

Conditions

Use Permit Application No. 23-0045

Amusement Center

Colonial Downs Group, LLC | 1990-1996 Power Plant Parkway (LRSN 13001056, portion)

1) Issuance of Permit

The Use Permit boundary applies only to a portion of LRSN 13001056, as depicted on "Hampton OTB Site Plan – Hampton Parcel Boundary," dated October 8, 2018 and attached as **Exhibit A**. The Use Permit is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2) Permitted Use

The amusement center shall incorporate an accessory restaurant consisting of a minimum of 2,470 square feet and the two uses shall operate together as shown on **Exhibit B**. All satellite wagering and historical horse racing terminals shall be located within the building.

3) Site Design

The Property shall be developed and maintained in substantial conformance with the concept plan prepared by Populous and entitled Hampton OTB Architectural Site Plan, dated October 8, 2018, which is attached hereto and incorporated by reference (see **Exhibit C**). Any minor changes to the concept plan made necessary by environmental, engineering, architectural, topographic or other development conditions, or site plan and subdivision approval requirements, may be permitted subject to the approval of the Director of Community Development.

4) Coliseum Central Design Guidelines

Prior to submitting applications for site plan or building permit review, detailed building elevations shall be submitted to the Planning and Zoning Administration Division of the Community Development Department for design review and approval in accordance with the Coliseum Central Design Guidelines, dated January 12, 2018, attached as **Exhibit D**. A materials board, including samples of all proposed materials for the exterior of the building and building addition, shall be submitted in conjunction with the building elevations.

5) Lighting Plan

- a. Building Lighting: All exterior light fixtures on the building shall meet or exceed the standards set forth within the City of Hampton Outdoor Lighting Policy & Procedures, (May 2013).
- b. Site Lighting: LED lighting shall be provided such that a minimum 1.5 foot-candle of light is provided in all areas within the parking lot boundary depicted on **Exhibit E**. A substitute for LED lighting may be permitted, subject to the approval of the Director of Community Development, provided the minimum foot-candle requirement is met. All light fixtures within the parking lot boundary as depicted on **Exhibit E** shall also meet or exceed the

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- standards set forth within the City of Hampton Outdoor Lighting Policy & Procedures, (May 2013).
- c. All lighting required in this condition shall be maintained in working condition at all times.

6) **Parking Lot**

The parking lot boundary depicted on **Exhibit E**, shall remain as a parking lot.

7) **Security Plan**

Submission of a Security Plan shall be provided to Community Development Department for review by the Hampton Police Division, Division of Fire and Rescue, and other such departments as may be applicable. The Security Plan must be reviewed and approved by the Hampton Police Chief or their designee, the Fire Chief or their designee, and the Director of Community Development or their designee prior to the issuance of a Certificate of Occupancy. All final Security Plan submittals made to the Virginia Racing Commission pertaining to the applicant's state license shall also be sent to the City.

- a. The Security Plan shall include at least the following components:
- b. There shall be a minimum of seven (7) security personnel present during business hours and until at least one (1) hour after in the case of closing.
- c. All security personnel must be certified by the Virginia Department of Criminal Justice Services (VDCJS). Certification of training by all security personnel must be kept current and provided to the city upon request.
- d. Sufficient security personnel shall be provided to monitor patron behavior upon their exit of the building into the parking lot and surrounding areas during business hours and until at least one (1) hour after in the case of closing.
- e. There shall be at least one (1) armed security guard present at each public entrance to the establishment during business hours.
- f. There shall be at least one (1) armed security guard present at the site of financial transactions during business hours.
- g. Surveillance cameras shall be provided outside and inside the building for monitoring the property. If the Hampton Police Division suspects that criminal activity has occurred on premises, surveillance video shall be made available for review by authorized personnel of the Hampton Police Division.
- h. The security plan shall include procedures for the handling of all money transfers in and out of the building.

The Security Plan shall be complied with at all times. The Security Plan may be audited by the Hampton Police Division on an annual basis. Following such audit, the Hampton Police Division may require reasonable updates to the Security Plan

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to address deficiencies. Such updates shall be made within a reasonable time, as determined by the Hampton Police Division.

8) Capacity

The maximum capacity of the building shall be determined by the City Building Official in accordance with applicable law.

9) Submission Requirements for Virginia Racing Commission

The applicant shall provide the Community Development Department with a copy of its license issued by the Virginia Racing Commission as well as final versions of other documents submitted to the Virginia Racing Commission, with appropriate redactions to protect financial data, security interests and personal data, to the Director of the Community Development Department upon request from the City for specifically identified information. Copies of requests to increase the minimum number of historical horse racing (HHR) machines shall be submitted to the Director of the Community Development Department.

10) Historical Horse Racing Machines

The number of historical horse racing (HHR) machines/terminals shall be allowed up to but shall not exceed seven-hundred (700).

As with all other conditions of this use permit, the number of historical horse racing machines (HHR) may be amended by the City Council in the manner set forth in zoning ordinance section 14-13, as amended.

11) Licensing and Expiration

- a. Applicant shall obtain and maintain all applicable licenses to conduct the business authorized by this Use Permit prior to engaging in any such business, including, but not limited to, those that may be required by the Virginia Department of Alcoholic Beverage Control (VABC). Applicant shall comply with all restrictions or requirements imposed by VABC.
- b. This Use Permit will automatically expire upon a change of ownership of the property, a change in the operation or management of a facility, or the passage of three (3) months without an active retail alcoholic beverage control license.

12) Compliance with the Virginia Racing Commission Regulations

The business must maintain a valid license from the Virginia Racing Commission and comply with all restrictions or requirements imposed by the Virginia Racing Commission.

13) 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

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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.

14) Compliance with Laws

If the applicant is a legal entity, other than an individual person or persons, including, but not limited to a limited liability company or corporation, applicant shall also be authorized to transact business in Virginia as a domestic or foreign business entity prior to engaging in the permitted use; and shall provide proof of registration to the Zoning Administrator, upon request. Applicant shall not allow its existence to lapse or its certificate of authority or registration to transact business in Virginia to be revoked or cancelled at any time while this Use Permit is in effect.

This Use Permit may be terminated for any violation of federal, state, or local law.

15) Nullification

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

- a. 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;
- b. 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
- c. 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.

16) Revocation of Use Permit

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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.

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Exhibit A



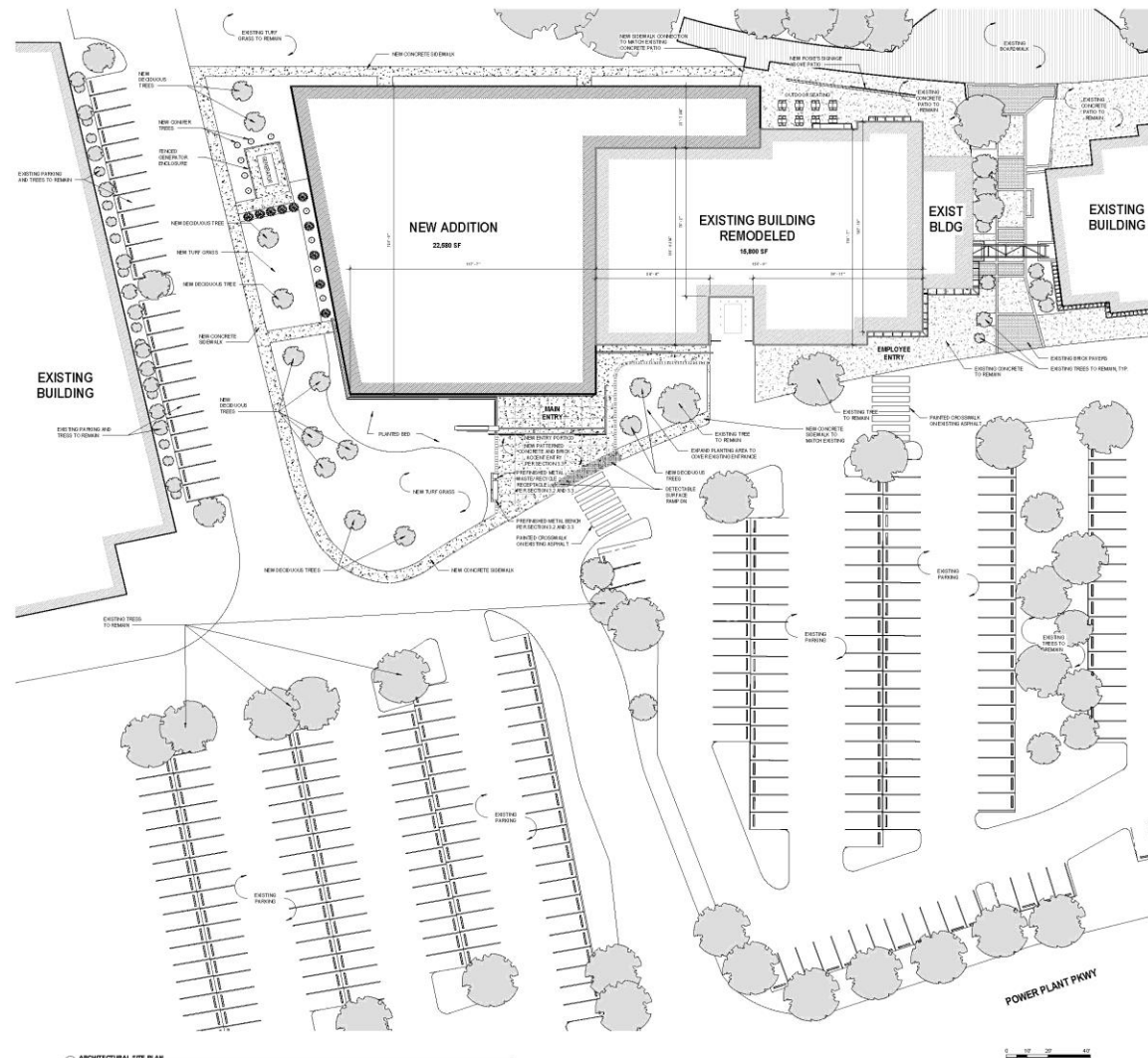
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Exhibit C



SITE MATERIAL VARIATION, SITE FURNISHINGS,
AND FINISH PATTERNS INDICATED IN COMPLIANCE
WITH ARTICLE 3 SITE DESIGN OF COLISEUM
CENTRAL DESIGN STANDARDS

1. ARCHITECTURAL SITE PLAN
1" = 20'-0"

HAMPTON OTB
ARCHITECTURAL SITE PLAN

POPULOUS

OCTOBER 8, 2018



TRUE NORTH

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Exhibit D – Design Guidelines

See Attached Design Guidelines

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Exhibit E – Parking Lot Boundary

