

PLANNING COMMISSION STAFF REPORT

SALVATION ARMY CONDITIONAL USE **Case #PLNSUB2009-00619** **252 South 500 East** **September 9, 2009**



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

Salvation Army of Salt Lake, Jazz
Hamilton, representative

Staff:

Ray Milliner ray.milliner@slcgov.com
(801)535-7645

Tax ID

16-06-253-029

Current Zone:

Residential Mixed Use (RMU)

Master Plan Designation:

Central Community, High Mixed Use

Council District:

Council District 4 Luke Garrott

Lot Size:

1.34 acres

Current Use:

Rehabilitation Center

Applicable Land Use Regulations:

21.54.080 – Conditional Use

21A.36.100(E) – General Provisions

Notice

Mailed: August 26, 2009

Posted: August 26, 2009

State Web Page: August 26, 2009

Attachments:

- A. Proposed Site Plan
- B. Applicant Letter
- C. November 2008 Interpretation Letter
- D. Department Comments
- E. 800 Foot Radius Map

REQUEST

The applicant, the Salvation Army of Salt Lake, is requesting Conditional Use approval of a residential substance abuse treatment home at its existing facility at 252 South 500 East. There are no plans to physically expand the building, only to legalize the use.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed conditional use, conduct a public hearing and approve it pursuant to the analysis, findings and conditions of approval in this staff report.

Conditions of Approval

1. No physical expansion of the building is allowed as part of this application. Any expansion will require review and approval from the Planning Commission.
2. The number of beds allowed in the facility shall be limited to 89. Any increase in that number shall require review and approval by the Planning Commission.

Vicinity Map



BACKGROUND

The applicant, Salvation Army, is requesting Conditional Use approval for a Large Residential Substance Abuse Treatment home at 252 South 500 East. The property is zoned Residential Mixed Use (RMU). Residential Substance Abuse Treatment homes are a conditional use in the RMU zone. The building has been owned and occupied by the Salvation Army in some capacity since 1990. Below is a chronology of uses since that time:

- 1990 to 2007 – The Salvation Army provided emergency food and clothing assistance to needy persons or families.
- 1990 to 2002 – The property housed the Salvation Army administrative offices.
- 1990 to present – The Salvation Army operates a kitchen that prepares meals for on-site residents and homeless feeding programs.
- 1991 to 2001 – The Salvation Army operated a 108-bed transitional treatment facility.
- 1996 to 2001 – The Utah State Adult Probation and Parole Office used the transitional treatment facility to house parolees.
- 2002 to 2007 – The property housed the English church congregation.
- 2002 to 2009 – The Utah State Adult Probation and Parole Office operated a 32-bed halfway house/prison release program.

- 2003 to present – The Salvation Army operates a 51-bed Adult Rehabilitation Program. The program is licensed by the State of Utah as a 24-bed Residential Substance Abuse Treatment facility and a 27-bed Residential Substance Abuse Support facility.

In November of 2008, the Salvation Army submitted an administrative interpretation application to the City requesting that a determination be made as to whether or not they could expand the operation to allow a Residential Substance Abuse Treatment Home in the building. Staff reviewed the application and determined that the use is conditional in the RMU zone, and that no conditional use had been approved on site. As a result, the applicant is now requesting Planning Commission review and approval (staff's interpretation letter attached as exhibit C).

Proposal

If approved, the applicant proposes to lease 32 beds to Valley Mental Health who in turn would operate a residential treatment facility for men recovering from drug and alcohol abuse. The remaining 57 beds would be also used for drug and alcohol abuse treatment by the Salvation Army (see applicant letter Exhibit B).

The proposal includes

- 32 beds leased by Valley Mental Health
- 57 beds operated by the Salvation Army
- Office and classroom space.

The applicant is proposing 28 parking spaces (1 space for 4 residents and 1 space for 2 employees).

Currently the facility is transitioning from the half way house operation run by the state to the Residential Substance Abuse Treatment Home proposed by Valley Mental Health (32 leased 51 Salvation Army).

Comments

Public Comments

The property is in the Central City Neighborhood Community Council area. The Council Chair was notified of this application on June 29, 2009. On August 8, 2009, the Chair responded that he was not going to put it on the council agenda, but that he would request that all concerned citizens forward comments to staff prior to the public hearing. To date, staff has not received any public comments relating to the proposed conditional use.

City Department Comments

The proposal was reviewed by all applicable City departments and divisions. The review comments have been attached to this report as Exhibit D. There were no issues raised by the City departments that would prevent the proposal from proceeding. The applicant must comply with all City requirements.

ANALYSIS

Section 21A.36.100(E) of the Salt Lake Zoning Ordinance states that Large Residential Substance Abuse Treatment Homes are a conditional use in the RMU zone provided the use is not located within 800 feet of another residential substance abuse treatment home, transitional victim home, transitional treatment home or halfway home.

Staff has completed a survey of the uses within 800 feet of the proposed use and found that it is the only one within an 800 foot radius (see map exhibit E).

Conditional Use Standards

Section 21A.54.080 of the Zoning Ordinance provides General Standards for Approval of a conditional use. Staff has applied these standards to the proposed use, and made the following findings (staff analysis is in italics):

Standard 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.

Analysis: The facility is located in the Central Community master plan and is featured as High Mixed Use (50 units or more) on the future land use map. Residential Substance Abuse Treatment Homes are defined as institutional uses in the Central Community master plan which states:

“The impact of institutional land uses includes traffic problems, compatibility with residential neighborhoods and access for the general public to the various institutions. Examples of such impacts are evident throughout the community.

Institutional land uses provide necessary services to the community. However, the location of institutional land uses within or adjacent to residential zones causes problems for the neighborhoods. These impacts include traffic congestion, parking, incompatible architectural appearance, and undesirable activities by some of the clientele attracted to the use.”

The plan goes on to state that the impacts of the use on residential zones should be mitigated by discouraging the expansion of these uses in residential areas.

The proposed Residential Substance Abuse Treatment Home is located in an area with limited residential uses. To the North are office buildings, to the south is a restaurant, to the west is a storage warehouse and an office building and across the street are restaurants and a recreation facility. Therefore, the use is located in a mixed use area away from existing residential uses.

Further, the organization of the facility is designed to prevent the undesirable activities referred to in the Master Plan. Individuals are on a strict schedule of when they can come and go and what activities they are allowed to participate in. Each person is monitored by a social worker and those who are found to be incapable of following the rules are expelled.

Traffic to and from the site is mitigated by virtue of the fact that patrons live on site throughout their treatment programs, and very few have automobiles (most use public transportation). Access to public transportation is readily available as there are numerous bus lines on 500 East, and the 400 South Trax line is approximately 2 blocks away.

Finding: The proposed use is consistent with the policies set forth in the Central Community Master Plan as the concerns raised in the plan are mitigated by the following factors:

- The use is located in a mixed use area with limited residential uses.
- Patrons live on site, and their actions are monitored by trained social workers.
- Traffic to and from the site is limited because individuals live on site, and most do not have automobiles.
- There is abundant access to public transportation directly adjacent to the use.

Standard 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 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.

Analysis: Because the use is listed as conditional in the RMU zone, policy makers have determined that a residential substance abuse treatment home is generally compatible with surrounding uses unless there are factors associated with the use that cannot be mitigated through the imposition of conditions of approval.

The facility is located in an area that is generally commercial in character, with retail, office, and restaurant uses immediately adjacent. Access to the site is from 500 East. The Transportation Division has indicated that the existing street can handle the increase in traffic use from the development (see exhibit D). Parking is located in the rear of the building and meets the minimum requirements in the Zoning Ordinance. The existing driveway along the north side provides access for all deliveries and maintenance vehicles. All deliveries and trash pickup occurs in the rear of the building away from public view.

The structure is a one story brick building built in 1957. The surrounding buildings vary in height and design, but in general are similar in style and mass. The height, mass, and style of the structure are compatible with surrounding buildings, and the existing landscaping is adequate.

The unique nature of the use requires that the hours of operation be 24 hours a day 7 days a week, with people coming and going throughout the day. Because of the strict environment of the treatment program, residents are not allowed to enter and exit the building at all hours; they are on a strict schedule designed to provide them with structure and support (see exhibit B). Additionally, the impacts of these hours are mitigated by the fact that all adjacent properties are commercial in nature and are generally not in operation during the evening hours.

Finding: Staff finds that the proposed residential substance abuse treatment home is compatible with the surrounding neighborhood and that any impacts of the use on surrounding neighbors are mitigated by the following factors:

- The surrounding uses are commercial in nature and not occupied at night.
- The program operated on site has a specific set of rules and regulations that patrons must follow in order to stay in the home that do not permit unruly or discourteous behavior.
- All deliveries and trash pick-up are done in the rear of the building away from public view.
- There is sufficient parking on-site for the use.
- There is sufficient landscaping on site to buffer the use from adjacent uses.

Standard 3: Design Compatibility The proposed conditional use is 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 or 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-use 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.

Analysis: The proposed use is located in the RMU zone with office, commercial, retail and restaurant uses adjacent. The existing building is a one story structure with a flat roof and is approximately 16 feet in height. When viewed from the street it has the lowest profile of any other structure on the street front.

Although the use operates continually, the impact of the patrons and workers is generally less than those of the commercial uses adjacent; as there is less traffic coming and going on site (patrons generally use public transportation because they do not have cars). Deliveries of food and trash pick-up are done in the rear away from public view.

Finding: Staff finds that the use is compatible with adjacent uses in the neighborhood, and that the negative impacts of the project are mitigated through careful design and conditions of approval in this staff report. The building is existing, the applicant is not proposing any substantial remodeling.

Standard 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.

Analysis: The does not propose to introduce any known pollutant to the ground or air. The use will be consistent with the neighborhood in size, scale and design.

Finding: Staff finds that the proposed residential substance abuse treatment home will not be a detriment to neighboring persons or property because of its pollutants, and hazards, and that it will be consistent with the character and type of development in the area.

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

Analysis: The project complies with all zoning ordinance requirements, including parking. The property is not located within a historic district; therefore no historic design guideline review is necessary.

Finding: Staff finds that the proposed development must comply with all associated City Code requirements.

Attachment A: Site Plan/Floor Plans

Attachment B: Letter from Applicant



Founded 1865

The Salvation Army

SALT LAKE AREA COMMAND

"A Center for Worship and Service"

P.O. Box 70508 • Salt Lake City, Utah 84170
Phone: (801) 988-4204 • Fax: (801) 988-4214



May 20, 2009

Wayne Mills, Senior Planner
Salt Lake City Planning & Zoning
451 S. State St., Rm. 406
Salt Lake City, UT 84111

RE: Conditional Use Application – The Salvation Army Facility and program at 252 South 500 East, SLC

Dear Mr. Mills:

Please note the attached Conditional Use Application for The Salvation Army facility at 252 South 500 East. This application is in response to your Administrative Interpretation letter.

Some history/previous use of the facility:

- The Salvation Army has occupied the building since 1989.
- The Salvation Army operated a 108-bed transitional treatment facility at this site from 1991 to October 2002.
- The Utah State Adult Probation and Parole (APP) office used the transitional treatment facility to house parolees from 1996 to October 2001, and from June 2002-May 2009.
- The Salvation Army's Emergency food and clothing assistance programs were housed from 1988-2007.
- In 2002, The Salvation Army closed its residential programs due to financial struggles.
- From 2002-2007 the Salvation Army housed its English Church congregation ("Corps") at this site.
- The facility has also housed the Salvation Army central kitchen from 1989-current. The kitchen not only prepares the meals for those living on site, but also for a large evening homeless feeding program housed in the St. Vincent DePaul center.

Please note the attached facility diagram with the proposed usage of the facility. We propose to use the facility/site in the following manner:

- D Wing- 32 Beds Residential Substance Abuse Treatment (Leased –operated by Valley Mental Health)
- C Wing- 27 Beds Residential Substance Abuse Treatment (operated by The Salvation Army)
- B Wing- 30 Beds (18 Residential Substance Abuse Treatment/12 Res. Sub. Abuse Support – both operated by The Salvation Army)
- A Wing- Program & Classroom space, Administrative & Clinical offices

Administrative Offices: Family Services, Church Corps (Church): 679 So. Main • Salt Lake City, Utah • (801) 988-4204
Community Dining Room: 437 West 200 South • Salt Lake City, Utah (801) 323-5802



William Booth
Founder

Shaw Clifton
General

**Commissioner
Phillip Swyers**
Territorial Commander

**Lt Colonel
Raymond Peacock**
Divisional Commander

**Majors James
and Laura Sullivan**
Salt Lake Area

www.salvationarmyslc.org

We are proposing a total of 89 beds residential use.

Residential Substance Abuse Treatment (Phase 1-Primary Program): The Phase 1-Primary Program is a six month residential treatment program based upon the social recovery program model. Then men in this phase complete approximately 12-20 hours per week of individual therapy, group therapy and recovery classes led by licensed clinical staff members. They also complete 32-40 hours of work therapy (on site or off-site), and approximately 4 hours of Bible study and worship courses per week. A schedule is attached. Normal days begin with breakfast, devotions, followed by work therapy assignments. Individual therapy and group therapy is scheduled in daytime hours with clinical staff. After dinner, depending upon which night it is, the men attend AA and NA classes, chapel, or Bible study. Weekends are usually freer and recreation-focused. Men attend church on Sundays. Many go on passes to visit family, etc... This is a 6 month program.

Residential Substance Abuse Support (Phase 2,3,4): Men in these phases are graduates of the 6 month treatment program. In phase 2, they live in the facility, participate in many of the clinical elements, work therapy, and residential elements of the program, are assisted in the search for outside employment, then spend 2-3 days per week looking for employment. Upon their hire to approved employment, they move to Phase 3, where they live in the house, and participate only minimally in clinical and residential activities. In Phase 4, they move out of the house, and work out of the house, but return for outpatient after care programs. Men can stay up to 18 months in Phase 2-3

About one half of our referrals come from jail or prison through the legal defenders office or Adult Probation and Parole. The other half come from walk-ins or are referred by other substance abuse providers or homeless services providers. No one is required to be in our facility or forced to stay. However, many are required by the court ("court-ordered") to complete a "residential treatment program" and are in violation of their parole if they choose to leave and not enter another treatment program. They come on their own.

Parking: We expect to have 7 staff on site at the largest shift. We have provided a total of 28 parking spaces in the rear parking lot of the facility. A parking plan prepared by a local architect, Eric Tuttle, includes the parking layout, ingress and egress, buildings and meets all required codes is attached for your reference.

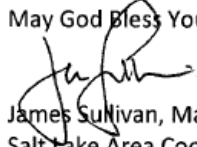
I have enclosed/attached the required supporting documents for the application including:

1. Check for filing fee of \$775.18
2. Listing of Names & Addresses of all property owners within 450' from the border of the subject street
3. Gummed mailing labels for above Names including The Salvation Army and the Community Council chair

I am prepared to pay the cost of first class postage for the mailing.

Please advise if you need any additional information to process this application. Thank you for time and patience working to get the usage of this facility updated and approved for the City's records.

May God Bless You!



James Sullivan, Major
Salt Lake Area Coordinator
The Salvation Army
(801) 988-4204 office
(801) 988-4214 fax
james.sullivan@usw.salvationarmy.org

Attachment C: November 2008 Interpretation Letter

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

RALPH BECKER
MAYOR

November 20, 2008

James Sullivan, Major
The Salvation Army
PO Box 70508
Salt Lake City, Utah 84170

RE: Administrative Interpretation, Salvation Army, 252 South 500 East

Dear Mr. Sullivan:

This letter is in response to your application for a zoning use interpretation regarding the Salvation Army located at 252 South 500 East in Salt Lake City. The purpose of your request is to obtain approval to expand an Adult Rehabilitation Program currently in operation.

The subject property is located in the R-MU, Residential/Mixed Use zoning district. The following provides a chronology of the uses since the Salvation Army occupied the property in 1990, as provided in the application:

- 1990 to 2007 – The Salvation Army provided emergency food and clothing assistance to needy persons or families.
- 1990 to 2002 – The property housed the Salvation Army administrative offices.
- 1990 to present – The Salvation Army operates a kitchen that prepares meals for on-site residents and homeless feeding programs.
- 1991 to 2001 – The Salvation Army operated a 108-bed transitional treatment facility.
- 1996 to 2001 – The Utah State Adult Probation and Parole Office used the transitional treatment facility to house parolees.
- 2002 to 2007 – The property housed the English church congregation.
- 2002 to present – The Utah State Adult Probation and Parole Office operates a 32-bed halfway house/prison release program.
- 2003 to present – The Salvation Army operates a 51-bed Adult Rehabilitation Program. The program is licensed by the State of Utah as a 24-bed Residential Substance Abuse Treatment facility and a 27-bed Residential Substance Abuse Support facility.

As seen above, the current uses on the property are a kitchen that prepares meals for on-site residents and homeless feeding programs, a 32-bed halfway house/prison release program operated by the Utah State Adult Probation and Parole Office, and a 51-bed Adult Rehabilitation Program containing a 24-bed Residential Substance Abuse Treatment Facility and a 27-bed Residential Substance Abuse Support facility operated by the Salvation Army. You are requesting approval to expand the Residential Substance Abuse Treatment Facility from 24 beds to 48 beds.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
P.O. BOX 145480, SALT LAKE CITY, UTAH 84114-5480
TELEPHONE: 801-535-7902 FAX: 801-535-6174 TDD: 801-535-6021
WWW.SLCCED.COM



On April 2, 2003 the Salt Lake City Zoning Administrator issued an Administrative Interpretation (see attached) stating that the allowed uses on the property are:

- A transitional housing facility that is operated by the Utah Department of Corrections Adult Probation and Parole Office. The transitional housing facility houses parolees not requiring release to a secure facility such as a halfway house. Housing at the facility is offered to low risk offenders who are unable to obtain affordable housing on their own and who are in need of assistance, such as substance abuse treatment, life skills training, job placement and education classes. Sex offenders, offenders convicted of a recent violent offense, and non-compliant offenders are not permitted to be housed at this facility.
- An emergency food, clothing, and furniture assistance program for needy families.
- Family services programs that offer life skills training in personal resource management, nutrition, parenting, English, GED certification and office computer skills.
- Church services in the existing chapel.
- Food preparation in the existing kitchen for transport to an off-site facility.

As shown above, the Administrative Interpretation does not reference the Residential Substance Abuse Treatment or the Residential Substance Abuse Support uses that are currently operating on the property. The Salvation Army opened these facilities in 2003 and at that time the property was zoned R-MU. In the R-MU zoning district, these uses require Conditional Use approval and I can find no record of approval from the City for these facilities.

In order to continue the Adult Rehabilitation program on the subject property you must submit a Conditional Use application and obtain approval from the Salt Lake City Planning Commission. Plans will need to be submitted with the Conditional Use application showing the configuration of the building and the site layout to ensure that the proposal meets zoning requirements, such as parking. The Conditional Use application is attached.

Please contact me if you have questions or require additional information. I can be reached by phone at (801) 535-7282 or by e-mail at wayne.mills@slcgov.com.

Sincerely,



Wayne Mills
Senior Planner

Cc: Wilf Sommerkorn, Planning Director
Pat Comarell, Assistant Planning Director
Luke Garrott, City Council Member, District 4
Larry Butcher, Development Review Administrator
Thomas Mutter, Chair, Central City Community Council

Attachment D: City Division Comments

We have reviewed the application for a conditional use at 252 S. 500 E at the Salvation Army building. We have no objection to the conditional use. The utility services appear to be installed and used in accordance with our policies and standards.

Justin

Justin D. Stoker, PE, LEED® AP
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - justin.stoker@slcgov.com



Please consider the environment before printing this e-mail

June 30, 2009

Ray Milliner, Planning

Re: Petition PLNPCM2009-00619 - Conditional Use for large Residential Substance Abuse facility for the Salvation Army at 252 South 500 East.

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

Per Our DRT review we find no traffic impact to the public transportation corridor of 500 East a special collector roadway.

The parking calculations provided indicate required parking is provided with the required ADA parking provisions. We would recommend that bicycle parking be provided detail F1.f2 per current city standards at 5% of the required vehicular parking requirement.

Sincerely,

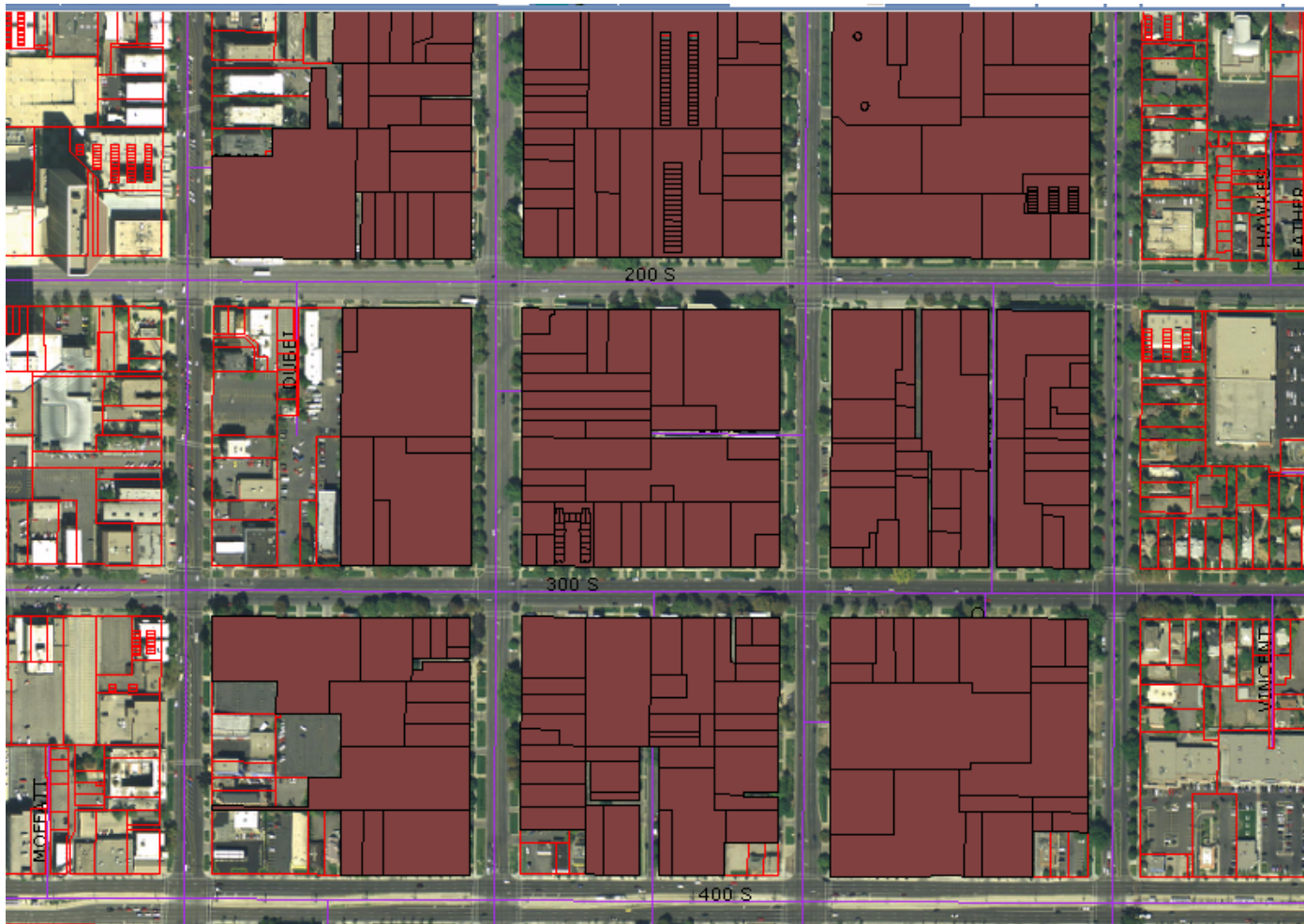
Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, public utilities
Ted Itchon, Fire
Ken Brown, permits
File

Ray,

On, June 29, 2009, the DRT reviewed the application from the Salvation Army for a conditional use permit for a "Large Residential Substance Abuse Treatment Facility," in an RM-U zone, located at 252 South 500 East. The Building Services Division has no issues provided that adequate parking is provided on site.

Attachment E: 800 Foot Survey Map



800 Foot Survey Area. Brown = Properties Surveyed no like uses found