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Staff Report Memorandum December 14, 2023

To: Planning Commission
From: Community Development Department
Subject: Madder Tazz Kitchen (Conditional Use Permit)
668 E. Union Square
[Community #5]

CUP11212023-006658
CC zone
2,000 Sq. Ft.

Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

The applicant, Rob Molling, is requesting approval of a conditional use permit for a property located at 668 E. Union Square. The applicant is requesting a conditional use permit for light industrial use with on-site retail sales for his business and for sub-lesors of the property in the Planned Center – Community District (CC) zone. The applicant is also requesting extended hours from 5:00am – 8:00pm. See application letter (Exhibit A) and application materials (Exhibit B).

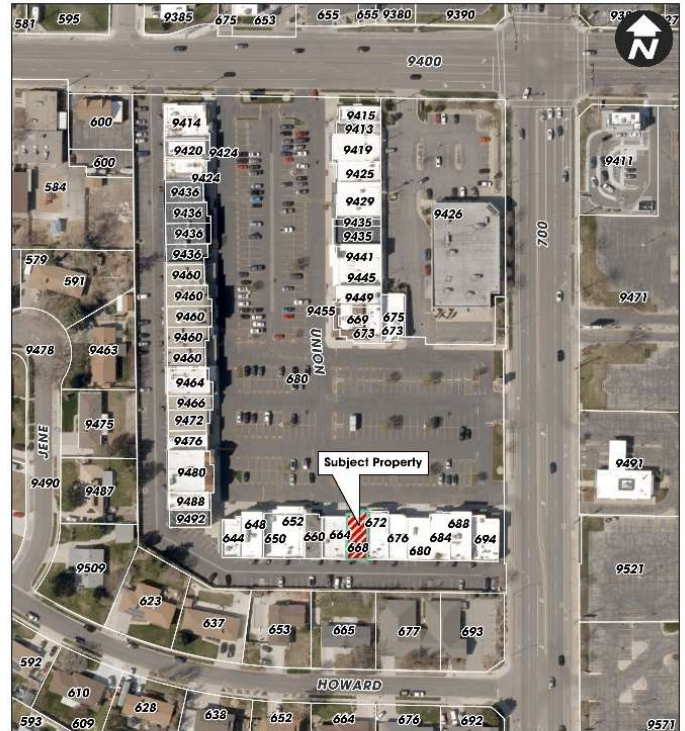
Background

The Union Square development is in the CC zone with properties to the north, west, and east in the CC zone. Properties to the south are zoned R-1-8.

Public Notice and Outreach

This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on December 7, 2023 and five neighbors attended the meeting. The following comments were made:

1. Questions about the types of food that will be produced.
2. Questions about chemicals or pollutants on site.
3. Concerns about exhaust fan noise.



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4. Concerns about traffic in regards to delivery of good and having more large commercial vehicles.

In addition, staff received two phone calls and one office visit. (See Exhibit C).

Analysis

Section 21-8-2(b) of the Sandy City Land Development Code lists Industrial, Light in the CC zone as conditional use when the use is located within 250 feet of a residential district. There are multiple businesses that use the property during scheduled times each week (Exhibit B). This conditional use permit would be bringing this use into compliance with how the business has already been operating. Many of the businesses sell their products off-site through different means such as home delivery, events, or wholesale. To be in compliance, all businesses must have on-site sales available within the store but may conduct some wholesale business or engage in other off-site sales of products. Light Industrial Use with no onsite retail would not be permitted. This includes using the site for production of goods (without on-site sales), commissary kitchen use, and food trucks where all sales occur off-site and products are not available within the store front.

The Union Square development has multiple restaurants on the site. Sandy Suburban Improvement District (SID) and South Valley Reclamation District have said that the sewer is nearing capacity with its current use load. Scott Nielsen from the SID said they already receive complaints about smells from the sewer from different businesses in the area. They are suggesting that the current capacity of users in the Madder Tazz Kitchen be capped at what is currently there as more users will potentially add stress to the system. Additional permits and possible changes to the sewer line would be needed if more users were added to the system.

The applicant has several food trucks that use the kitchen to wash dishes and get water for use in the truck. He has proposed to have more food trucks begin to use the facility (See Exhibit B). This use is not allowed under this proposed conditional use permit. For a commissary kitchen use that would allow for food trucks to use the kitchen the applicant will need to pursue a code amendment to allow for this use in Sandy City. Currently commissary kitchen is not in the land use matrix in Sec. 21-8-2(b) of the Sandy City Land Development Code and therefore it is not an allowed use in any zone.

Extended Hours

Section 21-23-19 of the Sandy City Land Development Code states that any business withing 250 feet of a residential district desiring to operate after 10:00pm and/or before 6:00am needs a conditional use permit from the Planning Commission. The applicant is proposing to have production activities from 5:00am to 8:00pm and retail sales occurring from 7:00am to 9:00pm. There is one other business in the development located at 9468 S. Union Square that has a conditional use permit for extended hours of operation to 11:30 pm.

Conditional Use Standards

The City may impose conditions based on certain standards of review found in section 21-33-04 of Sandy City Land Development Code. The following items from that list are applicable to this particular request and merit discussion or additional consideration by the Planning Commission (staff analysis is found below in *italics*):

Sec. 21-33-4. Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (12) The regulation of operating hours for activities affecting normal schedules and functions.

The applicant is proposing to operate from 5:00am to 9:00pm. Outdoor activities must be confined to be in front of the unit during the extended hours.

- (13) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

To be reviewed upon legitimate complaint.

- (15) Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this title.

That the applicant complies with all Building and Safety, and Fire and Life codes

Staff Concerns

Staff is concerned about the potential overuse of the facility with multiple users. Storage of food trucks or vehicles is another concern. As this light industrial use is a broad definition, it could allow for multiple types of production activities. This should be limited to food related uses and require that those items produced on site are made available for retail sale. There are concerns about the number of users at one time in the facility and the potential negative effects on the sewer system.

Recommendation

Staff recommends that the Planning Commission approve a Conditional Use Permit for Light Industrial Use with on-site retail sales in the CC zone and approve extended hours of operation as described in the staff report for the property located at 668 E. Union Square based on the following findings and subject to the following conditions:

Findings:

1. The proposed use of Light Industrial is allowed in the CC zone under a conditional use permit.
2. The applicant has had businesses using his property for this use and this would bring the use into compliance.

Conditions:

1. The light industrial use with on-site sales will be limited to food-related production only.
2. Any type of food truck use not limited to parking, storage, food preparation, or cleaning does not qualify under this conditional use permit.
3. That the hours of operation be limited from 5 a.m. to 10 p.m.
4. That no outside activity between 10 p.m. and 6 a.m. that would create a large amount of noise be allowed (including but not limited to lot sweeping, trash collection, and store deliveries). That each tenant shall restrict employee activity behind the building adjacent to residential property during those hours as well.
5. That only one business uses the facility at a time.
6. That the applicant complies with all Building & Safety, and Fire & Life Codes.
7. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
8. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Sarah Stringham
Planner

File Name: S:\Users\PLN\STAFFRPT\2023\CUP11212023-006658 Madder Tazz Kitchen

Exhibit "A"

**Request for Conditional Use Permit for Commissary Kitchen
at 668 E Union Square, Sandy, UT 84070**

I am writing to formally submit a request for a Conditional Use Permit for the establishment of a commissary kitchen at the address 668 E Union Square, Sandy, UT 84070.

The purpose of this request is to facilitate the operation of businesses engaged in the production and retail of food products from our storefront. Specifically, the conditional use sought is to enable these companies to manufacture their food items on-site and subsequently market them within our facility. Additionally, these businesses would have the option to sell their products directly to consumers through delivery services or other events. Furthermore, some potential lessees may choose to distribute their products both within our facility and through wholesale accounts.

In our capacity as a commissary kitchen, we intend to provide the necessary equipment and space for these food companies to efficiently produce their goods. Our proposed operating hours are seven days a week from 5 am to 8 pm, with retail sales occurring between 7 am and 9 pm in certain cases. Production activities are slated for the 5 am to 8 pm timeframe.

Having successfully operated under the same modality for over seven years with my company, 1% Fitness Kitchen, I am confident that the community will not be adversely affected by this approval. On the contrary, I believe the residents of the community stand to gain significantly from the approval of this Conditional Use Permit. The expanded variety of food options and the consequent increase in tax revenue generated at this facility are poised to bring tangible benefits to the local community.

Additionally, as an incubation kitchen, our establishment would provide a platform for small businesses to flourish and eventually establish their own locations within Sandy City. This represents a valuable opportunity for entrepreneurship and community development.

I kindly request your favorable consideration of this proposal, and I am available for any further discussions or information that may be required.

Thank you for your time and attention to this matter.

Sincerely,

Robert Molling

Owner/ MadderTazz Kitchen

Rob@1percentfit.com

385-251-4724

Exhibit "B"

Production Renters		Status	Service Type
Company Name	Hours of use		
Chef Heber	Saturday 8am-6pm	Active	Meal Prep Service
Mountain Max Mix	Monday & Thursday 12-7pm / Saturday 10am-2pm	Active	Protein Bar Maker
HealthPWR	Monday & Thursday 8am - noon	Hasn't started using yet	Meal Prep Service
Uncle Chainsaw Hot Sauce	Random use when needed/ usually 9am - 4pm	Active	Makes hot sauce
Artisan Bakery House	Monday - Friday 6am - 3pm production 3pm-7pm service	Active	Baked goods
Mr. George Bakery	Production 6am-1pm & Sales 1pm-4pm Fri,Sat, Sun	Hasn't started using yet	Baked goods
Maryann Brands	Random use when needed	Hasn't started using yet	Granola
Honey Meal Prep	Random use when needed	Hasn't started using yet	Meal Prep Service
La Casa De La Empanada	Monday - Friday 5 hours a day 9am to 2pm	Hasn't started using yet	Empanadas
Food truck renters		Status	Service Type
S.H.Q.A LLC	Proposed- Friday & Saturday to wash dishes and fill with water usually 1pm-2pm	Hasn't started using yet	Food truck
Tacos el M&M	Proposed- 9am-10 am to wash dishes and fill with water	Hasn't started using yet	Food truck
Los VenMex	Proposed- 11am-noon to wash dishes and fill with water	Hasn't started using yet	Food truck
LuLu Churros	Tuesday & Friday 1pm - 3pm use to wash dishes and fill with water	Active	Food truck, no parking
Tacos La Condesa	Friday & Saturday to wash dishes and fill with water usually 3pm-4pm	Active	Food truck
Crazy for Coxinhas	Friday & Saturday to wash dishes and fill with water usually 10am-noon	Active	Food truck, no parking

Exhibit "C"

Madder Tazz Public Comments

12/30

Someone called asking about the notice and what the applicant was requesting. I explained that there would be multiple users that would produce and sell onsite and that the use has been happening. He said he didn't have any problems with it.

Kurt Sirstins
8018648800

Manager of Union Square for the Board of Directors Commercial Owners Association
Wanted to know what the conditional use was for. I explained that the multiple users would use the facility and would need to have product available on site. Businesses like food trucks that only prepare product and don't have onsite sales are not allowed and not part of this permit.
Kurt said that if there are food trucks they have to fit in the stalls out back.

12/4

A woman came to the office. Wanted to know what the light industrial use was. Staff member explained what the use was and she was ok with it.