

# Use Permit Application No. 25-0285

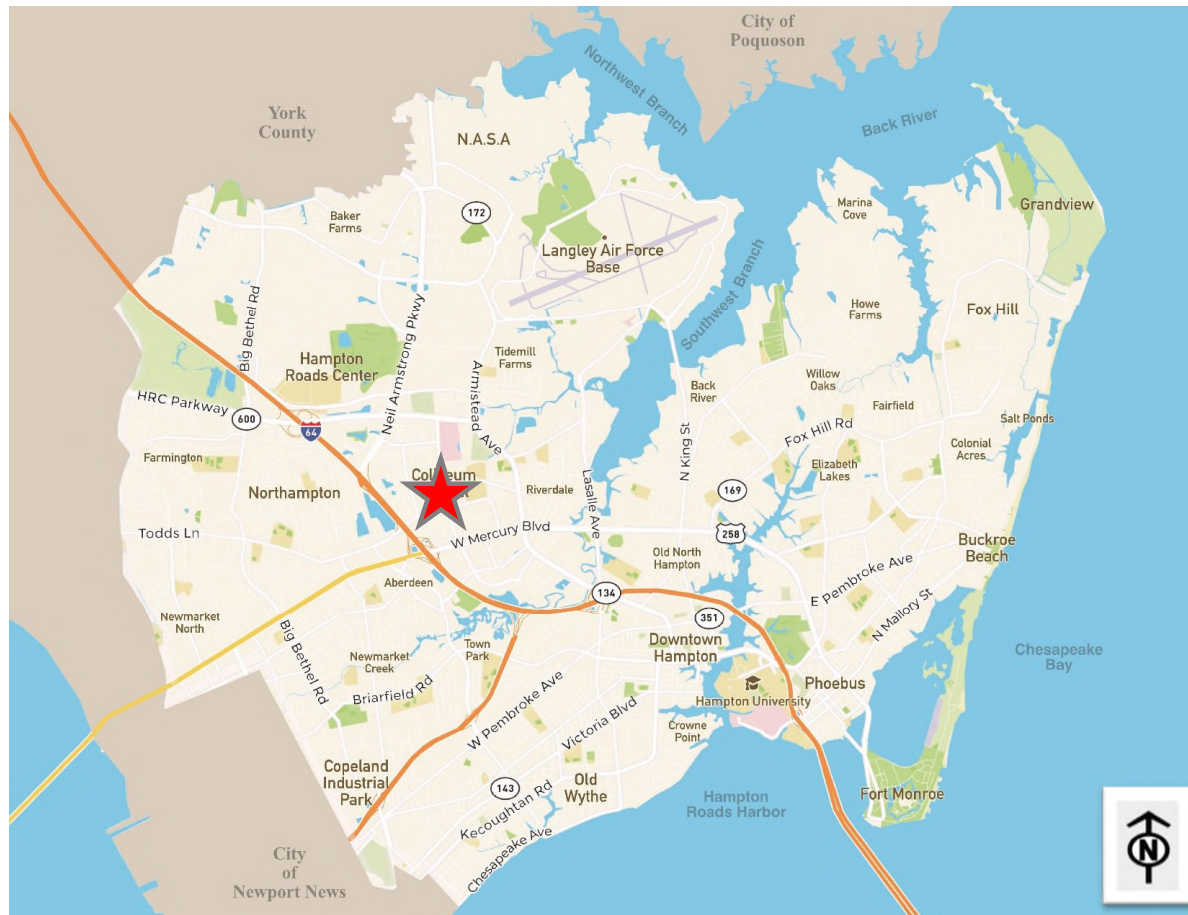
2163 & 2165 Cunningham Dr  
Southern Comfort Restaurant & Lounge

Planning Commission  
November 20, 2025

# Application

Use permit to allow for a restaurant 3 for extended general hours of operation, to include alcohol sales and indoor live entertainment, in the Limited Commercial (C-2) & Coliseum Central Overlay (O-CC) Districts

# Location Map



# Location Map



# Restaurant Ordinance

**Restaurant 1** is a by-right use within C-2 District. 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

**Restaurant 2's** can operate under the following requirements with an approved Zoning Administrator Permit (ZAP):

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

## **Restaurant 3:**

Restaurants requesting to operate outside the conditions required for restaurant 1 or 2 need to obtain a Use Permit for restaurant 3 use. This application is requesting to exceed the permitted hours of operation with retail alcohol sales.

# History

## September 9, 2020

- Southern Comfort Restaurant & Lounge obtained ownership for the restaurant
- Southern Comfort Restaurant & Lounge received a ZAP for “Restaurant with Retail Alcoholic Beverage License” subject to standard ZAP conditions:
  - o Hours of Operation:
    - Daily 6:00 AM to 10:00 PM
  - o Sound
  - o Live Entertainment
  - o Zoning Ordinance compliance
  - o Expiration
  - o Revocation

\*This ZAP predates the Restaurant 1,2,3 Ordinance update\*

# History

## September 29, 2025

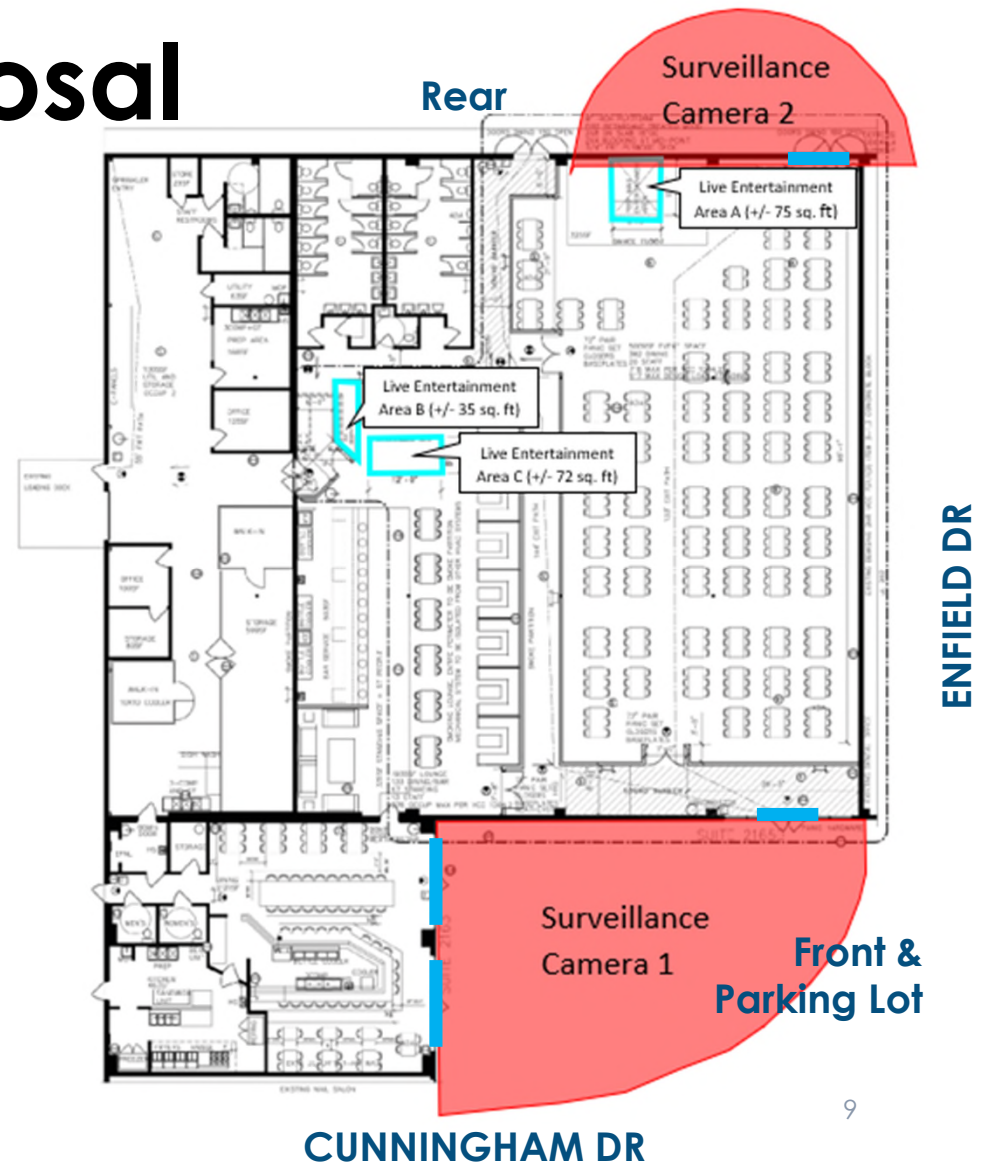
- Southern Comfort Restaurant & Lounge received a ZAP for “Restaurant 2” subject to standard ZAP conditions:
  - o Hours of Operation:
    - Daily 5:00 AM to 12:00 AM
  - o Compliance with all laws, including ABC licensing
  - o Floor Plan
  - o Live Entertainment
  - o Any applicable outdoor dining
- The ZAP’s purpose is to extend the hours of operation to 12 AM pending the Restaurant 3 Use Permit

# Proposal

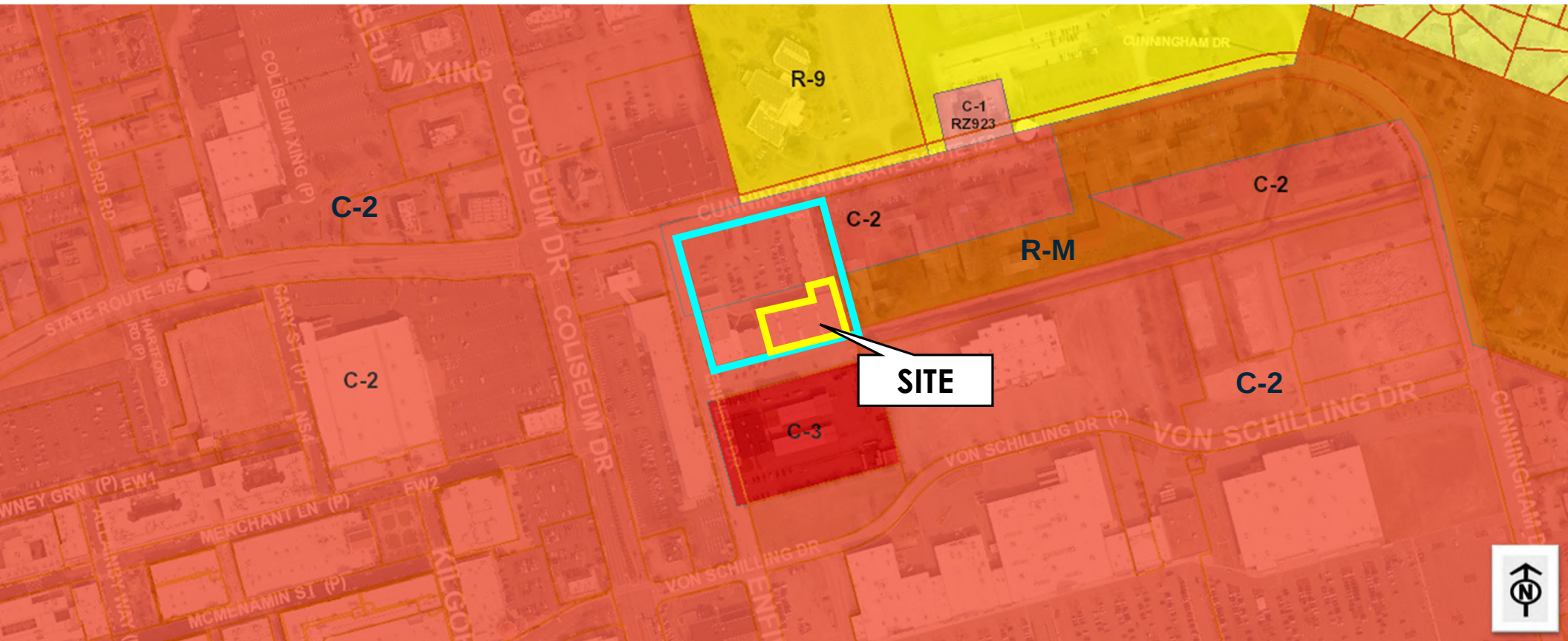
- Existing establishment includes 15,561 square feet
- Alcohol sales & services
- Live entertainment
- Smoking Lounge Area
- Event space

## Hours of operation:

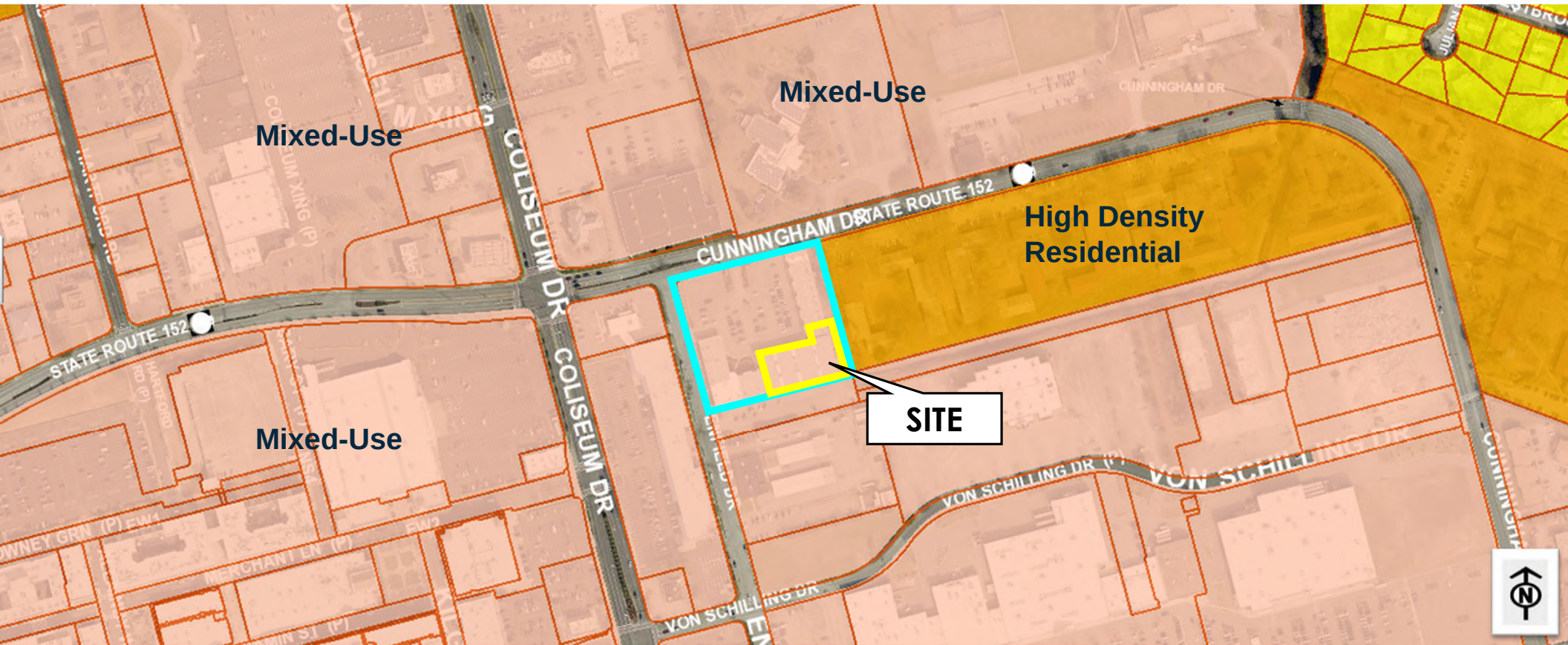
- Monday - Sunday, 11:00 AM to 2:00 AM



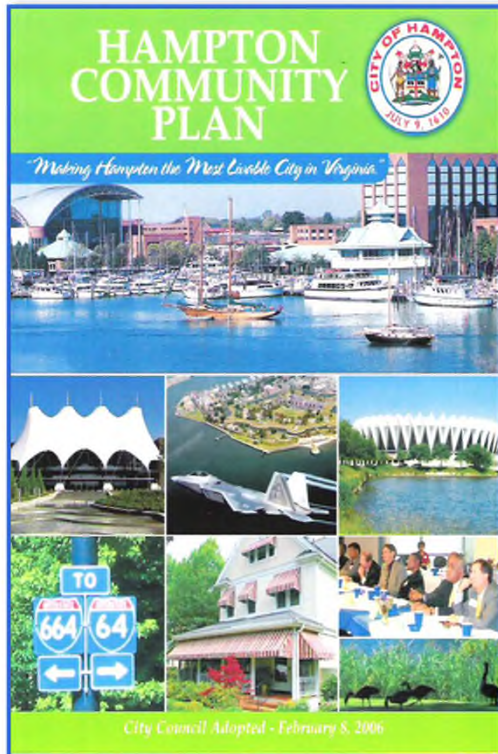
# Zoning Map



# Proposed Land Use Map



# Public Policy



- **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.
- **ED Policy 4:** Nurture small and start-up businesses.
- **ED Policy 6:** Expand tourism, entertainment, and cultural opportunities within the city.

Hampton Community Plan (2006, as amended)

Coliseum Central Master  
Plan (2015, as amended)



# Analysis

- Applicant has requested the maximum hours of operation compared to those approved for other Restaurant 3 uses.
- Staff recommended condition for hours of operation would balance business operation with public safety concerns
- Existing location and the character of the surrounding area supports the restaurant operation

# Staff Recommended Conditions

- **General Hours of Operation:**

- Sunday – Thursday 11:00 AM to 12:00 AM
- Friday – Saturday 11:00 AM to 2:00 AM
- 11:00 AM to 2:00 AM on the holidays list as indicated in the Conditions

The key staff recommended conditions address the following topics:

- Specific Locations of Indoor Live Entertainment as indicated in the Conditions
- Window Transparency/Privacy
- Certification of Occupancy
- Third Party Promotions Prohibited
- Criminal Investigations
- ABC Licensing & Expiration
- Compliance with Laws
- Revocation & Nullification

\*Complete List of Recommended Conditions found in the Package

# Security Conditions

- Applicant is responsible for monitoring:
  - the parking areas for the Restaurant, and
  - on any portion of public property immediately adjacent to the Restaurant premises and parking areas
- Nine (9) total security guards are required on-site from 8:00 PM to 30 min after closing:
  - Seven (7) security guards (1 per 75 patrons) are required interior and front door
  - Two (2) additional security guards are required to monitor the parking lot
- Two (2) extra duty HPD officers on nights operating until 2 AM, from 10:30 PM to 2:30 AM
- All security personnel has to be certified by the Virginia Department of Criminal Justice Services (VDCJS)

\*Complete List of Recommended Conditions found in the Package

# Security Conditions (cont.)

- Two (2) exterior cameras for the purpose of effectively monitoring the entryways and shall be connected to HPD Real Time Information Center (RTIC)
- ID scanner for the purpose of verifying the age of all patrons from 8:00 PM to closing and information shall be retained for a minimum of seven (7) days
- Any criminal activity observed by Restaurant staff or security personnel shall be reported to the Hampton Police Division

\*Complete List of Recommended Conditions found in the Package

# Community Meetings

- Community meetings were held on August 7, 2025 and August 27, 2025
- On August 27, 2025, staff attended and there was no opposition expressed

# Conclusion

- Applicant opportunity to present
- Public hearing
- Action
  - o Staff recommends **APPROVAL** of Use Permit Application No. 25-0285 with fourteen (14) conditions