

February 10, 2020

MEMORANDUM TO: West End Commission
FROM: Matt McLachlan, Director of Community Development
SUBJECT: Establishing a West End Entertainment District

REQUESTED ACTION:

Provide a recommendation to the Mayor and City Council

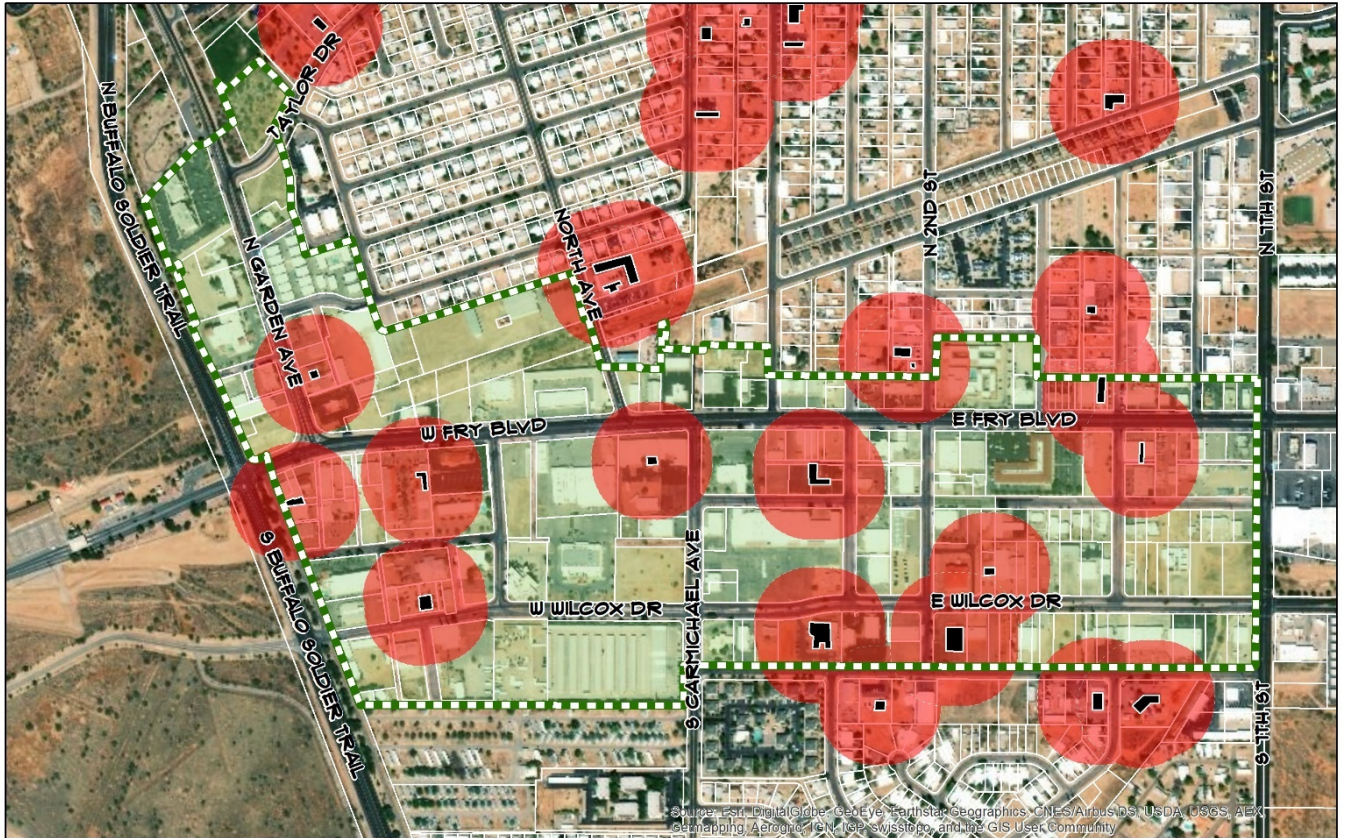
BACKGROUND:

The City Council's FY 2020-2020 Strategic Leadership Plan directs Staff to explore the feasibility of enacting an entertainment district as a revitalization initiative for the West End District. This designation would enable the City Council to grant a waiver, on a case-by-case basis, to state separation requirements for certain liquor license requests within the entertainment district.

A.R.S. § 4-207 prohibits the issuance of certain types of liquor license for any premises that are, at the time the license application is received by the director, within 300 horizontal feet of a church, school building, or fenced recreational area adjacent to the school building. This restriction is commonly referred to as the "300-foot rule". A church is defined as any building erected or converted for use as a church where services are regularly convened, that is used primarily for religious worship and schooling, and that a reasonable person would conclude is a church by reason of design, signs or architectural or other features (A.R.S. § 4-207(D)(1)). A school is defined as any public or private school with any grades Kindergarten through 12 (A.R.S. § 4-207(A)).

The following coverage map shows the geographic distribution of existing church/school facilities with 300-foot radius rings to illustrate properties potentially impacted by the rule.

PROPOSED WEST END ENTERTAINMENT DISTRICT



 Proposed West End Entertainment District Boundary (0.28 SQ. MI. +/-)

 300 FT. BUFFER FROM CHURCH OR SCHOOL BUILDING

The 300-foot rule must be observed for the following license types:

- *Series 6 Bar*
- *Series 7 Beer & Wine Bar*
- *Series 8 Conveyance*
- *Series 9 Liquor Store*
- *Series 10 Beer and Wine Store*
- *Series 14 Private Club*
- *Series 16 Wine Festival/Fair*

The following license types are not impacted by the 300-foot rule:

- *Series 1 and 2 Producer*
- *Series 3 Microbrewery*
- *Series 4 Wholesaler*
- *Series 5 Government*

- *Series 11 Hotel-Motel*
- *Series 12 Restaurant*
- *Series 13 In-State Farm Winery*
- *Series 15 Special Event license*
- *Series 18 Craft Distillery*
- *Playing area of a golf course with an issued license*
- *A beer and wine license at a not-for-profit performing arts theatre with a permanent seating capacity of at least 250 persons*

Validly issued licenses that were in place prior to the location of a church or school (these licenses can be transferred to new owners at the same location)

State law allows places of worship and schools to be located within most zoning districts. The State Legislature recognized the potential conflict between community desires to create day and night time activation in certain areas based on entertainment uses and amended A.R.S. § 207 to include a provision that allows the governing body of a city or town, on a case-by-case basis, to approve an exemption from the distance restrictions set for churches and schools through the formation of an entertainment district (A.R.S. § 4-207(C)(4)). The number of entertainment districts allowed in any jurisdiction is based on municipal population as follows:

- *Population of at least 500,000 may designate no more than 3*
- *Population of at least 200,000 may designate no more than 2*
- *Population less than 200,000 may designate no more than 1*

An entertainment district is defined as a contiguous area that is designated by a resolution adopted by the governing body of a city or town that consists of no more than one square mile, that is no less than one-eighth of a mile in width and that contains a significant number of entertainment, artistic and cultural venues including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities (A.R.S. § 4-207(C)(4)).

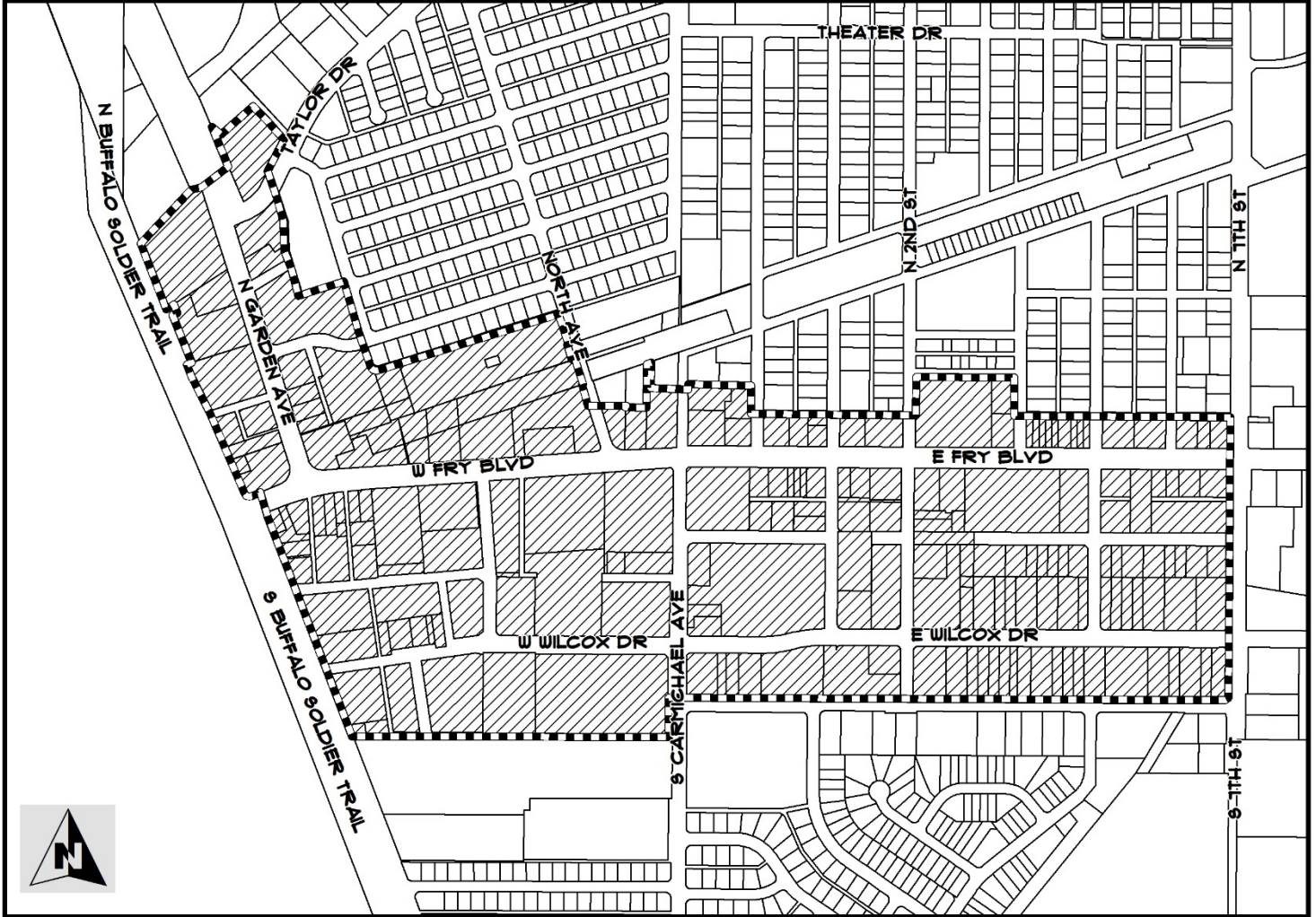
The proposed entertainment district covers just over one-quarter of a square mile of commercially zoned property in the West End north and south of Fry Boulevard, west of 7th Street and along both sides of North Garden Avenue as depicted in Exhibit "A" of the attached resolution. The City's revitalization initiatives seek to augment the number of eating and drinking establishments to provide additional nighttime entertainment options for residents and visitors alike.

ATTACHMENTS:

Exhibit A – Entertainment District Map

EXHIBIT "A"

WEST END ENTERTAINMENT DISTRICT BOUNDARY MAP



 West End Entertainment District Boundary (0.28 SQ. MI. +/-)