

DATE: June 8, 2006

TO: Salt Lake City Planning Commission

FROM: Elizabeth Giraud, Senior Planner

RE: STAFF REPORT FOR THE JUNE 14, 2006 MEETING

CASE#: 410-06-14

APPLICANT: Prosperity Enterprises

STATUS OF APPLICANT: Property Owner

PROJECT LOCATION: 479 S. 600 E.



PROJECT/PROPERTY SIZE: Approximately 0.32 acres

COUNCIL DISTRICT: District Four, Council Member Nancy Saxton

REQUESTED ACTION: Conditional Use/Planned Development approval for a retail bakery in a CS Commercial Shopping Zoning District. All new construction is a planned development in the CS Zoning District. The modification of the landscaping requirements and front and corner side yard setbacks is also requested.

PROPOSED USE(S): The applicant proposes to develop the property for use as a retail bakery with a drive-through window.

APPLICABLE LAND USE REGULATIONS: Section 21A.26.040 CS Community Shopping Zoning District.
Section 21A.54.080 Standards for Conditional Uses
Section 21A.54.150 Planned Developments

SURROUNDING ZONING DISTRICTS: The subject property is surrounded by the CS Zoning District. To the southwest the property is zoned RO Residential Office.

SURROUNDING LAND USES:
North – Wholesale Florist business
South – Trolley Square Shopping Center
West – Smith’s Marketplace
East – Modern Display Warehouse

MASTER PLAN SPECIFICATIONS: The Central Community Master Plan calls for supporting new and existing commercial businesses and improving commercial development opportunities in the Central Community (Policy CLU-2.0) The Future Land

Use Map of the Central Community Master Plan identifies the site as “High Density Transit Oriented Development (50 or more dwelling units/acres).

SUBJECT PROPERTY

HISTORY: The lot on the corner of 500 South and 600 East was the site of Bill and Nada’s Restaurant, demolished in 2002. The lot to the east was the site of a small duplex (613-615 E. 500 S.), which burned in 2001 and was subsequently demolished.

ACCESS: Access to the site will be through curb cuts on 500 South and 600 East. The proposed drive-through would be accessed via 500 South.

PROJECT DESCRIPTION: The applicant is proposing to construct a restaurant and bakery on the site. The restaurant will provide both indoor and outdoor seating, and a drive-through window. The new building will be placed at the southwest corner of the property, with the drive-through window on the north side of the building accessed from 500 South. This is a one-story, 4,144 square foot building with a total height of 21 feet 8 inches from finished grade. The building has frontage on both 500 South and 600 East.

The materials proposed for the exterior of the project include brick veneer for the main portion of the building, with Exterior Insulating and Finish Systems (EIFS) on the upper third of the elevations. The plans show storefront windows on the primary facades, with round arches and awnings above. Public entrances are indicated as single doors on the south and west elevations, with a set of double doors providing customer access on a diagonal wall at the southwest corner of the building.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

Comments from City departments, divisions and Community Council(s):

- a) **The Transportation Division** stated that the preliminary plan is conceptually approved for the required 5 car stacking at the proposed drive up window, the angle parking for 15 stalls, including the ADA stall, and bike parking on site. Standard public way upgrades are required for curb & gutter, driveways, sidewalk, street lights and park strip improvements. The labeling of the six on-street parking stalls indicated on the plans needs to be corrected, as on-street parking does not count toward the required parking in a CS Zoning District.

The site fronts 600 East, a special collector class roadway with a median island restriction of right in / right out north bound vehicular traffic. Due to the predominate one way circulation of the site, the driveway on 600 East should be

reduced to 20 feet wide to align with the parking and a 3:1 taper from the drive up window isle. The 500 South roadway frontage is a two way arterial class roadway. No significant traffic impact is expected to these roadways.

- b) **The Engineering Division** stated that the applicant must show all public way improvements, such as street lights, fire hydrants, and street trees on the site plan prior to obtaining a building permit and Engineering Division approval. New driveway approaches must have five feet of clearance from these items. The applicant must replace any public way improvements determined necessary once the Engineering Division has conducted an inventory. The proposed outdoor dining requires a revocable lease for the impact within the public right of way. The applicant will need to obtain a Certificate of Address from the Engineering Division.
- c) **The Building Services Division** stated that the two existing lots must be combined into one new parcel with a new Sidwell number. Perimeter parking lot landscaping, interior parking lot landscaping, and perimeter parking lot trees are substandard. Consideration may be given to allow the applicant to relocate the number of required interior parking lot trees to a location on City property, inside the sidewalk, in order to provide shade for the building, sidewalk, and outdoor dining area. The applicant must obtain permission from the City Forester to locate trees on City property. The Salt Lake City Division of Property Management must approve the proposed outdoor public dining in the public way.
- d) **The Public Utilities Department** stated that according to their records, each of the existing lots are served by three ¾-inch water services. One of these water services may continue to provide culinary water and another can remain to provide irrigation water to this property. The remaining water service must be killed at the main per Salt Lake City Public Utilities standards. The existing grease interceptor will need to be replaced with a new interceptor per Public Utilities standards. Change of use, from duplexes to restaurant, requires that a sewer impact fee be assessed. This impact fee will be based on the final fixture unit count and the required grease interceptor.

Fire Department approval will be required prior to Public Utilities approval. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the fire department.

Prior to full plan set approval and/or plat recordation all water, fire, sewer, drainage and connection impact and inspection fees must be paid in full. Plumbing plans must be submitted to Public Utilities for review and approval.

All environmental issues must be approved by the appropriate governing agency prior to Public Utilities approval. The developer must provide written documentation to Public Utilities showing these conditions have been met.

- e) **The Police Department** stated that they do not anticipate increased requests for police services to the site, should the project be developed as presented. Also, past data reveal that this address has not posed any significant increase in calls for service in comparison to similar usage areas.
- f) **The Fire Department** has no objections to the proposed development.
- g) **Community Council:** The Central City Neighborhood Council reviewed the proposal on May 3, 2006. The Chairperson, Thomas Mutter, stated that the Central City Neighborhood Council would like to see the parcels developed, and that it would be compatible with the neighborhood. The Neighborhood Council notes state that those attending “like the street trees and outdoor seating.” Approximately 25 people attended.

ANALYSIS AND FINDINGS

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 and, where applicable, any special standards for conditional uses set forth in a specific zoning district.

CODE CRITERIA / DISCUSSION / FINDINGS OF FACT

21.54.080 Standards for Conditional Uses.

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

Discussion: All new development in the CS Zoning District is required to be approved through the planned development process as identified in 21A.26.040(C).

The CS Zoning District also allows the Planning Commission to modify the standards of the zone pertaining to minimum lot area, lot width, minimum yard requirements, landscape yard requirements, height, and access restrictions.

The proposed use is considered a retail goods establishment, which is allowed as a permitted use in the CS Zoning District according to the land use charts identified in 21A.26.080.

The CS Zoning District requires a minimum lot area of 60,000 square feet, exclusive of shopping center pad sites.

The CS Zoning District requires that principal structures have a front, corner side, and rear yard setback of 30 feet. The interior side yard requirement is 15 feet.

Finding: The planned development and the alteration of setbacks are allowed by the Zoning Ordinance. Retail goods is a permitted use.

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 CS Zoning District requires a minimum lot area of 60,000 square feet. Once the two parcels are consolidated, the square footage for the proposed development would be 13,939 square feet. The minimum lot width is 150 feet. The 600 East frontage is 107.25 feet wide; the 500 South frontage would be 130.5 feet wide once the parcels are combined. The CS Zoning District front, corner side, and rear yards to be thirty feet and interior side yards to be fifteen feet. The street frontages along 600 East and 500 South for this development would be five feet. The proposed development does not meet these standards, but the Planning Commission can modify these standards, if it finds that modification of the standard allows the proposed development to meet the objectives of the planned development listed above.

The Central Community Master Plan includes several policies and opportunities that support this proposal. The proposed development is located on the appropriate arterial for a drive-through window, it is located near a light-rail stop, it represents a new, small neighborhood commercial sites near two large commercial sites (Smith’s Marketplace and Trolley Square), and the traffic and activity it would generate would not encroach upon a residential neighborhood. Additionally, it would represent the positive development of a vacant lot that currently represents a visual detraction from popular shopping sites, Trolley Square and Smith’s Marketplace. The Future Land Use Map of the master plan identifies this site as “High Density Transit Oriented Development (50 or more dwelling units/acres). However, the proposed use is a permitted use in the CS Zoning District.

Finding: Modifying the required setbacks would allow the proposed development to create a more desirable environment for this corner of Central City. Forcing the applicant to conform to the required setbacks on the subject property would only allow a development that would be so small as to be out of scale with the surrounding development, and with the development patterns historically found in Central City. The proposed development conforms to several of the policies and opportunities described in the Central Community Master Plan regarding the location of community level retail sales on appropriate arterials away from residential neighborhoods, the location near a light-rail stop, and the support of new commercial businesses.

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 project has been reviewed by the Salt Lake City Transportation Division, and by the development review team through the site plan review process. The streets abutting the proposed development, 500 South and 600 East, are classified as an “arterial, state route” and a “collector,” respectively. Arterials are defined as facilitating traffic movement over relatively long distances, and are generally multi-lane streets carrying high traffic volumes at relatively high speed limits. Collectors are defined as providing the connection between arterial and local streets, providing direct access to abutting property and carrying a mix of local traffic and commuter traffic headed for nearby destinations. The CS Zoning District requires that in order to maintain safe traffic conditions, lots in the zone shall not exceed one driveway per 150 feet of frontage on arterial or major collector streets. Because of the small scale of the proposed development, traffic loads are not significantly being increased, and the Transportation Division has approved the proposed driveway locations.

Finding: The Transportation Division states that the proposed development will have no significant impact to the existing streets system.

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

Discussion: Table 21A.44.060(F) of the Zoning Ordinance specifies that three parking spaces are required for every 1,000 square feet of building space for a retail goods establishment. According to this requirement, twelve spaces are needed, and the applicant has indicated that fifteen will be provided. After reviewing the site plan, the Salt Lake City Transportation Division has reviewed the proposed design and has no issue with the circulation of the parking lot.

Finding: The proposed development has sufficient parking, and the internal circulation system of the proposed development is properly designed.

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 issues raised by Salt Lake City Public Utilities Department included disconnecting unused services at the main to conform to Salt Lake City standards, replacing the grease interceptor, and payment of a sewer impact fee due to the change of use from a duplex on one of the parcels to a restaurant. Overall, the utilities are adequate.

Finding: Utilities are adequate. The applicant must meet the Public Utilities Department’s requirements and address the issues cited above prior to the issuance of a building permit.

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

Discussion: Buildings in the vicinity of the subject property include wholesale florist businesses, Smith's Marketplace and Trolley Square. Currently, no buffering exists between the subject and abutting properties. Section 21A.48.080(C)(4) of the Zoning Ordinance requires lots abutting residential districts to have a landscape buffer of 15 feet. The subject property does not abut a residential zone, but perimeter landscaping of 7 feet is required where a parking lot is located within a required yard, or within 20 feet of a lot line (21A.48.070(C)(1)). The applicant does not meet the requirements for perimeter landscaping, as discussed elsewhere in this report, but the proposed landscaping will improve the property and provide a buffer from adjacent land uses from noise and visual impacts. The dumpster is proposed to be screened.

The City code also requires that lighting spill be directed downward to minimize glare onto adjacent properties.

Finding: The proposed buffering is an improvement over the existing conditions best described as two unlandscaped, vacant lots, and will be consistent with surrounding development. No additional buffering is needed.

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

Discussion: On May 3, 2006, the Historic Landmark Commission reviewed and approved the request for new construction, finding that it was consistent with the design regulations for historic preservation. Staff recommends the Planning Commission accept the Historic Landmark Commission approval for the standard of consistency with this standard.

Finding: The proposed new development is consistent with building and architectural patterns historically used in the vicinity of the subject property. The proposed development conforms to this standard, and the Historic Landmark Commission has found the design to be consistent with the *Design Guidelines for Residential Historic Districts in Salt Lake City* and with Section 21A.34.020(H) .

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

Discussion: The Zoning Ordinance requires seven feet of planting around the perimeter of the parking lot and interior parking lot landscaping of at least five percent for parking lots with 15 or more stalls. Table 21A.48.070(G) requires shade trees every 50 feet and 1 shrub every 3 feet on center for the perimeter parking lot landscaping. The proposed perimeter parking lot landscaping along the parking lot is 5 feet at its narrowest point and approximately ten feet at its widest point, and thus while the applicant does not meet the standards for perimeter parking lot landscaping in the strictest terms, he has provided an average of seven feet of landscaping around the perimeter of the parking lot. In addition, the parking lot abuts other commercial development.

Interior parking lot landscaping is not indicated on the site plan. Shade trees are not indicated every 50 feet, but as an average the proposal meets the number required by the Zoning Ordinance for the length of the parking lot. However, the applicant is proposing to install several feet of landscaping in the public way, behind the sidewalk therefore a large amount of landscaping is at the entrance of the parking lots which meet the intent of the interior parking lot landscaping requirement.

Additionally, the CS Zoning District requires a 15-foot landscaped yard on all front and corner side yards. Five feet of planted material is proposed within the setback on the 600 East frontage in front of the proposed building and five feet of hardscaping is proposed within the setback on the 500 South frontage in front of the proposed building. Fifteen feet of landscaping is proposed at the narrowest point for the entrance to the parking lot on 600 East and twenty feet of landscaping is proposed for the entrance to the parking lot from 500 South.

The applicant does not meet the requirements of the Zoning Ordinance in terms of interior parking lot landscaping and landscaping in the front and corner side yard setbacks. It is important to note; however, that the property is located in a CS Zoning District, intended for large shopping areas with multiple buildings. For properties meeting the minimum lot requirement of 60,000 square feet, interior lot landscaping and front and corner side yard landscaped areas would be very important. For the subject property, the proposed landscaping is appropriate for the small scale of the new building and the property. The proposed landscaping will improve the appearance of this corner, and allow the applicant to bring the building close to the corner to reinforce the street wall. It meets the intent of the ordinance by adding organic material, including shrubs and trees, that soften the effect of the commercial structure and parking lot on the surrounding neighborhood.

Finding: Although the proposed landscaping does not meet the requirement of the zoning ordinance in terms of interior parking lot landscaping and landscaping in the front and corner side yard setbacks, the applicant is proposing planted landscaping in the public way, behind the sidewalk. The proposed landscaping is appropriate for the scale and size of the parking lot, will not have a negative impact on the abutting commercial uses, and is appropriate for the proposed building and the design allows for the placement of the building closer to the sidewalk which enhances the pedestrian environment. Staff recommends the Planning Commission modify the landscaping requirements to be consistent with the site plan, allowing perimeter parking lot landscaping ranging between five and ten feet in the rear and interior side yards of the parking lot, and waiving the requirement for interior parking landscaping.

Regarding the requirement of fifteen-feet of landscaping required in front and corner side yards in the CS Zoning District, Staff recommends the Planning Commission modify the landscaping requirements to modify the 15-foot

landscaped yard on all front and corner side yards, and instead approve the landscaping as indicated on the site plan. This will allow the applicant to move the building closer to the street, in keeping with historic development patterns of Central City, and to provide outdoor seating.

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

Finding: There are no historical, architectural and environmental features of the property. The property is located in the Central City Historic District. The Historic Landmark Commission reviewed and approved the proposed development on May 3, 2006.

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

Discussion: Adjacent land uses consist of retail, entertainment, and wholesale commercial uses. This project will have similar hours as the adjacent retail uses. Deliveries and refuse collection will be similar to the retail uses found in Trolley Square.

Finding: Hours of operation are consistent 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 proposed use would correspond to the entertainment, restaurant, and retail uses in the vicinity of this neighborhood of Central City. It would not encroach on residential uses, and is compatible with transportation patterns in the area, namely the 500 South corridor and the nearby light-rail station. The existing vacant lots are not an asset to the visual qualities or economic development of the surrounding land uses, and the proposed development would be a positive development for this area of Central City.

Finding: The proposed development will not cause a material net cumulative adverse impact on the neighborhood as a whole, because it is similar to nearby commercial uses and available transportation corridors.

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

Discussion: The subject property is located in the Central City Historic District. The Historic Landmark Commission reviewed and approved the proposed development on May 3, 2006.

The applicant will have to combine the two parcels of land, and record a notice at the Salt Lake County Recorder's Office.

Finding: The applicant will have to meet other applicable codes and ordinances.

Section 21A.54.150 Planned Developments

The purpose of planned development is to provide flexibility in the ordinance to achieve the following objectives:

1. Creation of a more desirable environment than would be possible through strict application of other City land use regulations.
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
3. Combination and coordination of architectural styles, building forms and building relationships.
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.
5. Preservation of buildings, which are architecturally or historically significant or contribute to the character of the City.
6. Use of design, landscape or architectural features to create a pleasing environment.
7. Inclusion of special development amenities.
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

All development in the CS Zoning District is required to be reviewed as a planned development. The proposed retail development in the CS Zoning District project is in conformity with objectives 1, 2, 3, 6, and 7 of Section 21A.54.150. Objectives 4 and 5 are not applicable.

21A.54.150E - Other standards.

Standards for Planned Development Approval include the following:

1. It must meet the minimum lot size.
Discussion: The minimum lot size in a CS Zoning District is 60,000 square feet.
Finding: The lots are legal non-complying lots that the applicant has a right to develop as long as the project is consistent with other planning goals of the Central Community Master Plan. Although the lots do not meet this requirement, they are legal lots established prior to the adoption of this zoning district. The combining of the lots will increase the size of the lot which will make it more complying.
2. Residential density may not be greater than the base zone.
Discussion: The proposed development is commercial and does not contain a residential component.
Finding: Residential density is not applicable in this petition.

3. Reduced width streets must be properly engineered.
Discussion: No reduced width streets are proposed for this development.
Finding: This standard is not applicable.
4. The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the Planning Commission.
Discussion: This standard applies to multi-lot residential development.
Finding: This standard is not applicable.
5. The Planning Commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.
Discussion: There is not a topographic change between lots.
Finding: This standard is not applicable.

RECOMMENDATION:

In light of the comments, analysis and findings noted above, staff recommends that the Planning Commission approve a conditional use for the proposed development with the following conditions:

1. The parcels must be consolidated into one parcel with one tax identification number.
2. The applicant must submit documents that address the department comments outlined in this report.
3. The Planning Commission adopt the design of the structure as approved the Historic Landmark Commission.
4. The Planning Commission modify the regulations pertaining to minimum lot size area, minimum width, and front and corner side yards setbacks.
5. The Planning Commission modify the perimeter parking lot landscaping requirements as shown on the submitted plans.
6. The Planning Commission modify the front and corner side yard landscaping requirements as required in the CS Zoning District as shown on the submitted plans.
7. The Planning Commission waive the requirement for interior parking lot landscaping.

Elizabeth Giraud, AICP
Senior Planner

Attachments: Exhibit A: Photographs of the Vicinity of the Property
Exhibit B: Submitted Plans
Exhibit C: Departmental Comments

Exhibit A

Photographs of the Vicinity of the Property

Exhibit B

Submitted Plans

Exhibit C

Departmental Comments