

PLANNING COMMISSION STAFF REPORT

**Iglesia de Dios Cristiana Santidad a Jehova
Place of Worship Conditional Use
PLNPCM2009-00333
1303 S. Swaner Road
August 12, 2009**



Planning Division
Department of Community and
Economic Development

Applicant: Elisco Alfaro

Staff: Katia Pace, 535-6354,
katia.pace@slcgov.com

Tax ID: 15-09-400-034

Current Zone: M-1

Master Plan Designation:
West Salt Lake Community
Master Plan, Industrial

Council District:
District 2, Van Turner

Lot Size: Approximately
103,672 square feet

Current Use:

- Place of worship
- Auto Repair Shop
- Sign Making

**Applicable Land Use
Regulations:**

- 21A.54.080 Standards for
Conditional Uses
- 21A.59.060 Standards for
Design Review
- 21A.28.020 M-1 Light
Manufacturing

Notification:

- Notice mailed 7/29/09
- Sign posted 8/2/09
- Posted to Planning Dept and
Utah State Public Meeting
websites 8/7/09

Attachments:

- A. Site Plan
- B. Department Review

Request

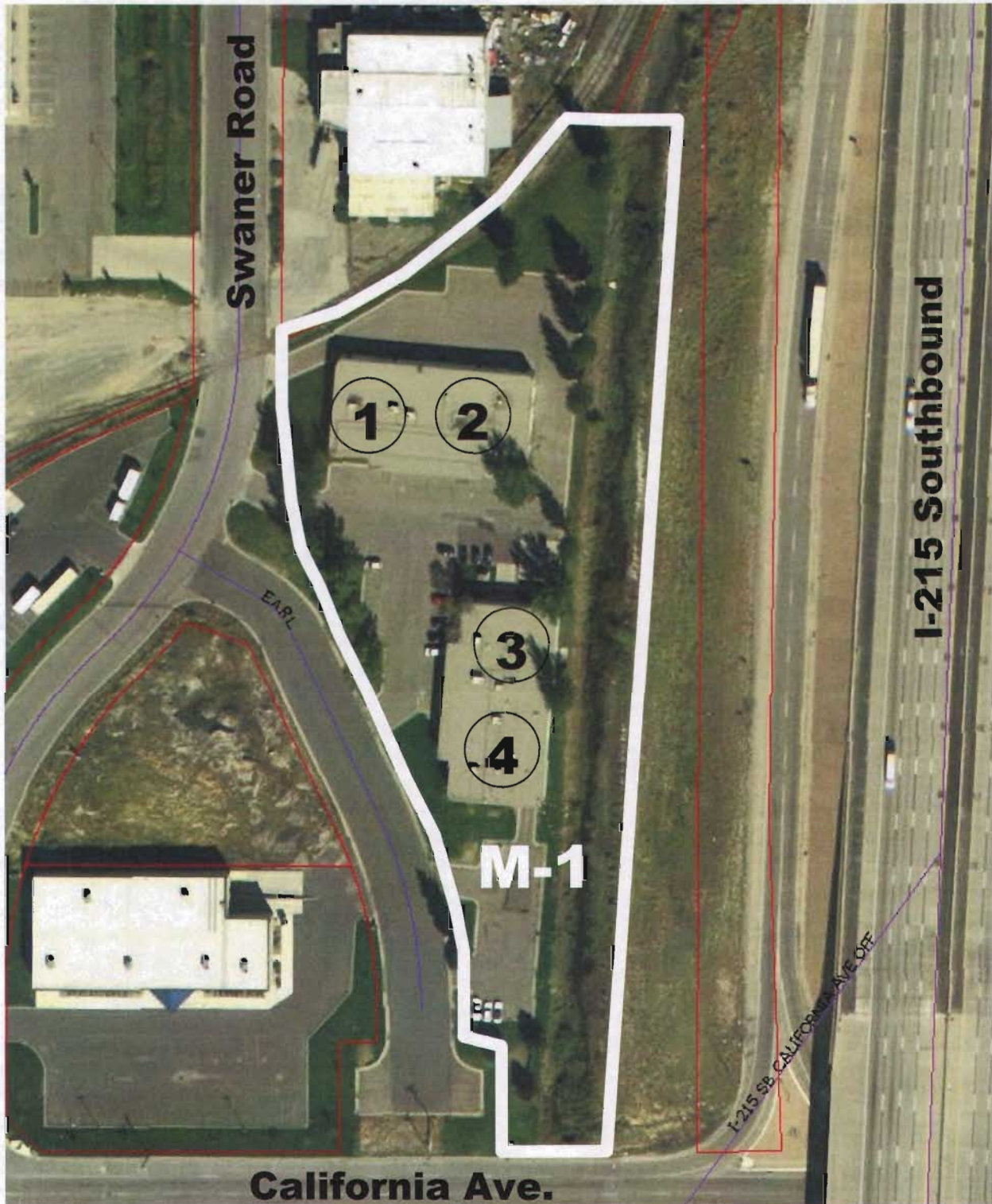
This is a request by Elisco Alfaro for a Conditional Use for a place of worship in a M-1 Light Industrial zoning district. The ordinance allows places of worship in manufacturing zones as a conditional use. The proposed place of worship is to be located at 1303 S. Swaner Road in the M-1 Light Industrial zoning district.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project meets the applicable standards and therefore, recommends that the Planning Commission approve the petition with the following condition:

1. The Planning Commission delegates final authority for the site plan and landscaping review to the Planning Director.

VICINITY MAP



1. Proposed Iglesia de Dios Cristiana Santidad a Jehova
2. Empty space
3. Empty space
4. Automobile Solution

Background

Project Description

This proposal is to allow a place of worship in an industrial zoned lot with two existing buildings and multiple uses. The Iglesia de Dios Cristiana Santidad a Jehova has been renting space in one of the buildings on this lot. The other use on the lot is an auto repair shop, two other spaces are empty. The following are business directly adjacent to the subject lot: Marshall Industrial Hardware, Ink System Inc., Red Wing Shoes, Stone Ground Bakery, and Marmon Keystone warehouse.

The place of worship will primarily be used on Sundays, but also throughout the week in the evenings when other uses in the general area are least active, therefore conflicts will be minimal. The site plan shows 36 parking spaces available to the place of worship. The lot fronts on Swaner Road an industrial local class roadway.

The building is 5,727 square feet, it does not face the street; it is one story tall and is oriented to the ground level. Due to its location being in an industrial zoning district, there isn't pedestrian traffic or mass transportation nearby, and there is no adjacent residential neighborhood.

Comments

Public Comments

Planning staff attended the Glendale Community Council meeting on June 17, 2009. The applicant was not present, however, after a brief explanation of the project the Community Council voted on this project. Seventeen people were in favor and two were against this project.

Planning has also been in contact with a representative of the Glendale Community Council, Jay Ingleby, who has expressed his strong opposition to this request. He believes this is a poor location for the following reasons: no public transit, no safety for the patrons of the place of worship, no time or means for warning the congregation in case of a hazardous evacuation, removing land for industrial use, and inappropriate use of land making the community look incoherent.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment B. The Planning Division has not received comments from the applicable City Departments / Divisions that warrant denial of this request.

Analysis and Findings

Options

Denial of the petition will result in the property being used for manufacturing purposes and the place of worship needing to be located in a more traditional area.

Findings

21A.54.080 - Specific Standards: A conditional use shall be approved unless the evidence presented shows

that one (1) or more of the standards set forth in this subsection cannot be met. The Planning Commission may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

1. Master Plan and Zoning Ordinance Compliance: The proposed conditional use shall be:

- a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master Plan and future land use map applicable to the site where the conditional use will be located, and
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Finding: The West Salt Lake Master Plan does not encourage housing west of Redwood Road because of industrial conflicts, however, it is generally silent regarding the location of places of worship in this area. The site is generally surrounded by manufacturing and commercial uses. The primary issue is the proximity to heavy industrial and potential chemical hazards. There are currently no liquor sales near the vicinity. Nonetheless, places of worship are a conditional use in the M-1 zoning district.

2. Use Compatibility: The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:

- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
- b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
 - iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
- d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and
- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially

similar to the use proposed is likely to occur based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

Finding:

- The lot fronts on Swaner Road an industrial local class roadway.
- Due to its location on an industrial zoning district, there isn't pedestrian traffic or mass transportation nearby.
- There is no adjacent residential neighborhood.
- The place of worship will primarily be used on Sundays, but also throughout the week in the evenings when other uses in the general area are least active, therefore conflicts will be minimal.
- The location has been reviewed by applicable departments who have determined that the use and layout of the site is generally acceptable.
- Due to its location in an industrial area, buffering from other uses will not be needed.
- There is no detrimental concentration of conditional uses within a ¼ mile of the subject property.

3. Design Compatibility: The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:

- a. Site design and location of parking lots, access ways, and delivery areas;
- b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
- d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

Finding:

- The proposed conditional use is to allow a place of worship in an existing building.
- The proposed parking lot layout is consistent with other industrial uses in the area; it is a shared parking lot.
- The requirement is 1 parking space for each 5 seats. This proposal has 150 seats; therefore it requires 30 parking spaces. The site plan shows 36 parking spaces available for the use of this place of worship resulting in 6 extra parking spaces.
- The place of worship does not face the street; it is one story tall and is oriented to the ground level. The architecture is consistent with adjacent buildings.

4. Detriment to Persons or Property: The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:

- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
- b. Not encroach on any river or stream, or direct runoff into a river or stream;

- c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Finding:

- The conditional use does not emit any pollutants or impact any environmentally fragile sites. The subject property is adjacent to a canal; however, the proposed use will not adversely affect the canal.
- The businesses directly adjacent to the subject lot are more commercial and industrial in character. The place of worship is not consistent with the existing uses surrounding it.

5. Compliance with Other Applicable Regulations: The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Historically, places of worship were not allowed in manufacturing zones because they were deemed more of a neighborhood use. In 2004, the City Council approved an amendment to allow places of worship in the M-1 zoning district as a conditional use, based upon the condition that if the place of worship is located within 600 feet of a tavern, private club, brewpub or microbrewery, a written waiver of spacing requirements is required as a condition of approval.

Finding: There are no alcohol establishments within 600 feet of this site; therefore a waiver will not be necessary. The proposal must meet all building and fire codes.

Attachment A Site Plan



Attachment B
Department Review

Engineering

From: Smith, Craig
Sent: Thursday, April 16, 2009 7:11 AM
To: Pace, Katia
Cc: Weiler, Scott
Subject: RE: PLNPCM2009-00333 Place of worship in the M-1

Categories: Program/Policy

Good morning Katia- Engineering has no objections to this conditional use.

Transportation

From: Walsh, Barry
Sent: Thursday, April 16, 2009 8:55 AM
To: Pace, Katia
Cc: Young, Kevin; Smith, Craig; Itchon, Edward; Stewart, Brad; Butcher, Larry
Subject: RE: PLNPCM2009-00333 Place of worship in the M-1

Categories: Program/Policy

April 16, 2009

Katia Pace, Planning

Re: PLNPCM2009-00333 Church in M-1 Zone at 1303 South Swaner Road.

The division of transportation review comments and recommendations are as follows:

The Proposal fronts on Swaner Road a industrial local class roadway.

The site has two commercial buildings and on site parking. From the information submitted there appears to be 78 parking stalls available. The building uses noted would possibly require 32 parking spaces resulting in 46 extra stalls.

The church application indicate 150 seats for 30 stalls at one stall per five seats. The drawings note 125 seats and 36 stalls to be designated for the church. The application also note that the use will be from 7:00pm to 11:00pm which should not conflict with standard business hours of 8:00am to 5:00pm.

From the information submitted we see no conflict with transportation issues or parking.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Ted Itchon, Fire
Brad Stewart, Public Utilities
Larry Butcher, Permits
File