

STAFF EVALUATION

Case No.: Use Permit No. 24-0028

Planning Commission Date: February 22, 2024

City Council Date: March 13, 2024

Prepared By:	Davis Pemberton, City Planner	728-2040
Reviewed By:	Mike Hayes, Planning & Zoning Division Manager	728-5244
Reviewed By:	Jessica Kraus, Assistant City Attorney	

General Information

Applicant Chance's Restaurant & Lounge, LLC

Property Owners 555 Settlers Landing Rd. L.C. c/o Joseph Smith Limited

Site Location 555 Settlers Landing Rd. Suite M & N [portion of LRSN: 2002950]



Requested Action Use permit to allow for a *restaurant 3* for extended general hours of operation, extended hours of indoor live entertainment, and expanded indoor live entertainment performance area beyond the provisions permitted through a Zoning Administrator Permit.

Description of Proposal The applicant is proposing extending operating hours, extending hours of indoor live entertainment, and expanded area of indoor live entertainment for their restaurant, Chance's Restaurant and Lounge. The establishment has a bar area, traditional tables and seating, and a proposed +/- 107 square feet (approx.) of indoor live entertainment performance area.

Existing Zoning Downtown Business (DT-1) District

Existing Land Use Restaurant 2

Applicable Regulations

As of July 13, 2022, City Council amended the Zoning Ordinance use table and additional standards for restaurants. This amendment created a three-tiered system for categorizing restaurants. Within the C-2 District, *restaurant 1* is a by-right use. *Restaurant 1*'s can operate under the following requirements:

- Operating hours of 5 am to 2 am
- No retail alcohol sales
- No live entertainment
- No outdoor dining

Within DT-1, *restaurant 2*'s can operate under the following requirements:

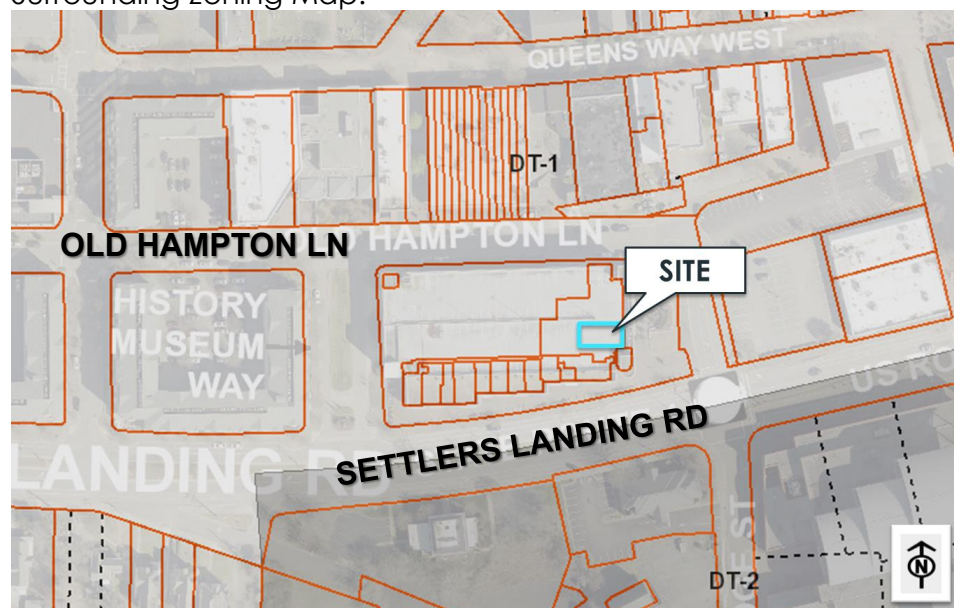
- Operating hours with retail alcohol sales: 5 am to 12 am
- Live entertainment is permitted, with limitations
- Outdoor dining is permitted, with limitations

Restaurants requesting to operate outside the conditions required for *restaurant 1* or *2* need to obtain a use permit. The applicant is requesting exceeding the live entertainment performance area requirements.

Surrounding Land Use and Zoning

North: Downtown Business (DT-1) District; restaurant, general office, and general retail sales
South: Downtown Business (DT-1) District; general retail sales
East: Downtown Business (DT-1) District; general retail sales
West: Downtown Business (DT-1) District; public parking garage, multifamily residential

Surrounding Zoning Map:



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

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

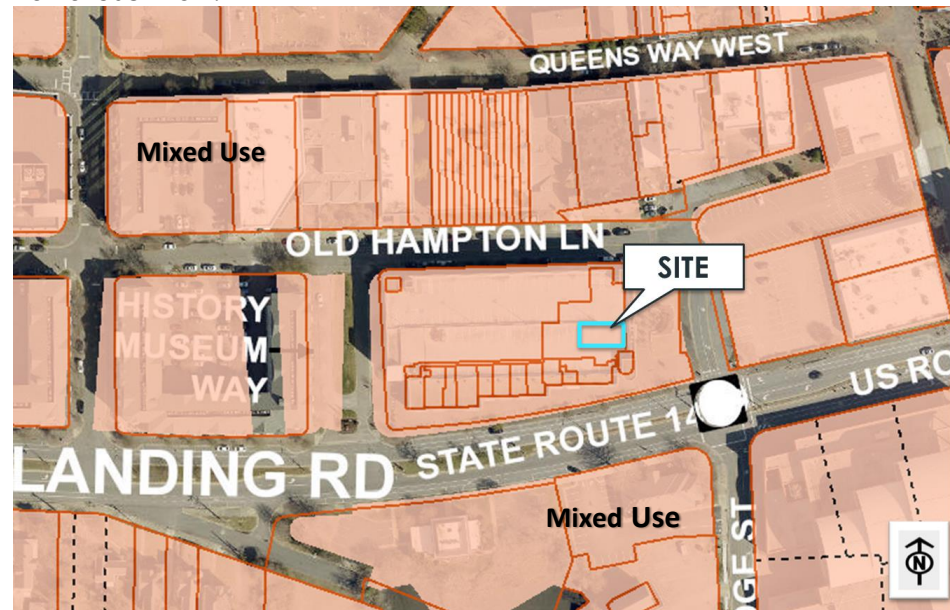
ED Policy 4: Nurture small and start-up businesses.

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

Future Land Use

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

Land Use Plan:

***Downtown Hampton Master Plan:***

The property is located in the Downtown Hampton Master Plan (2017, as amended) area, more specifically the King Street Landing & Waterfront Core Initiative Area. While the subject use and property are not expressly mentioned, the Plan does place a priority on creating a vibrant downtown with retail and restaurants.

<i>Traffic/Parking</i>	Staff does not anticipate that the requested hours or expanded indoor live entertainment performance area would cause a significant or negative impact in the parking within the parking garage. The restaurant has received a parking credit to utilize 43 parking spaces within the Settlers Landing Parking Garage, and the remaining required parking spaces will be on-street.
<i>Community Meeting</i>	A community meeting has not been scheduled at this time.

Analysis:

Use Permit Application No. 24-0028 is a request for a use permit for a restaurant 3 to extend the general hours of operation, extend the hours of indoor live entertainment, and to expand the indoor live entertainment performance area beyond the provisions permitted through a Zoning Administrator Permit (ZAP). The subject property is located at 555 Settlers Landing Road Suite M & N (portion of LRSN: 2002950). The property is currently zoned Downtown Business (DT-1) District, which allows for the desired use, subject to an approved use permit.

There will be no outdoor dining or outdoor live entertainment in conjunction with the restaurant. Live entertainment will be conducted inside of the building. In relation to the expansion of general operating hours, no significant physical changes to the building are proposed, nor an increase in capacity. Therefore, additional environmental or traffic impacts are not anticipated.

The requested hours of operation and the requested hours of indoor live entertainment are 11:00 AM to 2:00 AM, Monday through Sunday. Additionally, the applicant is requesting to expand the area of indoor live entertainment performance area to +/- 107 square feet with hours aligned with the requested hours of operation. Indoor live entertainment performances offered will include live bands, spoken word, karaoke, and disc jockey (DJ).

The Hampton Community Plan (2006, as amended) 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 Downtown Hampton Master Plan (2017, as amended), and while the subject use or property are not specifically called out, the Plan does place a priority on creating a vibrant downtown with retail and restaurants.

If the use permit is to be granted, staff has identified twelve (12) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Hours of operation shall not exceed 5:00 AM to 12:00 AM Sunday through Thursday, and 5:00 AM to 2:00 AM, Friday through Saturday.
- Location of Live Entertainment will be conducted inside the building only and shall be limited to the area 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 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.

The conditioned hours are consistent with other live entertainment and restaurant use permits granted in this district.

Staff recommends **APPROVAL** of the Use Permit Application No. 24-0028 with twelve (12) conditions.