



# Staff Report

PLANNING DIVISION  
DEPARTMENT OF COMMUNITY AND NEIGHBORHOODS

To: Salt Lake City Planning Commission  
From: Maryann Pickering, Principal Planner  
(801) 535-7660  
Date: July 27, 2016  
Re: Church of Scientology Conditional Use (PLNPCM2016-00348)

## Conditional Use

**PROPERTY ADDRESS: 709 E. South Temple Street**  
**PARCEL ID: 09-32-360-008**  
**MASTER PLAN: High Density Residential (more than 20 units per acre) and Medium Density Residential (8-20 units per acre) – Avenues Community Master Plan**  
**ZONING DISTRICT: RO (Residential Office)**  
**PETITION NUMBER: PLNPCM2016-00348**

**REQUEST:** A request by Ray Quinney & Nebeker, P.C., representing The Church of Scientology for conditional use approval to operate a place of worship on a property less than four acres in size and within an existing office building located at 709 E. South Temple Street.

**RECOMMENDATION:** Based on the information in this staff report, Planning Staff is of the opinion that the proposed conditional use complies with the standards of approval for conditional uses and that the project is approved. The following is a motion based on this recommendation:

Based on the plans submitted, the staff report and testimony provided, I move that the Planning Commission approve PLNPCM2016-00348. No conditions of approval are required because no detrimental or adverse impacts have been identified related to the proposal.

### ATTACHMENTS:

- A. Vicinity and Zoning Maps
- B. Site Plan
- C. Floor Plans
- D. Property Photographs
- E. Additional Applicant Information
- F. Existing Conditions
- G. Analysis of Standards
- H. Public Process and Comments
- I. Department/Division Comments
- J. December 10, 2014 Planning Commission Minutes
- K. Motions

**PROJECT DESCRIPTION:**

The proposed is a place of worship for the Church of Scientology on a parcel of land less than four acres in size. The property is zoned RO (Residential Office) and conditional use approval is necessary before the church can operate at the site.

The Church of Scientology owns the building and will have various interior spaces associated with the worship use including: offices, study room, staff lunch room and cafeteria, nursery, fitness room, reception area and a chapel. The existing building is 40,480 square feet in size and there are no plans to alter the exterior of the building. All modifications to make the building space work for the church will be done on the interior of the building.

The property currently has 84 parking stalls on site. There are a total of 64 parking spaces in a below grade parking structure and an additional 20 surface parking stalls.

The proposed hours of operation are seven days a week. Hours on Monday to Friday would be from 9:00 a.m. to 10:00 p.m. and on Saturday and Sunday from 9:00 a.m. to 6:00 p.m. It is anticipated that the maximum number of people on the site at any time would be 75.

This project was previously considered by the Planning Commission in December 2014 with the exact same proposal. The applicant did not realize until the spring of this year that the application expired in December 2015. Because an extension was not requested, the applicant needs to go through the conditional use and public hearing process once again. The project was approved unanimously by the Planning Commission on December 10, 2014. A copy of the minutes from that meeting can be found in Attachment J.

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

**Issue 1: Street parking**

The need for parking on the street was raised by a resident in the area. Her concern was that there would be parking on the street and in the adjoining neighborhood by church members. She discussed the issue with the applicant and representatives of the church and they assured her that street parking would not be necessary. The existing parking on the site meets the Zoning Ordinance requirements for this type of use.

**Issue 2: Outdoor activities**

Another issue raised by the same resident was noisy outdoor activities taking place on the lawn area at the rear of the property and directly adjacent to the neighborhood. Representatives of the church noted their meetings and any outdoor activities would respect the surrounding neighborhood. Furthermore, Salt Lake City has adopted the County standards for noise nuisances. Outdoor activity must comply with the County standards.

**DISCUSSION:**

The proposal complies with the standards for conditional use approval. The proposed use will be located within an existing building which has adequate parking and square footage for the proposed use. After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that there are no impacts to adjacent properties or public ways that need to be mitigated. Therefore, Planning Staff would recommend that the request is approved.

**NEXT STEPS:**

If approved, the applicant will be required to obtain all necessary permits for the project as outlined above.

If denied, the applicant would not have city approval for the proposed place of worship in an existing office building.

# ATTACHMENT A: VICINITY and ZONING MAPS



# **ATTACHMENT B: SITE PLAN**

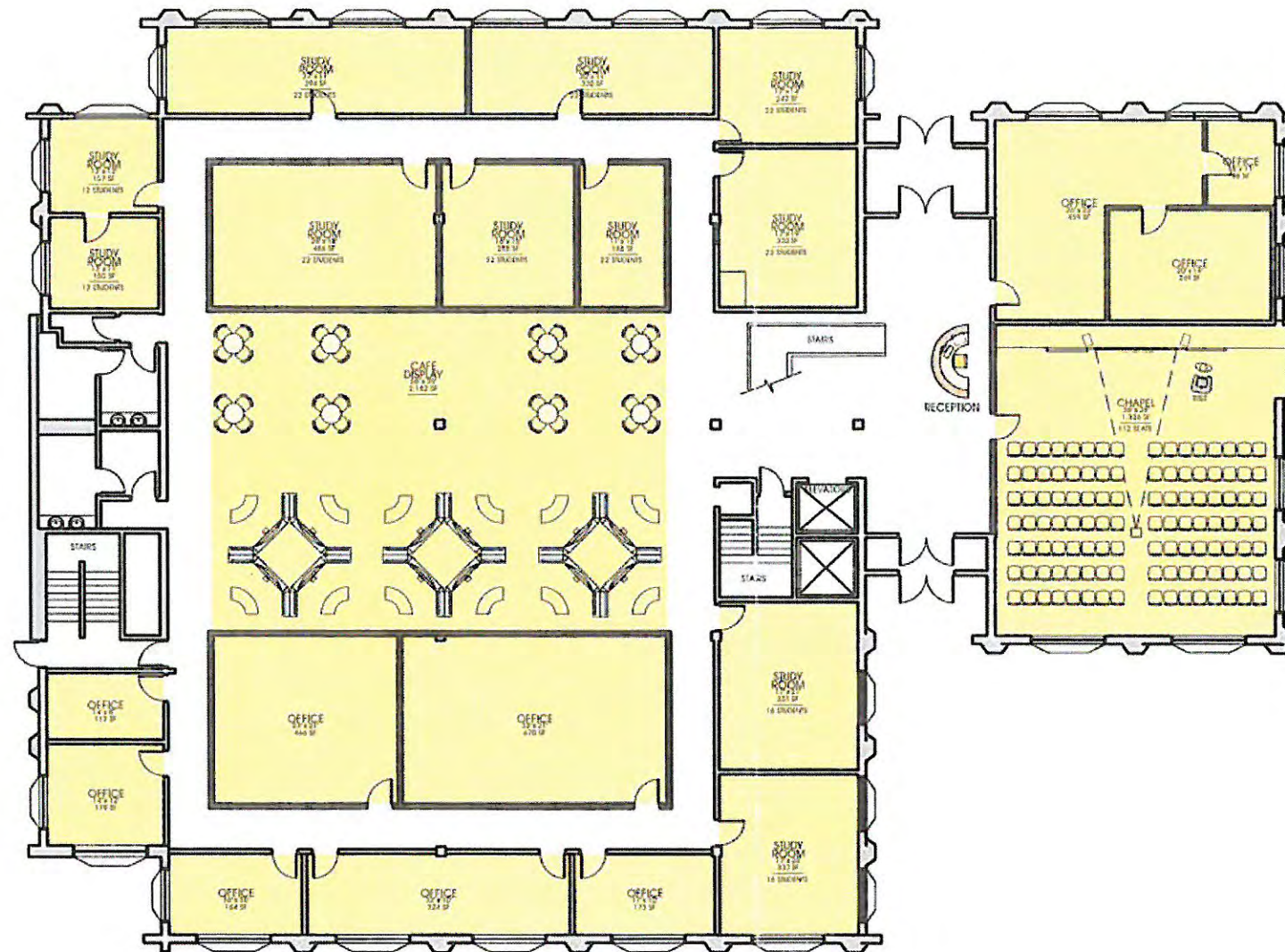
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# **ATTACHMENT C: FLOOR PLANS**

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CHURCH OF  
SCIENTOLOGY  
**SALT LAKE  
CITY**

709 SOUTH TEMPLE STREET  
SALT LAKE CITY, UTAH, 84103

**FIRST  
FLOOR  
BLOCK  
PLAN**



TOTAL BUILDING  
40,480 GROSS SF

THIS FLOOR  
14,570 GROSS SF

PLANNED      KP  
DRAFTED     RL  
SCALE    1/16"=1'-0"  
DATE      06 JAN '13







CHURCH OF  
SCIENTOLOGY  
**SALT LAKE  
CITY**  
709 SOUTH TEMPLE STREET  
SALT LAKE CITY, UTAH, 84103  
**SECOND  
FLOOR  
BLOCK  
PLAN**

COLOR KEY	
Yellow	EN 1
Blue	OR 2
Pink	OR 3
Green	OR 4
Light Green	OR 5
Light Yellow	EN #1
Light Blue	OR 1

WALL KEY	
Thin solid line	NEW
Thick solid line	EXISTING
Dashed line	RELOCATED

TOTAL BUILDING  
40,480 GROSS SF

THIS FLOOR  
16,070 GROSS SF

PLANNED      KP  
DRAFTED     RL  
SCALE    1/16"=1'-0"  
DATE     06 JAN '13

## **ATTACHMENT D: PROPERTY PHOTOGRAPHS**

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*Exterior of building facing South Temple Street*



*Exterior of building looking north on J Street.*



*Landscaped area on the north side of the property and adjacent to 1<sup>st</sup> Avenue.*



*View of the surface parking lot in the middle of the property.*



*Underground parking entrance off J Street.*

# **ATTACHMENT E: ADDITIONAL APPLICANT INFORMATION**

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May 2, 2016

VIA HAND DELIVERY

Salt Lake City Planning Department  
451 South State Street, Room 215  
Salt Lake City, Utah 84111

Dear Salt Lake City Planning Department:

On behalf of our client, The Church of Scientology of Utah, we are submitting the enclosed Conditional Use Permit Application. We submitted an identical application in 2014, which was approved in the Notice of Decision for Petition PLNPCM2014-00629 Conditional Use for Church of Scientology, a copy of which is attached hereto. Because the time period to renew the application expired at the end of 2015, we were instructed by Maryann Pickering to resubmit the full Application. I appreciate your continued cooperation as we work on this important project. Please contact me if you have any questions or concerns.

Sincerely,

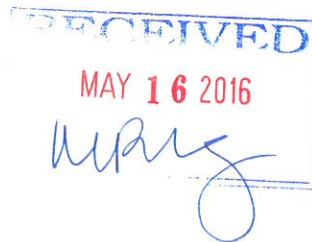
RAY QUINNEY & NEBEKER P.C.

A.J. Green

Enclosures  
1371793v1/AJG

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Bryant J. McConkie  
Marra E. Windham  
Blake R. Bauman  
Michael K. Erickson  
Eric G. Benson  
R. Troy Mollerup  
Matthew M. Cannon  
James A. Sorenson  
Robert P. Harrington  
Greg M. Newman  
Adam K. Richards  
Blake R. Voorhees  
Beth J. Ranschau  
Aaron K. Olsen  
Kimberly A. Child  
Calvin R. Winder  
A.J. Green  
Katherine E. Priest  
Gregory S. Osborne  
Katherine B. Benson  
Whitney Hulet Krogue  
Jeremiah J. Hansen  
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Allison G. Behjani  
Anjali J. Patel





# Conditional Use

323-3417

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
PLNPCM2016-00348	A Anglin	5/8/16	TSA
Project Name: Church of Scientology			

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:  
Conditional Use Permit for Interior Build-out

Address of Subject Property:  
709 South Temple Street, Salt Lake City, Utah 84111

Name of Applicant: A.J. Green of  
Ray Quinney & Nebeker P.C. Phone: 801-532-1500

Address of Applicant:  
36 South State Street, Suite 1400, Salt Lake City, Utah 84111

E-mail of Applicant: ajgreen@rqn.com Cell/Fax: 801-532-7543 Fax

Applicant's Interest in Subject Property:  
 Owner     Contractor     Architect     Other: Attorneys for Owner

Name of Property Owner (if different from applicant):  
The Church of Scientology of Utah

E-mail of Property Owner: jfschouten@scientology.net Phone: 323-960-3500 Ext. 71767

➔ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

➔ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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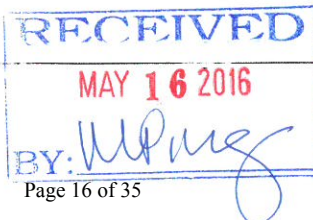
### REQUIRED FEE

➔ Filing fee of \$715 plus \$119 per acre in excess of one acre, plus additional cost of postage for mailing notice.

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: A.J. Green	Date: 4/29/2016
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## SUBMITTAL REQUIREMENTS

Staff Review

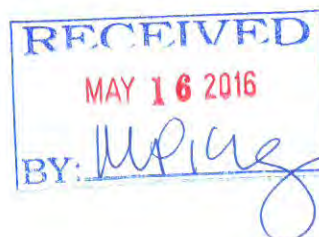
- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>1. Project Description</b> (please attach additional sheet)<br>Written description of your proposal   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>2. Conditional Use Information</b> (please attach additional sheet)<br>If applicable, what is the anticipated operating/delivery hours associated with the proposed use |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | What are the land uses adjacent to the property (abutting and across-the-street properties)  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | How many employees are expected to work on-site during the highest shift   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | If applicable, how many seats will be provided as part of the conditional use  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Have you discussed the project with nearby property owners?<br>If so, what responses have you received?  |
| <input type="checkbox"/> |                                     | <b>3. Minimum Plan Requirements</b>  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | One paper copy (24" x 36") of each plan and elevation drawing  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A digital (PDF) copy of the each plan and elevation drawing  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | One 11 x 17 inch reduced copy of each plan and elevation drawing   |
| <input type="checkbox"/> |                                     | <b>4. Site Plan</b>  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Site plan (see <u>Site Plan Requirements</u> flyer for further details)  |
| <input type="checkbox"/> |                                     | <b>5. Elevation Drawing</b> (if applicable)  |
| <input type="checkbox"/> | <input type="checkbox" value="NA"/> | Detailed elevation, sections and profile drawings with dimensions drawn to scale   |
| <input type="checkbox"/> | <input type="checkbox" value="NA"/> | Type of construction and list the primary exterior construction materials  |
| <input type="checkbox"/> | <input type="checkbox" value="NA"/> | Number, size, and type of dwelling units in each building, and the overall dwelling unit density   |

### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATG

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

**1. & 2. Project Description and Conditional Use Information**



## **Attachment to Church of Scientology of Salt Lake City's Application for Issuance of Conditional Use Permit**

### **1. Project Description**

Church of Scientology of Salt Lake City (the "Church") hereby respectfully requests that the Salt Lake City Planning Department and/or Commission, as applicable, issue a conditional use permit for a "Place of Worship Less than 4 Acres in Size" use for the Property (as defined in Section 1 of the Church's Application) that is located in the RO Residential/Office District. Currently, the RO Residential/Office District in which the Property is located does not include as a permitted use "Places of Worship Less Than 4 Acres in Size", but does include such use as a conditional use. The issuance to the Church of a conditional use permit will allow the Church to renovate the interior of the three-story (including basement) 40,480 gross square foot building located on the Property and operate the Proposed Facility (as described below).

The Proposed Facility shall be built out and divided into rooms as set forth in the attached Basement Block Plan, First Floor Block Plan and Second Floor Block Plan. The basement shall consist of various office spaces for individual and small group study, a staff lunch room, nursery, and fitness room. The first floor shall consist of various offices and study rooms, a cafeteria area (2,182 square feet), a reception area and a chapel (1,326 square feet). The second floor shall consist of study rooms, counseling rooms and offices, the largest room being 1,050 square feet.

The administrative offices will be used for routine administrative functions such as scheduling, accounting, marketing, etc. Parishioners/Students will be served in the study rooms and counseling rooms, where they will engage in individual or small group study and/or counseling sessions. Most of these rooms shall be used in the evenings and on weekends by Parishioners/Students for individual study and small group courses and counseling.

The renovation and operation of the Proposed Facility is consistent with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the City. Section 21A.28.030 of the Salt Lake City Code entitled "Purpose and Intent" provides that the purpose of the Zoning Ordinance is "to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, of the Utah Code Annotated the "Municipal Act")." The Municipal Act, in turn, provides that:

The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and business, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

Municipal Act, U.C.A. § 10-9a-102 (2007). In addition, the Zoning Ordinance is intended to: “[l]essen congestion in the streets or roads; . . . [p]rovide adequate light and air; [c]lassify land uses and distribute land development and utilization; [and] [f]oster the City's industrial, business and residential development.” Zoning Ordinance, § 21A.28.030.

The renovation and operation of the Proposed Facility will help promote the purposes of the Zoning Ordinance. The Church's purpose is to help individuals learn to solve their problems, accomplish their goals and gain lasting happiness by making morally responsible decisions. The promulgation of these ideals will promote the prosperity, improve the morals, peace and good order, comfort and convenience of Salt Lake City.

The use of the Proposed Facility is also compatible with the general purpose of the RO Residential/Office District, which, according to Section 21A.24.180 of the code, is “to provide a suitable environment for a combination of residential dwellings and office use. This district is appropriate in areas of the city where applicable master plans support high density mixed use development.” The Proposed Facility provides a “lighter office use,” especially when compared to existing offices in the area that are filled during business hours throughout the week.

The Proposed Facility is in harmony with the overall character of existing development in the immediate vicinity of the Property. Uses found on the same block as the Property include Busath Photograph and the Potamac Business Center. Uses in the surrounding areas include offices for various businesses and professional services including FH Carlton & Associates, CPAs; Jenson & Gweller, PLLC; Prolung; Voices for Utah Children; a physical therapy office; Café on 1<sup>st</sup>; and various RMF-35 Moderate/High Density Multi-Family Residential uses.

Compatible uses already exist in the area, including the Masonic Temple located at 650 East, South Temple Street, and the Proposed Facility would “produce no appreciable impact on adjacent properties” and would not adversely affect adjacent properties or the City as a whole.

While according to a review of the historical use of the Property, Principal Planner Thomas Irvin represented that the Property has been used for decades as an office, and would thus be grandfathered in under the parking requirements if the intended use were for “General Office”, the following calculations are provided to strengthen the argument that this Application should

be granted. The number of cars utilizing the Property will generally be less than that of a standard office building. The existing parking lot has 84 off street parking spaces that are all available for the Property (20 above ground and 64 below in the parking structure). Consequently, whether the Property is considered “General Office”, part “General Office” and part “Place of Worship”, or purely a “Place of Worship”, the Property’s existing off street parking spaces satisfy the Ordinance (as defined below).

Even if the Property is considered purely “General Office” under Salt Lake City Ordinance 21A.44.030 (the “Ordinance”) the 84 spaces would be more than adequate. For “General Office”, the Ordinance requires 3 spaces per 1,000 square feet of usable floor area for the main floor plus 1¼ spaces per 1,000 square feet of usable floor area for each additional level including the basement. The proposed interior build out of the Property consists of a main floor with 14,750 square feet, a second floor with 16,070 square feet and a basement with 9,840 square feet. This would result in a maximum of 77 required parking spaces:

$$\left[ \frac{14,750\text{SF}}{1,000\text{SF}} \times 3 \right] + \left[ \frac{16,070\text{SF}}{1,000\text{SF}} \times 1.25 \right] + \left[ \frac{9,840\text{SF}}{1,000\text{SF}} \times 1.25 \right] = 77 \text{ Parking Spaces}$$

Likewise if portions of the Property are considered “General Office” and other portions “Place of Worship”, the current 84 off street parking spaces would be adequate. Under the Ordinance, a “Place of Worship” requires less parking – 1 parking space per 1,000 square feet of seating or congregation area. The proposed interior build out of the Property consists of a main floor with 14,750 square feet – 11,242 square feet of which is walkways and smaller office-type counseling rooms, 1,326 square feet of which is a chapel and 2,182 square feet of which is a cafeteria (both of which together would constitute 3,508 square feet of congregation area); a second floor with 16,070 square feet and a basement with 9,840 square feet. This would result in a maximum of 70 required parking spaces:

$$\left[ \frac{11,242\text{SF}}{1,000\text{SF}} \times 3 \right] + \left[ \frac{3,508\text{SF}}{1,000\text{SF}} \times 1 \right] + \left[ \frac{16,070\text{SF}}{1,000\text{SF}} \times 1.25 \right] + \left[ \frac{9,840\text{SF}}{1,000\text{SF}} \times 1.25 \right] = 70 \text{ Parking Spaces}$$

In the event the entire Property is considered a “Place of Worship”, the parking spaces required under the Ordinance would be even less as the Ordinance only requires 1 parking space per 1,000 square feet of seating or congregation area. The proposed interior build out of the Property’s total congregation area consists of a chapel on the main floor with 1,326 square feet and a cafeteria with 2,182 square feet. This would require only 4 parking spaces. Thus, regardless of how parking is calculated, the Property currently has more than sufficient off street parking to satisfy the Ordinance.

## 2. Conditional Use Information

- a. The anticipated operating/delivery hours associated with the proposed use
  - i. The Proposed Facility will be open Monday through Friday from 9:00 am to 10:00 pm and Saturday and Sunday from 9:00 am to 6:00 pm.

- b. The land uses adjacent to the property (abutting and across-the-street properties)
  - i. Abutting and across-the-street zones include RO Residential Office, RMF-35 Moderate Density MultiFamily Residential. Abutting uses found on the same block as the Property include Busath Photograph and the Potamac Business Center. Uses across the street include offices for various businesses and professional services including FH Carlton & Associates, CPAs; Jenson & Gweller, PLLC; Prolung; Voices for Utah Children; a physical therapy office; Café on 1<sup>st</sup>; and various RMF-35 Moderate/High Density Multi-Family Residential uses.
  - ii. As stated in the Project Description, Compatible uses already exist in the area, including the Masonic Temple located at 650 East, South Temple Street, and the Proposed Facility would “produce no appreciable impact on adjacent properties” and would not adversely affect adjacent properties or the City as a whole.
- c. How many employees are expected to work on-site during the highest shift
  - i. 75
- d. How many seats will be provided as part of the conditional use

There will be 112 seats in chapel plus seats in the various offices, counseling and other rooms. However, the Salt Lake City Planning department represented to us that this question is out of date as evidenced by the language in the Ordinance, which bases off-street parking on square footage. As set forth in the Project Description, the number of cars utilizing the Property will generally be less than that of a standard office building. The existing parking lot has 84 off street parking spaces that are all available for the Property (20 above ground and 64 below in the parking structure). Consequently, whether the Property is considered “General Office”, part “General Office” and part “Place of Worship”, or purely a “Place of Worship”, the Property’s existing off street parking spaces satisfy the Ordinance (as defined below).

Even if the Property is considered purely “General Office” under Salt Lake City Ordinance 21A.44.030 (the “Ordinance”) the 84 spaces would be more than adequate. For “General Office”, the Ordinance requires 3 spaces per 1,000 square feet of usable floor area for the main floor plus 1¼ spaces per 1,000 square feet of usable floor area for each additional level including the basement. The proposed interior build out of the Property consists of a main floor with 14,750 square feet, a second floor with 16,070 square feet and a basement with 9,840 square feet. This would result in a maximum of 77 required parking spaces:

$$\left[ \frac{14,750SF}{1,000SF} \times 3 \right] + \left[ \frac{16,070SF}{1,000SF} \times 1.25 \right] + \left[ \frac{9,840SF}{1,000SF} \times 1.25 \right] = 77 \text{ Parking Spaces}$$

Likewise if portions of the Property are considered “General Office” and other portions “Place of Worship”, the current 84 off street parking spaces would be adequate. Under the

Ordinance, a “Place of Worship” requires less parking – 1 parking space per 1,000 square feet of seating or congregation area. The proposed interior build out of the Property consists of a main floor with 14,750 square feet – 11,242 square feet of which is walkways and smaller office-type counseling rooms, 1,326 square feet of which is a chapel and 2,182 square feet of which is a cafeteria (both of which together would constitute 3,508 square feet of congregation area); a second floor with 16,070 square feet and a basement with 9,840 square feet. This would result in a maximum of 70 required parking spaces:

$$\left[ \frac{11,242\text{SF}}{1,000\text{SF}} \times 3 \right] + \left[ \frac{3,508\text{SF}}{1,000\text{SF}} \times 1 \right] + \left[ \frac{16,070\text{SF}}{1,000\text{SF}} \times 1.25 \right] + \left[ \frac{9,840\text{SF}}{1,000\text{SF}} \times 1.25 \right]$$

= 70 Parking Spaces

In the event the entire Property is considered a “Place of Worship”, the parking spaces required under the Ordinance would be even less as the Ordinance only requires 1 parking space per 1,000 square feet of seating or congregation area. The proposed interior build out of the Property’s total congregation area consists of a chapel on the main floor with 1,326 square feet and a cafeteria with 2,182 square feet. This would require only 4 parking spaces. Thus, regardless of how parking is calculated, the Property currently has more than sufficient off street parking to satisfy the Ordinance.

- e. Have you discussed the project with nearby property owners? If so, what responses have you received?
  - i. We have not discussed the project with nearby property owners.

**3. Plans (enclosed)**

- a. One paper copy (24” x 36”) of each plan and elevation drawing
- b. A digital (PDF) copy of each plan and elevation drawing
- c. One 11 x 17 inch reduced copy of each plan and elevation drawing

**4. Site Plan (enclosed)**

- a. As required by the Site Plan Requirements flyer

**5. Elevation Drawing (photos enclosed)**

The Salt Lake City Planning Department represented to us that because no alterations will be made to the exterior cladding of the Property (the renovations will be to the interior of the Property) that the enclosed photographs of the Property’s exterior would satisfy this requirement.

- a. Detailed elevation, sections and profile drawings with dimensions drawn to scale
- b. Type of construction and list the primary exterior construction materials
- c. Number, size, and type of dwelling units in each building, and the overall dwelling unit density

# ATTACHMENT F: EXISTING CONDITIONS

## Avenues Community Master Plan Discussion

The subject property is located within the Avenues Community planning area. The subject property is designated on the future land use map as both 'Medium Density Residential (8-20 units per acre)' and 'High Density Residential (more than 20 units per acre)'.

The Avenues Community Master Plan (1987) contains specific policies to development within the boundaries of the community planning area, listed as follows:

### ***Guidelines for Either Redevelopment or a New Use of Existing Structures (page 10)***

*"Intensity of any new use, whether new occupancy of existing buildings or redevelopment and new construction, must be less intensive than present use levels with regards to the number of persons occupying the site, parking needs, and estimated traffic generation."*

*"Parking lots should be designed to encourage parking on them rather than streets. Site design should include appropriate fencing, sidewalk locations, lighting, landscaping, etc."*

## Zoning

RO Zone Standards	Finding	Rationale
Minimum lot area and width: Minimum of 12,000 square feet and 80 feet in width	Complies	The lot is existing. It is approximately 54,450 square feet in size and 165 feet wide.
Maximum building height: 60 feet	Complies	The building is existing and is approximately 40 feet tall. No height increases are proposed.
Multi-Family Dwellings And Offices On Greater Than Twenty Thousand Square Foot Lot Area: a. Front Yard: 25 feet b. Corner Side Yard: 25 feet c. Interior Side Yard: 15 feet d. Rear Yard: The rear yard shall be 25% of the lot depth, but need not exceed 30 feet.	Complies	a. Approximately 30 feet. b. Approximately 20 feet. c. Approximately seven feet. d. Approximately 165 feet.  The corner side yard and interior yard do not meet the minimum requirement. The structure is considered a legal, noncomplying structure. The Zoning Ordinance allows a legal noncomplying structure to be used for any permitted or conditional use listed in the underlying zoning district.
Maximum building coverage: 60%	Complies	Existing lot coverage is approximately 45%.



## **ATTACHMENT G: ANALYSIS OF STANDARDS**

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### **21A.54.080 Standards for Conditional Use**

**Approval Standards:** A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

**Analysis:** “Places of worship on lots less than four acres in size” is listed as a conditional use in the Residential Office (RO) zoning districts. The use does comply with applicable zoning standards that are discussed in Attachment F: Existing Conditions.

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

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

**Analysis:** Most of the surrounding uses to the east, west and south of the subject parcel are similar in nature to the proposed use. Although the proposed use is a place of worship, it will be similar in nature to the existing office uses in and around the area along South Temple. The residential uses to the north are buffered by the northern half of the subject property and also have a street in between them and the subject property. Very little impact is anticipated, especially since this property operated an office use for several years.

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

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

**Analysis:** The use is consistent with the planning policies and the Avenues Community Master Plan as discussed in Attachment F: Existing Conditions. The master plan supports redevelopment or reuse of existing buildings as proposed in this request.

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

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions. (Refer to Detrimental Impacts Chart for details)

**Analysis:** The detrimental impacts are discussed in the chart below. After analyzing each criteria listed, Planning staff has not found any impact that would cause a detrimental effect.

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

**21A.54.080B: Detrimental Effects Determination:** In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located.	Complies	A place of worship (less than four acres in size) is a conditional use in the RO zoning district.
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps.	Complies	The use is located on a property zoned and designated by the associated master plan as both 'high density' and 'medium density' residential uses. Places of worship are typically found in residential areas. A place of worship is a conditional use that is compatible with these designations.
3. The use is well-suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.	Complies	The proposed use will be located within an existing office building and no new facilities are proposed to be constructed. The office building has existing for several years and appears to fit into the surrounding neighborhood.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered.	Complies	The proposed use will be located in a building which is similar to other office buildings in and around the surrounding area. Other places of worship can also be found in the area.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows.	Complies	The applicant intends to use the existing parking area and access driveways to the site. Traffic for the most part will utilize South Temple Street and J Street for accessing the proposed property. There is not anticipated to be any impact to existing traffic flows and the City's Transportation Division has initially approved the request.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic.	Complies	Internal circulation already exists in place for the proposed site.
7. The site is designed to enable access and circulation for pedestrian and bicycles.	Complies	The site is located within an existing developed area where sidewalks and streets already provide access and circulation for pedestrians and bicycles.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent streets.	Complies	The City's Transportation Division did not indicate any issues with street level of service.

<p>9. The location and design of off-street parking complies with applicable standards of this code.</p>	<p>Complies</p>	<p>The proposed site already has a total of 84 parking stalls for the building. 20 parking spaces are provided in a parking lot and the remaining 64 are provided in an underground parking structure. The number of parking spaces is adequate for the proposed use. If during the building permit process it is determined that the site does not have adequate parking, the applicant will be required to identify alternative parking solutions that comply with the Zoning Ordinance.</p>
<p>10. Utility capacity is sufficient to support the use at normal service levels.</p>	<p>Complies</p>	<p>The proposed use has access to all necessary utilities.</p>
<p>11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts.</p>	<p>Complies</p>	<p>The proposed use will be located within an existing building designed as an office. The proposed place of worship is not anticipated to have more of an effect on the surrounding area than the previous office uses.</p>
<p>12. The use meets City sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke.</p>	<p>Complies</p>	<p>The proposed use plans to utilize an existing building and will not need to complete any exterior modifications to the building. Reuse of the building meets the City's sustainability goals and it does not anticipate having any negative impacts on the surrounding environment.</p>
<p>13. The hours of operation and delivery of the use are compatible with surrounding uses.</p>	<p>Complies</p>	<p>The proposed hours of operation are similar to other office or commercial businesses in the surrounding area. The proposed use does intend to operate seven days a week, but with reasonable hours that are compatible with the neighborhood.</p>
<p>14. Signs and lighting are compatible with, and do not negatively impact surrounding uses.</p>	<p>Complies</p>	<p>Signs and lighting will be required to meet all applicable Zoning Ordinance requirements.</p>
<p>15. The proposed use does not undermine preservation of historic resources and structures.</p>	<p>Complies</p>	<p>There are no historic sites or features on property. However, the property is located in the South Temple Historic District. A Certificate of Appropriateness is required for any exterior modifications made to the building or site, including signs.</p>

## **ATTACHMENT H: PUBLIC PROCESS AND COMMENTS**

On June 16, 2016, a community Open House was held for the proposed conditional use. There were no community members who attended the Open House. The applicant was in attendance as were two members of the Church of Scientology.

One comment was received at that meeting in the form of a written letter. The property owners who submitted the comment noted their concern for parking on the streets are the project and potential noise concerns from activities on the lawn area at the north of the property. This is similar to the comments submitted for the previous application heard in December 2014. A copy of the written comment is attached.

There have been no other public comments at the time of publication of this staff report.

Notice of the public hearing was mailed on July 14, 2016 and the site was posted on July 14, 2016.

Gary and Ruth Manville

619 1st Ave.

Salt Lake City, UT 84103

June 16, 2016

Salt Lake Planning Division

451 South State Street

Salt Lake City, UT 84111

Re: Case Number OLNPCM2016-00348, 709 E. South Temple

To Whom it may Concern:

When we attended the planning Commission meeting on December 10, 2014, in reference to the Conditional Use by the Church of Scientology, we expressed our concerns about how the use of the property might affect the neighborhood.

Neighbors on the North side of 1st Avenue between I and J Streets are concerned about potential parking on the street and loud gatherings in the park area facing 1st Avenue. The representative of the church assured us that parking availability on the grounds would be sufficient and no street parking would be necessary. We were also assured that gatherings would be in the building and that there would be no loud gatherings affecting the neighborhood.

There was one noisy gathering in the summer of 2015.

We would also request that if the grounds need care that the loud and heavy equipment be used during a weekday rather than on Saturdays and Sundays, as was the case last summer.

We want to again express our concerns about potential disruptive parking and gatherings that might affect the neighborhood. Please again register our concerns for the residential area.

Sincerely,



Handwritten signature of Gary Manville and Ruth Manville.

# **ATTACHMENT I: DEPARTMENT REVIEW COMMENTS**



# Work Flow History Report

## 709 South Temple

### PLNPCM2016-00348

Date	Task/Inspection	Status/Result	Action By	Comments
5/17/2016	Engineering Review	Complete	Weiler, Scott	No objections.
5/17/2016	Staff Assignment	Routed	Pickering, Maryann	
5/24/2016	Zoning Review	Complete	Lima, Mayara	No zoning issues.
6/6/2016	Public Utility Review	Complete	Draper, Jason	Public Utilities Review No concerns with proposed conditional use. Submit improvement plans to public utilities for review. All connection, resource, survey, and inspection fees will apply.
6/9/2016	Building Review	Complete	Pickering, Maryann	Comments provided as part of the zoning review.
6/9/2016	Community Open House	In Progress	Pickering, Maryann	Open house scheduled for June 16, 2016.
6/9/2016	Fire Code Review	Complete	Pickering, Maryann	No comments received.
6/9/2016	Transportation Review	Complete	Pickering, Maryann	No comments received.

# **ATTACHMENT J: DECEMBER 10, 2014 PLANNING COMMISSION MINUTES**

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**EXCERPT of  
SALT LAKE CITY PLANNING COMMISSION MEETING  
Room 126 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, December 10, 2014**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:37:32 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Clark Ruttinger, Vice Chair Matt Lyon, Commissioners Angela Dean, Michael Fife, Michael Gallegos, James Guilkey and Carolynn Hoskins. Commissioners Marie Taylor and Emily Drown were excused.

Planning Staff members present at the meeting were: Nick Norris, Acting Assistant Planning Director; Michaela Oktay, Planning Manager; Doug Dansie, Senior Planner; Everett Joyce, Senior Planner; Casey Stewart, Senior Planner; John Anderson, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

**Field Trip**

A field trip was held prior to the work session. Planning Commissioners present were: Michael Fife, James Guilkey, Clark Ruttinger and Carolyn Hoskins. Staff members in attendance were Nick Norris and Casey Stewart.

[5:40:04 PM](#)

**[Church of Scientology Conditional Use at approximately 709 E. South Temple Street](#)**  
**A request by Ray Quinney & Nebeker, P.C., representing The Church of Scientology for Conditional Use approval to operate a place of worship (less than four acres in size) within an existing office building located at the above address. The subject property is located in RO (Residential Office) zoning district and is located in Council District #3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801)535-7660 or [maryann.pickering@slcgov.com](mailto:maryann.pickering@slcgov.com)). Case number PLNPCM2014-00629**

Mr. Casey Stewart, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- If the use of a church would impact the surrounding business.
  - Staff stated current businesses would not be impacted by the subject building becoming a church.

The Applicant stated they had nothing to add and did not wish to speak.

**PUBLIC HEARING 5:44:27 PM**

Chairperson Ruttinger opened the Public Hearing, seeing no one in the audience wished to speak for or against the petition; Chairperson Ruttinger closed the Public Hearing.

**MOTION 5:45:11 PM**

**Commissioner Guilkey stated regarding petition PLNPCM2014-00629, Church of Scientology Conditional Use, based on the findings listed in the Staff Report, plans presented, and testimony heard, he moved the Planning Commission approve PLNPCM2014-00629. Commissioner Gallegos seconded the motion. The motion passed unanimously.**

## **ATTACHMENT K: MOTIONS**

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Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for conditional use approval of a place of worship and therefore recommends that the Planning Commission approve the application as proposed.

**Consistent with Staff Recommendation:**

Based on the plans submitted, the staff report and testimony provided, I move that the Planning Commission approve PLNPCM2016-00348. No conditions of approval are required because no detrimental or adverse impacts have been identified related to the proposal.

**Not Consistent with Staff Recommendation:**

Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission deny PLNPCM2016-00348. Planning Commission must support this determination with findings.