

DATE: March 22, 2007
TO: Salt Lake City Planning Commission
FROM: Katia Pace
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RE: STAFF REPORT FOR THE MARCH 28, 2007 MEETING

CASE NUMBER: 400-06-45

APPLICANT: Lou Corsillo

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

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

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

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

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

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

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

APPLICABLE LAND USE REGULATIONS:

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

APPLICABLE MASTER PLANS:

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

PROJECT HISTORY:

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

DEPARTMENT/DIVISION COMMENTS:

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

1. Police

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

2. Transportation

Transportation has no issues with the change in designation to add private clubs. Parking requirements and transportation issues are the same, and no additional parking would be required.

3. Fire

Fire reviewed and replied with “no comment.”

4. Public Utilities

Public Utilities reviewed the request and found no conflicts with water, sewer and drainage with the proposed zoning amendment.

5. Building Services

Building Services believes that the technical review requirements remain the same as for a tavern.

6. Salt Lake City International Airport

The Airport responded by saying that the proposal does not create any observed impact to airport operations.

PUBLIC PROCESS & COMMENT:

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

ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

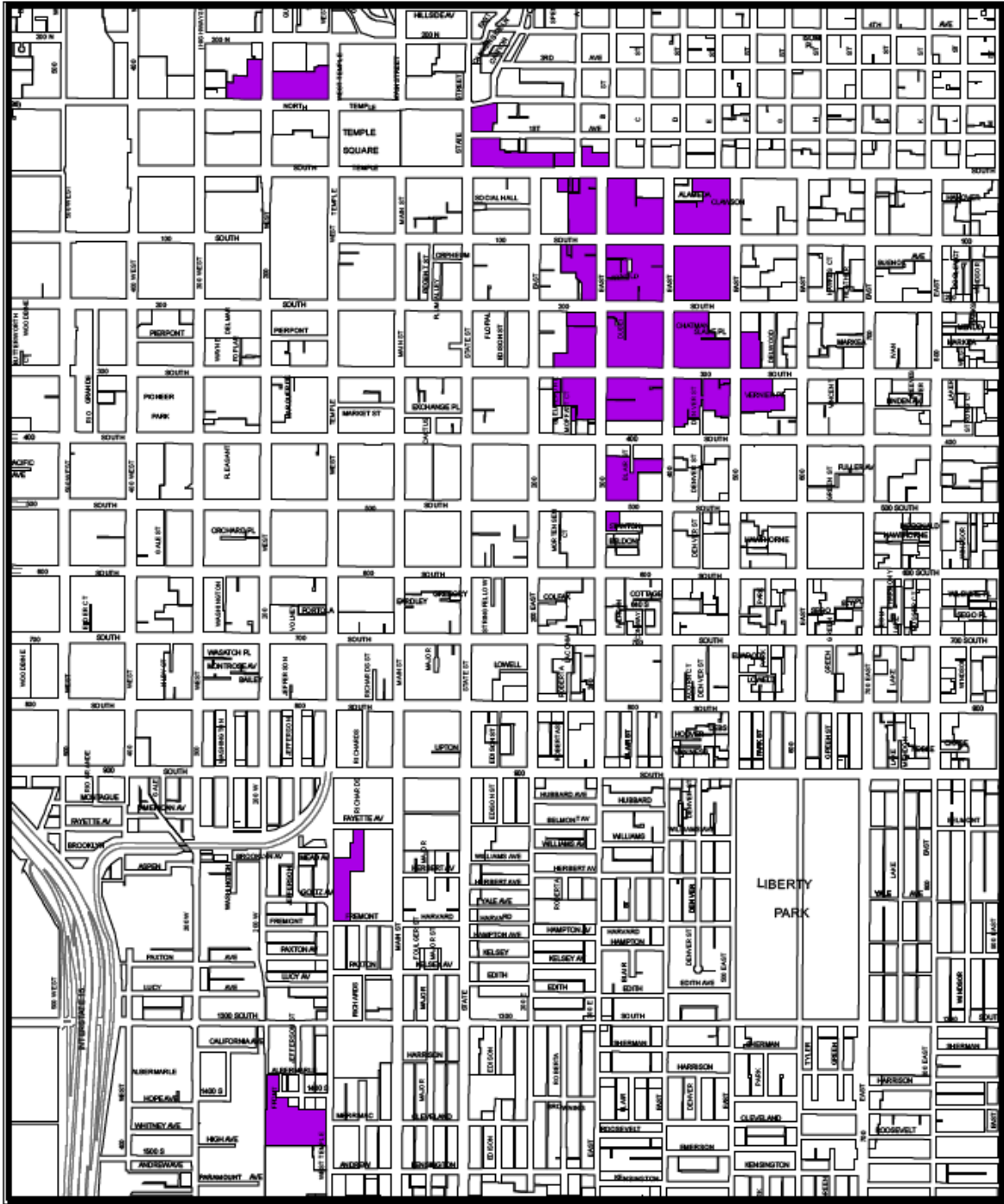
Finding: Because this petition is not site specific, this criteria is not applicable. However, none of the City Departments that submitted comments were opposed to the project.

RECOMMENDATION:

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

Attachments:

- Exhibit 1 – Map of R-MU Zoning District (see below) & Liquor Map
- Exhibit 2 – Section 6.08.120 Location Restrictions
- Exhibit 3 – Proposed Ordinance Language
- Exhibit 4 – Department Comments
- Exhibit 5 – Public Comments



R-MU Zoning District

Salt Lake City Planning Division
 Geographic Information Systems
 February 2007