

PROPOSED REVOCATION USE PERMIT NO. 24-0028

Chance's Restaurant & Lounge
555 Settlers Landing Rd.
Suite M & N

Planning Commission
October 16, 2025

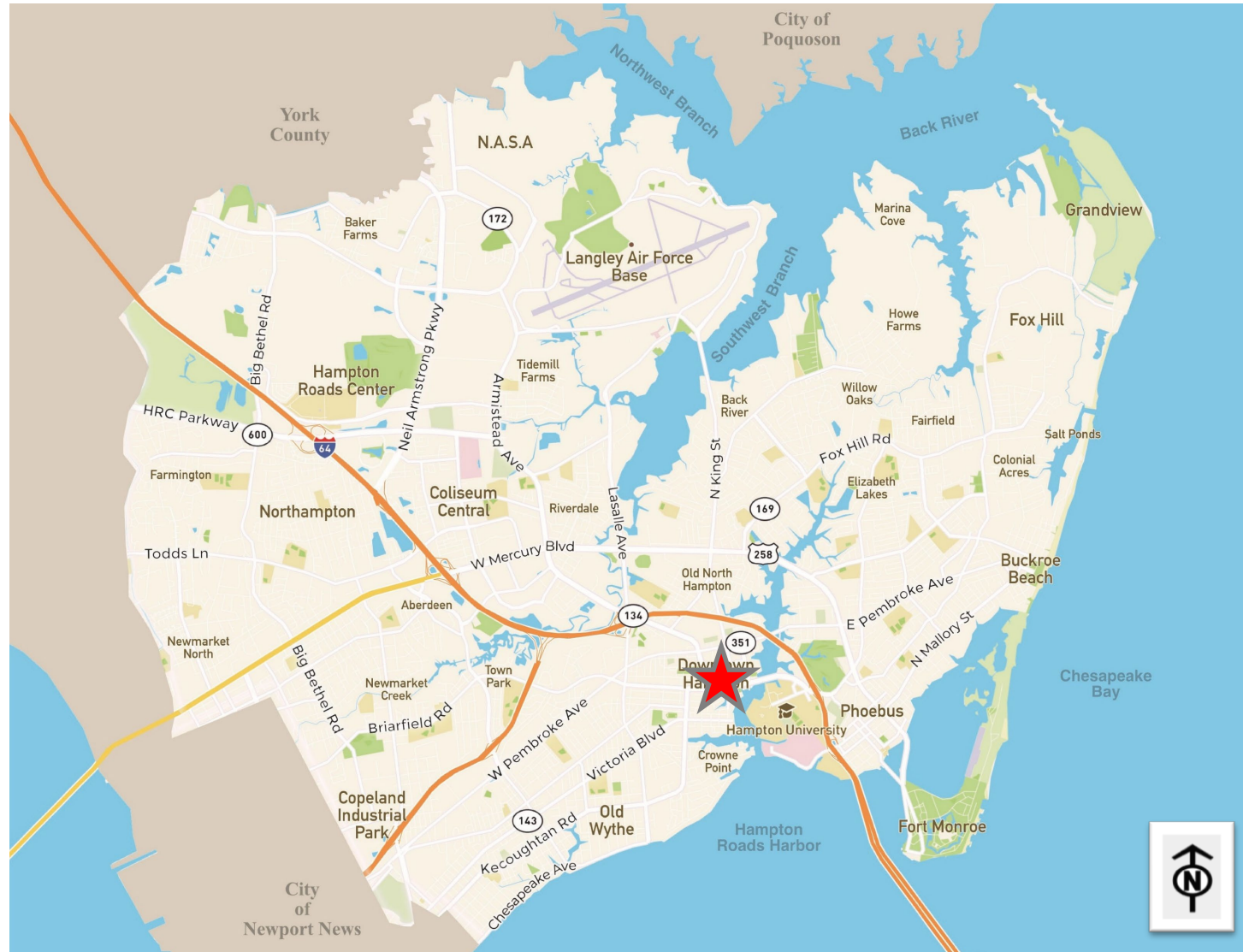
REVOKING A USE PERMIT

A use permit (“UP”) may be revoked for any violation of a term or condition of the permit.

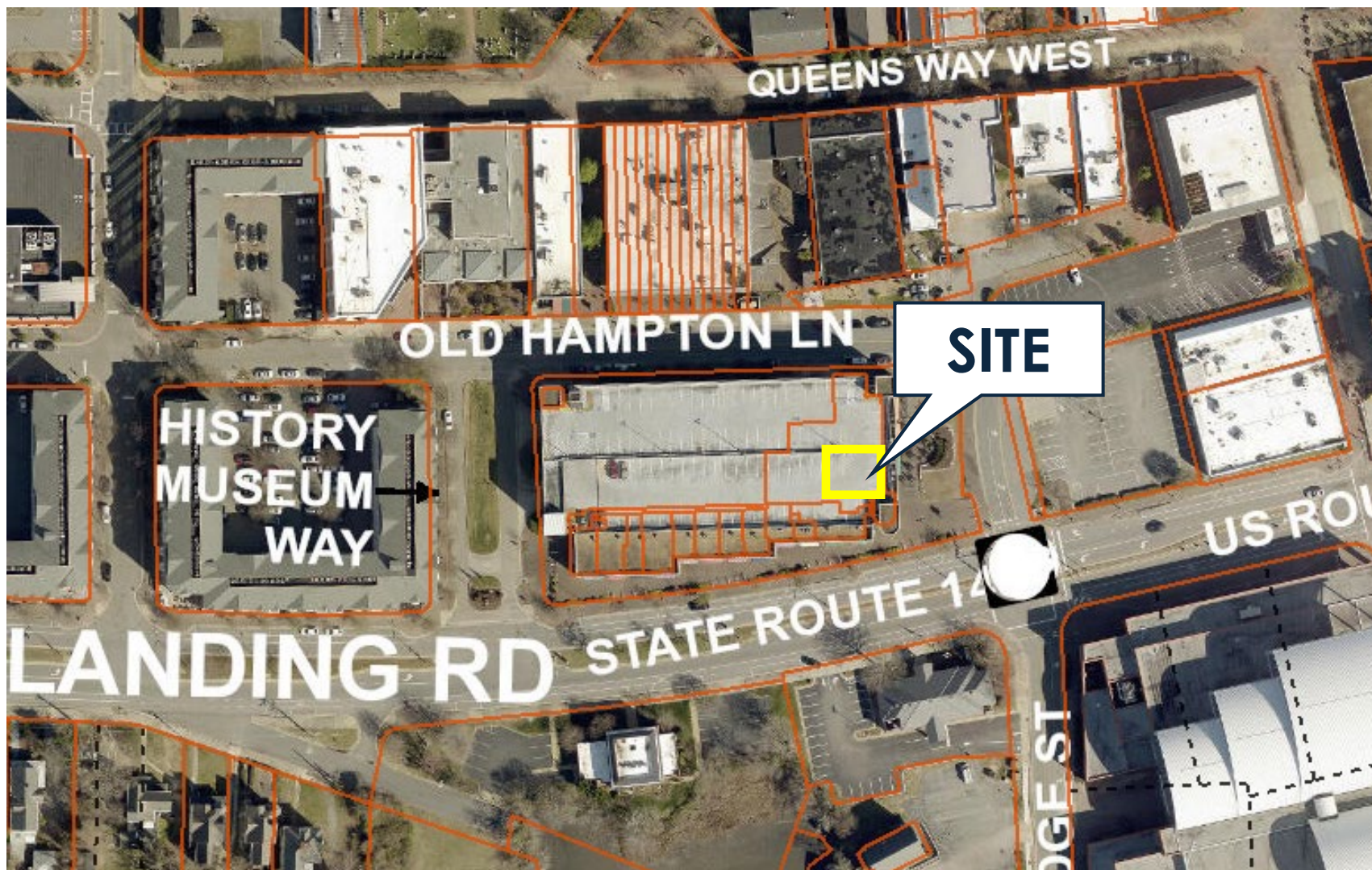
Procedures to consider revocation of a UP are the same as those to approve a UP.

– Hampton Zoning Ordinance § 14-11

LOCATION MAP



LOCATION MAP



HISTORY

- Application for UP to change use from Restaurant 2 to Restaurant 3 submitted on in July 7, 2023
- UP for Restaurant 3 use with live entertainment and on-premises alcohol sales was approved on March 23, 2024
- Open for business in October 2024
- Hours of operation permitted:
Sun. – Thu. 5:00 AM to 12:00 AM
Fri. – Sat. 5:00 AM to 2:00 AM

UP CONDITION 7: SECURITY

- Permitholder must provide security personnel to monitor inside and outside the premises
- Security staffing must be “**sufficient to monitor and control patron behavior inside as well as upon exit of the building**”
- All criminal activity must “**be reported to the Hampton Police Division**”
- Staff must “**cooperate with the Hampton Police Division in their investigation of criminal activity**”

UP CONDITION 9: ABC LICENSE

- Permitholder must “**obtain and maintain all applicable licenses to conduct the business,**” including Virginia ABC license necessary to serve alcohol
- Permitholder must “**comply with all restrictions or requirements imposed by VABC.**”

UP CONDITION 10: COMPLIANCE

- UP may be terminated **“for any violation of federal, state, or local law.”**
- UP may be terminated if permitholder is no longer registered to transact business in Virginia or allows its corporate existence to lapse.

SECURITY INCIDENTS



April 03, 2025: Weapon Law violation

SECURITY INCIDENTS



May 1, 2025: Individual with a gun

SECURITY INCIDENTS



May 5, 2025: Homicide

SECURITY INCIDENTS



September 20, 2025: Weapon law Violation

VABC COMPLIANCE

- **May 8, 2025:** VABC summarily suspended license due to permitholder's failure to **"take reasonable measures to prevent an act of violence,"** a reference to the May 5 homicide.
- **May 21, 2025:** VABC reinstates license subject to additional security conditions
- **October 1, 2025:** VABC revokes permitholder's license for violating the May 21 security conditions, citing incidents on September 6, 13, and 20

OTHER INCIDENTS

- **May 15, 2025:** The City issued a Notice of Violation to permitholder for allowing patrons to smoke indoors in violation of the Virginia Indoor Clean Air Act.
- **May 16, 2025:** The City issued a Notice of Violation to permitholder for applying a window treatment that impedes visibility into the premises.

HPD ANALYSIS

- 25 Calls for service(CFS) in 2025 directly related the business (excluding other businesses that share address); 3 CFS were fights.
- Crowd management concerns and lack of security oversight for loitering
- Public concern brought on by fights and firearm related offenses

HPD RESOURCES EXPENDED

- More than 500 hours spent on keep check and directed patrols by operations
- RTIC Camera Deployment
- Multi-officer/ shift responses for crowd control
- Assignment of Chesapeake BID officers
- Light Tower with posted officers



GROUNDS FOR REVOCATION

- Pattern of violent incidents and ineffectiveness of permitholder's responses indicates security staffing is not “**sufficient to monitor and control patron behavior**” (Condition #7).
- Continued violence indicates that permitholder does not fully “**report all criminal activity**” or “**cooperate**” with HPD investigations (Condition #7).

GROUNDS FOR REVOCATION (cont'd)

- Multiple VABC violations document that permitholder does not “**comply with all restrictions or requirements imposed by VABC**” (Condition #9)
- October 1 Revocation of VABC license indicates permitholder’s failure to “**obtain and maintain all applicable licenses to conduct the business**” (Condition #9)

GROUND FOR REVOCATION (cont'd)

- The City's May 15 Notice of Violation regarding indoor smoking indicates permit holder's violation of state law (Condition #10)
- The City's May 16 Notice of Violation regarding window treatments indicates permit holder's violation of Condition #4 regarding window transparency
- The permit holder's entity status with the State Corporation Commission is "Pending Inactive," which if not corrected will cause its legal existence to lapse (Condition #10)

BUSINESS IMPACTS

- Use permits are specific to the applicant/permitholder and are revocable if transferred to a new owner or manager (Conditions #1, #9)
- Subsequent tenants/owners of the premises are required to seek a new UP to engage in a regulated use at the site
- Because of this, revoking the permitholder's UP will not impact future business opportunities at the site

CONCLUSION

- Permitholder opportunity to present
- Public hearing
- Action
 - Staff recommends **REVOCATION** of Use Permit Application No. 24-0028