

**PLANNING COMMISSION STAFF REPORT
ADMINISTRATIVE ITEM**



Planning Division
Department of Community
and Economic Development

**Hoopes Vision
Conditional Use PLNPCM2012-00389
109 E. South Temple
August 8, 2012**

Applicant: Property Reserve Inc., Owner

Staff: John Anderson, 535-7214,
john.anderson@slcgove.com

Tax ID: 09-31-380-031

Current Zone: R-MU
Residential Mixed Use

Master Plan Designation:
Avenues Master Plan –
Residential Mixed Use

Council District: Council
District 3, Stan Penfold

Community Council: Greater
Avenues

Lot Size:
0.94 acres

Current Use: Mixed Use

**Applicable Land Use
Regulations:**

- Chapter 21.28
- Section 21A.54.080

Attachments:

- A. Site Plan
- B. Photographs
- C. Applicant Information
- D. Division/Departmental Comments

Request

The applicant, Property Reserve Inc., is the owner of an existing building located at 109 E. South Temple and is requesting conditional use approval for a medical office located at the address. A medical office is a conditional use in the R-MU Residential Mixed Use District. Hoopes Vision desires to renovate the space and locate an office in one of the ground floor suites. The Planning Commission is the final decision-making authority for conditional uses.

Recommendation

Based on the analysis and findings, the Planning Staff recommends the Planning Commission approve the conditional use approval for a medical office at 109 East South Temple Street be granted subject to the following conditions:

1. Any conditions listed in division/departmental comments.
2. Sufficient off street parking is provided that meets the standard in Table 21A.44.060.F.

Recommended Motion

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed conditional use for a medical office with the following conditions:

1. Any conditions made in division/departmental comments.
2. Sufficient off street parking is provided that meets the standard in Table 21A.44.060.F.

VICINITY MAP



Background

Project Description

The building located at 109 East South Temple is a mixed-use structure with ground floor offices and retail and multi-family residential dwellings above. The ground floor suites of the building have, in the past, housed retail and general uses, both of which are permitted uses in the R-MU Residential Mixed Use District.

The owner of the property has proposed to locate an office for Hoopes Vision in an existing suite. Hoopes Vision is a company that specializes in vision correction and other similar medical procedures. The applicant has already applied for a building permit to renovate the space to house their office. During the zoning review required for a building permit, it was required of the applicant to apply for a conditional use approval as medical office is listed as a Conditional Use in the R-MU zoning district.

Project Details

Regulation	Zone Regulation	Proposal
Use	Residential Mixed Use	Medical Office
Density/Lot Coverage	20% open space requirement	Proposed medical office is located in an existing structure. No changes proposed to lot coverage.
Height	75 feet	Proposed medical office is located in an existing structure. No changes proposed to height of the structure
Front/Corner Yard Setback	None	Proposed medical office is located in an existing structure. No changes proposed to setbacks.
Rear Yard Setback	None	Proposed medical office is located in an existing structure. No changes proposed to setbacks.
Side Yard Setback	25% of lot depth but need not exceed 30 feet.	Proposed medical office is located in an existing structure. No changes proposed to setbacks.

Public Notice, Meetings and Comments

The applicable application information and a request for comment were sent to the adjacent community councils. The property is located at the intersection of four community councils: Greater Avenues, Capitol Hill, Downtown and Central City. Because of this the project was placed on the agenda for the Planning Division Open House which was held on July 19, 2012. No comments were received at the open house and no other comments have been received from the public regarding this proposal.

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on July 30, 2012.
- Public hearing notice posted on property on July 30, 2012.
- Public hearing notice posted on City and State websites on July 30, 2012.
- Public hearing notice emailed to the Planning Division list serve on July 30, 2012.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment D. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition except for the condition of ensuring that there is sufficient parking to meet the standards for the proposed use.

Analysis and Findings

Findings

21A.54.080 B. Specific Standards: 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 Avenues Future Land Use Map provides direction on the future development in the area where the subject parcel is found. Specifically, the subject property is designated with a future land use designation of Residential Mixed Use. The zoning on the property mirrors the future land use designation. The proposed use is consistent with this master plan as it is conditionally permitted in the R-MU Residential Mixed Use

Finding: Staff finds that the proposed medical office use is consistent with the master plan and is allowed in the RMU zoning district..

- 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: The subject parcel is located on a busy corner in a highly developed portion of downtown. The proposed medical office is located in an existing mixed use structure on the corner of South Temple Street and State Street. The proposed medical office would occupy 1,536 square feet on the ground floor of the structure.

The adjacent properties on the block are also owned by Property Reserve Inc. and house a mixed use residential structure to the north and an office structure to the west. In the greater neighborhood, the LDS Church Headquarters campus is located to the west across State Street, a large office development and the City Creek Center are located southwest of the project.

Both State Street and South Temple have been designated in the Salt Lake City Transportation Master Plan as arterial streets. The area has a high concentration of pedestrian traffic. The Transportation Division did not indicate that the proposed conditional use would have a significant impact on the service level of either street.

The applicant stated on the application that the office would be provided with five off-street parking stalls. The Zoning Ordinance in Table 21A.44.060.F, states that for medical or dental offices that a minimum of five parking stalls per 1,000 square feet of gross floor area are required. The proposed office at 1,536 square feet would require seven parking stalls. As the proposed use shares a parking structure with multiple uses, the applicant believes that he will be able to allocate two more parking stalls to ensure that the use meets the parking standard.

Public Utilities has reviewed the proposal and has not indicated any deficiencies with the utilities that will continue to serve the site.

Finding: Staff finds that the proposed medical office is compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located if the applicant can meet the required off-street parking standards.

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 proposed medical office will be located in an existing mixed-use structure. All changes will occur in the interior of the building.

Finding: Staff finds that the proposed changes are consistent with the regulations of the R-MU zoning district and are compatible with the surrounding parcels.

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 proposed conditional use for medical office will not generate any negative environmental issues and will be consistent with the types of existing uses in the same structure and in neighboring properties.

Finding: Staff finds that the proposed conditional use for medical office will meet 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: The applicant as a condition of approval must ensure that there is sufficient off street parking that meets the standard outline in the Zoning Ordinance. The applicant appears to be in compliance with all other code or ordinance requirements.

Finding: Proposal will be compliant with all other applicable regulations after completing all conditions of approval.

Board/Commission Options

If the conditional use is approved the applicant may then proceed to submit an application for a building permit to complete their planned renovation for the space and eventually occupy the space with a medical office. Any conditions listed in the Planning Commission's motion would be applicable prior to the issuance of a building permit.

If the conditional use for the proposed expansion is denied, the space could be occupied those uses that are permitted in the R-MU zoning district such as retail, retail services or office (excluding medical or dental).

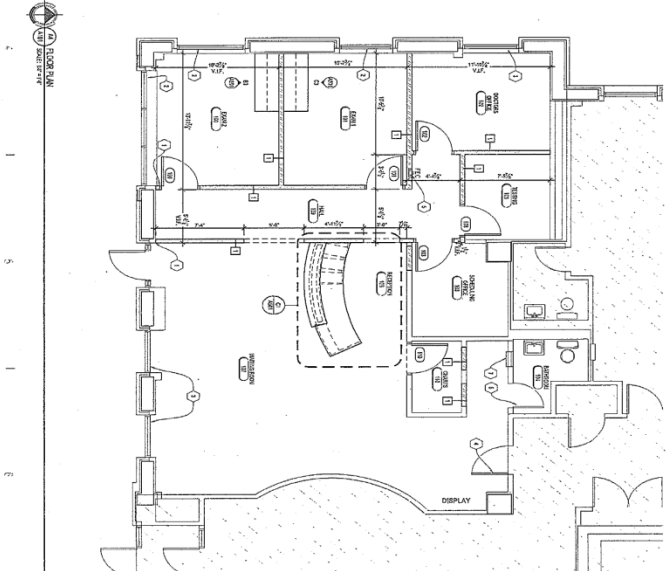
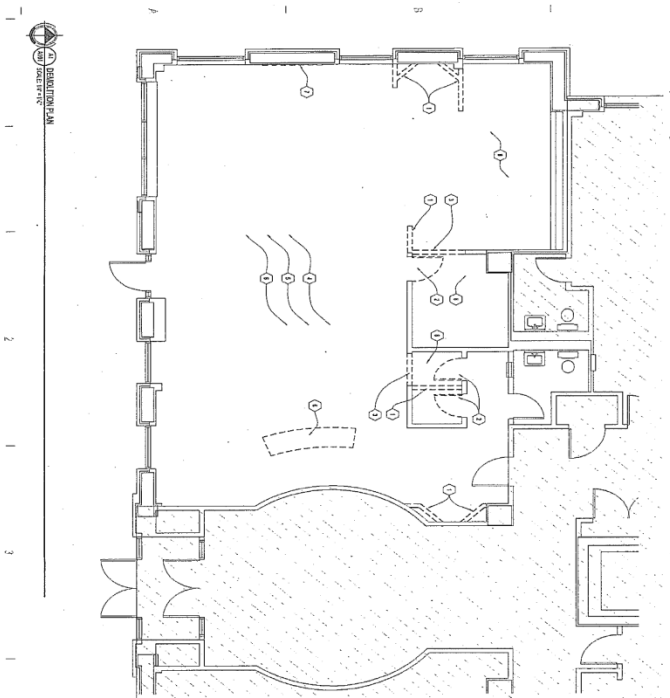
Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law *10-9a-507 Conditional Uses* states that "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." 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 may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related to specific standards, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated. Below is a potential motion that may be used in cases where the Planning Commission determines a conditional use should be denied.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow a medical office located at 109 East South Temple Street. The proposed conditional use will create (list the detrimental effects) which cannot be reasonably mitigated. Therefore, the proposed conditional use is not compliant with the following standards:

1. Compliant with Master Plan and Zoning Ordinance.
2. Compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.
3. Compatible with the character of the area where the use will be located
4. Will 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.
5. The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

**Attachment A
Site Plan**



DEMOLITION PLAN NOTES:

1. DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ORDINANCE 20.01.0100.
2. DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ORDINANCE 20.01.0100.
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10. DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ORDINANCE 20.01.0100.

FLOOR PLAN NOTES:

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ORDINANCE 20.01.0100.
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BWA ARCHITECTS
 100 EAST SOUTH TEMPLE STREET SUITE 200
 SALT LAKE CITY, UT 84111
 TEL: 313.1101
 WWW.BWAARCHITECTS.COM

HOOPES VISION EAGLE GATE
 109 EAST SOUTH TEMPLE STREET SUITE D
 SALT LAKE CITY, UT 84111

REV.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITS
2	11/11/11	ISSUED FOR PERMITS
3	11/11/11	ISSUED FOR PERMITS
4	11/11/11	ISSUED FOR PERMITS
5	11/11/11	ISSUED FOR PERMITS
6	11/11/11	ISSUED FOR PERMITS
7	11/11/11	ISSUED FOR PERMITS
8	11/11/11	ISSUED FOR PERMITS
9	11/11/11	ISSUED FOR PERMITS
10	11/11/11	ISSUED FOR PERMITS

Attachment B Photographs



This is a photograph of the west side of the building. The medical office is proposed in the ground floor suite at the southwest corner of the building which is on the far right of this photograph.



Photograph of the south side of the building. The proposed medical office would be located in the ground floor suite at the southwest corner of the building which is on the far left of this photograph.

**Attachment C
Applicant Information**



Conditional Use

OFFICE USE ONLY
 Petition No.: PLNPCM2012-00389
 Date Received: 6/14/2012
 Reviewed By: John Anderson

SALT LAKE CITY PLANNING

Address of Subject Property: 109 East South Temple

Project Name: Hoopes Vision

Name of Applicant: PROPERTY RESERVE, INC. / Robert money Phone: 801-321-8700

Address of Applicant: 51 South main st., Ste. 301, Salt Lake City

E-mail Address of Applicant: breinholTKa@UTPMA.com Cell/Fax: 801-716-0342

Name of Property Owner: PROPERTY RESERVE, INC. Phone: 801-321-8700

E-mail Address of Property Owner: Cell/Fax:

County Tax ("Parcel") #: 0931380031 Zoning: R-MW

Type of Modification Requested: conditional use for Business / medical office

Existing Property Use: Residential / Retail Proposed Property Use: Residential / Business

Please include with the application:

1. The cost of first-class postage for each property owner and tenant within 85 feet, or within 300 feet if new construction of a principal building is due at the time of application. Please do not provide postage stamps.
2. A legal description of the subject property.
3. Ten (10) copies of a preliminary site development plan, floor plans, elevation drawings, and sign plans prepared according to the attached guidelines.
4. Answers to questions on the back of this form.
5. If applicable, a signed, notarized statement of consent authorizing applicant to act as an agent
6. Filing fee of \$664.44 plus \$110.74 per acre in excess of one acre.

Filing fee is required at the time of application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this application, please contact the Salt Lake City Buzz Center at 801-535-7700 prior to submittal.

File the complete application at:
 Salt Lake City Buzz Center
 PO Box 145471
 451 South State Street, Room 215
 Salt Lake City, UT 84111

Signature of Property Owner Michael S. M... [Signature]
 Or authorized agent

Please Answer the Following Questions. Use an Additional Sheet if Necessary.

Please describe your project: Tenant improvement for Hoopes Vision. Hoopes will be using the site to do consultations for people looking to do laser surgery

List the primary street accesses to this property: South Temple & State Street

If applicable, what is the anticipated operating/delivery hours associated with the proposed use? 7:30 AM - 6:30 PM

What are the land uses adjacent to the property (abutting and across-the-street properties)? High density multi-family Residential, Residential/mixed use, Central business district

Have you discussed the project with nearby property owners? If so, what responses have you received?

NO

If applicable, list the primary exterior construction materials you will use as part of this project. N/A

How many parking stalls will be provided as part of the project? ~~5~~ 5

How many employees do you expect to have on-site during the highest shift? 4-5

Where applicable, how many seats will be provided as part of the conditional use? N/A

What is the gross floor area of the proposed building? 1,536 sq ft

Attachment D
City Departmental Comments

17 July 2012

Police Review

Nothing

Public Utilities—Justin Stoker (801)483-6786

We have received and reviewed the application for the Condition Use to have a medical office in an R-MU zone. The applicant must fill out a Public Utilities Pretreatment Survey (attached to this message) and return the completed form to the Contracts and Construction Office at Public Utilities. This pretreatment survey is required by the waste water treatment plant for change of use applications in non-residential applications.

Any changes to the building, whether interior or exterior must be permitted by the Building Department. Details regarding the interior construction will be reviewed in detail at that point.

Zoning Review—Larry Butcher (801)535-6181

No comments.

Building Review—Larry Butcher (801)535-6181

No comments

Transportation Review—Barry Walsh (801)535-6630

Review to convert portion of building from retail to Medical Office in a RMU zone. Provide parking calculations for the entire site and parking calculations for the entire site with the change. Compare the requirements and provide additional parking as needed. Coordinate with building code for ADA access and ADA parking as well as the 5% bicycle parking provision.

Engineering Review- Scott Weiler (801)535-6204

No comments.

Fire Review—Ted Itchon (801)535-6636

No comments