

# PLANNING COMMISSION STAFF REPORT

East Wing Plaza  
480-07-41 New Preliminary Condominiums  
410-07-35 Planned Development Conditional Use  
located at approx. 206 & 208 North 2100 West Street  
December 12, 2007



Planning and Zoning Division  
Department of Community  
Development

## **Applicant:**

ICP – Dave Curtis  
801-635-6144

## **Staff:**

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## **Tax ID:**

08-33-426-024

**Current Zone:** BP

**Master Plan Designation:**

Northwest –Jordan River/Airport  
Business/Commercial

**Council District:** 1

**Acreeage:** 3.69 Acres

**Current Use:** Vacant land

**Applicable Land Use**

## **Regulations**

- [21A32.140](#) Table Of Permitted And Conditional Uses For Special Purpose Districts
- [21A34.040.21&31](#) AFPP Airport Flight Path Protection Overlay District – Airport Influence Zone B and Airport Landscape Overlay District
- [21A.36.010.B.1&2](#). General Provisions – Building Per Lot
- [21A.36.010.C&E.2](#) General Provisions – Frontage Of Lot On Public Streets and Flag Lots In Nonresidential Districts
- [21A.54.150.E](#) Planned Development

## **Attachments:**

- A. Department Comments
- B. Planning Commission Subcommittee Minutes
- C. Project Plans

## **REQUEST**

The applicant is requesting Preliminary Condominium plat approval for office condominiums within the BP (Business Park) zoning district. Because the subject site is a flag lot and is accessed from a private road, with more than one principal structure in the BP zoning district, the applicant is also requesting a Planned Development Conditional Use.

## **PUBLIC NOTICE**

The applicant attended the Jordan Meadows Community Council on October 10, 2007. Staff also attended the meeting to gather input. Notice for the Planning Commission hearing was mailed on November 27, 2007. The site was also posted on that date.

## **STAFF RECOMMENDATION:**

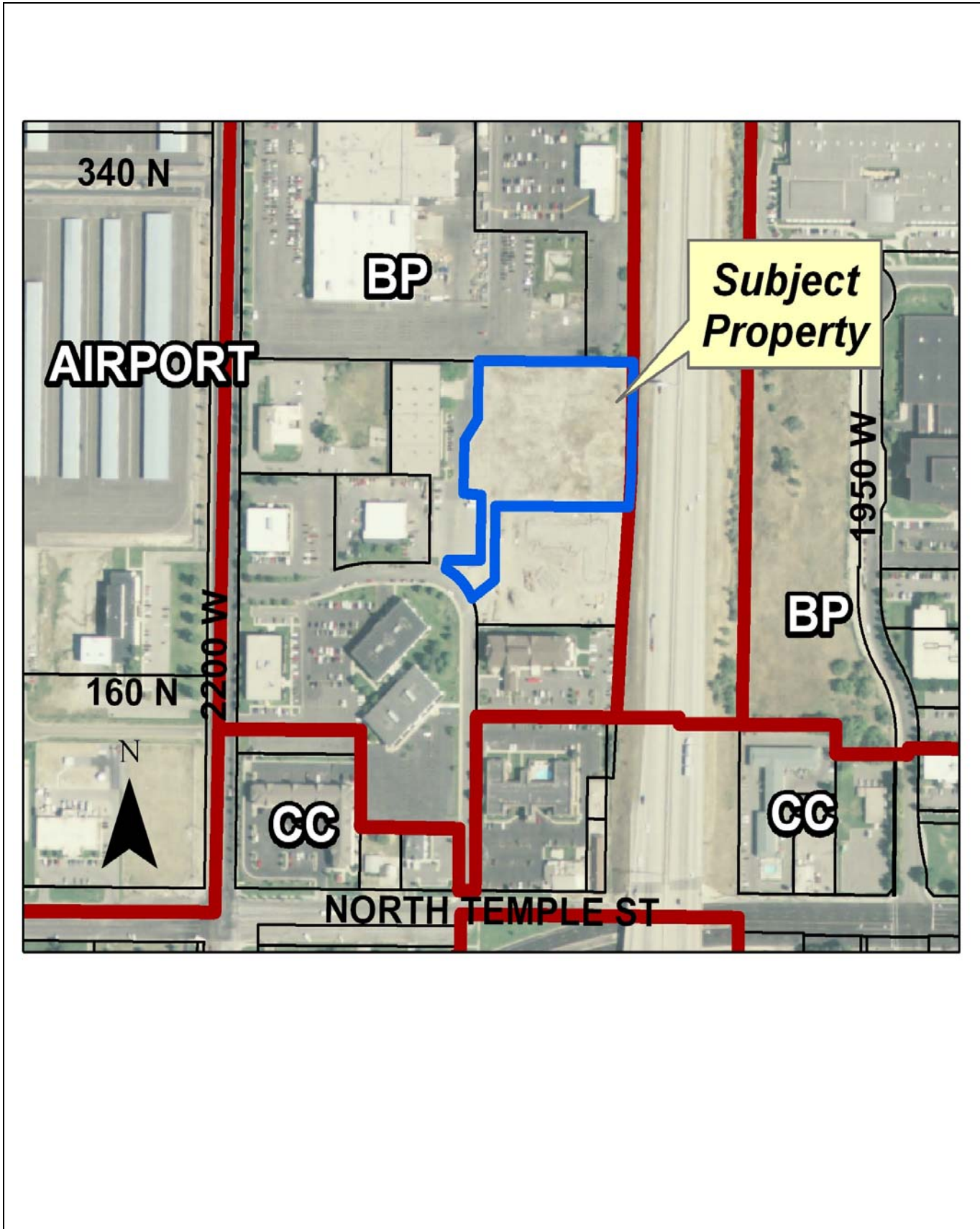
Based on the findings of fact identified in this report, staff recommends that the Planning Commission approve the Planned Development Conditional Use:

1. Based on Section 21A.36.010.B.1&2, which allows more than one principal building on a lot in the BP (Business Park) Zoning District without a minimum or maximum lot size.
2. Grant the requested modification of a 15 feet 6 inch to the required 20 foot interior side yard setback

The Planning Commission also approve the Preliminary Condominium request with the following conditions:

1. The subject site is located in the Airport Influence Zone B and the Airport Landscape Overlay District which requires approval of the Director of Airports and the Planning Director or their designees for the landscape plan. An Avigation Easement is also required for the property prior to issuance of permit.
2. The Planning Director or designee shall have final approval of any minor modifications to the site plan. All major modifications will be brought before the Planning Commission.
3. Compliance with all of the departmental comments as outlined in this staff report and during the permit process is required.
4. Full compliance with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulations in the Salt Lake City Zoning Ordinance (Section 21A.56). The execution and recording of the Declaration of Covenants is subject to approval by the Salt Lake City Attorney for compliance with State of Utah and Salt Lake City Code requirements.
5. No condominium shall have final approval, nor any units sold, until the Final Plat has been recorded with the Salt Lake County Recorder. The applicant is required to submit a complete application to the Salt Lake City Planning Division for the Final Plat process.
6. The applicant will install a paved pedestrian sidewalk from the subject site to 2100 West Street.

VICINITY MAP



## **COMMENTS**

### **Public Comments:**

Staff attended the Jordan Meadows Community Council on October 10, 2007 with the applicant. The Jordan Meadows Community Council voted to support the petitions. The community council did not provide a written statement.

### **City Department Comments:**

The pertinent City Departments and Division have reviewed the proposed project. No major issues were identified. The applicant must comply with all of the comments attached to this staff report, and any that arise during the permit process. All of the Departments are included in Attachment A.

### **Planning Commission Subcommittee Comments:**

On October 16, 2007, the project was presented to the Planning Commission Subcommittee for preliminary review and comment. Staff informed the Commissioners that the applicant was only requesting relief from the side yard setbacks. Due to the irregular flag lot shape the applicant is unable to place the proposed structures in a manner to provide the required street frontage. Therefore, the applicant is requesting that the Planning Commission accept 15 feet 6 inches for the interior side yard (on the outer side of each structure) as opposed to the 20 foot interior side yard setback stated in the Zoning Ordinance. The Planning Commission subcommittee members stated that Planned Development Conditional Use projects must include some design element for the public benefit. Including a sidewalk along the flag portion of the lot would provide pedestrian access to 2100 West Street, which would enable future TRAX users a safe route to the site. The minutes from the subcommittee meeting are included in Attachment D.

## **ANALYSIS and FINDINGS**

### **Project History**

The subject site is located in the BP (Business Park) Zoning District. The private road, along with numerous other parcels, was created by deed in the 1990's. A flag lot was created as part of the North Temple Lodging Subdivision created in the spring of 2006. The existing flag lot configuration of the site does not permit the proposed structures to be placed with the required street frontage, and access to the site is from a private street. Section 21A.36.010.B.1 allows more than one principal building on a lot in the BP Zoning District, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential or nonresidential buildings having frontage on a public street and subject to site plan approval. Office space is the proposed use for the two structures. Plans are included in Attachment B.

### **Master Plan Discussion**

The project proposes the development of two, three story office condominium structures in the BP (Business Park) Zoning District. The proposed project is consistent with the Future Land Use Map of the Northwest Community Master Plan.

## **21.54.080 Standards for Conditional Uses**

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

**Analysis:** Office buildings are currently listed as a permitted use in the BP Zoning District. The applicant is proposing to construct two principal structures on one lot. However, the subject site is a previously subdivided flag lot with access from a private street. Under Section 21A.36.010.C General Provisions –

Frontage Of Lot On Public Streets, requires all lots to front on a public street unless specifically exempted. Also Section 21A.36.010.E.2 Flag Lots In Nonresidential Districts, requires that flag lots in the BP zone have frontage on a public street.

**Finding:** Therefore, the project request can go before the Planning Commission as a planned development conditional use for a determination.

**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;**

**Analysis:** The Northwest Community Master Plan designates the subject site for business/commercial uses. The subject site is zoned BP (Business Park). The surrounding area has been built up over the last few years with office buildings and chain motels/hotels due to proximity to businesses and the airport

**Finding:** The proposed use of this site is for offices, which is compatible with the master plan. Therefore, the planned development conditional use request is in harmony with the general purposes and intent of this title, planning goals and the master plan.

**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;**

**Analysis:** The condominium status presents no issue for traffic generation as to a standard office building status. The conditional use proposal was reviewed for traffic impact by Transportation and they determined that no traffic impact report is required. Bike racks will need to be located per ordinance near the building main entry. Final approval of the site plan is subject to full compliance with current city design standards.

The Planning Commission Subcommittee recommended that the applicant provide a pedestrian sidewalk along the flag lot of the subject lot to 2100 West Street (a private road) as a public benefit for pedestrians that would use the future TRAX station on North Temple Street. There is currently sidewalk along 2100 West Street.

**Finding:** The applicant has agreed to provide paved pedestrian access from 2100 West Street as a public benefit. Therefore, the streets and other means of access to the proposed development are suitable and adequate, and the planned development conditional use request will not materially degrade the service level on the adjacent streets.

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

**Analysis:** There were no issues identified by the Transportation Division with the internal circulation of the proposed project. The proposal requires 163 parking stalls be provided. The applicant is providing 228 parking stalls.

**Finding:** Therefore, issues relating to an internal circulation system of the proposed development have been properly addressed.

**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;**

**Analysis:** The project has been reviewed by the pertinent City Departments and Divisions. There were no major issues identified. The applicant shall comply with all of the departmental comments as outlined in this staff report and during the permit process as required. The review comments have been included in Attachment A.

**Finding:** Therefore, the utility services for the proposed development are adequate and will not adversely impact adjacent land uses or resources.

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

**Analysis:** Since the subject site is adjacent to Interstate Highway 215, a 20 foot landscape setback is required to satisfy the requirements of Section 21A.48.110 Freeway Scenic Landscape Setback. The existing surrounding uses are either listed as permitted or conditional uses within the Business Park Zoning District.

**Finding:** The applicant has included the Freeway Scenic Landscape setback. Landscaping is also shown within the side yards of the proposed project. Therefore, the buffering is appropriate to protect adjacent land uses.

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

**Analysis:** This petition proposes commercial office structures within the BP (Business Park) Zoning District. The adjacent sites contain an eclectic mix of commercial structures and chain motels/hotels. These structures consist of various materials found on industrial structures; metal and concrete with glass, as well as stucco with brick or stone veneer.

**Finding:** Therefore, the architecture and building materials are consistent with the development and compatible with the adjacent business/commercial neighborhood.

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

**Analysis:** The landscaping plan was revised to include the tabulation for the required interior and perimeter parking lot landscaping per the ordinance.

This proposed project is located within the Airport Landscape Overlay District. All projects located within the Airport Landscape Overlay District require approval of the proposed landscape plan by the Director of Airports and the Planning Director, or their designees.

**Finding:** The applicant has submitted the aforementioned plan for review and coordination with the Permits Division. There are no outstanding issues with the landscape plan. Therefore, the landscaping is appropriate for the scale of development.

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

**Analysis:** The proposed lot is vacant, and is not located within a historical district. Due to proximity to a potential hazardous fault and surface-fault rupture area a Geotechnical Hazard report was prepared and submitted for review. The report showed that there are no major issues that would inhibit or significantly constrain the project site for development.

**Finding:** Therefore, the proposed development will not impact any historical, architectural or environmental features.

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

**Analysis:** The proposed use is compatible with the adjacent land uses. The office hours may vary for each user. However, the main hours of operation will be between 7 am and 6 pm.

**Finding:** The project is compatible with the existing businesses in the vicinity. Therefore, no issues for the hours of operation were identified.

**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;**

**Analysis:** While the existing flag lot configuration of the site does not permit the structures to be located to provide frontage on the street, and the access from a private street. The proposed use is allowed and compatible with the adjacent land uses.

**Finding:** The proposed conditional use planned development is compatible with the non-residential neighborhood surroundings and 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.**

**Analysis:** The applicant is required to coordinate all work with the permitting departments and meet all of their standards for construction and access. The subject site is located within the Airport Influence Zone B

**Finding:** An Avigation Easement is required for all new development. Therefore, the proposed project must comply with all other applicable codes and ordinances prior to the issuance of a building permit.

**21A.54.150 Planned Development Review 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.**

**Finding:** The Zoning Ordinance Planned Development Table 21A.54.150E2, includes a minimum lot size of 10 acres for the BP (Business Park) Zoning District. The development of multiple buildings on one site requires review as a Conditional Use Planned Development.

However, Section 21A.36.010.B which permits more than one principal building on a lot in the BP (as well as other zoning districts) subject to all of the principal nonresidential buildings being occupied by one use, or have frontage on a public street.

This planned development request is located on a 3.69 acre flag lot parcel. All of the parcels that comprise the site will be combined by deed, as they are not located within a previously subdivided area. Section 21A.36.010B does not state a minimum or maximum lot size if the use for all of the principal structures on the lot are the same, while Table 21A.54.150.E.2 requires a 10 acre minimum in the BP that has not been met.

This is a legal lot of record. Therefore, the Planning Commission must decide if they accept the lot size if the use for all of the principal structures on the lot are the same according to Section 21A.36.010B.

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

**Finding:** This proposal is for a non-residential land use. Therefore, this standard is not applicable.

- Consideration of a Reduced Width Public Street Dedication: A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public.**

**Finding:** This proposal does not include the request for a reduced width public street. Therefore, this standard is not applicable.

- Perimeter Setback: 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.**

**Finding:** The BP (Business Park) Zoning District requires a 20 feet interior side yard setback. The applicant is requesting modification of the requirements from the Planning Commission, and acceptance of the 15 feet 6 inches interior side yard setbacks as shown on the plans. A copy of the site plan is included in Attachment C.

- Topographic Change: The Planning Commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.**

**Finding:** The subject site is located in an urban area and is currently undeveloped. The proposal does not include a significant topographic change. The site will be graded to drain appropriately. Therefore, this requirement is not applicable.

#### **21A.56.050 Condominium Standards for Approval**

**Section 20.20.20 Required Conditions And Improvements.** A minor subdivision for condominiums, shall be approved only if it meets all of the following requirements:

- A. The general character of the surrounding area shall be well defined, and the subdivision conforms to this general character.**

**Analysis:** The preliminary condominium is compatible with the general character of the surrounding area and surrounding uses. The proposed condominium structure is an appropriate and permitted use within the BP Zoning District. This request for preliminary condominium is consistent with the adopted Northwest Community Master Plan's Future Land Use Map and the existing adopted Northwest Community Zoning Map.

- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city.**

**Analysis:** There are no new lots being created with this preliminary condominium process.

- C. Utility easements shall be offered for dedication as necessary, and all wetland and drainage issues shall be satisfactory to Public Utilities.**

**Analysis:** The applicant must satisfy all of the requirements set forth by Public Utilities.

**D. Water supply and sewage disposal shall be satisfactory to the City Engineer.**

**Analysis:** The applicant will work with Public Utilities to obtain the appropriate approvals and ensure that all connections for water and sewer are met adequately and properly.

**E. Public improvements shall be satisfactory to the Planning Director and City Engineer.**

**Analysis:** The proposed condominium has been reviewed by all of the pertinent City departments as to the applicable laws and regulations. The departmental comments for approval of this preliminary condominium are included in this staff report.

In addition, staff finds the minor subdivision should be approved based on the following (Section 20.20.070):

- A. The minor subdivision will be in the best interests of the city;
- B. All lots comply with all applicable zoning standards;
- C. All necessary and required dedications are made;
- D. Provisions for the construction of any required public improvements are included; and
- E. The subdivision otherwise complies with all applicable laws and regulations; and
- F. The minor subdivision does not materially injure the public or any person and there is good cause for the subdivision.



## **ATTACHMENT A**

## **ATTACHMENT B**

## **ATTACHMENT C**