
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: October 14, 2010

SUBJECT: Petitions PLNPCM2010-00369 and 2010-00370
Hatch Family Chocolates request to:

- Change the Avenues Master Plan Future Land Use Map and the Residential Mixed Use RMU-35 zoning use table, and
- Rezone property located at 376 East 8th Avenue from Special Development Pattern Residential SR-1A to Residential Mixed Use RMU-35

STAFF REPORT BY: Janice Jardine
Land Use Policy Analyst

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the master plan and rezoning will affect Council District 3 and the zoning text change will affect Council Districts citywide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Ray Milliner, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration that would:
1. Change the Avenues Master Plan Future Land Use Map from single family residential (4-8 units/acre) to commercial/business,
 2. Change the Residential Mixed Use RMU-35 zoning use table to allow restaurants without drive-thru services as a permitted use, and
 3. Rezone property located at 376 East 8th Avenue from Special Development Pattern Residential SR-1A to Residential Mixed Use RMU-35.
- B. The proposal would facilitate relocation of the Hatch Family Chocolate business from its current location and allow expansion of the building at 8th Avenue to accommodate additional commercial/office space.
- C. Key elements from the Administration's transmittal and Planning staff report are noted below.
(Please refer to the Administration's transmittal and Planning staff report for additional details.)
1. The property at 376 8th Avenue is commonly referred to as the 8th Street Market. The existing building was permitted as a "store and parking lot" in 1964 and is considered a legal nonconforming use in the SR-1A zone. The lot is approximately 26,734 square feet in size with 41 existing parking stalls and an approximately 11,000 square foot commercial building.
 2. The applicant is proposing a multi-unit mixed-use development with primary access from 8th Avenue. The expansion would consist of a 1,000 square foot two story addition in the rear of the building, an

elevator and extensive renovations to the existing building. The first floor would house 3 commercial units, one for the applicant's chocolate business and the other two to be determined. The second floor would have a small office for the chocolate business and a residential unit.

3. The property is located in a residential area surrounded on three sides by single family residential homes with a large medical office to the north. LDS Hospital is located a half block to the west. Primary access to the property is from 8th Avenue to the north and a small driveway on the west from C Street.
4. The City Council is being asked to determine whether or not a policy change in the Avenues Master Plan from low density residential to commercial/business on the site is appropriate. If it is decided in the affirmative, then positive motions for the master plan and zoning text changes and rezoning should follow.
5. If the City Council adopts the proposed ordinances, the mixed use will be processed as a permitted use. No further board or commission action will be necessary.
6. Currently restaurants are a permitted use in the RMU zone, but not allowed in the RMU-35 or RMU-45 zones. Allowing a restaurant without drive-thru services in the RMU-35 zone would have an impact greater than just that on the proposed site, as it would be allowed throughout the City (currently there are no RMU-35 zoned areas).
 - a. Generally commercial units in mixed use developments are small (the unit in the current proposal is 1,700 square feet), meaning the impact of the restaurant use would be diminished. The prohibition of the drive-thru further enhances the residential nature of the area.
 - b. The proposed zoning text change will allow an additional use that will support the local neighborhood and other uses. In the case of the 8th Avenue project, a restaurant on site will provide an alternative for people visiting the hospital as well as for local residents.
 - c. The use coincides with current planning practices of making various types of uses available to the public in a more residential setting.
7. The proposed zoning ordinance amendment recognizes the changing philosophy among community leaders that it is important to make a variety of commercial uses available to the public within easy walking distance of their homes. Throughout the past few years, general attitudes toward walkability and the need to eliminate the number of vehicle trips a family takes have evolved into a recognition that commercial uses among residential neighborhoods is a benefit and not a nuisance.
8. The applicant met with staff to determine which zoning designation would be most appropriate for the site. It was determined that the RMU-35 would have the fewest impacts on adjacent property owners while still enabling the uses that the applicant is proposing (assuming the proposed amendment to allow a restaurant without a drive-thru is approved).
 - a. The Community Business CB and Community Shopping CS zones were eliminated due to the high impact uses that are allowed in each.
 - b. The Neighborhood Commercial CN zone was eliminated because the maximum lot size for that zone is 16,000 square feet (this property is 26,734 square feet).
 - c. The Residential Business RB was eliminated because it did not allow enough flexibility.

9. The Planning staff report notes the following comparison of zoning district area requirements in relation to the proposed development.

	SR-3, SR-1A Ordinance Requirement	RMU-35 Zoning Ordinance Requirement	Proposed
Lot Area	Commercial not allowed, 5,000 square feet per dwelling unit.	No Minimum	26,734 Square feet
Lot Width	Minimum 50 feet of frontage	Minimum 50 feet of frontage	160 feet
Building Height	Maximum 20 feet for a flat roof measured from established grade	Maximum 35 feet to ridge line measured from established grade	Approximately 23 feet,
Yard Requirements	Front = 20 feet or street average Side = 10' and 4' Rear = 25% of lot depth not to exceed 30'	Front yard: No setback is required. Side yard: No setback is required. Rear yard: Twenty five percent (25%) of lot depth but need not exceed thirty feet (30').	Front = 0' feet Side = 6' Rear = 22'
Building Coverage	40% of lot area	N/A	30 % approximately
Parking	2 spaces per unit.	2 spaces per 1,000 square feet of leasable area.	41 parking stalls

- D. The purpose of the Residential Mixed Use RMU-35 district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as low/medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.
- E. The purpose of the Special Development Pattern Residential SR-1 and SR-1A zoning districts is to maintain the unique character of older predominantly low-density neighborhoods that display a variety of yards, lot sizes and bulk characteristics.
- F. The Planning staff report provides an analysis and findings for the Zoning Ordinance Standards for General Amendments and Zoning Map Changes. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found in the August 11, 2010 Planning staff report, pgs. 8-11.)
- G. All applicable City Departments and Divisions were provided the proposed text change. Development proposals will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project.

- H. The public process included a presentation to the Greater Avenues Community Council on July 7, 2010 and written notification of the Planning Commission hearing sent to Community Council Chairs, surrounding property owners and the Planning Division electronic list serve. Notice was also posted on the City's website. The Administration's transmittal indicates:
 - 1. The Greater Avenues Community Council provided a favorable recommendation.
 - 2. Comments received have been in favor of the project.
- I. On August 11, 2010, the Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council for the proposed master plan and zoning text changes and rezoning. (Please see the Planning Commission minutes for details.) During the Planning Commission discussion a question was raised regarding whether it would be appropriate to also allow restaurants without drive-thru services in the RMU-45 zoning district.
 - 1. Planning staff indicated that currently there is a project underway in the Planning Division that is reevaluating permitted and conditional uses in all zoning districts. Allowing restaurants without drive-thru services in the RMU-45 zoning district would be evaluated as part of this project.
 - 2. The Planning staff report notes that currently restaurants are a permitted use in the RMU zone, but not allowed in the RMU-35 or RMU-45 zones.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to request a brief update on the status of the Small Neighborhood Business project currently underway in the Planning Division. The Administration's transmittal and Planning staff report note:
 - 1. Concurrent to this proposal, the Planning Division is conducting a comprehensive survey of small businesses operating in the residential neighborhoods of the City. The purpose is to preserve and enhance sustainability in our neighborhoods. This effort builds upon past efforts to allow and encourage commercial land uses that provide important community gathering spaces, necessary services, employment and an enhanced tax base for the City. Upon completion of the survey, zoning map and master plan amendments will be proposed and brought before the Commission and Council.
 - 2. Were this application not received, the subject property would have been a candidate for a master plan amendment and rezone as part of the larger small business initiative.
 - 3. The proposed zoning map amendment coincides with current City efforts to amend and update all related City master plans and planning documents to recognize existing nonconforming commercial uses in neighborhoods and make them legal conforming uses.
- B. The Council may wish to discuss with the Administration if it may be appropriate to establish in the City zoning regulations written standards or criteria to be considered when changes to the City's adopted land use policy documents are requested. The Planning staff report notes that there are no specific standards in the Salt Lake City Zoning Ordinance for Master Plan Amendments, but State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications outlines the criteria for amending a master plan relating to noticing requirements.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal notes:
 - 1. The Future Land Use Map in the Avenues Master Plan defines the property as low density residential 4-8 units per acre. The proposal would change that designation to commercial/business.
 - 2. The Land Use section of the Avenues Master Plan states "Additional retail services may eventually be needed in the Avenues. However, locational decisions for changing zoning to accommodate a new retail service should not be made until Avenues residents express the need for additional retail shopping. At that point, the following criteria should be considered in evaluating possible locations."

- a. **Criteria 1:** The need of the proposed business must be documented through obvious community support.
Analysis: The proposed project has been reviewed by the Greater Avenues Community Council, who voted unanimously to support the proposed application. Staff has received letters of support for the project. No negative feedback has been received at this time.
- b. **Criteria 2:** Property owners must show the need for the business with regard to a city-wide perspective.
Analysis:
 - The applicant has established the need for the chocolate business by virtue of his success in the Avenues. The Hatch Family Chocolates business has operated successfully for a number of years at its current location at the corner of 4th Avenue and E Street. This point is further demonstrated by the fact that the operation has outgrown its current location and is in need of a larger space.
 - Policy makers have consistently emphasized the need to foster and grow local business and industry within the City. These businesses promote sustainability through the use of local products and foods, and by providing residents with a walkable alternative to driving outside of their neighborhoods. They promote economic growth by providing jobs, increased tax base and fuel to our economy.
- c. **Criteria 3:** The property must be located on a street that can handle the additional traffic.
Analysis: This use has vehicle access routes similar to those used by vehicles going to and from the hospital. As a result, the impact of vehicle traffic to and from the site will be less than were the use proposed in a more quiet area of the Avenues.
- d. **Criteria 4:** The site must be large enough to provide adequate open space and parking without overcrowding the lot.
Analysis: The impacts of the mixed use on adjacent property owners will be mitigated by the fact that the site has sufficient onsite parking and adequate access. As a result, patrons, delivery trucks and other vehicular impacts will be staged on site, rather than from the street. All potential uses on the site will be reviewed by staff for compliance with applicable parking regulations prior to the issue of a building permit or business license.
- e. **Criteria 5:** Business projects must be of a scale and density that will not negatively impact neighboring residential properties.
- f. **Criteria 6:** The proposal should not involve the demolition of residential structures.
Analysis: No buildings are proposed to be demolished as part of this application.
- g. **Criteria 7:** The proposal must be accompanied by a market analysis indicating a need and market area.
Analysis: The applicant has established the need for the chocolate business by virtue of his success in the Avenues. The Hatch Family Chocolates business has operated successfully for a number of years at its current location at the corner of 4th Avenue and E Street. This point is further demonstrated by the fact that the operation has outgrown its current location and is in need of a larger space. As a result, staff finds that the need for a market analysis is not necessary.

- Additional citywide Master Plan and Policy considerations are provided below.
- B. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

- C. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.
- D. The City Transportation Master Plan contains policy statements that include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions.
- E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Policy concepts include:
1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
 2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
 3. Ensure that building restoration and new construction enhance district character.
 4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
 5. Treat building height, scale and character as significant features of a district's image.
 6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

CHRONOLOGY:

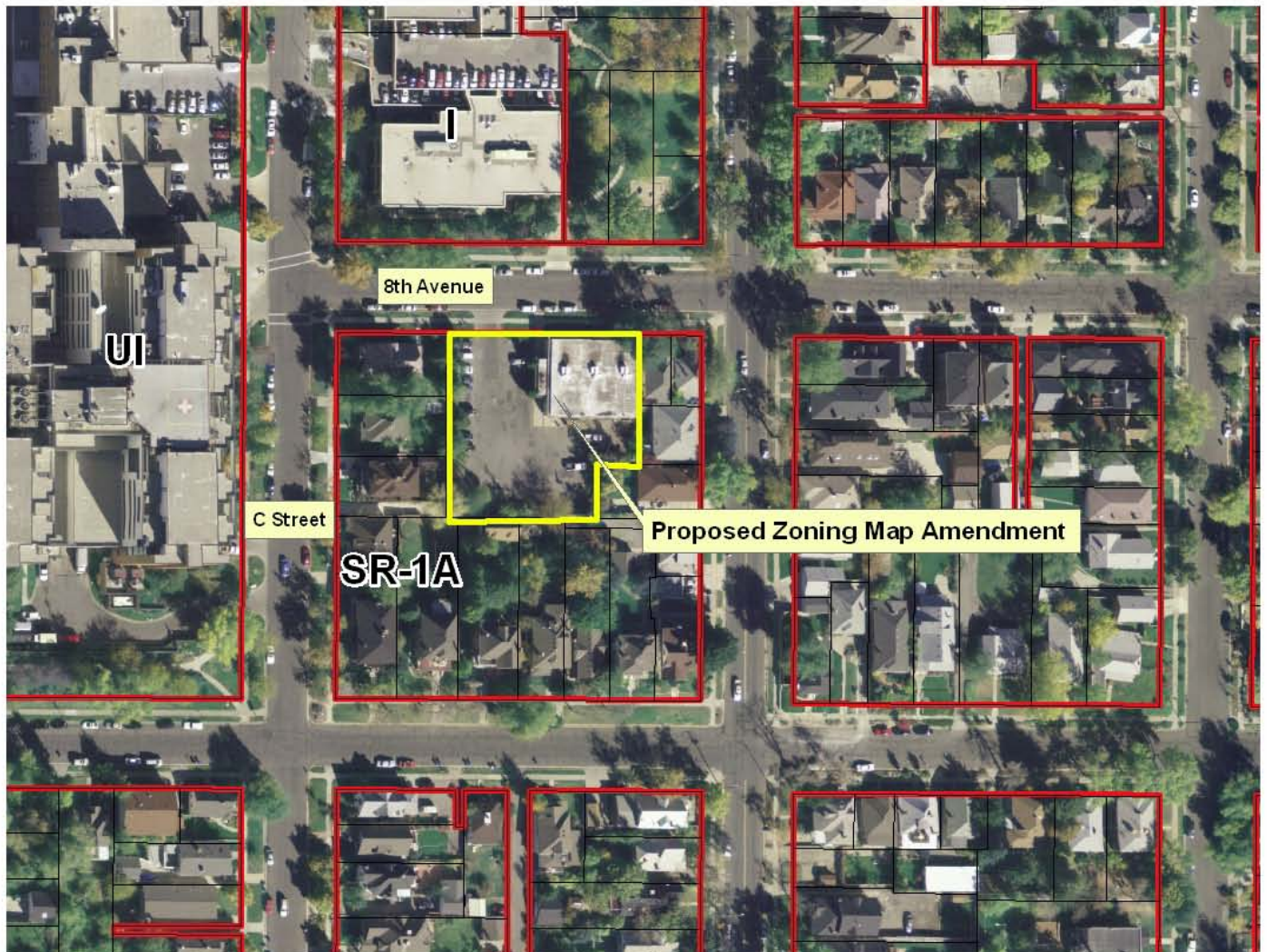
Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed master plan, zoning map and zoning text changes.

- June 8, 2010 Petition received
- June 16, 2010 Petition assigned to planner
- July 7, 2010 Greater Avenues Community Council meeting
- August 11, 2010 Planning Commission Public Hearing
- August 24, 2010 Ordinance requested from the City Attorney's Office
- October 6, 2010 Transmittal received in City Council Office

cc: David Everitt, Karen Hale, Bianca Shreeve, Holly Hilton, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De La Mare-Schafer, Wilf Sommerkorn, Cheri Coffey, Joel Paterson, Nick Norris, Ray Milliner, Craig Spangenberg, Randy Isbell, Orion Goff, Les Koch, Larry Butcher, Jeff Niermeyer, Tom Ward, Brad Stewart, Tim Harpst, Kevin Young, John Naser, City Council Liaisons, Mayors Liaisons

File Location: Community Development Dept., Planning Division, Master Plan, Zoning Map (rezoning) and Zoning Text Changes, Hatch Family Chocolates, 376 East 8th Avenue

Vicinity Map



FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

SCANNED TO: *Ray*
SCANNED BY: *Chase*
DATE: *10/6/2010 1:10PM*
RALPH BECKER
MAYOR

CITY COUNCIL TRANSMITTAL


David Everitt, Chief of Staff

Date Received By *Ray*
Date sent to Council: *10/6/2010*



TO: Salt Lake City Council
JT Martin, Chair

DATE: September 24, 2010

FROM: Frank Gray, CED Director

SUBJECT: Petition PLNPCM2010-00369 Master Plan Amendment
Petition PLNPCM2010-00370 Zoning Map Amendment and Zoning Ordinance
Amendment

STAFF CONTACT: Ray Milliner, Principal Planner (801) 535-7645 ray.milliner@slcgov.com

DOCUMENT TYPE: Ordinance

COMMISSION MOTION & FINDINGS: Motion to forward a positive recommendation to the City Council. Vote 9-0 in favor.

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

BACKGROUND/DISCUSSION:

The applicant, Hatch Family Chocolates, is the owner of a small hand dipped chocolate shop at the corner of 4th Avenue and E Street. The purpose of the amendments is to enable a mixed use development at 376 East 8th Avenue. The applicant would like to move his chocolate business to that site. This application would:

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

The property at 376 8th Avenue is commonly referred to as the 8th Street Market. The lot is approximately 26,734 square feet in size, with 41 existing parking stalls and an approximately 11,000 square foot commercial building. The applicant would like to expand the existing building to accommodate 3 commercial units (one for his hand dipped chocolate business), and an office use. The expansion would consist of a 1,000 square foot two story addition in the rear of the building, an elevator and extensive renovations to the existing building.

The property is surrounded on three sides by single family residential homes, with a large medical office to the north. LDS Hospital is located a half block to the west. The Future Land Use Map in the Avenues Master Plan defines the property as low density residential 4-8 units per acre. The proposal would change that designation to commercial/business.

Master Plan Considerations

Standard "1" of Section 21A.50.050 of the Zoning Ordinance requires the Planning Commission and City Council to consider whether a zoning map amendment is consistent with the purposes, goals, objectives and policies of the various City planning documents. In this case, the Future Land Use Map of the Avenues Master Plan is not. Therefore, the City Council is being asked to determine whether or not a policy change from low density residential to commercial/business on the site is appropriate. If it is decided in the affirmative, then positive motions for the master plan amendment and zoning map amendment should follow.

When reviewing the project, the Planning Commission applied 7 criteria found in the Land Use section of the Avenues Master Plan (see page 7 of the Planning Commission staff report exhibit 5.B). These criteria are intended to define when it is appropriate to allow new retail services in the area. The Commission found that the proposed amendment met the criteria based on the fact that the business will promote sustainability through the use of local products and foods, and by providing residents with a walkable alternative to driving outside of their neighborhoods. Further, it will promote economic growth by providing jobs and increasing the tax base.

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

The 8th Avenue Market is featured as non-conforming in the draft study, and contemplated for a rezone and master plan amendment. The applicant decided to submit this separate application to speed up the review process for this particular site.

PUBLIC PROCESS:

This project was presented to the Avenues Community Council on July 7, 2010. The project was reviewed and a motion to forward a positive recommendation to the planning Commission was made. The motion passed unanimously (letter from Community Council Chair attached as exhibit 6).

Staff has received a telephone call regarding the project, and some written comment. All comment at the time of this writing has been in favor of the project (written comment attached as Exhibit 7 and in Exhibit F of the Planning Commission staff report Exhibit 5B).

The Planning Commission held a public hearing on August 11, 2010. The project was generally viewed as a favorable development for the neighborhood, and a positive recommendation was forwarded to the City Council. The vote was unanimous.

RELEVANT ORDINANCES

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 3 of the Planning Commission Staff Report (Exhibit 5B).

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1. Chronology

PROJECT CHRONOLOGY

Petitions: PLNPCM2010-00369 & PLNPCM2010-00370

June 8, 2010	Petition received by Planning.
June 16, 2009	Petition Assigned to Ray Milliner for staff analysis and processing
July 7, 2010	Petition reviewed by Greater Avenues Community Council
August 2, 2010	Planning Commission hearing notice was published in the paper and notices were mailed to adjacent property owners.
August 11, 2010	Planning Commission held public hearing and voted unanimously to forward a positive recommendation to the City Council.
August 25, 2010	Planning Commission ratified minutes for August 11, 2010 meeting.
August 24, 2009	Staff requests ordinance from City Attorney's office.
	Staff received draft of proposed ordinance from City Attorney's Office.

2. Ordinance

SALT LAKE CITY ORDINANCE

No. _____ of 2010

(Amending the zoning map pertaining to property located at 376 East 8th Avenue from Special Development Pattern Residential (SR-1A) to Residential Mixed Use (RMU-35); amending the Avenues Master Plan future land use map; and amending section 21A.24.190 to allow restaurants without drive through services in the RMU-35 zone)

An ordinance amending the zoning map to re-zone property located at 376 East 8th Avenue from Special Development Pattern Residential (SR-1A) to Residential Mixed Use (RMU-35), amending the Avenues Master Plan future land use map, and amending section 21A.24.190 to allow restaurants without drive through services in the RMU-35 zone pursuant to Petition Nos. PLNPCM2010-00369 and PLNPCM2010-00370.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on August 11, 2010 on an application submitted by Hatch Family Chocolates (“Applicant”) to amend the City’s zoning map to re-zone property located at 376 East 8th Avenue (the “Property”) from Special Development Pattern Residential (SR-1A) to Residential Mixed Use (RMU-35), to amend the Avenues Master Plan future land use map, and to amend section 21A.24.190 (Zoning: Table of Permitted and Conditional Uses for Residential Districts) to allow restaurants without drive through services in the RMU-35 zone pursuant to Petition Nos. PLNPCM2010-00369 and PLNPCM2010-00370; and

WHEREAS, at its August 11, 2010 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council (“City Council”) on said applications; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Zoning Map. The Salt Lake City zoning map, as adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to reflect that the Property located at 376 East 8th Avenue (Tax ID No. 09-31-259-006-0000), and which is more particularly described on Exhibit "A" attached hereto, shall be and hereby is re-zoned from Special Development Pattern Residential (SR-1A) to Residential Mixed Use (RMU-35).

SECTION 2. Amending the Avenues Master Plan. The future land use map of the Avenues Master Plan shall be and hereby is amended to change the designated appropriate land use for the Property from single family residential to mixed use.

SECTION 3. Amending text of Salt Lake City Code section 21A.24.190. That section 21A.24.190 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Residential Districts), shall be, and hereby is, amended to indicate that the use category of "Restaurants, without drive-through facilities" is a permitted use in the RMU-35 zoning district. Accordingly, the "Restaurants, without drive-through facilities" use category of the Table of Permitted and Conditional Uses for Residential Districts is amended to read as indicated on Exhibit "B" hereto.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2010.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.
Published: _____.

APPROVED AS TO FORM Salt Lake City Attorney's Office	
Date:	<i>October 6, 2010</i>
By:	<i>Paul C. Nielson</i> Paul C. Nielson, Senior City Attorney

HB_ATTYY-#14854-v1-Ordinance - Hatch Family Chocolates.DOC

Exhibit A

Property Description:

BEG 99 FT E FR NW COR LOT 3 BLK 103 PLAT D SLC SUR E 173 FT S 115.5 FT W 37 FT
S 49.5 FT W 136 FT N 165 FT TO BEG 4693-0584 6191-0580 6204-1175 6645-1378

EXHIBIT "B" (Legislative Version)

Permitted And Conditional Uses, By District Residential Districts																			
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Restaurants, without drive- through facilities																P		P	

LEGISLATIVE VERSION

3. City Council Public Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petitions PLNPCM2010-00369 & PLNPCM2010-00370, a request by Hatch Family Chocolates for the following:

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

As part of its review, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone who would like to address the City Council about this issue will be given an opportunity to speak. The hearing will be held:

Date:

Time: 7:00 p.m.

Place: Room 315 (City Council Chambers)*

Salt Lake City and County Building

451 S. State Street

Salt Lake City, UT

*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please contact Ray Milliner, Principal Planner, at (801) 535-7645 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at ray.milliner@slcgov.com.

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the City Council Office at (801) 535-7600, or TDD (801) 535-6021.

4. Mailing Labels

[09-31-261-009-0000]
DILLON, WILLIAM H, ET AL
1082 W MOUNTAINSTONE
GREEN VALLEY, AZ 85614

[09-31-261-010-0000]
DILLON, WILLIAM H, ET AL
1082 W MOUNTAINSTONE
GREEN VALLEY, AZ 85614

[09-31-261-004-0000]
STRALEY, MARILYN A D; ET AL
1629 E GLENHAVEN DR
PHOENIX, AZ 85048

[09-31-261-005-0000]
STRALEY, MARILYN A D; ET AL
1629 E GLENHAVEN DR
PHOENIX, AZ 85048

[09-31-426-004-0000]
RASMUSSEN, RICHARD P
1611 CENTRAL AVE #B
ALAMEDA, CA 94501-6507

[09-31-292-012-0000]
LEWIS-REILLY, DEAN; TR
PO BOX 1181
CRESCENT CITY, CA 95531

[09-31-402-011-0000]
BOOTH, HARRY R & SHARON M; TRS
3529 ROLPH WAY
EL DORADO HILLS, CA 95762-4416

[09-31-402-007-0000]
STANLEY, JARED
727 15TH AVE
SAN FRANCISCO, CA 94118-3506

[09-31-288-005-0000]
VAN DE WETERING, JAN C & CAROL L; TRS
863 COLORADO BLVD
SANTA ROSA, CA 95405

[09-31-292-003-0000]
TELANDER, BRUCE N & BARBARA J; JT
150 S 5TH ST #2800
MINNEAPOLIS, MN 55402

[09-31-292-016-0000]
LEUNG, CHLOE & DAVID C; JT
315 COLBURN AVENUE
CLARKS SUMMIT, PA 18411

[09-31-284-010-0000]
FRANCIS, JEAN B; TR ET AL;
283 S RIVER ROAD
ALPINE, UT 84004

[09-31-402-001-0000]
B.G. DRENNAN PROPERTIES LC
8131 S CREEK CIR
COTTONWOOD HTS, UT 84093

[09-31-253-030-0000]
ENSIGN PLACE HOMEOWNERS ASSOCIATION
2845 E PALMA WY
COTTONWOOD HTS, UT 84121-7004

[09-31-403-006-0000]
ALF ENTERPRISES LC
12976 S 300 E
DRAPER, UT 84020-8796

[09-31-288-004-0000]
JENSEN ENGLE, LLC
814 SPRING POND DR
FARMINGTON, UT 84025-3853

[09-31-426-005-0000]
SILCOX, FIONA A; TR (FAS TR)
14433 S SHEEPROCK DR
HERRIMAN, UT 84096-3455

[09-31-426-008-0000]
ROBERTS, C STEWART & CONNIE J (TRS)
2846 N 1050 E
LEHI, UT 84043

[09-31-402-009-0000]
BLUE SKY GROUP LLC
4000 N 250 E
PARK CITY, UT 84098-

[09-31-261-003-0000]
MORRIS, PETER R & LORI A; JT
330 N 'C' ST
SALT LAKE CITY, UT 84103-2740

[09-31-261-002-0000]
ORSINI, GIORGIO & SHORE, ROSA O; TRS
334 N 'C' ST
SALT LAKE CITY, UT 84103-2740

[09-31-261-001-0000]
SHORE, ROSA M
334 N 'C' ST
SALT LAKE CITY, UT 84103-2740

[09-31-402-013-0000]
SMITH, PAUL & ZULAICA, JOANN C; JT
317 N 'D' ST
SALT LAKE CITY, UT 84103-2747

[09-31-403-001-0000]
WANKIER, JAMIE
320 N 'D' ST #2
SALT LAKE CITY, UT 84103-3196

[09-31-262-004-0000]
LENZ, PETER S & CAROL A; JT
324 N 'D' ST
SALT LAKE CITY, UT 84103-2746

[09-31-262-003-0000]
MAVOR, JOHN H & MARIANA L S; JT
326 N 'D' ST
SALT LAKE CITY, UT 84103-2746

[09-31-262-012-0000]
MAVOR, JOHN H & MARIANA L S; JT
326 N 'D' ST
SALT LAKE CITY, UT 84103-2746

[09-31-261-008-0000]
FINEAGAN, CAROL P
333 N 'D' ST
SALT LAKE CITY, UT 84103-2747

[09-31-262-002-0000]
BOWLAND, JOSHUA M
334 N 'D' ST
SALT LAKE CITY, UT 84103-2746

[09-31-262-001-0000]
ORTON, MIGAN
340 N 'D' ST
SALT LAKE CITY, UT 84103-2746

[09-31-259-003-0000]
WALZ, STEWART C & MARYBETH; JT
380 N 'D' ST
SALT LAKE CITY, UT 84103-2749

[09-31-403-010-0000]
CLINE, BENJAMIN J
303 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-403-009-0000]
HOLFELTZ, BERT R & VIOLET B
307 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-403-008-0000]
WEIXLER, RONALD A & WENDY M; JT
313 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-426-001-0000]
SIMMS, JON & ANGI; JT
316 N 'E' ST
SALT LAKE CITY, UT 84103-2752

[09-31-403-007-0000]
WALKER, GARY D; TR (G D W RV TR)
321 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-262-009-0000]
BARNES, DOUGLAS A & COLLEEN L; JT
335 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-262-008-0000]
RICHARDSON, JAMI L & MARK A; JT
337 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-262-007-0000]
BURNINGHAM, EDNA P; TR
339 N 'E' ST
SALT LAKE CITY, UT 84103-2753

[09-31-284-005-0000]
PETERSEN, JEREMY J & JOHANNA; JT
364 N 'E' ST
SALT LAKE CITY, UT 84103-2755

[09-31-284-004-0000]
WONG, J RUSSELL & VRTIS, JOAN M; JT
372 N 'E' ST
SALT LAKE CITY, UT 84103-2755

[09-31-284-022-0000]
WONG, J RUSSELL & VRTIS, JOAN M; JT
372 N 'E' ST
SALT LAKE CITY, UT 84103-2755

[09-31-284-021-0000]
HUMPHREYS, LLEWELLYN B & SALLY F; TRS
380 N 'E' ST
SALT LAKE CITY, UT 84103-2755

[09-31-284-002-0000]
BRAM, JEFFREY A
384 N 'E' ST
SALT LAKE CITY, UT 84103-2755

[09-31-259-009-0000]
STOCKMAN, JOHN & MERLENE; TRS
385 N 'E' ST
SALT LAKE CITY, UT 84103-2754

[09-31-280-005-0000]
LAWRENCE, PATRICK K & ANN F; JT
420 N 'E' ST
SALT LAKE CITY, UT 84103-2832

[09-31-280-004-0000]
LAWRENCE, PATRICK K & ANN; TC
424 N 'E' ST
SALT LAKE CITY, UT 84103-2832

[09-31-280-011-0000]
LAWRENCE, PATRICK & ANN F; JT
426 N 'E' ST
SALT LAKE CITY, UT 84103-2832

[09-31-280-003-0000]
LAWRENCE, PATRICK K & ANN F; JT
426 N 'E' ST
SALT LAKE CITY, UT 84103-2832

[09-31-292-011-0000]
MENTES, ANN C; TR
468 N 'E' ST
SALT LAKE CITY, UT 84103-2850

[09-31-292-013-0000]
BROWN, STEPHANIE
474 N 'E' ST
SALT LAKE CITY, UT 84103-2850

[09-31-292-014-0000]
SMITH, DUSTIN M & O'VEY-SAYLOR, PAULA; JT
478 N 'E' ST #14
SALT LAKE CITY, UT 84103

[09-31-292-015-0000]
COOK, CYNTHIA M
480 N 'E' ST
SALT LAKE CITY, UT 84103-2850

[09-31-426-009-0000]
FRIEDMAN, HELEN E
311 N 'F' ST
SALT LAKE CITY, UT 84103-3057

[09-31-288-012-0000]
MCENTEE, JANET
323 N 'F' ST
SALT LAKE CITY, UT 84103-3057

[09-31-284-013-0000]
NELSON, LYNN
365 N 'F' ST
SALT LAKE CITY, UT 84103-2756

[09-31-284-012-0000]
MCBRIDE, MICHAEL J
375 N 'F' ST
SALT LAKE CITY, UT 84103-2756

[09-31-284-009-0000]
FEHLBERG, MARK A & AMY; JT
387 N 'F' ST
SALT LAKE CITY, UT 84103-2756

[09-31-280-010-0000]
BURNETT, MATTHEW D & RACHEL A; JT
423 N 'F' ST
SALT LAKE CITY, UT 84103-2838

[09-31-259-004-0000]
WATSON, PATRICIA M; TR ET AL
727 S 1000 W
SALT LAKE CITY, UT 84104-1435

[09-31-292-017-0000]
NORTH CREST II HOME OWNERS ASSOC
925 E 900 S
SALT LAKE CITY, UT 84105-1401

[09-31-259-006-0000]
8TH AVENUE PROPERTIES, LLC
1769 E BRYAN AVE
SALT LAKE CITY, UT 84108-2670

[09-31-259-008-0000]
EIGHTH AVENUE LTD
773 N CATHERINE ST
SALT LAKE CITY, UT 84116-2003

[09-31-253-013-0000]
COCHRAN, KATHLEEN L; TR
347 N CENTER ST
SALT LAKE CITY, UT 84103-1622

[09-31-253-014-0000]
COCHRAN, KATHLEEN L; TR
347 N CENTER ST
SALT LAKE CITY, UT 84103-1622

[09-31-253-015-0000]
COCHRAN, KATHLEEN L; TR
347 N CENTER ST
SALT LAKE CITY, UT 84103-1622

[09-31-284-018-0000]
INGOLD, JAMES & JUDITH; JT
201 S DOUGLAS ST
SALT LAKE CITY, UT 84102-2610

[09-31-262-010-0000]
NATIVE HOLDING COMPANY, LLC
219 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2521

[09-31-259-007-0000]
IVERSON, VICKIE W
386 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2813

[09-31-280-012-0000]
SMITH, PILAR P; TR
403 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-284-001-0000]
GARDNER, MARK E & MELISSA K; JT
406 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2815

[09-31-280-013-0000]
CARSON, CHRISTINE A & MATZ, KERRY S; TC
409 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-280-014-0000]
WESTOVER, JESSIE
415 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-284-006-0000]
AMUSSEN, KATHERINE E; TR
416 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2815

[09-31-280-015-0000]
DICKSON, MARY L
417 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-284-007-0000]
AMUSSEN, KATHERINE E; TR
422 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2815

[09-31-280-016-0000]
GALLAGHER, BRIAN P & JOAN M; JT
427 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-280-017-0000]
BASS, BRENDA L
431 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-280-018-0000]
ROSE, PETER E
435 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2816

[09-31-284-008-0000]
WEEKLEY, GEORGE M III & RITTER, JENNIFER J; JT
440 E EIGHTH AVE
SALT LAKE CITY, UT 84103-2815

[09-31-284-011-0000]
LAWRENCE, MATTHEW S & MILLYSA P; JT
511 E FIRST AVE #101
SALT LAKE CITY, UT 84103-5925

[09-31-280-006-0000]
ILTIS, DAVID
1124 E FOURTH AVE
SALT LAKE CITY, UT 84103-4123

[09-31-402-012-0000]
ROOT, GERALD E
738 N HILLTOP RD
SALT LAKE CITY, UT 84103-3310

[09-31-259-010-0000]
SLOAN, AFTON L; TR
880 N LITTLE VALLEY RD
SALT LAKE CITY, UT 84103-3730

[09-31-256-016-0000]
I H C HOSPITALS INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-256-017-0000]
I H C HOSPITALS INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-256-018-0000]
I H C HOSPITALS INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-256-002-0000]
IHC HOSPITALS, INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-255-003-0000]
IHC HOSPITALS INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-252-009-0000]
IHC HOSPITALS INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-256-003-0000]
IHC HOSPITALS, INC
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SALT LAKE CITY, UT 84111-0477

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IHC HOSPITALS, INC
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IHC HOSPITALS, INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-256-015-0000]
IHC HOSPITALS, INC
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-256-012-0000]
L D S HOSPITAL
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-259-001-0000]
LATTER DAY SAINTS HOSPITAL
201 S MAIN ST #1100
SALT LAKE CITY, UT 84111-0477

[09-31-253-020-0000]
JONES, GARY M & SHIRLEY G; TRS
361 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-253-021-0000]
WITTENBROOK, DENNIS & MAIA N; TC
363 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-253-022-0000]
PURNELL, BRENDA & MARK; TRS
367 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-253-023-0000]
WEIGHT, A STEVEN
369 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-253-024-0000]
TANNDER, DAVID W & LINDA J; JT
373 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-253-025-0000]
STEINER, ANDREW M & ELIZABETH H; JT
375 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-253-008-0000]
ALCOTT, LISA
379 E NINTH AVE
SALT LAKE CITY, UT 84103-2819

[09-31-292-008-0000]
ALEXANDER, LEE C; TR
407 E NINTH AVE
SALT LAKE CITY, UT 84103-2847

[09-31-292-007-0000]
RAGONE, RAY V
409 E NINTH AVE
SALT LAKE CITY, UT 84103-2847

[09-31-292-006-0000]
MCCONNELL, NANCY A & MCGUIRE, THOMAS E; JT
411 E NINTH AVE
SALT LAKE CITY, UT 84103-2847

[09-31-292-005-0000]
BUTLER, JEAN; TR
415 E NINTH AVE
SALT LAKE CITY, UT 84103-2847

[09-31-292-004-0000]
PALM, MARY J
417 E NINTH AVE #4
SALT LAKE CITY, UT 84103-3186

[09-31-280-008-0000]
WOOLF, JAMES K
432 E NINTH AVE
SALT LAKE CITY, UT 84103-2820

[09-31-284-017-0000]
SCHUMANN, SONDR A K H; TR (SAH TR)
499 E NORTHMONT WY
SALT LAKE CITY, UT 84103-3322

[09-31-284-020-0000]
CORKLE, PATRICK M
1118 S OAK HILLS WY
SALT LAKE CITY, UT 84108-2026

[09-31-288-010-0000]
LAWRCO, INC
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-276-003-0000]
SALT LAKE CITY CORPORATION
PO BOX 145455
SALT LAKE CITY, UT 84114-5455

[09-31-262-006-0000]
BEAN, JAMES S
PO BOX 3992
SALT LAKE CITY, UT 84110-3992

[09-31-261-006-0000]
LI, ZHONG XIN & WU, MENG; JT
332 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2734

[09-31-261-007-0000]
LUNOE, PETER C; ET AL
336 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2734

[09-31-259-023-0000]
BAXTER, DONALD J & DEFRESE, AMY S; JT
351 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-259-013-0000]
JONSSON, JOLYN; TR
361 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-262-011-0000]
BUCKTHAL, DUSTIN G
368 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2736

[09-31-259-014-0000]
MAHOOD, JAMES A
369 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-259-015-0000]
LINDSEY, WESLEY C
371 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-259-016-0000]
HILLS, ELOISE S. & NUNN, NANCY H.
381 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-259-021-0000]
PRIDDY, MICHAEL R & HARRIS, MARTY JO; JT
383 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-259-022-0000]
SOSTER, JERRY G & CATHERINE D; JT
385 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2737

[09-31-284-014-0000]
KEENAN, HEATHER T
403 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2739

[09-31-284-015-0000]
LOCKE, JUDITH; TR
407 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2739

[09-31-288-002-0000]
KINGHORN, JAY S
410 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2738

[09-31-288-006-0000]
KINGHORN, JAY S
410 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2738

[09-31-284-016-0000]
BASSO, MATTHEW L & SMITH, ANGELA; JT
413 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2739

[09-31-288-003-0000]
EVANS, STEWART & SPAINHOWER, JERROLD V; JT
416 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2738

[09-31-288-007-0000]
EVANS, WILLIAM S & SPAINHOWER, JERROLD V;
416 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2738

[09-31-288-008-0000]
HOLMES, THOMAS R III
418 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2738

[09-31-288-009-0000]
M ELENA JAMES MD PC
426 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2738

[09-31-284-019-0000]
NEBEKER, DAVID E
437 E SEVENTH AVE
SALT LAKE CITY, UT 84103-2739

[09-31-402-008-0000]
WINKLER, AMY
321 E SIXTH AVE
SALT LAKE CITY, UT 84103-2729

[09-31-402-010-0000]
LIECHTY, SEYMOUR K & ARLENE M; TRS
327 E SIXTH AVE
SALT LAKE CITY, UT 84103-2729

[09-31-403-002-0000]
MILLER, CURTIN W & TIETJEN, TONI L; JT
353 E SIXTH AVE
SALT LAKE CITY, UT 84103-2731

[09-31-403-003-0000]
DIEZMA, CHRISTOPHE
361 E SIXTH AVE
SALT LAKE CITY, UT 84103-2731

[09-31-403-004-0000]
BUCKLEY, EVAN W & MONIQUE A; JT
367 E SIXTH AVE
SALT LAKE CITY, UT 84103-2731

[09-31-403-005-0000]
KEESEN, WILLIAM L & HOLLINGER, SHANNON M;
JT
375 E SIXTH AVE
SALT LAKE CITY, UT 84103-2731

[09-31-426-003-0000]
EVANS, RANDI K
403 E SIXTH AVE
SALT LAKE CITY, UT 84103-2733

[09-31-280-007-0000]
LAVASANI, TOORAN
793 E THIRTEENTH AVE
SALT LAKE CITY, UT 84103-3326

[09-31-259-011-0000]
VAN ORDEN, JOEL E, RICHARD T & LA VONNE T
1390 E THORNTON AVE
SALT LAKE CITY, UT 84105-1611

[09-31-426-006-0000]
OUYANG, MING & ELLEN J; TRS
466 E TWELFTH AVE
SALT LAKE CITY, UT 84103-3225

[09-31-288-001-0000]
336 NORTH DUPLEX, LLC
4620 S WESTVIEW DR
SALT LAKE CITY, UT 84124-5657

[09-31-426-010-0000]
AVENUE PROPERTIES, LLC
39 E LONE HOLLOW
SANDY, UT 84092

[09-31-280-001-0000]
SMITH, HELENE K; TR
1555 W 4800 S
TAYLORSVILLE, UT 84123-4209

[09-31-426-002-0000]
WARD, STEPHEN M
2200 W SURREY RD
TAYLORSVILLE, UT 84118

[09-31-426-007-0000]
WARD, STEPHEN M
2200 W SURREY RD
TAYLORSVILLE, UT 84118

[09-31-280-002-0000]
TIETJEN, RENEE & DONNARAE; JT
9504 LIBERTY TREE LN
VIENNA, VA 22182

[09-31-259-002-0000]
OCONNOR, LU ANN M
4159 BRUNS AVE
MADISON, WI 53714-1903

[09-31-252-009-0000]
BENOWITZ BARRY MD
324 E 10TH AVE #250
Salt Lake City, UT 84103

[09-31-259-006-0000]
EIGHTH AVENUE MEAT & GROCERY
376 E 8TH AVE
Salt Lake City, UT 84103

[09-31-402-001-0000]
APARTMENT HOUSE
318 N C ST
Salt Lake City, UT 84103

[09-31-252-009-0000]
UTAH HEART CLINIC
324 E 10TH AVE #206
Salt Lake City, UT 84103

[09-31-280-013-0000]
K. S. MATZ
409 E 8TH AVE
Salt Lake City, UT 84103

[09-31-256-016-0000]
INTERMTN CARDIOVASCULAR ASSOC
370 E 9TH AVE #208
Salt Lake City, UT 84103

[09-31-252-009-0000]
CHRISTIANSEN ROBERT M
324 E 10TH AVE #260
Salt Lake City, UT 84103

[09-31-252-009-0000]
PEARL JAMES E MD
324 E 10TH AVE #170
Salt Lake City, UT 84103

[09-31-256-016-0000]
THOMAS; DAVID S MD
370 E 9TH AVE #200
Salt Lake City, UT 84103

[09-31-256-016-0000]
ROCKY MTN NEUROLOGICAL ASSOCIA
370 E 9TH AVE #106
Salt Lake City, UT 84103

[09-31-252-009-0000]
COLON & RECTAL CENTER OF UTAH
324 E 10TH AVE #280
Salt Lake City, UT 84103

[09-31-252-009-0000]
LANGELAND; FRED F, M.D.
324 E 10TH AVE #172
Salt Lake City, UT 84103

[09-31-252-009-0000]
UTAH ARTHRITIS CLINIC PC
324 E 10TH AVE #250
Salt Lake City, UT 84103

[09-31-252-009-0000]
WASATCH HEMATOLOGY ONCOLOGY AS
324 E 10TH AVE #274
Salt Lake City, UT 84103

[09-31-426-006-0000]
OUYANG MING & ELLEN
421 E 6TH AVE
Salt Lake City, UT 84103

[09-31-403-006-0000]
ALF ENTERPRISES LC
385 E 6TH AVE
Salt Lake City, UT 84103

[09-31-402-012-0000]
ROOT GERALD E
301 N D ST
Salt Lake City, UT 84103

[09-31-256-016-0000]
AVENUES SPORTS THERAPY REHAB
370 E 9TH AVE #201
Salt Lake City, UT 84103

[09-31-252-009-0000]
CITY CREEK INTERNAL MEDICINE
324 E 10TH AVE #160
Salt Lake City, UT 84103

[09-31-256-016-0000]
PERMANENT MAKEUP BY GAIL
370 E 9TH AVE #200
Salt Lake City, UT 84103

[09-31-252-009-0000]
LEONARD LARRY G MD PC
324 E 10TH AVE #205
Salt Lake City, UT 84103

[09-31-262-009-0000]
DOUGLAS BARNES PHOTOGRAPHY
335 N E ST
Salt Lake City, UT 84103

[09-31-252-009-0000]
LDS CAMPUS GASTROENTEROLOGY
324 E 10TH AVE #100
Salt Lake City, UT 84103

[09-31-252-009-0000]
LDS CAMPUS UROLOGY
324 E 10TH AVE #178
Salt Lake City, UT 84103

[09-31-252-009-0000]
AVENUES INTERNAL MEDICINE
324 E 10TH AVE #285
Salt Lake City, UT 84103

[09-31-256-016-0000]
LDS CAMPUS ORTHOPEDICS
370 E 9TH AVE #205
Salt Lake City, UT 84103

[09-31-252-009-0000]
BRYNER SURGERY SPECIALISTS
324 E 10TH AVE #224
Salt Lake City, UT 84103

[09-31-256-016-0000]
BRIAN W FUKUSHIMA MD PC
440 N D ST #206
Salt Lake City, UT 84103

[09-31-256-016-0000]
ANGELA KEEN MD
370 E 9TH AVE #200
Salt Lake City, UT 84103

[09-31-262-009-0000]
PRIVATE REVOLUTIONS
335 N E ST
Salt Lake City, UT 84103

[09-31-256-016-0000]
JOHN F. FOLEY MD
370 E 9TH AVE #106
Salt Lake City, UT 84103

[09-31-256-016-0000]
ROBERT M. MISKA, MD
370 E 9TH AVE #106
Salt Lake City, UT 84103

[09-31-426-009-0000]
ART ETTINA
311 N F ST
Salt Lake City, UT 84103

[09-31-256-016-0000]
DAVID W. BRINTON, MD
440 N D ST #206
Salt Lake City, UT 84103

[09-31-426-004-0000]
RASMUSSEN PROPERTIES
409 E 6TH AVE
Salt Lake City, UT 84103

[09-31-402-013-0000]
D ST TRI LLC
317 N D ST
Salt Lake City, UT 84103

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IHC HEALTH SERVICES, INC
324 E 10TH AVE #107
Salt Lake City, UT 84103

[09-31-256-016-0000]
INTERMOUNTAIN CARDIAC IMAGING
440 N D ST #200
Salt Lake City, UT 84103

[09-31-252-009-0000]
WILLIAM JOSEPH PECHE JR MD PLLC
324 E 10TH AVE #280
Salt Lake City, UT 84103

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DAYNES EYE AND LASIK
324 E 10TH AVE #155
Salt Lake City, UT 84103

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LEGACY MEDICAL PC
440 N D ST #210
Salt Lake City, UT 84103

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AVENUES GI
324 E 10TH AVE #189
Salt Lake City, UT 84103

[09-31-280-018-0000]
FLUIDTRACER INC
435 E 8TH AVE
Salt Lake City, UT 84103

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AVENUES MIDWIFERY & WOMENS HEALTH
324 E 10TH AVE #184
Salt Lake City, UT 84103

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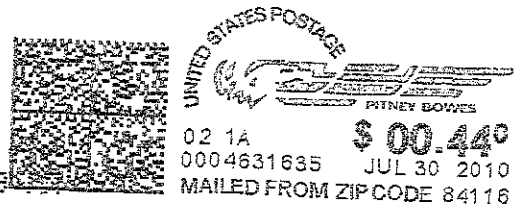
5. Planning Commission

5.A. Postmark of Planning Commission Notice

Salt Lake City Planning Commission
451 S State Street, Room 406
PO Box 145480
Salt Lake City, Utah 84114 5480

RETURN SERVICE REQUESTED

STATE MAIL SVCS 08/09/2010 04:19

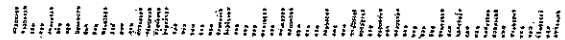


NOTICE OF HEARING

Ray Milliner
451 S State Rm 406
PO Box 145480
SLC UT 84114

FWD

841005-7788-0010



INFORMATION TO APPLICANTS AND CITIZENS

1. Attendance: Applicant or representative must be present during the meeting or the case will not be reviewed.
2. Decision Making Process: Planning Commission will review one case at a time and receive information from the applicant, professional staff, adjoining neighbors and citizens. After reviewing the case, the Planning Commission will deliberate on the case in executive session. No additional testimony will be accepted during the executive session, unless requested by the Commission for clarification purposes. The Planning Commission will make their decision by making a motion, second, discussion and majority vote by the Commission.
3. Appeals process: Any person aggrieved by any decision of the Planning Commission may appeal that decision to the Salt Lake City Land Use Appeals Board within thirty (30) days of the Planning Commission final decision.
4. Meeting notices: Meeting notices are made available to the public. If persons wish to submit written comments they should be directed to the Planning Commission or Planning Staff member indicated at least 7 days in advance to enable the Commissioners to consider those written comments. Comments should be sent to :

Salt Lake City Planning Commission
PO Box 145480
Salt Lake City, UT 84114-5480

Physical Address: 451 S State Street, Room 406 Salt Lake City, UT 84114

NOTE: Please turn off cellular phones during the meeting. We comply with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Commission Secretary at 535-6171 regarding this agenda or ADA accommodations. TDD 535-6220.

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building at 451 South State Street

Wednesday, August 11, 2010 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commission and staff at 5:00 p.m. in Room 126. **Work Session**—The Planning Commission may discuss project updates and minor administrative matters. This portion of the meeting is open to the public for observation.

Approval of Minutes from July 14, 2010 and July 28, 2010.

Report of the Chair and Vice Chair

Report of the Director

Public Hearings

1. **PLNPCM2010-00448 & PLNPCM2010-00461 YNC Yalecrest Neighborhood Character Overlay District** – A request by the Salt Lake City Council to amend the Salt Lake City Zoning Ordinance and Map. The proposed zoning text amendment will create a new overlay district to limit demolition of homes that define the character of the Yalecrest neighborhood and preserve existing streetscape building setbacks. The proposed zoning map amendment will apply the YNC Yalecrest Neighborhood Character Overlay District to property located approximately between Sunnyside Avenue and 1300 South, and between 1900 East and 1300 East. The property affected is located in Council District 5, represented by Jill Remington Love, and Council District 6, represented by J.T. Martin. (Staff contact: Wayne Mills at 801-535-7282 or wayne.mills@slcgov.com, or Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com)
2. **Solei Cove Planned Development** – A request by Craig Anderson, representing Sequoia Development, to construct an eight-lot residential planned development located at approximately 2178 East 1700 South. The property is zoned R-1/7,000 Single-Family Residential District. The property is located within Council District 7, represented by Søren Simonsen. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com)
 - a. **PLNPCM2010-00154 Solei Cove Subdivision** – A request for preliminary approval for an eight lot residential subdivision.
 - b. **PLNSUB2010-00301 Solei Cove Planned Development** – A request for a planned development of eight single-family residential lots with one of those lots being a flag lot. Flag lots are only allowed in the R-1/7,000 zoning district through the planned development process.
3. **Hatch Family Chocolates Development Project** – A request by Steve Hatch for various approvals which would allow for the relocation of Hatch Family Chocolates to the former 8th Avenue Market. The property is located at approximately 376 8th Avenue in Council District 3, represented by Stan Penfold. (Staff contact: Ray Milliner at 801-535-7645 or ray.milliner@slcgov.com)
 - a. **PLNPCM2010-00369 Master Plan Amendment** – A request to amend the Future Land Use Map of the Avenues Master Plan. The amendment would change the future land use classification of the property from Low-Density Residential to Mixed Use.
 - b. **PLNPCM2010-00370 Zoning Map Amendment and Zoning Ordinance Text Amendment** – A request to rezone property from SR-1A Special Development Pattern Residential to RMU-35 Residential Mixed Use in order to expand and operate an existing nonconforming commercial use on the property. The text amendment would modify Chapter 21A.24.190 Table of Permitted and Conditional Uses for Residential Zones to make a restaurant without drive through facilities a permitted use in the RMU-35 zoning district.
3. **PLNPCM2010-00300 Sentry Security Systems Text Amendment** – A request by Michael Pate for Sentry Security Systems to amend Chapter 21A.40.120 of the Salt Lake City Zoning Ordinance. The amendment would add language to regulate the use of electric security fences in Manufacturing and Commercial zones. Changes would be City wide. (Staff contact: Ray Milliner at 801-535-7645 or ray.milliner@slcgov.com)
4. **5500 West Street Amendment** – A request by Paul Anderson for various approvals which would allow the combination of property on both sides of 5500 West Street between 300 South and 700 South, in order to develop the property for a warehouse use. The subject street is located between the CG General Commercial and M-1 Light Manufacturing zoning districts in Council District 2, represented by Van Turner. (Staff contact: Katia Pace at 801-535-6354 or katia.pace@slcgov.com)
 - a. **PLNPCM2009-01389 5500 West Street Closure** – A request to close 5500 West Street between 300 South to about 490 South.
 - b. **PLNPCM2010-00085 Major Street Plan Amendment** – A request to amend the Major Street Plan and remove 5500 West Street, between 300 South and 700 South, as a collector street from the Major Street Plan map.
5. **PLNSUB2010-00182 Crandall Cove Minor Subdivision** – Ivory Development requests preliminary approval for a subdivision plat to create seven lots; one commercial lot for the existing commercial building at 2855 S Highland Drive and six new residential lots accessed from Crandall Avenue. The subject property is located at approximately 2853-2855 S Highland Drive in an R-1/7,000 zoning district, in Council District 7, represented by Søren Simonsen. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com)

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information. Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

5.A. COMMISSION NOTICE NEWSPAPER

Order Confirmation for Ad #0000604366-01

Client	PLANNING DIVISION	Payor Customer	PLANNING DIVISION
Client Phone	801-535-6184	Payor Phone	801-535-6184
Account#	9001394298	Payor Account	9001394298
Address	PO BOX 145480 SALT LAKE CITY UT 84114-5455 USA	Payor Address	PO BOX 145480 SALT LAKE CITY UT 84114-5455
Fax		Ordered By	Acct. Exec
EMail	everett.joyce@slcgov.com		angela jvaldez

Total Amount \$661.50

Payment Amt \$0.00

	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
Amount Due	\$661.50	0	0

Payment Method PO Number SLC PLANNING COM

Confirmation Notes:

Text:

Ad Type	Ad Size	Color
CLS Liner	1.0 X 101 Li	<NONE>

Product	Placement
Salt Lake Tribune::	General Classified

Scheduled Date(s): 08/02/2010

Product	Placement
Deseret News::	General Classified

Scheduled Date(s): 08/02/2010

Product	Placement
sltrib.com::	General Classified

Scheduled Date(s): 08/02/2010

Product	Placement
deseretnews.com::	General Classified

Scheduled Date(s): 08/02/2010

Ad Content Proof Actual SizeSALT LAKE CITY
PLANNING COMMISSION
HEARING

On Wednesday August 11, 2010 at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to take public comment regarding:

1. Hatch Family Chocolates Development Project - A request by Steve Hatch for various approvals which would allow for the relocation of Hatch Family Chocolates to the former 8th Avenue Market. The property is located at approximately 376 8th Avenue.

a. PLNPCM2010-00369 Master Plan Amendment - A request to amend the Future Land Use Map of the Avenues Master Plan. The amendment would change the future land use classification of the property from Low-Density Residential to Mixed Use.

b. PLNPCM2010-00370 Zoning Map Amendment and Zoning Ordinance Text Amendment - A request to rezone property from SR-1A Special Development Pattern Residential to RMU-35 Residential Mixed Use in order to expand and operate an existing nonconforming commercial use on the property. The text amendment would modify Chapter 21A.24.190 Table of Permitted and Conditional Uses for Residential Zones to make a restaurant without drive through facilities a permitted use in the RMU-35 zoning district.

2. PLNPCM2010-00085 Major Street Plan Amendment - A request to amend the Major Street Plan and remove 5500 West Street, between 300 South and 700 South, as a collector street from the Major Street Plan map.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, request or additional information, please contact the Planning Division at 535-7737, TDD 535-6220. For further information regarding this hearing, call ray.millner@slcgov.com or 801-535-7645 or katie.pace@slcgov.com 801-535-6354

604366 UPAXLP

**5.B. PLANNING COMMISSION STAFF
REPORT FOR August 11, 2010**

PLANNING COMMISSION STAFF REPORT



Planning Division
Department of Community and
Economic Development

HATCH FAMILY CHOCOLATES

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

Petitions PLNPCM2010-00369

PLNPCM2010-00370

August 11, 2010

Applicant

Hatch Family Chocolates, Steve
Hatch

Staff

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

Master Plan Designation

Single family Low Density

Council District

Three; Stan Penfold

Review Standards

21A.50.050 Standards for General
Amendments

Affected Text Sections

21A..24.190

Notification

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

Attachments

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

REQUEST

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

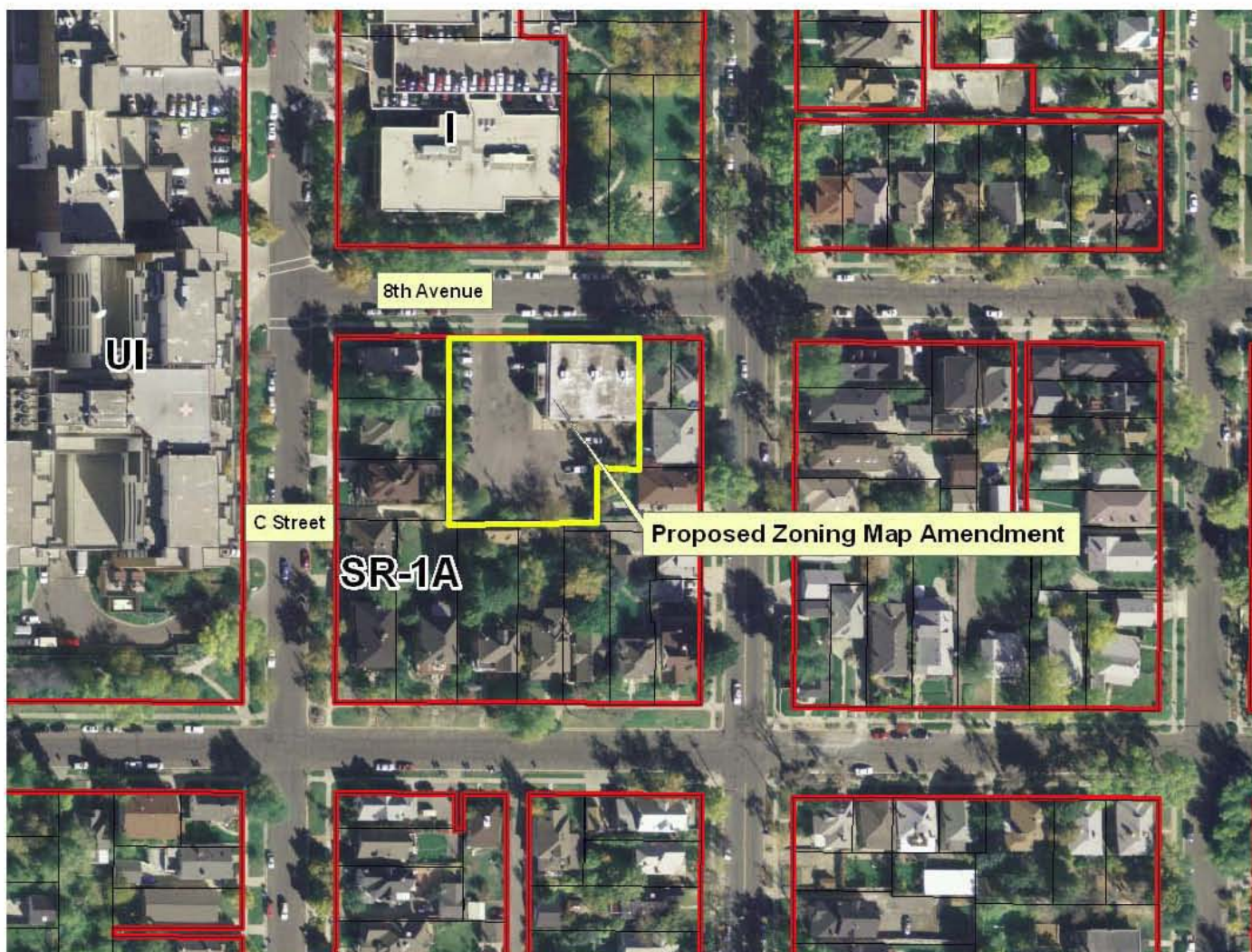
- 1) Modify the Avenues Zoning Map to change the zone at 376 East 8th Avenue from SR-1A to RMU-35
- 2) Modify the Future Land Use Map in the Avenues Master Plan from single family residential to Mixed Use.
- 3) Modify Chapter 21A.24.190 Table of Permitted and Conditional Uses by residential districts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

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

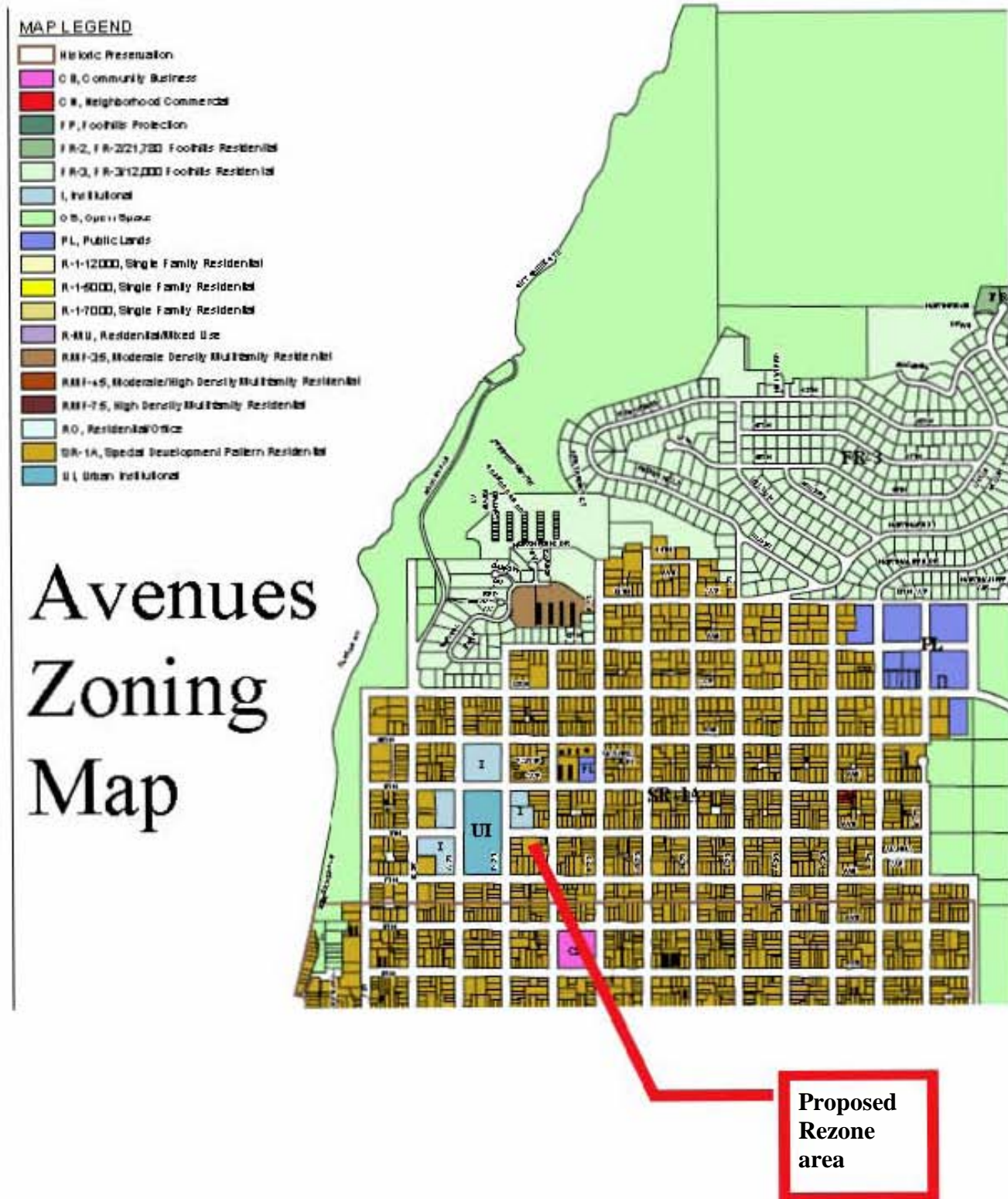
STAFF RECOMMENDATION

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

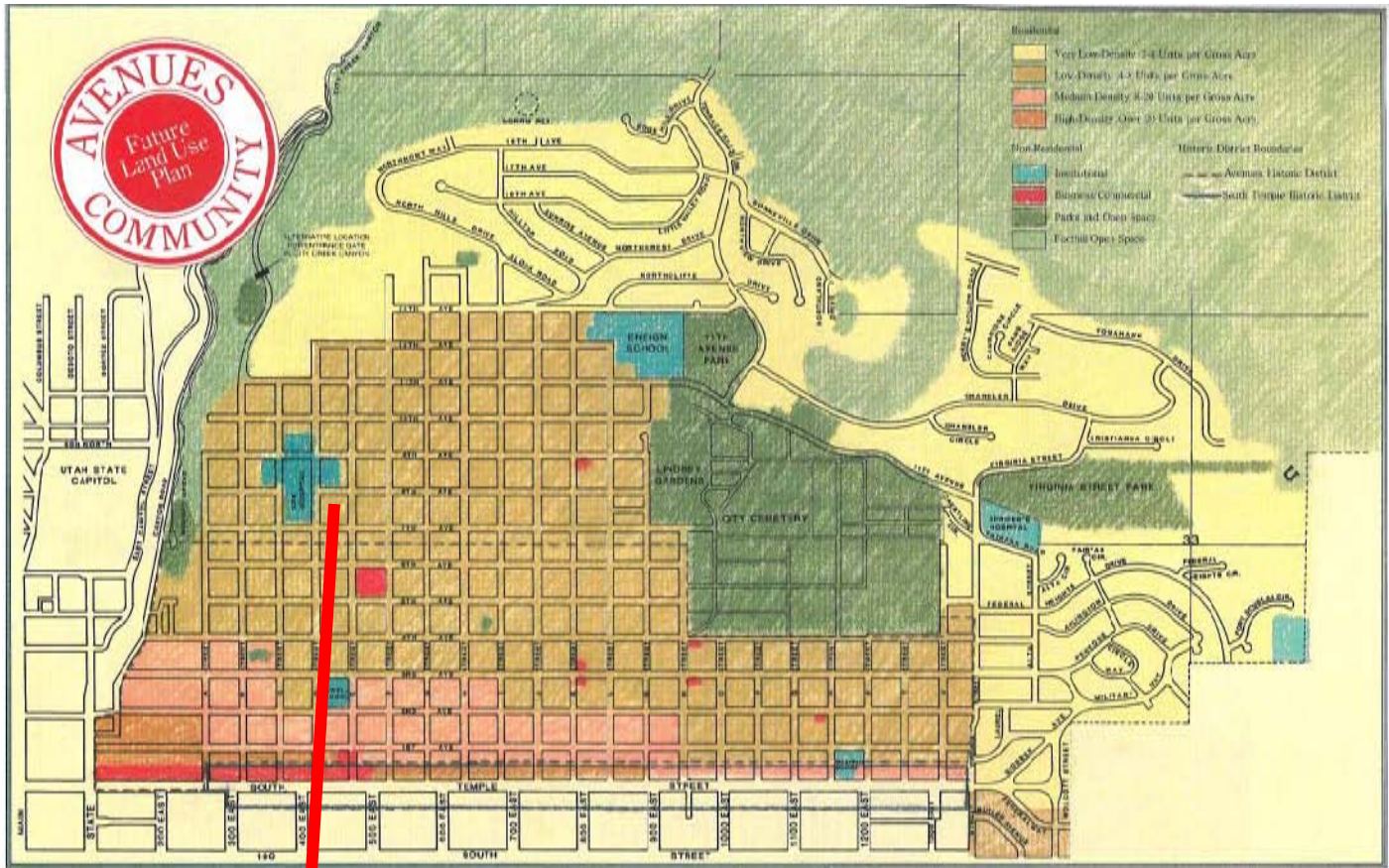
Vicinity Map



Avenues Zoning Map



Avenues Future Land Use Map



Proposed Map
Amendment

Background

The applicant, Hatch Family Chocolates, is the owner of a small hand dipped chocolate shop at the corner of 4th Avenue and E Street. The purpose of the amendments is to enable a mixed use development at 376 East 8th Avenue. The applicant would like to move his chocolate business to that site. This application would:

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

Standard “1” of Section 21A.50.050 of the Zoning Ordinance requires the Planning Commission and City Council to consider whether a zoning map amendment is consistent with the purposes, goals, objectives and policies of the various City planning documents. In this case, the Future Land Use Map of the Avenues Master

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

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

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

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

Proposal

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

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

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

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

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

Public Participation

Avenues Community Council

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

Public Comments

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

Analysis

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

STANDARDS FOR GENERAL AMENDMENTS

Avenues Master Plan Amendment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Findings

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

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

Zoning Map Amendment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Analysis: There are no overlay zones on the property

Finding: This standard is not applicable.

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

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

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

Zoning Ordinance Text Amendment

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

Section 21A.50.050: of the zoning ordinance states that a decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

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

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

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

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

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

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

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

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

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

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

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

Analysis: There are no overlay zones on the property

Finding: This standard is not applicable.

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

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

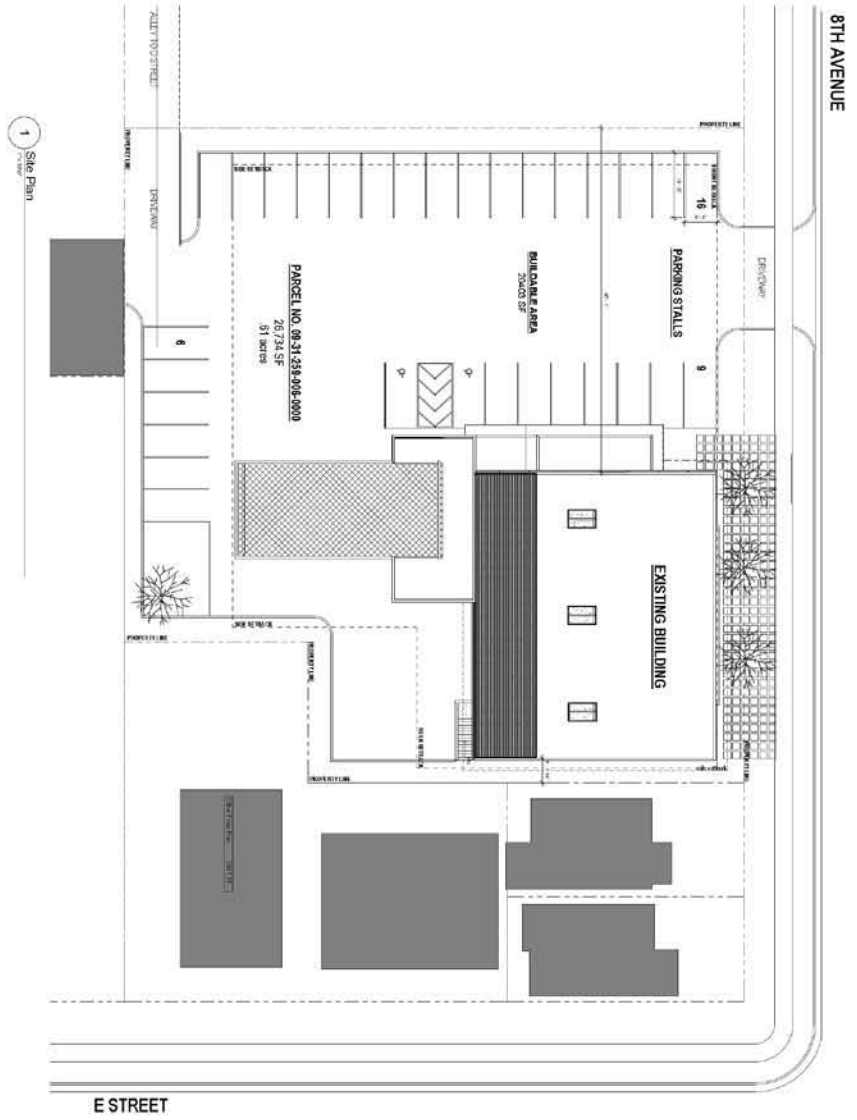
Finding: Staff finds that the proposed zoning map amendment implements the best current practices in urban planning and design.

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

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

Attachment B
Hatch Family Chocolates Site Plan Elevations



1 Site Plan

DATE	BY	REVISION

PRELIMINARY
NOT FOR CONSTRUCTION

HATCH FAMILY CHOCOLATES
336 East 8th Avenue
Salt Lake City, Utah 84101



poland
architects

336 East 8th Avenue, Suite 200
Salt Lake City, Utah 84101
Tel: 313.555.1234
www.polandarchitects.com



Architectural section drawing of the 'House of the Future'. The drawing shows a cross-section of a modern building with a sloped roof and large windows. The drawing includes vertical grid lines labeled A through I and horizontal level markers on the right side.

PRELIMINARY

NOT FOR CONSTRUCTION

HATCH FAMILY CHOCOLATES

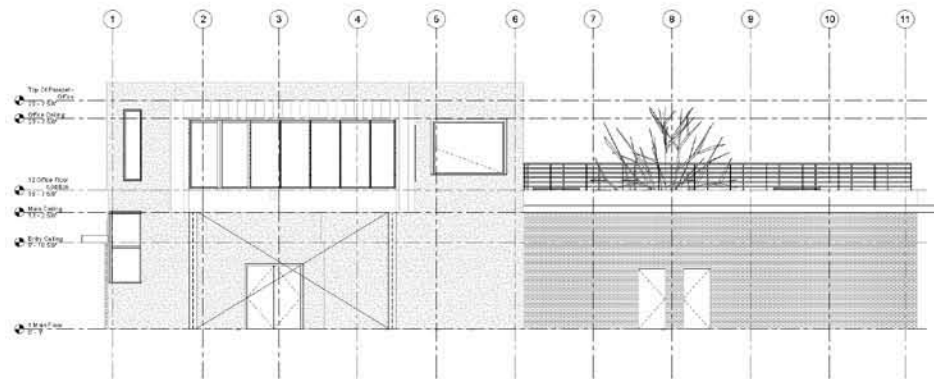
300 E. 10th Avenue
 Suite 100, CO, 80103

REVISIONS			
No.	Description	Date	By

EXTERIOR ELEVATIONS

No.	Name	Project	Sheet
1	North	10000	10000

A-202



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

- A. Purpose Statement: The purpose of the R-MU-35 residential/mixed use district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as low/medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.
- B. Uses: Uses in the R-MU-35 residential/mixed use district, as specified in section [21A.24.190](#), "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section [21A.24.010](#) of this chapter and this section.
- C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

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

Twin home dwellings	4,000 square feet per unit	25 feet
Two-family dwellings	8,000 square feet	50 feet
Utility substations and buildings	5,000 square feet	50 feet
Other permitted or conditional uses as listed in section 21A.24.190 of this chapter	5,000 square feet	50 feet

Qualifying provisions:

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

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

D. Minimum Yard Requirements:

1. Single-Family Detached Dwellings:

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

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

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

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

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

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

(2) Two-family:

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

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

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

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

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

4. Nonresidential Development:

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

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

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

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

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

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

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

Legend:	C =	Conditional	P =	Permitted
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	Permitted And Conditional Uses, By District Residential Districts																		
Use	FR -1/ 43, 56 0	FR -2/ 21, 78 0	FR -3/ 12, 00 0	R- 1/ 12, 00 0	R- 1/ 7, 00 0	R- 1/ 5, 00 0	S R -1	S R -2	S R -3	R - 2	R M F- 30	R M F- 35	R M F- 45	R M F- 75	R B	R - M U - 3 5	R - M U - 4 5	R - M U	R O
Residential:																			
Accessory guest and servants' quarters																			
Accessory uses on accessory lots																			
Assisted living facility, large												C	P	P		C	P	P	P
Assisted living facility, small				C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dormitories, fraternities , sororities (see section 21A.36.15)																			

0 of this title)																		
Group home, large (see section 21A.36.07 0 of this title)											C	C	C	C	C	C	C	C
Group home, small (see section 21A.36.07 0 of this title)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	
Mixed use developments, including residential and other uses allowed in the zoning district															P ₁	P	P	P
Multiple-family dwellings											P	P	P	P	P	P	P	P
Nursing care facility (see section 21A.36.06 0 of this title)													P	P			P	P
Resident healthcare											P	P	P	P	P	P	P	P

facility (see section 21A.36.04 0 of this title)																		
Residenti al substance abuse treatment home, large																		
Residenti al substance abuse treatment home, small													P		P	P	P	P
Rooming (boarding) house												C	C	C	C	C	C	C
Single- family attached dwellings								P		P	P	P	P		P	P	P	P
Single- family detached dwellings	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Transition al treatment home, large (see section 21A.36.09 0 of this title)												C	C			C	C	C
Transition al												C	C	C		C	C	C

treatment home, small (see section 21A.36.09 of this title)																				
Transitional victim home, large (see section 21A.36.08 of this title)													C	C				C	C	C
Transitional victim home, small (see section 21A.36.08 of this title)												C	C	P			C	C	P	P
Twin home dwellings							P		P	P	P	P					P	P	P	P
Two-family dwellings							P		P	P ₂	P	P				P	P	P	P	P
Office and related uses:																				
Financial institutions with drive-through facilities																				
Financial institutions without drive-																	P	P	P ₃	P ₆

through facilities																		
Medical and dental clinics and offices													C	C	C	C	C	C ₃ C ₆
Municipal service uses, including city utility uses and police and fire stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Offices, excluding medical and dental clinics and offices													C	C	C ₄	C	C	C ₃ C ₆
Recreation, cultural and entertainment:																		
Art galleries															P	P	P	P ₃ P
Art studio															P	P	P	P P
Community and recreation centers, public and private on lots less than 4 acres in size																		P

Community gardens as defined in chapter 21A.62 of this title and as regulated by subsection 21A.24.01 of this chapter	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Dance studio															P	P	P	P ₃	
Live performance theaters															C	C	C	C	C
Movie theaters															C	C	C	C	C
Natural open space and conservation areas on lots less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Parks and playgrounds, public and private, less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Pedestrian	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

pathways, trails and greenway s																			
Private clubs/tave rn/ lounge/br ewpub; 2,500 square feet or less in floor area																		C 8	
Retail sales and service:																			
Gas station (may include accessory convenien ce retail and/or minor repairs) as defined in chapter 21A.62 of this title															C	C	C	C	
Health and fitness facility															C	C	C	C	
Liquor store																			
Restauran ts, without drive- through																		P 3	

facilities																		
Retail goods establishments															P ₄	P	P	P ₃
Retail service establishments															P ₄	P	P	P ₃
Institutional:																		
Adult daycare center																P	P	P
Child daycare center														P	P	P	P	P
Governmental uses and facilities															C	C	C	P ₆
Library	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C
Museum															P	C	C	P
Music conservatory															P	C	C	P
Nursing care facility (see section 21A.36.060 of this title)													P	P			P	P
Places of worship on lots	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C

less than 4 acres in size																		
Schools, professional and vocational														P ₄	C	C	P ₃	P ₆
Seminaries and religious institutes				C	C	C	C		C	C	C	C	C	C	C	C	C	C
Commercial:																		
Laboratory, medical, dental, optical																	P ₃	
Plant and garden shop, with outdoor retail sales area																		
Miscellaneous:																		
Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P

Bed and breakfast															P	P	P	P	P
Bed and breakfast inn															P		P	P	P
Bed and breakfast manor																		P	
Crematorium																C	C	C	
Funeral home																C	C	C	
House museum in landmark sites (see subsection 21A.24.01 OT of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Offices and reception centers in landmark sites (see subsection 21A.24.01 OT of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ₆
Park and ride parking, shared with church parking lot																			

on arterial street																		
Parking, off site facilities (accessory to permitted uses)																		
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)														C	C	C	C	C
Public/private utility buildings and structures ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ₅		P ₅	P ₅	P ⁵	P ⁵	P ⁵	P ₅	P ₅	P ₅	P ₅	P _{5, 7}
Public/private utility transmission wires, lines, pipes and poles ⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Reuse of church and school buildings																		
Veterinary offices																	P ₃	P ₆

Wireless telecomm unications facilities (see table 21A.40.09 0E of this title)																			
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Qualifying provisions:

- 1.A single apartment unit may be located above first floor retail/office.
- 2.Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
- 3.Subject to conformance with the provisions of subsection [21A.24.170E](#) of this chapter.
- 4.Construction for a nonresidential use shall be subject to all provisions of subsections [21A.24.160I](#) and J of this chapter.
- 5.See subsection [21A.02.050B](#) of this title for utility regulations.
- 6.Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.
- 7.Subject to conformance to the provisions in section [21A.02.050](#) of this title.
- 8.A conditional use permit for a class B or C private club or association shall be subject to the following qualifying provisions. For the purpose of these provisions a class B or C private club or association shall have the meaning set forth in [title 5, chapter 5.50](#) of this code, as amended.

a.In approving a conditional use permit for a class B or C private club or association the planning commission shall:

(1)Require that a security and operations plan be prepared and filed with the city which shall include:

- (A)A complaint-response community relations program;
- (B)Having a representative of the private club or association meet with neighbors upon request to attempt to resolve any neighborhood complaints regarding the operations on the premises;
- (C)Design and construction requirements to ensure that any sound level originating within the premises, measured within 15 feet from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for residential use districts in section [9.28.060](#) of this code;
- (D)Allowing live entertainment only within an enclosed building subject to the foregoing sound limit;
- (E)Prohibiting electronically amplified sound in any exterior portion of the premises;
- (F)Designating a location for smoking tobacco outdoors in conformance with state law;
- (G)Having trash strewn on the premises, including any smoking and parking lot areas, be collected and deposited in a trash receptacle by 6:00 A.M. the following day; and
- (H)Having portable trash receptacles on the premises emptied daily and automated receptacles emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area;

- (2) Review the site plan and floor plan proposed for the premises, and as result of such review may require design features intended to reduce alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;
- (3) Require buffering where a private club or association abuts a residential building or area, including landscaping or walls along any property line or within any required yard area on the lot where the premises are located;
- (4) Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and
- (5) Require that the exterior of the premises be maintained free of graffiti at all times, including the main building, any accessory building or structure, and all signs.

b.If necessary to meet the standards for approval of a conditional use permit set forth in section [21A.54.080](#) of this title, the following conditions may be imposed:

- (1) Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians but does not intrude on residents' enjoyment of their homes; and
- (2) Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses and buildings and designating a new area if the area designated in the security and operations plan appears to adversely affect neighboring residences, businesses and buildings.

(Ord. 19-10 § 5, 2010: Ord. 12-09 § 1 (Exh. A), 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 60-08 § 9 (Exh. C), 2008: Ord. 21-08 § 2 (Exh. A), 2008: Ord. 2-08 § 1, 2008: Ord. 13-06 § 4 (Exh. C), 2006: Ord. 54-05 § 1 (Exh. A), 2005: Ord. 11-05, 2005: Ord. 71-04 § 3 (Exh. C), 2004: Ord. 13-04 § 5, 2004: Ord. 5-02 § 2, 2002: Ord. 19-01 § 6, 2001: Ord. 35-99 § 20, 1999: Ord. 30-98 § 2, 1998: Ord. 19-98 § 1, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(12-18), 1995)

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

Re: PLNPCM2010-00369.

20 July, 2010

Madame Chairman and Members of the Commission,

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

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

Thank you for your consideration.

Respectfully submitted,

Jim Jenkin
Chair
Greater Avenues Community Council
gaccchair@slc-avenues.org

Re HATCH and MASTERSON RMU Petition

July 29, 2010

Salt Lake City Planning Commission:

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

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

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

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

Thank you for your consideration.

Larry R. Gerlach

Gail B. Gerlach

950 North Bonneville

801-531-9116

Handwritten signatures of Larry R. Gerlach and Gail B. Gerlach. The signature for Larry R. Gerlach is written over the printed name, and the signature for Gail B. Gerlach is written below it.

Dear Sir

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

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

Dear Mr. Jenkin,

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

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

Respectfully,

Llew, Sally, Bowen and Drake Humphreys

Llewellyn Humphreys
801.355.8859
llewhumphreys@me.com
380 E Street
Salt Lake City, UT 84103

Attachment G
Department Comments

MEMORANDUM

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

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

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

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

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

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

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

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

Thanks,
Justin

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



Please consider the environment before printing this e-mail

July 7, 2010

Ray Milliner, Planning

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

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

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

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

Sincerely,

Barry Walsh

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

**5.C. PLANNING COMMISSION MINUTES
FOR AUGUST 11, 2010**

8:42:33 PM

Public Hearing:

Hatch Family Chocolates Development Project – A request by Steve Hatch for various approvals which would allow for the relocation of Hatch Family Chocolates to the former 8th Avenue Market. The property is located at approximately 376 8th Avenue.

PLNPCM2010-00369 Master Plan Amendment – A request to amend the Future Land Use Map of the Avenues Master Plan. The amendment would change the future land use classification of the property from Low-Density Residential to Mixed Use.

- a. **PLNPCM2010-00370 Zoning Map Amendment and Zoning Ordinance Text Amendment** – A request to rezone property from SR-1A Special Development Pattern Residential to RMU-35 Residential Mixed Use in order to expand and operate an existing nonconforming commercial use on the property. The text amendment would modify Chapter 21A.24.190 Table of Permitted and Conditional Uses for Residential Zones to make a restaurant without drive through facilities a permitted use in the RMU-35 zoning district.

Chairperson De Lay recognized Ray Milliner as staff representative.

Mr. Milliner stated that the application is a request for three items: 1. A modification to the Avenues Zoning Map to change the zone of 376 8th to RMU-35. 2. Modify the future land use map in the Avenues Master Plan from SR-1A to MU and 3. To modify 21A.24.190 the table of permitted and conditional uses "to allow restaurants without a drive through service in the residential mixed use 35 (RMU-35) zones."

The purpose of these modifications is to allow the applicant, Hatch Family Chocolates, who have purchased the property, formally the 8th Avenue Market, a vacant commercial space, zoned SR-1-35 and they would like to move their business from their current location at the corner of E Street and 4th Avenue to that location. In order to do that, the sections need to be modified.

Mr. Milliner stated that staff had reviewed the application for compliance with the various requirements in the zoning ordinance and have found that it meets on all accounts.

The application was reviewed by the Avenues Community Council who forwarded a very positive recommendation. Mr. Milliner added that there are many emails and letters of support for this project from the community that to the point that he had never seen so much positive feedback.

Mr. Milliner stated that staff recommends that the Planning Commission review this application, conduct a public hearing and forward a positive recommendation on to the City Council on all three requests.

8:45:48 PM

Comments from the Applicant:

Mr. Hatch stated that they have been part of the Avenues for years and discussed what the 8th Avenue Market had been to the area in the past such as supplying a location for the community to be, and added that it was their hope to do the same.

He stated that in prior years, the same address held a restaurant, "The Cockatoo" and a residence. They are asking to renew that.

Comments from the public: None

Comments from the Commissioners: None

8:48:08 PM

Close of Public Hearing

Question from the Commissioners:

Commissioner Dean asked Mr. Milliner about the modification in the table of uses for RMU-35, to allow restaurants. She asked if the Commission should make the modifications for RMU-45?

Mr. Milliner stated that it is a current project to change the use tables.

8:50:47 PM

Motion: Commissioner Fife made the motion that regarding petition number PLNPCM2010-00369 and PLNPCM2010-00370 recommends that based on the staff report and the information received in the hearing today, the Commission forwards a favorable recommendation to the City Council pursuant to the analysis and findings.

Commissioner Gallegos seconded the Motion

Vote: Vote: Commissioners Luke, Gallegos, Fife, Dean, Wirthlin, Hill, Algarin and Woodhead all voted "Aye" the vote was unanimous. The motion passed.

6. COMMUNITY COUNCIL INFORMATION

Milliner, Ray

From: Jim Jenkin [jim.jenkin@hsc.utah.edu]
Sent: Tuesday, July 20, 2010 4:45 PM
To: Milliner, Ray
Cc: Greater Avenues CC Chair
Subject: GACC action regarding PLNPCM2010-00369.

Salt Lake Planning Commission

Ms. Babs Delay, Chair

c/o Ray Milliner, Principal Planner

by email

Re: PLNPCM2010-00369.

20 July, 2010

Madame Chairman and Members of the Commission,

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

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

Thank you for your consideration.

Respectfully submitted,

Jim Jenkin

Chair

Greater Avenues Community Council
gaccchair@slc-avenues.org

**7. Public Comment received at or after the Planning
Commission public hearing**

JOLYN JONSSON

361- 7th Avenue SLC
84103

Sir, The Hatch
property parking lot
abuts my driveway and
nearby garage.

I am thrilled at the
prospect of the new
Hatch business.

Jolyn Jonsson

RE Hatch Proposal

Milliner, Ray

From: Marie Bambo & Choco (Woof) [mariebambo@hotmail.com]
Sent: Monday, August 09, 2010 7:54 PM
To: Milliner, Ray
Subject: Hatch Family Chocolates.
Attachments: Choco_Posing_HUN1_2008.JPG; stampa_girl_line_en.gif

Dear Mr. Milliner,

The Hatch's Chocolate shop is now a mainstay in the Avenues. It represents all that is right about our little community.

All of their ideas and plans have so far been very beneficial to the Avenues community; and helping make the Avenues more of a community.

Please grant them the approval of the mixed use permit! Small business could use a little support from the government.

Most sincerely,

Marie & Gregg Bambo

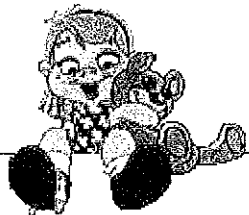
893 13th Ave.

SLC, UT 84103

(801)596-8631



Marie Bambo & Choco (Woof!)



FREE Animations for your email - by IncrediMail!

Click Here!

8. Original Petition

Remarks:

Also see PLNPCM2010-00369 – Zoning
Amendment

Petition No: **PLNPCM2010-00370**

By: **Stephen Hatch**

Master Plan Amendment

Date Filed: June 8, 2010

Address: **376 E Eighth Avenue**



Master Plan Amendment

OFFICE USE ONLY	
Petition No.	PLN 2010-00370
Date Received	6/8/10
Reviewed By	[Signature]

Address of Subject Property: 376 East 8th Avenue

Project Name: 8th Avenue Properties, L.L.C.

Name of Applicant: Stephen Hatch

Phone: 801.532.4912

Address of Applicant: 390 East 4th Avenue

E-mail Address of Applicant: stephenhatch@hotmail.com

Cell/Fax: 801.641.6228

Applicant's Interest in Subject Property: purchasing property for Hatch Family Chocolates production

Name of Property Owner: 8th Avenue limited L.L.C.

Phone: 949.701.1972

E-mail Address of Property Owner: rhunt@rhhrokerage.com

Cell/Fax: 949.606.0367

Please include with the application:

1. A statement declaring the purpose for the amendment and the exact language. Include proposed boundaries, master plan area, and / or zoning district changes.
2. Declare why the present master plan requires amending.
3. A copy of the Sidwell Map(s) that cover for the subject area and list of affected properties Sidwell Numbers.
4. Depending on the request, the names and addresses of all property owners within 450 feet of the subject property. The address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing label. Please include yourself and the appropriate Community Council Chair(s). Address labels are available at the address listed below. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as agent.
6. **Filing fee of \$830.55, plus \$110.74 for each acre over one acre and the cost of first class postage is due at time of application.**

Applications must be reviewed prior to submission. Please call 535-7700 for an appointment to review your application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.

All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

County tax parcel ("Sidwell") maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Buzz Center
451 South State Street, Room 215,
Salt Lake City, UT 84111

Signature of Property Owner
Or authorized agent

[Signature] - member

Please Answer the Following Questions (Use an Additional Sheet if Necessary):

1. General Description of the proposed Master Plan Amendment:
2. A statement declaring the purpose for the amendment and the exact language. Include proposed boundaries, master plan area, and / or zoning district changes.
3. Declare why the present master plan requires amending.

Remarks:

Also see PLNPCM2010-00370 – Master
Plan Amendment

Petition No: **PLNPCM2010-00369**

By: **Stephen Hatch**

Zoning Amendment

Date Filed: June 8, 2010

Address: **376 E Eighth Avenue**



Zoning Amendment

☐ Amend the text of the Zoning Ordinance by amending Section:

☐ Amend the Zoning Map by reclassifying the above property from a zone to a zone. (attach map or legal description)

OFFICE USE ONLY	
Petition No.	PL 2010-00369
Date Received	6/8/10
Reviewed By	[Signature]

SALT LAKE CITY PLANNING

Address of Subject Property: 376 East 8th Avenue

Name of Applicant: Stephen Hatch

Phone: 801.532.4912

Address of Applicant: 390 East 4th Avenue

E-mail Address of Applicant: stephenhatch@hotmail.com

Cell/Fax: 801.641.6228

Applicant's Interest in Subject Property: purchasing property for Hatch Family Chocolates production

Name of Property Owner: 8th Avenue limited L.L.C.

Phone: 949.701.1972

E-mail Address of Property Owner: rhunt@rhhrokerage.com

Cell/Fax: 949.606.0367

County Tax ("Sidwell #"): 09-31-259-006-0000

Zoning: SR-1a

Legal Description (if different than tax parcel number):

		Existing Property Use SR-1a	Proposed Property Use RMU-35
--	--	-----------------------------	------------------------------

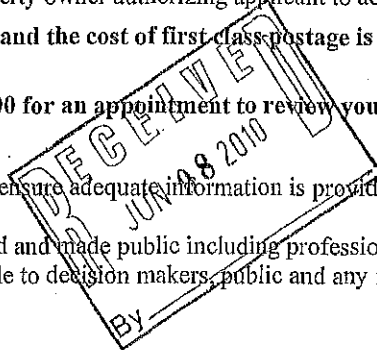
Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. Printed address labels for all property owners within 450 feet of the subject property. The address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing label. Please include yourself and the appropriate Community Council Chair(s). Address labels are available at the address listed below. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Six (6) copies of site plans drawn to scale and one (1) 11 x 17 inch reduced copy of each plan and elevation drawing.
7. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as agent
8. **Filing fee of \$885.92, plus \$110.74 for each acre over one acre and the cost of first class postage is due at time of application.**

Applications must be reviewed prior to submission. Please call 535-7700 for an appointment to review your application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.

All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.



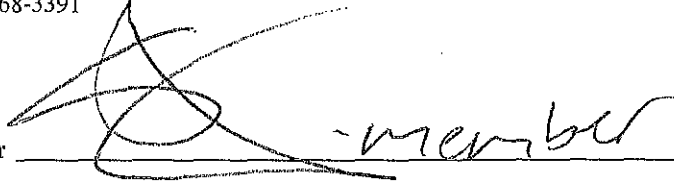
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of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Buzz Center
451 South State Street, Room 215,
Salt Lake City, UT 84111

Signature of Property Owner
Or authorized agent



-member

DATE: June 8, 2010

FROM: Pollard Architects

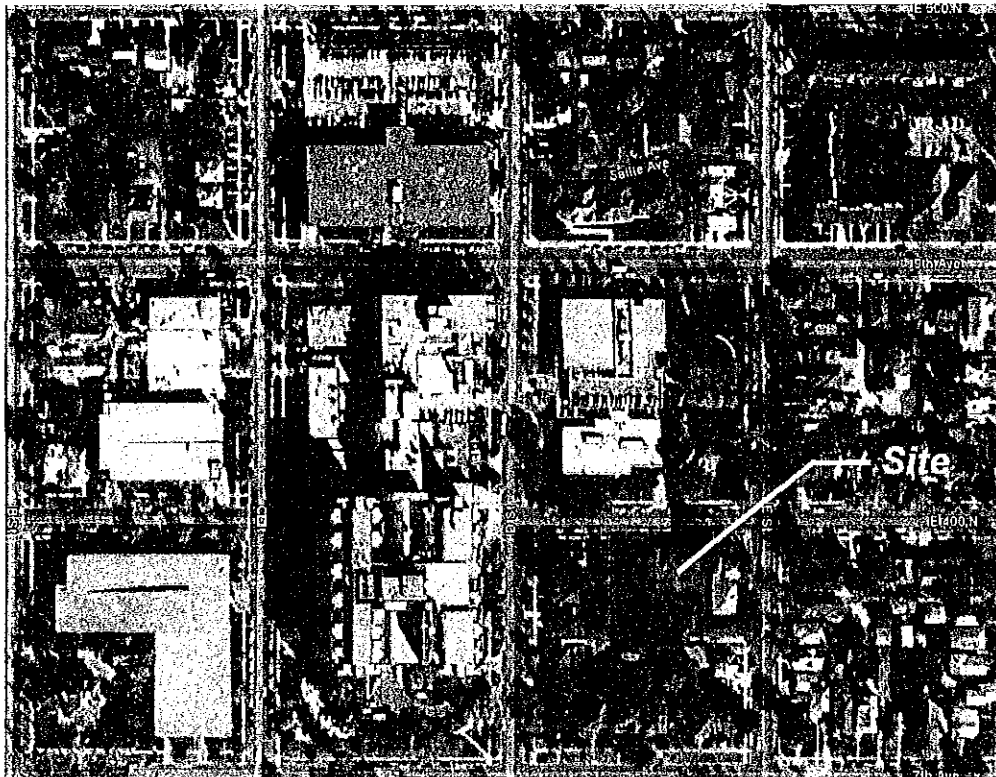
TO: Salt Lake City Planning and Zoning

Attention: Ray Milliner
Principal Planner

PHONE: 801.535.7645
FAX: 801.535.6174

RE: Zoning Amendment & Master Plan Amendment
8th Ave. Market-Hatch Family Chocolates

Vicinity Map



Amendment

This is a request by the authorized agent for a zoning ordinance text amendment and master plan amendment to rezone parcel number [09-31-259-006-0000] which is adjacent to the existing LDS Hospital. The existing structure was built in 1964 and exists as a non-conforming use for the current zoning of SR-1a. This is one of the few non-conforming uses in the avenues which has its own parking lot.

We are requesting a rezone to RMU-35 to accommodate an expansion of the current 8th Ave market to accommodate Hatch Family Chocolate's Sales, Manufacturing, and Office. The Parcel has historically been used for low scale commercial purposes. We are hoping with a rezone that the existing non-conforming use would then be solidified.

Description of the proposed use

Current zoning may not be appropriate for the area being it is already a nonconforming use. Hatch Family Chocolates is planning on moving into the building and needs an expansion to accommodate their growth. Current non conforming statues does not allow for such an expansion. Creating a zone which would better suite what the site is, as well as in the future. This site is within the proximity of the LDS Hospital and office building, which is zoned as urban Institutional and Institutional, A RMU-35 would be a good buffer between the Hospital and existing residential.

Legal Description of the Property:

The land referred to in this document is situated in Salt Lake County, State of Utah.

Beginning 99 feet East from the Northwest corner of Lot 3, Block 103, Plat D, Salt Lake City Survey;
thence East
173 feet; thence South 115.5 feet; thence West 37 feet; thence South 49.5 feet; thence West 136 feet;
thence North
165 feet to the point of beginning.

The Salt Lake County Assessor shows the address of said property to be:

376 EAST 8TH AVENUE
SALT LAKE CITY, UT 84103