

## PLANNING COMMISSION STAFF REPORT

### Club Limo Conditional Use 58 East Cleveland Avenue October 13, 2010 Petition PLNPCM2010-00487



Planning Division  
Department of Community and  
Economic Development

**Applicant:** Marlon Ramirez

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

**Tax ID:** 16-18-105-001, 16-18-105-002 and 16-18-105-003

**Current Zone:**  
CC (Corridor Commercial)  
SSSC (South State Street  
Corridor Overlay)

**Master Plan Designation**  
*Central Community Master  
Plan:* Medium residential/mixed  
use (10-50 units per acre)

**Council District**  
Council District 5, Jill  
Remington Love

**Lot Size**  
4,792 square feet

**Land Use Regulations**  
Salt Lake City Code:  
Section 21A.26.050  
Section 21A.34.090  
Chapter 21A.54

**Notice**  
Mailing notice: September 29  
Property posted: October 1  
Agenda published: September  
29

#### Attachments

- A. Proposed Site Plan
- B. Department and  
Division Comments
- C. Letters from  
Neighboring Business  
Owners
- D. Photographs

### **Request**

Marlon Ramirez is requesting conditional use approval for a limousine service at approximately 58 E. Cleveland Avenue (1445 South) in the CC (Corridor Commercial) zoning district. In the CC zone, "limousine service utilizing not more than 3 limousines" is a conditional use.

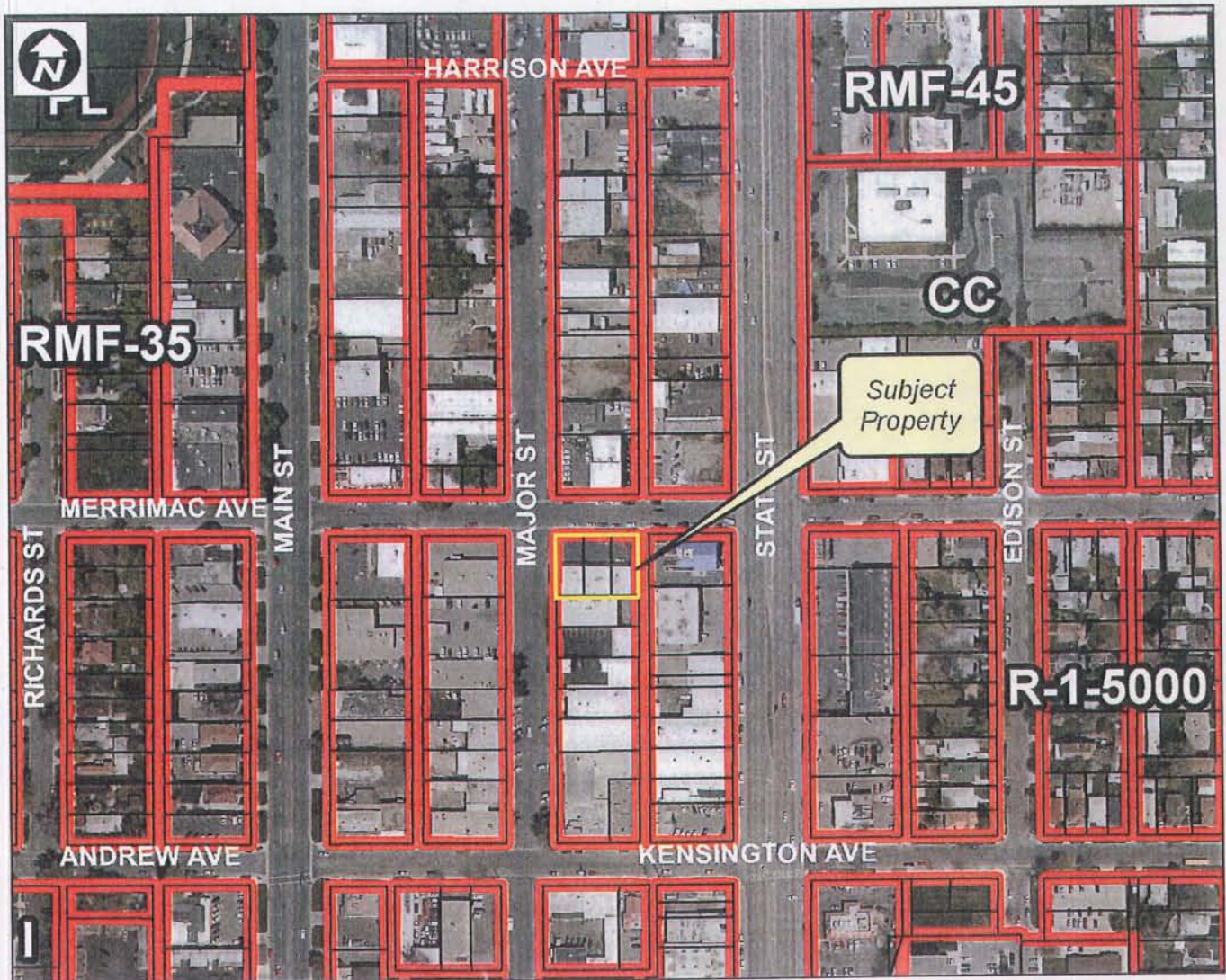
### **Recommendation**

Based on the findings of this staff report, staff recommends that the Planning Commission approve the request for a conditional use for a limousine service not utilizing more than 3 limousines at 58 East Cleveland Avenue subject to the following conditions:

1. Applicant must comply with all departmental and division comments found in this staff report and its exhibits.
2. The applicant can only utilize 3 limousines at any time from this location.
3. Demonstrate to staff, through a copy of the lease agreement or otherwise, that 8 parking stalls, including one ADA accessible stall, are available for the applicant's business.



## Vicinity Map



## Analysis

### Background Information

The subject property is a 14,375 square foot lot with a single building and single parking lot, both of which have been subdivided into three separate, leasable commercial lots. The city recognizes the three properties as 58, 54 and 48 East Cleveland Avenue. Despite the fact that the building has been subdivided into three units, it appears there are currently only two leasable units within the building at this time. The underlying zoning for the entire complex is CC and the entire property is within the South State Street Corridor Overlay District.

The applicant is proposing a limousine service and a window-tinting service at the subject property. They would be leasing the commercial unit from the owner of the property, R. B. Properties. The window-tinting service could be classified as either "automobile sales/rental and service" or "automobile repair, minor", both of which are permitted uses in the CC zoning district. The limousine service is a



conditional use, provided the applicant is only utilizing 3 limousines at a time. A limousine service with 4 or more limousines is not permitted in the CC zoning district.

The applicant proposed to lease the eastern half of the building, which is approximately 3,300 square feet. Of that space, 2,000 square feet will be used for indoor limousine parking after hours and 1,200 for general office, storage and business-related uses. Per staff calculations, the applicant must provide 8 parking spaces for the business. The 2,000 square feet of indoor limousine parking falls under "retail service establishment," which shall require 4 parking spaces (2 per 1,000 square feet gross floor area). The 1,300 square feet of office and storage space falls under "general office" and will require 4 parking spaces (3 per 1,000 square feet for the first floor). The applicant must demonstrate to staff as a condition of approval that 8 parking stalls, including an ADA accessible stall, is available at all times.

## **Master Plan Discussion**

The subject property is found in the *Central Community Master Plan*, adopted in November of 2005. The parcel has a future land use of "medium [density] residential / mixed use." The proposal generally meets the master plan's future land use but requires conditional use approval in the underlying zone.

## **Public Comments**

Staff sent notice to the Ball Park Community Council on September 2, 2010 regarding this petition. No response was received by staff. No other comments have been received from the public with regard to this petition as of the published date of this staff report.

## **Department & Division Comments**

A summary of comments received from the department and division reviews is listed below. Full comments are found in Exhibit C.

- A. Public Utilities:** Public Utilities had no objection to the proposal.
- B. Engineering:** Engineering noted that the sidewalk and gutter on Cleveland Avenue would require repair. This is a condition of approval.
- C. Building Services:** Building Services noted that the applicant should submit parking calculations for the use.
- D. Transportation:** Transportation also requested updated parking calculations and asked for a detailed, fully-dimensioned site plan.

## **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.

**Analysis:** The *Central Community Master Plan* 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 as "medium residential/mixed use (10-50 units per acre)." Retail services are part of mixed use districts even though this particular project has no residential associated with it. The current zoning is CC, which allows the use with conditional use approval. Conditional uses require review and approval by the Planning Commission. Additionally, the property is in the South State Street Corridor Overlay District, which regulations building design and adds additional regulations for setbacks, parking, and other zoning issues. Because no new construction is being proposed as part of this project and there is no expansion of the building or the parking lot, the regulations of the overlay district do not apply.

**Finding:** The proposed conditional use is consistent with the *Central Community Master Plan* and the use is allowed as a conditional use in the CC zoning district.

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.

**Analysis:** Primary access to the site will be from either Major Street or Cleveland Avenue and there is no reason to expect that the proposal will induce the amount of traffic it would require to materially degrade the existing levels of service on either street. Nor is there reason to expect that the reuse of this existing building as a limousine and/or window-tinting service will create unusual traffic patterns, whether pedestrian or vehicle. The building, the parking lot and the ingress/egress points are existing and the majority of properties around the subject property are in the same zoning district, so staff does not expect a change in the use or access to this property from what has been at the site previously. The hours of operation proposed are from 9:00 am to 12:00 am., which is later than traditional retail service hours, but given the primary function of the business (limousine rental), later hours would be expected. As previously stated, the surrounding properties are all zoned CC, but there are four residential uses (single family homes) across the intersection from the subject property (23 through 33 E. Cleveland Avenue). Even though the business is open later than most businesses in the immediate area are, there is no reason to expect an impact on the residential properties. The internal circulation system for the development should be sufficient given the nature of the business. There are two ingress/egress points on opposite sides of the subject properties (the entire development). Public Utilities had no objection to the proposal, indicating that the existing utilities to the site are adequate. Additionally, due to the zoning and character of the surrounding area, staff believes that the site is appropriately buffered from neighboring properties and does not expect any unreasonable or unusual activities that would require additional mitigation beyond what is standard for this kind of commercial building. Finally, staff has found no additional conditional uses within a 1/4 mile of the property that are "substantially similar" to the proposed limousine service. None of the nearest conditional uses involve vehicles or vehicle rentals. The underlying zoning in the area (CC) permits a variety of commercial uses that would not require additional approval.

**Finding:** Staff finds that the proposed use is compatible with the surrounding neighborhood after consideration of the abutting streets and means of access, the anticipated traffic patterns or intensities, the internal circulation system, the necessary utilities and public services, the buffering and anticipated impacts of the use, and the concentration of conditional uses and non-conforming uses within a 1/4 mile of the subject property.

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.



**Analysis:** There is no new construction proposed as part of this project. The building and the parking area the applicant wishes to use exists at the subject property. The parking is in front of the building and the building's interior is accessible via doors and bays on the front of the building. Limousines will primarily be parking in the parking lot during the day and stored in the interior of the building (2,000 square feet of the 3,300 total square feet is dedicated to vehicle storage). The second half of the building will be used by another business.

**Finding:** Because the building and parking lot both currently exist and there is no new development proposed as part of this project, and because a majority of the surrounding area is zoned CC, staff finds that the business will be compatible with the surrounding development and character.

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.

**Analysis:** 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 use, as proposed, is consistent with the nature of the surrounding neighborhood and the CC zoning district. The proposal reuses an existing commercial structure and promotes commercial reinvestment in the area (see Exhibit

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

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

**Analysis:** As previously stated, the property is within the South State Street Overlay District, which has additional design and dimensional regulations. However, because the project will utilize an existing building and parking lot and make no material changes to either, the overlay district regulations do not apply to this proposal.

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

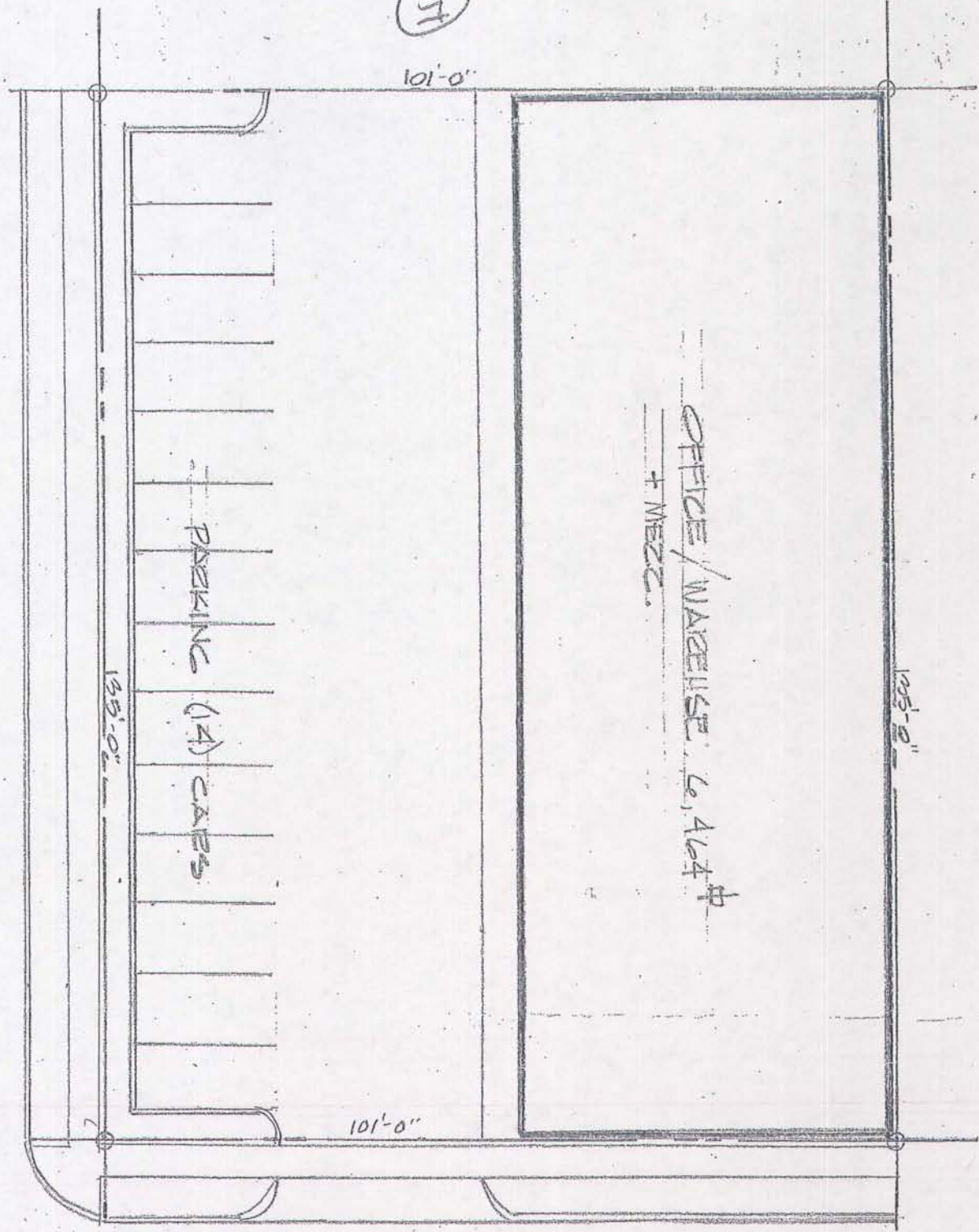
***Exhibit A***

Proposed Site Plan



(S)

(E)

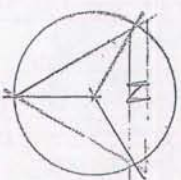


CLEVELAND

(N)

MAJOR

(W)



1" = 20'

PARKING 14  
BLDG. AREA 6,464  
SITE AREA 14,935  
EFFICIENCY 44%

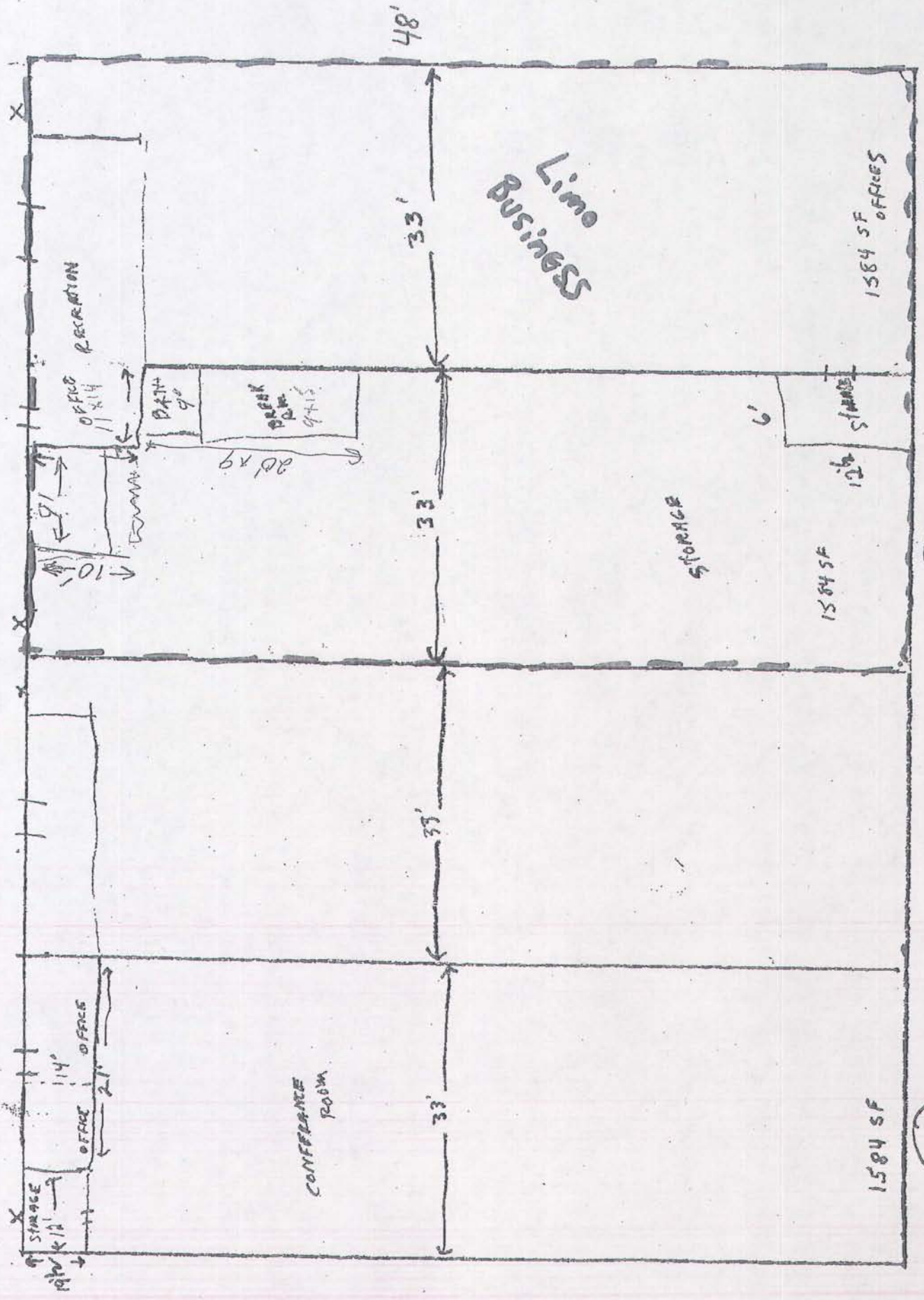


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## Business Plan

July 6<sup>th</sup>, 2010

Club Limo, LLC, is a small family owned business that will be operated by the owners. They will maintain a total of three (3) limousines and an occasional use limousine bus, which is offered to the public for Public Businesses, Business Executives, Bachelor and Wedding clients, Graduations and other special occasions for in-state use only.

The limousine bus shall be used for larger groups of people ranging from ten to twenty people, (10-20), and provide bench seating, a 4000 watt stereo sound system, and a flat screen television. Club Limo, LLC also provides window tinting service for other limousine companies and also for the public, businesses and law enforcement. All tinting is legal, and comes with a one year unconditional warranty. The operator of the bus has his Commercial Driver's License and current Medical Certificate.

Our building is a partial tilt-up and cinderblock concrete structure that faces North and is located on the South of Cleveland Avenue. Our suite is located on the far East side of the complex facing North. Our suite is comprised of 3300 square feet, in which 2000 square feet is for the limousine parking after the close of business. The remaining 1300 square feet is for the sole purpose for the use of the office, supply and equipment storage and also storage for the rolls of window tint.

There are two common usage, handicap restrooms available for the management and for the customers. Complementary coffee and water is also provided for the customers at no cost. During the daytime hours, the limousines and limousine bus shall be parked outside in front of the business and visible for it's advertisement.

During the evening hours, the limousines shall be lined up directly in front of our business, cleaned and shined ready for use. The hours of operation for Club Limo will be from 9:00 am to 12:00 pm, midnight.



***Exhibit B***

Department/Division Comments



**Public Utilities:**

No objection to the proposal.

**Engineering:**

This is a conditional use permit request to approve a limousine and window tinting business at 58 East Cleveland Avenue. The lot has all the required street right-of-way to meet City requirements and the frontage is improved. However, there are 7 panels of existing sidewalk that are spalled severely, and there are 2 sections of curb and gutter that are settled and cracked. Both of these conditions meet the criteria of defective concrete per APWA Std. Plan #291A for replacement. The gutter sections must be replaced as per APWA Std. Plan 205A and 251, and sidewalk must be replaced as per the requirements of APWA Std. Plan 231. These street improvements will be completed by a licensed, bonded and insured contractor via a Public Way Permit that the contractor will obtain from the Engineering Division Office.

**Fire:**

No comments.

**Building Services:**

Provide updated parking calculations for 6,464 sf of building space.

**Transportation:**

[Review of a] proposal for limousine and window tint business, The building 6,464 sf and parking 14 stalls are existing. Please provide parking calculations for the new use 3,300sf portion and existing use to verify intensification along with ADA stall designation. The site plan provided indicates new landscape buffers and curb along with removal of post and rail barriers, provide full site plan dimensions.



***Exhibit C***

Letters from Neighboring Business Owners



**J / S Auto Service**

1433 South Main Street

Salt Lake City, Utah 84115

(801) 467-1477

Dear Sirs,

I have been asked to give you this letter in reference to the new business opening up across the street from my automotive business. The owners are very nice and responsible people and have been very friendly with me and the others neighbors too. I have had my business at this location for a long time and welcome a new business here on the block.

They are going to have several limousines and a custom limo bus and they are also going to be doing a tint business too. I really think that the people that will use their business will also bring a lot of new customers for me. So, I am looking forward to their new venture and welcome them to our neighborhood.

Sincerely yours — Jose Monje, President and Owner



7/7/10



July 5th, 2010

To Whom It May Concern,

I am Patty Brown and I own the business "Adeje Goodies" located at 366 South 500 East, Salt Lake City, Utah. I have known the Ramirez family for many years and now since they are opening another new business, "Club Limo" at 58 East Cleveland Avenue, Salt Lake City, Utah, I have chosen to relocate my business into the strip mall at their location.

They will be having many, many clients that will be using their services with their Limosine Service. It is also my understanding that they are also going to be installing window tint during the daytime hours. My business sells all different types of candies from the US and countries around the world, little nick-nacks, sodas, snacks and alot more.

This new location is prime for my business to excel and increase in sales. I have seen what they are doing and have completely decinded to move into suite number 60, right next to their business. With all of the people during the daytime and then more people in the evening hours; I am hoping that I will also be able to provide them with more business clients, too.

I look forward to having the limosines parked out in front because this will not only draw attention to their business, but to all of the new businesses that will move in here very shortly like I am doing!

Sincerely,

Patty Brown

801-450-3692



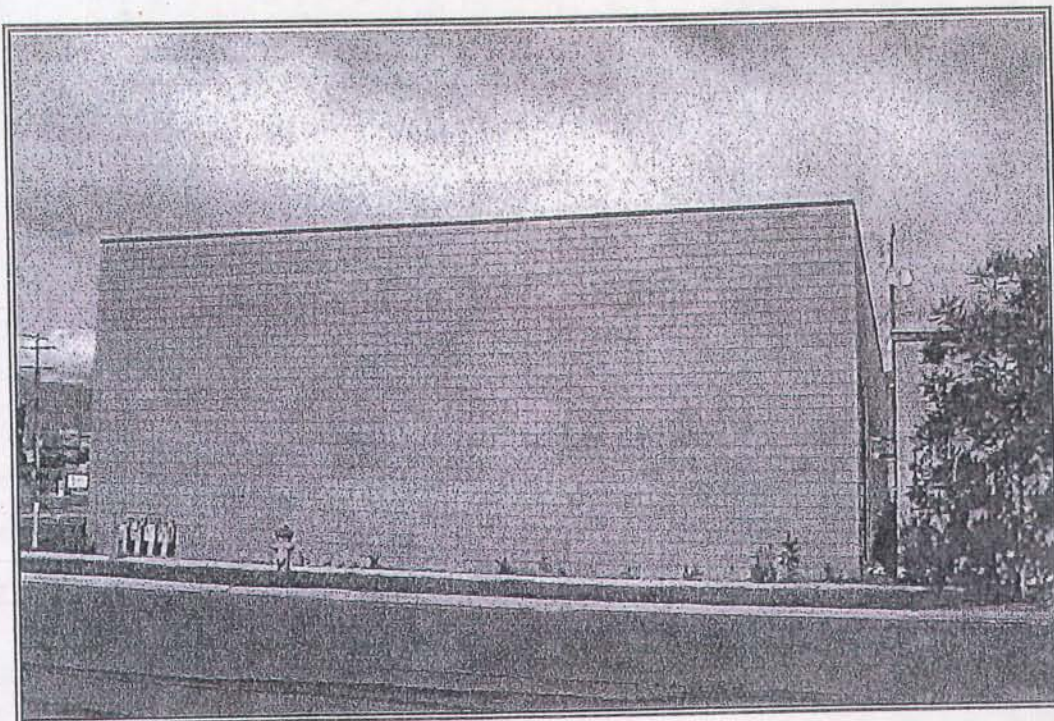
***Exhibit D***  
Photographs



PHOTOGRAPHS



Front View Southeast of Subject Building



View East of Subject Building