



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, February 13, 2013	04:00 PM	<b>File No:</b>	2	8	2	7	8	
<b>Applicant Name:</b>	Ryan Taylor for Owner	<b>Request:</b>	Conditional Use						
<b>Description:</b>	Amended Site Plan for an RV Repair Bay Addition and Exception from CG&S								
<b>Location:</b>	4001 South State St. (the east of building adjacent to 200 East)								
<b>Zone:</b>	C-3 Regional Commercial	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Not yet received								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

Ryan Taylor of Upland Development, on behalf of Motor Sports Land, is requesting approval of a Conditional Use Permit to amend their existing site plan. The applicant is proposing an approximate 9,000 sq. ft. addition at the rear of the property adjacent to 200 East. The addition is for additional RV repair bays.

The proposed building is approximately 25 feet tall to the top of the parapet. It is proposed to have 6 bays with overhead doors. It is proposed to be approximately 7,600 square feet and set back 29 feet from property line, 21 feet from 8-foot deep landscaping buffer shown on the plan.

The applicant is also requesting an exception from requirements to install curb, gutter and sidewalk along 200 East adjacent to the subject property.

**1.2 Hearing Body Action**

This item is on the Planning Commission agenda for review and approval of the following:

- 1) Preliminary Site Plan Amendment;
- 2) Recommendation to the Mayor regarding exception to eliminate the requirement to install Curb, Gutter and Sidewalk;

The use of the subject property as an RV Sales and Repair business has been previously approved. Only the site plan amendment and exception are under consideration.

**1.3 Neighborhood Response**

No response has been received from surround property owners as of the writing of this report. Notices were sent out on January January 23, 2013 to property owners within 300 feet.

**1.4 Community Council Response**

The Millcreek Township Community Council is schedule to review this request on Tuesday, February 5, 2012. Staff will convey any recommendations received at that meeting.

## 2.0 ANALYSIS

### 2.1 Applicable Ordinances

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		The proposed site development plan will comply with all ordinance requirements. The parking exceeds the minimum required. The building complies with building setbacks. The proposed building is less than maximum building height required. With recommendations the applicant's proposed plan will comply with County Highway Standards. With the proposed recommendations of staff including approval of an alternative landscape plan, the project will comply with landscape ordinance requirements.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		The proposed use is previously approved and complies with the uses allowed in the C-3 zone. Through the Technical Review and Building Permit Review processes that occur after the Planning Commission review, the project will comply with all other applicable laws and ordinances.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C`:</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		The proposed plan has been modified to provide on-site circulation around the proposed addition as required by the Transportation Engineer. The on-site circulation will address the Transportation Engineer's concern of vehicles entering the public right-of-way to get to the other side of the building. No addition traffic along 200 East is anticipated. Any additional traffic along State Street can be handled by the existing State Street facility.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		With the staff recommended conditions and through the Technical Review process, the proposal will comply with these requirements.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E`:</u> <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		With the staff recommended conditions and through the Technical Review process, the potential impacts from the proposed use of the building and it site will be mitigated. In addition, visibility of the existing RV parking area and building will be screened and the potential storm drainage issue will be resolved.

## 2.2 Zoning Requirements

### Curb Gutter and Sidewalk

#### Building and Zoning Ordinances Require Curb, Gutter and Sidewalk

In accordance with several section of County Ordinances curb, gutter and sidewalk are required to be installed along the entire length of 200 East adjacent to the subject property with the proposed addition.

#### Title 15 - Building and Construction

15.28.010 indicates that in order to obtain a building permit for a building or addition, the abutting public right-of-way must be dedicated and improved in accordance with County standards.

15.28.020.F indicates dedication and improvement are required for additions or accessory buildings that exceeding 200 square feet or 20% of the existing square footage, which ever is greater.

#### Title 19 Zoning

19.76.210 indicates that an applicant for a conditional use permit, "...shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street in cases where it does not exist at county standards."

#### Applicant Requesting an Exception to Eliminate C,G&S Requirement

The applicant is requesting under County roadway provisions an exception, requesting the requirement to install curb gutter and sidewalk be eliminated. This type of exception must be approved by the County Mayor, or his designee, at a public meeting, after a recommendation is rendered by the Planning Commission.

The applicant asserts that the existing drainage from 200 East in front of the subject property currently sheet flows from 200 East onto and through the RV Parking Area of the subject property. He further asserts that it can't flow south along the existing curb and gutter along the east side of 200 East, because it slopes up to Hill Avenue to the south. In addition he assets that, along the unimproved portion of the property the road slopes slightly uphill to the north. He claims that installation of curb, gutter and sidewalk would inhibit the current flow of the County's drainage. He also claims that the only other way to resolve the situation is to installation of a standard storm drain pipe around the property all the way to State Street or to 3900 South where there are existing storm drain pipes. This would be very costly and the applicant believes that it should be the responsibility of the County to pay for such an endeavor sine the water at issue is not being generated from his property or this project, but from the public right-of-way.

#### Staff Response to Exception Request - Alternative Design, Not Elimination

The applicant's is correct regarding the existing 200 East drainage conditions. He is also correct that the County's standard curb, gutter and sidewalk design would potentially cause a drainage problem in front of the subject property on 200 East due to existing grade. However, planning staff has discussed the situation with members of the public works engineering staff, including the Public Works Engineering Section Director, Scott Baird. It is Mr. Baird's position that the current situation may be remedied with an alternative design to the County's standard.

Mr. Baird is recommending that the applicant's engineer submit to the County Engineering Section for review and approval a design that directs the existing drainage water into a landscaped area directly from the street gutter through openings in the curb. This method is called a "Rain Garden" design and has been used successfully around the country in different applications. The idea is to channel storm water run-off into landscaped areas that have been designed to accept the periodic storm drainage, watering the plant material and perking into the soil. The plants used, including trees, shrubs, rhizomes, etc. are varieties that can tolerate the periodic flooding and extended dryness. In some cases supplemental irrigation may be needed, but in many situations, if designed properly by a landscape professional certified in the method, the storm water run-off is sufficient to keep the plants in healthy condition.

This alternative is a much less expensive and more sustainable alternative to installation of a storm drain pipe from 200 East around to State Street or north to 3900 South. It would also be a more permanent solution over granting exceptions every time the site goes through a modification. The method improves the quality of the storm water by filtering out sediments and automotive contaminants before returning the water to the environment by percolation into the soil. This method has been utilized here in Salt Lake County. The new Magna public library collects and retains storm water on site from the building and parking areas in this manor. It has been in operation successfully for approximately 2 years. Attached are a couple photos of similar installations taken from the internet for reference. Specific details for this site situation would need to be addressed by the applicant's civil engineer and can be resolved through the Technical Review process.

For the reasons noted above, staff does not recommend the exception eliminating curb, gutter and sidewalk be granted; unless a "Rain Garden" system can't be designed to function properly.

## **Landscaping**

### **Zoning Ordinance Requires Landscaping**

19.77.020 of the Water Efficient Landscape Ordinance requires existing sites to be brought into compliance, "...to the maximum extent feasible,..." with the chapter's landscape provisions if the existing improvements on the property, "...changed, modified, or expanded by more than twenty percent." As noted in the previous section, the proposed addition expands the existing building by more than twenty percent.

### **Applicant Requesting an Exception to Eliminate Landscape Requirement**

The applicant is requesting that an exception be granted, eliminating the requirement to install landscaping along 200 East for the same reasons given for eliminating the curb, gutter and sidewalk requirement. This type of exception is approved by the staff through an Alternative Landscape Plan approval process provided for in the landscape ordinance. In this case, the curb, gutter and sidewalk, and landscaping are closely tied, so staff has included an explanation of this issue here for the Commission's and the public's information.

### **Staff Response to Exception Request - Alternative Design not Elimination**

Staff has already indicated that landscaping in the existing parking areas of the site will not be required. In addition, a reduction in landscape setback along 200 East from 25 feet to 8 feet would be allowed. These modifications due to the relatively small portion of the site that will be affected by the proposed addition. The majority of the site is already asphalted and no changes to the existing parking areas are proposed, except for the location of the new addition. An RV sales lot has proportionally more surface area for parking than building. Therefore, to require a full site upgrade would be excessive. However, it is staff's position that there needs to be some landscaping along 200 East to screen the RV Parking area and the new addition from the street and the existing residences across the street to the east. The building is coming 116 feet closer to the street. Landscaping will improve the appearance of the street and soften the building, in turn, improving the neighborhood. It will also help reduce potential visual impacts on the residential neighbors.

The "Rain Garden" system noted in the previous section regarding curb, gutter and sidewalk, would also address landscaping. Therefore staff is not granting an exception to the requirements for landscaping along 200 East; unless a "Rain Garden" system can't be appropriately designed for this location and situation. Planning and Engineering Staff will be reviewing this design during the Technical Review process.

## **Fencing**

In section 19.80.030 - specifications for off-street parking, solid visual barrier fencing is required to be installed next to parking lots of 5 cars or more adjacent to public streets. However, staff would not necessarily recommend a solid visual barrier fence unless the applicant so chooses to install one. Open fencing can provide security for after hours while providing the ability for neighbors and law enforcement officials to view the site and potentially discourage clandestine activity. Nevertheless, the applicant is likely more attune to the security needs for the site. If the applicant chooses to install a solid fence, it will need to meet County

Development Standards for fencing. If the applicant chooses an open fence design, staff is recommending that chain link not be used, but a rot-iron style fence be used. It is less climbable than chain link and is more visually in character with the residential neighbors to the east. The specific fence design can be addressed during the Technical Review process with staff.

### **Noise**

19.64.050 - of the C-3 zones states:

*The uses specified above in this chapter and the C-3 zone shall be permitted only under the following conditions:*

- A. All manufacturing shall be done wholly within completely enclosed buildings.*
- B. All uses shall be free from objections because of odor, dust, smoke, noise, vibration, or other causes.*

Staff is recommending that the doors to the building be insulated for noise attenuation and kept close during operations to mitigate potential noise impacts from repair operations. The other issues noted B. above are not anticipated or are expected to be addressed by keeping the bay doors closed. If it is found that any other potential objectionable conditions arise from the proposed addition and/or use, they can be addressed through the zoning enforcement process.

### **Hours of Operation**

Across the street within 300 feet is an existing mobile home park and a condominium complex. To the south are also residential homes. Staff is recommending the repair facility be closed between the hours of 10. p.m. and 7 a.m., consistent with Salt Lake Valley Health Department Noise regulations which prohibit automotive repair during these hours.

### **Parking**

On-Site - The site currently exceeds the minimum parking requirements for employees and customers and will continue to do so with the proposed addition.

Along 200 East - There have been occasions when RV's have been parked along 200 East in front of the subject property. As previously noted the subject property is directly across the street from residential uses. The RV's need to be parked on site at all times where they can be screened as much as possible from view. This will also keep RV's out of the public right-of-way where they can cause safety concerns. No RV or employee parking for this business should be occurring in the public right-of-way.

### **Lighting**

The applicant will need to provide a lighting plan for the new building's exterior lighting to make sure it complies with ordinance requirements and does not negatively impact residential properties in the immediate area. Lighting will need to be directed down and not out and the direct light source, the light bulb or direct reflection, will need to be screened to prevent it from being visible at the property lines. This will be addressed during the Technical Review process after Planning Commission action.

### **Building Height**

The 25-foot proposed building height is well within the allowed building height in the C-3 zone of 75 feet / 6 stories.

## **2.3 Other Agency Recommendations or Requirements**

**Unified Fire Authority** - A hydrant is required to be installed along 200 East for the project. Each fly of the security gate will need to be a minimum 12 feet wide and the building will need to be designed to fire department separation standards where it attaches to the existing building, or the entire building will need to be fire sprinkled. This will be addressed during the building permit review process.

**Transportation Engineer** - In addition to the public right-of-way improvement issues previously noted. The transportation engineer has required a drive isle be installed between the building and the property line to

prevent vehicles from having to exit the property in order to access the south of the existing buildings. This is another reason planning staff has allowed a reduction in landscape setback in order to provide the needed width for the drive isle.

**Technical Review Plans** - The applicant will need to provide final plans for Technical Review that satisfy all reviewers of the project, including Grading, Urban Hydrology/Geology, Engineering, Salt Lake Valley Health, Unified Fire Authority etc. This will be completed during the Technical Review process.

### **3.0 STAFF RECOMMENDATION**

#### **3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:**

- 1 )The applicant shall complete Technical Review with staff prior to issuance of the final Conditional Use Permit, addressing the issued noted in the report and any other issues, requirements or regulations determined necessary by the reviewing staff and outside agencies.
- 2 )The applicant shall submit to the County Staff for review and approval, a design for the curb, gutter sidewalk and landscape buffer along 200 East, certified by licensed professional, utilizing a "Rain Garden" style design as recommended in this report.
- 3 )The applicant may choose either a solid visual barrier security fence, or an open security fence design. The solid visual barrier fence shall comply with County Development Standards for fencing and shall be masonry. If an open fence is chosen then it shall be a wrought-iron-style open fence; no chain link.
- 4 ) All doors to the proposed addition shall be insulated for noise attenuation and shall remain closed at all times during operations, except to move vehicles in and out of the repair bays, to mitigate potential noise impacts to the surrounding neighborhood from the operations of the site.
- 5 ) Noise levels from the site shall comply with Salt Lake Valley Health Department noise regulations.
- 6 ) The repair operations shall be closed between the hours of 10:00 p.m. and 7:00 a.m., consistent with Salt Lake Valley Health Department noise regulations.
- 7 ) There shall be no off-site parking of any recreational vehicles, motorized or non-motorized; employee vehicles; or other equipment or vehicles associated with the business, in the public right-of-way, or in front of required improvements, fencing or landscaping along 200 East. All parking for the business shall occur on-site.
- 8 ) The applicant shall submit a lighting plan for review and approval by County Staff that meets the requirements of the zoning ordinance and development standards as referenced in this report, to protect near by residences from potential impacts from lighting.

#### **3.2 Reasons for Recommendation**

- 1 ) With the recommended conditions, the proposal will be consistent with the Millcreek General Plan.
- 2 ) With the recommended conditions, the proposal will comply with the Conditional Use Criteria indicated County Ordinances;
- 3 ) With the recommended conditions, the proposal will comply with applicable ordinance requirements.
- 4 ) Final Conditional Use approval can be issued by staff after full verification of compliance is achieved through the Technical Review and Building Permit processes.

#### **3.3 Other Recommendations**

Staff recommends that the Planning Commission recommend to the County Mayor **Denial** of the requested exception to eliminate the requirement to install curb, gutter and side walk; unless it is determined by County Staff that an appropriate, safe and feasible "Rain Garden" design can't be achieved.

## Spencer G Sanders

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**From:** Brad Brown <bbrown@motorsportsland.com>  
**Sent:** Wednesday, January 30, 2013 1:02 PM  
**To:** Spencer G Sanders  
**Cc:** cstree@motorsportsland.com  
**Subject:** Motor Sportsland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Spencer,

I'm getting back to you with some of the information that we discussed the other day about our project. The Contractor/Architect should be getting a new set of plans to you in the next few days showing the changes to the building and site plan.

You asked about the peak number of employees and parking spaces. The max # of employees at a time would be 54 and we have 103 parking spaces. Plenty for both employees and customers.

The use of the building will be for repair of RV's. Because most of our work is done inside there shouldn't be a lot of noise that anyone along the street would hear. We also operate in daytime hours with the exception of six or so weeks in the dead of winter, when we are so slow that much of our staff goes home early. Most of the work we do is on trailers and as such the movement is facilitated by forklift and the flow of traffic in the service area won't be changing. As a result I don't anticipate that there will be any more light from headlights or any more noise than there is currently.

Also, as we discussed, we don't feel it appropriate to have to put in curb, gutter or sidewalk at this time since they will create a real problem for drainage of the water from 2<sup>nd</sup> east. Additionally we would ask that we not be required to come up with some makeshift landscape plan just to appease the new landscape ordinance. On each of the last two projects, we put in extra landscape areas and more bushes and plants than what was required. On the last project we did on 2<sup>nd</sup> east, we doubled the amount of curb, gutter, sidewalk and landscape than what was required. Those improvements are what would now likely be the compromise to adding additional landscaping. In this case we are asking for the exception until such a time as the County decides to deal with its own runoff from 2<sup>nd</sup> east, and the improvements can be properly installed.

Thank you for taking the time to meet with us.

Sincerely,

Brad Brown  
President  
Motor Sportsland  
4001 So. State St.  
Salt Lake City, UT 84107

**Planning and Development**  
Interactive GIS Map

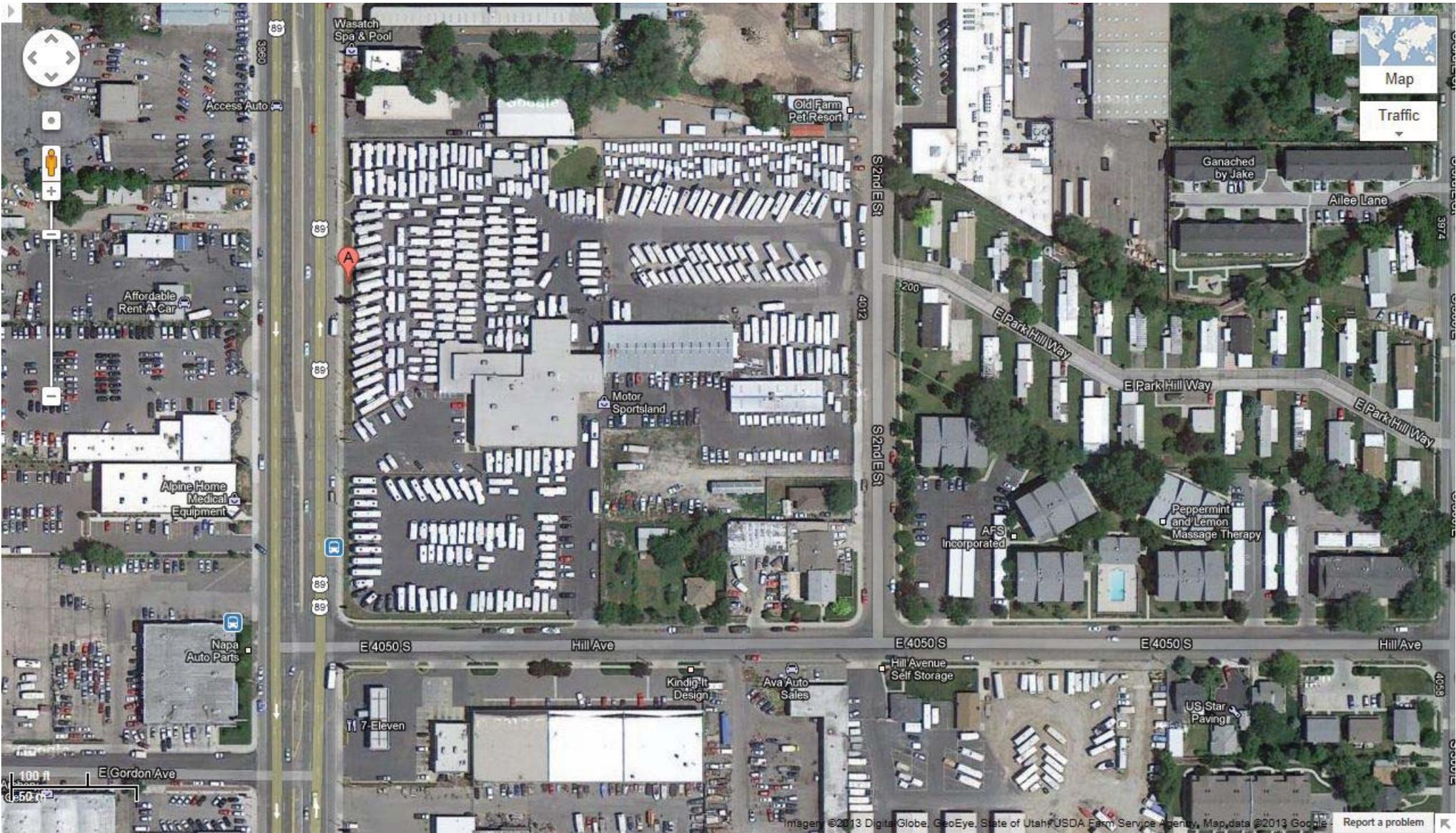
Layer Options Basemaps

**Enhanced Search**

Parcels Selected: 1 Zoom Clear

ID 10: 1631353050  
ID 14: 16313530500000  
Address: 4001 S STATE ST  
Acreage: 7.3899986  
Owner: MOTOR SPORTSLAND INC  
Owner Address: 4001 S STATE ST

Latitude: 40.684212 Longitude: -111.870118



Wasatch Spa & Pool

Old Farm Pet Resort

Affordable Rent-A-Car

Alpine Home Medical Equipment

Napa Auto Parts

7-Eleven

Kindig It Design

Ava Auto Sales

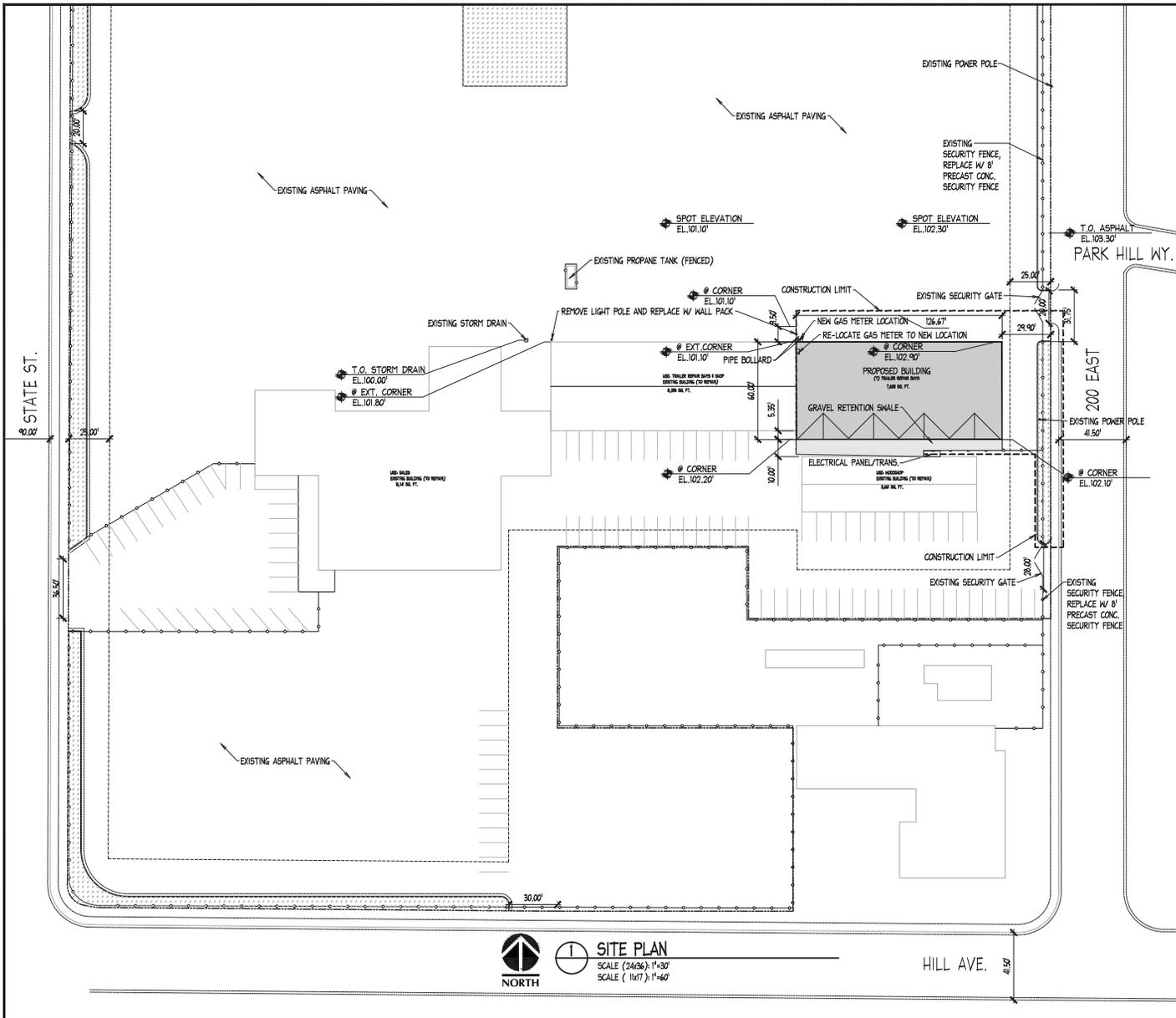
Hill Avenue Self Storage

US Star Paving

A

Map  
Traffic

Imagery ©2013 DigitalGlobe, GeoEye, State of Utah, USDA Farm Service Agency, Map data ©2013 Google Report a problem



**BUILDING AREAS:**

WAREHOUSE	BUILDING 50. FT. 7,600 SQ. FT.
TOTAL	7,600 SQ. FT.

NOTE:  
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

**BUILDING OCCUPANTS:**

EMPLOYEES	TOTAL OCCUPANTS
CUSTOMERS	54
TOTAL	54+

**LOT AREAS:**

LOT	50. FT. / ACRES
BUILDING FOOTPRINT	278,784 SQ. FT. / 6.4 ACRES
LANDSCAPING	7,600 SQ. FT.
EXISTING	11,497 SQ. FT.
CONCRETE	0 SQ. FT.
ASPHALT	241,860 SQ. FT.

NOTE:  
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

**PARKING REQUIREMENTS:**

SO. FT.	COUNTY REQ'D
TRAILER SALES: 5 SPACES MIN., OR FIVE PERCENT OF TOTAL SITE AREA EXCLUDING LANDSCAPED AREAS	(278,784 SQ. FT. - 36,924 SQ. FT.) * 5% = 12,095 SQ. FT.
TOTAL REQUIRED:	5 OR 5% (12,095 SQ. FT.)
TOTAL PROVIDED:	103 (25,353 SQ. FT.)
PARKING:	98
ACCESSIBLE SPACES	5 (5 REQ'D (101-150))

REFERENCED CODES:  
- SALT LAKE COUNTY MUNICIPAL CODE

NOTES:  
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

**PARCEL IDENTIFICATION:**

TAX ID NUMBER: 16-31-353-048-0000  
ADDRESS: 400 S. STATE ST.

**LEGAL DESCRIPTION:**

THE W 130 FT OF LOT 5, & ALL OF LOTS 6 THRU 9 & 12 THRU 20, BLK 2, HILL PARK.

**SITE PLAN**  
SCALE (24x36): 1"=30'  
SCALE (11x17): 1"=60'

**aeurbia**  
JIM WILLIAMS and Associates  
2872 South 4000 East, Suite 875  
Salt Lake City, UT 84119  
Phone: 801.487.4148  
Fax: 801.487.4148

31 January 2013

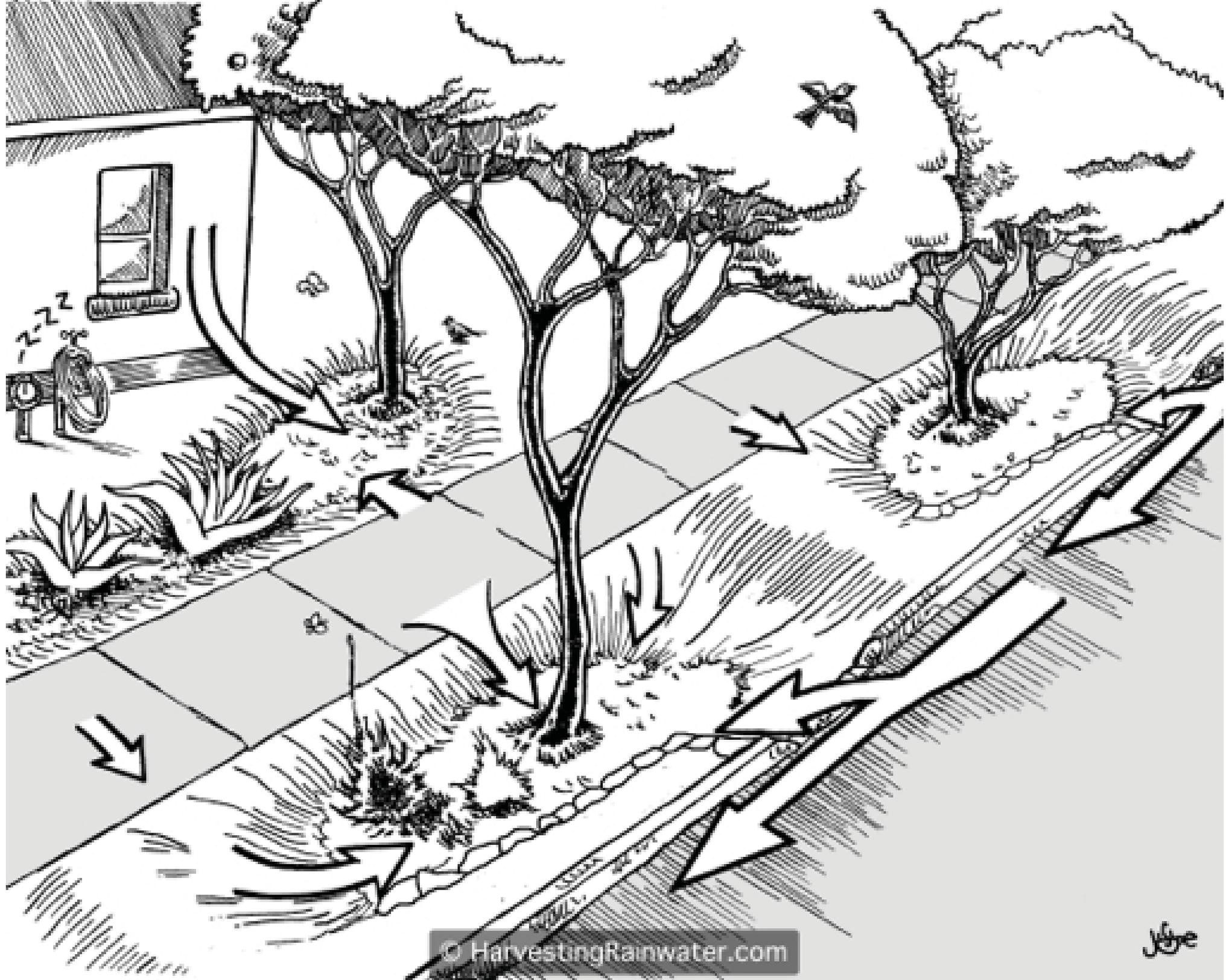
**MOTOR SPORTSLAND ADDITION**  
4001 SOUTH STATE ST.  
SALT LAKE CITY, UT

PLANS PREPARED BY:  
JAMES LONES  
APPLICANT:  
RYAN TAYLOR  
UPLAND DEVELOPMENT, INC.  
1717 CRENSHAW CIR.  
SALT LAKE CITY, UT 84119  
PHONE: 801.900.9883  
FAX: 801.246.2525

**AE2012 107**  
**OVERALL SITE PLAN**  
REVISIONS:  
DATE: 31 January 2013  
SHEET NO.







# Rain Garden Photos









