

# STAFF EVALUATION

**Case No.:** Use Permit No. 21-00020

**Planning Commission Date:** January 20, 2022

**City Council Date:** February 9, 2022

<b>Prepared By:</b>	Donald Whipple, Chief City Planner	728-5235
<b>Reviewed By:</b>	Mike Hayes, Planning and Zoning Division Manager	728-5244
	Bonnie Brown, Deputy City Attorney	

## General Information

*Applicant* Colonial Downs Group, LLC

*Property Owners* Economic Development Authority

*Site Location* 1990-1996 Power Plant Parkway [Leasehold LRSN: 13001056, portion], within the Power Plant Shopping Center [LRSN: 3004808, portion]

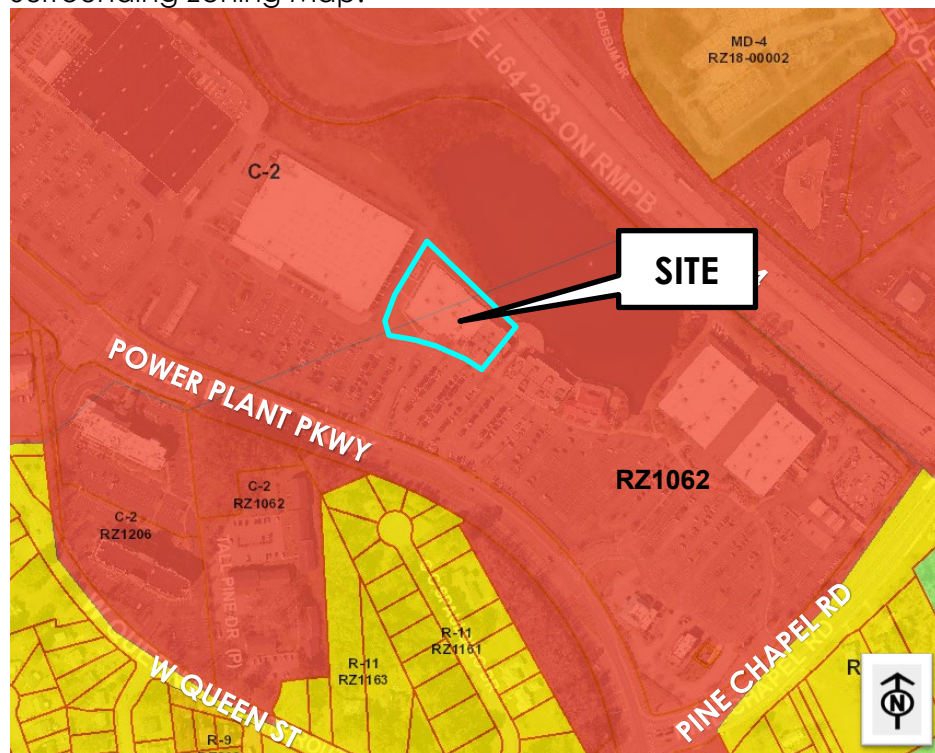


*Requested Action* Use permit to allow for a restaurant, with a retail alcoholic beverage license, with live entertainment 2 in the Limited Commercial (C-2) District.

*Description of Proposal* The applicant is proposing to expand the business to allow live entertainment in addition to the existing amusement center.

Existing Land Use	Amusement Center
Zoning & Zoning History	<p>The subject site is located within the Limited Commercial (C-2) District with proffered conditions and the Coliseum Central Overlay District (O-CC), which allow a restaurant, with a retail alcoholic beverage license, with live entertainment 2, subject to an approved Use Permit.</p> <p>The use permit for the existing use, amusement center, was granted on January 9, 2019 (UP No. 18-00007) and amended on March 24, 2021 (UP No. 20-00003). Approval of UP No. 20-00003 extended the hours of operation of the amusement center from 8:00 AM to 2:00 AM to 8:00 AM to 4:00 AM, Saturday through Sunday.</p>
Applicable Regulations	The current zoning, C-2 and O-CC, allows a restaurant, with a retail alcoholic beverage license, with live entertainment 2, subject to securing an approved use permit.
Surrounding Land Use and Zoning	<p><b>North:</b> Limited Commercial (C-2) District; Interstate 64</p> <p><b>South:</b> Limited Commercial (C-2) District &amp; One Family Residential (R-11) District; hotel, multifamily dwellings, single family single family dwellings</p> <p><b>East:</b> Limited Commercial (C-2) District; general retail sales</p> <p><b>West:</b> Limited Commercial (C-2) District; general retail sales</p>

Surrounding Zoning Map:



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*Public Policy*

The Hampton Community Plan (2006, as amended) is adopted as the guiding policy document for the City of Hampton. The Hampton Community Plan includes the following policy recommendations pertinent to this case:

***Land Use and Community Design Policies:***

Policies related to this request involve making Hampton a unique regional retail and entertainment destination by supporting the City's economic development priorities as follows:

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

**LU-CD Policy 31:** Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high quality urban design.

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

***Coliseum Central Master Plan:***

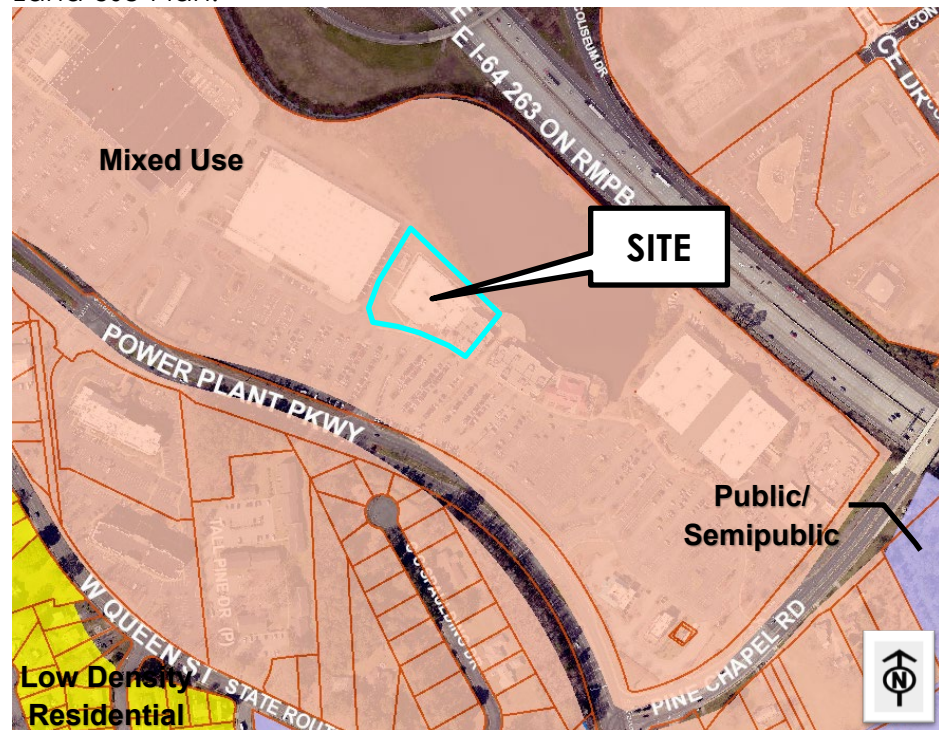
The Coliseum Central Master Plan, (2015, as amended), also addresses the subject property, specifically in the Power Plant Parkway initiative area. The Master Plan recommends promoting the Power Plant Parkway initiative area as the location for destination and larger format retail uses, continue reinvestment in existing retail centers, and treating the character of driveways within retail centers like streets, and providing appropriate landscaping, sidewalks, and crosswalks.

***Future Land Use:***

The Hampton Community Plan (2006, as amended) designates this area as mixed use.



## Land Use Plan:

*Traffic/Parking*

There are no foreseen negative impacts to traffic and parking associated with allowing live entertainment 2 at this location.

*Community Meeting*

The application has been presented to the Coliseum Central Business Improvement District (CCBID) Board for feedback. The Coliseum Central Board of Directors recommends approval of the application.

*Analysis*

Use Permit No. 21-00020 is a request to allow for a restaurant, with a retail alcoholic beverage license, and live entertainment 2. The initial use permit (UP 18-00007), establishing the amusement center use, was approved by City Council on January 9, 2019, subject to 17 conditions. The Rosie's amusement center involves electronic gaming machines based on historic horse races, as well as live off-track betting. The hours of operation of the amusement center were extended to 8:00 AM to 4:00 AM Sunday through Saturday through an amended use permit (UP20-00003) by City Council on March 24, 2021. Under the current operating conditions of the amusement center, live entertainment 2 is not permitted. Approval of this use permit application would allow live entertainment 2 in the restaurant area in addition to the amusement center operation.

The applicant is proposing live entertainment from 8:00 PM to 12:00 AM Friday through Sunday. The area of live entertainment will be limited to a seven (7) by seven (7) foot temporary stage located in close proximity to the existing dining area, as shown on Exhibit A, which is included in the Planning Commission and City Council packages. Live music is the proposed type of entertainment, and the applicant intends to remove the temporary stage when not in use. The live entertainment area is intended to serve

approximately 100 diners. Exhibit A shows the larger floor plan, including the layout of tables and absence of any dance floor or similar area.

Per the conditions of the amusement center use permit, there is a comprehensive security plan already in place. This plan, approved by the Hampton Police Department, addresses required security personnel, video surveillance, and money handling procedures. The addition of the live entertainment 2 use would not necessitate changes to this plan. In light of the submittal of this use permit application, codes compliance staff has conducted 4 additional inspections to insure that the applicant is complying with the security plan. In general, Rosie's has been found to be in compliance, with some minor issues related to interpretation of condition expectations. Staff believes that these issues have been resolved by clarifying the condition language with the Rosie's management team.

If approved, staff recommends nine (9) conditions that address issuance of permit, location of live entertainment, hours of operation, sound, dancing, and ABC compliance. In addition, all conditions from UP 20-00003 that address various operational and land use characteristics (e.g. security plan, capacity, limitation on number of machines, etc.) would remain in effect. Although the applicant has proposed hours of live entertainment from 8 PM to 12 AM Friday through Sunday, staff is recommending hours to be consistent with other similar live entertainment conditions: Sunday – Thursday: 11:00 AM to 12:00 AM; Friday – Saturday: 11:00 AM to 2:00 AM.

Staff's analysis has determined the proposed use is consistent with the Hampton Community Plan and the Coliseum Central Master Plan. The Hampton Community Plan envisions Hampton as a unique regional entertainment destination and supports the growth of entertainment opportunities within the city. The subject property is within Power Plant Parkway Initiative Area of the Coliseum Central Master Plan. This initiative area is identified as the optimal location for large-format, destination retailers. The Plan also calls for continued reinvestment within existing shopping centers. The proposed use permit achieves these goals by further supporting the operations of a well-established place of entertainment. Furthermore, the addition of live entertainment 2 is not anticipated to increase the intensity of the current amusement center use. Negative land use impacts are not expected and the business has a record of compliance with applicable codes, ordinance, and conditions. Thus, staff recommends approving the proposed application for a restaurant, with a retail alcoholic beverage license, and live entertainment 2.

Staff recommends **APPROVAL** of Use Permit No. 20-00020 with nine (9) conditions.