

PLANNING COMMISSION STAFF REPORT
Administrative Item



Planning and Zoning Division
Department of Community
and Economic Development

EZ pawn
PLNSUB2013-00276
502 South State
June 26, 2013

Applicant:

Steven Tyler

Staff:

Doug Dansie, 535-6182
Doug.Dansie@slcgov.com

Tax ID:

16-06-351-014 and 16-
06-351-019

Current Zone:

Downtown D-1 Central
Business District

Master Plan

Designation:

Mixed use

Council District:

District Four Luke Garrott

Community Council:

Downtown

Lot Size:

8276.4 sq.ft. or .19 acres

Current Use:

Florist

Applicable Land Use

Regulations:

- 21A.54 conditional use
- 21A.30 Downtown districts

Attachments:

- A. Site Plan & Elevation Drawings.
- B. Division Comments

Request

Steven Tyler, representing EZ Pawn, is requesting a Conditional Use for a pawn shop to be located at 502 South State Street. The Planning Commission has final decision making authority for Conditional Uses.

Recommendation

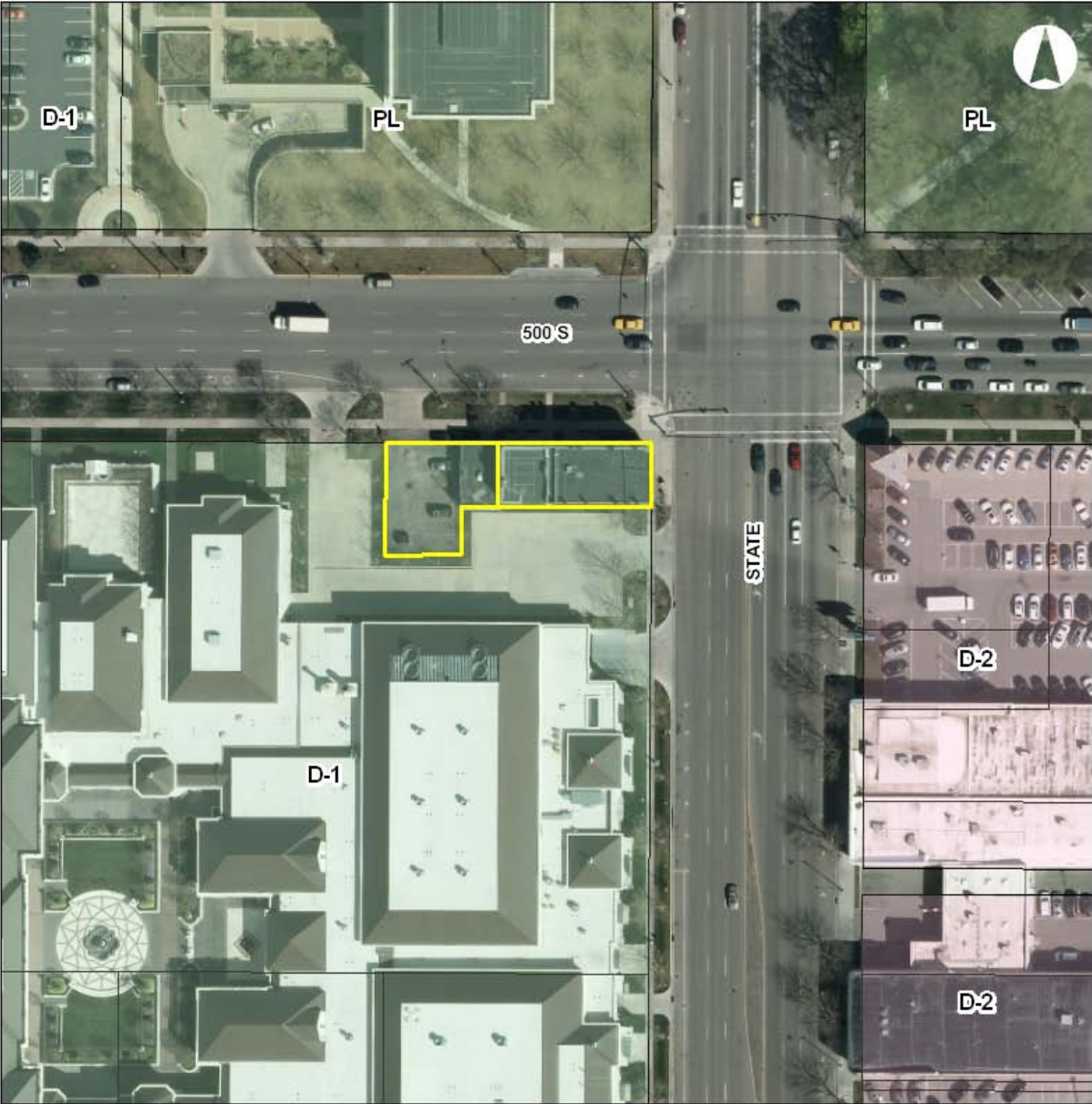
Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall, the project meets the applicable standards as proposed.

Recommended Motion



Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission approve the conditional use to allow a pawn shop at approximately 502 South State with the following conditions:

1. Public way improvements are installed or repaired (lighting, additional street trees, repair sidewalk, if necessary) and all other recommendations and regulations are complied with.
2. The plan meet all other zoning and building requirements.

VICINITY MAP



502 South State Street

-  Subject Property
-  Neighboring Parcels

Background

Project Description

The applicant is proposing to convert the existing Flowers Patch located at 502 South State to an EZ Pawn store. The building is on the southeast corner of 500 South and State Street. The parking is located behind the structure and is accessed from 500 South.

EZ Pawn is relocating from their existing 400 South location (presently located between 200 and 300 West) to this site, therefore it does not constitute an additional pawn shop in the city, but merely a relocation of an existing pawn shop. EZ pawn operates 10 shops in the state of Utah.

Pawn shops are a conditional use in the D-1 zoning district. State law requires that a conditional use be permitted if all impacts may be mitigated.

There is a petition in front of the City Council that would remove Pawn Shops from the list of conditional uses in the D-1 zoning district; however the Council has not acted upon that petition.

Public Notice, Meetings and Comments

Notification

- Required notices mailed on June 14, 2013
- Sign posted on property on June 16, 2013
- Agenda posted on the Planning Division and State Website on June 14, 2013
- Agenda sent to Planning Division Listserve on June 14, 2013

Public Comments

Because the project is within 600 feet of two community councils, the proposal was presented at an open house Open House on June 20, 2013.

Staff received one phone call from a pawn shop owner asking clarification about pawn shops in the D-1 zoning district.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment D. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

Analysis and Findings

Options

If the project is denied, state law requires a finding as to why any specific impacts cannot be mitigated.

Findings

21A.54.080: STANDARDS FOR CONDITIONAL USES:

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

A. Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;
2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;
3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and
4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.

Finding: This is a relocation of an existing pawn shop, therefore no new pawn shops are being added to the city inventory. There are no other pawn shops within one block of this site (there are pawns shops located one block or greater from this site). The structure is existing and is complying, or legally nonconforming to zoning standards. The building is being remodeled/painted. The zoning ordinance does not include any specific qualifying conditions, spacing or location requirements for pawn shops. The Downtown Master Plan encourages a mix of uses but otherwise is silent on the specific issue of pawn shops.

B. Detrimental Effects Determination: In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

1. This title specifically authorizes the use where it is located;
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;
3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;

4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;
7. The site is designed to enable access and circulation for pedestrian and bicycles;
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;
9. The location and design of off street parking complies with applicable standards of this code;
10. Utility capacity is sufficient to support the use at normal service levels;
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;
12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;
13. The hours of operation and delivery of the use are compatible with surrounding uses;
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and
15. The proposed use does not undermine preservation of historic resources and structures.

Finding: The pawn shop is being relocated from another location Downtown.

EZ Pawn operates approximately nine other pawn shops in the Salt Lake area, which generally maintain shortened retail operating hours (generally 10-7).

The police department was notified of this proposal and made no comment.

The nearest competing pawn shop is at 600 South and State Street.

The building and parking are existing: Buildings are allowed to convert from one use to another without upgrading the number of parking stalls (if required) in the D-1 zoning district. This site is not required to increase parking.

C. Conditions Imposed: The planning commission, or in the case of administrative conditional uses, the planning director or the director's designee, may impose on a conditional use any conditions necessary to address the foregoing factors which may include, but are not limited to:

1. Conditions on the scope of the use; its character, location, hours and methods of operation, architecture, signage, construction, landscaping, access, loading and parking, sanitation, drainage and utilities, fencing and screening, and setbacks; and
2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

Finding: The Engineering division has asked that the sidewalk, which is in poor condition, be repaired at this time. Transportation has requested that the parking stall, within the public right of way, next to the sidewalk, be removed and replaced with a 6" curb at property line and the

public way should be landscaped.

Signage and all other improvements must meet city code.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are an administrative item that are regulated by State Law as well as City Ordinance. State law 10-9a-507 Conditional Uses states that “a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” If the Planning Commission determines that there are detrimental effects of the proposed use that cannot be addressed through reasonably proposed or imposed conditions, then the conditional use may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related to specific standards, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated. Below is a potential motion that may be used in cases where the Planning Commission determines a conditional use should be denied.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow a pawn shop at approximately 502 South State. The proposed conditional use will create (list the detrimental effects) which cannot be reasonably mitigated. Where applicable, also include conditions of approval):

The Planning Commission shall make findings on the Conditional Use standards as listed below and specifically state which standard or standards are not being complied with:

1. Compliant with Master Plan and Zoning Ordinance.
2. Compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.
3. Compatible with the character of the area where the use will be located
4. Will 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 conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Attachment A
Site Plan and Elevation Drawings

**Attachment B
Photographs**



500 South (looking southwest)

Attachment C
Division Comments

Public Utilities**Justin Stoker**

The proposed conditional use doesn't appear to impact the public utility systems. We have no comment on the proposal. As a reminder, conditional use approval doesn't constitute plan approval for building permits. There will still need to be plan submitted for building permits.

Building Services**Alan Hardman**

Applicant should probably combine both parcels: 502 South State (16-06-351-014) with 68 East 500 South (16-06-351-019).

Engineering**Scott Weiler**

We recommend that the broken sidewalk in 500 South, adjacent to the Flower Patch building, which is a tripping hazard, be replaced by the property owner as this conversion from a flower shop to a pawn shop occurs.

Transportation**Barry Walsh**

The existing Retail use "Flower Shop" to "Pawn Shop" does not impact the existing parking status for this property. The parking stall within the public right of way, next to the sidewalk, needs to be removed and replaced with a 6" curb at property line and the public way should be landscaped. There is Six stalls existing on site with one being a designated ADA van stall, and No bicycle stall required.

Fire**Ed Itchon**

None