

PLANNING COMMISSION STAFF REPORT

Devine Extension of a Conditional Use Approval for an Office Use in a Landmark Site

Petition 410-06-07
1177 East South Temple Street
November 28, 2007



Planning and Zoning Division
Department of Community
Development

Applicant:

Michael W. Devine

Staff:

Janice Lew 535-7625
janice.lew@slcgov.com

Tax ID:

09-32-484-004

Current Zone:

SR-1A
Special Development Pattern
Residential District

Master Plan Designation:

Medium-Density

Council District:

Three, Council Member
Jergensen

Acreage: .31 acres

Current Use: Single-family

Applicable Land Use

Regulations:

Section 21A.54.080 Conditional
Use
Section 21A.24.010S
Nonresidential Uses of
Landmark Sites in Residential
Districts
Section 21 A.34.020 H Historic
Preservation Overlay District

Attachments:

- A. Extension Request
- B. September 27, 2006
Planning Commission
Staff Report and
Minutes

REQUEST

On September 27, 2007, the applicant requested a time extension of Petition 410-06-07, a conditional use request to establish an office use in the Armstrong House located at 1177 East South Temple Street. The Planning Commission approved the conditional use request on September 27, 2006. The property is a Landmark Site on the Salt Lake City Register of Cultural Resources. An office use in a Landmark Site requires conditional use approval in a SR-1A Zoning District. A conditional use approval is valid for a period no longer than twelve (12) months. A conditional use approval becomes null and void, if a building permit has not been issued and construction actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that time period, or an extension granted by the Planning Commission.

PUBLIC NOTICE

Notice of the Planning Commission hearing was mailed on November 13, 2007 to all property owners within four-hundred fifty (450) feet of the subject property complying with the fourteen (14) day notification period.

RECOMMENDATION:

Based upon the applicant's failure to diligently pursue completion of the conditions placed on the conditional use approval and continued operation of a noncompliant use, staff recommends the following:

1. That the Planning Commission deny the time extension request. The September 27, 2006 conditional use approval is no longer valid because a building permit has not been issued nor construction begun to legitimize the existing noncompliant office use nor has an extension been granted by the Planning Commission within the valid time period of the conditional use approval.
2. That the existing noncompliant office use shall cease until such time that all required City permits and approvals have been granted and executed, including, but not limited to, a conditional use approval.

VICINITY MAP



Staff Analysis and Findings

Project History

The City has been aware of an office use operating without the appropriate licenses in the Armstrong House located at 1177 East South Temple Street since February 2006. As a result of zoning enforcement efforts, the applicant was required to submit a conditional use request to establish an office use in the mansion. The Planning Commission approved the conditional use request on September 27, 2006. Following ratification of the minutes on October 11, 2006, a Findings and Order letter was sent to the applicant indicating what further steps were needed before the applicant could receive a building permit and business license. On October 12, 2006, the applicant was also placed on notice for compliance in this matter by Housing & Zoning Enforcement. The applicant again received notification of the limitations on the conditional use approval on February 20, 2007. At that time, staff requested a plan be submitted to address the conditions of approval that should incorporate a timeline for completing the work. The Planning Division has not yet received plans that reflect the conditional use approval or issued a Certificate of Appropriateness for work affecting a Landmark Site which would allow the applicant to obtain a building permit.

The request for an extension of time was submitted after notification by staff to the property owner of the pending expiration of the conditional use approval. As the attached memorandum explains, the applicant would like an eight-month extension (to the end of June 2008) in order to finalize plans and complete the work. Planning staff is of the opinion that the applicant has had sufficient time to respond to the City's requests for compliance. Therefore, staff recommends that the time extension be denied and that the noncompliant office use cease until such time that all required City permits and approvals have been granted.

Exhibit A

Extension Request

Exhibit B
September 27, 2006 Planning Commission
Staff Report and Minutes