

NO FORMAL ACTIONS ARE TAKEN IN A WORK SESSION

5:30 P.M. - WORK MEETING - MULTI-PURPOSE ROOM
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CALL TO ORDER

COUNCIL BUSINESS

1. Calendar
 - Mar 25 - Art Loops Downtown Public Project Kickoff at 4:45 p.m. - Civic Center Park
 - Apr 01 - Work Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
 - Apr 15 - Work Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
 - Apr 25 - Arbor Day
2. **REVIEW OF THE 7:00 P.M. REGULAR COUNCIL MEETING AGENDA ITEMS**
 - a) Invocation - Councilmember Jensen
 - b) Pledge of Allegiance - Councilmember Wright
 - c) Consent Agenda
 2. Approval of the February 11, 2025 work meeting minutes and the March 04, 2025 work meeting and regular meeting minutes.
3. **WORK MEETING DISCUSSIONS/PRESENTATIONS**
 - a) Downtown Development Plan - Troy Fitzgerald, City Administrator
 - b) Clyde Recreation Center Update - Stacey Child, Parks and Recreation Director
 - c) Discussion regarding Title 7 Business Licensing/Alcohol Licensing - Carla Wiese, Planner
 - d) Library Presentation - Dan Mickelson, Library Director

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

ADJOURNMENT

CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the meeting and convene in a closed session as provided by UCA 52-4-205.



MEMORANDUM

TO: Mayor Packard and City Council

FROM: Carla Wiese, Planner/Econ Dev Specialist

DATE: March 14, 2025

SUBJECT: Alcohol sale and proximity issues in Title 7 Business Licensing

Mayor and City Council,

I have put together a summary of the alcohol licensing provisions in Title 7 Business Licensing as well as any concerns or policy positions raised by these provisions.

Licensing of establishments and associated fees

Number of Establishments permitted 7-3-105

Off-premise Beer Retailer	population/1,000
Bar Establishments	population/10,000
Restaurant	population/3,000
On-premise Beer Retailer	population/15,000

Using the 2023 population estimate from the FY2024 Budget (37,696) the allowed numbers would be (rounded to the nearest whole number):

Off-premise Beer Retailer	38
Bar Establishments	4
Restaurant	13
On-premise Beer Retailer	3

Current number of licenses by type (as of the date of this memo):

Off-premise Beer Retailer	17
Bar Establishments	1*
Restaurant	6±
On-premise Beer Retailer	0

We also have one "On-Site Special Use/Storage" that is for Inspiration Haven Art Studio that does special events/educational events

*not including Native Aloha as their license is not active at the time of this memo

±includes Magleby's catering.

The number of licenses available/issued within the City doesn't appear to be an issue.

The adopted fee schedule details numerous types of alcohol licenses, these fees are in addition to the standard business license. There is also a \$14 fee for the Local Consent affidavit required by DABS before issuing a DABS license:

On-Premise Beer Retailer	\$129
Off-Premise Beer Retailer	\$600
Bar Establishment	\$300
Beer Only Restaurant	\$300
Full-Service Restaurant	\$300
Limited-Service Restaurant	\$300
Master Full-Service Restaurant	\$300
Master Limited-Service Restaurant	\$300
Master Off-Premise Beer Retailer	\$600
Reception Center	\$300
Resort License	\$300
Tavern	\$300

We do not have these licenses identified in our code. These license names correspond with the license types issued by DABS. The applicant for a Springville City Alcohol license must provide the type of license that they have from DABS.

RECOMMENDATION:

- Keep quotas the same
- Change definitions in Springville City Code to more accurately align with licenses issued by DABS
- Consider amending fee schedule so that business licenses for establishments that serve alcohol are a distinct type of business license (much like the hotel business license) and increase business license fee to capture the additional fee imposed by requiring a separate alcohol license. This would prevent situations like Native Aloha where the alcohol license was expired but the business license was still active.

Proximity

State code allows municipalities to set proximity requirements for off-premise beer licenses, although state code does not set any. Currently, ***Springville City Code 7-3-110(3) Restrictions on sale states, "It shall be unlawful for an off-premise beer retailer to sell beer within one hundred eighty (180) feet of a community location measured from the nearest patron entrance of the retailer to the boundary line of the community location. A license may not be issued to a retailer if a community location is within one hundred eighty (180) feet of the retailer's nearest patron entrance to the community location."*** This provision went into effect in December 2019 when the City code was amended and renumbered and does not apply to restaurants but only to retail licenses (Grocery store, C-stores, etc.). This provision doesn't seem to be causing any difficulties in locating stores but may become a concern with mixed use developments that may include convenience stores or other small scall retail locations that sell beer. We can address this through changes in permitted/conditional uses allowed in various zones, through the business license section or both. That will be a discussion that we will need to have.

The Alcoholic Beverage Control Act (Title 32B UCA) includes proximity provisions that are verified by DABS for restaurants, bars and taverns through the process of obtaining a "Local Consent Affidavit" from the municipality. The proximity restrictions require that any restaurant (full-service, limited-service, and beer-only restaurants) be more than...

"200 ft. as measured in a straight line from the nearest patron entrance...to the nearest property boundary of the community location or 300 ft. as measured from the nearest patron entrance... by following the shortest route of ordinary pedestrian travel to the property boundary of the community location".

DABS relies on the municipality to determine the proximity.

The proximity provision has become a concern with the opening of Cody's Gastro Garage in Springville in May 2024. The owner, Chris Shurian, approached the City to obtain the local consent required by DABS and was told that the restaurant is less than the 200 ft required because the Civic Center Sculpture Garden is considered to be part of the Civic Center Park.

While Cody's Gastro Garage is the establishment that initiated this conversation, it could potentially impact Art City Inn and the planned expansion to build on the site immediately to the east of Art City Inn. The plans include a restaurant on the street level and the owners (Eric and Amy Binton) have indicated that they would like to be able to serve alcohol with their menu offerings. Placement of the patron entrance will be important in determining the 200/300 ft distance.

RECOMMENDATION:

- Recommend to City Council that they consider the boundary line for Civic Center Park to make allowances for the proximity requirements of state code.