



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

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To: Salt Lake City Administrative Hearing  
From: Katia Pace, (801) 535-6354  
Date: February 11, 2016  
Re: PLNPCM2015-01016 Fisher Brewery and Tavern Conditional Use

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## CONDITIONAL USE

**PROPERTY ADDRESS:** 316 & 324 West 800 South  
**PARCEL ID:** 15-12-204-019 (316 W. 800 S.) & 15-12-204-027 (324 W. 800 S.)  
**MASTER PLAN:** Central Community Master Plan & Downtown Plan  
**ZONING DISTRICT:** D-2 (Downtown Support District)

**REQUEST:** The Fisher Brewing Company, LLC, is requesting conditional use approval to operate a small brewery and tavern located at approximately 316 & 324 West 800 South. The company is under contract to purchase the property, dependent on whether the Conditional Use is approved. Per Section 21A.33.050 of the Zoning Ordinance, *Table of Permitted and Conditional Uses for Downtown Districts*, both small breweries and taverns require conditional use approval in the D-2 zoning district subject to conformance with the provisions in Section 21A.54, *Conditional Uses*.

**RECOMMENDATION:** Based on the testimony, plans presented and the following findings, Planning Staff finds that the proposal adequately meets the standards, subject to specified conditions, and recommends that the Administrative Hearing Officer approve the requested conditional use with the conditions listed below. The following motion is provided in support of the recommendation: *I move to approve the requested Conditional Use application (PLNPCM2015-01016) subject to the conditions listed in the staff report.*

1. The security, operations, site, and floor plans submitted by the applicant must be reviewed and approved by the Salt Lake City Police Department and the Building Official and then be filed with the City Recorder's office.
2. Consolidate the parcels into one.
3. Comply with park strip requirement.
4. The proposed silo should be moved so that a delivery vehicle can fit behind the sidewalk and the middle driveway should be removed.
5. Compliance with all other applicable codes and regulations.

**ATTACHMENTS:**

- A. Vicinity Map
- B. Photos
- C. Site Plan & Elevations
- D. Security Operations Plan
- E. Existing Conditions & Zoning Requirements
- F. Analysis of Standards
- G. Public Process and Comments
- H. Department Review Comments
- I. Potential Motions

**PROJECT DESCRIPTION:** The buildings located at 316 & 324 West 800 South are currently being used as auto repair. The applicant is under contract to purchase the property. The applicant is proposing to open a small craft brewery and tavern bar with a tap house tasting room. There will be no changes to the footprint of the buildings, although there will be renovations and changes to the interior. The buildings are connected but are on separate parcels, the two buildings together are approximately 3,693 square feet. Off street parking is not required for buildings less than 25,000 square feet in the D2 zoning district. The anticipated hours of operation would be between 11:00 AM – 1 AM, seven days a week. The applicant plans to have between 6 to 8 employees on staff with 1-3 people in the brewery and 2-5 persons in the Tavern at any one time and a capacity of 90 people within the building. The floor plan indicates that the tavern area open to clients will be approximately 1,082 square feet, an outside patio will be approximately 1,050 square feet and the brewery area will be 1,018 square feet. The rest of the building will be utilized for storage, office, and other operations associated with the tavern and small brewery. The small driveway access to the west of the building will not be utilized for any off street parking. It will be used to provide delivery access to the doors on the north side of the building.

The Fisher Brewing Company is restoring the original brewery founded in 1884. Utah's historical brewery operated until the late 1960's. The new Fisher Brewing company is comprised of two family descendants from the original brewmaster, Albert Fisher.

**KEY ISSUES:** The key issues listed below have been identified through the analysis of the project 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 must be 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: Lot Consolidation**

The proposal is to combine the two existing buildings located at 316 and 324 West 800 South. These buildings are located on separate parcels. The approval for this project will have a condition that the two parcels be consolidated into one.

### **Issue 3: Infrastructure**

The park strip on the front of the properties consists of hard surface. The park strip ordinance limits paving materials, gravel, rocks and boulders to sixty seven (67%) of the surface area. The park strip should be thirty three percent (33%) or more landscaped with vegetation. Compliance with the park strip ordinance should be a condition of approval.

Depending on demands, the water line in 800 South may need to be upgraded at the applicant's expense. The demands for water and sewer discharge will be reviewed and determined at the permit process.

### **Issue 4: Parking & Walkability**

The zoning ordinance does not require off street parking for the first 25,000 square feet of usable floor area. This building is less than 25,000 square feet, so no off street parking is required. There are two street parking directly in front of the building. Additionally it is within a 0.3 miles walking distance of the 900 South TRAX Station and is within a block of a bus stop for Route 9 and biking racks will be provided.

Currently there are three driveways: a western driveway that would be used for deliveries and other services, an eastern driveway that would be used to access a silo and a third driveway in the middle of the property that currently accesses a garage door in the front of the building.

The eastern driveway is proposed to be the access to a silo that would be located behind the front yard property line. Due to the location of the silo a delivery vehicle would have to park blocking the sidewalk in order to access the silo. A condition should be placed that requires the silo to be moved further back in order for a delivery vehicle to be able to park behind to the property line and behind the sidewalk.

In addition, the purpose for the middle driveway is not consistent with the proposed use. This access should be removed to prevent cars from parking on a dead driveway and blocking pedestrians from walking on the sidewalk.

**DISCUSSION:** The proposed conditional use for the small brewery and tavern should be approved if reasonable conditions can be imposed to mitigate the reasonably detrimental effects of the proposed use. As long as certain conditions are imposed, this proposal complies with the standards for approval of Conditional Uses and is also consistent with planning policies, the Central Community Master Plan, and the Downtown Plan.

The analysis of this project identified the detrimental effects that require mitigation in order for the proposal to comply with the standards of approval. Staff has identified Conditions of Approval (see page 1) that are intended to address the issues with the proposal. Therefore, given that the reasonably anticipated detrimental effects could be mitigated with conditions, Staff recommends that the proposed conditional use be approved subject to the conditions of approval.

**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 a small brewery and tavern on the subject parcel.

# ATTACHMENT A: VICINITY MAP

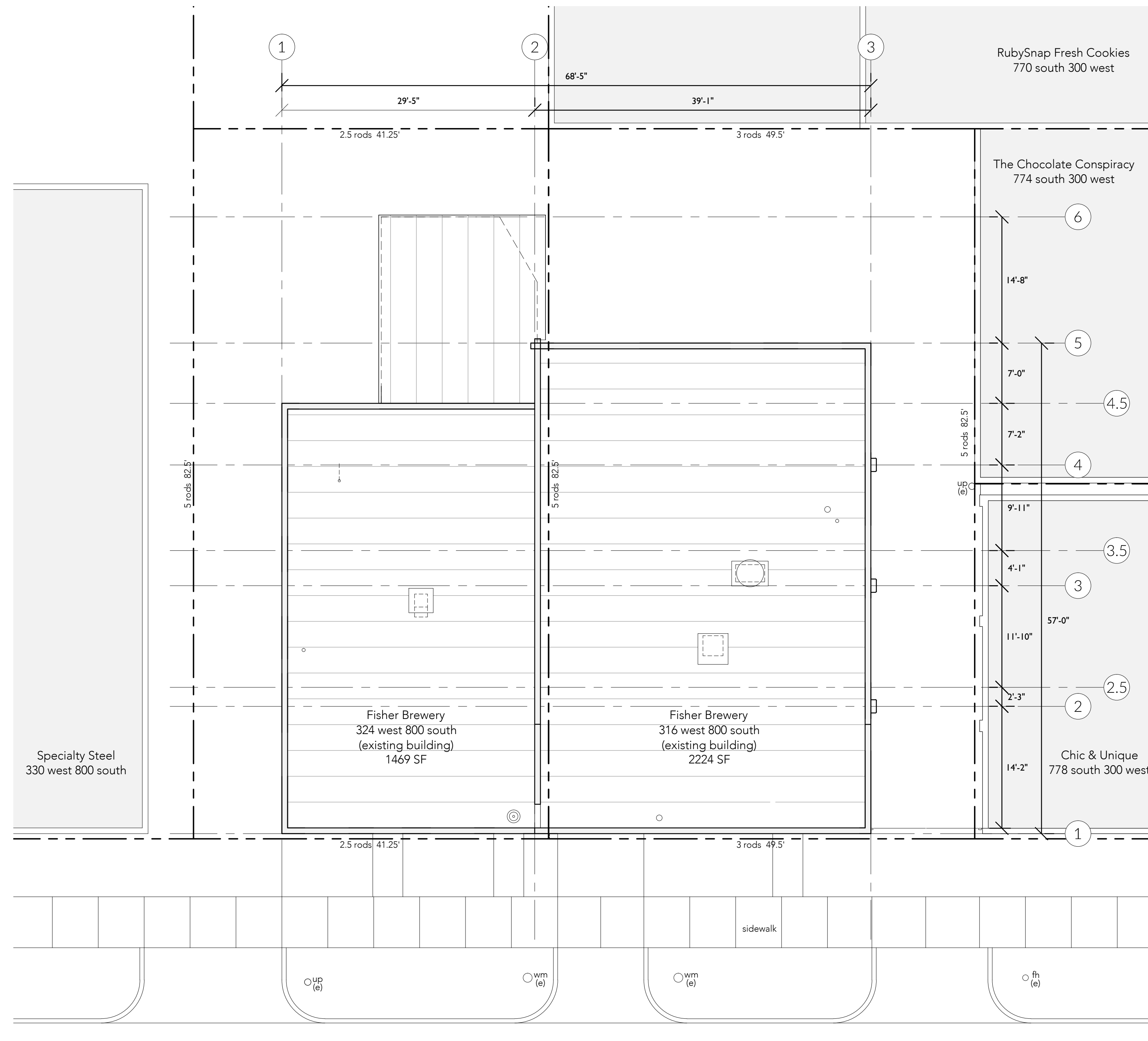


# ATTACHMENT B: PHOTOS





# **ATTACHMENT C: SITE PLAN & ELEVATIONS**

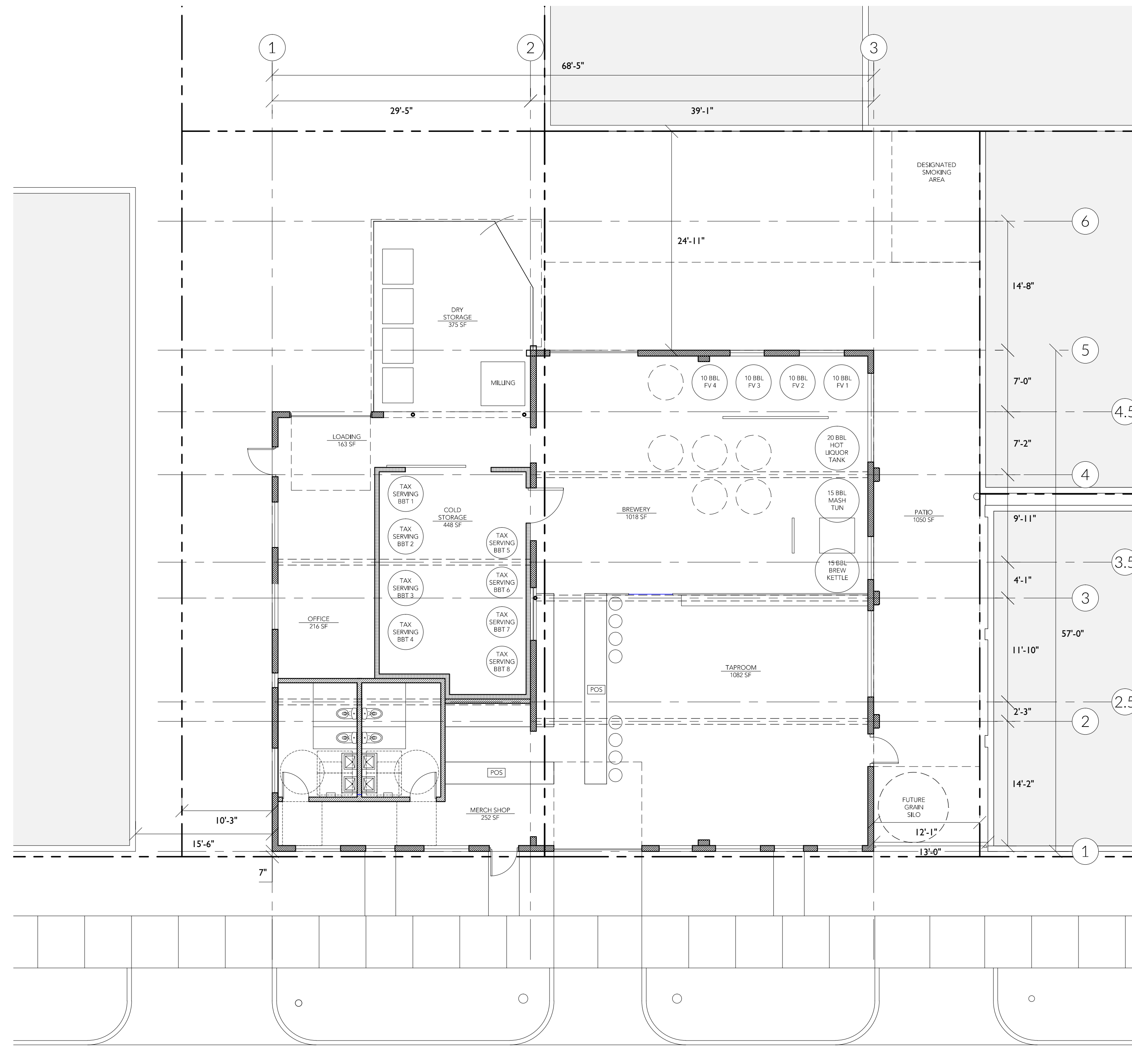


**1** site plan  
**A1.01** Scale: 1/8" = 1'-0"

<b>PROJECT DATA</b>		<b>Richardson Quann Associates</b>	
Project Name:	Fisher Brewery and Taproom	814 east 100 south Salt Lake City, UT 84102	
Project Address:	316 & 324 west 800 south Salt Lake City, Utah 84101	t: 801 533 0204 e: dsr@caphillcon.com w: www.caphillcon.com	
Project Description:	Interior improvements of existing building.	<b>ARCHITECT</b>	
<b>ZONING</b>		<b>DESIGN TEAM</b>	
Address:	316 & 324 west 800 south	<b>ARCHITECT</b>	
Parcel number:	15-12-204-019-000 (316) 15-12-204-027-000 (324)	<b>CONSULTANT</b>	
Lot Size:	4084 SF / 0.09 acres (316) 3403 SF / 0.07 acres (324)	<b>STAMP</b>	
Zoning:	D-2 downtown support		
Use:	small brewery & tavern		
Permitted Use:	no, conditional use		
Lot/Yard Requirements:	none		
Max Building Height:	65'-0"		
Proposed Height:	12'-6" (existing, no change)		
<b>PARKING</b>			
D-2 Zone No parking required for the first 25,000 SF of usable floor area. One(1) parking space required for every 1,000 SF of usable floor area beyond the first 25,000 SF.			
Building Area Total: 5700 SF No off street parking is required. No parking stalls will be provided on site.			
		<b>PROJECT</b>	
		<b>NAME / ADDRESS</b>	
		<b>FISHER BREWERY: taproom</b> 316 & 324 west 800 south Salt Lake City, UT 84101	
		<b>DATE</b>	
		01 Dec 2015	
		<b>REVISIONS</b>	
		<b>OWNER</b>	
		<b>PROJECT NET</b>	
		<b>KEY PLAN</b>	
<b>LIFE SAFETY LEGEND</b>			
36" Clear Accessible Path of Travel			
44" Clear Exit Route			
Egress Door Tag			
Self Illuminated Exit Sign w/ Battery Back Up			
		<b>SHEET</b>	
		<b>NUMBER</b>	
		<b>A1.01</b>	
		<b>submital: SCHEMATIC</b>	

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1 floor plan  
A1.02 Scale: 1/8" = 1'-0"

**GENERAL NOTES**

- Contractor to contact the Salt Lake County Health Department, Bureau of Food Protection: 88 East Woodoak Lane, Murray, Utah 84107 Phone: (385)468-3845
- Contractor is to abide by the following Utah Division of Air Quality Requirements:  
 R307-309 for dust control.  
 R307-801 for asbestos control.  
 R307-840 for lead control.  
 Refer to [www.rules.utah.gov/publicat/code/r307/r307.htm](http://www.rules.utah.gov/publicat/code/r307/r307.htm) or contact the Utah Division of Air Quality (801)536-4000

**PROJECT DATA**

Project Name: Fisher Brewery and Taphouse  
 Project Address: 316 & 324 west 800 south Salt Lake City, Utah 84101  
 Project Description: Interior improvements of existing building.

**APPLICABLE CODES**

2012 International Building Code (IBC)  
 2011 National Electric Code (NEC)  
 2012 International Plumbing Code (IPC)  
 2012 International Mechanical Code (IMC)  
 2012 International Energy Conservation Code (IECC)  
 1995 Title 21 Zoning Ordinance  
 Title 18 of Salt Lake City Ordinance - Building and Construction  
 2009 Accessibility Code ANSI A117.1

**CODE ANALYSIS**

Project Name: Fisher Brewery and Taphouse  
 Project Address: 316 & 324 west 800 south Salt Lake City, Utah 84101  
 Project Description: Interior improvements of existing buildings.  
 Occupancy Group: A-2 & F-2 non-separated(508.3)  
 Construction: Type V-B  
 A-2 (1) story 6,000 SF  
 Fire Sprinklers not required

**OCCUPANT LOAD**

occupant load: (table 1004.1.2)

A-2 - Taproom  
 Assembly, Unconcentrated Tables and Chairs  
 1068 SF @ 15 SF net = 71.2 occupants  
 Assembly, fixed seats - seating booths (1004.4)  
 0 LF booth seating @ 1.5 LF = 0 occupants  
 Kitchens, commercial (behind bar)  
 181 SF @ 200 SF gross = 0.91 occupants

F-2 - Brewery  
 Industrial Area  
 1445 SF @ 100 SF gross = 14.45 occupants

S-2 - Storage  
 Warehouse  
 823 SF @ 500 SF gross = 1.65 occupants

building total = 90 occupants

A-2 - Outdoor Patio  
 Assembly, Unconcentrated Tables and Chairs  
 1050 SF @ 15 SF net = 70 occupants

**PLUMBING FIXTURES**

Minimum number of required plumbing fixtures (IBC 2902.1)

	WC		LAV		DF	SS
	M	F	M	F		
A-2 Tavern	1/40	1/40	1/70	1/70	1/500	1
F-2 Factory	1/100	1/100	1/100	1/400	1/400	1
S-2 Storage	1/100	1/100	1/100	1/1000	1	1

Number of fixtures required by occupancy group:  
 A-2 - Taproom (74 occupants) + Outdoor Patio (70 occupants)  
 F-2 - Brewery (14 occupants)  
 S-2 - Warehouse (2 occupants)

	WC		LAV		DF	SS
	M	F	M	F		
A-2 (142)	1.78	1.78	1.01	1.01	0*	1
F-2 (15)	0.15	0.15	0.14	0.14	0**	1
S-2 (2)	0.02	0.02	0.02	0.02	0**	1
TOTAL	1.95 = 2	1.95 = 2	1.17 = 2	1.17 = 2	0	1

\* Not required where water is provided in a container free of charge. (IPC 410.3)  
 \*\* Not required for an occupant load of 15 or fewer.

**LIFE SAFETY LEGEND**

36" Clear Accessible Path of Travel

44" Clear Exit Route

Egress Door Tag

Self Illuminated Exit Sign w/ Battery Back Up

**Richardson Quann Associates**

814 east 100 south  
 Salt Lake City, UT 84102

t: 801 533 0204  
 e: [dsr@caphillcon.com](mailto:dsr@caphillcon.com)  
 w: [www.caphillcon.com](http://www.caphillcon.com)

**DESIGN TEAM**

ARCHITECT

CONSULTANT

**STAMP**

**PROJECT**

NAME / ADDRESS

**PROJECT NET**

OWNER

DATE

REVISIONS

**KEY PLAN**

DATE

REVISIONS

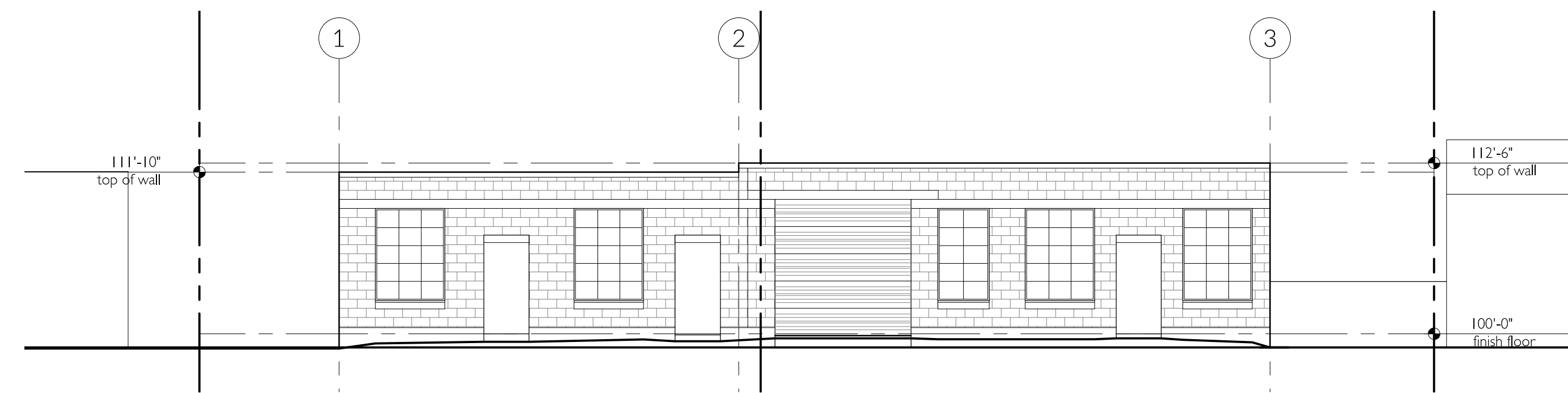
**SHEET NUMBER**

A1.02

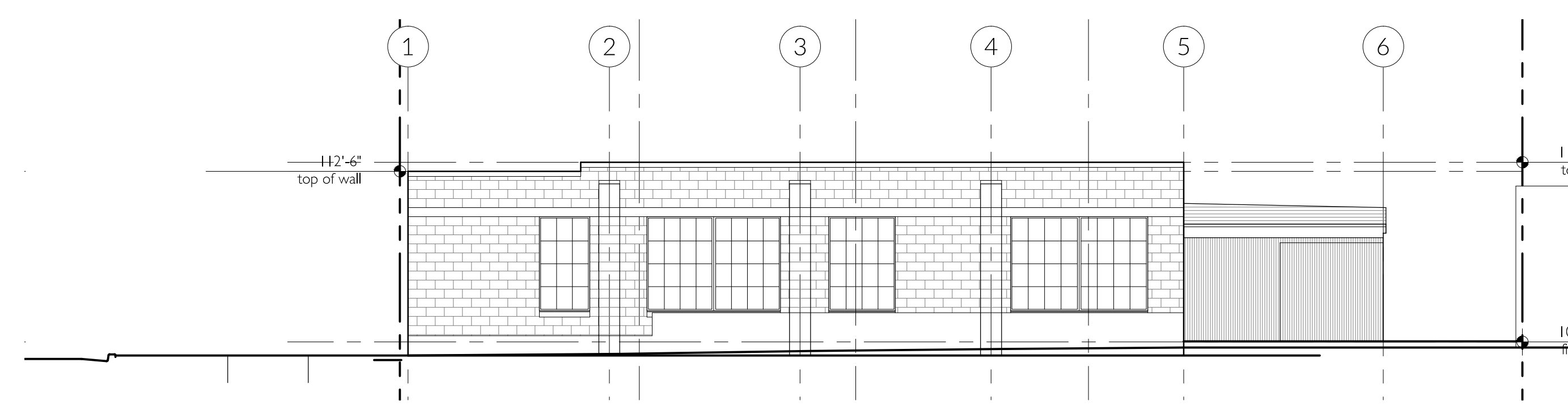
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**FISHER BREWERY: taproom**  
 316 & 324 west 800 south  
 Salt Lake City, UT 84101

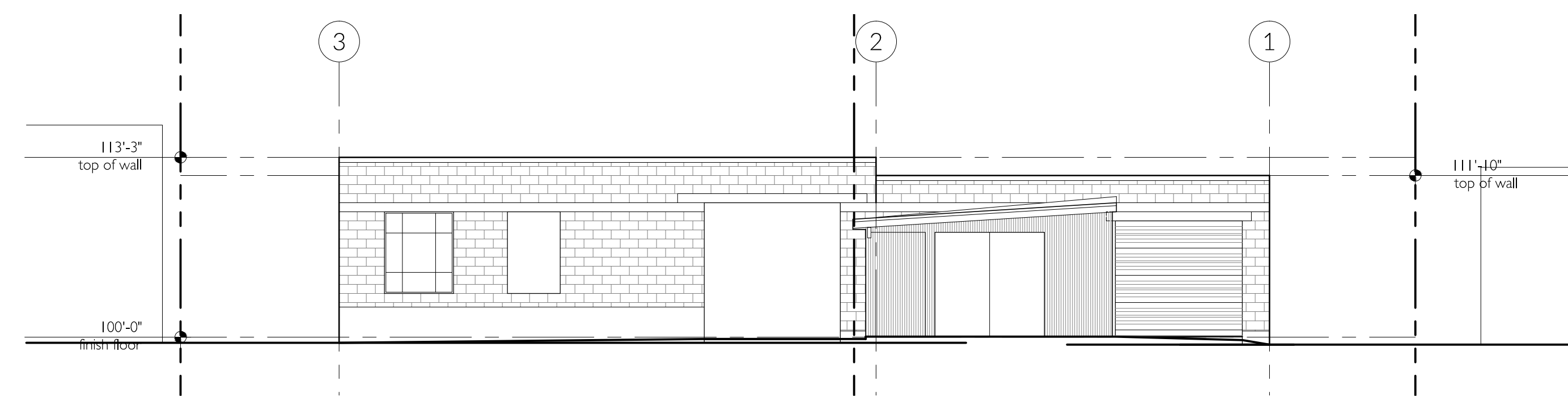
submittal: SCHEMATIC



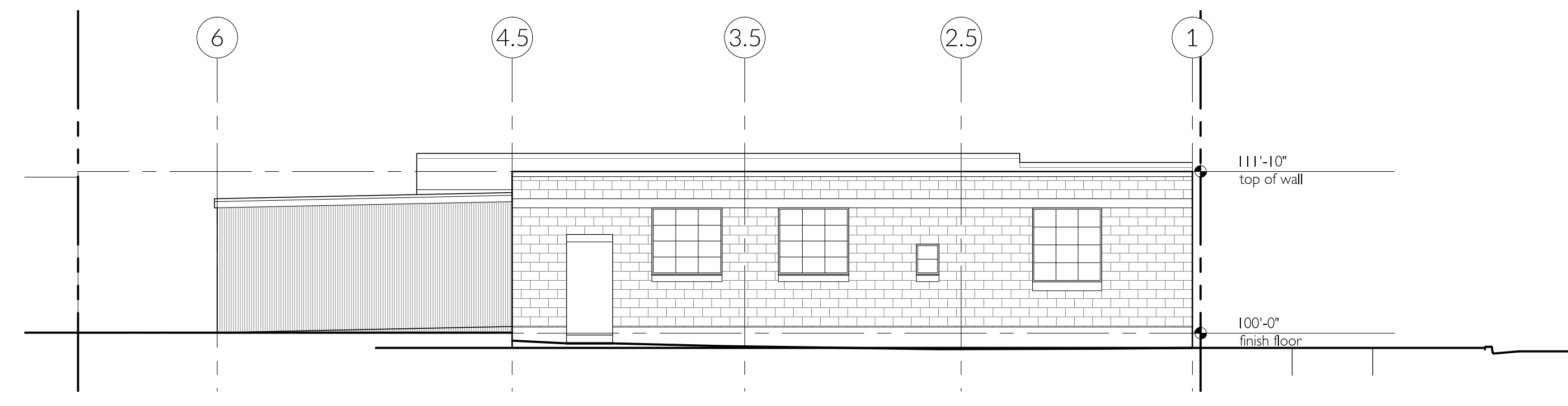
1 south elevation  
A2.01 Scale: 1/8" = 1'-0"



2 east elevation  
A2.01 Scale: 1/8" = 1'-0"



3 north elevation  
A2.01 Scale: 1/8" = 1'-0"



4 west elevation  
A2.01 Scale: 1/8" = 1'-0"

DESIGN TEAM

ARCHITECT

CONSULTANT

STAMP

PROJECT NAME / ADDRESS

FISHER BREWERY: taproom  
316 & 324 west 800 south  
Salt Lake City, UT 84101

PROJECT OWNER PROJECT NET

DATE

01 Dec 2015

REVISIONS

KEY PLAN

SHEET NUMBER

A2.01

submittal: SCHEMATIC

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# **ATTACHMENT D: SECURITY OPERATIONS PLAN**

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## **Security and Operations Plan**

Fisher brewing company puts our community first and in the event that there are complaints made with regard to our business operations, we will be responsive to those complaints. Our company phone and email contact information will be listed on our website, advertisements and other business material. We will always have a manager on duty at our facility who can immediately respond to any immediate issue or complaint. If the manager on duty is unable to rectify the situation then he/she will bring the issue to ownership who will address the matter and resolve it quickly.

Our projected hours of operation will be Monday through Sunday 11AM to 1AM.

The owners of Fisher Brewing Company will attend and local community council meetings upon request to resolve any issues or complaints regarding our business.

The construction of our proposed brewery and tavern facilities will be completed responsibly with regard to our neighboring businesses.

There will be no electronically amplified sound in the exterior areas of our facility.

Within the Tavern, live music will be relegated to a small area of the interior Tavern premises (when it does occur) and will be largely acoustic. In the instance where amplified music will be used, it will occur exclusively inside the Tavern and at a volume not to be disruptive of the neighboring businesses and within approved guidelines set forth in chapter 9.28 of Salt Lake City zoning code for this district.

Parking for our patrons will be on the street and our peak hours of business are expected to be from 5- 10PM, after operating hours for most nearby businesses. This will limit the impact of our business on parking availability in the neighborhood.

There are no residences within 200-400 feet of our planned establishment and we expect minimal impact on our neighbors from a noise or parking constraint perspective.

Our designated smoking area is to be located in the rear yard of the premises, outside of the beer garden area. This area conforms to Utah state law and is more than 25 feet from any entrance or exit.

As part of our nightly closing procedures the bartender or manager on duty will perform a sweep of the building exterior to collect and dispose of any trash on the premises.

The rear portion of our premises will have a limited number of parking stalls and the D2 Zoning district does not require any parking stalls for our facility.

We will monitor and remove and graffiti from the building within 48 hours should it occur.

A copy of this plan will be distributed to the Fire Department, Police Department and the Local community councils.

**Contact information for the owners and managers of Fisher Brewing Company**

Tim Dwyer- General Manager

[tim@fisherbeer.com](mailto:tim@fisherbeer.com), 435-590-0841

Steve Brown- Taphouse Tavern Manager

[steve@fisherbeer.com](mailto:steve@fisherbeer.com), 801-866-8328

Colby Frazier- Head Brewer

[colby@fisherbeer.com](mailto:colby@fisherbeer.com), 801-518-3147

Tom Riemondy- Brewery Operations Manager

[tom@fisherbeer.com](mailto:tom@fisherbeer.com), 801-824-6069

Please feel free to contact me with any questions, concerns or clarifications regarding our proposed project.

Best regards,

A handwritten signature in black ink, appearing to read 'Tim Dwyer', with a stylized flourish at the end.

Tim Dwyer  
Fisher Brewing LLC  
Owner and President

# ATTACHMENT E: EXISTING CONDITIONS & ZONING REQUIREMENTS

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## CURRENT ZONING REQUIREMENTS

Zoning Standard	Required	Existing*	Complying
Minimum Lot Area	None	7,487 square feet	Complies
Minimum Lot Width	None	90.75 feet	Complies
Front Yard Setback	No setback required	None	Complies
Interior Side Yard	No setback required	12'-1" on the east side & 10'-3" on the west side	Complies
Rear Yard	No setback required	Approximately 25 feet on the east parcel	Complies
Parking Spaces	None	None	Complies
Building Height	65 feet maximum	12'-6" (existing, no change)	Complies

\* Measurements for the two parcels combined

## ADJACENT LAND USE

Adjacent property uses include: car repair, boutique furniture, furniture repair and upholstery, cookie and chocolate retail shops. These businesses include:

**East:** Chic and Unique- Vintage Furniture

**West:** Terry's Automotive- Auto Repair & Specialty Steel Service- Steel Supply Company

**North:** Ruby Snap - Boutique Cookies & The Chocolate Conspiracy- Chocolate Company

**South** (across the street): Vacant use, the old Salt Lake City Fleet Lot

## Applicable Master Plan Policies

The subject property is located within the following master plans:

### **Central Community Master Plan (adopted 11/1/2005):**

- The South sub-district is ideally located for uses that complement and support the Central Business District such as distribution, catering and incubator settings where small businesses can develop and grow.

### **Downtown Plan (adopted 2/7/1995):**

- Establish Downtown as a well-planned, desirable and diverse activity center serving the needs of a sizable 24-hour population.
- Preserve and reuse our existing physical environment while providing for the orderly transition of certain land uses and creating a new expectation of uncompromising quality for future downtown developments.

The proposed Conditional Use at 316 and 324 West 800 South is in concert with the applicable sections of the Central Community Master Plan and the Downtown Plan specified above. It furthers both plans by reusing existing buildings and increasing the types of uses in the neighborhood.

# ATTACHMENT F: ANALYSIS OF STANDARDS

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## 21A.54.080 Standards for Conditional Use

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

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

**Analysis:** Section 21A.33.050 Table of Permitted and Conditional Uses for Downtown Districts lists both small brewery and tavern, as a conditional use in the D-2 zoning district with a qualifying provision that approval for a tavern is subject to conformance with provisions in section 21A.36.300, Alcohol Related Establishments, of the zoning ordinance. The standards on section 21A.36.300 are listed and analyzed at the end of this Attachment F.

**Finding:** If the application is approved, the proposed use will need to meet the standard on section 21A.36.300 reviewed on this staff report. Review of the Safety and Operations Plan and Floor Plan will be reviewed by the Salt Lake City Police Department and the Building Official.

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

**Analysis:** The use is similar in nature to the other uses in the immediate surroundings. There is an existing mix of retail goods and services. There are no residences within 200-400 feet of the site. This proposed use would be compatible with those that are already established.

**Finding:** The proposed use complies with this standard.

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

**Analysis:** The use is compatible with the D-2 zoning and with the master plan designation. The proposed small brewery and tavern, a commercial use, would compliment and support the Central Business District and Downtown 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. They are listed in the following Detrimental Impacts Chart.

**Finding:** In analyzing the anticipated detrimental effects of the proposed use, staff finds that the request complies with the criteria listed below.

**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
<b>1. This title specifically authorizes the use where it is located</b>	<b>Complies</b>	“Small breweries and Taverns” are both conditional uses in the D-2 zone.
<b>2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps</b>	<b>Complies with Condition</b>	As mentioned above, the proposed use is consistent with the master plan policies. The park strip should be thirty three percent (33%) or more landscaped with vegetation. Compliance with the park strip ordinance should be a condition of approval.
<b>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</b>	<b>Complies</b>	The use is compatible in intensity, size, and scale to existing commercial uses in the area. Both the proposed use and the building fit in well with the overall character of the neighborhood.
<b>4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered</b>	<b>Complies</b>	The existing structures on the site are compatible in size and design from the surrounding structures.
<b>5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows</b>	<b>Complies</b>	The proposed use will utilize existing on-street parking.
<b>6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic</b>	<b>Complies</b>	There is no off street parking on the site and it is not required. Therefore the standard requirements for parking lots do not apply.
<b>7. The site is designed to enable access and circulation for pedestrian and bicycles</b>	<b>Complies with Condition</b>	The site has direct access for both pedestrians and bicyclists from the street. Currently there are three driveways. The eastern driveway would access a proposed silo; however, the proposed silo should be moved so that a delivery vehicle could fit behind the sidewalk and the middle driveway should be removed to prevent cars from parking on a dead driveway and blocking pedestrians from walking on the sidewalk.
<b>8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street</b>	<b>Complies</b>	There would be no unreasonable impacts to the service level of any adjacent streets.
<b>9. The location and design of off-street parking complies with applicable standards of this code</b>	<b>Complies</b>	No parking spaces are required for the site.
<b>10. Utility capacity is sufficient to support the use at normal service levels</b>	<b>Complies</b>	The site can be served by all necessary utilities. However, depending on demands, the water line in 800 South may need to be upgraded at the applicant’s expense.
<b>11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts</b>	<b>Complies</b>	The use does not require any screening or buffering because the adjacent uses are similar or have greater impact than the proposed project.

<p><b>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</b></p>	<p><b>Complies</b></p>	<p>The proposed use meets city sustainability plans by encouraging patrons to walk or ride their bicycles to the site. The proposed use presents no foreseen impacts to air quality and it is not anticipated that there would be any hazard or environmental damage to adjacent property. Smoking use will need to comply with standards set by the State and the smoking indicated on the site plan complies as it is 25 feet from any building entrance or exit.</p>
<p><b>13. The hours of operation and delivery of the use are compatible with surrounding uses</b></p>	<p><b>Complies</b></p>	<p>The anticipated hours of operation will be between 11AM – 1 AM, seven days per week. These hours are compatible with surrounding uses and regulated by the State. Peak hours of business are expected to be from 5- 10PM, after operating hours for most nearby businesses.</p>
<p><b>14. Signs and lighting are compatible with, and do not negatively impact surrounding uses</b></p>	<p><b>Complies</b></p>	<p>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.</p>
<p><b>15. The proposed use does not undermine preservation of historic resources and structures</b></p>	<p><b>Complies</b></p>	<p>This site is located within the boundaries of the proposed Warehouse National Historic District. The proposal does not include changes to the outside of the buildings nor undermine preservation.</p>

**21A.36.300 Alcohol Related Establishments Requirements**

The purpose of this section is to permit the establishment of taverns, social clubs, dining clubs, and brewpubs 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, or brewpub 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 needs to go through the process with the Utah Department of Alcoholic Beverage Control for the appropriate license. 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(1)** – Taverns, social clubs, dining clubs, and brewpubs 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:

- 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:
  - a. A complaint-response community relations program; and
  - b. A provision for a representative of the tavern, social club, dining club, or brewpub to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;



- c. 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;
- d. A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
- e. Prohibiting electronically amplified sound in any exterior portion of the premises;
- f. Designation of a location for smoking tobacco outdoors in conformance with state law;
- g. 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; and
- h. 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
- i. A parking management plan which shall include consideration of the impact of parking on surrounding neighborhoods;

**Analysis:** The applicant will submit a security and operations plan to the Police Department and the Building Services Division that addresses all of the requirements of items 1-9 listed above. Approval of the document, along with the requirement that it be recorded with the City Recorder's office, has been included as a condition of approval.

**Finding:** A security and operations plan shall be approved by both the Building Services Division and the Police Department and recorded with the City Recorder prior to issuing any permits for the use.

- 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 applicant has provided a site and floor plan. Approval by the Police Department has been included as a condition of approval.

**Finding:** A site and floor plan must be reviewed and approved by the Salt Lake City Police Department prior to issuing any permits for the use.

- C. Require buffering where a tavern, social club, dining club, or brewpub 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 residential use or residentially zoned parcel.

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

- D. Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and

**Analysis:** Landscaping along the park strip is a requirement from the Engineering Division. The park strip should be thirty three percent (33%) or more landscaped with vegetation. The landscaping should 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.

- 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 (48) hours, weather permitting.

**Analysis:** The applicant has stated 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.

**Section 21A.36.300.D(2)** If necessary to meet the standards for approval of a conditional use set forth in Section 21A.54.080 of this title, the following conditions may be imposed:

- 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.

- 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:** This site does not have off street parking and no parking area to illuminate. There are no adjacent residential uses.

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

- 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:** The designated smoking area is to be located on the northeast corner of the rear of the property; this area will abut the rear of the Chocolate Company and the Ruby Snap shop.

**Finding:** The smoking area is beyond 25 feet from an entrance or exit and complies with state regulations.

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

## **PUBLIC PROCESS AND INPUT**

The Ballpark Community Council discussed this project at their meeting held on February 4, 2016. The community council is in support of the proposal.

### **Timeline**

- The application for PLNPCM2015-01016 was received on December 21, 2015
- Applicant met with the Ballpark Community Council on February 4, 2016
- Mailings were sent out on January 29, 2016 for the administrative hearing meeting
- Sign was posted on February 1, 2016 for the administrative hearing meeting
- Public hearing notice emailed to the list serve on January 29, 2016

**No comments were received by the date of publication of this staff report.**

# ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

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The proposed conditional use was sent to the departments listed below for review and comment. The applicant has made changes to the project based on the comments received.

**SUSTAINABILITY REVIEW** – No comments received.

**PUBLIC UTILITIES** – Public Utilities has no objections to the proposed conditional use with the following conditions:

- All site and building improvements must be reviewed and approved by public utilities through the building permit process
- Depending on demands, the water line in 800 South may need to be upgraded at the developer's expense. Provide water used calculations and fire flow requirements.
- Coordinate sanitary sewer discharge with the SLCPU pretreatment program for industrial discharge permitting and treatment requirements.
- Provide a PU-1 form with the project building plans.

**ZONING REVIEW** – D-2 Zone – Proposal to use 316 and 324 West 800 South as a small brewery/tavern. “Small Brewery” is a new land use requiring a change of use. This proposal will need to be reviewed against 21A.36.300 Alcohol Related Establishments. Combining of the 2 parcels and the conditional use will be required. This change of use proposal (changing from a B occupancy classification to an A classification) will need to be reviewed with the building code personnel in regards to adequate exiting, adequate sanitation facilities, ADA requirements, whether a seismic analysis will be required, etc. Section (21A.44.020.D) for off-street parking will need to be met with respect to a brewery/tavern in the D-2 zone.

**ENGINEERING REVIEW** - The park strips on the frontage of these two addresses does not comply with the City park strip ordinance, which limits paving materials, gravel, rocks and boulders to 67% of the surface area. Compliance with the park strip ordinance should be a condition of approving the conditional use.

**TRANSPORTATION REVIEW** – No off street parking is required in D-2 districts for buildings less than 25,000 square feet. For lots in nonresidential districts with a width of less than one hundred feet (100 '), only one curb cut shall be allowed per street frontage. The shared driveway access shall be allowed to remain but the two remaining driveways will need to be removed and the curb & gutter, park strip, sidewalk, etc., shall be restored per city standards.

**FIRE CODE REVIEW** - No comments received.

**POLICE REVIEW** – Police has no concerns or comments.

# ATTACHMENT I: POTENTIAL MOTIONS

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## **Staff Recommendation:**

Based on the testimony, plans presented and the following findings, Planning Staff finds that the proposal adequately meets the standards, subject to specified conditions, and recommends that the Administrative Hearing Officer approve the requested conditional use with the conditions listed below. The following motion is provided in support of the recommendation: I move to approve the requested Conditional Use application (PLNPCM2015-01016) subject to the conditions listed in the staff report.

1. The security, operations, site, and floor plans submitted by the applicant must be reviewed and approved by the Salt Lake City Police Department and the Building Official and then be filed with the City Recorder's office.
2. Consolidate the parcels into one.
3. Comply with park strip requirement.
4. Remove the middle driveway.
5. Compliance with all other applicable codes and regulations.

## **Not Consistent with Staff Recommendation:**

Based on the testimony, plans presented and the following findings, I move to deny the requested Conditional Use application (PLNPCM2015-01016.) The proposed conditional use will create (list the detrimental effects) which cannot be reasonably mitigated. Therefore, the proposed conditional use is not compliant with one or more of the following 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 (refer to Detrimental Impacts Chart for details).