

**Meeting Handouts**

**For**

**Item 4**

**Liberty Point CUP**

Untitled

November 26, 2014

Re: App. # ~~140929-122275~~

Liberty Point Conditional Permit Request

Dear Ms. Jastremsky,

We live on the bluff in the area that is above the planned unit. My main concern is the unstable sandy area behind my house. We fight the battle on a regular basis to keep the sand/dirt in our yard and not sliding down the hill behind our fence. If the project goes forward, what assurances do we have that the hill will be stabilized so that this problem will be addressed. When Walgreen and the rest of the businesses were built the hill was cleared up to the middle of our neighbors house and the area behind our house was not disturbed. Now these new plans are going three houses past ours. Is there going to be a retainer wall built to keep our property protected? My other concern is, we know it is mentioned how tall the building is going to be, but is that going to block the views that I have from my back yard and if so how will that effect my property value.

We realize that we live in another city and that we have no control whether or not this project will go forward. We feel these concerns are important. We are planning on attending the meeting on the 4th, hoping that these issues will be addressed. Forgive me for the late letter but I just recieved this notice on Tuesday November 25th and I am responding as soon as we were able.

Dave & Sue Budden  
12253 Nicklaus Rd.  
Sandy, Ut. 84092  
801-553-3481



**From:** [TOM M MARSTON](#)  
**To:** [Jennifer Jastremsky](#)  
**Cc:** [docmarilyn@yahoo.com](#); [cbvalentine@me.com](#); [pandamama@digis.net](#); [ssf3@yahoo.com](#);  
[alodder@comcast.net](#); [tullbobbi@comcast.net](#)  
**Subject:** Proposed Liberty Point Development Concerns  
**Date:** Monday, December 1, 2014 3:19:24 PM

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Dear Ms. Jastremsky,

Thank you again for your helpfulness in obtaining the geotechnical report for Liberty Point for review. I appreciate the opportunity to contribute comments and concerns related to the proposed development of Liberty Point. I am particularly concerned about this development as a resident of the Bluff, which lies directly above and north of the property of interest. Given recent slope stability problems within developed communities along the Wasatch Front, I believe a more thorough examination of any development that proposes to cut the toe of an existing high grade slope is a necessary responsibility of the developer and/or municipality. As the public is already aware, slopes that were deemed geologically and structural sound, failed during recent high precipitation events to the detriment of both indirectly and directly affected landowners. These events destroyed physical property and adjacent land values, but they also smeared the reputation and competence of responsible community land planners and developers. In this regard, I believe that all parties involved in the Liberty Point development should demand a more thorough geotechnical investigation. The residents that would be affected by slope failure on the Bluff deserve to have this information.

After reviewing the report by Wilding Engineering, Inc., titled "Geotechnical Engineering Report: Mixed Use Development for Property Location: Lot 4B, 4C and 4D-2 Draper Gate Drive Near 1300 East Draper Parkway, Draper, UT 84020", I find a generally thorough examination of the soil type and static soil characteristics for the proposed development. A major piece of investigation for this development is missing from this report: any type of slope stability assessment. Under part 8.2.3 Cut and Fill, Wilding states that part of the proposed development plans for cuts into the hillside which has are greater than 30% grade. The report recommends that if the cutting will occur, a slope analysis will be required. Why has a slope stability model not be run for this development site? After reviewing renderings by Architectural Nexus for Liberty Point and for the previous AvanTerre development, it is clear that significant cutting will occur on the toe of the greater than 30% slope that lies below the Bluff. The results of such a simulation would be essential to any development that is proposing to cut into the hillside.

At this point, given the investigations that have been performed on the geologic conditions that exist in the proposed development boundary, there is not enough information to answer whether or not the site is appropriate for mixed use development. I believe a slope stability model and assessment are a minimum since every development that has been

proposed plans on significant slope cutting. Given recent local events relating to slope failures, a more thorough investigation of slope above Liberty Point is a logical and responsible direction forward in considering this development.

Tom and Colleen Marston  
Bluff Residents

## Jennifer Jastremsky

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**From:** Vicki Lee [Pandamama@digis.net]  
**Sent:** Monday, December 1, 2014 9:30 PM  
**To:** 'TOM M MARSTON'; Jennifer Jastremsky  
**Cc:** docmarilyn@yahoo.com; cbvalentine@me.com; ssfx3@yahoo.com; alodder@comcast.net; julibobbi@comcast.net  
**Subject:** RE: Proposed Liberty Point Development Concerns

Great points Tom. Hope that the committee will take your expertise in the geotechnical aspect into consideration and look into the cut and slope. Good luck and appreciate all the hard work and comments into helping to not have these built.

Vicki

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**From:** TOM M MARSTON [<mailto:georockman@msn.com>]  
**Sent:** Monday, December 01, 2014 3:19 PM  
**To:** [jennifer.jastremsky@draper.ut.us](mailto:jennifer.jastremsky@draper.ut.us)  
**Cc:** [docmarilyn@yahoo.com](mailto:docmarilyn@yahoo.com); [cbvalentine@me.com](mailto:cbvalentine@me.com); [pandamama@digis.net](mailto:pandamama@digis.net); [ssfx3@yahoo.com](mailto:ssfx3@yahoo.com); [alodder@comcast.net](mailto:alodder@comcast.net); [julibobbi@comcast.net](mailto:julibobbi@comcast.net)  
**Subject:** Proposed Liberty Point Development Concerns

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Thank you again for your helpfulness in obtaining the geotechnical report for Liberty Point for review. I appreciate the opportunity to contribute comments and concerns related to the proposed development of Liberty Point. I am particularly concerned about this development as a resident of the Bluff, which lies directly above and north of the property of interest. Given recent slope stability problems within developed communities along the Wasatch Front, I believe a more thorough examination of any development that proposes to cut the toe of an existing high grade slope is a necessary responsibility of the developer and/or municipality. As the public is already aware, slopes that were deemed geologically and structural sound, failed during recent high precipitation events to the detriment of both indirectly and directly affected landowners. These events destroyed physical property and adjacent land values, but they also smeared the reputation and competence of responsible community land planners and developers. In this regard, I believe that all parties involved in the Liberty Point development should demand a more thorough geotechnical investigation. The residents that would be affected by slope failure on the Bluff deserve to have this information.

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Tom and Colleen Marston  
Bluff Residents

**Meeting Handouts**

**For**

**Item 6**

**Soccer City CUP**

Dear Planning Commission:

I visited Draper City Hall and spoke to Jennifer Jastremsky, the city planner presenting the Soccer City request for a change of conditional use permit. She gave me a copy of the conditional use permit dated October 7, 2010 that is currently in effect.

Current permit dated October 7, 2010:

- #3 – That there shall be no games on Sunday.
- #4 – That hours of operation are 8:00 am to 11 pm Monday through Thursday, and 8:00 am to midnight Friday and Saturday.
- #5 – That the facility shall be used for no purpose other than indoor sports and recreation.

Requested changes:

- #1 – remove the prohibition on Sunday operation
- #2 – extend operating hours
- #3 – allow for permitted uses within the PI zone to also be allowed on the property.

My concerns are: The Olsens "promised" they would never be open on Sundays. I am very disappointed they are requesting this change, thus breaking the promise. I wish to keep Sunday as a quiet, relaxed day without loud voices, car doors slamming and cars revving their engines as they drive up the steep street at Soccer City.

If the proposed Sunday attendance is as busy as Saturdays, the traffic will be highly increased on 700 W. There are 3 wards that use the LDS Building on the corner of 700 W. and 11400 S. and their busy traffic pattern is approximately 8:30 am to 4:30 pm. The driveways for Soccer City and the church are very close and there is/will be congestion. Saturday traffic and parking is extreme on 700 W. as there is not enough parking within Soccer City and the participants park up and down 700 W. on both sides, drive to 11500 S. to turn around and block the road. They cause inconvenience to the residents living in the area as well as drivers driving on 700 W.

The agreement states Soccer City will be closed at 11:00 pm Monday through Thursday nights and 12:00 pm on Friday & Saturday nights. Soccer City is not keeping the agreed times. Most weekday nights the lights are still on in Soccer City at 12:30 am to 1:00 am. Late night voices of participants are loud as they leave the building and converse and walk to their cars. If Soccer City is not willing to keep the 11:00 pm "lights out" at this time, how much are they going to break the rules if they are changed?

I do not have any objections to change the #3 item, as long as the times for "lights out" are kept and I do want to see written in the agreement that alcoholic beverages can not be brought on the premises for receptions, parties, etc.

I do want Soccer City to be successful and remain viable. But it must consider the sensitivity of being in a quiet, residential neighborhood.

Sincerely,

Judy Player  
763 W 11560 S  
Draper, UT 84020

801-571-2810  
jplayer@xmission.com

November 26, 2014

Jennifer Jastremsky, AICP Planner II  
Draper City Community Development Department  
1020 East Pioneer Road  
Draper, UT 84020

RE: Soccer City Utah, LLC Conditional Use Permit  
Application #: 141028-757W

Dear Ms. Jastremsky,

Thank you for providing additional information over the phone a few days ago. I appreciated the time you spent.

I disagree with amending the conditions of the existing Conditional Use Permit for Soccer City. A great deal of time and energy were expended a few years ago to solidify the original conditions and I do not see enough information in the current request to make an informed decision or justify any changes.

- 1 – What hours of operation is the applicant expecting to operate on Sunday. Soccer City is next to a church and Sunday is a very busy traffic day at the intersection of 700 W and 11400 S.
- 2 – What hours does the applicant plan on being open when the request is for 'extend operating hours'.
- 3 – I do not understand the third request. Is he requesting that PI zone conditions apply to RM1 and R3 zoned areas adjacent to the property?

Thanks for your consideration,



Kathy Waddell  
744 W 11560 S  
Draper, UT 84020

**From:** [sriffkin@aim.com](mailto:sriffkin@aim.com)  
**To:** Jennifer Jastremsky  
**Subject:** Soccer City re-application for Conditional Use Permit, hearing December 4, 2014  
**Date:** Monday, December 1, 2014 4:54:13 PM

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Regarding this request, please circulate this to Planning Commissioners. I am unable to attend Thursday.

I believe the building should be used on Sundays. However, there is already a significant safety issue regarding the lack of parking. An emergency vehicle may not be able to access the participants if called. When church is in session Sunday there will be serious conflicts with Soccer City. To be open Sunday, Soccer City must build 60 new parking spaces and should carry out a parking study to see if changing game times, carpooling, drop off zones, etc. can be implemented to improve safety and reduce demand.

There should not be any extension of hours of opening at Soccer City and existing rules must be adhered to. Our neighborhood was opposed to Soccer City being built in its midst. We have not had any benefits but have been harmed. Later hours cater only to non-family players and we are a community of families which quiet down at 10 pm.

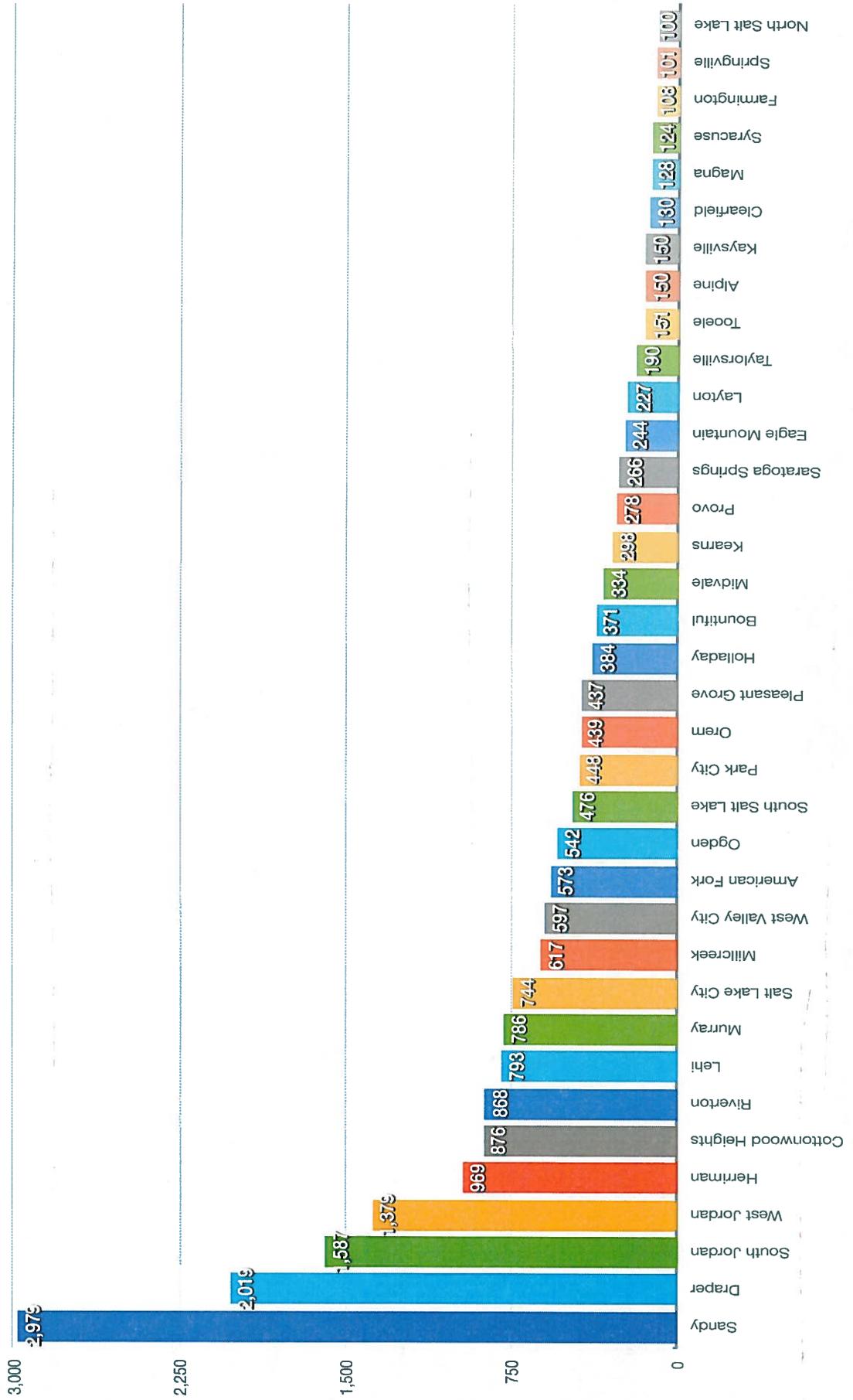
Thank you,

Suellen Riffkin  
11607 South 700 West  
Draper

**Meeting Handouts**  
**For**  
**Item 6**  
**Soccer City CUP**  
**(Provided by Applicant)**

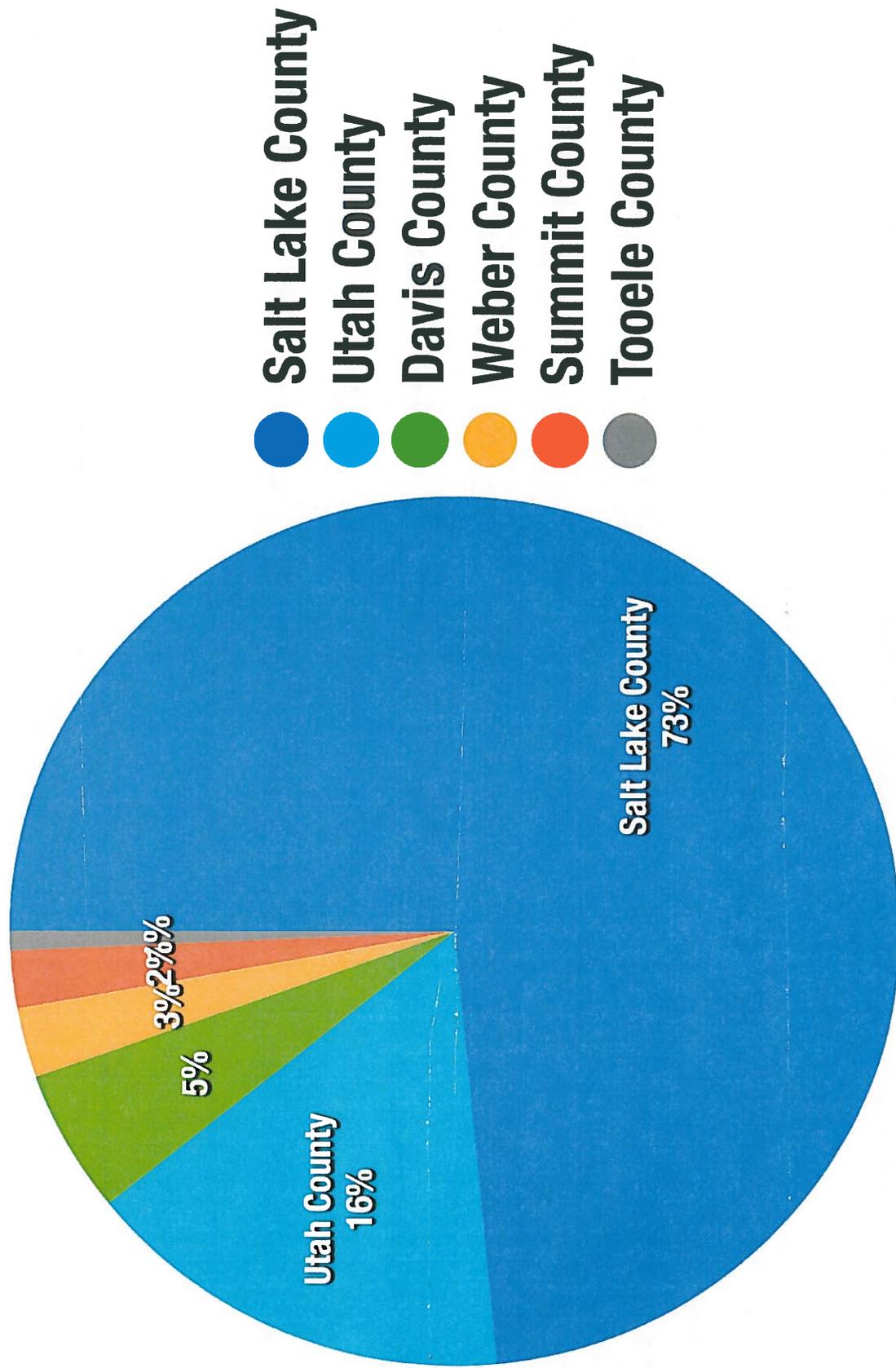


# CITY DEMOGRAPHICS



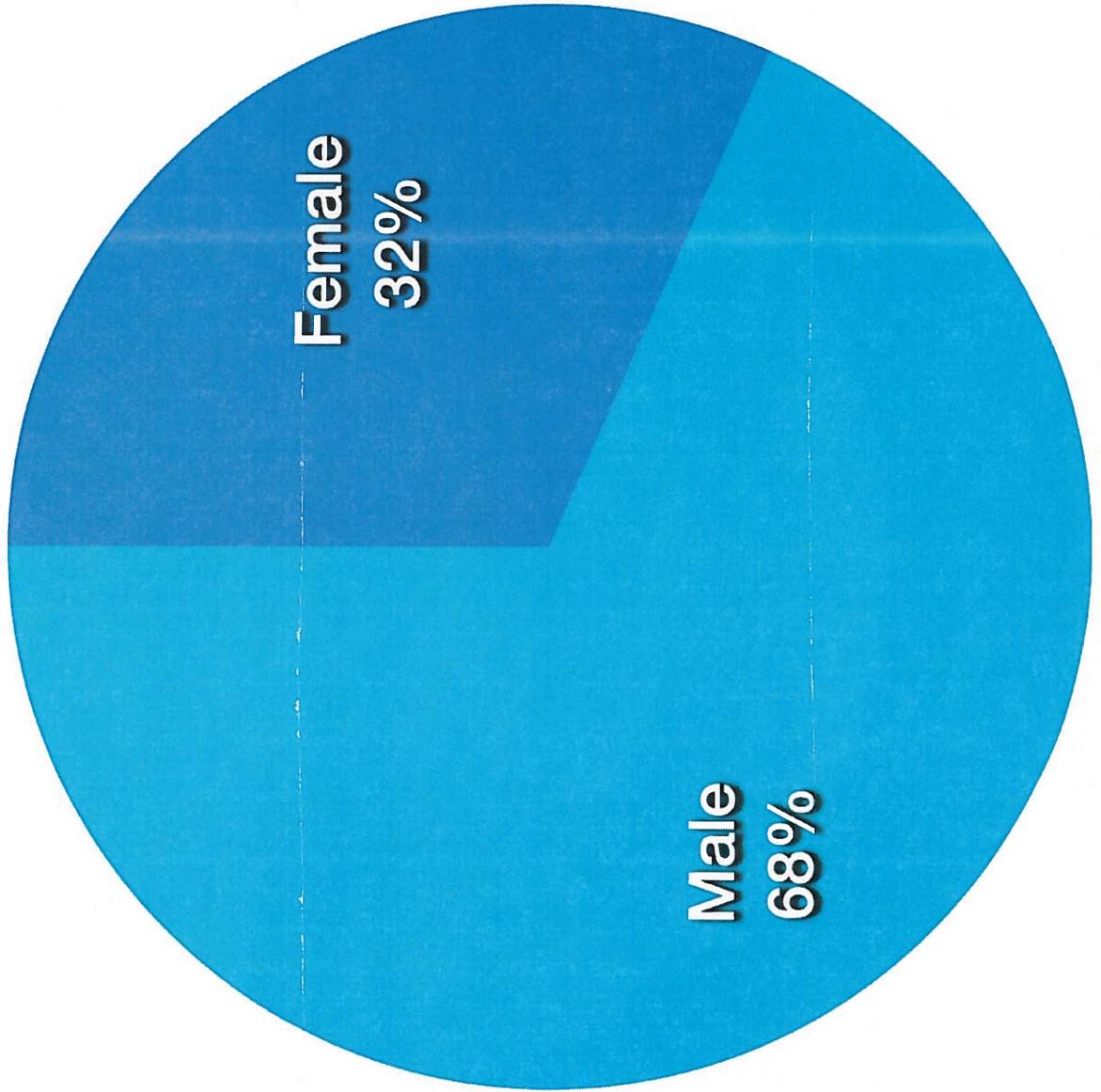


# COUNTY DEMOGRAPHICS



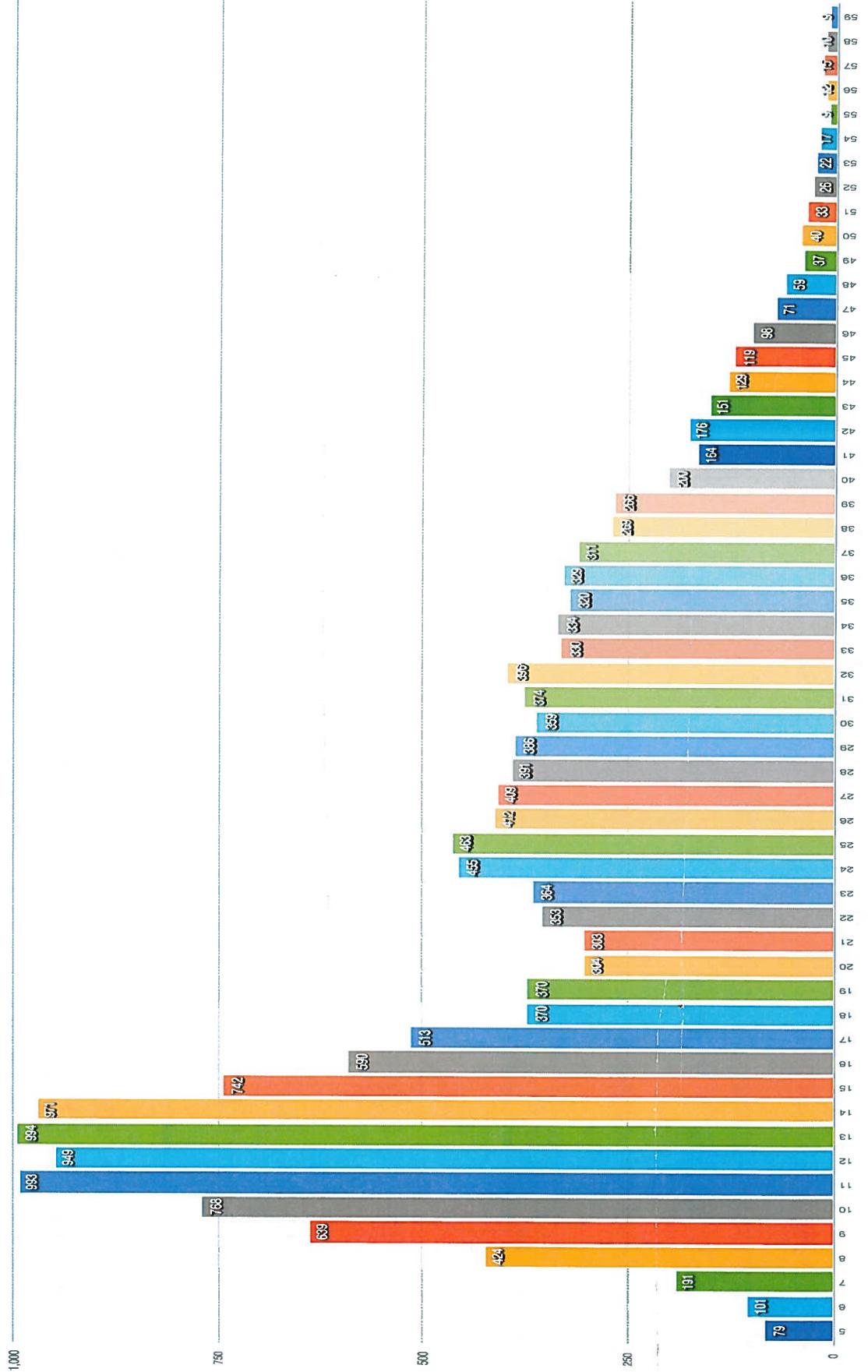


# GENDER DEMOGRAPHICS





# AGE DEMOGRAPHICS



## Field Salt Lake

Day Date & Time	Field	Division	Home Team	Visitor Team	Result
Tue 11-25-14 04:35 PM	1	HSCOED	<u>NET WETTERS</u>	<u>OVERDRIVE</u>	8 - 8
Tue 11-25-14 05:20 PM	1	M7	<u>BOOM GOES THE DYNAMITE</u>	<u>PLACE HOLDER</u>	6 - 1
Tue 11-25-14 06:10 PM	1	M7	<u>GV JUGGLERS</u>	<u>HOOLIGANS</u>	14 - 9
Tue 11-25-14 07:00 PM	1	M1	<u>LATINOS FC</u>	<u>FC BOSNA</u>	4 - 12
Tue 11-25-14 07:50 PM	1	M4	<u>ATLETICO SL</u>	<u>JUMPING BEANS F.C.</u>	7 - 2
Tue 11-25-14 08:40 PM	1	M2	<u>INTIMIDATING ELIMINATORS</u>	<u>FC CATAN</u>	13 - 5
Tue 11-25-14 09:30 PM	1	M1	<u>INFERNO</u>	<u>RIGHTEOUS FURY</u>	10 - 5
Tue 11-25-14 10:20 PM	1	M1	<u>SPECIAL K</u>	<u>SAMBA YO MAMMA</u>	3 - 5
Tue 11-25-14 11:10 PM	1	M5	<u>MONSTARS</u>	<u>REAL MADRID</u>	3 - 11

## Field Utah (WX)

Day Date & Time	Field Division	Home Team	Visitor Team	Result
Tue 11-25-14 07:00 PM	2 W1WX	<u>WX FORMERLY IN SHAPE ALLSTARS</u>	<u>PURPLE MINIONS</u>	5 - 4
Tue 11-25-14 07:50 PM	2 M3WX	<u>WX RELAX BRO</u>	<u>ROCKNROLLERS</u>	9 - 2
Tue 11-25-14 08:40 PM	2 W2WX	<u>MANIPULATION</u>	<u>THE SOCCER SISTERS</u>	8 - 4
Tue 11-25-14 09:30 PM	2 M1WX	<u>WX CARDIAC KIDS</u>	<u>HOLLY PHOENIX</u>	5 - 0
Tue 11-25-14 10:20 PM	2 M1WX	<u>HOLLY PHOENIX</u>	<u>THUMBS UP SITUATION</u>	0 - 5
Tue 11-25-14 11:10 PM	2 M2WX	<u>DAH CLAP</u>	<u>ROSE PARK FC</u>	6 - 2

## Field Gardner Village Left

Day Date & Time	Field Division	Home Team	Visitor Team	Result
Tue 11-25-14 04:35 PM 3	HSBA	<u>IMPACT 1</u>	<u>SPARTA 00 KC</u>	8 - 3
Tue 11-25-14 05:20 PM 3	M2	<u>FURANO</u>	<u>PINK FLAMINGOS</u>	15 - 7
Tue 11-25-14 06:10 PM 3	M2	<u>ELITE</u>	<u>TIGERS</u>	10 - 5
Tue 11-25-14 07:00 PM 3	M1	<u>MUTINY</u>	<u>REAL BEERS FC</u>	4 - 5
Tue 11-25-14 07:50 PM 3	M4	<u>SLIS FC FOOT</u>	<u>TEAM SKINNY</u>	2 - 6
Tue 11-25-14 08:40 PM 3	M3	<u>WEST UNITED</u>	<u>EL VALLE</u>	8 - 9
Tue 11-25-14 09:30 PM 3	M6	<u>TOOFUN</u>	<u>RIO</u>	6 - 8
Tue 11-25-14 10:20 PM 3	M6	<u>LUXE FC</u>	<u>DYNAMIC</u>	6 - 8
Tue 11-25-14 11:10 PM 3	M7	<u>HORSE FORCE FC</u>	<u>UNKNOWN</u>	8 - 8

## Field Gardner Village Right

Day Date & Time	Field	Division	Home Team	Visitor Team	Result
Tue 11-25-14 04:35 PM	4	HSCOED	<u>GNARNIA</u>	<u>MURRAY FC</u>	17 - 5
Tue 11-25-14 05:20 PM	4	M4	<u>BLACK PANTHERS</u>	<u>THE ALCOHOLICS</u>	8 - 6
Tue 11-25-14 06:10 PM	4	M5	<u>MAN CHEST HAIR FC</u>	<u>PAST OUR PRIME</u>	5 - 7
Tue 11-25-14 07:00 PM	4	M3	<u>BEAVERS</u>	<u>SAPPHIRE KINGS</u>	3 - 8
Tue 11-25-14 07:50 PM	4	M6	<u>WSC FC</u>	<u>KICKING THE HABIT</u>	2 - 7
Tue 11-25-14 08:40 PM	4	M5	<u>FLS GOLD 1</u>	<u>TEAM SCHWAB</u>	6 - 3
Tue 11-25-14 09:30 PM	4	M2	<u>FREESTYLERS</u>	<u>FLS COPPER 2</u>	12 - 11
Tue 11-25-14 10:20 PM	4	M3	<u>WEST DEVILS</u>	<u>CARLIES ANGELS</u>	4 - 6
Tue 11-25-14 11:10 PM	4	M5	<u>BOMCOM</u>	<u>AJAX UTAH FC</u>	9 - 1

## Field Salt Lake

Day Date & Time	Field Division	Home Team	Visitor Team	Result
Mon 12-01-14 05:25 PM 1	HSBJV1	<u>SPARTA BOYS 00KS</u>	<u>AMERICA UNITED</u>	3 - 5
Mon 12-01-14 06:10 PM 1	ME	<u>CHELSEA</u>	<u>CLEARLINK</u>	9 - 9
Mon 12-01-14 07:00 PM 1	MC	<u>ZLC FC LMNOP</u>	<u>DIOMEDES</u>	5 - 7
Mon 12-01-14 07:50 PM 1	MD	<u>KICK BLOCK</u>	<u>BERLIN 2</u>	9 - 8
Mon 12-01-14 08:40 PM 1	MD	<u>REEBOK PUMPS</u>	<u>SLIS SUPREME</u>	5 - 0
Mon 12-01-14 09:30 PM 1	MB	<u>JUST DO WHATEVER</u>	<u>YARRUM</u>	0 - 5
Mon 12-01-14 10:20 PM 1	MA	<u>CUGINI</u>	<u>DIABLOS</u>	8 - 10
Mon 12-01-14 11:10 PM 1	MB	<u>REAL BIMMER</u>	<u>YARRUM</u>	4 - 7

## Field Utah (WX)

Day Date & Time	Field Division	Home Team	Visitor Team	Result
Mon 12-01-14 06:10 PM	2 M2WX	<u>RON SWANSON</u>	<u>HOLLY PHOENIX</u>	5 - 0
Mon 12-01-14 07:00 PM	2 W1WX	<u>JUGS</u>	<u>WIMPS</u>	1 - 7
Mon 12-01-14 07:50 PM	2 M1WX	<u>VIKINGS</u>	<u>THUMBS UP SITUATION</u>	3 - 4
Mon 12-01-14 08:40 PM	2 W2WX	<u>THE SOCCER SISTERS</u>	<u>A TALE OF TWO MEATBALLS</u>	0 - 3
Mon 12-01-14 09:30 PM	2 M2WX	<u>ROSE PARK FC</u>	<u>EPIC</u>	8 - 10
Mon 12-01-14 10:20 PM	2 M3WX	<u>PULLED HAMMIES</u>	<u>WX RELAX BRO</u>	7 - 6
Mon 12-01-14 11:10 PM	2 M1WX	<u>VIRGA</u>	<u>B.F.D</u>	8 - 8

## Field Gardner Village Left

<b>Day Date &amp; Time</b>	<b>Field Division</b>	<b>Home Team</b>	<b>Visitor Team</b>	<b>Result</b>
Mon 12-01-14 06:15 PM 3	HSBJV1	<u>BLITZ</u>	<u>BLUE KNIGHTS</u>	5 - 3
Mon 12-01-14 07:00 PM 3	MB	<u>THE LOANERS</u>	<u>SLE</u>	4 - 6
Mon 12-01-14 07:50 PM 3	MC	<u>THE BALL BOIS</u>	<u>THE OG'S</u>	7 - 9
Mon 12-01-14 08:40 PM 3	MB	<u>GRAVY TRAIN</u>	<u>RANGERS</u>	6 - 10
Mon 12-01-14 09:30 PM 3	MC	<u>KNUCKLEHEADS</u>	<u>MEAT TORNADO</u>	4 - 3
Mon 12-01-14 10:20 PM 3	MA	<u>FRENCH TOAST MAFIA</u>	<u>FC SANDWICH</u>	5 - 10
Mon 12-01-14 11:10 PM 3	ME	<u>BRAZA GRILL BULLS</u>	<u>OUTKASTS</u>	7 - 6

## Field Gardner Village Right

<b>Day Date &amp; Time</b>	<b>Field Division</b>	<b>Home Team</b>	<b>Visitor Team</b>	<b>Result</b>
Mon 12-01-14 06:15 PM 4	HSBV	<u>EBOLA</u>	<u>DREAM TEAM</u>	3 - 10
Mon 12-01-14 07:00 PM 4	MC	<u>BLUE DARTS</u>	<u>SAVAGE SERVICES</u>	9 - 5
Mon 12-01-14 07:50 PM 4	ME	<u>MURRAY PARK RANGERS</u>	<u>TIDE WITH BLEACH</u>	1 - 6
Mon 12-01-14 08:40 PM 4	MD	<u>RANLIFE</u>	<u>ACTION FC</u>	2 - 1
Mon 12-01-14 09:30 PM 4	MB	<u>REAL BIMMER</u>	<u>PREVAIL D</u>	11 - 2
Mon 12-01-14 10:20 PM 4	MA	<u>BILBO BAGGINS</u>	<u>MOS-EISLEY</u>	6 - 7
Mon 12-01-14 11:10 PM 4	ME	<u>TEAM ELI</u>	<u>GOENGINEER</u>	10 - 4

**Meeting Handouts**

**For**

**Item 7**

**Carlquist Rezone**

**From:** [Dennis Workman](#)  
**To:** [Jennifer Jastremsky](#)  
**Subject:** FW: Carlquist rezone hearing  
**Date:** Thursday, December 4, 2014 7:59:52 AM

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**From:** John Reynolds [mailto:John.Reynolds@ALSGlobal.com]  
**Sent:** Wednesday, December 3, 2014 7:13 PM  
**To:** Dennis Workman  
**Subject:** Carlquist rezone hearing

Dennis,

I have talked to Mr. Ryan Bottom personally and sent him some ideas by email as to what I think the potential of that wetlands portion is. He agreed, and explained what he was doing under advice from a wetlands specialist. We had a good discussion. After our discussion, I have no further concerns at the moment. Accordingly, I support the commission if it chooses to grant a rezone from RA1 to R3.

I am sending this email because I am getting backlogged at work and need to stay at work rather than to show up personally at the hearing.

Thanks for helping us get in touch with each other.

John Reynolds

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**Meeting Handouts**  
**For**  
**Item 7**  
**Lone Peak Business Park**  
**Minor Subdivision**

# KIRTON | McCONKIE

Loyal C. Hulme  
lhulme@kmclaw.com  
801.323.5913

December 4, 2014

**VIA E-MAIL and HAND DELIVERY**

Jennifer Jastremsky  
AICP Planner II  
Draper City Community Development Department  
1020 East Pioneer Road  
Draper, Utah 84020

**Re: Application No.: 140926-12044S, Lone Peak Business Park Minor Subdivision Request;**

**Objections to the Approval of a Minor Subdivision in the CSD-LP (Lone Peak Commercial Special District) Zone Regarding an Industrial Subdivision, Located at 12044 South Lone Peak Pkwy (the "WPD Property").**

Dear Ms. Jastremsky:

We write on behalf of our client, Charter Starter 1, LLC ("Adjacent Owner"), to object to the approval of the minor subdivision as proposed by Price Logistics Draper, LLC to be considered in a meeting of the Planning Commission on December 4, 2014. Adjacent Owner owns four acres of undeveloped property north of, and directly adjacent to, the WPD Property. We urge this Planning Commission to deny the minor subdivision application because the subdivision as proposed fails to "conform to the City's standards and ordinances." See Draper City Municipal Code ("Municipal Code" or "DCMC") Section 17-5-020.

**I. The Subdivision as Proposed Illegally Deprives Adjacent Owner of Street Access.**

The Planning Commission should deny the minor subdivision application because the proposed subdivision violates street access provisions of the Municipal Code. The Municipal Code requires that "transportation facilities **shall** be provided in the subdivision" and that "**the subdivider may be required to dedicate, grant easements over or otherwise reserve land for...public ways.**" DCMC Section 17-1-050(c) (emphasis added).

**A. The proposed subdivision violates Municipal Code.**

The Planning Commission should deny the subdivision application because the streets in the proposed subdivision do not allow Adjacent Owner to efficiently subdivide its parcel, as required by Municipal Code. Municipal Code Section 17-5-030(a) requires that “[i]f the adjoining land is zoned for residential use, streets **shall** be located so that the adjacent land may be most efficiently subdivided.” (emphasis added). The subdivision, as proposed, bars Adjacent Owner from efficiently subdividing its parcel for residential use because it cuts off street access that is necessary for future residential subdivision. The proposal also limits and harms other property owners to the north.

Contrary to the Staff Report, Adjacent Owner’s parcel has not yet been subdivided for development. While it has been subdivided from a 20 acre parcel into three separate parcels, it has not yet been subdivided into residential lots. The initial 20 acre subdivision created three lots, including Adjacent Owner’s parcel. The east parcel bordering Lone Peak Parkway is undeveloped and belongs to the original owner. The center parcel was developed into a charter school. The west parcel, owned by Adjacent Owner, is four acres of undeveloped property zoned as R-3 for residential use. The R-3 zone allows single family lots of 13,000 square feet (DCMC Table 9-10-3) and this parcel may potentially be subdivided into more than ten lots. Under the applicant’s proposal, Adjacent Owner could not subdivide its parcel for single family residences because of the lack of street access to the parcel. City Staff has admitted that the temporary access road along the north, as it currently exists, is not adequate for developing Adjacent Owner’s property as a residential subdivision which is currently allowable by law. Foreclosing the possibility for an adjacent parcel’s residential development violates the Municipal Code which requires that streets “shall be located so that adjacent land may be most efficiently subdivided.” *See* DCMC Section 17-5-030(a).

Under the existing conditions, alternative road access to Adjacent Owner’s parcel is not feasible. Currently a temporary private driveway cuts across the undeveloped parcel bordering Lone Peak Parkway and the center parcel which has been developed as a charter school. The private driveway was intended as a secondary access to Adjacent Owner’s parcel and does not allow Adjacent Owner to efficiently subdivide its property for single family residences as allowed by its zoning classification. Adjacent Owner is relying and has relied on the fact that Draper City would enforce its Municipal Code and require the future extension of 11950 South Street in accordance with the requirements of the Municipal Code for primary access when applicant’s subdivision was sought.

Moreover, Adjacent Owner cannot gain access to its parcel by building another public road; the existing public roads (Election Road to the north and 11950 South Street to the south) are too close together under Draper City’s Master Transportation Plan to allow another public road connecting to Lone Peak Parkway. The Municipal Code is intended to protect adjoining landowners with residentially-zoned property to preserve their ability to develop their land for future residential use. The proposed subdivision violates the Municipal Code because it would prevent Adjacent

Owner from efficiently developing its parcel in the future as currently zoned. As you are aware, a key function of Draper City's intended purpose is "[t]o provide for harmonious and coordinated development of the City and to assure sites suitable for building purposes and human habitation." See DCMC Section 17-1-020(e). For the reason stated in this Section, approval of this proposal would be arbitrary and capricious and would violate Draper City's Municipal Code.

Therefore, Draper City should deny the proposed application and implement its rights under DCMC Section 17-1-050(c) to require the applicant to provide for adequate access to the Adjacent Owner's parcel and the properties to the north of the subdivision.

**B. The proposed subdivision violates Draper City's Municipal Code by failing to provide adequate cross access between "any and all affected developments and/or properties."**

The proposed subdivision does not provide the cross access required by the Municipal Code to Adjacent Owner's parcel and should be denied by the Planning Commission. The Municipal Code requires that subdivision of this nature must provide "adequate cross access ... *between any and all affected developments and/or properties.*" DCMC Section 17-5-020(b) (emphasis added).

The proposed subdivision map shows 11950 South Street stopping short of Adjacent Owner's parcel and continuing as a private road ending in a cul-de-sac along the east side of the proposed Lot 2 of the WPD Property. The Staff Report asserts that continuation of 11950 South Street is not required because cross access is provided through a private road system in the industrial park. However, the Municipal Code requires cross access between "**any and all affected developments and/or properties,**" not just the owners and tenants of an industrial park, or other private development. Adjacent Owner's directly adjacent property is an affected property under the Municipal Code since the discontinuation of 11950 South Street cuts off "adequate cross access" to the parcel. Therefore, in order to comply with Municipal Code the Planning Commission must deny the minor subdivision application and require "adequate cross access" to Adjacent Owner's parcel. Failure to do so is a violation of the Municipal Code.

**II. The Proposed Subdivision Illegally Creates a Lot that is Incapable of Development.**

**A. Lot 3 of this proposed subdivision is illegal, and therefore, this Application must be denied as a matter of law.**

The proposed subdivision must be denied because it creates a lot incapable of development in violation of the Municipal Code. See DCMC Section 17-5-020(a). The Municipal Code requires that "[a]ll subdivisions should result in the **creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due**

to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.” DCMC Section 17-5-020(a) (emphasis added).

The proposed subdivision creates four lots including two buildable lots (Lots 1 and 2), a lot that will contain access to a well (Lot 3), and a lot for a private roadway (Lot 4). Lot 3, the access parcel for the well, is a .11 acre strip that ranges from 7.46 feet wide to 15.24 feet wide and is 590.84 feet long. The Staff Report states, “[g]iven the shape of the property, it could be considered a protection strip.” While the Staff Report attempts to defend the creation of Lot 3 by asserting that “[t]here is nothing within the Draper City Municipal Code that prohibits the creation of a protection strip,” the Municipal Code prohibits the creation of lots incapable of being developed due to their irregular shape and size, such as Lot 3 in the proposed subdivision. See DCMC Section 17-5-020(a). Therefore, the Planning Commission should deny the proposed subdivision because it violates the Municipal Code that requires lots created by subdivision to be capable of being built upon.

**B. Even if Lot 3 was not illegal as a matter of law, it should be denied for public policy reasons.**

The creation of “protection strips” or other lots incapable of being developed is poor public policy and can create negative unintended future consequences as Draper City has already experienced. As you know, one of Draper City’s roles in planning and land use is to protect the land development rights of all property owners and allowing “protection strips” (or unbuildable lots that function as protection strips) can, among other negative impacts, favor certain property owners with access and development opportunities at the expense of other owners and Draper City. Many municipalities in Utah and throughout the United States simply prohibit “protection strips” by name. While Draper City’s Municipal Code does not specifically state “protection strips” are prohibited, it does prohibit the creation of remnant or unbuildable lots. The creation of irregular, unbuildable lots discourages the efficient use of property, can limit the development opportunities for neighboring parcels, provides one owner an ability to apply undue influence over future development, and/or cause inefficient, harmful or unsafe conditions and/or ramifications to adjacent owners. Further the creation of such lots, can thwart Draper City’s ability to utilize good planning techniques without resorting to its eminent domain power (which cities generally don’t like to implement.)

If approved, the “protection strip” proposed here as Lot 3, would, among many other negative impacts, have the effect of diminishing safety by causing a large volume of traffic to access the arterial Lone Peak Parkway from a driveway rather than at the existing traffic signal at 11950 South Street. The creation of Lot 3 in its current form is contrary to the requirements of Section 17-5-020(a), making it illegal and, therefore, it must be denied.

We have already seen this same applicant seek to thwart good planning through the use of a disputed “protective strip” on the north side of 11950 South Street. As you are aware, Draper City

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rushed to install the traffic signal at 11950 South and Lone Peak Parkway before the nearby charter school opened in the fall of 2013 in order to maximize traffic safety. Draper City's efforts were then stymied because the applicant of this subdivision denied access across the disputed "protective strip" after he provided Draper City with the necessary easements for power to the traffic signal.

Therefore, as described above, the proposed creation of Lot 3 must be denied as illegal. Further, before any further subdivision applications by this applicant in this area are approved, we urge Draper City to require as a condition of approval, a reasonable resolution to the disputed protection strip described above and arguably in existence. A requirement by Draper City that the applicant simply dedicate the disputed protective strip to the City could eliminate the arguments and existing problem.

### CONCLUSION

In conclusion, for all of the reasons described above, the Planning Commission must deny the proposed subdivision application unless it is modified to conform to the existing provisions of the Municipal Code and other requirements, described herein. Cost-effective adjustments to the proposed subdivision could be made to address the problems with the proposed subdivision application to make it legal without negatively impacting or delaying the proposed industrial development. For example, widening 11950 South Street by 10 feet and dedicating it as a public road along the north side of the industrial park and the south side of adjacent properties would provide street access to Adjacent Owner and other nearby property owners without substantially impacting the proposed subdivision. We remain willing to work with the applicant to address these issues.

If you have any questions or would like to discuss this matter, please do not hesitate to contact me.

Very truly yours,

KIRTON McCONKIE



Loyal C. Hulme

cc: Mayor Troy Walker (email only)  
David Dobbins (email only)  
Doug Ahlstrom (email only)