

PLANNING COMMISSION STAFF REPORT



Planning and Zoning
Division
Department of Community
and Economic Development

Salt Lake Choral Artists CONDITIONAL USE Case #PLNPCM2011-00625 700 North 200 West February 22, 2012

Applicant

Salt Lake Choral Artists, Floyd
Jensen, Representative

Staff

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

Current Zone

SR-1A – Residential

Master Plan Designation

Capitol Hill

Council District

Council District 3 Stan Penfold

Lot Size

.25 acres

Current Use

Vacant, Office

Applicable Land Use Regulations

21.54.080 – Conditional Use
21A.24.010 – General Provisions

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. Site Plan
- B. Letter from Applicant
- C. Map of Landmark Sites

REQUEST

The applicant, Salt Lake Choral Artists, represented by Floyd Jensen, is requesting conditional use approval for a music conservatory in a designated historic landmark building.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed conditional use, conduct a public hearing and approve the request pursuant to the analysis, findings and conditions of approval in this staff report.

Approval: Based on the findings and analysis in this staff report, I move that the Planning Commission approve the conditional use petition with the following conditions of approval.

Conditions of Approval

1. Occupation of the building shall not occur until final approval of Case PLNPCM2011-00624 amendments to the regulation of nonresidential uses in landmark structures is approved by the City Council.
2. Any credit for on street parking used to meet on site parking will be reviewed for compliance as an administrative site design application prior to occupation of the building.
3. Any removal of existing building materials or features on the landmark structure shall be reviewed and approved by the Historic Landmark Commission according to the Zoning Ordinance, prior to removal.
4. A preservation easement in favor of the city shall be placed upon the landmark site.
5. Any modifications to this conditional use approval after the occupation of the building must be specifically requested and approved by the Planning Commission prior to execution.

Denial: Based on the findings and analysis in this staff report, I move that the Planning Commission deny the conditional use petition based on the following findings (Commissioner then states findings):

Vicinity Map



BACKGROUND

The applicant, Salt Lake Choral Artists, is requesting conditional use approval for a music conservatory use in a landmark site. The building, located at 700 North 200 West, is the historic LDS 24th Ward, built in 1906. The brick building is a three story “Victorian Eclectic” structure with curved and rectilinear elements; the roof has multiple hipped and gabled sections. There is a square tower located prominently over the front entrance with a hipped roof and round arched windows. Windows throughout the building have large concrete sills and lintels and many are arched. The front façade is centered by a prominent arched entry and stair way. The building has been designated a historic landmark site on the Salt Lake City register of cultural resources based on its age, and architectural design.

The building was first occupied in 1906 by the 24th Ward (congregation) of the LDS church. Originally the building featured a chapel and class rooms. An auditorium and then an amusement hall were added later that were used for activities and church related performances. The building was sold by the church in the 1970's after which the building was used as a school and later as an architect's office.

The structure is located at the intersection of Wall Street and 200 West, with the primary entrance facing 200 West. Vehicular access is from Wall Street. The lot is large, .25 acres, with a small 7 space parking lot on the south east side. The main building is approximately 8,826 square feet.

The building is in good condition and has been well maintained both on the exterior and interior.

Music conservatories are not permitted under current Zoning Ordinance regulations. The site does not have enough onsite parking to meet the minimum parking requirements for the use. The applicant submitted a separate text amendment petition to amend section 21A.24.010 of the zoning ordinance that would make the conservatory a conditional use, and enable offsite parking credits to meet the parking deficiencies. The text amendment is being reviewed concurrently by the Planning Commission.

Staff analysis of this conditional use is based on the proposed text amendment language. If that language is not adopted by the City Council, this petition will become null and void.

Project Description

The applicant, Salt Lake Choral Artists, represented by Floyd Jensen, proposes a conditional use for a music conservatory in a landmark site. The Salt Lake Choral Artists is a nonprofit corporation with a family of community choirs. The group is proposing to occupy the building as a place to prepare, and present choral music, as well as for an office for administration. Activities would include auditions, instruction, rehearsals, and small scale recitals. The majority of the choir's performances are at the Libby Gardner Concert Hall at the University of Utah.

The internal floor plan of the building will not change. Rehearsals will be held in the chapel and other activities will be spread throughout the classrooms and cultural hall. No large scale performances will be allowed. The applicant has no plans to modify the exterior structure or grounds.

There are 7 onsite parking spaces. The Zoning Ordinance requires that the applicant provide 3 spaces per 1,000 square feet of square footage. The building is approximately 8,826 square feet, therefore 27 spaces are required. The building has a significant amount of frontage along both Wall Street and 200 West. The applicant will be requesting administrative site plan review to receive onsite parking credit for spaces on the street.

COMMENTS

Public Comments

This application was reviewed at a public open house on January 19, 2012. The event was attended by 3 individuals, none of whom have provided comment at the time of this writing. Staff notified the Capitol

Hill Community Council of the item on two occasions but did not receive a response. As a result, it was not reviewed by them.

Staff received written comment from one individual; this comment is attached to this report.

City Department Comments

The proposal was reviewed by all applicable City departments and divisions. Outstanding issues will be addressed as part of the business license and administrative site plan review.

ANALYSIS

Section 21A.24.010T Nonresidential use of landmark sites in residential districts:

“Purpose Statement: The purpose of 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, 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 qualifying provisions outlined in subsection T2a of this section and pursuant to chapter 21A.54 of this title, in order to ensure that the residential character of the surrounding environment is preserved.”

Nonresidential Use in Residential Zone Standards

In addition to the standards found in Section 21A.54.080 of the Zoning Ordinance, Section 21A.24.010T provides General Standards for Approval of a nonresidential use of a landmark site in a residential zone. Staff has applied these standards to the proposed use, and made the following findings:

Qualifying Provision 1: The structure 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;

Analysis: The building is listed as a landmark site in the current Salt Lake City Register of Cultural Resources. The list was most recently updated in 2007.

Finding: The application meets this requirement.

Qualifying Provision 2: The landmark building shall have a minimum of 7,000 square feet of floor area, excluding accessory buildings.

Analysis: The building is approximately 8,826 square feet in size with no accessory buildings.

Finding: The application meets this requirement.

Qualifying Provision 3: The new use will require minimal change to the defining characteristics of the building and its site and environment.

Analysis: No changes to the exterior of the building or the existing landscape are proposed as part of this application.

Finding: The application meets this requirement.

Qualifying Provision 4: The use is conducive to the preservation of the landmark site;

Analysis: The building was designed to accommodate groups of people in a class room setting or as a group. The choral artists will utilize the building in a similar way with small groups meeting in classrooms and larger groups meeting in the assembly rooms. The use will not require modifications to the exterior of the building, and limited interior modifications will be required.

Because the church is located in the SR-1A the only alternative allowed without a conditional use would be residential, a use that is not conducive to the preservation of the building, as it would require significant modifications to the interior, and quite possibly the exterior.

Finding: Staff finds that the use of the landmark site for low impact meetings and gatherings, similar to the original intended use of the church is conducive to the preservation of the site.

Qualifying Provision 5: Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Analysis: There are no known archeological sites on the property.

Finding: The application meets this requirement.

Qualifying Provision 6: The use is compatible with the surrounding residential neighborhood;

Analysis: the primary issue raised with regard to this project is that of parking. The site has but 7 spaces, the Ordinance requires 27. Nonetheless, the church has significant frontage along both 200 West and Wall Street. Under the proposed ordinance amendments, the applicant will be able to work administratively with the City to receive credit for onsite parking with street spaces in front of the building. The church has a significant amount of frontage along both Wall Street and 200 West, that will enable it to make up for the 20 on site spaces that it lacks, without encroaching onto neighboring frontage.

By making the building a landmark, the City, has declared that the 24th Ward building is an essential component to the Capitol Hill historic past that is worthy of celebration and more

importantly preservation. Indirectly, the landmark distinction indicates that the historic use and function of the building are also historically compatible with the surrounding neighborhood.

The building is vacant, and therefore incompatible with its intended use, and the surrounding neighborhood. The owner has been consistently marketing the building for a number of years with little success. Occupation of the building with a conservatory puts the building back into use, contributing to the vibrancy of the neighborhood.

Finding: Staff finds that the negative impacts of the lack of parking on site will be mitigated by the large amount of frontage on Wall Street and 200 West. Staff also finds that occupation of the vacant building will have a positive effect on the surrounding neighborhood as it will bring an inactive landmark structure back into activity.

Qualifying Provision 7: The use does not result in the removal of residential characteristics of the structure or site including mature landscaping;

Analysis: No physical changes to the landscaping, architecture or floor plan of the site and building are proposed.

Finding: The proposal meets this standard

Standard 8: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.

Analysis: No physical changes to the landscaping, architecture or floor plan of the site and building are proposed.

Finding: The application meets this requirement.

Qualifying Provision 9: The change in use from residential to nonresidential is necessary due to the excessive size of the landmark site for residential uses allowed in the residential district, and or demonstration that the structure cannot reasonably be used for its original intended use.

Analysis: The applicant has no plans to demolish the building. The building is approximately 8,826 square feet in size. Multifamily buildings are not allowed in the SR-1A zone, and therefore, the only allowed use for the building would be a single family home. Altering the structure from an assembly use to a single family use would require significant alterations to both the interior and exterior that may compromise the landmark status of the structure.

Finding: Staff finds that the change of use is necessary due to the excessive size of the building and site.

Qualifying Provision 10: 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:

The spatial distribution of:

- A. 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

Research indicates that there have been no business licenses issued within 300 feet of the site. The impact of this use on the neighborhood will be minimized by its frontage on both Wall Street and 200, which will provide multiple access points as well as significant street parking. Both streets are relatively wide with a large automotive capacity. As a result the traffic in and out of the site will be easily absorbed.

- B. 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.

Staff has no record of any other conditional uses approved in landmark structures in the same planning community (map of planning community featuring landmark sites attached as exhibit B).

Impacts on neighboring properties including, but not limited to:

1. **Traffic:** The site fronts Wall Street and 200 West, traffic will be dispersed and divided by these streets. As a result, the impact of this use on neighboring properties will be mitigated. Additionally, the applicant will encourage choir members to carpool and use public transportation.
2. **Parking:** The applicant is required to have 27 on site spaces. There are 7 existing on site spaces. The applicant is proposing that he be allowed to use the frontage along Wall Street and 200 West as credit to make up for the 20 spaces needed.
3. **Signs:** No signs are proposed.
4. **Lighting:** No external changes are proposed.
5. **Removal of landscaping:** No changes to the existing landscaping are proposed.

Finding: Staff finds that the use will not have a net cumulative adverse impact on the neighborhood and surrounding structures.

Conditional Use Standards

Section 21A.54.080 of the Zoning Ordinance provides General Standards for Approval of a conditional use. Staff has applied these standards to the proposed use, and made the following findings (staff analysis is in italics):

Standard 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 preservation of historically significant buildings is featured as a priority of the Capitol Hill Master Plan. The proposed use is unique, and furthers this goal by utilizing the church in a way that is consistent with its intended use, which in turn will aid in the preservation of the building and grounds while providing the owner with revenue that will fund maintenance and upkeep. This is consistent with the goals of the City's historic preservation program. The project has been reviewed for conformity with all applicable standards, in the Zoning Ordinance as well as the Capitol Hill Master plan and found compliant (assuming the text amendment changes are adopted by the City Council). As a result, it is staff's finding that the use will contribute to the overall viability and success of the City.

Finding: Staff finds that the proposed use is consistent with all adopted city plans and ordinances.

Standard 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 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: By making the building a landmark, the City, has declared that the 24th Ward building is an essential component to the Capitol Hill historic past that is worthy of celebration and more importantly preservation. Indirectly, the landmark distinction indicates that the historic use and function of the building are also historically compatible with the surrounding neighborhood. The site plan for the choral use will not change from that of the previous office use. The applicant is not proposing any further improvements on the site.

With the exception of weekly choir practices, the number of individuals on site will be fewer with the choral use than that of the office, as the office had approximately 40 people working at any given time, and the choral use will have about 10.

The building is vacant, which makes it incompatible with its intended use, and the surrounding neighborhood. Occupation of the building with a conservatory puts the building back into use, contributing to the vibrancy of the neighborhood.

Surrounding uses are primarily residential, including single family residential, and limited multi-family. Impacts of the use on adjacent properties will be minimal, rehearsals will occur once a week, lasting from approximately 6:00 pm to 10:00 pm. Noise from the rehearsals will be muted by the thick church walls, and a significant buffer between the church and the surrounding uses. Staff has researched police and enforcement documents, and found no complaints related to the Salt Lake Choral Artists in other facilities.

There are no other conditional uses for a nonresidential use within a landmark site in a residential zone within a ¼ mile radius of the proposed use. As a result, staff finds no detrimental concentration of uses within the exterior boundary of the property.

Finding: Staff finds that the proposed use is compatible with the surrounding uses in character and circulation design.

Standard 3: Design Compatibility The proposed conditional use is 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 or 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-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 use is located in the SR-1A zone with residential uses adjacent. The primary building on site is a three story structure with a pitched roof and is approximately 40 feet in height. When viewed from the street the site larger in size and grander in style than other surrounding structures. The historic building is a landmark due to its overall architecture and historic use. No changes to the building are proposed. As a result, the size and site design of the use will have no impact on the surrounding uses and structures.

When the building was used as an office, there were approximately

Finding: Staff finds that the use is compatible with adjacent uses in the neighborhood, and that the negative impacts of the project are mitigated through careful design and conditions of approval in this staff report. The no further remodeling of the existing building is proposed.

Standard 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 use does not propose to introduce any known pollutant to the ground or air. The use will be consistent with the neighborhood in size, scale and design.

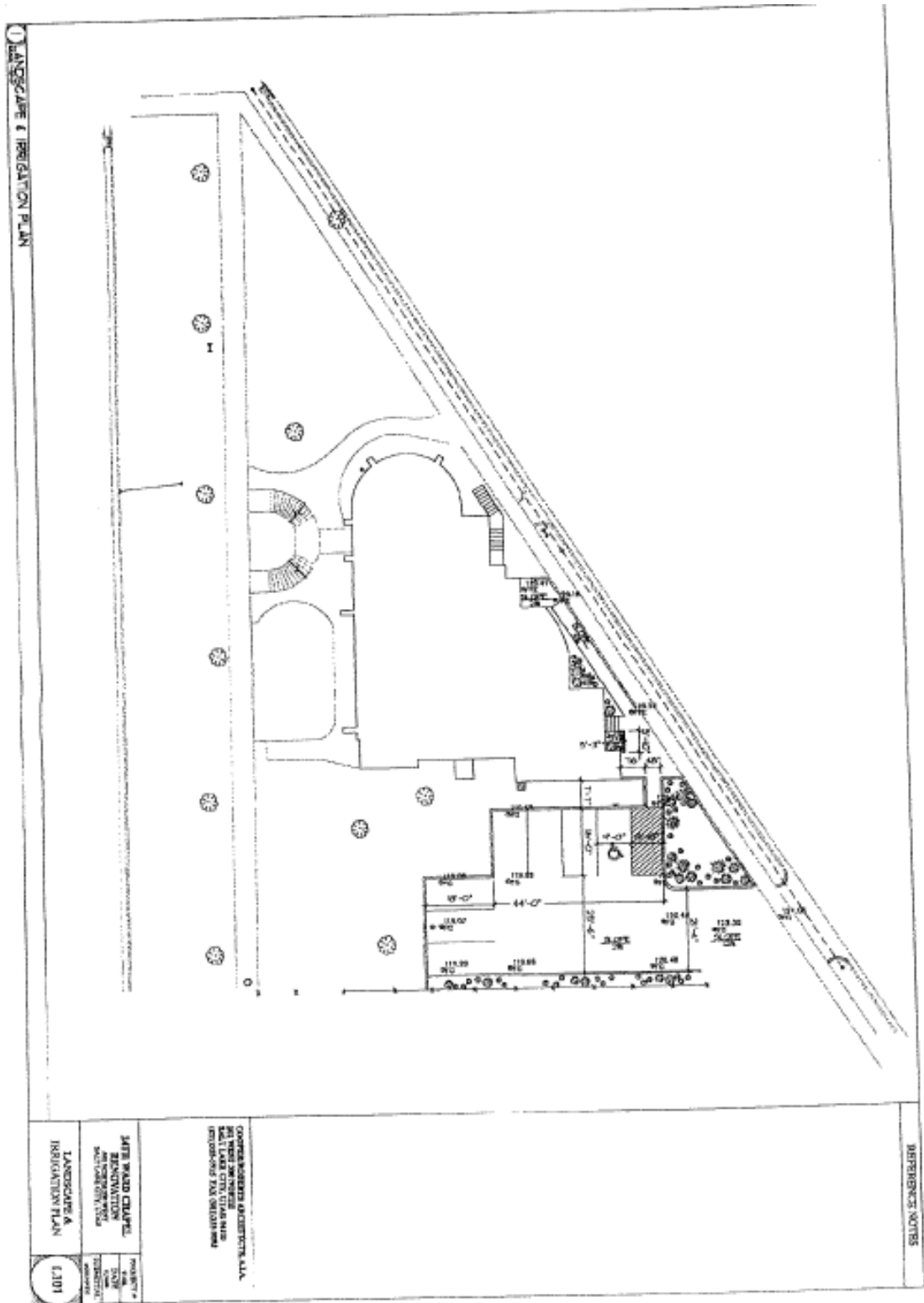
Finding: Staff finds that the proposed use will not be a detriment to neighboring persons or property because of its pollutants, and hazards, and that it will be consistent with the character and type of development in the area.

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 project complies with all zoning ordinance requirements, including parking, nonresidential use of a landmark site in a residential district and Section 21A.34.020 historic preservation overlay district. See additional analysis above.

Finding: Staff finds that the proposed development must comply with all associated City Code requirements.

Attachment A
Site Plan



Attachment B
Letter from Applicant

Proposed Zoning Amendment

1. Text of Proposed Amendment to Salt Lake City Ordinance § 21A.24.010(T)(2)(a) [new provisions are underlined and italicized; alternatives are listed from more specific to more general—any of these alternatives would be acceptable to the applicant, so long as it were construed to include the applicant’s proposed use]

21A.24.010(T)(2)(a) Uses: Nonresidential uses which may be allowed include:

Bed and breakfast establishments.

House museums.

Offices.

Reception centers.

[Alternative #1] *Music studios and conservatories.*

[Alternative #2] *Establishments for the performing arts.*

[Alternative #3] *Arts venues.*

2. Description of proposed use of the property:

The applicant, Salt Lake Choral Artists, a non-profit corporation that consists of a family of community choirs (including at present a concert choir, a chamber choir, a women’s choir, a semi-professional touring choir, and two children’s choirs) proposes to use the existing building on the subject property as a venue for the preparation and presentation of choral music, as well as for an office for administration of the organization’s activities. These activities would include auditions, instruction, rehearsals, and occasional performances (i.e. recitals, although most performances would be off-site, primarily at the Libby Gardner Concert Hall on the University of Utah campus). In addition, Salt Lake Choral Artists may share the use of the building (on a lease, permit, shared ownership, or other basis) with other arts organizations (e.g., the Salt Lake Youth Chamber Society) for similar purposes, including instrumental as well as vocal music.

3. Reasons why the present zoning may not be appropriate for the area:

The subject property was originally used as a church (the LDS 24th Ward), and was later converted to office use for an architectural firm, which has since relocated; the building is presently vacant. The property is a landmark site in a residential district, and hence is subject to Section 21A.24.010(T) of the Zoning Code. That ordinance permits certain non-residential uses of landmark sites in a residential district (listed above), but does not permit use as a music or arts venue. However, such use is highly compatible with and enhances the character of the neighborhood, and complements an existing arts organization located only two blocks away (the Salt Lake Acting Company, at 168 W. 500 North).

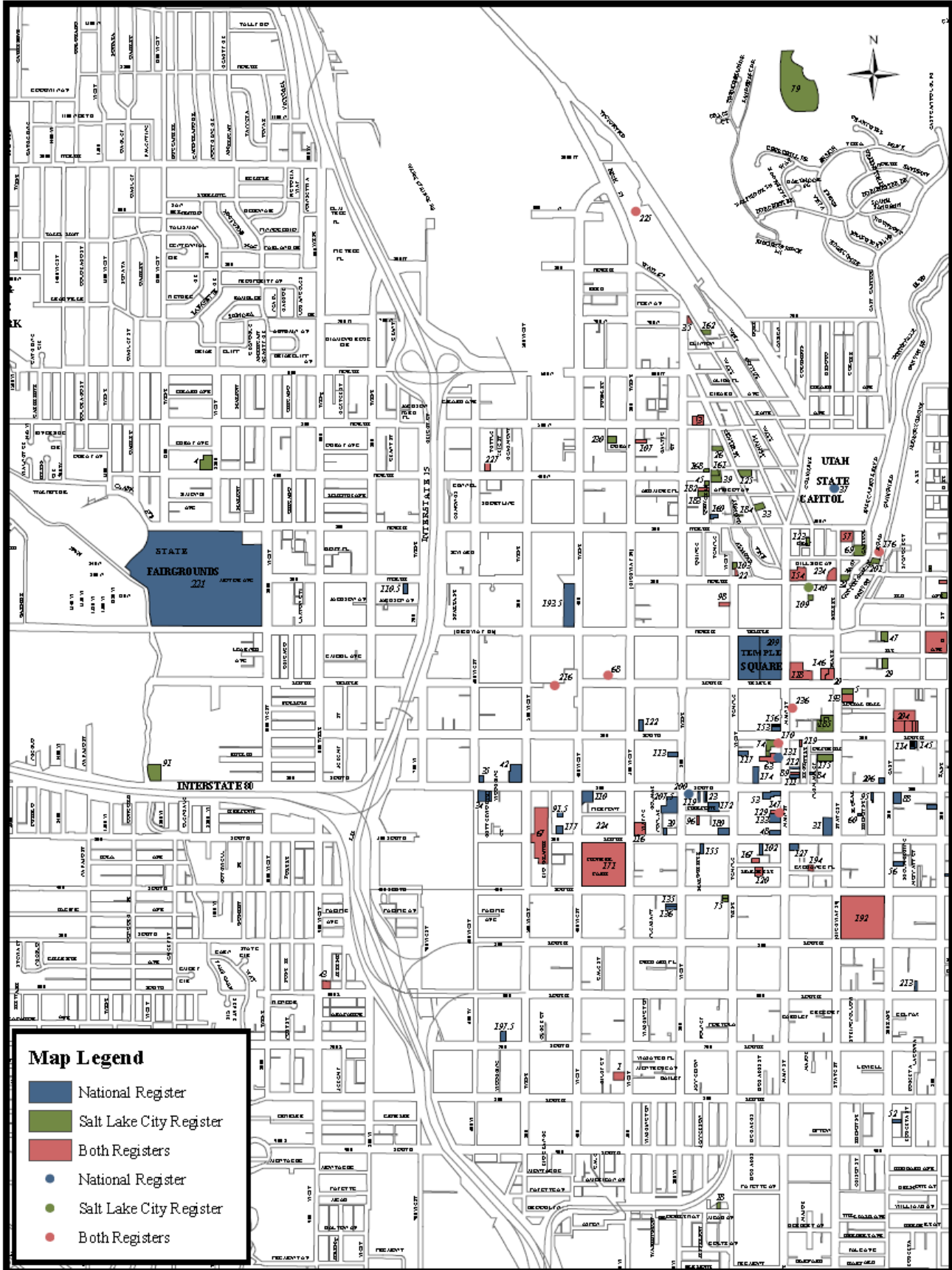
It is not practical to convert the existing building to residential use, and the present owner has been unable to sell the property under the present zoning restrictions. Use of the property for the proposed purposes would allow the property to be occupied, which is certainly preferable to the property remaining vacant. Furthermore, the neighbors are

uniformly in favor of the proposed use, as it would enhance the character of the neighborhood.

The proposed amendment to the ordinance would permit a use that is arguably at least as compatible, if not more compatible, with the intent of the ordinance than most of the uses presently permitted (offices, reception centers, and house museums). Section 21A.24.010(T)(1) recognizes that landmark sites “contribute to the welfare, property and education of the people of Salt Lake City because of their historic, *architectural* or *cultural* significance.” (emphasis added) The building (built in 1907) has architectural significance that would be preserved, and the proposed use would contribute to the goals of education and cultural significance. Salt Lake Choral Artists is a valuable contributor to the arts community and the cultural life of Salt Lake City. Its presence in the subject property would benefit not only the neighborhood, but the entire city.

4. Address labels for all property owners within 450 feet of the subject property are attached.
5. The legal description of the subject property is attached.
6. No structural modifications of the existing building are planned. However, a brochure depicting the existing floor plan of the building, as well as a site plan showing the footprint of the building on the subject property and the existing parking area, are attached.
7. A statement of consent from the property owner authorizing the applicant to act as agent is attached.
8. The filing fee of \$885.92 is submitted herewith.

Attachment C
Map of Landmark Sites



Attachment D
Public Comment

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

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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

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