
MEMORANDUM

TO: Norfolk City Council
Patrick Roberts, Deputy City Manager; George M. Homewood, Director of

CC TO: Planning

FROM: Dr. Larry H. Filer II, City Manager

SUBJECT: Conditional Use Permit - Slowdive Gallery

DATE: November 29, 2022

Request

- In June of 2020, the City Council approved a Conditional Use Permit allowing the applicant to operate a Restaurant with Alcoholic Beverages, Live Entertainment and Extended Hours.
- A condition of the CUP was a two-year expiration date, requiring that the applicant apply for a new CUP prior to its expiration.
- The CUP expired on June 9, 2022, and the applicant closed the establishment.
- The applicant is requesting a new CUP with no changes from the operations as approved in the initial CUP and removing the two-year renewal requirement.
- The site is zoned G-1 which allows a restaurant with alcoholic beverages, entertainment (no Disc Jockey) and operating until 2:00 a.m. by Conditional Use Permit.

Planning Commission Recommendation

- By a vote of **6 to 0**, the Planning Commission recommended **approval**.
- Planning Staff recommended approval with a closing hour of 12:00 midnight and expiration of the Conditional Use Permit in 24 months.
 - Staff received complaints about noise.
 - Staff was also notified that the applicant had entertainment in September, when the applicant was operating under a Restaurant Zoning Certificate which prohibited entertainment.
 - The applicant indicated that there was a live recording / video done on premises, but it wasn't open to the public and only the musicians and their team were allowed.
- The Planning Commission granted the applicant's request to remain open until 2:00 a.m. and removal of the expiration clause due to the input provided by residents and employees who appeared at the public hearing and the lack of opposition.

Additional Information since the Planning Commission public hearing

- Entertainment
 - Staff has learned and confirmed that the live entertainment at the establishment, reported above as a live recording and video event without an audience, was open to the public.
 - The provision of entertainment was in violation of the Restaurant Zoning Certificate.
- Taxes

- A CUP was issued to the establishment authorizing the operation of a Restaurant with Entertainment on June 9, 2020.
- A business license was issued for the establishment on August 12, 2021.
- A mixed-beverage ABC license was issued for the establishment on August 29, 2021.
- The first Mixed Beverage Annual Report (MBAR) that the establishment was required to be filed with the ABC Authority was due on October 1, 2022. On November 10, 2022, ABC reported that no MBAR report had been filed.
- At no time since the business license was issued has the establishment filed any tax return for the City's Food and Beverage Tax.
- At no time since the business license was issued has the establishment filed any tax return for the City's Admissions Tax.