



Legislation Text

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*Department of Community Development*

Reference: Thistle Dew Brewpub - Conditional Use Permit

**To:** Mayor Richard N. McLean and Members of City Council

**Through:** Holly Prather, AICP, Community Development Director  
Marv Falconburg, AICP, Assistant City Manager of Development  
Clint Blackhurst, Acting City Manager

**Prepared By:** Andrew Baker, Assistant City Planner

**Date Prepared:** July 24, 2017

**PURPOSE**

Per Section 17-8-60 of the City of Brighton's *Land Use and Development Code*, an application for a Conditional Use must be presented before the City Council at a Public Hearing along with a Resolution approving, approving with conditions or denying the conditional use application.

**BACKGROUND**

Thistle Dew Brewing Company, Ltd., wishes to operate a tavern at a property addressed as 227 N. Main Street. The property was previously a pool hall and restaurant, and will undergo indoor and façade renovations to fit the new use. The property is zoned DT (Downtown). In the DT zone, a "tavern" is considered a conditional use. This site will also be used as a restaurant and a brewery, classifying them as a "brewpub."

The proposed hours of operation for Thistle Dew Brewpub are 11:00AM to 11:00PM, seven days a week. Typically, three to eight employees will be on site at a time.

**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM**

**Comprehensive Plan:**

In the *Comprehensive Plan*, the property at 227 N. Main Street is designated as "Downtown," which is intended for "retail, cultural, educational, entertainment, civic, and medium- and high-density housing diversity, with a range of choices in things to do and see, drawing people throughout the day and evening." Operation of this facility as a tavern is in keeping with the *Comprehensive Plan* designation of "Downtown," and is harmonious with other uses in the area.

**Land Use and Development Code:**

When reviewing a Conditional Use Permit, the City Council shall use the following criteria, as provided by the *Land Use and Development Code* (ref. Section 17-8-60.2):

- a. *The conditional use complies with the requirements of these regulations and with the zone district in which it is to be located;*

The proposed brewpub is located on Main Street, and the zoning is DT (Downtown).

- b. *The conditional use provides consistency with the purpose and intent of these regulations;*  
The purpose and intent of a conditional use is to allow uses that may be compatible with the surrounding uses in the zone district if restrictions or conditions are placed on the use. The proposed brewpub, with conditions regarding hours of operations, noise and pollution ordinances, and licenses can meet the purpose and intent of the conditional use provision.
- c. *The conditional use provides compatibility with the surrounding areas, is harmonious with the character of the neighborhood, is not detrimental to the immediate area, is not detrimental to the future development of the area, and is not detrimental to the health, safety, or welfare of the inhabitants of the City;*  
The Downtown District is intended to be a destination for shopping, eating, and social activities. A restaurant, brewery, and taproom provides a variety of reasons for patrons to visit this area, and is not detrimental to the immediate area. The renovation of this property will benefit the future development of this area, and is not detrimental to the health, safety, or welfare of the inhabitants of the City.
- d. *The conditional use complies with the Comprehensive Plan and other master plans of the City; and*  
As stated previously, the proposed brewpub does comply with the Comprehensive Plan for the area.
- e. *Does the conditional use require restrictions or conditions upon approval?*  
The restrictions the City Council should consider include the requirement of specific hours of work and operation, and requirements for always meeting noise ordinance regulations and license requirements.
- f. *The following considerations should be taken in account in addition to any other criteria deemed relevant to the particular use requested:*
1. *Hours of operation;*  
The applicant has proposed the brewpub to close at 11:00 PM, much earlier than typical taverns, further reducing any effect on neighboring properties.
  2. *Street and road capacity;*  
This project will use access from Main Street, as do most businesses in the downtown.
  3. *Off-street parking;*  
Though not required by the DT zone district, twenty-two off-street parking spaces will be provided.
  4. *Fencing, screening, and landscaping;*  
Fencing and screening are usually not used in downtown settings, and the applicant will be renovating the current landscaping on the property.

5. *Building bulk, height, setback, location, and external appearance;*

The applicant has proposed a number of improvements to the building, including a new paint color on the façade, addition of large windows, and a new entrance. These improvements will further the high quality design that should be found in a downtown area.

6. *Useable open space;*

There is no useable open space for this project.

7. *Signs and lighting; and*

Signs and lighting will meet City of Brighton standards.

8. *Noise, vibration, air pollution, or similar environmental considerations.*

The applicant will be required to meet all environmental requirements, including City of Brighton noise, vibration, and air pollution ordinances.

### **PUBLIC NOTICE/INQUIRY**

Notice of the City Council public hearing was posted on the Property, mailed to property owners within 300' of the Property, and published in the *Brighton Standard Blade* on July 26<sup>th</sup>, 2017. All for no less than 15 days prior to the public hearing. There have been no formal comments received by staff as of the date of the drafting of this report.

### **STAFF RECOMMENDATION**

Staff finds the Conditional Use application to be in conformance with the *Comprehensive Plan*, and with the requirements for a Conditional Use submittal as described in the *Land Use and Development Code*; therefore, a draft resolution approving the Conditional Use has been attached for Council's consideration. The following conditions have been recommended for approval:

- 1) Approval of this conditional use application shall not run with the land and is limited to the operation of a tavern by Thistle Dew Brewing Company, Ltd., at the existing building, addressed as 227 N. Main Street, Brighton, Colorado, as more particularly described in Exhibit A, attached hereto (the "Premises").
- 2) Thistle Dew Brewing Company, Ltd., must obtain and keep current the proper liquor license from the Brighton Local Liquor Licensing Authority for operation of a tavern on the Premises before sale or consumption of alcohol will be permitted on the Premises.
- 3) Operation of the tavern by Thistle Dew Brewing Company, Ltd., shall be in compliance at all times with all applicable City ordinances, including, without limitation, the City's noise ordinance and the City's alcohol beverages ordinance
- 4) Thistle Dew Brewing Company, Ltd., shall obtain and keep current all necessary licenses and permits and meet all applicable federal, state, and local laws, regulations, licenses and policies at all times.

### **OPTIONS FOR COUNCIL CONSIDERATION**

- Approve the request for a Conditional Use in whole or in part, with or without modifications and/or conditions.
- Continue the request for a Conditional Use.
- Deny the request for a Conditional Use (with specific findings in support thereof).

**ATTACHMENTS**

- City Council Resolution (Draft with exhibits)
- Vicinity Map