



Legislation Text

File #: ID-164-17, Version: 1

Department of Community Development

Reference: Big Choice Brewing Conditional Use Permit

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

Through: Clint Blackhurst, Interim City Manager

Prepared By: Andrew Baker, Assistant City Planner

Date Prepared: March 13, 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

Big Choice Brewing wishes to open a tavern with an accessory nanobrewery use at 21 S. 1st Ave. The property located at 21 S. 1st Avenue is zoned DT (Downtown). In the DT zone, a "tavern" is considered a conditional use.

The proposed hours of operation for Big Choice Brewing are 7:00AM-6:00PM for production and 8:00AM-11:00PM for customers, seven days per week. The final hours of operation will be set forth as part of the approval a Liquor License by the Local Liquor Licensing Authority. The tavern would have a capacity of 160 customers. Typically, one to five employees will be using the site at a time.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM

Comprehensive Plan:

In the *Comprehensive Plan*, the property at 21 S. 1st Ave. 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."

Land Use and Development Code:

The property is zoned DT (Downtown), so a Conditional Use hearing is required for this application. The *Land Use and Development Code* describes a "Tavern, Cocktail Lounge or Bar" as an establishment serving alcoholic drinks for on-premises consumption only. This use also includes a "nanobrewery" as an accessory use.

Typically, a "microbrewery" has a production size of 15,000 beer barrels a year; although there is not an official definition, a "nanobrewery" is commonly thought to produce less than that. Operation of this facility as a tavern with an accessory nanobrewery is in keeping with the *Comprehensive Plan* designation of "Downtown," and is harmonious with other uses in the downtown area. The proposed tavern will require a liquor license in

order to operate.

PUBLIC NOTICE/INQUIRY

Notice of the City Council public hearing was posted on the Property on March 15th, 2017, mailed to property owners within 300' of the Property on March 15th, 2017, and published in the *Brighton Standard Blade* on March 15th, 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 and accessory "nanobrewery" by Big Choice Brewing, LLC, in the existing building located at 21 S. 1st Avenue, Brighton, Colorado, as more particularly described in Exhibit A, attached hereto (the "premises").
- 2) Big Choice Brewing, LLC, shall obtain the proper liquor license for the operation of a tavern and accessory "nanobrewery" from the Brighton Local Liquor Licensing Authority before any alcohol is sold or manufactured on the premises.
- 3) Big Choice Brewing, LLC, is permitted to operate a "nanobrewery" or a small brewery operation on the premises that produces no more than 3,000 barrels annually as an accessory use to the tavern.
- 4) Big Choice Brewing, LLC, shall obtain 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
- Neighbor Mailing List