

DATE: June 21, 2006

TO: Salt Lake City Planning Commission

FROM: Casey Stewart, Principal Planner

RE: Staff Report for the June 27, 2007 Planning Commission Meeting

CASE#: 410-07-09

APPLICANT: Kay Berger, representing Anthony Christensen

PROJECT LOCATION: 352 & 360 East, 300 South



PROJECT/PROPERTY SIZE: NA

COUNCIL DISTRICT: District 3, Council Member Eric Jergensen

SURROUNDING ZONING DISTRICTS:

North – R-MU

South – R-MU

East – R-MU

West – R-MU

SURROUNDING LAND

USES:

North – office

South – office

West – YWCA

East – office

REQUESTED ACTION:

Petition 410-07-079 a request by Anthony Christensen to convert an existing art/antique gallery to a place of worship (church) located at approximately 352 & 360 East, 300 South in a Residential Mixed Use zoning district. The property is offered for sale and is under contract with the Church of the Living God.

PROPOSED USE(S):

The conditional use request is to convert an existing art/antique gallery to a place of worship (church) located at approximately 352 & 360 East 300 South in a Residential Mixed Use zoning district. The number in the congregation as stated by the applicant is 123. The size of the congregation was critical in a number of comments received from the various City departments. The parking requirement for places of worship is one stall for 5 seats in the main assembly hall. The application site plan shows 27 stalls on site and 3 stalls off-site. The church's congregation size is 123, which would require 25 stalls. The proposed parking satisfies the parking requirements.

APPLICABLE LAND USE REGULATIONS:

Residential/Mixed Use Section 21A.24.170(G); Conditional Use Section 21.54.080 of the Salt Lake City Zoning Ordinance.

MASTER PLAN SPECIFICATIONS:

The adopted land use policy document that guides new development in this area is the Central Community Master Plan. The Central Community Future Land Use Map designates the area as High Mixed Use. The Master Plan states that churches are permitted as a conditional use in residential zoning districts. Furthermore, 'small-scale' churches (on less than a four-acre site) such as requested by the applicant are to be addressed on an individual basis.

SUBJECT PROPERTY HISTORY:

The earliest building permits that show up on the City electronic database are from 1980. The existing principal building (addressed as 352) was utilized as a church from 1898 to

2003 by the First Church of Christ, Scientist. The existing accessory building (addressed as 360) was used for offices and classrooms. In 2003 the use of property and buildings was converted to the art/antique gallery use.

ACCESS:

The facility will be accessed directly from 300 South via an existing access driveway. No new access points are proposed as part of this proposal.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

The application was routed to a number of City departments for review and comment. The proposed work is located on private property and unlike similar proposals that are located in the public way, Development Review Team review is not necessary as a condition of the permit.

- a) **Community Council:** The Central Community Council was provided a copy of the request on April 27, 2007 to review and no comments have been received at this point.
- b) **Public Utilities:** No concerns or requirements were provided.
- c) **Transportation Division:** The proposed parking lot layout and circulation is acceptable for the number in the congregation (123) as stated by the applicant.
- d) **Fire Department:** The department considers the occupant load count as 299 persons; any number greater than that will require installation of an automatic fire sprinkler system. *(The occupant load exceeds what is allowed in relation to the available parking stalls. If the number in the congregation exceeds 150, additional parking will be required and will cause a second conditional use review)*
- e) **Building Services:** The proposal satisfies the parking and landscaping requirements at a congregation size of no more than 150. No other concerns or requirements were provided.

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.

21A.54.080 Standards for Conditional Uses.

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

Analysis: Section 21A.24.170B of the zoning ordinance establishes places of worship in the R-MU zoning district as conditional uses.

Finding: The proposed development is a conditional use as listed in this Title.

- 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.**

Analysis: The zoning ordinance specifically designates places of worship as conditional uses within the R-MU zoning district. The purpose is to allow lower impact uses to coexist with residential uses. The Central Community Master Plan anticipates churches, specifically small-scale churches, in the mixed use areas identified on the Central Community Future Land Use map.

Finding: The proposed place of worship is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans, provided the number of parking stalls available to the use can accommodate the number in the congregation.

- 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.**

Analysis: The site is accessed directly from 300 South. The Transportation Division has reviewed the request and has not indicated that the proposed use will have any negative impact on the level of service on 300 South.

Finding: Streets or other means of access to the proposed development are suitable and adequate to carry this minimal change in 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.**

Finding: The Transportation Division has reviewed and approved the proposed parking lot layout and circulation system.

- 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.**

Analysis: Existing 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.

Finding: The proposal meets this standard.

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

Analysis: Given the sporadic use of a place of worship, the adjacent land uses of office and other types of commercial use arguably have more impact than the proposed use. The existing buffering is considered adequate given the existing adjacent uses.

Finding: The existing buffering is considered adequate given the existing adjacent uses.

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

Finding: The existing building is on the National Historic Register and the Utah State Historic Site Register and was one of the first buildings in the neighborhood. The architecture and materials are compatible with the neighborhood.

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

Analysis: The existing landscaping is appropriate for the development.

Finding: No additional landscaping is required because the new use does not create an increase in parking demand by more than 50% as it existed on June 26, 2007. If future parking demand creates the need for additional parking over 35 stalls, then additional landscaping would be required.

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

Analysis: The existing building is on the National Historic Register and the Utah State Historic Site Register. The proposed church use will utilize the existing building in its current configuration. The proposed use preserves and extends the historical architecture of the property.

Finding: The proposed use complies with this standard.

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

Analysis: Churches typically experience most of their activity on weekends or in the evening, which works well with surrounding office uses that experience increased use during the week and during the day.

Finding: The proposed use complies with this standard.

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.

Analysis: The neighborhood consists of office use, retail use, multi-family residential use, and church use. A second, small-scale (less than four-acres) church would be compatible with this area of mixed use given it's small congregation, use of existing buildings, and activities at off peak times (evenings, weekends) and will not have an adverse impact on the neighborhood or City as a whole.

Finding: The proposed project fits within the context of its surroundings 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.

Analysis: The applicant has worked with the appropriate City departments and has been able to comply, or demonstrated ability and commitment to comply, with all other applicable codes and ordinances.

Finding: The proposed development shall comply with all other applicable codes and ordinances.

Recommendation:

Based upon the above findings, staff recommends conditional use approval of the proposed place of worship (church) subject to the following conditions:

1. The Petitioner shall meet all applicable City, County, State or Federal requirements.
2. The conditional use approval shall be valid for a one year period unless a building permit is issued and construction is actually begun, or the use commenced within that period, or a longer time is requested and granted by the Administrative Hearing Officer.
3. The approved conditional use is directly tied to the successful sale of the property to a recognized church within the time frame established in condition #2 preceding; otherwise this conditional use approval shall be void.

Casey Stewart
Principal Planner

Attachments:

Exhibit 1– Supplemental Information Submitted by the Applicant

Exhibit 2– Plans

Exhibit 3 -- Photographs

Exhibit 1
Supplemental Information from Applicant

Exhibit 2 Plans

Exhibit 3 Photographs