

DATE: June 8, 2006
TO: Salt Lake City Planning Commission
FROM: Everett L. Joyce, Senior Planner
RE: **STAFF REPORT FOR THE June 14, 2006 PLANNING COMMISSION MEETING**

CASE#: 410-777
APPLICANT: RTTA, LLC
STATUS OF APPLICANT: Property owner
PROJECT LOCATION: 137 N Redwood Road
PROJECT/PROPERTY SIZE: 1.3 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 construct a retail service establishment / financial institution on the eastern portion of an existing parcel. The remaining western portion of the lot will remain undeveloped at this time.

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 only 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 CB Community Business.

North – CS zoning

South – CS zoning

West – CS zoning

East – RMF-35 and CC zoning

SURROUNDING LAND USES:

North – Gertie Avenue and restaurant

South – Service station convenience store and restaurant

West – Sutherlands home improvement center

East – Fast food restaurant, convenience store and State of Utah storage facility

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 a vacant lot.

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| ACCESS: | The subject property has access from Gertie Avenue and Redwood Road. |
| PROJECT DISCRIPTION: | The proposed development is new construction on the front portion of a vacant parcel. The use is for a retail service/ financial institution. (See Exhibit 1 Site Plan) |
| RELATED CASES: | Related cases within the CS Zoning District at the northwest corner of Redwood Road and North Temple Street are Conditional Use 410-613 (Accounting Office at 179 N Redwood Rd) and the Gigante shopping center development proposal which includes all of the CS Zoning District excluding Sutherlands Home Improvement Center and existing retail development fronting on North Temple Street. The related cases are discussed in the Analysis section of this staff report beginning on page 6. |

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

Staff received the following Department comments.

Transportation - The Division of Transportation identified that Redwood Road is a major arterial State roadway with full improvements. Gertie Avenue is a local Salt Lake City roadway with pavement only improvements fronting this parcel. Full street improvements to Gertie Avenue would include curb and gutter, sidewalk, park strip and landscaping, street lighting, etc.

Preliminary site review indicates: A maximum 30 foot wide driveway approach access is proposed off Gertie Avenue. The driveway on Redwood Road needs to be reviewed and approved by the State (UDOT District II).

The on site parking and circulation exceeds City standards for stall depth and isle width. The access to the non-developed portion of the site to the west needs to be restricted to paved surfaces only. The proposed future access to the south needs cross access easements to be recorded in agreement with the abutting lot to the south.

Public Utilities – The Public Utilities Department identified the following existing utility services within Gertie Avenue and Redwood Road.

A new 12-inch public sanitary sewer main must be installed from Redwood Road to the eastern most boundary of the proposed development. An existing six-inch water main is currently located in Gertie Avenue. If culinary water needs or fire flow requirements for the future development exceeds what this water main can provide then a new 12-inch water main will need to be installed to replace the six-inch water main.

Drainage and grading plans must be submitted for review and approval. The proposed catch basin in Gertie Avenue must be redesigned to be routed *within the public road* to connect to the system in Redwood Road. The drainage system connection to Redwood Road must be approved and permitted by the Utah Department of Transportation (UDOT).

Public Utilities responded that this property should be serviced directly to Redwood Road if Gertie Avenue is to be closed rather than through public easements on Gertie Avenue.

Fire – The Fire Department notes that no fire hydrants were shown on the plan. They will need to include the location of the fire hydrants when final architectural drawings are submitted to the City for approval and building permit.

Police – The Police Department has reviewed the proposed development plans and have no concerns with the proposed use of the property. The one site design concern is that the side of the proposed building facing Gertie Avenue has no windows in it. It is recommended that some type of shrubbery be planted along that side that will grow high and dense enough to prevent graffiti there. Since Gertie Avenue runs along that north side, it would be a prime location for that to occur. Adequate lighting is also necessary.

Building Services. The Building Services Department identified that the corner side yard setback from the property line along Gertie Avenue to be 30 feet minimum. Plans show 29.90 feet.

Mayor's Office of Economic Development - The Office of Economic Development does not support the petition for the following reasons:

1. Desired development in the area is for a large, full-scale, planned development to provide a range of commercial/retail services to the neighborhood rather than piecemeal development.
2. The area surrounding the proposed development is one of the key remaining Westside intersections available for a large retail development.
3. Numerous check cashing developments can be found in Westside neighborhoods. A variety of retail services will serve the neighborhood better, rather than additional check cashing services.
4. The Office of Economic Development is currently developing a presentation and marketing materials for the real estate/development community identifying appropriate retail development for Westside neighborhoods. Prime corners of Westside neighborhoods are taken into careful consideration.

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 held on February 8, 2006. The Jordan Meadows Community Council did not support the proposed use because of the type of use and not the site design.

The Poplar Grove Community Council meeting was on February 22, 2006. There was lack of support for the development because of concern about the high rate of crime related to the type of use proposed.

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 site 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.

Since 1994, development of a shopping center has been occurring in a piecemeal fashion. Sutherlands was approved as the first anchor tenant with hopes that its development would entice a soft-goods, discount retailer as the other anchor tenant. Instead, applications for pad sites have been approved for the Chevron, Taco Bell and Carl's Jr. on North Temple and Central Park (Mad Greek) on Redwood Road. In the case of Central Park (Mad Greek), the applicant requested approval to negotiate a development agreement with the City to build a temporary modular building with the idea that the building would be relocated elsewhere on the site or moved from the site if its location interfered with the future development of the shopping center.

The applicant in this case desires to build a permanent structure on a portion of the existing lot. Due to the uncertainty of the timeframe for final development of a shopping center, Staff has analyzed the proposal to determine if the project can function as a stand alone development while at the same time, be incorporated into the final shopping center layout. Staff is concerned that if the proposed project is approved it will make it more difficult to develop a community shopping center to meet to the City goal to provide a community level shopping center to serve the Northwest and West Salt Lake communities.

Related Cases.

The proposed development site layout's potential impact upon development of a community level shopping center is an unknown element since a variety of development plans could be configured to accommodate a shopping center anchor on the CS zoned properties fronting on Redwood Road. Two shopping center conceptual site plans were provided in the processing of Case 410-613. (See Exhibit 4 Shopping Center Conceptual Plans) A shopping center plan proposal has been submitted to the City for development of the Plaza Americas shopping center. (See Exhibit 5 Proposed Shopping Center Development)

Case 410-613. A previous similar case within the CS Zoning District is Petition 410-613 a planned development conditional use for an accounting office at 179 North Redwood Road. The Planning Staff recommended approval with conditions relating to site design for future incorporation of the site into a larger shopping center and building design but the Planning Commission action was to deny the petition request. The Commission findings are listed below.

Planning Commission Action: The Planning Commission denied Conditional Use 410-613 at 179 North Redwood Road, based on the following Findings of Fact:

- A. The proposed development is not in harmony with the general purposes and intent of this Title and is not compatible with and implements the planning goals and objectives of the City, as related to a shopping center zoning. Further, there are deficiencies in meeting minimum lot area, minimum lot width, front yard setback and interior side yard requirements as indicated in the staff report.
- B. The internal circulation system of the proposed development is not appropriate for a shopping center use.
- C. The appropriate buffering is not adequate for the conditions of a shopping center zone.
- D. The proposed conditional use is not compatible with the intended neighborhood shopping center zoning and detracts from the ultimate proposed development.

Plaza Americas Development - Gigante. Submitted to the City is a proposed shopping center for the balance of the CS Zoning District area north of the existing retail uses on North Temple Street. Planned development and street closure petition applications submitted for the Plaza America shopping center development consist of a comprehensive two-phase development. Phase One includes a grocery store anchor at the north end of the CS Zoning District. Phase Two provides for a second co-anchor tenant building at the south end of the CS Zoning District immediately north of the existing development on North Temple Street.

Planning Commission - Planned Development Subcommittee for Case 410-777

On April 5, 2006 the Planned Development Subcommittee met with the project architect, Check City representative, the property owner and Planning staff to discuss the proposed

development. Commissioners present were John Diamond, Tim Chambless and Babs DeLay.

Two concerns identified were empty pad sites without any proposed use and a solution with neighboring properties concerning combined access.

Commissioners' suggestions related to the development were:

- Have more landscaping in the project.
- Provide adequate lighting for safety issues.
- Have buildings positioned on the north side so they have a view of the street.
- Developers were asked to bring another north elevation plan before the subsequent Planning Commission meeting.

In response to the issues raised the petitioner has provided the following actions:

- Provided an alternative elevation for the north building elevation fronting Gertie Avenue.
- Provided a concept development plan the incorporates the shared access with Premium Oil property
- Provided a conceptual development proposal for the balance of the property.

CODE CRITERIA / DISCUSSION / FINDING OF FACT

This petition request is for conditional use planned development approval on a legal lot of record that is considered a developable lot. The Planning Commission is the final decision approval authority for conditional uses and 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.

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

Discussion: Retail service establishments / financial institutions 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 is new construction which is a planned development conditional use specifically listed in the CS Zoning District text.

Standard 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 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. The North Temple and Redwood Road CS Zoning District is seen as a key development area 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 in 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 for 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 state 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 of development of complementary retail shopping opportunities in neighborhoods and commercial areas of the City.

In the City's discussion of development proposals it has been recognized that allowing continual development of small parcels or pad sites along the frontages of North Temple and Redwood Road in this area will decrease the likelihood of locating a large anchor tenant. The two comprehensive site plan concepts were presented with the Related Case 410-613 and the comprehensive site plan submitted for the Plaza Americas development show that continued piecemeal small site development will interfere with a community shopping center with anchor tenants.

The desirable commercial environment based on the land use policy of the City's master plan is reflected in the purpose of a Community Shopping Zoning District. The purpose of the district is to provide an environment for efficient and attractive shopping center development at a community level scale. The proposed development is not in harmony with the general purposes and intent of this Title and is not compatible with and fails to implement the planning goals and objectives of the City, as related to the shopping center zoning. The proposed development is not in harmony because piecemeal development of smaller parcels will place at risk the desired land use goal of a l community shopping center to serve the Northwest and West Salt Lake Communities.

Finding: The proposed development is not in harmony with the general purposes and intent of the zoning district and is not compatible with and does not implement the planning goals as related to shopping center zoning to provide a comprehensive development rather than piecemeal development.

Standard 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 Gertie Avenue and Redwood Road. Redwood Road is a State controlled arterial. Gertie Avenue is a local street. Gertie Avenue is not a fully improved street. There exists only surface pavement and no curb, gutter, sidewalk or park strip improvements are in place.

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 which impacts the overall traffic circulation function of arterial streets.

The area designated as CS shopping district includes several small parcels and adjacent local streets. Salt Lake City has land use policies in place through the placement of the CS Zoning District that anticipates potential closure of Gertie Avenue, Harold Street and Duder Street. To implement the master plan and to support the existing shopping center zoning pattern closure of the local streets may be necessary. The proposed Gigante development has submitted for street closure of Gertie Avenue, Harold Street and Duder Street.

Future development consistent with the master plan goals would require that the primary property access should be to Redwood Road. The adjacent service station/store property to the south has petitioned for redevelopment of their site. Coordination of the Check City site and the adjacent service station site allows for potential re-design of an existing Redwood Road driveway that can serve both properties. This single driveway along with cross over easements would make the existing driveway location more consistent with the City requirements of 150 foot separation of driveways within the CS Zoning District. It also resolves the Redwood Road access and minimizes potential conflict with the possible future closure of Gertie Avenue.

Finding: The proposed access to Gertie Avenue is suitable to carry anticipated traffic. However, if closure of Gertie Avenue is necessary to implement the master plan goals for a shopping center access to the proposed development would end up being on the primary access onto Redwood Road. Therefore, 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.

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

Discussion: The parking requirement for financial institutions and retail service establishments is 2 parking spaces per 1,000 square feet of floor area. Required off-street parking based on the 2,500 square foot building would be five parking spaces. The proposed development provides 24 parking spaces.

Finding: The proposed circulation system meets the design standards for parking stalls and aisles. The internal circulation system allows for future cross over easement access to existing adjacent pad sites and the remaining undeveloped portion of the parcel.

Standard 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 applicant needs to work out a utility connection scenario with the Public Utilities Department that would be functional and operational as to the requirements of the Public Utilities Department based on the potential that Gertie Avenue may be closed as a public street if it becomes part of a community shopping center.

Existing utility services are located within Gertie Avenue and Redwood Road. Public utilities should be connected to utility lines located in Redwood Road and not Gertie Avenue which is subject to potential closure.

Finding: There are adequate utility services available for the proposed development.

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

Discussion: The adjacent properties are commercial developments. The proposed site plan provides the landscape, parking lot and building setbacks required in the CS Zoning District.

Finding: The site plan design is adequate to provide protection of adjacent land uses.

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

Discussion: The proposed elevation facing Gertie Avenue contains no windows or fenestration elements. The Police Department identified concerns relating to this blank elevation with respect to graffiti. The Planning Commission subcommittee identified concerns with the north elevation. The architect has provided a revised north elevation that provides additional fenestration elements.

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

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

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

Discussion: The parking lot is required to have five percent interior parking lot landscaping. The preliminary landscape plan shows adequate areas of landscaping.

Finding: The conceptual landscaping plan provided is appropriate for the scale of development.

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

Finding: The project is not located within a designated historic district or landmark site. The parcel consists of vacant land. The proposed development does not impact preservation of historic, architectural or environmental features.

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

Discussion: The proposed development's operating and delivery hours are compatible with those of the retail uses permitted within the CS Zoning District.

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

Standard 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 CC and CS Zoning Districts. Within the adjacent CS Zoning District current uses consist of one anchor retail facility (Sutherlands) and several pad site developments along Redwood Road and North Temple Street.

The two concept community shopping center plans presented in the related case 410-613 show that the proposed development may interfere with future shopping center development. The proposed Gigante development presents a comprehensive shopping center development plans. The proposal is designed with two phases. Phase One includes a grocery store anchor. Phase Two provides another co-anchor site. Phase Two development is pending the acquisition of additional properties. The 137 North Redwood Road property is depicted within the Phase Two portion of the Plaza Americas plan and includes the co-anchor site. The development of this property without knowing the future shopping center layout has potential conflict and adverse impact on the neighborhood.

Finding: Continued development of small commercial sites can consume enough land area to have an adverse impact on the development of a larger commercial shopping center with an anchor. The cumulative effect of allowing multiple small individual pad type developments in the CS Zoning District will decrease the potential for a large scale shopping center type of development and will have a negative impact on the development of a commercial shopping center in this neighborhood.

Standard 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.E Other Planned Development Standards:

21A.54.15.E Other Planned Development Standards

Standard 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 60,000 square feet, excluding pad sites).

The entire parcel 56,754 square feet in area. The portion proposed for development is 25,148 square feet. The subject parcel is a legal noncomplying lot and it would be excluded from the minimum lot size area requirement.

Finding: The existing parcel is not required to meet the minimum lot area requirement for the CS Zoning District. The proposed development is on a portion of the lot which is a noncomplying lot with respect to minimum lot area requirement.

Standard 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.

Standard 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.

Standard 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 deny the petition request as presented for the following reasons:

1. The proposed development is not in harmony with the general purposes and intent of the zoning district;
2. The proposed development is not compatible with and does not implement the master plan goals as related to providing a comprehensive shopping center development rather than piecemeal development;
3. The proposed development will hinder the ability to provide for a desired community level shopping center in the CS Zoning District area; and
4. Continued development of small parcels can consume enough land area to have a cumulative adverse impact on development of large commercial anchors necessary to provide a community level shopping center to serve the Northwest and West Salt Lake communities.

Staff recommends that the Planning Commission request the applicant to revise their development plans and that this revision process includes working with owners and/or developers of adjacent properties to provide a site plan that appropriately interacts with surrounding properties and supports the shopping center development objectives of the City. The design solution should support a cohesive shopping center development pattern that reflects closure of Gertie Avenue, Harold Street and Duder Street. The revised development plans need to mitigate the reasons for recommended denial contained within the staff report.

Attachments: Exhibit 1: Site Plan

Exhibit 2: Building Elevations

Exhibit 3: Conceptual Site Plan with Adjacent Property

Exhibit 4: Related Case - Shopping Center Conceptual Plans

Exhibit 5: Related Case – Proposed Shopping Center Development

Exhibit 6: Department Comments