



Legislation Text

File #: 17-300, Version: 1

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA - CM, Deputy City Manager

FROM: Scott Shuford, Director, Planning and Code Enforcement Services

DATE: June 26, 2017

RE:
Amendment to City Code Chapter 30 to define and classification of brewpub, microbrewery and related uses and use-specific standards as appropriate

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

- Safe and Secure Community - Be a safe and secure community.
- Diverse and Viable Economy - Have a strong, diverse and local viable economy.
- High Quality Built Environment - Be designed to include vibrant focal points, unique neighborhoods that are of high quality and effective infrastructure.
- Desirable Place to Live, Work and Recreate - Be a highly desirable place to live, work, and recreate with thriving neighborhoods, and high quality of life for all residents.
- Citizen Engagement and Partnerships - Develop and maintain strong community connections.

Executive Summary:

As part of creating stronger or new activity centers downtown, three recent studies (ULI TAP, Main Street, and Cultural Arts) all encouraged more craft-based bars or production facilities like brewpubs. The focused effort to develop effective standards for bars downtown began with a Council request last October to encourage new opportunities but manage the negative impacts. Planning and Code Enforcement, Police, and City Attorney staff members worked with stakeholder groups to clearly identify the issues and impacts. At the July 5th work session, staff summarized findings, including that live entertainment was one of the most important factors in managing negative impacts of bars and similar uses. Staff presented an approach to manage entertainment and recommendations for brewpubs and similar uses at the June 5th work session.

Following the Council work session, staff finalized an amendment for Planning Commission consideration on June 20. The amendment defines brewpubs, microbreweries and microdistilleries and would allow them - with special standards but no spacing requirements and without live entertainment - as permitted uses in the downtown and mixed use zoning districts, and permitted in

some commercial and both industrial districts. For these new uses, live entertainment would be allowed as a special event or through a special use permit process. The uses also would be permitted in the heavier commercial and industrial districts.

Background:

Over the past few years three separate studies (Main Street, ULI, and Cultural Arts) emphasized the importance of increasing the hours of activity downtown to the extent that an arts and entertainment district is proposed. “Bars” and restaurants are frequently part of such a mix, along with unique entertainment venues such as the proposed ballpark or a performing arts center.

Separation standards have, to date, limited the number of bar/nightclub uses downtown and in that way helped manage their impact. The rigid standards severely limited possible locations for such uses and led to other issues: Problems relying on separation standards downtown included Capital Partners’ efforts in 2012 to open a charter school and the difficulty a long-standing local pub had relocating from a site facing major renovations. Consequently, in March 2015 and again in April 2016 the standards were amended, first to remove the separation requirement for the protected uses (schools, churches etc.), then, in the DT district, to allow a reduced separation through the special use permit if there were no negative impacts or the impacts could be mitigated through conditions of approval.

With the latter change, downtown residents, business owners and City Council members asked for standards that would allow new opportunities but also provide greater protection from unintended negative impacts. The goal was to encourage a more vibrant nightlife as an economic development and quality of life enhancement.

The following issues and recommendations represent the continued research from Planning, City Attorney and the Police Department staffs working with stakeholder groups that included bar and brewpub owners, downtown residents and business owners, local restaurateurs and members of Downtown Alliance.

The Planning Commission held a hearing May 16, 2017. There were no speakers for or against. The Commission tabled action to June 20 to allow staff to prepare a definition of “entertainment.” Staff has updated the draft ordinance (attached) with that addition.

Issues/Analysis:

Research indicates that when it is a significant aspect of the operation, entertainment is one of the most critical factors relative to the noise and disruptive behavior the community fears. However, trying to regulate performance or behavior through land use standards can be problematic. State authority to manage entertainment downtown through licensing may be the best management approach but that is still under study.

One of the other striking results of research by the Police Department was that the craft brewing industry and associated uses like brewpubs typically do not cause significant noise, vandalism or rowdiness problems. As discussed at the work session, a conservative approach supporting new uses like brewpubs seems warranted. Staff recommends using the use-specific standards to limit entertainment to background or sporadic, special event occasions and requiring separate approval

(SUP process) for a more significant or frequent level of entertainment at a business.

As noted in the recent studies, the craft brewing industry can be a major contributor to a more vibrant, economically diverse urban activity center. Moving forward with the new definitions and classifications for these enterprises would provide new options in small, dense activity centers like a mixed use development or downtown.

The definitions are drawn from the National Brewers' Association. The proposed classification and special standards for these uses would be:

- Brewpubs -- permitted with use-specific standards in the DT and MU districts; a special use in NC; and permitted in the SACO and LC and CC districts.
- Microbreweries and microdistilleries -- permitted in the DT, MU, CC, and LI districts without limitation by separation standards.
- Breweries and distilleries -- permitted in LI and HI.
- No changes in the standards for Bars / nightclubs.
- Use-specific standards in the DT and MU districts would address outdoor entertainment and live entertainment; outdoor seating areas; trash and recycling pickup hours; and outdoor storage.

Budget Impact:

No direct impact.

Options:

1. Approve as presented (recommended).
2. Approve with modifications within the scope of the advertising.
3. Table for future consideration, with guidance for additional research or changes.
4. Deny.

Recommended Action:

Planning Commission recommendations will be made June 20. The staff recommends that City Council move to approve the proposed amendment to define and regulate brewpubs, microbreweries and related uses.

Attachments:

Draft Ordinance - brewpubs etc.
Evaluation Criteria