

**DATE:** August 3, 2006  
**TO:** Salt Lake City Planning Commission  
**FROM:** Everett L. Joyce, Senior Planner  
**RE:** **STAFF REPORT FOR THE AUGUST 9, 2006 PLANNING COMMISSION MEETING**

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**CASE#:** 410-06-12  
**APPLICANT:** Premium Oil  
**STATUS OF APPLICANT:** Property owner  
**PROJECT LOCATION:** 1704 W North Temple St  
**PROJECT/PROPERTY SIZE:** 1.13 Acres  
**COUNCIL DISTRICT:** District 1  
**REQUESTED ACTION:** The applicant requests conditional use planned development approval for new construction within the CS Zoning District



*Vicinity Map*

**PROPOSED USE(S):**

The applicant proposes to reconstruct an existing gas station / convenience store with carwash.

**APPLICABLE LAND USE REGULATIONS:**

Section 21A.26.040 C Planned Development Review requires all new construction of principal buildings or uses in the CS Community Shopping district to be approved as a planned development in conformance with provisions of Section 21A.54 Conditional Uses of the City code.

**SURROUNDING ZONING DISTRICTS:**

All surrounding properties and blocks are zoned CS Commercial Shopping and CC Community Commercial.

- North** – CS zoning
- South** – CC zoning
- West** – CS zoning
- East** – CC zoning

**SURROUNDING LAND USES:**

- North** – Vacant commercial land
- South** – Restaurant
- West** – Fast food restaurant
- East** – Fast food restaurant and gas station with convenience store

**MASTER PLAN SPECIFICATIONS:**

The Northwest Community Master Plan designates the area for commercial land uses. The northwest corner of Redwood Road and North Temple has been identified as the preferred location for a community level shopping center to serve both the Northwest and West Salt Lake Communities.

**SUBJECT PROPERTY HISTORY:**

The property is presently used for the same uses as proposed. The convenience store will increase in size and the gas pump islands will be reconfigured, however the gas storage tanks will not be relocated. The carwash will be relocated to the west side of the new convenience store.

**ACCESS:** The subject property has access from North Temple Street and Redwood Road.

**PROJECT DISCRPTION:** The proposed development is new construction replacing the same uses in a different size and configuration. These uses are a gas station / convenience store with car wash. (See Exhibit 1 Site Plan)

**RELATED CASES:** A previous case adjacent to the north in the CS Zoning District is Conditional Use 410-177 (Check City at 137 N Redwood Rd).

## **COMMENTS, ANALYSIS AND FINDINGS:**

### **1. COMMENTS**

Staff received the following Department comments.

**Transportation** - The Division of Transportation identified that both frontages, North Temple and Redwood Road are State arterial roadways. Due to proximity to the intersection, driveways are restricted to right in / right out only access.

A proposal was submitted for Development Review Team review on March 8, 2006. At that time preliminary comments expressed were concern about parking calculations and clarification of the proposed access and easements with the abutting property to the north.

A revised site plan has been reviewed and the Transportation Division comments are:

1. Provide parking calculations for the existing site and the new site, to include ADA and bike requirements.
2. Provide written review comments from UDOT for the proposed driveway revisions and the removal of one approach from North Temple.
3. Indicate required vehicular stacking for the carwash.
4. Provide pedestrian access corridor from public sidewalk to building.
5. Provide street lighting up-grades as needed.
6. Final plan approvals are subject to fully engineered permit drawings complying to current city design standards.

**Public Utilities** – The Public Utilities Department stated that they have no objection to the conditional use, pending completion of the design and permitting process approval.

**Fire** – The Fire Department noted that additional fire hydrants may be required and a separate permit from the Fire Department for the fuel island/underground fuel tanks removal and or installation will be required.

**Building Services.** The Building Services Department provided the following zoning review comments:

1. The 15' interior side yard setback and the 30' rear yard setback have not been maintained in this proposal.
2. This proposal indicates that the existing pole sign along North Temple is to remain. It is understood the intent of the zoning ordinance is that when a building is demolished, the signs would be removed and any new signs for the new development would meet the current zoning requirements (21A.46.070G). No pole signs projecting more than 6' into the front or corner side yard landscaped setback area would be allowed for new development. Perhaps the Planning Commission can address this issue.
3. The 5 car stacking is not yet identified on the site plan at the automatic car wash to assure that this condition works.
4. Motor fuel pump location is to be approved by the Zoning Administrator pursuant to 21A.40.070.
5. Avigation easement required for all new development in this Airport Influence Zone C.
6. Parking calculations shall be provided for each principal building or use.
7. This proposal does not address the required 7' perimeter parking lot landscaping at the location of the west parking stalls. The Planning Commission will need to address modification of this standard to make the proposal work.
8. This proposal appears to be substandard in regards to both interior and perimeter parking lot landscaping and no park way strip landscaping is indicated (no landscaping plan has been presented for review, documenting the amount required for each element and the amount provided).

**Community Council(s)** –The proposed development was presented to both the Jordan Meadows and Poplar Grove Community Councils. The Jordan Meadows Community Council meeting was on May 10, 2006. The Poplar Grove Community Council meeting was on April 26, 2006. Both community councils were in support of redevelopment of the service station and convenience store.

## **2. ANALYSIS AND FINDINGS**

### **Issues that are being generated by this proposal**

*Master Plan.* The northwest corner of Redwood Road and North Temple Street has been identified in the master plan as the preferred location for a community level shopping center to serve both the Northwest and West Salt Lake Communities. This area is significant because of its location between the West Salt Lake and Northwest communities, the nearby employment centers, and easy access to transportation corridors. The uncertainty of knowing when the shopping center will be developed has been a challenge. There has been an ongoing concern that allowing development of pad sites along the frontage will decrease the ability of attracting a large anchor tenant to the site.

This specific site is currently developed as a convenience store with gasoline pumps and a carwash. The proposal is to redevelop the site with a new convenience store and carwash. The pump islands will be reconfigured however the existing underground tanks will remain in place. Since this is redevelopment of an existing use that fronts on North Temple Street and Redwood Road the potential impacts upon the future development of a shopping center of the underdeveloped land lying immediately to the north that fronts on Redwood Road would be negligible.

### **Planning Commission - Planned Development Subcommittee**

On June 21, 2006, the Planned Development Subcommittee met with the project representatives (Brig Wagstaff and Robert Money) and Planning staff to discuss the proposed development. Commissioners present were Peggy McDonough, Prescott Muir and John Diamond.

Concerns discussed were the north-south drive area on the east side of the building and access to the parcel to the north, side yard and rear yard setbacks, windows on the west and north elevations and how the site relates to the Gigante proposal to the north.

Discussion commenced regarding the potential development of the property to the north and the information that Check City had been denied at the last Planning Commission meeting. The applicants stated that the existing access point is fairly close to what they would prefer at this time. Mr. Diamond stated that the north/south through road from one property to another would not be required if the development to the north did not proceed. If that is the case then the building could be moved to the east. Mr. Money added that delivery providers need a parking area to load and unload goods, while allowing cars to pass through to the carwash. This would eliminate the potential of moving the building to the east. There was additional discussion regarding the task of service parking and trash pick-up on the property.

Commissioner suggestions related to the development were:

- Install real windows on the west side and northeast corner of the building, due to the potential for graffiti.
- A request was made to have windows wrap around the north corner closest to Redwood Road.
- Review the Gigante proposal and the Premium Oil proposal for the development layout on the north end of the property.
- Extend the building to the east – Discussion identified concerns with loading and unloading in the area.
- Create a smaller area on the west side of the building to increase the amount of space in the car wash bay, and reduce the setback to five feet.

In response to the issues raised, the petitioner has provided a revised site plan with the following modifications:

- Provided an alternative elevation for the northeast corner of the building with widows.
- Provided a development proposal without an access to the property to the north.
- Provided a five foot setback along the west property line within the side yard where the car wash is located.
- Maintained a drive area east of the building to provide for a loading and unloading area for the building tenants.

Review of the Gigante conceptual plans show a parking area and trash dumpsters located along the north property line of the Premium Oil site. Provision of a shared access would require removal of proposed parking stalls on the proposed site plan for the Gigante development.

**CODE CRITERIA / DISCUSSION / FINDING OF FACT**

This petition request is for conditional use planned development approval for an existing pad lot. The Planning Commission is the final decision approval authority and in doing so must review the proposal using the following standards:

**Section 21A.54.080 Standards for Conditional Uses:** The Planning Commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below.

**A. The proposed development is one of the conditional uses specifically listed in this title.**

**Discussion:** Retail convenience stores, gas stations and car washes are permitted uses in the CS Zoning District. The CS Zoning District requires all new construction to be approved as a planned development, which is a type of conditional use.

**Finding:** The proposed development involves new construction, which is a planned development conditional use specifically listed in the CS Zoning District text.

**B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.**

**Discussion:** The proposed development is in harmony with the general purposes and intent of the zoning ordinance and implements the planning goals and objectives of the City, as related to shopping center zoning. The existing site is a pad site and is being redeveloped with the same uses. The underground fuel tanks are not being relocated or replaced, the fuel island is being reconfigured to support reconstruction and expansion of the convenience store on the site as well as relocate the carwash.

Master Plan. The 1990 Northwest Community Master Plan's Future Land Use Map identifies the property for business/commercial land uses. Both the Northwest and the 1995 West Salt Lake Community Master Plans identify this area as a strategic location for a community level shopping center to serve both communities. This location is seen as key due to its significant location between the two communities, the high visibility of the area, easy access to transportation corridors and employment centers and its role as a major node to the City. The adoption of the Northwest Community Zoning Map in 1995 updated the existing Future Land Use Map specifying where the commercial shopping center should be developed through the zoning classification of CS Community Shopping.

The idea of providing the development of a commercial shopping center in the western portion of the City is also identified in other policy documents. The 1998 Futures Commission Report specifically states that the ideal neighborhood should have shopping opportunities within easy access of residents. More specifically it states that the City should promote opportunities for regular large-scale shopping centers in existing commercial areas where this type of development is needed (especially on the City's west side where no such opportunity exists within the City limits). Furthermore, the 1993 Salt Lake City Strategic Plan calls for the facilitation and development of complementary retail shopping opportunities in neighborhoods and commercial areas of the City.

There have been ongoing discussions of whether allowing continual development of pad sites along the frontages of North Temple and Redwood Road in this area will decrease the likelihood of locating a large anchor tenant.

**Finding:** The proposed development is in harmony with the general purposes and intent of the zoning district and is compatible with the planning goals as related to shopping center zoning to provide a comprehensive rather than piecemeal development.

**C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.**

**Discussion:** The subject parcel is a corner lot fronting on North Temple Street and Redwood Road. These are State controlled arterials.

Section 21A.26.040.H states that to maintain safe traffic conditions, lots in the CS Zoning District shall be limited to one driveway per one hundred and fifty feet of frontage on arterial or major collector streets. The intent of this requirement is to limit the number of accesses into a commercial shopping center. The proposed redevelopment reconfigures existing driveways and removes one drive approach on North Temple Street. The site plan driveways have been reviewed and approved by UDOT.

**Finding:** The proposed access is suitable to carry anticipated traffic and site modifications make the site more conforming to the desired circulation patterns within CS Zoning Districts since they are eliminating one drive approach.

**D. The internal circulation system of the proposed development is properly designed.**

**Discussion:** Section 21A.40.070 Motor Fuel Pump Regulations of the zoning ordinance contains specific criteria for gas pumps at convenience food stores. Staff has reviewed the latest site plan with the Transportation Department and has determined that the site plan as submitted needs to be modified to meet the criteria of this section. The ordinance requires that on site circulation be clearly marked and reflect established design standards for moving aisles, parking dimensions and turning radii. Necessary modifications are narrowing the driveway on North Temple Street by five feet on the west and moving the parking stalls along the west property line five feet further from the property line. The driveway proposed on North Temple is 45 feet in width. This matches the existing driveway approach apron, which has received approval from UDOT. However, Planning staff recommends that this driveway be narrowed. The existing drive approach apron can remain at its existing location. Narrowing of the drive approach will also allow for the installation of a five foot wide perimeter parking lot landscaping area. Parking lots are required to have a seven foot landscaped area from property lines. (The landscaping issue is discussed further in Criteria H)

The parking requirement for gas station / convenience store is three parking spaces per 1,000 square feet of floor area. Required off-street parking based on the 9430 square foot of retail area would require 29 parking spaces. The proposed site plan shows 28 parking spaces. One additional parking space can be provided along the front landscaped setback along North Temple Street to provide the required amount of off-street parking.

The location of the carwash allows for adequate vehicle stacking spaces as required by the ordinance.

**Finding:** The proposed circulation system with minor modification meets the design standards for parking stalls and aisles and for gas pumps at convenience food stores. The narrowing of the driveway on North Temple will provide a site plan that meets City design standards.

**E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.**

**Discussion:** The existing facility is already serviced by utilities. Utility connections will need to be relocated to service the new building location.

**Finding:** The site has existing utilities and utility relocations are designed in a manner that will not have an adverse impact on adjacent land uses.



**F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.**

**Discussion:** Parking lots with more than 20 parking spaces are required to have five percent interior landscaping and when located closer than 20 feet from a property line must provide a seven foot perimeter landscaped element.

The proposed site reconfiguration plan proposes a five foot building setback in the side yard and a twelve foot setback in the rear yard. The Planning Commission Planned Development Subcommittee, in its review of the proposed site plan, recognized the reduced building setbacks. The Planning staff also supports modification and approval by the Planning Commission to reduce the required side and rear yard setbacks and reduce the perimeter parking lot landscaping on the west property line to accommodate the reconstruction and expansion of the existing facilities on the property. The existing parcel is less than the minimum lot size of 60,000 square feet and the existing development as well as the proposed reconstruction and reconfiguration are part of a larger shopping center development. The reduced landscape buffers and building setbacks are compatible with the existing development character.

**Finding:** The site plan design is adequate to provide protection of adjacent land uses from light, noise and visual impacts and is compatible with the existing development character of the area.

**G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.**

**Discussion:** The proposed elevations facing North Temple Street and Redwood Road contain adequate windows and fenestration elements. The Police Department identified concerns relating to the blank west and north elevations with respect to graffiti.

Existing pad sites in the CS Zoning District within this area consist of individual design and do not share a common design theme but reflect the corporate architecture of the specific business. Adjacent commercial facilities surrounding the proposed site also contain a variety of commercial building designs. The one key element is retail uses are one story in height.

**Finding:** There is no single architectural design theme of style in the adjacent neighborhood. The proposed building architecture and material are compatible with the adjacent neighborhood.

**H. Landscaping is appropriate for the scale of development.**

**Discussion:** The preliminary landscape plan shows inadequate areas of landscaping to meet the specific criteria of the CS Zoning District. The required landscaped setbacks

along the perimeter parking area on the west property line is 7 feet. The Planning staff recommends modification to the site plan to provide a five foot perimeter landscape setback along the west property line parking area. This five foot setback matches the building setback where the proposed carwash facility is located. The existing front yard landscaped setback provides three foot additional landscaping than required within the CS Zoning District. The Planning staff recommends that the Planning Commission approve the reduced landscaped setbacks and that detailed plans should be submitted and approved by the Planning Director or designee as part of building permit issuance.

**Finding:** Planning Commission modification of the landscaped setback requirements would allow for reduced setbacks along the west property line and the landscaping would be appropriate for the scale of development and the parcel size.

**I. The proposed development preserves historical, architectural and environmental features of the property.**

**Finding:** The project is not located within a designated historic district nor is it a Landmark Site. The proposed development does not impact the preservation of historic, architectural or environmental features.

**J. Operating and delivery hours are compatible with the adjacent land uses.**

**Discussion:** The proposed development, a retail service use is compatible with retail uses permitted within the CS Zoning District.

**Finding:** Any operating and delivery hours would be compatible with adjacent land uses.

**K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.**

**Discussion:** The surrounding neighborhood consists of general commercial development. Within the CS Zoning District current uses consist of one anchor retail facility (Sutherlands) and several pad site developments along Redwood Road and North Temple Street.

**Finding:** The proposed development will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

**L. The proposed development complies with all other applicable codes and ordinances.**

**Discussion:** This proposal is a planned development; therefore, it must also meet the standards identified in Section 21A.54.150 Planned Developments. The specific findings related to Planned Developments are discussed below.

### **21.54.150 Planned Developments**

**Purpose Statement:** A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the City seeks to achieve the following specific objectives:

**1. Creation of a more desirable environment than would be possible through strict application of other City land use regulations.**

**Discussion:** The CS Zoning District requires a 15 foot side yard and a 30 foot rear yard building setback. Reduction of these setback requirements as shown on the submitted site plan allows for appropriate reconfiguration of the existing uses on the parcel.

The Planning staff recommends the Planning Commission authorize a reduction in the required side and rear yard building setbacks as shown on the submitted site plan. Staff also recommends that the perimeter parking lot landscaped setback be reduced to five feet along the west property line. The Planning Commission Subcommittee and Staff support the modification to the required CS Zoning District setbacks because the existing lot is smaller than the minimum 60,000 square foot lot size for which these setback requirements are designed. The proposed development plan meets the general City land use regulations.

**Finding:** The proposed site plan along with modification of setback requirements creates a more desirable environment for a 49,200 square foot lot than would be possible through strict application of regulations designed for a minimum 60,000 square foot lot.

**2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.**

**Discussion:** The proposed site plan layout provides reconfiguration of the existing gas station, convenience store and carwash. The redesign provides for relocation of the existing buildings and redesign of the pump islands with the elimination of one driveway on North Temple.

**Finding:** The proposed development promotes a creative approach to the use of land and related physical facilities resulting in better design and development.

**3. Combination and coordination of architectural styles, building forms and building relationships.**

**Discussion:** Within the CS Zoning District in this area, the existing anchor building (Sutherlands) and pad sites do not have a consistent architectural theme.

**Finding:** The proposed development consists of a building that incorporates a retail commercial building form and identity. The existing shopping center has pad sites with varied architecture from the anchor building. Numerous shopping center developments contain pad sites with their own unique corporate building architecture. The architectural style and building form does not detract from the development of a community level shopping center.

**4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion.**

**Finding:** This purpose statement is not applicable.

**5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;**

**Finding:** The site has no architectural or historic significant buildings.

**6. Use of design, landscape or architectural features to create a pleasing environment;**

**Finding:** The proposal provides for a building that fronts on arterial streets with the parking behind the landscape setbacks with front building facades that create a pleasing commercial environment.

**7. Inclusion of special development amenities; and**

**Finding:** The development provides improved circulation by removing an existing driveway on North Temple Street.

**8. Elimination of blighted structures or incompatible use through redevelopment or rehabilitation.**

**Finding:** The existing parcel is presently being used and the new construction reconfigures the site layout and provides new buildings for the existing uses. This objective is not applicable.

## 21A.54.15.E Other Planned Development Standards

1. **Minimum Area:** A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district as set forth in Table 21A.54.150 E 2.

**Discussion:** The minimum planned development size in the CS Zoning District is 60,000 square feet. A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district (CS Zoning District requires 60,000 square feet, excluding pad sites).

The entire parcel is 49,200 square feet in area. This development is considered a noncomplying lot and pad site that would be excluded from the minimum lot size area requirement.

**Finding:** The existing parcel does not meet the minimum lot area requirement for the CS Zoning District. The proposed development is on a noncomplying lot with respect to minimum lot area requirements.

2. **Density Limitations:** Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed.

**Discussion:** The planned development is a commercial project in the CS Zoning District.

**Finding:** The residential density limitations do not apply to the proposed development.

3. **Consideration of Reduced Width Public Street Dedication.**

**Discussion:** The planned development does not propose any public or private streets within its boundaries.

**Finding:** The consideration of reduced street width does not apply to the proposed development.

4. **Planned Developments:** Planned developments within the CS Zoning District, when the district is adjacent to more than sixty percent (60%) residential zoning (within 300 feet, either on the same block or across the street) shall be subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

**Finding:** The CS Zoning District at North Temple and Redwood Road does not have more than 60 percent residential zoning within 300 feet. The additional evaluation criteria of this objective are not applicable.

## **RECOMMENDATION:**

Based on the findings of fact, the Planning Staff recommends that the Planning Commission approve the planned development conditional use subject to the following conditions:

1. Modification of the side yard setback to five feet at the carwash location as shown on the submitted site plan.
2. Modification of the rear yard setback to 13 feet at the northwest corner of the lot as shown on the submitted site plan.
3. Modification of the perimeter parking lot landscape requirement to five feet in width along the west property line.
4. Reduction of the driveway width on North Temple Street at the west by five feet on the west to provide a forty foot wide drive approach.
5. Delegation of final landscape and site plan approval to the Planning Director or designee for final approval.
6. That the applicant / property owner understands and is willing to permit vehicle cross access to future development of the parcel immediately to the north.

**Attachments:** Exhibit 1: Site Plan and Elevations  
Exhibit 2: Planning Commission Subcommittee Minutes  
Exhibit 3: Department Comments