



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1617-13

File ID: O-1617-13

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 22

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 10/18/2016

File Name: Basey Special Use

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1617-13 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR LIGHT MANUFACTURING OR ASSEMBLY OPERATIONS, AND SPECIAL USE FOR A BAR, LOUNGE OR TAVERN IN THE C-3, INTENSIVE COMMERCIAL DISTRICT, FOR LOTS TEN (10) AND ELEVEN (11), BLOCK THIRTY-TWO (32), OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (422 EAST MAIN STREET)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1617-13 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1617-13 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 01/10/2017

Agenda Number: 22

Attachments: Text File O-1617-13, O-1617-13, Location Map, Staff Report, 422 East Main Street Site Plan, Senate Bill 424, Attorney General Opinion Senate Bill 424, ABLE Brewery List, Pre-Development Summary, 11-10-16 PC Minutes - Item 9 - Basey Special Use

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Planning Commission	11/10/2016	Recommended for Adoption at a subsequent City Council Meeting	City Council	12/13/2016	Pass
	Action Text:	A motion was made by Boeck, seconded by Lewis, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 12/13/2016. The motion carried by the following vote:				
1	City Council	12/13/2016	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Zoning Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				

Text of Legislative File O-1617-13

Body

SYNOPSIS: The applicants, Stephen Basey and Stephen and Holly Swanson, also known as Lazy Circles Brewing, are requesting approval for a Special Use Permit to allow for Light Manufacturing or Assembly Operations, and Special Use for a Bar, Lounge or Tavern in the C-3, Intensive Commercial District. The operation will consist of a small “nanobrewery” and tasting room/bar use with craft beer sales for on-site consumption, as well as the selling of retail items and their packaged craft brew products to individuals and wholesalers for off-site consumption. The business will be located just east of the intersection of Main Street and Porter Avenue at 422 East Main Street on the south side of Main Street across from Fire Station No. 1.

ANALYSIS: The State of Oklahoma adopted Senate Bill No. 424 (SB 424) allowing breweries to serve and sell craft beers at their business site; this new law became effective August 25, 2016. A copy of SB 424 is attached for your review. Up until the recent adoption of SB 424 local breweries were not permitted to sell their craft beers to customers for on-site consumption or as package items to consume off-site. Wholesaling was the only means of distribution permitted. As of September 2016 the State of Oklahoma had 13 breweries registered with Oklahoma ABLE Commission. This list is attached as a reference for those currently licensed by the ABLE Commission. Lazy Circles Brewing is not on the attached list since they have not yet been licensed by ABLE.

In the city of Norman zoning code a brewing business can be located by right in an industrially zoned district; however, Special Use for Light Manufacturing in the C-3 District allows for the same type of use typically seen in the I-1 District:

Light Manufacturing or assembly operations, even though otherwise limited to I-1 District, meeting the following requirements:

- Similar in character to operations normally associated with a retail business.
- Conducted in conjunction with a retail business with one-fourth (1/4) of the building used for commercial purposes and completely separated from the manufacturing portion by a fixed wall with not more than one (1) door therein for use by employees.
- Conducted entirely within an enclosed building, same to be a building already in existence but this shall not be construed to prevent alterations to an existing building.
- Not objectionable due to noise, odor, dust smoke, vibration, danger to life and property or otherwise injurious to the health and safety of the neighborhood.

A brewery constitutes a manufacturing use with some associated retail components, such as the sale of secondary related products, for instance glasses, t-shirts and other items the business may carry on-site to promote their product, not to mention the sale of their crafted beer for off-site consumption. The focal point for breweries is to provide a tasting room for visitors to sample the crafted brew on the site, while offering tours of the brewery and discussions with staff how the beer is made.

In this case, Lazy Circles Brewing is a nanobrewery. Nanobrewery is used to describe a small scale microbrewery. A microbrewery may brew up to 15,000 barrels of their craft beer annually. The average production of a nanobrewery is about 3 barrels of beer or less in one batch; only producing one batch of

domestic beer at a time and distributing it to a limited area. One barrel is equal to about 31 gallons which equates to approximately 2 kegs or 14 cases of beer. This nanobrewery will initially produce approximately 36 barrels a month with possible expansion in the future, all in compliance with State of Oklahoma ABLE Commission.

Lazy Circles Brewing will operate a 2 or 3 barrel system; this will allow them to carry approximately 6 different flavors of craft beer. They will serve their craft beer on-site and offer growlers for carry-out. A growler is approximately 64 ounces. These growlers will be sealed per ABLE guidelines. They will also offer wholesaling.

The suite Lazy Circles will be renting is approximately 5,000 square feet. The rear 3,000 - 3,500 square feet will be utilized for the brewing barrels. The front 1,500 to 2,000 square feet will be for the tasting room/bar area, bathrooms, retail and office area.

ALTERNATIVES/ISSUES:

PARKING: This property is zoned C-3, there are no parking requirements for this site; however, the applicant does have the approval from the property owner to utilize the parking area to the west of their building, there are approximately 3 spaces adjacent to Main Street as well as an area at the rear of the building, adjacent to the alley for 5, possibly 6 cars.

SIGNAGE: A signage plan has not been submitted for review to date but all signage will meet the requirements under the C-3 District.

OTHER AGENCY COMMENTS:

PRE-DEVELOPMENT MEETING PD NO. 16-17 **Meeting October 27, 2016**

There were no neighbors in attendance for the Pre-Development meeting.

PARK BOARD: There are no park requirements for commercial rezoning for Special Use.

PUBLIC WORKS: The site is platted with public improvements in place.

STAFF RECOMMENDATION: The business will be licensed with the City Clerk's Office as a Bar for sale of their craft brew, as well as comply with all Oklahoma ABLE regulations. Staff supports and recommends approval of Ordinance No. O-1617-13.

Planning Commission, at their meeting of November 10, 2016, unanimously recommended approval of Ordinance No. O-1617-13, by a vote of 7-0.