

PLANNING COMMISSION STAFF
REPORT

**Adaptive Reuse of a
Landmark Building
Amendments
Case #PLNPCM2011-00624
February 22, 2012**



Planning and Zoning Division
Department of Community and
Economic Development

Applicant

Salt Lake City Choral Artists,
Represented by Floyd Jensen

Staff

Ray Milliner
ray.milliner@slcgov.com
(801)535-7645

Review Standards

21A.50.050 Standards for
General Amendments

Affected Sections

Sections 21A.62.040, and
21A.24.010 of the Zoning
Ordinance.

Notification

- Notice mailed on
February 7, 2012
- Published in Salt
Lake Tribune
February 7, 2012
- Posted on City &
State Websites
February 7, 2012

Attachments

- A. Proposed Text
Amendments
- B. Public Comments

REQUEST

On October 19, 2011 the Salt Lake City Choral Artists, represented by Floyd Jensen petitioned the City Council to make modifications to Section 21A.24.10 of the Zoning Ordinance to expand the number of conditional uses in landmark structures allowed in the Ordinance. The purpose of the petition is to enable them to occupy a landmark building at 700 North 200 West as a music conservatory.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed modifications to the Adaptive Reuse of a Landmark Structure chapter in sections 21A.24.010 and 21A.62.040 of the Salt Lake City Zoning Ordinance, and based on the analysis and findings in this staff report forward a positive recommendation to the City Council.

Potential Motions

Positive Recommendation: Based on the findings and analysis in this staff report, I move that the Planning Commission forward these modifications to the Adaptive Reuse of a Landmark Structure provisions to the City Council with a positive recommendation.

Negative Recommendation: I move that the Planning Commission forward these modifications to the Adaptive Reuse of a Landmark Structure provisions to the City Council with a negative recommendation based on the following findings (Commissioner then states findings):

Background / Information

On October 19, 2011, the Salt Lake City Choral Artists, represented by Floyd Jensen, submitted an application to modify Section 21A.24.010.T of the Zoning Ordinance to allow the use of a music conservatory in the regulations of nonresidential uses in a landmark structure. The applicant would like to purchase the landmark building at 700 North and 200 West for use as a conservatory where they would conduct rehearsals, give lessons, and keep their offices.

The proposed amendments include:

- New definition of Adaptive Reuse in a Landmark Structure
- Rename use from “nonresidential use of a landmark site” to “adaptive reuse of a landmark structure”
- Elimination of list of uses which may be allowed
- Enhancement of qualifying provisions
- Elimination of requirement that a conservation easement be required as a condition of approval
- Inclusion of section allowing site plan review approval of on street-parking
- Adaptive Reuse in a Landmark Structure featured as a Conditional Use on the table of permitted and conditional uses for residential districts

Concurrent with this petition, the applicant has submitted a conditional use application for Commission review. Any approval of the conditional use application will be predicated by final adoption of these changes by the City Council.

Public Participation

The proposed changes have been reviewed at an open house and by staff members including the Building Services, and Engineering divisions. At the time of this writing, staff has received one written comment regarding the petition (Attachment B).

Issue Analysis

Definitions

In order to ensure that the intent of this language is clear, and to comply with the Planning Division practice of defining all uses featured in the table of permitted and conditional uses, staff has drafted the following definition for an “Adaptive reuse of a landmark structure:”

Adaptive reuse of a Landmark Structure: refers to the process of reusing a landmark site or building for a purpose other than which it was built or designed for. This tool is designed for the preservation of landmark buildings in residential areas whose original use is no longer feasible due to size. Churches, schools, or large single family homes are typically candidates for this process.

Elimination of nonresidential uses that may be allowed

Currently, language allows bed and breakfasts, house museums, offices and reception centers as the only uses allowed as nonresidential uses of Landmark sites in residential zones (21A.24.010.T). The applicant petitioned to have music conservatories added to that list in order to occupy the building at 700 North and 200 West. When reviewing the petition, staff determined that it would be more efficient to eliminate the list in its entirety and bolster the qualifying provisions. By doing this, an amendment to this section would not be necessary each time an appropriate use surfaced that is not listed.

Qualifying Provisions

In order to ensure that the elimination of the list of allowed uses does not result in a proliferation of inappropriate uses in landmark structures, staff is proposing the following changes:

1. Change from “standards” to “qualifying provisions”. State statute defines conditional uses as allowed unless appropriate conditions cannot be applied which, in the judgment of the Planning Commission, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. Therefore, staff is proposing that this language be reviewed as a qualifying provision, meaning the project must meet each provision prior to applying for a conditional use, rather than as a standard of review for a conditional use. By doing so the Ordinance can eliminate uses that may be inappropriate but might be approved under the conditional use process if the qualifying provisions were not adopted.
2. Creation of minimum floor area provision. The purpose of this provision is to encourage the preservation of landmark structures that may have outlived their original use, not to provide homeowners with an alternative use for their single family home. Therefore, staff is proposing that the minimum square footage to qualify for this review be 7,000 square feet.
3. Require that significant architectural and archeological features be preserved. This provision is designed to ensure that the new use does not eliminate significant design features of the building exterior that would compromise its historic integrity. Changes such as window replacements or installation of commercial doors may compromise the buildings status as a landmark structure.

Elimination of a Conservation Easement as a Condition of Approval

Staff is recommending that this section be eliminated from the ordinance for the following reasons:

- The City is not set up to administer a conservation easement program. To properly monitor and administer an easement program, there should be a trained individual who has that specific responsibility. The City does not have a staff person who would be available to do that.
- If an easement is not maintained properly, it can be forgotten and eliminated.

- The goal of the conservation easement is to ensure that the building is preserved and maintained into perpetuity. Designation as a landmark building effectively accomplishes the same goal.
- The City has staff that are trained and assigned to administer to landmark buildings along with all other aspects of the historic preservation goals of the City.

Credit for on Street Parking

Because most historic landmark buildings were built before buildings were built to accommodate automobiles, the requirement of onsite parking may be detrimental to the preservation of the site. Significant landscaping or other design features may be modified or paved to accommodate parking spaces. To prevent damage, staff is proposing that the provision in Chapter 21A.44.040, which grants credit for some or all of the onsite parking spaces required be met by on street spaces in the RB, R-MU, CN, CB, CSHBD, D-1, D-2 and D-3 zones be extended to the adaptive reuse of landmark structures. The process for receiving credit would be done under the administrative site review process.

Standards for General Amendments

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Analysis: Historic preservation is an important component of the goals and policies of the City. The amendments would expand the uses eligible to occupy landmark buildings and sites provided qualifying provisions are met and a conditional use were received from the Planning Commission.

The applicant would like to occupy a vacant landmark building with a music conservatory. The original use of the building was as a church, then as an office. The building is located in the SR-1A zone, a single family residential zone with limited uses allowed. Enabling the occupation of this vacant building will further the purposes, goals and objectives and policies of the City by providing a productive use on site that otherwise would not be permitted in the zone. Other such buildings will benefit from these regulations as well.

Finding: The proposed text change is consistent with the adopted City policy of promoting historic preservation and maintaining the character of Salt Lake City Neighborhoods.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.

Analysis: In Chapter 21A.34.020, H-Historic Preservation Overlay, the stated purpose of the Zone is to:

“The purpose of the H historic preservation overlay district is to:

1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;
2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;
3. Abate the destruction and demolition of historic structures;
4. Implement adopted plans of the city related to historic preservation;
5. Foster civic pride in the history of Salt Lake City;
6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors; and
7. Foster economic development consistent with historic preservation.”

The goal of the proposed modifications is to extend the useful life of large buildings in residential areas that are under used, vacant, or candidates for demolition. This goal is consistent with the purpose of historic preservation, which is to preserve and protect buildings and sites with architectural or cultural significance. The elimination of the list of allowed uses expands the number of uses that are eligible to occupy these buildings. This is important because it encourages the occupation of a building that may otherwise remain vacant, and as a result fall into disrepair. The impacts of unwanted uses are mitigated by qualifying provisions.

Finding: Staff finds that the proposed modifications to the ordinance are consistent with the established purposes of the H Historic Preservation Overlay and will not negatively historic preservation efforts.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Analysis: This text amendment applies specifically to large structures in residential zones that have been designated as landmark sites by the application of the H Historic Preservation Overlay district. In addition to conditional use review by the Planning Commission, all proposed changes to the landmark site will be subject to review for compliance with all applicable Salt Lake City Historic District zoning standards, under the direction of the Historic Landmark Commission.

Finding: The proposed text amendment meets this standard.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Analysis: This text amendment is designed to enhance the preservation of large landmark buildings in residential zones. These amendments will update preservation practices that enhance and maintain historic districts, foster close-knit neighborhoods, a sense of community, and preserve significant architectural and archeological sites.

Finding: The proposed text amendment implements the best current practices in urban planning and design.

Attachment A
Proposed Ordinance Amendments

PLNPCM2011-00525 Salt Lake Choral Artists Conditional Use

21A.62.040: DEFINITIONS OF TERMS:

Adaptive reuse of a Landmark Building: refers to the process of reusing a building for a purpose other than which it was built or designed for. This tool is designed for the preservation of landmark buildings in residential areas whose original use is no longer feasible due to size. Churches, schools, or large single family homes are typically candidates for this process.

21A.24.010: GENERAL PROVISIONS:

T. ~~Nonresidential Uses of Landmark Sites~~ **Adaptive Reuse of a Landmark Building** in Residential Districts:

1. Purpose Statement: The purpose of ~~allowing a nonresidential use~~ **the adaptive reuse** of a landmark site in a residential district is to preserve landmark sites as defined in subsection 21A.34.020B4 of this title. In some instances these sites have outlived their original use ~~as a residential dwelling~~ due to economic conditions, size of the ~~structure~~ **building**, and/or a substantial degree of deterioration of the historic property. Such sites, however, still contribute to the welfare, property and education of the people of Salt Lake City because of their historic, architectural or cultural significance. The Planning Commission shall consider the allowance of a nonresidential use of a landmark site in a residential district according to the ~~standards~~ **qualifying provisions** outlined in subsection ~~T2b T2a~~ of this section and pursuant to chapter .54 of this title, in order to ensure that the residential character of the surrounding environment is preserved.

2. Conditional Use Required: Where authorized by this title as shown in section .24.190, "Table of Permitted and Conditional Uses for Residential Districts", of this chapter, landmark sites in any residential district may be used for certain nonresidential uses.

a. ~~Uses: Nonresidential uses which may be allowed include:~~

~~Bed and breakfast establishments.~~

~~House museums.~~

~~Offices.~~

~~Reception centers.~~

b. **a. Qualifying Provisions Standards:** **In order to qualify for conditional use review by the Planning Commission, under addition to section .54.080, "Standards for Conditional Uses", of this title, the Planning Commission shall find the applicant must demonstrate compliance with the following:**

(1) The ~~structure~~ **building** is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the city

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

- (2) The landmark building shall have a minimum of 7,000 square feet of floor area, excluding accessory buildings.
- (3) The new use will require minimal change as these features are important in defining the overall historic character of the building and environment.
- ~~(4) (2) The use is conducive to the preservation of the landmark site;~~
- (5) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- ~~(6) (3) The use is compatible with the surrounding residential neighborhood;~~
- (7) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
- ~~(8) (4) The use does not result in the removal of residential characteristics of the structure or site including mature landscaping;~~
- ~~(9) (5) The change in use from residential to nonresidential is necessary due to one of the following:~~ due to the excessive size of the landmark site for residential uses allowed in the residential district, and or demonstration that the building cannot reasonably be used for its original intended use.

- ~~(A) Probable demolition of the landmark site;~~
- ~~(B) Economic hardship as provided in subsection 34.020K of this title; or~~
- ~~(C) Excessive size of the landmark site for residential uses allowed in the residential district;~~

- (10) (6) The proposed use will not have a material net cumulative adverse impact on the neighborhood or the city as a whole by considering the following:

(A) The spatial distribution of:

- (i) Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between 100 series addresses; and
- (ii) Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map of planning communities maintained by the zoning administrator.

(B) Impacts on neighboring properties including, but not limited to:

- (i) Traffic;
- (ii) Parking;
- (iii) ~~Signage~~ Signs;
- (iv) Lighting;

- (v) Removal of landscaping; and
- (vi) For the purposes of evaluating subsections ~~T2b(6)(B)(i)~~ T2a(10)(B)(i) through ~~T2b(6)(B)(v)~~ T2a(10)(B)(v) of this section, professionally prepared impact studies shall not be required unless specifically requested by the zoning administrator.

~~e. Condition of Approval: A preservation easement in favor of the City shall be placed upon the landmark site.~~

b. Credit for on Street Parking: Some or all of the off street parking spaces required in section 21A.44.060 of this title may be met by the provision of on street spaces. Such credit shall require the site plan review approval. Requests for on street parking shall meet the following requirements:

- a. All on street parking facilities shall be designed in conformance with the standards established by the city transportation engineer;
- b. Prior to approving any requests for on street parking, the development review team shall determine that the proposed on street parking will not materially adversely impact traffic movements and related public street functions; and
- c. Credit for on street parking shall be limited to the number of spaces provided along the street frontage adjacent to the use.

21A.24.190: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
---------	-----	-------------	-----	-----------

Permitted And Conditional Uses, By District Residential Districts																			
Use	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
<u>Adaptive Reuse of a Landmark Structure</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Subject to conformance with the provisions of subsection [21A.24.170E](#) of this chapter.
4. Construction for a nonresidential use shall be subject to all provisions of subsections [21A.24.160I](#) and J of this chapter.
5. See subsection [21A.02.050B](#) of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.

7. Subject to conformance to the provisions in section [21A.02.050](#) of this title.
8. A conditional use permit for a class B or C private club or association shall be subject to the following qualifying provisions. For the purpose of these provisions a class B or C private club or association shall have the meaning set forth in [title 5, chapter 5.50](#) of this code, as amended.

- a. In approving a conditional use permit for a class B or C private club or association the planning commission shall:
 1. Require that a security and operations plan be prepared and filed with the city which shall include:
 - a. complaint-response community relations program;
 - b. Having a representative of the private club or association meet with neighbors upon request to attempt to resolve any neighborhood complaints regarding the operations on the premises;
 - c. Design and construction requirements to ensure that any sound level originating within the premises, measured within 15 feet from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for residential use districts in section [9.28.060](#) of this code;
 - d. Allowing live entertainment only within an enclosed building subject to the foregoing sound limit;
 - e. Prohibiting electronically amplified sound in any exterior portion of the premises;
 - f. Designating a location for smoking tobacco outdoors in conformance with state law;
 - g. Having trash strewn on the premises, including any smoking and parking lot areas, be collected and deposited in a trash receptacle by 6:00 A.M. the following day; and
 - h. Having portable trash receptacles on the premises emptied daily and automated receptacles emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area;
 2. Review the site plan and floor plan proposed for the premises, and as result of such review may require design features intended to reduce alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;
 3. Require buffering where a private club or association abuts a residential building or area, including landscaping or walls along any property line or within any required yard area on the lot where the premises are located;
 4. Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and
 5. Require that the exterior of the premises be maintained free of graffiti at all times, including the main building, any accessory building or structure, and all signs.
- b. If necessary to meet the standards for approval of a conditional use permit set forth in section [21A.54.080](#) of this title, the following conditions may be imposed:
 1. Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians but does not intrude on residents' enjoyment of their homes; and

2. Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses and buildings and designating a new area if the area designated in the security and operations plan appears to adversely affect neighboring residences, businesses and buildings.

9. Subject to conformance with the provisions of subsection 21A.24.010 T of this title.

(Ord. 21-11, 2011: Ord. 79-10, 2010: Ord. 27-10, 2010: Ord. 19-10 § 5, 2010: Ord. 12-09 § 1 (Exh. A), 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 60-08 § 9 (Exh. C), 2008: Ord. 21-08 § 2 (Exh. A), 2008: Ord. 2-08 § 1, 2008: Ord. 13-06 § 4 (Exh. C), 2006: Ord. 54-05 § 1 (Exh. A), 2005: Ord. 11-05, 2005: Ord. 71-04 § 3 (Exh. C), 2004: Ord. 13-04 § 5, 2004: Ord. 5-02 § 2, 2002: Ord. 19-01 § 6, 2001: Ord. 35-99 § 20, 1999: Ord. 30-98 § 2, 1998: Ord. 19-98 § 1, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(12-18), 1995)

Attachment B
Public Comment

PLNPCM2011-00525 Salt Lake Choral Artists Conditional Use

Hi Ray

I won't be able to attend the open house tomorrow so I'm providing comment on the items related to the SL Choral Artists. UHF expresses its support for the zoning ordinance for conditional uses to be amended to allow for music studios and conservatories in designated landmark structures. In addition, we strongly support the conditional use application by SL Choral Artists to locate in the historic LDS meetinghouse at 200 W 700 N. Really, this seems like a no brainer in terms of reuse and I bet the acoustics inside will work well for them.

Please let me know if you have any questions.

Kirk

Kirk Huffaker
Executive Director
Utah Heritage Foundation
POB 28
Salt Lake City, UT 84110-0028
p: 801.533.0858 x 105
www.utahheritagefoundation.org
www.slmodern.org

Ray

A thought on parking to add to my previous comments. More and more it seems that in these proximate downtown neighborhoods, we have to begin treating parking like this is a city, not a suburban street. That means not only treatment by ordinance to allow greater on street parking, but also a self-check for all of us that if we want vibrant eclectic neighborhoods, one of the trade-offs is that you don't have immediate rights/access to that parking in front of your property every day at all hours.

Kirk

Kirk Huffaker
Executive Director
Utah Heritage Foundation
POB 28
Salt Lake City, UT 84110-0028
p: 801.533.0858 x 105