

Project #21-040 Shepard Development Located at 1766 Blacksmith Court

REPORT SUMMARY...

Project Name: Proponent / Owner: Project Address: Request: Current Zoning: Type of Action: Hearing Date Submitted By: Shepard Development Justin Shepard / Shepard Development Co 1766 Blacksmith Court Design Review Permit Industrial Park (IP) Quasi-Judicial August 12, 2021 Tanya Rice, Planner II

RECOMMENDATION

Staff recommends that the Planning Commission **conditionally approve** a Design Review Permit for Project #21-040, Shepard Development, for one industrial building located at 1766 Blacksmith Ct., TIN #02-089-0032.

Current Land use adjoining the subject property

North:	IP: Industrial Uses	East:	IP: Industrial Uses			
South:	Outside Logan City Limits	West:	IP: Industrial Uses			



Site Location – 1766 Blacksmith Ct.

SITE HISTORY

The subject site and Trade Center Condominiums to the north are tied by covenants, conditions, and restrictions (CC&Rs), and an Easement & Right of Way Agreement. The original intention for the property was to develop two buildings on two sites. The Trade Center on the north parcel was constructed in 1999 but a building to the south never developed. This is the location of the subject site. A final plat was recorded in 2000 for the Trade Center parcel which effects the future development and access to the subject site. Per the CC&Rs and the easement agreement, vehicle parking and driveway/road development is permitted within the designated common areas between the lots. However, parking is not permitted within the private street easement. This distinction is important to understand for this approval process.

DESIGN REVIEW PERMIT

The LDC 17.43 requires a Design Review Permit approval for new developments to ensure high-quality design, layout and neighborhood compatibility. The Planning Commission may approve or conditionally approve a Design Review Permit upon substantiating findings in conformance with Title 17 of the LDC.

Project Proposal

This is a proposal for a32,272 SF building shell divided into approximately twelve (12) separate units and may be used for a variety of office and storage warehouse space. The interior layout and eventual internal improvements will be dependent on future tenants. The site contains 2.14 acres.

Land Use

The site is zoned Industrial and Table 17.11.030 in the Land Development Code (LDC) supports a wide range of commercial and industrial uses, including offices, services and warehousing.

Lot Coverage

The LDC 17.10.130 limits lot coverage to a maximum of 50% (building footprint). The project site is approximately 2.14 acres in size and with the 32,272 SF building, the lot coverage is approximately 35%. As shown, the lot coverage complies with maximum allowances in the LDC.

Setbacks

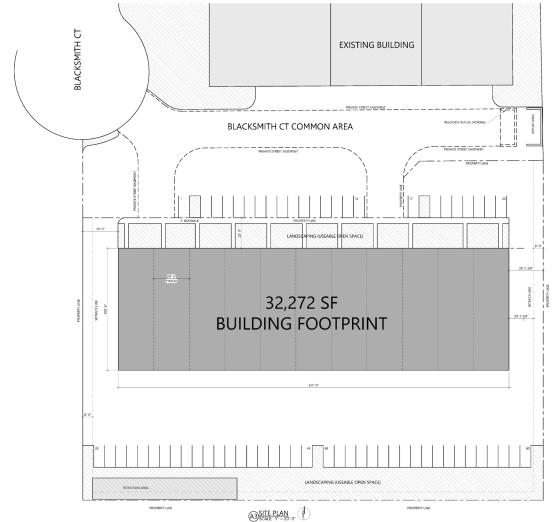
The LDC requirements for setbacks in the IP zone are as follows:

Front (Bld. Height 0'-40'):	20'
Sides:	20'
Rear:	10'
Parking Front	20'
Parking Side/Rear	15'

The following setbacks are proposed (as measured from the exterior property lines of the project site, at closest points):

Front (North):	25'
Side (East)	28'
Side (West)	29'
Rear (South):	>100'
Parking Front (North):	25'
Parking Side/Rear	30'

As proposed, the project setbacks comply with the requirements in the LDC.



Site Plan

Access & Circulation

One vehicular driveway access exists off Blacksmith Court onto a cross easement with the Trade Center property to the north. The south side of the proposed building is accessible along the east and west sides.

The LDC 17.31.090 requires industrial sites to include safe and convenient pedestrian circulation from the adjacent streets to buildings, parking areas and other outdoor gathering areas. The proposal includes sidewalk connections from the north parking area to the building but does not include walkway connections from the building to Blacksmith Court sidewalk.

As conditioned (#2), with the addition of pedestrian crossings/markings from the building entrances to the street sidewalks, the project complies with the requirements in the LDC.

Parking

Because of the shared common area, parking areas need to accommodate both the Trade Center and the proposed building. To calculate parking needs, the use of both buildings is categorized as a combination of office and warehouse/storage. The LDC 17.31.040 requires one parking stall per every 300 SF of office space and one parking stall for every 2,000 SF of warehouse/storage space. The applicant has indicated that the approximate building space breakdown will be 75% warehousing and 25% office/administration, as is the same for the Trade Center. The total square footage of both buildings is approximately 51,000 SF and requires 62 stalls. The proposal includes 65 stalls which complies with the LDC.

The proposed project does not include a required bike rack. As conditioned (#3), the proposed project meets the minimum bike parking requirements in the LDC.

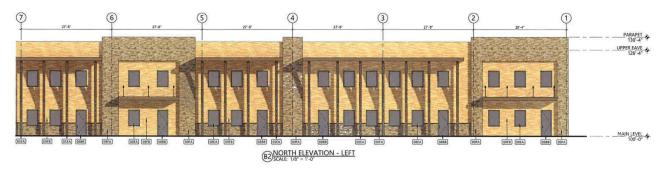
Building Orientation & Design

The LDC 17.12.060 promotes high-quality and aesthetically pleasing design and developments within the IP zone.

The proposed building is a single structure with the primary siding materials being comprised of stone and wood. The design incorporates painted steel awnings, compatible finishes and color palette. The proposed window and door layout meets the 30% fenestration requirement along the front façade.

The LDC requires ground-floor entrances on the facades visible from public streets to be easily discernable while utility doors, fire doors, and loading docks are to be designed to blend with the building's architecture. The proposed front entrances have staggered covered canopies providing variation in architecture and easily discernable entrances. All proposed utility doors and service features are at the rear (south) of the building and are not visible from a public road.

The LDC 17.10.030 limits base building height to 48' in the IP zone. The highest point of both the building is 30' to top of the parapet. As proposed, the project complies with the requirements in the LDC.



Front Façade

Open Space Area

The LDC requires 10% open space and an additional 10% useable outdoor space in the IP zone. The LDC generally describes open space as native vegetation or landscaped areas, while useable outdoor space could consist of additional landscaping, decks, patios and walkways, but shall not include parking, driveways and most storm-water facilities. Storm-water facilities may qualify as outdoor and open space if they are designed in a way that is incorporated into the landscape. The 2.14-acre project site would require 9,321 SF of both open space and usable outdoor space for a total of 18,643 SF. The project proposal includes conceptual open space and usable outdoor areas totaling approximately 19,300 SF (21%). As proposed, the project complies with the open space requirements of the LDC.

Landscaping

The LDC 17.32 requires minimum plant material for overall visual aesthetics, ecology, screening, and shading purposes. Park strip improvements and interior parking lot planting requirements apply.

The LDC 17.31.140 requires parking areas to include landscape islands every 20 parking stalls. The proposed parking lot shall incorporate the required breaks to comply with the LDC.

The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers and ornamental grasses per acre of land in the IP zone. For the 2.14-acre parcel, 43 trees and 107 shrubs, flowers and ornamental plants are required as per the LDC.

Plant material is also required to be planted around the perimeter of the building where feasible. The proposal includes landscape in the front of the building but is not included on the sides or rear of the building. Given the nature of the project and potential uses, it would be more appropriate to place this landscaping into the boundary landscaped areas to ensure survivability.(NICE TRY) As conditioned, with a landscaping plan (#5), the project complies with the requirements of the LDC.

Trash Enclosures

LDC 17.30.080 requires solid waste receptacles, recycling bins, refuse storage and similar uses be enclosed and screened from view. The applicant will need to provide an enclosed dumpster enclosure in a location that meets the placement standards of the Environmental Department. As conditioned, the onsite waste location meets the requirements of the LDC.

Lighting

The LDC 17.30.090 requires adequate and appropriate site lighting that increases nighttime visibility, adds aesthetic quality, and improves safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits pole height to 32 feet and luminaire fixtures to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 - 4.0 foot candles, so areas are sufficiently safe, but not excessively bright. Exterior lighting has not yet been submitted. As conditioned, the project meets the requirements of the LDC.

Staff Summary

The proposed project is compatible with the surrounding land use and architecture, and, as conditioned, meet the requirements for development in the IP zone.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

Water	• Fire
Environmental	

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comments have been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/31/21 and the Utah Public Meeting website on 8/2/21. Public notices were mailed to all property owners within 300 feet of the project site on 7/26/21.

RECOMMENDED CONDITIONS OF APPROVAL – DESIGN REVIEW

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

- 1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
- 2. Pedestrian crossings/markings shall connect the building to Blacksmith Court sidewalk.
- 3. A bike rack sized to accommodate three (3) bikes shall be provided.
- 4. An unpaved two (2) foot setback shall be maintained between the property line and the driveway along the east and west sides of the property.

- 5. A performance landscaping plan, prepared in accordance with §17.32 of the LDC, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
 - 18,643 SF of both open space and usable outdoor space shall be provided.
 - A total number 43 trees and 107 shrubs, perennials and grasses shall be provided.
 - Minimum of 3 tree species are required.
 - A minimum of 25% of plant material shall be evergreen trees and shrubs.
 - Street trees shall be provided every thirty (30) feet on center and outside of sitedistance triangles near intersections or driveway access points or otherwise determined by the City Forrester.
 - Storm water detention area(s) shall be incorporated into the landscape.
- 6. Exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.
- 7. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the LDC.
- 8. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the LDC.
- 9. Surface storm-water retention and detention facilities shall be located in areas away from public streets and buffered from view or incorporated into the landscape.
- 10. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Fire—contact 716-9515
 - Fire hydrants, fire sprinklers, fire alarms. and fire apparatus access plans required with building permit application.
 - b. Water/Cross Connection—contact 716-9627
 - Each unit's water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters each unit before any branch offs or possible connections. So, each unit is independently controlled and protected. Properly sized drain required to serve dump port of these backflow assemblies.
 - All landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning water into them and annually thereafter.
 - Fire suppression systems that connect to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) installed and tested. Fire risers and B/F assemblies must be installed as per Logan City standards.
 - All points of use of water must comply with the 2018 IPC and State of Utah Amendments and the Utah Admin Code 309-305 during and after construction.
 - Project shall comply with all current plumbing codes, Utah State Amendments and the Utah Division of Drinking Water rules and regulations including, but not limited to, those pertaining to backflow protection and cross connection prevention.
 - Environmental contact 716-9761
 - *(*Minimum inside measurement for a double enclosure is 24 ft. wide by 10 ft. deep.
 - Minimum inside measurement for a single enclosure is 12 ft. wide by 10 ft. deep.
 - Place bollards in the back of enclosure to protect walls.
 - Gates are not required, however if desired, they must be designed to stay open during the collection process.
 - Barrel hinges are suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.

- c. Engineering— contact 716-9160
 - Provide water shares or in-lieu fee for increased water demand for development on lot 2.
 - Each unit's water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters each unit before any branch offs or possible connections. So, each unit is independently controlled and protected. Properly sized drain required to serve dump port of these backflow assemblies.
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RECOMMENDED FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW PERMIT

The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

- 1. The conditioned project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, materials, landscaping, and setbacks.
- 2. The Design Review Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
- 3. The conditioned project provides adequate landscaping and screening in conformance with Title 17.
- 4. The conditioned project provides adequate off-street parking.
- 5. Blacksmith Court provides access and is adequate in size and design to sufficiently handle automobile traffic related to the land use.
- 6. The project met the minimum public noticing requirements of the LDC and the Municipal Code.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



APPLICATION FOR PROJECT REVIEW

Planning Commission	□ Land Use Appeal E	loard 🛛 🗆 Ad	ministrative Review					
Date Received Received By	Scheduled Meeting Date	Zone	Application Number					
71171	Aua. IZ	IP	PC 71-040					
Type of Application (<u>Check all that apply</u>):								
Design Review 🗆 Condition								
Code Amendment Appeal	□ Other	🗆 Admir	istrative Design Review					
PROJECT NAME	h.							
Ohedard J	sevelopment							
PROJECT ADDRESS			COUNTY PLAT TAX ID #					
1766 Blacksmith	(Court		02-089-0032					
AUTHORIZED AGENT FOR PROPERTY OWNER (Must	be accurate and complete)		MAIN PHONE #					
Blake Parker			435-757-7610					
MAILING ADDRESS	CITY	STATE	ZIP					
45 E. 200N Str2	00 hogan	Ut	84321					
EMAIL ADDRESS								
blakehparker@	gmailecom							
PROPERTY OWNER OF RECORD (Must be listed)		1 11 .	MAIN PHONE #					
Justin Dhepard	Shepard Lov	struction	435-754-9095					
MAILING ADDRESS	' CITY STATE	ZIP						
45 E. 200 N. Ste 108	S Logan Ut	8432						
EMAIL ADDRESS								
	nstruction.co							
DESCRIBE THE PROPOSED PROJECT AS IT SHOULI (Include as much detail as possible - attach a separat			Total Lot Size (acres)					
	,		2.14					
			Size of Proposed New Building (square feet)					
			22 1177					
		Number of Proposed New Units/Lots						
- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -								
I certify that the information contained in this application	and all	nature of Property Ov	vner's Anthorized Agent					
supporting plans are correct and accurate. I also certify	that I	()6N)						
am authorized to sign all further legal documents and pe on behalf of the property owner.	rmit 100	and al	UM					
I certify that I am the property owner on record of the subject Signature of Property Owner								
property and that I consent to the submittal of this project. I understand that all further legal documents and permits will								
be sent to my authorized agent listed above.								
		U						



GKANT & ZILLES, P.C.

ATTORNEY AT LAW (My mission is to help clients succeed)

> 95 WEST 100 SOUTH, SUITE 383 LOGAN, UTAH 84321

OFFICE PHONE: 435-752-5783 FAX: 435-752-2698 EMAIL: michael@loganattorney.com

June 23, 2021

Logan City Council 290 North 100 West Logan, Utah 84321

Re: Justin Shepard Development, 1776 Blacksmith Court, Logan, Utab 84321 Dear Logan City,

As you know, Justin Shephard's company is trying to construct a building located at 1766 Blacksmith Court, Logan, Utah 84321. There was some question about whether Justin would be allowed to access the common area where the Trade Center Condominiums are located for parking. In the covenants, conditions, and restrictions that run with Justin's property and the Trade Center Condominiums, \P (C) of the recitals it states that it was the intention to construct two buildings. One building was constructed but the second was not. There is nothing in the recitals that states the second building would need to be constructed within twelve months, so in my opinion there is no time limit that forbids Justin from being considered an owner.

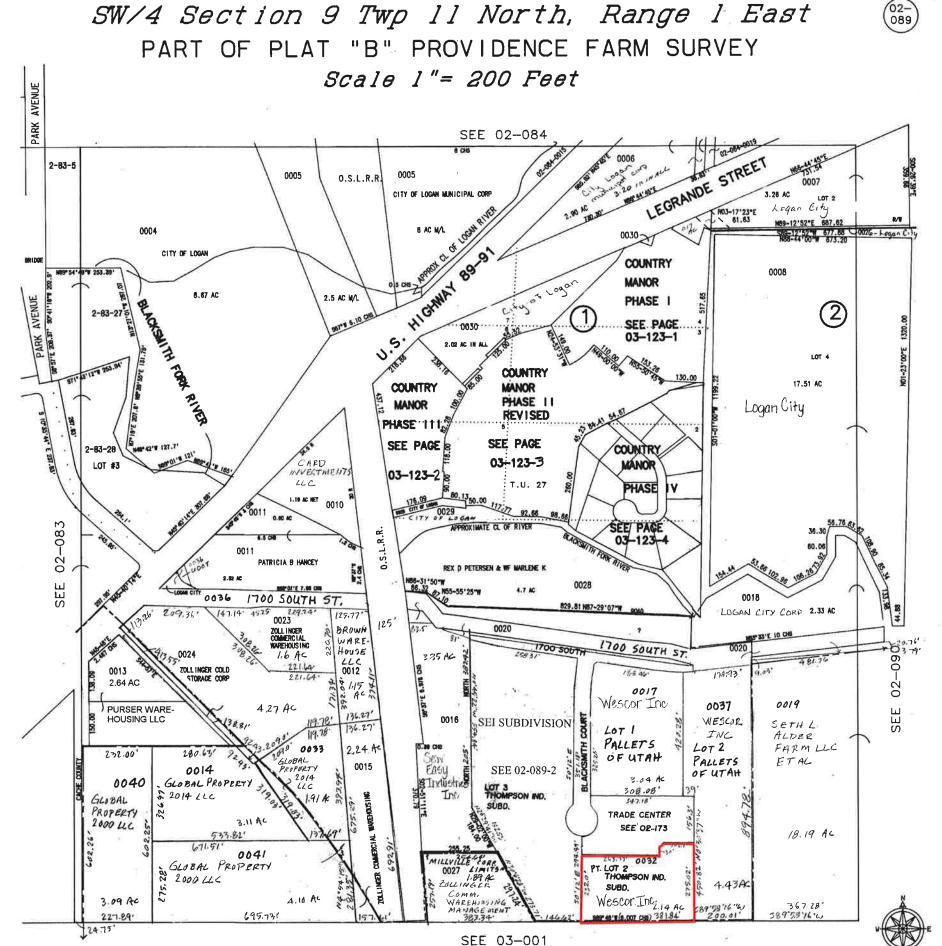
¶ 1.07 of the covenants, conditions, and restrictions states that the "owner means the entity, person, or group of persons owning fee simple title to any Unit which is within the Property." Justin would be considered a person that owns fee simple title to a unit or building on the property and would have access to the common area because his building would be constructed on the property contemplated by covenants, conditions, and restrictions. Also, if you look at the common area property lines and Justin's property lines, there is section of Justin's property that would add parking spaces and improve the parking situation in the common area for everybody. It is in everybody's best interest for Justin to construct his building as planned.

If the city will not allow Justin to construct the building as is, he does have an option to construct the parking lot on the southern portion of the property where he has the right to construct a road going back there. Justin would also construct a fence going along the property line, which would prevent big trucks from being able turn back into one of the driveway/docks in the Trade Center Condominiums. Currently, one of the businesses is trespassing on Justin's property in order to make the turn to get into the driveway/dock area. Again, this shows it is in everybody's best interest for Justin to be able to construct his building as planned and allowing him to have access to the common area.

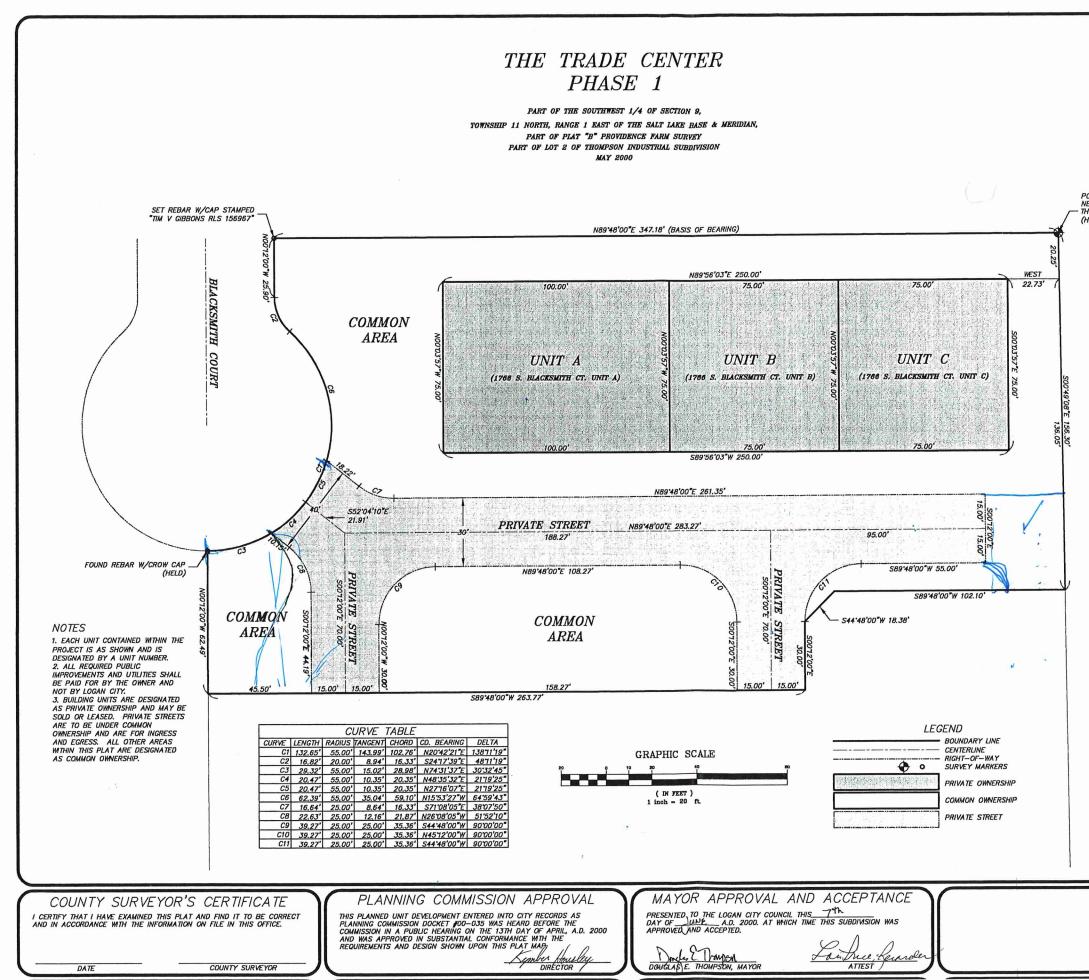
In summary, I would have no problem arguing to a court that Justin would be considered an owner as defined by the covenants, conditions, and restrictions that are tied to the property. If the city prevents him from doing so, it would be to the detriment of the owners in the Trade Center Condominiums. Please feel free to reach out to me at my office, 435-752-5783, or my email, michael@loganattorney.com. I am happy to answer any questions or attend a city council meeting with Justin to discuss the proposed construction.

Respectfully,

GRANT & ZILLES, P.C. Michael D. Zilles

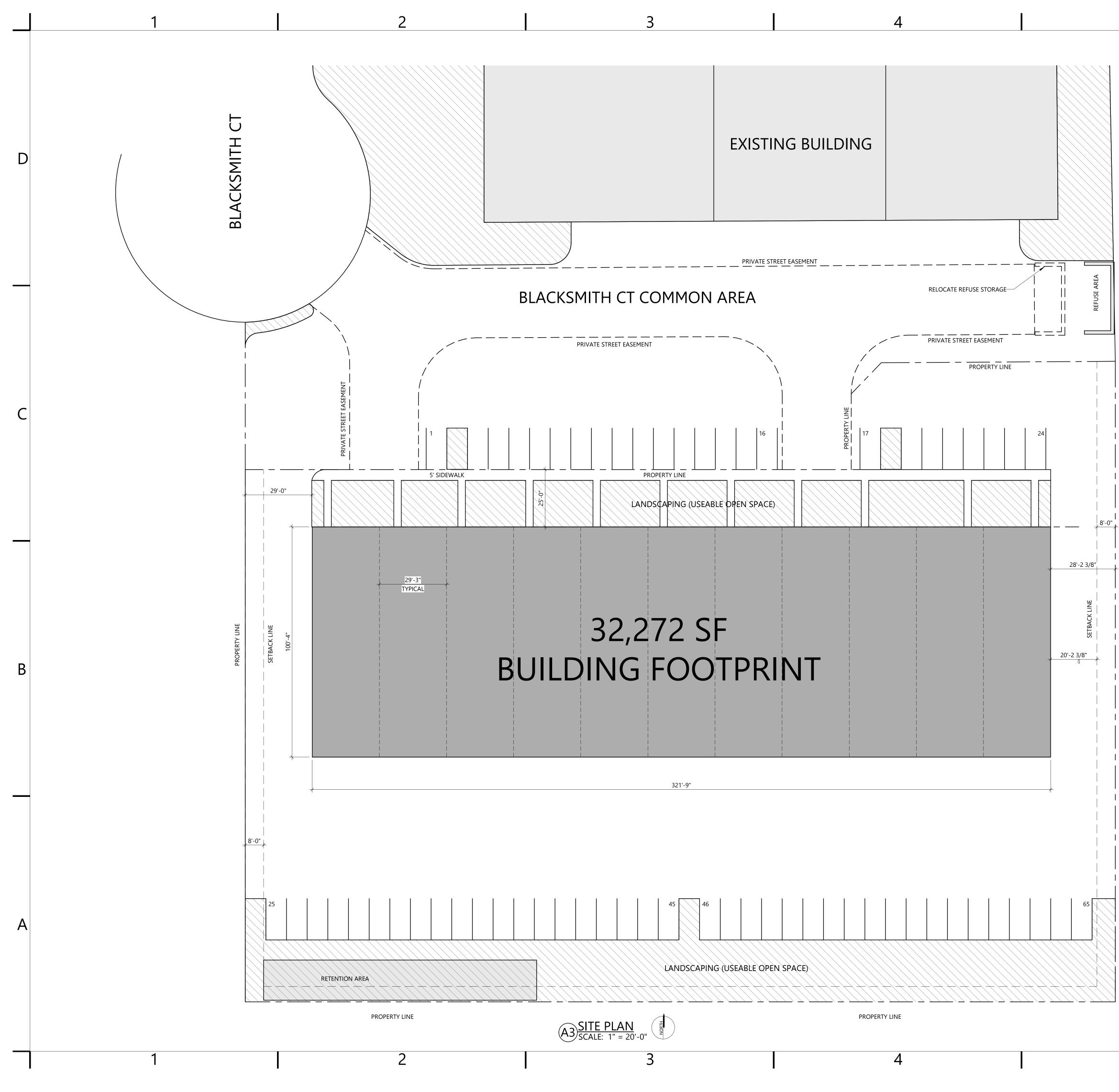






SURVEY CERTIFICATE . TIM V. GIBBONS, DO HEREBY CERTIFY THAT I AM A REGISTERED (, IIM V, GIBDUIG, DO INCEDI CENTIFICATE NO. 155967 AS PRESCR THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY TH AUTHORITY OF THE OWNERS I HAVE MADE AND/OR SUPERVISED THI SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCR BELOW AND HAVE SUBDIMIDED SAID TRACT INTO LOTS AND STREETS, EREINAFTER TO BE KNOWN AS: "THE TRADE CENTER PHASE 1" AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS THE DIMENSIONS SHOWN. but 4 TIM V. GIBBONS R.L.S. NO. 156967 NO. 156967 POINT OF BEGINNING NE CORNER LOT 2 THOMPSON INDUSTRIAL SUBDIVISION (HELD REBAR W/CROW CAP) BOUNDARY DESCRIPTION PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 N RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, ALSO A PA PLAT "B" OF THE PROVIDENCE FARM SURVEY, AND ALSO A PART O 2 OF THOMPSON INDUSTRIAL SUBDIVISION, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SAID THOMPS INDUSTRIAL SUBDIVISION, AND RUNNING THENCE SOO'49'08"E 156.30 FEET ALONG THE EAST LINE OF SAID THENCE SB9'48'00"W 102.10 FEET; THENCE \$44'48'00"W 18.38 FEFT: THENCE SOO'12'00"E 30.00 FEET; THENCE S89'48'00"W 263.77 FEET TO THE WEST LINE OF SAID LOT THENCE NOO'12'00" 82.49 FEET ALONG THE WEST LINE OF SAID L TO A POINT IN THE RIGHT-OF-WAY LINE OF BLACKSMITH COURT; THENCE NORTHEASTERLY 132.65 FEET ALONG THE ARC OF A 55.00 RADIUS CURVE TO THE LEFT (CHORD OF SAID CURVE BEARS N20'4; 102.76 FEET); THENCE NORTHWESTERLY 16.82 FEET ALONG THE ARC OF A 20.00 RADIUS CURVE TO THE RIGHT (CHORD OF SAID CURVE BEARS N24" 16.33 FEET); THENCE NOO'12'00"W 25.90 FEET TO A POINT IN THE NORTH LINE SAID LOT 2: SAID LOI 2; THENCE N89'48'00"E 347.18 FEET TO THE POINT OF BEGINNING. CONTAINING 1.49 ACRES, MORE OR LESS. OWNER'S DEDICATION KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED (OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SA BE SUBDIMDED INTO PRIVATE UNITS, COMMON AREA, AND STREETS 1 HEREAFTER KNOWN AS: THE TRADE CENTER PHASE 1" DO HEREBY DEDICATE FOR PERPETUAL USE OF THE HOMEOWNERS C TRACT ALL AREAS SHOWN AS STREETS AND COMMON AREAS ON THIS IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURES THIS _____ DAY OF _______ A.D. 2000. DRAKE SELF, PRESIDENT SELF PROPERTIES LLC CORPORATE ACKNOWLEDGMEN1 STATE OF UTAH COUNTY OF CACHE ON THIS ______DAY OF _____, 2000, PERSONALLY APPEARED BEFORE ME DRAKE SELF, WHO BEING DULY SWORN DID SAY THAT H THE PRESIDENT OF SELF PROPERTIES LLC AND THAT THE FOREGOINC INSTRUMENT WAS SIGNED ON BEHALF OF SAID CORPORATION, AND H ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAM NOTARY PUBLIC

MY COMMISSION EXPIRES



ZONING INFORMATION CARTWRIGHT

PROPERTY AREA: 93,218 SQ FT BUILDING SIZE: 32,272 SQ FT

LAND SET ASIDES: 10,353 SQFT 20% USABLE AND OPEN SPACE

PARKING: 54 STALLS (2 ADA STALL)

2120 NORTH MAIN STREET LOGAN, UT 84341 T435 753.2850 F435 753.2851 ©2021 CARTWRIGHT http://www.cartwright-aec.com

ARCHITECTS & ENGINEERS

DEVELOPMENT SHEPARD

1766 BLACKSMITH COURT LOGAN, UT 84321

CARTWRIGHT PROJECT # 3/22/2021 DATE: DRAWN BY: CHECKED BY: APPROVED BY: JMC

REVISIONS ATE DESCRIPTION

SITE PLAN

AS101

