

Use Permit Application No. 19-00008
Live Entertainment in Conjunction with a Restaurant

Guy Fieri's Dive & Taco Joint
1976 C Power Plant Parkway
LRSN 13000686

Conditions:

1) Issuance of Permit

The Use Permit applies only to a portion of LRSN 13000686 addressed 1976 C Power Plant Parkway, as depicted in green on the attached **Exhibit A** and is not transferable to another location.

2) Security Personnel

The business shall provide security services, consisting of in-house security officers, services of a contracted security firm, or extra duty police officers at a minimum rate of one (1) per 75 patrons for the live entertainment area present on the property during any live entertainment event. At least one (1) security personnel shall be posted outside the establishment to monitor patron behavior in the surrounding parking areas used by patrons of Guy Fieri's, reporting any potential criminal activity to the Hampton Police Department. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

3) Location of Live Entertainment

- A) The Live Entertainment performance area shall be limited to the locations denoted as "125 SF stage" and "45 SF DJ booth" on the floor plan attached 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.
- B) The floor layout of the restaurant, including but not limited furniture placement, shall be in conformance with **Exhibit B**.

4) Hours of Operation

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

- Thursday-Saturday: 11AM-2AM
- Sunday – Wednesday: 11AM – 12 Midnight

5) Capacity

The maximum capacity of the building shall be determined by the City Building Official in accordance with applicable law. Maximum occupancy shall not be exceeded.

6) Sound

Live entertainment shall comply with the Hampton City Code, Section 22-9 (as amended) with respect to any sound or noise.

7) Dancing

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

8) Licensing and Compliance with Applicable Laws

When required by law, the business 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.

9) 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.

10) 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.

11) Revocation of Use Permit

The City Council may revoke this use permit, after notice and a public hearing as set forth in section 15.2-2204 of the Virginia Code, as amended, for any violation of a term or condition thereof or repeated or continuing violations of the city zoning ordinance or city code, failure to comply with approved plans, and/or when false, fraudulent, or misleading information is supplied by the applicant. The consideration of a possible revocation shall follow the procedure set forth in the zoning ordinance for approving the use permit, provided that fifteen (15) days' written notice is given to the owner of the subject property prior to the public hearing.

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.

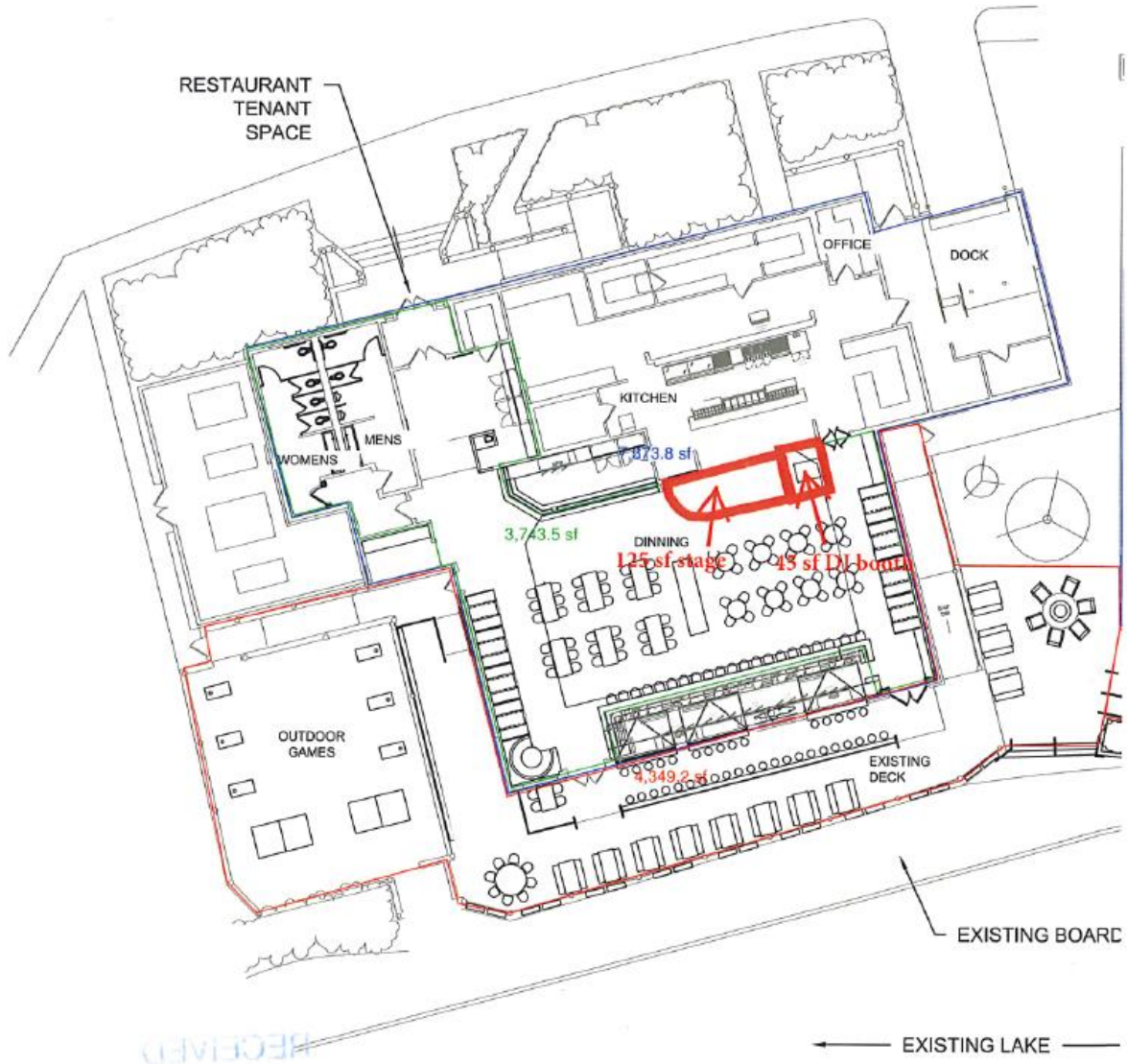
EXHIBIT A



EXHIBIT B

← EXISTING PARKING LOT →

Guy Fieri's Dive & Taco Joint



RECEIVED
FLOOR
SITE PLAN
SCALE 1/8" = 1'-0" 