



# Use Permit Application No. 26-0039

2163 & 2165 Cunningham Dr  
Southern Comfort Restaurant & Lounge

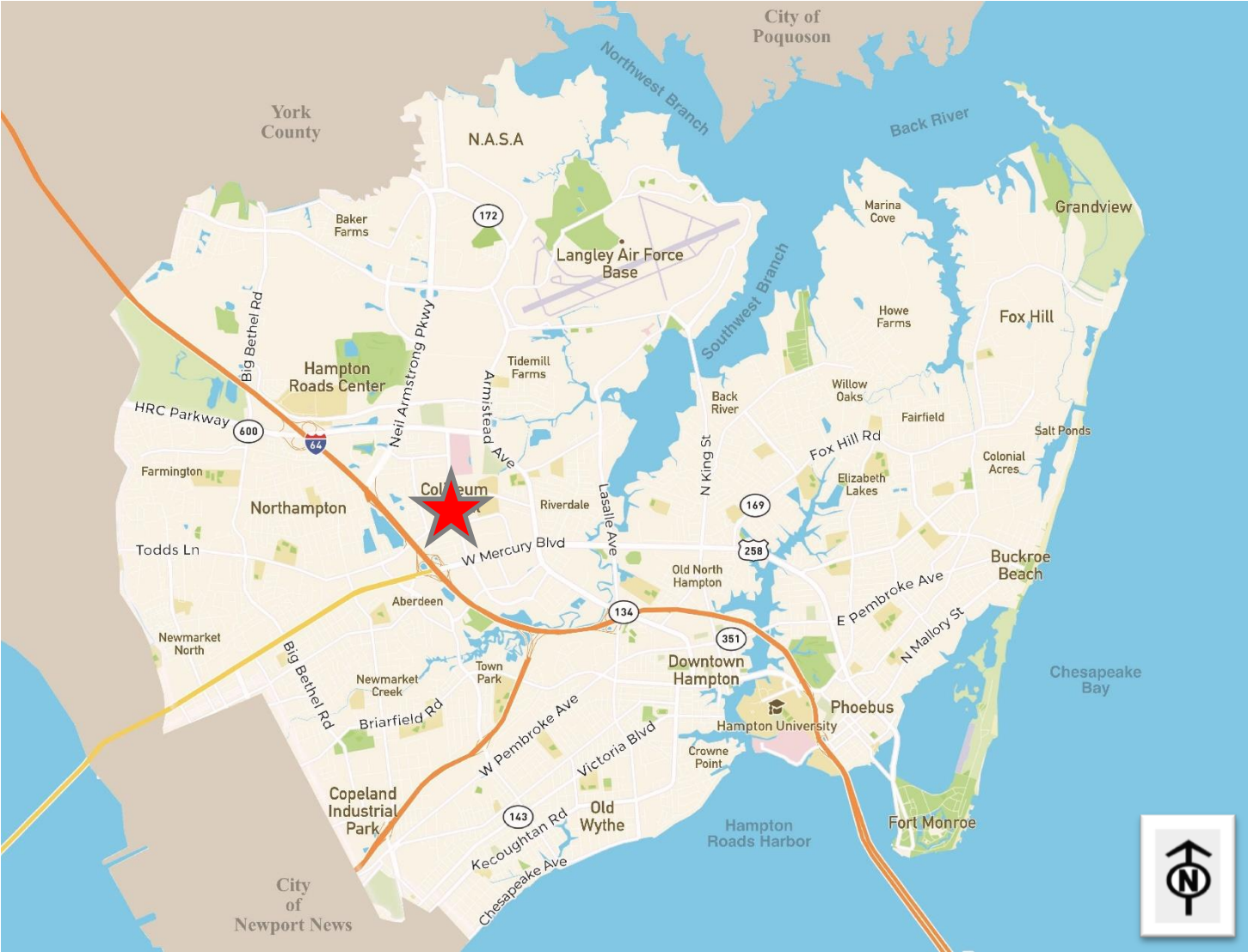
City Council  
March 11, 2026

# Application



Use permit to amend hours and security requirements of previously approved Restaurant 3 Use Permit, 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

# History



## December 10, 2025

- Southern Comfort Restaurant & Lounge received a Use Permit to operate as a restaurant 3 with hours extending until 2 am on a limited schedule and allowed for live entertainment.
- Hours of Operation:
  - Daily 11:00 AM to 12:00 AM Sunday – Thursday
  - 11:00 AM to 2:00 AM Friday – Saturday and Holidays
  - Compliance with all laws, including ABC licensing
  - Floor Plan
  - Live Entertainment
  - Any applicable outdoor dining

# Applicant Proposed Hours of Operations



## Proposed:

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

## Existing Approved:

- 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

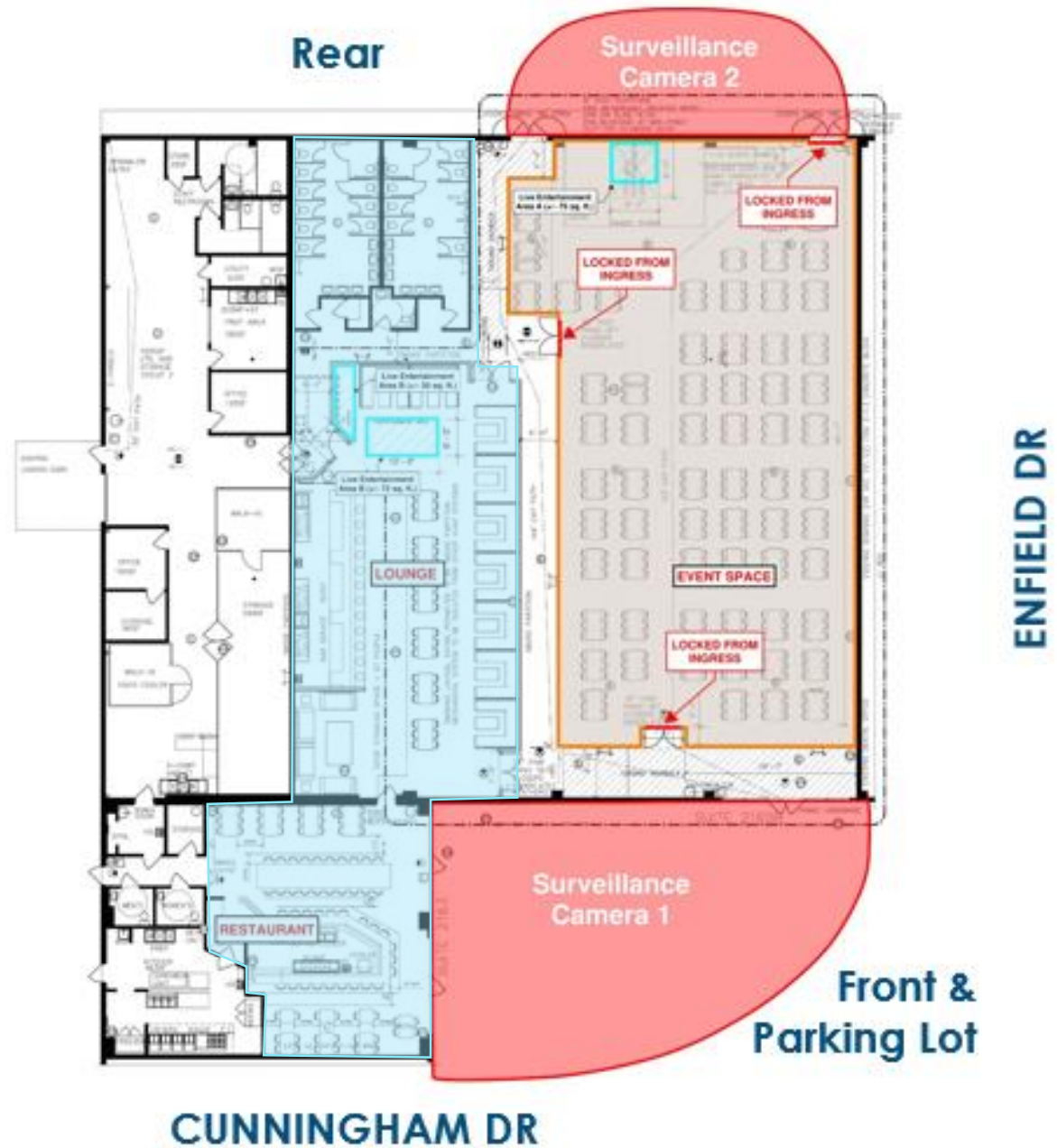
# Applicant Proposed Security Amendment



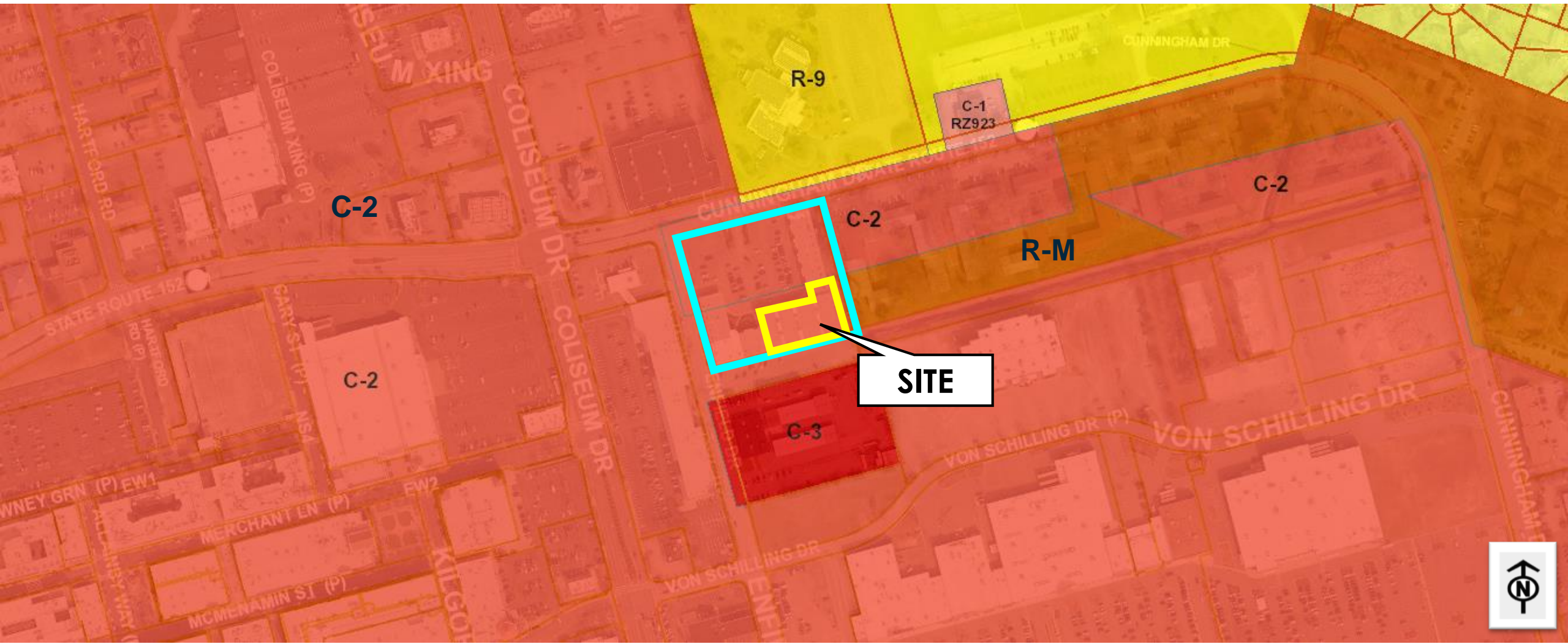
## Security:

- To reduce the number of required security personnel on nights when the event space is not in use.
- The event space will operate on an as needed basis, and access would be restricted to the event space when it is not in use.
- Interior security personnel requirement is based on total occupancy allowance for restaurant/lounge (3 security) and event space (2 security) separately or used collectively (5 total)
- All exterior security requirements would remain the same as the previously approved Use Permit No 25-0285.

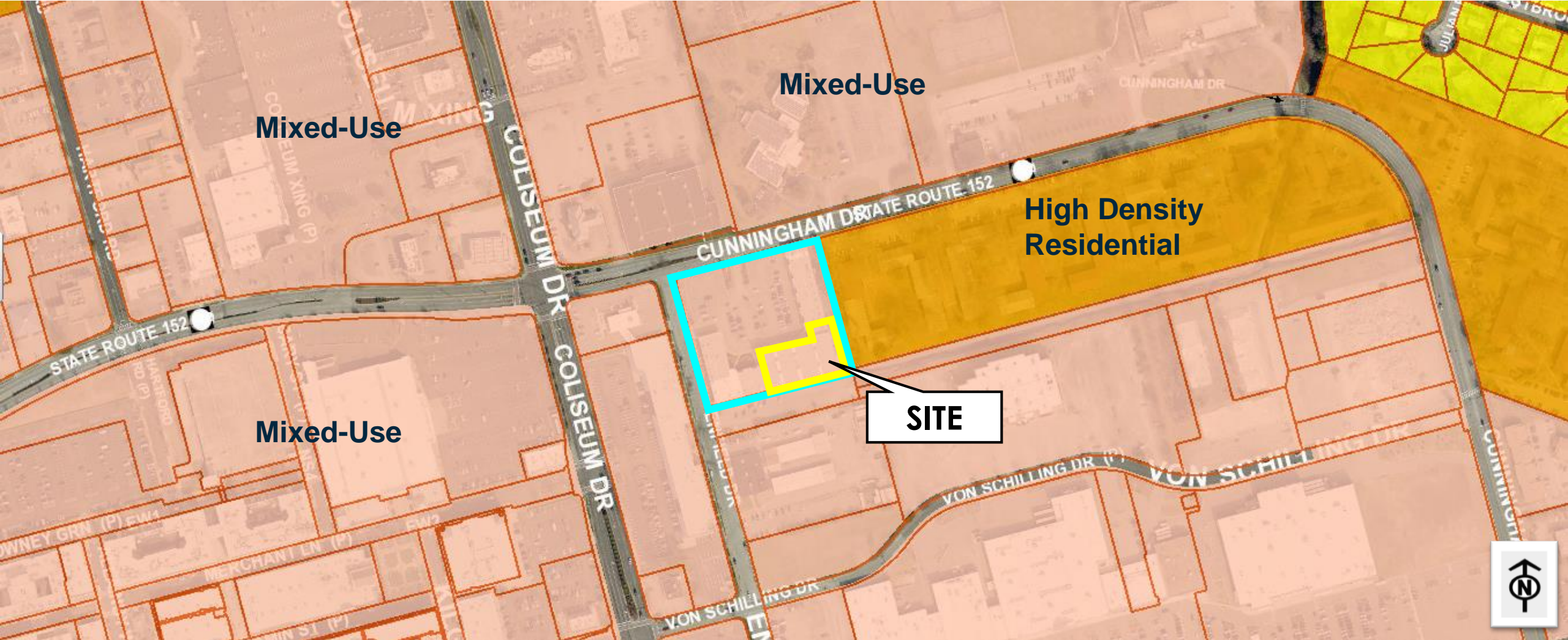
# Proposed Separation



# Zoning Map



# Proposed Future Land Use Map



Mixed-Use

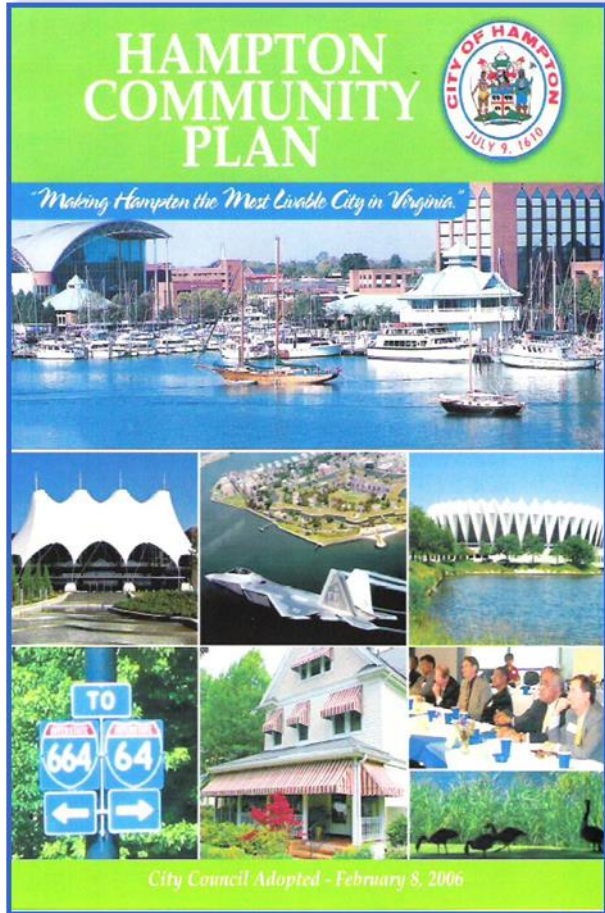
Mixed-Use

High Density Residential

Mixed-Use

SITE

# 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)

# Analysis



- Applicant has request 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

# Current 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 previously approved in UP25-0285
- 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 Current Conditions found in the Package

# Current Conditions Cont.



- 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
- Seven (7) total security guards are required on-site from 10:30 PM to 30 min after closing:
  - Five (5) security guards (1 per 100 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 2:00 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 Current Conditions found in the Package

# Optional 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 previously approved in UP25-0285
- **Security:**
  - To reduce the number of required security personnel required on nights when the event space is not in use.
  - The event space will operate on an as needed basis, and access would be restricted to the event space when it is not in use – 7 days notice is required.
  - Interior security personnel requirement is based on total occupancy allowance for restaurant/lounge (3 security) and event space (2 security) separately or used collectively (5 total)
  - All exterior security requirements would remain the same as the previously approved Use Permit No 25-0285.

\*Complete List of Optional Conditions found in the Package

# Community Meetings



- Previous community meetings were held on August 7, 2025 and August 27, 2025
- A community meeting was held on February 16, 2026

# In Summary



## Two separate requests:

- Extend the hours
- Reduce the number of required security personnel on nights when the event space is not in use

## Option 1

- Approve & extend operating hours & modify security conditions as proposed

## Option 2

- Approve in part & modify security conditions only (but not extend hours)

## Option 3

- Deny & retain all existing conditions

# Conclusion



- Applicant opportunity to present
- Public hearing
- Action
  - Planning Commission recommends **Denial** of the amended Use Permit Application No.26-0039 and uphold the approved Use Permit Application No.25-0285 with fourteen (14) conditions

# Optional 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 previously approved in UP25-0285
- **Security:**
  - To reduce the number of required security personnel required on nights when the event space is not in use.
  - The event space will operate on an as needed basis, and access would be restricted to the event space when it is not in use – 7 days notice is required.
  - Interior security personnel requirement is based on total occupancy allowance for restaurant/lounge (3 security) and event space (2 security) separately or used collectively (5 total)
  - All exterior security requirements would remain the same as the previously approved Use Permit No 25-0285.

\*Complete List of Optional Conditions found in the Package