

# STAFF EVALUATION

**Case No.:** Use Permit No. 25-0196

**Planning Commission Date:** July 17, 2025

**City Council Date:** August 13, 2025

**Prepared By:** Han Vu, City Planner

727-6252

**Reviewed By:** Milissa Story, Planning Manager

728-5244

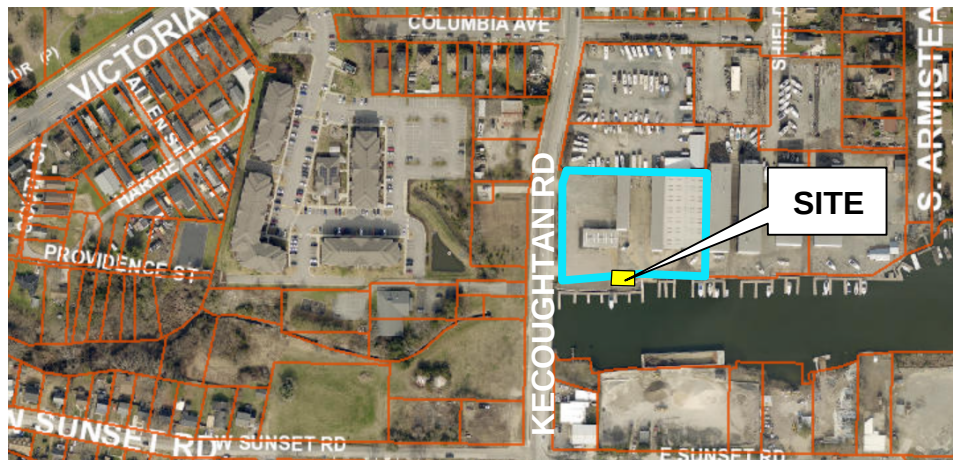
**Reviewed By:**

## General Information

*Applicant* Fishers Landing Eats, Inc.

*Property Owners* 800 S Armistead Avenue LLC.

*Site Location* 4330 Kecoughtan Rd [portion of LRSN: 2003800]



*Requested Action* Use permit to allow for a *restaurant 3* to expand existing outdoor dining beyond the provisions permitted through a Zoning Administrator Permit.

*Description of Proposal* The applicant is proposing to open a restaurant at the subject location, to expand the existing outdoor dining. The 1,026 square foot establishment would have an indoor dining area of 504 square feet with traditional tables and seating. The outdoor dining area is approximately 522 square feet to include bar seating oriented towards the waterfront.

*Existing Zoning* Light Manufacturing (M-2) District

*Existing Land Use* Vacant, formerly Restaurant

*Applicable Regulations* Within the M-2 District, *restaurant 1* is a by-right use. *Restaurant 1*'s can operate under the following requirements:

- Operating hours of 5 AM to 2 AM
- No retail alcohol sales

- No live entertainment
- No outdoor dining

Within M-2, restaurant 2's can operate under the following requirements:

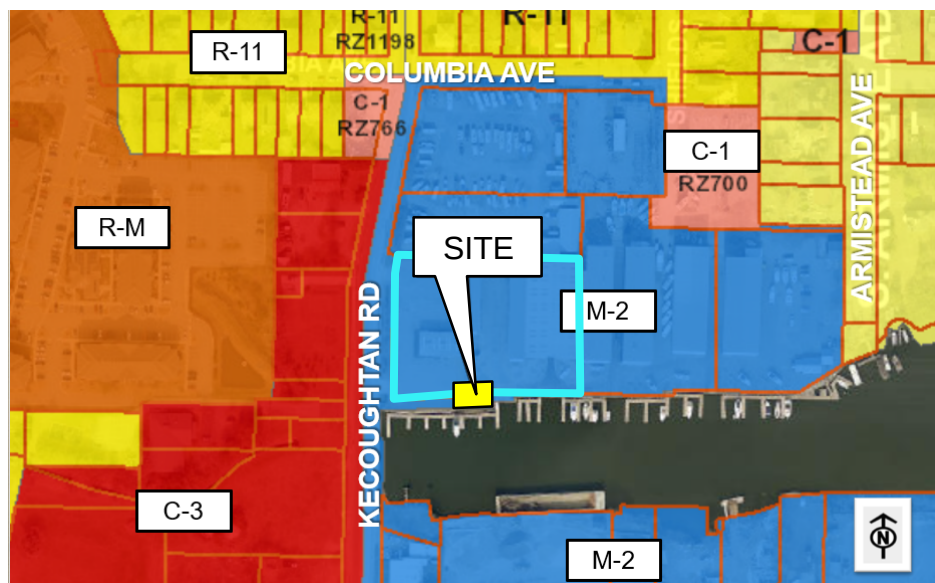
- Operating hours with retail alcohol sales: 5 am to 12 am
- Live entertainment is permitted, with limitations
- Outdoor dining is not permitted

Restaurants requesting to operate outside the conditions required for *restaurant 1* or *2* need to obtain a Use Permit. The applicant is requesting to expand the existing outdoor dining.

#### Surrounding Land Use and Zoning

**North:** One Family Residential (R-11) District; single family residential  
**South:** Light Manufacturing (M-2) District; manufacturing  
**East:** Light Manufacturing (M-2) District; manufacturing  
**West:** General Commercial (C-3) and Multiple Residential (R-M) District; multi-family & recreational facility

Surrounding Zoning Map:



#### Public Policy

##### **Hampton Community Plan**

The Hampton Community Plan (2006, as amended) recommends mixed-use for the subject property and adjacent properties to the north, south and east. The Plan recommends land use to the west is public/ semipublic.

Listed below are policies related to this request:

**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. Promote the efficient use of land and high-quality urban design.

**ED Policy 4:** Nurture small and start-up businesses.

**ED Policy 6:** Expand tourism, entertainment, and cultural opportunities within the city.

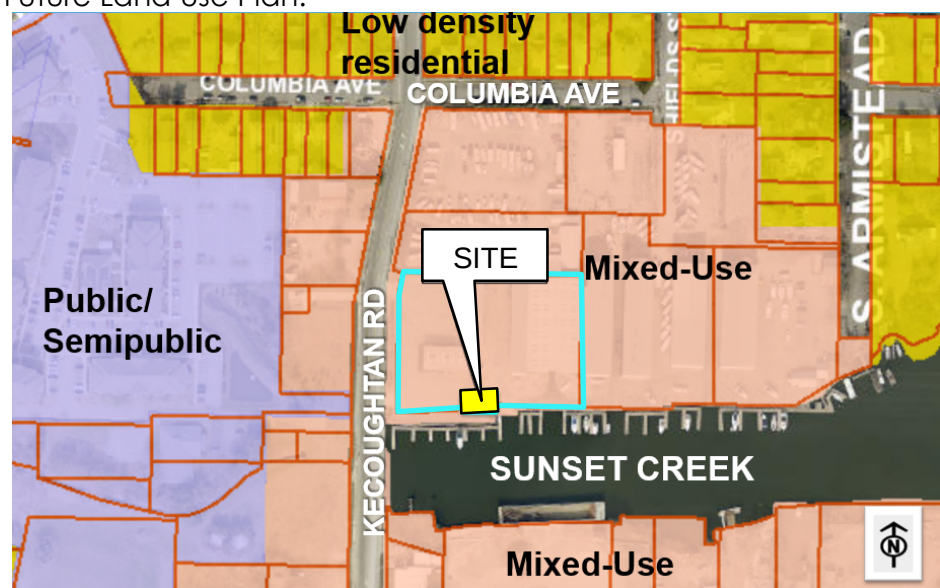
***Kecoughtan Corridor Master Plan:***

Overall, the Kecoughtan Corridor Master Plan (2006, as amended) recommends transforming Kecoughtan Road toward a residential boulevard with key commercial intersections. More specifically, the Plan recommends transitioning the ongoing conflict between industrial and single-family uses into a mixed-use development and water-oriented commercial uses along Sunset Creek.

***Future Land Use***

The Hampton Community Plan (2006, as amended) designates this area as mixed-use.

Future Land Use Plan:



|                          |                                                                                                                                                                           |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Traffic/Parking</i>   | Staff does not anticipate that the requested outdoor dining expansion would cause a significant or negative impact in the parking or traffic circulation within the site. |
| <i>Community Meeting</i> | To date staff is not aware that a community meeting has been held.                                                                                                        |

***Analysis:***

Use Permit Application No.25-0196 is a request for a Use Permit to operate a restaurant 3 to expand outdoor dining area beyond the provisions permitted through a Zoning

Administrator Permit (ZAP). The subject property is located at 4330 Kecoughtan Rd [portion of LRSN: 2003800]. The property is currently zoned Light Manufacturing (M-2) District, which allows for the proposed use to include outdoor dining, subject to an approved Use Permit.

Minimal physical changes to the site, along with necessary interior renovations to the building are proposed. The requested general hours of operation, including outdoor dining, are 11:00 AM to 9:00 PM, Monday through Sunday. The proposed restaurant would include alcohol sales. The applicant intends to utilize the 522 square feet of outdoor dining space as part of the overall operation of the restaurant 3 use.

Previous restaurants with outdoor dining, have operated at this location; however, the existing outdoor dining area is legal-nonconforming and is prohibited within Light Manufacturing (M-2) district in the Zoning Ordinance currently. The proposed restaurant, Fishers Landing Eats, would be under different management from the previous restaurant. The proposed restaurant would include a larger outdoor dining area when compared to the previous establishment, which is subjected to the approval of a use permit. The applicant has also provided information on surveillance cameras to ensure safety of customers and staff.

The Hampton Community Plan (2006, as amended) recommends mixed-use for the subject property. Additionally, the Plan calls for promoting compatibility and synergy among different land uses, encouraging a mix of land uses that is appropriate for each district, nurturing small and start-up businesses, and expanding tourism, entertainment, and cultural opportunities within the city. The Kecoughtan Corridor Master Plan (2006, as amended) recommends transitioning the ongoing conflict between industrial and single-family uses into a mixed-use development and water-oriented commercial uses along Sunset Creek.

If the Use Permit is granted, staff has identified nine (9) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Hours of operation for the restaurant, including outdoor dining, shall be limited to the following:
  - Monday-Sunday- 5:00 AM to 12:00 AMStaff recommended hours of operation are more permissive than the hours requested by the applicant to be consistent with other similar restaurant operations that have been granted a Use Permit.
- The applicant shall obtain and maintain any necessary licenses required by the Virginia Alcoholic Beverage Control Authority. The Use Permit will expire upon change of ownership, a change in possession, a change in the operation or management of a facility, or the passage of three (3) months without an active retail alcoholic beverage control license.

The full set of recommended conditions are included within the package. The conditioned hours are consistent with other restaurant with outdoor dining Use Permits granted.

Staff recommends **APPROVAL** of the Use Permit Application No. 25-0196 with nine (9) conditions.