

**Atlas Architects Change of Use**  
Conditional Use Review PLNPCM2010-00481  
Located at approximately 327 East 300 South  
Hearing date: December 8, 2010



Planning and Zoning Division  
Department of Community  
Development

**Applicant:**  
Chris Ogura

**Staff:**  
Ana Valdemoros 801-535-7236  
ana.valdemoros@slc.gov.com

**Tax ID:**  
16-06-252-008

**Current Zone:**  
R-MU (Residential Mixed Use)

**Master Plan Designation:**  
Central Community Master Plan  
High Mixed Use (50+ du/a)

**Council District:**  
District 4 – Luke Garrott

**Lot size:** 0.15 acres or 6,534 sq ft

**Current Use:**  
Dry Cleaner (front bldg) Office  
(back bldg)

**Applicable Land Use Regulations:**

- Chapter 21A.24.170 R-MU Zoning District
- Chapter 21A.54.080 Conditional Use

**Attachments:**

- A. Site Plan
- B. Site Photos
- C. Department comments

**REQUEST**

This is a request by Chris Ogura for conditional use approval to change the use from a dry cleaner business to a small office. The proposal will reuse an existing structure as a small architecture office. The property is located at 327 East 300 South in the R-MU Zoning District in the Central City 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:

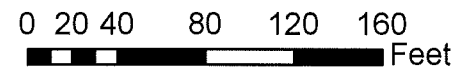
1. Comply with Health Department requirements for cleanup of chemicals from previous dry cleaner.
2. Record a cross access agreement to share entirety of existing driveway with adjacent property.
3. Compliance with other City Department/Division requirements as addressed in this Staff Report.

VICINITY MAP



**327 EAST 300 SOUTH**

Subject Parcel  Neighboring Parcels



## **Background**

Mr. Chris Ogura is requesting approval to change the use from a dry cleaners to a small architecture office at approximately 327 East 300 South in the Central City Planning Community. The parcel currently contains two buildings and is zoned R-MU Residential Mixed-Use. The structure in the back is a two story building of approximately 2,500 square feet built in 1922. The front structure is 784 square feet built in 1946.

The applicant proposes to convert the front building, which is used as dry cleaners to a small office for an architecture firm. The structure in the back is currently being used as office space. The adjacent land uses include several office buildings with a variety of sizes and scales, as well as other retail services, government related uses and banks in the area mostly zoned R-MU. The R-MU zoning district requires conditional use approval for offices and government-related uses and therefore any similar existing uses prior to the implementation of the R-MU zone in 2005 are now non-conforming uses because they did not receive conditional use approval.

The applicant proposes to change the use of the front building from dry cleaners to an office, which is a conditional use in the R-MU Zoning District. Conditional uses in residential zoning districts are required to be reviewed by the Planning Commission.

## **Discussion**

The proposal would convert a retail service use to a small scale office. The property abuts a parking lot to the west and a residential multifamily building to the east. The property is located in a residential mixed use neighborhood that contains a high concentration of retail services.

The parking requirement for a general office is 3 spaces per 1,000 square feet gross floor area for the main floor plus 1<sup>1</sup>/<sub>4</sub> spaces per 1,000 square feet gross floor area for each additional level, including the basement. Based on the total office space of both structures which is 3,284 square feet, the off street parking requirement is 8 stalls. The applicant has redesigned the existing parking layout in order to accommodate 8 stalls, including one ADA accessible stall and this arrangement has been satisfactory to the Transportation Division.

## ***Public Participation***

### **Public Comments**

Staff contacted the Central City Community Council on October 11, 2010 and the Chair, Mr. Thomas Mutter deemed unnecessary for this project to be presented at their regular meeting since it was rather simple. At the time of this staff report writing, staff has received no objections, concerns, or comments from citizens or the pertinent Community Council.

### **City Department Comments**

Comments were solicited from the following City departments: Building and Licensing Services, Fire, Public Utilities, Property Management, Transportation, Engineering, Airport, Police and Zoning. Most departments provided comments regarding the requests and provided specific improvements or modifications required

according to their respective area of development oversight. Those requirements are listed in 'Attachment C' of this report.

## ***Analysis and Findings***

### **Staff Analysis (Conditional Use)**

#### 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 East Downtown Master Plan adopted in 1995 and the Central City Master Plan adopted in 2005. Both Master Plans have identified this area for High Density Mixed Use development to promote higher density commercial use and medium to high density housing, especially adjacent to light rail stations in the downtown area. The High Density Mixed Use designation allows 50 or more dwelling units per acre with multiple level retail sales and service, office space, clinics and similar related land uses.

**Finding:** Staff is of the opinion that the reuse of an existing structure as a small office contributes to the establishment of a mixed use residential neighborhood as identified in the Central City Master Plan. The proposal sufficiently satisfies this standard.

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

**Analysis:** The project is located in the R-MU Residential Mixed Use zoning district. The purpose this zone is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale

activity while acknowledging the need for transit and automobile access. A small office providing architectural services is allowed in the zone. Moreover, there are other similar uses in the area and the proposal would be compatible with the surrounding uses. The proposal includes the reuse of an existing building that already facilitates the creation of a walkable urban neighborhood.

**Finding:** The request meets this standard since a small scale office is listed as conditional use in the zone. Moreover, a small office constitutes one of the supportive services identified in the purpose of the base zone and reutilizing such small scale structure promotes and emphasizes pedestrian scale activity.

## 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 has frontage on 300 South which is a special collector class roadway. The Transportation Division stated that the change from a dry cleaners to an architectural office does not present a marked change in trip generation.

**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 front structure and will be accessed through an existing 9'10" driveway on 300 South. All 8 required parking stalls will be provided behind the second structure (to the north) and accessed through the driveway. Staff is of the opinion that the existing driveway and parking lot layout will not impact the safety, purpose, and character of the street nor will it adversely affect the reasonable use of adjacent property.

The applicant stated that the small scale office would operate everyday from 8:00 am to 5:00 pm, which is similar to the surrounding uses in the area.

**Finding:** 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 commercial properties as their uses are similar. 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 reuse the existing structure as well as the existing rear parking lot and driveway access. There is no internal circulation system other than the driveway used to access the parking stalls in the rear of the property. The relatively small scale nature of the use will not create any foreseen adverse impact on adjacent properties. Occasionally, the narrow width of the driveway could lead to stacking issues in 300 South when a vehicle is trying to enter the site while another is exiting. However, as part of the conditions of approval, a cross access agreement with the adjacent multifamily property must be recorded in order to share the entire existing driveway to prevent any adverse impact from motorized traffic.

**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 use abuts other similar commercial land uses and it is not anticipated that the operation of this small scale office would produce excessive light, odor or any other disturbances that would differ with the operations of the surrounding uses.

**Finding:** The project satisfies this standard.

- 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:** The proposed use is considered an office. This use is in compliance with the purpose the R-MU Zoning District, which was applied to a large part of the neighborhood in 1995, in order to prevent large scale office buildings. Within ¼ mile radius from the subject property, there are other nonconforming uses including 8 or more offices built prior to the existing zoning regulations. At the time these uses were built, they were permitted uses. Currently they are non-conforming uses in the R-MU district. The proposed small scale office contributes to the nature of the district and does not constitute part of a detrimental concentration of office uses in the area.

**Finding:** Staff is of the opinion that while there are several other office buildings in the area, the proposed small scale office would not constitute to the detrimental concentration of non-conforming or conditional uses and therefore 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 784 square foot structure with frontage on 300 South. The location of the parking lot in the rear and access driveway would not change from what currently exists on-site. The low intensity nature of the use does not mark a change in trip generation or access to the site.

**Finding:** Planning staff and Transportation staff does not anticipate negative impacts produced by the new use in terms of site design, parking lot or access ways. Therefore the proposal 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:** The proposed use will not result in the loss of privacy nor will it disturb views or create sounds of loading and unloading areas different than what already exists as the result of neighboring uses.

**Finding:** The project meets 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 intensity, size, and scale of the development associated with the proposed small scale office will not change since it will be located in an existing structure.

**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 will not result in new construction and therefore a review according to the conditional building and site review standards is not necessary.

**Finding:** The proposed use will be located in an existing structure, thus this 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 east of downtown within a commercial and multifamily area. The proposed use will be similarly to the existing surrounding uses.

**Finding:** The project complies with this standard.

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



**Analysis:** The proposed use will be located in an existing structure which design and setbacks contribute to the pedestrian friendly orientation of the neighborhood. The reuse of this building to house a small scale office would encourage pedestrian transit and would contribute to the purpose of the zoning district which is to foster a high density mixed use neighborhood.

**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 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'**

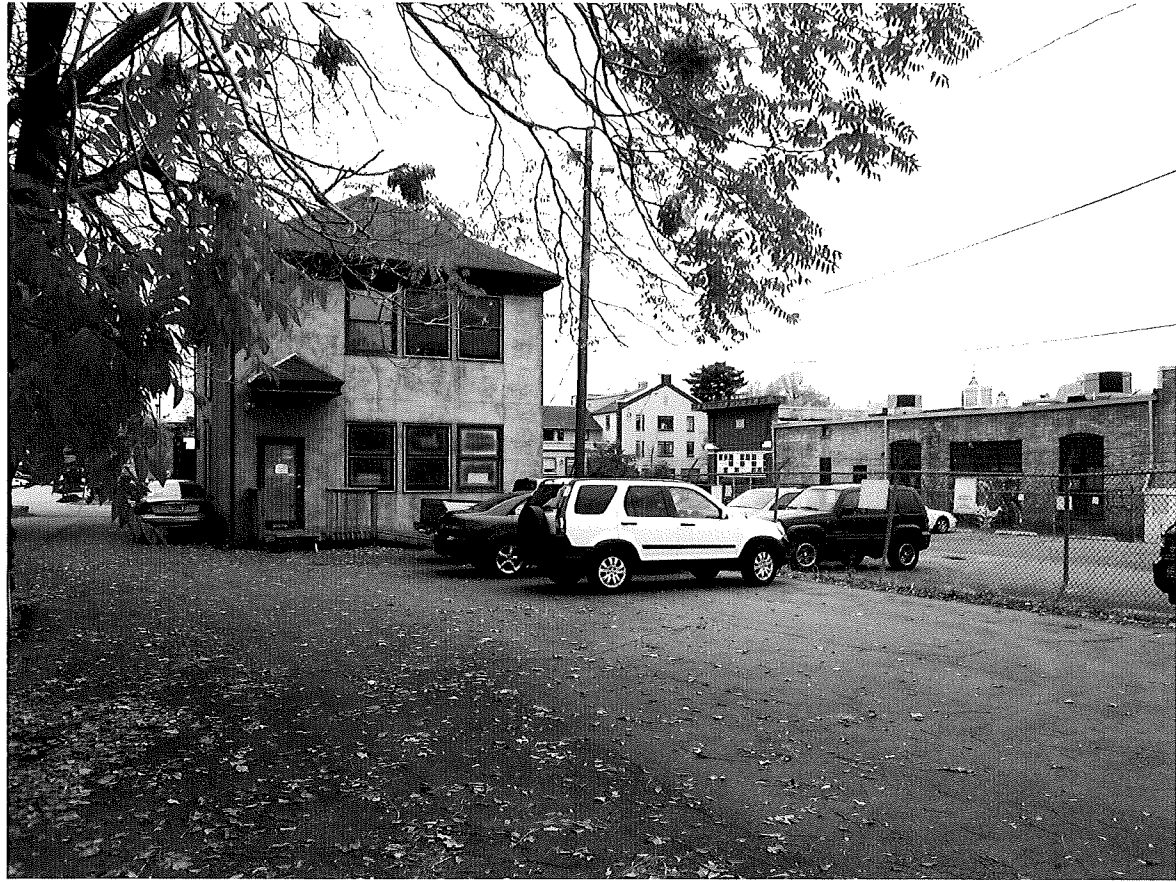
**SITE PLAN**



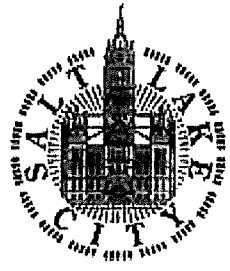
**ATTACHMENT 'B'**

**SITE PHOTOS**





**ATTACHMENT 'C'**  
**DEPARTMENT COMMENTS**



**Work Flow History Report**  
**327 E 300 S**  
**PLNPCM2010-00481**

Date	Task/Inspection	Status/Result	Action By	Comments
7/21/2010	Staff Assignment	In Progress	Anglin, Anna	
7/27/2010	Staff Assignment	Assigned	Norris, Nick	
7/29/2010	Staff Assignment	In Progress	Valdemoros, Ana	
7/29/2010	Staff Assignment	In Progress	Valdemoros, Ana	7/29/10 Attempt to notify applicant by phone and number provided did not go through. Emailed applicant of project assignment and notified that the review will be done the week of Aug 3, 2010 in order to corroborate no additional information is needed and it is ready to be routed.
8/2/2010	Staff Assignment	Incomplete	Valdemoros, Ana	8/2/10 Mr. Ogura, has been notified by email today to answer a few questions regarding the current use of either building before the project can be routed.
8/10/2010	Staff Assignment	In Progress	Valdemoros, Ana	8/10/10 applicant submitted the conditional use applicant.
9/9/2010	Planning Dept Review	In Progress	Valdemoros, Ana	
9/9/2010	Staff Assignment	Routed	Valdemoros, Ana	
9/21/2010	Building Review	Complete	Butcher, Larry	All construction must meet applicable building codes.
9/21/2010	Transporation Review	Complete	Walsh, Barry	<p>September 21, 2010</p> <p>Ana Valdemoros, Planning</p> <p>Re: Petition PLNPCM2010-00481 for Atlas Architects Conditional Use Request at 327 East 300 South.</p> <p>The division of transportation review comments and recommendations are as follows:</p> <p>300 South is a special collector class roadway. The change form a dry cleaners to a Architectural office does not present a marked change in trip generation. The parking changes presented are to remove one parking stall from the existing 8 stalls and convert to an ADA accessible stall providing 7 stalls. They have also indicated the addition of bike racks. Per the parking calculation submitted the site only requires two parking stalls with the MU zone reduction for the first 2500 s.f. and 3/1000 thereafter (21A44.020 M), which brings the site closer to the overall transportation alternatives and parking compliance.</p> <p>Sincerely,</p> <p>Barry Walsh</p> <p>Cc Kevin Young, P.E.            Scott Weiler, P.E.            Ted Itchon, Fire            Peggy Garcia, Public Utilities            Larry Butcher, Permits            File</p>



9/22/2010	Engineering Review	Complete	Drummond, Randy	<p>TO: ANA VALDEMOROS, PLANNING DIVISION</p> <p>FROM: RANDY DRUMMOND, P.E., ENGINEERING</p> <p>DATE: SEPT. 22, 2010</p> <p>SUBJECT: Atlas Architects Conditional Use Request - 327 East 300 South PLNPCM2010-00481</p> <p>SLC Engineering's review comments are as follows:</p> <p>This is a proposal to change the use from a dry cleaner to an architect's office. The building fronts on 300 South which is fully improved with curb, gutter, sidewalk and asphalt pavement as required. We find no additional work to be required for approval.</p> <p>cc: Scott Weiler Brad Stewart Barry Walsh Vault</p>
9/22/2010	Zoning Review	Complete	Michelsen, Alan	Must provide pedestrian friendly amenities as per 21A.44.020.M. Any construction activity will require a building permit.
9/23/2010	Fire Code Review	Complete	Itchon, Edward	
9/29/2010	Public Utility Review	Complete	Stoker, Justin	follow health department requirements for cleanup of chemicals from dry cleaner to office.
11/3/2010	Planning Dept Review	In Progress	Valdemoros, Ana	
11/8/2010	Community Council Review	Complete	Valdemoros, Ana	
11/8/2010	Community Open House	Complete	Valdemoros, Ana	
11/8/2010	Planning Dept Review	Complete	Valdemoros, Ana	
11/8/2010	Police Review	Complete	Valdemoros, Ana	
11/8/2010	Staff Review and Report	Draft	Valdemoros, Ana	
11/9/2010	Staff Review and Report	Management Review	Valdemoros, Ana	
11/15/2010	Staff Review and Report	In Progress	Valdemoros, Ana	