



## Legislation Text

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**File #:** 19-0212, **Version:** 1

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Use Permit Application by Sly Clyde, LLC to Permit Live Entertainment 2 in Conjunction with a Micro-brewery/Distillery/Cidery at 207 E Mellen Street and 3 S Curry Street

### **Background Statement:**

Use Permit Application No. 19-00003 is a request to allow live entertainment 2 in conjunction with a micro-brewery /distillery/cidery. The subject properties, 207 E Mellen Street is zoned PH-2 (Phoebus Town) District and 3 S Curry Street is zoned Limited Commercial (C-2) District. 3 S. Curry Street is also the subject of a rezoning application, which if approved, would also bring it under the PH-2 zoning district.

The existing business is called Sly Clyde Ciderworks and is operated by Sly Clyde, LLC. The applicant is proposing to provide outdoor live entertainment on the patio/rear yard, such as movies and acoustic music, which requires a live entertainment 2 permit approved by City Council.

The subject properties contain three buildings, a 2,200SF two-story building that features a taproom on the first floor (1,100SF) and offices, conference room, and break room on the second floor (1,100 SF); a production building for brewing hard cider, and a vacant building that was formerly used as a florist shop. The rear yard space contains approximately, 30,567SF or ~0.7 acres. The outdoor live entertainment area would take place in the rear yard in the corner near the cidery's production building and Cody's Lighting & Repair. The remainder of the open space is where patrons could stand to enjoy the live entertainment.

The applicant's requested hours of outdoor live entertainment for the facility are from 6PM-10PM Tuesday through Thursday and 3PM-10PM Friday through Sunday. Although the applicant is specifically applying for outdoor live entertainment, through the Use Permit conditions staff is recommending permitting more expansive indoor live entertainment hours in order to be consistent with previously approved live entertainment 2 permits. The outdoor live entertainment hours are recommended to be limited in order to be consistent with a previous outdoor live entertainment permit that was proximate to a residential neighborhood. The recommended limitations on hours for live entertainment are:

#### Indoor

- Sunday - Thursday 11AM to 10:00PM
- Friday - Saturday 11:00 AM to 1:00 AM

#### Outdoor

- Monday-Thursday 4:00PM to 8:00PM
- Friday-Sunday 12:00PM to 8:00PM

However, there is a policy decision to be made by Planning Commission and City Council. As Mellon Street continues to come alive and become the envisioned dining, arts, and entertainment center,

boundaries need to be clarified as at some point, there is a potential conflict between the quiet evenings neighboring residents may be accustomed to and a livelier main street atmosphere. **City Council may choose to modify the conditions to permit later hours, by following Planning Commission's recommendation to approve Use Permit Application No. 19-00003, with 14 conditions, with condition #3 as amended. This would allow outdoor live entertainment hours Monday-Thursday 4:00PM to 10:00PM and Friday-Sunday 12:00PM to 10:00PM. The City's noise ordinance would still apply.**

The Hampton Community Plan (2006, as amended) recommends mixed use development for the subject property and the core of Phoebus. The policies in the City's comprehensive plan related to this request signify the importance of making Hampton a unique regional retail, tourism, and entertainment destination, by supporting the City's economic development priorities. Additional policy guidance comes from the Phoebus Master Plan, (2013, as amended), which recognizes Mellen Street's tremendous potential as a regional destination with the American Theater, restaurants, and unique shops to attract visitors to Phoebus.

#### **Recommendations:**

Staff Recommendation:

Approve with 14 conditions.

Planning Commission Recommendation:

Approve with 14 conditions, with condition #3 as amended.