



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: David J. Gellner, AICP, Principal Planner
(801) 535-6107
david.gellner@slcgov.com

Date: May 10, 2017

Re: Conditional Use for a Brewpub (PLNPCM2017-00116)

Conditional Use

PROPERTY ADDRESS: 376 8th Avenue, Salt Lake City, UT
PARCEL ID: 09-31-259-006
MASTER PLAN: Avenues Master Plan (1987)
ZONING DISTRICT: R-MU-35 Residential Mixed Use District

REQUEST: Andrew Tendick, General Manager of Proper Entities, representing Jem Avenues, LLC, property owner is requesting conditional use approval for a brewpub at Avenues Proper located at 376 E. 8th Avenue.

RECOMMENDATION/MOTION: Based on the information in this staff report, planning staff recommends that the Planning Commission approve the proposed conditional use for a brewpub subject to conditions intended to mitigate potential detrimental impacts identified in the staff report as listed below.

The following motion is provided in support of the recommendation:

Based on the findings and information listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested conditional use application for the Avenues Proper Brewpub under PLNPCM2017-00116 subject to the following conditions:

- 1. That the security and operations plan be approved by the Salt Lake City Police Department and Building Official, before being submitted for recordation with the City Recorder's office. The plan will need to be recorded before a business license is issued.*
- 2. Obtain a valid license issued by the Utah state division of licensing, and a valid business license issued by the city.*
- 3. Ensure that exterior lighting 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. [Building Use Plan](#)
- D. [Additional Applicant Information](#)
- E. [Existing Conditions](#)
- F. [Analysis of Standards](#)
- G. [Public Process and Comments](#)
- H. [Department Review Comments](#)

PROJECT DESCRIPTION:

Andrew Tendick, General Manager of Proper Entities, representing Jem Avenues, LLC, property owner is requesting conditional use approval for a brewpub at the Avenues Proper operation located at 376 E. 8th Avenue in the R-MU-35 zoning district. Brewpubs are allowed as a Conditional Use in this zone if they are 2,500 square feet or less in floor area.

This request is being made in order to conform with changes to the Salt Lake City Zoning Ordinance that were approved by City Council relating to brewpubs and to allow for retail carry-out sales. This request largely represents a change to the classification of the existing operation which is a restaurant with an accessory use for brewing beer. The restaurant would be converted to a brewpub use but the building's exterior, parking and other aspects of the existing operation are not being modified through this request.

Background

When Avenues Proper opened for business in 2013, the Salt Lake City Zoning Ordinance defined a brewpub as a restaurant type of establishment that also included a brewery that produced beer in batch sizes of not less than seven (7) barrels on the same property. The beer was intended for consumption on site or for retail carry-out sales as well as some wholesale distribution. There were limits on yearly production and the amount of beer that could be fermenting at any one time. Brewpubs were allowed in the R-MU-35 zoning district as long as they were no larger than 2,500 square feet in size. Avenues Proper was proposing to brew beer batches via a "5-barrel brewing system". Based on the batch size, they did not meet the threshold for the amount of beer brewed, and could not qualify as a brewpub. An administrative interpretation was issued in 2014 classifying Avenues Proper as a restaurant and not a brewpub. The interpretation indicated that they could brew beer in the restaurant as an accessory function. This beer however must be consumed on-site in association with the restaurant. The interpretation also stated that they were not allowed to brew beer for off-site consumption as they were considered a restaurant and not a brewpub. The Zoning Ordinance was updated in 2016 in order to better reflect modern brewing and brewpub industry standards and operations. This includes the manufacture of "high point" beer in bottles and cans for distribution on-site or to off-site retailers. The purpose for the change to the definition of brewpub in the Zoning Ordinance was to simplify it and close the loophole for facilities that brew beer in batch sizes of the less than seven barrels. As a result of the definition of brewpub changing, Avenues Proper is requesting this change in classification to a brewpub for their existing restaurant which would allow them to produce beer for off-site consumption and distribution. As mentioned above, the existing operation itself is not substantially changing. The current definition of brewpub found in the Zoning Ordinance follows:

ALCOHOL, BREWPUB: A restaurant type establishment that also contains a small brewery, where the product is brewed primarily for sale in the associated restaurant. Brewpubs may package their product in kegs, bottles or cans for on site or off site distribution. The alcohol to food sales revenue ratio for a brewpub shall comply with the requirements of chapter 6 (specific retail license act) of title 32B (Utah alcoholic beverage control act) of the Utah code, or its successor.

The existing building at 376 E 8th Avenue has two establishments, Hatch's Family Chocolates, approximately 2,076 square feet in size and Avenues Proper which encompasses approximately 3,365 square feet of building space. Avenues Proper itself is really two separate uses, a restaurant which is proposed to be converted into a brewpub and a separate social club. Although the two uses share some spaces, they are separate uses and physically separated by a door that defines each use and keeps the floor areas within the 2,500 square foot limit

for brewpubs and social clubs specified in the Zoning Ordinance. The existing social club and how it relates to this proposal is discussed below.

The brewpub will occupy the existing restaurant space and will include shared space with the social club. The restaurant has a floor area of approximately 1142 square feet. The restaurant also includes approximately 1,333 square feet of space shared with the social club consisting of an entry hosting area, kitchen, restrooms and hallways. The brewpub including shared spaces would total 2,475 square feet, under the maximum 2,500 square foot limit allowed for the use. Plans for the space are included in [Attachment C](#).

As a separate matter, a petition requesting Conditional Use approval for a social club in a portion of the restaurant was previously approved by the Planning Commission in August 2014. The social club area consists of approximately 890 square feet of the building area along with 1,333 square feet of shared space and has seating for up to 20 persons. The social club area and shared areas total approximately 2,223 square feet, less than the maximum 2,500 square feet allowed for the use. The social club would continue to operate without changes and would not be impacted by the current proposal.

The current hours of operation for the restaurant are 11AM until 11PM, Tuesday through Thursday, 11AM until 11 PM Fridays, 10AM – 11PM on Saturday and 10AM-9PM on Sundays. The current hours of operation will not change under this proposal for a brewpub. Hours of operation of alcohol related uses are also regulated by the State of Utah.

The existing parking lot is signed for parking for both Hatch's Chocolate and Avenues Proper. The parking lot is open and shared by both businesses. The subject property is noncomplying with parking lot landscaping requirements, specifically the requirement for a 10-foot wide landscaped buffer for properties which abut a lot in a single-family or two-family residential district. The existing parking lot has an approximately six-foot wide perimeter landscaped area with fencing and parking lot lighting. The parking requirements for a brewpub are not listed in the Zoning Ordinance so the parking requirement is 3 spaces per 1,000 square feet of usable floor area. This compares to the existing restaurant use which requires 2 spaces per 1,000 square feet of usable floor area. This change from restaurant to brewpub necessitates an additional 2 parking spaces for the brewpub and social club uses combined as compared to the previous restaurant and social club uses combined. There is however a surplus of on-site parking available in the parking lot. The parking lot contains 33 stalls and the existing uses and proposed new use would require a combined total of 26 parking spaces. This calculation takes into account the existing social club and chocolate business as well as the proposed brewpub. A comparison of the existing site and zoning site development standards are provided in [Attachment "E" Existing Conditions](#).

KEY ISSUES:

The key issues were identified through the analysis of the project ([Attachment "F"](#)) and department review comments ([Attachment "G"](#)) and are discussed further in the following section of this report. The key issues associated with this proposal are:

1. Security Operations Plan and Licenses
2. Exterior Lighting
3. Brewpub in a Residential Neighborhood
4. Parking Impacts from "To Go Sales"
5. Additional Signage Impacts

Issue 1 - Security Operations Plan, site and floor plan review and obtain 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](#). Pending approval from the Salt Lake City Police Department and Building Services Division, the plan will be filed with the City's Recorder's office given the conditional use permit is approved. Pending conditional use approval, the applicant will be required to obtain a valid license issued by the Utah state division of licensing and a valid business license issued by the city.

Issue 2 - Exterior lighting

Existing lighting within the parking lot will be used to illuminate the trash enclosure and a designated smoking area. The parking lot lights should produce enough illumination to safely light the parking lot and access to the building, without intruding on the adjacent residences to the south, east and west. The property owner should minimize any lighting that may shine onto the abutting residential property. This was a requirement with the previous social club use. A condition relating to lighting is included to ensure that lighting continues to meet this standard.

Issue 3 - Brewpub in a Residential Neighborhood

The subject property was rezoned to R-MU-35 in 2012. The R-MU-35 zoning district permits brewpubs less than 2,500 square feet in size as a conditional use. The purpose statement for the Conditional Use chapter states a conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. Staff has recommended conditions to mitigate any adverse impacts of the conditional use. The Planning Commission can modify, eliminate or add to the approval conditions recommended by staff.

Issue 4 – Parking Impacts from “To Go Sales”

An issue brought up by a neighborhood resident was the impact this change would have on parking in general, and in particular, in relation to sales of beer on a “to go” basis wherein the customer is only picking up beer and not dining at the establishment per se. The concern was that this increased demand for short-term parking would have a negative impact on the parking and the number of spaces available for use by brewpub patrons, leading to a spill-over or ripple impact into the adjacent residential neighborhood. While some sales may occur in this manner, in general the majority of sales are expected to be made by dine-in patrons who take some additional beer to-go. The State licensing requirements specify that “The alcohol to food sales revenue ratio for a brewpub shall comply with the requirements of chapter 6 (specific retail license act) of title 32B (Utah alcoholic beverage control act) of the Utah code, or its successor.” The amount of straight retail sales that occur will be limited by State licensing requirements and these sales are not expected to be a major component of the brewpub’s business. The exact impact to-go sales will have on parking cannot be quantified. Currently there are seven (7) more parking spaces than required by ordinance so lack of off-street parking is not an issue. As such, staff is not recommending any conditions related to parking.

Issue 5 –Additional Signage Impacts

An issue brought up by a neighborhood resident related to a question of whether or not additional signage is being proposed in relation to the changes which would allow “to go” sales of beer. The concern was that expanded signage could potentially introduce additional detrimental impacts that have not been anticipated in terms of compatibility. The applicant has not proposed any additional signage. If any new signage is proposed, it will be required to conform to the requirements of the sign regulations in Chapter 21A.46.

DISCUSSION:

The proposed conditional use for the brewpub should be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably detrimental effects of the proposed use. A brewpub is a conditional use in the RMU-35 Residential Mixed Use zoning district but must be limited to be less than 2,500 square feet in area. The proposed brewpub, as requested, would be approximately 2,475 square feet in size and would meet this threshold.

The brewpub would operate in an existing building, currently zoned residential/mixed use. Since the applicant is not proposing to make any structural exterior additions, the minimum standards for the development have been met or are legal noncomplying since the building already exists. The subject property complies with all other applicable zoning regulations as discussed in [Attachment F](#).

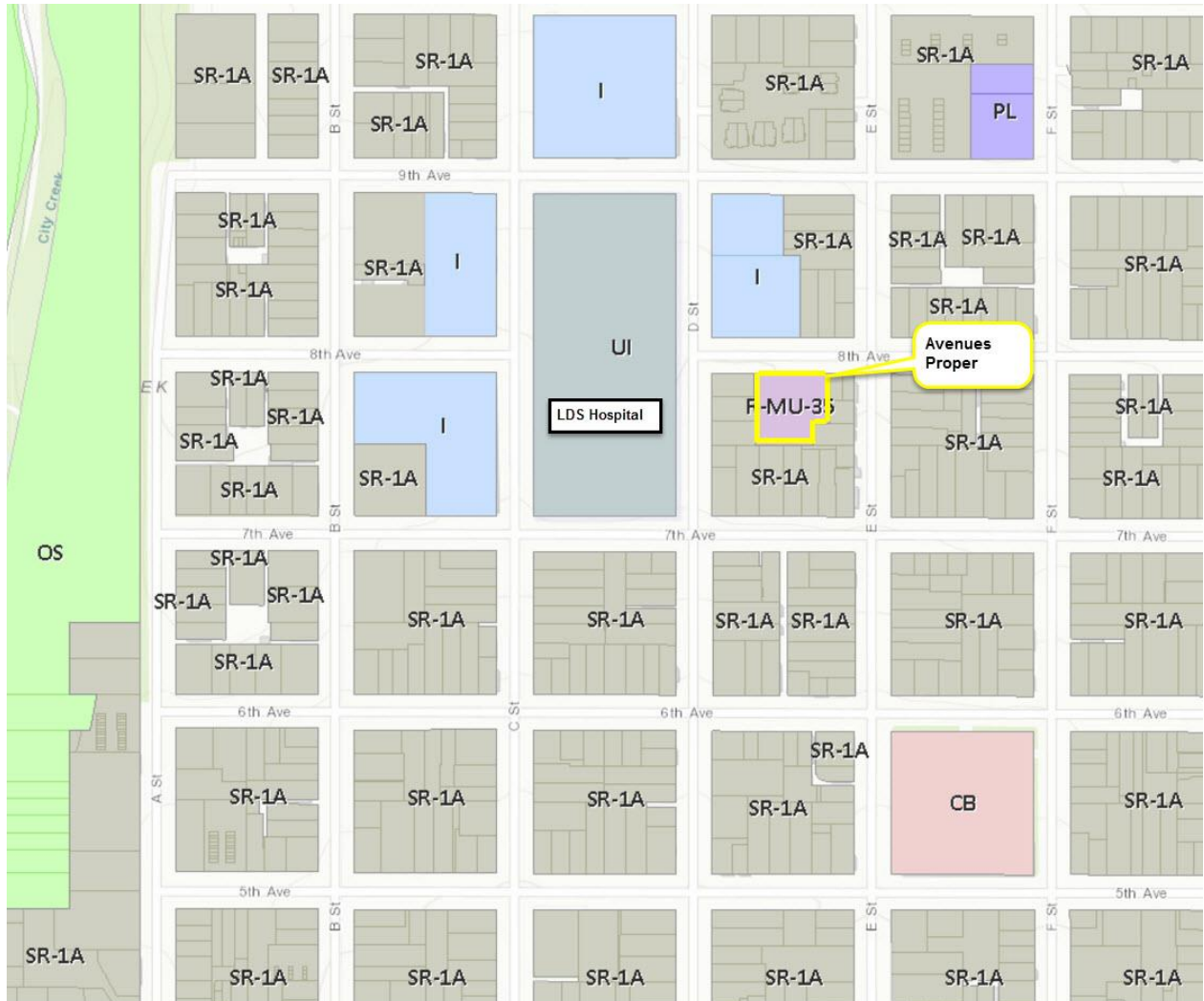
The existing site landscaping includes a six foot landscape area along the perimeter on the parking lot. An existing chain link fence with slats is located at the property line of the parking lot area. The existing landscaping being adjacent to fencing minimizes hiding places on the property. A few small shrubs and grasses exist along the front portion of the property on 8th Avenue. To discourage any potential hiding places, staff recommends that the existing landscaping continue to be maintained.

The Avenues Community Plan designates the area as mixed use and the proposed brewpub would align with this designation. The Zoning Ordinance designates this property as R-MU-35 or Residential Mixed Use. A brewpub less than 2,500 square feet in size was allowed in the R-MU-35 zone prior to 2016, but a brewpub had a different definition. The definition of a brewpub was changed in 2016. Given that the anticipated detrimental effects can be mitigated with reasonable conditions, it is the opinion of Staff that the conditional use should be approved.

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 for the proposed brewpub.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: SITE AERIAL AND PHOTOGRAPHS





Front view of site from 8th Avenue



Building front with outdoor patio



Trash enclosure area with adjacent property detached garages to the south



Parking lot – west lot line looking north

ATTACHMENT C: BUILDING USE PLAN

The following pages contain the narrative and building use plans provided by the applicant in relation to the proposed project.

Proper Brewing Company, LLC
DBA Avenues Proper Restaurant
376 8th Avenue, Ste B/C
Salt Lake City, Utah 84103
801.828.5310

February 9, 2017

Salt Lake City Planning
451 South State Street, Room 215
Salt Lake City, UT 84114

Re: Conditional Use Permit for a Brewpub License and a Retail Beer license (Type 5 Package Agency per the DABC)

1. Project Description

Avenues Proper Restaurant has been in operation since 2013 and has established itself as a well-run, respectable, community focused restaurant in the Avenues neighborhood of Salt Lake City. At Avenues Proper we have been brewing beer on-site since our inception, which has been so popular that we expanded in 2016 to open Proper Brewing Company on Main Street. When we opened Avenues Proper the laws regarding brewpubs in Salt Lake were a bit confusing, and have since been remedied by the city council and zoning/planning commission to simplify and clarify the laws. When we opened the Zoning Commissioner granted us the ability to brew beer on-site by designating us a "Restaurant with an accessory use to brew beer." This distinction was due to the former regulations that required a minimum batch size to be considered a 'Brewpub' according to Salt Lake City ordinance. This strange requirement was rectified last year, and we are now able to change our license type to fall in line with what we truly are – a 'Brewpub'. Ultimately this would represent minor in house changes that will simplify our business operations, help us to meet our customer demands, and provide additional revenue opportunities, without any additional impact to the surrounding neighborhood or businesses.

Our desire to change our license type is multi-fold. With our new brewery expansion on Main Street we are hoping to bring both breweries (Avenues Proper Restaurant & Brewery and Proper Brewing Company) under the same umbrella. There are multiple reasons for this:

- With our restaurant accessory use distinction we are unable to sell/transfer product to our Main Street location. We have a very small system in the avenues which allows us to do very limited release beers, many of which we would like to be able to offer at our Main Street location. There is a high demand for this type of product and we would like to be able to be utilize the competitive advantages that we have to remain competitive

with all other breweries in the state (our Avenues location is the only brewery in Utah that is not licensed as either a Brewpub or Microbrewery in Utah).


- To simplify our accounting
- To unify our branding
- Our customer base in the avenues consistently ask to be able to purchase our beer to-go. We are zoned to allow for this, and every other brewery/restaurant in the state functions this way. A brewpub license change and retail beer approval will allow us to meet our customer's demands. In addition, this will provide us with another revenue stream that will be a tremendous help to ensure that our company will be financially sound and able to continue to be an asset to the avenues community for years to come.

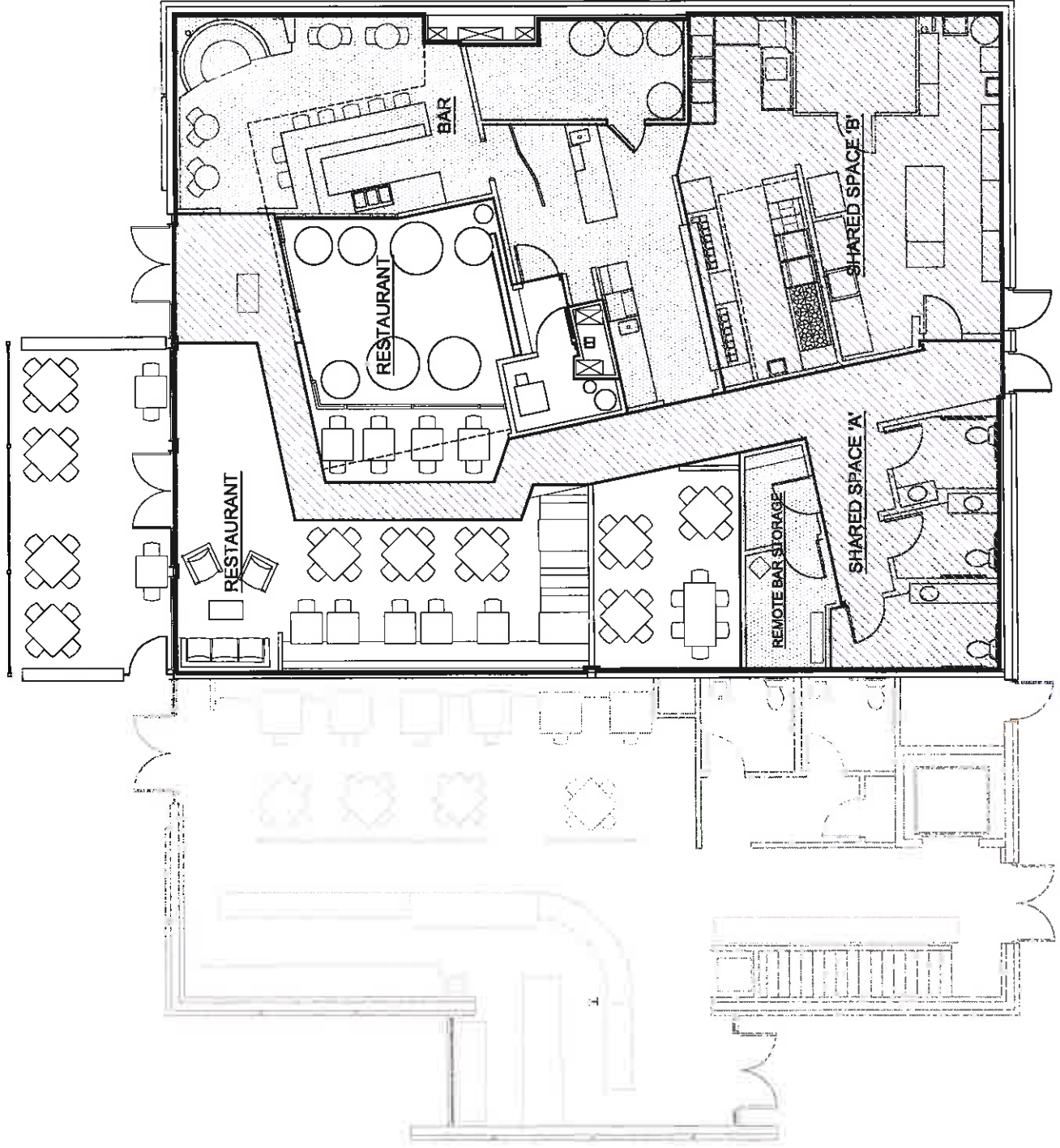
2. Conditional Use Information

- Our anticipated hours of operation are 11am–10pm, Tuesday-Thursday, 11am-11pm Friday, 10am-11pm Saturday, 10am–9pm Sunday (these are our current hours of operation, we do not plan to change our current hours).
- The adjacent property uses are:
 - Retail chocolate shop
 - Residential
- During the highest shift we anticipate 10-12 employees working on site (matching our current staffing).
- We anticipate seating for 60-70 people (again, no changes from our current seating capacity).
- Yes, we have spoken with the business owners of the adjacent property and have received positive feedback. We have been neighbors for nearly 4 years and have a longstanding positive relationship.

Sincerely,

Proper Brewing Company, LLC
DBA Avenues Proper Restaurant

By: 
Andrew Tendick, Member/Manager



AREA TAKEOFF

Total Area	3365 SF
Shared Space A (Hall, Restrooms...)	656 SF
Shared Space B (Kitchen, Prep)	677 SF
Net Bar Area (with remote storage)	890 SF
Net Restaurant Area	1142 SF
Total Bar Area (with shared spaces)	2223 SF
Total Restaurant Area (with shared spaces)	2475 SF

FLOOR PLAN

NORTH

0 4' 8' 16'

AVENUES PROPER RESTAURANT
 376E 8TH AVENUE, SALT LAKE CITY, UTAH

ATTACHMENT D: ADDITIONAL APPLICANT INFORMATION

The following pages contain the security and operations plan submitted in relation to the proposed project.

Security and Operations Plan
Proper Brewing Company Conditional Use Application For A Brewpub
376 East 8th Avenue

1. Should Proper Brewing Company, DBA Avenues Proper, ever field a complaint we will take action on it as soon as possible. Our company phone number is listed on our website and there is always a manager on duty at the brewpub/restaurant who is available to assist in solving any issue that should arise. If the manager on duty is unable to rectify the situation he/she will bring the issue to ownership and the matter will be addressed and resolved immediately.
 - a. Our hours of operation are currently (and will remain):
 - i. Tuesday 11 am – 10 pm
 - ii. Wednesday 11 am – 10 pm
 - iii. Thursday 11 am – 10 pm
 - iv. Friday 11 am – 12 am
 - v. Saturday 10:00 am – 12 am
 - vi. Sunday 10:00 am – 9 pm
 - b. We do not anticipate changing our hours of operation at our brewpub.
2. The owners of Proper Brewing Company/Avenues Proper will attend any Greater Avenues Community Council meeting upon request to resolve any issues or complaints regarding our business.
3. There is no needed construction/alteration to our existing operating space. We will add a small cooler for to-go retail sales near our host stand, otherwise there will be no changes. As such, there will be no new sound concerns of any kind with the change in our license distinction.
4. Any live entertainment will be located inside of our building and will be subject to conform to the sound limits of our zoning district.
5. Our restaurant does have a patio, again already existing and operating, and here is not electronically amplified sound on the exterior of the premises.
6. Our designated smoking area is located towards the end of our parking lot near the dumpster. This area conforms to Utah state law, and is far more than 25 feet from any entrance or exit. In addition, the designation of this location does take into account our neighbors that populate the surrounding borders of our parking lot. The area not only meets the required legal obligations, but also is placed far enough from any neighboring homes to avoid the smell of cigarettes reaching their residences. We will also monitor the exterior and remove any graffiti from the building within 48 hours should it ever happen.
7. As part of our nightly closing procedures the server/bartender/or manager on duty will perform a sweep of the exterior and collect and dispose of any trash strewn on the premises.
8. Our parking lot has 33 parking stalls, far exceeding the requirement for off-street parking. There is additional off street parking on the north side of 8th Avenue adjacent to the medical office property.

9. Other on-street parking in the area is permit only (Permit Area #3) and is managed through Salt Lake City. Regulations and restrictions are in place and there are signs in the area next to adjacent residential properties. These regulations protect the surrounding residential properties as our customers are not allowed to park in these areas. As a functioning full service restaurant for over 4 years our parking has been more than sufficient to fill the parking needs of our customers without adversely affecting the neighborhood.

A copy of this plan is to be distributed to the Fire Department, Police Department, and the Greater Avenues Community Council.

Contact information for the owner of Proper Brewing Co (DBA Avenues Proper):

Andrew Tendick

Andrew@properbrewingco.com

801.828.5310

ATTACHMENT E: EXISTING CONDITIONS

Current Zoning Requirements – R-MU-35 Nonresidential Use

Zoning Standard	Required	Existing	Status
Min Lot Area	5,000 sq. ft.	26,734 sq. ft.	Complies
Min Lot width	50'	174'	Complies
Front Yard Setback	No setback required. Maximum of 15'	7'	Complies
Interior Side Yard	No setback required	4' / 80'	Complies
Rear Yard	25% lot depth – but need not exceed 30'	42' / 91'	Complies
Parking Spaces (Note: This calculation is for all combined uses on the site.)	Brewpub & Social Club – 11 Production (Chocolate) – 11 Retail Goods (Chocolate) – 4 Total : 26 parking spaces	33 spaces	Complies
Building Height	20'	15'	Complies
Required yards for legally existing buildings	No greater than the established setback line	6'	Complies

Adjacent Land Uses

The property is located in a residential area, abutting single family residential homes on three sides zoned SR-1A (Special Development Residential district). To the north, on the opposite side of 8th Avenue is a large medical office and its related open space which is zone I (Institutional). The IHC Hospital is located a half block to the west and is zone UI (Urban Institutional). Primary vehicle access to the property is from 8th Avenue via a driveway into the parking lot.

Applicable Master Plan Policies

In 2010, the Salt Lake City Council approved Ordinance No. 79 of 2010 amending the Avenues Master Plan with respect to the 376 East 8th Avenue property. The future land use map of the Avenues Master Plan was amended changing the designated land use from single family residential to mixed use. It was found that the amendment was consistent with the criteria established in the Avenues Master Plan for a zoning change. The same ordinance also amended the zoning map for the subject property from Special Development Pattern Residential (SR-1A) to Residential Mixed Use (R-MU-35).

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:

Standard	Finding	Rationale
1. The use complies with applicable provisions of this title	Complies	See detailed analysis below.
2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses	Complies	See detailed analysis below.
3. The use is consistent with applicable adopted city planning policies, documents, and master plans	Complies	See detailed analysis below.
4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions	Complies	See detailed analysis below.

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.33.020 Table of Permitted and Conditional Uses for Residential Districts lists alcohol, brewpubs (2,500 square feet or less in area) as a conditional use in the RMU-35 Zoning District with a qualifying provision, note 9, which states, “Subject to conformance with provisions in the section 21A.36.300, Alcohol Related Establishments, of this title”.

The proposed use is part of an existing commercial site with a developed parking lot and building already located on the site. The applicant is not proposing to make any structural exterior changes to the existing building or site as part of the conditional use request.

The existing building at 376 8th Avenue has a retail goods establishment of approximately 2,076 square feet. The Avenues Proper uses occupy 3,365 square feet of the building. This consists of a restaurant with 1142 square feet of space, a social club with 890 square feet of space, and shared spaces for both uses of 1,333 square feet. The existing restaurant includes an on-site beer brewery. The applicant desires to reclassify the restaurant as a brewpub. In essence, the restaurant as it currently operates and exists would not materially change. This request recognizes changes to the zoning ordinance that were approved by Council and would allow the existing operation to be reclassified as a brewpub.

As noted above, the existing restaurant includes approximately 1,333 square feet shared spaces with the social club consisting of an entry hosting area, kitchen, restrooms and hallways. The

proposed brewpub including shared spaces would total 2,475 square feet, under the maximum 2,500 square feet limit allowed for the use.

Finding: The proposed brewpub meets the 2,500 square feet limit standard. The proposed use is allowed in the zoning district complies with applicable provisions of this title including parking, signage, buffering and building setbacks.

21A.36.300 Alcohol Related Establishments Requirements

Section 21A.36.300 Alcohol Related Establishments. 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 Department of Alcoholic Beverage Control, 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 to obtain a license for the brewpub. 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: 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 applicant's materials in [Attachment D](#). The Building Services Division and Police Department review and approval have 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 or concerns were identified by the Police during the site plan review process.

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 building in which the brewpub sits abuts residentially zoned property along the western, southern and eastern property lines. The current restaurant and social club occupy the eastern side of the existing building with the social club occupying the northeast corner of the interior space adjacent to the east wall of the building. The east wall of the building has no window openings. The walls of the existing building are approximately 4 feet from the east residential property, 42 feet from the south residential property and 80 feet from the west residential property. The layout configuration of the brewpub space and the walls of the building provide a buffer between the proposed use and the neighboring residential properties.

Finding: Staff finds that this portion of the standard has been met given the configuration of the building space and location of the building on the parcel.

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 brewpub will be located within an existing building and the property has landscaping in place. Existing landscaping in open areas consist of small ornamental plants and grasses. Larger landscape materials are located along the perimeter of the parking lot adjacent to fencing. It would be difficult for this type of landscaping to be used as a hiding place.

Finding: The proposed landscaping is sufficient for the proposed project and should be maintained. Staff asserts that this portion of the standard has been met.

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 within the required security and operations plan that graffiti will be removed within the required 48 hours, weather permitting.

Finding: This portion of the standard has been met and is also included as a 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. The question of new signage is also discussed in the Key Issues section as Issue 6 on page 4 of this report.

Finding: This portion of the standard is not applicable as no additional signage has been proposed.

21A.36.300.D.2.b. – 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;

Analysis: The applicant has indicated that they will continue to use the existing lighting on the premises. Lighting located on the building and parking lot lighting is located on the perimeter landscaped areas and projected into the parking lot should be shielded in order to direct the light downward as a condition of previous development approval of the existing site.

Finding: A condition of approval to shield the current lights from any residential property would mitigate any negative impact from lighting on the adjoining properties. Staff finds that with this condition, this portion of the standard has been 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 has been provided more than 25 feet from the building into the parking lot, next to the garbage receptacle enclosure, and about 15 feet from the rear property line. The proposed outdoor smoking area has been located in this area to minimize impact to adjoining neighboring residences. This area is located adjacent to the rear yards of the residences to the south. The adjacent properties have detached garages located near the property line at this location.

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.

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

Analysis: The property is zoned Residential/Mixed Use – R-MU-35. A brewpub is allowed as a conditional use in the zone subject to specific Alcoholic Related Establishment requirements. The proposed brewpub would occupy an existing restaurant with brewing capabilities. The restaurant currently serves alcohol to dining patrons. Restaurants are permitted uses and considered compatible with surrounding uses. Serving alcohol directly to customers within the same establishment would not bring the use to a level of incompatibility than already exists for the compatible use. The proposed brewpub is essentially identical to the businesses that already operates on the property.

Finding: The brewpub is compatible with the surrounding uses and its scale fits the surrounding neighborhood. 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 has been met.

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

Analysis: The Avenues Community Master Plan designates this property as Mixed Use. Salt Lake City Ordinance No. 79 of 2010 amended the Avenues Master Plan future land use map of the Avenues Master Plan for the subject property from single family residential to mixed use. The property was also zoned to the RMU-35 classification with the adoption of the above ordinance. The zoning is compatible with the master plan designation.

Finding: The use is consistent with the adopted Avenues master plan and the proposed use is listed as a conditional use in this zoning district.

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 items discussed below in 21a.54.080B Detrimental Effects Determination shall be complied with.

Finding: As identified in the Detrimental Effects chart below that evaluation of the criteria related to the proposed brewpub use; the rationale and findings show that the proposed conditional use for a brewpub complies with the specific detrimental effects determination criteria for conditional uses.

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 brewpub (2,500 square feet or less in floor area) is listed as a conditional use in the RMU-35 zone
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 and designated by the associated master plan as “mixed use”. 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 site consists of commercial uses and the proposed brewpub will be contained within the existing restaurant. The building’s exterior will not be modified to accommodate the proposed conditional use.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	No structural additions will be made to the existing building. The proposed use will share the restaurant kitchen and restrooms spaces with the approved social club. There will not be any change to the exterior of the building or site. The existing building is a one story brick structure and the lot contains hard surface parking and perimeter landscaping and fencing. The surrounding area consists of numerous brick structures. The existing building fits in with the 1-2 story buildings 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 parking lot with an established driveway that has been used for previous development. The proposal will have no traffic impact above the capacity of the existing use and the restaurant use.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	The existing parking lot is designed to provide safe maneuvering of motor vehicles. The driveway is located in area that provides drivers with clear views of pedestrians and bicycles. Internal circulation has been designed to accommodate the existing uses and will accommodate the proposed use.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The existing site has off-street parking, driveway ingress and egress, sidewalks that connect the interior of the property to the public sidewalks on 8th Avenue and direct access from the building to the 8th Avenue public sidewalk.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	The proposed use will not increase off street parking demand above what is required for the existing uses on the site. The street level of service will not be unreasonably impacted above the existing level of service due to the proposed use.
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. The location and design of the parking lot is legally established with the existing development and meets the zoning standards.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	Use has access to all necessary utilities which are in place for the existing restaurant use.

<p>11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts</p>	<p>Complies</p>	<p>The existing site is an established development and the proposed use is to be incorporated within the existing restaurant space. The site meets the general landscaping and screening requirements for the RMU-35 zone. The landscape requirements for alcohol related uses are also met by the existing site improvements in place.</p>
<p>12. The use meets City sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke</p>	<p>Complies</p>	<p>The proposed use 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 in the parking lot near the trash receptacle structure and will be subject to the standards of the Salt Lake County Health Department.</p>
<p>13. The hours of operation and delivery of the use are compatible with surrounding uses</p>	<p>Complies</p>	<p>The existing restaurant's hours of operation are 11AM-11PM, Tuesday through Thursday, 11AM-11 PM Fridays, 10AM – 11PM on Saturday and 10AM-9PM on Sundays. These are the current hours of operation for the restaurant. No change has been proposed. Hours of operation of alcohol related uses are also regulated by the State of Utah.</p>
<p>14. Signs and lighting are compatible with, and do not negatively impact surrounding uses</p>	<p>Complies</p>	<p>Signs and lighting are in place for the existing restaurant and meet applicable Zoning Ordinance requirements. As a condition of approval the applicant will ensure that lighting is shielded from abutting residential properties.</p>
<p>15. The proposed use does not undermine preservation of historic resources and structures</p>	<p>Complies</p>	<p>There are no historic sites or features on property.</p>

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

- Notice of the project and request for comments sent to the Chair of the Greater Avenues Community Council on February 22, 2017.
- Staff held a public open house at the Planning Department in the City and County Building on March 16, 2017 to solicit comments on the proposal. No comments were submitted by the public.
- Staff attended the Greater Avenues Community Council (GACC) meeting to present the project to the community on April 5, 2017.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on: April 27, 2017
- Public hearing notice sign posted on property: April 27, 2017
- Public notice posted on City and State websites and Planning Division list serve: April 27, 2017

Public Comments Received:

1. Subsequent to the GACC meeting of April 5, 2017, Kim Bowman, the Chair of the GACC sent staff an email indicating the following:

I think we'd agree that there were no real concerns raised, and those in attendance were generally favorable of the change.

2. Staff received a call from one area property owner who expressed concerns about the following items in relation to the proposed brewpub:
 - Possible parking impacts from “to go” sales of beer.
 - Possible impacts from additional signage.

These items and their resolution are addressed in the Key Issues section of this report on Page 4.

ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

CITY DEPARTMENT COMMENTS

Zoning

No concerns with respect to the proposed changes.

Sustainability

No comments provided.

Public Utilities

No comments provided.

Engineering:

No objections.

Transportation

No comments provided.

Fire

No comments provided.