

## **Conditional Privilege Application No. 112**

Queens Way Soul Café: Live Entertainment  
1144 Big Bethel Road, Hampton, VA 23666

### **Conditions**

#### **1. Issuance of Permit**

The Conditional Privilege applies only to Queens Way Soul Café located at 1144 Big Bethel Road and is not transferable to another operator.

#### **2. Location of Business**

The Conditional Privilege applies only to 1144 Big Bethel Road in the location specified on the plat submitted with the application on July 30, 2010.

#### **3. Location of Live Entertainment**

Live Entertainment shall be conducted inside the building only. The stage or performance area shall be sized and located as indicated on the floor plan submitted with the application on July 30, 2010. All live entertainment equipment and performers shall be contained in this area during all performances.

#### **4. Hours of Operation**

The hours of operation shall be limited to the following:

Sunday through Wednesday: 11:00 AM until midnight

Thursday: 11:00 AM until 1:00 AM (Friday)

Friday: 11:00 AM until 2:00 AM (Saturday)

Saturday: 11:00 AM until 2:00 AM (Sunday)

#### **5. Capacity**

During the time that live entertainment is being provided, patronage shall be limited to 120 persons or the maximum capacity as determined by a City building official.

#### **6. Type of Entertainment**

The types of live entertainment offered shall be substantially similar to those described in the narrative statement submitted July 30, 2010 and shall not include dancing.

#### **7. Sound**

Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute.

#### **8. Staffing**

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

#### **9. Virginia Department of Alcoholic Beverage Control**

The Conditional Privilege shall not supersede any restrictions or requirements imposed by the Virginia Department of Alcoholic Beverage Control.

#### **10. Revocation**

The City Council shall have the ability to revoke Conditional Privilege No. 112 upon two (2) convictions of the Hampton City Code, Section 22-3.1, "Amplified Music or Outdoor bands" or upon two (2) or more violations of any of the attached conditions.

#### **11. Nullification**

- a. The Conditional Privilege shall become null and void if the use is not established within twelve months of the date of approval by the City Council.
- b. The Conditional Privilege shall become null and void if the facility is not used for the permitted use for a period of six consecutive months.

#### **12. Term of Permit**

The Conditional Privilege shall be valid for 18 months from the date of approval by the Hampton City Council. After 12 months of operation, prior to the expiration date, the Conditional Privilege will be scheduled for review by the Planning Director to consider if the continuation of the Conditional Privilege would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege 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 Planning Director determines that the Conditional Privilege would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege 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 Planning Director may administratively extend the Conditional Privilege in five (5) year increments. Each such extension shall be subject to the same administrative review. If the Planning Director determines that the Conditional Privilege would be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege 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 Planning Director will notify the Permittee of a denial of the extension in writing. The denial of an extension of the Conditional Privilege will not require the removal of any structure or structures constructed or installed for the live entertainment area(s). A Permittee aggrieved by the decision of the Planning Director may, upon written request within 30 days of the decision, have the matter reviewed by the Planning Commission and the City Council. Nothing contained herein shall limit the rights of a Permittee to seek a new Conditional Privilege.