

**AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON CITY PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON AUGUST 7, 2008 AT 3:30 P.M.**

**WHEREAS:** The Hampton Planning Commission has before it this day an application by Wilbur and Brenda Hendrix to obtain a Conditional Privilege for live entertainment in conjunction with Mallory's Restaurant located at 1565 Briarfield Road; and

**WHEREAS:** This proposal is to provide live entertainment in the form of a DJ, band and karaoke as a complement to the existing restaurant; and

**WHEREAS:** The Hampton Community Plan (2006, as amended) recommends Commercial Land Use for this site because it reflects the existing use of the site. Live entertainment in conjunction with restaurants are better suited for areas where commercial uses are predominant in an area and not residential uses as prevalent at Mallory's Restaurant; and

**WHEREAS:** At the community meeting held on June 3, 2008 residents expressed concerns including the occurrence of crowd and motorcycle noise carried on in the parking lot and lack of sufficient parking maintained at the restaurant. The residents also expressed concerns that the late hours and crowd noise affected them as they prepared and rested for work; and

**WHEREAS:** There was community opposition to this application at the July 3<sup>rd</sup> and August 7<sup>th</sup>, 2008 Planning Commission meetings expressed by the public regarding public drunkenness, loudness, parking in unauthorized areas of the surrounding neighborhood and past incidents that have occurred at Mallory's Restaurant as stated in the Police Report; and

**WHEREAS:** The requested Conditional Privilege is not in accord with the intent and general development policies of commercial areas within the Hampton Community Plan (2006, as amended); and

**WHEREAS:** The Conditional Privilege is not in accord with the required Conditional Privilege standards listed in Section 20.1-5 of the City of Hampton Zoning Ordinance. Specifically, the Conditional Privilege will:

- a) Adversely affect the health and safety of persons residing in the neighborhood of the proposed use; and
- b) Will be detrimental to the public welfare in the neighborhood of the proposed use.

**NOW, THEREFORE,** on a motion by Commissioner Ralph A. Heath, III and seconded by Commissioner Amy Thorstad,

**BE IT RESOLVED** that the Hampton Planning Commission recommends denial of Conditional Privilege Application No. 93.

A roll call vote on the motion resulted as follows:

AYES:	McCloud, Thorstad, Heath, Smith, J. Wallace, G. Wallace, Young
NAYS:	None
ABST:	None
ABSENT:	None

A COPY; TESTE:

*Terry P. O'Neill*

Terry P. O'Neill  
Secretary to Commission