

STAFF EVALUATION

Case No.: Use Permit No. 26-0039

Planning Commission Date: February 19, 2026

City Council Date: March 11, 2026

Prepared By: Donald Whipple Chief Planner

728-5235

Reviewed By: Milissa Story, Planning Manager

728-5244

Reviewed By:

General Information

Applicant Southern Comfort Restaurant & Lounge, LLC

Property Owners Battlefield Consolidated Properties, LLC

Site Location 2163 & 2165 Cunningham Dr [portion of LRSN: 7001532]



Requested Action Use permit to allow for a *Restaurant 3*, to include alcohol sales and indoor live entertainment, with extended hours of operation and relaxed security requirements beyond the provisions permitted through a previously approved Use Permit.

Description of Proposal The applicant is proposing to extend the operational hours of the existing restaurant, and to relax the previously approved security requirements.

Existing Zoning Limited Commercial (C-2) District

Existing Land Use The applicant currently operates the establishment as a restaurant 3 under a previously approved Use Permit 25-00285.

Applicable Regulations

Within the C-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 C-2, *Restaurant 2*'s can operate under the following requirements with an approved Zoning Administrator Permit (ZAP):

- 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. This application is requesting to amend the previously approved Use Permit to extend the hours of operation and allow for more relaxed security requirements.

Surrounding Land Use and Zoning

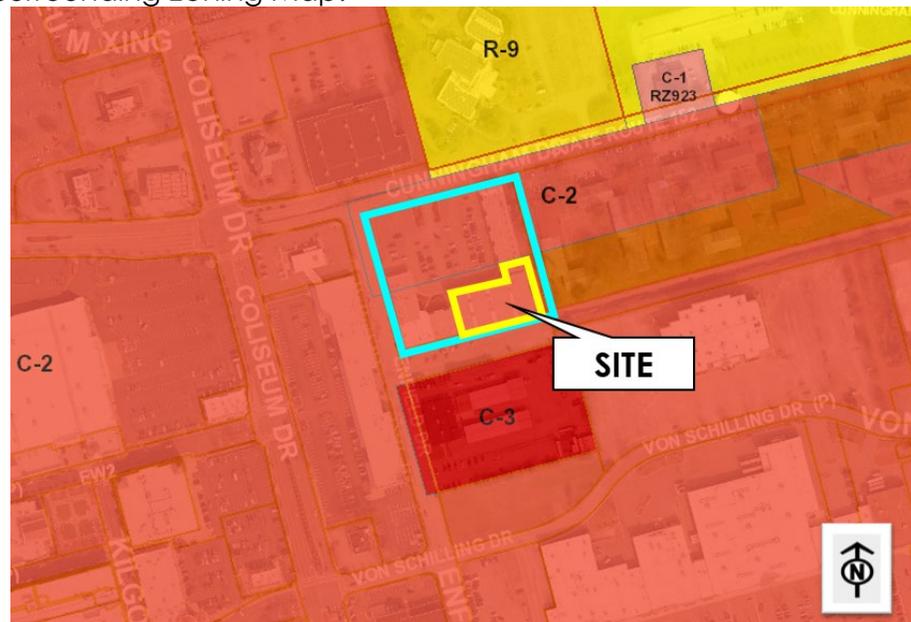
North: Limited Commercial (C-2) & One family Residential (R-9) Districts; general retail sales and religious facility

South: General Commercial (C-3) District; general retail sales

East: Limited Commercial (C-2) and Multiple Residential (R-M) Districts; multifamily residential

West: Limited Commercial (C-2) District; general retail, general retail sales

Surrounding Zoning Map:



Public Policy

Hampton Community Plan

The Hampton Community Plan (2006, as amended) and Coliseum Central Master Plan (2015, as amended) recommends mixed-use for the subject property and adjacent properties to the north, south, and west.

Listed below are policies related to this request:

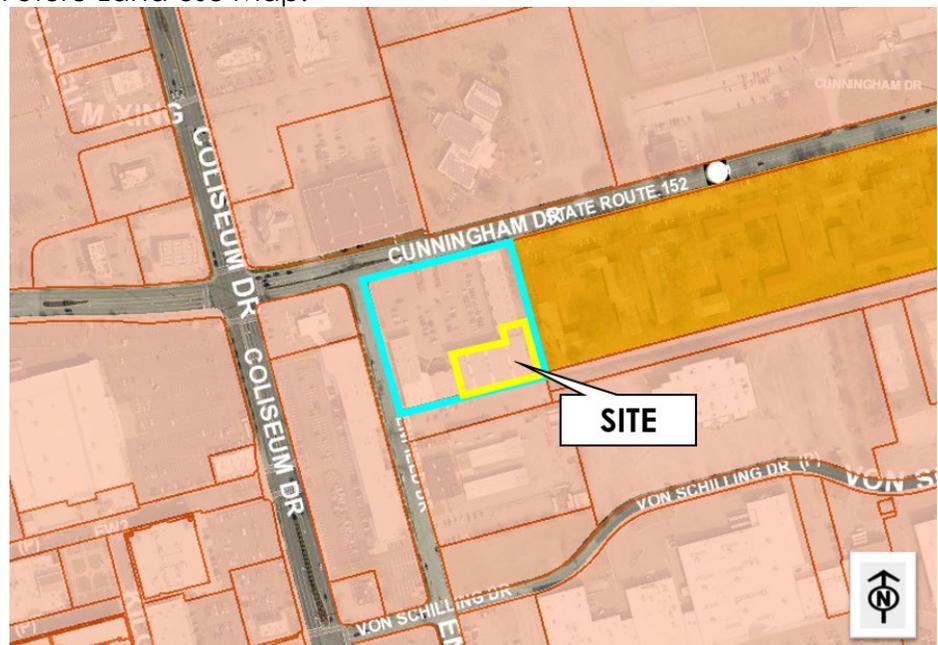
LU-CD Policy 3: Promote compatibility and synergy among different land uses.

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 Map:



<i>Traffic/Parking</i>	Staff does not anticipate that the requested hours of operation would cause a significant or negative impact in the parking within the shopping center.
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<i>Community Meeting</i>	Two (2) community meetings were held on August 7 th and August 27 th , 2025 associated with the previous application No. 25-0285. A community meeting is scheduled for February 16, 2026 in conjunction with the amended application No. 26-0039.
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Analysis:

Use Permit Application No. 26-0039 is a request for a Use Permit to operate a restaurant 3 to extend the general hours of operation, to include alcohol sales and indoor live entertainment restricted to the area of the restaurant and lounge excluding the event

space Access 2.0 to reduce the number of required security personnel required on nights were a special event or private party is not utilizing the event space. The subject property is located at 2163 & 2165 Cunningham Dr [portion of LRSN: 7001532], which are two suites in a shopping center. The property is currently zoned Limited Commercial (C-2) District, which allows for the desired use, subject to an approved Use Permit.

Both suites at the subject location currently operates under Use Permit No. 25-0285, which was issued on December 10, 2025, subject to 14 conditions.

Under the applicant's revised proposal, the general hours of operation would be 11:00 AM to 2:00 AM seven days per week. The applicant is requesting a use permit that would allow him to operate the restaurant and lounge separate from the event space and to base the security requirements on the occupancy of those two portions of the business separately depending on which is in use. The applicant would still operate the event space on an as needed basis, and access would be restricted to the event space when it is not in use.

The future land use map in the Hampton Community Plan (2006, as amended) recommends mixed-use for the subject property as well as the surrounding area. 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 property is also located in the Coliseum Central Master Plan (2015, as amended).

If the Use Permit is granted, staff has identified fourteen (14) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- General hours of operation for the restaurant, shall be limited to the following:
 - 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
- Hours of operation for the indoor live entertainment shall be limited to the hours of general operation as stated above.
- Location of live entertainment will be conducted inside the building only and shall be limited to the areas 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 restaurant staff and security personnel shall report and cooperate with Hampton Police Division in their investigation into all criminal activity.
- 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.

Note that staff recommended hours of operation are more restrictive than the hours requested by the applicant. Although the business is located within Coliseum Central Overlay District, existing residences are nearby and permitting the business to remain open with live entertainment until 2:00 AM every day of the week could present a negative impact on those residences. The Coliseum Central District is intended to encourage a balanced mix of retail, dining, and entertainment uses while maintaining compatibility with surrounding residential areas and ensuring a safe commercial environment. In addition, the Future Land Use Map designates the surrounding properties for multifamily residential use, which can be negatively impacted by an establishment remain open with live entertainment and alcohol sales until 2:00 AM daily.

The full set of recommended conditions is included within this report. The conditioned hours of operation are consistent with those conditions recommended by staff in previous Use Permits to allow for restaurants with indoor live entertainment and alcohol sales granted within the City.

Staff recommends **denial** of Use Permit Application No. 26-0039 to amend the previous use permit application by modifying the security requirements and to extend the hours of operation; and uphold the previously approved conditions of Use Permit Application No. 25-0285.