



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Tracy Tran, 801-535-7645 or tracy.tran@slcgov.com
Date: August 13, 2014
Re: PLNPCM2014-00387 East Liberty Tap House

Conditional Use

PROPERTY ADDRESS: 850 East 900 South, Salt Lake City, UT 84105
PARCEL ID: 16-08-181-001
MASTER PLAN: Community Commercial
ZONING DISTRICT: CB - Community Business

REQUEST: The petitioner, Scott Evans, is requesting a conditional use approval for a tavern located at approximately 850 East 900 South. The tavern will be located approximately within a 220 sq ft space within a restaurant. The Planning Commission has final decision making authority for Conditional Uses. The property is zoned CB Community Business and a tavern less than 2,200 square feet in area is a conditional use in the district.

RECOMMENDATION: Planning Staff recommends that the Planning Commission approve the proposed conditional use. The motion to approve is below:

Based on the information in this staff report, public testimony, and discussion by the Planning Commission, I move that the Planning Commission approve PLNPCM2014-00387 East Liberty Tap House Conditional Use as proposed and subject to complying with all applicable regulations. Due to the potential for detrimental impacts created by the proposal identified in this report, the Planning Commission applies the following conditions of approval to the project:

1. Update the security and operation plans if any changes to the nature of the business are made during the conditional use process. The plan will need to be reviewed by the Police Department and Building Official before being submitted for recordation with the City Recorder's office. The plan will need to be recorded before a business license is issued.
2. Ensure the rear light that will illuminate the back doors and the ADA ramp is shielded as much as possible from the abutting residentially owned property to prevent the lighting from being a nuisance.

ATTACHMENTS:

- A. Vicinity Map
- B. Photos
- C. Site Plan
- D. Building Elevations
- E. Additional applicant Information
- F. Existing Conditions
- G. Analysis of Standards

- H. Public Process and Comments
- I. Dept. Comments
- J. Motions

PROJECT DESCRIPTION:

The applicant, Scott Evans, is proposing to operate a tavern within an enclosed area of a new restaurant in an existing building at approximately 850 East 900 South. The Salt Lake City Zoning Ordinance defers to State Statute to define a tavern. According to the Department of Alcoholic Beverage Control, Taverns are “beer bars, parlors, lounges, cabarets and nightclubs where the revenue from the sale of beer exceeds the revenue of the sale of food.” Taverns are limited to beer that contains 4.0% alcohol by volume or less and minors are prohibited from working or patronizing the establishment.

The East Liberty Tap House will be operating under two different licenses, a restaurant license and a tavern license. The restaurant is a permitted use in the CB zoning district. The conditional use is for the tavern portion of this development. The tavern portion will operate within an approximately 220 square feet enclosed area within the restaurant. The tavern will not have access to the patio portion of the restaurant.

The projected hours of operation are from 12:00 PM to 12:00 AM, 7 days a week. The business as a whole anticipates having 4 to 5 employees in the day and 5 to 6 at night. The tavern area will contain 15 seats. Neighboring businesses include the 9th and 9th Pilates to the east, an apartment across the street to the west, a single family home to the south, and a parking lot across the street on 900 South.

KEY ISSUES:

1. As a part of the requirements for a proposed conditional use permit, the applicant has submitted a security and operations plan. Pending approval from the Salt Lake City Police Department, the plan will be filed with the City’s Recorder’s office given the conditional use permit is approved.
2. Since the building in which the tavern sits abuts a residential lot, the proposed tavern will need to meet the required buffering requirement (Zoning Ordinance section 21A.36.300.D.1.c). This section of ordinance requires some buffer between the tavern and the adjacent residential uses and lists landscaping or walls as acceptable types of buffers. The tavern occupies an approximate 220 square feet of interior building space and the area is not immediately adjacent to the rear exterior walls, the space between the tavern and exterior wall acts as a natural buffer to the residential property for the tavern. By being completely enclosed within the building and separated from the rear wall of the building by additional space within the building, the intent of this ordinance is adhered to. The proposed site and floor plan were given to the Salt Lake City Police Department for their review, no comments were received.
3. Existing lighting in the rear will be used to illuminate the rear doors and the ADA ramp. The subject building abuts a residential property to the south and the lights should produce a minimum foot candle that provides safe lighting for those accessing the rear doors, but does not intrude on the resident. The property owner should minimize any lighting that may shine onto the abutting residential property as a condition of approval. Staff recommends this as a condition of approval to prevent the lighting from becoming a nuisance.
4. A smoking area has been designated more than 25 feet from the rear door in the parking lot, next to the garbage receptacle, and approximately 50 feet from the rear property line. The other possible location of the designated smoking area could be moved to the front of the property, but it would impact either adjoining businesses or pedestrians passing by. The current area appears to be the location with the least amount of impact.

DISCUSSION:

The proposed conditional use for the tavern should be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably detrimental effects of the proposed use. A tavern is a conditional use in the CB Community Business zoning district, given the tavern is limited to under 1,750 square feet without a

patio. The proposed tavern will be limited to approximately 220 square feet without a patio. Given the small space of the proposed tavern, the potential detrimental effects may be less than a larger tavern.

The applicant has already worked with the Utah Department of Alcoholic Beverage Control to undergo the process necessary to obtain the required tavern license for the proposed operation. The issuance of the license is pending approval of the proposed conditional use permit.

The tavern would operate in an existing building, currently zoned community business. Since the applicant is not proposing to make any structural exterior additions, the minimum standards for the lot development have been met since the building already exists. The subject property complies with all other applicable zoning regulations as discussed in Attachment F.

The proposed landscaping plan will remove a large bush and will add a few small shrubs that cannot be used as a hiding place on the west edge of the property. A few small shrubs will also be added south of building, between the building and parking lot. To discourage any potential hiding places, staff recommends the maintenance of the smaller shrub landscaping. The additional landscaping will further act as a buffer between the proposed tavern and restaurant and the residential property to the south.

Existing lighting in the rear will be used to illuminate the rear doors and the ADA ramp. The rear property line abuts a residential property and the lights should minimize their effect on the residential property. The lights should produce a minimum foot candle that provides safe lighting for those accessing the rear doors, but does not intrude on the resident. Staff recommends this as a condition of approval to prevent the lighting from becoming a nuisance.

A smoking area has been designated more than 25 feet from the rear door in the parking lot, next to the garbage receptacle. The smoking area is also 50 feet away from the rear property line. The other possible location of the designated smoking area could be moved to the front of the property, but it would impact either adjoining businesses or pedestrians passing by. The current area appears to be the location with the least amount of impact.

The existing building has been used as retail space in the past and is located within the 9th and 9th business district. The building and the proposed use is compatible with the surrounding neighborhood and the business district as the area already contains many locally owned restaurants and shops. The 9th and 9th business area serves many of the surrounding residential zoning districts. Many of the businesses in the area operate six to seven days a week. The proposed hours of operation for the tavern are noon to midnight, seven days a week. Although noise from the tavern could be an anticipated detrimental effect, the City cannot regulate the hours of operation since the tavern would be subject to the provisions of the Utah Department of Alcoholic Beverage Control, which allows businesses to stay open until 2:00 AM. In addition, the tavern is not proposing to use any outdoor space, so noise is confined to the interior of the building. In the chance that the hours of operation become a problem, the applicant's security and operations plan addresses complaint and response with any neighbors or community council to resolve any neighborhood complaints.

The 2005 Central Community designates the area as community commercial and the proposed tavern would align with this designation. The Zoning Ordinance designates this property as CB or Community Business. With the change in the alcohol related establishments in 2012 by the City Council; alcohol related establishments were added as a conditional use in this zoning district. Given that the anticipated detrimental effects could be mitigated with reasonable conditions, the conditional use shall be approved.

NEXT STEPS:

If approved, the applicant will be required to obtain all necessary building permits, alcohol licenses, and business licenses for the project. If denied, the applicant would not have City approval for the conditional use permit for the proposed tavern.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PHOTOS



Front (North) View



Side (West) View



Rear (South) View

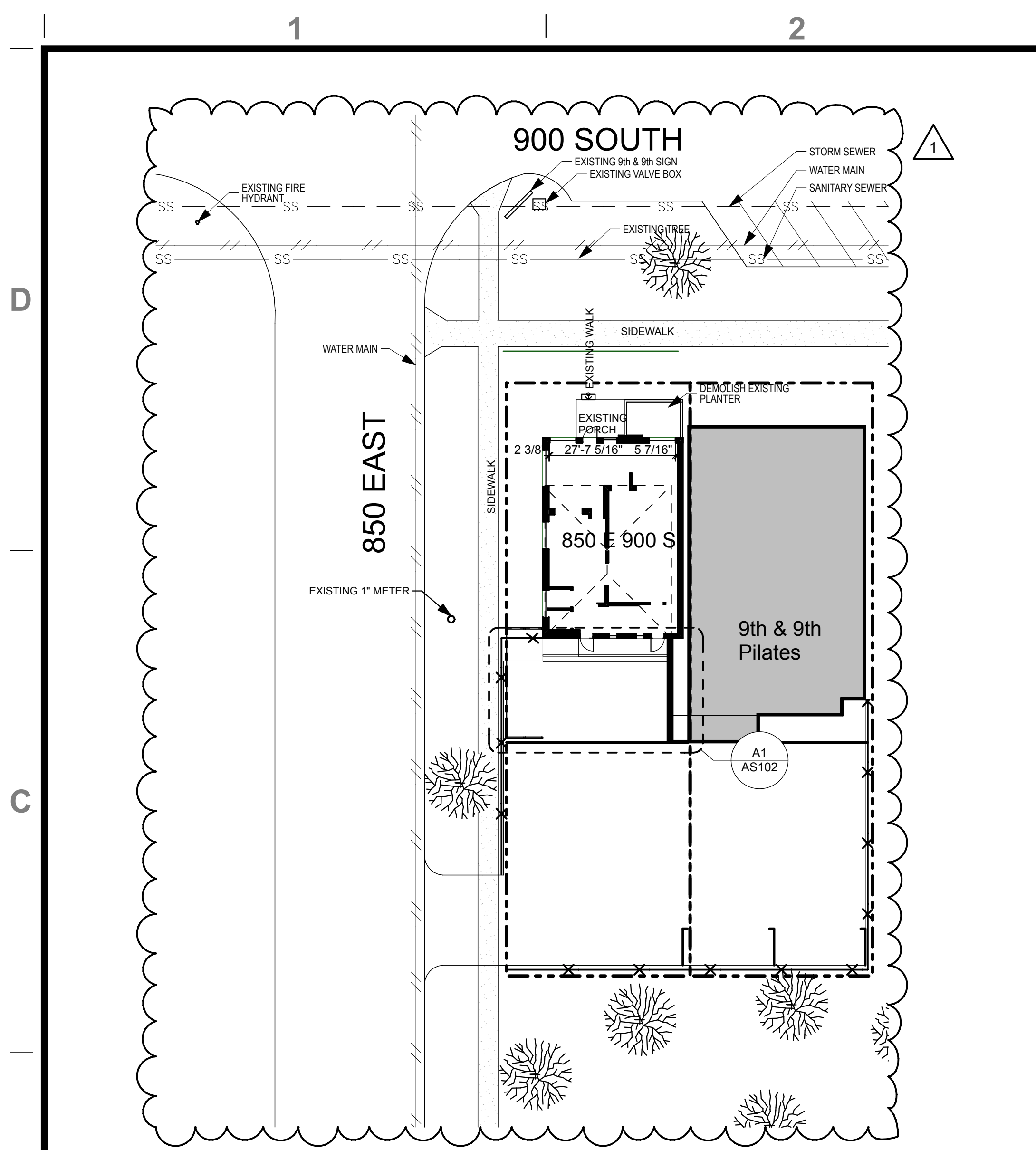


Adjacent property to the south

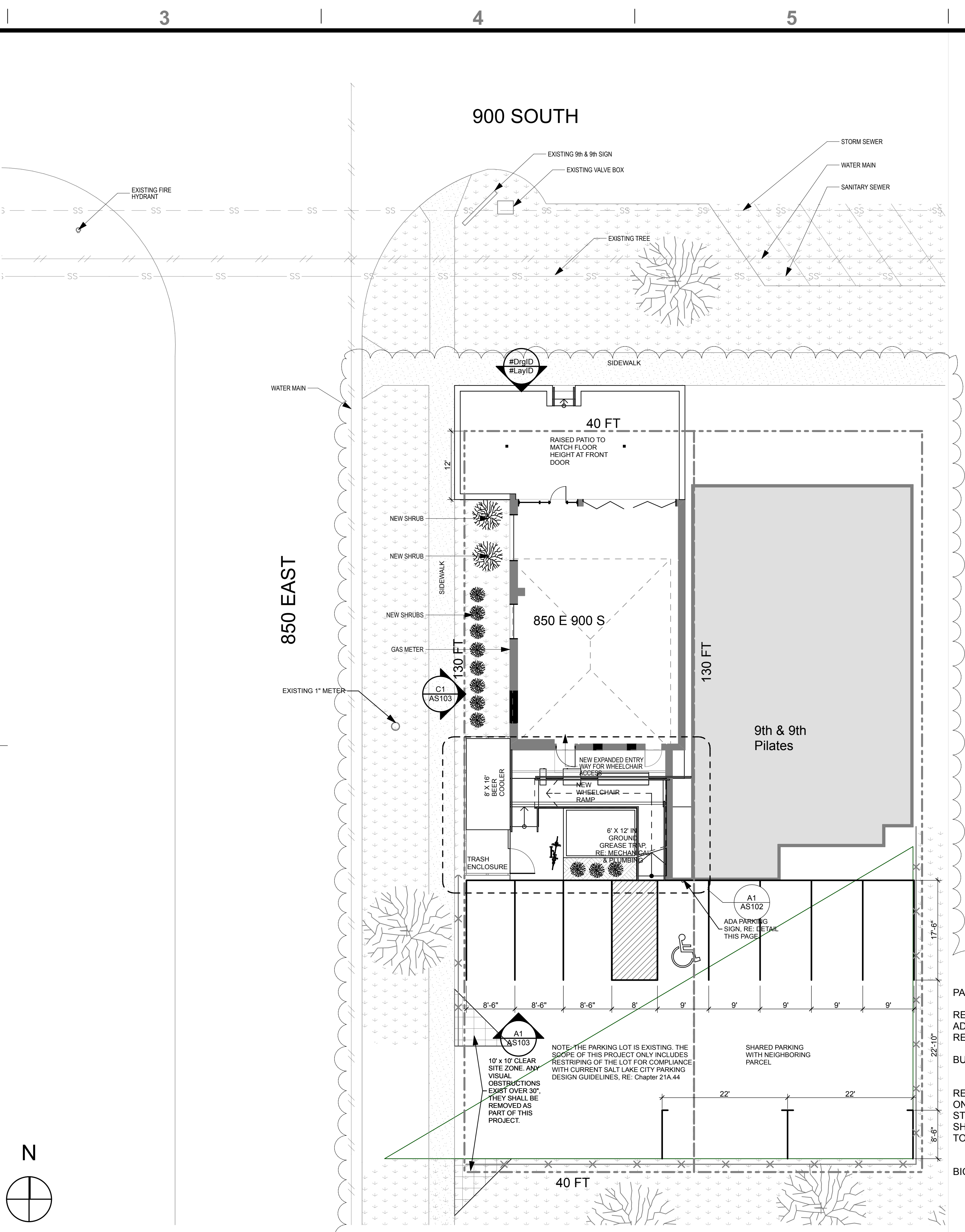


View along 900 South

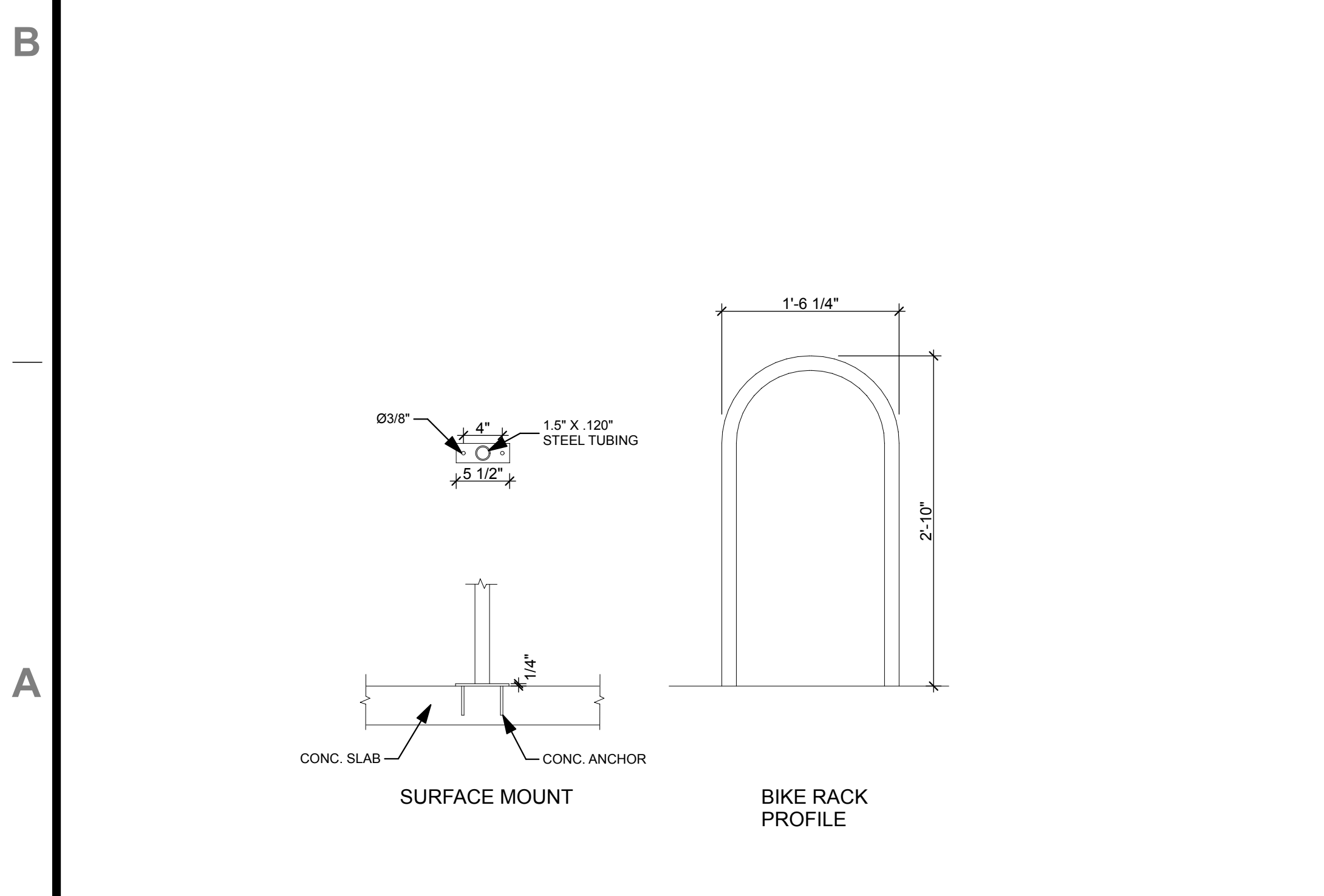
ATTACHMENT C: SITE PLAN



B1 EXISTING SITE PLAN
SCALE: 1" = 20'



A2 SITE PLAN
SCALE: 1" = 10'



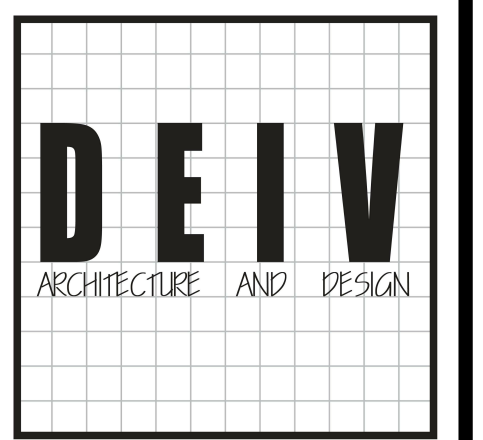
A1 BIKE RACK DETAIL
SCALE: 1" = 1'-0"

PARKING CALCULATIONS:
 RESTAURANTS: 2 PER 1,000 GROSS SF
 ADA STALLS: 1 IF 1-25 PARKING SPACES REQUIRED

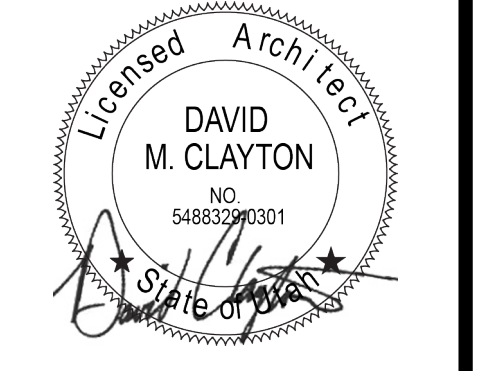
BUILDING GROSS SF: 1,347 SF INTERIOR + 711 SF OUTDOOR DINING

REQUIRED SPACES: 5 (4 REG. + 1 ADA)
ON-SITE PROVIDED: 3 (2 REG. + 1 ADA)
STREET PROVIDED: 4 PARALLEL (850 E)
SHARED PROVIDED: 4 REG.
TOTAL: 11 (10 REG. + 1 ADA)

BICYCLE PARKING REQUIREMENT:
 MIN. 2 STALLS REQ'D
 PROVIDED: 1 U - STYLE RACK WITH A 2' BIKE CAPACITY. SEE DETAIL THIS PAGE.



DEIV Architecture and Design
 PO Box 842
 Bountiful, Utah 84011
 P 801.683.9080
 http://www.deiv.net



850 Restaurant
 850 E 900 S
 Salt Lake City, UT 84105

CONSTRUCTION DOCUMENTS

REVISIONS #	DESCRIPTION	DATE
1	COMMENT RESPONSE	04-10-2014

PROJECT #: 14004
 CHKD BY: DC
 DRAWN BY: DC
 ISSUE DATE: 03/07/2014

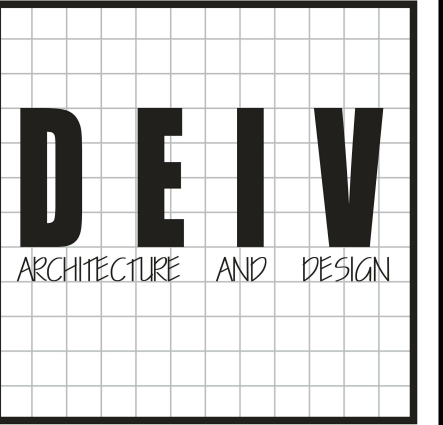
ARCHITECTURAL SITE PLAN

AS101

DOOR SCHEDULE													
ID	TYPE	DOOR				FRAME		DETAILS			RATING	HW SET	NOTES
		W	HT	THK	MATL	GLZ	W	THK	HEAD	JAMB			
D04	Flush	3'	7'	0'-1 1/4"	WOOD	-	0'-2"	0'-4"	-	-	-	1	
D05	Flush	3'	7'	0'-1 1/4"	WOOD	-	0'-3/4"	0'-4"	-	-	-	2	
D06	Flush	3'	7'	0'-1 1/4"	WOOD	-	0'-3/4"	0'-4"	-	-	-	2	

DOOR HARDWARE GROUPS:
 1 - ENTRY HARDWARE, 1 1/2 HINGES, WEATHER GASKETING, PANIC BAR, CLOSER
 2 - PRIVACY LOCKSET, 1 1/2 HINGES, SOUND GASKETING.

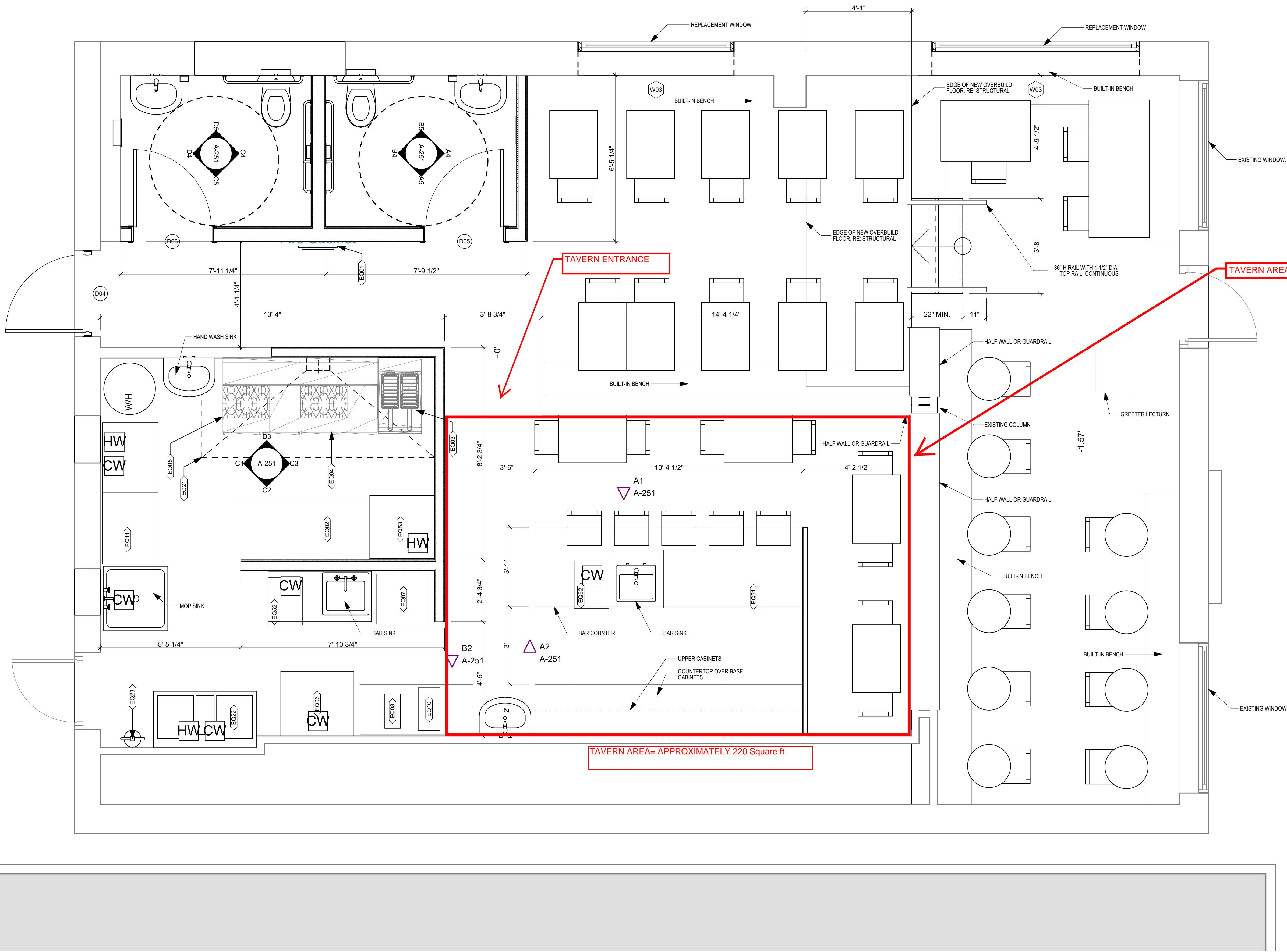
EQUIPMENT SCHEDULE		
#	ITEM DESCRIPTION	QTY
B-01	Seat Cover Dispenser	2
B-02	Soap Dispenser	2
B-03	24" x 36" Mirror	2
B-04	Paper Towel Dispenser	2
B-05	Toilet Paper Dispenser	2
B-06	Sanitary Napkin Disposal	1
EQ01	Fire Extinguisher Cabinet	1
EQ02	Bar Fridge Worktop Unit	1
EQ03	Fryer	1
EQ04	Commercial Oven	1
EQ05	Commercial Range	1
EQ06	Ice Maker	1
EQ07	Glass Front Refrigerator	1
EQ08	Coffee Grinder	1
EQ10	Coffee Brewer	1
EQ11	Commercial Dishwasher	1
EQ23	Wall-mounted Fire Extinguisher	1
EQ51	48" W Undercounter Bar Fridge	1
EQ52	Undercounter Ice Machine	2
EQ53	Self-Cooking Electric Oven	1



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D
C
B
A



TAVERN AREA= APPROXIMATELY 220 Square ft

- LEGEND:
- HW INDICATES LOCATION WHERE HOT WATER SUPPLY IS REQUIRED.
 - CW INDICATES LOCATION WHERE COLD WATER SUPPLY IS REQUIRED.
 - W/H GAS WATER HEATER. PROVIDE SEISMIC BRACING AND EXPANSION TANK PER CODE

NOTE: PROVIDE PLUMBING DRAINAGE FOR EQUIPMENT WITH WATER SUPPLY WHEN REQUIRED BY EQUIPMENT MANUFACTURER.

850 Restaurant

850 E 900 S
 Salt Lake City, UT 84105

CONSTRUCTION DOCUMENTS

REVISIONS #	DESCRIPTION	DATE

PROJECT #: 14004
 CHKD BY: DC
 DRAWN BY: DC
 ISSUE DATE: 03/07/2014

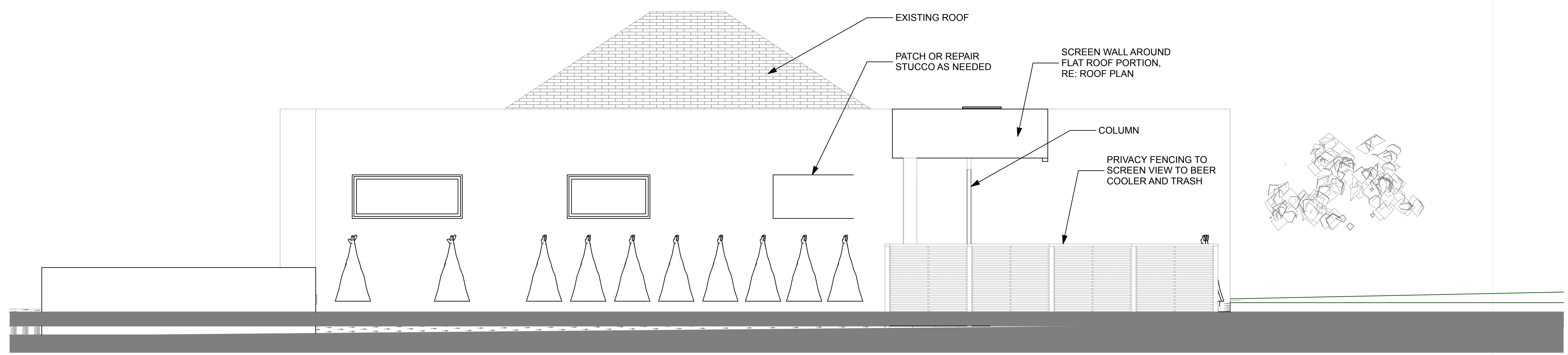
FIRST FLOOR PLAN

A1 FIRST FLOOR PLAN
 SCALE: 1/2" = 1'-0"

ATTACHMENT D: BULDING ELEVATION

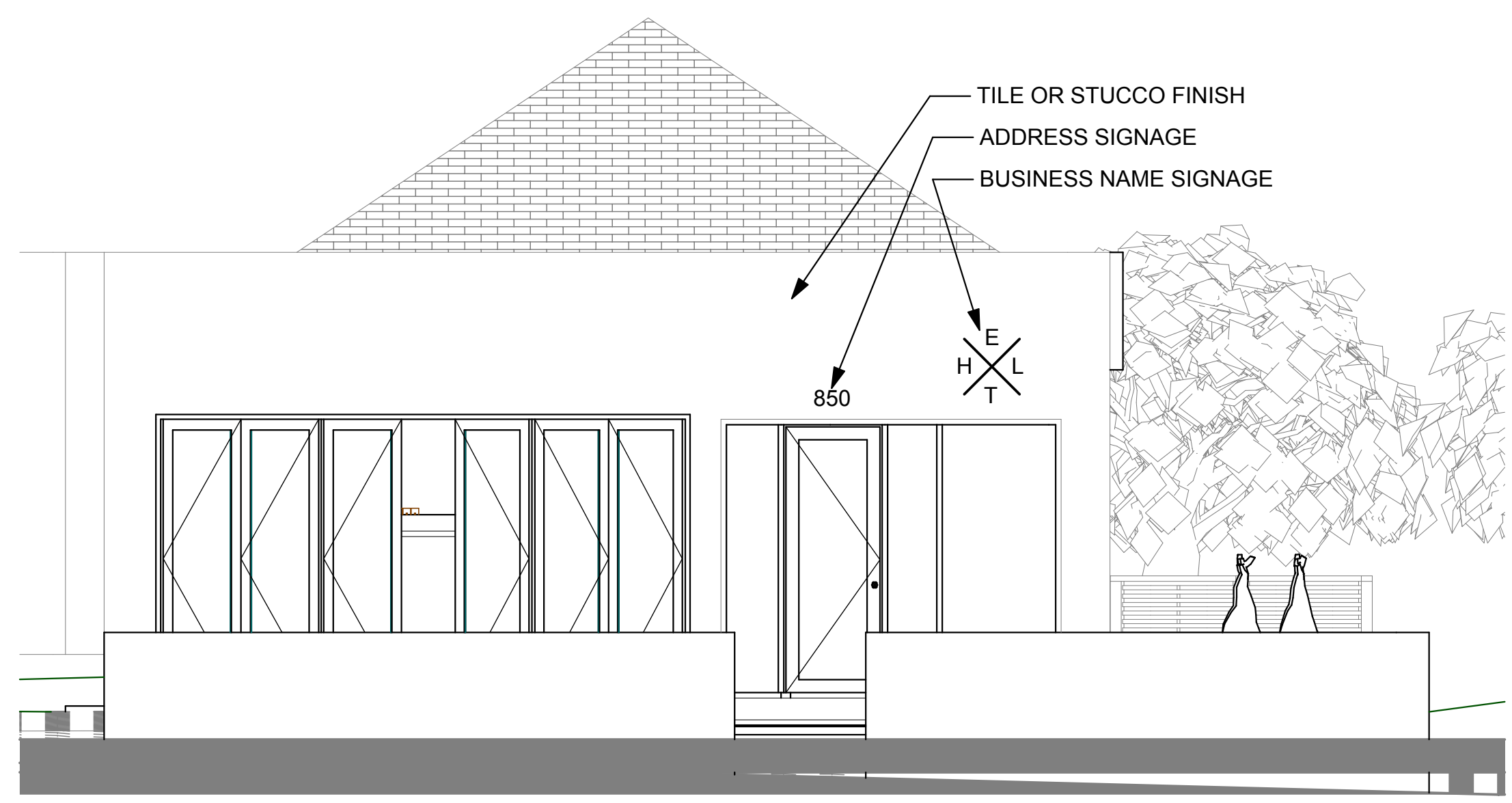
1 | 2 | 3 | 4 | 5

D



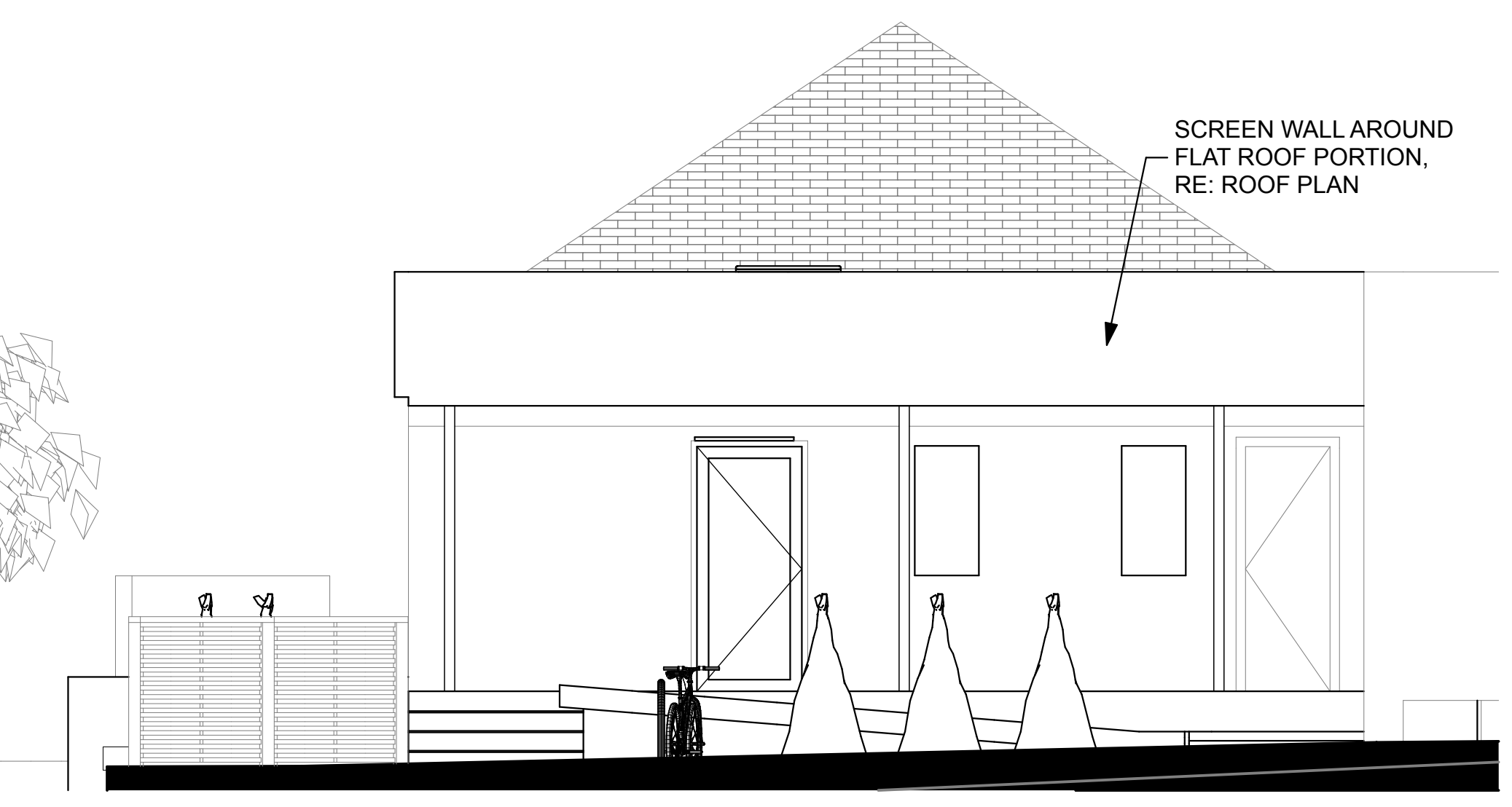
C1 ELEVATION
SCALE: 1/4" = 1'-0"

C



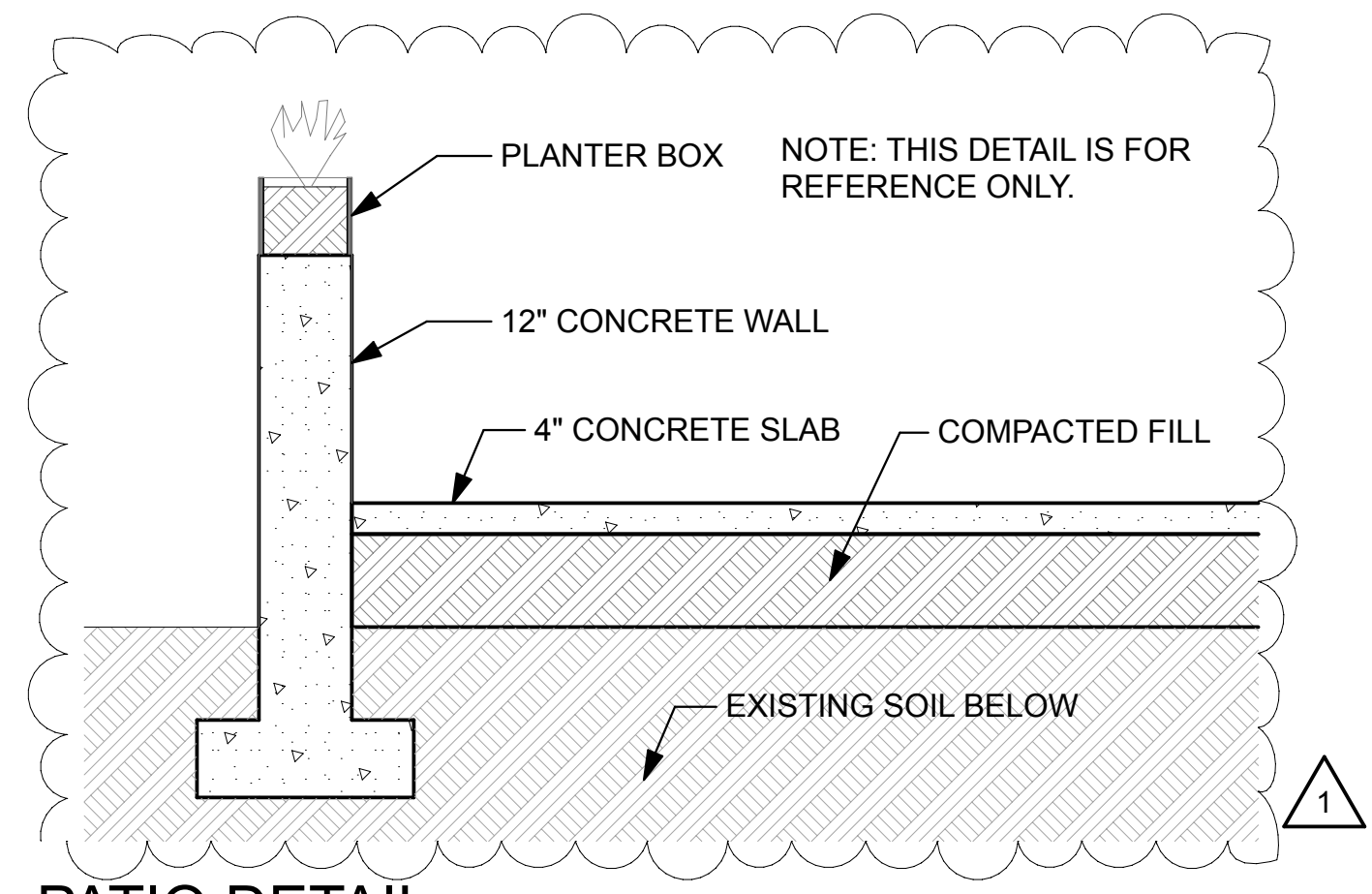
B1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

B

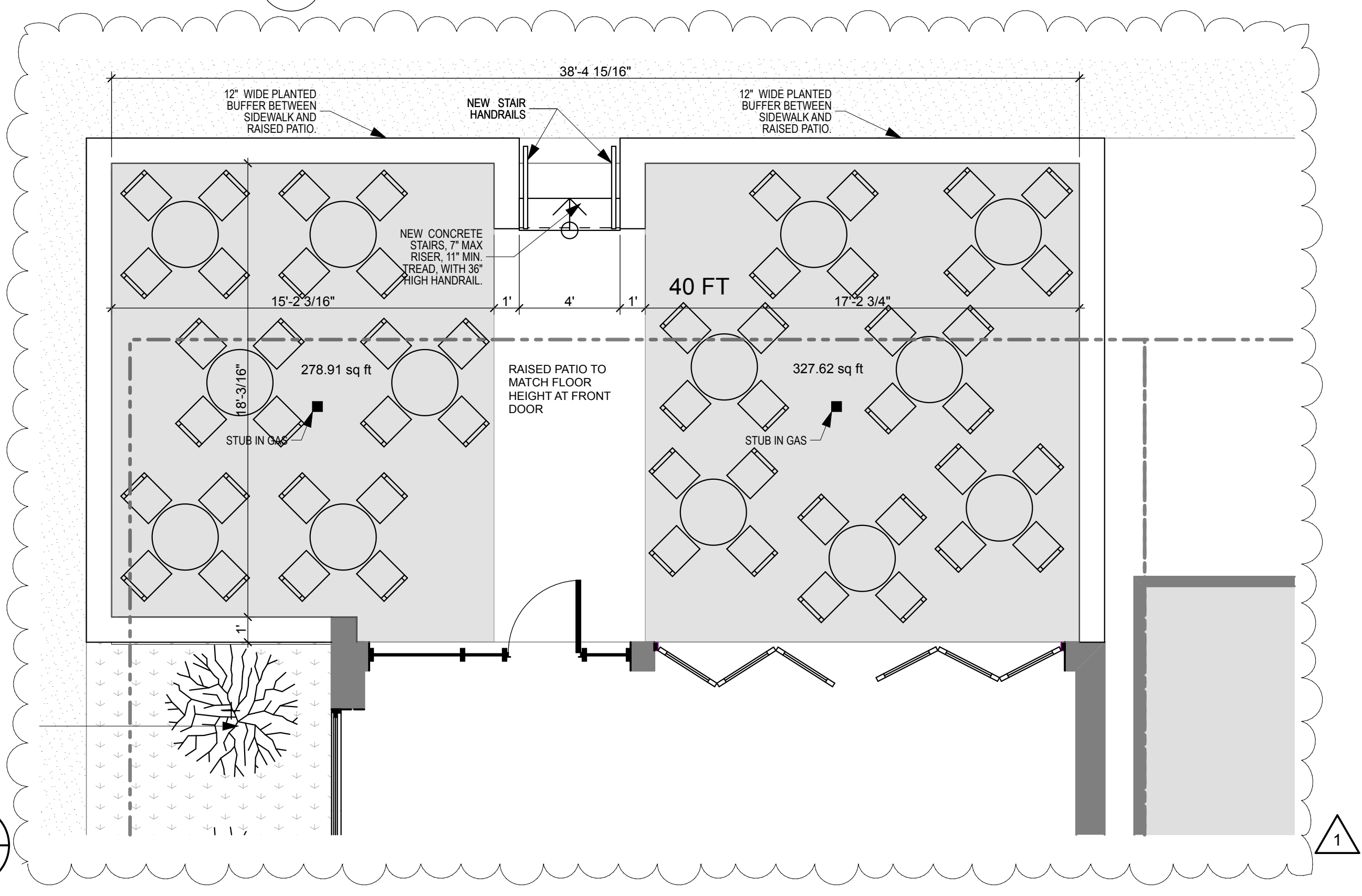


A1 ELEVATION
SCALE: 1/4" = 1'-0"

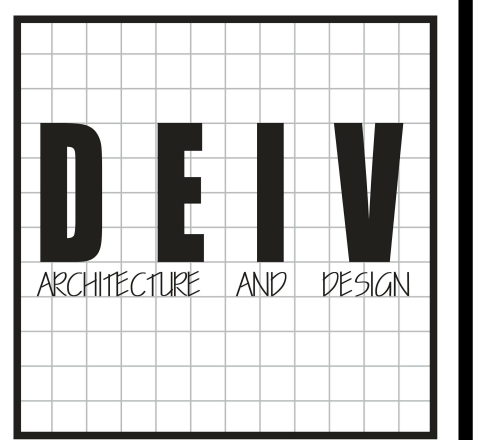
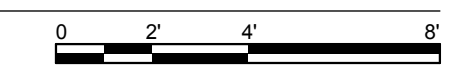
A



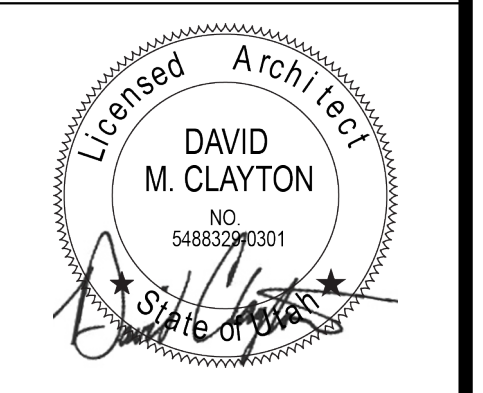
B4 PATIO DETAIL
SCALE: 1/2" = 1'-0"



A3 ENLARGED SITE PLAN
SCALE: 1/4" = 1'-0"



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850 Restaurant

850 E 900 S
Salt Lake City, UT 84105

CONSTRUCTION DOCUMENTS

REVISIONS #	DESCRIPTION	DATE
1	COMMENT RESPONSE	04-10-2014

PROJECT #: 14004
CHKD BY: DC
DRAWN BY: DC
ISSUE DATE: 03/07/2014

SITE DETAILS

AS103

**ATTACHMENT E: ADDITIONAL APPLICANT
INFORMATION**



Conditional Use

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
RENPCM2014-00387	A Anglin	6/11/14	CB
Project Name: 850 E. 900 S. Restaurant + Tavern			

PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:
850 E. 900 S. SLC UT 84105

Address of Subject Property:
Scott Evans

Name of Applicant:
1192 Charleston Ave SLC, UT 84106

Phone:
801-641-2328

Address of Applicant:
scott@pagoslc.com

E-mail of Applicant:

Cell/Fax:
801-641-2328

Applicant's Interest in Subject Property:

Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):

Same

E-mail of Property Owner:

Phone:

➔ **Please note** that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

➔ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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REQUIRED FEE

➔ Filing fee of \$664.44 plus \$110.74 per acre in excess of one acre, plus additional cost of postage for mailing notice.

SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Date:

6/11/14

SUBMITTAL REQUIREMENTS

Staff Review

- 1. Project Description** (please attach additional sheet)
 Written description of your proposal

- 2. Conditional Use Information** (please attach additional sheet)
 If applicable, what is the anticipated operating/delivery hours associated with the proposed use
 What are the land uses adjacent to the property (abutting and across-the-street properties)
 How many employees are expected to work on-site during the highest shift
 If applicable, how many seats will be provided as part of the conditional use
 Have you discussed the project with nearby property owners?
If so, what responses have you received?

- 3. Minimum Plan Requirements**
 Site plan and elevation drawing drawn to scale at a minimum 1:20
 One paper copy (24" x 36") of each plan and elevation drawing
 A digital (PDF) copy of the each plan and elevation drawing
 One 11 x 17 inch reduced copy of each plan and elevation drawing

- 4. Site Plan**
 Site plan (see *Site Plan Requirements* flyer for further details)

- 5. Elevation Drawing** (if applicable)
 Detailed elevation, sections and profile drawings with dimensions drawn to scale
 Type of construction and list the primary exterior construction materials
 Number, size, and type of dwelling units in each building, and the overall dwelling unit density

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

_____ I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

EAST LIBERTY TAP HOUSE
Conditional Use Application
June 11th 2014

#1

East Liberty Tap House is a neighborhood restaurant and tavern. We will offer casual dining and will be kid friendly. Please view an example of our kids menu and regular menu.

#2

Our anticipated operating hours are from 12- 12 – 7 days per week.

Delivery windows are from 8am-11am 3 days per week. M – W – F.

Neighboring business's include – 9th and 9th Pilates directly to the east, an apartment to the west across the street (Windsor), a home to the south, and a parking lot across 900 s. which is the Smith's loading dock.

We anticipate having 4-5 employees in the day and 5-6 at night.

We anticipate a total of 50 seats in the restaurant – including 15 seats that are in the tavern area. I believe the question is referring just to the tavern, so it would be 15 seats under the conditional use permit.

We have discussed the plans with all neighbors and it also was written up in the SL Tribune and we got lots of positive feedback from the neighbors and Tribune readers as well.

In addition, we held a public hearing in order to obtain the tavern license and was able to obtain a tavern and restaurant license from the DABC (pending building permit approvals).

Security and Operations Plan

East Liberty Tap House (ELTH)

850 E. 900 S. SLC, Utah 84105

Contact: Scott Evans, Co-owner, cell phone - 801-641-2328, scott@pagoslc.com

Hours of operation: Monday – Sunday: noon-12am

Code of conduct: A sign is posted upon entering and exiting the tavern that states: “Please be respectful of our neighbors and keep the noise to a minimum when exiting and entering”

Complaint and response: Upon request, an ELTH owner will meet with the neighbors and community council to resolve any neighborhood complaints regarding the operations on the premises.

Sound Levels: Due to the small size of ELTH (1300 sq ft), live music will be relegated to a small area of the restaurant (when it does occur) and will be largely acoustic. In the instance where amplified music will be used, it will occur exclusively inside the restaurant and at a volume not to be disruptive of the residences west and south of ELTH and within approved guidelines set forth in [chapter 9.28](#) of Salt Lake City zoning code for this district.

Smoking: ELTH has provided a smoking area in the parking area near our trash receptacle. It is more than 25 feet from any entrances or exits.

Graffiti Removal: All exterior walls, railings and other structures will be free of graffiti within 48 hours of the incident (weather permitting).

Bouncer: Due to the limited size of the tavern area (15 seats/@200sqft), no bouncer is expected at this point. We will have a host/hostess at the entrance and several staff members and an MOD on hand to address any issues that may arise. If a bouncer is needed, we will immediately bring that position on. The primary business of ELTH is as a restaurant with a small tavern area.

Trash Management:

In order to maintain cleanliness, trash inside (portable trash receptacles) ELTH is emptied 2 times daily and the exterior trash bin (automated trash receptacle) is emptied 3 times weekly. Trash will be picked up by staff members each shift (10am & 12am) and more specifically, trash will be removed each day prior to 6am of the following day/shift. The exterior trash enclosure is approved and required by Salt Lake City Corp and will be built to required specifications. The grounds surrounding ELTH will be maintained daily by staff. This includes cleaning entryways, park strips, the parking lot and all areas of cigarette butts and all other debris.

Parking Management plan:

Parking at ELTH includes 9 regular spots and one ADA stall in our own lot, directly south of the building. There is an additional 6 spots on Windsor street/850 east. Street parking directly in front of ELTH includes 8 stalls. Across the street from ELTH and additional parking lot can accommodate another 16 cars.

Distribution of plan: A copy of this plan is to be distributed to the Fire Dept., Police Dept., city recorders office, city building official, and the Community Council.

ATTACHMENT F: EXISTING CONDITIONS

Zoning Standard	Required	Existing	Comply?
Min. Lot Area/Lot Width	None	N/A	Yes
Min. Front Side Yard	None	13'	Yes
Min. Interior Side Yard	None	0'	Yes
Min. Rear Yard	10'	66'	Yes
Max. Setback	15'	12'	Yes
Max. Building Height	30'	21'	Yes
Parking*	4	4	Yes

***Parking requirements:** The property contains 4 total parking stalls, one of which is ADA accessible, located on site in the rear of the property. Restaurants, taverns, and social clubs require 2 parking spaces per 1,000 feet of usable floor area. The property is not increasing the parking requirement or the floor area by more than 50%; therefore, the landscaping requirement as a condition of building permit issuance is not applicable in this case.

Section - 21A.40.065F – No additional parking is required unless the total outdoor dining area ever exceed five hundred (500) square feet. Parking for outdoor dining areas in excess of five hundred (500) square feet is required at a ratio of two (2) spaces per one thousand (1,000) square feet of outdoor dining area. No additional parking is required in the D-1, D-2, D-3, D-4, TSA, or G-MU zone.

Since more than 500 sq ft of outdoor dining will be added for the property as a whole, we must calculate the additional parking needed for this space.

Use/Parking Requirement	Square Footage	Stalls Required
East Liberty Tap House (restaurant + tavern)	1,347	3 stalls
New patio deck (2 stalls per 1,000 square feet)	711	1 stalls
Total stalls required		4 stalls
Total stalls shown		4 stalls

Calculations

Existing parking required = 1,347 sq ft / 1,000 Sq ft x 2 spaces = 2.694 = 3 spaces

Additional parking required = 711 Sq ft / 1,000 Sq ft x 2 spaces = 1.422 = 1 space*

Total parking required = 4 spaces

The area serves many of the residences nearby and allows patrons to access the property without the need to drive, which may not generate a need for more parking. However, given the chance that demand for parking will increase, the neighborhood contains parking spots along 900 South and parking option along Windsor Street (directly west of the subject property).

Adjacent Land Uses

The subject parcel is adjacent to R-1, 5,000 single family to the south, R-2 single and two family residential to the west, and CB, Community Business to the north and east.

Applicable Master Plan Policies

The East Central Community Small Area Master Plan (1992) describes the business core area of the 9th and 9th business district as a community center. The business district is described as being the neighborhood center.

The Central Community Master Plan's (2005) future land use map designates the subject parcel as community commercial.

ATTACHMENT G: ANALYSIS OF STANDARDS

21A.54.080 Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title

Analysis: 21A.26.030 – Community Business (CB) District Development Standards. The proposed use is part of an existing commercial site with a developed parking lot and building already located on the site. The applicant is not proposing to make any structural exterior additions to the existing building as part of the conditional use requests. Therefore, the minimum standards for lot development have been met since the building already exists.

Finding: The proposed use meets this portion of the standard as no new structural construction is proposed as part of the conditional use request.

Analysis: 21A.33.030: Table of Permitted and Conditional Uses for Commercial Districts. This table in the Zoning Ordinance shows that taverns (more than 2,500 square feet in size) are a conditional use in the CB zoning district. All taverns in the CB zoning district are subject to footnote number 12, which states: ‘Subject to conformance with the provisions in the section 21A.36.300, “Alcohol Related Establishments”, of this title’ and footnote 13, which states ‘In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.’

Finding: The applicant of the proposed use has applied for a conditional use permit to operate the proposed tavern. The potential tavern cannot operate unless this conditional use approval is obtained. The total square footage is approximately 220 square feet and contains no outdoor patio space. The proposed use and petition meet this portion of the standard.

Analysis: 21A.36.300 Alcohol Related Establishments. The purpose of this section is to permit the establishment of taverns, social clubs, dining clubs, brewpubs, and microbreweries as defined in chapter 21A.62 of this title, subject to licensing procedures, and where appropriate, conditional use standards.

There are several items within the code section and each will be described as follows.

Section 21A.36.300.B – No tavern, social club, dining club, brewpub, or microbrewery shall be established, operated, or maintained within the City without a valid license issued by the Utah Department of Alcoholic Beverage Control, and without a valid business license issued by the City.

Analysis: The applicant has already gone through the process with the Utah Department of Alcoholic Beverage Control for the tavern license. The license will be granted pending approval of the

conditional use application. Should the conditional use be approved, the applicant will need to obtain a business license from the City.

Finding: If the applicant is approved, the proposed use will need to meet this portion of the standard. It cannot be met unless the conditional use approval is granted.

Section 21A.36.300.D. – Taverns, Social Clubs, Dining Clubs, Brewpubs, and Microbreweries; Authorized As Conditional Uses: Taverns, social clubs, dining clubs, brewpubs, and microbreweries 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:

21A.36.300.D.1.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:

- (1) A complaint-response community relations program; and
- (2) A provision for a representative of the tavern, social club, dining club, brewpub, or microbrewery to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;
- (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 Chapter 9.28 of this code;
- (4) A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
- (5)+ Prohibiting electronically amplified sound in any exterior portion of the premises;
- (6) Designation of a location for smoking tobacco outdoors in conformance with state law;
- (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
- (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
- (9) A parking management plan, which shall include consideration of the impact of parking on surrounding neighborhoods;

Analysis: For items 1-9 noted above the applicant has submitted a security and operations plan that states all of the requirements of items 1-9 will be completed as required above. A copy of the security and operations plan can be found in applicant’s materials in Attachment E. The Building Services Division have reviewed the proposed security and operations plan. Staff is awaiting the Police Department for their review. Staff has

included a condition of approval that the Police Department approve the document and the document be recorded with the City Recorder's office as a result of the conditional use process.

Finding: The security and operations plan as proposed by the applicant meets this portion of the standard and planning staff does not recommend any additional changes to the document. Staff is awaiting approval from the Police Department. If the conditional use is approved, than the document shall be recorded with the City Recorder.

21A.36.300.D.1.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;

Analysis: The proposed site and floor plan have been forwarded to the Police Department for their review. No issues were mentioned.

Finding: Staff finds that this portion of the standard has been met.

21A.36.300.D.1.c. – Require buffering where a tavern, social club, dining club, brewpub, or microbrewery 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;

Analysis: The building in which the tavern sits abuts residentially zoned property along the south property line. The 220 square feet tavern area occupies a small portion of the 1,347 square feet space of the building. Therefore, the tavern sits within the restaurant site. The tavern area occupies a northeast corner of the interior space of the restaurant and is not adjacent to the south wall of the building. The space and the walls of the restaurant provide a buffer between the tavern and the residential property. The tavern is buffered approximately 14 feet from the walls of the building.

Finding: Staff finds that this portion of the standard has been met given the unique circumstance of the tavern only occupying a small portion of the building. The majority of the building will be used as a restaurant, which is a permitted use.

21A.36.300.D.1.d. – Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and

Analysis: Although the tavern area is in a small interior space within the building, as part of the proposed project, the applicant intends to add new small (less than two to three feet in height) shrubs to the site. It would be difficult for this type of landscaping to be used as a hiding place. This type of landscaping should be maintained.

Finding: The proposed landscaping is sufficient for the proposed project and should be maintained. Staff feels that this portion of the standard is met.

21A.36.300.D.1.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 hours, weather permitting.

Analysis: The applicant has stated in the security and operations plan that graffiti will be removed within the required 48 hours, weather permitted.

Finding: This portion of the standard is met.

21A.36.300.D.2.a - Limit the size and kind of signage located on the outside of any building in conformance with Chapter 21A.46 of this title;

Analysis: The applicant has not proposed any signage at this time. Any new signage must conform to the requirements of the sign regulations in Chapter 21A.46.

Finding: Staff finds that this portion of the standard is not applicable.

21A.36.300.D.2.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

Analysis: The applicant has indicated he intends to utilize the existing rear porch light on the premises to illuminate the two rear door and the ADA ramp. For all lights that are located on the south side of the building or would affect the current residential property on the south, those lights should be shielded in order to direct the light downward. A condition of approval has been included to ensure that the lights are shielded.

Finding: A condition of approval to shield the current lights from any residential property would mitigate any negative impact from lighting on the adjoining properties. Staff finds that with this condition, this portion of the standard has been met.

21A.36.300.D.2.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.

Analysis: An outdoor smoking area has been provided more than 25 feet from the rear door into the parking lot, next to the garbage receptacle, and about 50 feet from the rear property line. The proposed outdoor smoking area has been located in this area to minimize impact to adjoining businesses or neighboring residences.

Finding: The proposed smoking area has been located to minimize impact to adjoining businesses and neighboring residents. Staff does not feel that a condition of approval could be included that would better mitigate the impact of the smoking area. The other possible location of the designated smoking area could be moved to the front of the property, but it would impact either adjoining business or pedestrians passing by. The current area appears to be the location with the least amount of impact and therefore, staff finds that this portion of the standard is met.

21A.36.300.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 ($\frac{1}{2}$) acre in contiguous area.

Analysis: This standard is not applicable because the site is zoned CB.

Finding: This standard is not applicable.

21A.36.300.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 social club, dining club, 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.

Analysis: By having the above language in the Zoning Ordinance, the City has identified what a detrimental concentration is incorporating this standard into the Zoning Ordinance. This project would comply with the standard as there are no other alcohol related establishing within 350 feet of the subject property. An alcohol related establishment is defined as follows: ALCOHOL RELATED ESTABLISHMENT: Tavern, social club, dining club, brewpub, or microbrewery.

Finding: Staff finds that this portion of the standard has been met.

Table 21A.44.060.F – Schedule of Minimum Off Street Parking Requirements

Section - 21A.40.065F – No additional parking is required unless the total outdoor dining area ever exceed five hundred (500) square feet. Parking for outdoor dining areas in excess of five hundred (500) square feet is required at a ratio of two (2) spaces per one thousand (1,000) square feet of outdoor dining area. No additional parking is required in the D-1, D-2, D-3, D-4, TSA, or G-MU zone.

**Since more than 500 sq ft of outdoor dining will be added for the property as a whole, we must calculate the additional parking needed for this space.*

Analysis: Since the tavern and restaurant will be operating in the same building, the parking requirement will be calculated for the building as a whole. Parking for restaurants, taverns and socials clubs is required at two spaces per 1,000 square feet gross floor area. The East Liberty Tap House requires three stalls. The new patio deck for the restaurant will be 711 square feet, which is more than 500 square feet. The patio will require 1 additional parking space. A summary table is below:

Use/Parking Requirement	Square Footage	Stalls Required
East Liberty Tap House (restaurant + tavern)	1,347	3 stalls
New patio deck (2 stalls per 1,000 square feet)	711	1 stalls
Total stalls required		4 stalls
Total stalls shown		4 stalls

Calculations

Existing parking required = 1,347 sq ft / 1,000 Sq ft x 2 spaces = 2.694 = 3 spaces
 Additional parking required* = 711 Sq ft / 1,000 Sq ft x 2 spaces = 1.422 = 1 space
 Total parking required = 4 spaces

Finding: Staff has determined that the parking for the proposed use has been met.

21A.48.170 – Landscaping provided as a condition of building permit issuance: The landscaping required by this chapter shall be provided as a condition of building permit issuance for any addition, expansion or intensification of a property that increases the floor area and/or parking requirement by fifty (50%) or more. The zoning administrator may waive the landscaping requirement if an existing building is located in an area of the lot that is required to be landscaped and compliance with the landscaping requirements of this chapter necessitates removing all or a portion of an existing building.

Analysis: The floor area of the property will remain the same at 1,347 square feet. The floor area, based on the following definition does not increase by 50% of more.

21a.62:DEFINITIONS: FLOOR AREA, GROSS: "Gross floor area" (for determining size of establishment) means the sum of the gross horizontal area of all floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include basement floor area, penthouses, attic space having headroom of seven feet (7') or more, interior balconies and mezzanines, enclosed porches, and floor area

devoted to accessory uses. Space devoted to open air off street parking or loading shall not be included in floor area.

Per the above Table 21A.44.060.F – Schedule of Minimum Off Street Parking Requirements, the parking will not increase by one space, which does not increase the parking requirement by more than 50%. Landscaping is not required as a condition of building permit issuance.

Finding: Staff finds that this portion of the standard has been met. Landscaping is not required as a condition of building permit issuance.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The property is located within the 9th and 9th Business District. The parcels from East of Windsor Street to about 1000 East on both the north and south sides of the street are all zoned CB or Community Business. In the immediate area, there are retail shopping establishments, restaurant uses, and a theater. Many of the businesses in the area operate six to seven days a week. The subject property is surrounded by several different residential zoning districts.

The subject site was previously a clothing retail store. The intersection has been commercially zoned for some time and has been a vibrant neighborhood area. The proposed use of a tavern is a conditional use in the zoning district and is similar to other commercial businesses that operate in the area. The area contains many small, locally-owned shops and restaurants.

Finding: The tavern is compatible with the surrounding uses. The area of the tavern is approximately 220 square feet and its small scale caters to the surrounding neighborhood. The analysis of standard 1 identifies several conditions of approval that should be attached to the approval that will further the compatibility between this use and the surrounding uses.

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

Analysis: The Central Community Master Plan designates this property as Neighborhood Commercial. The zoning is compatible with the master plan designation.

Finding: Staff finds that the use meets this standard because it is a conditional use in the zoning district.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions. (Refer to Detrimental Impacts Chart for details)

Analysis: Zoning Ordinance section 21A.54.080.B identifies specific items that may determine what constitutes a detrimental effect. In determining a detrimental effect, the following items shall be complied with:

21a.54.080B: Detrimental Effects Determination: In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	The tavern is a conditional use in the CB zone
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	The use is located in an area zoned and designed by the associated master plan as “neighborhood commercial,” see analysis from standard 3 above.
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	Complies	The use is compatible in intensity, size, and scale to existing commercial uses in the area. The proposed use will be located within a restaurant and there are several restaurants in the area.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	No structural additions will be made to the building. The existing building will fit in with the 1-2 story buildings along 900 South and in the 9 th and 9 th business district.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	Complies	The access points or driveways have existed for some time. The property is located on a corner with direct access to an arterial street, which are designed to accommodate traffic from commercial uses.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	The parking lot is designed to provide safe maneuvering of motor vehicles. The driveway is located in area that provides drivers with clear views of pedestrians and bicycles. Internal circulation has been designed to accommodate proposed use.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The site is not proposed to be changed. Pedestrian access is from the front of the building off of 900 South. Access is also provided directly from the parking lot to the building, including ADA access. Bicycle parking is provided near the rear entrance to the building in an area that is illuminated and offers some degree of safety.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	The City’s Transportation Division has reviewed the request and did not indicate any issues with street level of service.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	The proposed off-street parking meets all requirements of the Zoning Ordinance
10. Utility capacity is sufficient to support the use at normal service levels	Complies	The City’s Public Utilities Division reviewed the project and indicated that the

		conditional use proposal does not appear to impact the utility systems.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies	The use is located within a building associated with a restaurant. The use occupies only approximately 220 square feet and is not adjacent to the exterior wall. The space and walls within the building will operate as the buffer.
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	Complies	The use meets city sustainability plans by encouraging patrons to walk or ride their bikes to the site. There will be no anticipated negative impacts that significantly affect the surrounding environment. A cigarette smoking area has been provided away from the entrances and will be subject to the standards of the Salt Lake County Health Department.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	Due to the nature of this proposed use being a potential tavern, hours of operation are regulated by the State of Utah. The proposed use is similar to a restaurant use and there are several restaurants in the area. It is not anticipated that deliveries will have an adverse impact.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	There are no signs proposed at this time, but any proposed sign must comply with the sign regulations in Chapter 21A.46 of the Zoning Ordinance. As a condition of approval the applicant shall ensure that the rear light is shielded from the abutting residential properties.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	There are no historic sites or features on property.

ATTACHMENT H: PUBLIC PROCESS AND COMMENTS

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on 6/11/2014.
- An open house was held on July 17, 2014,
- Mailings were sent out on 7/31/2014 for the planning commission meeting.
- Sign was posted at 850 East 900 South on 8/1/2014 for the planning commission meeting.

One call was received in support of project.

ATTACHMENT I: DEPARTMENT REVIEW COMMENTS

The proposed conditional use was sent to the departments listed below for review and comment.

SUSTAINABILITY REVIEW – No comments received.

PUBLIC UTILITIES - The conditional use application doesn't appear to impact the utility systems. We do not have any comments on the proposed conditional use.

ZONING REVIEW - The proposed outdoor dining encroaches onto city property. Public way encroachments need to be reviewed with SLC Property Management.

BUILDING REVIEW - No comments received.

ENGINEERING REVIEW - No objection to the proposed CUP. The existing drive approach in 840 East is covered with asphalt. It is recommended that the asphalt be removed. If the underlying concrete is badly broken, it is recommended that it be replaced with a new concrete drive approach.

TRANSPORTATION REVIEW - Per building permit BDL2014-01412 the parking provisions have been addressed. Coordination with SLC Real Estate Services for the proposed patio encroachment is still remaining per my records

FIRE CODE REVIEW - No comments received.

POLICE REVIEW – No comments received.

ATTACHMENT J: MOTIONS

Commission Options

If the project is approved, the applicant will need to comply with any conditions made part of the approval before the Planning Division will sign off on a business license. Typically, conditions are to be met prior to issuance of a building permit, but the applicant has already obtained a building permit to do all of the improvements inside the building. Should the project be approved and it is not appealed, the applicant will need to apply for a business license. After that, the applicant will need to obtain approval from the Utah Department of Alcoholic Beverage Control in order to sell beer at the business.

A proposed conditional use shall be denied if:

1. The proposed use is unlawful; or
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section.

The use is an allowed conditional use in the zoning district in which it is located. It would not be considered an unlawful use. The potential impacts of the proposed tavern on the community will likely be mitigated through conditions of approval when legally feasible. As stated previously, the hours of operation for the proposed tavern itself cannot be regulated by the City.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law *10-9a-507 Conditional Uses* states that “a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related specifically to one of the standards below, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated.

Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission approve the conditional use to allow the operation of a new tavern, located at approximately 850 East 900 South. Due to the potential for detrimental impacts created by the proposal identified in this report, staff recommends the Planning Commission applies the following conditions to the project:

1. Update the security and operation plans if any changes to the nature of the business are made during the conditional use process. The plan will need to be reviewed by the Police Department and Building Official before being submitted for recordation with the City Recorder’s office. The plan will need to be recorded before a business license is issued.
2. Ensure the rear lights that will illuminate the back doors and the ADA ramp is shielded as much as possible from the abutting residentially owned property to prevent the lighting from being a nuisance.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow the operation of a new tavern, located at approximately 850 East 900 South. The proposed conditional use will create detrimental effects, which cannot be reasonably mitigated. Therefore, the proposed conditional use is not compliant with the following standard or standards:

1. The use complies with applicable provisions of this title;
2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;
3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and
4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.