



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Everett Joyce 801-535-7930
Date: February 11, 2015
Re: PLNSUB2014-00875 Atmosphere Industrial Assembly Conditional Use

Conditional Use

PROPERTY ADDRESS: 650 S 300 West and 326 W 700 South
PARCEL ID: 15-12-201-009
MASTER PLAN: Gateway Master Plan – Gateway Corridor Sub-district
ZONING DISTRICT: D-2 and CG

REQUEST: The petitioner, Atmosphere Studios LLC, is requesting conditional use approval for an industrial assembly use within in a portion of a building located at 650 South 300 West and 326 West 700 South. Per Section 21A.33.050 of the Zoning Ordinance industrial assembly land use in the D-2 Downtown Support District Zone requires conditional use approval. The Planning Commission has final decision making authority for conditional uses.

RECOMMENDATION/ MOTION: Planning Staff recommends that the Planning Commission approve the proposed industrial assembly conditional use. The motion to approve is below:

Based on the findings in the staff report, public testimony and discussion by the Planning Commission, I move that the Planning Commission approve PLNPCM2014-00875 Atmosphere Studios industrial assembly conditional use subject to complying with all applicable regulations. Due to the potential for detrimental impacts created by the proposal identified in the report, the Planning Commission applies the following conditions of approval to the project:

1. Obtain appropriate City approvals to accommodate the proposed loading dock and stairway on the west elevation (at middle of the parcel) that crosses the existing property line.
2. Provide evidence of crossover access easements or create easements between the three parcels front on 700 South Street.

ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan
- C. Building Floor Plan
- D. Building Elevations
- E. Additional applicant Information
- F. Photographs
- G. Existing Conditions
- H. Analysis of Standards
- I. Public Process and Comments
- J. Dept. Comments
- K. Motions

PROJECT DESCRIPTION:

The applicant Atmosphere Studios, LLC has acquired an existing 53,000 square foot warehouse that fronts on 300 West Street at 650 South and also fronts on 700 South Street at 326 West. The irregular shaped parcel that contains the warehouse building consists of two zoning classifications, D-2 and CG. The portion of the property that contains the building is zoned D-2. The portion of the property without a structure on it at the west end of the property is zoned CG. The principal building is built to the property line except for the southwest corner of the parcel where the parking areas and loading docks are located.

Atmosphere Studios LLC is a professional services firm, specializing in the creation of branded environments. Their clients seek large scale exhibits for trade shows, corporate and retail interior build-outs and travelling sets for events. Atmosphere's focus is on providing design, engineering, account services, project and production management, along with field services for installing work around the world. Product examples are provided in Attachment E, Additional Applicant Information on page 8.

The company designs exhibits and has over 80 percent of exhibit materials produced off-site. The finished materials are delivered to the subject warehouse to assemble for quality assurance prior to disassembly and packaging for delivery. This part of the business operations is performed in the assembly and staging area which is approximately 7,500 square feet. This activity is considered an industrial assembly use. The industrial assembly use is approximately 14% of the structure with the balance being used for warehousing, offices, workshop and design studio. The area being used for industrial assembly is shown in Attachment C, Building Floor Plan on page 5.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

Issue 1 On-street parking. The owner of the adjacent single family residence on 300 West raised a concern about the proposed use utilizing the existing on street parking. Within the D-2 Zoning District a change of use is permitted without any modifications to the existing parking and loading dock requirements. The proposed use may encourage additional parking on 300 West Street however, this is public parking.

Issue 2 The use of volatile compounds. A question was raised through the open house process regarding the use of any volatile organic compounds. The applicant has responded that there are no volatile organic compounds used in the assembly process.

Issue 3 Current building remodel permit. The applicant has an active building permit to remodel a warehouse building. The permit is to remove a rail car space in the west end of the building and put in three loading dock bay doors on the south elevation at the west end of the building. These activities affect the storage and loading areas of the proposed building utilization plan. They do not have an impact on the building's use related to the industrial assembly area requested through this conditional use.

DISCUSSION:

The majority of the issues raised through the departmental reviews relate to the general development of the site and not specifically to the proposed industrial assembly portion of the proposed property use. The required building permits for the Atmosphere Studio development will address those issues not related to the conditional use.

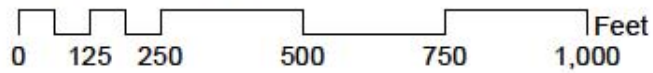
NEXT STEPS:

If approved, the applicant will be required to obtain all necessary permits for the project. If denied the applicant would not have City approval to do what is proposed. If the industrial assembly use is denied the applicant will then need to either provide industrial assembly off site at an appropriate location or request to modify the zoning text to allow industrial assembly as an ancillary use within the D-2 Zoning District.

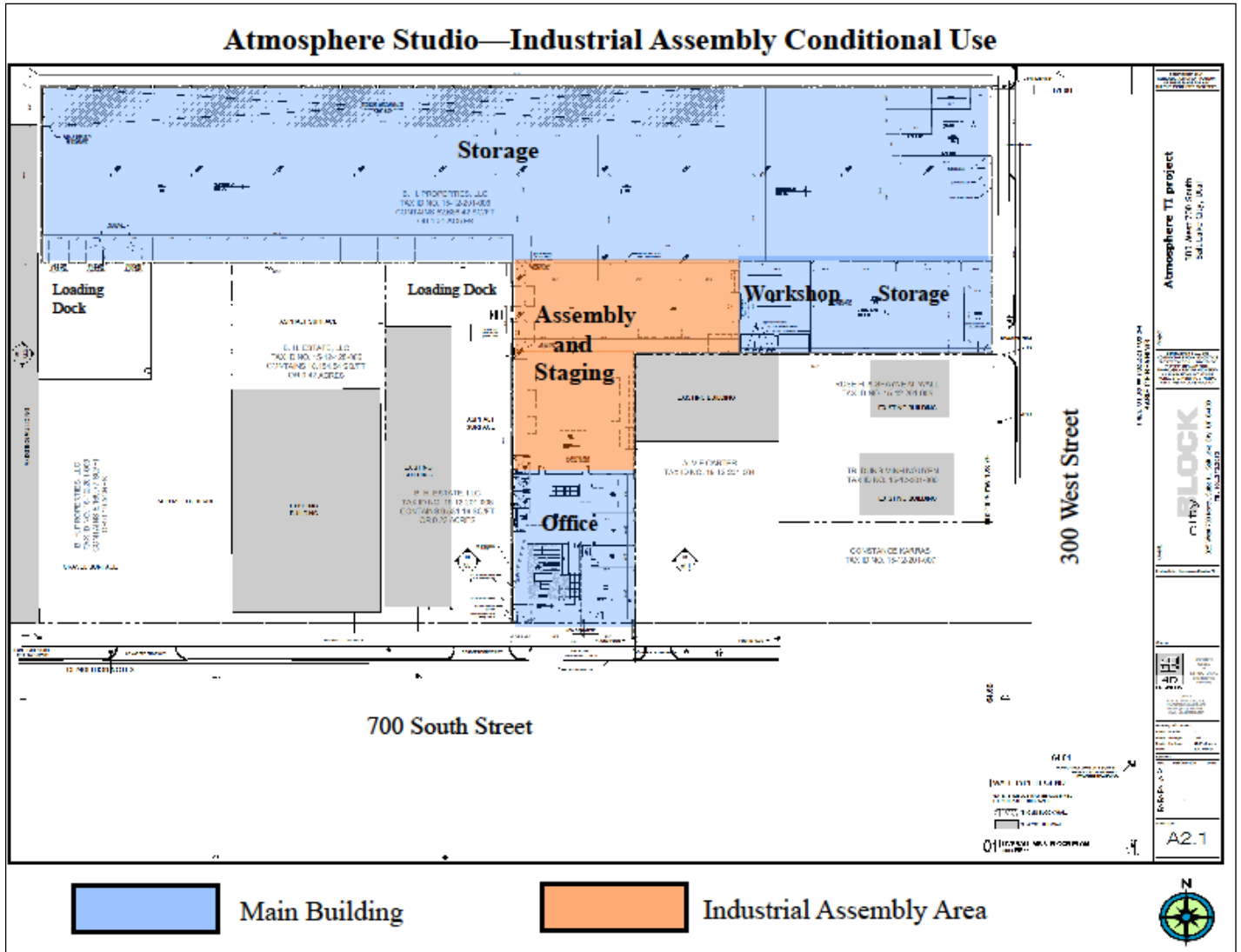
ATTACHMENT A: VICINITY MAP



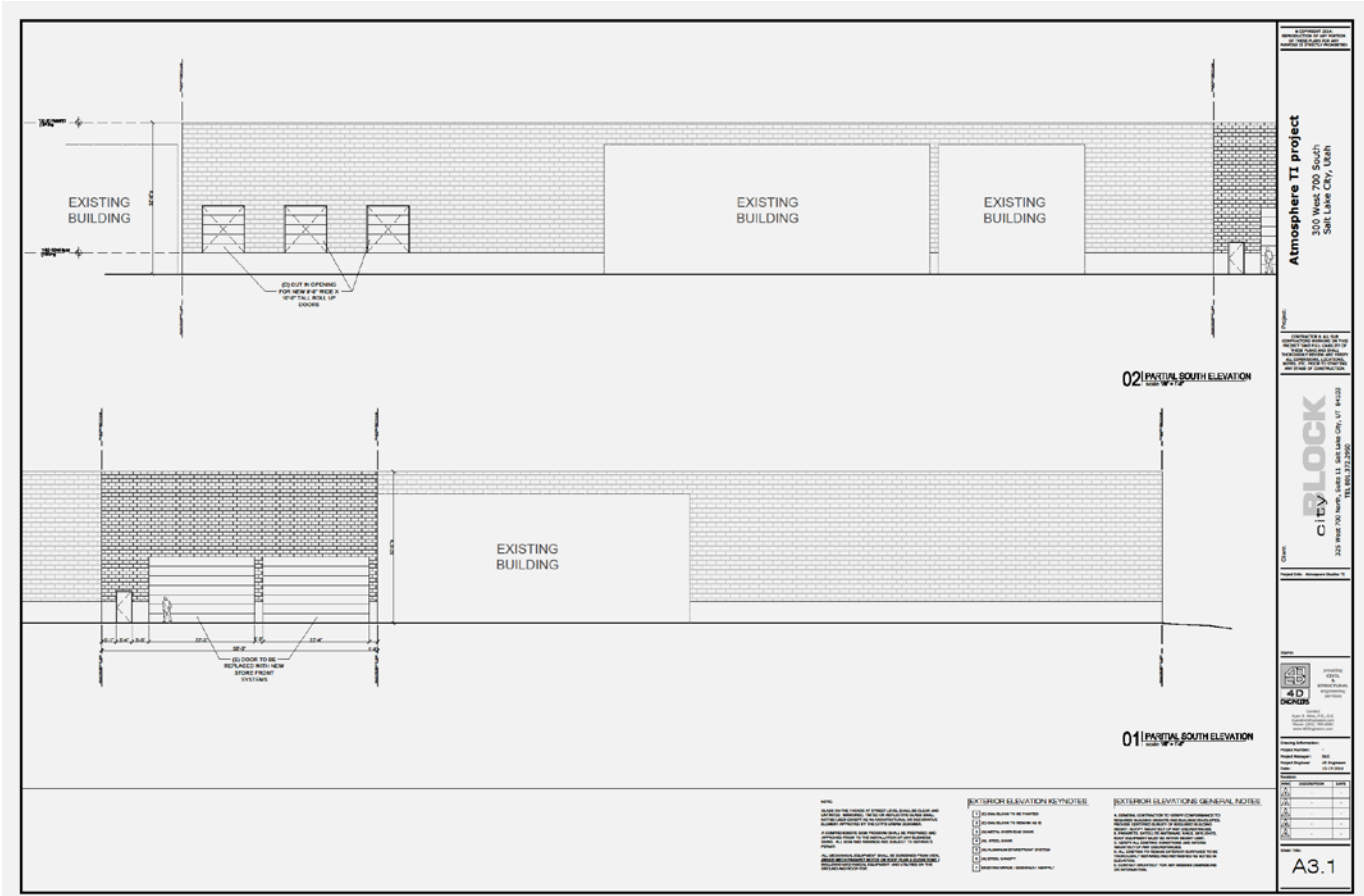
PLNPCM2014-00875
Atmosphere Studio Conditional Use
326 -330- 336 W 700 S and 650 S 300 W



ATTACHMENT C: BUILDING FLOOR PLAN



ATTACHMENT D: ELEVATIONS

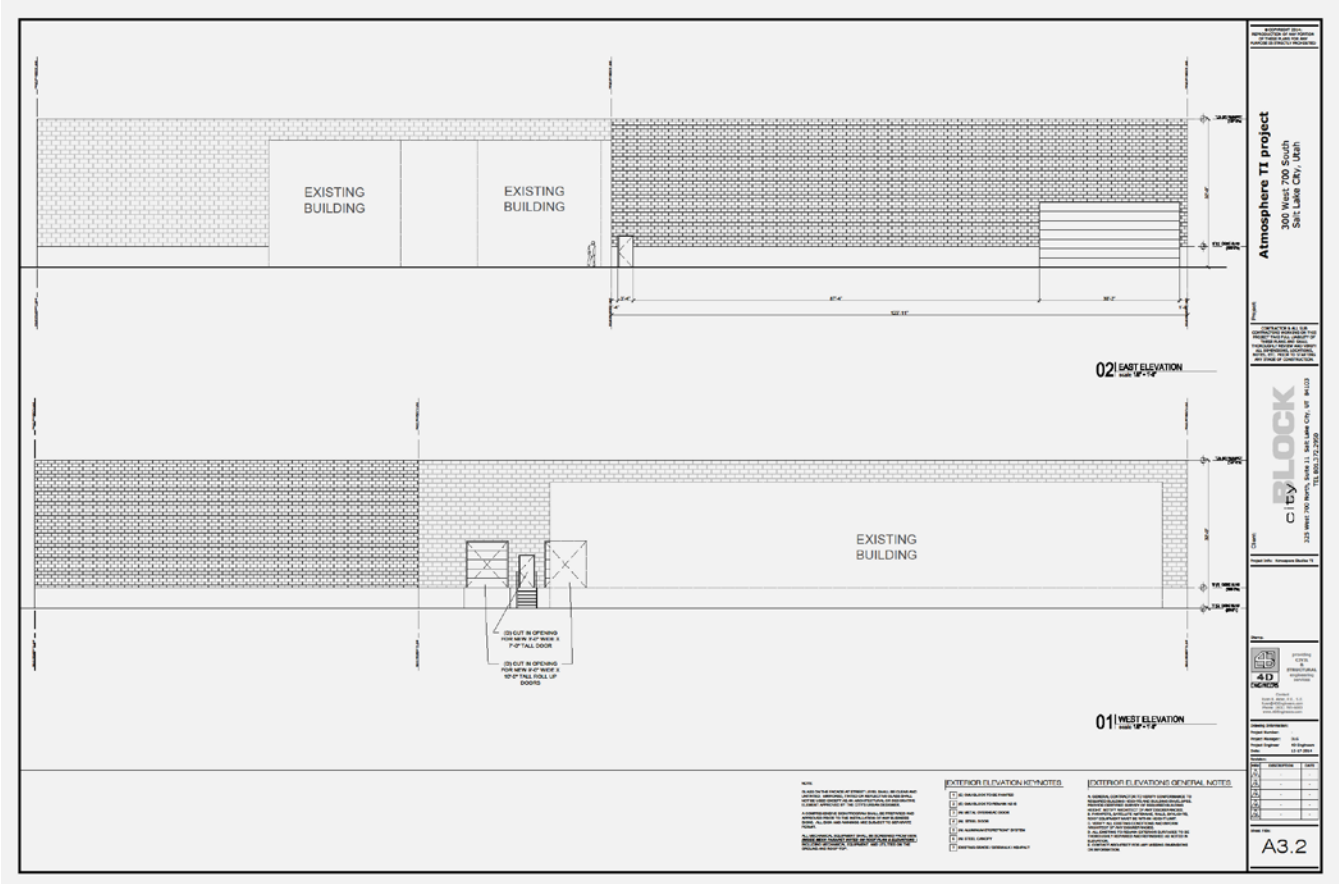


Atmosphere T1 project
 300 West 700 South
 Salt Lake City, Utah

CITY BLOCK
 300 West 700 North, Suite 11, Salt Lake City, UT 84102
 TEL: 801.272.2200

4D DICKER
 400 West 100 South, Suite 100
 Salt Lake City, UT 84102
 TEL: 801.272.2200

A3.1



Atmosphere TI project
 300 West 700 South
 Salt Lake City, Utah

C | BLOCK
 220 WEST 700 SOUTH, SUITE 111, SALT LAKE CITY, UT 84102
 801.462.2222

4 | D
 ENGINEERS

A3.2

ATTACHMENT E: ADDITIONAL APPLICANT INFORMATION

Design Development
and
Engineering Services



4

Zoning Additional Information

ATMOSPHERE



EVENTS
EXHIBITS
INTERIORS
ALTSHIFT
ONSITE

Atmosphere Process Case Study



Client: 37.5 Exhibit Program for Outdoor Retailer

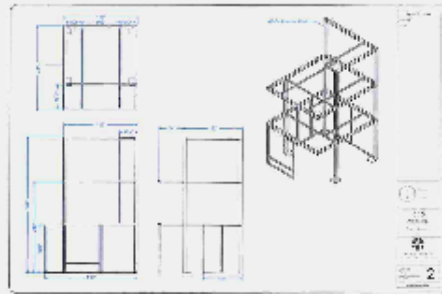
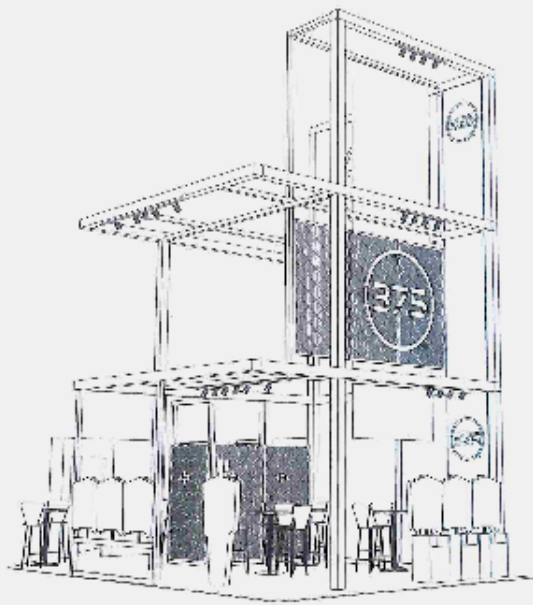
Concept Development

11

Zoning Additional Information

ATMOSPHERE 

EVENTS
EXHIBITS
INTERIORS
ALTERS
ON-SITE



CAD & Engineering

Finished Deliverable



12

Zoning Additional Information

ATMOSPHERE



EVENTS
EXHIBITS
INTERIORS
ALTSHIP
ONSITE

Material Handling Services



Client Property Storage

5

Zoning Additional Information

ATMOSPHERE 

EVENTS
EXHIBITS
INTERIORS
ALTSHIFT
ONSITE

ATTACHMENT F: PHOTOGRAPHS



The east portion of the existing building that fronts on 300 West



The adjacent single family residence located to the south on 300 West.



Property on 300 West – Adjacent properties to the south are a single family residence and a tailor shop.



North end of property on 300 West - Adjacent properties are a vacant lot and a car wash.



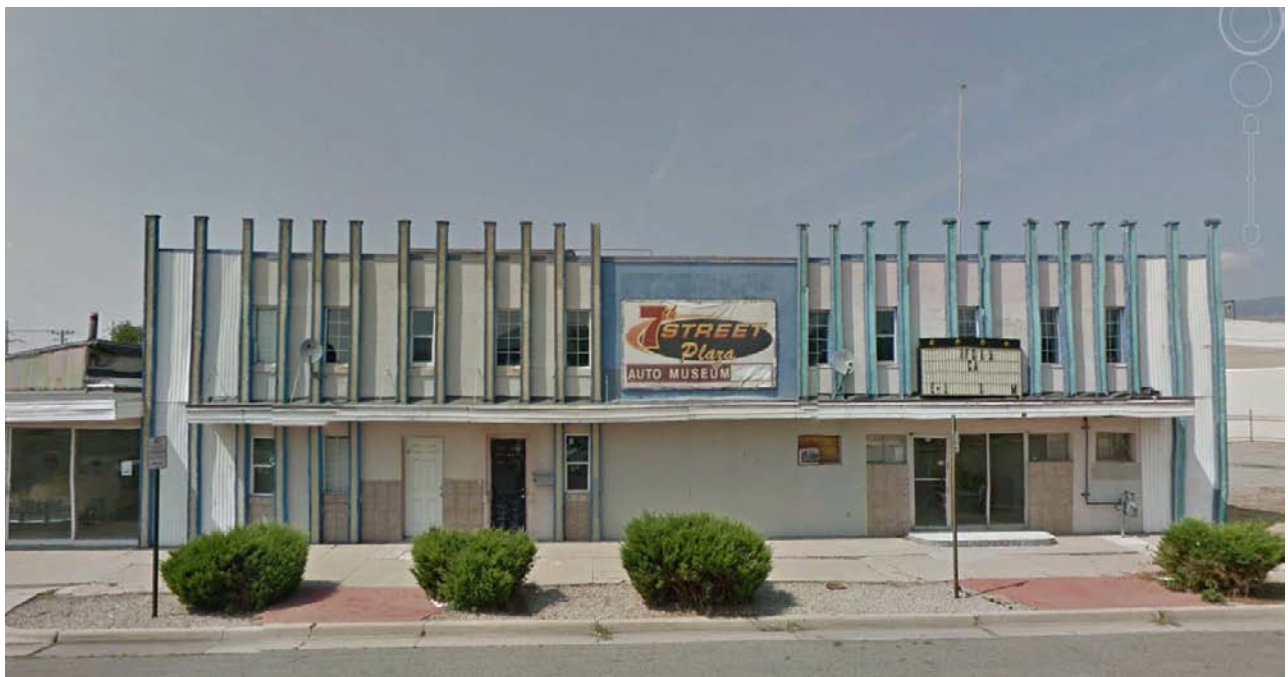
East end of property on 700 South – Adjacent properties are a welding shop to be converted into the Kilby Court Brewery (center) and a tailor shop (right) that fronts on 300 West.



Center of property on 700 South – The two office buildings are in the CG Zoning District



West end of property on 700 South - Adjacent property to the west on 700 South is an auto museum.



Auto Museum on 700 South located west of the subject property.

ATTACHMENT G: EXISTING CONDITIONS

Land Uses in the Area

The subject property consists of a large warehouse building (approximately 53,000 sq. ft.) that fronts on 300 West Street and on 700 South Street. The building which will house the Atmosphere Studios facility is located within the D-2 Zoning District. The portion of the property that does not contain the existing structure is located within the CG Zoning District.

There are two other parcels with existing buildings that have been acquired by the applicant. These properties are 330 W and 336 West 700 South. There are no uses proposed for these buildings at this time. The applicant anticipates that they will be leased for office use.

The land uses that are near the subject property are listed in the table below.

Adjacent Land Uses			
Address	Direction from Subject Property	Zoning District	Land Use on Property
354 and 356 W 700 S	West	CG	Automobile restoration and museum
657 S 400 W	West	CG	Automobile restoration
643 S 400 W	North	CG	Storage warehouse
644 S 300 W	North	D-2	Vacant land
634 S 300 W	North	D-2	Car wash
664 S 300 W	South	D-2	Single family residence
672 S 300 W	South	D-2	Tailor shop
676 S 300 W	South	D-2	Vacant land
316 W 700 S	South	D-2	Kilby court microbrewery
330 W 700 S	South	CG	Vacant building
336 W 700 S	South	CG	Vacant building
258 W 700 S	East	D-2	Service Garage

Zoning Regulations

The subject property is located within two zoning districts. The existing warehouse building is in the D-2 Downtown Support District and the loading dock and parking area is located in the CG General Commercial District.

The purpose of the D-2 downtown support commercial district is to provide an area that fosters the development of a sustainable urban neighborhood that accommodates commercial, office, residential and other uses that relate to and support the central business district. Development within the D-2 downtown support commercial district is intended to be less intensive than that of the central business district, with high lot coverage and buildings placed close to the sidewalk. This district is appropriate in areas where supported by applicable master plans. Design standards are intended to promote pedestrian oriented development with a strong emphasis on a safe and attractive streetscape.

The purpose of the CG general commercial district is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office, residential, heavy commercial and low intensities of manufacturing and warehouse uses. This district is appropriate in locations where supported by applicable master plans and along major arterials. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary. Access should follow a hierarchy that places the pedestrian first, bicycle second and automobile third. The standards are intended to create a safe and aesthetically pleasing commercial environment for all users.

The proposed use would occupy an existing building and minor exterior modifications are planned as part of this proposal. When no major exterior modifications or additions are planned, the Zoning Ordinance does not always require a building to be brought up to current zoning standards. The chart below identifies zoning standards that relate to this proposal.

D-2 Downtown Support Standards		
Requirement	Standard	Status
Lot Size and Width	No minimum lot area or lot width required.	Meets standard
Building Height	65' Buildings taller than 65 feet but less than 120 feet may authorized through conditional building site design process	One story structure on site. Meets standard
Minimum Yard	None	Existing building meets the standard.
Parking	21A.44.010.C. Change In Use: When the use of an existing building or structure in the downtown D-1, D-2 and D-3 districts is changed to a different type of use, parking additional parking or loading facilities shall not be required.	The subject building is in the D-2 Zoning District and a change of use does not require additional parking or loading facilities. However, the proposed use does provide loading facilities and additional off-street parking. - Meets standard
Landscaping	The landscaping required on an existing developed site shall be provided as a condition of building permit issuance for any addition, expansion or intensification of a property that increases the floor area and/or parking requirement by fifty percent (50%) or more. Landscape buffers are not required in the Downtown Zoning Districts.	The proposed conditional use does not add to the existing structure foot print nor does it increase the parking requirements. Therefore no additional landscaping is required in the D-2 zoned portion of the proposed development. Meets standard.

CG General Commercial Standards		
Requirement	Standard	Status
Lot Size and Width	Ten thousand square feet in area and sixty foot lot width	The lot exceeds 10,000 square feet and meets the standard. The lot width of 49.5 feet is noncomplying to standards.
Building Height	65' Buildings taller than 65 feet but less than 120 feet may authorized through conditional building site design process	There are no structures on the CG zoned portion of the subject property.
Front Yard	10 feet	Existing site has no landscaped front yard.
Parking	Parking is based on Table 21A.44.030 Schedule of Minimum Off Street Parking Requirements.	The subject building is in the D-2 Zoning District and a change of use does not require additional parking or loading facilities. The proposed use does provide loading facilities and off-street parking. - Meets standard
Landscaping	<p>The landscaping required on an existing developed site shall be provided as a condition of building permit issuance for any addition, expansion or intensification of a property that increases the floor area and/or parking requirement by fifty percent (50%) or more.</p> <p>Landscape buffers are not required in the Downtown Zoning Districts and are not applicable in the CG District.</p>	<p>The proposed conditional use does not add to the existing structure foot print nor does it increase the parking requirements greater than existing on the site.</p> <p>The site has proposed additional onsite parking. With these improvements the applicant will be required to provide the 10 foot landscaped front yard on the CG zoned portion of the property that fronts on 700 South Street at the west of the development.</p>

Applicable Master Plan Policies

The Gateway District Land Use & Development Master Plan (1998) designates the area, now considered a part of the Granary District, as commercial use. The proposed industrial assembly use would compliment and support the Central Business District and the mixed use character of the area.

ATTACHMENT H: ANALYSIS OF STANDARDS

21A.54.080 Standards for Conditional Use

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

Analysis: The property is zoned Downtown Support District (D-2) and General Commercial (CG).

Finding: The use is permitted as a conditional use in the D-2 zone and is a permitted use in the CG zone.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The subject property is surrounded by commercial uses directly to the north, south, and west. One adjacent property to the south is used as a single family residence. The industrial assembly area is located within a portion of the existing warehouse that has no windows. The loading and access to the industrial assembly area is on the west side of the property and is not adjacent to the single family parcel.

Finding: The proposed industrial assembly is compatible with the surrounding uses.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The subject property lies within the Gateway District. The Gateway District Land Use and Development Plan is comprised of the Gateway Specific Plan and the Creating an Urban Neighborhood Plan. The Gateway District Land Use & Development Master Plan (1998) designates the area as a commercial area. The D-2 and CG zoning districts are compatible with the master plan designation. The proposed industrial assembly use as part of the proposed design studio and warehouse would compliment and support the Central Business District and mixed use character of the area.

Finding: The use is consistent with the adopted master plan and the proposed use is listed as a conditional use in the zoning district. The proposal complies with this standard.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions. (Refer to Detrimental Impacts Chart for details)

Analysis: Zoning ordinance section 21A.54.080.B identifies specific items that may determine what constitutes a detrimental effect. In determining a detrimental effect, the following items should be complied with:

Finding: The proposal complies with this standard.

21a.54.080B: 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:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	The industrial assembly use is a conditional use in the D-2 zone
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	The use is located in an area zoned and designated by the associated master plan as “commercial”. See finding in conditional use standard 3 above.
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	Complies	The use is compatible with the intensity, size and scale of existing commercial uses in the area. The proposed use and the existing building fits within the overall character of the neighborhood.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	The existing building is one story. The surrounding area contains both commercial and downtown support zoning and variety of nonresidential buildings and one single family residence. The one story building is compatible in design with the range of building types found in the area in which it is located.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	Complies	The proposed use will have vehicle access to an existing hard surfaced lot with an established driveway that has been used for previous development. There will be direct access to an arterial street which is designed to accommodate traffic from commercial uses. No change in traffic impact is expected as a result from the proposed use.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	Internal circulation will be designed to accommodate safe maneuvering of motor vehicles for the proposed use. Evidence of existing crossover easements or the provision of easements will be required as part of the building permit process for the entire development. A proposed loading dock and stairway on the west elevation (at middle of parcel) crosses the property line. The applicant has identified that they will submit and obtain approval of lot line adjustments to meet code requirements for the proposed stairway and loading dock identified on the plan.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The existing site has space available for off-street parking, driveway ingress and egress and direct pedestrian access from the building to 700 South. The site has ability to accommodate the required parking and bike rack facilities.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	Transportation DRT review did not indicate any issues or impacts to the service level of adjacent streets.

9. The location and design of off-street parking complies with applicable standards of this code	Complies	No additional parking spaces are required for the site. Additional off-street parking being provided will need to be hard surfaced and striped to comply with applicable city standards.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	The use has access to all necessary utilities which are in place for the development.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies	The existing site is an established development. The D-2 zone does not require setbacks, and the exterior walls of the building where the industrial assembly use will take place do not have any windows; therefore the walls of the building are sufficient to operate as the buffer. The portion of the property that is zone CG will need to have a ten foot front yard setback established as well as hard surfacing for proposed off-street parking.
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	Complies	The proposed use meets city sustainability plans since there are no anticipated negative impacts that significantly affect the surrounding environment. The site does not encroach onto a stream or water way.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	The proposed use is similar to other commercial and industrial uses in the area. It is not anticipated that deliveries will have an adverse impact.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	There are no signs proposed at this time, but any new sign must comply with the regulation in Chapter 21A.46 of the Zoning Ordinance. Building permit approval will require that any installed lighting is shielded from glaring onto abutting properties.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	There are no historic sites or features on property.

ATTACHMENT I: PUBLIC PROCESS AND COMMENTS

The proposal was provided for public review at the Planning Division Open House on January 15, 2015.

A sign was posted on the property on January 30, 2015 indicating that a public hearing is scheduled for February 11, 2015.

Notice of the Planning Commission hearing was sent to property owners and tenants located within 300 feet of the subject property on January 28, 2015.

Public Comment:

The following concerns from the public in response to the Open House notice were raised and are discussed in the issues section of this staff report.

- On-street parking for proposed tenant use on the 300 West Street frontage.
- Does the light assembly process include the use of any volatile organic compounds?

ATTACHMENT J: DEPARTMENT REVIEW COMMENTS



Work Flow History Report 650 S 300 W DRT2014-00319

Project: Atmosphere Studios

Project Description: 3:00PM, Renovate warehouse for storage, office and convention exhibit design & build. Company designs, builds & assembles exhibits for conventions.

The Development Review Team (DRT) is designed to provide PRELIMINARY review to assist in the design of the complete site plan. A complete review of the site plan will take place upon submittal of the completed site plan to the Permits Counter.

Date	Task/Inspection	Status/Result	Action By	Comments
10/21/2014	0 Application Acceptance	Accepted	Robinson, DeeDee	
10/21/2014	0 Engineering Review	Comments	Drummond, Randy	At the time of application for Building Permit, an inventory of the condition of the existing street and/or access-way improvements will occur. The condition of said improvements will be determined, and any sub-standard improvements (curb, gutter, drive approach, etc.) will be required to be either repaired or replaced as a condition of approval of the project. All 'dead' drive approaches must be removed. The park strip replacement must meet the City Park Strip ordinance. We recommend that all trip hazards on the City sidewalk be eliminated. Any new water or sewer services must meet City APWA street replacement requirements. Certified address required prior to building permit issuance. See Alice Montoya at 801-535-7248. Public Way Permit is required for project completion. Licensed, bonded and insured Contractor to obtain permit to install or repair required street improvements. A traffic control permit from SLC Transportation is also required. Approved site plan required. Submit approved site plan to Engineering Permits Office @ 349 South 200 East. (Contact George Ott @ 801-535-6396 for Permit information)

10/21/2014	0 Fire Review	Comments	Itchon, Edward	<p>This structure is a change of use it was a B and S1 Occupancy to B, F-1 & S-1. If the building height is 30 foot or greater then the fire department (FD) access road shall be a minimum 26 ft. clear width. If the building is less than 30 feet then the fire department access road to include gate access is 20 foot clear width and 13 ft 6 inch clear height. The FD access road shall be designed HS20 with turning radius of 45 ft. outside and 20 ft inside. Since the building is built on property lines then additional fire suppression will be required. During the meeting we talked about the type of automatic fire sprinkler system which is provided. This office will be available to assist in suggesting improvements to the fire protection system. The building shall be provided with occupant notification and interconnection to a remote station.</p>
10/21/2014	0 Transportation Review	Comments	Walsh, Barry	<p>Change of use in a D-2 zone requires no addition to parking requirements, where additional parking is provided compliance to required ADA standards and bicycle parking is required. Credit for on street parking does not tiger ADA or bike requirements. To evaluate intensification provide parking calculations for the existing site as one table and parking calculations for the new use per section 21A.44 for the other table in order to compare the intensification and address any proposed additional parking elements to be provided. For shared driveway access a cross easement is to be recorded between both parcels. For fire access as needed a cross access easement needs to be recorded on all affected lots. Revisions to existing drive approach not to exceed 30' as a shared approach. Removal of existing vehicle access doors etc require the removal of the now dead approach. New Security gates to be setback for staging a minimum of 17.5 feet. Development of a parking lot on the combined lots is supported in that it bring the properties more into compliance with parking requirements, indicate ADA stalls as needed. parking lot next to public way with stalls parallel to the sidewalk requires a 3' door swing buffer. Parking lots over 15 stalls requires landscape buffers etc. All parking maneuvering and staging to be on hard surfacing.</p>

10/21/2014	0 Zoning Review	Comments	Brown, Ken	D-2 Zone – Renovate the warehouse and office spaces as well as changing a portion of the existing warehouse space to accommodate building and assembly of exhibits for conventions. A sub address for this site is 326 West 700 South. The only use noted on the D-2 Use Chart that allows any type of assembly is "Industrial Assembly" which is defined as: "An industrial use engaged in the fabrication of finished or partially finished products from component parts produced off site. Assembly use shall not entail metal stamping, food processing, chemical processing or painting other than painting that is accessory to the assembly use." Will need to document the use of the building to show that the proposed use is consistent with the definition (cutting of plywood and other wood products, use of a dust collector, etc. are generally not considered industrial assembly – a zoning administrator interpretation would be suggested to clarify this issue). Industrial Assembly is a conditional use in this D-2 zone. Application for the conditional use may be obtained from the Planning Dept web site or from the Planning Desk in the Building Permits Office. Will need to discuss this change of use proposal with the building code personnel which are also in the Building Permits Office. Any work done on any of the other properties, even when owned by the same entity, will require a separate building permit application and review. Please note that signage shown on today's proposal will require a separate sign permit application and review against 21A.46. Also, please note that all unused driveways/approaches will need to be eliminated, that asphalt has never been allowed within the park strip and 33% of each park strip surface is to be covered with vegetation (see 21A.48.060.E for exceptions).
10/22/2014	1 Closure	Emailed Notes to Applicant	Robinson, DeeDee	
10/22/2014	1 Public Utilities Review	Comments	Moore, Natalie	Please complete a CIUQ form for material storage and plumbing. The CIUQ is located on the SLCPU web page. If there are interior drains, a sand/oil separator may be required or the floor drains may be plugged. Please be aware of the FEMA 100 year flood zone and contact Justin Stoker for flood information. If a restaurant will be built, please install a grease removal device for fats/oils/grease pre-treatment. Any new water services cannot connect to the surrounding 6" water mains on 700 S and 300 W. Any 6" water mains will need to be upgraded to an 8" if any there are any proposed connections. New sewer connections to the existing sewer mains are allowed. An industrial storm water discharge permit will be required.

ATTACHMENT K: MOTIONS

Commission Options

If the project is approved, the applicant will need to comply with any conditions made as part of the approval prior to issuance of a building permit. Should the project be approved and it is not appealed, the applicant will need to apply for permits and a business license.

A proposed conditional use shall be denied if:

1. The proposed use is unlawful; or
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section.

The use is an allowed conditional use in the zoning district in which it is located. It would not be considered an unlawful use. The potential impacts of the proposed industrial assembly use on the community will likely be mitigated through conditions of approval when legally feasible.

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 administrative items 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 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 may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related specifically to one of the standards below, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated.

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 industrial assembly use, located at approximately 316 West 700 Sout650 S 300 W; 326-330-336 West 700 South Street. The proposed conditional use will create detrimental effects, which cannot be reasonably mitigated. Therefore, the proposed conditional use fails to meet the following standard or standards:

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.