

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed: 09-04-18

Sponsored by: Schilling

COUNCIL BILL 2018-215 RESOLUTION _____

RESOLUTION

1 GRANTING a new liquor license to sell five (5) percent beer and light wine by the drink
2 at retail, including Sunday sales, to Upstate New York Pizza, LLC, d/b/a
3 New York Style Pizzeria, for their location at 210 South Market Street,
4 Suite 124, Springfield, Missouri.
5 _____
6

7 WHEREAS, Upstate New York Pizza, LLC, d/b/a New York Style Pizzeria, has
8 filed an application for a license to sell five (5) percent beer and light wine by the drink
9 at retail that includes sales on Sunday for their establishment located at 210 South
10 Market Street, Suite 124; and
11

12 WHEREAS, pursuant to 10-37(a) of the Springfield City Code, no license shall be
13 granted for the sale of intoxicating liquor within 200 feet of any school, church, park, or
14 building regularly used as a place of worship unless the applicant shall first obtain the
15 consent in writing of City Council; and
16

17 WHEREAS, Section 10-37(c) establishes an exception to the 200-foot distance
18 down to a distance of 100 feet for establishments within the Downtown Springfield
19 Community Improvement District (“Downtown CID”) if the Director of Finance reviews
20 certain criteria and determines a license shall have no adverse impacts on the
21 Downtown CID; and
22

23 WHEREAS, Upstate New York Pizza, LLC, d/b/a New York Style Pizzeria’s place
24 of business is located within the Downtown CID and within 100 feet of a church so the
25 exception in Section 10-37(c) does not apply, and City Council must determine whether
26 it will issue a liquor license at this business location.
27

28 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:
30

31 Section 1 – City Council grants Upstate New York Pizza, LLC, d/b/a New York
32 Style Pizzeria, a license to sell five (5) percent beer and light wine by the drink at retail,
33 including Sunday sales, at its location at 210 South Market Street, Suite 124,
34 Springfield, Missouri.
35

36 Section 2 – This Resolution shall be in effect immediately upon adoption.

37

38 Passed at meeting: _____

39

40 _____

41

Mayor

42

43

44 Attest: _____, City Clerk

45

46

47 Filed as Resolution: _____

48

49

50 Approved as to form: Rhonda Lewaden, Deputy City Attorney

51

52

53 Approved for Council action: Jason A. Mage, City Manager

EXPLANATION TO COUNCIL BILL 2018 -215

FILED: 09-04-18

ORIGINATING DEPARTMENT: Finance

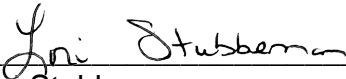
PURPOSE: To grant a new liquor license to sell five (5) percent beer and light wine by the drink at retail including Sunday sales to Upstate New York Pizza, LLC, d/b/a New York Style Pizzeria located at 210 South Market Street, Suite 124, Springfield, Missouri.

BACKGROUND INFORMATION: Applicant, Upstate New York Pizza, LLC, d/b/a New York Style Pizzeria, applied for a license to sell five (5) percent beer and light wine by the drink at retail including Sunday sales at its location at 210 South Market Street, Suite 124. The applicant's business is located within the Downtown Springfield Community Improvement District ("Downtown CID") and is located within 100 feet of The Well Church. The Well Church has been advised of applicant's proposed sale of alcohol and did not submit an objection to City staff.

Pursuant to Section 10-37(a) of the Springfield City Code, no license shall be granted for the sale of intoxicating liquor within 100 feet of any church, school, park, or building regularly used as a place of worship unless the applicant shall first obtain the consent in writing of City Council. Section 10-37(c) establishes an exception to the 200-foot distance down to a distance of 100 feet for establishments within the Downtown CID if the Director of Finance reviews criteria, including prior police calls to or violations of laws by establishments owned by the applicant and a feasible plan for parking and security, and determines a license will not adversely impact the Downtown CID. In this case, the applicant's property is within 100 feet of a church, so the Director of Finance is not authorized by the exception in Section 10-37(c) to issue the license. As a result, City Council must determine whether it will issue a license to this business location. Pursuant to Section 10-3.A, minors will be allowed on the premises when alcohol is being consumed, because Applicant is a restaurant that has more than 40 percent of its sales from food prepared on the premises.

Submitted by:

Approved by:



Lori Stubbeman
Business License Supervisor



Jason Gage, City Manager