

DATE: March 15, 2006
TO: Salt Lake City Planning Commission
FROM: Janice Lew, Principal Planner
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RE: **Staff Report for the March 22, 2006 Planning Commission Meeting**

CASE#: 410-770
APPLICANT: Jeffrey R. Keller
STATUS OF APPLICANT: Property/Business Owner
PROJECT LOCATION: 858 South State Street #3 -16-07-151-018
59 E. Upton Place – 16-07-151-017
55 E. Upton Place - 16-07-151-016
51 E. Upton Place – 16-07-151-015
Upton Place parcel -16-07-151-027



PROJECT/PROPERTY SIZE: .4 acres
COUNCIL DISTRICT: District 4, Council Member Nancy Saxton

SURROUNDING ZONING DISTRICTS:
North – D-2
South – D-2
East - D-2
West - D-2

SURROUNDING LAND USES:
North - Downtown Music
South - Parking lot
East - Car Audio Specialists
West - Downtown Music

REQUESTED ACTION:
Property owner, Jeffrey Keller, is requesting conditional use approval to operate an automobile sales lot located at approximately 858 South State Street #3 in a Downtown Support District (D-2).

PROPOSED USE(S):
The applicant intends to operate an automobile sales lot in conjunction with the existing automobile repair business that has occupied the subject property since 1990.

APPLICABLE LAND USE REGULATIONS:
The proposed use is subject to Salt Lake City Zoning Ordinance, Section 21A.54.080 – Conditional Use and Section 21A.30.030 Downtown Support District (D-2).

MASTER PLAN SPECIFICATIONS:
The Salt Lake City Downtown Plan (1995) signifies the Administration’s efforts to “establish Downtown as a well-developed, desirable and diverse activity center serving the needs of a sizable 24-hour population.” The City Council adopted the Zoning rewrite project in 1995, and the new zoning map updated the future land use maps for each of the City’s master plans. The subject site was zoned Downtown Support District (D-2). The purpose of the Downtown Support Commercial District is to “accommodate commercial uses and associated activities that relate to and support the Central Business District but do not require a location within the Central Business District.”

ACCESS:
Access to the subject property is from Upton Place, once a private right-of-way that the applicant maintains access to by way of an easement.

SUBJECT PROPERTY HISTORY:

The subject site currently accommodates an automobile repair business. The applicant states that he has had a used car dealership license since 1993, but it was recently brought to his attention that the dealership use needs to be added to the business license. Following notification of the violation, the applicant submitted a conditional use application for consideration by the Planning Commission. An automobile sales use requires conditional use approval in a D-2 Zoning District.

PROJECT DESCRIPTION:

The Utah Import, Inc. property consists of five (5) property parcels. An automobile repair business exists on the site with six (6) service bays and an office/retail area. No physical changes to the property are proposed.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

The comments received from pertinent City Departments/Divisions and Community Councils are attached to this staff report as Exhibit 2. The Development Review Team (DRT) reviewed the application on January 26, 2006. The following is a summary of the comments/recommendations received:

- a) **Transportation:** The Division of Transportation recommended that all parcels associated with the use be combined and a new certified address issued. The Division also indicated that the parking configuration needs to be dimensioned and labeled for ADA stalls, required parking spaces and inventory stalls.
- b) **Public Utilities:** Salt Lake City Public Utilities has no objections to the proposed use. Upton Place has a one inch private water service and a long sewer lateral in it that users must be allowed access for maintenance purposes.
- c) **City Engineering:** The Engineering Department submitted no objections to this request.
- d) **Fire:** The Fire Department has no objections to the request provided all Fire Code requirements are met.
- e) **Police:** The Police Department has no objections to the proposed use.
- f) **Building Services:** Building Services has no zoning concerns regarding this request as the proposal is not considered an intensification of use. No additional parking or landscaping is required. The department also suggests that the all parcels are combined into one parcel, the trash dumpster is enclosed and a new certified address is assigned to the property.
- g) **Community Council:** A public open house was held on February 15, 2006 because input was required from multiple neighborhood community councils including Central City, Liberty Wells and People's Freeway. Only Planning staff and the applicant were present at the open house held for this request. Staff has not received a response from any of the affected neighborhood community councils.

Public Comment: Kurt Sirstins of Management Services called and indicated his opposition to the proposal. He is concerned about the lack of street frontage for the property and the general condition of the property (See Standard C).

2. ANALYSIS AND FINDINGS

The Planning Commission has final decision authority with respect to this request. In order to make its decision, the Commission must use the following standards.

21.54.080 Standards for Conditional Uses.

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

Discussion: Table 21A.30.050 of the Zoning Ordinance requires conditional use approval for automobile sales in a D-2, Downtown Support District.

Finding: The proposed development is one of the conditional uses specifically listed in the Zoning Ordinance.

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 Salt Lake City Downtown Plan is the planning document that applies to this area. Community master plans have been prepared to ensure compatible land uses and promote good development. The project supports the master plan objective to “establish Downtown as a well-developed, desirable and diverse activity center serving the needs of a sizable 24-hour population.” (page 8)

Finding: The proposed development is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

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 Division of Transportation reviewed this request as part of the Development Review Team meeting. At that time, the Division indicated that the use of the Upton Place corridor would need to be resolved. The Keller property has no frontage, but is currently accessible from Upton Place. The applicant provided a copy of the Judgement Quieting Title dated January 22, 2001 (Exhibit 1). As a result of the quiet title action, the Kellers received the 8.25 foot by 165 foot portion of Upton Place adjacent to their property. As part of the settlement agreement, the Kellers also maintained an access easement over the eastern

portion of Upton Place that fronts State Street. Additionally, no minimum lot width is required in the D-2 zoning district.

Finding: Upton Place provides ingress and egress to the subject property and the necessary access to a public street, State Street a state highway. Streets are adequate to carry the traffic demand created by an automobile sales use and will not materially degrade the service level on the adjacent streets.

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

Discussion: The internal circulation system for this project consists of an access easement off of State Street. Parking is located to the west and south side of the building. The site accommodates off-street parking as required by the Zoning Ordinance. No additional parking is required for the new use. The Development Review Team did not identify any issues that would jeopardize the proposal in terms of the proposed design of the internal circulation system. The Division of Transportation recommended that the parking plan be dimensioned and labeled for ADA stalls, required stalls and inventory stalls.

Finding: The internal circulation system of the business 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 existing structure is provided with all municipal utility services.

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

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

Discussion: Since 1990, the site has accommodated an automobile repair business. No changes to the existing site improvements are proposed as part of this conditional use request. The development standards for the D-2 zoning district do not require a minimum lot size, lot width or minimum yard requirements. The site is located interior to the block and not visible from the street.

Finding: Appropriate measures have been taken to protect adjacent uses from light, noise and visual impact.

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

Discussion: No changes to the existing building are proposed.

Finding: This standard is not an issue for this request.

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

Discussion: No changes to the existing landscaping are proposed or required by the Zoning Ordinance.

Finding: Landscaping is consistent with the development pattern in the D-2 Zoning District.

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

Discussion: The site is not located within a historic district and there are no significant architectural or environmental features on the property.

Finding: No unique historical, architectural or environmental features have been identified in association with this property.

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

Discussion: Operating and delivery hours will not change. A variety of commercial uses surround the subject property including restaurants, a car audio business and a music business.

Finding: Operating and delivery hours are compatible with adjacent land uses.

K. The proposed conditional use is 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 use of automobile sales is a viable use in the D-2 Zoning District and the majority of existing automobile sales locations in the downtown area are located within this zoning district. The automobile sales use meets the objectives of the Downtown Plan and is compatible with the existing use on site, zoning and other uses in the neighborhood.

Finding: The proposed automobile sales use is compatible with the surrounding neighborhood and will not have a material net cumulative adverse impact on the area or the City as a whole.

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

Discussion: Approval of the conditional use will be subject to meeting all applicable City departmental requirements. Final plans will be reviewed during the building permit process for compliance with all applicable City codes and ordinances.

Finding: The proposal will be required to meet all pertinent and applicable City codes and ordinances prior to the issuance of building permits.

RECOMMENDATION:

Based upon the comments, analysis and findings of fact noted above, Planning Staff recommends that the Planning Commission approve the conditional use request, subject to the following conditions:

1. All lots comprising the use shall be consolidated into one lot.
2. Compliance with departmental comments as outlined in this staff report.
3. Final plans shall be reviewed during the building permit process for compliance with all applicable City codes and ordinances.

Janice Lew
Principal Planner
March 15, 2006

Attachments:

Exhibit 1 – Application
Exhibit 2 – Departmental/Division Comments
Exhibit 3 - Photographs

Exhibit 1 Application

Exhibit 2
Departmental/Division Comments

Exhibit 3 Photographs

Exhibit 4

Exhibit 5 Plans

Exhibit 6
City Council Member's Letter

Exhibit 7
Section 21A.040.090E(2)(f)

Exhibit 8 Photographs

