



# Staff Report

Public Hearing: **June 28, 2016**

Petition: **CUP 2345**

Zoning Amendment:  
**None**

Town/sect:  
**Vienna  
Section 3**

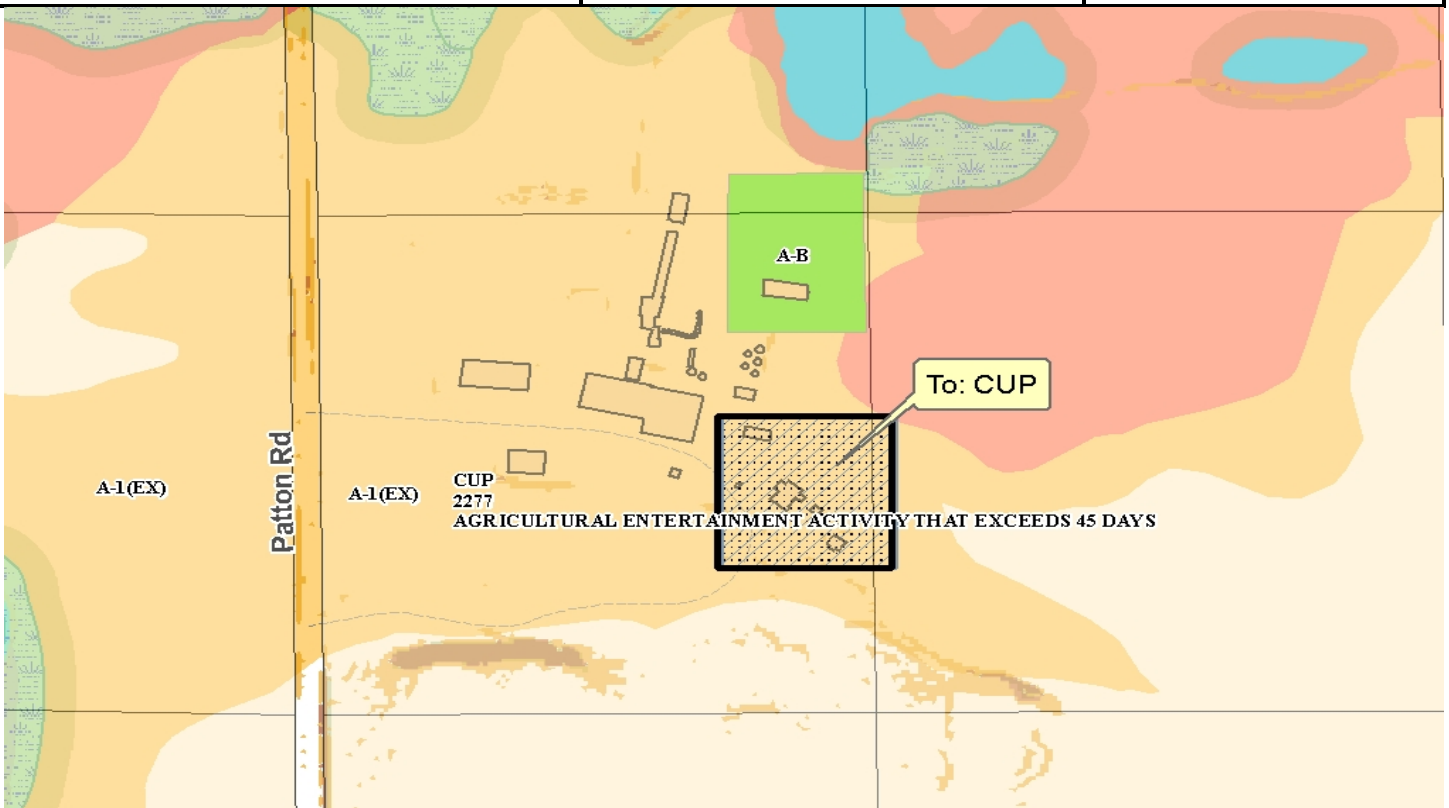
Zoning and Land Regulation Committee

Acres: 3.6  
Survey Req. No

Applicant  
**Henry Land LLC**

Reason:  
**Amend conditions to allow  
extended days and hours of  
operation for a whiskey tasting  
establishment**

Location:  
**7790 Patten Road**



**DESCRIPTION:** Applicant is requesting an amendment to existing CUP 2277 to extend days and hours of operation for the existing Agricultural Entertainment CUP (distilling / spirit tasting venue). Applicant also requests an amendment to allow occasional use of outdoor loudspeakers. Existing days/hours of operation are limited to 10am-8pm Thursday-Sunday. Request is to allow operations from 10am-10pm 7 days/week.

**OBSERVATIONS:** The distilling operation is part of a 319-acre farm. A portion of the property was zoned to A-B Agri-Business in 2009 for the distilling warehouse. There is an existing residence on the property that is proposed to be converted into the spirit tasting area. The closest neighboring residence is located ~1800' away to the southwest across Patton Road.

**TOWN PLAN:** The property is located in the town's agricultural preservation area.

**RESOURCE PROTECTION:** No resource protection corridors located on the property.

**STAFF:** Given the rural location and lack of any immediate neighbors, the requested amendment to allow expanded hours of operation and occasional use of outdoor loudspeakers appears reasonable. The proposal also appears consistent with town plan policies. Staff has recommended amended conditions of approval in addition to any conditions that may be required by the town of Vienna (see page 2).

**TOWN:** Approved with conditions.

## **Proposed Conditional Use Permit #2345**

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Sales of alcoholic beverages by the drink shall be limited to between 10am and 10pm daily, and shall be limited to within the existing building as shown on the site plan.
2. Parking shall be limited to 2 areas proposed on the site plan.
3. Use of outdoor loudspeakers shall not cause a nuisance to neighboring property owners.
4. Outdoor lighting shall be limited to what is necessary for safety.
5. Signage for the shall be limited to an entrance sign.
6. The land use shall comply with all state and local licensing for the sale and distribution of alcohol.
7. If there is an event in excess of 50 persons, the owner shall notify the Town of Vienna of the event. Noise complaints from large events shall be subject to revocation of the conditional use permit.