

# STAFF EVALUATION

To: Planning Commission

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**Case No.:** Use Permit Application #21-00005

**Date:** 6/17/2021

## General Information

*Applicant* Terry Riddick

*Property Owner* Provo Properties, LLC

*Location* 20 W. Mercury Boulevard [LRSN 8001841]



*Requested Action*

Application to operate a private club/lodge, which is permitted in Neighborhood Commercial (C-1) District, subject to an approved use permit.

*Description of Proposal*

Best Kept Secret – Stop the Violence is a charity, fundraising organization that advocates for at risk youth. Their stated mission is to keep youth focused on education and to help them make right decisions, encouraging them to choose better alternatives to gang activities. Daily activities of the facility include mentoring and counseling young people as well accepting donations and distributing resources. In addition, the applicant intends to host fundraising events, primarily on the weekends. Examples of fundraising activities and events include Christmas toy drive and giveaway, charity donation drives, fundraising dinners, etc. The daily activities by themselves could be classified as an office use; however, the proposed fundraising events as described by the applicant has been determined to function as a private club/lodge. Said events could

include such activities as food and drink service, live music, dancing, raffles, etc., which are similar to common activities of a private club/lodge. Although the organization has been operating at the subject for approximately 16 months, there have not been any documented events since the applicant was notified in March 2021 of the need for a use permit. Proposed hours of operation provided by the applicant are: 9:00 AM to 5:00 PM, daily, for main office hours and youth programs and activities; and 7:00 PM to 11:30 PM, Friday, and 1:00 PM to 11:30 PM, Saturday, for fundraising events/activities. As indicated by the applicant, there are typically 1 to 10 people on site during the week with up to 75 people on the weekends. Although the total number of attendees would fluctuate based the various fundraising events, the building capacity is limited to 158 people.

*Parking*

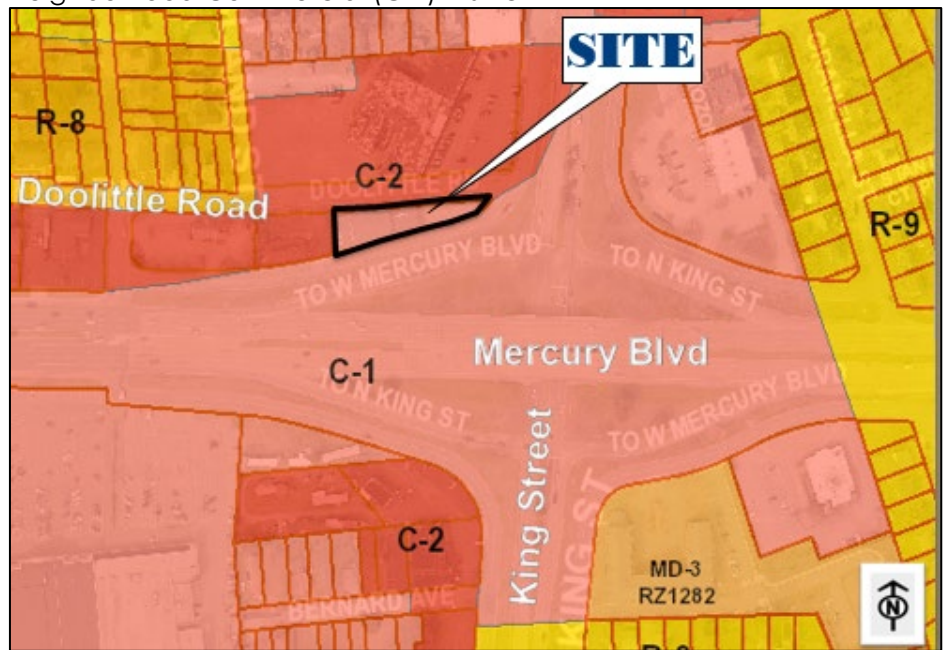
There is limited parking on site; however, there is a current shared parking agreement with 1109 N. King Street for 25 parking spaces of a parking area located in the rear of the property, directly across Doolittle Road from the subject site at 20 W. Mercury Blvd.

*Existing Land Use*

Commercial building; formerly a restaurant

*Existing Zoning*

Neighborhood Commercial (C-1) District



*Surrounding Land Use and Zoning*

- North:** Limited Commercial (C-2) – shopping center
- South:** Limited Commercial (C-2) – shopping center
- East:** Neighborhood Commercial (C-1) – general retail
- West:** Limited Commercial (C-2) – restaurants

Public Policy



The Hampton Community Plan (2006, as amended) provides goals, objectives, and policies for the future of Hampton, which includes recommendations for appropriate land uses. Land use recommendations for the subject is commercial.

The Plan defines commercial land use as “mercantile uses serving neighborhood, community, and regional areas, including retail, food, lodging, personal services, and offices.”

Additional applicable policies from the Community Plan include:

**LU-CD Policy 23:** Promote family, school, and community interaction at the neighborhood level.

**LU-CD Policy 26:** Promote access to educational, social, civic, recreational, and employment opportunities particularly for youth and seniors.

**LU-CD Policy 36:** Protect adjacent neighborhoods and promote compatible land uses within the city’s residential corridors. Compatible uses include medium and low density residential and public/semi-public uses (churches, community facilities, schools, etc.)

Traffic Impact

Based on the proposed use the traffic is expected to be minimal.

Community Meeting

A community meeting has been scheduled for June 14, 2021.

### Analysis

The applicant is proposing to operate a charity organization, Best Kept Secret – Stop the Violence, for the purpose of hosting programs and fundraising events to benefit young people. Proposed events could include such activities as dinners, live music, dancing, raffles, etc., which are similar to common activities of a private club/lodge. Per the submitted floor plan, the activities and events described by the applicant will take place in the open area adjacent to the bar. Based upon the activities that would occur on site according to the applicant's description, the use has been determined to be a private club/lodge. Per the Zoning Ordinance a private club/lodge is permitted in Neighborhood Commercial (C-1) Districts, subject to securing an approved use permit. According to the applicant, the organization has been operating out of the subject location at 20 W. Mercury Blvd over the past 16 months; however, since the applicant was informed that a use permit was required for a private club (March 2021) there have not been any documented events. Thus, the organization has been operating as an office without events until a use permit for a private club has been obtained.

The applicant has indicated the general hours of operation would be from 9:00 AM to 5:00 PM, daily, for main office hours and youth programs and activities; and 7:00 PM to 11:30 PM, Friday, and 1:00 PM to 11:30 PM, Saturday, for fundraising events/activities. Per the applicant, up to 10 people would routinely be on site during the week; however, fundraising events could include up to 75 people on the weekends. Staff recommends a condition that limits the number of people to the building capacity as determined by the building official. Per the recommended conditions, staff has proposed expanding the hours of operation to be consistent with other private clubs/lodge applications. Staff has recommended the hours of operation to be limited to the following:

- Sunday – Thursday: 8:00 AM until 12:00 AM
- Friday – Saturday: 8:00 AM until 2:00 AM

Although there is a limited amount of on-site parking, there is a shared parking agreement in place with the property at 1109 N. King Street. The agreement specifically allots 25 parking spaces for use by 20 W. Mercury Blvd in order to meet the parking requirement of the zoning ordinance. This parking area, located in the rear of the 1109 N. King Street property, is directly across Doolittle Road from the subject property.

One of the visions set out in the Community Plan is that "Hampton will thrive as a diverse community which celebrates, supports, and encourages positive people to people relations as a foundation for community success." The proposed private club/lodge facility is consistent with the *Hampton Community Plan (2006 as amended)*, which recommends promoting family, school, and community interaction at the neighborhood level, as well as promoting access to educational, social, civic, recreational, and employment opportunities particularly for youth. The proposed private club/lodge would be an acceptable use and would be compatible with the surrounding commercial uses. Also, the proposal would be consistent with the land use recommendations and policies of the Community Plan.

Staff has received comments from a community resident who opposes the proposed use based on concerns of behaviors typically associated with a private club; such as, late operating hours, noise, alcohol use, parking, music, and safety. Staff has proposed thirteen (13) conditions on the proposed operation which address the issuance of permit, hours of operation, capacity, parking, security, sound; as well as potential live entertainment and gaming operations, and third party events. A community meeting is scheduled for Monday, June 14, 2021 and staff will have the opportunity to understand more from the community prior to the Planning Commission public hearing. This may lead to a set of updated conditions, most likely related to the proposed fundraising events. With the proposed conditions in place, staff believes the proposed private club/lodge would be appropriate for this location.

**Staff Recommendations: Approval of Use Permit Application No. 21-00005 with thirteen (13) conditions.**