

ADMINISTRATIVE HEARING STAFF REPORT

Lowes Subdivision Amendment Petition Number PLNSUB2013-00958 located at approximately: 1335 S 300 West Hearing Date: February 13, 2014



Planning and Zoning Division
Department of Community
Development

Applicant:

Gary Moore on behalf of Desert
Rock Properties LLC

Staff:

Anna Anglin
801-535-6050
anna.anglin@slcgov.com

Tax ID:

15-124-590-18-0000

Current Zone:

CG (General Commercial)

Master Plan Designation:

Central Community
Regional Commercial/ Industrial

Council District:

Council District 5, Erin Mendenhall

Community Council

Elke Phillips, Ball Park Community
Council

Lot Size:

Approx. 12.59 acres

Current Use:

Specialty Store

Applicable Land Use Regulations:

- 20.31 subdivision Amendments
- 21A.26.070: CG General Commercial Zoning District

Attachments:

- A. Subdivision Amendment Plat
- B. Applicants Letter to Mayor
- C. Department Comments
- D. Photographs of Property

REQUEST:

Desert Rock Properties is requesting a subdivision amendment to Lowes Subdivision located at approximately 1335 S 300 West in the CG (General Commercial) zoning district. The applicant is petitioning to subdivide lot 15-124-59-018-0000 into two separate lots to create one new lot that will be approximately .70 acres and another that is 11.89 acres.

STAFF RECOMMENDATION:

Based on the findings listed in the staff report, it is the Planning Staff's recommendation that the proposed amendment meets the applicable standards and therefore recommends the Administrative Hearing Officer approve the Lowes Subdivision Amendment (PLNSUB2013-00958) with the following conditions:

1. The applicant shall record a Final Plat for a Subdivision Amendment with the Salt Lake County Recorder.
2. The applicant will remove the existing Lowes sign and conform to all size and location requirements for signs prior to the recording of the final plat.
3. A landscaping plan showing lot 2-A is in compliance with the zoning ordinance for parking lot landscaping requirements prior to the recording of the final plat.
4. A shared access easement that allows the newly created lot (2-B) to use Lowes (lot 2-A) existing driveway approaches off of 300 West and 1300 South.
5. The two lots will need to form a drainage and maintenance agreement for the street frontage along 1300 South that will meet Public Utilities requirements.
6. Add the revised legal descriptions of the newly created lots and the required signature blocks to the amended plat.
7. All other division comments will be complied with before the final plat is filed with the Salt Lake County Recorder.

Vicinity Map



Salt Lake City
Community and Economic Development
Planning Division

Project Description

Project Details

The project involves amending the existing Lowes Subdivision located at approximately 1335 South 300 West by subdividing lot number 15-12-459-018 into two (2) lots. The lot is currently 12.59 acres in size and is the southeast corner of 1300 South and 300 West. The new lot will be approximately .70 acres. When the subdivision is completed, the new lot will be on the southeast corner of 1300 South and 300 West. In addition, the new lot will have approximately 151.24 feet of street frontage facing 300 West and 123.57 feet of street frontage facing 1300 South. The remainder of the existing lot will be 11.89 acres (see attachment A). No new roads are proposed or needed. The subdivision is located in the CG (General Commercial) zoning district and the new lot is required to comply with the CG zoning district requirements. The parcel is currently being used as a “Specialty Store” (Lowes). The new lot is being created to accommodate a proposed “restaurant with drive thru facilities” (Burger King).

PUBLIC NOTICE

Notice Mailed: 1/23/14

Sign Posted: 1/23/14

Agenda Posted on the Planning Division and Utah Public Meeting website: 2/10/14

Comments

Public Comments

No citizen comments were received prior to this report being finalized.

City Department Comments

Comments were solicited from the following City Divisions: Transportation, Engineering, Public Utilities, Fire and Building Services. The review comments have been attached to this report as Attachment C. None of the comments provided would preclude approval of the project.

Analysis and Findings

Standards of Approval for Amendment Petition; Section 20.31.090

An amendment petition shall be approved only if it meets all of the following requirements:

A. *The amendment will be in the best interests of the City.*

Analysis: The subject property is located in the Central Community Master Plan area, which identifies the property location as a “Regional Commercial/ Industrial District”, and is in an area of the City primarily used for Regional Commercial purposes. The purpose statement of the CG (General Commercial) zoning district “...is to provide an environment for a variety of commercial uses...”

The CG (General Commercial) zoning district allows a “Specialty Store”, which is a defined land use in the Zoning Ordinance that includes home improvement stores, and is an established use at this location. The proposed subdivision amendment would create two lots that will be in keeping with existing lots in the area. Due to the proposal aiding in implementing the land use policies found in the Central

Community Master Plan and complying with zoning requirements of the CG zoning district, the proposal is in the best interest of the city.

Finding: Staff finds the proposed subdivision amendment complies with this standard because it complies with the Central Community Master Plan and the CG (General Commercial) standards for lots.

B. *All lots comply with all applicable zoning standards.*

Analysis: The proposed lot will comply with the minimum lot size requirement of 10,000 square feet. There is no maximum lot size limitation in the CG (General Commercial) zoning district. The smallest of the proposed lots will be approximately 30,543 square feet. The minimum lot width of the CG zoning district is 60 feet. The subdivision will create two lots with two street frontages. Both proposed lots will meet both minimum lot size and street frontage requirements, and the ordinance does not prohibit creating lots with double street frontages (see table below).

General Commercial Zoning Ordinance Requirements

Standard	Zoning requirement	Proposed Lot 2-A	Proposed Lot 2-B
CG Minimum Lot Area	10,000 SQ FT	320,456 SQ FT	28, 171 SQ FT
CG Minimum Lot Width	60'	447.02 (300 W) & 547' (1300 S)	154.24' (300 W) & 123.57' (1300 S)
CG Corner Side Yard Setback	10'	Existing building meets this standard	All new development will need to meet this Standard
CG Front Yard Setback	10'	Existing building meets this standard	All new development will need to meet this Standard
Perimeter Landscaping	7'	Will need to verify before Final Plat is Filed	All new development will need to meet this Standard
Pole Sign	1 SQ FT per linear foot of street frontage; 200 SF maximum for a single business	Will need to meet this Standard before the final Plat is filed	All new development will need to meet this Standard. The existing Lowes sign will need to be removed to meet this standard
Parking requirement for outdoor display of live plant materials	1 parking space per 1,000 square feet of Outdoor display of live plant materials	Approximately 40,000 square feet of outdoor display of live plant materials and the total parking meets this standard	All new development will need to meet this Standard
Parking requirement for retail goods and restaurants	2 parking spaces per 1,000 square feet of usable floor area	Approximately 137,000 square feet of retail usable floor area and the total parking meets this standard	All new development will need to meet this Standard

The proposed subdivision will cause the existing Lowes pole sign on the corner of 300 West and 1300 South to become noncompliant because it would become an off-premise sign and exceeds the maximum allowed size for the proposed street frontage of lot 2-B. The applicant will need to remove the existing Lowes sign from its current location and place it on proposed lot 2-A in a location where it conforms to all size and location requirements for pole signs in the CG zoning district prior to the recording of the final plat.

The proposed subdivision will also cause the existing parking lot perimeter landscaping requirement for Lowes (Lot 2-A) to become noncompliant along the property lines with proposed lot 2-B. The applicant will need to provide a landscaping plan and install any required landscaping showing the Lowes lot is in compliance with the zoning ordinance for parking lot landscaping requirements in the CG Zoning district prior to recording the amended plat.

Roughly estimated, the existing Lowes has approximately 137,000 square feet of usable floor area, plus there is approximately 40,000 square feet of outdoor display area of live plants. Lowes required parking for their existing indoor retail space is estimated to be 274 spaces. The outdoor display of live plant materials parking requirement is approximately forty spaces making the total required off street parking for Lowes approximately 314 spaces. The estimated total of existing parking is 613 stalls. Once the lot is subdivided, Lowes will lose approximately 20 spaces. This changes the total parking to 593 stalls, which is over the minimum off street parking requirement. The ordinance has a maximum parking requirement of one and a half times the minimum parking. (see attachment E for calculations from applicant).

The proposed subdivision plat is missing the revised legal descriptions of the newly created lots and the required signature blocks. Both of these items will need to be added to the plat prior to recording the amended plat with the County.

Finding: Staff finds the proposed subdivision amendment meets this standard with the following conditions:

- The applicant removes the existing Lowes sign and conforms to all size and location requirements for signs in the CG Zoning district prior to the recording of the final plat.
- A landscaping plan for the Lowes parking lot showing compliance with the zoning ordinance will need to be provided and landscaping installed prior to the recording of the final plat.
- Adding the revised legal descriptions of the newly created lots and the required signature blocks to the amended plat.

C. All necessary and required dedications are made.

Analysis: Transportation stated lots 2-A and 2-B will need to have a shared access easement so both lots can use the existing access drives off of 1300 South and 300 West. This is due to the restricted access lot 2-B has off of 1300 South and 300 West. Approximately 113.43 feet (75%) of Lot 2-B's 300 West street frontage is proposed to be a future right turn bay. Proposed lot 2-B has restricted access for the first 50 feet of street frontage from the 1300 South intersection as well. There is also a 24 foot fire easement from 1300 South to 1400 South. Lots 2-A and 2-B will need to have drainage and maintenance agreements for street frontage on 1300 South and 1400 South that will meet Public Utilities requirements.

Finding: Staff finds that the proposed subdivision amendment meets this standard with the condition that there be a shared access easement for both lots to the existing driveways, and that the two lots have a drainage and maintenance agreement for street frontage from 1300 South to 1400 South.

D. Provisions for the construction of any required public improvements are included.

Analysis: The Engineering Division is requiring that the applicant make all needed repairs to the existing public right-of-way fronting the subdivision proposal. The City Surveyor will need to approve the amendment before a final plat is recorded with the County.

Public Utilities commented that the proposed subdivision's 0.2% annual FEMA flood boundaries are outdated and does not match the current boundary that has been in effect since September of 2009. The applicants engineer will need to revise their plat with a design that meets the current FEMA flood boundaries before it can be recorded with the County. Lot 2-B will need to have its own separate water and sewer connections to the public main line. Public Utilities will need to verify any private shared drainage agreements made between the two properties. In addition, the new construction will need to have site grading and utility plans certified by a licensed civil engineer.

Finding: Staff finds the project satisfies this standard with the condition that division comments will be complied with before the final plat is filed with the Salt Lake County Recorder.

E. The amendment otherwise complies with all applicable laws and regulations.

Analysis: The proposed amendment otherwise complies with all other applicable laws and regulations. No departments or divisions had objections to this request as long as the conditions discussed in this staff report or required by applicable laws and regulations are met. The applicant will need to record a Final Plat with the Salt Lake County Recorder due to the proposed subdivision amending an existing plat on record with the County.

Finding: Staff finds the project complies with all applicable laws and regulations and satisfies this standard with the condition that the applicant records a Final Plat for Subdivision Amendment with the Salt Lake County Recorder.

F. The amendment does not materially injure the public or any person and there is good cause for the amendment.

Analysis: The proposed subdivision amendment will not injure the public or any person because the use complies with the Central Community Master Plan and the proposed amendment complies with the General Commercial Zoning District's regulations on lot size requirements. The application has conditions that are attached to the subdivision amendment to bring any potentially new noncompliance created by this subdivision into compliance and address any deficiency for access, utility service, etc. No material injuries were identified or claimed by any person during the public hearing process.

Finding: Staff finds the proposal does not materially injure the public or any person and there is good cause for the amendment and the project satisfies this standard once the conditions attached to this report are met.

***Attachment A
Subdivision Amendment Plat***

Attachment B
Applicants Letter to Mayor



November 22, 2013

Ralph Becker
P.O. Box 145474
Salt Lake City, UT 84114-5474
Office: (801) 535-7704

Re: Lowes - Burger King 1321 S. 300 W. Salt Lake City, UT – Outparcel Amendment

Dear Mayor Becker,

I am writing in regards to the Lowes – Burger King Outparcel Amendment. This amendment will divide the current lot owned by Lowes into two lots for the purpose of constructing a Burger King. The Burger King will be located in the northwest corner of the existing Lowes property.

Please let me know if you have further questions or comments regarding our project at this time.


Larvin Pollock
Project Engineer
Legend Engineering
Larvin@legendengineering.com
(801) 718-5993

***Attachment C
City Department Comments***



Work Flow History Report
1335 S 300 W
PLNSUB2013-00958

Date	Task/Inspection	Status/Result	Action By	Comments
11/26/2013	Staff Assignment	Assigned	Anglin, Anna	
12/2/2013	Fire Code Review	Complete	Itchon, Edward	
12/2/2013	Police Review	Complete	Anglin, Anna	Anna, The police department has no issues with this petition. Thank you, Sgt. Michelle Ross
12/2/2013	Staff Assignment	Routed	Anglin, Anna	
12/3/2013	Engineering Review	Complete	Weller, Scott	Addresses on the plat are correct. When a final plat is submitted, the SLC Surveyor will begin her review.
12/5/2013	Transporation Review	Complete	Walsh, Barry	The division of transportation review comments and recommendations are as follows: The new lot 2-B has restricted access with in 50 feet of the 1300 South intersection and 75% if its frontage is a future right turn bay. Thus it is recommended that there be a shared access easement agreements with Lot 2-A, to use existing access drives to the public roadways on (1300 South and 1400 South) to coincide with the existing 24' Fire easement from 1400 South to 1300 South, include drainage, and maintenance agreements with lot 2-A. The Site Plan proposal needs to be scheduled for a DRT review to address landscape buffers for all parking areas (stall and back out) within 20 feet of the new property lines, on both sides for lot 2-A and lot 2-B. Provide parking calculations to verify compliance for Lot 2-A Lowe's with existing required and provided parking, and the parking removed due to the subdivision proposal. Include all ADA and bike stalls. Also parking calculations for Lot 2-B development will be required to comply with Salt lake city standard including ADA and bike requirements. This project will be required to make any and all standard repairs to the existing public way fronting this subdivision proposal for Lot 2-A and Lot 2-B.
12/9/2013	Building Review	Complete	Brown, Ken	No issues noted.
12/9/2013	Zoning Review	Complete	Brown, Ken	See zoning comments in the Documents folder.
1/2/2014	Planning Dept Review	Complete	Anglin, Anna	

1/2/2014	Public Utility Review	Complete	Stoker, Justin	<p>A couple of comments:</p> <p>First, the boundary for the 0.2% annual flood boundaries are not accurate and do not represent the official maps that became effective on September 25, 2009. Please revise to use the current boundaries.</p> <p>Note that for future development plans that the new lot will need to have its own water and sewer service connections to the public main. Any sort of shared drainage would need to be sorted out and arranged through a private agreement which we would ask to verify before it happens.</p> <p>Commercial development projects require site grading and utility plans be designed and certified by a licensed civil engineer, which would be required for review and approval prior to permitting.</p>
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Memorandum

To: Anna Anglin, Principal Planner

From: Ken Brown, Senior Development Review Planner

Date: December 9, 2013

Re: PLNPSUB2013-00958 Preliminary Plat for Lowes Subdivision Amendment

Building Services comments are as follows:

- This proposal will create a noncomplying, over sized, off premises sign for the 200 sq. ft. Lowes pole sign located near, and directed toward the 1300 South frontage on the proposed Lot 2-B as it would exceed the maximum size allowed for this 116.57 frontage, and advertises the Lowes operation on Lot 2-A. Consideration should be made as to whether this noncompliance can be created through a subdivision process, and if not, who is responsible for relocation of this sign.
- This proposal will create noncomplying perimeter parking lot landscaping issues for the Lowes Lot 2-A. Consideration should be made as to whether this noncompliance can be created through a subdivision process, and if not, who is responsible for installing any required parking lot landscaping on Lot 2-A.
- Parking calculations should be submitted for Lot 2-A to determine how this proposal affects the required parking of Lot 2-A.

Attachment D
Photographs of Subject Property



Lowe's Store facing Southeast



Lowe's Store Showing Sign on 300 W and 1300 South Corner



Lowe's Store Perimeter Parking Lot Landscaping and Sign



Lowe's Sign Facing West



Lowe's Parking lot Perimeter Landscaping Facing East off of 300 West



Over Head View of Subject Property

***Attachment E
Parking Calculations***



Parking Calculations
Burger King
1321 S 300 W Salt Lake City, UT

ACREAGE:	
EXISTING LOWES	13.55 ACRE
BUYER PARCEL	0.64 ACRE
PROPOSED/REMAINING LOWES	12.91 ACRE
EXISTING ZONING:	
	CG – GENERAL COMMERCIAL
BUILDINGS:	
LOWE'S BUILDING	1,77,260 SF
BUYER BUILDING	4,400 SF
LOWE'S PARKING:	
<u>EXISTING SPACES</u>	<u>613</u>
(RATIO: 3.5 SPACES/1,000SF)	
<u>PROPOSED/REMAINING SPACES</u>	<u>593</u>
(RATIO: 3.4 SPACES/1,000SF)	
<u>REQUIRED SPACES (MUNICIPAL)</u>	<u>355</u>
(RATIO: 2.0 SPACES/1,000SF)	
BUYER PARKING:	
<u>PROPOSED SPACES</u>	<u>34</u>
(RATIO: 7.7 SPACES/1,000SF)	
<u>REQUIRED SPACES (MUNICIPAL)</u>	<u>9</u>
(RATIO: 2.0 SPACES/1,000SF)	