
M E M O R A N D U M

DATE: November 26, 2008
TO: City Council Member
FROM: Russell Weeks
RE: Proposed Zoning Text Amendment to Allow Private Clubs as a Conditional Use in Residential Mixed-Use Zoning Districts (Petition No. 400-46-45).
CC: Cindy Gust-Jenson, David Everitt, Frank Gray, Wilf Sommerkorn, Orion Goff, Robert Lucas, Mary De La Mare-Schaefer, Robert Farrington, Pat Comarell, Lynn Pace, Laura Kirwan, Janice Jardine, Katia Pace

This memorandum pertains to a proposed ordinance that would amend *Salt Lake City Code* Section 21A.24.190 – *Table of Permitted and Conditional Uses for Residential Districts* to allow private clubs as a conditional use in the Residential Mixed Use (R-MU) Zoning District. The proposed ordinance is part of Petition No. 400-06-45 initiated by Mr. Lou Corsillo.

The City Council is scheduled to hear a briefing on the petition at its December 2 work session. Starting at the bottom of Page 4 this memorandum contains a summary of terms and definitions that Council Members have requested.

OPTIONS

- After a public hearing adopt the proposed ordinance.
- After a public hearing deny Petition No. 400-06-45.

POTENTIAL MOTIONS

- I move that the City Council adopt an ordinance amending section 21A.24.190, Salt Lake City Code, pertaining to the table of permitted and conditional uses for residential districts, pursuant to Petition No. 400-06-45.
- I move that the City Council deny Petition No. 400-06-45.

KEY POINTS

- The petition is to amend the table of permitted and conditional uses for Residential Mixed-Use Districts to allow private clubs as a conditional use in areas zoned R-MU. It is not a petition seeking a conditional use to operate as a private club.
- The petition was initiated by the owner of Andy's Place tavern, 479 East 300 South because the owner would like to change the operation of his business from a tavern to a private club, according to the Administration transmittal.

- The petitioner's business would not appear to conflict with location restrictions based on the Salt Lake City *Alcohol License Districts Map* if the petitioner ultimately receives a license to operate a private club.
- The Salt Lake City Planning Commission adopted a motion to forward a favorable recommendation to the City Council at the Planning Commission's March 28, 2007 meeting.
- At that meeting, Planning Division staff indicated that it had discussed tying together the Residential Mixed-Use zones and Mixed Use zones for consideration but decided to forward only a petition to amend the table of permitted and conditional uses for Residential Mixed-Use zones in order not to prejudice the application by the owner of Andy's Place.¹
- It appears that two businesses already operate as private clubs in one area designated as a Residential Mixed-Use zone.

ISSUES/QUESTIONS FOR CONSIDERATION

- The purpose statement for Residential Mixed-Use zoning reads, "The purpose of the R-MU residential/mixed use district is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access."
- Mr. Corsillo's business operated as a tavern before the City Council adopted the ordinance enacting Residential Mixed-Use zones. Taverns are allowed as a conditional use in R-MU zones. Would allowing private clubs to operate as a conditional use in R-MU zones exceed the intent of the purpose statement?
- Are there areas zoned as Residential Mixed-Use where private clubs might be detrimental to the fabric of the areas?
- Are there conditions that could be placed in an ordinance that could mitigate potential detrimental impacts?

DISCUSSION/BACKGROUND

The proposed ordinance is the result of a petition initiated by Mr. Lou Corsillo to amend *Salt Lake City Code* Section 21A.24.190 – *Table of Permitted and Conditional Uses for Residential Districts* to allow private clubs as a conditional use in areas zoned Residential Mixed Use (R-MU) Zoning District.

Mr. Corsillo owns Andy's Place, a tavern at 479 East 300 South. He initiated Petition No. 400-06-45 as a step toward seeking a conditional use from Salt Lake City to change his business from a tavern to a private club. The change would involve at least three steps:

- Amending the *Table of Permitted and Conditional Uses for Residential Districts*
- Obtaining the City's assent to allow Andy's Place to operate as a conditional use in an R-MU zone.
- Obtaining a private club license from the Utah Alcoholic Beverage Control Department. The state department issues private club licenses based on the following formula: "The total number of private club licenses may not at any time aggregate more than that number determined by dividing the population of the state by 7,850. (32A-5-101-6b.)"

Mr. Corsillo's business is located in an area zoned R-MU. The rough borders of the particular area zoned R-MU where Mr. Corsillo's business is located are on the north South Temple Street; on the west 500 East Street to 200 South Street plus a jog to about 550 East between 200 South Street and 380 South; on the south 380 South; and on the west 250 East.

There are other areas in Salt Lake City zoned R-MU. They are:

- About two-thirds of the block bordered by 400 South, 400 East, 500 South and 300 East streets.
- The northwest corner of the block bordered by 500 South, 400 East, 600 South and 400 East streets.
- A strip running between Fayette Avenue (967 South), Main Street, Fremont Avenue (1110 South), and West Temple Street.
- A section bordered by Albermarle Avenue (1370 South) and 1400 South Street, West Temple Street, Van Buren Avenue (1550 South) and a railroad track right of way at roughly 200 West.
- The south half of a block bordered by 200 North, West Temple, North Temple and 200 West streets.
- A section bordered on the west by State Street, on the south by South Temple Street to B Street. The section is made up of roughly the south half of the blocks between State and B streets between First Avenue and South Temple Street. A small portion of the section extends north along State Street to Second Avenue.

Under current City ordinances only the south half of a block bordered by 200 North, West Temple, North Temple and 200 West streets falls outside Salt Lake City Alcohol License Districts, according to the City License District map.

The only reason that is pertinent is the proposed amendment would allow private clubs as a conditional use in other areas zoned as Residential Mixed-Use as well as the area where the petitioner's business is located. However, if an area falls outside Alcohol License Districts, businesses serving alcoholic beverages cannot operate there.

The petitioner's business would not appear to conflict with location restrictions based on the Alcohol License Districts Map if the petitioner ultimately receives a license to operate a private club.

According to Section 21A.24.170 R-MU Residential/Mixed Use District, "The purpose of the R-MU residential/mixed use district is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are

intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.”

A policy question then is: Would a private club meet the purpose of an R-MU district? Another question might be: Are there areas zoned for Residential Mixed-Use where a private club might be detrimental to the fabric of the areas?

It should be noted that the business Mr. Corsillo owns has operated as a tavern at least since 1975, according to City Council staff’s memory. It is close to a number of apartment buildings and businesses such as restaurants, banks, and dry cleaners that cater to people who live in apartment buildings. Taverns also are allowed as a conditional use in Residential Mixed-Use Zoning Districts.

It also should be noted that two businesses near Mr. Corsillo’s operate as private clubs. According to Department of Alcoholic Beverage Control records, the Twilight Lounge at 347 East 200 South first received a license to operate as a private club on June 29, 1990. The Urban Lounge at 241 South 500 East first received a license to operate as a private club on May 25, 2001. The City Council adopted the ordinance creating Residential Mixed-Use Zoning Districts in April 1995. According to DABC records, the Alcoholic Beverage Control Commission granted new private club licenses to the Twilight Lounge in June 2007 and to the Urban Lounge on September 29, 2008. The Urban Lounge is located about a half block north of the front door of Andy’s Place.

The Planning Commission held a public hearing on Petition No. 400-06-45 on March 28, 2007. Art Brown of Mothers Against Drunk Driving and Jaynie Brown spoke against approving the petition. No other members of the public spoke at the hearing.² After closing the hearing the Planning Commission unanimously adopted a motion to forward a positive recommendation to the City Council.

TERMS AND DEFINITIONS SUMMARY

Some City Council Members have requested a summary of definitions pertinent to this issue and future issues relating to alcoholic beverage service. The following is a summary of terms beginning with definitions of “tavern” and “private club.” The definitions include City and state definitions of the terms and other information germane to the issue. That will be followed by location restrictions outlined in *Salt Lake City Code*.

Staff also has included actual language from *Salt Lake City Code* and the Department of Alcoholic Beverage Control website if Council Members wish to check the summaries against the actual language.

TAVERN

According to the Zoning Ordinance, “‘Tavern’ means any business establishment engaged primarily in the retail sale or distribution of beer to public patrons for consumption on the establishment’s premises, and that includes beer bars, parlors, lounges, cabarets and night clubs.” (Chapter 21A-62-040).

The zoning ordinance does not contain a definition for “private club.”

According to *City Code*, taverns appear to be eligible for a Class C beer license from the City. The license allows the business to sell beer on draft for consumption within the business without having to have prepared food make up 70 percent of the business's revenue.

Utah law allows a tavern owner to sell beer at retail prices for on-premises consumption without having to sell food. The following businesses are considered a tavern if they sell only beer and revenue from beers sales is more than food sales: "a beer bar, a parlor, a lounge, a cabaret, or a nightclub.

It should be noted that Utah law limits the number of tavern licenses to "one per 30,500 people in the state."

PRIVATE CLUBS

City Code appears to recognize two kinds of private clubs – those that sell no alcoholic beverages and those that do.

Among private clubs that sell alcoholic beverages, the clubs appear to fall into two categories: Class B and Class C.

Holders of a Class B license from the City must:

- Have registered with the Utah Division of Corporations and Commercial Code or its successor.
- Have secured a beer or private club license or both from the Department of Alcoholic Beverage Control.
- Maintain food service and full kitchen facilities, and sell enough food that it generates 70 percent of the business's revenue each month.

Holders of a Class C license from the City must:

- Have registered with the Utah Division of Corporations and Commercial Code or its successor.
- Have secured a beer or private club license or both from the Department of Alcoholic Beverage Control.

Utah law divides private clubs into four categories:

- **Class A** – Equity clubs such as country clubs.
- **Class B** – Mutual benefit associations such as fraternal lodges or military veterans clubs.
- **Class C** – Dining clubs that maintain at least 50 percent of their revenue from food sales and that have full kitchen facilities.
- **Class D** – Any other club that does not qualify as falling into Classes A, B, or C. Class D clubs include social drinking clubs whose revenue from alcoholic beverage sales is more than revenue from food sales.

Again, it should be noted that Utah law limits the number of private club licenses to "one per 7,850 people in the state."

CITY LOCATION RESTRICTIONS

Salt Lake City has two primary restrictions in regulating the locations of taverns and private clubs. One is a business's location in relation to the *City Alcohol License District Map*. The other is a business's proximity to public parks, schools or churches.

The *Alcohol License District Map* divides Salt Lake City into five categories: District A, District B, District C and the Salt Lake City International Airport.

- District A includes the central part of the city roughly bordered by North Temple, 500 East, 900 South streets, and Interstate 15, although the district projects east along 400 South to about 1000 East Street, and south along State and Main streets to 2100 South Street. It also includes nodes in Sugar House, the Brickyard Plaza area, North Temple Street west of I-15, and the International Center.
- District B includes areas southwest and west of District A and north along Beck Street and the railroad corridor.
- District C includes areas west of Redwood Road.
- The International Airport District appears to include all airport property.
- Taverns and private clubs are not allowed in any area outside the boundaries of the four districts.

District A limits the locations of businesses that serve alcoholic beverages to "no more than two (2) licensed establishments located on any lineal block. A "lineal block" means both sides of a major street between two (2) intersecting major streets." The location of the petitioner's business is in District A.

District B limits the locations of businesses that serve alcoholic beverages to "within six hundred sixty feet (660') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment."

District C limits the locations of businesses that serve alcoholic beverages to "within two thousand feet (2,000') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment."

The Airport District sets limits on locations within the airport's terminals.

The other location restriction involves a business's proximity to public parks, public schools, and churches. Taverns and private clubs are restricted from being within 600 feet of those facilities as "measured from the nearest entrance of the proposed establishment by following the shortest route of either ordinary pedestrian traffic, or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public school, church, public park." The ordinance allows the Mayor or the Mayor's designee to waive the restriction after a public hearing.

The Utah Legislature's passage of S.B. 211, the third substitute, altered previous state laws about restrictions to the location of businesses that serve alcoholic beverages, including restaurants, taverns and private clubs. First, the bill enacted a definition of "community location" to include private schools as well as public ones. Second, it enacted the following formula for measuring distances: Private clubs, taverns and restaurants cannot be located within 600 feet of a "community location" as measured from the "nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location."

In addition private clubs, restaurants and taverns may not locate within 200 feet of a "community location" as measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the community location."

SALT LAKE CITY ORDINANCES

Alcoholic Beverages (Chapter 6.08)

6.08.050 Class B Licenses:

A. A Class B retail license shall entitle the licensee to sell beer in draft or in the original containers only for consumption on the premises.

B. Only bona fide restaurants, where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations, and which food sales constitute at least seventy percent (70%) of the gross dollar values of licensee's business during each month of the license period, shall be entitled to Class B licenses.

6.08.060 Class C Licenses:

A Class C retail license shall entitle the licensee to sell beer on draft for consumption on the premises or for consumption off the premises, in not more than two liter (2 l) containers, in compliance with the Alcoholic Beverage Control Act of Utah, or its successor. Consumption of beer shall not be allowed in parking lots of licensees, nor in any area not within the area of the licensee's premises approved for consumption of beer. (Ord. 37-99 § 4, 1999: prior code § 19-2-6)

6.08.080 Class E Licenses:

A. No beer may be sold or dispensed to the public on or within any publicly owned recreation facility, or any privately owned sports arena or recreation facility designed to accommodate more than five thousand (5,000) persons, by any person, corporation or organization except by the holder of a Class E retail license for such premises or by an operator, manager, food service licensee or employee of such holder. For the purposes of this Title, "premises" shall not include separately licensed businesses operating within the said facility which businesses may be subject to other beer and/or alcoholic beverage requirements.

B. A Class E retail license shall entitle the licensee to sell beer for consumption on publicly owned recreation facilities or on privately owned sports arenas or convention facilities designed to accommodate more than five thousand (5,000) persons; provided, however, that no such Class E license shall be issued for the sale of beer for consumption on publicly owned recreation facilities unless such prospective licensee shall first obtain a concession contract from the public body owning the recreation facility involved.

6.08.081 Class F Licenses-Brewpubs And Microbreweries-Definitions

At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer and the sales allowed pursuant to subsection B2 of this section. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less.

"Microbrewery" means a brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.

Private Clubs

5.50.050 Class A Licenses:

A Class A license shall be issued to all nonprofit private clubs which do not maintain restaurant facilities nor allow the sale or consumption of beer or intoxicating liquors on the premises. (Prior code § 20-29-5)

5.50.060 Class B And C Licenses-Issuance Conditions:

A. Licensure Requirements-Class C Private Club: A Class C license shall be issued to all private clubs which have complied with all of the following requirements:

1. Register with the Utah Division of Corporations and Commercial Code or its successor as a nonprofit corporation;

2. Secure a beer and/or private club liquor license from the State in accordance with the Alcoholic Beverage Control Act or its successor.

B. Licensure Requirements-Class B Private Club: A Class B license shall be issued to all private clubs which have complied with the requirements of subsections A1 and A2 of this Section and in addition maintain food-service and full restaurant kitchen facilities and meet the alcohol (including beer and intoxicating liquor) to food ratio required for a Class B retail license as set forth in Section 6.08.050 of this Code or its successor.

C. Classes B And C-Permit For Sale And Consumption Of Alcohol: Said licenses shall permit the sale and consumption of beer (whether packaged, draft or sold in other containers) and intoxicating liquors on the premises. (Ord. 37-99 § 3, 1999; Ord. 51-84 § 1, 1984; prior code § 20-29-6)

5.50.070 Class B Or C Licenses-Location Restrictions:

No Class B or C nonprofit club license authorized under this Chapter may be issued to or for any premises in violation of the provisions of Section 6.08.120 of this Code, or its successor. (Ord. 37-99 § 3, 1999; prior code § 20-29-6(1))

6.08.120 Location Restrictions:

A. **Permissible Locations:** The permissible locations of establishments licensed with either a class C beer license, a class B or C private club license, or a temporary class C beer license or a temporary class B or C private club license, or any combination thereof, shall be determined by geographical proximity, based upon the following criteria:

1. a. District A: There shall be no more than two (2) licensed establishments located on any lineal block. A "lineal block" means both sides of a major street between two (2) intersecting major streets. For the purposes of this section, a corner establishment having abutting front footage on two (2) major streets shall be included in the lineal block in which the establishment has the greatest number of front footage abutting the major street, or, if such abutting footage is equal, then the address originally filed with the city shall determine in which lineal block the establishment shall be located.

b. District B: No licensed establishment shall be located within six hundred sixty feet (660') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

c. District C: No licensed establishment shall be located within two thousand feet (2,000') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

2. Major Streets: All major streets and districts will be those designated on official city map 19372, a copy of which shall be on file in the office of the city recorder. All such establishments holding a class C beer or a class B or C private club license must be located so as to front on a major street or be within a building whose main entrance fronts on a major street.

B. Proximity To Park, School Or Church: No class C beer establishment and no class B or C nonprofit club may be licensed or operate under the provisions of this code which is in close proximity to a public park, public elementary, junior high or high school, or a church, without having first received approval from the mayor or the mayor's designee. Such approval shall be given only after:

1. The mayor or the mayor's designee has received recommendations regarding such an establishment from the planning division and the city police department; and

2. A public hearing has been held, with actual written notice having been given, where applicable, to the director of the public services, to the school superintendent or to the church, and with notice having been given to the city and the residents thereof by at least one publication in a paper of general circulation in Salt Lake County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and

3. A finding by the mayor or the mayor's designee that the proposed location will not materially interfere with the activities and functions of such parks or school, or interfere with church worship or church-related activities. For the purposes of this section, a public park or public elementary, junior high or high school or church which is located six hundred (600) or more feet from the proposed establishment shall not be considered to be in close proximity to such establishment and no notices or hearings need be given or held prior to the granting of a class C beer license or class B or C private club license. With respect to the six hundred foot (600') limitation, it shall be measured from the nearest entrance of the proposed establishment by following the shortest route of either ordinary pedestrian traffic, or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public school, church, public park.

4. The applicant shall pay an additional sum of sixty dollars (\$60.00) to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or advertised.

5. A legally existing class F beer/brewpub, class F beer/microbrewery, class B private club, class C beer/tavern license, as defined in this chapter, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is the subsequent location of a school, church or park within the spacing requirements. The subsequent location of a school, church or park within the spacing requirements of a brewpub, microbrewery, tavern or private club shall be deemed to be a waiver of spacing requirements as specified under city ordinances.

C. Exceptions: Class C beer establishments or class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the mayor or the mayor's designee. Such approval shall be given only:

1. After the mayor or the mayor's designee has received recommendations from the planning division and the city police department; and

2. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall like area with paved vehicular access and proper lighting; and

3. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed nine (9) on the exterior and interior of any block, as defined in

subsection A1a of this section. The foregoing notwithstanding, no more than two (2) such establishments may be located on any street located in the interior of any such block, and no more than three (3) such establishments may be located within the interior of any such block;

4. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the city by at least one publication in a paper of general circulation in the Salt Lake County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and

5. A finding by the mayor or the mayor's designee, after the holding of such hearing, that the proposed location for said establishment will not:

- a. Create an undue concentration of class C beer establishments or class B or C private clubs;
- b. Materially interfere with the free flow of pedestrian or vehicular traffic;
- c. Create an undue burden in controlling and policing illegal activities in the vicinity;
- d. Create a nuisance to the community; or
- e. Adversely affect the health, safety and morals of the residents of the city.

D. **Prior Location:** The provisions of this section shall in no way affect the rights of the present licensees to continue their operations, so long as their licenses remain in good standing, and they continue to have their licenses reissued as provided by law until revoked or terminated for any reason.

E. **Zoning Restrictions:** Notwithstanding any of the provisions of subsection A of this section, all such class C beer or class B or C private club establishments must be located within commercial C-3 districts or less restrictive zoning districts or in an R-D district as an attendant use in a conference center.

STATE LAWS

On-Premise Beer Tavern License Summary

Note: This is general information only and should not be considered conclusive.

For further detail, please consult Title 32A of the Utah Code and the Rules of the Commission.

A state on-premise beer retailer tavern license allows the sale of beer at retail for on-premise consumption at a tavern. The state license is in addition to any beer license required by a local government. A tavern includes the following if the revenue from the sale of beer exceeds the revenue from the sale of food (although food need not be sold in the establishment); a beer bar, a parlor, a lounge, a cabaret, or a nightclub. Only one tavern license is required for each building or resort facility owned or leased by the same applicant. Licenses run from March 1 to the last day of February. There is a quota on the number of tavern licenses of one per 30,500 people in the state. Liquor may not be stored or sold on the premises of a tavern. Effective October 1, 2008, flavored malt beverages may not be stored or sold on the premises of a tavern.

On-Premise Beer License Summary (for retailers that are not taverns)

Note: This is general information only and should not be considered conclusive.

For further detail, please consult Title 32A of the Utah Code and the Rules of the Commission.

A state on-premise beer retailer license allows the sale of beer at retail for on-premise consumption. These establishments include restaurants, cafes, bowling center or golf course food and beverage facilities, snack bars, etc. Special licensing conditions apply to on-premise beer

retailers who are *taverns* (see separate Tavern License Summary). Liquor may not be stored or sold on the premises of an on-premise beer retailer. Effective October 1, 2008, flavored malt beverages may not be stored or sold on the premises of an on-premise beer retailer. Licenses run from March 1 to the last day of February. For on-premise beer retailers that are *not* taverns, there is no quota and the commission may issue licenses at places and in numbers it considers proper. Only one state beer license is required for each building or resort facility owned or leased by the same applicant. The state license is in addition to any beer license required by a local government.

Private Clubs

There are four classes of private clubs: Class A includes equity clubs such as country clubs; Class B includes mutual benefit associations that are organized under a lodge system such as fraternal or patriotic clubs; Class C includes qualified dining clubs that maintain at least 50% of their club business from the sale of food and have adequate culinary facilities to serve full meals; and Class D includes any other club that does not qualify as a class A, B, or C club, such as a social drinking club that does less than 50% of its business from the sale of food. Licenses run from July 1 to June 30. The storage, sale, service, and consumption of alcoholic beverages is allowed on the premises of a licensed private club. The total number of licenses allowed by law is one per 7,850 people in the state.

S.B. 211—Third Substitute

Except as provided in Subsection (7)(b), (c), or (d), the premises of a private club license may not be established:

(i) within 600 feet of [~~any public or private school, church, public library, public playground, or park~~] a *community location*, as measured by the method in Subsection (7)(e); or

(ii) within 200 feet of [~~any public or private school, church, public library, public playground, or park~~] a *community location*, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the [~~public or private school, church, public library, public playground, or park~~] *community location*.

(e) The 600 foot limitation *described in Subsection (7)(a)(i)* is measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the [~~public or private school, church, public library, public playground, or park~~] *community location*.

Community location" means:

(a) a public or private school;

(b) a church;

(c) a public library;

(d) a public playground; or

(e) a public park.

¹ Planning Commission Minutes, March 28, 2007, Page 7.

² Ibid., Pages 5 and 6.

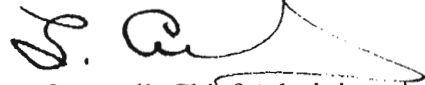
A. LOUIS ZUNGUZE
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BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

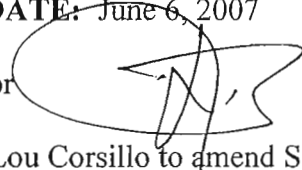
ROSS G. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL



TO: Lyn Creswell, Chief Administrative Officer **DATE:** June 6, 2007

FROM: Louis Zunguze, Community Development Director



RE: Petition 400-06-45: Zoning Text Amendment by Lou Corsillo to amend Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts to allow private clubs as a conditional use in the Residential Mixed-Use (R-MU) Zoning District

STAFF CONTACTS: Katia Pace, Associate Planner, at 535-6354, or katia.pace@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The applicant, Lou Corsillo, is the current owner of Andy's Place Tavern, located at 479 East 300 South Street. He desires to convert his establishment from a tavern to a private club in order to serve liquor. The Salt Lake City Zoning Ordinance allows all zoning districts that permit taverns, lounges, or brewpubs the allowance for a private club, except in two zoning districts: Residential Mixed Use (R-MU) and Mixed Use (MU). The applicant is requesting that the R-MU zoning district be afforded the same right as other zoning districts that permit private clubs as a conditional use.

Analysis: Currently, taverns, lounges, and brewpubs are allowed in the R-MU zoning district as a conditional use. However, private clubs are not allowed as either a permitted or conditional use. Private clubs are allowed either as a permitted or conditional use in the Commercial, Manufacturing, Downtown, and Gateway Zoning Districts.

In addition to zoning, Section 6.08.120 "Location Restrictions" of the Salt Lake City Code establishes the geographic location of private clubs by defining Alcohol Districts that specify spacing requirements from other liquor establishments and such uses as churches, schools, parks



and libraries. The provisions of section 6.08.120 “Location Restrictions” are depicted on an official city map 19372, referred to as “Liquor Map,” that identifies the major arterials and alcohol beverages districts..

Under the proposed ordinance amendment, the same restrictions on locations for taverns, lounges, and brewpubs currently in place on the R-MU zoning district will be applied to private clubs. The Alcohol Districts will not be altered nor increased by including private clubs as a conditional use within the R-MU zoning district. The proposed text amendment would only change the use table in the zoning ordinance to include private clubs as a conditional use in the R-MU zoning district.

Master Plan Considerations:

There are no specific references to private clubs or liquor establishments in the community Master Plans. However, taverns which are similar uses to private clubs are currently allowed in the R-MU zoning district as a conditional use. There is an objective to “develop business friendly licensing and regulatory practices” in the City Vision and Strategic Plan (page 22). Since private clubs are similar uses to taverns, amending the ordinance to allow private clubs in the R-MU zoning district as a conditional use will help implement this policy.

PUBLIC PROCESS:

An Open House was held on February 20, 2007. All Community Council Chairs and all those on the City’s Planning Commission List serve distribution list were contacted regarding the Open House. Property owners within 450 feet of Andy’s Tavern were also notified. The applicant and someone interested in opening a private club in the City were the only attendees.

The Planning Commission held a Public Hearing on March 28, 2007. Art and Jaynie Brown spoke against this proposal at the hearing. Mr. Brown is president of Mother’s Against Drunk Drivers (MADD). He noted that as taverns are lessening in popularity and private clubs are increasing, they are concerned with the potential of increased drunk drivers private clubs might create.

After the Public Hearing, the Planning Commission unanimously passed a motion to forward a favorable recommendation to the City Council to adopt the proposed text amendment.

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 three (3) of the Planning Commission Staff Report (see Attachment 6).

List of Relevant Ordinances:

- Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts
- Section 21A.50.050 – Standards For General Amendments
- Section 6.08.120 - “Location Restrictions” of the Salt Lake City Code

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February 20, 2007**
6. **PLANNING COMMISSION**
 - A) **Agenda Postmarked
March 13, 2007**
 - B) **Staff Report
March 22, 2007**
 - C) **Minutes
March 28, 2007**
7. **ORIGINAL PETITION**

1. CHRONOLOGY

PROJECT CHRONOLOGY

November 9, 2006	Lou Corsillo delivers petition to Planning Division.
November 16, 2006	Petition assigned to Marilyn Lewis.
January 26, 2007	Petition re-assigned to Katia Pace.
February 5, 2007	Planning Staff routed memo to appropriate City Departments.
February 7, 2007	Open House notices sent via U.S. Mail and email.
February 20, 2007	Open House held. Two people were present, one was the petitioner and the other was someone supportive of the text amendment.
March 13, 2007	Planning Commission hearing notices sent via U.S. Mail and email.
March 28, 2007	Planning Commission holds a public hearing and votes to forward a positive recommendation to the City Council.
April 5, 2007	Planning Staff requested ordinance from the City Attorney's Office.
April 5, 2007	Ordinance received from the City Attorney's Office.

2. ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2007

(Amending Table of Permitted and Conditional Uses for Residential Districts in 21A.24.190 to allow Private Clubs in the Residential Mixed Use (R-MU) District)

AN ORDINANCE AMENDING SECTION 21A.24.190, *SALT LAKE CITY CODE*,
PERTAINING TO TABLE OF PERMITTED AND CONDITIONAL USES FOR
RESIDENTIAL DISTRICTS, PURSUANT TO PETITION NO. 400-06-45.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendment is in the best interest of the City.

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

SECTION 1. That the table, entitled Table of Permitted and Conditional Uses for Residential Districts, which is located at 21A.24.190 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit A.

SECTION 2. 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 _____,
2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: May 1, 2007
By: Melanie Pfeil

EXHIBIT A
PROPOSED LANGUAGE

21A.24.190 Table Of Permitted And Conditional Uses For Residential Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																			
	RESIDENTIAL DISTRICTS																			
C = Conditional Use P = Permitted Use																				
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	
Dance studio															P	P	P	P3		
Movie theaters/ live performance theaters																C	C	P		
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 pathways, trails and greenways	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
Private clubs /tavern/lounge/ brew- pub; 2,500 square feet or less in floor area																			C	
Retail Sales And Service																				

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-06-45, a text amendment to Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts of the Zoning Ordinance to allow private clubs as a conditional use in the Residential Mixed-Use (R-MU) Zoning District.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please contact Katia Pace at 535-6354 or at katia.pace@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council Public Hearing.

Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Katia Pace at 535-6354; TDD 535-6220.

4. MAILING LABELS

ARMKNECHT, CARL E
4531 S MATHEWS WY
SALT LAKE CITY, UT
841244026

BERRYMAN, G. STOKES
423 E BROADWAY ST
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BIG HORN MOUNTAIN PR
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440 EAST 100 SOUTH
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5. OPEN HOUSE
A. Notice Postmarked
February 7, 2007

**NOTICE OF OPEN HOUSE
SALT LAKE CITY PLANNING**

Salt Lake City Planning Division is reviewing Petition 400-06-45, a request by Lou Corsillo for a Zoning Text Amendment to allow Private Clubs in the Residential Mixed Use (R-MU) Zoning District.

Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts shows "Tavern/lounge/brewpub; 2,500 square feet or less in floor area" as a conditional use on the R-MU zone. The proposed text amendment would include Private Club, on the same line, as a conditional use. The table would read: "Private club/ tavern/lounge/brewpub; 2,500 square feet or less in floor area."

Please note that not all R-MU zones are located within Alcohol License Districts, and that liquor licenses have other restrictions besides zoning.

An Open House will be held to discuss this proposal in more detail. We would like to obtain your comments on this issue. Please plan to attend the Open House on:

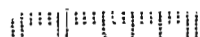
TUESDAY, FEBRUARY 20, 2007

FROM 4:30 to 6:00 P.M.

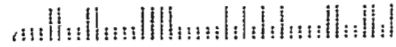
**ROOM 126
SALT LAKE CITY AND COUNTY BUILDING
451 SOUTH STATE STREET
SALT LAKE CITY, UTAH**

Please direct any questions, or comments concerning this request to Katia Pace at 535-6354, katia.pace@slcgov.com, or Salt Lake City Corporation 451 South State Street, Room 406 Salt Lake City, Utah 84111.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this Open House. 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 Division at 535-7757; TDD 535-6021.



84111-3102-01



NOTICE OF OPEN HOUSE

Salt Lake City Planning Division
Katia Pace
451 S. State Street, Room 406
Salt Lake City, UT 84111



Haster

016H16501573
\$00.390
02/07/2007
Mailed From: 84111
US POSTAGE

KATIA PACE
PLANNING DIVISION
451 S STATE ST, ROOM 406
SALT LAKE CITY, UT 84111

5. OPEN HOUSE

B. Comments

February 20, 2007

Comment Sheet

February 20, 2007

400-06-45

Zoning Text Amendment to allow Private Clubs in the Residential Mixed Use (R-MU) Zoning District

Please provide us with the following information, so that we may contact you if needed:

Name Lo u Corsi, Jr

Address 3177 S 100th

Spokane, WA 99216

(Please include zip code)

Phone 801-915-1033

Comments: Lo u Corsi, Jr
200c @ NetWorld.com
Central Council City Zoning & AP

Comment Sheet

February 20, 2007

400-06-45

Zoning Text Amendment to allow Private Clubs in the Residential Mixed Use (R-MU) Zoning District

Please provide us with the following information, so that we may contact you if needed:

Name Jason Frost

Address 1460 South 1000 East
SLC, UT 84105

(Please include zip code)

Phone 801. 466. 3776

Comments:

PLEASE EMAIL ME A MAP of the
CURRENT "R-MU Zoning District" MAP.

Email: zchickenmaster@hotmail.com

Links requested:

Thank you

- R-MU
- Map with parks & schools
- link of zoning laws
- link of Liquor ordinances
- link of Zoning Ordinance - Chapter 21

6. PLANNING COMMISSION

A. Agenda Postmarked

March 13, 2007

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 28, 2007, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting is open to the public for observation.

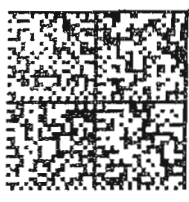
1. **APPROVAL OF MINUTES** from Wednesday, March 14, 2007.
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC HEARING**
 - a. **Petition 400-06-45**— a request by Lou Corsillo to amend the Salt Lake City Zoning Ordinance, Section 21A.24.190, Table of permitted and Conditional Uses for Residential Districts. The proposed text amendment would allow Private Clubs as a Conditional Use in a Residential Mixed-Use (R-MU) District. (Staff —Katia Pace at 535-6354 or katia.pace@slcgov.com).
 - b. **Petition 410-07-02**— a request by Trolley Square Associates to construct an above ground parking structure located at approximately 644 East 600 South in an RMF-45 Moderate/High Density Multifamily Zoning District. The parking structure is an expansion of a nonconforming use and requires conditional use approval. The property is currently used as a surface parking lot for customers and employees of the businesses located in Trolley Square. The proposed parking structure is 34 feet in height. The maximum building height in the RMF-45 zone is 45 feet. The parking structure will consist of 4 parking levels and contain approximately 466 parking stalls. The building footprint is approximately 42,688 square feet. The subject property is approximately 2.75 acres. The existing sky bridge and street level crosswalk will be used to provide pedestrian access to Trolley Square from the parking structure (Staff—Nick Norris at 535-6173 or nick.norris@slcgov.com).
 - c. **Petition 410-07-03**— a request by Salt Lake Motorsports, Inc, for Conditional Use approval for motorcycle sales, located at 916 South Main Street in a Downtown Support (D-2) Zoning District. (Staff — Kevin LoPiccolo at 535-6003 or at kevin.lopiccolo@slcgov.com).
5. **UNFINISHED BUSINESS**

KATIA PACE
PLANNING DIVISION
451 S STATE ST

PUBLIC HEARING NOTICE

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03/13/2007
Mailed From 84111
US POSTAGE

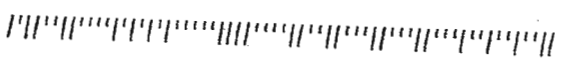
Hasler



Salt Lake City Planning Division
451 South State Street, Room 406
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, the Chair may limit the time each person may have to address the Commission, per item. A spokesperson who has already been asked by a group to summarize their concerns may be given additional time. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies will 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 Office at 535-7757; TDD 535-6220.



84111G102 C015

6. PLANNING COMMISSION

B. Staff Report

March 22, 2007

DATE: March 22, 2007
TO: Salt Lake City Planning Commission
FROM: Katia Pace
Associate Planner
Telephone: (801)535-6354
Email: katia.pace@slcgov.com
RE: STAFF REPORT FOR THE MARCH 28, 2007 MEETING

CASE NUMBER: 400-06-45

APPLICANT: Lou Corsillo

STATUS OF APPLICANT: Property owner of Andy's Place Tavern, located at 479 East 300 South.

REQUESTED ACTION: A request to amend the Salt Lake City Zoning Ordinance, to allow private clubs as a conditional use in the Residential Mixed-Use (R-MU) Zoning District. The Planning Commission is required to submit a recommendation to the City Council prior to their action.

PROJECT LOCATION: This request will affect the R-MU Zoning District in Salt Lake City.

COUNCIL DISTRICTS: Council Districts 3, 4, and 5 contain R-MU zoning.

PROPOSED ZONING TEXT AMENDMENT: Currently, Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts shows “Tavern/lounge/brewpub; 2,500 square feet or less in floor area” as a conditional use on the R-MU zone. The proposed text amendment would change the table to include private clubs as a conditional use. The table would read: “Private club/tavern/lounge/brewpub; 2,500 square feet or less in floor area.”

RATIONALE FOR THE PROPOSED AMENDMENT: As the owner of Andy's Place Tavern, the applicant desires to convert his establishment from a tavern to a private club. In order to better care for his clients, the

applicant would like to serve hard liquor as well as beer, which entails a private club license. Furthermore, because private clubs require membership, the applicant feels that a private club would give him more control as to who patronizes his establishment.

**APPLICABLE LAND
USE REGULATIONS:**

In addition to zoning, private clubs are regulated by Chapter 6, Alcoholic Beverages, in the Salt Lake City Code. More specifically, Section 6.08.120 Location Restrictions, identifies districts where liquor establishments are allowed. The official city map 19372, or Liquor Map, shows where these districts are in the City. These regulations are to ensure that liquor establishments are not clustered near each other or near churches, schools, parks and libraries. In short, for a private club to be allowed it must be in a zoning district that allows them and be in a liquor district as shown on the Liquor Map.

**APPLICABLE
MASTER PLANS:**

R-MU zoning is present in the following communities and therefore affect their respective Master Plans: Capitol Hill, Avenues, and Central Community.

PROJECT HISTORY:

Private clubs are liquor establishments that are not required to sell food, are restricted in most instances to major arterials as identified on the Liquor Map, and have spacing requirements from other liquor establishments as well as from churches, schools, parks and libraries. Currently, other liquor establishments are allowed in the R-MU zone as conditional use, such as taverns, lounges, and brewpubs. Private clubs are allowed either as a permitted or conditional use in the Commercial, Manufacturing, Downtown, and Gateway Zoning Districts. Private clubs have specific controls under Chapter 5.50 "Private Clubs and Associations," Chapter 6 "Alcoholic Beverages," of the City Code; and Title 32 A "Alcoholic Beverage Control Act," of the Utah Code.

DEPARTMENT/DIVISION COMMENTS:

The following is a summary of the comments received from various City Departments:

1. Police

The Police Department was contacted, but did not submit any comments.

2. **Transportation**
Transportation has no issues with the change in designation to add private clubs. Parking requirements and transportation issues are the same, and no additional parking would be required.
3. **Fire**
Fire reviewed and replied with “no comment.”
4. **Public Utilities**
Public Utilities reviewed the request and found no conflicts with water, sewer and drainage with the proposed zoning amendment.
5. **Building Services**
Building Services believes that the technical review requirements remain the same as for a tavern.
6. **Salt Lake City International Airport**
The Airport responded by saying that the proposal does not create any observed impact to airport operations.

PUBLIC PROCESS & COMMENT:

An Open House was held on February 20th, 2007. All members of the Business Advisory Board, all Community Council Chairs, City Departments/Divisions, and all those on the City’s listserve were contacted regarding the Open House. Property owners within four-hundred and fifty (450) of Andy’s Tavern were also notified of this Open House. The petitioner and someone interested in opening a private club in the City were the only ones present.

ANALYSIS:

Because this petition is a modification of the Zoning Ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council based on the following standards for general amendments as noted in Section 21A.50.050 of the Zoning Ordinance.

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: There are no specific references to private clubs or liquor establishments in the community master plans. There is however, contained in the City Vision and Strategic Plan (page 22,) an objective to “develop business friendly licensing and regulatory practices.” This amendment will help ensure private clubs have the same regulations as other similar uses.

Finding: The proposed text change is consistent and does not conflict with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The proposed amendment is not site specific. However, taverns, and lounges, which are allowed as conditional use now, are similar land uses as private clubs.

Furthermore, additional regulations will be imposed through Section 6.08.120 Location Restrictions, and the official city map 19372, or Liquor Map. These regulations are to ensure that these establishments are not clustered near each other or near churches, schools, parks and libraries, which helps maintain harmony within the community.

Finding: Private clubs are a different type of liquor establishment because they serve hard liquor as well as beer, and they require a membership from their customers.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: Private clubs require membership, and therefore, it gives owners more control as to who patronizes their establishment. Furthermore, private clubs would be allowed as a conditional use, and as such the Planning Commission can enact conditions that will ensure that negative impacts are mitigated.

Finding: Through the Conditional Use process, controls will insure that any significant impacts are minimized.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: Private clubs will be subject to the provisions of any applicable overlay zoning district.

Finding: The proposed amendment is consistent with the provisions of any applicable overlay zoning districts.

E. 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.

Discussion: This petition is not site specific, but any new establishment must meet City regulation relating to adequacy of services and utilities applicable. City Departments reviewed the proposed text amendment and those that responded had no issues.

Finding: Because this petition is not site specific, this criteria is not applicable. However, none of the City Departments that submitted comments were opposed to the project.

RECOMMENDATION:

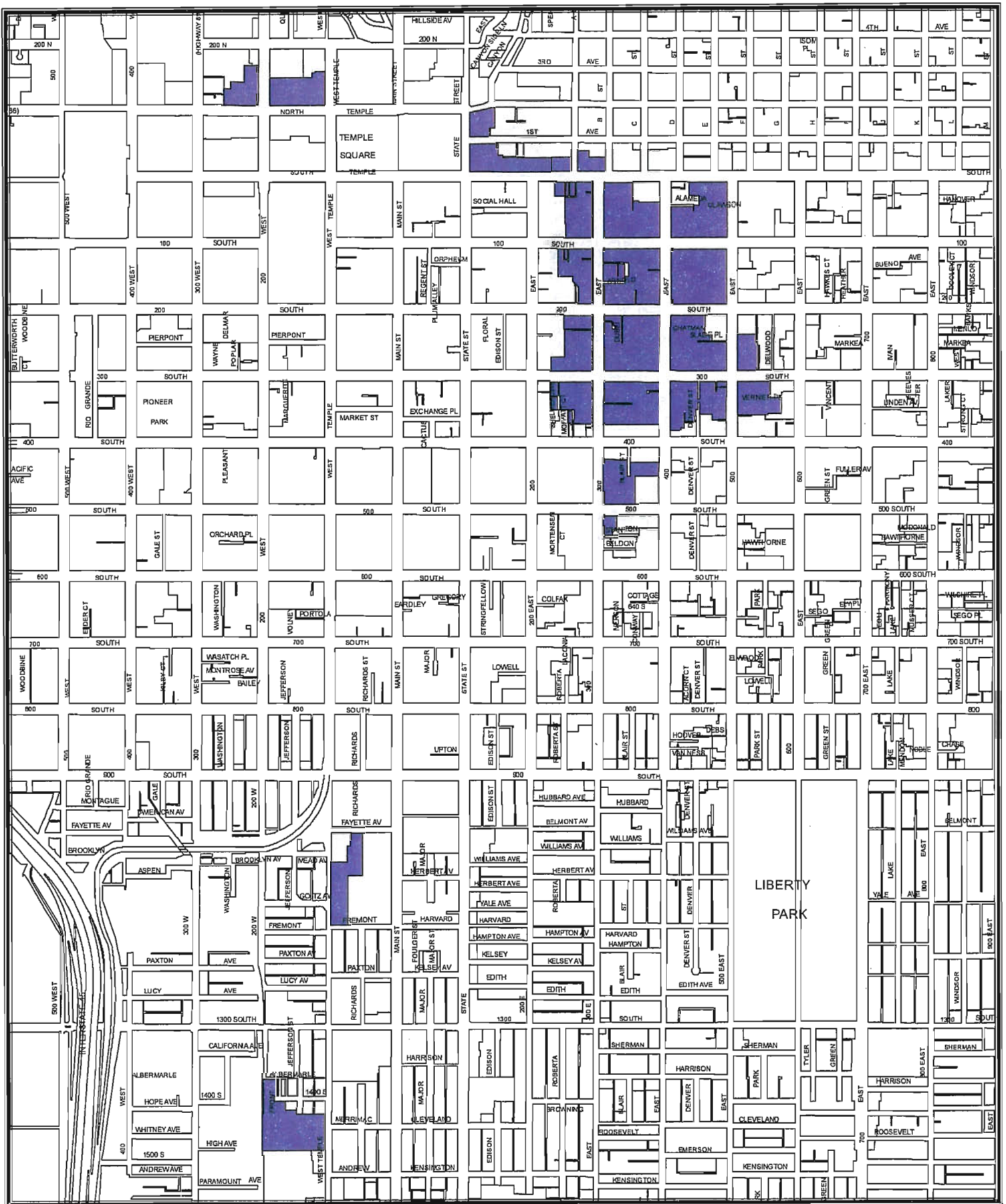
Based on the comments, analysis, and findings of fact noted in this staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the amendment to include private clubs as a conditional use in the R-MU Zoning District.

Attachments:

- Exhibit 1 – Map of R-MU Zoning District in the City & Liquor Map
- Exhibit 2 – Section 6.08.120 Location Restrictions
- Exhibit 3 – Proposed Ordinance Language
- Exhibit 4 – Department Comments
- Exhibit 5 – Public Comments

Exhibit 1

Map of R-MU Zoning District in the City
&
Liquor Map

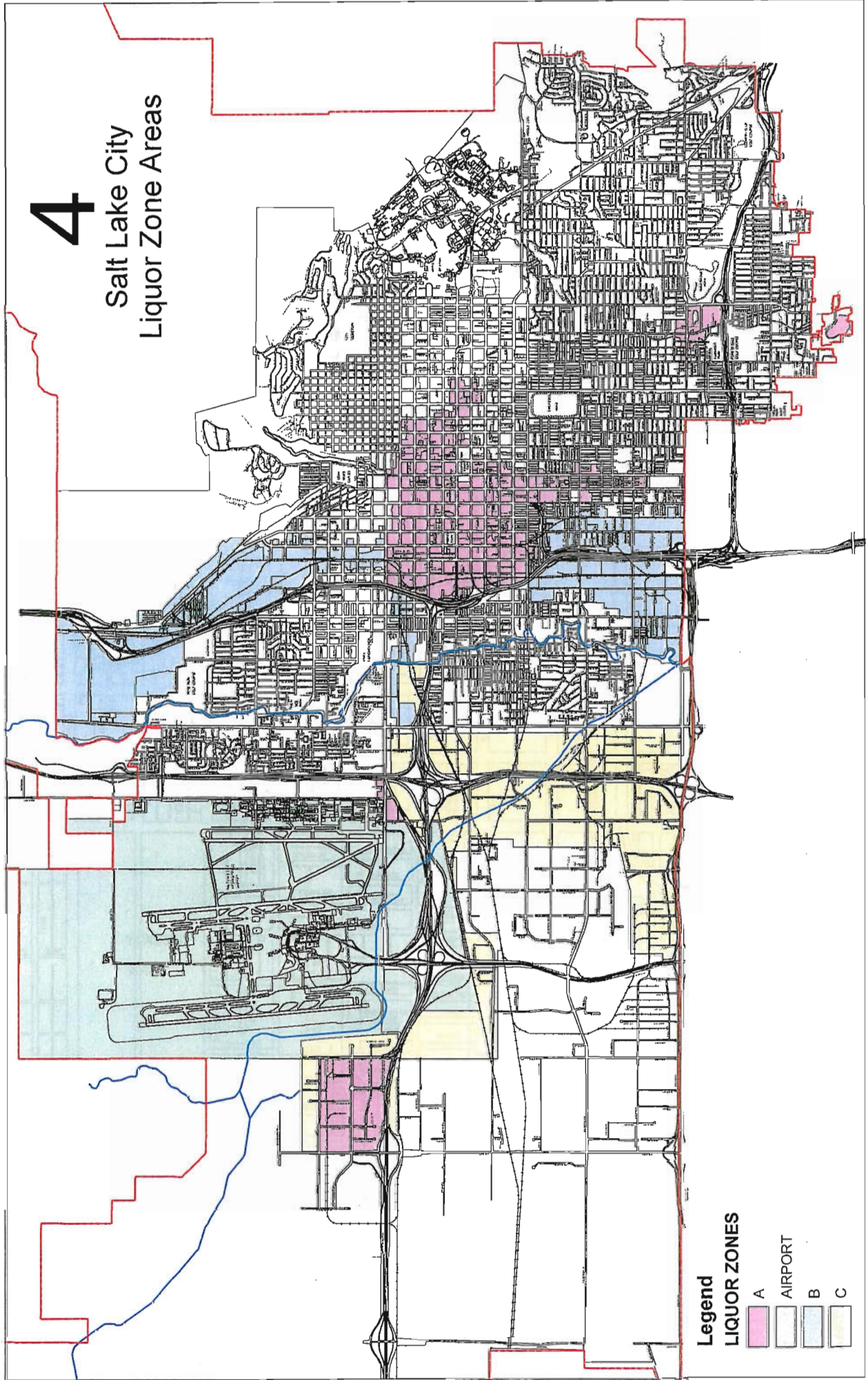


R-MU Zoning District

Salt Lake City Planning Division
 Geographic Information Systems
 February 2007

4

Salt Lake City Liquor Zone Areas



Legend LIQUOR ZONES

- A
- AIRPORT
- B
- C

Exhibit 2

Section 6.08.120 Location Restrictions

Section 6.08.120 Location Restrictions

A. Permissible Locations: The permissible locations of establishments licensed with either a class C beer license, a class B or C private club license, or a temporary class C beer license or a temporary class B or C private club license, or any combination thereof, shall be determined by geographical proximity, based upon the following criteria:

1. a. District A: There shall be no more than two (2) licensed establishments located on any lineal block. A "lineal block" means both sides of a major street between two (2) intersecting major streets. For the purposes of this section, a corner establishment having abutting front footage on two (2) major streets shall be included in the lineal block in which the establishment has the greatest number of front footage abutting the major street, or, if such abutting footage is equal, then the address originally filed with the city shall determine in which lineal block the establishment shall be located.

b. District B: No licensed establishment shall be located within six hundred sixty feet (660') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

c. District C: No licensed establishment shall be located within two thousand feet (2,000') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

2. Major Streets: All major streets and districts will be those designated on official city map 19372, a copy of which shall be on file in the office of the city recorder. All such establishments holding a class C beer or a class B or C private club license must be located so as to front on a major street or be within a building whose main entrance fronts on a major street.

B. Proximity To Park, School Or Church: No class C beer establishment and no class B or C nonprofit club may be licensed or operate under the provisions of this code which is in close proximity to a public park, public elementary, junior high or high school, or a church, without having first received approval from the mayor or the mayor's designee. Such approval shall be given only after:

1. The mayor or the mayor's designee has received recommendations regarding such an establishment from the planning division and the city police department; and

2. A public hearing has been held, with actual written notice having been given, where applicable, to the director of the public services, to the school superintendent or to the church, and with notice having been given to the city and the residents thereof by at least one publication in a paper of general circulation in Salt Lake County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and

3. A finding by the mayor or the mayor's designee that the proposed location will not materially interfere with the activities and functions of such parks or school, or interfere

with church worship or church-related activities. For the purposes of this section, a public park or public elementary, junior high or high school or church which is located six hundred (600) or more feet from the proposed establishment shall not be considered to be in close proximity to such establishment and no notices or hearings need be given or held prior to the granting of a class C beer license or class B or C private club license. With respect to the six hundred foot (600') limitation, it shall be measured from the nearest entrance of the proposed establishment by following the shortest route of either ordinary pedestrian traffic, or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public school, church, public park.

4. The applicant shall pay an additional sum of sixty dollars (\$60.00) to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or advertised.

5. A legally existing class F beer/brewpub, class F beer/microbrewery, class B private club, class C beer/tavern license, as defined in this chapter, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is the subsequent location of a school, church or park within the spacing requirements. The subsequent location of a school, church or park within the spacing requirements of a brewpub, microbrewery, tavern or private club shall be deemed to be a waiver of spacing requirements as specified under city ordinances.

C. Exceptions: Class C beer establishments or class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the mayor or the mayor's designee. Such approval shall be given only:

1. After the mayor or the mayor's designee has received recommendations from the planning division and the city police department; and
2. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall like area with paved vehicular access and proper lighting; and
3. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed nine (9) on the exterior and interior of any block, as defined in subsection A1a of this section. The foregoing notwithstanding, no more than two (2) such establishments may be located on any street located in the interior of any such block, and no more than three (3) such establishments may be located within the interior of any such block;
4. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the city by at least one publication in a paper of general circulation in the Salt Lake County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and

5. A finding by the mayor or the mayor's designee, after the holding of such hearing, that the proposed location for said establishment will not:

a. Create an undue concentration of class C beer establishments or class B or C private clubs;

b. Materially interfere with the free flow of pedestrian or vehicular traffic;

c. Create an undue burden in controlling and policing illegal activities in the vicinity;

d. Create a nuisance to the community; or

e. Adversely affect the health, safety and morals of the residents of the city.

D. Prior Location: The provisions of this section shall in no way affect the rights of the present licensees to continue their operations, so long as their licenses remain in good standing, and they continue to have their licenses reissued as provided by law until revoked or terminated for any reason.

E. Zoning Restrictions: Notwithstanding any of the provisions of subsection A of this section, all such class C beer or class B or C private club establishments must be located within commercial C-3 districts or less restrictive zoning districts or in an R-D district as an attendant use in a conference center. (Ord. 18-04 § 1, 2004: Ord. 37-99 § 4, 1999: Ord. 2-88 § 1, 1988: Ord. 34-87 § 11, 1987: prior code § 19-2-19)

Exhibit 3

Proposed Ordinance Language

LANGUAGE AS IT IS NOW
21A.24.190 Table Of Permitted And Conditional Uses For Residential Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																							
	RESIDENTIAL DISTRICTS																							
C = Conditional Use																								
P = Permitted Use																								
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					
Dance studio															P	P	P	P3						
Movie theaters/ live performance theaters																C	C	P						
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				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				P	
Pedestrian pathways, trails and greenways	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P				P	
Tavern/lounge/ brew- pub; 2,500 square feet or less in floor area																							C	
Retail Sales And Service																								

LANGUAGE AS IT IS NOW

PROPOSED LANGUAGE

21A.24.190 Table Of Permitted And Conditional Uses For Residential Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																			
	RESIDENTIAL DISTRICTS																			
C = Conditional Use P = Permitted Use																				
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	
Dance studio															P	P	P	P3		
Movie theaters/ live performance theaters																C	C	P		
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 pathways, trails and greenways	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
Private clubs /tavern/lounge/ brew- pub; 2,500 square feet or less in floor area																			C	
Retail Sales And Service																				

PROPOSED LANGUAGE

Exhibit 4

Department Comments

Pace, Katia

From: Walsh, Barry
Sent: Wednesday, February 07, 2007 10:45 AM
To: Pace, Katia
Cc: Young, Kevin; Smith, Craig; Stewart, Brad; Itchon, Edward; Brown, Ken; Spencer, John; Jones, Kyle
Subject: Petition 400-06-45
Categories: Program/Policy

February 7, 2007

Katia Pace, Planning

Re: Petition 400-06-45, Request for a Zoning Amendment to allow Private Clubs in the R-MU Zoning District.

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

We have no issues with the change in designation to add Private Clubs in that the parking requirements and transportation issues are the same, and no additional parking would be required.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Stewart, Public Utilities
Edward Itchon, Fire
Ken Brown, Permits
John Spencer, Property Management
Captain Kyle Jones, Police
File
File

MEMORANDUM

DATE: 8 FEBRUARY 2007

TO: KATIA PACE, ASSOCIATE PLANNER

FROM: TED ITCHON

RE: PETITION 400-06-45

SYNOPSIS:

We reviewed the as submitted plans and have no comments.

Pace, Katia

From: Garcia, Peggy
Sent: Thursday, February 15, 2007 4:30 PM
To: Pace, Katia
Subject: Petition #400-06-45 Zoning Amendment
Categories: Program/Policy

Katia,

Salt Lake City Public Utilities has reviewed the above-mentioned request and finds no conflicts with water, sewer and drainage with the proposed zoning amendment.

If you have nay questions please contact me.

Thank you,

Peggy Garcia

Pace, Katia

From: Butcher, Larry
Sent: Tuesday, February 20, 2007 8:44 AM
To: Pace, Katia
Cc: Goff, Orion
Subject: Petition 400-06-45 / 479 E. 300 S. / Private Club Text Amendment
Categories: Program/Policy

Katia:

Building Services has no additional comments regarding this petition. The technical review requirements remain the same as for a tavern.

Larry

Pace, Katia

From: Miller, David
Sent: Wednesday, February 21, 2007 1:06 PM
To: Pace, Katia
Cc: McCandless, Allen
Subject: RE: Petition 400-06-45, Request for a Zoning Amendment to allow Private Clubs in the R-MU Zoning District.

Katia,

Thank you for the notice regarding Petition 400-06-45 property at 479 East 300 South Street,. This address is not in an established Salt Lake City airport influence zone. The project does not create any observed impacts to airport operations.

David Miller
Aviation Planner
AMF Box 22084
Salt Lake City, UT 84122
801.575.2972

From: McCandless, Allen
Sent: Tuesday, February 06, 2007 11:50 AM
To: Miller, David
Subject: FW: Petition 400-06-45, Request for a Zoning Amendment to allow Private Clubs in the R-MU Zoning District.

Dave,

Here is a new Petition from downtown planning. Please respond for the airport to Katia Pace and myself.
Thanks Dave. --Allen

From: Pack, Russ
Sent: Monday, February 05, 2007 5:09 PM
To: McCandless, Allen
Subject: FW: Petition 400-06-45, Request for a Zoning Amendment to allow Private Clubs in the R-MU Zoning District.

From: Pace, Katia
Sent: Monday, February 05, 2007 3:29 PM
To: Boskoff, Nancy; Burbank, Chris; Clark, Luann; Dinse, Rick; Domino, Steve; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Pace, Lynn; Pack, Russ; Querry, Chuck; Rutan, Ed; Tarbet, Valda; Zunguze, Louis
Cc: Shaw, George; LoPiccolo, Kevin; Coffey, Cheri
Subject: Petition 400-06-45, Request for a Zoning Amendment to allow Private Clubs in the R-MU Zoning District.

Salt Lake City Planning Division is reviewing Petition 400-06-45, a request by Lou Corsillo for a Zoning Text Amendment to allow Private Clubs in the Residential Mixed Use (R-MU) Zoning District. More specifically, his

3/8/2007

property at 479 East 300 South Street, zoned R-MU. The land use on this property is a tavern, Andy's Place Tavern, a conditional use allowed in the R-MU zone.

Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts shows "Tavern/lounge/brewpub; 2,500 square feet or less in floor area" as a conditional use on the R-MU zone. The proposed text amendment would include Private Club, on the same line, as a conditional use. The table would read: "Private club/ tavern/lounge/brewpub; 2,500 square feet or less in floor area." Please open attachment to see a map of all R-MU Districts in the City.

Additional information was sent to the appropriate city staff for their review. If you would like to review details of the proposed project, please let me know by February 19, 2007, and I will forward additional information for your comments.

Thank you.

Katia Pace
Associate Planner
451 S. State Street, Room 406
Salt Lake City, UT 84111
(801) 535-6354

Exhibit 5

Public Comments

**NOTICE OF OPEN HOUSE
SALT LAKE CITY PLANNING**

Salt Lake City Planning Division is reviewing Petition 400-06-45, a request by Lou Corsillo for a Zoning Text Amendment to allow Private Clubs in the Residential Mixed Use (R-MU) Zoning District.

Section 21A.24.190 – Table of Permitted and Conditional Uses for Residential Districts shows "Tavern/lounge/ brewpub; 2,500 square feet or less in floor area" as a conditional use on the R-MU zone. The proposed text amendment would include Private Club, on the same line, as a conditional use. The table would read: "Private club/ tavern/lounge/ brewpub; 2,500 square feet or less in floor area."

Please note that not all R-MU zones are located within Alcohol License Districts, and that liquor licenses have other restrictions besides zoning.

An Open House will be held to discuss this proposal in more detail. We would like to obtain your comments on this issue. Please plan to attend the Open House on:

TUESDAY, FEBRUARY 20, 2007

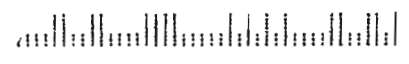
FROM 4:30 to 6:00 P.M.

**ROOM 126
SALT LAKE CITY AND COUNTY BUILDING
451 SOUTH STATE STREET
SALT LAKE CITY, UTAH**

Please direct any questions, or comments concerning this request to Katia Pace at 535-6354, katia.pace@slcgov.com, or Salt Lake City Corporation 451 South State Street, Room 406 Salt Lake City, Utah 84111.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this Open House. 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 Division at 535-7757; TDD 535-6021.

84111-3102-51



NOTICE OF OPEN HOUSE

Salt Lake City Planning Division
Katia Pace
451 S. State Street, Room 406
Salt Lake City, UT 84111

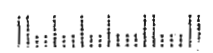


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Mailed From 84111
US POSTAGE

KATIA PACE
PLANNING DIVISION
451 S STATE ST, ROOM 406
SALT LAKE CITY, UT 84111

84111-3102-51



6. PLANNING COMMISSION

C. Minutes

March 28, 2007

property would then be declared as surplus and sold for development. Currently it is a PL (Public Lands) Zone, and the property would need to be rezoned to be more marketable. He suggested that the Commission request of Staff to initiate a petition to rezone the property.

Commissioner De Lay inquired about the total number of acres.

Mr. Shaw noted that it would be approximately nine acres and there were many pending proposals in that area of downtown, however, the current zoning is not adequate. He would like to see an overall rezoning in and around that area of the city.

Chairperson McDonough noted that the Commission would agree to initiate a petition for this zoning change.

PUBLIC HEARING

(This item was heard at 5:56 p.m.)

Petition 400-06-45— A request by Lou Corsillo to amend the Salt Lake City Zoning Ordinance, Section 21A.24.190, Table of permitted and Conditional Uses for Residential Districts. The proposed text amendment would allow Private Clubs as a Conditional Use in a Residential Mixed-Use (R-MU) District.

Commissioner De Lay disclosed to the Commissioners that she had spoken with Sean Means from the Salt Lake City Tribune about how Downtown development and nightlife were connected. She noted she had not seen the article.

Chairperson McDonough inquired if he had asked her about this specific petition.

Commissioner De Lay noted he had not.

Chairperson McDonough recognized Katia Pace as Staff representative.

Ms. Pace noted that this petition was originated by the applicant Lou Corsillo, owner of Andy's Tavern located at 479 East 300 South. She noted that the two major reasons why Mr. Corsillo requested this petition were first, because a private club license would allow his establishment to serve hard liquor; and second, through a private club membership, he would be able to have more control over the customers that came into his establishment.

She noted that currently the table for permitted and conditional uses in the R-MU Zone (residential districts) included: taverns, lounges, and brew pubs. The change would be to add private clubs to this language.

Ms. Pace noted that in Chapter 6 of the Salt Lake City code, there are additional regulations to assure that alcohol establishments are not clustered. The liquor map shows that in District A, only two establishments are allowed within a linear block. In District B, establishments must be at least 660 feet apart, and in District C, establishments must be 2,000 feet apart.

She noted that all City Departments, with the exception of no response from the Police Department, were in favor of this request. Staff held an open house and invited the Community Councils and property owners within 450 feet of the establishment. She noted that only two people attended that open house, including the applicant.

Ms. Pace noted that this petition was to change the text of the Zoning Ordinance. If this language is adopted, then Mr. Corsillo would request a conditional use to convert his establishment into a private club under the new law.

Chairperson McDonough noted that the amendment read, "*Liquor establishments are allowed in the R-MU Zone*", and a letter submitted by Mr. Art Brown (President of MADD—Mothers Against Drunk Driving) noted that the amendment should read that only, "*Beer establishments are allowed in the R-MU Zone*".

Ms. Pace noted that this correction should be noted, and that Liquor only refers to distilled beverages where as beers and wines are brewed beverages.

Vice Chair Wirthlin inquired if the city, in making this recommendation, looked at the potential impact of allowing hard liquor versus beer only establishments in these areas. He inquired if statistics and studies were done by the city to view the potential effects that this might have.

Ms. Pace noted that she did some research to find if hard liquor intoxicated people more than beer, but noted she was not able to find any research done by the city.

Mr. Kevin LoPiccolo noted that discussions at a staff level involved the differences between a tavern and a private club in relation to land use.

Ms. Pace noted that taverns, lounges, and brew pubs already existed in the R-MU Zoning Districts, but the city did not distinguish between beer or liquor establishment on the location regulation. This text change would not result in additional establishments because an institution became a private club.

Vice Chair Wirthlin noted that due to the liquor zone areas, this change would not allow private clubs in an R-MU district that did not fall into one of those areas.

Commissioner Woodhead inquired how wine fit into the liquor laws and zoning ordinances.

Ms. Pace noted that wine is part of a private club, but is not allowed in tavern lounges or brew pubs.

Commissioner Forbis noted that one distinction is that wine is allowed in restaurants.

Ms. Pace noted that the city does not regulate alcohol in restaurants, so they are allowed in many zones throughout the city where the other establishments were not.

Commissioner Chambless inquired if the establishment was near a residential area, and what the hours of operation would be.

Commissioner De Lay noted it was the same as a tavern.

Ms. Pace noted that sale of alcohol ends at 1:00 a.m. and is regulated by the state.

Commissioner Chambless inquired about regulations for decibel level coming from the establishment.

Commissioner De Lay noted that city ordinances control decibel levels for any kind of noise and noted that this is only measured if city authorities are notified.

Chairperson McDonough inquired if the applicant was present.

Ms. Pace noted that he was informed of the meeting, but was not present.

Chairperson McDonough opened up the public hearing portion of the meeting.

Art Brown (President of MADD) noted he was concerned about adding private clubs to the text amendment, because of the safety issue. He noted that taverns were going down in popularity and private clubs were going up. Mr. Brown noted he was not opposed to nightlife, but was opposed to drunk drivers leaving these private clubs and putting a tremendous load on the current DUI squad. He noted that due to difficulties to contain intoxicated drivers, only one percent a night were cited, and maybe five percent with a full police squad.

He noted that most drunk drivers were arrested with blood/alcohol levels of .14 and at .15 an intoxicated driver is 380 times above the crash risk coming out of the bars, which does impose a safety problem around these locations. He noted that he would like to see private clubs and bars contained to the area that they are now.

Vice Chair Wirthlin inquired if there was a difference between serving hard liquor and beer, and the effects that they have on bar patrons.

Mr. Brown noted that alcohol is alcohol; both have the same effect on a person's blood/alcohol level. What goes on in private clubs versus what is going on in taverns is that clubs are crowded and there is a lot of over-serving happening, resulting in high numbers of intoxicated patrons coming out of the private clubs. He noted that in private clubs mixed drinks sometimes contain higher alcohol levels and this is hard to control.

Commissioner Scott noted that at Mr. Corsillo's location it was encouraging to see that Trax does run through the heart of this area. She realized that a lot of people over the legal alcohol limit are not taking Trax and still driving, but she also believed that it was an enforcement issue and the City does not currently have the resources to catch every drunk driver, but obviously needs to get there. She noted that she was not convinced that limiting the establishments would help, because the problem is enforcement.

Mr. Brown noted that limiting the establishment's locations and the density of bars in the city would help. He noted that the R (residential) in front of the mixed use area bothered him. He noted that the drinking public is not functioning at a responsible level to contain themselves at the .08 blood/alcohol limit, and it puts a lot of risk on the street. He noted that this would not be entirely solved by location, but needs to be solved through planning as well.

Jaynie Brown (817 East 17th Avenue) noted she was on the board of the Avenues Community Council. One of the best things that the Federal Government had established lately was environmental strategies to control the problem of underage drinking and there is a direct link between bar densities and alcohol incidences.

She noted that findings from an alcohol study at the Harvard School of Public Health confirmed a strong correlation between frequent and risky drinking behavior among students, and a high saturation of alcohol outlets including; bars, and liquor stores within two miles of their campuses. She noted that Mr. Corsillo's establishment is 1.7 miles from the University of Utah campus.

Ms. Brown also stated that it was not just an increase in drunk driving around the campus, but that the biggest problem that the University of Utah had with their students falling out and failing is almost always related to alcohol issues. MADD was also concerned about the underage drinking problems and the study showed that, *more outlets means more youth access to alcohol and other associated problems.*

She noted that the Commission was not just changing a tavern into a private club, but was changing the social structure of the laws on how alcohol is served in the city.

Commissioner De Lay inquired if Ms. Brown had any local studies of density, because her study included placement of liquor stores, of which there are very few in Utah, and the state is not allowing any more.

Ms. Brown noted that outlet density was defined as any establishments where people could go into and purchase liquor.

Commissioner De Lay noted that the information could be skewed as far as a local perspective, noting that in college towns outside of Utah there was a higher density of liquor stores. She noted that it would be great if MADD, through their volunteer system, could do a study to obtain local statistics and information.

Commissioner Chambless noted that he was a professor at the University of Utah and inquired about the source of the information Ms. Brown shared.

Ms. Brown noted that it came from Professor White who spoke at the Department of Alcoholic Beverage Control, and gave a presentation on the effects of underage drinking that the University of Utah was experiencing.

Commissioner Chambless noted that in his experience the student scholastic failure had more to do with not studying. He noted that the University experienced about a 40% drop out rate that represented many students that do not drink, yet do not come back the following year. He noted he was ambivalent about this issue, and was not quite sure that statistic was viable.

Commissioner Forbis noted that this petition was nothing more than an approval of zoning so that in the future when private clubs were proposed for the R-MU area, the applicant would have to come before the Commission with a Conditional Use request.

He inquired of Ms. Brown thoughts about the Commission sending a positive recommendation to the City Council, with the public knowledge that future conditional uses would be reviewed for private clubs placement in the R-MU zone, along with many other variables that would have to be weighed by the Commission.

Ms. Brown noted that it would depend on the members of the board and the motive of the people speaking against this issue in future meetings. She felt that the Commission should trust in the law and in the regulation and not change the zoning. Citizens who were concerned would have to be aware of these meetings and voice their opinions.

Commissioner De Lay noted that so often citizens in these meetings state that they were not aware of the meeting. She noted that this is public information and is available on the website and if anyone wanted to follow applications it would be easy to do.

Chairperson McDonough closed the public portion of the hearing.

Commissioner De Lay noted that having been a tavern, bar, private club owner for three years, there was the element that though you cannot police everyone, the authorities are very interested in who is being served and how often, and licensing issues are enforced on an almost daily basis. It is illegal to serve an intoxicated person, and an underage person, but from a business standpoint it is very difficult to break the law because the owner will either receive a fine or lose their liquor license. She noted that people will fall through the cracks, which is unfortunate and the reason why there are organizations like MADD, which remind the community to look at consequences and focus on better policing ourselves. She noted that when the neighbors, the City, and the volunteers get involved we make a better city.

Chairperson McDonough noted that currently the Commission was looking for a Conditional Use in an R-MU Zone for other establishments that serve brewed alcoholic beverages, so the

question becomes is this equalizing our ordinance to then allow private clubs. She noted that the ordinance does need to be fair to that use. Regarding the R-MU, having a residential component is not a negative thing, because if liquor establishments are only in zones that are non-residential it seems that driving to and from these establishments is encouraged. If liquor establishments are within walking distance of residential areas, the likelihood of intoxicated people driving goes down.

Commissioner Scott noted that she agreed and felt that this ordinance was changing types or potential types of establishments, but was not in anyway changing density. She noted that there was also a certain respectability that comes with a private club that sometimes is not seen with a tavern.

Commissioner Forbis noted that with conditional uses the neighborhood Community Councils would have to be part of the decision, he noted that he agreed with Chairperson McDonough and concurred that establishments within walking distance were more enticing than taking public transportation, which does not always accommodate night life. He noted that in some ways land use in an R-MU Zone, as opposed to a private club, means that there is a little bit more control from the neighborhood, community, and the owner's stand point.

Vice Chair Wirthlin noted that realistically with the way the law is now, the approval of the text amendment will ultimately lead to this potential use in the area and more often than not if the applicant meets the requirements it will be approved.

Commissioner Forbis noted that what the Commission needed to do in the future was to be very clear on the points of disagreement regarding any petitions and clearly justify that position.

Staff Kevin LoPiccolo noted that there were only two Zoning Districts in the entire City that allow taverns and bars; the R-MU and the MU, and it has been argued that the lounges, when defined within the matrix really meant that it was for a private club because all of the other Zoning Districts listed bars, taverns, and private clubs. However, Staff did not know what the intent of the City Council was when they approved the ordinance. He noted that Staff had discussed tying both zones together, but elected not to so as to not prejudice Mr. Corsillo's application request.

Commissioner De Lay made a motion regarding Petition 400-06-45 based on the comments and analysis of Staff, and testimony heard this evening, that the Commission forward a favorable recommendation to the City Council, to adopt the amendment to include private clubs as a conditional use in the R-MU Zoning District.

Commissioner Forbis seconded the motion.

All in favor voted, "Aye", the motion passed unanimously.

Commissioner Scott noted that the Commission unanimously appreciated the effort and presence made by the Browns representing the MADD organization through their testimony tonight.

Petition 410-07-03— A request by Salt Lake Motorsports, Inc, for Conditional Use approval for motorcycle sales, located at 916 South Main Street in a Downtown Support (D-2) Zoning District.

Kevin LoPiccolo introduced Travis Nay, an intern for the Planning Staff through the University of Utah.

Mr. Nay noted that Salt Lake Motorsports was relocating to 916 South Main Street, and that motorcycle sales are a conditional use within the D-2 zone.

6. PLANNING COMMISSION
D. Art Brown (MADD) Comments
March 28, 2007

MEMO TO: Salt Lake City Planning Commission
FROM: Art Brown (President of MADD - Mothers Against Drunk Driving)
DATE: 27 March 2007
RE: Opposed to changing zoning to allow private clubs in R-MU areas

We are opposed to changing Salt Lake City zoning to allow private clubs in Residential Mixed-Use areas (R-MU). We favor keeping Private Clubs solely in the zoning districts that currently allow them, which are specific "liquor districts" as shown on the official City Liquor Map, which are the Commercial, Manufacturing, Downtown, and Gateway Zoning Districts. These areas were specifically established to keep "hard liquor" out of residential areas.

NOTE: In the Staff Report for the March 28, 2007 meeting, there is an error on the 4th line of the Project History. It reads: "Currently other liquor establishments are allowed in the R-MU zone..." That is incorrect. It should read, "Currently ONLY BEER establishments are allowed in R-MU zone, such as taverns, lounges, and brewpubs." That error give the effect of equating taverns, who are allowed to serve only beer, with private clubs who serve hard liquor, leading to the erroneous conclusion that changing the zoning would not negatively effect things, which indeed it would.

We are opposed to changing the zoning for taverns for the following reasons:

1. If this specific ordinance change goes through, it would make a "Liquor District" of the Capitol Hill, Avenues, and Central Community R-MU areas. This is unacceptable to us, as we are residents of the Avenues. We do not wish our Avenues Community to be a part of the Liquor District, and we are quite sure our friends in Capitol Hill and Central Community feel the same way.
2. According to the Department of Alcoholic Beverage Control, taverns are decreasing in number and popularity while the popularity of private clubs is increasing. This would have the potential effect of increasing the number of private clubs in these current non-liquor areas, which are residential areas. This would have a huge negative effect on society in these areas as it would contribute to more crime and violence (see research below).
3. The rationale given, that a private club "would have more control over who enters" does not equate to less drunk drivers or intoxicated people coming out of a private club than out of a tavern. According to a list compiled from Sept 04-Sept 05 by the Highway Safety Office, drunk drivers come out of all types of establishments in roughly equal numbers, including private clubs. As the Liquor District expands geographically and the bar density increases, it will either dilute the efforts of the DUI force or require more police officers to give the same level of coverage and enforcement.
4. CONCLUSION: We don't believe this encroachment of private clubs into Residential Mixed-Use areas is good public policy. Enlarging the current liquor district would change the social norm, make alcohol more accessible, and thereby increase consumption among youth and adults, which would lead to increases in DUI's, violence, and child abuse. Currently, Salt Lake City has the highest level of youth alcohol consumption in the State, at two times the state average (2005 SHARP Survey), which would only increase if private clubs were allowed in R-MU areas. The following research establishes these points:

5. RESEARCH: The following research was prepared by the Pacific Institute for Research and Evaluation (pire.org), Center for Policy Analysis and Training for the National Liquor Law Enforcement Association and the College Task Force report to the National Institute on Alcohol Abuse and Alcoholism (NIAAA). We quote from their studies:

a) Increase in alcohol availability increases problems such as violence:

"Physical availability of alcohol was directly related to sales of spirits and wine"... **It is well established by research that the availability of alcohol has substantial effects on alcohol consumption and alcohol problems.** As state control of alcohol sales declines, alcohol tends to become more available. As alcohol becomes more available, consumption and problems increase. ... **A larger number of alcohol outlets, shorter distances that a consumer has to travel to reach an outlet, and greater concentrations of outlets in an area tend to be associated with increased consumption of alcohol—and more frequent alcohol problems"** (*emphasis added*) (*Alcoholism: Clinical and Experimental Research*, vol. 17, pp. 38-47, Gruenewald et al. 1993, Edwards et al. 1994, Van Oers and Carrelsen 1993).

"Alcohol outlets continue to be associated with rates of violent assault, independent of other local retail activities and population and place potentials for violent crime." Ecological models of alcohol outlet and violent assaults: crime potentials and geospatial analysis" (Gruenewald, Paul J.; Treno, Andrew; Freisthler, Bridget; Remer, Lillian; and LaScala, Elizabeth A., 2005)

b) Increase in alcohol outlets increases drunk driving:

"This paper reports on an analysis of geographically based data from four communities conducted to evaluate relationships between measures of the physical availability of alcohol and rates of driving after drinking. From a review of the literature, it was expected that rates of driving after drinking would be directly related to the availability of alcohol at on-premise establishments. Based on theoretical arguments regarding the life activities which underlie drinking and driving it was expected that the effects of availability upon these outcomes would extend significantly beyond the local areas of outlets. Taking into account the geographic variations in environmental characteristics (road network density, traffic flow, population density), and socioeconomic (age, gender, race, marital status, income, employment) and drinking characteristics (rates of abstinence, frequency and quantity of use) of resident populations, a spatial analysis of drinking driving and alcohol-related crashes was conducted. **The results of the analysis showed that physical availability was . . . significantly related to rates of single vehicle night-time crashes. In the latter case, physical availability affected both local and adjacent area rates of crashing"** (*emphasis added*)."
The geography of availability and driving after drinking
Gruenewald, Paul, Ponicki, William, and Treno, Andrew *Addiction*, vol. 91, issue 7, pgs. 967-983 (1996)

c) Increases in alcohol densities increases child abuse in neighboring areas:

"Objective: The purpose of this study is to examine whether or not alcohol access in neighborhood areas is differentially related to substantiated reports of child physical abuse and neglect. Method: This cross-sectional ecological study uses spatial regression procedures to examine the relationship between the number of

bars, restaurants, and off-premise outlets per population and rates of child physical abuse and neglect in 940 census tracts in California, while controlling for levels of social disorganization, population density and county of residence. Results: The number of off-premise outlets per population was positively associated with rates of child physical abuse ($b = 3.34$, $SE = 1.14$), and the number of bars per population was positively related to rates of child neglect ($b = 1.89$, $SE = 0.59$). **Conclusions: These results suggest that alcohol access is differentially related to the type of child maltreatment, with higher densities of bars being related to higher rates of child neglect, and higher rates of off-premise outlets related to higher rates of child physical abuse.** The findings suggest there is a spatial dynamic of neighborhoods that can result in child maltreatment and underscore the importance of examining the alcohol environment when developing programs to prevent child maltreatment" (*emphasis added*). ("Alcohol Outlets and Child Physical Abuse and Neglect: Applying Routine Activities Theory to the Study of Child Maltreatment." Gruenewald, Paul J.; Midanik, Lorraine T.; and Freisthler, Bridget, 2004)

d) Increases in availability and promotion changes social norm, which increases youth risk factors and high risk college drinking:

"The consequences of excessive drinking by college students are more significant, more destructive, and more costly than many people realize. And these consequences affect students whether or not they drink. Statistics from this report indicate that drinking by college students aged 18 to 24 contributes to an estimated 1,700 student deaths, 599,000 injuries, and 97,000 cases of sexual assault or date rape each year.... Contributing factors that encourage high-risk college drinking include: **widespread availability of alcoholic beverages**; aggressive social and commercial promotion of alcohol; inconsistent publicity and enforcement of laws and campus policies; and student perceptions of heavy alcohol use as the norm. ("A Call to Action: Changing the Culture of Drinking at U.S. Colleges" College Task Force report to the National Institute on Alcohol Abuse and Alcoholism - NIAAA)

"Traditionally, drinking prevention, especially for youth, has relied largely on educational and persuasive approaches. Such approaches focus on changing knowledge and beliefs, teaching new skills, or modifying other individual-level mediating factors. Educational and persuasive approaches, however, cannot provide a complete answer to the problem of drinking by young people. In part, this limitation arises because **people are immersed in a broader social context in which alcohol is readily available and glamorized** (Mauss et al., 1988). In contrast, policy approaches address (a) formal legal and regulatory mechanisms, rules, and procedures for reducing the consumption of alcohol or risky drinking behaviors and (b) enforcement of these measures (Grube and Nygaard, 2001; Toomey and Wagenaar, 1999). Policy approaches to prevention have considerable promise for addressing the problems associated with drinking by changing the legal and social environment. In particular, **policy strategies can be used to reduce alcohol availability, directly deter drinking by increasing the personal costs associated with it, and communicate norms regarding acceptable and unacceptable drinking practices**" (*emphasis added*). ("Preventing alcohol-related problems: public policy strategies". Grube, J. *Transportation Research Circular*, pp. 97-126 (2005)

7. ORIGINAL PETITION



Zoning Amendment

OFFICE USE ONLY	
Petition No.	400-06-45
Receipt No.	Amount: 89.89
Date Received:	11/9/06
Reviewed By:	[Signature]
Project Planner:	C. Coffey 11/9/06

PLANNING COMMISSION

Address of Subject Property: 479 E 300 S.

Name of Applicant: Lou Corsillo Phone: 801-915-1033

Address of Applicant: 5778 SO UTAHNA DR MURRAY UT. 84107

E-mail Address of Applicant: None Cell/Fax: 801-905-1033

Applicant's Interest in Subject Property: OWNER

Name of Property Owner: Lou Corsillo Phone: 801-915-1033

Address of Property Owner: 5778 S. UTAHNA DR.

Email Address of Property Owner: None Cell/Fax:

Existing Use of Property: RESTAURANT & TAVERN Zoning: RMU

County Tax ("Sidwell #"):

- Amend the text of the Zoning Ordinance by amending Section: (attach map or legal description): Private Clubs in RMU.
- Amend the Zoning Map by reclassifying the above property from an { } zone to a { } zone.

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. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **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.
7. Related materials or data supporting the application as may be determined by the Zoning Administrator.
8. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.
9. Filing fee of \$800.00 plus \$100 for each acre over one acre is due at the time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition

Sidwell maps & 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 Planning
 451 South State Street, Room 406
 Salt Lake City, UT 84111
 Telephone: (801) 535-7757

Signature of Property Owner _____
 Or authorized agent

Please Answer the Following Questions. Use an Additional Sheet if Necessary.

Please describe your project and explain why a zoning amendment is necessary:

Amending The Zoning Verbage so AS
to allow MY TAVERN to become A PRIVET Club.

What are the land uses adjacent to the property (abutting and across the street)?

RESTAURANT, Dry Cleaners, PRIVET Club, RESTAURANT
HEALTH CLUB.

Have you discussed the project with nearby property owners? If so, what responses have you received?

YES. FAVORABLE

PETITION CHECKLIST

Text change

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
11/13/06					Petition Delivered to Planning
11/16/06	ML				Petition Assigned to <u>Marilynn Lewis</u>
3/29/07	KP				Planning Staff or Planning Commission Action Date
5/1/07	KP				Transmittal Cover Letter Followed Template (margins, headings, returns etc)
4/12/07	KP				Table of Contents
4/12/07	KP				Chronology
4/5/07	KP				Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold –(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
5/01/07	KP				Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
2/07/07	KP				Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
3/13/07	KP				Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
3/21/07	KP				Planning Commission Staff Report
4/05/07	KP				Planning Commission Minutes and Agenda
1/24/07	KP				Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____ Petition filed with City Recorder's Office

Petition No. 4U-06-40

By Lou Corsillo

Is requesting a Zoning Text Amendment to reclassify the property located at 479 East 300 South from a Restaurant and Tavern in a RMU zone to a Private Club in a RMU zone.

Date Filed _____

Address _____