



# Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

**To:** Salt Lake City Administrative Hearing Officer  
**From:** Rylee Hall, Principal Planner  
rylee.hall@slcgov.com or 801-535-6308  
**Date:** January 26<sup>th</sup>, 2023, Published January 20<sup>th</sup>, 2022  
**Re:** PLNPCM2022-01012 – Conditional Use: Bar Establishment

## Conditional Use Permit

**PROPERTY ADDRESS:** 615 N 400 W

**PARCEL ID:** 08-36-126-010-0000

**MASTER PLAN:** Capitol Hill Master Plan

**ZONING DISTRICT:** M-1 Light Manufacturing District

**RECOGNIZED ORGANIZATION:** Capitol Hill Neighborhood Council

**COUNCIL DISTRICT:** District 3, Chris Wharton

### REQUEST:

Lexie Reder, the lessee of the property, is requesting Conditional Use approval for a bar establishment at 615 North 400 West, in the M-1 Light Manufacturing District. The site of the proposed use is developed, with an existing building and parking area. No additions to the building or modifications to the site are proposed.

### RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the request generally meets the applicable standards of approval and therefore recommends the Administrative Hearing Officer approve the request.

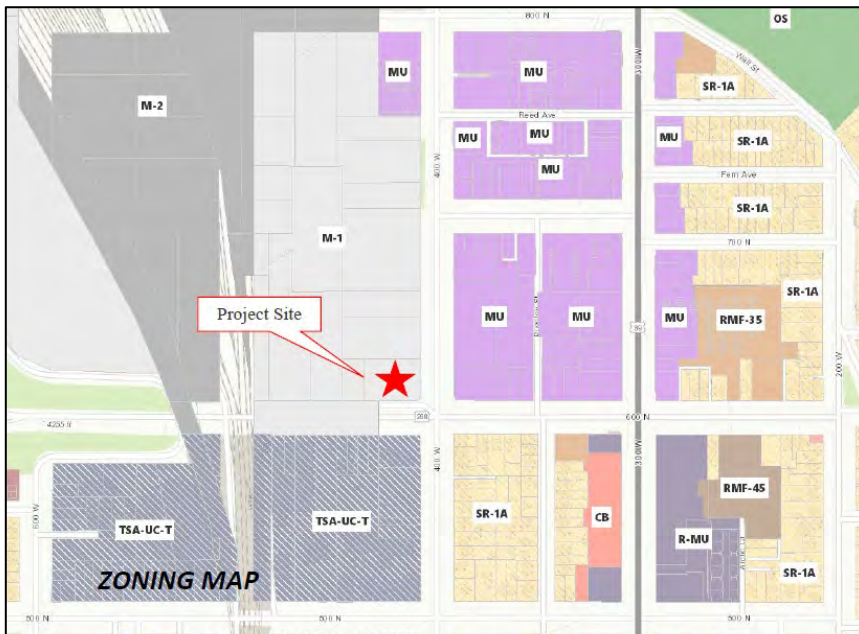
### ATTACHMENTS:

- A. [ATTACHMENT A: Vicinity Map](#)
- B. [ATTACHMENT B: Site Photos](#)
- C. [ATTACHMENT C: Application Materials from Applicant](#)
- D. [ATTACHMENT D: Zoning Standards for the M-1 Zone](#)
- E. [ATTACHMENT E: Standards for Alcohol Related Establishments](#)
- F. [ATTACHMENT E: Conditional Use Standards](#)
- G. [ATTACHMENT F: Department Review Comments](#)
- H. [ATTACHMENT G: Public Process & Comments](#)

## PROJECT DESCRIPTION



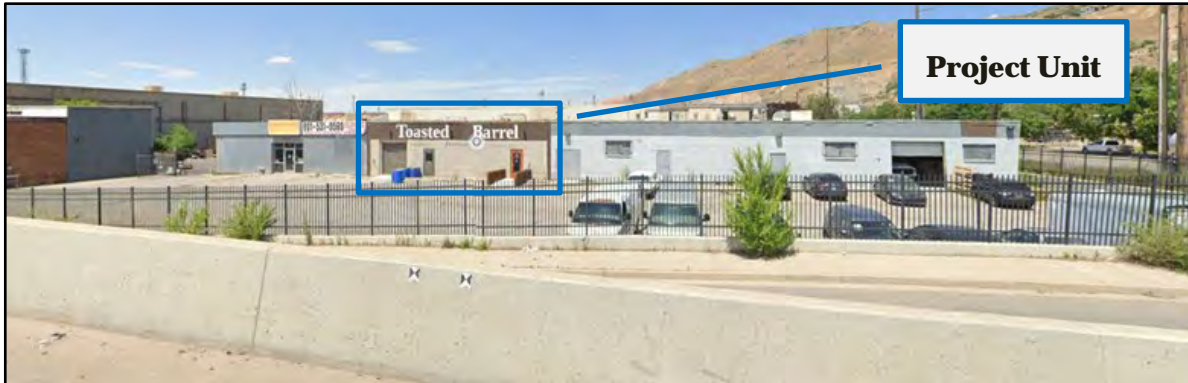
Lexie Reder, the lessee of the property, is seeking approval of a conditional use permit to establish a bar within an existing building at 615 North 400 West, called Kennedy's Cabaret. There are 3 units within the existing building at this property and the applicant intends to use their leased unit (Unit B) as a bar establishment. The subject unit is approximately 4,500 SF. The project site of the proposed use is developed, with an existing building and parking area. No additions to the building or modifications to the site are proposed.



The property is located within the M-1 Light Manufacturing District where a Bar Establishment is a Conditional Use. The neighboring property to the north and west of the subject property are also located within the M-1 Light Manufacturing District. Neighboring property to the east, across 400 West, is within the MU Mixed Use District, and neighboring property to the south, across 600 North, is within the TSA-UC-T – Transit Station Area District, Urban Center Station, Transitional. To the south-east of the property is a swath of land designated SR-1A Special Development Pattern Residential District.

This area is within the Capitol Hill Neighborhood Council District and is also near the boundaries of the Fairpark Community Council District. The applicable Master Plan for this area is the Capitol Hill Master Plan, originally adopted in 1996.

## Site Details



### Quick Facts

**Height:** 1 story (building and site are developed and conditions are existing)

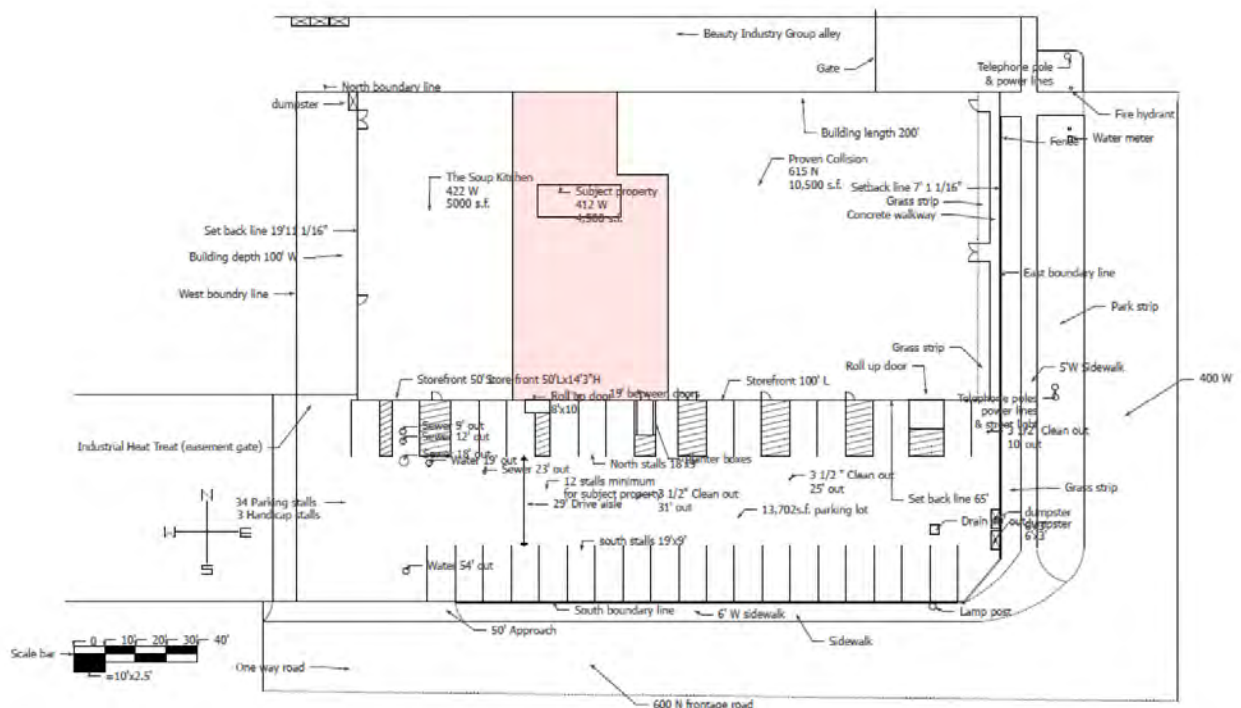
**Building Uses (from left to right):** Soup Kitchen supply, Toasted Barrel/currently vacant (future location of proposed use), Proven Collision car repair shop

**Exterior Materials:** painted CMU & metal paneling (existing)

**Provided Parking:** 10 allocated spaces

**Review Process & Standards:** Conditional Use Permit, M-1 zoning standards, and general zoning standards.

### Site Plan Provided by Applicant



The property is developed with an existing building and parking area. All site conditions are existing. No additions to the building or modifications to the site are proposed.

Setbacks

The existing building is built to the property line along the norther boundary. The building is setback about 20 ft. from the western property line, about 65 ft. from the southern property bordering 600 North, and about 7 ft. from the eastern property line bordering 400 West.

Unit

The applicant intends to occupy Unit B (center unit), which is currently vacant, and establish the proposed bar within that space. Toasted Barrel Brewery, a brewery and tasting establishment, formerly occupied this unit, but did not complete the conditional use process to establish a bar at this location. The total area of the space is approximately 4,500 SF, and will include a bar serving and seating area, performance area, 2 bathrooms, and a dressing, storage, and office room.

Access

The site is accessed from 600 North, which is a one-way street, via a drive approach located near the south-west corner of the property. No access to property will be provided by neighboring properties. Vehicles exiting the property must turn right and travel under the nearby 600 North overpass. This is the only route of exit from the property.

Parking

Minimum off-street parking requirements are regulated by City Code. In section 21A.44, Table 21A.44.44.030 Scheduled of Minimum Off Street Parking Requirements, the minimum required amount of parking for a restaurant, tavern, or bar establishment is 2 spaces per 1,000 SF of usable floor area. See the table below for a breakdown of the required and provided parking spaces for the proposed use:

<i>Proposed Use</i>	<i>Off-Street Parking Requirement</i>	<i>Usable Floor Area</i>	<i>Required Number of Spaces</i>	<i>Provided Spaces</i>
Bar Establishment	2 spaces per 1,000 SF of usable floor area	Approx. 4,500 SF	<b>9 spaces</b>	<b>10 spaces</b>

The subject site will provide adequate parking that exceeds the amount required by City Code requirements for the proposed use.



*Sign Concept Provided by Applicant*

**Business Details**

Kennedy’s Cabaret, the proposed bar establishment, has the following proposed hours of operation:

<i>Hours of Operation</i>	
Monday	11:30am – 12am
Tuesday	11:30am – 2am
Wednesday	11:30am – 2am
Thursday	11:30am - 2am
Friday	11:30am – 2am
Saturday	10am – 2am
Sunday	10am – 12am

Up to 4 employees are expected to be on site during the highest shift. The applicant intends to have live performances including the following: aerial hoop, silk and trapeze artists, break, hip-hop, and cultural dancing, with an emphasis on dancing and singing.

Up to 70 seats will be provided within the establishment and maximum occupancy limits will be regulated by Building Code requirements. The applicant intends to install the above sign on the façade of the unit. Any sign will require a separate permit and will need to meet the sign regulations in section 21A.46 of the zoning ordinance.

A sexually oriented business cannot be permitted at this location due to regulations found in City Code 21A.36.140.F.1-6 (Standards for Sexually Oriented Business Conditional Site Plan Review) that restrict this type of business from being located on any property within 165 ft. of any gateway corridor (400 West).

**APPROVAL PROCESS AND AUTHORITY**

The site is located in the M-1 Light Manufacturing District where a bar establishment is listed as a conditional use. A conditional use review and permit is required for any proposed bar establishment in this Zone. The Administrative Hearing Officer has the authority to approve, approve with conditions, or deny the Condition Use request. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate any reasonably anticipated detrimental effects of the proposed use in accordance with the applicable conditional use standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions, then the conditional use may be denied.

Staff has reviewed this application alongside the detrimental impacts determination section of the ordinance (21A.54.080B, see [Attachment E](#)) and does not anticipate any adverse effects of the establishment of this use. For complete analysis and findings in relation to zoning standards for the proposed use and the Conditional Use standards, please refer to [Attachment D](#) and [Attachment E](#).

## KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. Qualifying Provisions
2. Neighborhood Compatibility and Impact
3. Supporting the Capital Hill Master Plan
4. Compliance with Plan Salt Lake

### Key Consideration 1: Qualifying Provisions

A bar establishment is listed as a conditional in the M-1 Light Manufacturing District in 21A.33.040: Table of Permitted and Conditional Uses for Manufacturing Districts. This table lists the following qualifying provisions that must apply to the proposed use in order for it to be considered:

**#6** If a place of worship is proposed to be located within 600 feet of a tavern, bar establishment, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.

- ❖ The nearest place of worship is a church belong to The Church of Jesus Christ of Ladder-Day Saints located at 225 500 North. This church is approximately 1500 ft. away from the subject property – therefore a waiver is not required.

**#10** Subject to conformance with the provisions in Section 21A.36.300, "Alcohol Related Establishments", of this title.

- ❖ Staff has reviewed compliance with this section and has determined the proposed use meets or will meet all requirements detailed in Section 21A.36.300, "Alcohol Related Establishments." A full analysis of these requirements can be found in [Attachment E](#). This section requires the applicant to record a copy of the approved Security and Operations Plan with the Salt Lake City Recorder's Office prior to opening for business.

This plan must be approved by the Salt Lake City Police Department and the building official prior to opening for business. The required plan must include provisions to address common issues associated with this use, including provisions to address complaints arising from business operations, mitigate sounds levels originating from the premises, and issues related to refuse and parking (see [Attachment E](#) for a complete analysis and list of all requirements). This plan may be used to mitigate potential negative effects of the use upon neighboring properties and will help to both lessen its impact and increase its compatibility within the surrounding area.

## **Key Consideration 2. Neighborhood Compatibility and Impact**

The proposed use complies with the zoning standards for the M-1 Light Manufacturing District, and standards specific to alcohol related uses and conditional uses. For complete analysis and findings in relation to zoning standards for the proposed use, standards for alcohol related uses and the Conditional Use standards, please refer to [Attachment D](#), [Attachment E](#), and [Attachment F](#).

The primary purpose of the M-1 Light Manufacturing District is to provide an environment for light industrial uses. However, the M-1 Light Manufacturing District Code language also includes the following in the Purpose Statement for this Zone: *‘This district is intended to provide areas in the City that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses.’* A new bar establishment falls into this category and provides an important community-building element to this area.

The subject property is located in an area with a variety of uses. Going west from 400 West, there is a mix of commercial and light industrial or manufacturing uses. East of 400 West (across the street from the property), is an area primarily composed of residential uses with some intermittent commercial uses. The proposed bar establishment will provide greater variety to the existing commercial uses in this area and will contribute to an active neighborhood.

In addition to obtaining a conditional use permit, the applicant will also be required to obtain an alcoholic beverage license from the state. The Department of Alcoholic Beverage Services, the State department that regulates alcohol related establishments, will not grant alcoholic beverage licenses to businesses that are within a specific distance to a community location, such as a church, school, public park, playground, or library.

Staff has analyzed the compatibility of the proposed use within the context of nearby uses, and the neighborhood as a whole, and has determined the establishment of the use will be compatible with this area and will not create negative impacts on the existing urban environment.

## **Key Consideration 3: Supporting the Capital Hill Master Plan**

The Capital Hill Master Plan describes its community as having *‘the greatest land use diversity of all of the communities in the City...’* This area includes a great mix of uses including high intensity uses, such as heavy industrial and manufacturing uses, some of the most iconic land uses in Salt Lake City including the Utah State Capital Building and Temple Square, and one of the oldest residential communities in the City. The adopted plan encourages a mix of neighborhood commercial uses. The proposed bar establishment will contribute to the overall stock of commercial and retail uses of this area. Its proximity to a variety of land uses – including light industrial, commercial, retail, and industrial – will access an existing customer base in this area.

## **Key Consideration 4: Compliance with Plan Salt Lake**

As discussed in [Key Consideration 3: Supporting the Capital Hill Master Plan](#) and [Attachment F](#), The Capital Hill Master Plan and Plan Salt Lake both support a diversity of land uses in the area. In addition, the proposed use will add to the existing mix and help grow the local economy.

Salt Lake City is the business, financial, and cultural capital of Utah. With this in mind, Plan Salt Lake City prioritized the economy as one of its *12 Guiding Principles* in supporting a vision of growth, sustainability, and livability. The intent of this Guiding Principle is to create ... “A

balanced economy that produces quality jobs and fosters an environment for commerce, local business, and industry to thrive.”

The following are listed as Initiatives in this section:

- ✓ #3 Support the growth of small businesses, entrepreneurship and neighborhood business nodes.
- ✓ #9 Support the growth of the industrial areas of the City.

The proposed bar establishment aligns with both of these Initiatives by creating an opportunity for socialization and gathering for the nearby neighborhood and contributing the existing commercial business stock in the M-1 Light Manufacturing District.

### **DISCUSSION:**

The proposed bar establishment complies with all relevant City Code requirements for this use, including meeting the listed *Qualifying Provisions* – distancing requirements from a place of worship and conformance with all requirements listed in City Code 21A.36.300 Alcohol Related Establishments (see [Attachment E](#) for a complete analysis and list of all requirements).

The new use creates no adverse impacts to the surrounding properties because it fits in with the variety of uses found in the area, will provide greater variety to the existing commercial uses in this area, and will contribute to an active neighborhood. The proposed use supports the purpose of the M-1 Light Manufacturing District by generating employment opportunities and contributing to the overall economic development of this area.

The proposal supports both the Capital Hill Master Plan and Salt Lake City’s Master Plan, Plan Salt Lake by contributing to the diversity of land uses in this area.

### **STAFF RECOMMENDATION**

Planning Staff finds the project generally meets the applicable standards of approval and recommends the Administrative Hearing Officer approve the Conditional Use for the bar establishment as presented.

### **NEXT STEPS**

#### **Approval of Conditional Use**

If the request is approved, the applicant will need to comply with the conditions of approval, if any, including those required by other City departments and any added by the Administrative Hearing Officer. The applicant will be able to submit plans for building permit (s), however - a Certificate(s) of Occupancy for the new bar establishment will only be issued once all conditions of approval, if any are adopted, are met. All other standards and processes listed by the City’s ordinances are still required.

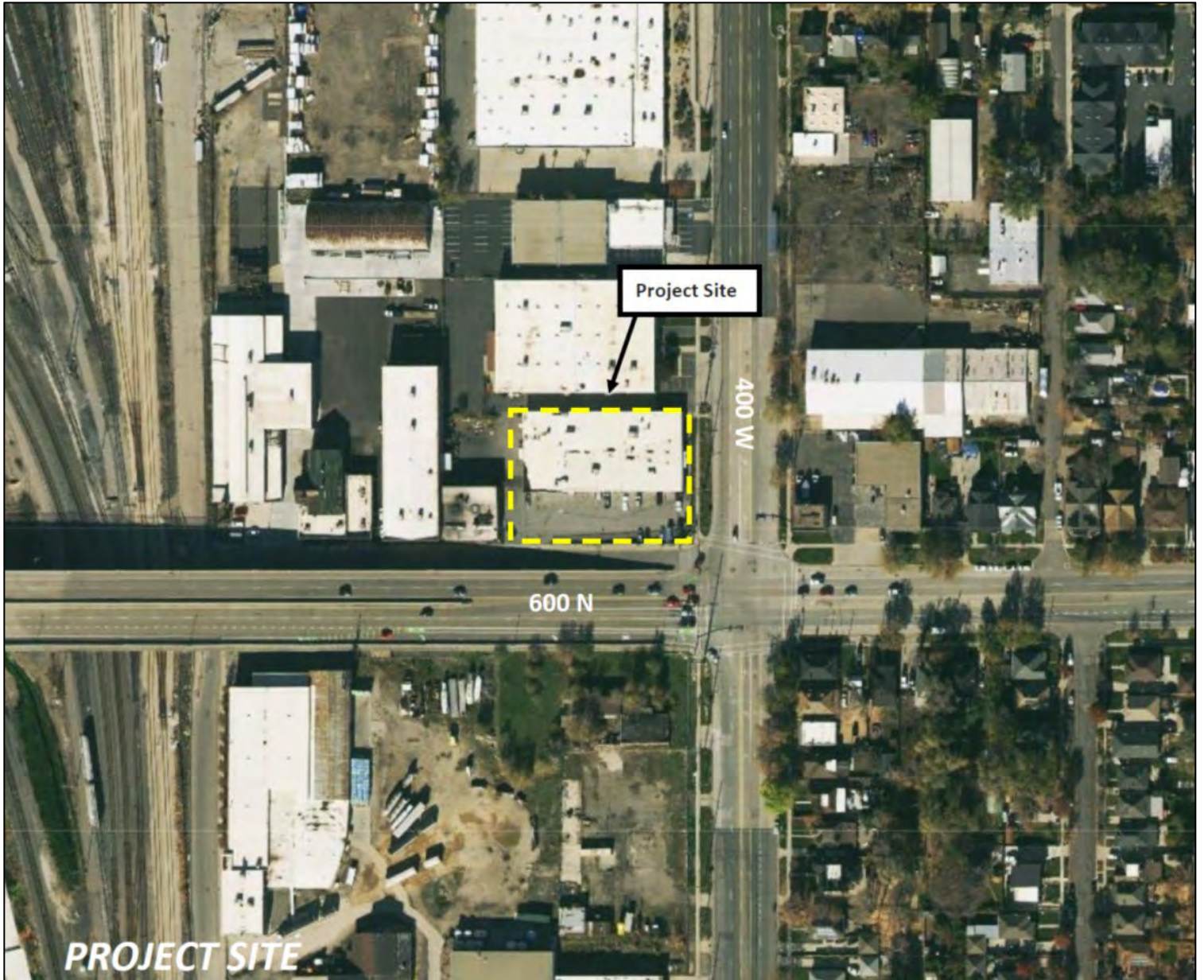
#### **Denial of Conditional Use**

State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A conditional use can only be denied if the Administrative Hearing Officer finds that reasonably anticipated detrimental effects cannot be mitigated with the imposition of reasonable conditions. If the petition is denied, the applicant would not be able to establish the proposed bar establishment at the subject property.



# ATTACHMENT A: Vicinity Map

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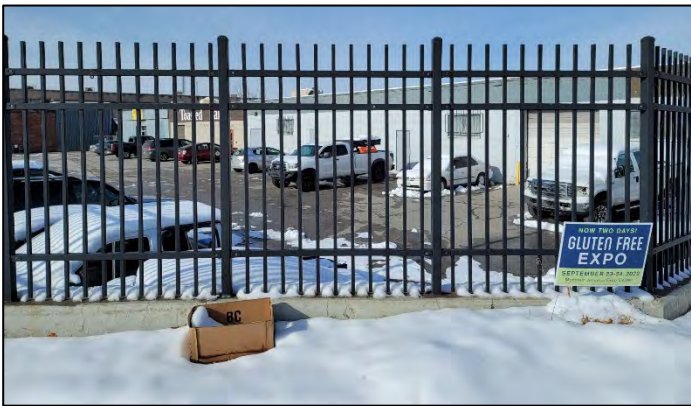
# ATTACHMENT B: Site Photos



*Front Façade of the Building*



*View of the property and neighboring building to the west*



*View of the front façade of the building from NW corner of 600 N & 400 W*



*View of the western side of the building and dumpster*



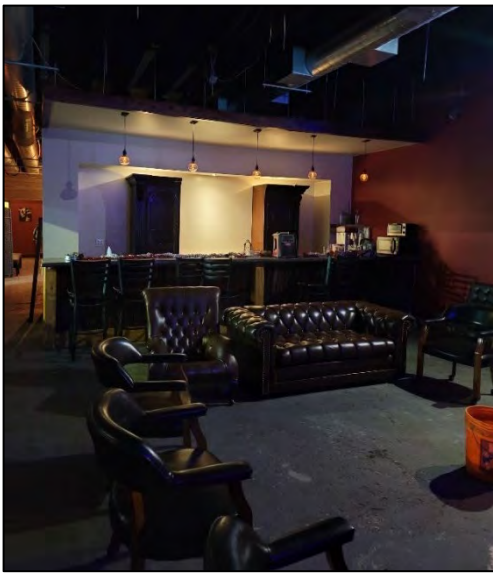
*Front Façade of the Building viewed from the western side of the property*



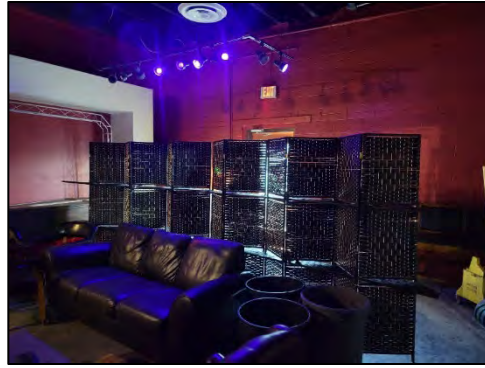
*View of the rear façade of the building and neighboring building to the north*



*View of the neighboring unit to the east (Proven Collision Shop)*



*Interior of the unit – bar & front seating area*



*Interior of the unit – front seating area*



*View of eastern-most side of the property along 400 West*



*View of neighboring property to the west (Industrial Heat Treat) from the rear of the property*



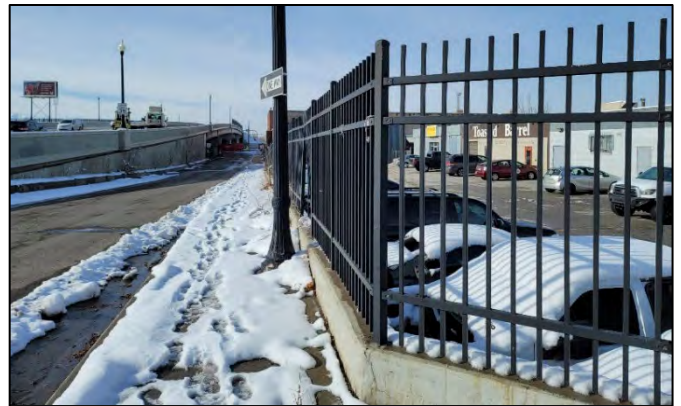
*View of neighboring property to the west (Industrial Heat Treat) from the front of the property*



*View to the west of the property of 600 North continue under the overpass*



*View to the east of the property of 600 North, a one-way road traveling west*



*View from the SE corner of the property of 600 N and part of the front façade of the building and parking lot*



*View from the SE corner of the property to the north, along the eastern property line bordering 400 West*

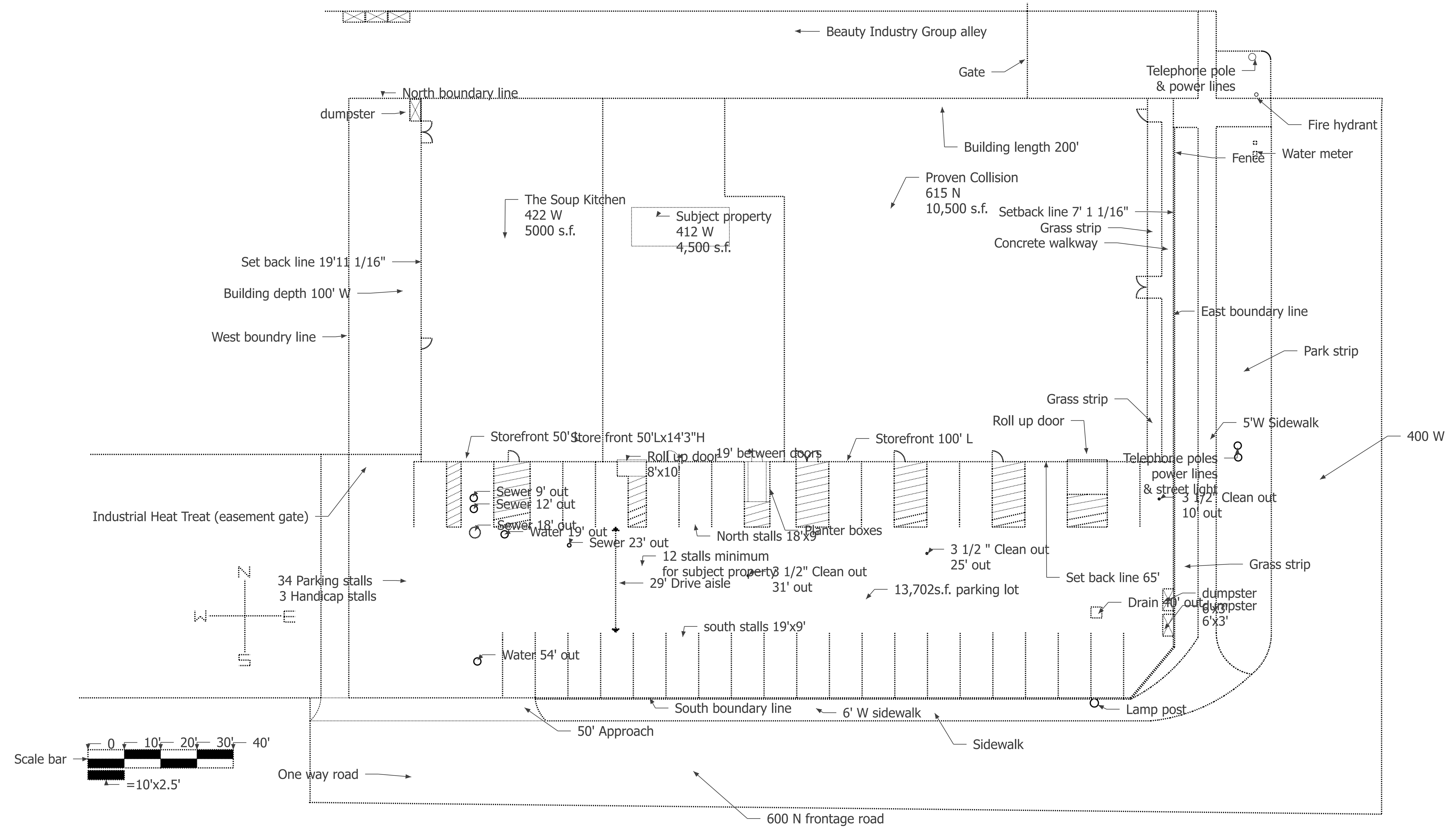


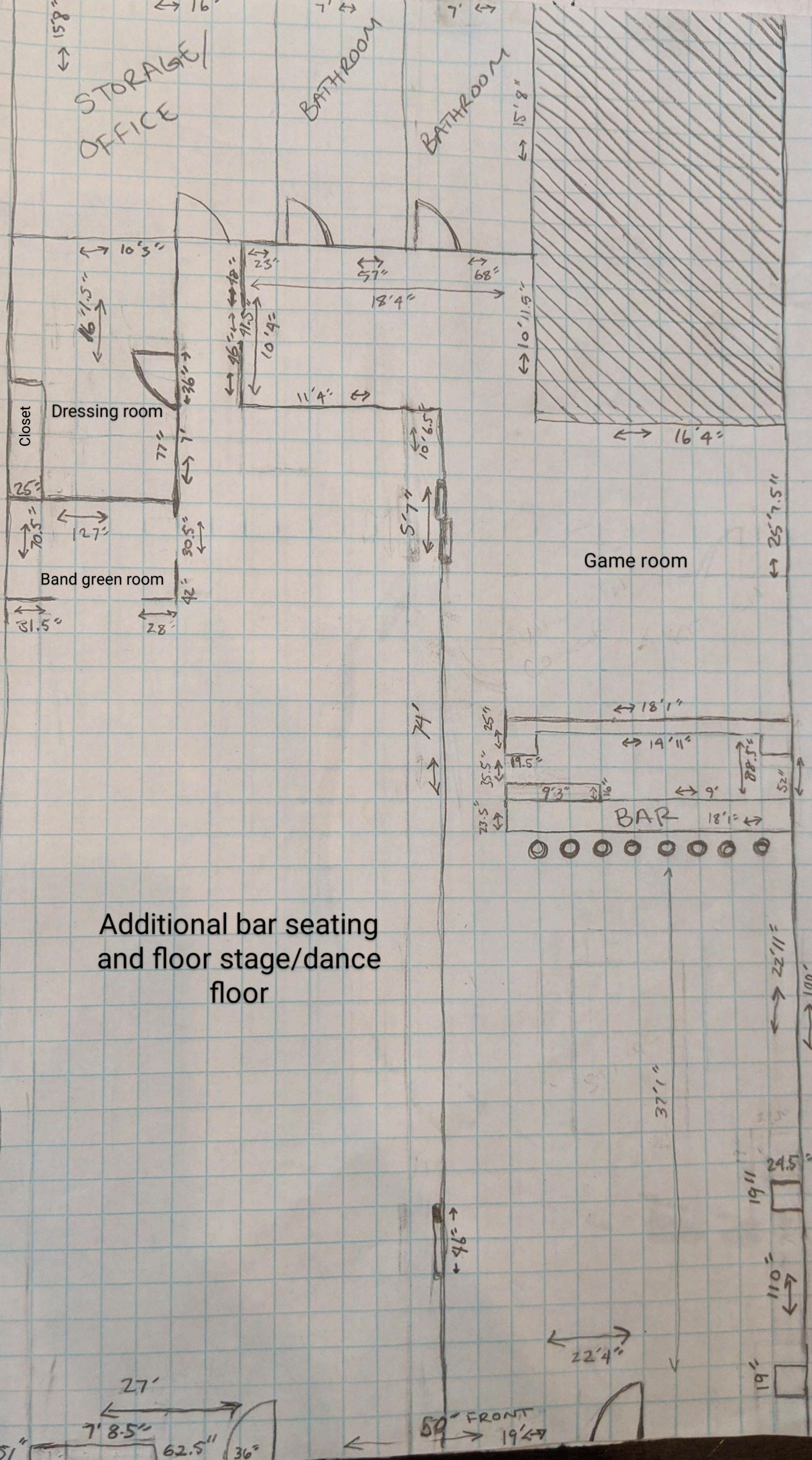
*View from the SE corner of the property of the intersection of 600 North & 400 West*

# **ATTACHMENT C: Application Materials from Applicant**

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*Kennedy's*

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16'

*Kennedy's*



79"

C A B A R E T

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412

## **Project Information Submitted by Applicant**

- Project Name Kennedy's Cabaret
- Location: 615 N 400 W Suite #B (412 W)
- Project Description from applicant

\* I plan to have live Cabaret shows daily from open to close. I'll host acrobats: aerial hoop, silks and trapeze artists. I'll feature contortionists, singers and various professional dancers, such as: modern, belly, ballet, tap, burlesque, break, hip hop and also cultural dances such as, hula. I will welcome all styles of performance artists but there will be an emphasis on dancing and singing.

- Business hours will be
  - Monday 11:30am-12am
  - Tuesday 11:30am-2am
  - Wednesday 11:30am-2am
  - Thursday 11:30am-2am
  - Friday 11:30am-2am
  - Saturday 10am-2am
  - Sunday 10am-12am
- Information on unit's location and adjacent land uses
  - To the west: Soup Kitchen hub (this is the unit in the building directly adjacent to the subject unit to the west)
  - To the east: Proven collision shop (this is the unit in the building directly adjacent to the subject unit to the east)
  - To the south across 600 N : Ruins of a building and an empty lot
  - To the north: Beauty supply store
- How many employees are expected to work on-site during the highest shift?
  - 4 employees/Contractors
- If applicable, how many seats will be provided as part of the conditional use?
  - 70
- Current Use of the building
  - Formerly Toasted Barrel Brewery, this business did not complete the conditional use process to establish a bar at this location
  - The unit is currently vacant
- Parking
  - Property owner has allocated 10 spaces to the proposed use within the existing parking lot
- Access
  - Access to the property is via a drive approach from 600 North
  - There will be no access to the property from neighboring properties, only from 600 North
- Lighting
  - Existing - the applicant has indicated they are not planning to install additional lighting.

## Security and operations plan for Kennedy's Cabaret

615 N 400 W

salt lake city, Ut 84103

- At Kennedy's Cabaret, we plan on having a complaint-response community relations program; where a representative of the tavern or bar establishment, will meet with neighbors upon request, in an attempt to resolve any complaints they may have, regarding the operations of our business.
- We will design and construct in such a way as to make sure that any sound originating from within premises and measured within fifteen feet from an exterior wall or door does not exceed the maximum permissible sound level set forth for the applicable zoning district in title 9, chapter 9.28 of the Code. Live entertainment will only be located within an enclosed building subject to the foregoing sound limit and we will not allow electronically amplified sound in any exterior portion of the premises.
- We have designated a spot on the far side of the parking lot for the location of a smoking area for conformance with State law; it is double the distance from the door that the law requires. It is over 50ft from the entrance and the law stipulates that it must be more than 25ft from the entrance. We also plan on posting a sign next to the entrance, referencing the law, to ensure that customers are aware of the law and acting by it. We will also make sure that anyone checking IDs at the door is aware of and upholding the law in conformance with the clean air act. If the current location designated causes any problems with neighbors, we will designate a new area to help resolve the issue.
- We vow to keep the premises clean of any trash. It will be collected daily and deposited in a portable trash receptacle no later than six o'clock (6:00) A.M. the following day as asked and expected by the city, including the smoking area and parking lot. portable trash receptacles on the premises will be emptied daily and automated receptacles will be emptied weekly. The automated receptacle will be located on a cleanable surface such as asphalt, which is city approved, and will have lids that close over the garbage to keep the smell and any spillage contained, which is in conformance with the requests of the health department.
- the location we are leasing has between 15-25 parking stalls. Depending on the time of day. The soup kitchen to the west is not open for walk-in or dine-in business. It is the hub for other soup kitchens in the valley. Food is made there for the other locations but not sold there. There are only a few employees and it closes at 3 pm. The neighbor to the east is a collision repair shop. There are only a few employees and the shop closes at 6 pm. The code stipulates that I must have 2 parking spots per 1000sqft of usable space. The building I am leasing is between 4,500 square feet. That calls for 9 spaces. So there should be ample parking. We also plan on adding some additional motorcycle and bicycle parking and racks to help cut down on carbon emissions and try to promote ride-sharing or carpooling as much as possible. Our plan should have minimal to zero impact on parking, for the surrounding neighborhoods.

As part of our security plan, we will have someone posted at the entrance at all times to check IDs and ensure that every patron is over 21 years old. We will make sure that bartenders are educated, experienced, and fully qualified to serve alcohol to our guests. The bartenders will make sure not to

over-serve our guests and also make sure that customers who appear intoxicated on entry or at any point are given water to drink and a taxi called to ensure they leave safely. The safety of our guests is our top priority.

- We will ensure that landscaping will be located, and be of a type, that cannot be used as a hiding place.
- We promise to keep the exterior of the premises free of graffiti, including the main building, any accessory buildings or structures, and all signs. Graffiti will be removed from the exterior of the premises within forty-eight (48) hours, weather permitting.
- We will Limit the size and kind of signage located on the outside of any building in conformance with chapter 21A.46 of this title
  - The parking area lighting will produce a minimum foot candle that provides safe lighting for pedestrians but does not intrude on residents' enjoyment of their homes. Since there aren't any residential nearby, this should not be an issue.

# ATTACHMENT D: Zoning Standards for the M-1 Zone

## 21A.28.020 – M-1 Light Manufacturing District:

**Purpose Statement:** The purpose of the M-1 Light Manufacturing District is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties, that desire a clean attractive industrial setting, and that protects nearby sensitive lands and waterways. This zone is appropriate in locations that are supported by the applicable Master Plan policies adopted by the City. This district is intended to provide areas in the City that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. Certain land uses are prohibited in order to preserve land for manufacturing uses and to promote the importance of nearby environmentally sensitive lands.

UNDERLYING ZONING STANDARDS	PROPOSED	COMPLIES?
<b>MINIMUM LOT AREA:</b> 10,000 square feet	The subject lot is 37,383.2 SF (0.89 acres) in size was legally established. No changes are proposed to the existing lot area with the proposed conditional use permit.	<b>Yes</b>
<b>MINIMUM LOT WIDTH:</b> 80 Feet	The subject is approximately 230 ft., from south to north. This lot was legally established, and no changes are proposed to the existing lot width with the proposed conditional use permit.	<b>Yes</b>
<b>MINIMUM YARD REQUIREMENTS:</b> <ul style="list-style-type: none"> <li>• Front yard: 15 ft.</li> <li>• Corner side yard: 15 ft.</li> <li>• Other Side or Rear Yard: no requirement</li> </ul>	<p>The existing building on the subject property is existing and has a front yard setback of approximately 65 ft. (measured from property line along 600 North) and a corner side yard setback of approximately 8 ft. (measured from property line along 400 West). The building was legally established and the existing setback along the eastern property line is considered a legal noncomplying condition. No additions or modifications and proposed to the existing footprint of the building with the proposed conditional use permit.</p> <p>The existing building is also setback approximately 20 ft. from the western property line, and approximately 0 ft. from the northern property line.</p>	<b>Yes</b>
<b>MAXIMUM BUILDING HEIGHT:</b> 65 Feet	The existing structure is approximately 14 feet in height, and well under the maximum allowed building height.	<b>Yes</b>

# ATTACHMENT E: Standards for Alcohol Related Establishments

## 21A.35.300: Alcohol Related Establishments:

**Purpose Statement:** The purpose of this section is to permit the establishment of taverns, bar establishments, and brewpubs as defined in chapter 21A.62 of this title, subject to licensing procedures, and where appropriate, conditional use standards.

B. License Required: No tavern, bar establishment, or brewpub shall be established, operated, or maintained within the City without a valid license issued by the Utah State Division of Licensing, and without a valid business license issued by the City.

D. Taverns, Bar Establishments, And Brewpubs; Authorized As Conditional Uses: Taverns, bar establishments, and brewpubs may be allowed as conditional uses pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in zoning districts noted in the tables of permitted and conditional uses provided the following standards are achieved:

STANDARDS FOR ALCOHOL RELATED ESTABLISHMENTS
1. In approving a conditional use permit for a tavern, bar establishment, or brewpub, the Planning Commission shall:
a. Require that a security and operations plan be prepared by the applicant and approved by the Salt Lake City Police Department and the building official, and filed with the City Recorder's Office, which shall include: <ol style="list-style-type: none"><li>1) A complaint-response community relations program; and</li><li>2) A provision for a representative of the tavern, bar establishment, or brewpub to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;</li><li>3) Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for the applicable zoning district in title 9, chapter 9.28 of this Code;</li><li>4) A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;</li><li>5) Prohibiting electronically amplified sound in any exterior portion of the premises;</li><li>6) Designation of a location for smoking tobacco outdoors in conformance with State law;</li><li>7) A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and parking lot areas; and</li><li>8) A provision stating that portable trash receptacles on the premises be emptied daily and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a City approved trash storage area; and</li><li>9) A parking management plan which shall include consideration of the impact of parking on surrounding neighborhoods;</li></ol>

**Staff Analysis:**

The applicant has submitted a Security and Operations plan that addressed all requirements listed above. This plan has been sent to the Salt Lake City Police Department and Building Services Division for review. Any required changes from these departments will need to be addressed by the applicant. The plan must be approved and recorded with the City Recorder's Office.

b. Require a review and approval of the site and floor plan proposed for the premises by the Salt Lake City Police Department. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;

**Staff Analysis:**

The applicant has provided a site and floor plan that has been sent to the Salt Lake City Police Department and Building Services Division for review. Any required changes from these departments will need to be addressed by the applicant. The plan must be approved and recorded with the City Recorder's Office.

c. Require buffering where a tavern, bar establishment, or brewpub abuts a residentially zoned parcel. Said buffering shall include vegetative landscaping or walls along any property line or within any required yard area on the lot where the premises are located;

**Staff Analysis:**

The subject property does not border a residential property or use. The proposed use will be contained entirely within the existing building.

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

**Staff Analysis:**

The subject site is developed with an existing building and parking area. There are no landscaped areas existing on the property and therefore, no existing landscaped areas that could be used as hiding places.

e. Require that the exterior of the premises be maintained free of graffiti, including the main building, any accessory buildings or structures, and all signs. Graffiti shall be removed from the exterior of the premises within forty eight (48) hours, weather permitting.

**Staff Analysis:**

The submitted Security and Operations Plan addresses this issue with a provision promising to keep the exterior of the premises free of graffiti within the indicated parameters.

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

a. Limit the size and kind of signage located on the outside of any building in conformance with chapter 21A.46 of this title;

**Staff Analysis:**

The applicant has proposed new signage that would modify the existing signage displayed on the façade of the building. The proposed signage will be painted directly on the building's front façade and appears to meet all requirements listed in City Code Ch. 21A.46 Signs. A separate sign permit will be required for any signage.

b. Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians, but does not intrude on residents' enjoyment of their homes; and

**Staff Analysis:**

The closest residential building is located across and down the street from the proposed bar establishment. Any light generated by the site is not expected to extend beyond the property boundaries. The site is adequately lit by intermittent lighting along the unit's façade. This lighting is cast downward, illuminating the storefront and a portion of the parking lot direction adjacent to the establishment. No additional lighting has been proposed by the applicant.

c. Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses, and buildings and designating a new area if the potential effects of the area in the security and operations plan appear to adversely affect neighboring residences, businesses, and buildings.

**Staff Analysis:**

A description of the proposed location of an outdoor smoking area was provided in the submitted Security and Operations plan. This area will be more than 25 ft. from the main entrances, on the far side of the parking lot, and according to the applicant, conforms with all State requirements.

E. Minimum Area: In the CN and RB Zoning Districts, an alcohol related establishment shall only be allowed if such zoning district in which the alcohol related establishment is proposed is at least one-half (1/2) acre in contiguous area.

**Staff Analysis:**

The subject property is not located within the CB or RB Zoning Districts, so this requirement does not apply.

F. Concentration Prohibited: In the CN and RB Zoning Districts, not more than one alcohol related establishment as noted in the table of permitted and conditional uses shall be located within six hundred feet (600') of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point on the property line of one establishment to the nearest point on the property line of the second establishment. In CB Zoning Districts, not more than one bar establishment, brewpub, or tavern shall be located within three hundred fifty feet (350') of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point of the property line of one establishment to the nearest point on the property line of the second establishment. (Ord. 23-18, 2018)

**Staff Analysis:**

The subject property is not located within the CB or RB Zoning Districts, so this requirement does not apply.



**Staff Findings:**

The proposed bar establishment complies with the applicable zoning regulations for an Alcohol Related Establishment as described in City Code Ch. 21A.36.300.

# ATTACHMENT F: Conditional Use Standards

## Conditional Use Standards

An application for a conditional use is required by city code 21A.54 and Utah Code 10-9a-507 to be approved if the proposal complies with the adopted standards of review and if any reasonably anticipated detrimental impact can be mitigated. Under Utah Code 10-9a-507, the standards must be objective and mitigating any reasonably anticipated detrimental impact is required to be interpreted to mean reduce, not eliminate, the impact.

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report. In analyzing the anticipated detrimental effects of the proposed use, Planning Staff finds that the request complies with the criteria listed below.

<b>21A.54.080.A: Approval Standards</b>
<b>Standard 1:</b> The use complies with applicable provisions of this title;
<b>Finding:</b> The proposed use will comply with the applicable provisions of the Salt Lake City Zoning Ordinance.
<b>Discussion:</b> The proposed bar establishment is located in the M-1 Light Manufacturing District which allows for a new bar establishment to be approved through the conditional use process subject to meeting the qualifying provisions for a bar establishment found in section 21A.33.040 Table of Permitted and Conditional Uses for Manufacturing Districts. An analyzed in <a href="#">Key Consideration 1</a> , the proposed bar establishment meets these requirements.
<b>Standard 2:</b> The use is compatible, or with conditions of approval can be made compatible, with surrounding uses
<b>Finding:</b> The proposed development and use is generally compatible with the surrounding uses.
<b>Discussion:</b> Bar establishments are listed as a conditional use in section 21A.33.040 Table of Permitted and Conditional Uses for Manufacturing District and are therefore considered to be potentially compatible with adjacent uses. The property is located in an established commercial building, in an area with a variety of uses, including commercial, light industrial, and residential. The proposed use meets all applicable requirements in terms of distancing and specific standards related to Alcohol Related Establishments as analyzed in <a href="#">Attachment E</a> .

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

**Finding:**

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

**Discussion:**

The proposed use supports the goals and policies of the Capitol Hill Master Plan and Plan Salt Lake, by contributing to the diversity of land uses in this area. In addition, the proposed use will add to the existing mix and help grow the local economy. The proposed bar establishment aligns with the Initiatives found in Plan Salt Lake, for *Guiding Principle 12 – Economy*, by creating an opportunity for socialization and gathering for the nearby neighborhood, and contributing the existing commercial business stock in the M-1 Light Manufacturing District. See [Key Considerations 3 & 4](#) for additional discussion.

**Standard 4:** The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions

**Discussion:**

In analyzing the anticipated detrimental effects of the proposed use, Staff finds that the request complies with the criteria listed below. The Administrative Hearing Officer shall determine compliance with each of the following:

**21A.54.080.B: Detrimental Effects Determination**

**1. This title specifically authorizes the use where it is located;**

**Finding: No Detrimental Impact**

**Discussion:**

The proposed bar establishment is allowed as a conditional use within the M-1 Light Manufacturing District. The proposed use complies with all specific regulations for a bar establishment, including qualifying provisions for this use and standards for Alcohol Related Establishments. See [Key Consideration 1](#) for details on how the proposed use meets the qualifying provisions for this use, and [Attachment E](#) for analysis on the standards for Alcohol Related Establishments.

**2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;**

**Finding: No Detrimental Impact**

**Discussion:**

The use is permitted as a conditional use in the underlying zoning district and supports the goals of the Capital Hill Master Plan and Plan Salt Lake by reinforcing the mix of land uses in this area and supporting the local economy. See [Key Consideration 3 & 4](#) for further discussion.

**3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;**

**Finding: No Detrimental Impact**

**Discussion:**

The subject property is surrounded by commercial and light industrial uses, and short distance away from a residential neighborhood. Given the context of its location, scale, and nature of business operations, the proposed use is in character with its surroundings and suitable to the area at large.

**4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;**

**Finding: No Detrimental Impact**

**Discussion:**

The subject site is existing and no additions or modifications to the existing building are proposed.

**5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;**

**Finding: No Detrimental Impact**

**Discussion:**

The subject site is developed and access to the site will remain as is. There will be no changes to the existing topography. Vehicular traffic will access the site from 600 North, which is a one-way street, via a drive approach located near the south-west corner of the property. No access to the property will be provided by neighboring properties. Vehicles exiting the property must turn right and travel under the nearby 600 North overpass. This is the only vehicular route of exit from the property. No impact to traffic flows is anticipated.

**6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;**

**Finding: No Detrimental Impact**

**Discussion:** Pedestrians may access the business by a sidewalk from 600 North, which the building entrances faces. Provided on-site parking will remain as it is. Although the proposed use may bring more traffic to the site during afternoon and evening hours, its operation will be consistent with other commercial uses in the area and should not create significant additional impacts from motorized, nonmotorized, and pedestrian traffic. The Transportation Department has reviewed the proposal and has indicated no concerns with existing circulation and access at the site.

**7. The site is designed to enable access and circulation for pedestrian and bicycles;**

**Finding: No Detrimental Impact**

**Discussion:**  
The existing site is designed for pedestrian and bicycle access. The property is served by City sidewalks and streets that allow easy and safe access.

**8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;**

**Finding: No Detrimental Impact**

**Discussion:**  
The proposal will not unreasonably impact the service level of any abutting or adjacent street. The Transportation Department has reviewed the proposal and provided no objections to the new use. No impacts to the service level of the adjacent streets are anticipated.

**9. The location and design of off street parking complies with applicable standards of this code;**

**Finding: No Detrimental Impact**

**Discussion:**  
The existing parking configuration is adequate, and no changes are proposed.

**10. Utility capacity is sufficient to support the use at normal service levels;**

**Finding: No Detrimental Impact**

**Discussion:**  
The Public Utilities department provided comments on the project. A utility plan will need to be submitted for review and compliance will be ensured during the Building Permit process.

**11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;**

**Finding: No Detrimental Impact**

**Discussion:**

The proposed use will be fully contained within the building. There are no incompatible uses to screen, buffer, or separate as part of this request.

**12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;**

**Finding: No Detrimental Impact**

**Discussion:**

The proposal supports sustainability plans by adding a use to an existing building without any physical modifications, in a location that offers existing infrastructure. No impacts to air or water quality, encroachment to a river or stream, or environments hazards or damage, are expected to be generated by the proposed use.

**13. The hours of operation and delivery of the use are compatible with surrounding uses;**

**Finding: No Detrimental Impact**

**Discussion:**

The bar establishment will operate daily from late morning to late evening. The proposed hours of operation are compatible with nearby commercial and light industrial uses, and no negative impacts are anticipated.

**14. Signs and lighting are compatible with, and do not negatively impact surrounding uses;**

**Finding: No Detrimental Impact**

**Discussion:**

The applicant has proposed new signage that would modify the existing signage displayed on the façade of the building. The proposed signage will be painted directly on the building's front

façade and appears to meet all requirements listed in City Code Ch. 21A.46 Signs. No impacts, negative or otherwise, are expected from the proposed signage.

Any light generated by the site is not expected to extend beyond the property boundaries. The site is adequately lit, and no additional lighting has been proposed by the applicant.

**15. The proposed use does not undermine preservation of historic resources and structures.**

**Finding: No Detrimental Impact**

**Discussion:**

The subject site is not located in a Local Historic District or within a historical structure. The proposed use will not affect preservation of historic resources and structures.

According to Zoning Code Section 21A.54.080.C, the Administrative Hearing Officer may impose conditions related to the standards and detrimental impacts listed above if a condition is necessary for compliance with the standards of approval or any applicable zoning regulation and to reduce any reasonably anticipated detrimental impact. Conditions may be related to:

1. Conditions on the scope of the use; its character, location, hours and methods of operation, architecture, signage, construction, landscaping, access, loading and parking, sanitation, drainage and utilities, fencing and screening, and setbacks; and
2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

After a public hearing is held, planning staff can help the Administrative Hearing Officer identify and determine if information provided warrants further discussion on any potential non-compliance or detrimental impact that may require a condition of approval.

# ATTACHMENT G: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

**Transportation:** (Jena Carver at [jena.carver@slcgov.com](mailto:jena.carver@slcgov.com))

1. Show where bicycle parking will be provided on site plan.

**Building:** (William Warlick at [William.Warlick@slcgov.com](mailto:William.Warlick@slcgov.com))

1. Complete. Building permit required. Even if not a change in occupancy group, this project appears to be a change of occupancy as defined in IBC Chapter 2 (change in use within a group for which there is a change in application of the requirements of this code). Therefore, a building permit will be required, whether or not any work is proposed. The submitted plan appears to show proposed work, so a building permit would be required for that reason also. For purposes of the future building permit application, please be aware that plans by a licensed design professional would be required per Utah code (because the affected space is more than 3000 sf). Note that previously-approved plans under BLD2017-05714 indicate that the building is not equipped with automatic fire sprinklers. Per IBC/IFC Section 903.2.1.2, an automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies where the fire area has an occupant load of 100 or more.

**Fire:** (Douglas Bateman at [Douglas.bateman@slcgov.com](mailto:Douglas.bateman@slcgov.com))

1. Conditional use may be acceptable with additional information that is to be provided on the building permit documents. Depending on existing site conditions, additional items may need to be addressed, including fire separations, fire protection systems, egress, etc. Code compliance review of construction documents is necessary to determine.

**Public Utilities:** (Kristeen Beitel at [kristeen.beitel@slcgov.com](mailto:kristeen.beitel@slcgov.com))

1. New business must submit a completed and signed [Commercial and Industrial User Questionnaire](#).
2. Please note that the addition of the bar may increase the sewer rate for this building.
3. All food and beverage processing, preparation, and service requires grease removal prior to discharge to the public sewer system. Treatment must be provided such that the discharge limit of 500 mg/L of FOG (fats, oils, and grease) is achieved. Please provide a treatment device and plan for treatment and sampling that meets this discharge limit and all applicable standards set forth in the Utah plumbing code and SLCDPU Standards. Treatment device shall be located as to be readily accessible for cleaning and inspection. The treatment device must be sized by a licensed design professional. For an exterior, below grade device, a 4 foot diameter sampling manhole, per APWA 411, must be located downstream of the interceptor and upstream of any other connections. For alternative treatment methods, a sampling point must be provided immediately downstream of the device and upstream of any other connections. Please include the treatment device, sampling location, and all associated piping plans for review. Please also verify that plumbing plans show two separate waste streams - one for grease and one for sewer. ***If there is no existing treatment in place, or existing treatment does not meet these requirements, then improvements will be required to provide treatment.***



**Police Department:** (Andrew Cluff at Andrew.Cluff@slcgov.com)

I have a couple of security concerns. It sounds like a fun venue, but any venue that is going to be serving alcohol I recommend some security staff. It sounds like they will have one at the door checking ID's, but I would recommend at least two, one to deal with any issues, while the other maintains the security for the entrance and parking lot where you will more than likely have issues as well. I also have concerns with the amount of staff indicated.

With only 4 staff members that is 1 bartender, 1 door guard, 1 stage/sound/light tech, and 1 more employee to manage everything else in the place, that could get pretty tough with an occupancy of 70 people. I'm sure they have thought about all this, just my input based on their plan.

I'm sure the building will be sound proofed and operate within legal limits while the doors are closed. Where we have sound issues with these types of venues is employees or patrons propping doors open and allowing the inside levels to venture into the community. Recommended that a policy be put in place and enforced by management as well as signs at exits to patios or smoking areas not to leave doors/windows open.

# ATTACHMENT H: Public Process & Comments

## Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- December 5<sup>th</sup>, 2022– Notice of the project was provided to the Capitol Hill Neighborhood Council and the Fairpark Community Council. The 45-day early engagement period to receive comments from the Community Council expired January 19<sup>th</sup>, 2023. Neither recognized organization provided comments on the proposal.
- December 20<sup>th</sup>, 2022 - Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- December 2022 – January 2023 – The project was posted to the Online Open House webpage.

Notice of the public hearing for the proposal included:

- January 6<sup>th</sup>, 2023
  - Public hearing notice sign posted on the property
- January 14<sup>th</sup>, 2023
  - Public hearing notice mailed
  - Public notice posted on City and State websites and Planning Division list serve

## Public Input:

As of the publication of the Staff Report, Staff has received 2 public comments via email (these comments are attached below). The authors of both comments have asked to remain anonymous. Both comments related concerns about the potential for a sexually oriented business at the subject location, concerns about the proposed use's proximity to community locations, and opposition to the proposal in general.

A sexually oriented business cannot be permitted at this location due to regulations found in City Code 21A.36.140.F.1-6 (Standards for Sexually Oriented Business Conditional Site Plan Review) that restrict this type of business from being located on any property within 165 ft. of any gateway corridor (400 West). The applicant is aware of this restriction, and it has been stated in the Staff Report. If the applicant were to include this type of business as part of their operation, they would then be subject to Code Enforcement until the issue is resolved.

In addition to obtaining a conditional use permit, the applicant will also be required to obtain an alcoholic beverage license from the state. The Department of Alcoholic Beverage Services, the State department that regulates alcohol related establishments, will not grant alcoholic beverage licenses to businesses that are within a specific distance to a community location, such as a church, school, public park, playground, or library.

Any public comments received after the publication of the Staff Report and up to the public hearing meeting will be forwarded to the Administrative Hearing Officer and included in the public record.

**From:** [Candi](#)  
**To:** [Hall, Rylee](#)  
**Subject:** (EXTERNAL) Conditional use concern  
**Date:** Wednesday, January 11, 2023 8:11:26 PM

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Hi, I'm concerned about the conditional use application for Lexie at 615 N 400 W. I'd like to remain anonymous please but i have serious concerns about her opening a bar. I know she's already serving alcohol at private events she's having. She's taking clients from her current work and having them come there to put on shows with full nudity stripping while selling alcohol and having sex with them for money. I beg you not to approve her application. She'll keep doing this if she gets it. There's also a school and a library that look like their less then 600 feet from the building.

**From:** [Concerned Resident](#)  
**To:** [Hall, Rylee](#)  
**Subject:** (EXTERNAL) Regarding "Conditional Use – Bar Establishment at 615 N 400 W"  
**Date:** Thursday, January 12, 2023 8:01:02 PM

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To whom it may concern,

On condition that this complaint be entered anonymously, I oppose granting a conditional use permit to Lexie Reder for the following reasons:

- Lexie has already hosted private paid events, redirecting existing clientele, serving alcohol and food without proper licenses or following food safety protocols.
- During events, full nudity strip performances occurred including sex acts performed on patrons by performers in exchange for money, to which performers have gone unpaid.
- The establishment is within .1 miles of a library and within .2 miles of Capitol Hill Academy.

Again, I ask that these complaints be entered on condition of anonymity for fear of retaliation by implicated parties and their associates. I am not opposed or concerned with this email address being unmasked once entered.