

Use Permit Application No. 25-0285

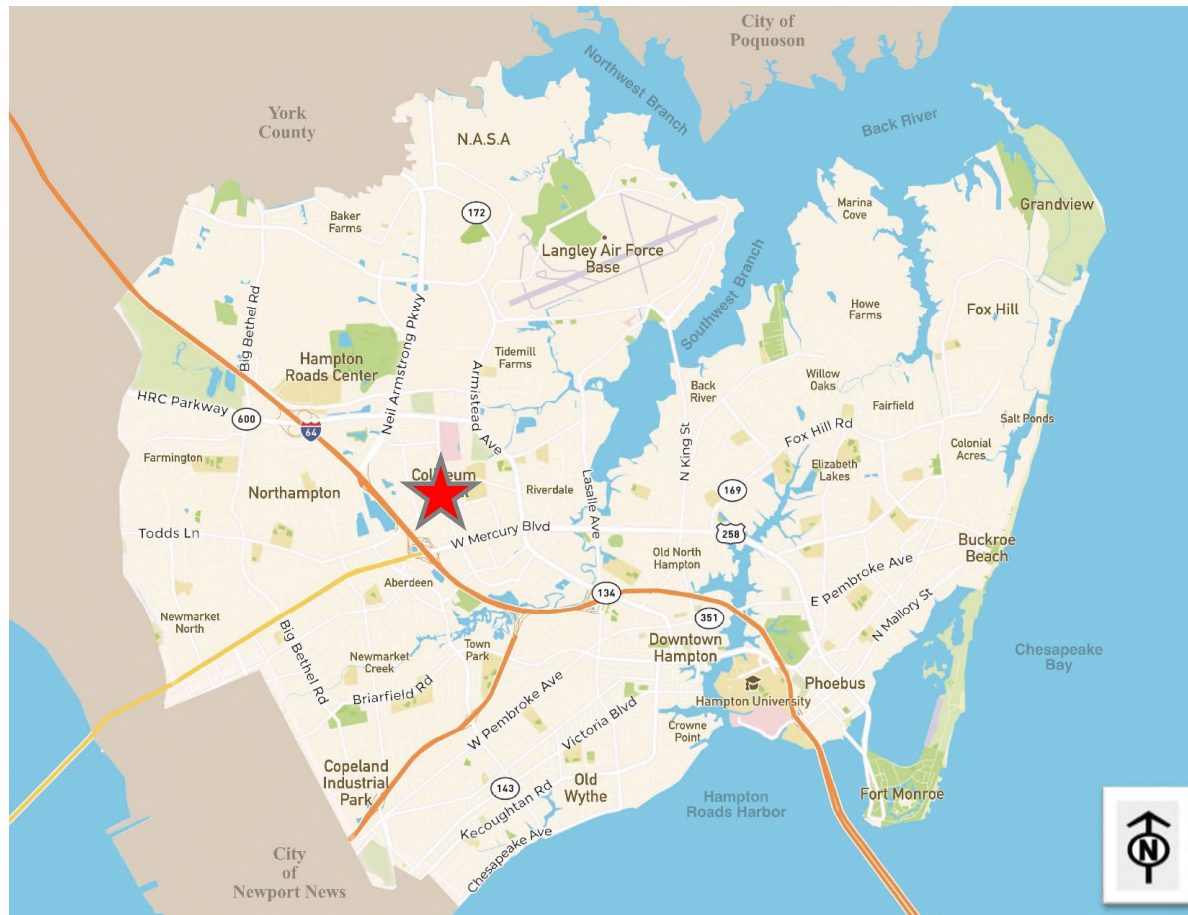
2163 & 2165 Cunningham Dr
Southern Comfort Restaurant & Lounge

City Council
December 10, 2025

Application

Use permit to allow for a restaurant 3 for extended general hours of operation, to include alcohol sales and indoor live entertainment, in the Limited Commercial (C-2) & Coliseum Central Overlay (O-CC) Districts

Location Map



Location Map



History

September 9, 2020

- Southern Comfort Restaurant & Lounge obtained ownership for the restaurant
- Southern Comfort Restaurant & Lounge received a ZAP for “Restaurant with Retail Alcoholic Beverage License” subject to standard ZAP conditions:
 - Hours of Operation:
 - Daily 6:00 AM to 10:00 PM
 - Sound
 - Live Entertainment
 - Zoning Ordinance compliance
 - Expiration
 - Revocation

This ZAP predates the Restaurant 1,2,3 Ordinance update

History

September 29, 2025

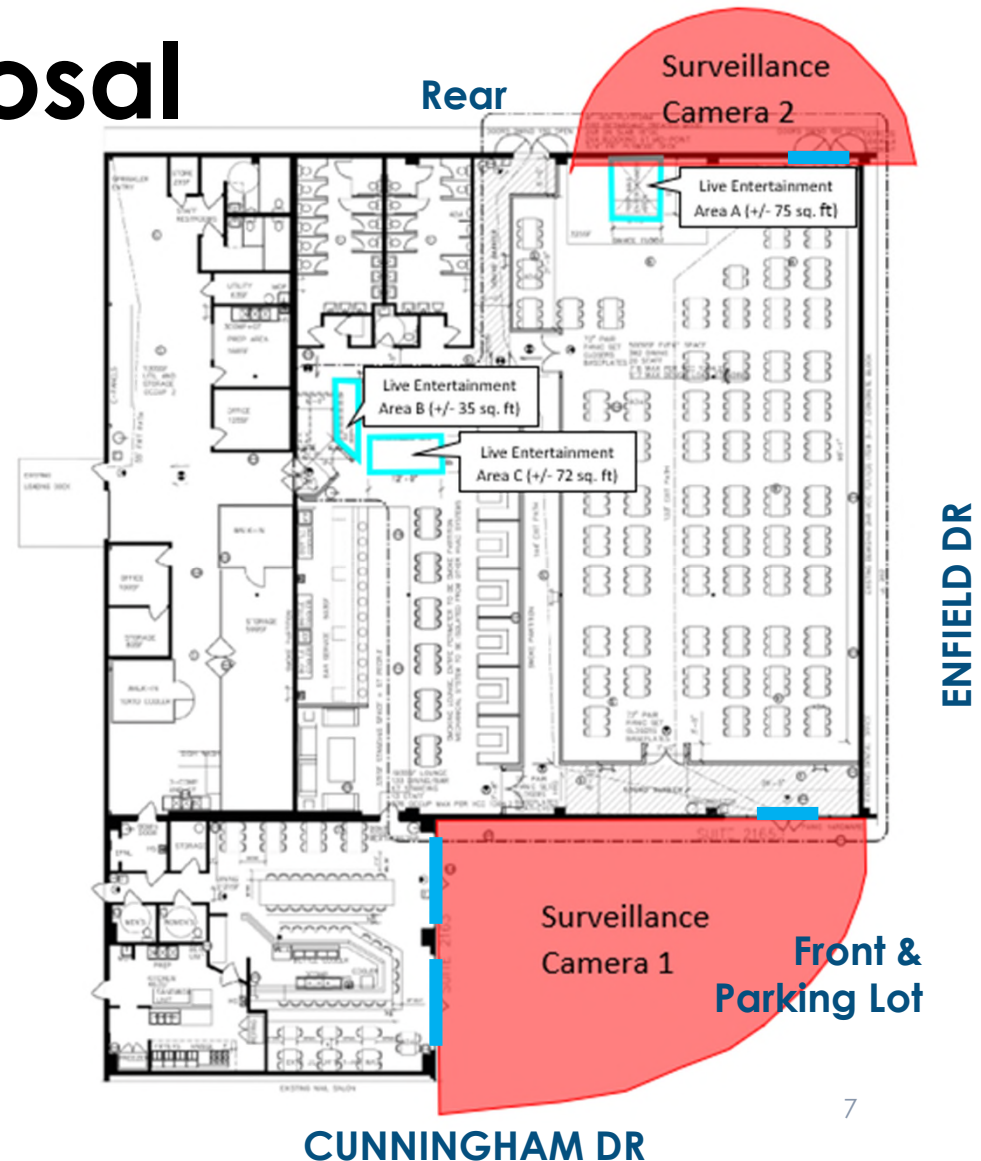
- Southern Comfort Restaurant & Lounge received a ZAP for “Restaurant 2” subject to standard ZAP conditions:
 - Hours of Operation:
 - Daily 5:00 AM to 12:00 AM
 - Compliance with all laws, including ABC licensing
 - Floor Plan
 - Live Entertainment
 - Any applicable outdoor dining
- The ZAP’s purpose is to extend the hours of operation to 12 AM pending the Restaurant 3 Use Permit

Proposal

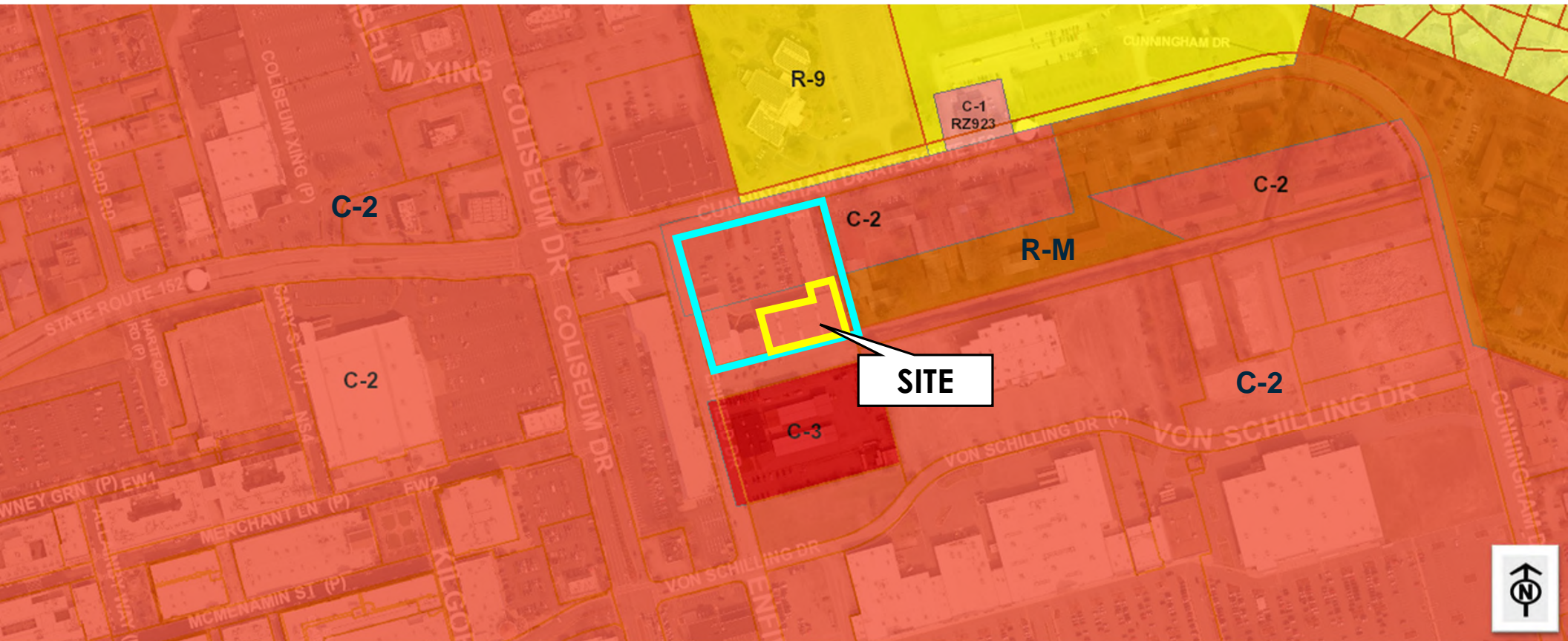
- Existing establishment includes 15,561 square feet
- Alcohol sales & services
- Live entertainment
- Smoking Lounge Area
- Event space

Hours of operation:

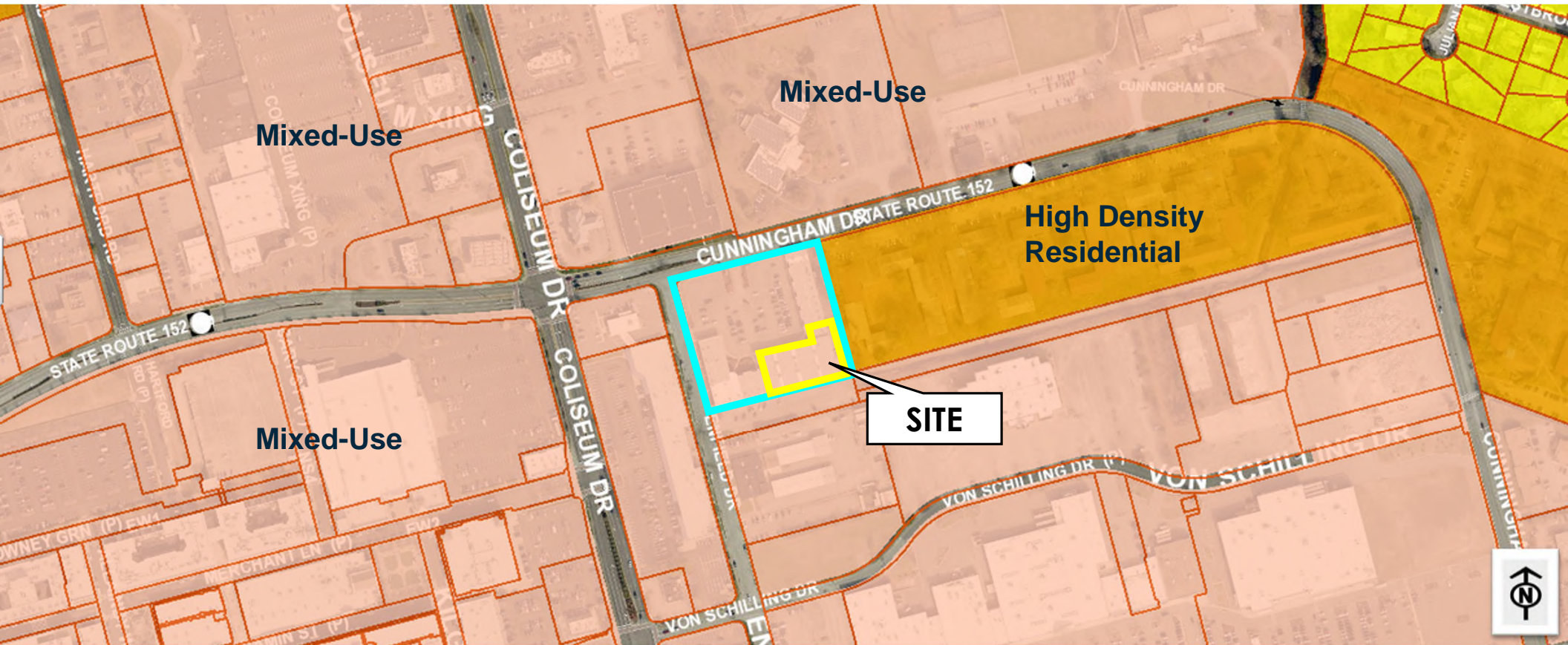
- Monday - Sunday, 11:00 AM to 2:00 AM



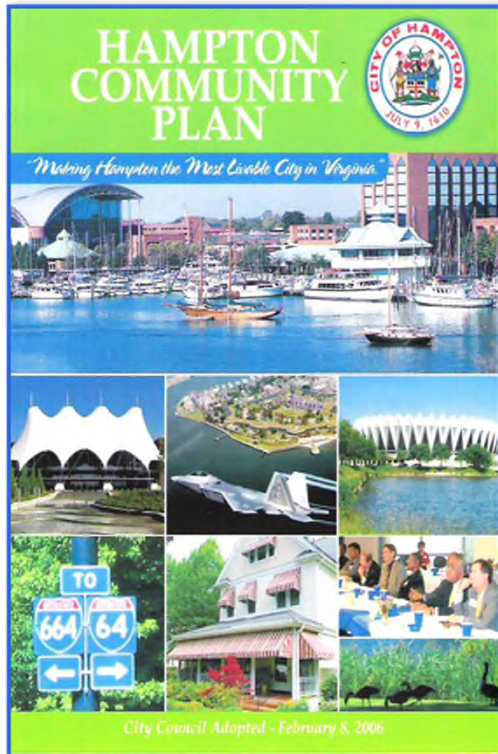
Zoning Map



Proposed Land Use Map



Public Policy



- **LU-CD Policy 3:** Promote compatibility and synergy among different land uses.
- **LU-CD Policy 31:** Encourage a mix of land uses that is appropriate for each district.
- **ED Policy 4:** Nurture small and start-up businesses.
- **ED Policy 6:** Expand tourism, entertainment, and cultural opportunities within the city.

Hampton Community Plan (2006, as amended)

Coliseum Central Master
Plan (2015, as amended)



Analysis

- Applicant has requested the maximum hours of operation compared to those approved for other Restaurant 3 uses
- Staff recommended condition for hours of operation would balance business operation with public safety concerns
- Existing location and the character of the surrounding area supports the restaurant operation

Staff Recommended Conditions

- **General Hours of Operation:**
 - Sunday – Thursday 11:00 AM to 12:00 AM
 - Friday – Saturday 11:00 AM to 2:00 AM
 - 11:00 AM to 2:00 AM on the holidays list as indicated in the Conditions

The key staff recommended conditions address the following topics:

- Specific Locations of Indoor Live Entertainment as indicated in the Conditions
- Window Transparency/Privacy
- Certification of Occupancy
- Third Party Promotions Prohibited
- Criminal Investigations
- ABC Licensing & Expiration
- Compliance with Laws
- Revocation & Nullification

*Complete List of Recommended Conditions found in the Package

Security Conditions

- Applicant is responsible for monitoring:
 - the parking areas for the Restaurant, and
 - on any portion of public property immediately adjacent to the Restaurant premises and parking areas
- Nine (9) total security guards are required on-site from 8:00 PM to 30 min after closing:
 - Seven (7) security guards (1 per 75 patrons) are required interior and front door
 - Two (2) additional security guards are required to monitor the parking lot
- Two (2) extra duty HPD officers on nights operating until 2 AM, from 10:30 PM to 2:30 AM
- All security personnel has to be certified by the Virginia Department of Criminal Justice Services (VDCJS)

*Complete List of Recommended Conditions found in the Package

Security Conditions (cont.)

- Two (2) exterior cameras for the purpose of effectively monitoring the entryways and shall be connected to HPD Real Time Information Center (RTIC)
- ID scanner for the purpose of verifying the age of all patrons from 8:00 PM to closing and information shall be retained for a minimum of seven (7) days
- Any criminal activity observed by Restaurant staff or security personnel shall be reported to the Hampton Police Division

*Complete List of Recommended Conditions found in the Package

Applicant's Requested Modifications

- The Planning Commission directed staff to collaborate with the applicant to revise the proposed conditions
- Staff contacted the applicant to clarify his intentions regarding the requested revisions.
- The applicant responded and provided the following preferred modifications to the conditions:
 - **Hours of Operation:** The applicant requests operating hours from 11:00 AM to 2:00 AM daily. The stated purpose of this change is to generate additional revenue during late-night hours, particularly in conjunction with events at the Hampton Coliseum, activities at Hampton University, and private functions.
 - If the request above is not feasible, the applicant is willing to compromise with staff's recommended hours but requests extended hours on the day before each listed holiday, Tuesdays, and Sundays.
 - **Security Provisions:** The applicant requests the flexibility to schedule security guards and HPD off-duty officers on an as-needed, day-to-day basis. He notes that the timing, capacity, and frequency of events vary, making a fixed security schedule both difficult to adhere to and financially burdensome.

Community Meetings

- Community meetings were held on August 7, 2025 and August 27, 2025
- On August 27, 2025, staff attended and there was no opposition expressed

Conclusion

- Applicant opportunity to present
- Public hearing
- Action
 - Staff recommends **APPROVAL** of Use Permit Application No. 25-0285 with fourteen (14) conditions
 - Planning Commission recommends **APPROVAL** of Use Permit Application No. 25-0285 with an amendment to Condition #8(b)