



PROPOSED REVOCATION USE PERMIT NO. 26-0039

Southern Comfort Restaurant & Lounge, LLC
2163 & 2165 Cunningham Drive
Planning Commission
May 21, 2026



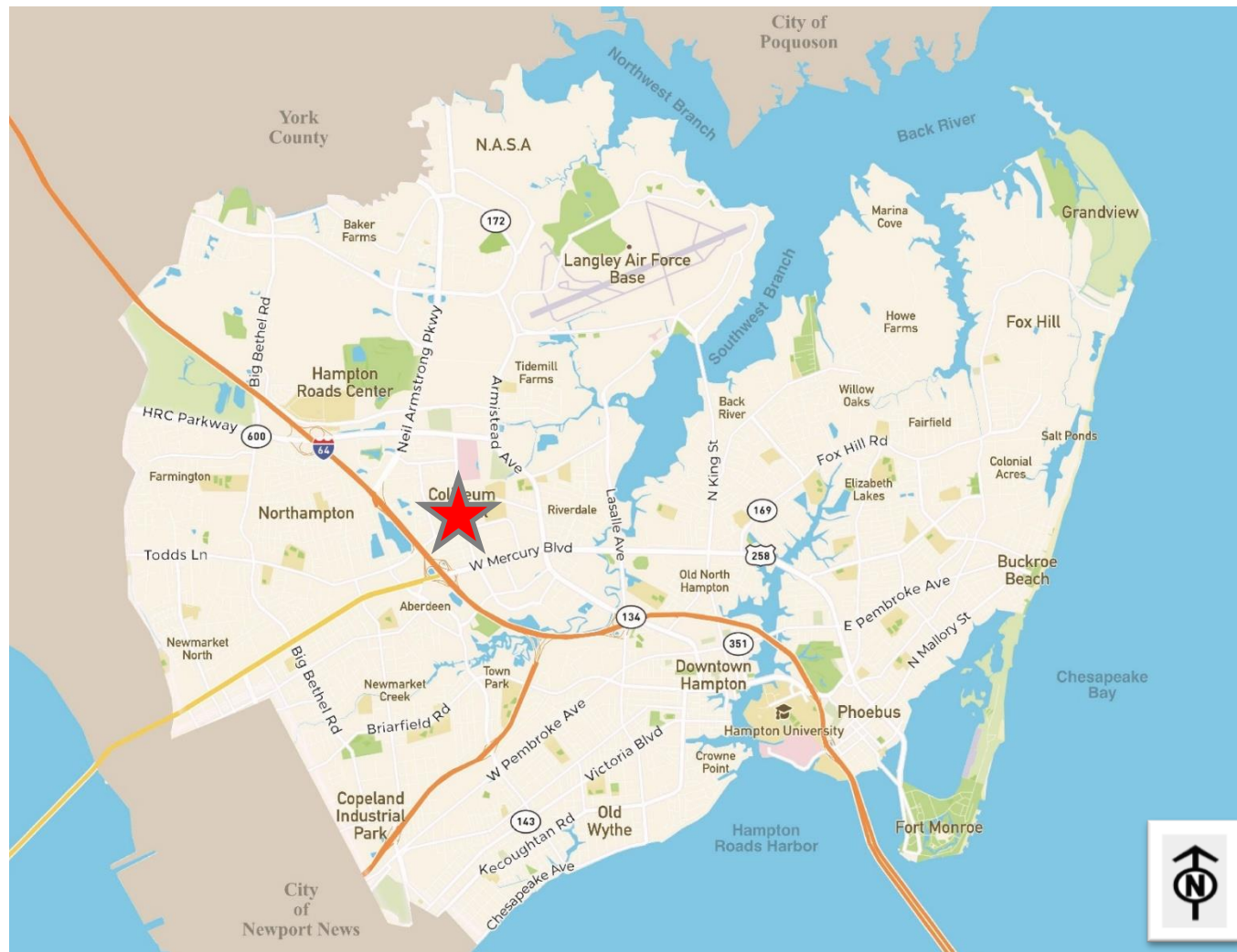
REVOKING A USE PERMIT

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 is the same as those to approved a UP.

-Hampton Zoning Ordinance § 14-11

LOCATION MAP



LOCATION MAP





HISTORY

- **September 9, 2020**
- Southern Comfort Restaurant & Lounge obtained ownership of 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, and 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
- Southern Comfort sought this ZAP to extend the hours of operation to 12:00 AM pending the Restaurant 3 Use Permit.



HISTORY

- **December 10, 2025**
- Southern Comfort Restaurant & Lounge received Use Permit 25-0285 to operate as a “Restaurant 3” with hours extending until 2:00 AM on a limited schedule and allowing for live entertainment.
- Hours of Operation:
 - Daily 5:00 AM to 12:00 AM Sunday - Thursday
 - 5:00 AM to 2:00 AM Friday - Saturday and Holidays
 - Compliance with all laws, including ABC licensing
 - Floor Plan
 - Live Entertainment
 - Security personnel was calculated based on the total approved occupant load of the entire establishment
 - Any applicable outdoor dining



HISTORY

- **March 11, 2026**
- Southern Comfort sought amendments to Use Permit 25-0285 to modify security requirements and extend hours of operation.
- Use Permit 26-0039 was issued granting the request in part:
 - Hours of Operation: Council declined to amend the hours of operation.
 - Security requirements separated the “Event Space” area from the main restaurant area and modified security requirements:
 - 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. Establishment required to notify HPD in advance of any use of the Event Space.
 - Security personnel requirements were reduced by two (2) officers on nights when the Event Space is not in use, based solely on the approved occupant load of the lounge and restaurant areas
 - All exterior security requirements remained the same as the previously approved Use Permit 25-0285.

UP 26-0039 CONDITION #8: Security



- That security “monitor and control patron behavior inside the Restaurant and upon their exit from the building into the parking lot and surrounding areas.” (Condition 8(a))
- That the Restaurant shall maintain “no fewer than two (2) [security] officers to patrol the parking lot and monitor and control patron behavior from 10:30 p.m. until 30 minutes after closing each night.” (Conditions 8(b) and (c))
- That the “Restaurant shall contract (2) extra duty police officers from the Hampton Police Division to serve from 10:30 pm until 30 minutes after closing on any night when the Restaurant is open past 12:00 am.” (Condition 8(d))
- That “Restaurant and its security personnel shall take all reasonable measures to prevent an act of violence from occurring on the premises of the Restaurant, the parking areas for the Restaurant, or on any portion of public property immediately adjacent to the Restaurant premises and parking areas.” (Condition 8(e))
- That “Restaurant shall notify the City of Hampton, Chief of Police or their designee in writing not less than seven (7) calendar days before any use of the EVENT AREA by patrons. The presence of any patrons in the EVENT AREA without such advance notice will constitute a violation of this Use Permit.” (Condition 8(f))

UP CONDITION #8: Security - Noncompliance



- Around 2:08 a.m. on April 5, 2026, a shooting occurred outside of Southern Comfort Restaurant & Lounge in the parking lot immediately adjacent to the establishment. Security staff were not patrolling the parking lot at the time of the shooting. The security staff were not monitoring patron behavior as this incident occurred, and no security staff reported the shooting to HPD.
- On the night of April 4, 2026, into April 5, 2026 (the night of the above mentioned shooting), there was a DJ performing in the Event Area described in Condition #8. Permitholder did not communicate this event in advance to the Chief of Police.
- On April 11, 2026, Southern Comfort Restaurant Lounge advertised for and held another event featuring DaBaby. This event was also held in the Event Space. Permitholder did not notify the Chief of Police in writing in advance of this event.



UP Condition #11 - Criminal Investigations

- That “[a]ny criminal activity observed by Restaurant staff or security personnel shall be reported to the Hampton Police Division, and Restaurant staff and security personnel shall cooperate with the Hampton Police Division in their investigation into the criminal activity.” (Condition 11(a))
- That “[t]he Restaurant shall install and maintain (2) external cameras for the purpose of monitoring the entryways of the Restaurant and provide continuous access to these cameras to The Hampton Police Division’s Real Time Information Center (RTIC).”



UP Condition #11 - Criminal Investigations - Noncompliance

- On April 5, 2026, no one from security personnel or Restaurant staff reported the shooting to HPD. Sentara Careplex reported the shooting to HPD when the victim arrived there for treatment. During the investigation, an employee admitted to hearing a gunshot.
- As part of HPD's investigation into the shooting, HPD requested the video surveillance footage from Permitholder. Permitholder explained that the outside cameras were not functioning properly. HPD later learned that the cameras had never been connected to HPD's RTIC system.



UP Condition #4

- That “[n]o exterior or interior window treatment [. . .] shall be installed that would impede visibility into the Restaurant from the outside while the Restaurant is in operation.”
(Condition #4)

UP Condition #4 Noncompliance



- The current window treatment “impede[s] visibility into the restaurant from the outside

HPD ENFORCEMENT HISTORY



April 5, 2026: Shooting:

Dispatch received a call from Sentra Careplex in reference to a walk-in gunshot victim. Dispatch was advised the incident happened at SOCO. Units arrived on scene, checking for a crime scene. Multiple Security guards were in the parking lot, The guards communicated they did not hear any shots or see anything. One security guard spoke with a Sergeant on scene and stated he was inside, heard a pop that he thought was a gunshot, and came outside to see multiple people fleeing. He communicated the owner wasn't on scene because it wasn't his night, and a promoter was running the event that evening.

HPD ENFORCEMENT HISTORY



- **May 6, 2026: Fights**

The following video exhibits two fights that occurred in SOCO that evening. One earlier in the night between two females and the second is much larger fight involving multiple people. During the second altercation pepper spray was deployed by security. He can be seen trying to separate the parties involved. One subject was choked unconscious while being punched in the face multiple times by a second subject. Mr. Gomez confirmed that the incidents occurred. The incident begin with arguing between subjects and a security guard who was standing nearby failed to act or intervene in any way. Mr. Gomez advised that guard has been barred from working at SOCO for failing to act . The business was open past midnight. Cinco de Mayo is one of the listed holidays the business is allowed to operate past midnight.

May 6th Video





GROUNDNS FOR REVOCATION

- Failure to comply with UP Condition #8 - Security
 - Failure to notify the Police Chief in writing prior to the events
 - Failure to monitor and control patron behavior
 - Failure to take reasonable measures to prevent an act of violence
 - Failure to monitor the parking lot until thirty minutes after closing
- The current window treatment “impede[s] visibility into the restaurant from the outside (UP Condition #4)



GROUNDNS FOR REVOCATION

- Failure to comply with UP Condition #11- Criminal Investigations
 - Failure to maintain surveillance equipment
 - Failure to connect to the Real Time Information Center (RTIC)
 - Failure to report criminal activity to HPD
 - Failed to cooperate with HPD in an investigation into criminal activity



Conclusion

- Permitholder opportunity to present
- Public hearing
- Action
 - Staff recommends **REVOCAATION** of Use Permit No. 26-0039