

PLANNING COMMISSION STAFF REPORT

City of the Seven Gates Conditional Uses

Petition #PLNPCM2009-00191

2904 West 500 South

August 12, 2009



Planning Division
Department of Community and
Economic Development

Applicant: Brylan Schultz

Staff: Nick Britton, 535-6107
nick.britton@slcgov.com

Tax IDs: 15-04-328-004 and
15-04-328-009

Current Zone: M-2

Master Plan Designation
West Salt Lake Master Plan
Industrial

Council District
Council District 2, Van Turner

Lot Size
56,192 square feet

Land Use Regulations
Salt Lake City Code:
Chapter 21.28
Section 21A.54.080

Notice
The agenda was published on
July 28, 2009. The property was
posted on August 3, 2009.

Attachments
A. Proposed Site Plans
B. Additional Information
from Applicant
C. Department and
Division Comments

Request

The applicant, Brylan Schultz, is requesting conditional use approvals for an art studio, a community center, and a caretaker's living quarters at 2904 West 500 South in the Heavy Manufacturing (M-2) zoning district. All three uses are conditional uses in the M-2 district.

Recommendation

Based on the analysis and findings, the Planning Staff recommends that conditional use approvals for an art studio, a community center, and a caretaker's living quarters at 2904 West 500 South be granted subject to the following conditions:

1. Only one security guard or caretaker is permitted in the living quarters—no additional residents or dwelling units are permitted;
2. The applicant must submit detailed parking plans and calculations and verification of the right-of-way dedication along 500 South to the Transportation Division;
3. The applicant must construct public way improvements on 500 South or enter into an SID agreement with the Engineering Division;
4. No additional water or sewer connections to public mains are allowed for the requested use;
5. Interior plumbing plans must be submitted to the Department of Public Utilities for the changes in use; and
6. An avigation easement must be filed with the Salt Lake City Airport Authority.

Vicinity Map



Analysis

Background Information

There are two subject parcels: the main parcel is 1.07 acres and a smaller parcel to the east is 0.22 acres for a total of 1.29 acres. The properties are located at 2904 West 500 South in the M-2 zoning district. The applicant is representing Natural Ventures, LLC, the property owner, and wishes to locate and artists' studio and living quarters for a security guard on site. There are three buildings on site, which are used as follows:

Building	Area	Uses
Building #1 (Front)	7,096 s.f.	Industrial assembly, art studio, community hall, caretaker's quarters (new)
Building #2 (Middle)	3,424 s.f.	Manufacturing storage (no change)
Building #3 (Rear)	10,960 s.f.	Industrial assembly, storage (no change)

There are no proposed changes to Building #2, which is currently used and will continue to be used for storage. Building #3 is used for additional storage and maintenance uses, which currently exist, as well as studio space for glassblowers functioning in a manufacturing/factory capacity.

The proposals for the subject property mainly occur in Building #1. There is currently a clothing manufacturer in part of the building. The front space would be used as a showroom that will be by appointment only to showcase the work being done on site. Additionally, this space would be used for private events in the evening, such as wedding receptions and live performances. Additional space in Building #1 may also be used in the future for art studio space or manufacturing space. A portion of the building will also be living quarters for an on-site caretaker/security guard, with a bathroom and a kitchen, totaling 600 square feet. There will be office space and storage in Building #1 as well.

The applicant indicated that the buildings at this site have had problems with theft in the past and that only one person would be living there. There are 28 parking spaces on site.

Master Plan Discussion

The subject parcel is within the *West Salt Lake Community Master Plan*, adopted in 1995. The future land use map calls for industrial uses in this part of the city.

Public Comments

The applicant presented the project to the Poplar Grove Community Council on March 25, 2009. The neighborhood requested a condition on the approval that no one other than the security guard could live at the site. No other issues were raised. The Poplar Grove Community Council supported the request but did not submit any comments in writing.

Department & Division Comments

The application materials were sent to the following departments/divisions: Public Utilities, Fire, Engineering, Transportation, Building Permits, Airports, and Police. Comments were received from Public Utilities, Transportation, Engineering, and the Airports and forwarded to the applicant. A summary of those comments is listed below and full comments are found in Attachment B.

- A. Public Utilities (Justin Stoker):** Mr. Stoker indicated that no additional connections to water mains would be allowed and requested that the applicant submit interior plumbing plans to Public Utilities.
- B. Transportation (Barry Walsh):** Transportation review noted that the applicant should submit parking calculations and plans to Transportation in addition to verification of the right-of-way dedication on 500 South. Furthermore, the applicant is required to make public way improvements on 500 South or enter into a SID agreement with Engineering.
- C. Engineering (Scott Weiler):** Mr. Weiler indicated that Engineering had no objections to the requests.
- D. Airports (David Miller):** Mr. Miller noted that the subject property is in Airport Influence Zone "B" and requires a completed aviation easement.

Analysis and Findings

Conditional Use Standards

Conditional uses are subject to the standards found in Section 21A.54.080(B) of the Zoning Ordinance, which states that a "conditional use permit shall be approved unless the evidence presented shows that one (1) or more of the standards set forth in this subsection cannot be met. The Planning Commission, or, in the case of administrative conditional uses, the Planning Director or the Director's designee, may

request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.”

- 1. Master Plan and Zoning Ordinance Compliance:** The proposed conditional use shall be:
 - a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
 - b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Finding: The *West Salt Lake Community Master Plan*’s future land use plan provides direction on the future development in the area where the subject parcel is found. Specifically, the subject property is designated with a future land use of “industrial.” A majority of the uses found in the three buildings onsite would fall under industrial, except for the community center use. All the proposed uses are at least conditionally permitted in the M-2 zone.

- 2. Use Compatibility:** The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:
 - a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
 - b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
 - iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
 - c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
 - d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
 - e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical

- equipment resulting from the proposed use; and
- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur, based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

Finding: The subject parcel is in the middle of an industrial subdivision. Abutting this property are railroad tracks, a fabrication shop, and a propane station. Access to the site is via 500 South is two lanes without curb and gutter which generally handles industrial traffic. In the future, 500 West will be upgraded to five lanes with street lights and curb and gutter. The proposed uses should have no impact on the level of service of 500 South. There may be an increase in traffic to the subject property due to its potential use as a community center for private events, but it is likely that these events will occur mainly on weekends and in the evenings, when industrial traffic is lighter.

The subject property has 28 parking spaces located at the south end (front) of the lot. The proposed uses require 21 spaces, as determined below:

- o 1 space is required for the caretaker's living quarters;
- o 5 spaces for the 1,200 square feet of office space (1 space per 3,000 square feet)
- o 8 spaces for the 7,096 square feet of community center/showroom space (1 space per 1,000 square feet)
- o 7 spaces for the industrial space (1 spaces for 3 employees, based on the 20 employees expected during the highest shift)

The parking lot and driveway are oriented appropriately for the type and scale of the development. The driveway continues past the parking lot to serve the two manufacturing buildings located at the rear of the property. The interior circulation of the existing parking lot is appropriate for the scale and the type of uses that have been requested. The security guard would be a resident of the southernmost building and would likely be there mostly at night or on weekends and the community hall would be available for private events, and not open to the public, so the majority of its traffic would be in the evenings or on weekends.

Public Utilities has reviewed and approved the proposed site plan and has not indicated any deficiencies with the utilities that will serve the site. However, no additional connections would be allowed to the primary mains that serve the site. There should be no impact on neighboring properties due to utilities, but the Department of Public Utilities has requested that the applicant provide plans for the interior plumbing. This has been made a condition of approval.

Finally, because there are no other conditional uses within a quarter-mile of this site, staff is of the opinion that there is no evidence of an existing "detrimental concentration of existing non-conforming or conditional uses," nor evidence that this is likely to occur.

3. Design Compatibility: The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:

- a. Site design and location of parking lots, access ways, and delivery areas;
- b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and

- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
- d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

Finding: The uses would be contained within existing warehouse-like buildings. In Building #1, there are walls between the three uses (the showroom and community center, living quarters, and office space). The building is, in total, 8,896 square feet, with the living quarters being 600 square feet in size and the showroom being 7,096 square feet in size (on two levels). The other buildings currently contain or have contained permitted uses. Because the buildings exist and because no alterations or renovations to the exterior of the building have been proposed, staff finds that the building design, intensity and scale of the development are consistent with the regulations of the M-2 zoning district and with the development of the surrounding parcels.

4. Detriment to Persons or Property: The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:

- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
- b. Not encroach on any river or stream, or direct runoff into a river or stream;
- c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Finding: There is no evidence that the requested conditional uses would emit any pollution, encroach on or direct runoff into any river or stream, or introduce any hazard or potential for damage to adjacent properties. The applicant has applied for and received a hazmat permit for some of the production occurring in Building #3, but there is nothing about the proposal that would indicate the potential for impact on adjacent parcels or the adjacent buildings on the property.

The uses being proposed are conditional uses in this zone and staff does not believe that the three uses in question are incompatible with the existing industrial uses on site (recycling, assembly and storage of auto parts) or with neighboring parcels. Because the production of the artwork is industrial in nature (clothing production, glassblowing, etc.), the studio's location in a manufacturing zone is appropriate. A community center would not generally be found in a manufacturing zone. However, given that the center would be for private events, not open to the public, and be available generally after typical working hours, staff expects that any conflicts between neighboring industrial uses and the community center would be reduced.

Finally, the applicant has indicated that only one security guard would be present during evenings and/or weekends. Staff sees no conflict with a security guard's living quarters in this zoning district. The presence of a security guard/caretaker may increase the safety of the

surrounding properties in addition to the subject property. Additionally, a caretaker may also serve as “security” for events if necessary.

5. **Compliance with Other Applicable Regulations:** The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Finding: Staff does not find any other zoning ordinance requirements that would apply to the request. The applicant must comply with the regulations of any additional permits required for the production and assembly of the buildings’ tenants. Additionally, the applicant must work with the other departments referenced within this report to ensure compliance with their requests regarding site plans and any additional information requested.

MDW
DESIGNS

• Mike Worthen •
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DRAFTING
&
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#	REVISION	DATE

CITY OF THE SEVEN GATES

2904 West 500 South
Salt Lake City, UT

SITE PLAN

PROJECT:

DRAWING:

DATE: 02/25/09

MDW:

DATE: 02/25/09

SWG: NO.

A-2

THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF MDW DESIGNS FOR THE EXCLUSIVE USE ON THIS PARTICULAR RESIDENCE. USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF MDW DESIGNS IS PROHIBITED.

BLDG. 1: COMMUNITY HALL (NEW)
BLDG. 2: STORAGE (UNCHANGED)
BLDG. 3: MANUFACTURING (UNCHANGED)

The site plan shows a rectangular property with three buildings labeled BLDG-1, BLDG-2, and BLDG-3. BLDG-1 is a large rectangular building on the right side. BLDG-2 is a smaller rectangular building in the center. BLDG-3 is a larger rectangular building on the left side. To the right of BLDG-1 is a parking area with several stalls. A fence runs along the right boundary. There are two fire hydrants: one on the right boundary and one near BLDG-3. Access points are marked with arrows. A new concrete pad is shown near BLDG-3. The plan includes various dimensions and elevations (e.g., PL 503.4', PL 455.59', PL 1216.9'). A north arrow and a scale of 1" = 30'-0" are provided. A legend identifies the buildings: BLDG. 1: COMMUNITY HALL (NEW), BLDG. 2: STORAGE (UNCHANGED), and BLDG. 3: MANUFACTURING (UNCHANGED). The Union Pacific Route is shown on the left.

UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"
North



DISCLAIMER NOTE: ERRORS, OMISSIONS WHICH MAY OCCUR IN THE CONSTRUCTION DOCUMENTS SHALL BE DEEMED TO BE THE RESPONSIBILITY OF THE DESIGNER. ALL WRITTEN AND UNWRITTEN INSTRUCTIONS SHALL BE OBTAINED PRIOR TO PROCEEDING WITH CONSTRUCTION. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY ERRORS, DISCREPANCIES OR OMISSIONS FOR WHICH THE CONTRACTOR FAILED TO NOTIFY TO THE DESIGNER PRIOR TO CONSTRUCTION AND/OR FABRICATION OF THE WORK. WARRANTIES TO BE PROVIDED BY GLC.

Attachment B

Additional Information from Applicant

Britton, Nick

From: Brylan Schultz [nalyrb@hotmail.com]
Sent: Monday, June 08, 2009 9:58 AM
To: Britton, Nick
Subject: RE: City of the Seven Gates

Categories: Other

So in answer to your questions:

Just to get a grasp of the bigger picture, here's my understanding of your proposal. Please correct me if I am incorrect.

- Building #2 is and will be for industrial/manufacturing storage for the property owner. Nothing is changing at this time.
Correct
- Building #3 is and will be for storage, maintenance and factory space for the property owner. Nothing is changing at this time.
There will be people in this building working. As of right now, we applied for and received a hazmat permit specifically for what is happening there. In the far back, there is a glass blowing shop that has three independent glass blowers working in it. It functions as a factory, which is what we believe was the original use of that building. We have one other space for rent that will be some sort of shop for someone, but we as of yet do not know what. The rest of the space is storage and maintenance area, which we believe was the other use of this building before. Our site plan will reflect this.
- Building #1 will become a private art studio, as a private work place, without public hours. Multiple people will utilizing the space during the day. In the evening, however, there will be a single caretaker who will have living quarters in Building #1.
This is where we have a bit of confusion. This building has three rentable spaces that will function more or less as work spaces, but maybe not so much as for art as they will be manufacturing locations. Currently, one of these spots is filled by Unavakin clothing. They hand make custom clothing. The other two spots have yet to be filled. The front will not be a gallery, but rather a show room that will be open by appointment only to showcase the various work being done on site. At night, this building will be able to be used as a community hall for various performances and events. These events will include fashion shows, wedding receptions, live performance, etc. We see having the living quarters in building 1 as the most logical option as it is in the front of the property and has all the necessary amenities.
- There may be private events on the premises, which I assume is the reason for the change of use to "community hall." **These private events will take place in building 1.**

Questions:

- How many people would be working in Building #1, the art studio? **I foresee 3-6 people working at any given time in building 1.**
- How many people would be working in both Building #2 and #3, as part of the industrial storage/maintenance/etc? **No one really works in building 2 as it is storage. Building 3 has 3 people in the glass studio pretty much during normal business hours and eventually will have 1-2 more people working out of the other rentable space. There may be a couple of people on site doing maintenance or getting into the storage areas.**

I hope that this answers most of your questions. I will forward our site plan on to you at some point this week. Also so that you know, Mike is working on getting the two plots into one issue and also working on getting our airport easement taken care of.

Thanks,

Attachment C

Department and Division Comments

Britton, Nick

AIRPORTS

From: Miller, David
Sent: Monday, March 30, 2009 12:58 PM
To: Britton, Nick
Cc: McCandless, Allen
Subject: PLNPCM2009-00191: 2904 West 500 South

Categories: Program/Policy

Nick,

Thank you for the notice for a proposed caretaker's office at 2904 West 500 South. This address is in the Salt Lake City's airport influence zone "B" and is listed as a high noise impact zone and having specific height restrictions. Salt Lake City requires an avigation easement for new development in this zone. The owner or developer should contact me at the address or email below, to complete the avigation easement. The height restriction is approximately 4310' MSL and is approximately 83' AGL.

David Miller
Airport Principal Planner
Salt Lake City Department of Airports
P.O. Box 145550
Salt Lake City, UT 84114-5550
801.575.2972
david.miller@slcgov.com

Britton, Nick

ENGINEERING

From: Weiler, Scott
Sent: Monday, March 23, 2009 2:25 PM
To: Britton, Nick
Cc: Smith, Craig
Subject: RE: Conditional Use PLNPCM2009-00161
Categories: Program/Policy

Nick,

Your memo, dated March 4, 2009, may not have been seen by Craig. It was given to me by Joel Harrison, who received it from someone who found it in an inter-office envelope.

Engineering has no objection to the proposed conditional use for a caretaker office at 2904 W. 500 South.

Scott

From: Britton, Nick
Sent: Monday, March 23, 2009 2:11 PM
To: Weiler, Scott
Subject: Conditional Use PLNPCM2009-00161

Scott,

I got your message and I have not received anything from Craig. If you have any comments, please let me know when you get a chance.

Nick Britton, AICP
Salt Lake City Planning Division
451 S. State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480
(801) 535-6107

5/8/2009

Britton, Nick

PUBLIC UTILITIES

From: Stoker, Justin
Sent: Friday, March 20, 2009 10:08 AM
To: Britton, Nick
Cc: Garcia, Peggy
Subject: PLNPCM2009-00191 Conditional Use request at 2904 West 500 South
Categories: Program/Policy

Proposed caretaker residence will need to use the existing water and sewer utilities in the building. No new connections are allowed to public mains in this situation. Interior plumbing plans must be submitted to the Department of Public Utilities for permitting the change of use and the addition of new water fixtures in the building.

Justin D. Stoker, PE
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - justin.stoker@slcgov.com

5/8/2009

Britton, Nick

TRANSPORTATION

From: Walsh, Barry
Sent: Thursday, March 12, 2009 9:48 AM
To: Britton, Nick
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: PLNPCM2009-00191
Categories: Program/Policy

March 12, 2009

Nick Britton, Planning

Re: PLNPCM2009-00191 Conditional Use request for caretaker's Office at 2904 West 500South.

The division of transportation review comments and recommendations are as follows:

Per the DRT review 2/4/09 proposing a change of use, we requested parking calculations for the full site. A site plan to scale with parking layout indicating ADA stalls and the 5% bike provision. We also need to have the proposal combine the two lots and verify the ROW dedication along 500 South frontage for a 42' half width. Engineering requires public way improvements or a SID agreement for C&G, walk, street lights, etc. The existing 500 South is a two lane pavement only roadway. The future roadway is to be five lanes with C&G sidewalk on both sides and street lighting.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, engineering
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
File

5/8/2009