

## STAFF EVALUATION

To: Planning Commission

**Prepared By:** Donald Whipple

728-5235

**Reviewed By:** Mike Hayes

728-5244

Bonnie Brown

727-6157

**Case No.:** Use Permit Application No. 19-00002

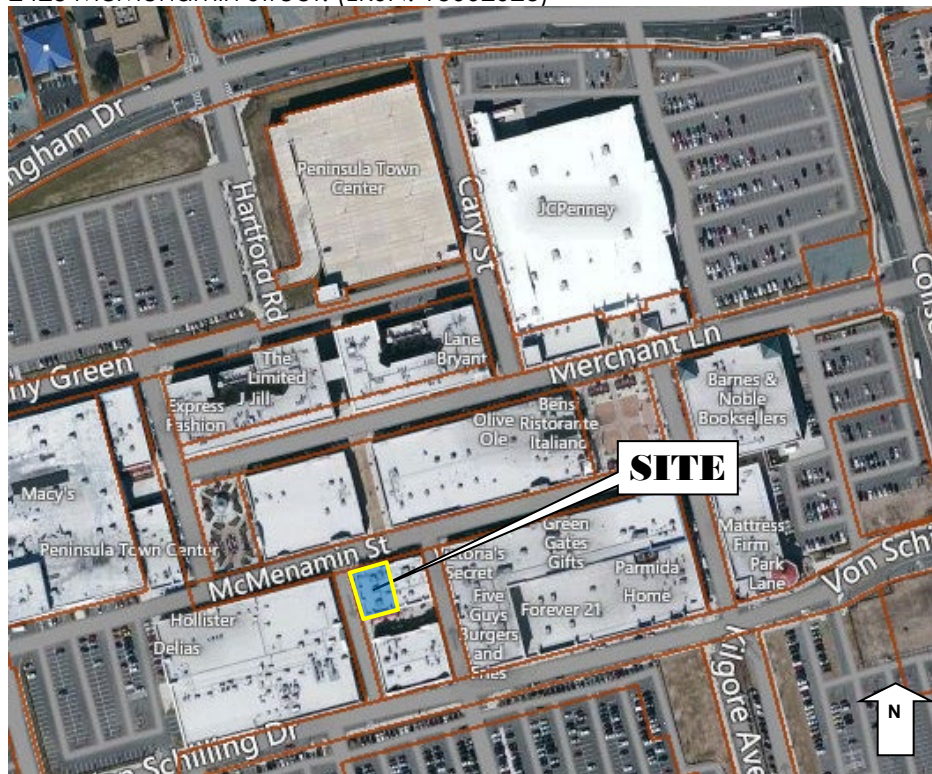
**Date:** 3/21/2019

### General Information

*Applicant* Juan Carrillo

*Owner* T Peninsula LMJ VA, LLC

*Location* 2423 McMenamin Street. (LRSN: 13002023)



*Requested Action* Use Permit to allow for indoor live entertainment 2 at an existing restaurant with a capacity greater than fifty (50) people.

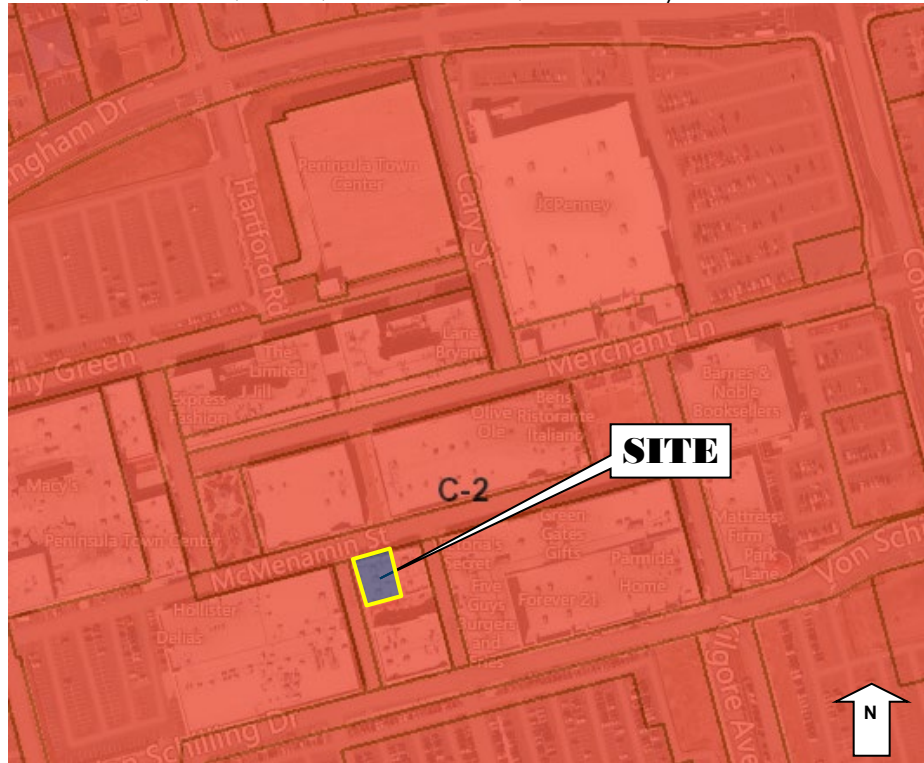
*Description of Proposal* The applicant is proposing to provide live entertainment inside the restaurant. The restaurant is located within Peninsula Town Center (PTC), where parking is shared between all the tenants. Requested live entertainment operating hours are from 11:00 AM to 9:00 PM Sunday, 11:00 AM to 10:00 PM Monday-Wednesday, 11:00 AM to 12:00 midnight

Thursday and 11:00 AM – 2:00 AM Friday-Saturday.

Existing Land Use Restaurant

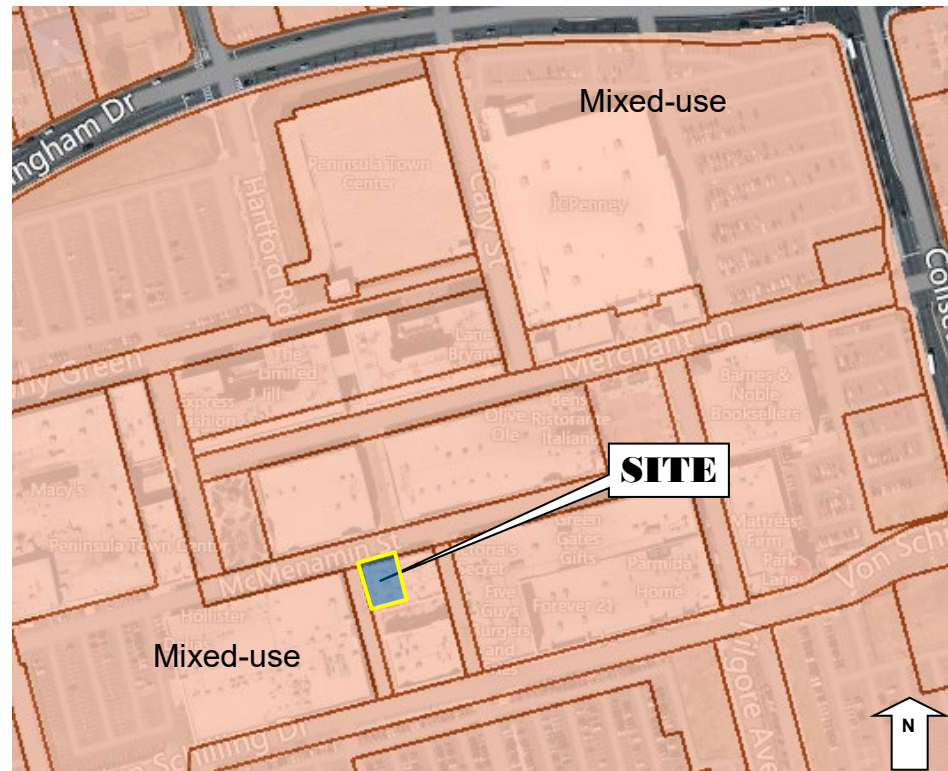
Zoning C-2 (Limited Commercial) District, and O-CC (Coliseum Central Overlay).

Surrounding Land Use and Zoning  
**North:** C-2, O-CC, Retail  
**East:** C-2, O-CC, Retail, Office  
**South:** C-2, O-CC, Restaurant  
**West:** C-2, O-CC, Retail, Entertainment, Multi-family Residential



Public Policy

The Hampton Community Plan (2006, as amended) recommends mixed-use for this property and adjacent properties in the Peninsula Town Center. The Coliseum Central Master Plan (2015 as amended) recommends transforming aging, auto-oriented retail centers into walkable mixed-use districts, containing both residential and commercial uses.



One of the eight "key vision qualities" for the Community Plan is a Healthy Business Climate, and a primary goal to achieving this is that Hampton will be a unique regional retail and entertainment destination.

Objectives and policies supporting this vision include:

**LU-CD Policy 6:** Support the City's economic development priorities; high wage jobs in targeted industry segments; regional retail and entertainment destination; first retail choice for Hampton residents; tourism destination and higher value housing.

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

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

The Coliseum Central Master Plan (2015, as amended) recommends for the Coliseum Drive North area (where Peninsula Town Center is located) to transform from aging, auto-dominant retail centers into walkable mixed-use districts, containing both residential and commercial uses. Additionally, the Plan advocates for building upon the economic success of Peninsula Town Center by increasing the Center's visibility and attracting customers to the shops, restaurants, and entertainment.

<i>Zoning History</i>	There are a number of restaurant establishments within Peninsula Town Center that currently have live entertainment permits. There have not been any previous live entertainment permits for the subject site.
<i>Applicable Regulations</i>	The C-2 district allows for live entertainment 2 subject to securing a Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimize project impacts on the adjoining properties.
<i>Traffic/Parking</i>	Because this proposal does not increase capacity at the restaurant, this use will not significantly impact traffic on Mercury Boulevard, Coliseum Drive, or other nearby roads. The restaurant is part of the Peninsula Town Center development which aggregates parking facilities for all tenants, and provides more than enough parking for the entire development and this use.
<i>Schools</i>	This proposal does not impact city schools.
<i>Environmental</i>	Because no physical changes are proposed for the building, newly created environmental impacts are not anticipated.
<i>Community Meeting</i>	At this time, no community meeting has been scheduled.

## Analysis

Juan's Mexican Café & Cantina is located at 2423 McMenamin Street, in the heart of Peninsula Town Center. The applicant is requesting a Live Entertainment 2 use permit. Live entertainment will feature space for live music, karaoke, DJ, and dancing. Performance space is only proposed to be indoors. The City of Hampton's Zoning Ordinance allows for Live Entertainment 2 in Limited Commercial (C-2) Districts with the approval of a use permit. The restaurant is also located in the Special Public Interest – Coliseum Central (SPI-CC) Overlay District.

Staff recommends permitted live entertainment operating hours be from 11:00 AM to 10:00 PM Sunday, 11:00 AM to 10:00 PM Monday-Wednesday, 11:00 AM to 12 midnight Thursday, and 11:00 AM – 2:00 AM Friday-Saturday. These hours are in accordance with use permits previously recommended by city staff and issued for similar establishments (see Table 1 below). Staff is recommending the hours of operation requested by the applicant to be expanded slightly in order to allow for future operational flexibility. The hours also only relate to live entertainment and do not govern the restaurant operation, including alcohol sales. Prior to Juan's Mexican Café & Cantina, Abuelo's, a restaurant and bar, occupied 2423 McMenamin Street; however, no live entertainment permit was requested by or granted for that establishment hours of operation requested by the applicant in order to allow for future operational flexibility.

The nearest residences are located in Axis Apartments located above retail and adjacent to the theaters and bowling alley at McMenamin Street and Allainby Way; and the Chapman Apartments located above retail stores between Merchant Lane and Downey Green. The proposed live entertainment is limited to indoors only, so there is no expectation that there will be ambient noise concerns for residents or other surrounding tenants.

The applicant does propose clearing a portion of the dining area to create a dance floor, which increases the potential number of occupants and the number of required parking spaces compared to a restaurant with only a seating area. Peninsula Town Center was created as one large development comprised of a mix of residential, office, retail, restaurants, and entertainment uses that share parking among all the tenants. There is adequate existing parking to accommodate this expanded use.

The proposed Live Entertainment 2 use permit for Juan' Mexican Café & Cantina is consistent with the Hampton Community Plan (2006 as amended), which has a goal to make Hampton a unique regional retail and entertainment destination and recommends nurturing small and start-up businesses. The Coliseum Central Master Plan (2015, as amended) further recommends Coliseum Central as an area in which to concentrate commercial activity. Additionally, live entertainment 2 use permits in similar locations and with similar facilities have been previously approved by City Council.

If this application is approved, staff recommends attaching conditions that will limit the impact of the use on neighboring uses. These conditions address aspects of the operation of the live entertainment including hours of operation, location of live entertainment, and noise/sound.

***Staff recommends approval of Use Permit Application #19-00002 with 12 conditions.***