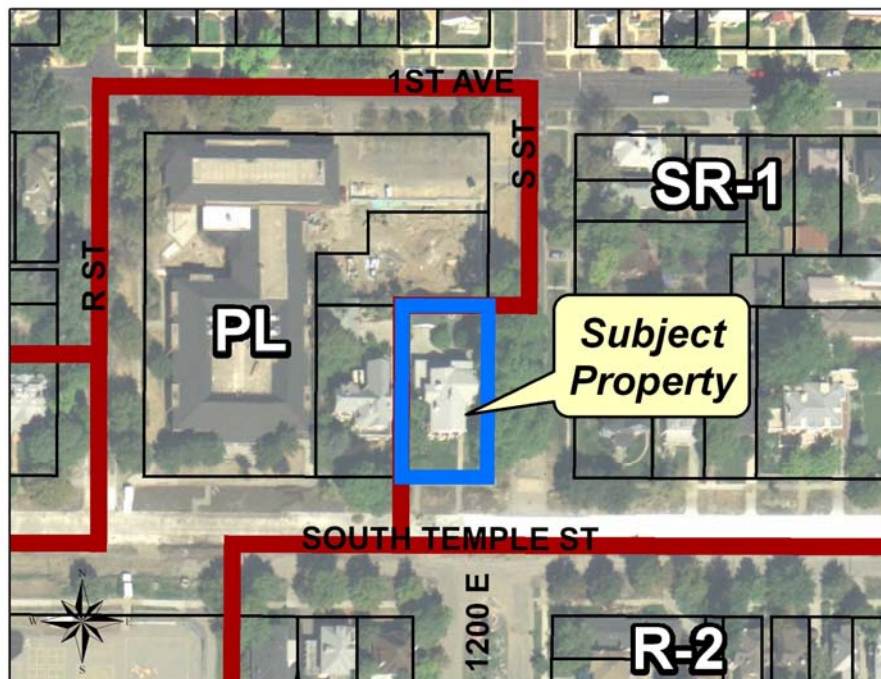


DATE: September 20, 2006
TO: Salt Lake City Planning Commission
FROM: Janice Lew, Principal Planner
RE: **Staff Report for the September 27, 2006 Meeting**

CASE#: 410-06-07
APPLICANT/STATUS: Michael W. Devine, Property Owner
REQUESTED ACTION: **The applicant is requesting conditional use approval to establish an office use in the Armstrong House. The Planning Commission has final decision authority with respect to Conditional Use requests.**
PROJECT LOCATION: 1177 East South Temple Street



PROJECT/PROPERTY SIZE: .31 acres
COUNCIL DISTRICT: District 3, Council Member Eric Jergensen

PROPOSED USE(S): Residential/Office

SURROUNDING ZONING DISTRICTS:

North - Public Lands (PL)
South - Single and Two-Family Residential (R-2)
East - Special Development Pattern Residential (SR-1A)
West - Special Development Pattern Residential (SR-1A)

SURROUNDING LAND USES:

North - Wasatch Elementary School
South - Residential
East - Residential
West - Office

APPLICABLE LAND USE REGULATIONS:

The proposed conditional use is subject to the Utah Code Annotated (10-9a-507) which identifies procedures for approving conditional use requests such that reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. The proposed conditional use is subject to Salt Lake City Code, Section 21.54.080 – Conditional Use and Section 21A.24.010S - Nonresidential Uses of Landmark Sites in Residential Districts.

MASTER PLAN SPECIFICATIONS:

The adopted land use policy documents that guide development in this area are the Avenues Master Plan (1987) and the *Salt Lake City Community Housing Plan* (1999). A description of the pertinent information in these documents is provided below under the **Analysis and Findings** section of this staff report.

ACCESS:

The subject property has access from ‘S’ Street, a one-way local residential roadway with on-street parking.

SUBJECT PROPERTY HISTORY:

This two-story Classical Revival mansion is located in the South Temple Historic District and listed on the Salt Lake City Register of Cultural Resources. The house was built in 1911 for William Wright Armstrong, a prominent financier and banker. In 1917, Armstrong was elected to the State Senate. He resigned for that position to become the federal food and fuel administrator for Utah during World War I. The Armstrongs lived in the house until 1934.

Mr. Devine’s grandparents purchased the home in 1942, and sold it in 1962. In 1993, the Devine family reacquired the house and completed extensive renovation work to the

building. The applicant states that to help offset maintenance costs for the large residence he established a home office, but it was brought to his attention that such a use required a business license. Following notification of the violation, the applicant submitted a conditional use application for consideration by the Planning Commission since the office use involves 3-5 employees. An office use in a Landmark Site requires conditional use approval in a SR-1A Zoning District.

PROJECT DESCRIPTION:

The Landmark Site is approximately 5,774 square feet in size, maintains its residential appearance and historic integrity. Changes to the property to accommodate the proposed office use include an off-street parking area north of the building. The subject property currently accommodates two (2) parking stalls which are housed within a detached garage and will remain. The applicant proposes to add four (4) off-street parking spaces to accommodate the office space (1943 sf). Under current requirements the office space should have three (3) spaces per 1,000 square feet for the main floor plus one-and-one-quarter (1 1/4) spaces per 1,000 square feet for each additional level, including the basement. No physical changes are proposed to the exterior of the historic building.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

The comments received from pertinent City Departments/Divisions and the Community Councils are attached to this staff report as Exhibit 2. The Development Review Team (DRT) also reviewed the application on July 20, 2006. The following is a summary of the comments/recommendations received:

- a) **Transportation Division:** Comments regarding the conditional use request were received as part of the Development Review Team (DRT) review. Final Transportation Division approval is subject to the site plan meeting city design standards for vehicular and pedestrian circulation and staging.
- b) **Department of Public Utilities:** Salt Lake City Public Utilities has no objections to the proposed change in use.
- c) **Engineering Division:** The Engineering Division has no objections to this request.
- d) **Fire Department:** The Fire Department has no objections to the requests.
- e) **Police Department:** The Police Department indicated that the office use would not create a significant effect on police services.
- f) **Building Services Division:** Building Services identified the following issues:
 - A ten foot wide landscaped corner side yard is required.
 - Line of sight issues for vehicle crossing the public way shall be addressed.
- g) **Community Council:** The applicant presented the proposal to the Greater Avenues Community Council whose comments are attached to this staff report as Exhibit 2. A public open house was held on August 7, 2006 because input was required from multiple neighborhood community councils.

Planning staff did not receive any additional comments from the respective Community Councils on the request.

- h) **Public Comment:** The comments of interested parties who attended the Open House are attached to this staff report as Exhibit 3. The participants expressed concern about the parking situation on ‘S’ Street and the effect of commercial development on the residential character of the neighborhood.

2. ANALYSIS AND FINDINGS

The Planning Commission has final decision authority with respect to this request. In order to make its decision, the Commission must use the following standards.

21.54.080 Standards for Conditional Uses.

- A. The proposed development is one of the conditional uses specifically listed in this Title.**

Discussion: The Armstrong House was designated a Landmark Site on the Salt Lake City Register of Cultural Resources by virtue of its listing on the Utah State Registry of Historical Sites on March 8, 1972. Table 21A.24.190 of the Zoning Ordinance requires conditional use approval to establish an office use in a Landmark Site in a SR1-A, Special Development Residential Zoning District.

Finding: The proposed development is one of the conditional uses specifically listed in the Zoning Ordinance.

- B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.**

Discussion: As mentioned above, there are two planning documents that apply to this area; the *Avenues Master Plan* and the *Salt Lake City Community Housing Plan*. Community master plans have been prepared to ensure compatible land uses and promote good development. The project supports the master plan objective to “encourage preservation of historically and architecturally significant sites and the established character of the Avenues and South Temple Historic Districts.” The proposed mixed use also facilitates City housing policies to “enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design.” The proposed mixed use is a use that enables the property owner to maintain and preserve a historically and architecturally significant mansion located in a historic district.

The base zoning of the property is SR-1A, Special Development Pattern Residential District, the purpose of which is “to maintain the unique character of older, predominantly single-family neighborhoods that display a variety of yard,

lot sizes and bulk characteristics.” The zone allows single-family and twin homes as permitted uses. The residential use will remain as is.

Finding: The proposed development is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

Discussion: The surrounding buildings are mostly residential structures. The building to the north, Wasatch Elementary School, covers most of the subject block and is zoned Public Lands. The historic residential building to the west accommodates office uses. Traffic circulation patterns in the area should not be significantly affected by the proposed change in use since adequate parking can be provided on-site. Furthermore, the Division of Transportation has no objections to the proposed change in the use of the building.

Finding: Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

D. The internal circulation system of the proposed development is properly designed.

Discussion: A DRT meeting on July 20, 2006, did not identify any issues that would jeopardize the proposal in terms of the proposed design of the internal circulation system. The subject property is accessible from ‘S’ Street. The parking area is located behind or north of the primary building. A ten foot wide landscaped corner side yard is required and parking is permitted in the rear yard. The proposed office use provides off-street parking as required by the Zoning Ordinance.

Finding: The internal circulation system of the proposed development is properly designed.

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

Discussion: The existing building is provided with all municipal utility services.

Finding: Existing or proposed utility services will be adequate for the proposed development and designed in a manner that will not have an adverse impact on adjacent land uses or resources.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.

Discussion: The subject property is located on the corner of South Temple and 'S' Streets and the adjoining property to the north accommodates an outdoor play area for the school. As mentioned above, parking areas are permitted in a rear yard. The proposed parking area will be located at the northeast corner of the property with the garage located between the adjacent building to the west and the new parking area. There is an approximately twelve foot (12') landscaped yard between the parking area and the sidewalk. A mature landscaped park strip also exists on the east side of the property. The applicant does not propose any additional exterior lighting.

Finding: Appropriate measures have been taken to protect adjacent uses from light, noise and visual impact.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Discussion: The mansion was built in 1911 and it is located on a prominent site along South Temple Street in the South Temple Historic District. The proposed new use maintains the physical integrity of the building as no changes to the exterior of the building are proposed.

Finding: The architecture and building materials of the proposal are consistent with the development and compatible with the adjacent neighborhood.

H. Landscaping is appropriate for the scale of the development.

Discussion: Although the proposed site improvements include the removal of existing vegetation, Planning Staff does not anticipate that this will compromise the integrity of the site. The Staff and Historic District Commission have allowed alterations to sites on significant and contributing properties within the historic districts. Furthermore, there is no evidence that the existing landscaping is a significant historic landscape feature. The new onsite parking area will be located to the rear of the property, utilizes an existing driveway from 'S' Street and includes the required landscaped corner side yard. This design will preserve the historic character of the primary elevation of the building as seen from the street and the relationship between the historic building and its context.

Finding: Landscaping is appropriate for the scale of the development.

I. The proposed development preserves historical, architectural and environmental features of the property.

Discussion: The exterior of the mansion will remain as is.

Finding: The proposed project will preserve the historic and architectural features of the property. There are no significant environmental features on the property.

J. Operating and delivery hours are compatible with adjacent land uses.

Discussion: The adjacent uses are an office and school, which create activity at various times of the day. The proposed office use will operate during typical business hours from 8:00 a.m. to 5:00 p.m. and be compatible with the adjacent uses.

Finding: Operating and delivery hours are compatible with adjacent land uses.

K. The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

Discussion: The surrounding area has developed as low density residential, with some office uses and a public use to the north. The proposed mixed use would be compatible with the neighboring residential and public uses. The proposed project meets the objectives of the community master plan and the policies of the city housing plan.

Finding: The proposed request is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

L. The proposed development complies with all other applicable codes and ordinances.

Discussion: The applicant has not presented plans for signage. A Certificate of Appropriateness is necessary to obtain a sign permit. The Historic Landmark Commission encourages the use of low-key, sophisticated signage. It should relate to the architecture of the building and not have a negative impact on neighboring properties and the streetscape.

Finding: The proposed development shall meet pertinent and applicable City codes and ordinances.

21A.24.010S Standards for Nonresidential Uses of Landmark Sites in Residential Districts

a. Uses. Nonresidential uses allowed as a conditional use include:

- i. Bed and breakfast establishment;**
- ii. Offices;**

iii. Reception centers.

Finding: An office use is an allowed conditional use within a Landmark Site located in a residential district.

b. Standards. In addition to Section 21A.54.080, “Standards for Conditional Uses”, of this title, the planning commission shall find the following:

- i. The structure is designated as a landmark site on the Salt Lake City Register of Cultural Resources. The designation process must be completed prior to the city accepting a conditional use application unless the planning director determines that it is in the best interest of the city to process the designation and conditional use application together because of the risk of probable demolition.**

Discussion: The Armstrong House is listed on the Salt Lake City Register of Cultural Resources.

Finding: The request complies with this standard.

- ii. The use is conducive to the preservation of the landmark site.**

Discussion: The applicant’s plan to utilize a portion of the mansion for an office use will not have an adverse effect on the historic integrity of the building since no exterior improvements are proposed. The proposed office use makes the historic mansion economically viable and protects it from neglect and potential demolition.

Finding: The proposed office use is conducive to the preservation of the landmark site.

- iii. The use is compatible with the surrounding residential neighborhood.**

Discussion: Overall, the development pattern in the Avenues is dense including churches, schools and neighborhood business. Similarly, historically South Temple dwellings have not been only single-family, owner occupied, nor has it been only residential. Several apartment buildings and commercial structures are of the historic period.

In this case, the predominant use of the surrounding structures is residential, with the exception of the school building to the north and office to the west. The applicant is making efforts to provide as much landscaping as possible in order to both retain the residential and historic character of the site and buffer properties in the area.

Finding: The use is compatible with the surrounding residential neighborhood.

iv. The use does not result in the removal of residential characteristics of the structure or site including mature landscaping.

Discussion: Although the proposed site improvements include the removal of existing vegetation, Staff does not anticipate that this will compromise the integrity of the site. There is no evidence that the existing landscaping is a significant historic landmark feature and an existing fence provides screening for the proposed parking area. To utilize a portion of the mansion for an office use will not adversely affect the historic integrity of the building since no exterior improvements are proposed and just interior alterations have taken place.

Finding: The proposed development shall meet pertinent and applicable City codes and ordinances.

v. The change in use from residential to nonresidential is necessary due to one of the following:

- a. Probable demolition of the landmark site;**
- b. Economic hardship as provided in subsection 21A.34.020K of this part; or**
- c. Excessive size of the landmark site for residential uses allowed in the residential district.**

Discussion: The building is approximately 5,774 square feet in size. Conditional use approval to establish an office use would allow the building to continue to be used for residential purposes while ensuring the necessary financial return to pay for the upkeep of the mansion.

Finding: The change in use complies with **Standard c** as the request to establish an office use in the mansion is due to the excessive size of the landmark site.

vi. The proposed use will not have a material net cumulative adverse impact on the neighborhood or the city as a whole by considering the following:

- a. The spatial distribution of:**
 - 1. Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between one hundred (100) series addresses; and**
 - 2. Previously approved conditional uses for nonresidential use in landmark sites within the same planning community, as shown on map of planning communities maintained by the Zoning Administrator.**
 - 3. Impact on neighboring properties including, but not limited to:**
 - i. traffic;**
 - ii. parking;**
 - iii. signage**

- iv. lighting;
- v. removal of landscaping; and
- vi. for the purposes of evaluating 1-5, professionally prepared impact studies shall not be required unless specifically requested by the Zoning Administrator.

Discussion: Staff researched the number of current business licenses issued for the properties in the neighborhood and found eleven (11) licenses within three hundred feet (300') of the Armstrong House and the associated block frontage. Five licenses relate to apartment houses. Three of the businesses are home occupations. Three businesses appear to be non-conforming uses in residential structures located at 1204 E. South Temple Street and 1167 E. South Temple Street.

Conditional uses previously approved for non-residential uses in Landmark Sites in the Greater Avenues planning community (District 3) include:

Name of Site	Type of Use
Anthony Godbe House 943 E. South Temple Street	bed and breakfast
Danish Evangelical Lutheran Church 387-389 E. First Avenue	office
McCune Mansion 200 N. Main Street	reception center
Memorial House 375 N. Canyon	reception center
Walter C. Lyne House 1135 E. South Temple Street	bed and breakfast (no current business license)
Wolfe Mansion 273 N. East Capitol Street	bed and breakfast (no current business license)
Woodruff Ritter Stewart Mansion 225 N. State Street	bed and breakfast
Kahn Mansion 678 E. South Temple Street	bed and breakfast

The table above represents those applications that were approved through the conditional use process. None of the above operating non-residential uses in a Landmark Site is in the immediate vicinity of the subject property.

Finding: The proposed use will not have a material net cumulative adverse impact on the neighborhood or the city as a whole.

- c. **Condition of Approval: A preservation easement in favor of the city shall be placed upon the landmark site.**

Finding: The City has not currently been acquiring the responsibility of a preservation easement as part of the terms of a condition use approval.

RECOMMENDATION:

Based upon the comments, analysis and findings of fact noted above, Planning Staff recommends that the Planning Commission approve this request to establish an office use in the Armstrong House subject to the following condition:

1. The conditional use approval is not valid until a building permit is issued and a business license is obtained.
2. Approval is conditioned upon compliance with all departmental comments as outlined in this staff report.
3. The maximum floor area committed to office space cannot exceed the square footage limits based upon the four (4) parking spaces provided.
4. Final landscape plans shall be approved by the Planning Director or designated representative.
5. A Certificate of Appropriateness shall be required prior to the issuance of a building permit for any new signage.

Janice Lew
Principal Planner
September 20, 2006

Attachments:

- Exhibit 1 – Application
- Exhibit 2 – Departmental/Division Comments
- Exhibit 3 – Community Council/Public Comments
- Exhibit 4 - Plans
- Exhibit 5 - Photographs

Exhibit 1 Application

Exhibit 2
Departmental/Division Comments

Exhibit 3
Community Council/Public Comments

Exhibit 4 Plans

Exhibit 5 Photographs

Exhibit 6
City Council Member's Letter

Exhibit 7
Section 21A.040.090E(2)(f)

Exhibit 8 Photographs

