



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

**To:** Salt Lake City Planning Commission  
**From:** Trevor Ovenden, Associate Planner, [trevor.ovenden@slcgov.com](mailto:trevor.ovenden@slcgov.com), 801-535-7168  
**Date:** October 26th, 2022  
**Re:** PLNPCM2022-00735 – Contractor's Yard/Office at 1638 W Dalton Ave

## Conditional Use

**PROPERTY ADDRESS:** 1638 W Dalton Ave  
**PARCEL ID:** 15-10-401-007-0000  
**MASTER PLAN:** Westside  
**ZONING DISTRICT:** CC Commercial Corridor District  
**OVERLAY DISTRICT:** Airport Flight Path Protection Zone H

### REQUEST:

This is a request from Tyler Blaine requesting conditional use approval to use his property at 1638 W Dalton Ave as a Contractor's yard/office. In the CC Corridor Commercial District, a Contractor's yard/office requires conditional use approval. The request also includes a screening fence that exceeds the allowable height between the front property line and primary building façade.



### RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the request generally meets the applicable standards of approval and therefore recommends approval with the following conditions:

- That all currently unscreened storage of miscellaneous items listed in Civil Enforcement case HAZ2022-02083 be removed from the property or moved to a permitted location behind the primary façade and screened by a solid wall or fence.
- The dumpster is screened by a solid wall or wall fence.

## ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Applicant Submittal](#)
- C. [Property Photos](#)
- D. [Relevant Zoning Standards](#)
- E. [Conditional Use Standards](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)

## PROJECT DESCRIPTION

The applicant, Tyler Blaine, is requesting conditional use approval for a Contractor's yard/office, a Conditional Use in the CC zoning district.

The applicant fabricates and installs countertops, fireplaces, and other "hand-crafted, functional works of art." The applicant has stated that no products for sale will be manufactured on-site. The subject site is adjacent to several light industrial and commercial uses near Redwood Rd.

In the CC Commercial Corridor District, a Contractor's yard/office requires conditional use approval. The City's zoning ordinance defines this use as "A use that provides construction businesses with a base of operations that can include office space and indoor/outdoor storage of construction equipment or materials used by the construction business. This use excludes salvage or recycling operations."

Outdoor storage may be permitted as an accessory use to a Contractor's yard/office, however, the storage must be located behind the primary facade of the principal structure and screened with a solid wall or fence per [21A.40.120.E.1.b.\(5\)](#).

The applicant is currently under enforcement for several zoning violations (HAZ2022-02083), including outdoor storage in prohibited areas. The applicant will need to relocate all miscellaneous items stored on the property to a permitted location for outdoor storage.

There is currently a fenced-off, screened area in the northwest corner of the property behind the primary façade of the building that may be used for outdoor storage. The northeast corner of the property may also be used for outdoor storage if the items being stored are screened with a solid wall or fence.



*Outdoor storage may be permitted behind this fence. The storage of items higher than the height of the fence must be screened.*



*Subject property, facing southwest. Storage outside of the container will need to be screened or relocated.*

## **APPROVAL PROCESS AND COMMISSION AUTHORITY**

Per [21A.54.020](#), this Conditional Use application is required to be reviewed by the Planning Commission as the subject property abuts a residential use at 1049 S Prospect St, directly to the east.

Per section [21A.54.010.A](#) of the zoning ordinance, Conditional uses are allowed unless appropriate conditions cannot be applied, which, in the judgment of the Planning Commission, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. The Planning Commission has the authority to approve, approve with conditions, or deny the Conditional Use request.

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 conditional use 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 shall be denied.

## **KEY CONSIDERATIONS**

The key considerations listed below were identified through the analysis of the project:

1. Compliance with Current Zoning Regulations
2. Neighborhood Compatibility and Impact
3. Compatibility with Master Plan Policies and Initiatives

### **Consideration 1: Compliance with Current Zoning Regulations**

#### *Buildable Area*

The subject property is landlocked and does not have frontage along a public street. The property is accessed by a 20' wide easement through the adjacent property to the west. The definition of "Front Lot Line" in the zoning ordinance states that "*In the case of landlocked land, the front lot line shall be the lot line that faces the access to the lot.*" Based on this definition, the west lot line can be considered the front lot line, although the building faces south. (See [site plan](#) for clarification)



### *Fence Regulations*

As the west property boundary is considered the front lot line, the existing fence does not comply with [21A.40.120.E.1.b\(1\)](#) which limits fence height between the front property line and the primary facade of the principal structure to 4', however, [21A.40.120.E.4.i](#) allows additional fence height as part of conditional use approval.

### *Accessory Uses, Buildings, and Structures*

Three storage containers are being used on this property (see [site plan](#)). Two are located behind the primary facade of the building and used primarily for storage. The third container in front of the building is being used to display materials used for installations of countertops, fireplaces, and other "hand-crafted, functional works of art". This container may be considered an accessory structure rather than outdoor storage, as it is serving a different accessory use (outdoor sales and display). The location of this accessory use and structure is within the buildable area and is permitted.

### *Applicability*

The applicant has stated that he has been utilizing this space for just over three years, but has only recently attempted to obtain a Salt Lake City business license. The City's Business Licensing division received an application for this business on 08/31/2022, which is currently pending inspections. The license will not be issued until this Conditional Use petition is approved.

### *Location of Mechanical Equipment*

The subject property is not served by City sewer or storm drains. The applicant has stated that drainage is an issue at this site, and standing water is common following a rainstorm. The 300-gallon caged tote in front of the building is serving as a stormwater detention tank and may be considered mechanical equipment. Mechanical equipment must be located within the buildable area or in permitted locations within required yards per [21A.40.100](#). The tank is within the buildable area and may be permitted in its current location.

### *Parking Regulations*

The applicability of parking regulations for a change of use is controlled by section [21A.44.010.C](#) of the off-street parking regulations. For existing buildings and structures, additional parking is required for a change of use when the number of spaces required by the new use is greater than the previous use. In this case, no additional off-street parking spaces are required above what is currently provided. A Contractor's yard/office would fit into the "All other uses" standard of table [21A.44.030](#), which requires 3 spaces per 1,000 square feet of usable floor area. The principal building contains approximately 2,000 square feet of floor area, requiring 6 off-street spaces. The site currently has 7 off-street parking spaces. The previous use of this property was "major and minor vehicle repair" per City business license records from 2008. This previous use required 1 space per service bay plus 3 spaces per 1,000 square feet for office and retail areas.

### *Landscaping Regulations*

New landscaping is required "for any addition, expansion or intensification of a property that increases the floor area and/or parking requirement by fifty percent or more" (section [21A.48.170](#)). This proposal neither increases the building's floor area nor the amount of required parking. Because there are no proposed development improvements that meet the above criteria, no new landscaping is required as part of this request.

## **Consideration 2: Neighborhood Compatibility and Impact**

The subject property is located at the intersection of two narrow private streets, Dalton Ave and Prospect St. The area is accessed off of Redwood Rd to the west. Most of the properties in the immediate vicinity of the subject site have commercial uses including a car wash, a car rental agency, and an auto body repair/paint shop. In addition to these commercial uses, the subject property abuts a single-family dwelling to the east, and a Dominion Energy regulator station that is currently under construction. As there are multiple active commercial uses in the area, the use of this property as a Contractor's yard/office would not be out of place.

The purpose statement of the CC Commercial Corridor zoning district states that the district should provide “...*economic development opportunities through a mix of land uses, including retail sales and services...*” Within the context of Dalton Ave between Redwood Rd and Prospect St, the proposed use is compatible with surrounding uses and would not significantly impact the neighborhood.

### **Consideration 3: Compatibility with Master Plan Policies and Initiatives**

According to *Plan Salt Lake*, “Neighborhood and local businesses play an important role in place making and creating a unique community identity” (pg. 39). Small businesses, like this proposed contractor’s office, can be considered part of the City’s “community identity.”

This proposal is supported by *Plan Salt Lake*’s initiative 12.3 which says the City should “support the growth of small businesses, entrepreneurship and neighborhood business nodes.”

The Westside Master Plan primarily encourages residential development in this area. However, page 52 states that redevelopment immediately east of Redwood Rd is “*key to both establishing a base for more diversified commercial options and to offering the multifamily housing options that are severely lacking elsewhere in the community*”.

While the plan does not include any specific policies or initiatives specific to this project, nothing conflicts with the policies and initiatives.

### **STAFF RECOMMENDATION**

The proposed Contractor’s yard/office and associated outdoor storage at 1638 W Dalton Ave is compatible with the character of the surrounding neighborhood and does not conflict with any applicable master plan policies or initiatives. The proposed use will be screened from the public way and will not significantly change any development (fences, buildings, etc.) on the site. The impact on the surrounding neighborhood will be minimal. After the unscreened outdoor storage is moved to a permitted location behind the primary façade and screened by a solid wall or fence, and the dumpster is screened by a solid wall or wall fence, the proposed outdoor storage use will comply with zoning standards for the CC Corridor Commercial Zoning District, fence regulations, and other relevant standards. Finally, there are no anticipated detrimental impacts from the proposed use that need mitigation other than solid walls or fences that is required by for screening by section [21A.40.120.E.1.b\(5\)](#).

Based on the information and findings listed in the staff report, it is the Planning Staff’s opinion that the request generally meets the applicable standards of approval and therefore recommends the Planning Commission approve the request with the following conditions:

- That all currently unscreened storage of miscellaneous items listed in Civil Enforcement case HAZ2022-02083 be removed from the property or moved to a permitted location behind the primary façade and screened by a solid wall or fence. This includes items stored higher than the height of the existing fence.
- The dumpster is screened by a solid wall or fence.

### **NEXT STEPS**

#### **Approval of the Request**

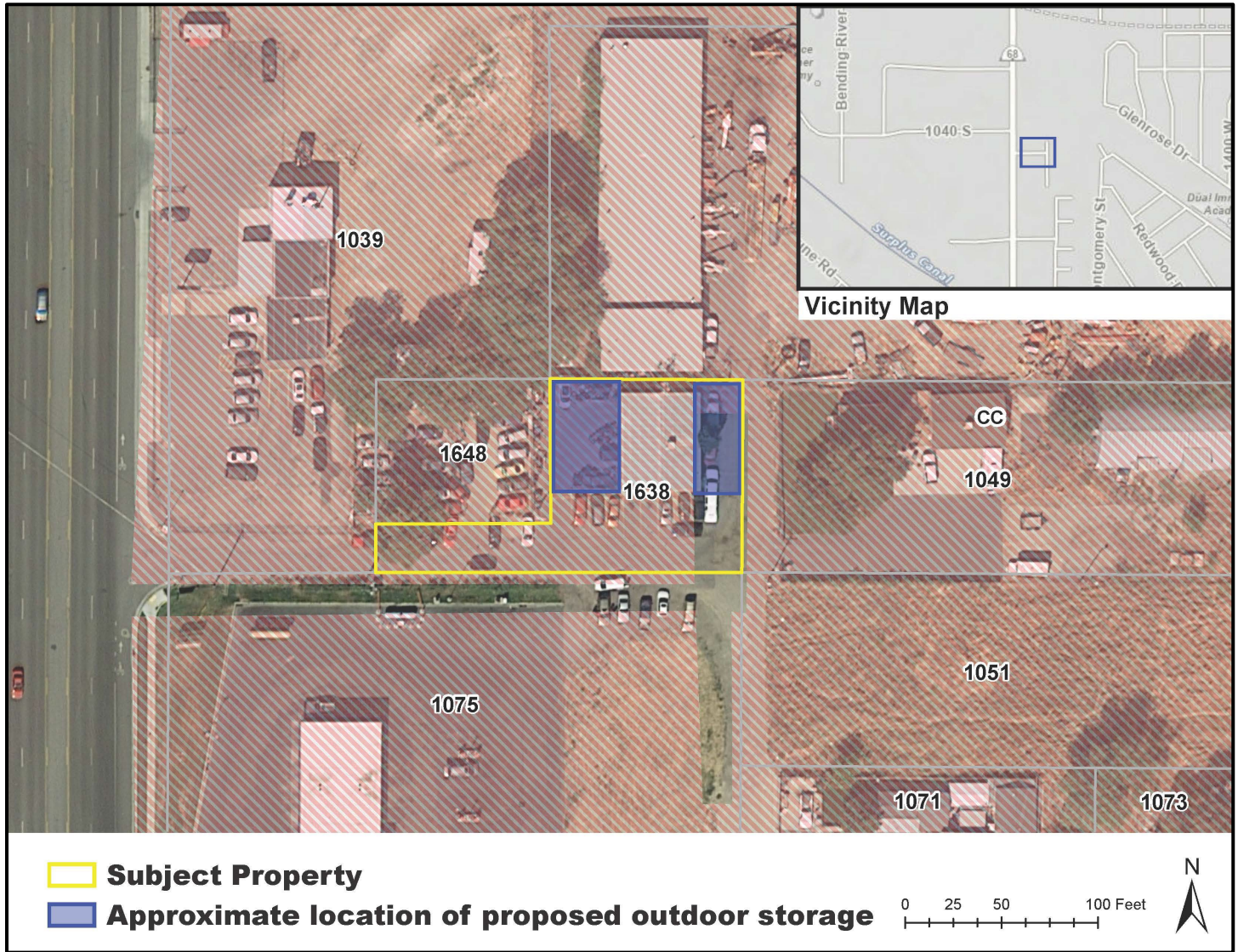
If the proposed Contractor’s yard/office use is approved, the applicant may be issued a business license after remedying the issues identified in HAZ2022-02083. If the Planning Commission approves the request with the recommended condition, the license will not be issued until the enforcement case is closed.

#### **Denial of the Request**

Denial of the request would prevent the applicant from storing materials associated with his contracting business outside of the building within the subject site. Use of the site would be limited to permitted outdoor uses in the CC Corridor Commercial District by the Table of Permitted and Conditional Uses for Commercial Districts in section [21A.33.030](#) of the Salt Lake City Zoning Regulations. Alternatively, the site could be used for off-street parking if the proposed spaces meet the dimensional standards found in section [21A.44.020](#).

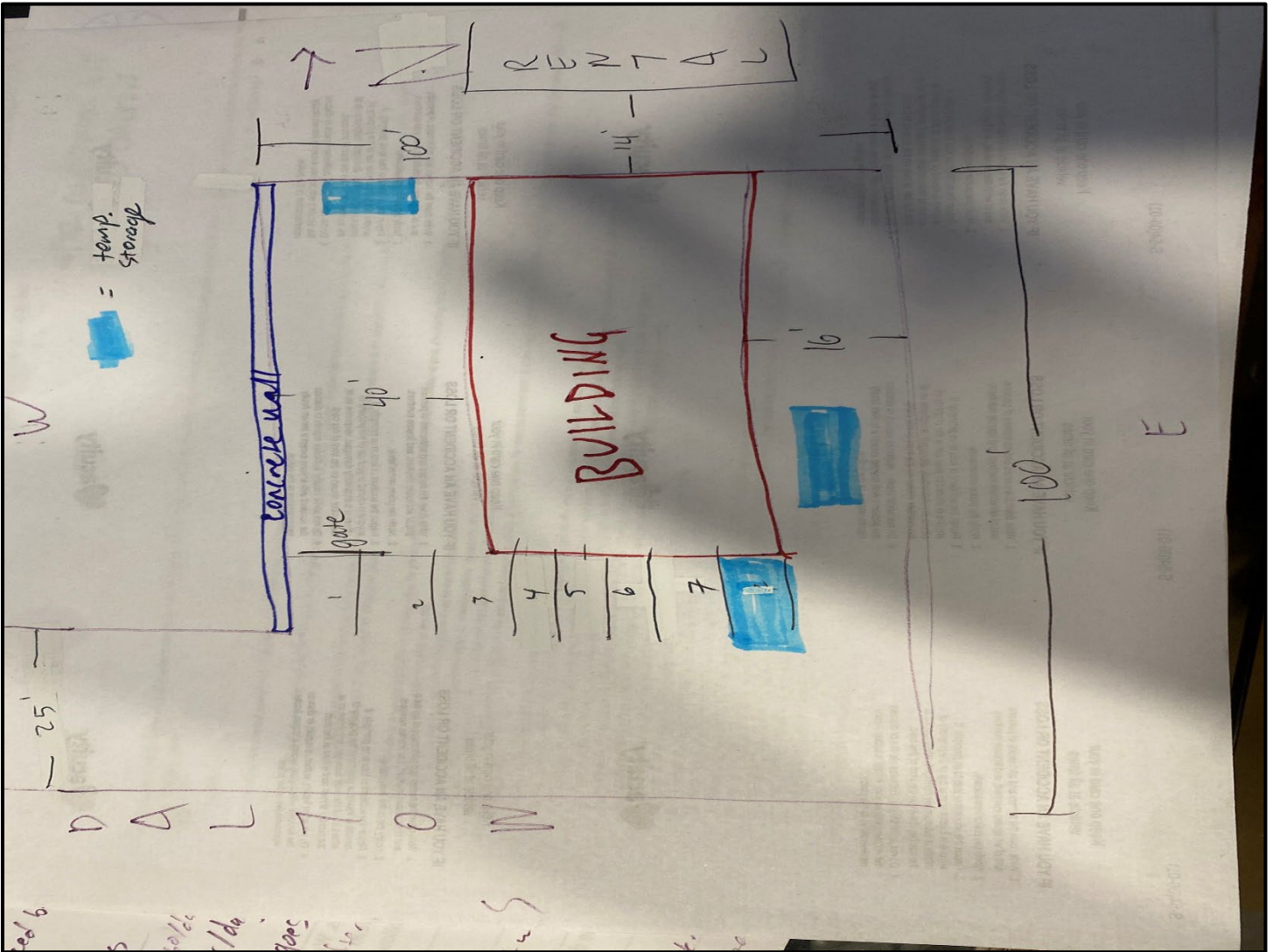


# ATTACHMENT A: Vicinity Map



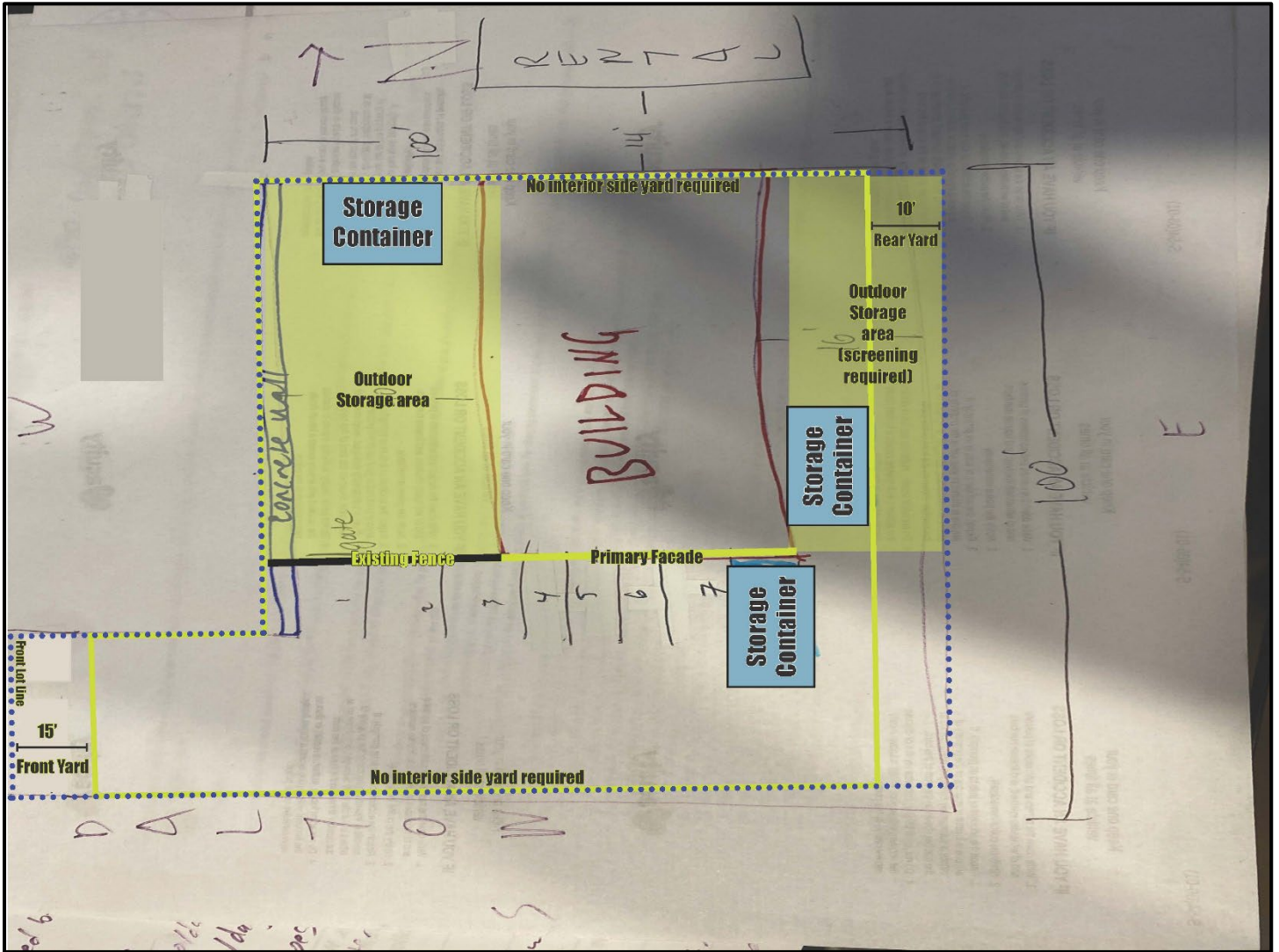
# ATTACHMENT B: Applicant Submittal

## Proposed Site Plan





Site plan with clarifying additions made by staff







# Conditional Use

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
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Project Name:

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:

Approval of conditional use permit on existing warehouse building

Address of Subject Property:  
1638 W Dalton Ave

Name of Applicant: Modern Craftsman	Phone: 801-699-7675
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Address of Applicant:  
1638 W Dalton Ave

E-mail of Applicant: info@modern-craftsman.com	Cell/Fax:
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Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

Name of Property Owner (if different from applicant):  
Tyler Thomas Blaine

E-mail of Property Owner: tyler@modern-craftsman.com	Phone: 801-699-7675
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**Please note** that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please email [zoning@slcgov.com](mailto:zoning@slcgov.com) if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the [Citizen Access Portal](#). There is a [step-by-step guide](#) to learn how to submit online.

### REQUIRED FEE

Filing fee of **\$856**

Plus, additional cost of postage for mailing notice will be assessed after application is submitted.

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

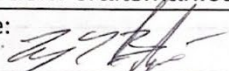
Signature of Owner or Agent: 	Date: 7/19/22
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UPDATED 6/28/22



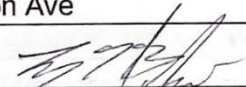
**ACKNOWLEDGMENT OF RESPONSIBILITY**

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below. By signing the application, I am acknowledging that I have read and understood the instructions provided by Salt Lake City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

APPLICANT SIGNATURE		
Name of Applicant: Modern Craftsman	Application Type: Conditional Use	
Mailing Address: 1638 W Dalton Ave		
Email: info@modern-craftsman.com	Phone: 801-699-7675	Fax:
Signature: 	Date: 7/19/22	

**AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

FEE TITLE OWNER SIGNATURE	
Name of Owner: Tyler Thomas Blaine / <i>Modern Craftsman</i>	
Mailing Address: 1638 W Dalton Ave	Street Address: 1638 W Dalton Ave
Signature: 	Date: 7/19/22

**Legal Description of Subject Property:**

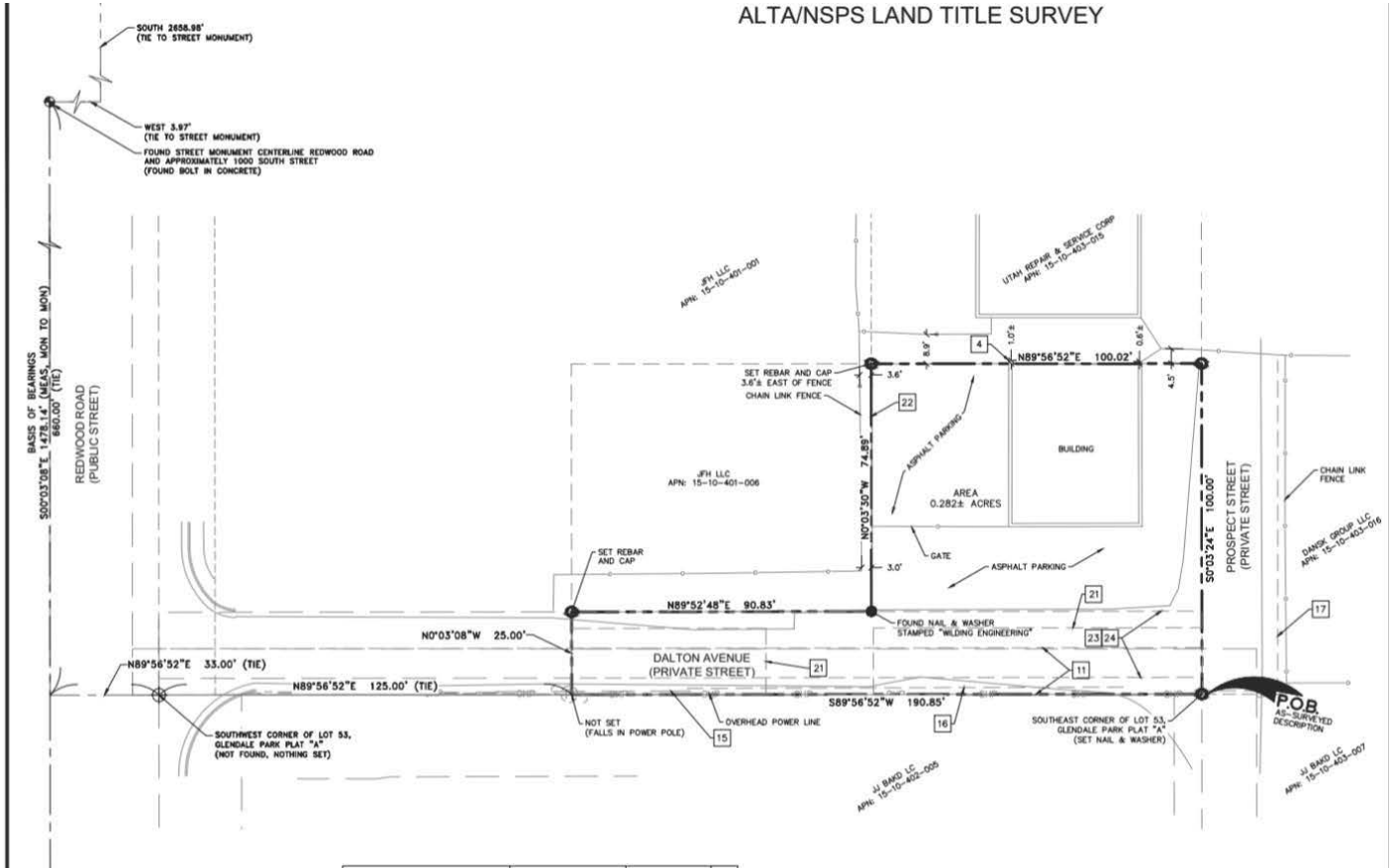
The following shall be provided if the name of the applicant is different than the name of the property owner:

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

**Be advised that knowingly making a false, written statement to a government entity is a crime under Utah Code Chapter 76-8, Part 5. Salt Lake City will refer for prosecution any knowingly false representations made pertaining to the applicant's interest in the property that is the subject of this application.**

UPDATED 6/28/22

# ALTA/NSPS LAND TITLE SURVEY









To whom it may concern,

Our property located at 1638 W Dalton Avenue is seeking to obtain a Conditional Use Permit as required by Salt Lake City zoning while operating under the NAICS business license code 493110. The space was previously used for auto body services and is now occupied as a commercial storage and warehouse facility. No changes to the construction of the existing building are needed for this use. Please consider the information when reviewing our application.

Thank you,

Tyler Thomas Baine  
Owner  
Modern Craftsman  
801-699-7675





To whom it may concern,

The operating hours of the property located at 1638 W. Dalton Avenue is Monday through Friday 8:30am to 5:00pm by the owner and a single employee. The land uses adjacent to the property are one residential home and commercial businesses including:

- car wash operating 24 hours a day, 7 days a week
- high pressure gas regulator station
- car rental company operating 24 hours a day, 7 days a week
- automotive repair and auto body shop operating 7 days a week
- 2 empty field lots

A business license application has been submitted and inspections scheduled. We have been utilizing this space for just over 3 years and nearby property owners have not mentioned any issues or concerns.

Please consider this information when reviewing our application.

Thank you,

Tyler Thomas Blaine  
Owner  
Modern Craftsman  
801-699-7675





Trevor,

The property is located at 1638 W Dalton Avenue (private road and dead-end). Dalton ave and physical property are both owned by Modern Craftsman (MC). This location is zoned commercial corridor and permits a "contractors yard/office through a conditional use application via **21A.33.030**.

Adjacent to said property, there is a car wash (open 24-7), a car rental agency (open 24-7), an open field/lot, an auto body repair/paint shop, and a private residence. Said private residence has no qualms with our operation. (We have become friends with this gentleman). The existing structure was most recently used as a mechanic/automotive shop where they did emissions testing, exhaust work and repair. They had dozens of vehicles on site and regular clientele frequenting this location. We will have less traffic and infringement than the auto shop and car rental agency. The building has 2 roll up garage doors, and both the exterior siding materials and architecture match the surrounding buildings in this area. Currently we have 7 available parking stalls. It is the smallest lot in this region. The car rental, body shop and carwash are over double the size.

MC is a contractor with an R-100 license. We use this property to park company trucks and our trailer behind the screened gate, and to stage products/materials prior to site delivery/installation.

MC has an office admin (who works remotely), an owner, and one project manager. MC does not have "open doors" with patrons frequenting said location. Rather we work from 8:30-4:30 and are often on a variety of job sites.

See drawing:

To the:

-North, we have ~14' to the neighboring structure with a breezeway separating us from the car rental company.

-East, we have ~16' from building to the property line where Prospect st. intersects.

-South, we have our 7 parking stalls before the road Dalton commences.

-West, there is a clearance of ~40' from our building to the concrete wall separating the autobody/paint shop.

Please use this information for review of our Conditional Use application.

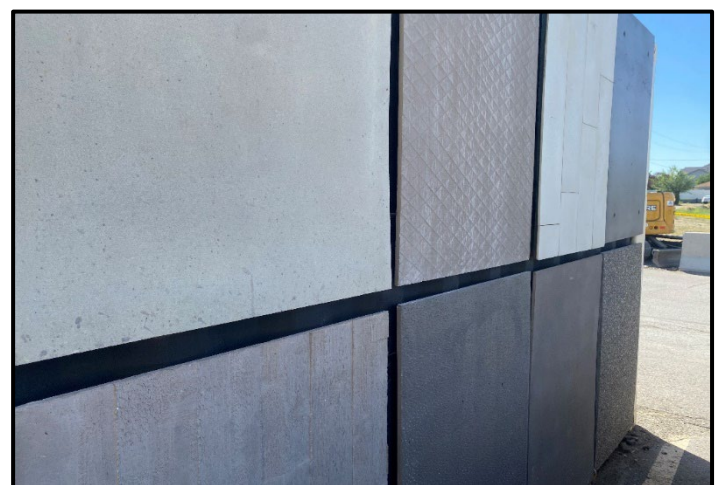
Thank you,

Tyler Thomas Blaine  
Owner  
Modern Craftsman  
801-699-7675

# ATTACHMENT C: Property Photos



*Subject property, facing northwest*



*Storage container in front of the building being used for outdoor sales and display*



# ATTACHMENT D: Relevant Zoning Standards

## CC Corridor Commercial District ([21A.26.050](#))

Purpose Statement: The purpose of the CC Corridor Commercial District is to provide an environment for efficient and attractive commercial development with a local and regional market area along arterial and major collector streets while promoting compatibility with adjacent neighborhoods through design standards. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office, and residential. 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. This district is appropriate in areas where supported by applicable master plans. The standards are intended to promote a safe and aesthetically pleasing environment to all users.

Standard	Requirement	Proposed	Finding
<b>Maximum Building Height</b>	30 feet	No changes proposed	<b>Complies</b>
<b>Front/Corner/ Side/Rear Yard Setbacks</b>	<i>Front:</i> 15 feet <i>Interior Side:</i> none <i>Rear:</i> 10 feet	The building is currently built to the north lot line. This proposal does not include any modifications to the existing building.	<b>Complies</b>
<b>Lot Size</b>	10,000 square feet	The subject parcel is approximately 12,197 square feet. This proposal does not include any modifications to the parcel boundaries. The parcel is not within an existing subdivision.	<b>Complies</b>

## Zoning Standards for Fences, Walls, and Hedges ([21A.40.120](#))

Standard	Requirement	Proposed	Finding
<b>Design Requirements</b> <a href="#">21A.40.120.D.2</a>	Durable materials, no scrap materials, materials typically used for fencing	The proposal will keep the existing chain link fence and screening.	<b>Complies</b>
<b>Height</b> <a href="#">21A.40.120.E.1.b</a>	Six-foot maximum height when in line with the front façade of the principal building.  Four-foot maximum height when located in between the front property line and the principal building's front façade.	The existing 6-foot fence would remain with this proposal. The fence sits in line with the front façade of building.  The existing fence exceeds the permitted fence height specified in <a href="#">21A.40.120.E.1.b(1)</a> . However, <a href="#">21A.40.120.E.4.i</a> allows additional fence height as part of conditional use approval.	<b>Does not Comply, requires approval by PC</b>
<b>Outdoor Storage</b> <a href="#">21A.40.120.E.1.b(5)</a> & <a href="#">5.60.120</a>	Outdoor storage (when permitted) must be screened with a solid wall or fence and located behind the front façade of the primary building. The storage of "junk" must be screened by a fence of at least 7 feet in height.	The existing fence would screen the proposed storage from view. The materials mentioned would not qualify as "junk" as described by the code. The large storage container to the east of the building may be permitted in its current location as the walls of the container screen the storage of the items within.	<b>Does not Comply. Condition applied</b>

<p><b>Additional Height for Conditional Use</b> <a href="#">21A.40.120.E.4.i</a></p>	<p>If required to mitigate negative impacts, a fence, wall or hedge may exceed the allowed height with conditional use approval.</p>	<p>The proposal would maintain the existing six-foot chain-link fence with screening to screen the outdoor storage use from the public way.</p> <p>Items are currently being stored in the fenced area on racks taller than the height of the fence. Items stored higher than the height of the existing fence will need to be relocated or screened.</p> <p>Additional discussion regarding anticipated impacts can be found in <a href="#">Attachment E</a>, Conditional Use Standards.</p>	<p><b>Does not Comply. Condition applied</b></p>
<p><b>Gates</b> <a href="#">21A.40.120.E.7</a></p>	<p>Gates may not exceed the allowed height of a fence, wall, or hedge. When vehicle staging is proposed, the gate must be set back at least 17 feet from the front property line.</p>	<p>The existing gate is six feet in height. No vehicle staging has been proposed as part of this petition.</p>	<p><b>Complies</b></p>

**Other Zoning Requirements**

Standard	Requirement	Proposed	Finding
<p><b>Off-street Parking</b> <a href="#">21A.44</a></p>	<p>A change in use for an existing building requires additional parking spaces if the amount required by the new use exceeds the requirement for the existing or previous use.</p>	<p>Contractor's yard/office would fit into the "All other uses" standard of table <a href="#">21A.44.030</a>, which requires 3 spaces per 1,000 square feet of usable floor area.</p> <p>The principal building contains approximately 2,000 square feet of floor area, requiring 6 off-street spaces. The site currently has 7 off-street parking spaces.</p>	<p><b>Complies</b></p>
<p><b>Landscaping</b> <a href="#">21A.48</a></p>	<p>Per <a href="#">21A.48.170</a>, the landscaping requirements are not applicable for a change in use for an existing site or building.</p>	<p>No changes to the existing landscaping are proposed as part of this request.</p>	<p><b>Complies</b></p>
<p><b>Accessory Uses, Buildings, and Structures</b> <a href="#">21A.40</a></p>	<p>An accessory use must be incidental and subordinate to a principal use per <a href="#">21A.40.040</a>.</p> <p>Accessory buildings must be set back at least as far as the principal building per <a href="#">21A.40.050.A.1</a>.</p>	<p>The storage container in front of the building on the south side is being used to display materials used for installations of countertops, fireplaces, and other "hand-crafted, functional works of art." This container may be considered an accessory structure rather than outdoor storage, as it is serving a different accessory use (outdoor sales and display). The location of this accessory use and structure is within the buildable area and is permitted.</p>	<p><b>Complies</b></p>

<p><b>Location of Mechanical Equipment</b>  <a href="#">21A.40.100</a></p>	<p>Mechanical equipment must be located within the buildable area or in permitted locations within required yards.</p>	<p>The 300-gallon caged tote in front of the building is serving as a stormwater detention tank, as the property is not served by City storm drains. This tank may be considered mechanical equipment, and may be permitted in its current location.</p>	<p><b>Complies</b></p>
<p><b>Screening Of Refuse Disposal Dumpsters</b>  <a href="#">21A.48.120</a></p>	<p>Refuse dumpsters must be screened on all sides by a solid wood fence, masonry wall or an equivalent opaque material to a height of not less than six feet (6') but not more than eight feet (8').</p>	<p>The dumpster is currently unscreened and in front of the building, within the buildable area. The dumpster may remain in its current location, but it must be screened.</p>	<p><b>Does not Comply. Condition applied</b></p>



# ATTACHMENT E: Conditional Use Standards

## Conditional Use Standards

An application for a conditional use is required by city code 21A.54 and Utah Code 10-9a-507 to be approved if the proposal complies with the adopted standards of review and if any reasonably anticipated detrimental impact can be mitigated. Under Utah Code 10-9a-507, the standards must be objective and mitigating any reasonably anticipated detrimental impact is required to be interpreted to mean reduce, not eliminate, the impact.

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

21A.54.080.A: Approval Standards
<b>Standard 1:</b> The use complies with applicable provisions of this title;
<b>Finding: Complies</b>
<b>Discussion:</b> A Contractor’s yard/office is allowed in the CC Corridor Commercial District as a Conditional use in the Table of Permitted and Conditional Use for Commercial Districts in section <a href="#">21A.33.030</a> of Salt Lake City’s Zoning ordinance.
<b>Condition(s):</b> None proposed related to this standard
<b>Standard 2:</b> The use is compatible, or with conditions of approval can be made compatible, with surrounding uses
<b>Finding: Complies</b>
<b>Discussion:</b> As discussed under Key Consideration 2, the character of the neighborhood is primarily commercial and the proposed outdoor storage is compatible with surrounding uses.
<b>Condition(s):</b> <i>Refer to detrimental impacts table</i>
<b>Standard 3:</b> The use is consistent with applicable adopted city planning policies, documents, and master plans.
<b>Finding: Complies</b>
<b>Discussion:</b> The location and intensity of the proposed use is consistent with applicable planning policies, documents and master plans as discussed in Consideration 3 in the Key Considerations section of this report.
<b>Condition(s):</b> None proposed related to this standard
<b>Standard 4:</b> The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions
<b>Finding: Complies</b>
<b>Discussion:</b> The proposed use is required to be screened per <a href="#">21A.40.120.E.1.b.(5)</a> to minimize visual impact and increase safety.

**Condition(s):** The applicant will need to relocate all miscellaneous items stored on the property to a permitted location for outdoor storage and remedy the zoning violations identified in Civil Enforcement case HAZ2022-02083. The largest storage container and water tank in front of the building may be permitted in their current locations.

## 21A.54.080.B: Detrimental Effects Determination

### 1. This title specifically authorizes the use where it is located;

#### **Finding: No Detrimental Impact**

**Discussion:** The proposed use is authorized as a conditional use in the CC Commercial Corridor district.

**Condition(s):** None proposed related to this standard

### 2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;

#### **Finding: No Detrimental Impact**

**Discussion:** The proposed use's compatibility with relevant master plans is discussed under [Key Consideration 3](#). The proposed use is compatible with applicable city policies.

**Condition(s):** None proposed related to this standard

### 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;

#### **Finding: No Detrimental Impact**

**Discussion:** The surrounding area is comprised of mostly commercial uses. The proposed Contractor's yard/office would not be out of character with the nearby businesses.

**Condition(s):** None proposed related to this standard

### 4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;

#### **Finding: No Detrimental Impact**

**Discussion:** No new structures are proposed as part of this request. The applicant plans to use the existing fence to screen the storage area from the public way. The storage container to the east of the building is in a permitted location for outdoor storage, and the walls of the container screen the storage of the items within. The storage container in front of the building is serving a different accessory use than outdoor storage and may be permitted in its current location.

**Condition(s):** None proposed related to this standard

### 5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;

#### **Finding: No Detrimental Impact**

<b>Discussion:</b> The applicant has not proposed any site improvements and will use all existing access points.
<b>Condition(s):</b> None proposed related to this standard
<b>6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> No vehicular or pedestrian traffic circulation is proposed at the subject site.
<b>Condition(s):</b> None proposed related to this standard
<b>7. The site is designed to enable access and circulation for pedestrian and bicycles;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> While the site was not necessarily designed to accommodate pedestrians and cyclists, the layout of the site does not prevent these modes of transportation. No site improvements are proposed for this project that would change the layout.
<b>Condition(s):</b> None proposed related to this standard
<b>8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> Access to the site will be minimal. Two employees use this property as a base of operations but typically work on a variety of job sites throughout the day. Clients may occasionally visit the property on an appointment basis to look at the materials used for installations. Neither Planning nor Transportation Staff anticipates any unreasonable impacts on the service level of Dalton Ave and Prospect St.
<b>Condition(s):</b> None proposed related to this standard
<b>9. The location and design of off-street parking complies with applicable standards of this code;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> The existing parking area complies with applicable zoning standards. The proposed use will not require additional off-street parking.
<b>Condition(s):</b> None proposed related to this standard
<b>10. Utility capacity is sufficient to support the use at normal service levels;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> The property is not served by City sewer or storm drain. Public Utilities has no issues with the current proposal, but advises that any building permit will require the site to conform to all Public Utilities standards, including connection to the public sewer.
<b>Condition(s):</b> None proposed related to this standard



<b>11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> While adjacent uses are not dissimilar, the outdoor storage use should be screened to conform with zoning requirements [see <a href="#">21A.40.120.E.1.b.(5)</a> ] and to help separate the applicant's private space from the public way. Staff does not anticipate any potential use conflicts with adjacent or nearby properties.
<b>Condition(s):</b> None proposed related to this standard
<b>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;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> Staff does not anticipate any environmental impacts that would be significantly different than what already exists at the site or in the neighborhood. The proposed use would not significantly impact the quality of surrounding air or water.
<b>Condition(s):</b> None proposed related to this standard
<b>13. The hours of operation and delivery of the use are compatible with surrounding uses;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> The applicant has stated that the office will not have "open doors" with patrons and that employees typically work on a variety of job sites between 8:30-4:30. Staff does not anticipate that the proposed use's hours of operation and delivery will be significantly different from the surrounding uses. The subject property is adjacent to one residential use (a single-family home), but the impacts of this business will likely be minimal to this neighbor.
<b>Condition(s):</b> None proposed related to this standard
<b>14. Signs and lighting are compatible with, and do not negatively impact surrounding uses;</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> No new lighting or signs have been proposed as part of this request.
<b>Condition(s):</b> None proposed related to this standard
<b>15. The proposed use does not undermine preservation of historic resources and structures.</b>
<b>Finding: No Detrimental Impact</b>
<b>Discussion:</b> The subject property is not located within a local or national historic district, nor are any structures at the subject site listed as a national or local landmark site.
<b>Condition(s):</b> None proposed related to this standard

According to Zoning Code Section 21A.54.080.C, the Planning Commission may impose conditions related to the standards and detrimental impacts listed above if a condition is necessary for compliance with the standards of approval or any applicable zoning regulation and to reduce any reasonably anticipated detrimental impact. Conditions may be related 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.

After a public hearing is held, planning staff can help the commission identify and determine if information provided warrants further discussion on any potential non-compliance or detrimental impact that may require a condition of approval.

# ATTACHMENT F: Public Process & Comments

## Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- September 2, 2022 – The Chair of the Glendale Community Council was sent the 45-day required notice for recognized community organizations. The Council indicated that they had no objection to the proposal and are willing to support it.
- September 2, 2022 - Property owners and residents within 300 feet of the development were provided early notification of the proposal.

Notice of the public hearing for the proposal included:

- October 13<sup>th</sup>, 2022
  - Public hearing notice sign posted on the property
- October 14<sup>th</sup>, 2022
  - Public hearing notice mailed
  - Public notice posted on City and State websites and Planning Division list serve

## Public Input:

Hi Trevor,

Thank you for sending this along. There are no problems with this proposal and we're happy to support it. Please consider this email our formal comments on the subject.

Thank you,  
Turner C. Bitton (he/him)  
Chair, Glendale Neighborhood Council



# ATTACHMENT G: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

## **Engineering (Scott Weiler):**

No objections.

## **Building (Steven Collett):**

No Building Code comments based on the Conditional Use application. Any deficiencies shall be corrected under the inspection for LIC2022-01431.

## **Fire (Douglas Bateman):**

No fire code comments at this time.

## **Transportation (Kevin Young):**

Transportation has no issues with this project. Dalton Ave. is a private street and I don't see any issues with the change of use.

## **Public Utilities (Kristeen Beitel):**

Public Utilities has no issues with the conditional use, but advises that any building permit will require the site to conform to all Public Utilities standards, including connection to the public sewer.

The following comments are provided for information only and do not provide official project review or approval. Comments are provided to assist in design and development by providing guidance for project requirements.

- Public Utility permit, connection, survey, and inspection fees will apply.
- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.
- All utilities must meet horizontal and vertical clearance requirements. Water and sewer lines require 10 ft minimum horizontal separation and 18" minimum vertical separation. Sewer must maintain 5 ft minimum horizontal separation and 12" vertical separation from any non-water utilities. Water must maintain 3 ft minimum horizontal separation and 12" vertical separation from any non-sewer utilities.
- Utilities cannot cross property lines without appropriate easements and agreements between property owners.
- Site utility and grading plans will be required for building permit review. Other plans such as erosion control plans and plumbing plans may also be required, depending on the scope of work. Submit supporting documents and calculations along with the plans.
- Applicant must provide fire flow and culinary water demands to SLCPU for review. The public water system will be modeled with these demands. If the demand is not adequately delivered, a water main upsizing will be required at the property owner's expense. Required improvements on the public water system will be determined by the Development Review Engineer. New water mains must cross the entire frontage of the property. A plan and profile and Engineer's cost estimate must be submitted for review. The property owner is required to bond for the amount of the approved cost estimate.
- One culinary water meter and one fire line are permitted per parcel. If the parcel is larger than 0.5 acres, a separate irrigation meter is also permitted. Each service must have a separate tap to the main.
- Covered parking area drains and work shop area drains are required to be treated to remove solids and oils prior to discharge to the sanitary sewer. These drains cannot be discharged to the storm drain. Use a sand/oil separator or similar device. A 4ft diameter sampling manhole must be located downstream of the device and upstream of any other connections.

- Applicant must provide sewer demand calculations to SLCPU for review. The expected maximum daily flow (gpd) from the development will be modeled to determine the impacts on the public sewer system. If one or more reaches of the sewer system reach capacity as a result of the development, sewer main upsizing will be required at the property owner's expense. Required improvements on the public sewer system will be determined by the Development Review Engineer. A plan and profile and Engineer's cost estimate must be submitted for review. The property owner is required to bond for the amount of the approved cost estimate.
- Site stormwater must be collected on site and routed to the public storm drain system. Stormwater cannot discharge across property lines or public sidewalks.
- Stormwater treatment is required prior to discharge to the public storm drain. Utilize stormwater Best Management Practices (BMP's) to remove solids and oils. Green Infrastructure should be used whenever possible. Green Infrastructure and LID treatment of stormwater is a design requirement and required by the Salt Lake City UPDES permit for Municipal Separate Storm Sewer System (MS4).