

STAFF EVALUATION

Case No.: Use Permit No. 23-0312

Planning Commission Date: December 14, 2023

City Council Date: January 10, 2023

Prepared By: Davis Pemberton, City Planner 728-2040
Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Reviewed By: Jessica Kraus, Assistant City Attorney

General Information

Applicant A & A Loyalty Group LLC d/b/a Karma Restaurant & Lounge

Property Owners Charles A. Wornom Revocable Living Trust

Site Location 87 Lincoln Street [portion of LRSN: 2003249]



Requested Action Use permit to allow for a *restaurant 3* for expanded general hours of operation and expanded hours of indoor live entertainment beyond the hours permitted through a Zoning Administrator Permit

Description of Proposal The applicant is proposing expanded operating hours of their restaurant, Karma Restaurant & Lounge. The establishment has a bar area, traditional tables and seating, and a 30 square foot (approx.) area for indoor live entertainment.

Existing Zoning Downtown Business (DT-1) District

Existing Land Use Restaurant 2

Applicable Regulations

The Zoning Ordinance has a three-tiered system for categorizing restaurants. Within the DT-1 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 DT-1, *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 permitted, with limitations

Restaurants requesting to operate outside the conditions required for *restaurant 1* or *2* need to obtain a use permit. The applicant is requesting exceeding the live entertainment performance area requirements.

Surrounding Land Use and Zoning

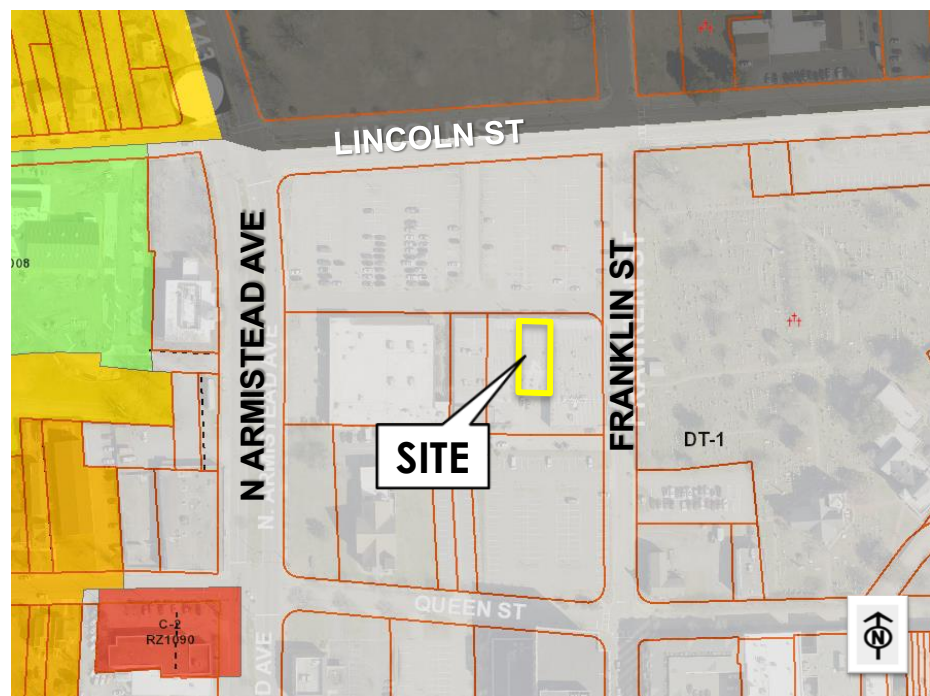
North: Downtown Business (DT-1) District; parking

South: Downtown Business (DT-1) District; office, government

East: Downtown Business (DT-1) District; cemetery

West: Downtown Business (DT-1) District; general retail and religious 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, east, and west.

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.

Future Land Use

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

Land Use Plan:



Downtown Hampton Master Plan:

The property is located in the Downtown Hampton Master Plan (2017, as amended) area, more specifically the Salters Creek Landing & Franklin Street Corridor Initiative Area. While the subject use or property are not expressly mentioned, the Plan does place a priority on creating a vibrant downtown with retail and restaurants.

Traffic/Parking

Staff does not anticipate that the requested hours of operation would cause a significant or negative impact in the parking within the shopping center.

Community Meeting

A community meeting has not been scheduled at this time.

Analysis:

Use Permit Application No. 23-0312 is a request for a use permit for a restaurant 3 to exceed the hours of operation and the hours of indoor live entertainment permitted under a Zoning Administrator Permit (ZAP). The subject property is located at 87 Lincoln Street [portion of LRSN: 2003249]. The property is currently zoned Downtown Business (DT-1) District, which allows for the desired use, subject to an approved use permit.

There will be no outdoor dining or outdoor live entertainment. Live entertainment will be conducted inside of the building. In relation to the expansion of general operating hours, no significant physical changes to the building are proposed, nor an increase in capacity. Therefore, additional environmental or traffic impacts are not anticipated. The requested hours of operation for the restaurant are from 4:00 PM until 10:00 PM, Sunday through Thursday, and 4:00 PM until 2:00 AM, Friday and Saturday. The requested hours of indoor live entertainment for the restaurant are from 7:00 PM until 2:00 AM, Friday and Saturday. Indoor live entertainment is not proposed for the remainder of the week.

The Hampton Community Plan (2006, as amended) 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 property is also located in the Downtown Hampton Master Plan (2017, as amended), and while the subject use or property are not specifically called out, the Plan does place a priority on creating a vibrant downtown with retail and restaurants.

If the use permit is to be granted, staff has identified twelve (12) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Hours of operation shall not exceed 5:00 AM to 12:00 AM Sunday through Thursday, and 5:00 AM to 2:00 AM Friday through Saturday.
- Location of Live Entertainment will be conducted inside the building only and shall be limited to the area indicated on the attached floor plan identified as "Live Entertainment Area," attached as Exhibit B to the conditions.
- Security services shall be provided that monitor activities both inside and outside the restaurant.
- 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 conditioned hours are consistent with other live entertainment and restaurant use permits granted in this district.

Staff recommends **APPROVAL** of the Use Permit Application No. 23-0312 with twelve (12) conditions.