



To: Hampton Planning Commission

From: Kim Mikel, Interim Director

Date: November 14, 2025

Re: Revocation of Use Permit Application No. 24-0489

On February 26, 2025, City Council approved Use Permit Application No. 24-0489 to operate a Restaurant 3 at 85 & 87 Lincoln Street, [portion of LRSN: 2003249], the "Location", subject to thirteen (13) conditions. Specifically, the Restaurant 3 use was granted to expand into the neighboring suite and to extend the general hours of operation beyond the previous approved Use Permit. The property is zoned Downtown Business (DT-1) District, which allows a Restaurant 3, subject to an approved use permit.

The use permit was granted, subject to thirteen (13) conditions based upon the proposed use's operational and land use characteristics. Highlighted conditions include limitations on the hours of operation, location of Live Entertainment, security, ABC licensing, compliance with laws, window transparency, expiration, and revocation. Pursuant to City of Hampton Zoning Ordinance§ 14-11 and Virginia Code§ 15.2-2309(7), the Hampton City Council, upon recommendation from the Planning Commission, may revoke a use permit for any violation of a term or condition of the use permit, and for repeated continuing violations of the Zoning Ordinance or the Hampton City Code. The City has information demonstrating that the following violations of the Use Permit have occurred:

- **Security.** City agents have observed multiple violations of Condition #7 of the Use Permit concerning security at the Location. Violations were observed in relation to at least three separate incidents at the Location:
 - January 18, 2025: A fight involving patrons occurred at the Location.
 - April 11, 2025: A patron was shot and killed in the public parking lot adjacent to the establishment occurring approximately thirty (30) feet from the front door security personnel. The shooting occurred at 1:30 am, thirty (30) minutes before closing. The shooting was not communicated internally by radio and patrons re-entered the establishment to inform interior staff.
 - Additionally on June 7, September 1, September 21, and November 8, 2025 experienced additional incidents of assault, fights and disorderly conduct.
- **ABC Compliance.** On April 15, 2025 the Virginia Alcoholic Beverage Control Authority ("VABC") summarily suspended the Permitholder's liquor license after the

Community Development Department, Planning & Zoning Administration Division

22 Lincoln Street | Hampton, Virginia 23669
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April 11 homicide, due to the Permitholder's failure *"to take reasonable measures to prevent an act of violence resulting in death or serious bodily injury [. . .] from occurring on the licensed premises [. . .], or any public property immediately adjacent to the licensed premises."*

VABC restored the permit on April 25 with a Negotiated Resolution in which Permitholder agreed to the following:

- o Maintain at least six VDCJS-certified security personnel at all times between 7:00 p.m. until half an hour after closing, including two in the parking lot **"ensuring that patrons do not loiter"**
- o Contract with Hampton Police Division for extra-duty police coverage.

On July 11, HPD and VABC undertook a joint compliance check at establishments across the City. The following violations were observed at Permitholder's establishment:

- o Only five personnel required were observed, although the VABC Negotiated Resolution required six.
 - o When HPD requested that all security personnel identify themselves, one unidentified individual wearing a "SECURITY" shirt was seen avoiding contact with HPD officers.
 - o Security personnel appeared to tamper with the occupancy counter device.
- **Loitering.** HPD reports that patrons loitering in the parking lot is "typical," and the City has received citizen complaints and obtained information from social media regarding patrons loitering on or in vehicles in the parking lot.
 - **Window treatments.** Permitholder received a Notice of Violation on April 28, 2025 for violation of the window transparency requirement (Condition #4). The window treatments were removed. In October 2025, a new window treatment was applied that obscures visibility from the outside.
 - **Legal existence.** Due to failure to pay required State Corporation Commission fees, the Permitholder's corporate existence lapsed on April 30, 2025 and has not been reinstated at time of writing.
 - **Extra duty.** HPD suspended its contract to provide extra-duty officers as security personnel due to lack of payment for services.
 - **Window Transparency.** On April 28, 2025, the City issued a NOV to Permitholder for violation of Use Permit Condition #4, which prohibits Permitholder from applying a window treatment or finish that would impede visibility into the Location from outside.
 - **Third Party Promoters.** On October 6, 2025, the City issued a NOV to Permitholder for violation of Use Permit Condition #9, which prohibits the Permitholder from leasing the facility or any portion of it to be used by any third party to stage an event for profit

Based upon multiple violations of the use permit conditions as outlined above as well as the public safety and welfare concerns associated with the recent restaurant operations, staff recommends Planning Commission approve the request to revoke UP 24-0489 for a Restaurant 3 at the subject property.

Upon receipt of the Planning Commission's recommendation, City Council will conduct a public hearing to consider revocation of the Use Permit, during its Legislative Session on December 10, 2025.