

Development Review Committee

1020 East Pioneer Road Draper, UT 84020 August 2, 2021

To: Draper City Planning Commission

Business Date: August 12, 2021

From: Development Review Committee

Prepared By: Jennifer Jastremsky, AICP, Planning Manager/Zoning Administrator

Planning Division

Community Development Department

801-576-6328, jennifer.jastremsky@draperutah.gov

Re: <u>Laketown Speed and Sound Phase 3 - Amended Site Plan Request</u>

Application No.: SPR-410-2018

Applicant: John Mueller, representing Laketown Speed and Sound

Project Location: 11710 S State St.

Current Zoning: CC (Community Commercial) Zone Acreage: 0.74 Acres (Approximately 32,234 ft²)

Request: Request for approval of an Amended Site Plan in the CC zone

regarding a parking lot addition and off-site parking

configuration.

BACKGROUND AND SUMMARY

This application is a request for approval of an Amended Site Plan for approximately 0.74 acres located on the west side of State St, at approximately 11710 S State St (Exhibit B). The property is currently zoned CC. The applicant is requesting that an Amended Site Plan be approved to allow for parking lot expansion and off-site parking lot configuration.

The property historically has been vacant, but has been owned by the adjacent business, Laketown Speed and Sound, for a number of years. Laketown Speed and Sound has been in operation since 2003 and located to the south of the subject site. In 2017 the applicant obtained an Amended Site Plan for a parking lot expansion (Phase 2), which extended the front parking lot of Laketown Speed and Sound along the eastern portion of the subject property. That approval did not include a future Phase 3 parking lot expansion, which would provide a parking lot on the remaining portions of the subject site. The applicant constructed the Phase 3 parking at the same time as Phase 2, without City approvals. This



application seeks to obtain the proper City approvals.

ANALYSIS

<u>General Plan and Zoning</u>. The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property (Exhibit C). This category is characterized as follows:

Community Commercial

LAND USE DESCRIPTION	N .
CHARACTERISTICS	 Includes the full scope of commercial land uses that require and utilize exposure to the freeway Intended to be traveler-or commuter-oriented and should provide lodging, food, personal services and other similar uses Frontage roads Deeper setbacks for landscaping and enhancements Limited traffic access points Visual unity Uniform design standards and aesthetics Access to individual properties should be provided only from frontage roads Well landscaped street frontages Limited traffic access points for the site Common off-street traffic circulation and parking areas Pedestrian access from surrounding residential areas
LAND USE MIX	 Large-scale, master-planned commercial centers Big-box stores and offices
COMPATIBLE ZONING	Community Commercial (CC) General Commercial (CG) Interchange Commercial (CI) Institutional Care (IC)
LOCATION	Strategically placed along high-traffic corridors with convenient points of traffic access to and from residential areas

The property has been assigned the CC zoning classification (Exhibit D). According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the CC zone is to "provide areas where commercial uses may be established which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development." The property abuts the CC zoning to the north and south, and the CR (Regional Commercial) zone to the east. To the west is the I-15 corridor.

<u>Site Plan Layout</u>. The applicant is approval for 44 new parking spaces within the Phase 3 area of the site (Exhibit F). The parking lot is accessed from the rear of the Laketown Speed and Sound building and is enclosed by a 6-foot tall vinyl fence.



Landscaping and Lot Coverage. The site includes two detention ponds, one to the west and one to the south of the parking lot. A condition of approval has been included which requires the applicant to provide verification that the installed orifice size and snout match that called for on the plans. Landscaping has also been provided along the north of the parking lot. The current improvements do not comply with the DCMC in regards to landscape islands within the parking rows. The applicant will need to add two additional landscape islands. The landscape plan shows these islands, and a condition of approval has been included in this report. (Exhibit G)

<u>Parking</u>. The applicant is proposing a parking lot with 44 parking spaces. Four of those spaces would be utilized by Laketown Speed and Sound, with the rest used as off-site parking for the property to the South, Canyon Crest (Exhibit E). Prior to installation of the Phase 3 improvements, Laketown Speed and Sound had 27 parking stalls. Some stalls needed to be removed in order to provide access to the Phase 3 improvement area. With the remaining 21 parking spaces, and the additional 4 spaces in Phase 3, the site will have 25 total parking spaces. The amended site plan application was received by the City prior to the City modifying DCMC Section 9-25-090(A). This code sections sets the allowed min/max range for parking at 10%. The code in place at the time of application allowed a 25% min/max range. The allowed min/max parking range for Laketown Speed and Sound is 22-36 parking spaces.

Canyon Crest is a medical office development that includes two building. The Canyon Crest property, while in compliance with DCMC in place at the time of approval, has struggled with a lack of parking. When the property was originally developed it was required to have 185 parking spaces. Under the DCMC at time of amended site plan application, they would be required to have a min/max range of 243-405 stalls. With the additional 40 stalls proposed for the off-site parking, this would bring the total stalls available to the site to 235, and alleviate some of the parking congestion.

<u>Off-Site Parking.</u> Chapter 25 of the DCMC makes provisions for the Planning Commission to authorize the use of off-site parking areas. DCMC Section 9-25-050(B) states:

- "B. Off Site Parking: Where practical difficulties exist in providing on site parking or if public safety, convenience, or both, would be better served by locating parking on a separate lot or parcel, the planning commission may authorize such off site parking subject to the following conditions:
- 1. Required parking spaces reserved for persons with disabilities shall not be located in an off site parking area;
- 2. Off site parking areas shall be located in the same or a more intensive zone which applies to the property where the use served is located;
- 3. No off site parking space shall be located more than six hundred feet (600') from a public entrance of the use served, measured along the route of the shortest practical walking distance;



- 4. Off site parking shall not be separated from the principal use by a street right of way of a collector or arterial class;
- 5. Availability of each off site parking area shall be assured by an agreement reviewed and accepted by the city which requires at least the following:
 - a. The parking area shall be continuously available unless an alternative parking area is provided;
 - b. All parking spaces shall be available without charge; and
 - c. All parking spaces shall be available perpetually to all uses utilizing the parking; and
- 6. Before approving any off site parking area, the planning commission must find that such parking is conveniently usable without causing unreasonable:
 - a. Hazard to pedestrians;
 - b. Hazard to vehicular traffic;
 - c. Traffic congestion;
 - d. Interference with safe and convenient access to other parking areas in the vicinity;
 - e. Detriment to the appropriate use of any business in the vicinity; and
 - f. Detriment to any residential neighborhood."

The applicant has provided a lease agreement for the off-site parking with the Canyon Crest property owner (Exhibit H). This agreement has a 99 year timeframe and allows the parking to be utilized by Canyon Crest. The off-site parking complies with the standards found in DCMC Section 9-25-050(B). It is not more than 600-feet from the building entrances, separated from the parking by a collector or arterial street, is located within the same zoning district, and does not include any of the required handicapped parking for Canyon Crest.

<u>Previous Conditions of Approval</u>. The Zoning Administrator approved an Amended Site Plan for Phase 2 on May 25, 2017, and placed the following conditions on the approval:

- 1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
- 2. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
- 3. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings on the site.
- 4. That all requirements of the Draper City Planning Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
- 5. Outdoor overnight storage of vehicles, equipment, supplies, parts or inventory is prohibited.
- 6. This Amended Site Plan approval does not permit Phase 3. Phase 3 shall



- require separate application, review, and approval.
- 7. No signage has been approved with this Amended Site Plan. Separate sign permits shall be required.

<u>Criteria For Approval</u>. The criteria for review and potential approval of an Amended Site Plan request is found in Section 9-5-090(E) and (H) of the DCMC. This section depicts the standard of review for such requests as:

- E. Standards For Approval: The following standards shall apply to the approval of a site plan:
- 1. The entire site shall be developed at one time unless a phased development plan is approved.
- 2. A site plan shall conform to applicable standards set forth in this title, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.
- 3. The proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the zone district in which the site is located.
- 4. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.
 - 5. The proposed development plans comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of this code, including traffic, storm water drainage, and utilities concerns.
- H. Amendments: Except as may be provided for in this section, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:
 - 1. Alteration or expansion of an approved site plan may be permitted by the Zoning Administrator upon making the following findings:
 - a. The proposed use is consistent with uses permitted on the site;
 - b. Existing uses were permitted when the site plan was approved, or have received a conditional use permit;
 - c. The proposed use and site will conform to applicable requirements of this Code;
 - d. The proposed expansion meets the approval standards of subsection E of this section;
 - e. The site can accommodate any change in the number of people on the site or any change in impact on surrounding infrastructure; and
 - 2. If the Zoning Administrator cannot make the findings required in this subsection H, the amended site plan may only be approved by the Planning Commission. The Planning Commission may only approve an amended site



- plan after a public hearing that complies with all requirements of this code, including section 9-5-045.
- 3. If the Zoning Administrator can make all findings required in this subsection H the Zoning Administrator may approve the proposed amendment without a public hearing and without notice.
- 4. Properties that do not conform to the standards found within this code may be required to come into compliance, subject to the standards in 9-6-040, 9-6-050, 9-6-060, and 9-6-070 of this title.

REVIEWS

<u>Planning Division Review</u>. The Draper City Planning Division has completed their review of the Amended Site Plan submission. Comments from this division, if any, can be found in Exhibit A.

<u>Engineering and Public Works Divisions Review</u>. The Draper City Engineering and Public Works Divisions have completed their reviews of the Amended Site Plan submission. Comments from these divisions, if any, can be found in Exhibit A.

<u>Building Division Review</u>. The Draper City Building Division has completed their review of the Amended Site Plan submission. Comments from this division, if any, can be found in Exhibit A.

<u>Fire Division Review</u>. The Draper City Fire Marshal has completed his review of the Amended Site Plan 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.

If the Planning Commission decides to approve the request, staff recommends they include the following conditions of approval:

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.



- 2. Verify orifice size and snout match plans at storm drain on south end of the property.
- 3. Drainage report indicates that both orifices in the Canyon Crest development are required to be changed.
- 4. Outdoor overnight storage of vehicles, equipment, supplies, parts or inventory is prohibited.
- 5. Install the parking lot landscape islands as shown in the landscape plans.
- 6. The off-site parking stalls available for adjacent property utilization is limited to 40 parking spaces.

The findings for approval as are follows:

- 1. The proposed amended site plan complies with the standards found in DCMC Section 9-5-090(E) and (H).
- 2. The proposed off-site parking complies with the standards found in DCMC Section 9-25-050(B).

The findings for denial as are follows:

- 1. The proposed amended site plan does not comply with the standards found in DCMC Section 9-5-090(E) and (H).
- 2. The proposed off-site parking does not comply with the standards found in DCMC Section 9-25-050(B).

MODEL MOTIONS

Off-Site Parking

Sample Motion for Approval – I move that we approve the Off-Site Parking, as requested by John Mueller, representing Laketown Speed and Sound for Laketown Speed and Sound Phase 3 Amended Site Plan, application SPR-410-2018, based on the findings and subject to the conditions listed in the Staff Report dated August 2, 2021.

Sample Motion for Modified Approval– I move that we approve the Off-Site Parking, as requested by John Mueller, representing Laketown Speed and Sound for Laketown Speed and Sound Phase 3 Amended Site Plan, application SPR-410-2018, based on the findings and subject to the conditions listed in the Staff Report dated August 2, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Off-Site Parking, as requested by John Mueller, representing Laketown Speed and Sound for Laketown Speed and Sound Phase 3



Amended Site Plan, application SPR-410-2018, based on the findings listed in the Staff Report dated August 2, 2021.

Amended Site Plan

Sample Motion for Approval – I move that we approve the Amended Site Plan, as requested by John Mueller, representing Laketown Speed and Sound for Laketown Speed and Sound Phase 3 Amended Site Plan, application SPR-410-2018, based on the findings and subject to the conditions listed in the Staff Report dated August 2, 2021.

Sample Motion for Modified Approval– I move that we approve the Amended Site Plan, as requested by John Mueller, representing Laketown Speed and Sound for Laketown Speed and Sound Phase 3 Amended Site Plan, application SPR-410-2018, based on the findings and subject to the conditions listed in the Staff Report dated August 2, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Amended Site Plan, as requested by John Mueller, representing Laketown Speed and Sound for Laketown Speed and Sound Phase 3 Amended Site Plan, application SPR-410-2018, based on the findings listed in the Staff Report dated August 2, 2021.



DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Draper City Public Works Department	Draper City Planning Division
Draper City Fire Department	Draper City Legal Counsel
Draper City Building Division	

EXHIBIT A DEPARTMENT REVIEWS

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

<u>Planning Division Review.</u>

1. The off-site parking request will help elevate parking congestion at surrounding business.

Engineering and Public Works Divisions Review.

- 1. Verify orifice size and snout match plans at storm drain on south end of the property. *Provide memo with site pictures to verify installed orifice is to plan.*
- 2. Drainage report indicates that both orifices in the Canyon Crest development are required to be changed. Verify existing orifice sizes in Canyon Crest development. *Provide memo with site pictures to verify installed orifices are to plan.*

EXHIBIT B AERIAL MAP



EXHIBIT C LAND USE MAP

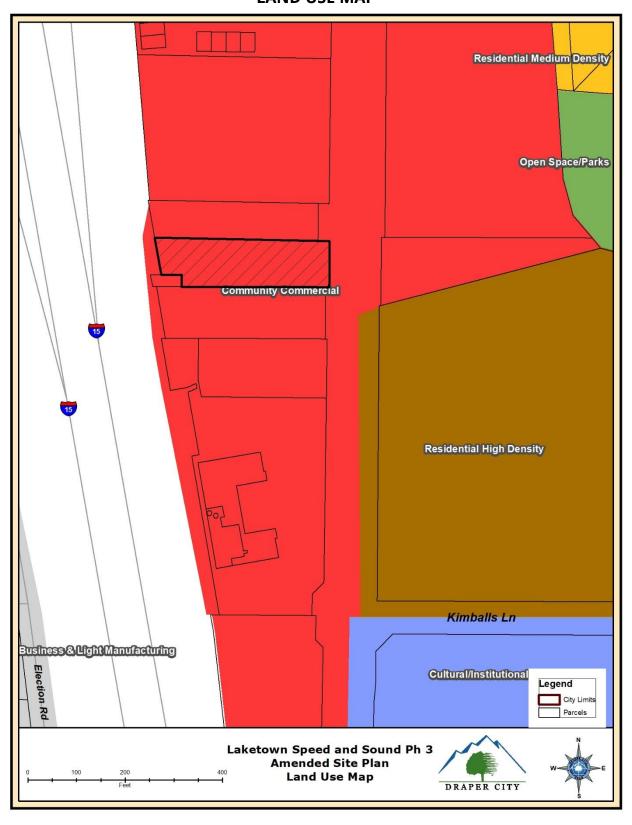


EXHIBIT D
ZONING MAP

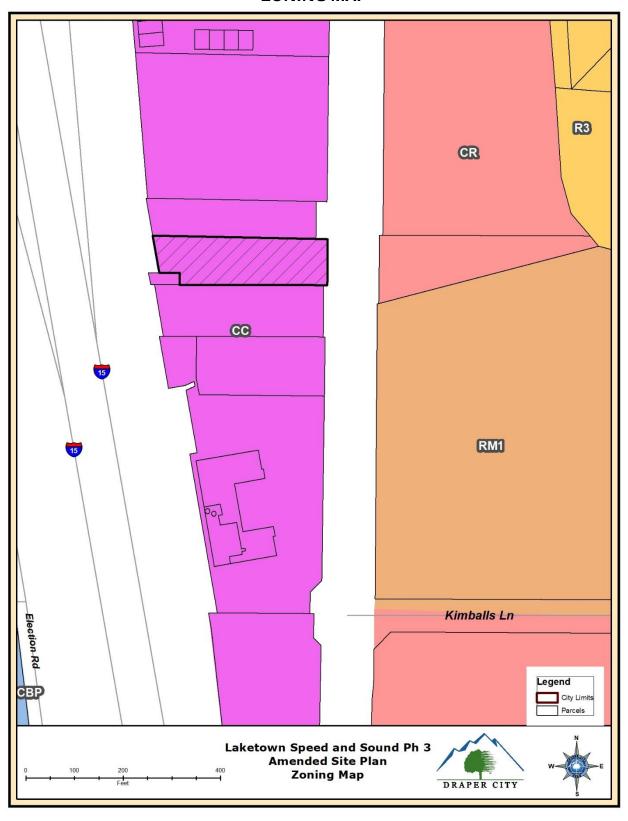


EXHIBIT E SHARED PARKING MAP



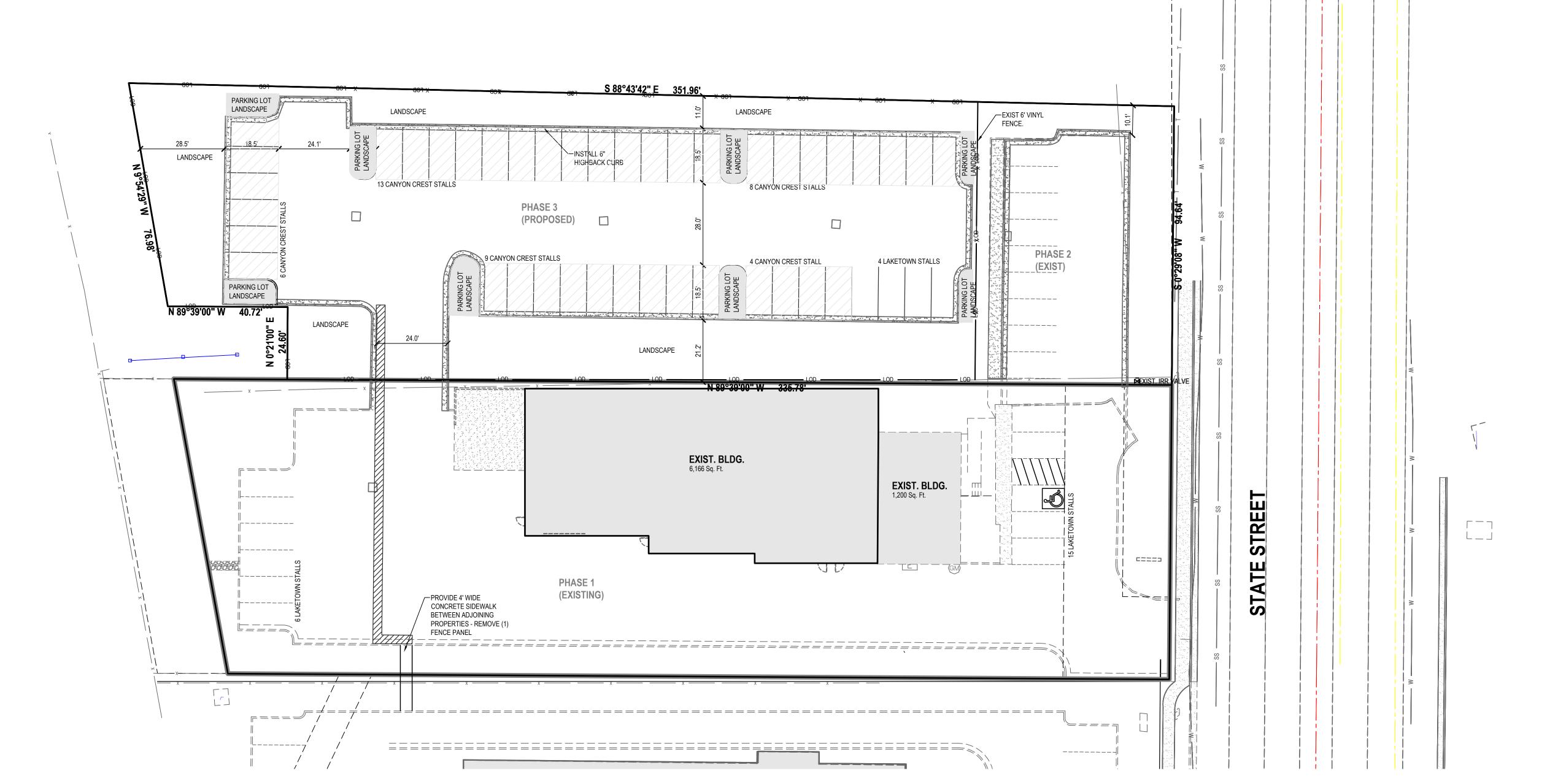
EXHIBIT F SITE PLAN



BENCHMARK

THE SOUTHEAST CORNER OF SECTION 24 TOWNSHIP 3 SOUTH, RANGE 1 WEST SLB&M

ELEVATION = 4449.57



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.

- 2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
- 3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
- 4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
- 5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT
- 6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
- 7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

ENS	IGN
THE STANDARD	IN ENGINEERING

SALT LAKE CITY 45 W. 10000 S., Suite 500 Sandy, UT 84070 Phone: 801.255.0529

LAYTON Phone: 801.547.1100

TOOELE Phone: 435.843.3590 CEDAR CITY Phone: 435.865.1453 RICHFIELD

Phone: 435.896.2983

WWW.ENSIGNENG.COM

TATE STREET , UTAH

PHASE 3 SITE SUMMARY TABLE		
DESCRIPTION	AREA (SF)	PERCENTAGE
AVEMENT	15,878	60%
OOF	0	0%
ANDSCAPING	10,404	40%
OTAL SITE	26,282 0.75 ACRES	100%
ITERIOR ANDSCAPE	1,137	7.1%

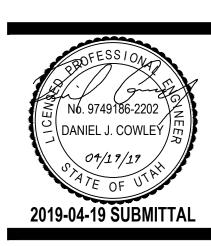
PARKING DATA TABLE - LAKETOWN		
ORIGINAL STANDARD STALLS	19	
NEW STANDARD STALLS	4	
HANDICAP-ACCESSIBLE STALLS	2	
TOTAL STALLS	25	
ALLOWABLE RANGE	22-36	

PARKING DATA TABLE - CAN	IYON CREST
ORIGINAL STALLS	195
PROPOSED LEASED STALLS	40
TOTAL STALLS	235
ALLOWABLE RANGE	243-405

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(IN FEET) HORZ: 1 inch = 20 ft.





PRINT DATE 1/20/20 5409A CHECKED BY

D. COWLEY PROJECT MANAGER C. DUNCAN

EXHIBIT G LANDSCAPE PLAN



BENCHMARK

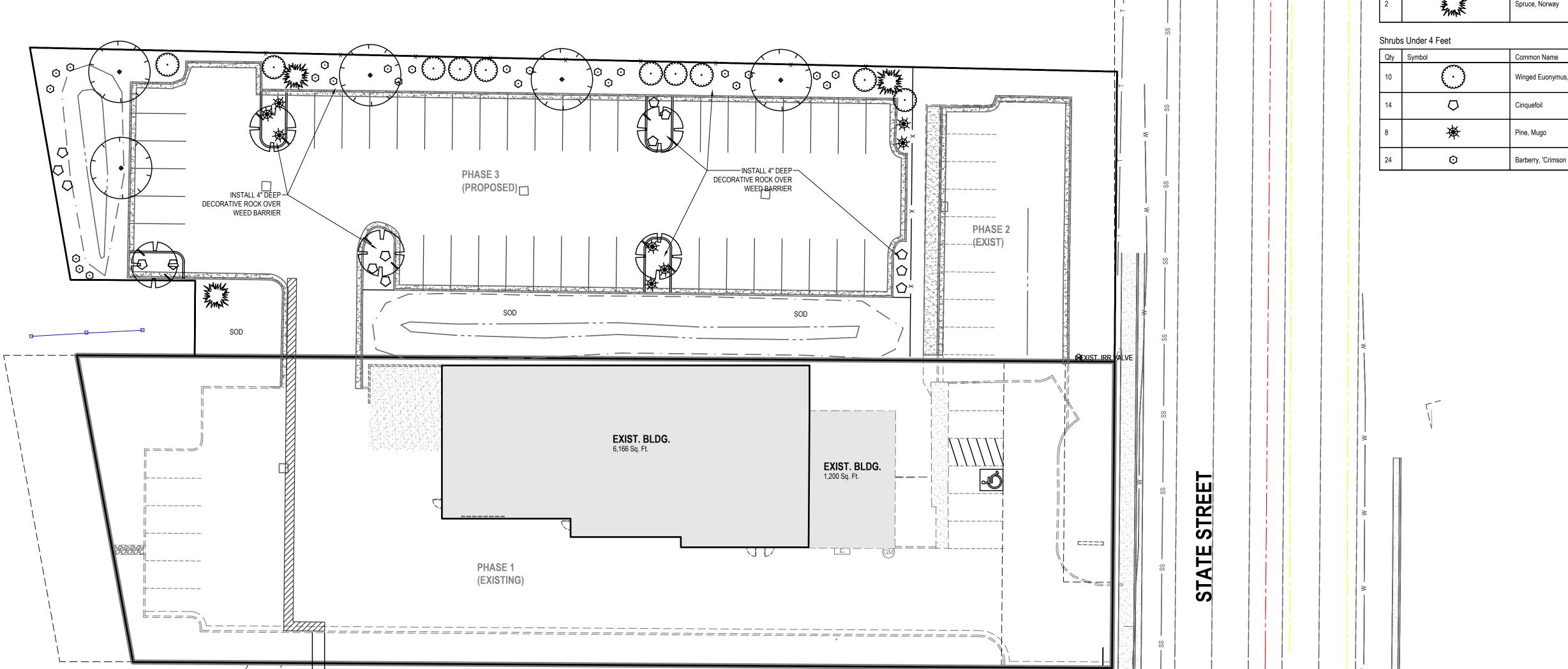
THE SOUTHEAST CORNER OF SECTION 24 TOWNSHIP 3 SOUTH, RANGE 1 WEST SLB&M

ELEVATION = 4449.57



Trees	rees					
Qty	Symbol	Common Name	Botanical Name	Plant Size		
5		Pear, Callery 'Callery Pear'	Pyrus calleryana 'Capital'	2 to 2 1/2		
5	•	Maple, Norway	Acer platanoides 'Fairview'	2 to 2 1/2		
2	EMILE STANKE	Spruce, Norway	Picea abies 'Cupressina'	72 inch		

Qty	Symbol	Common Name	Botanical Name	Plant Size
10	\odot	Winged Euonymus, Dwarf	Euonymus alatus 'Compacta'	5 Gallon
14	\Diamond	Cinquefoil	Potentilla fruticosa 'Abbotswood'	5 Gallon
8	*	Pine, Mugo	Pinus mugo 'Compacta'	5 Gallon
24	©	Barberry, 'Crimson Pygmy'	Berberis thunbergii atropurpurea nana	5 Gallon



LAKETOWN SPEED AND SOUND
PARKING LOT EXPANSION
11706 SOUTH STATE STREET
DRAPER, UTAH

ENSIGN

THE STANDARD IN ENGINEERING

SALT LAKE CITY

45 W. 10000 S., Suite 500

Sandy, UT 84070

LAYTON

TOOELE

Phone: 801.255.0529

Phone: 801.547.1100

Phone: 435.843.3590

CEDAR CITY Phone: 435.865.1453

RICHFIELD Phone: 435.896.2983

WWW.ENSIGNENG.COM

2019-04-19 SUBMITTAL

LANDSCAPE PLAN

PROJECT NUMBER
5409A

DRAWN BY
D. COWLEY

PROJECT MANAGER
C. DUNCAN

L-100

HORIZONTAL GRAPHIC SCALE

20

0
10
20

(IN FEET)
HORZ: 1 inch = 20 ft.

EXHIBIT H PARKING AGREEMENT

PARKING SPACE RENTAL AGREEMENT

I. **The Parties**. This agreement dated May 31st 2018 is by and between John and Vickie Enterprises LLC with a mailing address of 11710 SOUTH STATE STREET, DRAPER, Utah, 84020 (Hereinafter known as the 'Lessor') and Canyon Crest Medical with a street address of 11762 s state street, DRAPER, Utah, 84020 (Hereinafter known as the 'Lessee') for forty five (45) parking spaces located at 11610 s state, draper, Utah, 84020.

Other Details: Parking Spaces will be painted with Blue lines indicating the spaces to be left exclusively for the lessee and its tenants. should signage or additional markings be necessary to indicate the parking spaces described, it will be allowed by the land owners so long as the cost(s) assigned are assumed by the Lessee and its tenants. No such signage will be allowed on the building structure bordering the leased parking spaces.

Access: will be granted to the Parking Spaces from the Easement located on the West side of the Building located at 11710 s state street. Ingress and Egress to and from the parking lot will be allowed at: State Street and 11710 s state, Draper Utah 84020.

Maintenance: The lessee agrees to share 50 percent of the cost of maintenance and upkeep related to the Access of the Parking. This costs are inclusive of but not limited to: Snow Removal, Asphalt seal coating every 3 years, and repair necessary to provide safe and reasonable access to the Parking Lot located at 11610 s state street. The lessee also agrees to assume liability for any damage or injury caused by it tenants as they enter or leave the premises.

Liability: The lessor hereby removes himself of any liability to persons or vehicles sustaining injury or damage during storage of vehicles or while entering or exiting the property located at 11610 s state or 11710 s state street. Nor will the Lessor assume any responsibility for Vehicles found to be left overnight at any time or for any reason. This is inclusive of theft, damage, or any activity related to storage of the vehicle and its contents. Security cameras and monitoring is provided by John and Vickie Enterprises LLC at no charge and footage of activity in the parking lot area will be available up to 30 days if needed by the Lessee.

Extended storage: Any vehicle found to be left for a period greater than 3 days will be towed and impounded at the cost of the vehicle's owner.

Access and Improvements: Access to the south most Fence line and grass area located at 11710 s state anywhere along the Western portion of the property is also hereby granted and will be allowed for upgrade, alteration or improvements necessary to provide safe and reasonable access to the lessee and its tenants. Any gates, walkways or alterations necessary for such access will be assigned to the Lessee and (or) its tenants.

II. **Term**. The tenancy shall be on available in perpetuity.

This agreement begins on August 1st 2018 and ends August 1st 2018 and ends

III. Rent. The payment of rent by the Lessee to the Lessor shall be due on the first (1st) of every month in the amount of \$ (US Dollars). Payment shall be delivered to the Lessor by the Lessee in the following manner: 45 Parking spaces at 80\$ per space monthly equaling 3600\$ PER MONTH

Lease options: Will be based on comparable rates and fair market value. The rate shown will be guaranteed for a period of 12 months. Any increase/decrease will be assessed annually and will not exceed 10 percent per anum.

- IV. **Subletting**. The Lessee is not allowed to sublease (sublet) the space without the direct written consent from the Lessor.
- V. Current Registration & Insurance. Lessee may only use the space for vehicles that are up-to-date with all State and local registration. In addition, all vehicles must maintain current with insurance that is legal under the State of registration.
- VI. **Maintenance**. Lessee is required to keep the vehicle in good repair and free of hazardous leaks of oils or liquids. No repairs of any type are allowed on the parking space and, if needed, must be towed to a location that allows such activities.
- VII. **Use of Space & Damage**. The use of the space may only be for the parking of a vehicle that is owned/leased by the owner. No storage of personal property may be allowed in the space. Lessor is not liable for any damage done to the vehicle or personal property taken from it. All liability to the vehicle and personal property will be the sole responsibility of the Lessee.

VIII. Governing Law. This agreement shall be governed under the laws in the State of Utah.

This agreement was signed on May 2 2018.

Lessor's Signature_

John and Vickie Enterprises LLC

Lessee's Signature ____ Canyon Crest Medical