



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 5, 2020
PROJECT NUMBER: C-20-009
REQUEST: Petition for approval of a Conditional Use Permit for a Day Spa
ADDRESS: 3424 South State Street, Unit E
PARCEL NUMBER: 16-31-101-005-0000
PROPERTY OWNER: Wangs Investment LLC.
APPLICANT: Wen Xiang Huang

SYNOPSIS:

On September 24, 2020, Cici Salon & Nail Spa, represented by Wen Xiang Huang submitted a Conditional Use Permit ("CUP") application to establish a 900 square foot Day Spa on 3.47 acres located at 3424 South State Street, Unit E. Per the application, the business will provide nail service, barber service, cosmetology service, and massage service. 3424 South State Street, Unit E is located in the Corridor Commercial (CC) land use district. Day Spas are listed as a Conditional Use in Title 17 in the Corridor Commercial land use district. The Planning Commission is the land use authority on Conditional Use Permit applications.

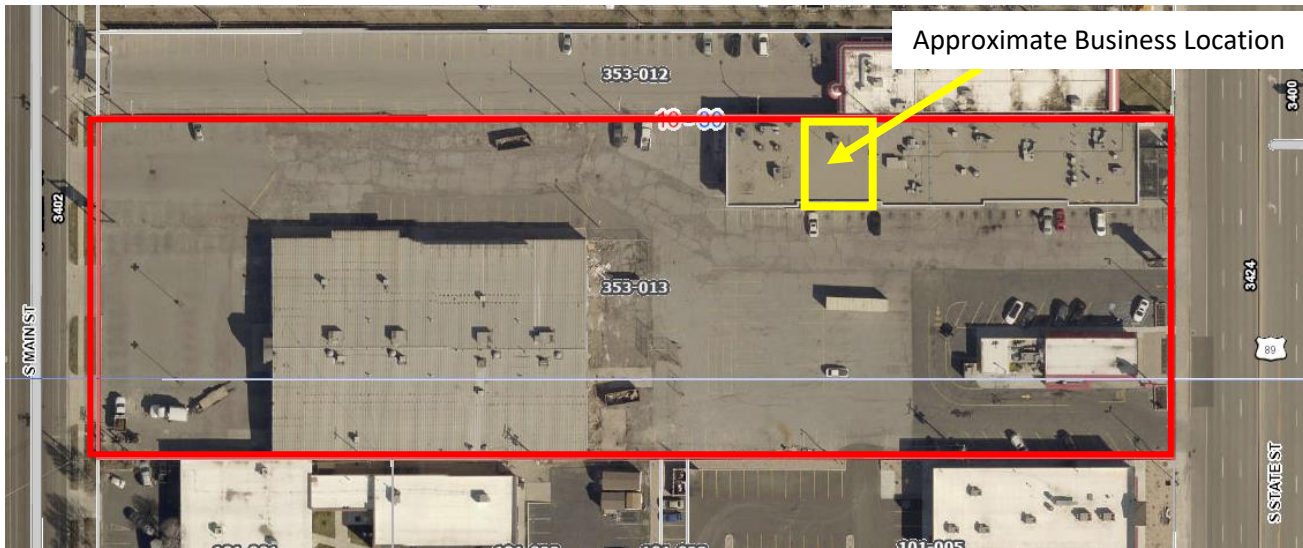


Table with 4 columns: Current Zone, Prior Use, Proposed Use, Project Size. Row 1: Corridor Commercial, Barber Shop, Day Spa, 3.47 Acres

PLANNING COMMISSION RECOMMENDATION:

Staff recommends approval for the Conditional Use Permit to establish a Day Spa business at 3424 South State Street, Unit E with the following findings, conclusions of law, and conditions of approval.

PLANNING COMMISSION STAFF REPORT

General Information:

Location: 3424 South State Street, Unit E

Property Size: 3.47 acres

Unit Size: 900 square feet

Use(s) Square Footage:

Massage: 110 square feet

Cosmetology: 165 square feet

Barber: 105 square feet

Nail Service: 320 square feet

*remainder of square footage taken up by restrooms and office on floor plan

Surrounding Land Uses:

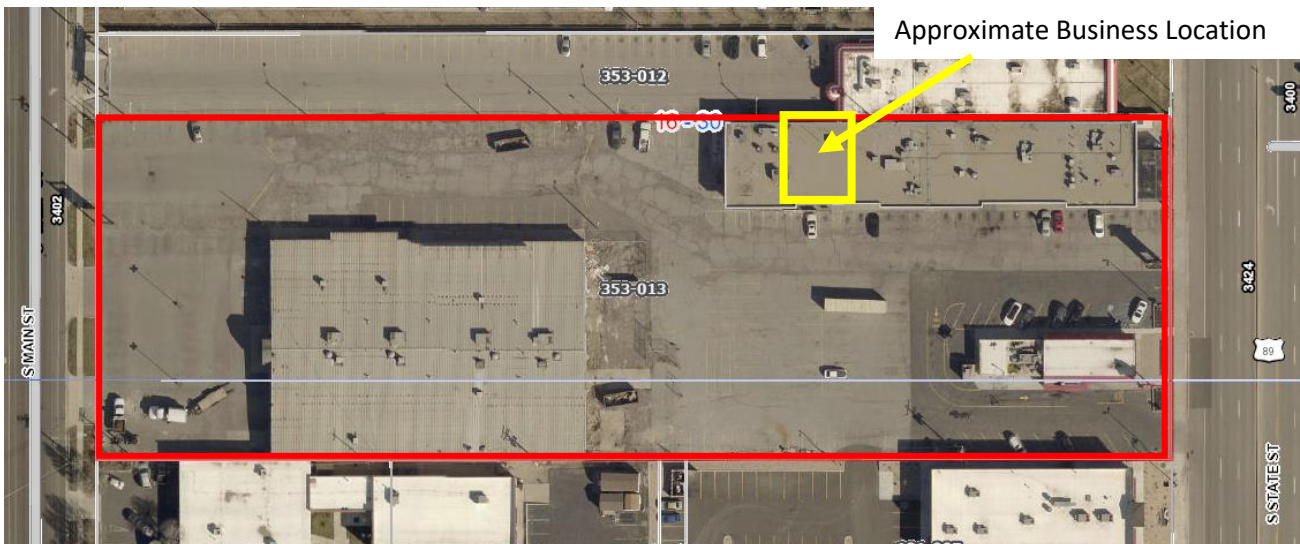
North: Restaurant / Retail / Grocery

South: Restaurant

East: Auto Dealership / Restaurant

West: Grocery / Tow Yard

Figure 2: Existing Parcel Lines



Applicant Proposal:

The applicant is petitioning for approval of a Conditional Use Permit ("CUP") application to establish a 900 square foot Day Spa on 3.47 acres located at 3424 South State Street, Unit E. Per the application, the applicant will be offering nail service, barber service, cosmetology service, and massage service.

Figure 3: Applicant's Floor Plan

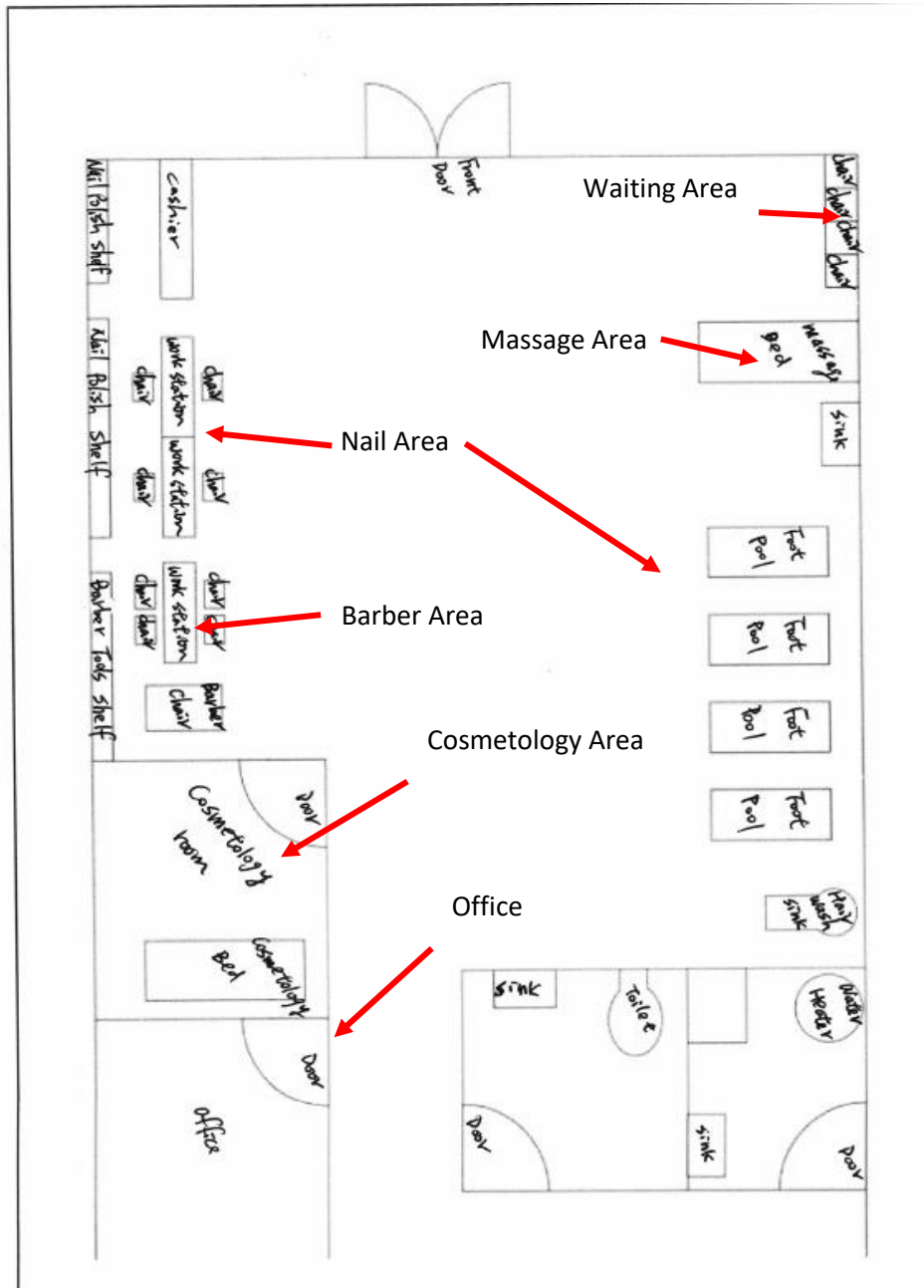
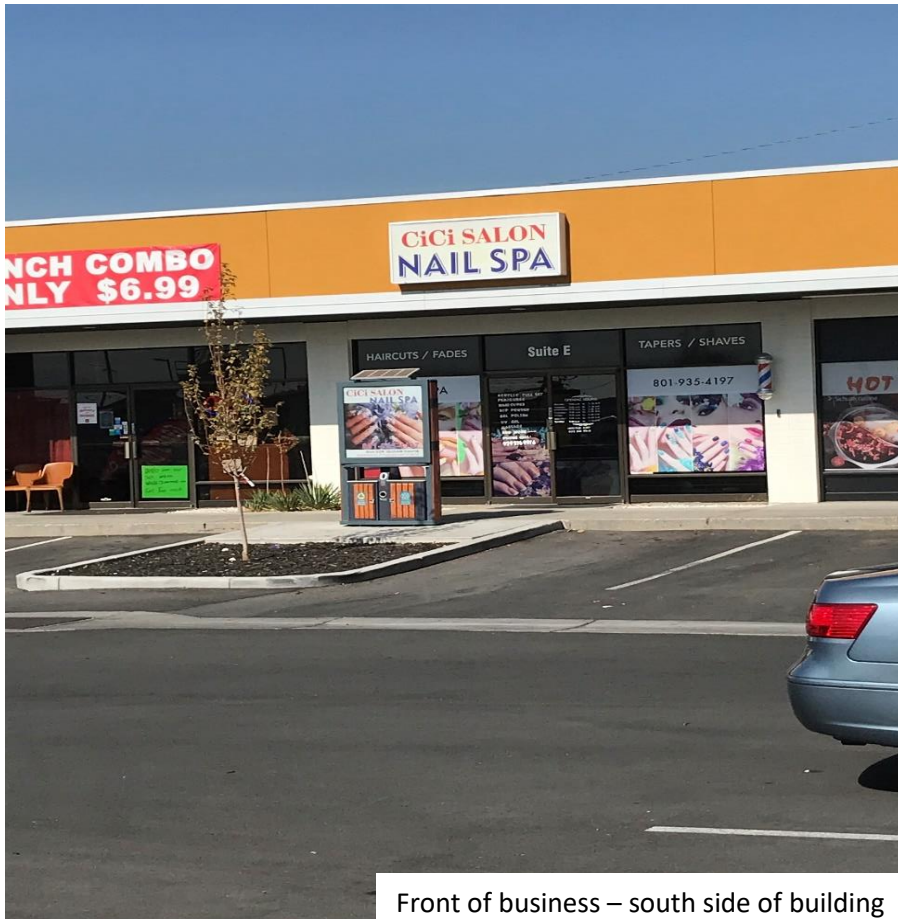


Figure 4: Elevations



State Street Looking northwest



Front of business – south side of building

Requirements:

17.11.030. Land use authority designations.

Pursuant to state law, the following administrative land use authority designations are made:

A. Planning Commission. The planning commission is the land use authority on issues of: subdivision and subdivision plat approval, vacating, altering or amending a Subdivision Plat; Conditional Use permit Applications; design review for Building Heights as established in this Title; design review for projects on Parcels where any portion of the Parcel abuts any residential district; and the issuance of a Building or demolition permit in a Historic and Landmark district.

General Plan Considerations:

Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Staff Analysis:

Section 17.01 of the South Salt Lake Municipal Code defines a Day Spa as “a business that provides at least four (4) distinct therapeutic and/or personal grooming services—performed by a state licensed barber, cosmetologist, electrologist, esthetician, nail technician, massage therapist, or acupuncturist—and does not provide any service for which a state license is not required.” The applicant meets the standard of a Day Spa by providing nail service, barber service, cosmetology service, and massage service. Section 17.05 (Conditional Use Review) does not have specific standards for a Day Spa. The proposed application shall meet the requirements for a change of use and the general standards that apply to all Conditional Uses.

<u>Ordinance</u>	<u>Finding</u>	<u>Notes / Insufficiency</u>
<u>Title 17 – Zoning</u>		
17.05.010 – Conditional Use Permit Review		
A. Shall submit a complete application	Complies – Applicant submitted a complete application that included a description, site plan, design schematic, description of mitigating conditions, application fee, and associated materials as needed to adequately review the proposal.	
B. Community Development staff shall notify Applicant of	Complies – Applicant has been required to supply proof	

<p>any specific deficiencies in proposal</p>	<p>of compliance with all aspects of South Salt Lake Municipal Code related to the establishment and operation of a Day Spa including: a complete Conditional Use application, state and federal background checks for all managers and employees, and provision of four state licensed uses in the form of cosmetology, nails, massage, and barber.</p>	
<p>C. Applicant must meet all criteria in this section</p>	<p>Complies – Applicant has been required to supply proof of compliance with all aspects of South Salt Lake Municipal Code related to the establishment and operation of a Day Spa including: a complete Conditional Use application, background checks for all managers and employees, and provision of four state licensed uses in the form of cosmetology, nails, massage, and barber. All background checks for managers and staff were clean and comply with city requirements. Staff has performed a comprehensive review of Title 17 and its applicability to the current proposal.</p>	
<p>D. Land Use Authority Designation</p>	<p>Complies – The Planning Commission is the land use authority for all Conditional Use Applications.</p>	
<p>17.05.020 – General Conditional Use Permit Review Criteria</p>		
<p>A. Identifies maximum intensity for proposed use</p>	<p>Complies – The application outlines the size of the site at 3.47 acres, the size of the business within the space at</p>	

	<p>900 square feet as well as the current number of employees at 4 proposed employees for Cici Salon & Nail Spa. The maximum number of employees specified at this time is 4. Occupancy for the proposed unit is 9 people.</p>	
<p>B. Complies with all provisions of the code</p>	<p>Complies – Staff analysis for Section 17.05 and Title 17 as a whole has found that all provisions related to conditional uses have been met by the proposal.</p>	
<p>17.05.020(C) – Description of Mitigating Conditions</p>		
<p>1. Size and location of the site</p>	<p>Complies – The application outlines the size of the site at 3.47 acres, the size of the business within the space at 900 square feet, and the location at 3424 South State Street, Unit E. 3424 South State Street is located in the Corridor Commercial Land Use District.</p>	
<p>2. Traffic generation and capacity</p>	<p>Complies – Peak traffic flow would be between late mornings thru late afternoons. Due to the nature of business, size of the unit, and number of staffing the traffic generation due to the proposed use will be negligible in scope. According to IBC 2018, the proposed space has an occupancy limit of 9 individuals (1 person per 100 square feet). The site is required to comply with the off-street parking standards in Section 17.06.160. 5 spaces are dedicated to customers at the location while the 4 proposed employees will have</p>	

	access to the main parking lot shared by businesses on the property. This parking lot contains 60 spaces.	
3. Utility demand and available capacity	Complies – the applicant will not be making any changes to the existing utility or stormwater systems. Minimal water will be used by the proposed use; approximately 30 gallons per month. Applicant complies with utility infrastructure such as HVAC and power systems for a Day Spa use under Building and Fire Code.	
4. Emergency vehicle access	Complies – emergency vehicles will have access to the entire site via State Street.	
5. Location and amount of off-street parking	Complies – Section 17.06.160 of the South Salt Lake Municipal Code requires 1 off-street parking stall per 250 square feet. The proposed Day Spa is located in a 900 square foot unit requiring 4 off-street parking stalls. The proposed business has 5 off-street parking stalls dedicated to its location on the south side of the building. The 5 dedicated parking stalls will be for customers while the proposed 4 employees will use the main parking lot that is shared by all businesses in the complex. This parking lot contains 60 off-street parking spaces. Applicant complies with the parking requirements for a Day Spa under Section 17.06.160.	
6. Vehicular and pedestrian circulation	Complies – Vehicular access will be from State Street and there is sidewalk along the frontage of the strip mall and	

	in front of the business for pedestrians.	
7. Fencing, Screening, and Landscaping	Complies – The uses to the north of the property are retail / restaurant / grocery. There is a 20’ landscape buffer along State Street as required by municipal code as well as parking landscape islands with trees.	
8. Building Design	Complies – Building is an existing strip mall that was built through the building permit process. As the location is an existing unit within the multi-unit strip mall, there are no changes proposed for this unit or prior permits specifically for the unit. Historical licenses at this property include a barber shop and nail salon.	
9. Usable open space	Complies – The business is located in one of several units and the existing building was permitted under a prior iteration of the South Salt Lake Municipal Code. There is no usable space within the Chinatown development outside of required landscape parking islands and general landscaping such as a 20’ landscape buffer along State Street. The entire site has been permitted over the last 2 years and been required to comply with municipal code.	
10. Signs and lighting		Complies as Conditioned - Signage is an existing attached sign to the top of the unit. Only the face of the sign was changed when the tenant moved into the building, not requiring a sign

		permit. The window signage will need to be removed and made compliant with SSL Sign Code.
11. Physical design and compatibility with surrounding structures	Complies – The proposed use is located in a unit that is part of an existing strip mall where there are multiple existing units that are similar in physical design. No changes are proposed for the unit exterior. The establishment of the business will have no impact to the design and compatibility to the surrounding units or uses. The entire site has been permitted via the building process and made compliant with municipal standards at the time of building permit application.	
12. Noise, vibration, odors, and steam	Complies – The proposed use is that of a Day Spa where nails, massage, cosmetology, and barber services are offered. This space was a nail salon and barber shop prior to this application and as a result, has the infrastructure in place to support the use such as HVAC and power as required by Building Code.	
13. Loading and unloading	Complies – Due to the nature of the business, there will be no regular loading or unloading as part of the proposed use’s operations. Product will be brought in by the employees through the front entrance as needed. There will be no trucks delivering products to the site.	

<p>14. Generation and screening of trash</p>	<p>Complies – There are dumpsters with CMU enclosures provided by the property owner on the southwest portion of the lot. Trash is picked up 2-3 times per week and the frequency is sufficient to prevent any build-up or negative impacts from trash generation. There will be a minimal amount of trash generated by the proposed use.</p>	
<p>15. Recycling program and pickup areas</p>	<p>Complies – There is one dumpster with a CMU enclosure provided by the property owner on the southwest portion of the lot. Trash is picked up 2-3 times per week and the frequency is sufficient to prevent any build-up or negative impacts from recyclables.</p>	
<p>16. Potential adverse impacts arising from patrons, guests, employees, occupants or affiliates</p>	<p>Complies – no expected adverse impacts from conduct of patrons or employees. State and Federal background checks were carried out as part of the Conditional Use Process with all owners, managers and employees having no criminal record.</p>	
<p>17. Environmentally sensitive lands</p>	<p>Complies – No environmentally sensitive lands will be impacted. The property was developed prior through the building permit approval process. The proposed use is going into an existing, already built multi-unit building. There is no new construction taking place.</p>	
<p>18. Hours of operation, delivery,</p>	<p>Complies – The proposed hours of operation are 9 AM –</p>	

and use	7 PM Monday thru Saturday. No regular deliveries are expected as part of the proposed business. The proposed use is a Day Spa that offers nail service, barber service, massage service, and cosmetology service. All services will be available during operating hours. A Day Spa is a Conditional Use in the Corridor Commercial District.	
19. Special hazards	Complies – No special hazards are expected due to the nature of the business as a Day Spa with the uses provided of nail service, barber service, massage service, and cosmetology service. The Fire Department has reviewed the chemicals being stored at the location and approved storage methods and amounts. No HAZMAT permit is required for quantity or method of storage of chemicals which includes: 200 bottles of nail polish (0.31 oz per bottle) 1 gallon of nail polish remover, and 1 gallon of acrylic liquid.	
20. Demand for public infrastructure or services	Complies – No increase in demand for public infrastructure or services. The unit is 900 square feet with 4 employees. The impact of the business will be minimal and similar to the prior uses at the location (nail and barber service).	
17.05.050 – Conditional Use Permit Standards		
A. Be compatible in use, scale, and design with permitted	Complies – 3424 South State Street is in the Corridor Commercial district. The	

<p>uses in the district</p>	<p>proposed use is a Conditional Use in the Corridor Commercial district and complies with the general requirements for a Conditional Use Permit. The location is part of an existing strip mall and compatible in design with the surrounding units. The other structures around the strip mall are retail uses and restaurants and follow similar patterns of development.</p>	
<p>B. Not compromise health safety and welfare</p>	<p>Complies – The proposed use does not compromise health, safety, and welfare. State and Federal background checks were carried out as part of the Conditional Use Process with all owners, managers and employees having no criminal record. Additionally, the business complies with the general requirements for a Conditional Use Permit.</p>	
<p>C. Not impose disproportionate burden</p>	<p>Complies – The overall intensity of the proposed use is minimal at 900 square feet . Additionally, the proposed business complies with the general requirements for a Conditional Use Permit.</p>	
<p>17.05.060 – Conditional Use Permit Determination</p>		
<p>A. Land use authority shall issue a conditional use permit if applicant complies with code</p>	<p>Complies – Based on the staff analysis above the applicant complies with code requirements and the mitigating conditions as well as reasonably anticipated detrimental effects of the proposed use. Applicant has addressed items such as</p>	

	noise, odors, parking, and adverse impacts.	
B. Land use authority may deny if applicant does not comply with standards	N/A - Based on the staff analysis above the applicant complies with code requirements and the mitigating conditions as well as reasonably anticipated detrimental effects of the proposed use.	

Staff Recommendation:

Staff recommends approval for a Conditional Use Permit application for a 900 square foot Day Spa located at 3424 South State Street, Unit E, located on 3.47 acres with the following findings, conclusions of law, and conditions of approval.

Findings of Fact:

1. On September 24, 2020, Cici Salon & Nail Spa (“Applicant”), represented by Wen Xiang Huang, submitted an application for a Conditional Use Permit (“CUP”) to establish a 900 square foot Day Spa at 3424 South State Street, Unit E.
2. 3424 South State Street is 3.47 acres in size.
3. 3424 South State Street, Unit E is located in the Corridor Commercial (CC) land use district.
4. A Day Spa is a Conditional Use in the Corridor Commercial land use district.
5. Section 17.01 of the South Salt Lake Municipal Code defines a Day Spa as “a business that provides at least four (4) distinct therapeutic and/or personal grooming services—performed by a state licensed barber, cosmetologist, electrologist, esthetician, nail technician, massage therapist, or acupuncturist—and does not provide any service for which a state license is not required.”
6. Cici Salon & Nail Spa will provide four distinct therapeutic and / or grooming services by offering nail service, barber service, cosmetology service, and massage service.
7. Location has been a nail salon and barber shop prior, but the business licenses have expired with the last nail license being from 2014, establishing the proposed business as a change of use required to comply with current municipal code regarding Day Spas.
8. Due to the prior existence of a nail salon and barber shop, the prior infrastructure such as HVAC, ventilation, and power meets standards for a Day Spa under Fire Code and Building Code.
9. The proposed business complies with hazardous materials requirements under Fire Code in terms of storage and amounts. The proposed business with storage of the following chemicals and quantities

on site: 200 bottles of nail polish (0.31 oz per bottle) 1 gallon of nail polish remover, and 1 gallon of acrylic liquid.

10. Building Code permits occupancy of 1 person per 100 square feet. The proposed unit is 900 square feet, permitting an occupancy of 9 people.
11. Vehicular and pedestrian access to the site is from State Street.
12. Garbage and recycling is located on the southwest portion of the lot with pickup 2-3 times per week.
13. Hours of operation will be 9 AM – 7 PM Monday thru Saturday.
14. Section 17.06.160 of the South Salt Lake Municipal Code required 1 off-street parking stall per 250 square feet. The proposed Day Spa is located in a 900 square foot unit requiring 4 off-street parking stalls. The proposed business has 5 off-street parking stalls dedicated to its location.
15. The 5 designated parking stalls will be for customers while the 4 proposed employees will utilize the main parking area of 60 spaces shared by all the buildings on the proposed property.

Conclusions of Law:

1. The use, as specifically conditioned below, is consistent with the South Salt Lake City General Plan.
2. The use, as specifically conditioned below, is compatible in use, scale and design with allowed uses in the Corridor Commercial land use district.
3. The use, as specifically conditioned below, does not compromise the health, safety, or welfare of: Persons employed within or using the proposed development; Those residing or working in the vicinity of the proposed use or development; or Property or improvements in the vicinity of the proposed use or development.
4. The use, as specifically conditioned below does not impose disproportionate burdens on the citizens of the city.

Conditions of Approval:

1. The business shall meet all requirements of the South Salt Lake Community Development Department, South Salt Lake Fire Marshal, the South Salt Lake Building Official, and the South Salt Lake Engineering Department for a Day Spa business.
2. The business shall offer and continually maintain 4 state licensed uses for a Day Spa as required by Section 17.01 of the South Salt Lake Municipal Code.
3. All 4 uses shall be offered during business hours.
4. Maximum number of employees is five.
5. Maximum number of building occupants is nine.
6. State and federal background checks shall be submitted to the Business License division for all owners and employees prior to a business license being granted.

7. The proposed business shall comply with all off-street parking standards as required by the South Salt Lake Municipal Code. If business activity exceeds the capacity of designated parking, additional designated parking spaces will be required, and the updated number shall be supplied to the Community Development Department.
8. The existing window signs shall be removed, and a sign permit secured that complies with all sign code requirements in the South Salt Lake Municipal Code.
9. All business activity shall be contained to the interior of the building.

Attachments:

1. Conditional Use Permit Application
2. Owners Affidavit
3. Conditional Use Permit

WHEN RECORDED PLEASE RETURN TO:

**SOUTH SALT LAKE CITY
220 E. MORRIS AVE SUITE 200
SOUTH SALT LAKE CITY, UT 84115**

CONDITIONAL USE PERMIT

Location: 3424 South State Street, Unit E
Use: Day Spa
Zone: Corridor Commercial
APN: 16-31-101-005-0000
Fee Title Owner: Wangs Investment LLC.
File Number: C-20-009
Date: November 5, 2020

Permit Issued to: Wen Xiang Huang
3424 South State Street, Unit E
South Salt Lake City, UT 84115

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9. The proposed business complies with hazardous materials requirements under Fire Code in terms of storage and amounts. The proposed business with storage of the following chemicals and quantities on site: 200 bottles of nail polish (0.31 oz per bottle) 1 gallon of nail polish remover, and 1 gallon of acrylic liquid.
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Exhibits (available on file with South Salt Lake City Community Development Department):

- EXHIBIT A: CUP Application
- EXHIBIT B: Property Affidavit
- EXHIBIT C: Site Plan
- EXHIBIT E: Letter to the Community Development Director

FOR SOUTH SALT LAKE CITY:

Laura Vernon,
Planning Commission Chair

FOR THE APPLICANT:

Wen Xiang Huang