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# M E M O R A N D U M

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**DATE:** April 24, 2008  
**TO:** City Council Members  
**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, Ed Rutan, Chris Burbank, Frank Gray, Wilf Sommerkorn, Orion Goff, Mary De La Mare-Schaefer, Robert Farrington, Pat Comarell, Lynn Pace, Laura Kirwan, Janice Jardine, Katia Pace, Lex Traughber, Neil Lindberg

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On April 10 staff e-mailed the City Council a legislative version of the proposed ordinance that would allow private social clubs as a conditional use in Residential Mixed-Use areas. Staff requested that you review the version and comment on the version if you thought it necessary.

Council Member Luke Garrott has discussed with staff some changes that you may wish to consider in your review. Council Member Garrott suggests:

That items listed in Paragraph B iii through vii be included as part of the security and operations plan in Paragraph A i. Items in Paragraph B iii through vii deal with sound levels and trash removal.

The remaining items in Paragraph B deal with signage and lighting. Council Member Garrott suggests that the City Council indicate its intention in dealing with signage in B i. He also indicated a concern with the level of foot-candle illumination in parking areas in B ii. The concern he indicated was: Does the language as proposed meet the need to have safely-lit parking areas and lighting that is so bright that near-by residents can't enjoy their homes at night?

Staff has pasted the section below to refer to in considering Council Member Garrott's suggestions. Staff also has attached a complete legislative copy of the proposed ordinance. Please let staff know if you agree with his suggestions or have any other suggestions to make.

[FN] A conditional use permit for a class B or C private club or association shall be subject to the following qualifying provisions. For the purpose of these provisions a class B or C private club or association shall have the meaning set forth in Section 5.50 of the Salt Lake City Code, as amended.

A. In approving a conditional use permit for a class B or C private club or association the Planning Commission shall:

i. Require that a security and operations plan be prepared and filed with the City which shall include:

a. A complaint-response community relations program, and

b. Having a representative of the private club or association meet with neighbors or neighborhood association representatives on a regular basis and upon request to attempt to resolve any neighborhood complaints regarding the operations on the premises;

ii. Review the site plan and floor plan proposed for the premises, and as result of such review may require design features intended to reduce alcohol-related problems such as consumption by minors, driving under the influence, and public drunkenness;

iii. Require buffering where a private club or association abuts a residential building or area, including landscaping or walls along any property line or within any required yard area on the lot where the premises are located;

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

v. Require that an outdoor smoking area be designated on the premises in conformance with state law; and

vi. Require that the exterior of the premises be maintained free of graffiti at all times, including the main building, any accessory building or structure, and all signs; and

B. If necessary to meet the standards for approval of a conditional use permit set forth in Section 21A.54.080, the following conditions may be imposed:

i. Limit the size and kind of signage located on the outside of any building containing a private club or association;

ii. Require parking areas to be illuminated in accordance with Section \_\_\_\_\_, Salt Lake City Code;

\_\_\_\_\_iii. Require area lighting to produce a minimum of 0.1 footcandle of illumination;

iii. Impose design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen (15) feet from an exterior wall or door thereof, does not exceed \_\_\_\_\_decibels;

\_\_\_\_\_iv. Prohibit electronically amplified sound in any exterior portion of the premises;

\_\_\_\_\_v. the maximum permissible sound level set forth in Section 9.28.060 of this code;

iv. Allow live entertainment only within an enclosed building subject to the foregoing decibel limit;

\_\_\_\_\_vi. Require that sound limit;

v. Prohibit electronically amplified sound in any exterior portion of the premises;

vi. Require trash strewn on the premises, including any smoking area, parking lot, and any area within \_\_\_\_\_ feet of the building premises, be removed and parking lot areas, to be collected and deposited in a trash receptacle each night within one (1) hour after closing; and

vii. Require portable trash receptacles on the premises to be emptied daily and automated receptacles to be emptied at least weekly. Automated receptacles shall be located only within a City-approved trash storage area and that trash be removed daily.

1 (LEGISLATIVE COPY)  
2 SALT LAKE CITY ORDINANCE  
3 No. \_\_\_\_ of 2009  
4

5 (Amending Table of Permitted and Conditional Uses for Residential Districts in Section  
6 21A.24.190 to Allow Private Clubs in the Residential Mixed Use [R-MU] District)  
7

8 An Ordinance Amending Section 21A.24.190, *Salt Lake City Code*, Table of Permitted  
9 and Conditional Uses for Residential Districts, to Allow Private Clubs as a Conditional Use in  
10 the Residential Mixed Use (R-MU) Zoning District Pursuant to Petition No. 400-06-45.

11 WHEREAS, pursuant to Petition No. 400-06-45 it is proposed that Section 21A.24.190,  
12 Table of Permitted and Conditional Uses for Residential Districts, be amended to allow private  
13 clubs as a conditional use in the Residential Mixed Use (R-MU) Zoning District;

14 WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah,  
15 have held public hearings and have taken into consideration citizen testimony, filing, and  
16 demographic details of affected areas, the long-range general plans of the City, and the local  
17 master plan as part of their deliberations;

18 WHEREAS, pursuant to these to these deliberations the City Council desires to amend  
19 Section 21A.24.190 of the *Salt Lake City Code* as set forth below and finds such amendment  
20 reasonably furthers the health, safety and general welfare of the citizens of Salt Lake City.

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

22 SECTION 1. **Amending Section 21A.24.190, Table of Permitted and Conditional**  
23 **Uses.** That the table entitled Table of Permitted and Conditional Uses for Residential Districts,  
24 which is located at Section 21A.24.190 of the *Salt Lake City Code*, shall be, and hereby is,  
25 amended to add to that table the category of "Class B and C private clubs or associations, 2500  
26 square feet or less in floor area" to be listed alphabetically under the category of "Recreation,  
27 Cultural and Entertainment" uses in that table and designating such use as a conditional use in

28 the R-MU zoning district with a footnote adding the following related qualifying provisions:

29 [FN] A conditional use permit for a class B or C private club or association shall be  
30 subject to the following qualifying provisions. For the purpose of these provisions a class B or C  
31 private club or association shall have the meaning set forth in Section 5.50 of the *Salt Lake City*  
32 *Code*, as amended.

33 A. In approving a conditional use permit for a class B or C private club or  
34 association the Planning Commission shall:

35 i. Require that a security and operations plan be prepared and filed  
36 with the City which shall include:

37 a. A complaint-response community relations program, and

38 b. Having a representative of the private club or  
39 association meet with neighbors or neighborhood association  
40 representatives on a regular basis and upon request to attempt to resolve  
41 any neighborhood complaints regarding the operations on the premises;

42 ii. Review the site plan and floor plan proposed for the premises, and as  
43 result of such review may require design features intended to reduce alcohol-  
44 related problems such as consumption by minors, driving under the influence, and  
45 public drunkenness;

46 iii. Require buffering where a private club or association abuts a  
47 residential building or area, including landscaping or walls along any property  
48 line or within any required yard area on the lot where the premises are located;

49 iv. Require that landscaping be located, and be of a type, that cannot be  
50 used as a hiding place;

51 v. Require that an outdoor smoking area be designated on the premises in

52 conformance with state law; and

53 vi. Require that the exterior of the premises be maintained free of graffiti  
54 at all times, including the main building, any accessory building or structure, and  
55 all signs; and

56 B. If necessary to meet the standards for approval of a conditional use permit set  
57 forth in Section 21A.54.080, the following conditions may be imposed:

58 i. Limit the size and kind of signage located on the outside of any building  
59 containing a private club or association;

60 ii. Require parking areas to be illuminated in accordance with Section  
61 Salt Lake City Code;

62 ~~iii. Require area lighting to produce a minimum of 0.1 footcandle of~~  
63 illumination;

64 iii. Impose design and construction requirements to ensure that any sound  
65 level originating within the premises, measured within fifteen (15) feet from an  
66 exterior wall or door thereof, does not exceed ~~decibels;~~

67 ~~iv. Prohibit electronically amplified sound in any exterior portion of the~~  
68 premises;

69 ~~v. the maximum permissible sound level set forth in Section 9.28.060 of~~  
70 this code;

71 iv. Allow live entertainment only within an enclosed building subject to  
72 the foregoing decibel limit;

73 ~~vi. Require that sound limit;~~

74 v. Prohibit electronically amplified sound in any exterior portion of the

75 premises;

76 vi. Require trash strewn on the premises, including any smoking area,  
77 parking lot, and any area within \_\_\_\_\_ feet of the building premises, be removed and  
78 parking lot areas, to be collected and deposited in a trash receptacle each night  
79 within one (1) hour after closing; and

80 vii. Require portable trash receptacles on the premises to be emptied daily  
81 and automated receptacles to be emptied at least weekly. Automated receptacles  
82 shall be located only within a City-approved trash storage area and that trash be  
83 removed daily.

84 SECTION 2. **Effective Date:** This Ordinance shall become effective on the date of its  
85 first publication.

86 Passed by the City Council of Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_\_,  
87 2009.

88 \_\_\_\_\_  
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90 CHAIRPERSON

91  
92 ATTEST:

93 \_\_\_\_\_  
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95 CITY RECORDER

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98 Transmitted to Mayor on \_\_\_\_\_.

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100 Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

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105 MAYOR  
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108 CITY RECORDER

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113 (SEAL)

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115 Bill No. \_\_\_\_\_ of 2009.

116 Published: \_\_\_\_\_



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# M E M O R A N D U M

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**DATE:** March 20, 2009  
**TO:** City Council Members  
**FROM:** Russell Weeks and Gail Meakins  
**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, Ed Rutan, Chris Burbank, Frank Gray, Wilf Sommerkorn, Orion Goff, Mary De La Mare-Schaefer, Robert Farrington, Pat Comarell, Lynn Pace, Laura Kirwan, Janice Jardine, Katia Pace, Lex Traugher, Neil Lindberg

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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, who owns Andy’s Place tavern at 479 East 300 South.

The purpose of this memorandum is to provide material for a City Council briefing and continued public hearing pertaining to the petition. The memorandum includes material provided by Neil Lindberg, a consultant for the City Council; the City Attorney’s Office, and City Council and Administration staff. In particular, the memorandum contains a table prepared by City Council staff that reflects each City Council Member’s review of potential conditions originally presented at the City Council’s briefing March 3.

The attached table includes the proposed conditions which were considered by the City Council in regards to private clubs located in residential mixed use zones. The first column includes those conditions that were preliminarily determined by the City Council to be required of private club owners in residential mixed use zones. The second column includes those conditions that would be considered by the Planning Commission for a conditional use in residential mixed use zones. The final column includes those conditions that were preliminarily determined by the City Council to not be included in the considered conditions for a private club in a mixed use residential zone.

The City Council first held a public hearing on the proposed ordinance on January 6. After the end of public comment at the public hearing the Council adopted a motion to continue the hearing to a later, unspecified date to seek more information. On February 3 the City Council heard presentations by representatives of the Utah Department of Alcoholic Beverage Control; the Utah Department of Public Safety’s State Bureau of Investigation; Salt Lake City Police Chief Chris Burbank; and Salt Lake City Prosecutor Sim Gill on various aspects of liquor regulation and enforcement. The Council then held a briefing on March 3, and scheduled to continue the public hearing on March 24.

Again, it should be noted that the petition under City Council consideration is 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 the Residential Mixed Use (R-MU) Zoning District. If that occurs, the petitioner then would have to petition the City to change Andy’s Place from a tavern to a private club. If that occurs, the petitioner than would seek to obtain a license from the Department of Alcoholic Beverage Control for a social club license, which replaces the Class D club license.

For the briefing and discussion, this memorandum will use the standard City Council staff format which starts with options, motions, and key points City Council Members may wish to consider. It will then move to items pertaining to the petition as a land-use issue and finish with background items that are perhaps pertinent to the discussion. A section of issues and questions for consideration will be included in the discussion and background section.

### **OPTIONS**

- After closing the public hearing adopt the proposed ordinance.
- After closing the public hearing deny Petition No. 400-06-45.
- Close the public hearing and adopt the proposed ordinance with amendments. (Council Members may propose amendments they deem appropriate to the ordinance.)
- Continue the public hearing.
- After closing the public hearing refer consideration of Petition No. 400-06-45 until a later date.

### **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.
- I move that the City Council 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 with the following amendments. (Council Members may propose amendments they deem appropriate.)
- I move that the City Council continue the public hearing until (City Council Members may choose a date they deem appropriate).
- I move that the City Council close the public hearing and refer consideration of Petition No. 400-06-45 until (Council Members may choose a date they deem appropriate).

### **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 deals only with amending the table of permitted and conditional uses for Residential Mixed-Use Districts.
- 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. It should be noted that Utah law limits taverns to selling only beer. State law allows private clubs to sell a variety of alcoholic beverages.

- The petitioner's business does not appear to conflict with location restrictions based on the Salt Lake City *Alcohol License Districts Map* No. 19372, if the petitioner ultimately receives a license to operate a private club. It should be noted that two businesses already operate as private clubs in the Residential Mixed-Use zone where Andy's Place is located.
- 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.
- Previous presentations and discussions of the petition have focused on conditions that might be required of a private club in an area zoned as Residential Mixed-Use.

### **LAND USE ITEMS**

As indicated, Andy's Place tavern at 479 East 300 South is located in an area designated as a Residential Mixed-Use zone. The rough borders of the area zoned R-MU are, on the north, South Temple Street; on the east, 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 Albemarle 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.

Of the areas zoned R-MU, 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 Map* No. 19372. If an area falls outside Alcohol License Districts, businesses serving alcoholic beverages cannot operate there.

As a tavern that has operated at 479 East 300 South at least since 1975, the petitioner's business does not appear to conflict with location restrictions based on the Salt Lake City *Alcohol License Districts Map* No. 19372. Andy's Place is located within Alcohol District A. *City Code*

Section 6.08.120 (which is not a zoning ordinance) limits licensed liquor establishments to in Alcohol District A 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 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.*”

Discussion has recognized the length of time Andy’s Place has operated, its presence within Alcohol District A, and the purpose of Residential Mixed-Use zones. The City Council also has discussed potential effects that businesses involving consuming alcoholic beverages in social settings might have on residential areas. To that end, much discussion has revolved around possible conditions that might be placed on a private club in areas zoned for Residential Mixed-Use.

The following is a list of potential conditions that the City Council may wish to consider as part of any final ordinance that results from Petition No. 400-06-45. The Council could elect to include any of the conditions in the proposed amendment to the *Table of Permitted and Conditional Uses for Residential Districts*, or the Council could request that other conditions be prepared. The conditions listed are from City Council consultant Neil Lindberg, the Administration and City Council staff.

**POTENTIAL CONDITIONS:**

- Require a security and operations plan.
- Require that the security and operations plan include a complaint-response community relations program with the following components:
  1. Having a representative of the business meet with neighbors or neighborhood association on a regular basis and upon request to attempt to resolve any neighborhood complaints regarding the business.
  2. Coordinating with City law enforcement agencies to monitor community complaints about activities at the business.
  3. Providing to any requesting person the non-emergency and emergency telephone numbers of public safety agencies.
- Require a review of a private club’s site plan and floor plan be reviewed for opportunities to incorporate design features to assist in reducing alcohol-related problems.
- Have a distance requirement from similar businesses and public places or agencies. (It might be noted that City Code Section 6.08.120 already contains distance requirements for businesses that serve alcoholic beverages and Utah law has distance limits from churches, schools and other public places.)
- Limit the size and kind of signage on the outside of buildings containing private clubs.
- Require that entrances to private clubs be accessed from buildings that front major public streets.
- Require buffers, including walls or landscaping where private clubs abut residential buildings or areas.

- Require a six-foot-high masonry wall between a parking lot connected to a private club and adjacent residential property.
- Require that any landscaping be the kind that cannot be used as a hiding place.
- Limit hours of operation.
- Require a security patrol of the entire premises including parking lots and other outdoor areas and require that the security employees patrol the entire premises frequently.
- Require that security cameras be installed outside the building housing the business to record activity on the business's property.
- Require that all criminal activity recorded by the security cameras be turned over to the appropriate law enforcement agencies.
- Require parking areas be illuminated at least to meet City Code.
- Require sounds from the interior of a private club not be audible at a level greater than a decibel limit 15 feet from an exterior wall or door at any time.
- Prohibit electronically amplified sound in any exterior portion of the premises.
- Allow live entertainment only within an enclosed building and which meets sound limit requirements.
- Limit live entertainment to one or two performers playing acoustic guitars or similar instruments and limit the hours the performers may play.
- Require that all patrons take a breathalyzer test before leaving the business.
- Require that breathalyzer equipment be available so patrons may test themselves voluntarily before leaving the business.
- Require that all patrons who have driven vehicles to the business take a breathalyzer test before leaving the business.
- Require that breathalyzer equipment be available for patrons who have driven vehicles to the business so they may test themselves voluntarily before leaving the business.
- Prohibit outdoor benches, chairs, and admittance lines.
- Require any outside area designated for smoking to conform to state law and require a reasonable distance between a smoking area and an adjoining property line.
- Limit the number of people smoking tobacco products in the smoking area to a certain number allowed at one time.
- Require that any outdoor smoking area be located and vented so that tobacco smoke does not concentrate near houses or multifamily housing.
- Require that trash around the business, including a smoking area, parking lot and nearby areas within a radius of the business, be removed at least every two hours while a private club is open.
- Require that trash around the business, including a smoking area, parking lot and nearby areas within a radius of the business be removed after a private club closes for the night.
- Require that trash receptacles be located only within a City-approved trash storage area and that trash be removed daily.
- Require that the exterior of the business including the building, all signs, and accessory buildings and structures be maintained free of graffiti at all times.
- Require a prominent notice that consumption of alcohol outside a private club or its designated outdoor eating or drinking areas is prohibited by law.
- Require that any pay telephones on the exterior of the private club be the kind that allow only out-going calls and that the phones be located in a visible and well-lit area.

**POTENTIAL ENFORCEMENT OF CONDITIONS**

The City Attorney's Office has developed several suggestions about how the City might enforce breaches of conditional use conditions.

The Attorney's Office notes that the City already has the authority to suspend or revoke business licenses in general. A private club approved as a conditional use also could be subject to discipline for violating the conditions of a conditional use.<sup>1</sup>

The Attorney's Office recommends that City action for a private club's violation of conditions would be complaint-driven. The City would leave it to appropriate State of Utah agency to enforce Utah liquor laws and state regulations, except in cases where City officials believe state agencies have not taken sufficient action, such as repeat violators of Utah liquor laws and state regulations. In addition, the City Prosecutor's Office would retain its discretion to prosecute criminal offenses when the Office deems it appropriate.

For violations of City laws and regulations, including conditions of a conditional use, the Attorney's Office recommends that a series of tiered actions be available. The recommendations would roughly divide the tiers into lesser and greater violations. Greater violations would involve life-safety issues and repeated violations of Utah liquor laws and state regulations. Offenses in the greater violations categories could involve the City immediately working to suspend or revoke a violator's business license. Lesser violations would involve fines for kinds of violations. The Attorney's Office recommends that the least violation carry a \$250 fine. The fine would increase the number of times a business violates a condition. After a third violation in three years, a business's license would be suspended for one day per violation. For more significant violations that do not involve life-safety matters, the least violation would carry a minimum \$500 fine. Again, the fine would increase the number of times a business violates a condition. After a third violation in three years, a business's license would be suspended for two days, and the City could consider longer suspensions or revoking a business's license.

Finally, the Attorney's Office suggests the City create a new board to address private club violations. The board would be made up of a representative of the hospitality industry and a member of the community where the private club is located. The Mayor would appoint both members with the advice and consent of the City Council. A City employee would be the board chair.

## **DISCUSSION/BACKGROUND**

### **ORIGINAL PETITION**

The original 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.

It might be noted that if the *Table* is amended, private clubs would be a conditional use in all areas zoned Residential Mixed-Use, except for the south half of a block bordered by 200 North, West Temple, North Temple and 200 West streets falls outside Salt Lake City *Salt Lake City Alcohol License Districts Map* No. 19372.

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. If the City Council amends the *Table of Permitted and Conditional Uses for Residential Districts*, Mr. Corsillo then would have to initiate a new petition requesting that Andy's Place be granted a conditional use to operate as a private club in a Residential Mixed-Use zone.

If that petition were successful, then Mr. Corsillo would obtain a City business license to operate as a private club and seek to get a private club license from the Utah Department of Alcoholic Beverage Control.<sup>2</sup> DABC 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.)"

The petitioner's business does 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. It should be noted that the business Mr. Corsillo owns has operated as a tavern at least since 1975. Taverns are allowed as a conditional use in districts zoned Residential Mixed-Use.

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.<sup>3</sup> After closing the hearing the Planning Commission unanimously adopted a motion to forward a positive recommendation to the City Council.

### **ARGUMENTS PRO AND CON**

Since the Planning Commission meeting in 2007 there have been divergent views about the effect of amending the *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. One view appears to be that an increase in the availability of alcoholic beverages can have adverse social consequences. That view might be best articulated in a study by the Pacific Institute for Research and Evaluation and the Ventura County (California) Behavior Health Department titled *Best Practices in Municipal Regulation to Reduce Alcohol-Related Harms from Licensed Alcohol Outlets* published in January 2008. According to that study:

"Alcohol is a legal product and alcohol retailers represent an important business sector of California's economy. Unlike most other retail products, alcohol is associated with a wide variety of community and societal problems, including violence, sexual assault, motor vehicle crashes, other forms of injury, and family disruption. The problems are particularly acute among young people.

“Even relatively minor problems often associated with alcohol sales, such as loitering, graffiti, and noise, can constitute public nuisances that adversely affect neighboring businesses and residents and contribute to neighborhood blight. ... Research has shown that five key variables affect the nature and extent of alcohol problems associated with alcohol retail outlets:

“**Number of alcohol outlets:** High numbers of outlets are associated with increased alcohol problems (sometimes referred to as "outlet proliferation").

“**Types of alcohol outlets:** Outlets such as bars and nightclubs, which have alcohol as their primary business, also create increased risks of problems.

“**Concentration of outlets:** In many communities, the total number of outlets is not excessive, but the outlets are clustered in certain neighborhoods. Over concentration is associated with increased incidence of alcohol problems, including violent assault.

“**Locations of outlets:** Retail outlets next to sensitive land uses such as schools, playgrounds or other locations where youth congregate can contribute to underage drinking problems and may detract from quality-of-life for residents nearby.

“**Retail practices:** Sales and service practices are particularly important variables. Sales to minors and intoxicated persons as well as public nuisance activities can all be reduced through responsible business practices, which in turn can be promoted through effective zoning provisions and enforcement policies.

“Taking comprehensive and proactive steps to plan the number and location of alcohol outlets and to regulate how they are operated, while working collaboratively with alcohol retailers, can reduce alcohol problems, enhance the community's business environment, and contribute to overall community health and safety.”

Another view might be represented by the following statements from the book by Ray Oldenburg titled *The Great Good Place (Cafés, Coffee Shops, Bookstores, Bars, Hair Salons and Other Hangouts at the Heart of a Community)*. According to Mr. Oldenburg:

“Where urban growth proceeds with no indigenous version of a public gathering place proliferated along the way and integral in the lives of people, the promise of the city is denied. Without such places, the urban area fails to nourish the kinds of relationships and the diversity of human contact that are the essence of a city. Deprived of these settings, people remain lonely within their crowds. The only predictable social consequence of technological advancement is that they will grow ever more apart from another.

“America does not rank well on the dimension of her informal public life ... Increasingly, her citizens are encouraged to find their relaxation, entertainment, companionship, even safety, almost entirely within the privacy of homes that have become more a retreat from society than a connection to it.

“In their kind and number, there has been a marked decline in gathering places near enough to people’s homes to afford the easy access and familiar faces necessary to a vital informal public life. ... Daily life amid the new urban sprawl is like a grammar school without its recess periods, like incurring the aches and pains of a softball game without the fun of getting together for a few beers afterward. Both the joys of relaxing with people and the social solidarity that results from it are disappearing for want of settings that make them possible.”

## **STATISTICS/DATA**

During earlier consideration of the propose amendment to the *Table of Permitted and Conditional Uses for Residential Districts*, a Council Member requested data that showed the total number of injuries, total U.S. population, and total deaths and total injuries per 1 million population. The Council Member also requested the total number of injuries by state, and deaths



per 100,000 in population for the years 2004 through 2008. In addition, the Council Member requested a means that showed the locations of alcohol related deaths and injuries in Utah plotted on a map.

Council staff could not locate all the data requested, particularly injury rates. However, the following is a summary of the data that Council staff located and prepared that staff believes meets the Council Member's request. Most of the data is based on events per 10,000 population. The actual charts and graphs are attached to this memorandum. Chart summaries:

**Alcohol Related Crashes/Fatality Rates by State per 10,000 Population 2007** – Utah appeared to have an alcohol related crash rate of 1 per 10,000 in 2007. Fatalities in crashes where the blood-alcohol content limit was .01 or more appeared to be about .25 per 10,000 population. Fatalities in crashes where the blood-alcohol content limit was above the legal limit of .08 appeared to be less than about .25 per 10,000 population. The fatality percentage was among the lowest in the nation and comparable to the fatality percentages of the District of Columbia, New York and Massachusetts.

**Alcohol Related Crashes/Fatality Rates for the U.S. 2000-2007 Per 10,000 Population** – The bar graph and the chart appear to indicate a downward trend nationally and in Utah since 2000, although Utah's fatality rate in crashes where the blood-alcohol content limit was above the legal limit of .08 appeared to fluctuate among a relatively low level of fatalities.

**Alcohol/Drug Related Crashes/Injury and Fatality Rates per 10,000 Population in Selected Utah Counties 2000-2006** – The bar graph and the table appear to indicate that the injury rate in Salt Lake County – with an average of 5.24 injuries per 10,000 – was higher than the state average of 4.63 injuries per 10,000, but the average compared favorably with other selected counties. Alcohol-related crash fatalities in Salt Lake County per 10,000 population were equal to or lower than the statewide figures for the same kind of crashes.

**Location of Alcohol/Drug Crashes by Road Type Utah 2006** – The pie chart indicates that 54.2 percent of alcohol or drug related vehicle crashes in 2006 occurred on state roads or interstate highways. Another 39.8 percent occurred on urban roads. The rest occurred on rural roads or elsewhere.

**Place of Last Drink** – Council staff has included a bar graph and a table from a study titled *Circumstances of Drinking Prior to DUI Arrest Among Persons 18 to 25 years of age in Ventura County*. The study was done in February 2005 by the Ventura County (California) Behavioral Health Department and the Social Science Research Center at California State University, Fullerton. The charts indicate that “Private homes are the settings most frequently identified as the place of last drink prior to arrest among DUI offenders 18 to 25 years of age.”<sup>4</sup>

## **OTHER ITEMS**

The following are items that may pertain to the briefing and discussion of the proposed amendment:

- Salt Lake City has 96 private clubs, 26 bars, taverns and brew pubs, and 203 restaurants that serve beer or other alcoholic beverages or both, according to the City's Business License Office.

- According to representatives of the Department of Alcoholic Beverage Control and the State Bureau of Investigation, it is against Utah law to serve someone alcoholic beverages to the point of intoxication, and a bar owner or server must make his or her “best effort” to prevent an intoxicated person from leaving the premises.
- State agencies conduct scheduled and random checks of all places licensed to serve alcoholic beverage and have a program in which people work undercover with State Bureau of Investigations personnel to check compliance with laws regulating who can be served.
- According to State Bureau of Investigations Major Jeff Carr and Salt Lake City Police Chief Chris Burbank at the City Council’s meeting February 3, the management of a private club is the greatest determiner of whether the business is a community liability or an asset. In addition, Chief Burbank said the size of a private club also has bearing on a club’s potential for problems.
- Chief Burbank also noted at the February 3 meeting that the Police Department made 2,000 arrests last year for public intoxication. The majority of arrests were in downtown Salt Lake City, and the establishment that appeared to supply the majority of those arrested downtown was the state retail store at 205 West 400 South.
- According to the DABC, 80 percent of all private clubs in Utah are Class D clubs in which it is not required to have a dining area. However, food must be available.
- Utah law limits the number of private clubs to one club per 7,850 residents in the state. Utah law limits the number of taverns to one per 30,500 residents in the state.
- City Code currently appears to recognize two kinds of private clubs that sell alcoholic beverages, but 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.

### **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 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 in 2008 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.”

## **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 social and economic fabric of the areas?
- Are there conditions that could be placed in an ordinance that could mitigate potential detrimental impacts?
- It should be noted that the City Attorney’s Office has forwarded a proposed ordinance for City Council consideration that would conform Salt Lake City Code with Utah law regulating businesses that serve alcoholic beverages. However, as of the writing of this memorandum, the Utah Legislature is considering more changes to state law regulating those businesses.

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<sup>1</sup> Please see Attachment No. 1.

<sup>2</sup> Neil Cohen of DABC indicated in his February 3 presentation that DABC cannot license a business unless a city gives its consent.

<sup>3</sup> Planning Commission Minutes, March 28, 2007, pages 5 and 6.

<sup>4</sup> Ventura County Behavioral Health study, Page 11.

The attached list includes the proposed conditions which were considered by the City Council in regards to private clubs located in residential mixed use zones.

The first column includes those conditions that were preliminarily determined by the City Council to be required of private club owners in residential mixed use zones.

The second column includes those conditions that were preliminarily determined by the City Council to be considered in granting a conditional use permit by the Planning Commission for private clubs in residential mixed use zones.

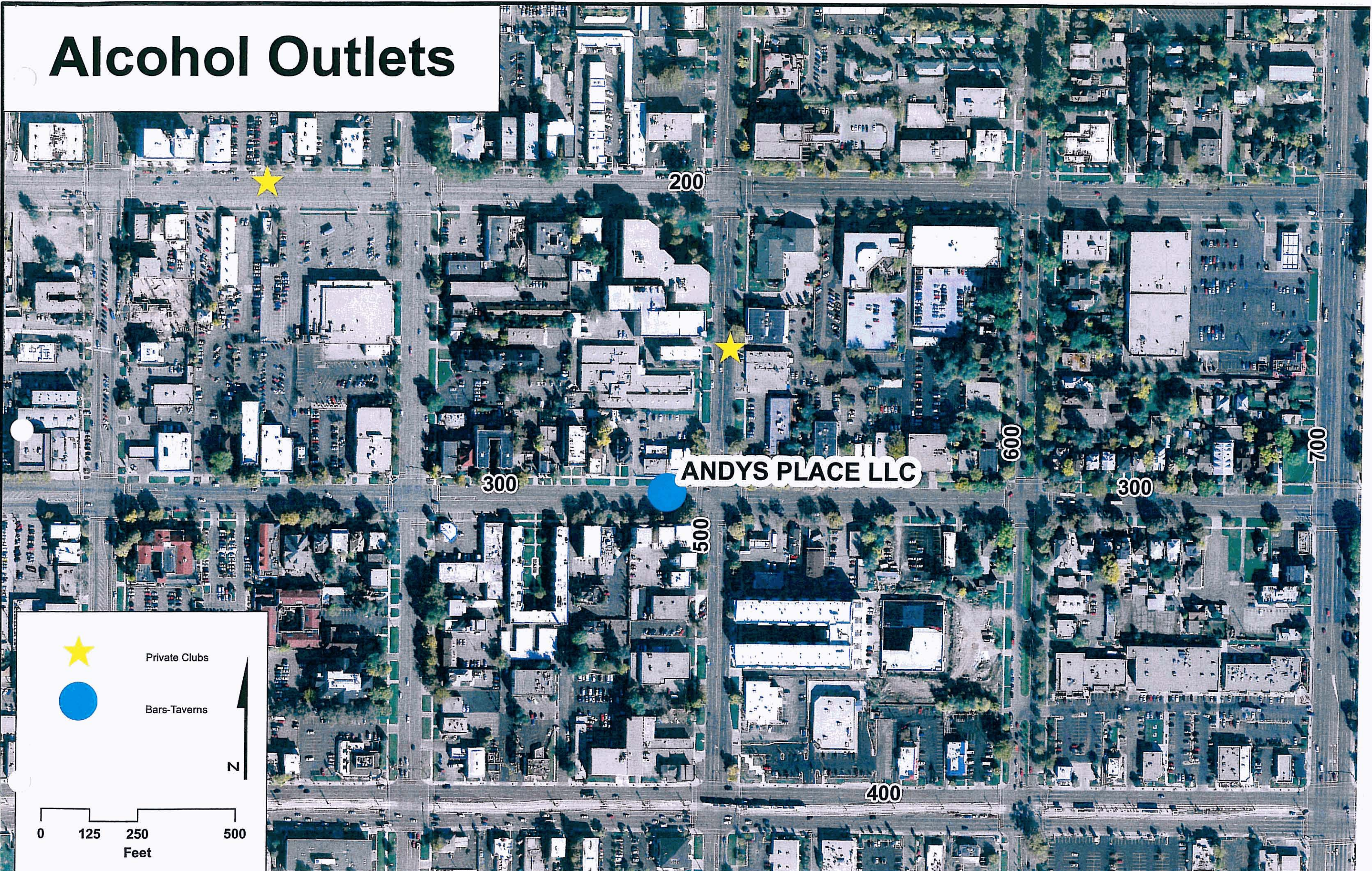
The final column includes those conditions that were preliminarily determined by the City Council to not be included in the considered conditions for a private club in a mixed residential zone.

The City Council also may consider a disproportionate fee structure for locations which are non-complying or which generate disproportionate police calls.

Potential Conditions List for Private Clubs in Residential Mixed Use Zones					
	Required		To be Considered by the Planning Commission for Conditional Use		No
	A		B		C
	1 Require a security and operations plan.	1	Limit the size and kind of signage on the outside of buildings containing private clubs.	1	Coordinating with City law enforcement agencies to monitor community complaints about activities at the business.
	2 Require that the security and operations plan include a complaint-response community relations program.	2	Require parking areas be illuminated at least to meet City Code.	2	Providing to any requesting person the non-emergency and emergency telephone numbers of public safety agencies.
	3 Having a representative of the business meet with neighbors or neighborhood association on a regular basis and upon request to attempt to resolve any neighborhood complaints regarding the business.	3	Require sounds from the interior of a private club not be audible at a level greater than a decibel limit 15 feet from an exterior wall or door at any time.	3	Have a distance requirement from similar businesses and public places or agencies. (It might be noted that City Code Section 6.08.120 already contains distance requirements for businesses that serve alcoholic beverages and Utah law has distance limits from churches, schools and other public places.)
	4 Require a review of a private club's site plan and floor plan be reviewed for opportunities to incorporate design features to assist in reducing alcohol-related problems.	4	Prohibit electronically amplified sound in any exterior portion of the premises.	4	Require that entrances to private clubs be accessed from buildings that front major public streets.
	5 Require buffers, including walls or landscaping where private clubs abut residential buildings or areas.	5	Allow live entertainment only within an enclosed building and which meets sound limit requirements.	5	Limit hours of operation.
	6 Require a six-foot-high masonry wall between a parking lot connected to a private club and adjacent residential property.	6	Limit live entertainment to one or two performers playing acoustic guitars or similar instruments and limit the hours the performers may play.	6	Require a security patrol of the entire premises including parking lots and other outdoor areas and require that the security employees patrol the entire premises frequently.
	7 Require that any landscaping be the kind that cannot be used as a hiding place.	7	Require that trash around the business, including a smoking area, parking lot and nearby areas within a radius of the business be removed after a private club closes for the night.	7	Require that security cameras be installed outside the building housing the business to record activity on the business's property.
	8 Require any outside area designated for smoking to conform to state law and require a reasonable distance between a smoking area and an adjoining property line.	8	Require that trash receptacles be located only within a City-approved trash storage area and that trash be removed daily.	8	Require that all criminal activity recorded by the security cameras be turned over to the appropriate law enforcement agencies.

<b>Potential Conditions List for Private Clubs in Residential Mixed Use Zones</b>					
	<b>Required</b>		<b>To be Considered by the Planning Commission for Conditional Use</b>		<b>No</b>
	<b>A</b>		<b>B</b>		<b>C</b>
	Require that any outdoor smoking area be located and vented so that tobacco smoke does not concentrate near houses or multifamily housing.	9	Require that trash around the business, including a smoking area, parking lot and nearby areas within a radius of the business be removed after a private club closes for the night.	9	Require that all patrons take a breathalyzer test before leaving the business.
	Require that the exterior of the business including the building, all signs, and accessory buildings and structures be maintained free of graffiti at all times.	10	Require that trash receptacles be located only within a City-approved trash storage area and that trash be removed daily.	10	Require that breathalyzer equipment be available so patrons may test themselves voluntarily before leaving the business.
				11	Require that all patrons who have driven vehicles to the business take a breathalyzer test before leaving the business.
				12	Require that breathalyzer equipment be available for patrons who have driven vehicles to the business so they may test themselves voluntarily before leaving the business.
				13	Prohibit outdoor benches, chairs, and admittance lines.
				14	Limit the number of people smoking tobacco products in the smoking area to a certain number allowed at one time.
				15	Require that trash around the business, including a smoking area, parking lot and nearby areas within a radius of the business, be removed at least every two hours while a private club is open.
				16	Require a prominent notice that consumption of alcohol outside a private club or its designated outdoor eating or drinking areas is prohibited by law.
				17	Require that any pay telephones on the exterior of the private club be the kind that allow only out-going calls and that the phones be located in a visible and well-lit area.

# Alcohol Outlets



200

300

ANDYS PLACE LLC

600

700

300

500

400



Private Clubs



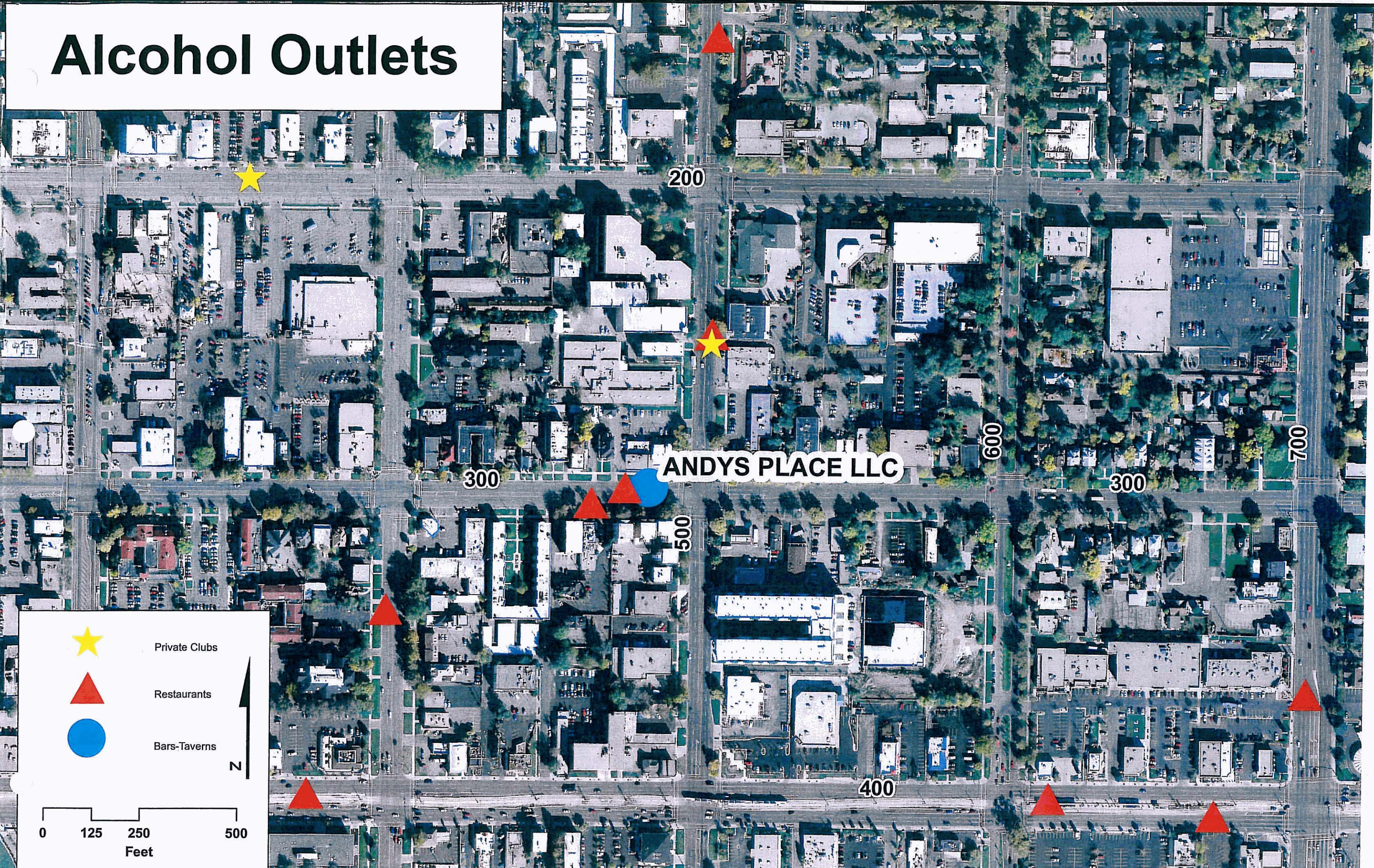
Bars-Taverns

N

0 125 250 500  
Feet



# Alcohol Outlets



Private Clubs

Restaurants

Bars-Taverns

N

0 125 250 500  
Feet

ANDYS PLACE LLC

200

300

500

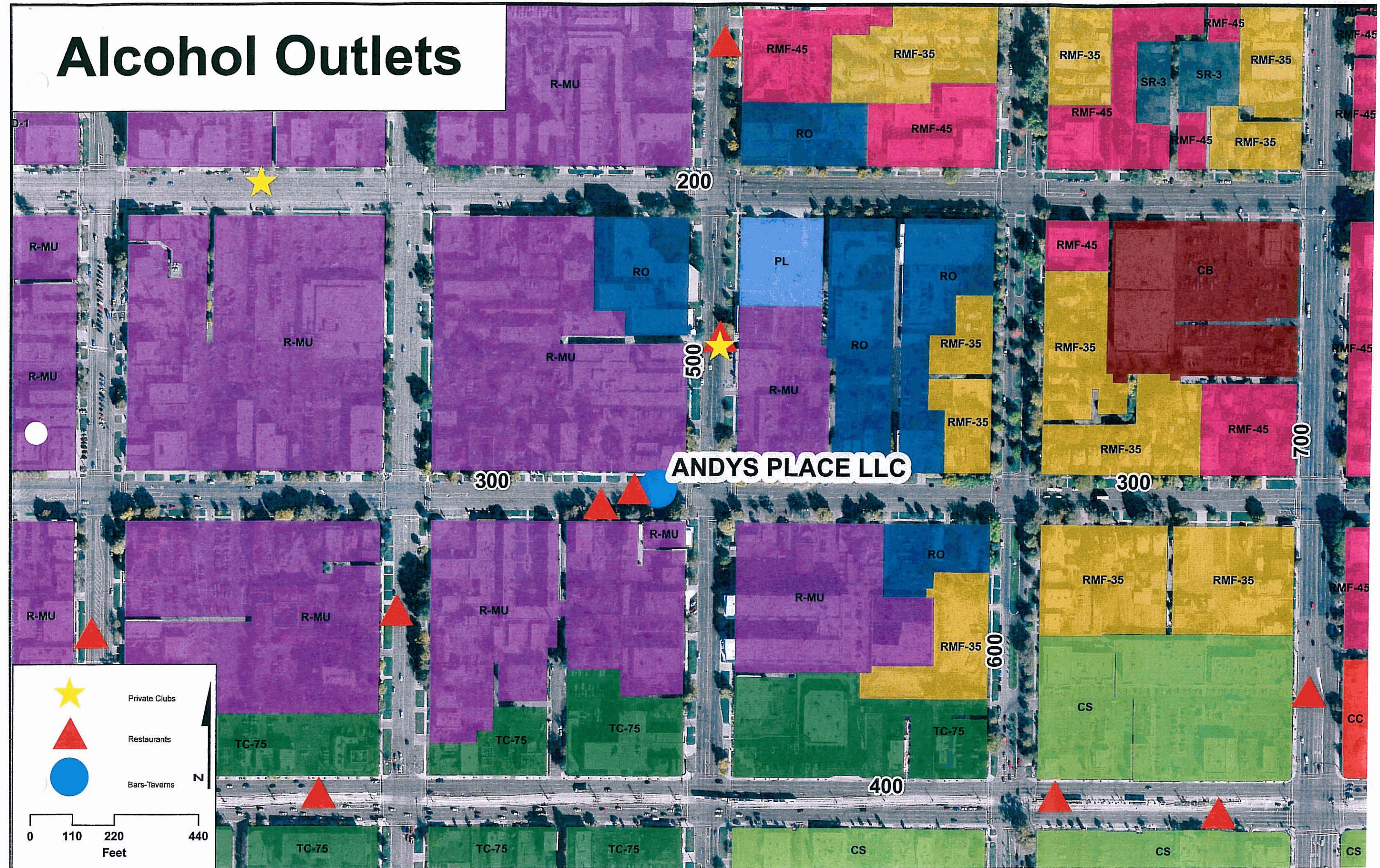
400

600

300

700

# Alcohol Outlets



# SALT LAKE CITY CORPORATION

EDWIN P. RUTAN, II  
CITY ATTORNEY

LAW DEPARTMENT

RALPH BECKER  
MAYOR

*Privileged & Confidential*

## MEMORANDUM

**To:** City Council Members  
Cindy Gust-Jensen

**From:** Ed Rutan  
Laura Kirwan

**cc:** Frank Gray  
Wilf Sommerkorn  
Pat Comarell  
Neil Lindberg

**Date:** February 5, 2009

**Re:** Recommended Enforcement Process for Private Clubs

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The attached flow chart represents our recommended process for enforcement action involving violations by private clubs. The following are key propositions on which the enforcement structure is based.

1. The Grounds for Discipline Would be for Those in SLCC § 5.02.250 Plus Breach of a Conditional Use Condition.

SLCC § 5.02.250 is the section that provides the grounds for suspension or revocation of business licenses in general. For example, Section 5.02.250A(4) provides that a license may be suspended or revoked if the licensee made "any material misrepresentation or any fraud perpetrated on the licensing authority through application for, or operation of, said business." These provisions would be applicable to private clubs. However, private clubs would also be subject to discipline for violation of the conditional use conditions.

2. Enforcement Would be Complaint Driven.

The City has only a limited number of civil enforcement personnel who could undertake a regular inspection program. As a practical matter, citizen complains would initiate the process in the majority of cases.

3. The City Would Not Enforce Against Civil Violations of State Alcohol Statutes and Rules.<sup>1</sup>

The assumption is that the City will focus on land use and quality of life issues and will not adopt alcohol-related regulations.

Instead, the city will rely on state alcohol statutes and rules and enforcement by the Department of Alcohol Beverage Control and the Alcohol Beverage Control Commission. Citizen complaints received by the City relating to alcohol violations will be referred to the DABC following the minimum necessary investigation by the City.

4. A Tiered Penalty Structure Will Be Employed.

A progressive series of minimum fines will be applied for four classes of violations – Class I (e.g. self-illuminating signs); Class II (e.g. wall abutting residential property); Class III (imminent life safety); and Class IV (repeated sustained sanctions by ABC Commission).

- a. Class I Violations would be subject to a minimum fine of \$250 for the first violation, \$500 for the second; and \$1000 for the third within a three year period. Violations beyond the third within a three year period would be subject to a mandatory one day suspension. However, no number of Class Violation would subject the licensee to revocation or more than a one day suspension per violation.
- b. Class II Violations would be subject to a minimum fine of \$500 for the first violation; \$750 for the second and \$1000 for the third violation within three years. Violation beyond the third within three years would be subject to a minimum suspension of two days. Longer suspensions or revocation would be available.
- c. Class III Violations. These are violations involving life-safety type situations. If appropriate, the City could go directly to suspension or revocation and would not be limited to a first offense fine.
- d. Class IV Violations. While the City will not be enforcing against alcohol violations in the first instance, it is possible that the City may believe that the ABC Commission has not taken sufficient action against a repeat offender. Thus if a licensee has been “finally” penalized (i.e. all available judicial appeals have been exhausted) for three or more “serious” (i.e. serving minors) or “grave” (e.g. public safety, health or welfare, but not anti-competitive practices or importation) violations as defined by the

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<sup>1</sup> The City Prosecutor’s Office (and Salt Lake Co. District Attorney’s Office) would retain its discretion to proceed with criminal prosecution when appropriate.

ABC Commission during a three year period, the City may suspend or revoke the business license for an additional period of time beyond any sanction imposed by the Alcohol Beverage Control Commission.

5. A New Hearing Board Would Be Established.<sup>2</sup>

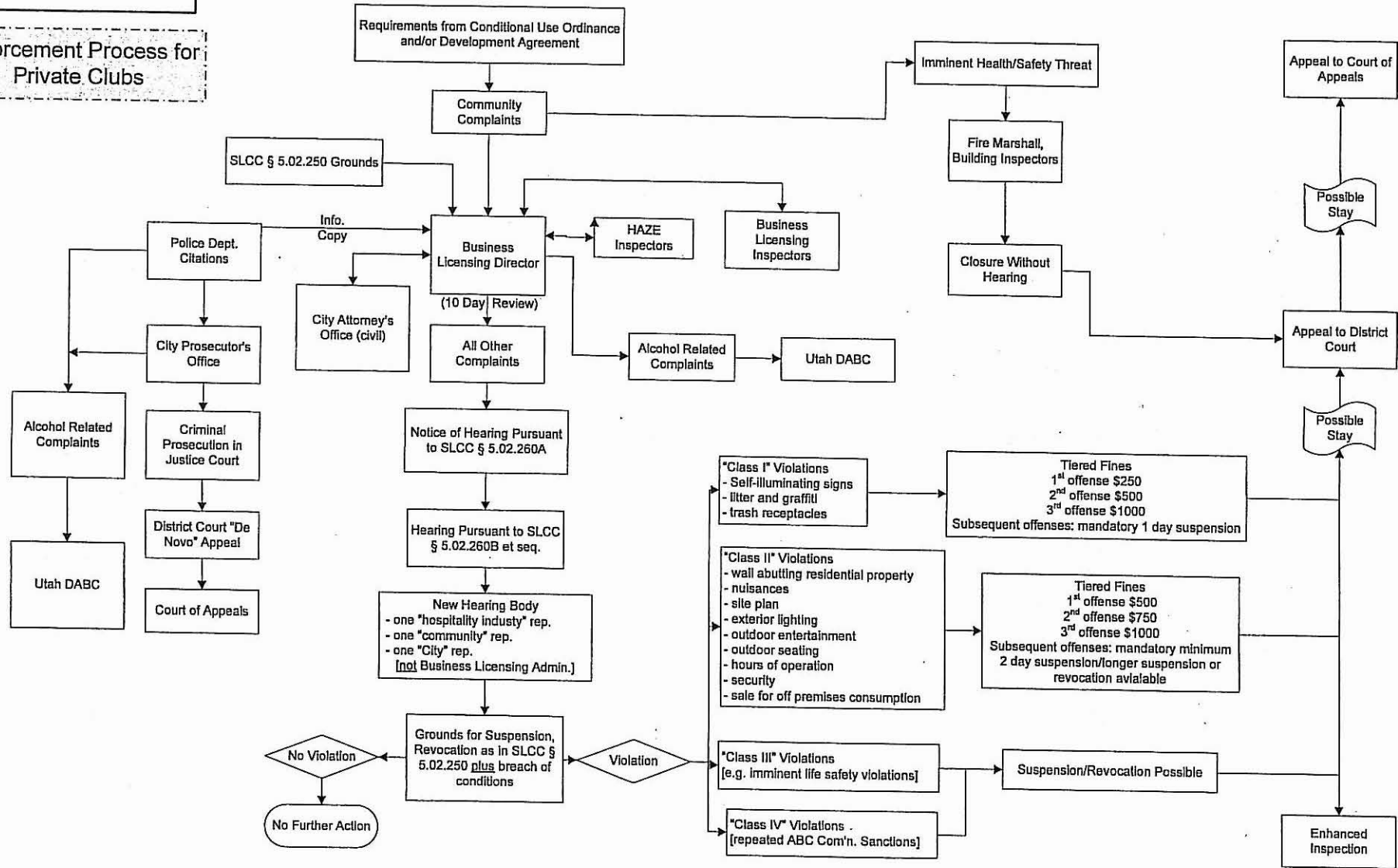
Rather than utilizing the current single hearing examiner process, a new board of three people – nominated by the Mayor with advise and consent of the Council – would be created to address private club violations only. One member would come from the “hospitality industry,” one member from the “community” and the chair would be a City employee.

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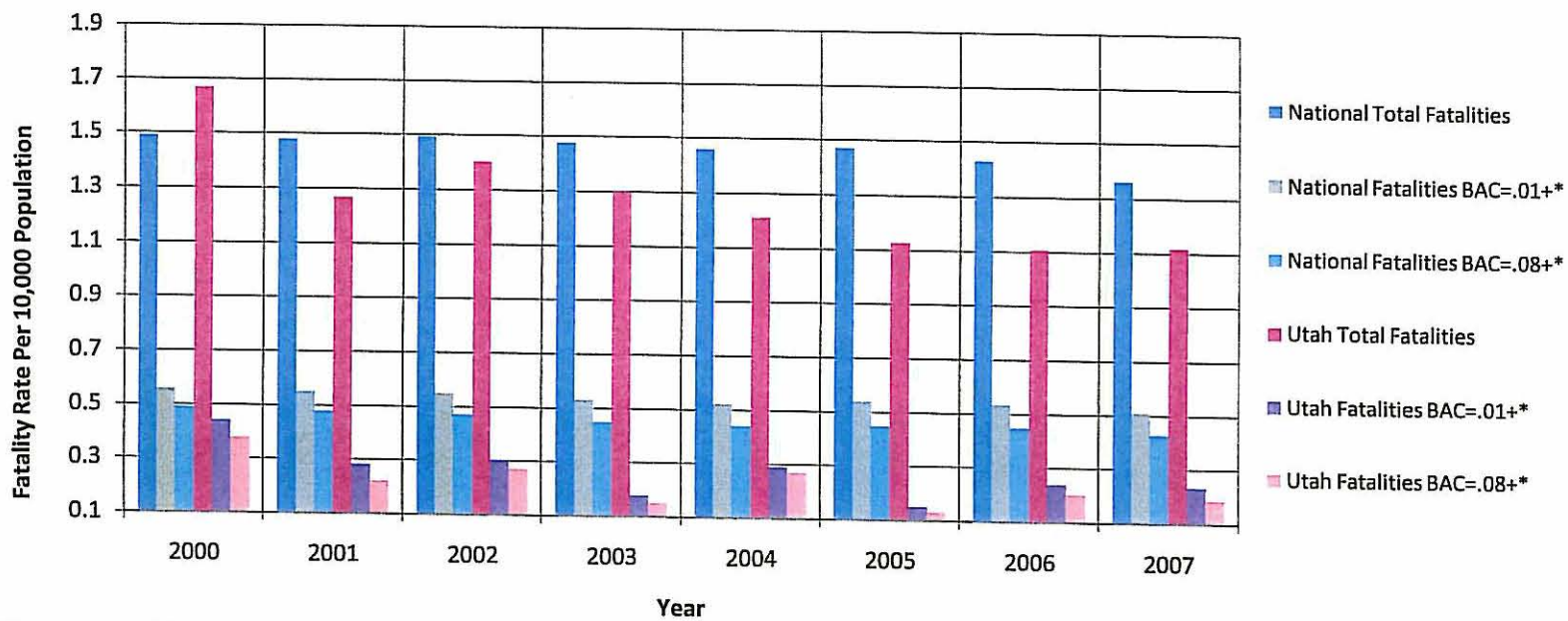
<sup>2</sup> Under existing ordinances or state law specified City officials have the authority to shut down a club “on the spot” without a hearing when public health or safety is threatened, for example, certain building code or fire code violations. (The City’s action is subject to appeal.) This authority would remain in place.

Discussion Draft – 2/5/09

Enforcement Process for Private Clubs



**Alcohol Related Crashes  
Fatality Rates for the U.S. 2000-2007  
Per 10,000 Population**

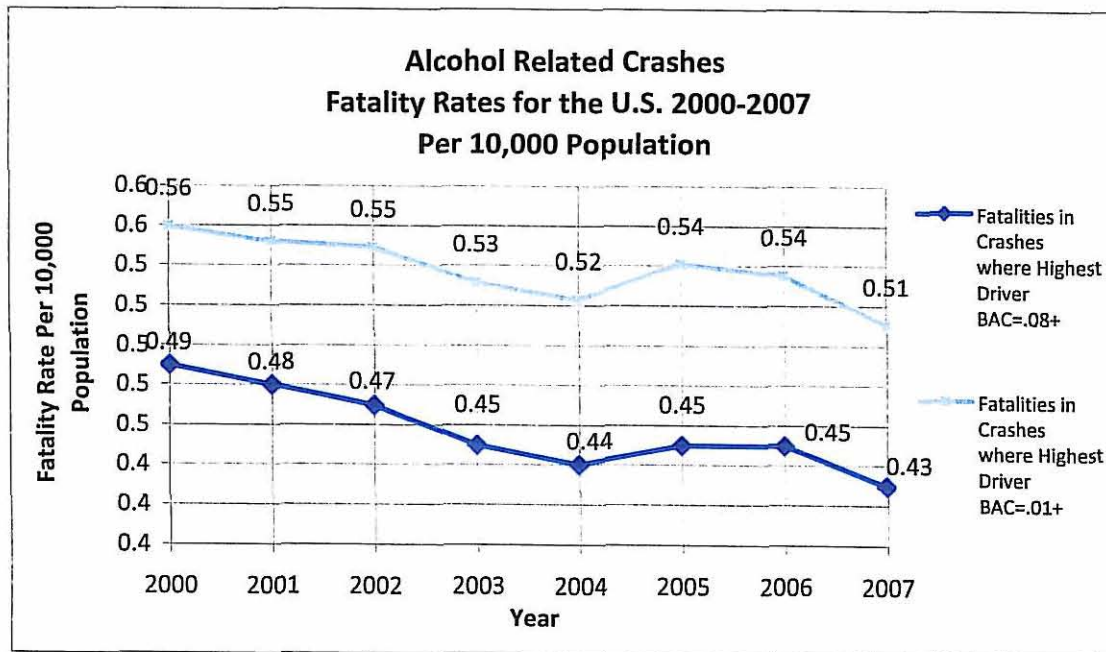


\* Highest Driver BAC

Source: National Highway Traffic Safety Administration

National Center for Statistics & Analysis

	Population	Vehicle Miles Traveled (Millions)	Total Fatalities			Fatalities in Crashes where Highest Driver BAC=.01+			Fatalities in Crashes where Highest Driver BAC=.08+		
			Number	Rate/100 Million VMT	Rate/10,000 Population	Number	Rate/100 Million VMT	Rate/10,000 Population	Number	Rate/100 Million VMT	Rate/10,000 Population
2000	281421906	2,746,925	41,945	1.53	1.49	15,746	0.57	0.56	13324	0.49	0.47
2001	285039803	2,797,287	42,196	1.51	1.48	15,731	0.56	0.55	13290	0.48	0.47
2002	287726647	2,855,508	43,005	1.51	1.49	15,793	0.55	0.55	13472	0.47	0.47
2003	290210914	2,890,450	42,884	1.48	1.48	15,423	0.53	0.53	13096	0.45	0.45
2004	292892127	2,964,788	42,836	1.44	1.46	15,311	0.52	0.52	13099	0.44	0.45
2005	295560549	2,989,430	43,510	1.46	1.47	15,985	0.53	0.54	13582	0.45	0.46
2006	298362973	3,014,116	42,708	1.42	1.43	15,970	0.53	0.54	13491	0.45	0.45
2007	301290332	2,996,409	41,059	1.37	1.36	15,387	0.51	0.51	12998	0.43	0.43



Source: National Highway Traffic Safety Administration  
National Center for Statistics & Analysis





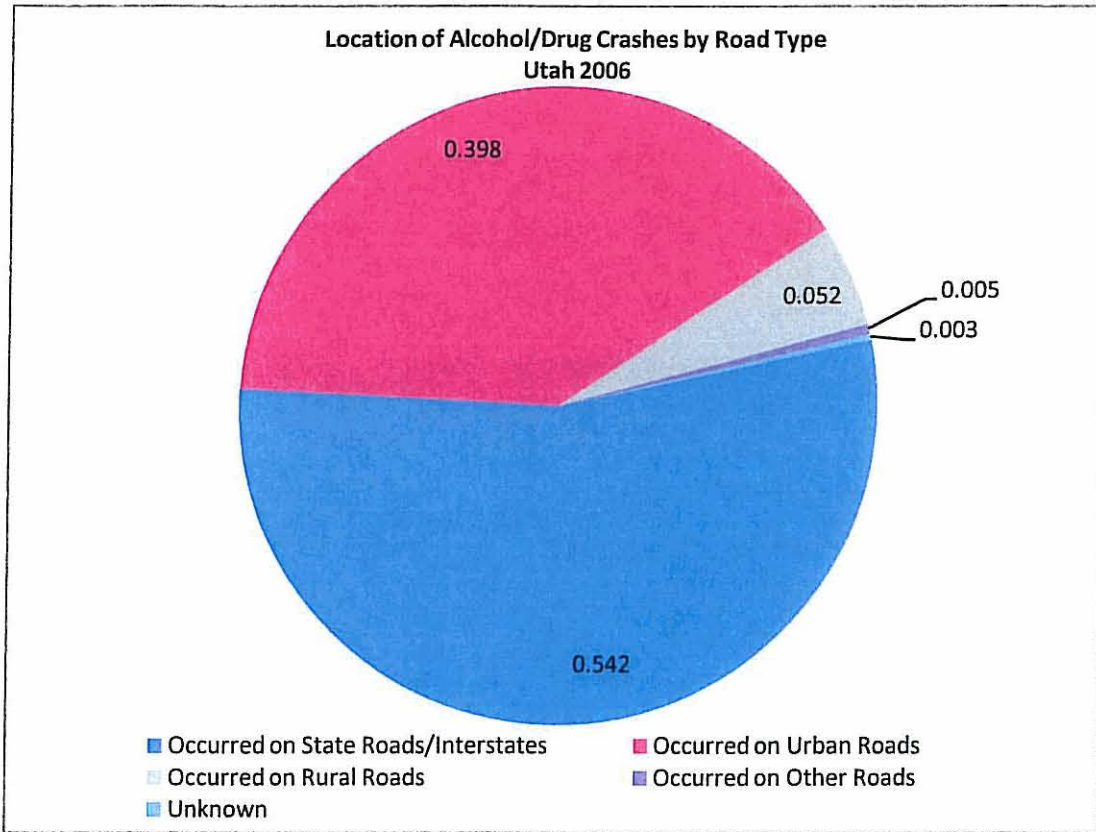
Alcohol/Drug Related Crashes- Injury Rate per 10,000 Population by Selected Utah Counties

	2000	2001	2002	2003	2004	2005	2006
Box Elder	4.4	3.7	5.5	4.5	4.0	4.9	3.0
Cache	4.0	2.6	2.2	2.0	2.9	2.6	3.6
Davis	2.7	2.2	2.3	1.8	2.3	2.8	2.9
Salt Lake	6.0	5.8	5.4	4.9	4.5	4.6	5.5
Summit	6.3	8.6	6.8	5.3	6.0	4.7	6.2
Tooele	12.3	9.2	10.2	7.5	7.0	6.1	7.0
Utah	3.3	3.2	2.8	2.8	3.2	3.2	3.4
Wasatch	5.2	4.3	11.4	10.4	6.3	8.0	5.7
Washington	3.1	5.3	3.3	2.9	2.9	4.5	5.2
Weber	4.9	5.6	4.8	5.0	4.0	4.1	5.1
Statewide	5.1	5.0	4.7	4.3	4.1	4.3	4.9

Alcohol/Drug Related Crashes- Fatality Rate per 10,000 Population by Selected Utah Counties

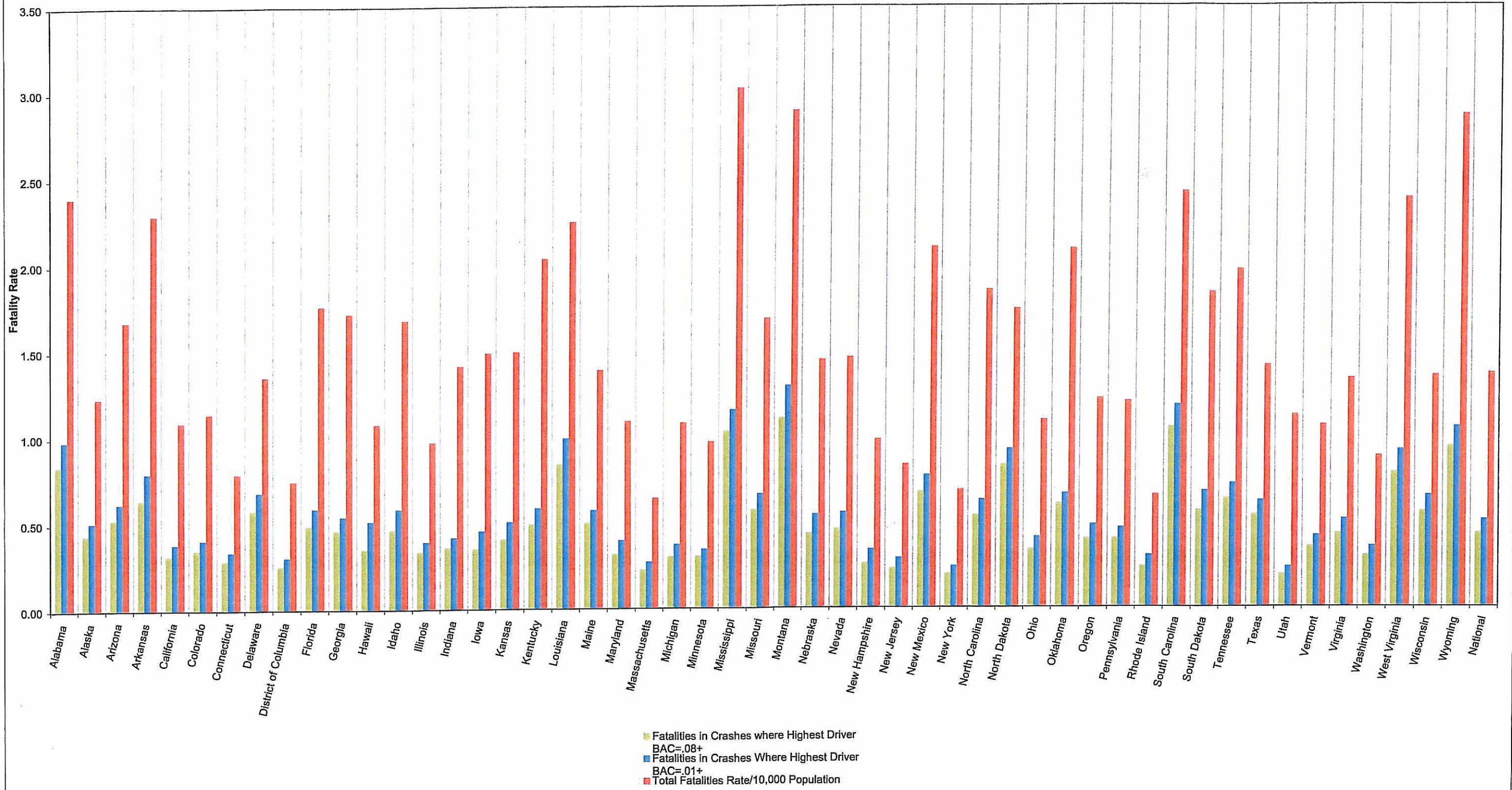
	2000	2001	2002	2003	2004	2005	2006	2007
Box Elder	0.2	1.2	0.0	0.2	0.9	0.4	0.4	0.8
Cache	0.3	0.2	0.3	0.1	0.3	0.3	0.1	0.0
Davis	0.1	0.1	0.1	0.0	0.1	0.0	0.2	0.1
Salt Lake	0.3	0.1	0.1	0.1	0.1	0.1	0.2	0.1
Summit	0.0	0.0	0.3	0.9	0.3	0.0	0.5	0.3
Tooele	0.7	0.7	2.1	0.8	2.2	1.0	0.4	0.9
Utah	0.1	0.1	0.1	0.1	0.2	0.1	0.1	0.1
Wasatch	1.9	3.7	0.0	0.6	1.0	0.5	0.0	0.9
Washington	0.1	0.0	0.5	0.1	0.2	0.1	0.5	0.1
Weber	0.4	0.2	0.2	0.0	0.1	0.0	0.2	0.3
Statewide	0.4	0.2	0.3	0.2	0.3	0.2	0.2	0.2

Source: Utah Department of Public Safety



Source: Utah Department of Public Safety

**Alcohol Related Crashes**  
**Fatality Rates by State Per 10,000 Population**  
**2007**



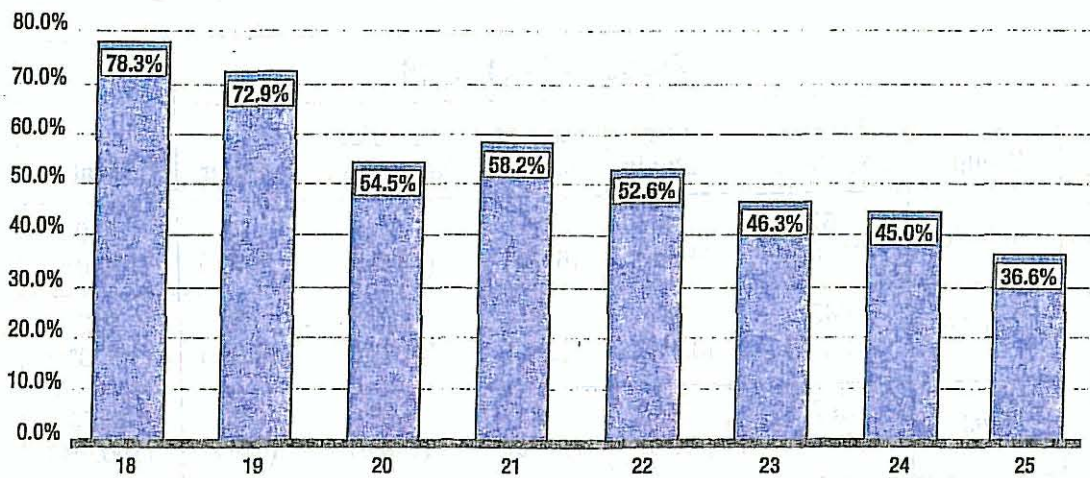
- Private homes are the settings most frequently identified as the place of last drink prior to arrest among DUI offenders 18 to 25 years of age.

Most young people drink in a single setting before their DUI arrests.

The younger the offender, the more likely that the Place of Last Drink is a private residence.

Just less than 86% of young persons report that they consumed alcohol in a single setting before their arrest. Eleven and six tenths percent drank in two places, and 2.6% in three or four places. Approximately half (50.9%) of all 18 to 25 year old DDP participants reported drinking at a private residence immediately prior to their DUI arrest. Underage drinkers (ages 18-20) are much more likely to have consumed their last drink at a private home (78.3% of 18-year-olds, 72.9% of 19-year-olds, and 54.5% of 20-year-olds), compared to arrestees 21 to 25 years of age (an average of 47.7% of DUI offenders 21 through 25 years of age had their last drink at a private residence). *Figure 3* illustrates the proportions at each age that took their last drink before arrest at a private residence.

**Figure 3** Percent of DUI Offenders Taking Their Last Drink in a Private Residence by Age



- Distinctions between bars, clubs and restaurants are not made by young drinkers.

In the late night hours, many restaurants are just like bars and clubs to young drinkers.

Over one-third of DUI offenders 18 to 25 years of age took their last drink in a bar, club or restaurant.

Three out of twenty underage drinkers arrested for DUI are being served alcohol in bars, clubs and restaurants.

The second most commonly reported location for last drink was a bar or club (29.5%), distantly followed by a restaurant (6.3%). However, a close examination of responses shows that young adults often patronize restaurants that, in the late night hours, function in much the same way as a bar or club. When it comes to actual licensed establishments identified by young adults as their place of last drink, six of the top ten locations are actually licensed as restaurants (bona fide eating establishments). In *Table 1*, Bars and Clubs (29.5%) and Restaurants (6.3%) are considered together in a single category (35.8%).

**table 1 | Place of Last Drink by Age Group**

Age Group	Place of Last Drink					Total
	Private Residence	In a Vehicle	Park or Beach	Bar/Club Restaurant	Other	
18 to 20	152 (63.3%)	15 (6.3%)	15 (6.3%)	35 (14.6%)	23 (9.6%)	240 (100.0%)
21 to 25	445 (47.7%)	35 (3.8%)	28 (3.0%)	385 (41.3%)	40 (4.3%)	933 (100.0%)
<b>Total</b>	597 (50.9%)	50 (4.3%)	43 (3.7%)	420 (35.8%)	63 (5.4%)	1,173 (100.0%)

*Table 1* indicates that 14.6% of underage DUI offenders are illegally served in bars, clubs or restaurants. "Other" responses are extremely varied, including (for example) "At work," "On a boat," "Airport," "Hotel room," "Parking lot," and "Wedding."

**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 17<sup>th</sup> 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 4<sup>th</sup> 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 rational 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.; Trepo, 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 abstention, 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 Trepo, 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)

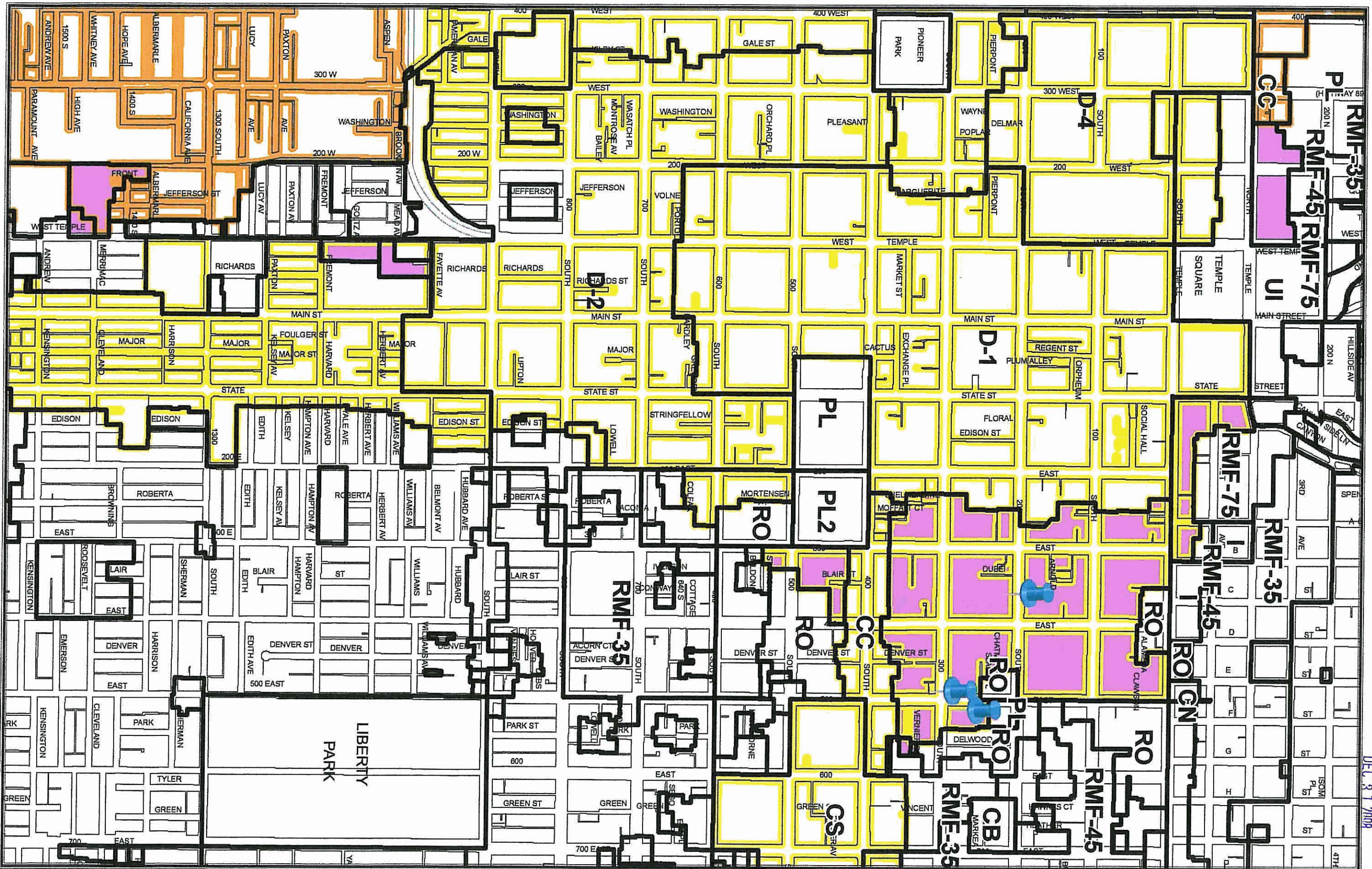
d) Increases in availability and promotion changes social norm, which increases youth risk factors and high risk college drinking:

"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)







R-MU Zoning District

Alcohol License District B

Alcohol License District A

Alcohol Establishments in the R-MU District

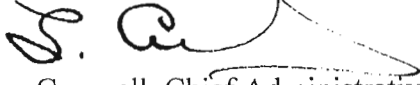


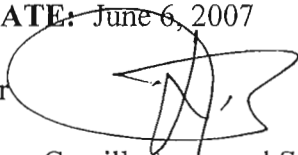
A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

**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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## **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	
<b>Private clubs /tavern/lounge/ brew- pub; 2,500 square feet or less in floor area</b>																			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](mailto: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  
SALT LAKE CITY, UT 84111

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27055 BIGHORN MOUNTAIN  
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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:

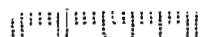
**TUESDAY, FEBRUARY 20, 2007**

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

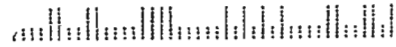
**ROOM 126  
SALT LAKE CITY AND COUNTY BUILDING  
451 SOUTH STATE STREET  
SALT LAKE CITY, UTAH**

Please direct any questions, or comments concerning this request to Katia Pace at 535-6354, [katia.pace@slcgov.com](mailto: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 Lou Corsi, Jr

Address 3171 S 100th

Spokane, WA 99216

*(Please include zip code)*

Phone 801-915-1033

Comments: LOOC @ NetWorld.com  
Supporting community 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: [2chickenmaster@hotmail.com](mailto:2chickenmaster@hotmail.com)

### Links requested:

Thank you

- R-MU
- Map with parks & schools
- link of zoning laws
- link of Liquor Ordinance
- 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.

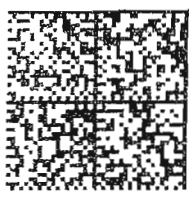
1. **APPROVAL OF MINUTES** from Wednesday, March 14, 2007.
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC HEARING**
  - a. **Petition 400-06-45**— a request by Lou Corsillo to amend the Salt Lake City Zoning Ordinance, Section 21A.24.190, Table of permitted and Conditional 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](mailto: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](mailto: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](mailto:kevin.lopiccolo@slcgov.com)).
5. **UNFINISHED BUSINESS**

KATIA PACE  
PLANNING DIVISION  
451 S STATE ST

# PUBLIC HEARING NOTICE

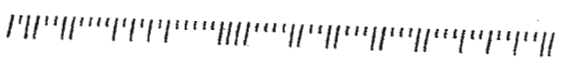
US POSTAGE  
Mailed From 84111  
03/13/2007  
\$00.390  
016H16501573

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](mailto: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 20<sup>th</sup>, 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:**

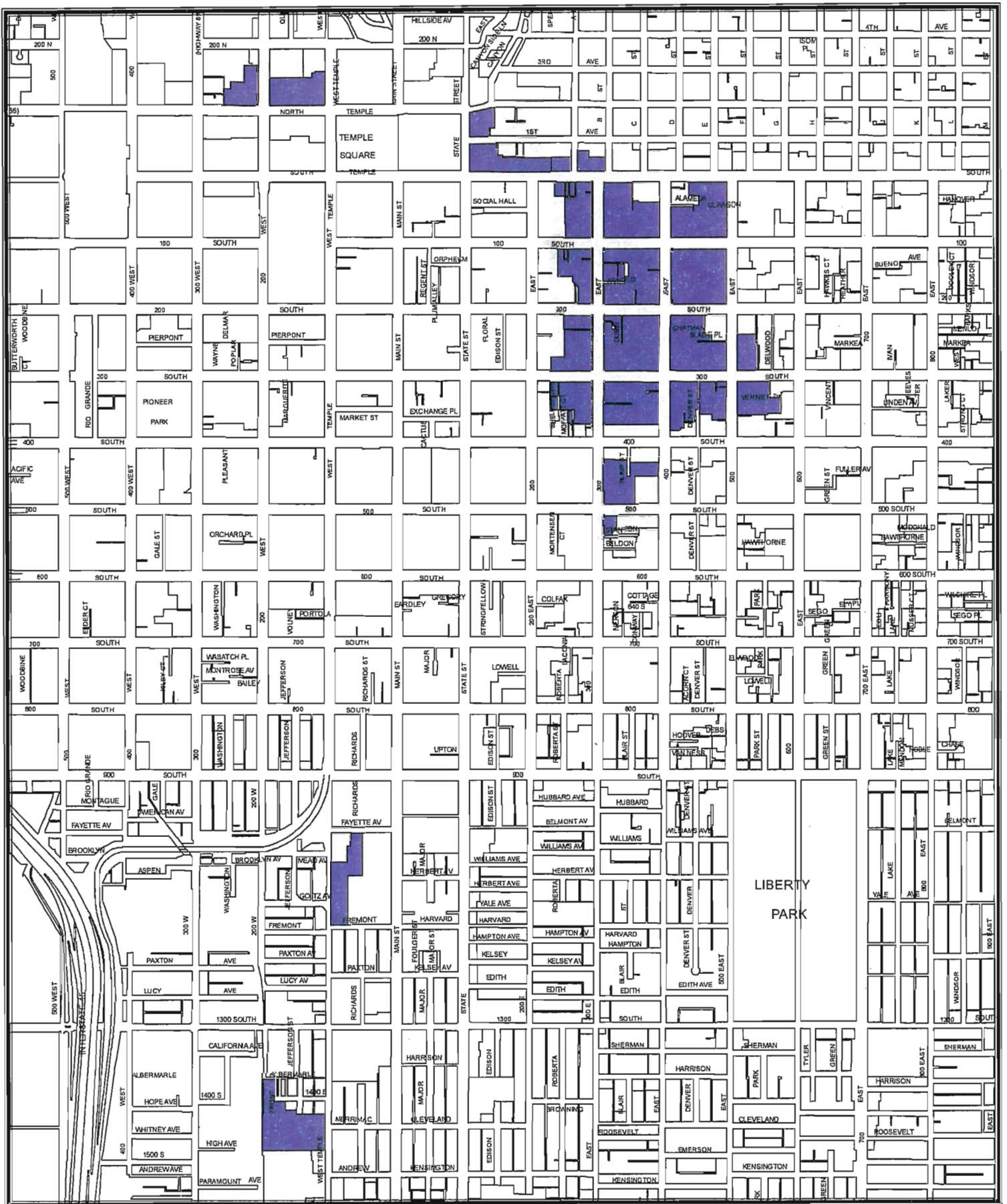
Based on the comments, analysis, and findings of fact noted in this staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the amendment to include private clubs as a conditional use in the R-MU Zoning District.

**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

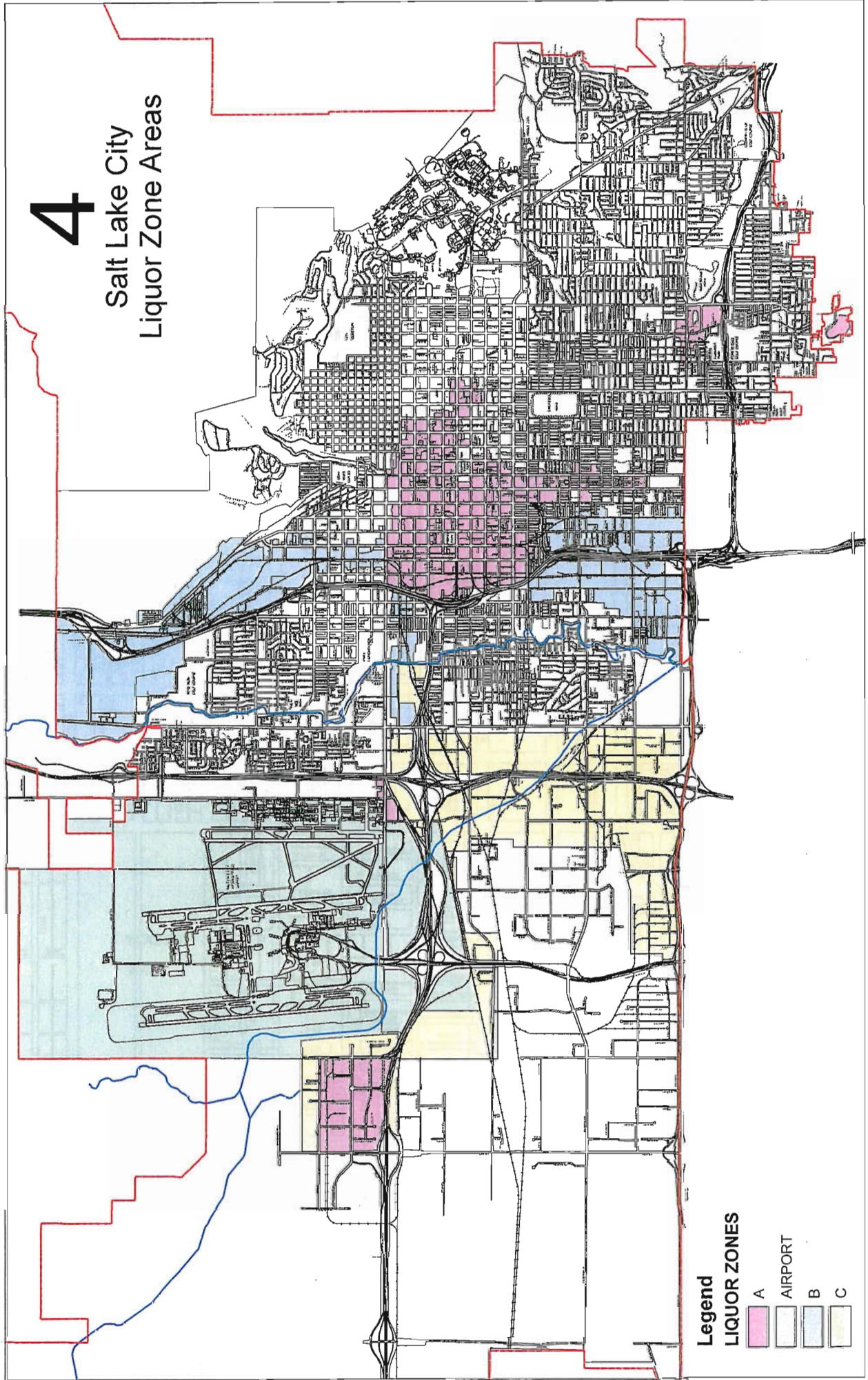


# R-MU Zoning District

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**

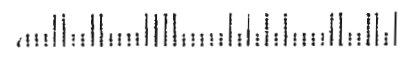
**FROM 4:30 to 6:00 P.M.**

**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](mailto: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

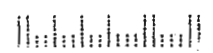


Haster

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**\$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

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 17<sup>th</sup> 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 4<sup>th</sup> 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 So.

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