

STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 18-00014

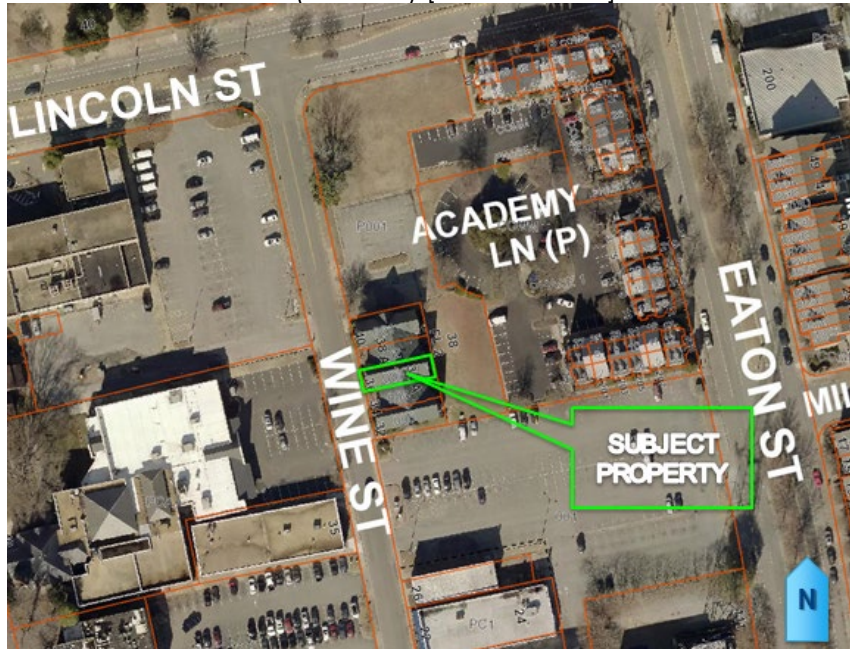
Date: March 13, 2019

General Information

Applicant Fraternal Order of Police Lodge 26, Limited

Property Owner National Association of Government Employees (NAGE)

Location 36 Wine Street Suite A (first floor) [LRSN 2003044]



Requested Use Use Permit to allow for a private club/lodge

Description of Proposal The applicant is proposing to operate a private lodge for the Fraternal Order of Police (FOP) Lodge 26 out of the first floor of 36 Wine Street. The space will be used for 2-3 evening meetings a month, private member dinners, and private social events. The FOP does not have any employees, but the officers of the organization may use the space for administrative duties. The FOP does not intend to rent out the space for other events as they have in their current location on Mingee Drive.

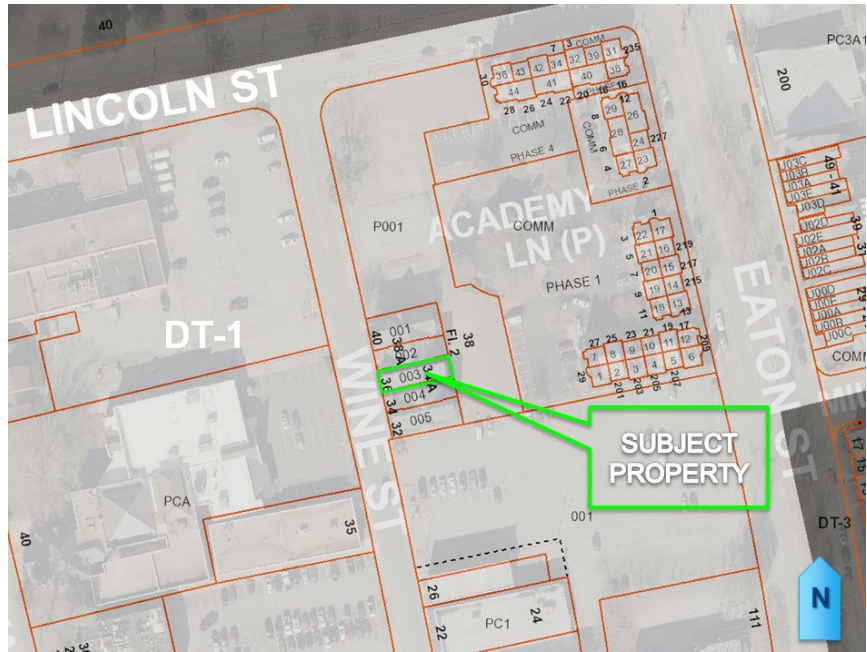
Existing Land Use Commercial office

Zoning

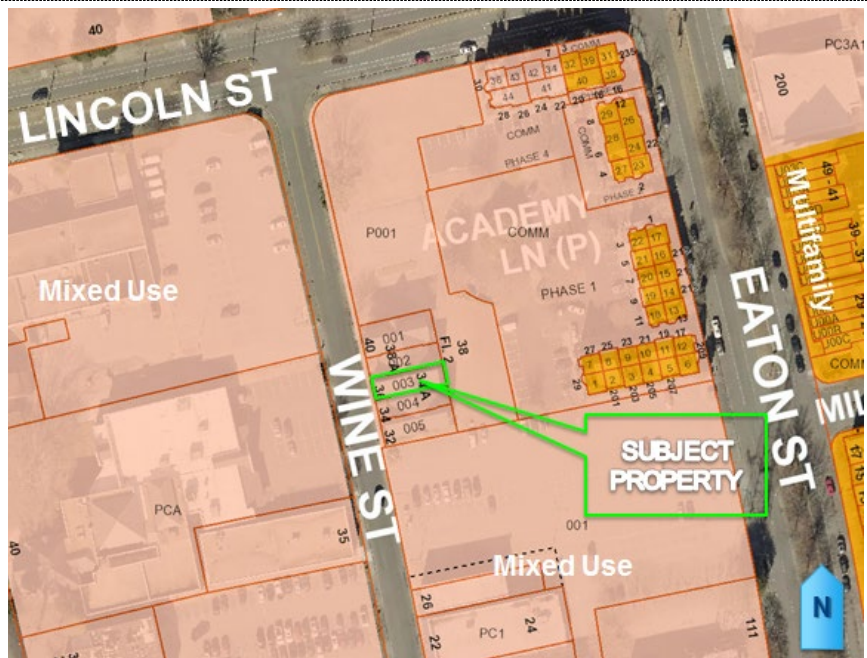
The property is currently zoned Downtown Business (DT-1) District, which allows for a private club/loge with an approved use permit.

Surrounding Land Use and Zoning

North: Downtown Business (DT-1); commercial, parking lot
South: Downtown Business (DT-1); commercial, parking lot
East: Downtown Business (DT-1); multi-family residences
West: Downtown Business (DT-1); Church, parking lot



Public Policy



The Hampton Community Plan (2006, as amended) recommends mixed use for the subject parcel and most of the surrounding properties. There is some recommendation for a multi-family

residential to the east.

Policies related to this request are listed below:

LU-CD Design Objective 3: Promote compatibility and synergy among different land uses.

LU-CD Policy 26: Promote access to educational, social, civic, recreational, and employment opportunities particularly for youth and seniors.

This property also falls into the Downtown Master Plan (2017, as amended). There are no specific recommendations related to this property, and the building is shown as a commercial use.

<i>Applicable Regulations</i>	DT-1 allows for a private club/lodge, subject to approval of a use permit.
<i>Traffic</i>	The applicant is proposing to use an existing commercial building, and has been approved for a parking credit for the required parking spaces due to the presence of the adjacent public parking lot. There are no foreseen negative impacts to traffic.

Analysis

Use Permit Application No. 18-00014 is a request to permit the operation of a private club/lodge on the first floor of 36 Wine Street [LRSN: 2003044]. The property is currently a commercial office space and is zoned Downtown Business (DT-1), which allows for a private club or lodge with a use permit.

The applicant is proposing to operate a private lodge for the use of the Fraternal Order of Police (FOP) Lodge 26. The applicant is downsizing from a current space based on member needs. The lodge would primarily be used for evening meetings 2-3 times a month, with the possibility of private member dinners or social events. The typical attendance for these meetings is 8-10 people. Additionally, the officers that serve the lodge will use the space to take care of administrative duties for the FOP. Given the size of the space, the parking requirement is only six parking spaces, which can be accommodated in the adjacent public parking lot. A parking credit for those spaces has been approved by the Zoning Administrator for the applicant. Based on these numbers, and the occupancy load of the space, there is little parking or traffic concern.

The Hampton Community Plan (2006, as amended) recommends mixed use for the subject parcel and most of the surrounding properties. There is some recommendation for a multi-family residential to the east.

If approved, staff recommends attaching eight (8) conditions to this application to mitigate any potential impacts from the use. These include restricting any live entertainment accessory to the lodge to hours consistent with other live entertainment hours that have been approved downtown: 8:00AM – 12:00AM Sunday through Thursday, and 8:00AM – 2:00AM Friday and Saturday. Other conditions include third party event requirements, and adherence to the noise ordinance.

Staff and Planning Commission recommend approval of Use Permit Application No. 18-00014 with eight (8) conditions.

Use Permit Application No.18-00014
Fraternal Order of Police Lodge 26, Limited
36 Wine Street, Hampton, VA 23666

1. Issuance of Permit

The Use Permit applies only to the first floor of 36 Wine Street [LRSN 2003044] and is not transferable to another location.

2. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing the operation of a lodge.

3. Live Entertainment

The primary use of this property shall be a private club/lodge as defined by the Zoning Ordinance (as amended). All accessory uses, including live entertainment shall comply with the definition of accessory use in the Zoning Ordinance. If live entertainment occurs, it shall be limited to:

- 8:00 AM until 12:00 AM (midnight) Sunday through Thursday.
- 8:00 AM until 2:00 AM, Friday and Saturday.

4. Third Party Events

If the facility is leased, let, or used by any third party for any event, the owner/operator, or his or her employees, shall be present at all times during the event and shall be responsible for compliance with all conditions of this use permit regardless of any contract or agreement with any third party regarding the facility. Any cover charges or tickets shall be collected directly by the owner/operator.

5. Sound

Events located on the first floor of 36 Wine Street [LRSN 2003044] shall comply with City Code section 22-9 (as amended) with respect to any sound or noise.

6. Licensing and Compliance with All Laws

When required by law, the lodge must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

7. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as

the issuance of a building permit, a business license, utility connections and such related factors.

8. Revocation

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 14 of the zoning ordinance.