

# PLANNING COMMISSION STAFF REPORT

## Alpine Auto Brokers Conditional Use Petition PLNPCM2010-00800 749 South State Street February 3, 2011



Planning Division  
Department of Community and  
Economic Development

**Applicant:**

Tyson Aoki

**Staff:**

Thomas Irvin, 535-7932  
Thomas.irvin@slcgov.com

**Tax ID:**

16-07-105-003-0000

**Current Zone:**

D-2 (Downtown Support District)

**Master Plan Designation:**

*Central Community Master Plan:  
Central Business District Support  
Downtown Plan*

**Council District:**

Council District 4, Luke Garrott

**Community Council:**

Central City- Tom Mutter (Chair)

**Lot Size:** 43,292 square feet

**Notification:**

- Notice mailed January 31, 2011
- Property Posted February 1, 2011
- Agenda Published January 28, 2011

**Land Use Regulations:**

- Chapter 21A.30.030 D-2  
Downtown Support District
- Chapter 21A.54 Conditional  
Uses

**Attachments**

- A. Site Plan
- B. Department and Division  
Comments
- C. Photographs

### ***Request***

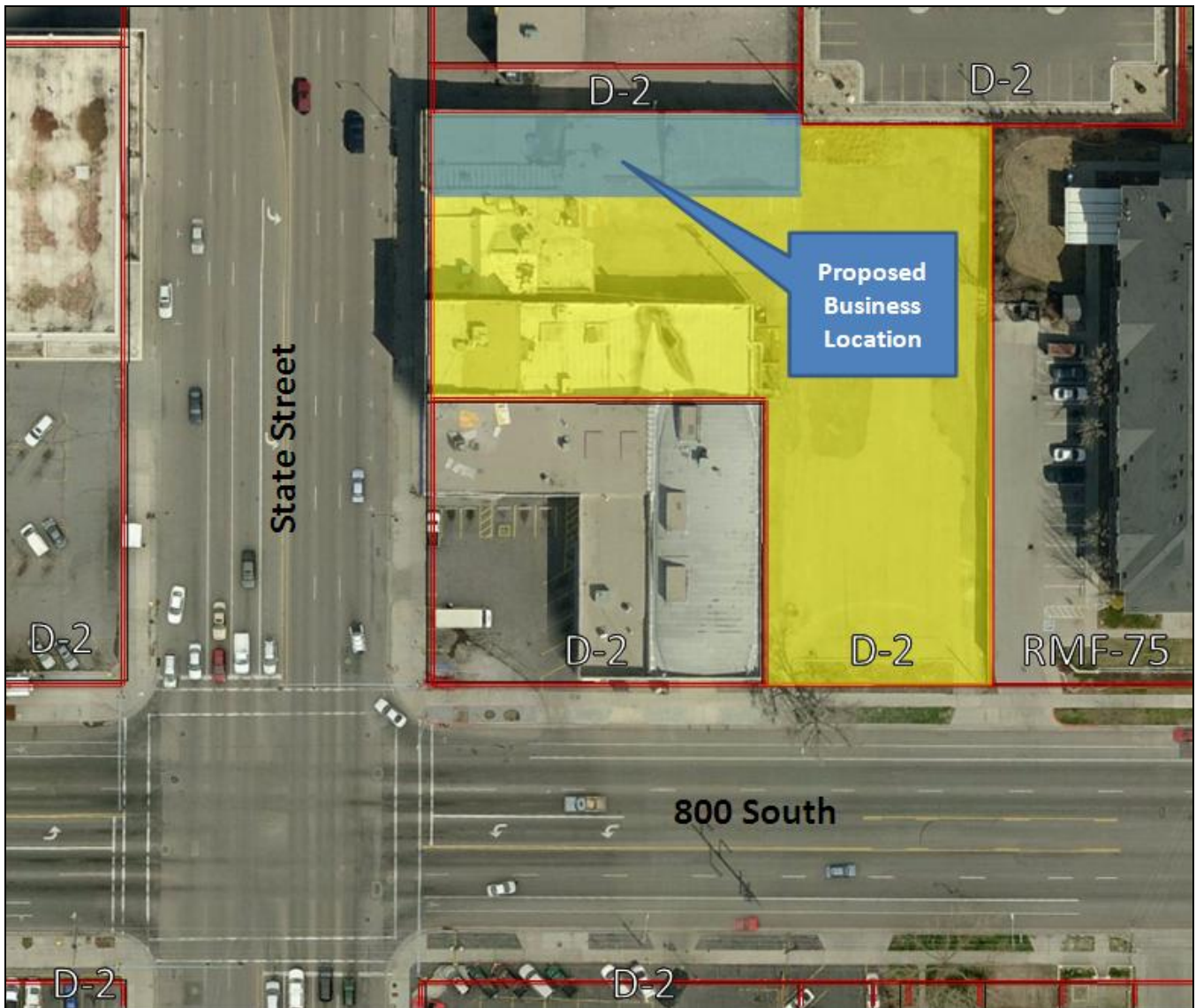
Tyson Aoki is requesting conditional use approval for an automobile sales business at 749 South State Street in the D-2 (Downtown Support) zoning district. In the D-2 zone, automobile sales are listed as a conditional use. This request does not qualify for administrative consideration since it abuts a residentially zoned property on the east side.

### ***Recommendation***

Based on the findings of this staff report, staff recommends that the Planning Commission approve the request for a conditional use for a automobile sales business at 749 South State Street subject to the following conditions:

1. Applicant must comply with all departmental and division comments found in this staff report and its exhibits.
2. If the current business plan is changed to include the outdoor storage or sale of vehicles, the applicant will be required to re-submit for conditional use review.

## Vicinity Map



## Analysis

### Background Information

The subject property is a 43,292 square foot lot with three buildings along State Street and a large parking lot to the rear that also fronts along 800 South. The middle building is currently occupied by the Evergreen Café. The other two buildings have been vacant for many years. The applicant is intending to lease the northern most building from the owner, W Meeks Investment Company.

The proposed business will be a small automobile brokerage focused on high end vehicles. The vehicles will only be displayed within the existing building. There is only sufficient space for six vehicles at any

given time. Of the approximate 3,800 square feet within the building, about 2,500 square feet will be for vehicle display while the remainder will be used for offices and restrooms.

No additional parking will be required since the zoning ordinance states that changes of use in the downtown districts do not require additional parking or loading facilities.

## **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 “central business district support”. The proposal meets the master plan’s future land use but requires conditional use approval in the underlying zone.

## **Public Comments**

Staff sent notice to the Central City Community Council on January 4, 2011 regarding this petition. It was presented at their monthly meeting held on February 2, 2011. Several residents commented on how happy they were that the building will finally be occupied. A concern was noted that the owner may expand into using the property for outdoor sales and display of vehicles. 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 did not respond with any comments to the proposal.
- B. Engineering:** Engineering had no concerns with the proposed use.
- C. Building Services:** Building Services noted that since the plans do not show any vehicle service area, all automobile service and detailing must be conducted at a separate location. Automobile repair is a permitted use in the zone; however, performing repair onsite would require building code review prior to approval. This conditional use only addresses automobile sales.
- D. Transportation:** Transportation saw no impact to parking or transportation.
- E. Fire:** Fire Code did not comment on the proposal.

## ***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 map provides direction on the future development in the area where the subject parcel is found. Specifically, the subject property is designated as “central business district support”. It is also located within the area covered by the *Downtown Plan*. An automobile sales business meets the purposes of the central business district support. The current zoning is D-2 which allows this use with conditional use approval. Conditional uses require review and approval by the Planning Commission.

**Finding:** The proposed conditional use is consistent with both the *Central Community Master Plan* and the *Downtown Plan* and is allowed as a conditional use in the D-2 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 vehicle access to the site will be off of 800 South. The existing parking area

presently experiences very little vehicle traffic. 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 the street, nor is there reason to expect that this business will create unusual traffic patterns, whether pedestrian or vehicular. The business will be open by appointment only. Delivery hours will be during the normal business hours of 9 am to 5 pm, Monday through Friday. The parking lot is adjacent to a residential use in the RMF-75 High Density Multifamily Residential District. The apartment complex provides parking along the west side directly adjacent to the subject properties lot. Additionally, the lots are separated by a six foot fence. There is no reason to expect that use of this parking lot will impair the use and enjoyment of the adjacent property. Public Utilities had no comment on 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 ¼ mile of the property that are “substantially similar” to the proposed automobile sales business. There is a traditional car dealership south of this property across 800 south, however since the proposed business will be open by appointment only, there should be no undue concentration of these type of uses.

***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 ¼ mile of the subject property. It must be noted that if the applicant expands the use into a traditional outdoor vehicle sales lot, it could create impacts that have not been evaluated as part of this proposal. Therefore, they will be required to re-submit for conditional use review for outdoor sales. This is noted as a condition of approval.

- 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 exist at the subject property. The parking is in the rear with access off of 800 South. Pedestrian access is provided through the front doors along State Street.

***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 also zoned D-2, 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 D-2 zoning district. The proposal reuses an existing commercial structure and promotes commercial reinvestment in the area.

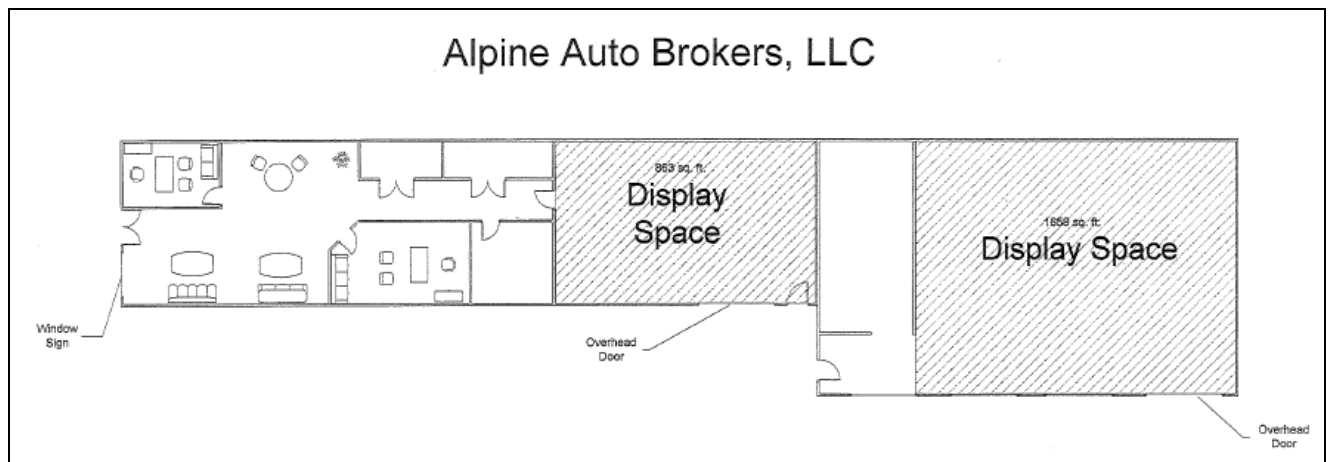
**Finding:** The proposal meets this standard.

**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:** The property does not reside within any overlay districts and as it is reusing an existing building that doesn't require construction, there should be no conflicts with other applicable codes or ordinances

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







***Exhibit B***

Department/Division Comments

**Public Utilities:**

No comment on the proposal.

**Engineering:**

Inasmuch as there is no impact on the Public Way, and there are no apparent trip hazards on the existing sidewalks on either frontage, we have no concerns regarding the proposed use.

**Building Services:**

Section 21A.36.010.A requires all business activity to be conducted indoors. Since the plans do not show a proposed service area all auto service and detailing will need to be conducted at another location.

**Transportation:**

Per the proposed use for the office area to remain and the ware house to be auto display with no additions or increase in parking demand. There appears to be adequate parking and delivery area in the rear with access from 800 South. We see no impact to transportation issues as well as the D-2 zone designation for no impact to parking demands.

**Fire:**

No comments.

***Exhibit D***  
Photographs



Front Facade



Rear of Building