all owners of real property located within ~~four hundred~~ (400) feet of the boundary of the proposed subdivision, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City in ~~providing~~mailing the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list. Subject to the limitations set forth herein, the City will mail notice of the public hearing or meeting to all property owners at least ten days before the date of the hearing or meeting using the list of owners provided by the applicant.

(2) All applicants of a subdivision plan or plat requiring a public hearing or meeting shall be required to post one City-provided sign regarding the public hearing or meeting along each street on which the boundaries of the proposed subdivision has frontage. If the proposed subdivision does not abut a street, then the sign shall be posted on a nearby street as determined and designated by the Zoning Administrator.

(b) Courtesy Notice. Subject to the limitations set forth herein, courtesy notice of any public hearing or meeting may be provided by the City. Any ~~courtesy~~ such notice provided hereunder is intended as a courtesy only and the City shall not be obligated to provide such notice to any person or entity. No error in such mailings or failure of any property owner to receive courtesy notice shall affect the adequacy or sufficiency of the required notice provided in accordance with Subsection (a). As used herein, "courtesy notice" may include any of the following: ~~All applicants of a subdivision plan or plat requiring a public hearing or meeting shall submit to the City at such time as designated by the Community Development Department, a list and pre-addressed stamped envelopes addressed to all property owners of record within four hundred feet (400') of the boundary of the proposed subdivision, as evidenced by the current records of the Salt Lake and/or Utah County Recorder's Office. It shall be the applicant's sole responsibility to ensure that the list of property owners and the pre-addressed stamped envelopes are accurate and complete. Subject to the limitations set forth herein, the City will mail notice of the public hearing or meeting to all property owners at least ten (10) days before the date of the hearing or meeting using the pre-addressed stamped envelopes provided by the applicant. All applicants of a subdivision plan or plat requiring a public hearing or meeting shall be required to post one (1) City-provided sign regarding the public hearing or meeting along each street on which the boundaries of the proposed subdivision has frontage. If the proposed subdivision does not abut a street, then the sign shall be posted on a nearby street as determined and designated by City Staff.~~

- and
- (1) additional noticing beyond the minimum distance required by the code;
  - (2) noticing when it is not otherwise required.

#### **Section 17-3-040      Review.**

(a) The Planning Commission shall review the preliminary plat submittal and determine compliance with the standards and criteria set forth in this chapter and all other ordinances of Draper City, including but not limited to the Land Use Ordinance, General Plan, Master Street Plan, and City Standard Specifications and Design Criteria. ~~Courtesy n~~Notice of the public meeting at which the Planning Commission reviews the proposed preliminary plat shall be provided in accordance with Section 17-1-085. The Planning Commission shall make findings specifying any inadequacy in the application, non-compliance with City regulations, questionable or undesirable design or engineering, and the need for any additional information. The Planning Commission may review all relevant information pertaining to the proposed development including fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service; traffic considerations, and the potential for flooding. The

Planning Commission shall submit its findings and recommendations regarding approval or disapproval of the ~~P~~preliminary ~~P~~plat to the City Council.

(b) The City Council shall review the findings and recommendations of the Planning Commission for the preliminary plat. The City Council may make any modifications to the plat that it considers necessary to comply with this Code.

(c) Granting of preliminary plat approval shall not constitute a final acceptance of the subdivision by the City Council. Approval of the preliminary plat shall not relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

**Section 17-4-060 Review by City Council.** Within a reasonable time following the recommended approval of the final plat by the Zoning Administrator, the final plat shall be submitted to the City Council for its review and consideration. A courtesy notice may be provided for the meeting in accordance with section 17-1-085, but is not required. The City Council shall not be bound by the recommendations of the Zoning Administrator and may set its own conditions and requirements consistent with this Title. If the City Council determines that the final plat is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions as recommended by the City's staff and Zoning Administrator or on the City Council's own initiative, and that the City Council is satisfied with the final plat, it may approve the final plat. If the City Council determines that the final plat is not in conformity with this Title or other applicable ordinances or any reasonable conditions imposed, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the City Council and signed by the Mayor and City Recorder.

**Section 17-8-020 Staff Authority.** ~~In the case of Minor Subdivisions, T~~the Zoning Administrator, or ~~his/her~~ designee ~~in the City,~~ shall have the ability to approve, approve with conditions, or deny a ~~M~~minor ~~S~~subdivision in accordance with the regulations ~~outlined in of this Chapter.~~ Alternatively, the Zoning Administrator may direct that the application follow the standard procedures for subdivision approval, ~~as provided elsewhere in this Title.~~ The applicant may appeal the decision of the Zoning Administrator to the City Council ~~as outlined elsewhere in this Chapter.~~

**Section 17-8-040 Notification.**

(a) The Community Development Department, upon receipt of a complete application for ~~M~~minor ~~S~~subdivision, shall distribute copies of the plan to such ~~government~~ City departments and other agencies or advisors as ~~in the opinion of the Department~~ may contribute to a decision in the best interest of the public.

(b) The applicant shall provide the Community Development Department with an approved list of all owners of real property located within ~~four hundred (400)~~ feet of the boundary of the proposed minor subdivision, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City in ~~providing mailing~~ the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list. The City shall mail notice to the property owners as provided for in Section 9-5-045(g) of ~~the Draper City Municipal Code~~ this Code. Subject to the limitations set forth herein, the City will mail notice of the public hearing or meeting to all property owners at least ten days before the date of the hearing or meeting using the list of owners provided by the applicant.

**17-9-010 Petition for Amendment.**

(a) Any fee owner of property lying within a recorded subdivision plat may petition the City requesting to vacate, alter or amend the subdivision plat. The petition shall include:

- (1) the name and address of all owners of record of the land contained in the entire plat;
- (2) the name and address of all owners of record of land adjacent to or accessed exclusively by or within 400 feet of any street, right-of-way or easement that is proposed to be vacated, altered or amended;
- (3) the signature of each of the owners identified in subsections (1) and (2) who consents to the petition; and
- (4) the ~~appropriate~~ fee as set forth in the Draper City Consolidated Fee Schedule.

(b) The City, on its own initiative, may consider the vacation, alteration or amendment of a subdivision plat. The procedure for such consideration shall be as set out in this Chapter.

**17-9-020 Amendment Procedure.**

(a) Upon receipt of a petition or a proposal to vacate, alter, or amend a subdivision plat, the matter shall be referred to the Planning Commission for a recommendation on the ~~position petition~~ or proposal. The Planning Commission shall give its recommendation within ~~thirty (30)~~ days of receipt of a petition or proposal.

(b) Except as otherwise provided in Subsection (3), the City Council shall hold a public hearing on the proposed plat amendment within ~~forty-five (45)~~ days of receipt of the recommendation of the Planning Commission. Notice of the public hearing shall be given as provided in Section 9-5-045 of ~~this Draper City Municipal Code~~ Code.

(c) Where the plat amendment process is initiated by petition, the City Council, in its discretion, may waive the requirement of a public hearing if:

(1) the proposed plat change does not include the vacation, alteration or amendment of a public street;

(2) no owner within the plat notifies the City of their objection, in writing, within ten (10) days of the mailed notice provided under Section 17-9-020030; and

(3) all owners within the plat have signed the revised plat consenting to the proposed amendment.

**17-9-030 Notice.**

(a) Notice of any proposed plat amendment shall be given as follows:

(1) ~~N~~notice shall be mailed at least ten days before the public hearing to each owner of property located within ~~three hundred feet (3400<sup>2</sup>)~~ feet of the property that is the subject of the proposed plat change, addressed to the owners mailing address appearing on the rolls of the County Assessor.

(2) ~~in addition to the requirements of subsection (1)(a),~~ If the proposed change involves the vacation, alteration or amendment of a public street, notice of the date, place and time of the hearing where the City Council will consider the proposed amendment shall be given at least ten calendar days before the public hearing by as follows:

(i) mailed to the record owner of each parcel that is accessed by the public street, right-of-way or easement; publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in Draper City; or

(ii) mailed to each affected entity as defined in Section 9-3-040; if there is no newspaper of general circulation in Draper City, posting a notice for four (4) consecutive weeks before the hearing in three (3) public places within Draper City.

(iii) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public;

(iv) published in a newspaper of general circulation; and

(v) published on the Utah Public Notice Website.

(3) ~~The notice to be provided under this Section shall include:~~

- ~~\_\_\_\_\_ (i) \_\_\_\_\_ a statement that anyone objecting to the proposed plat change may file a written objection to the change within ten (10) days from the date of the notice;~~
- ~~\_\_\_\_\_ (ii) \_\_\_\_\_ a statement that if no written objections are received by the City Council by the time limit, no public hearing will be held;~~
- ~~\_\_\_\_\_ (iii) \_\_\_\_\_ the date, place and time when a hearing, if one is required to consider the proposed vacation, alteration or amendment of the subdivision plat, will be held.~~

(b) The Petitioner for any proposed plat amendment shall pay the costs for any notices required by this Chapter.

**17-9-040 Grounds for Vacating or Changing a Plat.**

(a) Within ~~thirty~~ (30) days after the public hearing required by this part, the City Council shall consider the proposed plat amendment.

(b) If the City Council is satisfied that neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot within the plat.

(c) The City Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the City. If the approval vacates some or all of a public street, right-of-way, or easement, the approval shall be done by ordinance or amended plat.

(d) The City Council shall ensure ~~that~~ the vacation, alteration, or amendment is recorded in the office of the ~~Salt Lake and/or Utah C~~county ~~R~~ecorder.

**17-9-060 Lot Line Adjustments.** A parcel boundary adjustment or boundary line agreement subject to Utah Code Ann. 10-9a-523 and 10-9a-524, as amended, shall not require review by the City. Petitions to adjust lot lines between adjacent properties within a subdivision may be executed upon the recordation of an appropriate deed if:

- ~~\_\_\_\_\_ (a) \_\_\_\_\_ no new dwelling lot or housing unit results from the lot line adjustment;~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ the adjoining property owners consent to the lot line adjustment;~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ the lot line adjustment does not result in remnant land that did not previously exist; and~~
  - ~~\_\_\_\_\_ (d) \_\_\_\_\_ the adjustment does not result in violation of applicable zoning requirements.~~
- ~~The Zoning Administrator shall review the proposed lot line adjustment prior to recording, to verify that the requirements for zoning compliance have been met.~~