



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

March 20, 2020

To: Draper City Planning Commission
Business Date: April 2, 2020

From: Development Review Committee

Prepared By: Travis Van Ekelenburg Planner II
Planning Division
Community Development Department
801-576-6522, travis.vanekelenburg@draper.ut.us

Re: Restaurant Use Sign TA–Text Amendment Request

Application No.: TEXTMAP-952-2020
Applicant: Justin Grubb, representing YESCO LLC
Project Location: City Wide
Current Zoning: City Wide
Acreage: N/A
Request: Request for approval of a Text Amendment to DCMC Section 9-26-070 regarding restaurant drive-through menu signage.

BACKGROUND AND SUMMARY

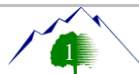
Applicant Justin Grubb with YESCO Sign Company is requesting a Text Amendment change to the Draper City Municipal Code (DCMC) Section 9-26-070 to accommodate more modern upgrades for restaurant drive-through menu boards so they can be digitally operated and controlled throughout the city.

ANALYSIS

General Plan and Zoning.

The proposed Text Amendment will affect properties in various land use categories, but will generally impact commercial areas. While each commercial land use designation has different guiding principles, the General Plan supports economic development by nurturing and supporting established business and fosters a pro-business environment.

While the properties affected by the proposed change will have varied zoning designations, the affected areas will be located in commercial based zones, and other zones that allow for restaurant type uses. The DCMC: 9-8-020 (C) provides the following standard purpose for all commercial zones: “Commercial zones are established to provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses which are vital to the economic base of the city.”



Text Amendment

The applicant states that technology is changing rapidly, and implementing this ordinance Text Amendment will keep businesses that utilize menu signs current with changing technology for their business activity. According to the applicant, this more modern approach to the menu system will enable more ease to switch from their breakfast menu to their lunch menu digitally for example, and creates a greater aesthetic look to their menu system along with making it easier to read for their customers. Please see Exhibit B for Legislative Draft.

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

2. Text Amendments:
 - a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
 - b. Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;
 - c. Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;
 - d. The proposed amendment will not create a conflict with any other section or part of this title or the general plan;
 - e. Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
 - f. The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

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

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a decision based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

The findings for approval as are follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment furthers the specific purpose statements of the zoning ordinance.
3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit.

The findings for denial as are follows:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment does not further the specific purpose statements of the zoning ordinance.
3. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment will create a conflict with other sections or parts of this title or the general plan.
5. The potential effects of the proposed amendment have been evaluated and determined to be detrimental to public health, safety, or welfare and represents an overall community benefit.
6. The proposed text amendment does not implement best current, professional practices of urban planning, design, and engineering practices.

MODEL MOTIONS

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Text Amendment, as requested by Justin Grubb, representing YESCO LLC for the Restaurant Sign Text Amendment, application TEXTMAP-952-2020, based on the findings and subject to the conditions listed in the Staff Report dated March 20, 2020.


Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Text Amendment, requested by Justin Grubb, as representing YESCO LLC for the Restaurant Sign Text, application TEXTMAP-952-2020, based on the findings and subject to the conditions listed in the Staff Report dated March 20, 2020 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Text Amendment, as requested by Justin Grubb, representing YESCO LLC for the Restaurant Sign Text Amendment, application TEXTMAP-952-2020, based on the findings listed in the Staff Report dated March 20,

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT


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

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Draper City Planning Division

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Draper City Fire Department

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Draper City Building Division

EXHIBIT A
DEPARTMENT REVIEWS

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

Planning Division Review.

1. None

EXHIBIT B
LEGISLATIVE DRAFT

9-26-070: PERMITTED ON PREMISES PERMANENT SIGNS

7. Restaurant Uses: Restaurants with drive-through facilities shall be allowed one on site freestanding sign per drive-through lane, in addition to that otherwise permitted by this section, according to the following requirements:

- a. The additional freestanding sign shall be located more than thirty feet (30') from the closest public right of way property line.
- b. The additional freestanding sign shall not be located more than five feet (5') from the drive-through lane.
- c. The maximum area of such sign shall be forty five (45) square feet.
- d. Such sign shall not be taller than seven feet (7').
- e. Such signs shall be illuminated ~~by internal means only~~; internally, backlit or illuminated digitally by means of EMC or LCD subject to requirements in section 9-26-060(G) and the illumination standards found in Section 9-26-090(D)(1)(f), and Section 9-20-040(B).
- f. Such signs shall be identified and accommodated in the approved sign allowance and shall require a sign permit prior to installation.