

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 13, 2012
	Agenda Item No.	59
	Roll Call No.	[_____]
	Communication No.	<u>12-053</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of the Zoning Board of Adjustment decision to approve a variance of the 150-foot separation requirement from a public park for sale of alcohol at the Confluence Brewing Company microbrewery within an existing warehouse building at 1235 Thomas Beck Road.

SYNOPSIS:

On January 25, 2012, the Zoning Board of Adjustment voted 5-0 to approve a variance of the 150-foot separation requirement from a public park (Gray’s Lake Park) for sale of alcohol at the Confluence Brewing Company microbrewery within an existing warehouse building at 1235 Thomas Beck Road. Uses accessory to the microbrewery would include a tasting/tap room use and retail sales of packaged alcohol (beer).

The Decision and Order of the Zoning Board of Adjustment’s action was executed under the signature of Chairman Bill Gray on January 31, 2012. Pursuant to Section 135-65 of the City Code, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the Board’s decision, that decision shall become final on the date of the City Council’s action (February 13, 2012). Staff recommends that the City Council not remand the Board’s decision.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The warehouse building is located on the north side of Thomas Beck Road and is located adjacent to the Gray’s Lake Park.

Confluence Brewery Company would primarily be a microbrewery that would manufacture craft beer. The majority of the beer produced would be sold to bars, restaurants, and liquor stores, but a portion of the beer would be consumed on-site in the tasting room or sold in a retail setting. The only alcohol consumed or sold on-site would be beer or malt-based beer products. No hard alcohol would be served on-site. The hours of operation for the on-site beer sales would generally be Monday through Saturday from 12:00 noon to 11:00 PM.

The Zoning Board of Adjustment’s decision to approve the request was subject to the following conditions:

1. The Conditional Use Permit shall be subject to amendment or revocation if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the conditional use permit.
2. Any sale of alcohol shall be accessory to a brewery use only and service shall be limited to 115-foot by 109-foot (12,235 square feet) area within the existing building and a 20-foot by 30-foot (600 square feet) outdoor patio area to the north of the building.
3. Any brewery establishment that sells alcohol on the premises shall have the same or substantially similar business plan or model as presented to the Board of Adjustment by the current owner (Pomerantz Realty Co represented by Robert Pomerantz) and proposed tenant (Confluence Brewing Company, LLC represented by John Martin).
4. Any retail sale of alcohol or any on-site consumption shall be in accordance with the proper license or beer permit obtained through the Office of the City Clerk as approved by the City Council.
5. Any renovations or interior alterations shall be in compliance with all applicable Building and Fire Codes, with issuance of all necessary permits by the City's Permit and Development Center.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Board of Adjustment

Date: January 25, 2012

Resolution Number: ZON2011-00261

Action: Approval of a variance of the 150-foot separation requirement from a public park for sale of alcohol at the Confluence Brewing Company microbrewery within an existing warehouse building at 1235 Thomas Beck Road.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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