

# STAFF EVALUATION

**Case No.:** Use Permit No. 25-0285

**Planning Commission Date:** November 20, 2025    **City Council Date:** December 10, 2025

**Prepared By:** Han Vu, City Planner  
**Reviewed By:** Milissa Story, Planning Manager  
**Reviewed By:**

727-6252

728-5244

## General Information

*Applicant* Southern Comfort Restaurant & Lounge, LLC

*Property Owners* Battlefield Consolidated Properties, LLC

*Site Location* 2163 & 2165 Cunningham Dr [portion of LRSN: 7001532]



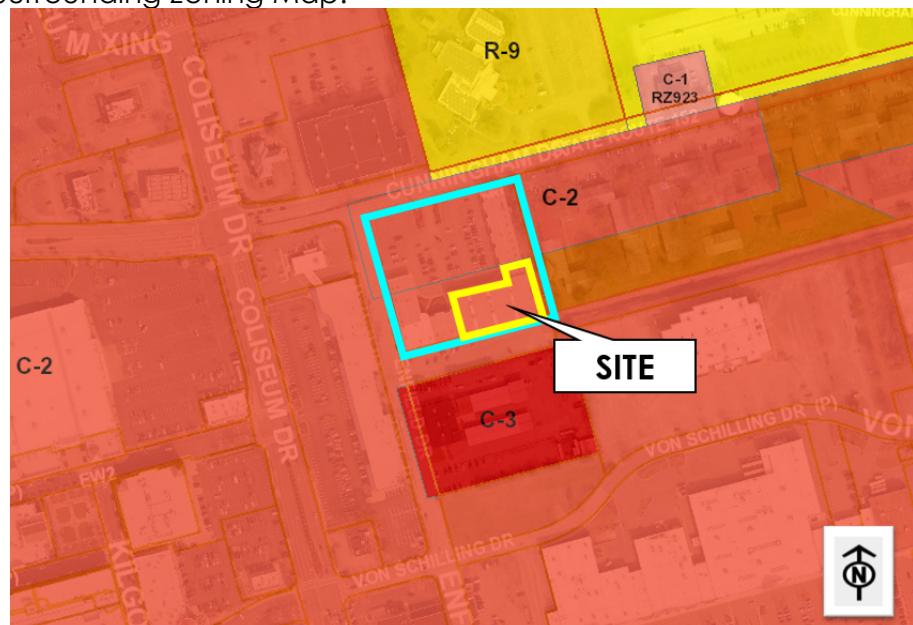
*Requested Action* Use permit to allow for a *Restaurant 3* for extended general hours of operation, to include alcohol sales and indoor live entertainment, beyond the provisions permitted through a Zoning Administrator Permit.

*Description of Proposal* The applicant is proposing to extent the operational hours of the existing restaurant, to include indoor live entertainment. The 15,561 total square feet establishment would have one (1) dining area (1,121 sq. ft.), one (1) smoking lounge (1,935 sq. ft.), one (1) event space (5009 sq. ft.), and three (3) indoor live entertainment performance areas (approx. 182 sq. f. total).

*Existing Zoning* Limited Commercial (C-2) District

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Existing Land Use               | <p>Restaurant 2;<br/>The applicant currently operates the establishment as a restaurant 2 under the ZAP.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Applicable Regulations          | <p>Within the C-2 District, <i>restaurant 1</i> is a by-right use. <i>Restaurant 1</i>'s can operate under the following requirements:</p> <ul style="list-style-type: none"> <li>• Operating hours of 5 am to 2 am</li> <li>• No retail alcohol sales</li> <li>• No live entertainment</li> <li>• No outdoor dining</li> </ul> <p>Within C-2, <i>Restaurant 2</i>'s can operate under the following requirements with an approved Zoning Administrator Permit (ZAP):</p> <ul style="list-style-type: none"> <li>• Operating hours with retail alcohol sales: 5 am to 12 am</li> <li>• Live entertainment is permitted, with limitations</li> <li>• Outdoor dining is permitted, with limitations</li> </ul> <p>Restaurants requesting to operate outside the conditions required for <i>restaurant 1</i> or 2 need to obtain a Use Permit. This application is requesting to exceed the permitted hours of operation with retail alcohol sales.</p> |
| Surrounding Land Use and Zoning | <p><b>North:</b> Limited Commercial (C-2) &amp; One family Residential (R-9) Districts; general retail sales and religious facility</p> <p><b>South:</b> General Commercial (C-3) District; general retail sales</p> <p><b>East:</b> Limited Commercial (C-2) and Multiple Residential (R-M) Districts; multifamily residential</p> <p><b>West:</b> Limited Commercial (C-2) District; general retail, general retail sales</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

Surrounding Zoning Map:



*Public Policy****Hampton Community Plan***

The Hampton Community Plan (2006, as amended) and Coliseum Central Master Plan (2015, as amended) recommends mixed-use for the subject property and adjacent properties to the north, south, and west.

Listed below are policies related to this request:

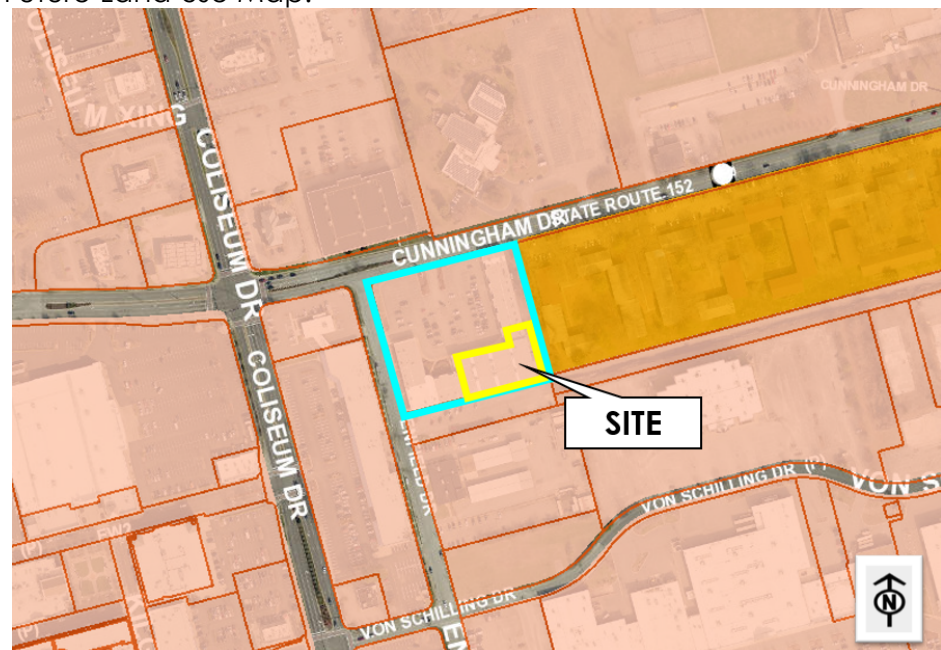
**LU-CD Policy 3:** Promote compatibility and synergy among different land uses.

**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 Policy 4:** Nurture small and start-up businesses.

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

Future Land Use Map:

*Traffic/Parking*

Staff does not anticipate that the requested hours of operation would cause a significant or negative impact in the parking within the shopping center.

*Community Meeting*

Two (2) community meetings were held on August 7<sup>th</sup> and August 27<sup>th</sup>, 2025. Staff were present during the August 27<sup>th</sup>, 2025 meeting. No opposition from the community were raised in regards to the establishment.

*Analysis:*

Use Permit Application No. 25-0285 is a request for a Use Permit to operate a restaurant 3 to extend the general hours of operation, to include alcohol sales and indoor live entertainment beyond the provisions permitted through a Zoning Administrator Permit (ZAP). The subject property is located at 2163 & 2165 Cunningham Dr [portion of LRSN: 7001532], which are two suites in a shopping center. The property is currently zoned Limited Commercial (C-2) District, which allows for the desired use, subject to an approved Use Permit.

Both suites at the subject location currently operates under Zoning Administrator Permit No. 25-00014, which was issued on September 29, 2025, subject to the standard ZAP conditions. Since then, the applicant began operation of 2153 & 2165 Cunningham Dr as a restaurant 2 under the Zoning Administrator Permit. The applicant now proposes operating the establishment as a restaurant with extended hours of operation beyond the provision of the ZAP, which requires a new Use Permit.

Under the applicant's proposal, the general hours of operation would be 11:00 AM to 2:00 AM seven days per week. The requested hours for indoor live entertainment are in alignment with the general operational hours. The requested general hours of operation are beyond those approved and currently permitted under the initial Zoning Administrator Permit (ZAP No. 25-00014). All live entertainment would be conducted inside of the building with three (3) separate designated spaces potentially being used. As is the case with the current operation, no outdoor dining is proposed. The applicant has also submitted a security plan that addresses security personnel inside and outside the establishment. Adequate parking exists in the large public lot in front of the shopping center.

The future land use map in the Hampton Community Plan (2006, as amended) recommends mixed-use for the subject property as well as the surrounding area. Additionally, the Plan calls for promoting compatibility and synergy among different land uses, encouraging a mix of land uses that is appropriate for each district, nurturing small and start-up businesses, and expanding tourism, entertainment, and cultural opportunities within the city. The property is also located in the Coliseum Central Master Plan (2015, as amended).

If the Use Permit is granted, staff has identified fourteen (14) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- General hours of operation for the restaurant, shall be limited to the following:
  - o Sunday-Thursday 11:00 AM to 12:00 AM
  - o Friday-Saturday 11:00 AM to 2:00 AM
  - o 11:00 AM to 2:00 AM on the holidays list as indicated in the Conditions

- Hours of operation for the indoor live entertainment shall be limited to the hours of general operation as stated above.
- Location of live entertainment will be conducted inside the building only and shall be limited to the areas indicated on the attached floor plan identified as "Live Entertainment Area," attached as Exhibit B to the conditions.
- Security services shall be provided that monitor activities both inside and outside the restaurant.
- The restaurant staff and security personnel shall report and cooperate with Hampton Police Division in their investigation into all criminal activity.
- The applicant shall obtain and maintain any necessary licenses required by the Virginia Alcoholic Beverage Control Authority. The Use Permit will expire upon change of ownership, a change in possession, a change in the operation or management of a facility, or the passage of three (3) months without an active retail alcoholic beverage control license.

Note that staff recommended hours of operation are more restrictive than the hours requested by the applicant. Although the business is located within Coliseum Central Overlay District, existing residences are nearby and permitting the business to remain open with live entertainment until 2:00 AM every day of the week could present a negative impact on those residences. The Coliseum Central District is intended to encourage a balanced mix of retail, dining, and entertainment uses while maintaining compatibility with surrounding residential areas and ensuring a safe commercial environment. In addition, the Future Land Use Map designates the surrounding properties for multifamily residential use, which can be negatively impacted by an establishment remain open with live entertainment and alcohol sales until 2:00 AM daily.

The full set of recommended conditions is included within this report. The conditioned hours of operation are consistent with those conditions recommended by staff in previous Use Permits to allow for restaurants with indoor live entertainment and alcohol sales granted within the City.

Staff recommends **APPROVAL** of the Use Permit Application No. 25-0285 with fourteen (14) conditions.