

STAFF EVALUATION

To: Planning Commission

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Reviewed By: Keith Cannady, AICP 728-5239
Reviewed By: Sharon McSmith, CAP 728-5240

Case No.: Use Permit No. 16-00007

Date: October 6, 2016

General Information

Applicant 504-520 N. King St., LLC

Location 504 N. King St. [LRSN 13004388]



Requested Use

Use Permit to allow for indoor and outdoor live entertainment 2 at a proposed micro-brewery, micro-distillery, and restaurant with a capacity greater than fifty (50) people.

Description of Proposal

The applicant is proposing to provide live entertainment both inside and outside the Vanguard micro-brewery and micro-distillery. Requested hours of indoor live entertainment are from noon until 10:00PM Monday through Thursday, noon until midnight on Friday and Saturday, and noon until 10:00PM on Sunday. Requested hours of outdoor live entertainment are from 4:00 PM until 10:00 PM Monday through Thursday, noon until 11:00 PM Friday and Saturday, and noon until 10:00 PM on Sunday.

Existing Land Use

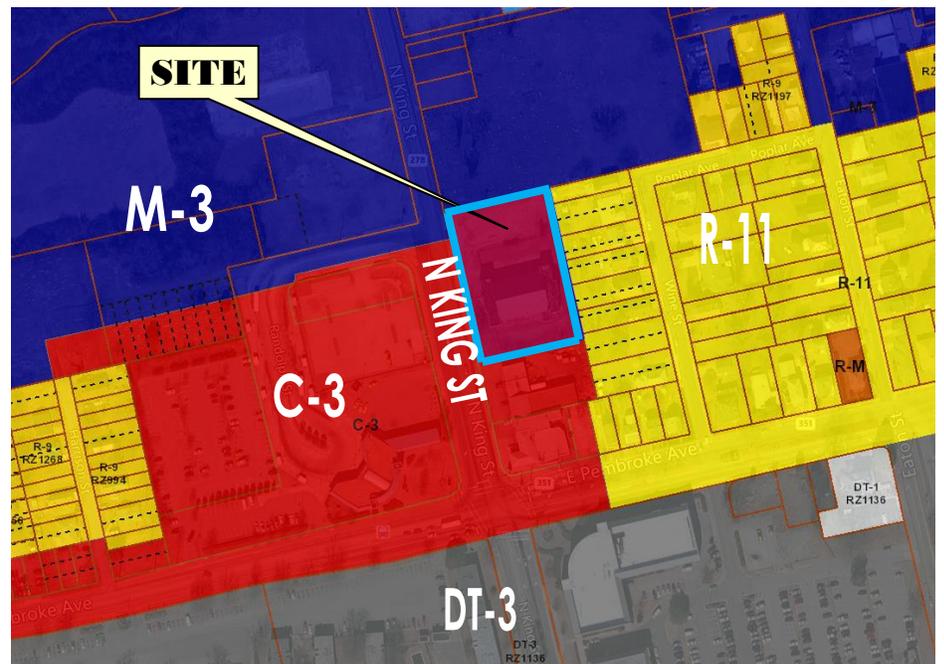
Vacant Structure

Zoning

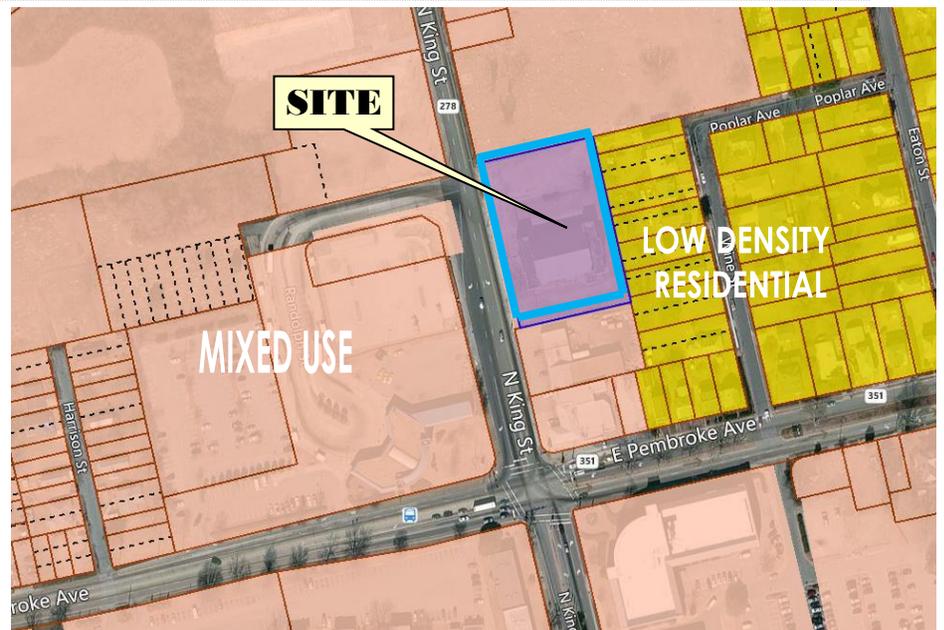
C-3 (General Commercial District). This application is being brought forward concurrently with RZ 16-00010 to rezone the property from C-3 (General Commercial District) to DT-1 (Downtown Business District) to allow for a micro-brewery, micro-distillery, restaurant, and live entertainment.

Surrounding Land Use and Zoning

North: M-3 (Heavy Manufacturing) – Cemetery & Vacant Land
South: C-3 (General Commercial) – Convenience Store
East: R-11 (One-Family Residential) – Residential
West: C-3 (General Commercial) – Hampton Roads Transit Transfer Center, Parking Lot, Cemetery



Public Policy



The Hampton Community Plan (2006, as amended) recommends commercial use for the subject property. Residential and public/semi-public uses are recommended for nearby properties.

The Hampton Community Plan (2006, as amended) recommends Mixed Used for this property. A combination of Mixed Use and Low Density Residential is recommended for surrounding properties.

The Downtown Master Plan (2004, as amended) outlines more specific recommendations for this site through the Armory District Initiative, noting King Street is the front door to Downtown. For the Armory, it is recommended the structure be restored and redeveloped as a live performance venue to diversify entertainment offerings and set a tone and character for redevelopment in the district.



Policies related to this request are listed below:

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective. [pg. LU-16]

LU-CD 13: Encourage public and private upkeep, preservation, and adaptive reuse of buildings and other resources that have been determined to have historic value to the community. [pg. LU-17]

ED-5: Nurture small and start-up businesses. [pg. ED-23]

ED-6: Expand tourism, entertainment, and cultural opportunities within the city. [pg. ED-23]

ED-10: Foster the successful redevelopment of well-situated vacant and underutilized commercial and industrial properties within the city. [pg. ED-23]

Downtown Master Plan Initiative 8: Create a multi-use area north of Pembroke Avenue and south of I-64 to include a mix of residential, commercial and entertainment venues located in buildings of an industrial and more contemporary aesthetic.

Downtown Master Plan Initiative 8: Redevelop the Armory as a live performance venue.

Applicable Regulations

DT-1 allows live entertainment subject to securing a Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing project impacts on the adjoining properties.

Traffic/Parking

Parking needs for the use cannot be accommodated solely on-site. This was recognized as a challenge during completion of the Armory District Initiative of the Downtown Master Plan (2004, as amended), which notes the need for shared parking as a component of successful redevelopment of the area.

As dictated by the zoning ordinance, 174 parking spaces are required, 7 of which are handicapped. All 7 handicap spaces must be accommodated on site. Two public parking lots, with a capacity of 234 spaces, exist within 500' of the armory site to accommodate patrons. In total, 35 spaces are accommodated on-site, and 139 spaces are accommodated through off-site parking credits as outlined in Chapter 11. Sec. 8(2) of the Zoning Ordinance of the City of Hampton.

Community Meeting

A community meeting was held on Tuesday, August 9, 2016 at the Rupert Sargent building to present the project concept to the community, answer questions, and receive feedback on the proposal. The developer also presented the information to the Pasture Point Neighborhood Association on September 13, 2016.

Analysis

Use Permit Application No. 16-00007 is a request to permit both indoor and outdoor live entertainment at 504 N King Street [LRSN 13004388] for The Vanguard, a new micro-brewery, micro-distillery, restaurant, and live entertainment venue. Live entertainment in conjunction with a micro-brewery, micro-distillery, and/or restaurant is a permitted use in the DT-1 (Downtown Business) District subject to securing a use permit. This application is being brought forward in conjunction with Rezoning Application No. 16-00010, which is requesting rezoning from the C-3 (General Commercial) District to the DT-1 (Downtown Business) District.

Currently, the Armory District is a mix of commercial, industrial, and residential zones and uses. 504 N. King Street is bordered by residential uses, a cemetery, a commercial property, and is opposite of the Hampton Roads Transit bus transfer center.

The Downtown Master Plan (2004, as amended) specifically recommends reuse of this property as a live performance venue and notes it should be redeveloped to set the tone and character for redevelopment in the district. Applicable goals of the community plan speak to encouraging preservation and adaptive reuse of buildings that have historic value to the community and fostering the successful redevelopment of well-situated vacant industrial properties.

The proposed operation will have an occupancy of approximately 1100 when considering both customers and staff. Expected business hours are from 11:30AM until 10:00PM Monday through Thursday, 11:30AM until midnight on Friday and Saturday, and 11:30AM until 10:00PM on Sunday. Requested hours of indoor live entertainment are from noon until 10:00PM Monday through Thursday, noon until midnight on Friday and Saturday, and noon until 10:00PM on Sunday. Requested hours of outdoor live entertainment are from 4:00 PM until 10:00 PM Monday through Thursday, noon until 11:00 PM Friday and Saturday, and noon until 10:00 PM on Sunday. Due to neighboring residential properties, staff is recommending outdoor live entertainment conclude at 8:00 PM.

The proposed use permit is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and the Downtown Master Plan (2004, as amended).

Staff recommends approval of Use Permit Application No. 16-00007 with 12 conditions.

| Table 1: Recently Considered Applications for Live Entertainment | | | | | | |
|---|----------------------------------|---------------------------------|---|-----------------|-----------------|-----------------------|
| Establishment | Adjacent to Single Family | Adjacent to Multi Family | Hours of Live Entertainment | Capacity | Decision | Indoor/Outdoor |
| LV's (1565 Briarfield) | No | Yes | Indoor: 11:00AM-10:00PM Sun- Sat | | Approved | Indoor |
| Papa Ciccio's | No | No | Indoor: 12:00 PM Sun- Thurs 2:00AM Fri-Sat | 125 | Approved | Indoor |
| Sushi Hampton LLC (Sushi King) | No | No | Indoor: 10:00PM Sun- Thurs 2:00 AM Fri-Sat Outdoor: 9:00PM Sun-Thurs 10:00 Fri-Sat | 300 | Approved | Indoor/ Outdoor |
| Avenue Blue Piano Bar | No | No | 10:00 PM Sun- Thurs 2:00 AM Fri-Sat | 168 | Approved | Indoor |
| Peninsula Soul Food & Sports Bar | Yes | No | 11:00PM Sun – Thurs. 1:00AM Fri - Sat | | Approved | Indoor |
| Stillwater Tavern (UP 14-00017) | No | No | 12:00AM Sun. – Thurs. 2:00AM Fri. - Sat | 80 | Approved | Indoor |
| Grandview Island Grill (UP 14-00009) | Yes | No | Indoor: 12:00PM - 10:00PM Sun – Sat Outdoor: 4:00PM - 8:00PM Fri & Sat | 134 | Approved | Indoor/ Outdoor |
| The Point (UP 1091-2013) | No | No | 12:00AM Sun- Thurs 2:00AM Friday - Sat | 80 | Approved | Indoor |
| Applebee's (CP 139-2013) | No | No | 12:00AM Sun. – Thurs. 1:00AM Fri.- Sat. | 165 | Approved | Indoor |
| An Event to Remember (CP 136-2013) | No | No | 11:00PM Sun.- Thurs. 12:00AM Fri. - 1:00 AM Sat. | 189 | Approved | Indoor |
| The Turtle | Yes | No | 12:00AM | 105 | Approved | Indoor |

USE PERMIT NO. 16-00007**STAFF EVALUATION**

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|---|-----|-----|---|-----|----------|--------------------|
| (CP 130-2012) | | | Sun.-Thurs. 1:00AM Fri.-Sat. | | | |
| Bar Louie (CP-129-2012) | No | Yes | 11:00 PM Sun.- Tues. 2:00 AM Wed.- Sat. | 248 | Approved | Indoor |
| The Jewish Mother (CP 128-2012) | No | No | 12:00AM weekdays 2:00AM weekends | 80 | Approved | Indoor |
| Mirro'z (CP 120-2011) | Yes | No | 11:00 PM weekdays 1:00 AM weekends | 240 | Approved | Indoor |
| Terra (CP 116-2011) 2320 McMenamin Street | No | Yes | Indoor: 11PM Sun.-Tues. 2:00AM Wed.- Sat. Outdoor: 9:00 PM Sun – Thurs 10:00 Fri - Sat | 160 | Approved | Indoor/ Outdoor |
| Queens Way Soul Café (CP 112) | No | Yes | 12:00 AM weekdays 2:00 AM weekends | 148 | Approved | Indoor |

Use Permit Application No. 16-00007
504-520 N. King St., LLC
768 W. 20th St, Norfolk, VA 23517

1. Issuance of Permit

The Use Permit applies only to 504 N. King Street [LRSN 13004388] and is not transferable to another location.

2. Location of Live Entertainment

Indoor Live Entertainment shall be limited to the 550 square foot area indicated on the attached floor plan identified as "Live Ent", attached hereto as Exhibit A. Outdoor Live Entertainment shall be limited to the 15' x 25' and 30' x 55' areas indicated on the attached conceptual layout identified as "Live Ent", attached hereto 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.

3. Hours of Operation

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

Indoor

- Sunday –Thursday 11:00AM to 11:00PM
- Friday - Saturday 11:00 AM to 1:00 AM

Outdoor

- Monday –Thursday 4:00PM to 8:00PM
- Friday - Sunday 12:00 AM to 8:00 PM

4. Capacity

During the time that live entertainment is being provided, patronage and staff shall not exceed 1160 occupants, or the maximum capacity determined by a City building official, whichever is less.

5. Sound

Live entertainment located at 504 N. King Street shall comply with City Code section 22-9 with respect to any sound or noise.

6. Staffing

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

7. Licensing and Compliance with all Laws

When required by law, the restaurant 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.

8. Dancing

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

9. Third Party Promoters

Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.

10. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

11. Nullification

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

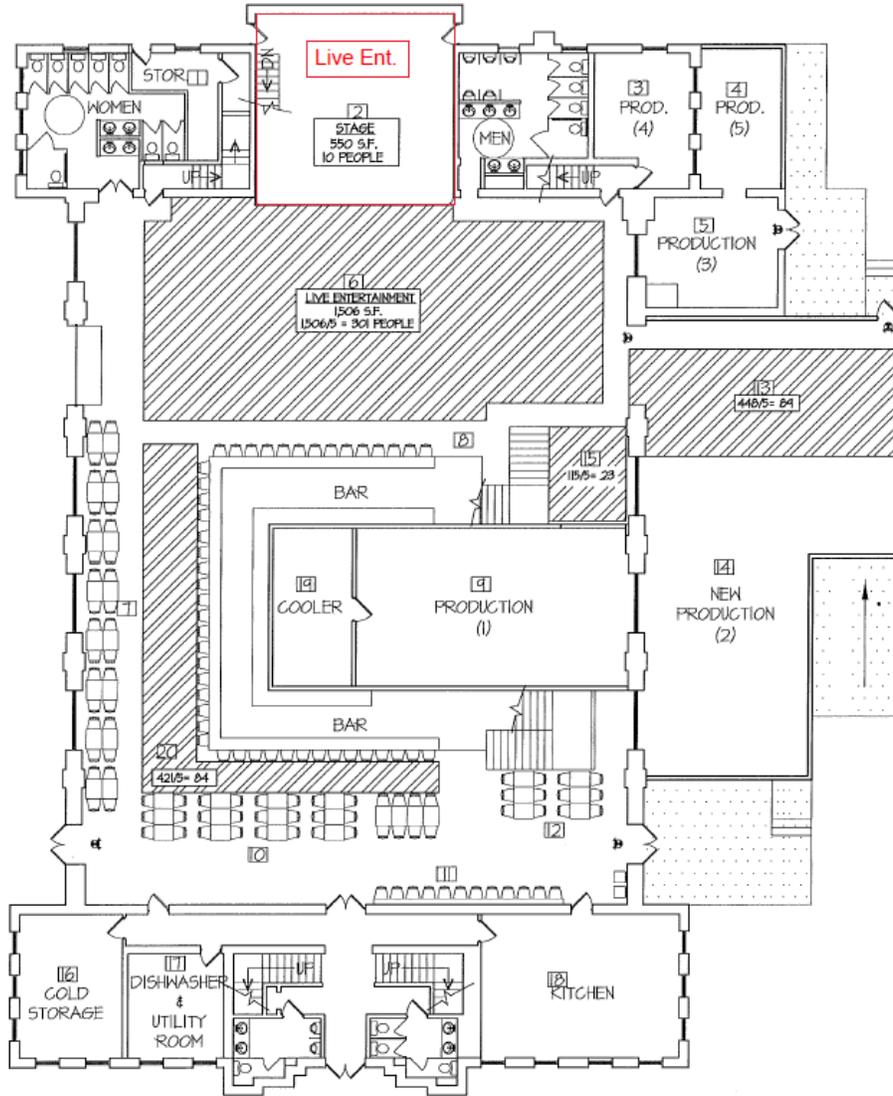
- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (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.

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



PROPOSED FIRST FLOOR

1/8" = 1'-0"

ARMORY. THE VANGUARD ----- HAMPTON. VIRGINIA

Exhibit B

