

# PLANNING COMMISSION STAFF REPORT

## 2100 South Retail Center Planned Development

Petition #410-07-29

Conditional use planned development for a three-building retail center at 204 West 2100 South

February 27, 2008



Planning and Zoning Division  
Department of Community  
Development

**Applicant:**

Chung-ji Dai

**Staff:**

Nick Britton, Principal Planner  
535-7932  
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**Tax ID:**

15-13-453-013

**Current Zone:**

CG (General Commercial)

**Master Plan Designation:**

High Density Transit Oriented  
Development (50 or more  
dwelling units/acre)

**Council District:**

Council District 5 – Jill  
Remington Love

**Acreage:**

1.35 acres (58,993 square feet)

**Current Use:**

Private Club/Auto Repair  
Shop/Warehouse

**Applicable Land Use**

**Regulations:**

- Section 21A.26.070:  
CG General  
Commercial
- Chapter 21A.54.150:  
Conditional Use  
Planned Development

**Attachments:**

- A. Proposed Site Plan
- B. Proposed Elevations
- C. Additional Application  
Materials
- D. Department Comments
- E. Letter to Applicant

**REQUEST**

Chung-ji Dai, the applicant, is requesting planned development approval of a project generally referred to as the 2100 South Retail Center. The proposal is at 204 West 2100 South in the General Commercial (CG) Zoning District and consists of three structures, one of which is an existing structure and two of which are proposed, offering both entertainment and retail uses. The proposal requires planned development approval because it does not meet the required ten foot (10') rear and side yard setbacks and the required seven foot (7') landscape buffer for perimeter parking on the west interior side or the rear of his property.

**CONDITIONAL USES**

On January 15, 2008, the Salt Lake City Council passed an ordinance changing the standards for conditional use approval and renewing a moratorium on certain conditional uses. The conditional use requested in this petition is not subject to the new standards because the applicant applied before January 15, 2008. Further, this conditional use does not abut a residential zone and thus is exempt from the adopted ordinance.

**PUBLIC NOTICE**

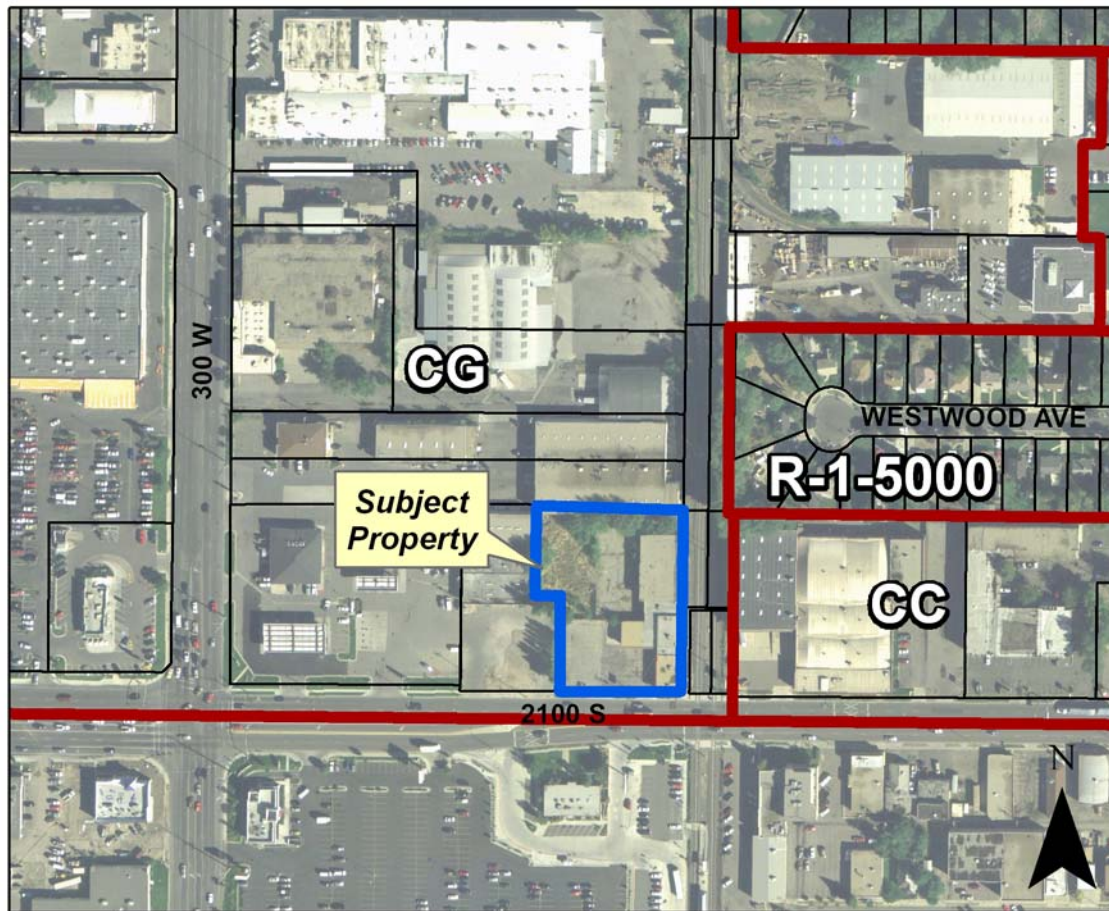
The property was posted on 2100 South on February 15, 2008 and public notice was mailed two weeks prior to the Planning Commission hearing date.

**RECOMMENDATION**

Based on the findings of fact outlined in this staff report, Staff recommends that the Planning Commission approve the conditional use planned development request at 204 West 2100 South with the following conditions:

1. Applicant must demonstrate to the Planning Division that proposal meets the shared parking calculations based on the square footages for each of the uses as identified on the site plan.
2. Applicant must install gates with a locking mechanism at each open end of the "alleyways" created behind Building "A" and Building "B".
3. Applicant must meet the requirements identified within the department and division comments contained in this staff report.
4. Any modifications to the driveway require approval from the Utah Department of Transportation.

## Vicinity Map



## Comments

### *Planning Commission Planned Development Subcommittee*

The Planning Commission Planned Development Subcommittee met on January 8, 2008 with the applicant. The subcommittee had questions regarding the lighting plan for the site and asked the applicant to show the lighting on the site plan. The subcommittee also commented on the request by the Police Department that the applicant modify the site plan and remove the four-foot wide corridors that were created by the setback from the property line. The applicant had previously complied with that request and the subcommittee noted the applicant's efforts to mitigate potential crime issues by modifying the building layout. However, since the subcommittee meeting, the applicant has re-modified the site plan to re-introduce the corridors. Staff has conditioned the approval of this petition on a gating plan that would require approval from the Planning Division/Building Permits. The locations of the light standards are indicated with small icons on the current site plan (Exhibit A).

### *Department/Division Comments*

On September 19, 2007, application materials were routed to the following departments and divisions: Public Utilities, Fire, Engineering, Building Permits, and Transportation. The item was also discussed at the

Development Review Team (DRT) meeting on September 27, 2007. Summaries of the comments received are as follows (full comments are found in Exhibit D of this staff report):

- **Building Permits (Ken Brown)** remarked that the applicant did not meet the landscaping requirements on the east, north and west sides of the property (the applicant changed the plans to meet the requirements on the west side). Ken Brown also identified issues with the “funnel” created by the four foot (4’) building setbacks from the property line on the west side and rear of the properties. Finally, there were questions as to whether or not the proposal met interior landscaping requirements and parking requirements. Mr. Brown suggested these plans be routed to the Police Department.
- **Fire (Ted Itchon)** identified a number of standard Fire Department regulations that the new and existing structures must meet, including fire alarm requirements for private clubs. The full list of requirements is attached to this staff report in Exhibit D.
- **Transportation (Barry Walsh)** indicated that the applicant would have to work with the Utah Department of Transportation (UDOT) regarding the driveway. Barry Walsh also wanted to see the ADA parking and the pedestrian corridor aligned from 2100 South northward to the rear building (the applicant revised the site plan to meet this suggestion).
- **Public Utilities (Jason Brown)** identified issues that the applicant may have to address prior to the construction of the new buildings, including the condition of the existing sewer lateral and draining and grading plan approval. Public Utilities approved of the proposal contingent on final approval of all issues mentioned in their comments.
- **Engineering (Craig Smith)** indicated the applicant would need to work with UDOT regarding any improvements in right-of-way.
- **Police (Dave Askerlund)** was asked to respond to the concerns raised during DRT review of this project regarding the new building setbacks. Dave Askerlund identified these corridors as areas of concern and suggested that they be securely gated or fenced and possibly monitored with a well-advertised security system. It was also suggested in DRT that the applicant could modify the site plan to remove the corridors by pushing the building back. The applicant submitted revised plans that showed the building pushed back to the property line, but this created a demand for additional parking. The applicant decided to return to the original site plan showing the corridors behind the new buildings. Staff has conditioned the approval of this petition on a gating plan that would require approval from the Planning Division/Building Permits.

### *Community Council Comments*

Notice of this petition was sent to the People’s Freeway Community Council on September 19, 2007. No response was received.

## Analysis

### *Background Information*

The applicant is proposing a retail center that consists of three buildings on a 1.35 acre parcel. Two of the buildings would be new buildings and an existing building would be partially razed. A private club, auto repair shop, and a warehouse are currently on the site. The private club would continue as part of the application request. The subject property is located at 204 West 2100 South and located in the CG Zoning District. According to the county assessor’s land use, the abutting property to the west is a “retail center” and the property to the north is a storage facility. To the east is the North/South line of TRAX. The TRAX Central

Pointe Station (2100 South) is across the street (the land across 2100 South is under the jurisdiction of South Salt Lake).

The table below outlines the zoning regulations for the CG zone:

<b>Zoning Regulation</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Compliant?</b>
Minimum PD Lot Size	43,560 s.f. (1 acre)	58,993 s.f. (1.35 acres)	Yes
Front Yard Setback	10'	29'-8" (new building)	Yes
Interior Side Yard Setback	10'	3'-4"	No
Rear Yard Setback	10'	4'	No
Perimeter Parking Landscaping	7' where lot is within required side yard or 20 feet of lot line	1' on west side 7' on east side 5'-8" on north side	No (on west and north)
Interior Landscaping	5% of parking lot area	5.08%	Yes

The applicant has requested a planned development for a waiver of the rear yard and interior yard setback requirements and a waiver of the perimeter parking landscaping requirement.

***Standards of Review***

*Conditional Use Planned Development Standards of Review*

In reviewing this proposed development, the Planning Commission must make findings with respect to conditional use standards and the planned development standards. The Salt Lake City Council adopted new standards for conditional uses on January 15, 2008. However, this petition was accepted prior to the adoption of the new conditional use ordinance.

**Section 21A.54.080: Standards for Conditional Uses**

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

**Finding:** The proposed uses are allowed in the CG zone. However, because the proposal does not meet all zoning requirements of that zone and because the subject property has the required square footage for a planned development (one acre), the applicant may request conditional use planned development approval subject to the purpose statement in Section 21A.54.150.

**Analysis:** The proposed development is a conditional use listed in the Title.

**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.**

**Finding:** The *Central Community Master Plan* future land use plan shows a future land use of “High Density Transit Oriented Development (50 or more dwelling units per acre)” for this parcel. There is no residential component to this petition, but the proposed uses are consistent with the current zoning designation. The proposal redevelops an underdeveloped lot that is close to existing commercial uses in

South Salt Lake City and close to an existing light rail stations, providing services within walking distance of public transit.

**Analysis:** This meets a number of the goals stated in the *Central Community Master Plan*, including but not limited to, reducing the number of vehicle miles traveled and providing diverse and pedestrian oriented activities with a mix of uses.

**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:** Transportation review of the project did not identify any issues with 2100 South's ability to carry the anticipated traffic or the potential for that traffic to materially degrade their service level. Modification to the drive approach to the property will require approval from UDOT. The applicant has been in discussions with UDOT and that approval is a condition of approval for this proposal (see Exhibit C).

**Finding:** Streets and other means of access to the development are suitable and adequate and there is no reason to believe anticipated traffic will degrade the service level of 2100 South.

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

**Analysis:** Transportation did not indicate any issues with the internal vehicular circulation. There were concerns with the pedestrian circulation and ensuring that the project was compliant with all ADA requirements. The applicant relocated the northern most ADA parking stall to ensure that there is linear pedestrian access to Building "B" (the northernmost building) from 2100 South via the sidewalk in front of Building "A."

**Finding:** The proposal meets this 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.**

**Analysis:** The Public Utilities review identified possible issues with the sewer lateral and water meters. Any relocation and replacement of utilities would need to meet and be approved by Public Utilities. Furthermore, drainage and storm water retention plans need to be approved by Public Utilities. The Public Utilities review indicated that the proposal is acceptable subject to any modifications deemed necessary during this review.

**Finding:** The proposal will comply with this requirement based upon conditions.

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

**Analysis:** The adjacent land uses in the area are commercial and transportation infrastructure. The property borders some warehouses and the North/South TRAX line. Across 2100 South, in South Salt Lake, there is a large commercial facility and the Central Pointe TRAX station. The existing building and the two proposed buildings on the subject property are within five feet (5') of the property lines and sufficient perimeter parking landscaping is provided in all other areas except for the rear yard and the western interior side yard at the rear of the property.

**Finding:** Staff finds that the proposed uses and design are consistent with the uses already found in the area and the appropriate amount of buffering would be provided.

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

**Finding:** The proposed architecture and building materials are consistent with development in the surrounding commercial area. The proposal meets this standard.

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

**Analysis:** The applicant is providing the required amount of front yard landscaping as well as the required amount of interior parking lot landscaping (five percent (5%). Where a parking lot is in a required yard area or within 20 feet of a lot line, perimeter parking landscaping of seven feet (7') is required. The applicant is providing the necessary landscaping on the east side of the property, but parking lots on the west and north sides of the property are only buffered with 1'-0" and 5'-8" landscaping, respectively. The applicant has requested a waiver of the buffers in these areas as part of his planned development.

**Finding:** The proposed landscaping is appropriate for the scale of the development.

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

**Finding:** There are no known historical, architectural, or environmental features on the subject property. This standard does not apply.

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

**Analysis:** The subject property contains a private club that has existed since at least 2000. It is expected that the same hours associated with the private club currently would continue should this proposal be approved. The retail hours are estimated to be from approximately 8:00 AM to 6:00 PM.

**Finding:** The current hours are compatible with the adjacent land uses so it is expected that the proposed hours would be similarly compatible.

**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.**

**Analysis:** The proposed uses are allowed in the applicable zoning district. The development only requires conditional use planned development approval because the applicant seeks relief for setbacks and perimeter parking landscaping.

Some concerns with crime have been identified through the DRT process and through the Planning Commission Planned Development Subcommittee. Lighting was added to the site plan at the request of the subcommittee. There are four locations given for lighting: at the northwest corner of the property, at the southwest corner of Building "B," at the northwest corner of the existing building, and at the

entrance to the parking lot on 2100 South. No other information or details were given. The adequacy of the proposed lighting for the scale of the development is not known without a lighting study.

**Finding:** Staff finds that this proposal is compatible with the surrounding neighborhood and will not have a material net cumulative adverse impact on the neighborhood or City as a whole provided the applicant can demonstrate that his lighting plan and gating plan are sufficient to mitigate the crime concerns raised by the City.

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

**Analysis:** The development is not compliant in regards to parking. The applicant indicates on his Schedule of Shared Parking (Exhibit C) that the private club use is only 4,032 square feet and that the retail uses are 17,930 square feet which would require a maximum of 67 parking spaces from 6:00 PM to midnight on weekdays (43 spaces for the retail use and 24 spaces for the entertainment use).

However, the site plan indicates that the private club is 4,592 square feet and the two new retail buildings would be a total of 17,004 square feet. Using these numbers, the maximum parking requirement would be 69 spaces: 41 spaces for the retail uses and 28 for the entertainment use. The site plan only contains 67 spaces. The proposal appears to be short by two spaces.

Early on in the review process, the Police Department suggested the applicant eliminate the corridors that were created behind the new buildings that might promote illegal activities. The applicant expanded the buildings to eliminate those corridors and the new buildings increased in size, which required more parking. A letter was sent to the applicant requesting a site plan that showed the additional parking. At that time it was identified to the applicant that the parking calculations are based on the gross floor area which includes the entire building, even if part of the building is not used for that specific use. Thus, the parking for the entertainment use is based on the site plan square footage of 4,592 square feet and not the 4,032. The applicant changed his site plan back to the original configuration (re-introducing the corridors) but did not add the additional two spaces that are required for the entertainment use. Staff is conditioning the recommended approval based on the applicant's ability to demonstrate that he can meet the parking requirements of the proposal as calculated with the floor areas shown on the site plan provided by the applicant.

**Finding:** This standard must be met by further adjustment to the site plan or by reducing the proposed building area.

**Section 21A.54.150A: Planned Development 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;
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; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

**Finding:** The request for a planned development stems from the applicant's desire to have the perimeter parking landscaping requirement and the rear and interior side yard setbacks reduced so that he can maximize the amount of retail space on the property. The CG zone allows multiple principal buildings on a single parcel provided that all the buildings contain a single use or that all the buildings have frontage on a public street. There are different uses here but all of the buildings appear to have some frontage on 2100 South. Staff finds that accomplishing this mix of retail and entertainment uses in three buildings would be possible without the reduction of the landscaping buffers and the setbacks if the size of the new buildings were reduced. The applicant indicates in his application that he has requested these waivers because the new buildings are "high value buildings" and because the adjacent lots have buildings built to the property line. Furthermore, the applicant believes that the seven foot (7') landscaping buffer on the east property line would prevent a possible second entrance at the rear of the property. The seven foot landscape buffer, based on the existing structure sizes, would prevent the applicant from providing stalls on both sides of this part of the parking lot. It may also preclude a potential entry/exit at the rear of this property. However, additional space would be available for both of these features provided the buildings were reduced in size.

Additionally, the proposal provides retail uses and services adjacent to a public transit corridor and in the immediate vicinity of a public transit station. While the same objective would likely be achieved through strict application of the CG Zoning District regulations, one could argue that the requested waivers allow the applicant to maximize the amount of retail available in the vicinity of public transit.

The new development does meet Objective #8, which states that the development would reduce blighted structures. Currently on the property there is a private club and a warehouse, both of which would be either totally or partially razed. The existing building would be upgraded and the new buildings would provide more desirable commercial space along the 2100 South corridor and the nearby TRAX station. New development along this corridor and in this zone may also increase the potential for the area to move closer to the desired transient-oriented development as called for in the *Central Community Master Plan*.

### **Section 21A.54.150E: Other Standards for Planned Developments**

- 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.**

**Analysis:** Table 21A.54.160E(2) sets forth the minimum lot size requirements for planned developments for each zone. In the CG Zoning District, the minimum lot size is one acre. The subject property is approximately 1.35 acres or 58,993 square feet.



**Finding:** The proposal meets this standard.

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

**Finding:** The proposed planned development has no residential component. This standard does not apply.

- 3. 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:** Access to the subject property is from 2100 South. There are no public street dedications in this proposal. The standard does not apply.

- 4. 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.**

**Analysis:** In the CG Zoning District, there is no interior side yard setback required. The rear setback required is 10 feet. Neither the interior side yard or rear yard setbacks are 10 feet in this proposal.

**Finding:** The applicant is requesting that the Planning Commission modify this requirement as part of the planned development approval.

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

**Finding:** There is no significant topographic change between lots. This standard does not apply.