

PLANNING COMMISSION STAFF REPORT

Christian Center Maranatha of Salt Lake City PLN2008-00206 (410-08-05) 755 West 800 South Hearing date: January 13, 2010



Planning Division
Department of Community &
Economic Development

Applicant:

Maria Novoa and Melquiades Flores

Staff:

Ana Valdemoros, (801) 535-7236
ana.valdemoros@slcgov.com

Tax ID:

15-11-276-006
15-11-276-011

Current Zone:

M-1, Light Manufacturing District

Master Plan Designation:

West Salt Lake Master Plan:
Light Manufacturing Use

Council District:

District 2 – Van Turner

Community Council:

Poplar Grove-Mike Harman, Chair

Lot size: .34 acres (14,810 square feet)

Current Use:

Warehouse

Applicable Land Use Regulations:

- Chapter 21A.28.040 Table Of Permitted And Conditional Uses For Manufacturing Districts
- Chapter 21A.54 Conditional Uses
- Chapter 21A.44.020 (L)- Off-site parking facilities

Notification:

- Notice mailed December 29, 2009
- Sign posted January 3, 2010
- Posted to Planning Dept and Utah State Public Meeting websites December 29, 2009.

Attachments:

- A. Application Submittal
- B. Photos
- C. City Department Comments
- D. Map of Existing Conditional and Nonconforming Uses

Request

This is a request for conditional use approval to convert a warehouse to a place of worship. The proposed place of worship will provide facilities for a meeting house as well as office space for its administration. The property is located at 755 West 800 South in the Poplar Grove Neighborhood of the West Salt Lake Planning Community.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project adequately meets the applicable standards and therefore recommends the Planning Commission approve the application subject to the following conditions:

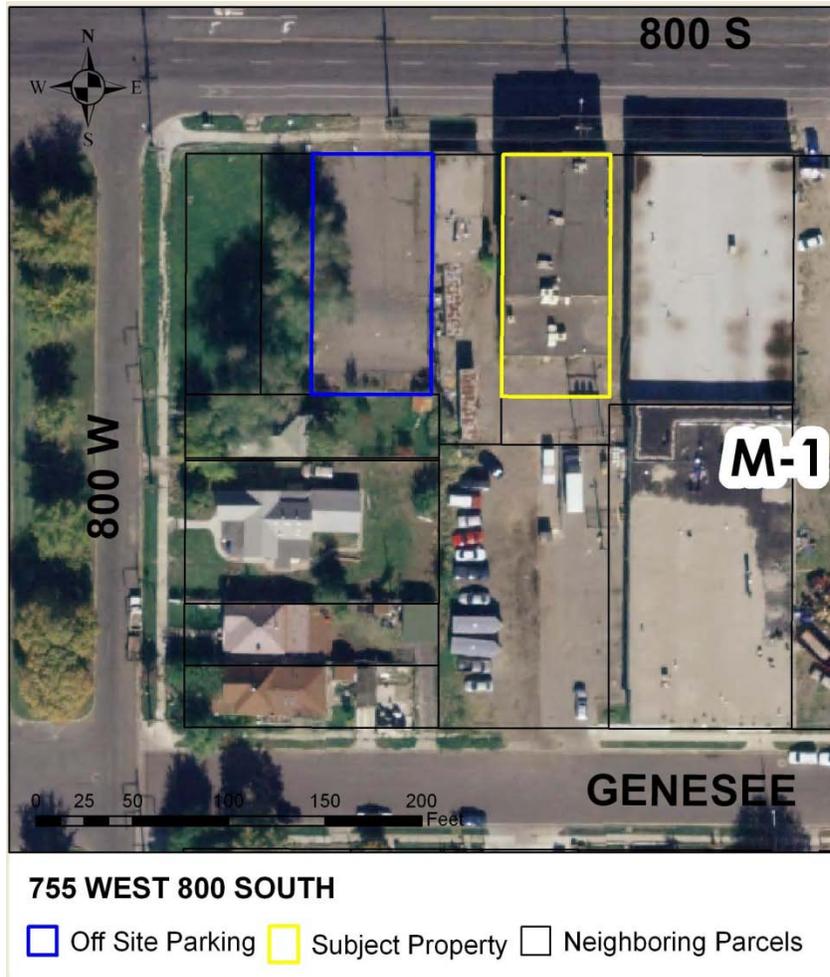
1. Compliance with City Department/Division requirements as addressed in this Staff Report. If additional requirements are stipulated by the City Departments/Divisions for improvements to the structure, the applicant shall satisfy said requirements prior to a Certificate of Occupancy being issued;
2. The applicant shall record an off-site parking agreement with the Salt Lake County Recorder's Office per Chapter 21A.44.020 (L) of the Salt Lake City Zoning Ordinance; and
3. The applicant submit a signed written waiver of spacing requirement stating that they will not object to the location of a social club, tavern, brewpub or microbrewery that wishes to locate within a 600 foot pedestrian travel measurement of the place of worship.

Options

The above recommendation is a favorable recommendation. The Planning Commission may adopt the recommendation as a motion, modify (delete or add) conditions of approval, deny or table the request.

The Planning Commission may deny the request if it finds that the anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. If the Planning Commission finds that this is the case, it must make finds to that end.

VICINITY MAP



Background

Project Description

Mr. Melquiades Flores and Maria Novoa are requesting approval to convert an existing warehouse into a place of worship with accessory administrative offices, located at 755 West 800 South. Parking will be provided off site at 773 West 800 South (two parcels west of the place of worship site). The applicant was using the property as a place of worship without first obtaining the required conditional use and therefore, an enforcement case was started. Enforcement is on hold pending the outcome of the conditional use request.

The subject site has been used as storage space, offices and other industrial uses since 1927. The block has also hosted residential and commercial uses during those years. The most recent use, prior to the purchase by Mrs. Novoa, was a warehouse. Since 1995, the entire block has been zoned M-1 (Light Manufacturing). There are four single family residential units located on northwest side of the block (with frontage on 800 West) as well as vacant lots and other light manufacturing type uses in the area. The proposal would be the second place of worship to be located within one-half mile in this neighborhood. The other place of worship is the Sumum Church located at 707 West Genese Avenue.

The parking requirement for a Place of Worship is one (1) parking space for each five (5) seats in the main auditorium or assembly hall. The building holds 150 seats in the main assembly hall and therefore, the parking requirement is 30 off-street parking stalls. The applicant's site plan identifies two off-street parking stalls on

the subject property. In addition, the applicant owns a parcel within 100 feet of the subject property for off-site parking. Off-site parking which is within 500 feet of the subject property is a permitted use within the M-1 zoning district. The applicant's site plan indicates 28 parking stalls on the associated lot. This equates to 30 off-street parking stalls which meets the requirement of the zoning ordinance for this place of worship. The ordinance requires that private possession of off-street parking facilities may be either by deed or by long term lease. The deed or lease shall require the owner and / or heirs, successors or assigns to maintain the required number of parking facilities for the duration of five (5) years minimum contractual relationship. The applicant has submitted the required documentation relating to the deed.

In addition, there is a requirement in the M-1 zoning district (21A.28.040 footnote 6, that states "*if a 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.*" The intent of this regulation is to ensure that places of worship, which are allowed in most zoning districts, do not preclude the location of an alcohol establishment which has limited areas in which it can locate. According to current State Law, a place of worship cannot sign a spacing waiver to object if the alcohol establishment is located within 200 feet of a straight line measurement between the alcohol establishment and the place of worship, but it could sign such a waiver if it is within a 600 foot pedestrian travel measurement of the place of worship. As a condition of approval, staff recommends the applicant be required to sign a statement that they will not object to the location of an alcohol establishment within a 600 foot pedestrian travel measurement of the place of worship.

The subject property is located on a City arterial street (800 South). Access to the Place of Worship property, as well as the off-site parking, is via 800 South. The Transportation Division has reviewed the request and determined that the proposed use would not have a detrimental impact on the adjacent streets.

The main hours of operation for the place of worship are on Sundays from 7:00 am to 6:30 P.M. Evening activities associated with the Place of Worship during the week may also occur. The Place of Worship does not directly abut residential land uses. However, the off-site parking lot abuts a residential property to the south. This parking lot has existed since at least 1981 and therefore, current landscaping requirements, including buffers, are not required. Single family homes are considered a legal non-conforming use in the M-1 zoning district.

Comments

Public Comments

On April 10, 2008 the applicant and Planning Staff attended the Poplar Grove Community Council to provide an opportunity for the council to comment on the request. The community council comments were favorable to the applicant's request and had no objections. No written comments were provided.

Mr. Robert Sheldon, the property owner to the west, submitted comments about the shared driveway and access in the back of his property. The neighbor has expressed his concerns to staff personally. Staff clarified the facts and regulations of the project with Mr. Sheldon relating to his concerns.

City Department Comments

Staff routed the proposal to the applicable City Departments and Divisions on February 20, 2008. Their comments are attached as "*Attachment D*". In general, the departments had no objections to the proposed development but provided specific improvements or modifications required according to their respective area of development oversight.

Analysis and Findings

Standards for Conditional Uses; *Section 21A.54.080*

- A. **General Standard for Approval:** A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.
- B. **Specific Standards:** A conditional use shall be approved unless the evidence presented shows that one or more of the standards set forth in this subsection cannot be met. The Planning Commission, or in the case of administrative conditional uses, the Planning Director or the Director's designee, 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.*

Analysis: The subject property is located within the West Salt Lake Community Master Plan area. The Light Industrial (M-1) zoning district is a designation that provides an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting. The Future Land Use Map of the adopted West Salt Lake Master Plan of 1995 identifies the block bounded by 800 S, 900 S, 700 W and 800 W for use by light industrial uses; however, there are four existing single family residences in the same block.

Finding: The operation of a place of worship produces no appreciable impact on adjacent properties. Even though the proposal is not industrial in nature, a place of worship is allowed in the zone. The proposed use is compatible with the surrounding uses. The request, with the recommended conditions of approval, satisfies this standard.

- B. *Allowed by the zone where the conditional use will be located or by another applicable provision of this title.*

Analysis: Places of Worship may be allowed as a Conditional Use in the M-1 zoning district as shown on the Table of Permitted and Conditional Uses for Manufacturing Districts in the Salt Lake City Zoning Ordinance (Section 21A.28.040). As a condition of approval, staff is of the opinion that the applicant should be required to submit a signed written waiver stating they will not object to an alcohol establishment locating within 600 feet of a pedestrian travel measurement from the place of worship. Off-site parking within 500 feet of the subject property is a permitted use in the zone.

Finding: The project satisfies this standard. As a condition of approval, the applicant should be required to submit a signed written waiver stating they will not object to the location of an alcohol establishment within 600 feet of a pedestrian travel measurement from the place of worship.

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 the following:

- 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;*

Analysis: The subject property is located on a City arterial street (800 South) The City's Transportation Division has reviewed the proposal and determined the street has the carrying capacity to serve this type of use without becoming degraded.

Finding: The project satisfies this standard.

- 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;*

Analysis: The proposed use would be located in an existing structure at 755 West 800 South. Some of the parking stalls will be provided behind the structure and accessed by an existing shared driveway directly west of the structure. The majority of the required parking stalls will be located off site at an existing parking lot, less than 500 feet away, at 773 West 800 South, accessed from 800 South. The off-site parking lot parcel is owned by the applicant. The orientation of the driveway and parking lot will not impact the safety, purpose, and character of the street. Sidewalk exists between the proposed place of worship site and the off-site parking. As per the zoning ordinance, Section 21A.44.020 L 4, the applicant has filed the required documentation to ensure at least a five year minimum agreement to use the off-site parking facility for the place of worship.

The hours of peak traffic to the proposed use will most likely be on Sundays and some nights where church related activities may be held. Staff is of the opinion that the hours of peak traffic generated from the proposed use would not unreasonably impair the use and enjoyment of adjacent property.

The applicant stated that the place of worship meetings will be held on Sundays from 10:00 am to 6:00 pm and other related activities will be held at nighttime from 7:30 to 10:00 pm. It is not anticipated that the proposed use would create noise, light, or other nuisances that would unreasonably impair the use and enjoyment of the adjacent residential properties.

Finding: The project satisfies this standard.

- 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;*
Analysis: The proposed Conditional Use will utilize an existing warehouse structure. There is no internal circulation system other than a driveway that would be used to access the parking stalls in the rear of the property and would not impact adjacent properties.
Finding: The project satisfies this standard.
- 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;*
Analysis: Existing utility and public services have been deemed adequate by the City's Public Utilities Department.
Finding: The project satisfies this standard.
- 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*
Analysis: The proposed Conditional Use would utilize an existing structure and the functions of a place of worship would occur inside the structure. The Place of Worship does not directly abut residential land uses. Staff is of the opinion that additional mitigation measures would not be required to protect adjacent land uses from the operations of the use at the building. However, the off-site parking lot abuts a residential property to the south. This parking lot has existed since at least 1981 and therefore, current landscaping requirements, including buffers, are not required. Single family homes are considered a legal non-conforming use in the M-1 zoning district. The Planning Commission should determine whether buffering at the south end of the off-site parking lot should be required as part of the conditional use request. Due to the size of the parking area, and the applicant's desire to have approximately 150 seats in the assembly hall, buffering could be provided through the erection of a site proof fence between the off-site parking lot and the abutting residential land use to the south. If the Planning Commission determines that landscaping should be included, the applicant may need to decrease the number of seats in the main assembly hall to decrease the number of off-street parking stalls required for the use.
Finding: The project satisfies this standard. The Planning Commission may determine that buffering of the residential land use south of the off-site parking lot is required and if so should determine what buffering is appropriate to mitigate the impacts of the parking lot.
- 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: A map showing the subject property with existing non-conforming and conditional uses is attached as Exhibit D. There is an existing conditional use "place of worship within ¼ mile of the proposed use at approximately 707 West Genese Avenue . Staff is of the opinion that places of worship, such as the existing and proposed place of worship do not become a detrimental concentration of similar uses.
Finding: The project satisfies this standard.

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;*

Analysis: The proposed use would utilize an existing structure. The location of parking lots and access ways would not change from what currently exists on-site and offsite and is characteristic of the surrounding manufacturing properties.

Finding: The project satisfies this standard.

- 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*

Analysis: There is no proposal to physically change either the structure or off-site parking lot.

Finding: The project satisfies this standard.

- c. *Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.*

Analysis: The proposed use is located in a light manufacturing area zoned M-1. The majority of the uses are manufacturing in nature although there are four residential dwellings on the block. Single-family dwellings are a non-conforming land use in the M-1 zoning district. The majority of the built environment is warehouses and manufacturing structures. The proposal is to be located in an existing warehouse structure therefore, the intensity, size, and scale of the use is compatible with surrounding uses.

Finding: The project satisfies this standard.

- 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 Conditional Use would not result in new construction or substantial remodeling of a commercial or mixed-use development.

Finding: The standard is not applicable.

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;*

Analysis: It is not anticipated that the proposed use would emit any known pollutant into the ground or air.

Finding: The project satisfies this standard.

- b. *Not encroach on any river or stream, or direct runoff into a river or stream;*

Analysis: The project is not located next to a river or stream.

Finding: The project satisfies this standard.

- c. *Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;*

Analysis: Staff is not aware of any hazards or potential for damage to adjacent properties.

Finding: The project satisfies this standard.

d. *Be consistent with the type of existing uses surrounding the subject property;*

Analysis: The proposed use is situated in a light manufacturing neighborhood. The proposed use will be reusing an existing warehouse for the function of a place of worship. Staff finds that the reuse of this particular structure, as well as the occasional use by the attendees is consistent with the surrounding light manufacturing uses.

Finding: The project satisfies this standard.

e. *Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.*

Analysis: Staff can find no evidence that the proposed use would improve the character of the area by encouraging reinvestment and upgrading of surrounding properties; however, the property owner has maintained and improved the existing landscaping. Staff is also of the opinion that the use would not negatively impact surrounding properties.

Finding: The project satisfies this standard.

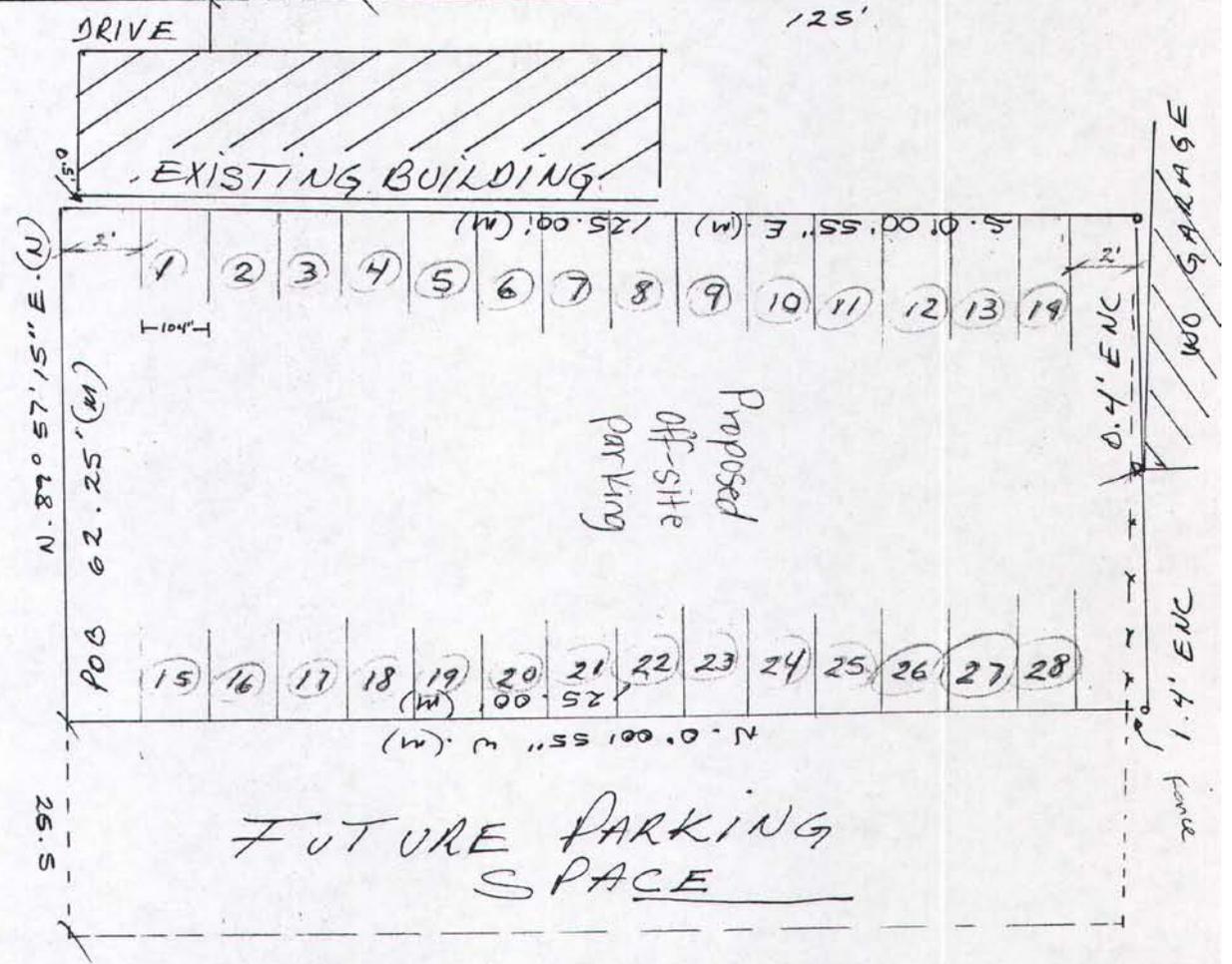
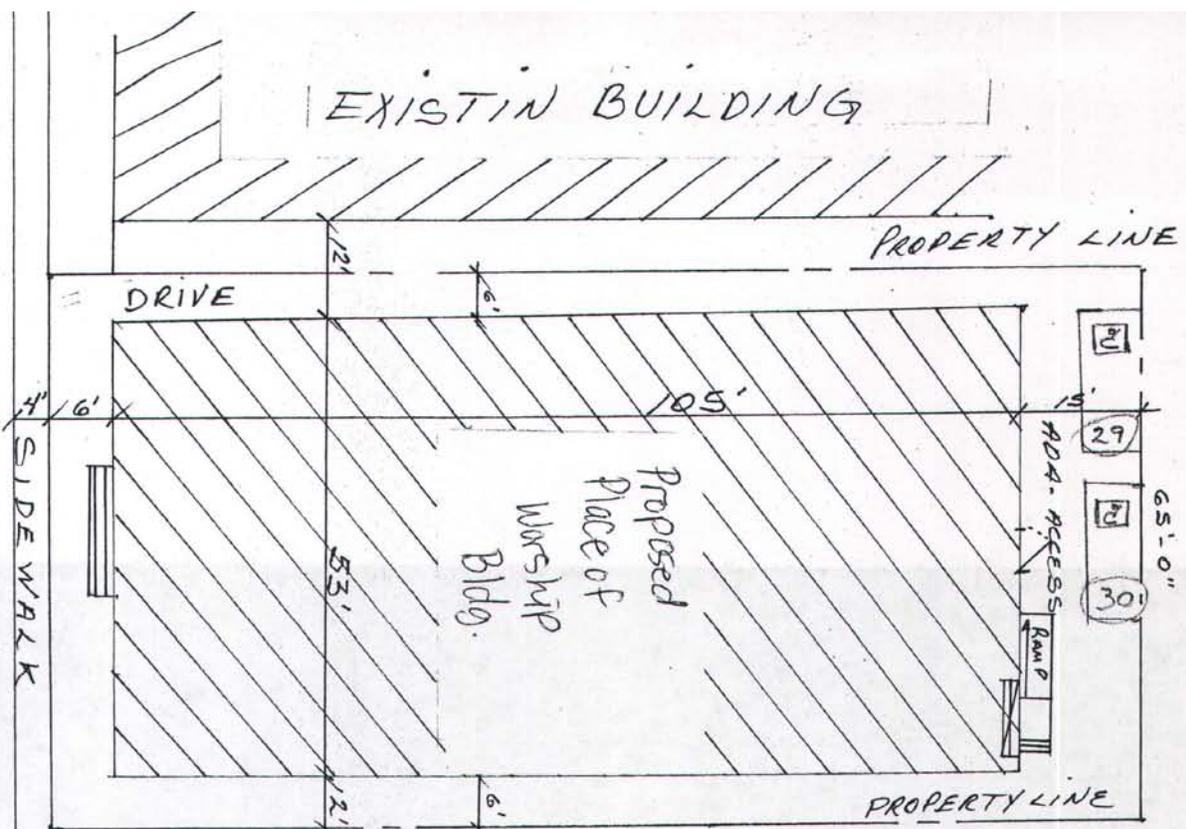
5. Compliance with Other Applicable Regulations

The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Analysis: All buildings and required improvements to the site must be reviewed and receive proper permits from the City. Through these permitting reviews, compliance with all applicable code and ordinance requirements will be confirmed.

Finding: The project satisfies this standard.

Attachment A
Application Submittal



755 W 8005.

765 W

773 W 8005.

Attachment B
Photos



Existing Structure to house Place of Worship



Location of Off-site Parking Lot

Attachment C
City Department Comments

Airport noted that since the address is not in an established Salt Lake City airport influence zone, the project does not create any observed impacts to airport operations.

Building Services noted that several issues need to be addressed by the applicant prior to issuance of a building permit in the last DRT meeting. Issues include that the fire code and building code personnel review the proposal to determine the occupant load and whether requirements for additional exiting, accessibility, fire sprinkling and seismic upgrade can be met. The division also noted that the applicant should provide a site plan showing how off-site parking is being address. Also, that the applicant provides a copy of the recorded off-site parking agreement and existing and proposed parking calculations to document the percentage of intensification of use to insure that there is adequate parking. The proposed use as a place of worship requires 1 parking stall for each 5 seats in the main assembly hall plus parking for any additional uses. If the intensification of use is greater than 50 % additional landscaping requirements contained in Chapter 21A.48 will apply. The applicant also needs to address how trash will be removed and may need a public way review for improvements to comply with ADA access requirements from off-site parking.

Engineering performed an on site inspection and everything within the public way is in adequate shape.

Fire did not submit any comments.

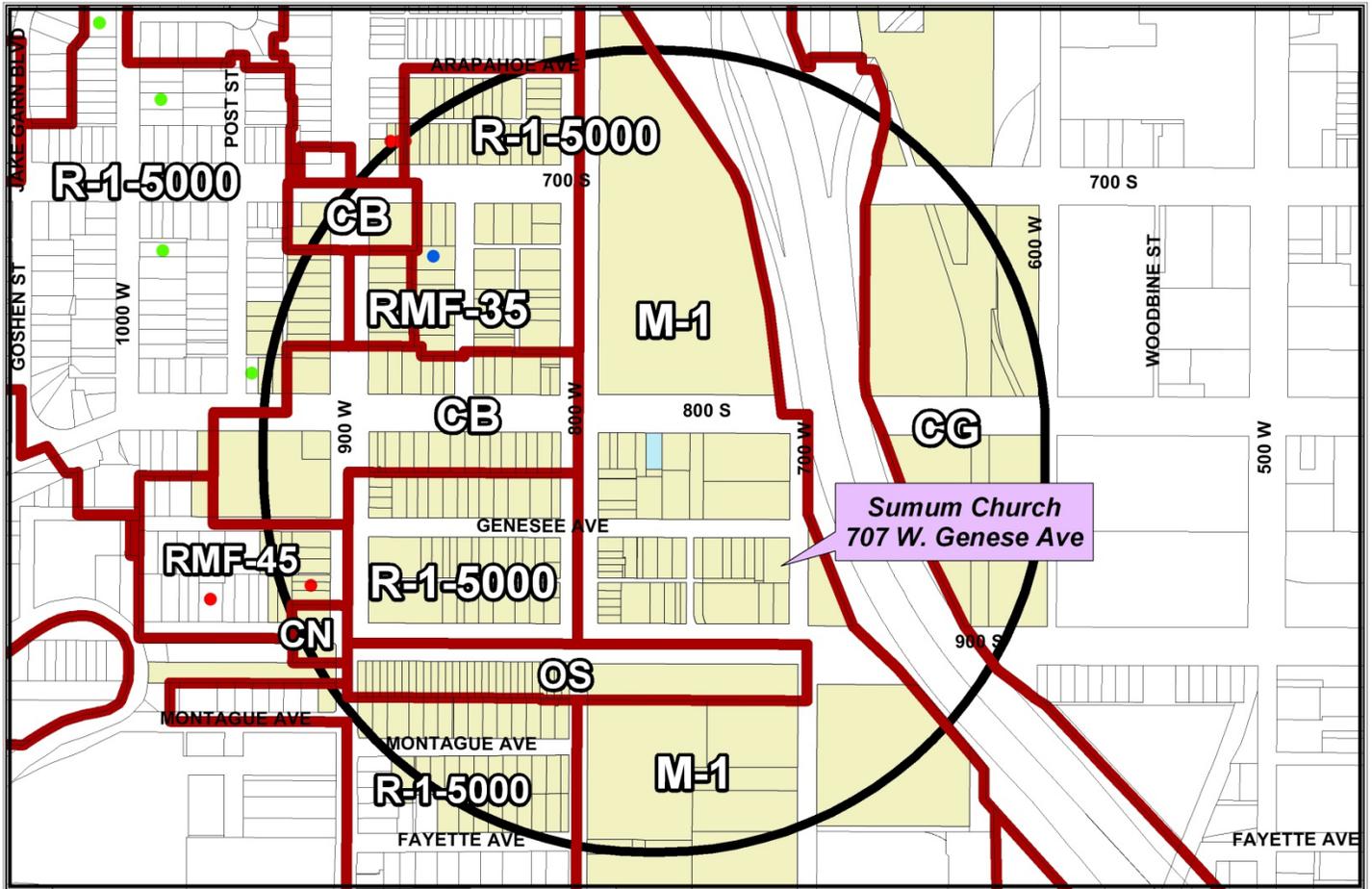
Police did not submit any comments on this petition.

Public Utilities has reviewed this conditional use request and finds no conflicts with water, sewer or storm drainage.

Transportation has noted that the property has no on site parking. There was a past proposal (4/24/2006) to convert an Office Warehouse use to a full Office use with the parking to be provided off site at 773 West under the same ownership.

Zoning Enforcement requested that the applicant approach the Planning Division and submit a Conditional Use application in order to operate in this Zoning District.

Attachment D
Map of Existing Conditional and Nonconforming Uses



- Conditional Uses in Residential Districts
- 3-4 Dwelling Units NonConforming Uses
- Multi-Family NonConforming Uses
- Commercial/Office NonConforming Uses
- Subject Properties
- 1320 Foot Buffer around the Subject Property
- Parcels that Intersect the 1320 Foot Buffer around the Subject Property

