

Use Permit Application No. 16-00009
Live Entertainment 2 in Conjunction with a Restaurant
Comfort Zone Restaurant
2165 Cunningham Drive, Hampton, VA 23664

1. Issuance of Permit

The Use Permit applies only to the location at 2165 Cunningham Drive [LRSN 2003249] outlined in red and attached hereto as Exhibit A and is not transferable to another location.

2. Location of Live Entertainment

Live Entertainment may be conducted inside the building only and shall be limited to the 14' x 30' area indicated on the attached floor plan identified as "Stage," attached hereto as Exhibit B. The set up and use of any equipment shall not interfere with required clear space for safe exit in the case of emergency, per the Uniform Statewide Building Code and/or the Statewide Fire Prevention Code.

3. Hours of Operation

The hours of operation for live entertainment shall be limited to the following:

- Sunday - Thursday 11:00AM to 12:00AM
- Friday - Saturday 11:00 AM to 2:00 AM

4. Capacity

During the time that live entertainment is being provided, patronage and staff shall not exceed 322 people or the maximum capacity determined by ~~the Building Official a city building official~~, whichever is lower. *Notwithstanding the foregoing, a request may be made to increase the number of available parking spaces through the alternatives set forth in Section 11-8 of the Zoning Ordinance. If additional parking is approved by the Zoning Administrator, the Zoning Administrator may, in consultation with the Building Official, increase the maximum capacity to a number that can be accommodated by such additional available parking.*

5. Sound

Live entertainment located at 2165 Cunningham Drive shall comply with City Code section 22-9 with respect to any sound or noise.

6. Staffing

Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding areas.

7. Licensing and Compliance with all Laws

When required by law, the restaurant 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.

8. Dancing

The property owner shall comply with section 4-16 of the Hampton City Code with respect to dancing on the premises and dance floor area.

10. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

11. Nullification

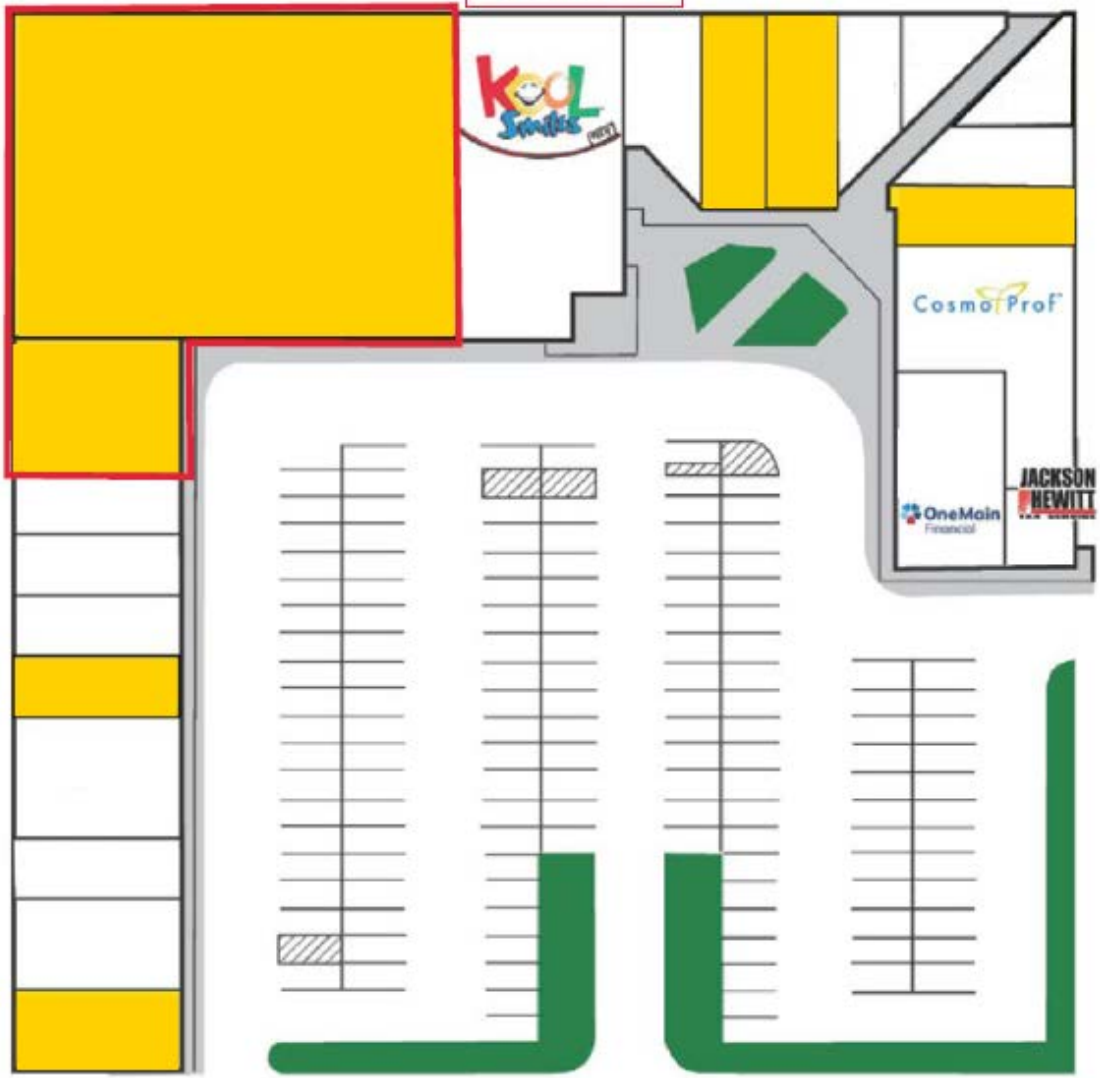
The use permit shall automatically expire and become null and void under any of the following conditions:

- (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.

12. Review of Live Entertainment Uses

After 12 months of operation, the Use Permit will be scheduled for review by the Director of Community Development (the "Director") to consider if the continuation of the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Director determines that the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the permit shall be scheduled for the same administrative review in 5-year increments. If the Director determines that the Use Permit would be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee in writing and may initiate the revocation process before City Council. Nothing contained herein shall limit the City's ability to enforce City Code violations at any time during the operation

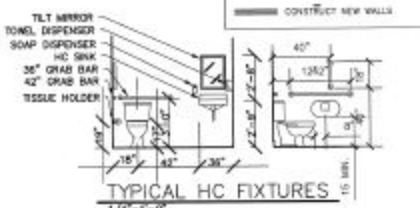
Exhibit A



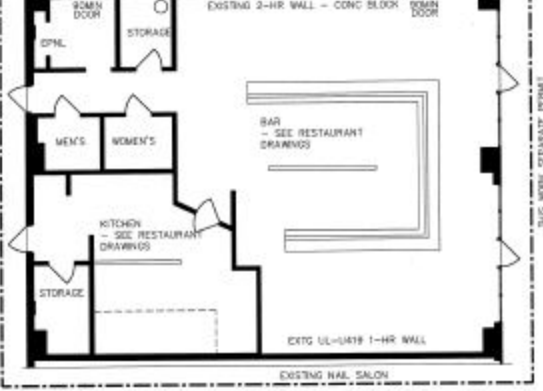
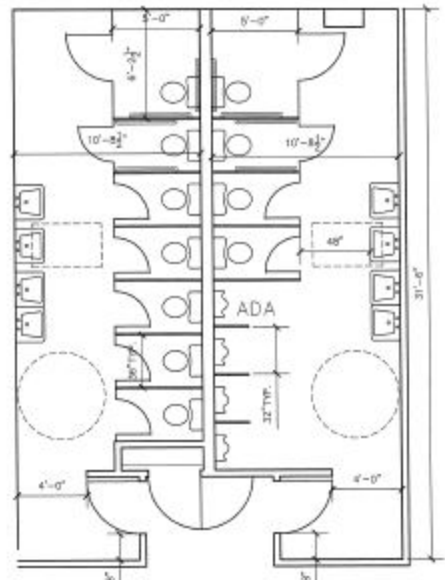
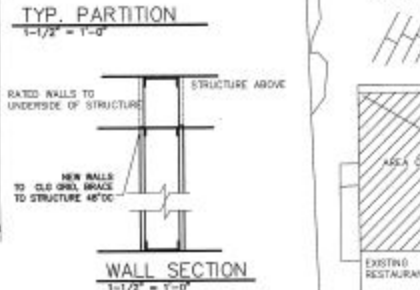
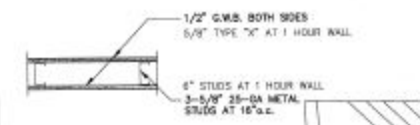
CUNNINGHAM DRIVE

USE GROUP: A2 RESTAURANT
BUILDING IS SPRINKLED
CONSTRUCTION TYPE IS 20
OCCUPANT LOAD FOR DINING/EVENT SPACE IS 800 MAX.
DINING/EVENT SPACE IS 13420SF
100% OF BUILDING PERIMETER IS OPEN LAND/PARKING.
ALL WORK AND SYSTEMS TO COMPLY WITH 2012 VIRGINIA REHABILITATION CODE

EXER. LITE SHOWN ON ELEC. PLAN
EXIT SIGN R/W EMER LIGHT
PARTITION LEGEND
--- EXISTING WALLS TO REMAIN
--- CONSTRUCT NEW WALLS



- DOORS:**
1 - 72" PAIR ALUM STOREFRONT, PAND BARS, CLOSERS, WEATHERSTRIP
2 - 72" PAIR FLUSH METAL INSULATED, PAND BARS, CLOSERS, WEATHERSTRIP
AND DRIP CAP, KEEP HOLES
3 - 36" CORRUG 20-MINUTE DOORS, LEVER LOCKSET, CLOSSY, BASEPLATE
4 - 36" DOOR, LEVER LOCKSET
5 - 36" DUTCH DOOR, LEVER LOCKSET



FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES:

- EGRESS DOORS INDICATED WILL BE READILY OPERABLE FROM THE INSIDE WITHOUT A KEY OR SPECIAL KNOWLEDGE.
- HANDICAP PARKING IS LOCATED AT PARKING IN FRONT OF ENTRY.
- SERVICE SINK IN UTILITY CLOSET.
- ACCESSIBLE TOILET SHALL COMPLY WITH SECTION 1110B.2.
A) WATER CLOSET AND LAV USED FOR ACCESSIBLE USE.
B) 5" TURNING RADIUS AND CLEARANCES AS SHOWN.
C) GRAB BARS SHALL BE PROVIDED 33 INCHES ABOVE FLOOR. SIDE BAR WILL BE 48" LONG AND START 12" FROM SIDE WALL. REAR BAR SHALL BE 36" LONG AND BE CENTERED ON THE WATER CLOSET. 18" HERTY BAR 40" OUT, 40" UP.
D) LAVATORY SHALL BE MOUNTED WITH RIM 34" ABOVE FLOOR AND 29" CLEAR UNDER FRONT FACE. LAVATORY FAUCET SHALL HAVE ADA PADDLE HANDLES. ACCESSIBLE KNEE AREA WILL BE INCLUDED BELOW WITH ALL EXPOSED PIPING AND SUPPORTS INSULATED.
E) ALL TOILET ACCESSORIES AT THE PROPER HEIGHT. TOP OF WATER CLOSET SHALL BE 17" ABOVE THE FLOOR. HUBBARD WILL BE WITHIN 36" OF THE FLOOR AT THE BOTTOM EDGE.
F) SIGNAGE WITH INTERNATIONAL SYMBOL OF ACCESSIBILITY AND HUBBARD.
G) DOOR LOCK FOR ACCESSIBLE USE ON RESTROOM INTERIOR.
- ALL GLASS MUST COMPLY WITH IBC SECTION 2408 FOR SAFETY GLASS.
- LIGHTING
EMERGENCY LIGHTING TO BE PROVIDED AT ALL OCCUPIED AREAS.
EMERGENCY LIGHTING TO MEET UL924, NEC, OSHA AND NFPA.
EMERGENCY WALL LIGHTING/FIXTURES MIN. 7'-0" APART.
ELECTRICAL SUPPLY WITH TIMER TO BE PROVIDED TO EXTERIOR SIGNS.
EXISTING EXTERIOR LIGHTING FOR FRONT AND BACK EXITS TO BE POWERED WITH A BATTERY-OPERATED EMERGENCY POWER SYSTEM THAT WILL OPERATE IN THE EVENT OF A POWER FAILURE.
- NEW WORK SHALL COMPLY WITH ICC/ANSI 1117.1.
A) LEVER OR PUSH/PULL, 36-INCH DOORS - EACH LEAF, UNDO.
B) THRESHOLD AND APPROVED DOOR CLOSER ON FRONT DOORS.
30" WIDE KNEE-SPACE AT ADA
34" HIGH COUNTER IN VESTIBULE
ENTIRE FACILITY TO BE NON-SMOKING
WATER WILL BE SERVED FREE ON REQUEST
TYPICAL NON-RATED INTERIOR PARTITION IS 3-5/8" METAL STUD WITH 1/2" GWS ON BOTH SIDES.

NON-COMBUSTIBLE 1-HOUR CORRIDOR WALLS. IBC DESIGN B405, DA #P1200
ONE LAYER 5/8" THK 7" (2525) RILLROAD APPLIED PARALLEL OR AT RIGHT ANGLES TO EACH SIDE OF 3-5/8" STEEL STUDS 24"OC WITH 1" TYPE 5 (DRYVALL) SCREW @ VERTICAL JOINTS AND 12"OC AT FLOOR AND CEILING RUMBERS AND INTERMEDIATE STUDS.

LOCATION PLAN
1" = 50'-0"



RECEIVED

SEP 29 2015

By: *TTB*

Bilo-00988

Rev. Description Date By
Date: September 29, 2015
Design: ARB
Drawn: ARB
Checked: ARB
Proj. No: 00988
Scale: AS SHOWN
Sheet 1 of 1

FLOOR PLAN

A1