

PLANNING COMMISSION STAFF REPORT



Planning Division
Department of Community and
Economic Development

HATCH FAMILY CHOCOLATES

Zoning Map Amendment, Amendment to The
Avenues Future Land Use Map and Zoning
Ordinance Amendment

Petitions PLNPCM2010-00369

PLNPCM2010-00370

August 11, 2010

Applicant

Hatch Family Chocolates, Steve
Hatch

Staff

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

Master Plan Designation

Single family Low Density

Council District

Three; Stan Penfold

Review Standards

21A.50.050 Standards for General
Amendments

Affected Text Sections

21A..24.190

Notification

- Notice mailed on July 22, 2010
- Published in Deseret News July 30, 2010
- Posted on City & State Websites July 22, 2010

Attachments

- A. Ordinance Amendments.
- B. Proposed Site Plan
- C. RMU-35 Section of Zoning Ordinance
- D. Residential Use Table
- E. Avenues Community Council Letter
- F. Public Comment
- G. Department Comments

REQUEST

On June 8, 2010 Hatch Family Chocolates, represented by Steve Hatch submitted petitions for the following:

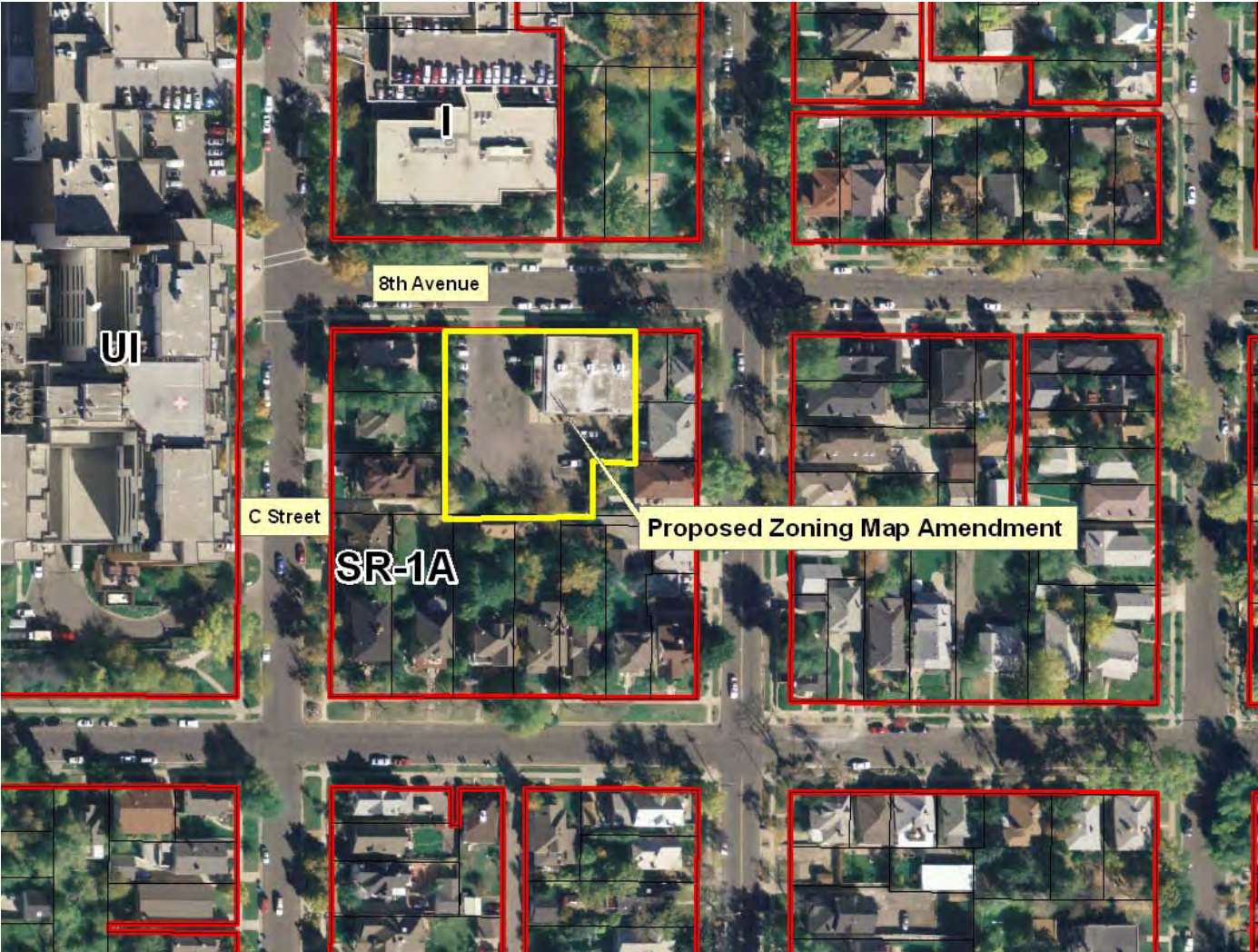
- 1) Modify the Avenues Zoning Map to change the zone at 376 East 8th Avenue from SR-1A to RMU-35
- 2) Modify the Future Land Use Map in the Avenues Master Plan from single family residential to Mixed Use.
- 3) Modify Chapter 21A.24.190 Table of Permitted and Conditional Uses by residential districts to allow "restaurants without drive through services" in the Residential Mixed Use (RMU-35) zone.

The stated purpose of the request is to enable a mixed use commercial development in an existing non-conforming market. A summary of the proposed changes is provided below.

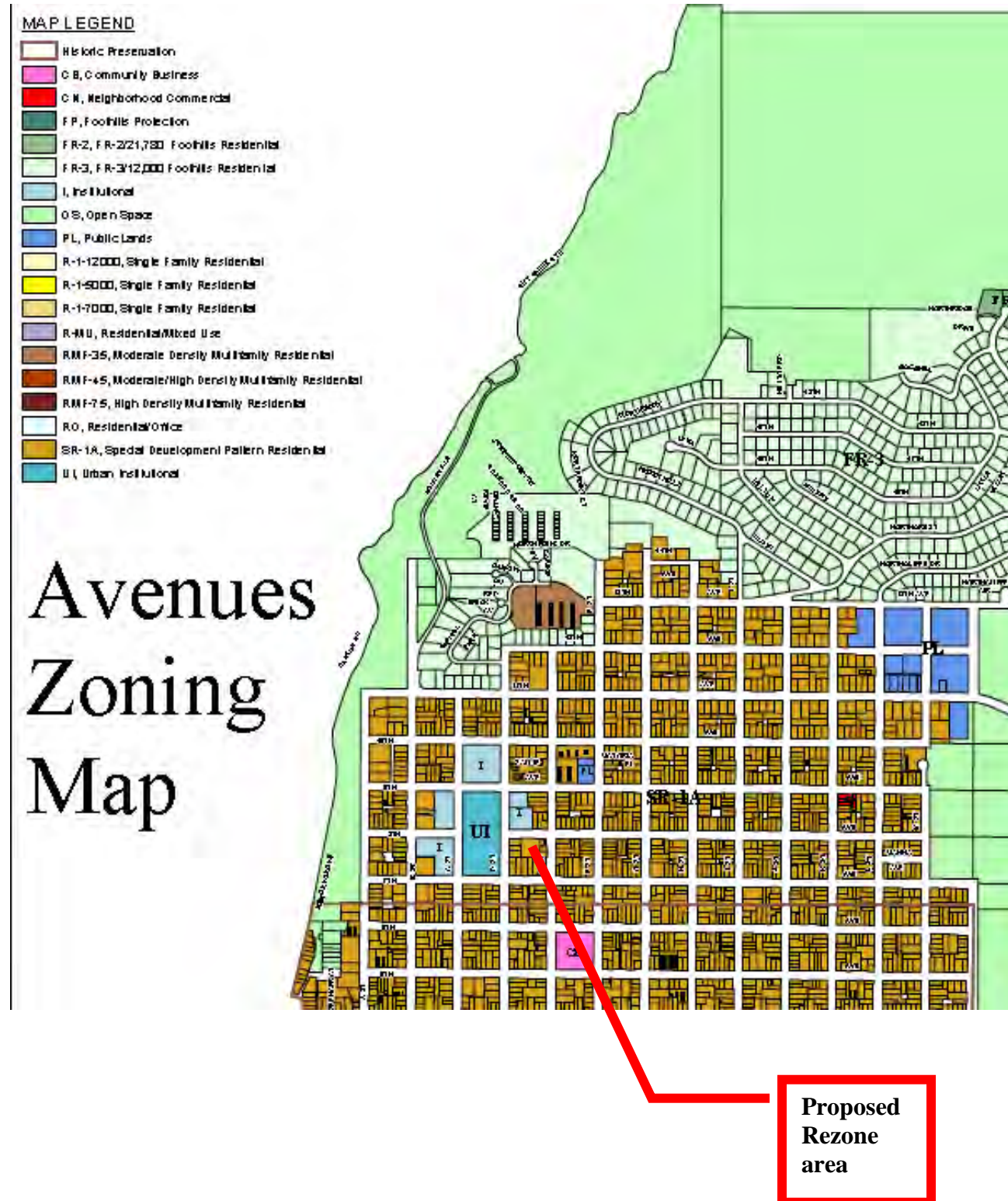
STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed Master Plan Amendment, Zoning Map amendment and Zoning Ordinance amendment, conduct a public hearing and consider forwarding a positive recommendation for each application to the City Council pursuant to the analysis and findings in this staff report.

Vicinity Map



Avenues Zoning Map



Background

- Modify the Avenues Zoning Map to change the zone at 376 East 8th Avenue from SR-1A to RMU-35
- Modify the Future Land Use Map in the Avenues Master Plan from single family residential to Commercial/Business.
- Modify Chapter 21A.24.190 Table of Permitted and Conditional Uses by residential districts to allow “restaurants without drive through services” in the Residential Mixed Use (RMU-35) zone.

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Plan is not. Therefore, the City Council and Planning Commission are being asked to determine whether or not a policy change from low density residential to commercial/business on the site is appropriate. If it is decided in the affirmative, then positive motions for the master plan amendment and zoning map amendment should follow.

The property at 376 8th Avenue is commonly referred to as the 8th Street Market. The existing building was permitted as a “store and parking lot” in 1964, and is considered a legal nonconforming use in the SR-1A zone. The lot is approximately 26,734 square feet in size, with 41 existing parking stalls and an approximately 11,000 square foot commercial building.

The applicant would like to expand the existing building to accommodate 3 commercial units (one for his hand dipped chocolate business), and an office use. The expansion would consist of a 1,000 square foot two story addition in the rear of the building, an elevator and extensive renovations to the existing building.

The property is located in a residential area, surrounded on three sides by single family residential homes, with a large medical office to the north. LDS Hospital is located a half block to the west. Primary access to the property is from 8th Avenue to the north, and a small driveway on the west from C Street.

Proposal

The applicant is proposing a multi unit mixed use development, with primary access from 8th Avenue. The facility would be a 2-story building approximately 23 feet in height, with parking around the perimeter. The first floor would house 3 commercial units, one for the applicant’s chocolate business, and the other two to be determined. The second floor would have a small office for the chocolate business and a residential unit. Because the building is a legal nonconforming use, the applicant is able to move his business to the site with or without this approval. Nonetheless, he would not be able to build the proposed addition as it would constitute an expansion of a nonconforming use.

Staff has conducted a preliminary zoning review of the property, and made the following findings. If the City Council and Planning Commission make findings for approval of these applications, the mixed use will be processed as a permitted use. No further board or commission action will be necessary. A final review for zoning ordinance compliance will occur at the time of building permit application.

	SR-3, SR-1A Ordinance Requirement	RMU-35 Zoning Ordinance Requirement	Proposed
Lot Area	Commercial not allowed, 5,000 square feet per dwelling unit.	No Minimum	26,734 Square feet
Lot Width	Minimum 50 feet of frontage	Minimum 50 feet of frontage	160 feet
Building Height	Maximum 20 feet for a flat roof measured from established grade	Maximum 35 feet to ridge line measured from established grade	Approximately 23 feet,

Yard Requirements	Front = 20 feet or street average Side = 10' and 4' Rear = 25% of lot depth not to exceed 30'	Front yard: No setback is required. Side yard: No setback is required. Rear yard: Twenty five percent (25%) of lot depth but need not exceed thirty feet (30').	Front = 0' feet Side = 6' Rear = 22'
Building Coverage	40% of lot area	N/ A	30 % approximately
Parking	2 spaces per unit.	2 spaces per 1,000 square feet of leasable area.	41 parking stalls

The applicant met with staff to determine which zoning designation would be the most appropriate for the site. The Community Business (CB) and Community Shopping (CS) zones were eliminated due to the high impact uses that are allowed in each. The Neighborhood Commercial (CN) zone was eliminated because the maximum lot size for that zone is 16,000 square feet (this property is 26,734 square feet). The Residential Business (RB) was eliminated because it did not allow enough flexibility. It was determined that the RMU-35 would have the fewest impacts on adjacent property owners while still enabling the uses that the applicant is proposing (assuming the proposed amendment to allow a restaurant without a drive through is approved).

Public Participation

Avenues Community Council

This project was presented to the Avenues Community Council on July 7, 2010. The project was reviewed and a motion to forward a positive recommendation to the planning Commission was made. The motion passed unanimously (letter from Community Council Chair attached as exhibit E).

Public Comments

Staff has received a telephone call regarding the project, and some written comment. All comment at the time of this writing has been in favor of the project (written comment attached as exhibit F).

Analysis

The applicant has submitted this application with the intent of building a mixed use development at 376 North 8th Avenue. The amendments to the zoning map and Avenues Master Plan will be confined to the site, with no application to other property in the City. The proposed amendment to the table of permitted and conditional uses in the residential zones will have a wider impact as the proposal to allow restaurants without a drive through will apply throughout the City. Currently restaurants are a permitted use in the RMU zone, but not allowed in the RMU-35 or RMU-45 zones.

STANDARDS FOR GENERAL AMENDMENTS

Avenues Master Plan Amendment

The Future Land Use Map in the Avenues Master Plan defines the property as low density residential 4-8 units per acre. The proposal would change that designation to commercial/business.

Concurrent to this proposal, the Planning Division is conducting a comprehensive survey of small businesses operating in the residential neighborhoods of the City. The purpose is to preserve and enhance sustainability in our neighborhoods. This effort builds upon past efforts to allow and encourage commercial land uses that provide important community gathering spaces, necessary services, employment and an enhanced tax base for the City.

The 8th Avenue Market is featured as non-conforming in the study, and contemplated for a rezone and master plan amendment.

The Land Use section of the Avenues Master Plan states the following:

“Additional retail services may eventually be needed in the Avenues. However, locational decisions for changing zoning to accommodate a new retail service should not be made until Avenues residents express the need for additional retail shopping. At that point, the following criteria should be considered in evaluating possible locations.”

Criteria 1: The need of the proposed business must be documented through obvious community support.

Analysis: The proposed project has been reviewed by the Greater Avenues Community Council, who voted unanimously to support the proposed application (see attachment E). Staff has received letters of support for the project (attachment F). No negative feedback has been received at this time.

Criteria 2: Property owners must show the need for the business with regard to a city-wide perspective.

Analysis: The applicant has established the need for the chocolate business by virtue of his success in the Avenues. The Hatch Family Chocolates business has operated successfully for a number of years at its current location at the corner of 4th Avenue and E Street. This point is further demonstrated by the fact that the operation has outgrown its current location and is in need of a larger space.

Policy makers have consistently emphasized the need to foster and grow local business and industry within the City. These businesses promote sustainability through the use of local products and foods, and by providing residents with a walkable alternative to driving outside of their neighborhoods. They promote economic growth by providing jobs, increased tax base and fuel to our economy.

Criteria 3: The property must be located on a street that can handle the additional traffic.

Analysis: This use has vehicle access routes similar to those used by vehicles going to and from the hospital. As a result, the impact of vehicle traffic to and from the site will be less than were the use proposed in a more quiet area of the Avenues.

Criteria 4: The site must be large enough to provide adequate open space and parking without overcrowding the lot.

Analysis: The impacts of the mixed use on adjacent property owners will be mitigated by the fact that the site has sufficient onsite parking and adequate access. As a result, patrons, delivery trucks and other vehicular impacts will be staged on site, rather than from the street. All potential uses on the site will be reviewed by staff for compliance with applicable parking regulations prior to the issue of a building permit or business license.

Criteria 5: Business projects must be of a scale and density that will not negatively impact neighboring residential properties.

Criteria 6: The proposal should not involve the demolition of residential structures.

Analysis: No buildings are proposed to be demolished as part of this application.

Criteria 7: The proposal must be accompanied by a market analysis indicating a need and market area.

Analysis: The applicant has established the need for the chocolate business by virtue of his success in the Avenues. The Hatch Family Chocolates business has operated successfully for a number of years at its current location at the corner of 4th Avenue and E Street. This point is further demonstrated by the fact that the operation has outgrown its current location and is in need of a larger space. As a result, staff finds that the need for a market analysis is not necessary.

Findings

Although there are no specific standards in the Salt Lake City Zoning Ordinance for Master Plan Amendments, State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for amending a master plan relating to noticing requirements. A newspaper notice for the master plan amendment was published on July 30, 2010.

Further, staff finds that the proposed business, Zoning Map Amendment and Ordinance amendment are consistent with the criteria established in the Avenues Master Plan for a zoning change and therefore, staff finds that the proposed Amendment to the Avenues Future Land Use Map is appropriate and in the capitol city's best interests.

Zoning Map Amendment

As stated, the property is zoned SR-1A. Commercial and mixed uses are not allowed in that zone. The property has been a legal non-conforming use on the site since 1995, when it was rezoned from R-2 to SR-1A. The proposed zoning map amendment would make the proposed retail use a legal conforming use in the RMU-35 zone.

Section 21A.50.050B states: In making a decision to amend the zoning map, the city council should consider the following.

Standard 1: Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

Analysis: Currently the proposal is not consistent with the Avenues Master Plan designation for the site. The applicant is requesting that the Planning Commission and City Council amend that document concurrently with the proposed text amendment and zoning map requests.

This proposal mirrors a separate small business initiative directed by Mayor Becker wherein staff is conducting a survey of small businesses operating in the residential neighborhoods of the City. The purpose is to preserve and enhance sustainability in our neighborhoods by encouraging commercial land uses that provide important community gathering spaces, necessary services, employment and an enhanced tax base for the City. Upon completion of the survey, zoning map and master plan amendments will be proposed and brought before the Commission and Council. Were this application not received, the subject property would have been a candidate for a master plan amendment and rezone as part of the larger small business initiative.

Finding: Staff finds that if the Planning Commission finds that the proposed amendment to the Avenues Master Plan is appropriate, then the proposed zoning map amendment meets this standard. Staff further finds that the proposed zoning map amendment coincides with current City efforts to amend and update all related City master plans and planning documents to recognize existing nonconforming commercial uses in neighborhoods and make them legal conforming uses.

Standard 2: Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance

Analysis: The purpose statement for the RMU-35 zone states:

“The purpose of the R-MU-35 residential/mixed use district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as low/medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.”

The proposed development will achieve the purpose of this statement as it will create a new development on a property that has historically been a commercial use, and will provide walkable commercial uses that support the overall urban residential atmosphere of the immediate Avenues neighborhoods.

Finding: Staff finds that the proposed map amendment is consistent with the purpose of the RMU-35 zone, as it will create a use that provides supportive retail and service commercial to the neighborhood that would not otherwise be available, thereby enhancing the sustainability of the Avenues as a whole.

Standard 3: The extent to which a proposed map amendment will affect adjacent properties;

Analysis: The property is bordered on three sides by single family residences. In general, parking and traffic generated by commercial uses in residential neighborhoods create significant impacts that are difficult to mitigate (cars parked up and down the street, congestion on narrow residential streets, deliveries to and from the site etc.). This use has a large parking lot, and vehicle access routes similar to those used by vehicles going to and from the hospital. The impacts of the mixed use on adjacent property owners will be mitigated by the fact that the site has sufficient onsite parking and adequate access. As a result, patrons, delivery trucks and other vehicular impacts will be staged on site, rather than from the street. Further, the uses and purposes of the RMU-35 zone will reduce potential impacts as they are designed to promote a mix of residential and low impact commercial.

Finding: Staff finds that the existence of a larger parking lot and good traffic access will reduce the impacts of the proposed zoning designation on the surrounding neighborhood residential.

Standard 4: Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Analysis: There are no overlay zones on the property

Finding: This standard is not applicable.

Standard 5: The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

Analysis: This application has been reviewed by all applicable City Divisions. Comments from each indicate that they have no objection to the proposed zoning map amendment. There are issues that the applicant will need to address prior to the issue of a building permit, relating to the upgrade of existing service lines and infrastructure on site. All necessary fire, police and emergency services are within a reasonable distance.

Finding: Staff finds that the proposed amendment will have all necessary utility and public services necessary to accommodate the site.

Zoning Ordinance Text Amendment

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:

Section 21A.50.050: of the zoning ordinance states that a decision to amend the text of this title 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. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

Standard 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: Currently the proposal to allow restaurants in the RMU-35 zone is not consistent with the Avenues Master Plan designation for the site. The applicant is requesting that the Planning Commission and City Council amend that document concurrently with the proposed text amendment and zoning map requests.

The allowance of this use in the RMU-35 zone would have an impact greater than just that on the site, as it would be allowed throughout the City (currently there are no RMU-35 zoned areas). Nonetheless, the use coincides with current planning practices of making various types of uses available to the public in a more residential setting. Generally commercial units in mixed use developments are small (the unit in

the current proposal is 1,700 square feet), meaning the impact of the restaurant use would be diminished. The prohibition of the drive through further enhances the residential nature of the area.

Finding: Staff finds that the proposed zoning ordinance amendment meets this standard as a restaurant use is consistent with the purposes, objectives and goals of its planning documents.

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

Analysis: The purpose statement for the RMU-35 zone states:

“The purpose of the R-MU-35 residential/mixed use district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as low/medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.”

The proposed ordinance amendment will allow for an additional use that will support the local neighborhood and other uses. In the case of the 8th Avenue project, a restaurant on site will provide an alternative for people visiting the hospital, as well as for local residents. In other RMU-35 zones, it will also provide residents with alternatives to driving for daily needs.

Finding: Staff finds that the proposed ordinance amendment is consistent with the purpose of the RMU-35 zone, as it will create a use that provides supportive retail and service commercial to the neighborhood that would not otherwise be available, thereby enhancing the sustainability of the Avenues as a whole.

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

Analysis: There are no overlay zones on the property

Finding: This standard is not applicable.

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

Analysis: The proposed zoning ordinance amendment recognizes the changing philosophy among community leaders that it is important to make a variety of commercial uses available to the public within easy walking distance of their homes. Throughout the past few years, general attitudes toward walkability and the need to eliminate the number of vehicle trips a family takes, have evolved into a recognition that commercial uses among residential neighborhoods is a benefit and not a nuisance. This request mirrors that trend.

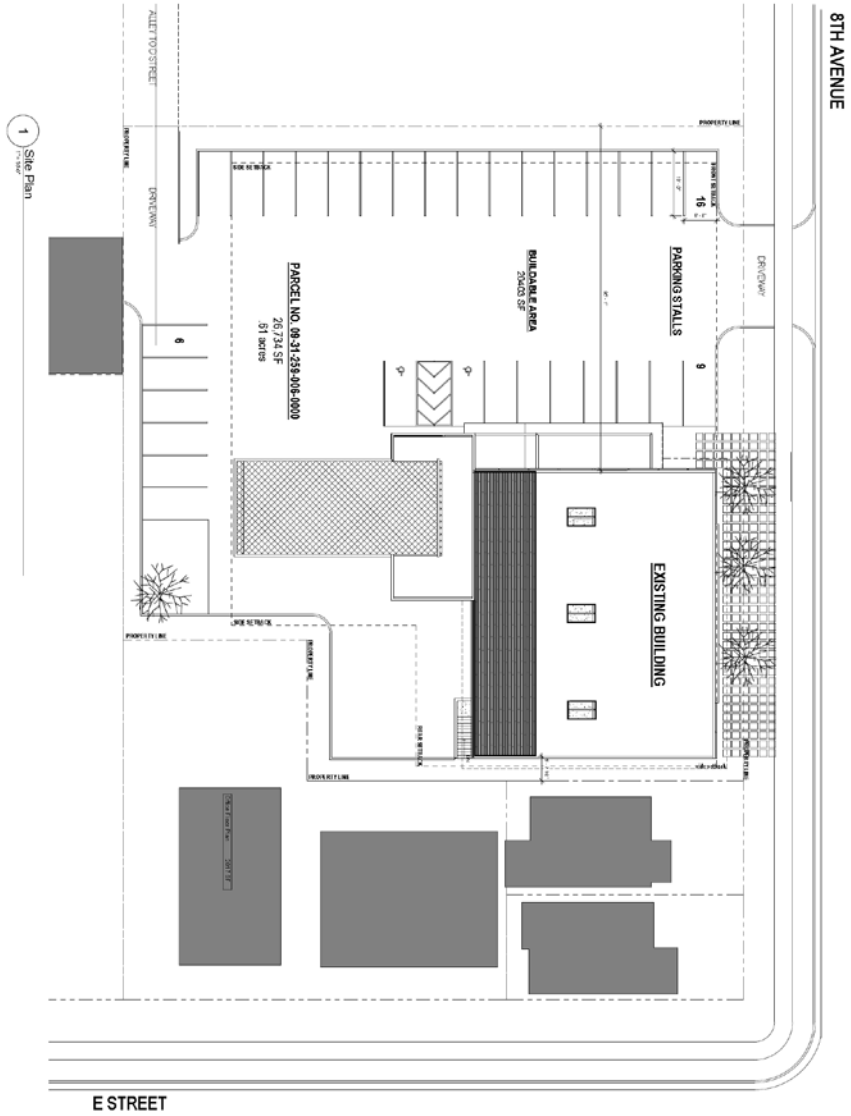
Finding: Staff finds that the proposed zoning map amendment implements the best current practices in urban planning and design.

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

Legend:	C =	Conditional	P =	Permitted
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	Permitted And Conditional Uses, By District Residential Districts																		
Use	FR -1/ 43, 56 0	FR -2/ 21, 78 0	FR -3/ 12, 00 0	R- 1/ 12, 00 0	R- 1/ 7, 00 0	R- 1/ 5, 00 0	S R - 1	S R - 2	S R - 3	R - 2	R M F- 30	R M F- 35	R M F- 45	R M F- 75	R B	R - M U - 3 5	R - M U - 4 5	R - M U	R O
Rest aura nt s with out drive throu gh servi ces																<u>P</u>			

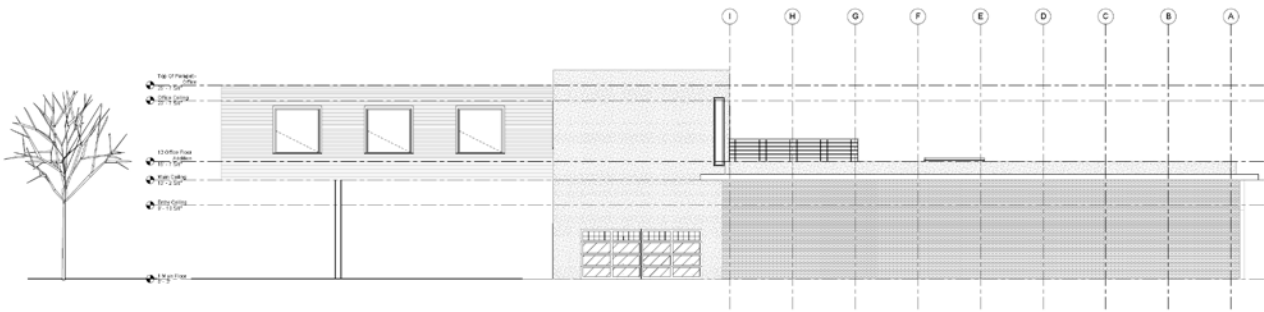
Attachment B
Hatch Family Chocolates Site Plan Elevations



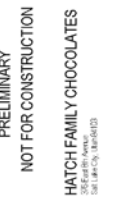
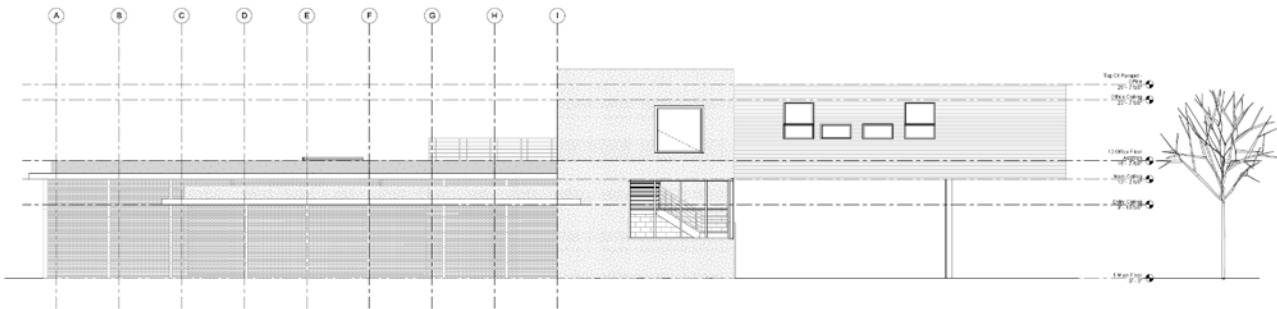
PRELIMINARY
NOT FOR CONSTRUCTION

HATCH FAMILY CHOCOLATES
376 East 8th Avenue
Salt Lake City, Utah 84103





1 East Addition
elevation

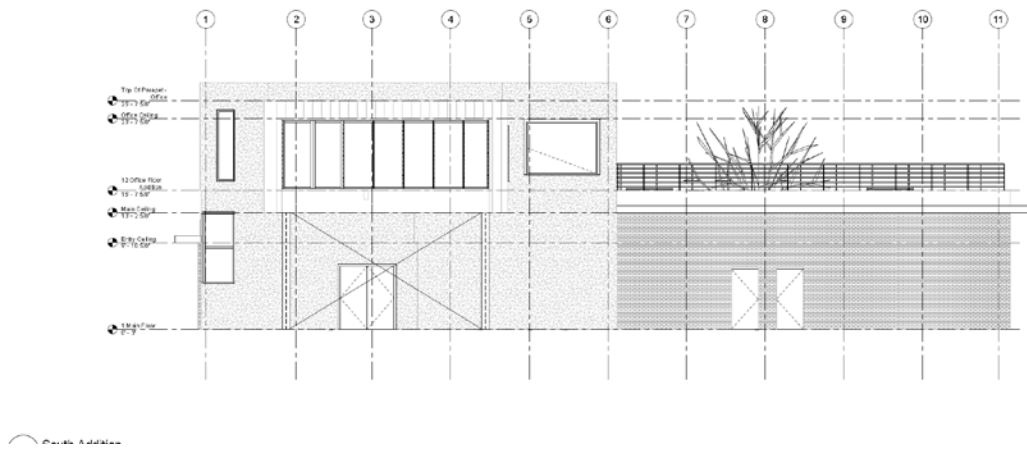


REVISIONS		
No.	Description	Date

EXTERIOR ELEVATIONS			
No.	Name	Scale	Notes

A-202

2 West Addition
elevation



21A.24.164: R-MU-35 RESIDENTIAL/MIXED USE DISTRICT:

- A. Purpose Statement: The purpose of the R-MU-35 residential/mixed use district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as low/medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.
- B. Uses: Uses in the R-MU-35 residential/mixed use district, as specified in section [24.190](#), "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section [24.010](#) of this chapter and this section.
- C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
Multi-family dwellings (3 to 11)	9,000 square feet ¹	80 feet
Multi-family dwellings (12 or more)	26,000 square feet ¹	80 feet
Municipal service uses, including city utility uses and police and fire stations	No minimum	No minimum
Natural open space and conservation areas, public and private	No minimum	No minimum
Nonresidential uses	No minimum	No minimum
Places of worship less than 4 acres in size	12,000 square feet	140 feet
Public pedestrian pathways, trails and greenways	No minimum	No minimum
Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
Single-family attached dwellings (3 or more)	3,000 square feet per unit	Interior: 22 feet Corner: 32 feet
Single-family detached dwellings	5,000 square feet	50 feet
Twin home dwellings	4,000 square feet per unit	25 feet
Two-family dwellings	8,000 square feet	50 feet

Utility substations and buildings	5,000 square feet	50 feet
Other permitted or conditional uses as listed in section .24.190 of this chapter	5,000 square feet	50 feet

Qualifying provisions:

1.9,000 square feet for 3 units, plus 2,000 square feet for each additional dwelling unit up to and including 11 dwelling units. 26,000 square feet for 12 units, plus 1,000 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre, 1,500 square feet for each dwelling unit is required.

A modification to the density regulations in this subsection may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54, "Conditional Uses", of this title and supported by the applicable master plan. Such conditional uses shall also be subject to design review.

D. Minimum Yard Requirements:

1. Single-Family Detached Dwellings:

- a. Front yard: Fifteen feet (15').
- b. Corner side yard: Ten feet (10').
- c. Interior side yard:

- (1) Corner lots: Four feet (4').
- (2) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

- d. Rear yard: Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').

2. Single-Family Attached, Two-Family And Twin Home Dwellings:

- a. Front yard: Minimum five feet (5'). Maximum fifteen feet (15').
- b. Corner side yard: Minimum five feet (5'). Maximum fifteen feet (15').
- c. Interior side yard:

- (1) Single-family attached: No yard is required, however if one is provided it shall not be less than four feet (4').

(2) Two-family:

- (A) Interior lot: Four feet (4') on one side and ten feet (10') on the other.
- (B) Corner lot: Four feet (4').

- (3) Twin home: No yard is required along one side lot line. A ten foot (10') yard is required on the other.

- d. Rear yard: Twenty five percent (25%) of lot depth or twenty five feet (25'), whichever is less.

3. Multi-Family Dwellings And Any Other Residential Uses:

- a. Front yard: No setback is required. Maximum fifteen feet (15').
- b. Corner side yard: No setback is required. Maximum fifteen feet (15').
- c. Interior side yard: No setback is required.
- d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

4. Nonresidential Development:

- a. Front yard: No setback is required. Maximum fifteen feet (15').
- b. Corner side yard: No setback is required. Maximum fifteen feet (15').
- c. Interior side yard: No setback is required.
- d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').
- 5. Legal Lots: Lots legally existing on the effective date hereof, April 12, 1995, shall be considered legal conforming lots.
- 6. Landscaping: For multiple-unit residential uses, nonresidential and mixed uses, no yards or landscaped setbacks are required; however any setback provided, up to fifteen feet (15'), shall be landscaped. If parking is located in the front or corner side yard of the building, then a fifteen foot (15') landscaped setback is required.
- 7. Required Yards For Legally Existing Buildings: For buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.

- E. Maximum Building Height: The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized as conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

- 1. Maximum height for nonresidential buildings: Twenty feet (20').
- 2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: One floor.

- F. Minimum Open Space: For residential uses and mixed uses containing residential uses, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas, balconies and courtyards, subject to site plan review approval.

- G. Landscape Yards: All front and corner side yards provided, up to fifteen feet (15') in depth, shall be maintained as a landscape yard in conformance with chapter 21A.48, "Landscaping And Buffers", of this title.

- H. Landscape Buffers: Where a lot in the R-MU-35 district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in chapter 21A.48, "Landscaping And Buffers", of this title. (Ord. 61-09 §§ 9, 29, 2009; Ord. 71-04 § 1 (Exh. A), 2004)

Attachment D
Residential Use Table

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

Legend:	C =	Conditional	P =	Permitted
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	Permitted And Conditional Uses, By District Residential Districts																		
Use	FR -1/ 43, 56 0	FR -2/ 21, 78 0	FR -3/ 12, 00 0	R- 1/ 12, 00 0	R- 1/ 7, 00 0	R- 1/ 5, 00 0	S R -1	S R -2	S R -3	R - 2	R M F- 30	R M F- 35	R M F- 45	R M F- 75	R B	R - M U - 3 5	R - M U - 4 5	R - M U	R O
Residential:																			
Accessory guest and servants' quarters																			
Accessory uses on accessory lots																			
Assisted living facility, large												C	P	P		C	P	P	P
Assisted living facility, small				C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dormitories, fraternities , sororities (see section .36.150 of this title)																			

Group home, large (see section .36.070 of this title)											C	C	C	C	C	C	C	C
Group home, small (see section .36.070 of this title)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	
Mixed use developments, including residential and other uses allowed in the zoning district															P ₁	P	P	P
Multiple-family dwellings											P	P	P	P	P	P	P	P
Nursing care facility (see section .36.060 of this title)													P	P			P	P
Resident healthcare facility (see section .36.040 of this title)											P	P	P	P	P	P	P	P

Residential substance abuse treatment home, large																		
Residential substance abuse treatment home, small													P		P	P	P	P
Rooming (boarding) house												C	C	C	C	C	C	C
Single-family attached dwellings								P		P	P	P	P		P	P	P	P
Single-family detached dwellings	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Transitional treatment home, large (see section .36.090 of this title)												C	C			C	C	C
Transitional treatment home, small (see section .36.090 of this title)												C	C	C		C	C	C
Transition												C	C			C	C	C

al victim home, large (see section .36.080 of this title)																			
Transition al victim home, small (see section .36.080 of this title)												C	C	P		C	C	P	P
Twin home dwellings							P		P	P	P	P				P	P	P	P
Two-family dwellings							P		P	P ₂	P	P			P	P	P	P	P
Office and related uses:																			
Financial institutions with drive-through facilities																			
Financial institutions without drive-through facilities																P	P	P ₃	P ₆
Medical and dental clinics and offices													C	C	C	C	C	C ₃	C ₆
Municipal service uses,	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

including city utility uses and police and fire stations																		
Offices, excluding medical and dental clinics and offices												C	C	C ₄	C	C	C ₃	C ₆
Recreation, cultural and entertainment:																		
Art galleries														P	P	P	P ₃	P
Art studio														P	P	P	P	P
Community and recreation centers, public and private on lots less than 4 acres in size																		P
Community gardens as defined in chapter 21A.62 of this title and as regulated by subsection	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P

.24.010Q of this chapter																			
Dance studio															P	P	P	P ₃	
Live performan ce theaters															C	C	C	C	C
Movie theaters															C	C	C	C	C
Natural open space and conservati on areas on lots less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Parks and playgroun ds, public and private, less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Pedestria n pathways, trails and greenway s	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Private clubs/tave rn/ lounge/br ewpub; 2,500 square																		C ₈	

feet or less in floor area																		
Retail sales and service:																		
Gas station (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title														C	C	C	C	
Health and fitness facility														C	C	C	C	
Liquor store																		
Restaurants, without drive-through facilities																	P ₃	
Retail goods establishments														P ₄	P	P	P ₃	
Retail service establishments														P ₄	P	P	P ₃	
Institution																		

al:																			
Adult daycare center																P	P	P	P
Child daycare center														P	P	P	P	P	P
Governmental uses and facilities															C	C	C	C	P ₆
Library	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Museum															P	C	C	P	
Music conservatory															P	C	C	P	
Nursing care facility (see section .36.060 of this title)													P	P			P	P	
Places of worship on lots less than 4 acres in size	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Schools, professional and vocational															P ₄	C	C	P ₃	P ₆
Seminaries and religious institutes				C	C	C	C		C	C	C	C	C	C	C	C	C	C	C

Commercial:																			
Laboratory, medical, dental, optical																		P ₃	
Plant and garden shop, with outdoor retail sales area																			
Miscellaneous:																			
Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Bed and breakfast															P	P	P	P	P
Bed and breakfast inn															P		P	P	P
Bed and breakfast manor																		P	
Crematorium																C	C	C	

Funeral home																C	C	C	
House museum in landmark sites (see subsection .24.010T of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Offices and reception centers in landmark sites (see subsection .24.010T of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ₆
Park and ride parking, shared with church parking lot on arterial street																			
Parking, off site facilities (accessory to permitted uses)																			
Parking, off site (to support nonconfor															C	C	C	C	C

ming uses in a residential zone or uses in the CN or CB zones)																		
Public/private utility buildings and structures ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ₅		P ₅	P ₅	P ⁵	P ⁵	P ⁵	P ⁵	P ₅	P ₅	P ₅	P ₅ , 7
Public/private utility transmission wires, lines, pipes and poles ⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Reuse of church and school buildings																		
Veterinary offices																	P ₃	P ₆
Wireless telecommunications facilities (see table .40.090E of this title)																		

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 [.24.170E](#) of this chapter.

4. Construction for a nonresidential use shall be subject to all provisions of subsections [.24.160I](#) and J of this chapter.

5. See subsection [.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 [.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 [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) 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 [.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 [.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.

(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 E
Avenues Community Council Letter

Salt Lake Planning Commission
Ms. Babs Delay, Chair
c/o Ray Milliner, Principal Planner
by email

Re: PLNPCM2010-00369.

20 July, 2010

Madame Chairman and Members of the Commission,

It is my pleasure to inform you that the Greater Avenues Community Council has reviewed the proposal by Mr. Steve Hatch, et al., for development and rezoning of the former 8th Avenue Meat and Grocery (376 East 8th Avenue), and the required surgical amendment of the Avenues Master Plan. Mr. Hatch and his architectural team presented to the GACC at its regular July meeting. Many community members spoke in favor of the applicant's project, and his good standing within the community. There were no substantive objections to the project as presented. Questions were asked and answered concerning adequacy of parking, construction impact and staging, and the noise of the air conditioning. It was noted that adjoining neighbors were not present and would be noticed by routine City procedure.

After all questions and comments a motion was passed without dissent to forward a favorable recommendation to the Planning Commission on the project and zoning change as presented. We would hope that the project would be presented again if substantial changes are made to what was presented.

Thank you for your consideration.

Respectfully submitted,

Jim Jenkin
Chair
Greater Avenues Community Council
[@slc-avenues.org](http://slc-avenues.org)

Re HATCH and MASTERSON RMU Petition

July 29, 2010

Salt Lake City Planning Commission:

We are unable to attend the August 11 Commission meeting, but should like to voice our support for the application of Steve Hatch and Katie Masterson for a "mixed-use residential" (RMU) zoning permit for the property at 376 Eighth Avenue.

We have lived in the Avenues at two different locations since 1971 (39 years) and have always been impressed with the community aspects of the area. But a community is not simply a neighborhood: a community comprises both residences and businesses, preferably family-owned, that provide a variety of goods and services—and much more. Businesses like the former 8th Avenue Market & Grocery and the current Hatch Family Chocolates not only offer products, but also constitute "mini-community centers" where residents frequently gather and patrons are greeted and treated as friends old and new.

The multiuse proposal for the Eighth Avenue property will substantially enhance the reality of living in a truly functional community where desired goods and services are readily available, where friendships are formed outside one's immediate neighborhood and where tradition and personal relationships are part of the fabric of everyday life.

We respectfully endorse the RMU permit proposal without qualification; indeed, we do so with unbridled enthusiasm.

Thank you for your consideration.

Larry R. Gerlach

Gail B. Gerlach

950 North Bonneville

801-531-9116

Handwritten signatures of Larry R. Gerlach and Gail B. Gerlach. The signature of Larry R. Gerlach is written over the printed name "Larry R. Gerlach" and the signature of Gail B. Gerlach is written over the printed name "Gail B. Gerlach".

Dear Sir

I heartily support any necessary change in zoning to make the Hatches' plans a reality. We long time Avenues residents (my husband and I have lived in the district for 40 years) have felt a loss of community with the closing of the Spencer family market that was so long a meeting place for us and we are delighted that people like Hatch and Masterson are planning to rescue the site. I can think of no objection that neighbors could raise--there is ample parking, the building itself is a sad gap in the streetscape and in desperate need of renovation. On the other hand, the tenants of surrounding office buildings as well as the neighborhood in general could support the addition of a small cafe. Please grant their request for a change to "RMU".

Janet Ball
274 H St.
Salt Lake City, UT 84103

Dear Mr. Jenkin,

I am writing on behalf of my wife and myself, in fact, for our entire family to register our complete and unqualified support of the plans put forth by Steve Hatch and Katie Masterson; we urge the GACC to follow suit. We have been residents of the Avenues for nearly 21 years. While Bill Spencer was still with us, we visited his store almost daily. Bill's store was a great place to see our neighbors and meet new friends; it was the sort of business that gave our neighborhood a real sense of community. We are convinced, having known Steve and Katie since they first opened their business, that they would continue the wonderful tradition of the late, great Bill Spencer.

Unfortunately, my wife and I will be working tomorrow night or we would attend the GACC meeting in person. In lieu of a live personal testimony, we felt it necessary to register our support for Hatch Chocolates via email. Please feel free to share this with any who might be interested.

Respectfully,

Llew, Sally, Bowen and Drake Humphreys

Llewellyn Humphreys
801.355.8859
[@me.com](mailto:llew@me.com)
380 E Street
Salt Lake City, UT 84103

Attachment G
Department Comments

MEMORANDUM

DATE: JULY 9, 2010
TO: Ray Milliner, Planning Division
FROM: Alan R. Michelsen, Building Services Division
SUBJECT: Petition #PLNPCM2010-00369—PLNPCM2010-00370, Master plan, zoning map and zoning text amendments for Hatch Family Chocolates located at 376 East 8th Avenue.

The Building Services Division has attempted a zoning review of the proposal from Hatch Family Chocolates to; (1) amend the Avenues Master Plan changing the designated future land use of the property located at 376 East 8th Avenue from one and two-family residential to residential mixed use and, (2) to amend the zoning map to rezone the above mentioned property from SR-1A to RMU-35 and, (3) to amend the zoning text in the RMU-35 zone to allow restaurants with no drive-through services in the RMU-35 zone.

- 1) Unable to provide a complete zoning review or determine landscaping requirements because plans are confusing and do not clearly identify what is existing and what is proposed and because existing and proposed parking calculations have not been provided to determine the percentage of intensification of use.
- 2) A 10 feet buffer setback is required for any new development including sidewalks on portions of the site directly abutting SR-1A zoning.
- 3) Property lines need to be dimensioned to verify compliance with the current legal description.
- 4) Plans provide have been reduced so they no longer scale at the indicated 1" = 10'
- 5) For a complete zoning review please refer to DRT notes dated June 21, 2010 and provide a more comprehensive site plan that clearly addresses the intensification of use issues raised in the DRT meeting.

Alan R. Michelsen
Development Review Planner
Building Services Division
(801) 535-7142
.michelsen@slcgov.com

We have reviewed the proposal listed under numbers PLNPCM2010-00369 and PLNPCM2010-00370 regarding the rezone of the property, an amendment of the Avenues Master Plan and a text amendment to allow restaurants with no drive through service. We have no objection to the proposal, however there are a number of issue that should be addressed prior to occupancy.

The site is currently served with 5 water connections: a 1-inch lawn meter, a 4-inch fire suppression line, a ¾” culinary water meter, and two laterals not currently metered. The two laterals that are not currently metered need to be properly killed at the water main to avoid health concerns with stagnant water in the lateral. The 1-inch lawn meter and the 4-inch fire meter may remain. The ¾” culinary meter appears to be undersized in being able to serve the mixed use development. Public Utilities requires that the building be served with one meter and that it be adequate to serve all portions of the mixed use development. If the owner wishes to sub-meter the water between the commercial and residential portions, it may be done so as a private matter.

Likewise, the project is currently serviced with a single 4-inch sanitary sewer line. If appropriate, the lateral may need to be upsized with the water lateral to a size appropriate to the development. An utility plan detailing the changes would need to be prepared by a licensed civil engineer and provided to us for any revisions to the site utilities.

Please feel free to contact me if you have any questions or concerns.

Thanks,
Justin

Justin D. Stoker, PE, LEED® AP, CFM
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - .stoker@slcgov.com



Please consider the environment before printing this e-mail

July 7, 2010

Ray Milliner, Planning

Re: Zoning Map Amendment, Master Plan Amendment and Zoning Text Amendment –
PLNPCM2010-00369 & PLNPCM2010-00370 at 376 East 8th Avenue.

The division of transportation review comments and recommendations are as follows:

We see no traffic impact for the proposed use in relation to the existing family market subject to the new development providing the required parking and maneuvering on site as needed. The existing site has parking that exceeded the required parking and therefore may accommodate minor expansion.

The new proposal needs to provide parking calculation's to match the proposed development plan. The plan submitted shows 31 stalls but notes 41 stalls, which may limit the proposed plan.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Randy Drummond, P.E.
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
File