

PLANNING COMMISSION STAFF REPORT



Planning and Zoning
Division
Department of Community
and Economic Development

JANE'S HOME: MANNERS GOLDEN RULE HOUSE CONDITIONAL USE

Case #PLNPCM2010-00594

1229 East South Temple

December 8, 2010

Applicant

Bonnie Phillips

Staff

Ray Milliner

ray.milliner@slcgov.com

(801)535-7645

Tax ID

16-18-302-001

Current Zone

SR-1A – Residential

Master Plan Designation

Avenues

Council District

Council District 3 Stan Penfold

Lot Size

.59 acres

Current Use

Single Family Home

**Applicable Land Use
Regulations**

21.54.080 – Conditional Use

21A.24.080 – SR-1A zone

Notice

Mailed: November 23, 2010

Posted: November 23, 2010

State Web Page: November 23,
2010

Attachments

A. Site Plan

B. Photos

C. Map of Landmark Sites

REQUEST

The applicant, Bonnie Phillips, is requesting conditional use approval for a Reception Center / Office in a designated historic landmark building. The use is designed to be a “congenial place for gathering around the principle of the Golden Rule for respectful dialogue, toward building understanding and community.”

STAFF RECOMMENDATION

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

Conditions of Approval

1. The maximum number of individuals allowed at a single on site gathering shall be 25.
2. The applicant shall provide 5 onsite parking spaces.
3. The purpose of the use is to provide small groups with a location to meet and discuss issues. No large scale reception style gatherings are allowed.
4. A preservation easement in favor of the city shall be placed upon the landmark site.

Vicinity Map



BACKGROUND

The applicant, Bonnie Phillips, is requesting conditional use approval for a reception/office use in a landmark site. The building is the historic Louis L. Terry house, built in 1908. The home is a two story Colonial Revival – Georgian structure with a low hip roof, a heavy cornice, modillions and dentil moldings. The front façade features a prominent center bay topped by a pediment. The entry has a wooden roof railing, and is supported by heavy brick piers. The building has been designated a historic landmark site on the Salt Lake City register of cultural resources based on its age, and architectural design.

The designer of the building was Henry Ives Cobb, who operated a brokerage business in the city. The original owner was Louis Terry, a successful business man who was born in New York and educated in Chicago. He moved to Salt Lake City in 1890 where he operated a number of business ventures including a furniture company, a laundry operation and mining interests.

The structure is located on the north side of South Temple, with the primary entrance facing the street. Vehicular access is from T Street. The lot is large .59 acres, with the primary home, garden area, and a guest house/three car garage. The main building is approximately 4,000 square feet.

The home is in very good condition and is extremely well maintained both on the exterior and interior. It was purchased by the applicant's mother, Jane Dooly Porter, who restored it in 1988 – 1989.

Project Description

The applicant, Bonnie Phillips representing the Golden Rule Foundation, proposes a small reception/office use in a landmark site. The Golden Rule Foundation has partnered with the Common Unity Initiative, Utah Interfaith Council and the Salt Lake Center for Engaging Community with the purpose of creating a pleasant and congenial space for people to have a serious and sincere dialogue toward helping the understanding of issues in the Salt Lake City community. The foundation is a nonprofit organization, and therefore does not have a specific payment requirement for individuals using the home.

The internal floor plan of the home will not change. Meetings will be held primarily on the first floor in the living room, dining room or the sun room. There is also a small space in the basement where meetings could be held. There are bedrooms upstairs that may be occupied by meeting patrons from out of town. No large receptions will be allowed. The applicant has no plans to remove the existing furniture or to modify the exterior structure or grounds.

Comments

Public Comments

This application was reviewed at a public open house on October 18, 2010. The event was attended by 3 individuals, none of whom have provided comment at the time of this writing.

City Department Comments

The proposal was reviewed by all applicable City departments and divisions. Outstanding issues will be addressed as part of the business license process.

ANALYSIS

Section 21A.24.010T Nonresidential use of landmark sites in residential districts:

“Purpose Statement: The purpose of allowing a nonresidential use of a landmark site in a residential district is to preserve landmark sites as defined in subsection 21A.34.020B4. In some instances these sites have outlived their original use as a residential dwelling due to economic conditions, size of the structure, and/or a substantial degree of deterioration of the historic property. Such sites, however, still contribute to the welfare, property and education of the people of Salt Lake City because of their historic, architectural or cultural significance. The planning commission shall consider the allowance of a nonresidential use of a landmark site in a residential district according to the standards outlined in subsection T2b of this section and

pursuant to chapter 21A.54 of this title, in order to ensure that the residential character of the surrounding environment is preserved.”

Nonresidential Use in Residential Zone Standards

In addition to the standards found in Section 21A.54.080 of the Zoning Ordinance, Section 21A.24.010T provides General Standards for Approval of a nonresidential use of a landmark site in a residential zone. Staff has applied these standards to the proposed use, and made the following findings:

Standard 1: 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 for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications together because of the risk of probable demolition;

Analysis: The building is listed as a landmark site in the current Salt Lake City Register of Cultural Resources. The list was most recently updated in 2007.

Finding: The application meets this requirement.

Standard 2: The use is conducive to the preservation of the landmark site;

Analysis: The building is a large two story home with an additional basement and attic. It was restored in 1988-89 and remains in very good condition. Currently no one lives in the home. The applicant proposes to use money generated from users to fund general upkeep and maintenance of the site. Ownership of the structure has no intention of selling the home. The applicant has a strong history of maintaining and preserving the landmark site, staff has no reason to believe that this will not continue.

When the applicant formed the Golden Rule Foundation, it was decided by the owner’s family that the best use of the home would be as a resource for the foundation, providing members and associates with a neutral location to meet and discuss whatever issue was of importance at the time. As a result, title to the building was transferred to the foundation.

Finding: Staff finds that the use of the landmark site for low impact meetings and gatherings, with funds generated from these activities used to maintain the grounds and building is conducive to the preservation of the site.

Standard 3: The use is compatible with the surrounding residential neighborhood;

Analysis: The home faces South Temple, a busy arterial street. As a result, many of the impacts of the use will be tempered as a majority of the visitors to the site will enter from and exit onto South Temple, and not through the Avenues residential neighborhood. The building will remain residential in look and design, and the number of patrons at the home will be limited to 25 persons at a time (see condition of approval 1).

Finding: Staff finds that the negative impacts of the use will be mitigated by the limitation of the number of individuals allowed to enter the site at one time, the location of the site next to South Temple, and by maintaining the residential design of the site and home.

Standard 4: The use does not result in the removal of residential characteristics of the structure or site including mature landscaping;

Analysis: No physical changes to the landscaping, architecture or floor plan of the site and building are proposed.

Finding: The proposal meets this standard

Standard 5: 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 [.34.020K](#) of this title; or
- (C) Excessive size of the landmark site for residential uses allowed in the residential district;

Analysis: The applicant has no plans to demolish the building, nor is economic hardship and issue in this case. Rather, the applicant has determined that the home is too large for her needs, and has therefore, determined that the highest and best use of the home is to accommodate the Golden Rule Foundation.

Further the building and site are much larger than what is normally seen in the SR-1A zone.

Ordinance Requirement	Existing
Minimum Lot Area And Lot Width: 5,000 square feet, 50 feet	25,700 square feet 160 feet.
Maximum Building and Wall Height: 23 feet for a pitched roof. 16 foot wall height	34' pitched roof structure 26' wall height on south facade
Accessory Buildings: a) footprint of up to 480 square feet b) maximum height and wall height: 14'	a) Existing building footprint approximately 1,000 square feet. b) Height approximately 20 feet.

Finding: Staff finds that the change of use is necessary due to the excessive size of the building and site.

Standard 6: 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:

The spatial distribution of:

- A. 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 100 series addresses; and

Research indicates that there are 7 business licenses issued to various properties within 300 feet of the site. All but one faces South Temple. The impact of this use on the neighborhood will be minimized due to the fact that it faces South Temple. This street is wide with a large automotive capacity. As a result the traffic in and out of the site will be easily absorbed. Further, the limitation of the number of individuals allowed on site at one given time will reduce the impact of the use on adjoining neighbors.

- B. Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map of planning communities maintained by the zoning administrator.

Staff has no record of any other conditional uses approved in landmark structures in the same planning community (map of planning community featuring landmark sites attached as exhibit B).

Impacts on neighboring properties including, but not limited to:

1. **Traffic:** The site fronts South Temple, an arterial street that is heavily travelled. As a result, the impact of this use on neighboring properties will be limited. Additionally, there are a number of public transportation lines on South Temple that visitors can use to access the building.
2. **Parking:** See analysis below.
3. **Signage:** No signs are proposed.
4. **Lighting:** No external changes are proposed.
5. **Removal of landscaping:** No changes to the existing landscaping are proposed.

Finding: Staff finds that the use will not have a net cumulative adverse impact on the neighborhood and surrounding structures.

Parking

The number of onsite parking spaces required for the proposed Reception/Office use in a landmark structure is not specifically addressed in Chapter 44 of the Zoning Ordinance. As a result, the Zoning Administrator pursuant to Section 21A.44.060B is authorized to determine that the calculation for parking on the site would be determined per the requirement for an art gallery/museum/museum house, which is 1 space per 1,000 square feet of gross area. In making his determination, the Zoning Administrator applied the following criteria.

Criteria 1: The number of parking spaces required for a use listed in table [.44.060F](#) of the zoning ordinance that is the most similar to the proposed use in terms of the parked vehicles that are anticipated to be generated;

Analysis: the Zoning Administrator determined that the use most similar to that which is being proposed is a museum house. This use is defined as “A dwelling unit which is converted from its original principal use as a dwelling unit to a staffed institution dedicated to educational, aesthetic or historic purposes.” This use is listed in the table 21A.44.060F of the Zoning Ordinance as requiring 1 parking space per 1,000 square feet of gross area.

The proposed use has approximately 5,000 gross square feet of area (4,000 in the home as well 1,000 as the accessory building), and therefore 5 parking spaces are required.

Finding: Staff finds that the applicant meets this criterion as there are 3 parking spaces in the existing garage and 3 on site spaces located in the driveway for a total of 6 spaces, 1 more than is required.

Criteria 2: The square footage to be occupied by the proposed use.

Analysis: For the purpose of this application the gross floor area of the site was considered.

Finding: The proposal meets this standard.

Criteria 3: The number of employees and patrons that are anticipated for the proposed use.

Analysis: The proposed application limits the number of patrons on site at a given time to 25 persons. Because of the low key nature of the use, the number of employees on site will be limited, usually one or two persons. Further, the site is located adjacent to a major public transportation line, is within walking distance of the University of Utah, and located in an area with a significant amount of on-street parking available. As a result, the amount of onsite parking will be sufficient to accommodate the number of patrons and employees that will be on site.

Finding: Staff finds that the project meets this standard.

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 preservation of historically significant buildings is featured as a priority of the Avenues Master Plan. The proposed use is unique, and furthers this goal by utilizing the home in a less impactful way that will preserve the building and grounds while providing the owner with revenue that will fund maintenance and upkeep, which is consistent with the goals of the City's historic preservation program. Further, the project has been reviewed for conformity with all applicable standards, in the Zoning Ordinance as well as the Avenues Master plan and found

compliant. As a result, it is staff's finding that the use will contribute to the overall viability and success of the City.

Finding: Staff finds that the proposed use is consistent with all adopted city plans and ordinance.

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: Access to the site is from South Temple, a major arterial street. There are approximately 6 parking spaces provided on site, as well as parking spaces located in the street. Staff anticipates that traffic to the site will be sporadic as there is no set timetable for specific

activities at the site. Patrons will enter the site from a driveway facing T Street or the front entrance facing South Temple.

Surrounding uses are mixed, including single family residential, multi-family residential institutional, and commercial. Impacts of the use on adjacent properties will be minimal, as there will not be large gatherings on site, and the general mood of the use is subdued.

There are no other conditional uses for a nonresidential use within a landmark site in a residential zone within a ¼ mile radius of the proposed use. As a result, staff finds no detrimental concentration of uses within the exterior boundary of the property.

Finding: Staff finds that the proposed use is compatible with the surrounding uses in character and circulation design.

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 SR-1A zone with office, commercial, institutional and residential uses adjacent. The primary building on site is a two story structure with a pitched roof and is approximately 30 feet in height. The smaller accessory building is a single story small brick structure approximately 20 feet in height. When viewed from the street the site compatible in size and style with other structures along the street. The historic building is a contributory structure to the overall architecture of South Temple, which was featured as a great American Street by the American Planner Association. No changes to the buildings are proposed. As a result, the size of the use will have no impact on the surrounding uses and structures.

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 no further remodeling of the existing building is proposed.

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 use 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 use 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, nonresidential use of a landmark site in a residential district and Section 21A.34.020 historic preservation overlay district. See additional analysis above.

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

Attachment A
Site Plan

Attachment B
Photos



Front view from South Temple



Guest House and 3 Car Garage



Entry from South Temple



Entry from T Street

Attachment C
Map of Landmark Sites

