



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Tracy Tran, 801-535-7645
Date: October 22, 2014
Re: PLNPCM2014-00494 Kilby Court Brewery

Conditional Use

PROPERTY ADDRESS: 316 West 700 South, Salt Lake City, UT
PARCEL ID: 15-12-201-004
MASTER PLAN: Gateway District
ZONING DISTRICT: D-2 Downtown Support District

REQUEST: The petitioner, Architect Kent Rigby, representing Alvie Carter, property owner, is requesting conditional use approval for a microbrewery located at approximately 316 West 700 South. A microbrewery in the D-2 Downtown Support District zone requires conditional use approval subject to conformance with the provisions in section 21A.36.300 "Alcohol Related Establishments." The Planning Commission has final decision making authority for Conditional Uses.

RECOMMENDATION/MOTION: Planning Staff recommends that the Planning Commission approve the proposed microbrewery conditional use.

The motion to approve is below:

Based on the findings listed in the staff report, public testimony, and discussion by the Planning Commission, I move that the Planning Commission approve PLNPCM2014-00494, Kilby Court Brewery conditional use for microbrewery as proposed and subject to complying with all applicable regulations. Due to the potential for detrimental impacts created by the proposal identified in the report, the Planning Commission applies the following conditions of approval to the project:

1. A security and operations plan be approved by the Salt Lake City Police Department and Building Official, before being recorded with the City Recorder's office. The plan will need to be recorded before a business license is issued.
2. Proposed landscaping within the parcel and landscape buffer along the public sidewalk does not create any potential hiding places.
3. Ensure that exterior lighting produces a minimum foot-candle to provide safe lighting for pedestrians and is shielded from the abutting residential property to prevent the lighting from being a nuisance.

ATTACHMENTS:

- A. Vicinity Map
- B. Site Aerial and Photographs
- C. Site Plan
- D. Additional Applicant Information
- E. Existing Conditions
- F. Analysis of Standards
- G. Public Process and Comments
- H. Dept. Comments
- I. Motions

PROJECT DESCRIPTION:

The applicant is proposing to operate a microbrewery within a vacant 2,500 square foot warehouse located at approximately 316 West 700 South.

Pursuant to Chapter 21A.62, the Salt Lake City Zoning Ordinance defines a *microbrewery* as:

“A brew pub which, in addition to retail sale and consumption on site, market beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales must constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.”

Phase One of the proposal will include the installation of the brewing equipment, and a small tasting and retail sales area with sandwiches provided by the owner's restaurant/tavern, Poplar Street Pub, located at 242 South 200 West. Seating will accommodate eight people at a sandwich counter and include a table with chairs. Phase Two will include an approximate 2,600 square foot building addition and have additional brewing equipment, a tasting and retail sales area and deli-style sandwich counter including approximately thirty-seven seats.

The proposed microbrewery would be open seven days a week, from 11:00 am to 12:00 am. Hours of operation of alcohol related uses are regulated by the State of Utah.

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 Security Operations Plan and Licenses

As a part of the requirements for the proposed conditional use, the applicant has submitted a security and operations plan. The security and operations plan is located in Attachment D. The security and operations plan has been sent to the Salt Lake Police Department and the Building Services Division for review. If the conditional use permit and the security and operations plan are approved, the security and operations plan will need to be filed with the City Recorder's office. Following that, the applicant will be required to obtain a valid license issued by the Utah Department of Alcoholic Beverage Control (DABC) and a valid business license issued by the city.

Issue 2 Exterior lighting

Exterior lighting should produce a minimum foot candle that provides safe lighting for parking and pedestrian access to the building, and does not intrude on the abutting residence located northeast of the subject property.

The property owner should minimize any lighting that may shine onto the abutting residential property as a condition of approval. Staff has recommended this as a condition of approval to prevent any lighting nuisance.

Issue 3 Off street parking

The D-2 zoning district does not require off street parking spaces for nonresidential uses with less than 25,000 square feet of building area. The D-2 district has a parking maximum, one stall per each one thousand (1,000) square feet of usable floor area. The 2,500 square foot existing building allows for a maximum of 2.5 parking spaces. When the 2,600 square foot addition is constructed it would allow for an additional 2.6 stalls, for a total maximum of five (5) stalls allowed for the microbrewery. A total of two (2) off street parking stalls will be provided in phase 1 and a total of five (5) off street parking stalls will be provided in phase 2 of the proposal. On street parking stalls along 700 South, in front of the building provide several un-metered parking spaces.

At least two bicycle parking spaces will be required for Phase Two of the project when the addition is constructed. The applicant's plan indicates that five (5) bicycle parking spaces will be provided.

The community council has suggested that there be no off street parking provided and the proposed parking area be used as a storm water retention garden. However, the property owner would prefer to provide the maximum five parking stalls permitted by the zoning ordinance to accommodate the use at total build out. There is no requirement for the applicant to provide a storm water retention garden instead of parking. Since the project will be developed in phases, the striping of parking spaces should reflect the current size of the building. The Transportation Division requested the existing gates align with existing drive approaches and that the gates are to remain open during business hours.

DISCUSSION:

The D-2 zoning district states that, "The purpose of the D-2 downtown support commercial district is to provide an area that fosters the development of a sustainable urban neighborhood that accommodates commercial, office, residential and other uses that relate to and support the central business district. Development within the D-2 downtown support commercial district is intended to be less intensive than that of the central business district, with high lot coverage and buildings placed close to the sidewalk. This district is appropriate in areas where supported by applicable master plans. Design standards are intended to promote pedestrian oriented development with a strong emphasis on a safe and attractive streetscape."

The proposed conditional use request for the microbrewery should be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably detrimental effects of the proposed use. A microbrewery is a conditional use in the D-2 zoning district. Microbreweries are limited to wholesale sales of beer in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. In addition, revenue from food sales must constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.

In addition to meeting the City's requirements and pending conditional use approval, the applicant must obtain the necessary licenses and approvals from the Utah Department of Alcoholic Beverage Control (DABC) to operate their proposed microbrewery. A DABC license may not be granted if the subject property is located within 600 feet, measured by ordinary pedestrian travel, or 200 feet, measured in a straight line, of a community location. A community location is described as a church, school, park, playground, or library. Based on the descriptions above, it does not appear that the subject property is located near a community location. The applicant will need to ensure that they meet these requirements when obtaining a DABC license.

Proposed lighting for the parking and pedestrian access should minimize their impact on the abutting residential property. The lights should produce a minimum foot candle that provides safe lighting for those accessing the entrance, but does not intrude on the abutting residential property located northeast of the property. Staff recommends this as a condition of approval to prevent the lighting from becoming a nuisance.

A smoking area has been designated more than 83 feet (phase 1) and 45 feet (phase 2) from the front entrance near the parking lot, in the front western edge of the property, next to the garbage receptacle. The other possible location of the designated smoking area could be moved towards the front, eastern portion of the property, but

it would be closer to the abutting residential and commercial properties to the east. The current area appears to be the location with the least amount of impact.

The existing building has been used as various commercial/warehouse spaces in the past and is located within the Granary District. The building and the proposed use is compatible with the surrounding neighborhood and the commercial area as the area contains some older and newer residential properties and businesses. Many of the businesses in the area operate five to six days a week. The proposed hours of operation for the microbrewery are 11:00 AM to 12:00 AM, seven days a week. Although noise from the microbrewery could be an anticipated detrimental effect, the City cannot regulate the hours of operation since the tavern would be subject to the provisions of the Utah Department of Alcoholic Beverage Control, which allows businesses to stay open until 2:00 AM. The majority of the building will be used for the production of beer, with the remainder of space used for tasting and retail sales. In the chance that the hours of operation or noise becomes a problem, the applicant's security and operations plan addresses complaint and response with any neighbors or community council to resolve any neighborhood complaints.

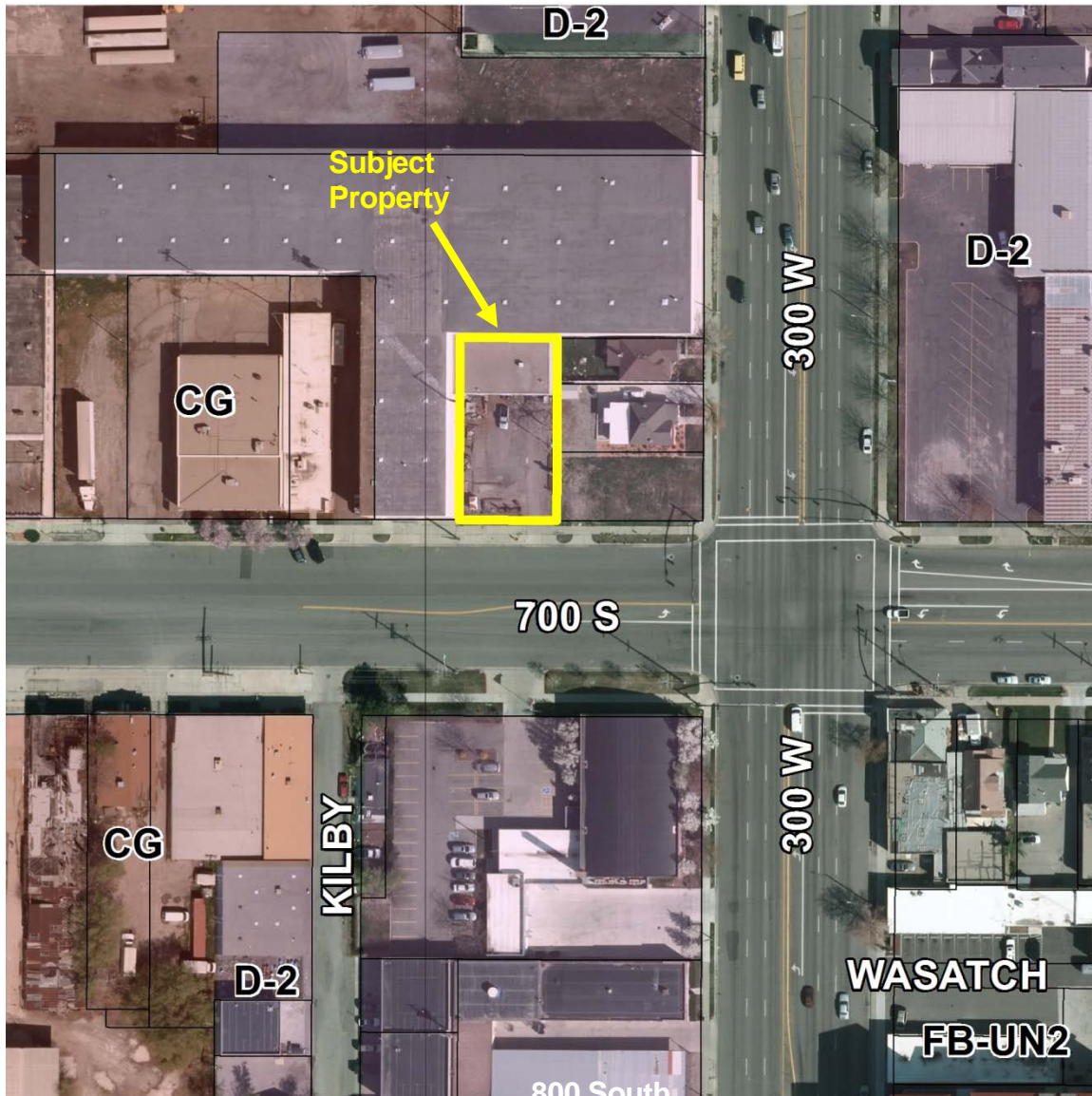
The Gateway District Land Use & Development Master Plan (1998) designates the area, now considered a part of the Granary District, as commercial use. The proposed microbrewery use would compliment and support the Central Business District and the mixed use character of the area. The existing building and the proposed addition comply with all applicable zoning regulations including the provisions in section 21A.36.300 "Alcohol Related Establishments" as discussed in Attachment F. Given that the anticipated detrimental effects could be mitigated with reasonable conditions, the conditional use shall be approved with conditions.

NEXT STEPS:

If approved, the applicant will be required to obtain all necessary building permits, alcohol licenses, and business licenses for the project and meet conditions of approval. If denied, the applicant would not have City approval for the conditional use to operate as a microbrewery.

ATTACHMENT A: VICINITY MAP

316 West 700 South



ATTACHMENT B: PHOTOGRAPHS



Front view of site from 700 South



View of site from 300 West



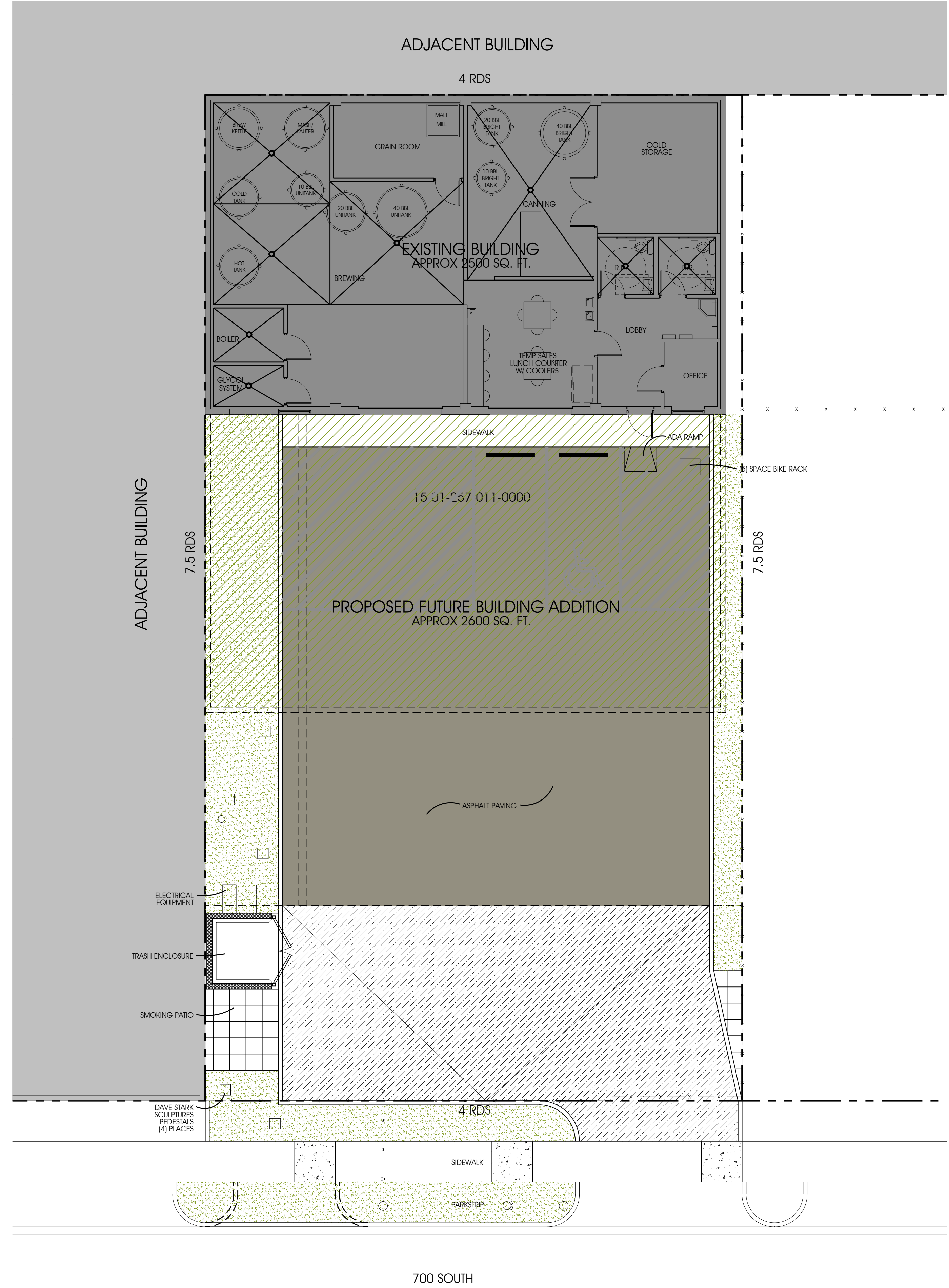
700 South streetscape



Adjacent commercial property and residential property with frontage on 300 West

ATTACHMENT C: SITE PLAN

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LEGEND:
FOR SHEET AS103 ONLY.

- ALVIE CARTER BREWERY
- ADJACENT PROPERTY BUILDING
- PARKING LOT
- PROPOSED FUTURE EXPANSION
- NEW ASPHALT PAVING
- PLANTER

ARCHITECT #1364



703 east 1700 south
salt lake city, utah 84105
ph: 801.466.8818
fx: 801.466.4411
ajc@ajcarchitects.com

OWNER INFORMATION

AL & CHRIS CARTER

PROJECT DESCRIPTION

ALVIE CARTER BREWERY

316 West 700 South
Salt Lake City, Utah

SHEET NAME:

PROPOSED SITE PLAN PHASE #1

REVISIONS

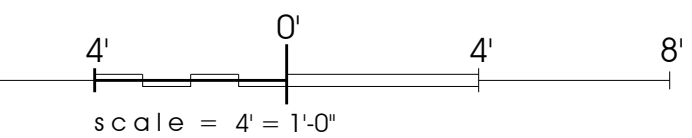
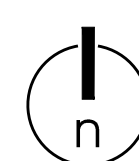
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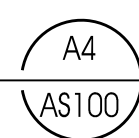
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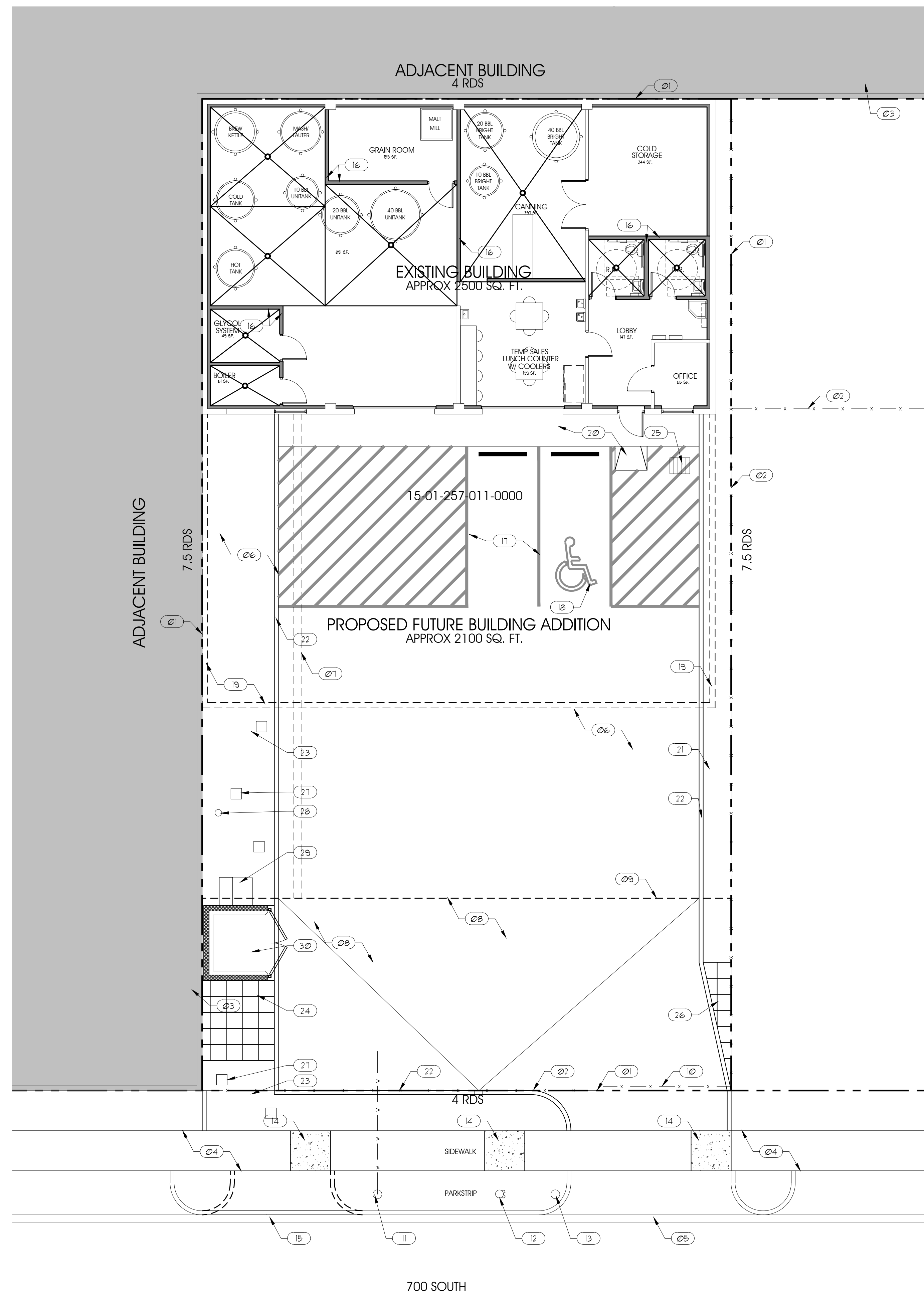
AS100



PROPOSED SITE PLAN PHASE #1
SCALE: 1/8" = 1'-0"



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LEGEND:
FOR SHEET AS101 ONLY.

1512201004000 LEGAL DESCRIPTION:
COM 6 RDS W FR SE COR OF LOT 1 BLK 25 PLAT ASLC SUR, W 4 RDS, N 7.5 RDS, W 4 RDS, S 7.5 RDS

PARKING CALCULATIONS: D-3 ZONE:
NO PARKING REQUIRED FOR FIRST 10,000 SQ. FT.,
(1) STALL REQUIRED FOR EACH ADDITIONAL 10,000 SQ. FT.

BUILDING TOTAL = 5,700 S.F., NO OFF STREET PARKING REQUIRED, (2) STALLS PROVIDED PHASE #1

MAXIMUM PARKING ALLOWED RESTRICTED TO (2) SPACES PER 1,000 USEABLE S.F.

PHASE #1	=	2,500	=	MAX = 2.5 STALLS
PHASE #2	=	2,600	=	MAX = 2.6 STALLS
TOTAL				MAX = 5 STALLS

CODE SUMMARY:
FOR SHEET AS103 ONLY.

OCCUPANCY:

F-2 & A-2 NON-SEPERATED

PHASE #1	=	11.73
A-2 1/15	=	10.2

CONSTRUCTION:

TYPE V-B
A-2 (1) STORY 6,000 S.F. F-2 (2) STORIES 13,000 S.F.
FIRE SPRINKLERED
200% INCREASE AVAILABLE

PHASE #1	=	2,500 S.F.
PHASE #2	=	2,600 S.F.
TOTAL	=	5,100 S.F.

PARKING:

PHASE #1	=	MAX 2.5 STALLS
PHASE #2	=	MAX 2.6 STALLS
TOTAL MAX STALLS	=	5

PLUMBING FIXTURES:

A-2	TOILETS	1/40
	LAVS	1/75
F-2	TOILETS	1/100
	LAVS	1/175

KEYED NOTE LEGEND:
FOR SHEET AS101 ONLY.

- Ø1 EXISTING PROPERTY LINE.
- Ø2 EXISTING FENCE.
- Ø3 EXISTING BUILDING.
- Ø4 EXISTING SIDEWALK.
- Ø5 EXISTING DRIVEWAY CURB CUT.
- Ø6 EXISTING ASPHALT PAVING TO REMAIN.
- Ø7 EXISTING WATER WAY.
- Ø8 BROKEN ASPHALT.
- Ø9 SAWCUT 4 REMOVE EXISTING ASPHALT PAVING.
- Ø10 EXISTING GATE.
- Ø11 EXISTING WATER METER.
- Ø12 EXISTING FIRE HYDRANT.
- Ø13 EXISTING WATER VALVE.
- Ø14 REMOVE AND REPLACE EXISTING BROKEN SIDEWALK, AT THIS AREA.
- Ø15 NEW CURB AND GUTTER.
- Ø16 METAL STUD AND GYP. BD. WALL.
- Ø17 NEW PAINTED PARKING STRIPPING.
- Ø18 NEW ADA ACCESSIBLE PARKING STALL SIGNAGE.
- Ø19 PROPOSED FUTURE BUILDING EXPANSION.
- Ø20 NEW SIDEWALK AND ACCESSIBLE RAMP.
- Ø21 NEW 5' WIDE PLANTING STRIP.
- Ø22 NEW CURB AND GUTTER.
- Ø23 NEW PLANTING AREA.
- Ø24 NEW SMOKING PATIO.
- Ø25 (5) SPACE BIKE RACK.
- Ø26 CONCRETE PAVERS.
- Ø27 DAVE STARK SCULPTURE LOCATION.
- Ø28 NEW POWER POLE.
- Ø29 NEW ELECTRICAL EQUIPMENT.
- Ø30 DUMPSTER ENCLOSURE.

ARCHITECT #1364

ajc architects

703 east 1700 south
salt lake city, utah 84105
ph: 801.466.8818
fx: 801.466.4411
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OWNER INFORMATION
AL & CHRIS CARTER

PROJECT DESCRIPTION
ALVIE CARTER BREWERY

316 West 700 South
Salt Lake City, Utah

SHEET NAME:
ARCHITECTURAL SITE PLAN PHASE #1

REVISIONS

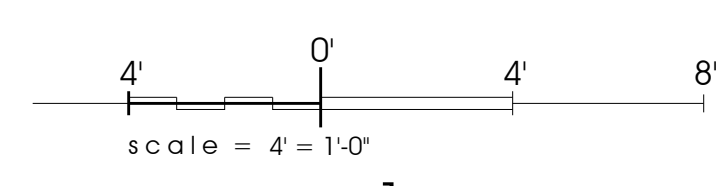
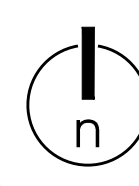
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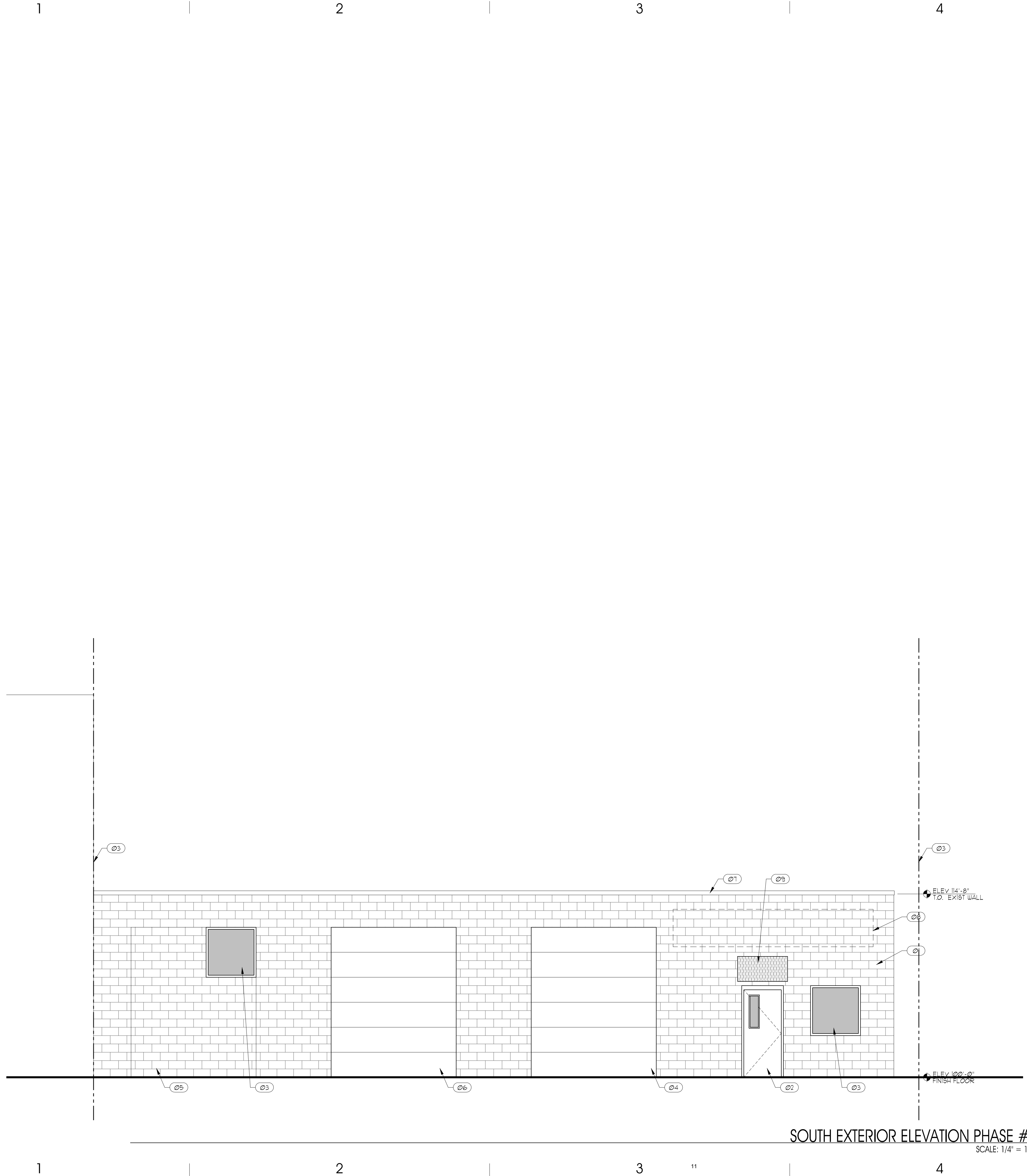
SHEET NUMBER:
AS101

Date Published: October 15, 2014



PROPOSED SITE PLAN PHASE #1
SCALE: 1/8" = 1'-0"
A4 AS101

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SOUTH EXTERIOR ELEVATION PHASE #1
 SCALE: 1/4" = 1'-0"

GENERAL NOTES AND LEGEND:
 FOR SHEET AE201 ONLY.

- SEE SHEET AE001 FOR GENERAL NOTES.
- SEE COVER SHEET FOR DRAWING INDEX.
- DO NOT SCALE DRAWINGS.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE BEGINNING WORK AND SHALL REPORT TO THE ARCHITECT ANY ERRORS, INCONSISTENCIES OR OMISSIONS BEFORE BEGINNING WORK. SEE GENERAL NOTES AND SPECIFICATIONS.
- CUTTING: USE CUTTING TOOLS NOT CHOPPING TOOLS. MAKE NEAT HOLES. MINIMIZE DAMAGE TO ADJACENT WORK. CHECK FOR CONCEALED UTILITIES AND STRUCTURE BEFORE CUTTING.
- PATCHING: MAKE PATCHES, SEAMS, AND JOINTS CURABLE AND INCONSPICUOUS. COMPLY WITH TOLERANCES FOR NEW WORK.
- CLEAN WORK AREA AND AREAS AFFECTED BY CUTTING AND PATCHING OPERATIONS, INCLUDING WINDOWS AND GLASS.
- SEISMIC RESTRAINT REQUIRED ON ALL EQUIPMENT INSTALLED DURING THIS PROJECT.

KEYED NOTE LEGEND:
 FOR SHEET AE201 ONLY.

- Ø1 EXISTING WALL TO REMAIN, TYPICAL.
- Ø2 NEW HOLLOW METAL DOOR AND FRAME, PAINT.
- Ø3 EXISTING PROPERTY LINE.
- Ø4 NEW OVERHEAD SECTIONAL DOOR.
- Ø5 EXISTING CMU INFILL.
- Ø6 EXISTING OVERHEAD DOOR TO REMAIN.
- Ø7 NEW PREFINISHED METAL COPING.
- Ø8 SIGN LOCATION - SEPERATE PERMIT.
- Ø9 FABRIC AWNING.

ARCHITECT #1364



703 east 1700 south
 salt lake city, utah 84105
 ph: 801.466.8818
 fx: 801.466.4411
 www.ajcarchitects.com

OWNER INFORMATION

AL & CHRIS CARTER

PROJECT DESCRIPTION

ALVIE CARTER BREWERY

316 West 700 South
 Salt Lake City, Utah

SHEET NAME:

EXTERIOR ELEVATIONS PHASE #1

REVISIONS

MARK	DATE	DESCRIPTION

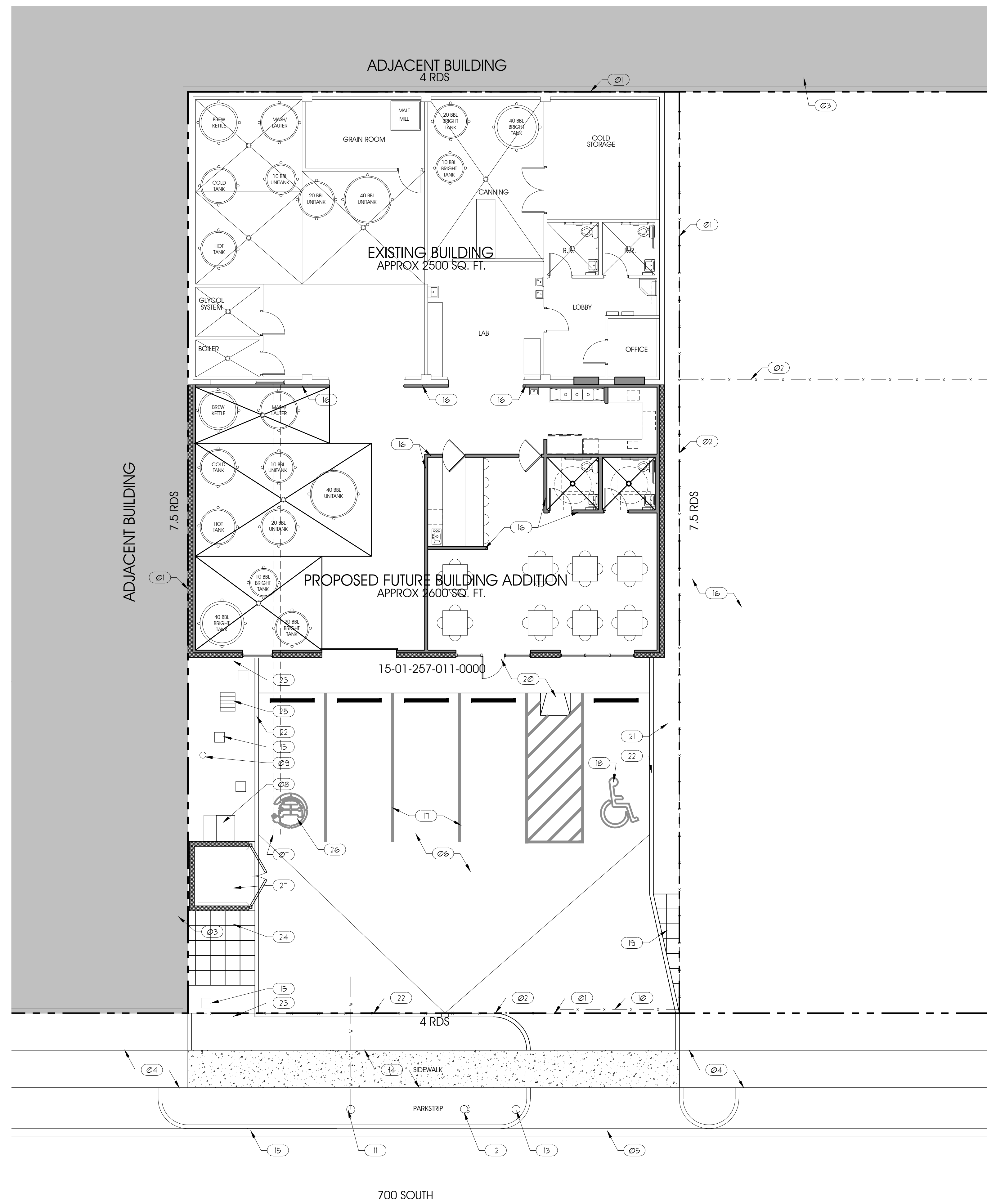
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ISSUE DATE: OCTOBER 2014
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AE201

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	LAVS	1/100

KEYED NOTE LEGEND:
FOR SHEET AS101 ONLY.

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- 05 EXISTING DRIVEWAY CURB CUT.
- 06 EXISTING ASPHALT PAVING TO REMAIN.
- 07 EXISTING WATER WAY.
- 08 ELECTRICAL EQUIPMENT.
- 09 POWER POLE.
- 10 EXISTING GATE.
- 11 EXISTING WATER METER.
- 12 EXISTING FIRE HYDRANT.
- 13 EXISTING WATER VALVE.
- 14 NEW SIDEWALK SLAB OVER COMPACTED FILL.
- 15 DAVE STARK SCULPTURE LOCATION.
- 16 METAL STUD AND GYP. BD. WALL.
- 17 NEW PAINTED PARKING STRIPPING.
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ARCHITECT #1364



703 east 1700 south
salt lake city, utah 84105
ph: 801.466.8818
fx: 801.466.4411
ajc@ajcarchitects.com

OWNER INFORMATION

**AL & CHRIS
CARTER**

PROJECT DESCRIPTION

**ALVIE CARTER
BREWERY**

316 West 700 South
Salt Lake City, Utah

SHEET NAME:

**ARCHITECTURAL
SITE PLAN PHASE #2**

REVISIONS

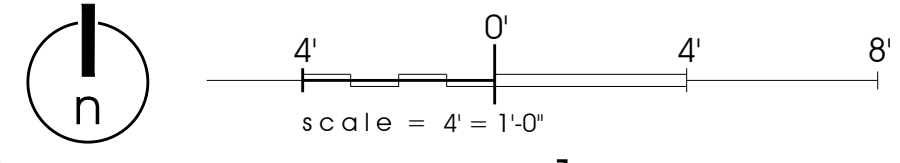
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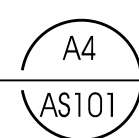
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CHECKED BY:	KR

SHEET NUMBER:

AS101



PROPOSED SITE PLAN PHASE #2
SCALE: 1/8" = 1'-0"



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FOR SHEET AE201 ONLY.

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- CUTTING: USE CUTTING TOOLS NOT CHOPPING TOOLS. MAKE NEAT HOLES. MINIMIZE DAMAGE TO ADJACENT WORK. CHECK FOR CONCEALED UTILITIES AND STRUCTURE BEFORE CUTTING.
- PATCHING: MAKE PATCHES, SEAMS, AND JOINTS CURABLE AND INCONSPICUOUS. COMPLY WITH TOLERANCES FOR NEW WORK.
- CLEAN WORK AREA AND AREAS AFFECTED BY CUTTING AND PATCHING OPERATIONS, INCLUDING WINDOWS AND GLASS.
- SEISMIC RESTRAINT REQUIRED ON ALL EQUIPMENT INSTALLED DURING THIS PROJECT.

KEYED NOTE LEGEND:

FOR SHEET AE201 ONLY.

- ⓪1 EXISTING WALL TO REMAIN, TYPICAL
- ⓪2 NEW ALUMINUM STOREFRONT SYSTEM.
- ⓪3 EXISTING PROPERTY LINE.
- ⓪4 NEW GLASS AND ALUMINUM OVERHEAD SECTIONAL DOOR.
- ⓪5 NEW CMU WALL.
- ⓪6 NEW PREFINISHED METAL COPING.
- ⓪7 SIGN LOCATION - SEPERATE PERMIT.
- ⓪8 STEEL AWNING AND SUNSHADE.
- ⓪9 ADJACENT BUILDING.

ARCHITECT #1364
 ajc architects
 703 east 1700 south
 salt lake city, utah 84105
 ph: 801.466.8818
 fx: 801.466.4411
 www.ajcarchitects.com

OWNER INFORMATION
AL & CHRIS CARTER

PROJECT DESCRIPTION
ALVIE CARTER BREWERY

316 West 700 South
 Salt Lake City, Utah

SHEET NAME:
EXTERIOR ELEVATIONS PHASE #2

REVISIONS

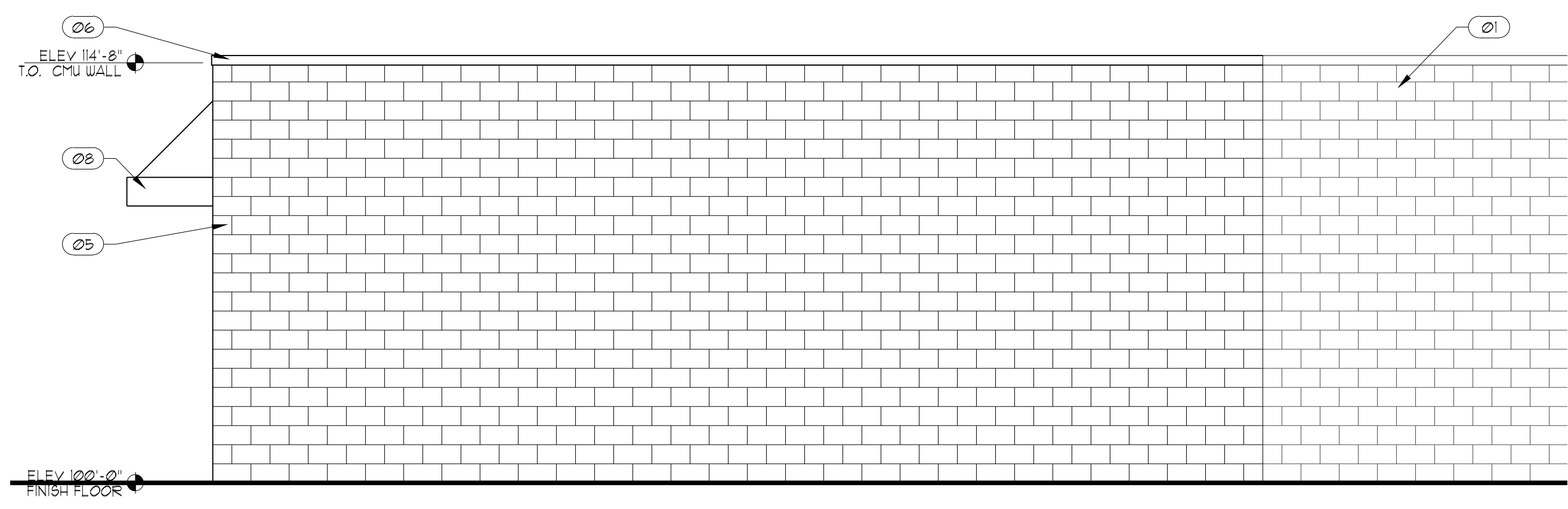
MARK	DATE	DESCRIPTION

ISSUE DATA

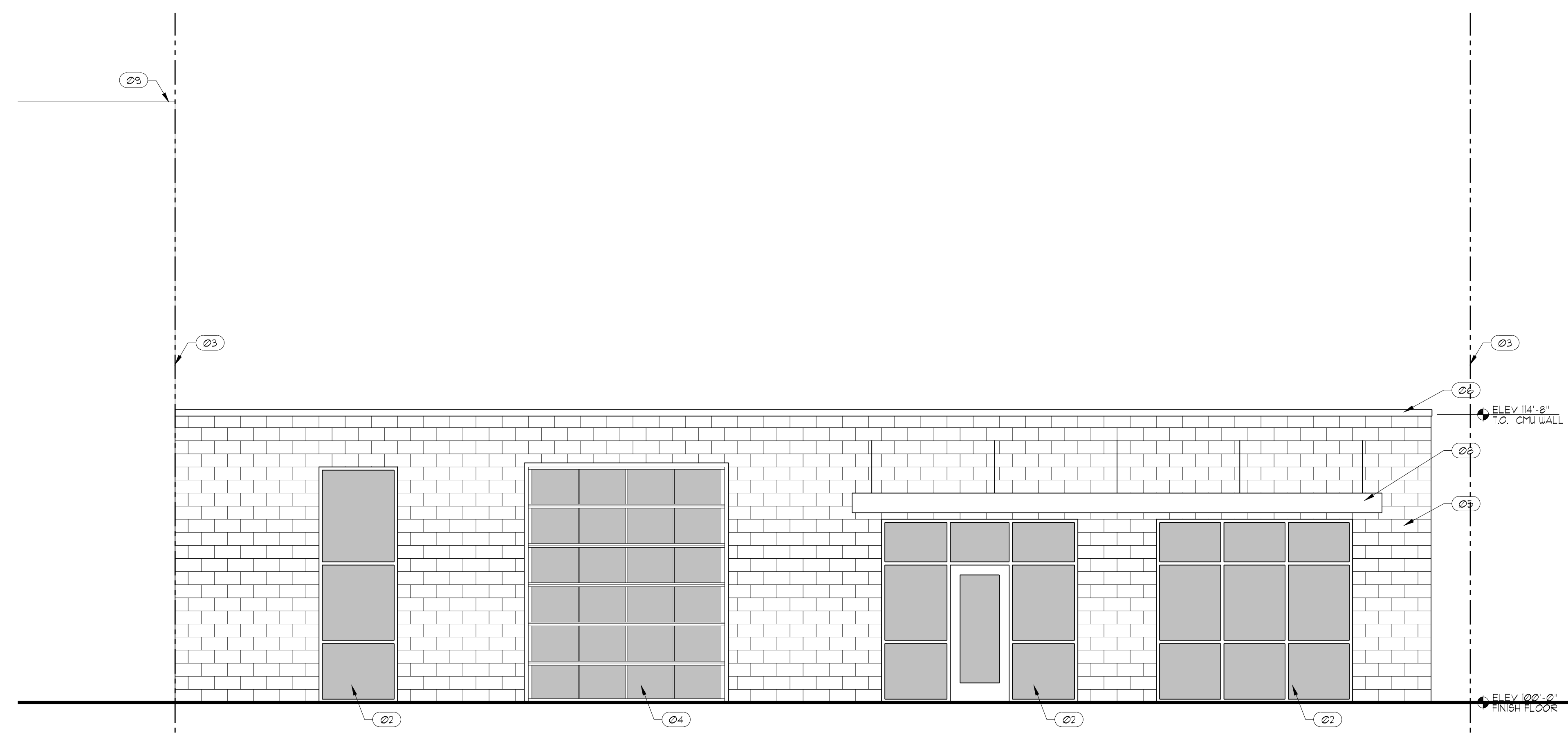
ISSUE DATE: OCTOBER 2014
 ISSUE TYPE: CUP
 DRAWN BY: AJL
 CHECKED BY: KR

SHEET NUMBER:

AE201



EAST EXTERIOR ELEVATION PHASE #2
 SCALE: 1/4" = 1'-0"
 C4 AE201



SOUTH EXTERIOR ELEVATION PHASE #2
 SCALE: 1/4" = 1'-0"
 A4 AE201

ATTACHMENT D: ADDITIONAL APPLICANT INFORMATION



Conditional Use

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
PLNPCM2014-00494	C. Anglin	7/28/14	D-2
Project Name: Kilby Court Brewery			

PLEASE PROVIDE THE FOLLOWING INFORMATION

Request: New Micro-Brewery in existing building

Address of Subject Property: 316 West 700 South, SLC, UT

Name of Applicant: Kent Rigby Phone: 801-466-8818

Address of Applicant: 703 East 1700 South

E-mail of Applicant: krigby@ajcarchitects.com Cell/Fax: 801-870-2069, 466-4411

Applicant's Interest in Subject Property:

Owner Contractor Architect Other:

Name of Property Owner (if different from applicant): ALVIE CARTER

E-mail of Property Owner: None Phone: 801-699-9362

➔ 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
------------------	---	------------	---

REQUIRED FEE

➔ Filing fee of \$689.02 plus \$114.84 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: Kent Rigby Date: 7/28/14

8/4/14

Conditional
Use Permit
Application

Salt Lake City Planning
451 S. State Street, Room 215
Salt Lake City, Utah

project:

Kilby Court Microbrewery
316 West 700 South
Salt Lake City, Utah

date: Tuesday, October 14, 2014
time: 3:55 PM

ajc project No: **1364.02**

Project description: Remodel an existing 2,500 sq. ft. warehouse into a new micro-brewery in two phases.

Conditional Use Information: Operating, delivery hours: 11:00 a.m. – 12:00 a.m., Monday through Sunday.

Adjacent land uses: Residential, Commercial Warehouse, Commercial/Retail.

Employees, highest shift: 5.

Phase One will include the installation of the brewing equipment, and a small tasting and retail sales area with sandwiches provided by the owner's restaurant/tavern Poplar Street Pub, located at 242 South 200 West. Seating will be provided for 8 people at the sandwich counter and a table with chairs.

Phase Two will include an approximate 2600 square foot building addition and have additional brewing equipment, a tasting and retail sales area and deli-style sandwich counter including approximately 37 seats, based on an occupant load factor of 1/15.

Nearby neighbors: No objections.

Please contact ajc architects if you have any questions/comments/ concerns.

Thank you,

from: Kent Rigby,
AIA

Kilby Court Microbrewery
Security and Operations/Parking Plan
Revised October 14, 2014

Contact: Alvie Carter, Owner, (801) 699-9362
Kent Rigby, Architect, (801) 466-8818

Business Address: 316 West 700 South, Salt Lake City, Utah 84111

Hours of Operation: 11:00 a.m. – 12:00 a.m., seven days a week.

Distribution of the Plan: A copy of this plan is to be distributed to the Fire Department, Police Department and the Community Council.

Code of Conduct: A sign will be posted upon entering and exiting the premise which states: "21 and older only, I.D. required. Please drink responsibly, don't drink and drive, provide a designated driver, or take a Taxi Cab. Please be respectful of neighbors and passersby when exiting the premises and please leave quietly". The facility will be designed such that the eating and drinking area will be in the front of the building, adjacent to the main entry, and underage persons will be readily apparent. Staff will monitor the front door at all times and immediately request that I.D. be presented. Public drunkenness will be controlled in the tasting area and in the eating areas by trained staff members. Complimentary snacks will be provided in the tasting area.

Bouncer, On Site Security: On busy evenings, during phase two operation, typically Thursday through Saturday, a Bouncer or security person will be present to provide a security presence and escort unruly patrons to the exit in a non-threatening manner. On non-busy days and evenings, staff shall provide for security.

Parking Management Plan: Salt Lake Zoning Ordinance requires no off street parking stalls in the D-2 zone for less than 25,000 square feet of building area. The maximum allowable stalls requirement allows for 1 stall per 1,000 square feet. The 2,500 square foot phase 1 building allows for 2.5 stalls, The 2,600 square foot building addition allows for 2.6 stalls, totaling 5.1 total maximum stalls (5). Street parking stalls along 700 South in front of the building provide several un-metered parking spaces. The Downtown Community Council indicated that there is ample street parking available in the area, no negative impact is anticipated on existing street parking if the 5 on site stalls are full. In addition, the Micro-brewery owner, Alvie carter, owns property across the street from the proposed site and has indicated that there are parking stalls available there for employee parking, thus leaving all 5 on site stalls available for patrons.

Neighborhood Complaint and Response: Upon request, a Kilby Court Micro-brewery representative or Owner will meet with the neighbors and community council to resolve any neighborhood complaints regarding the operations on the premises. Kilby Court Microbrewery expects to have very good relationships with the neighboring businesses and property owners. The proposed Microbrewery Owner is also a neighborhood property owner.

Smoking: Kilby Court Microbrewery may have a designated outdoor smoking area on the south side of the building, on the opposite side of the property from the residential parcels. It will be located more than 25 feet from any entrances or exits.

Sound Levels: Sound levels of equipment within the building shall not exceed the maximum allowable permissible sound level set forth for the D-2 Zone measured fifteen feet (15') from an exterior wall, window or door. Live entertainment is not a programmed element of the business plan, however, if live entertainment were ever located inside the enclosed building, the sound levels for live or recorded sound originating from within the premises, measured within fifteen feet (15') from an exterior wall, window or door shall not exceed the maximum permissible sound level. Electronically amplified sound is prohibited at exterior portions of the building.

Trash Management: Trash strewn on the premises will be collected and deposited in trash containers by six o'clock (6:00 A.M.) the following day, including any smoking and parking lot areas. Portable trash containers shall be emptied daily and automated receptacles (dumpsters) shall be emptied weekly. The dumpster shall be located only within a City approved trash storage area.

Graffiti Removal: Graffiti will be removed from the premises within 48 hours, weather permitting.

ATTACHMENT E: EXISTING CONDITIONS

Current Zoning Requirements – D-2 (Downtown Support) Zoning District

Zoning Standard	Required	Existing	Proposed	Status
Min Lot Area	None	8,168 sq. ft.	8,168 sq. ft.	Complies
Min Lot Width	None	66 ft.	66 ft.	Complies
Front Yard Setback	No setback required	N/A	N/A	Complies
Interior Side Yard	No setback required	N/A	N/A	Complies
Rear Yard	No setback required	N/A	N/A	Complies
Parking Spaces	0	0	5	Complies
Building Height	65 ft.	15 ft.	15 ft.	Complies

Adjacent Land Uses

The parcel at 316 West 700 South is zoned Downtown Support District (D-2) and is approximately 8,168 square feet in area. The property is bounded to the north and west by a large warehouse zoned D-2, and to the east by a vacant lot, a commercial building, and a residential building.

Applicable Master Plan Policies

The Gateway District Land Use & Development Master Plan (1998) designates the area, now considered a part of the Granary District, as commercial use. The proposed microbrewery use would compliment and support the Central Business District and the mixed use character of the area.

ATTACHMENT F: ANALYSIS OF STANDARDS

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: Section 21A.33.050 Table of Permitted and Conditional Uses for Downtown Districts lists alcohol, microbrewery as a conditional use in the D-2 zoning district with a qualifying provision, note 6, which states, "Subject to conformance with provisions in the section 21A.36.300, Alcohol Related Establishments, of this title."

21A.36.300 Alcohol Related Establishments Requirements

The purpose of this section is to permit the establishment of taverns, social clubs, dining clubs, brewpubs, and microbreweries as defined in chapter 21A.62 of this title, subject to licensing procedures, and where appropriate, conditional use standards. There are several items within this code section that are discussed below:

Section 21A.36.300.B – License Required: No tavern, social club, dining club, brewpub, or microbrewery shall be established, operated, or maintained within the City without a valid license issued by the Utah state division of licensing, and without a valid business license issued by the City.

Analysis: The applicant will need to go through the process with the Utah Department of Alcoholic Beverage Control for the appropriate license. The license will be granted pending approval of the conditional use application. Should the conditional use be approved, the applicant will also need to obtain a business license from the City.

Finding: If the application is approved, the proposed use will need to meet this portion of the standard. It cannot be met unless the conditional use approval is granted.

Section 21A.36.300.D. – Taverns, Social Clubs, Dining Clubs, Brewpubs, and Microbreweries; Authorized As Conditional Uses: Taverns, social clubs, dining clubs, brewpubs, and microbreweries may be allowed as conditional uses pursuant to the provisions of Chapter 21A.54 of this title, and pursuant to Subsection B of this section in zoning districts noted in the tables of permitted and conditional uses provided the following standards are achieved:

21A.36.300.D.1.a. – Require that a security and operations plan be prepared by the applicant and approved by the Salt Lake City Police Department and the Building Official, and filed with the City Recorder's office, which shall include:

- (1) A complaint-response community relations program;
- (2) A provision for a representative of the tavern, social club, dining club, brewpub, or microbrewery to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;
- (3) Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for the applicable zoning district in Chapter 9.28 of this code;
- (4) A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
- (5) Prohibiting electronically amplified sound in any exterior portion of the premises;
- (6) Designation of a location for smoking tobacco outdoors in conformance with state law;
- (7) A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and parking lot areas;

- (8) A provision stating that portable trash receptacles on the premises be emptied daily and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area; and
- (9) A parking management plan, which shall include consideration of the impact of parking on surrounding neighborhoods.

Analysis: For items 1-9 noted above the applicant has submitted a security and operations plan that states all of the requirements of items 1-9 will be completed as required above. A copy of the security and operations plan can be found in Attachment D. The security and operations plan has been submitted to the Police Department and the Building Services Division for their review. The plan will need to be approved by the Police Department and Building Services Division. This has been included as a condition of approval and the final document is to be recorded with the City Recorder's office.

Finding: The security and operations plan as proposed by the applicant meets this portion of the standard and planning staff does not recommend any additional changes to the document. The plan will need Building Services Division and Police Department review and approval prior to the document being recorded with the City Recorder.

21A.36.300.D.1.b. – Require a review and approval of the site and floor plan proposed for the premises by the Salt Lake City Police Department. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;

Analysis: The proposed site and floor plan were forwarded to the Police Department for their review. No issues were mentioned.

Finding: Staff finds that this portion of the standard has been met.

21A.36.300.D.1.c. – Require buffering where a tavern, social club, dining club, brewpub, or microbrewery abuts a residentially zoned parcel. Said buffering shall include vegetative landscaping or walls along any property line or within any required yard area on the lot where the premises are located;

Analysis: The subject property does not abut a residentially zoned parcel.

Finding: This portion of the standard does not apply to the proposal.

21A.36.300.D.1.d. – Require that landscaping be located, and be of a type, that cannot be used as a hiding place;

Analysis: The applicant will provide landscaping and a landscape buffer along the public sidewalk. The landscaping will need to be low and well maintained so that it limits potential hiding places.

Finding: This portion of the standard will be met as a condition of approval.

21A.36.300.D.1.e. – Require that the exterior of the premises be maintained free of graffiti, including the main building, any accessory buildings or structures, and all signs. Graffiti shall be removed from the exterior of the premises within forty-eight hours, weather permitting.

Analysis: The applicant has stated in the security and operations plan that graffiti will be removed within the required 48 hours, weather permitting.

Finding: This portion of the standard is met and is also a stated condition of approval.

21A.36.300.D.2.a - Limit the size and kind of signage located on the outside of any building in conformance with Chapter 21A.46 of this title;

Analysis: The applicant has not proposed any signage at this time. Any new signage must conform to the requirements of the sign regulations in Chapter 21A.46.

Finding: Staff finds that this portion of the standard is not applicable.

21A.36.300.D.2.b. – Require parking area lighting to produce a minimum footcandle that provides safe lighting for pedestrians, but does not intrude on residents' enjoyment of their homes;

Analysis: The applicant has indicated he intends to provide lighting on the premises. Lighting located on the building and the lighting located on the perimeter landscaped areas that projects into the parking lot should be shielded in order to direct the light downward to minimize any potential impacts on the abutting residential property.

Finding: A condition of approval to shield the current lights from any residential property would mitigate any negative impact from lighting on the abutting residential property. Staff finds that with this condition, this portion of the standard will be met.

21A.36.300.D.2.c. – 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 potential effects of the area in the security and operations plan appear to adversely affect neighboring residences, businesses, and buildings.

Analysis: An outdoor smoking area will be provided on the front west portion of the property, near the parking lot of the property, next to the trash receptacle.

Finding: The proposed smoking area has been located to minimize impact to adjoining businesses and neighboring residents. Staff does not feel that a condition of approval could be included that would better mitigate the impact of the smoking area. The proposed area appears to be the location with the least amount of impact and therefore, staff finds that this portion of the standard is met.

Summary Finding: The proposed use meets the site development standards and complies with applicable provisions of Title 21A.

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

Analysis: The property is zoned Downtown Support District (D-2). The use is permitted as a conditional use subject to specific Alcoholic Related Establishment requirements. The subject property is surrounded by commercial uses directly to the north, south, and east. The subject property abuts a vacant parcel, a commercial use, and a residential use to the west. In the immediate area there are retail stores, multifamily and single family homes, a hotel, warehouses, and eating establishments.

Finding: The proposed microbrewery is compatible with the surrounding uses. The analysis of other conditional use standards identified several conditions of approval that will further the compatibility between this use and surrounding uses. This standard is met.

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

Analysis: The Gateway District Land Use & Development Master Plan (1998) designates the area, now considered a part of the Granary District, as a commercial area. The D-2 zoning is compatible with the master plan designation. The proposed microbrewery, a commercial use, would compliment and support the Central Business District and mixed use character of the area.

Finding: The use is consistent with the adopted master plan and the proposed use is listed as a conditional use in the zoning district. 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: Zoning ordinance section 21A.54.080.B identifies specific items that may determine what constitutes a detrimental effect. In determining a detrimental effect, the following items should be complied with:

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 microbrewery is listed as a conditional use in the D-2 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 in an area zoned for and designated by the associated master plan as “commercial”. See finding in conditional use standard 3 above.
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 use is compatible in intensity, size, and scale to existing commercial uses in the area. The proposed use and the building fits in to the overall character of the 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 existing building is a one story CMU building and the remainder of the lot is hard surfaced. The surrounding area varies in zoning and contains both residential and nonresidential buildings. Therefore, the one story building including the second phase addition will be compatible in design with the range of building types found on the block on which it is located.
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 proposed use will have vehicle access to an existing hard surfaced lot with an established driveway that has been used for previous development. There will be direct access to an arterial street which is designed to accommodate traffic from commercial uses. No change in traffic impact is expected as a result From the use.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	Internal circulation will be designed to accommodate safe maneuvering of motor vehicles. It has been designed to accommodate the proposed use.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The existing site has space available for off-street parking, driveway ingress and egress and direct pedestrian access from the building to 700 South. As identified in the Transportation Division review comment in Attachment H the site has the required parking and bike rack facilities.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	The City’s Transportation Division has reviewed the request and did not indicate that there would be any unreasonable impacts to the service level of any adjacent streets.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	The off-street parking is on an established parking lot that will be striped to comply with applicable city standards.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	The use has access to all necessary utilities which are in place for the development.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use	Complies	The existing site is an established development. The D-2 zone does not require setbacks, and the eastern wall of the building will not have any windows;

conflicts		therefore the walls of the building are sufficient to operate as the buffer.
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	Complies	The proposed use meets city sustainability plans by encouraging patrons to walk or ride their bikes to the site. There will be no anticipated negative impacts that significantly affect the surrounding environment. The applicant proposes to provide an outdoor smoking area located away from neighboring properties and will be subject to the standards of the Salt Lake County Health Department.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	Hours of operation of alcohol related uses are regulated by the State of Utah and proposed establishment will meet these requirements. The proposed use is similar to other restaurants in the area. Similar uses in the area include a few restaurants. It is not anticipated that deliveries will have an adverse impact.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	There are no signs proposed at this time, but any new sign must comply with the regulation in Chapter 21A.46 of the Zoning Ordinance. As a condition of approval the applicant will ensure that lighting is shielded from abutting residential properties.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	There are no historic resources or features on the property.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

The proposal was presented to the Downtown Community Council on August 27, 2014.

A sign was posted on the property on October 8, 2014 indicating that a public hearing is scheduled for October 22, 2014.

Notice of the Planning Commission hearing was sent to property owners and tenants located within 300 feet of the subject property on October 10, 2014.

From: [D.Christian Harrison](#)
To: [Lew, Janice](#); [Kent Rigby](#)
Cc: [Bryan Hill](#); [Eric C David](#); [Shawna Reneeny](#)
Subject: RE: Conditional Use - PLNPCM2014-00494, 316 West 700 South
Date: Thursday, August 28, 2014 1:04:20 PM

To whom it may concern...

It was a pleasure to meet with Janice Lew from the City, and Kent Rigby, the Applicant yesterday.

The microbrewery plans they presented for 316 West 700 South will be a much-needed improvement to the Granary District and to the Downtown Community Council area.

We are pleased to see that the owners are taking a measured approach to development and are encouraged by the phasing as it was described.

We have two comments that we shared with the Applicant that we'd like to make part of the public record:

1) We'd like to see the incorporate of a storm garden as part of the drainage plan would be appreciated — the neighborhood has on many occasions lodged its concern that the area lacks greenery.

Here are four examples:

<http://www.pinterest.com/pin/165648092519405939/>
<http://www.pinterest.com/pin/165648092519168490/>
<http://www.pinterest.com/pin/165648092517911592/>
<http://www.pinterest.com/pin/165648092518102062/>

2) We'd urge the developers to apply for additional waivers when they prepare for phase II. Specifically, we'd like to see them use all of their property for the building and landscaping and use the ample street parking. Front-loaded parking is a feature of suburban landscapes and is ill-suited to this area.

3) We'd also encourage the developers to install some appropriate art — specifically the art of Dave Starks (who used this property as his studio until recently). Dave's iconic work was long a staple of the neighborhood, and it would be fitting that his artwork be featured.

Warmest Regards,

Downtown Community Council

ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

Engineering

No objection to the proposed CUP. Prior to performing any work in the public way, the civil plans must be approved by SLC Public Utilities and SLC Engineering and a contractor must obtain a Permit to Work in the Public Way from SLC Engineering.

Transportation

Sheet AS101 Comment - D-2 Zone Section 21A.44.030.G.2a. - parking not required for first 25,000 SF. Section 21A.44.050.B.3a over 1,000 SF required minimum of two bike stalls. Provide bike rack per SLC standards. The existing gates are to align with drive approaches and due to setback requirements the gates are to remain open during business hours.

Building Services

Zoning comments are as follows for the existing structure;

- This proposal shall comply with all provisions of 21A.36.300.
- If any new trash dumpster is planned, it shall be screened per 21A.48.120.
- Shall satisfy any separation requirements from churches, schools, etc. as required by SLC Business Licensing.

The future proposed building will require;

- Parking calculations showing that adequate parking will be provided, or showing what method is being used for a reduction of any required parking.
- Only one 30' driveway for the site, removal of all other hard surfacing from the park strip (the area between the street curb and the public sidewalk) and planting of the park strip as required by 21A.48, and including park strip trees. This is a requirement of 21A.48.170.

Sustainability – no comments received.

Public Utilities – no comments received.

Fire Code – no comments received.

Police Review – no comments received.

ATTACHMENT I: MOTIONS

Commission Options

If the project is approved, the applicant will need to comply with any conditions made as part of the approval before the Planning Division will sign off on a business license. Typically, conditions are to be met prior to issuance of a building permit. Should the project be approved and it is not appealed, the applicant will need to apply for a business license. After that, the applicant will need to obtain approval from the Utah Department of Alcoholic Beverage Control.

A proposed conditional use shall be denied if:

1. The proposed use is unlawful; or
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section.

The use is an allowed conditional use in the zoning district in which it is located. It would not be considered an unlawful use. The potential impacts of the proposed tavern on the community will likely be mitigated through conditions of approval when legally feasible. As stated previously, the hours of operation for the proposed tavern itself cannot be regulated by the City.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law *10-9a-507 Conditional Uses* states that “a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related specifically to one of the standards below, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated.

Consistent with Staff Recommendation: Based on the findings listed in the staff report, public testimony, and discussion by the Planning Commission, I move that the Planning Commission approve PLNPCM2014-00494, Kilby Court Brewery conditional use for microbrewery as proposed and subject to complying with all applicable regulations. Due to the potential for detrimental impacts created by the proposal identified in the report, the Planning Commission applies the following conditions of approval to the project:

1. A security and operations plan be approved by the Salt Lake City Police Department and Building Official, before being recorded with the City Recorder's office. The plan will need to be recorded before a business license is issued.
2. Proposed landscaping within the parcel and landscape buffer along the public sidewalk does not create any potential hiding places.
3. Ensure that exterior lighting produces a minimum foot-candle to provide safe lighting for pedestrians and is shielded from the abutting residential property to prevent the lighting from being a nuisance.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow the operation of a new microbrewery, located at approximately 316 West 700 South. The proposed conditional use will create detrimental effects, which cannot be reasonably mitigated. Therefore, the proposed conditional use fails to meet the following standard or standards:

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

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;
3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and
4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.