

# STAFF EVALUATION

**To:** Planning Commission

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**Case No.:** Use Permit No. 17-00002

**Date:** August 17, 2017

## General Information

*Applicant*

Charlene Connolly

*Property Owner*

Coastline Developers, LLC

*Location*

2036-2038 Exploration Way [LRSN 13002305], Capstan Bar Brewing Company



*Requested Use*

Use Permit to allow for indoor live entertainment 2 in conjunction with a micro-brewery, with a capacity greater than fifty (50) people.

*Description of Proposal*

The applicant is proposing to provide live entertainment inside Capstan Bar Brewing Company located in the Hampton Roads Center North business park. The requested hours for indoor live entertainment are from 8AM until 11PM Sunday through Thursday and Friday through Saturday 8AM-12AM to allow for flexibility for the live entertainment hours. If approved, the permitted hours of live entertainment will be from Monday-Friday 11:00AM-12AM and Saturday-Sunday 11AM-2AM.

*Existing Land Use*

Capstan Bar Brewing Company

*Zoning*

The subject site is zoned HRC-2 (Hampton Roads Center) District,

Flood Zone (AE8, X, X500), Air Installation Compatible Use Zone (AICUZ), noise contour (65)

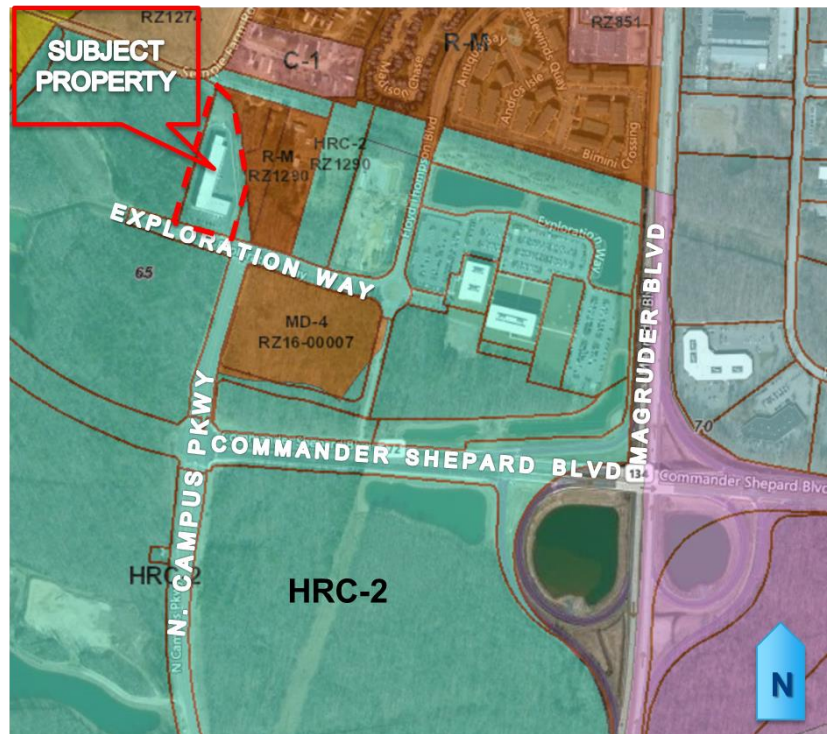
*Surrounding Land Use and Zoning*

**North:** MD-2, RZ1274 (Multi-Family Residential) – Apartments; C-1, (Neighborhood Commercial) mobile home park; R-M (Multiple Residence) District

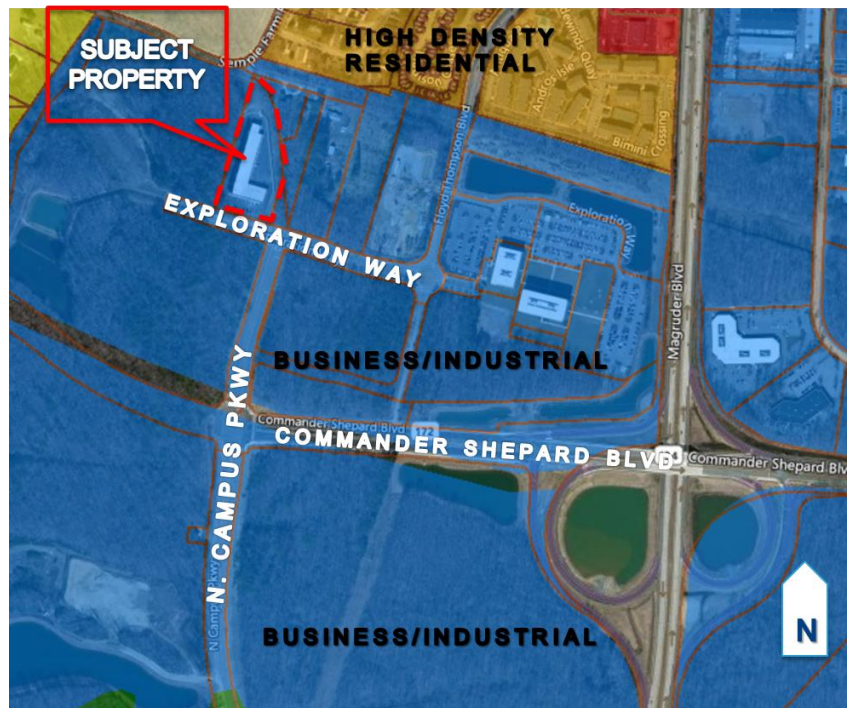
**South:** HRC-2 (Hampton Roads Center) District – vacant land

**East:** R-M (Multiple Residential) – residential, HRC-2 (Hampton Roads Center) District – vacant land & National Institute of Aerospace (NIA)

**West:** HRC-2 (Hampton Roads Center) District – vacant land



## Public Policy



The Hampton Community Plan (2006, as amended) recommends business and industrial uses for the subject property and much of the surrounding area. Residential uses are recommended for properties to the north and west of the subject property.

Listed below are policies related to this request. These policies involve making Hampton a unique regional retail and entertainment destination by supporting the City's economic development priorities:

**LU-CD Policy 4:** Evaluate land use proposals from a regional, city-wide, and neighborhood perspective. [pg. LU-16]

**ED-5:** Nurture small and start-up businesses. [pg. ED-23]

**ED-6:** Expand tourism, entertainment, and cultural opportunities within the city. [pg. ED-23]

## Zoning History

The subject site is zoned HRC-2 (Hampton Roads Center) District.

## Applicable Regulations

HRC-2 allows live entertainment subject to securing a Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing impacts on the adjoining properties.

## Traffic/Parking

There are no foreseen negative impacts to traffic. The property is developed as flex office/warehouse space and has limited parking based on this use category. In order to ensure there is sufficient parking, the applicant commissioned a parking study conducted by an engineer. The study found sufficient parking to accommodate the proposed use. For reference, the parking study is included in the application package.

*Community Meeting*

A community meeting is scheduled for Thursday, August 10, 2017, 6PM-7PM at the Hampton Performing and Creative Arts Center.

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**Analysis**

Use Permit Application No. 17-00002 is a request for Live Entertainment 2 in conjunction with a micro-brewery, with a capacity greater than fifty (50) occupants. The subject property is located at 2036-2038 Exploration Way [LRSN 13002305] within King Commerce Center (an office center) and is owned by Coastline Developers, LLC. The business operation is called Capstan Bar Brewing Company and is owned by Charlene Connolly. The subject property contains 3.33± acres, with an existing flex-space (office and warehouse) multi-tenant building containing approximately 64,236± square feet. Capstan Bar Brewing Company occupies 3,748± square feet. If approved, the use permit would only apply to the retail space currently leased by the Capstan Bar Brewing Company (see Exhibit A and Exhibit B to reference the location of the proposed use). It is important to note that, if the business operation changes and a new restaurant/operator occupy the subject property, the use permit remains valid so long as the use does not lapse for longer than two years.

The business operation will be a micro-brewery that includes a tap room within which the live entertainment would occur. The applicant proposes a 49.5± square foot stage area. The requested operating hours for the live entertainment are from 8AM until 11PM Sunday through Thursday and Friday through Saturday 8AM-12AM.

The subject property also falls within the Air Installation Compatible Use Zone (AICUZ), noise contour (65). As part of the policy set forth in the Hampton-Langley Joint Land Use Study, staff contacted Langley Air Force Base to inform them of this proposal, and they have no objections to the proposal.

The Hampton Community Plan (2006, as amended) recommends business and industrial uses for the subject property and much of the surrounding area. Residential uses are recommended for properties to the north and west of the subject property. The policies in the City's comprehensive plan related to this request signify the importance of making Hampton a unique regional retail and entertainment destination, by supporting the City's economic development priorities. It also underscores the need to "nurture small and start-up businesses", [pg. ED-23] to ensure their long-term sustainability. The proposed use permit is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and it will also serve as a neighborhood amenity for nearby residents.

Staff has identified several conditions based on the proposed use's operational characteristics while ensuring the consistency with other approved Live Entertainment 2 permits [see Table 1]. Staff is recommending a condition for indoor live entertainment hours are from Monday-Friday 11AM-12AM and Saturday-Sunday 11AM-2AM. A capacity condition will permit approximately 70 occupants or the maximum capacity determined by a City building official, whichever is lower. Based on staff analysis of the Parking Study submitted with this application, the Capstan Bar Brewing Company has sufficient parking and proper circulation to accommodate the proposed use. Other conditions relate to sound volume, staffing, and various state and city codes and ordinances.

**Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 17-00002 with 12 conditions.**

Table 1: Recently Considered Applications for Live Entertainment						
Establishment	Adjacent to Single Family	Adjacent to Multi Family	Hours of Live Entertainment	Capacity	Decision	Indoor/Outdoor
<b>Capstan Bar Brewing Co.</b>	No	No	Indoor: 11:00AM-12AM Mon-Fri 11AM-2AM Sat-Sun	70		Indoor
<b>Bull Island Brewing Company</b> 758 Settlers Landing Rd	No	No	Indoor: 11:00AM-12:00AM Sun-Thurs 11:00AM-2:00AM Fri-Sat	164	Approved	Indoor
<b>Déjà vu Restaurant &amp; Lounge</b> 2080 Nickerson Blvd	No	Yes	Indoor: 11:00AM-12:00 AM Sun-Thurs 11:00 AM - 2:00AM Fri-Sat	160 or less	Withdrawn	Indoor
<b>The Comfort Zone</b> 2165 Cunningham	No	Yes	Indoor: 11:00AM-12:00 AM Sun-Thurs 2:00AM Fri-Sat	517	Approved	Indoor
<b>The Vanguard</b> 504 North King	Yes	No	Indoor: 11:00AM-11:00PM Sun-Thurs 2:00AM Fri-Sat  Outdoor: 4:00PM to 8:00PM Mon-Thurs 12:00PM to 8:00PM Fri-Sun	1100	Approved	Indoor/Outdoor
<b>LV's</b> 1565 Briarfield Road	No	Yes	Indoor: 11:00AM-10:00PM Sun- Sat		Approved	Indoor
<b>Papa Ciccio's</b> 89 Lincoln	No	No	Indoor: 11:00AM-12:00 AM Sun-Thurs 2:00AM Fri-Sat	125	Approved	Indoor
<b>Sushi Hampton LLC (Sushi King)</b> 5101 Kilgore	No	No	Indoor: 10:00PM Sun-Thurs 2:00 AM Fri-Sat  Outdoor: 9:00PM Sun-Thurs 10:00 Fri-Sat	300	Approved	Indoor/Outdoor
<b>Avenue Blue Piano Bar</b> 2330 McMenamin	No	No	10:00 PM Sun-Thurs 2:00 AM Fri-Sat	168	Approved	Indoor
<b>Stillwater Tavern (UP 14-00017)</b> 555 Settlers Landing	No	No	12:00AM Sun. – Thurs. 2:00AM Fri. - Sat	80	Approved	Indoor
<b>Grandview Island Grill (UP 14-00009)</b>	Yes	No	Indoor: 12:00PM - 10:00PM Sun –	134	Approved	Indoor/Outdoor

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155 State Park			Sat  Outdoor: 4:00PM - 8:00PM Fri & Sat			
<b>The Point</b> <b>(UP 1091-2013)</b> 30 E Mellen	No	No	12:00AM Sun-Thurs  2:00AM Friday - Sat	80	Approved	Indoor
<b>Applebee's</b> <b>(CP 139-2013)</b> 2159 Coliseum	No	No	12:00AM Sun. - Thurs.  1:00AM Fri.- Sat.	165	Approved	Indoor
<b>An Event to Remember</b> <b>(CP 136-2013)</b> 2000 W Mercury	No	No	11:00PM Sun.- Thurs.  12:00AM Fri. - 1:00 AM Sat.	189	Approved	Indoor
<b>The Turtle</b> <b>(CP 130-2012)</b> 24 N Mallory	Yes	No	12:00AM Sun.-Thurs.  1:00AM Fri.-Sat.	105	Approved	Indoor
<b>Bar Louie</b> <b>(CP-129-2012)</b> 3530 Von Schilling	No	Yes	11:00 PM Sun.- Tues.  2:00 AM Wed.- Sat.	248	Approved	Indoor
<b>The Jewish Mother</b> <b>(CP 128-2012)</b> 2 Town Center	No	No	12:00AM weekdays  2:00AM weekends	80	Approved	Indoor
<b>Mirro'z</b> <b>(CP 120-2011)</b> 2710 W Mercury	Yes	No	11:00 PM weekdays  1:00 AM weekends	240	Approved	Indoor
<b>Terra</b> <b>(CP 116-2011)</b> 2330 McMenamin	No	Yes	11PM Sun.-Tues.  2:00AM Wed.-Sat.	160	Approved	Indoor/ Outdoor
<b>Queens Way Soul Café</b> <b>(CP 112)</b> 1144 Big Bethel	No	Yes	12:00 AM weekdays  2:00 AM weekends	148	Approved	Indoor