

PLANNING COMMISSION STAFF REPORT

Burton Professional Office Conditional Use

1433 South 1100 East

July 14, 2010

Petition PLNPCM2010-00243



Planning Division
Department of Community and
Economic Development

Applicant: Brad Ashworth

Staff: Nick Britton, 535-6107
nick.britton@slcgov.com

Tax ID: 16-17-208-029

Current Zone: RB (Residential
Business)

Master Plan Designation
*Central Community Master
Plan*
Low density residential / mixed
use

Council District
Council District 5, Jill
Remington Love

Lot Size
4,688 square feet

Land Use Regulations
Salt Lake City Code:
Section 21A.24.160
Chapter 21A.54

Notice
Mailing notice: July 2, 2010
Property posted: July 2, 2010
Agenda published: July 2, 2010

Attachments

- A. Proposed Site Plan
- B. Proposed Elevations
- C. Department and
Division Comments
- D. Community Council
Comments
- E. Photographs

Request

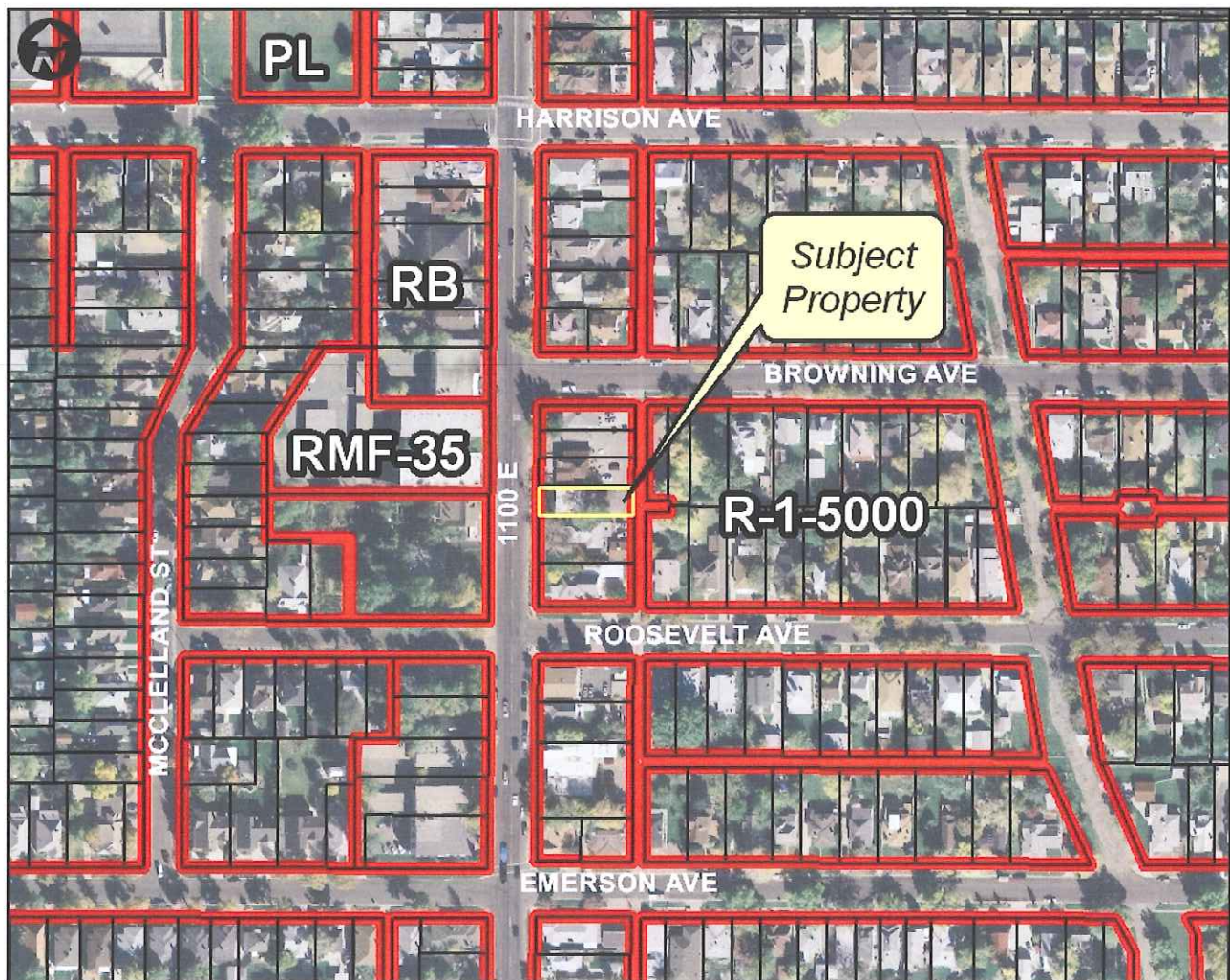
Brad Ashworth, on behalf of Aspen Grove Investments, is requesting conditional use approval for an office building at 1433 South 1100 East. The property is zoned RB. The existing two-story building will be renovated and a third story will be added. The building will be home to mental health professional offices.

Recommendation

Based on the findings of this staff report, staff recommends that the Planning Commission approve the request for a conditional use for a professional office at 1433 South 1100 East subject to the following conditions:

1. Applicant must comply with all departmental and division comments found in this staff report and its exhibits.
2. Any exterior lighting incorporated in the renovation should be appropriately shielded to minimize the impact on neighboring properties to the east.

Vicinity Map



Analysis

Background Information

The subject property is a 4,688 square foot lot that is zoned RB. The applicant is proposing a renovation of the existing building for its use as a professional office for mental health counseling and therapy. Salt Lake City considers this use a professional office use instead of a medical office use, which has an impact on the amount of off-street parking required. The existing building will be renovated and an additional story will be added to the building, bringing the height of the building to 29'-6". The height limit in the RB zone is 30' or two and a half stories. The building will retain the same footprint it currently has with some slight modifications to the front landing and front access.

The total building area will be 3,345 square feet. Because this property is in the RB zoning district, and because a bike rack has been proposed within 100 feet of the entrance, this development qualifies as "pedestrian friendly development," per Section 21A.44.020M of the zoning ordinance. As a result, the first 2,500 square feet of the building's area can be exempted from parking calculations. General office

uses, per Table 21A.44.060F, require 3 spaces per 1,000 for the main floor and 1¼ spaces per 1,000 square feet for each additional level. The applicant submitted the following calculations, which were verified by staff:

$$3,345 \text{ s.f.} - 2,500 \text{ s.f.} = 845 \text{ s.f.} = 282 \text{ s.f.} / \text{ floor}$$

Main Level:	(3 spaces / 1,000 s.f.) * 282 s.f. = 0.846 spaces
Lower Level:	(1.25 spaces / 1,000 s.f.) * 282 s.f. = 0.352 spaces
Upper Level:	(1.25 spaces / 1,000 s.f.) * 282 s.f. = 0.352 spaces

$$0.846 \text{ spaces} + 0.352 \text{ spaces} + 0.352 \text{ spaces} = 1.55 \text{ spaces} \approx \mathbf{2 \text{ spaces}}$$

Only two spaces are required for the development as it has been proposed. The applicant has provided three spaces, one of which is an ADA accessible parking space, behind the building which are accessible from the alley. Additionally, there is parking on the street along 1100 East.

The property abuts a single family residence to the south and a restaurant with a drive through to the north. Additionally, there is a day care on the block face and an apartment building, single family home, and a small business across 1100 East. Previously, the subject property was approved for a conditional use for a restaurant on May 24, 2006, but the restaurant was never built (Petition 410-06-11). Prior to that, it was a place of worship.

Master Plan Discussion

The subject property is found in the *Central Community Master Plan*, adopted in November of 2005. The parcel has a future land use of "low [density] residential / mixed use." The proposal meets the future land use but requires conditional use approval.

Public Comments

The applicant met with the East Central Community Council on June 9, 2010 and with a group of neighbors at the subject property on June 30. The full comments from the East Central Community Council are found in Exhibit D. In general, the comments regarding this project were as follows:

- While 1100 East is a mix of residential and commercial, the majority of the properties in the immediate area are single family residential, especially the properties that abut the subject property to the east. There is concern for impacts of this development bleeding into the neighborhood.
- More lighting or other security methods in the alleyway to mitigate construction and off-hours issues such as crime, abandoned cars, etc.
- Concerns regarding the design and the height of the proposed building.

Department & Division Comments

A summary of comments received from the department and division reviews is listed below. Full comments are found in Exhibit C.

- A. Public Utilities:** Public Utilities had no objection to the proposal.
- B. Transportation:** Transportation indicated that the proposal met the parking requirements but expressed concern about the parking at the site.
- C. Engineering:** Engineering noted that some park strip and curb and gutter improvements would be necessary.

- D. Building Services:** Building Services noted that various building code regulations must be met in the final building plans.

Analysis and Findings

Conditional Use Standards

Conditional uses are subject to the standards found in Section 21A.54.080(B) of the Zoning Ordinance, which states that a “conditional use permit 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, 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, and
 - b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Analysis: The *Central Community Master Plan* future land use plan provides direction on the future development in the area where the subject parcel is found. Specifically, the subject property is designated as “low [density] residential / mixed use.” The zoning in the same area is “RB”, Residential Business, which is consistent with the future land use designation. Offices for mental health services are considered “general offices” by Salt Lake City and general offices are conditional uses in the RB zoning district, which requires additional review by the Planning Commission.

Finding: The proposed office building is consistent with the *Central Community Master Plan* and general office uses are conditional uses per Table 21A.24.190.

- 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.

Analysis: A majority of properties along this stretch of 1100 East are zoned RB, which is consistent with the applicable master plan. Across the street from the subject property there is a large parcel with an apartment building that is zoned RMF-35 (multi-family residential) and a small neighborhood business. Properties that do not front 1100 East along the crossroads, such as Browning Avenue and Roosevelt Avenue, are typically zoned R-1/5,000 (single family residential). This property was a place of worship and subsequently approved for a conditional use for a restaurant that was never built. It has been vacant recently. There is a restaurant to the north and a single family residence to the south. To the east of the property, across an alley, there are single family homes, and to the west, across 1100 East, there is an apartment building and a small business. Public Utilities reviewed the proposal and had no objections.

Access to the site will be primarily from 1100 East (via pedestrians, bicyclists, or on-street parking) or via the alley way between Browning and Roosevelt Avenues. The proposal meets the required parking with three parking spaces located behind the building, but it is reasonable to suspect that people visiting the building will use street parking along 1100 East as well. It should be noted that the Transportation Division reviewed the proposal and found that it met the parking requirements but expressed some concerns about the availability of parking (see Exhibit C). The anticipated hours of operation for this office building will be 8:00 AM to 6:00 PM and the applicant indicates that there will be five total employees on site: 3 full-time therapists and 2 part-time therapists. No additional landscaping has been shown on the submitted site plan. However, the Planning Commission may want to require additional lighting in the rear of the property as a condition of approval. If lighting is added, it should be property shielded or buffered so there is no impact on the neighbors to the east.

Additionally, according to the Planning Division's data, there was a conditional use approved for the Whisper's Café drive-through, which is immediately north of the subject property. There have been no other conditional uses approved (or pending approval) within a ¼ mile of the subject parcel. A survey of the existing uses reveal no prominent or obvious non-conforming uses in the area.

Finding: Staff finds that the proposed office building is compatible with the surrounding neighborhood after consideration of the abutting streets and means of access, the anticipated traffic patterns or intensities, the internal circulation system, the necessary utilities and public services, the buffering and anticipated impacts of the use, and the concentration of conditional uses and non-conforming 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.

Analysis: The proposal includes a renovation of the existing building and the addition of a second story (bringing the total height to two and a half stories and 29'-6"). Currently, the building is a one and a half story stucco building with very little articulation or relief. The proposed building has siding, multiple surface materials and textures, and more appropriate façade design. The applicant has stated that this design was not the preferred design but with the existing building's setbacks and orientation the lot, this was the best solution that met the zoning ordinance. Additionally, while the proposal is taller than the existing building, the extra height meets the regulations of the zoning ordinance and is in keeping with other building heights in the immediate area. Staff believes that the renovation will change the exterior of the building to look more compatible with the surrounding residential neighborhood. However, there has been some concern from the neighborhood about the compatibility of the new building and the additional height (see Exhibit D).

The parking lot is located behind the building, accessible via an alleyway, which is consistent with commercial buildings in the RB zone, and there is no evidence that the new use will result in a loss of privacy, objectionable views, or any other major visual impacts. Furthermore, despite the addition of another story, it is not anticipated that the use will be any more intense than a number of other uses that are permitted in the RB zone, including retail good establishments and multi-family buildings. The proposal meets applicable standards set forth in Chapter 21A.59, including pedestrian-oriented design, architectural detailing, and parking lot standards.

Finding: The proposed design of the building, including the intensity, size and scale, is consistent with the surrounding neighborhood and an upgrade from the existing building.

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.

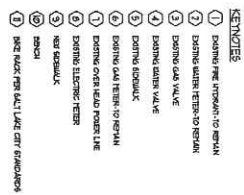
Analysis: There is no evidence that the requested conditional uses would emit any pollution, encroach on or direct runoff into any river or stream, or introduce any hazard or potential for damage to adjacent properties. The use, as proposed, is consistent with the nature of the surrounding neighborhood and the RB zoning district.

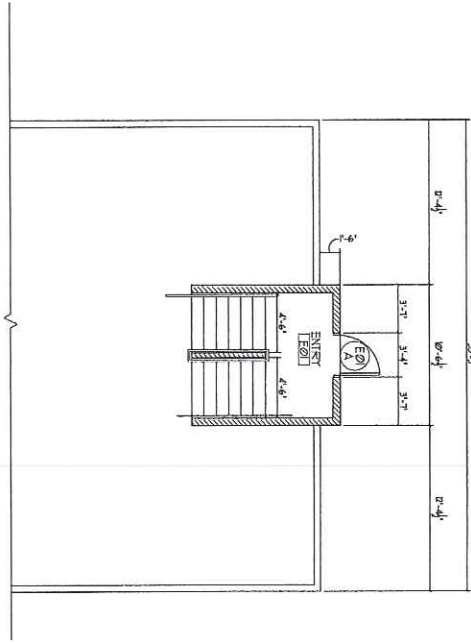
Finding: The proposal meets this standard.

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

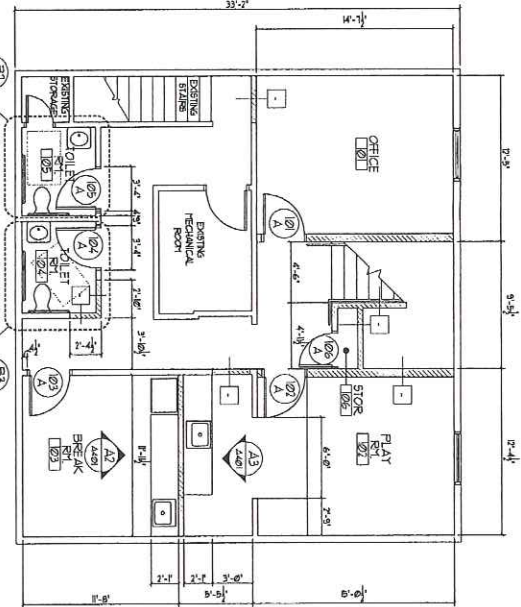
Analysis: Staff does not find any other zoning ordinance requirements that would apply to the request.

Finding: The proposal meets this standard.

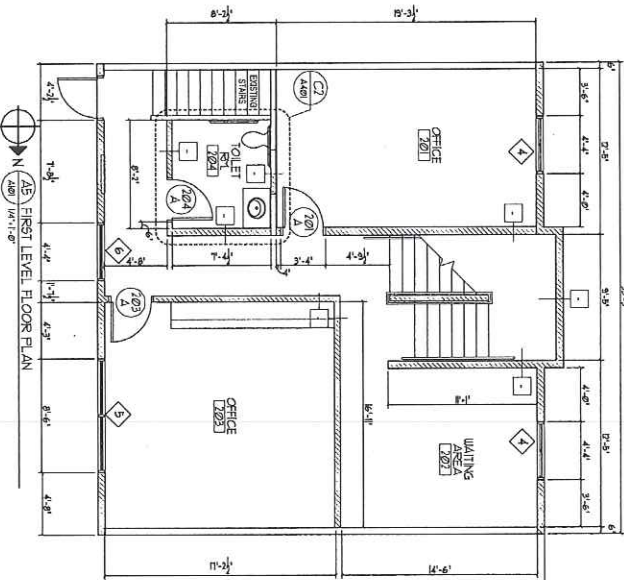




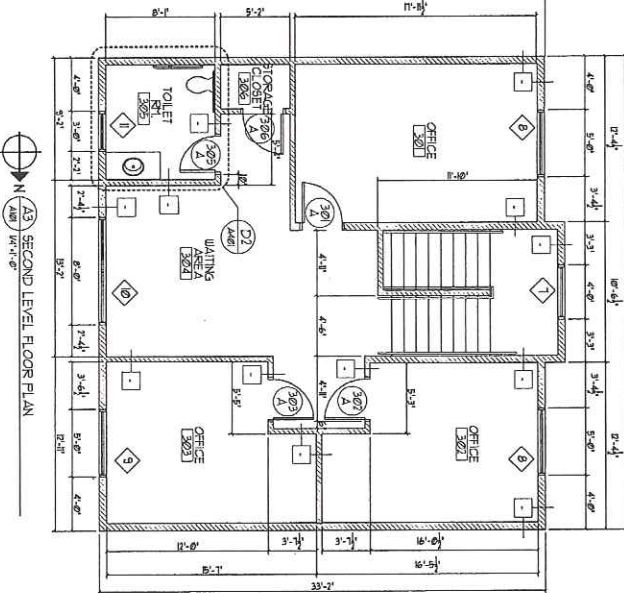
ENTRY FLOOR PLAN



BASEMENT FLOOR PLAN



FIRST LEVEL FLOOR PLAN



SECOND LEVEL FLOOR PLAN

- LEGEND:
- WALL TYPE - SEE WALL TYPES SHEET
 - DOOR TYPE - SEE DOOR SCHEDULE
 - △ WINDOW TYPE - SEE WINDOW SCHEDULE
 - ▬ EXISTING WALL
 - ▬ REINFORCED CONCRETE WALL
 - ▬ SEE WALL TYPES



BURTON CLINIC

1433 SOUTH 1100 EAST
SALT LAKE CITY, UTAH



SL&A ARCHITECTS
ARCHITECTS
1433 SOUTH 1100 EAST, SUITE 200
SALT LAKE CITY, UT 84143
PHONE: (801) 333-0000

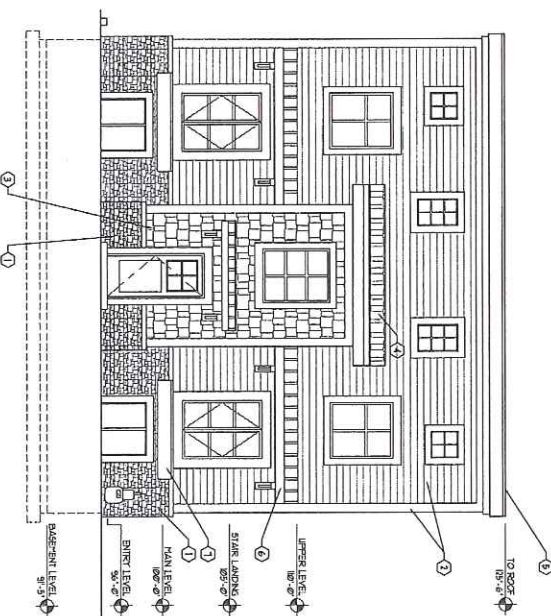
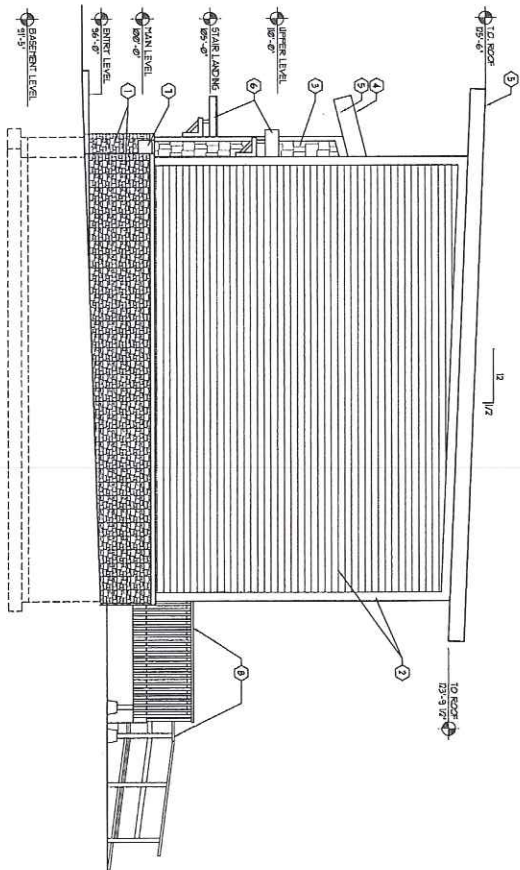
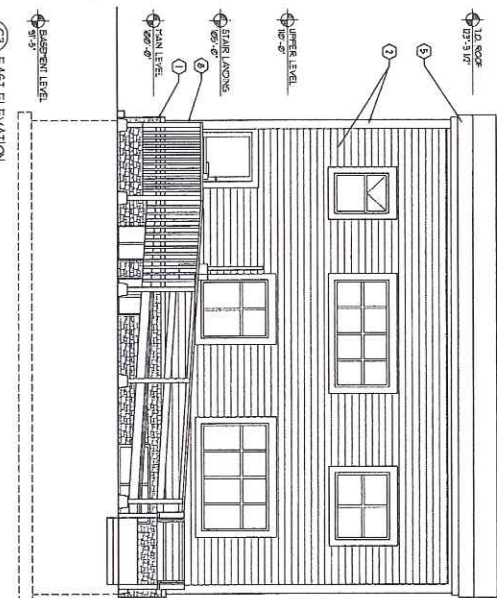
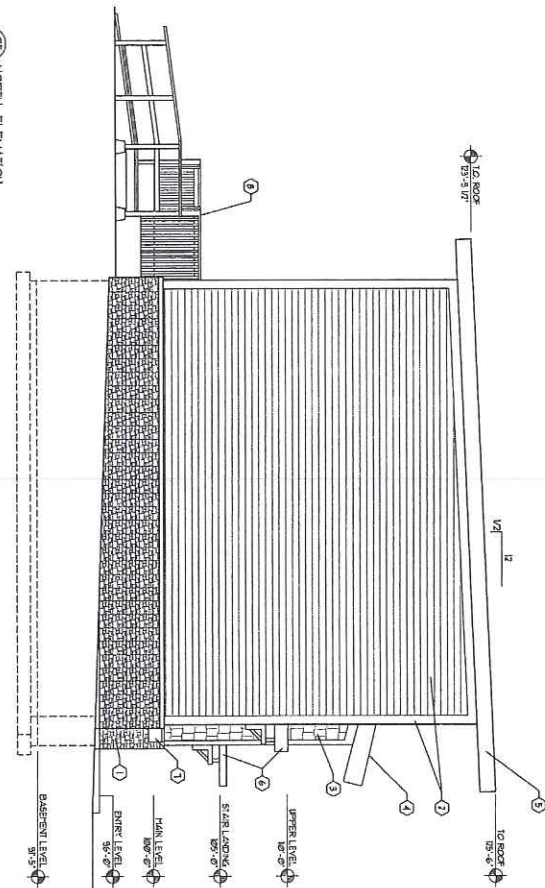
NO.	DATE	DESCRIPTION

A101



1433 SOUTH 1100 EAST
SALT LAKE CITY, UTAH

- ## KEYNOTES
1. NOMINAL 7" STICK VENEER
 2. PRE-FINISHED CERAMITICUS LAP SIDING AND TRIM
 3. PRE-FINISHED CERAMITICUS SHAKE SIDING
 4. ASPHALT SHINGLES
 5. PRE-FINISHED METAL FLASHING
 6. WOOD TRIMMELS-PAINTED
 7. WOOD PLANTER BOXES-PAINTED
 8. EXISTING ACCESSIBLE RAMP-PAINT

[illegible]

A201



WEST ELEVATION

BURTON CLINE
1433 SOUTH 1100 EAST
SALT LAKE CITY, UTAH
SL&A Architects
634 South 400 West
Salt Lake City, UT

Exhibit C

Department/Division Comments

Public Utilities:

We have no objection to the proposed change of use.

Engineering:

Applicant must replace all of the curb and gutter on the 1100 East frontage as per APWA 205A and 251. Also, the two non-functional carriage walks must be removed and replaced with material applicable to park strip improvement. Applicant's licensed, bonded and insured contractor must obtain a Public Way Permit prior to beginning the above mentioned work. Site plan showing said improvement to be submitted for approval.

Building Services:

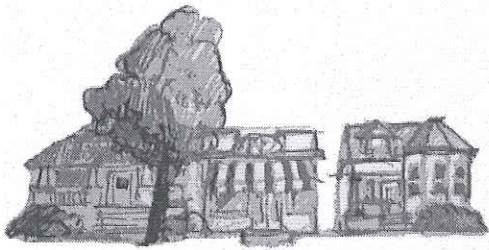
The plans were reviewed for zoning and building code compliance. There were no comments received regarding zoning. Building code review is as follows:

1. Building must meet parapet requirements of IBC 704.11.
2. Due to proximity to property lines, fire ratings of north and south must comply with IBC Table 602.
3. Drinking fountains and a service sink are required per IBC Table 2902.1 and 1109.5.
4. Based on IBC 1020.1, the interior stairways connecting the basement, main floor, and upper floor must be enclosed.

Transportation:

The division of transportation review comment and recommendation is as follows:

The site indicates building a new building with six offices, two waiting reception areas and a Play Room. The standard parking requirement for an office use would be 3 parking stall per 1,000sf for the first floor and 1.25 stalls per 1,000sf for the other floors. This development is proposing to use the pedestrian friendly parking compensation credit by providing a bike rack and a pedestrian bench which will cut the parking requirement in half to only three parking stalls on site. The 1100 East frontage will only allow one on street parking space due to the Fire Hydrant location. Though this does meet the new parking requirements and 1100 East is a Bus Route, we feel that notice should be given that parking will be of concern for this establishment.



East Central Community Council District

July 5, 2010

Nick Britton, AICP

Salt Lake City Planning Division

Salt Lake City Corporation

Concerning: PLNPCM2010-00243
Burton Professional Office Conditional Use

The East Central Community Council District listed and discussed this application on the June agenda of the general membership meeting. Dr. Burton's representative and a City Planner were present.

The ECCC agenda is mailed, distributed by hand and by email to the general membership by each neighborhood organization of the ECCC. The general membership did not take a vote on June 10th for this request but instead deferred further discussion and recommendations to the East Emerson Neighborhood Organization.

Individual comments follow.

The following is a summary of the individual comments that were received from the general membership, the immediate neighbors and the immediate neighborhood:

- There is extensive neighborhood appreciation to Dr. Burton for his efforts to upgrade the building, bring his practice to this building and the intent to establish and maintain the landscape. The building has been empty and has been a blight to the area because the landscape and upkeep of the building have not been in place.
Dr. Burton will primarily practice family and couples counseling in this building. Overall, the neighbors are excited to see the building "occupied".
Nevertheless there is the request that all efforts be made to mitigate negative impacts to the adjoining residential neighbors and neighborhood. While the strip of 11th East on this block is "growing commercial", it immediately abuts a developed residential area.
Dr. Burton agreed and stated that he and his wife want to be a good neighbor.
- There is an understanding from Dr. Burton that due to the configuration of the existing lot, the City setback requirements and the existing building, several design approaches that were preferred were not possible due to the current City regulations.
The request is that the building be designed to be compatible with the residential neighborhood.

- There is considerable neighborhood concern regarding the alley behind the building due to amount of drug deals, abandoned cars, etc. in this area. While it is much better to have day time occupancy than an empty building, the neighbors were concerned about the problems this office building use will bring during off hours. Are there security measures that can be taken to avoid problems such as security cameras or motion lights?
- Concern regarding impacts from parking bleeding into the neighborhood especially since so much of 11th East is becoming a commercial strip. Hope for shared parking options or other ways to limit parking impacts into the established neighborhood as well as a request for added screening of the parking area visible from the streets and neighborhood.
- Construction Mitigation- the neighbors asked for weed control and construction mitigation during the renovation and addition to the building. They were concerned that the weeds be kept down during construction, being considerate of neighbors and alley usage during construction and business hours, the problem of the abandon car in the back lot and lighting in the back parking/alley area. There have been extensive drug deals in the alley and they asked Dr. Burton help keep an eye on this. What can be done when the office is empty?
- Request that Dr. Burton consider incorporating more than the required lighting to help with crime in the alley.
- Request for compatible design to the neighborhood
- Concern about the placement and design of the wheelchair ramp
- Can the conditional use permit limit hours of operation in the future should this office be used for other purposes? Current plans end business use at 5pm. Since the conditional use runs with the land is there a way to limit future hours to day time operation?
- One neighbor expressed concern about the second story height blocking sun light.

In summary, while there are many individual questions and come concerns, the ECCC and Dr. Burton agreed to maintain a good relationship as this project develops. The ECCC is in general support of the conditional use permit but asks that the Planning Commission consider the input provided by the neighbors and putting in place appropriate mitigation for the abutting residential neighborhood. Should the use change significantly, can this it be brought back to the ECCC for input?

Thank you for considering these comments.

Sincerely,

Gary Felt
Co-Chair, ECCC

CC: Dr. Mark Burton
Brad Ashworth
Esther Hunter
Kate Bradshaw
ECCC – CDLU
Salt Lake Planning Commission
Jill Love

