



CITY COUNCIL STAFF REPORT

MEETING DATE:	8 July 2015
APPLICANT:	Shades of Pale
PROJECT NUMBER:	V-15-002
REQUEST:	Alcohol Proximity Variance
PREPARED BY:	Michael Florence

SYNOPSIS: Shades of Pale Brewery is petitioning the City Council for a proximity variance to locate a Microbrewery within 600 feet of an existing church facility. The South Salt Lake City Council recently adopted a new alcohol code which allows for a Microbrewery Class MB license. The applicant currently operates a manufacturing brewery located at 154 W. Utopia Avenue. The Class MB license will allow the applicant to serve alcohol on premise.

SUMMARY:

- The business is located approximately 470 feet from the front door of the establishment to the property line of the church. The applicant has provided a map indicating the approximate distance
- The Rock Church has provided a letter of support for the proximity variance
- Staff believes that establishing the premise would not be detrimental to the public health, peace, safety, and welfare of the community
- Staff has provided an ordinance for approval to grant the proximity variance

5.08.110 Proximity restrictions.

A. No premise requiring a license or consent from the city to sell, serve or distribute alcohol for consumption on premise, such as premises associated with Class B, Class C, and Class MB licenses, shall be located within six hundred (600) feet of any public or private school, church, public library, public playground, or park, as measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public or private school, church, public library, public playground, school playground, or park.

B. No premise requiring an off-premises beer retailer licensee or manufacturing license shall be established within two hundred (200) feet of any public or private school, church, public library, public playground, or park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground, or park.

5.08.115 Proximity restriction variance.

The restrictions contained in Section 5.08.110 govern unless one of the following exceptions applies:

A. With respect to the establishment of a premise that sells, serves or distributes alcohol, the city council may authorize a variance that reduces the proximity requirements of Section 5.08.110 and may also authorize the mayor to give the city's consent to the state's Alcoholic Beverage Commission if:

1. Alternative locations for establishing the premise in the community are limited,
2. A public hearing has been held, and
3. After giving full consideration to all of the attending circumstances, the city council determines that establishing the premise would not be detrimental to the public health, peace, safety, and welfare of the community; or

B. With respect to the establishment of a premise in any location, the city council may authorize a variance to reduce the proximity requirements of Section 5.08.110 in relation to a church or community location and may also authorize the mayor to give the city's consent to the state's Alcoholic Beverage Commission if:

1. The local governing body of the church or community location in question gives its written consent to the variance,
2. Following a public hearing, and

3. After giving full consideration to all of the attending circumstances it determines that establishing the premise would not be detrimental to the public health, peace, safety, and welfare of the community.

Attachment 1





4

June 23, 2015

To whom it may concern,

The Rock Church has no objection to Shades of Pale Brewing conducting business, manufacturing, selling or serving any products they are licensed to manufacture and/or sell. We are aware they are a brewery and intend to serve on site.

Please be advised that this is the third letter we've have had to write in the last year on their behalf. We still have no objection. Please expedite their licensing.

Regards,



Tony D'Amico
tony@experiencetherock.com
801.897.2553

Attachment 3

South Salt Lake City Community and Economic Development

220 East Morris Ave Ste 200

South Salt Lake City, UT 84115

801-483-6011

RE: Tap room variance for community location Shades of Pale Brewing Co.

To whom it may concern,

Shades of Pale Brewing Co is requesting a variance to the recently passed MB license to allow the company to seek state license approval for Tavern or Club.

The proposed entrance to the establishment is approximately 473 feet to the property line, with in the current requirement to be further than 600 feet away. In the future as Shades of Pale purchases the property the entrance will move to the front of the building which will be over 600 feet from the community property in question and require no variance application. This proposed entrance is temporary until we take over the entire building.

Shades of Pale has obtained church approval for the 3rd time to continue our operations. 1) The original request for the manufacturing license, 2) the type 5 package license and 3) the Club / Tavern license. I believe the church is getting tired of writing the city and granting approvals for the same items over and over again. Their letter is attached.

We have again attached the Google earth drawings highlighting what is already in our file. Nothing has changed the building hasn't moved any closer to the church and the church hasn't moved any closer to Shades of Pale, the parking remains the same as when we were granted the conditional use to operate the facility.

Please note that we already have our manufacturing license, which has gotten the approvals to operate along with the proper variances from the community locations in question, we are moving that license to the newly established MB license which by default will allow us to operate under what is stated as the newly enacted law.

The property owners have signed off on us operating within the said premises for all brewing operations, selling and service in fact it is specifically stated in our lease to the effect. In addition all documents are signed and in your files for reference.

Trent M Fargher

President Shades of Pale Brewing Co.

