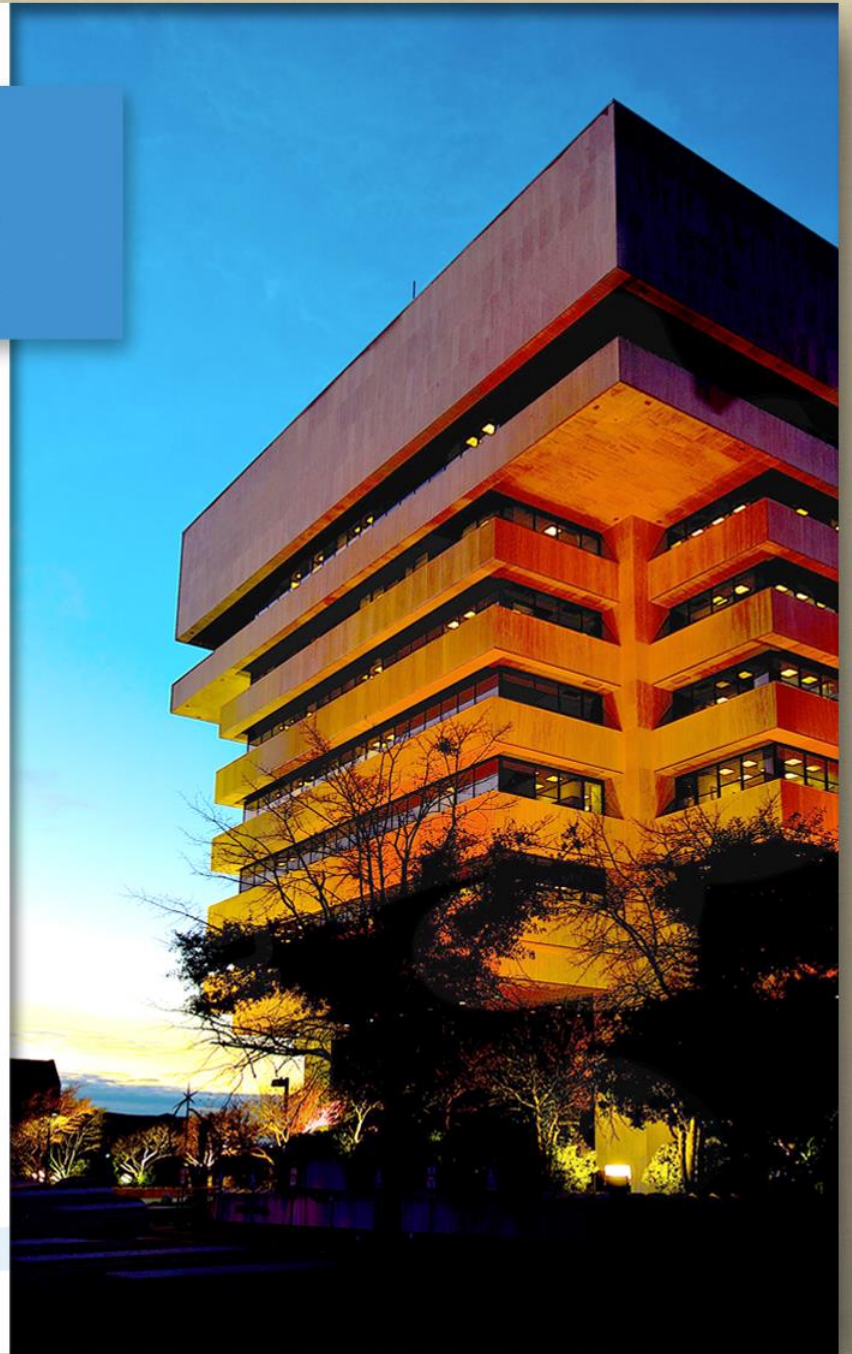


HAMPTON VA

Item #21-0138

**1405 E Pembroke Ave
Pharaoh's Bar & Hookah**

**City Council
July 14, 2021**



Application

Use Permit to allow for a restaurant with alcoholic beverage license to operate past 10 PM

Application

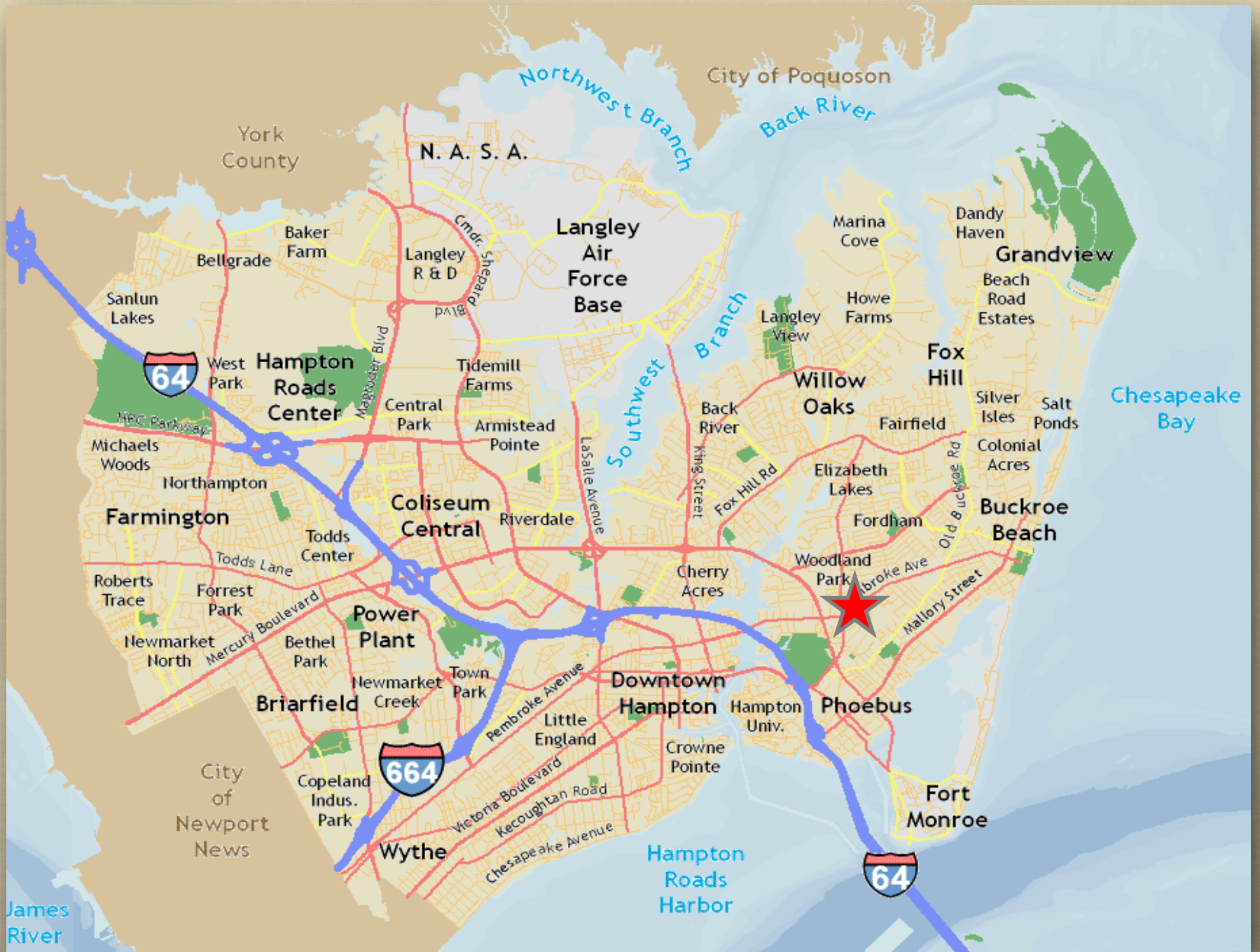
This Use Permit was previously heard by Planning Commission on April 15, and was deferred until June 17 for additional operational history

Reminder of New Zoning Authority

As of 7/1/2020, per SB 676 (2020), City of Hampton is added to the localities that are authorized to **impose a condition** on **use permits** for business which have retail alcoholic beverage licenses, stating that the use permit **will automatically expire** upon any of the following:

- Change in ownership of the property
- Change in possession (tenant change)
- Change in the operation or management of the facility (business entity change)
- The passage of specific period of time (e.g., 5 years)

Hampton zoning ordinance was amended in July 2020 to adopt this authority



York County

City of Poquoson

City of Newport News

James River

Northwest Branch
Back River

Southwest Branch
Back River

Chesapeake Bay

Hampton Roads Harbor

N. A. S. A.

Langley Air Force Base

Hampton Roads Center

Coliseum Central

Power Plant

Downtown Hampton

Phoebe

Grandview

Willow Oaks

Buckroe Beach

Fort Monroe

Sanlun Lakes

Michaels Woods

Farmington

Roberts Trace

Newmarket North

Baker Farm

Bellgrade

Briarfield

Copeland Indus. Park

Wythe

Langley R & D

Central Park

Armistead Pointe

Riverdale

Newmarket Creek

Town Park

Little England

Crowne Pointe

Marina Cove

Howe Farms

Elizabeth Lakes

Fordham

Hampton Univ.

Dandy Haven

Beach Road Estates

Silver Isles

Colonial Acres

Woodland Park

Cherry Acres

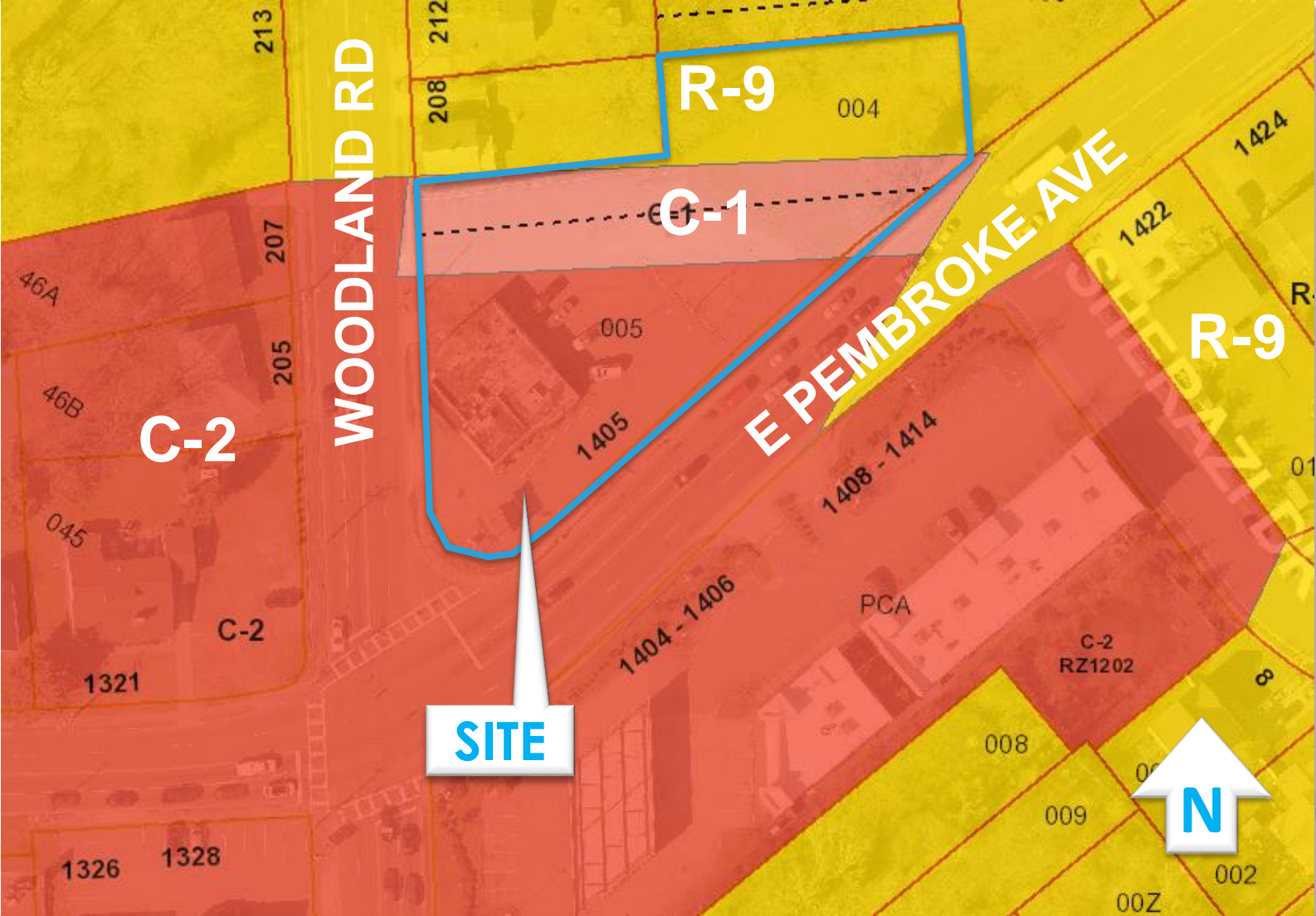
Hampton Univ.



Location



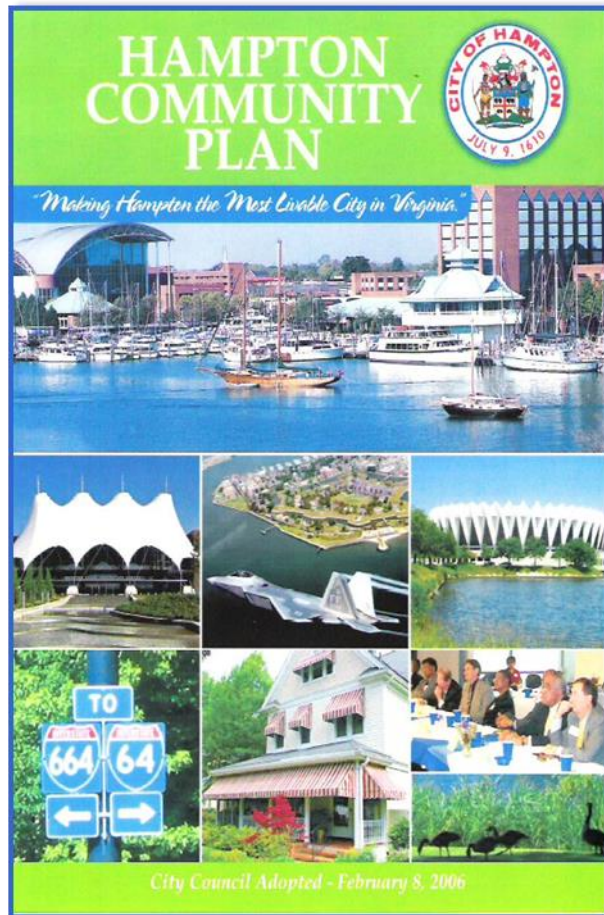
Zoning



Future Land Use Plan



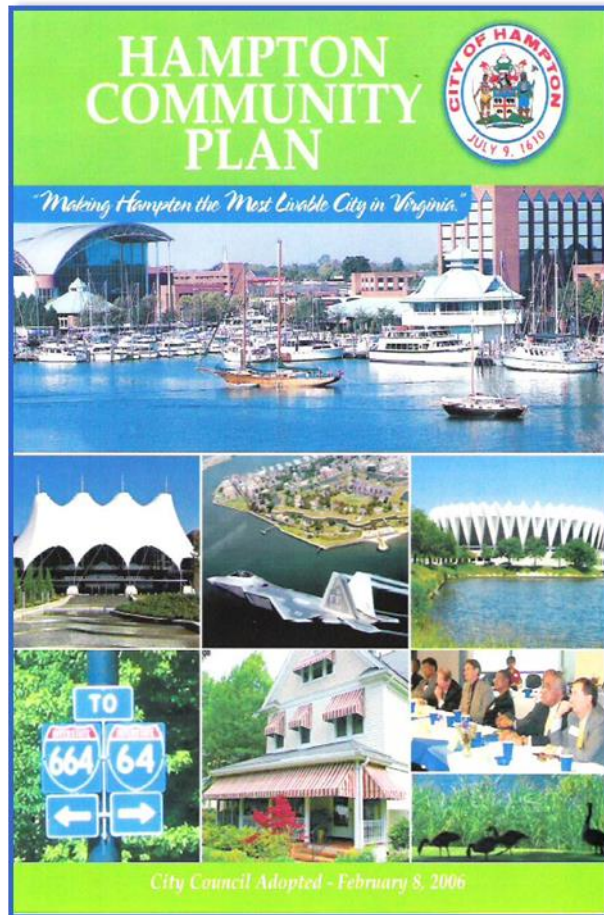
Public Policy: Hampton Community Plan



Hampton Community Plan (2006, as amended)

- **LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective**
- **LU-CD Policy 17: Preserve and enhance the identity and scenic qualities of city corridors and gateways**

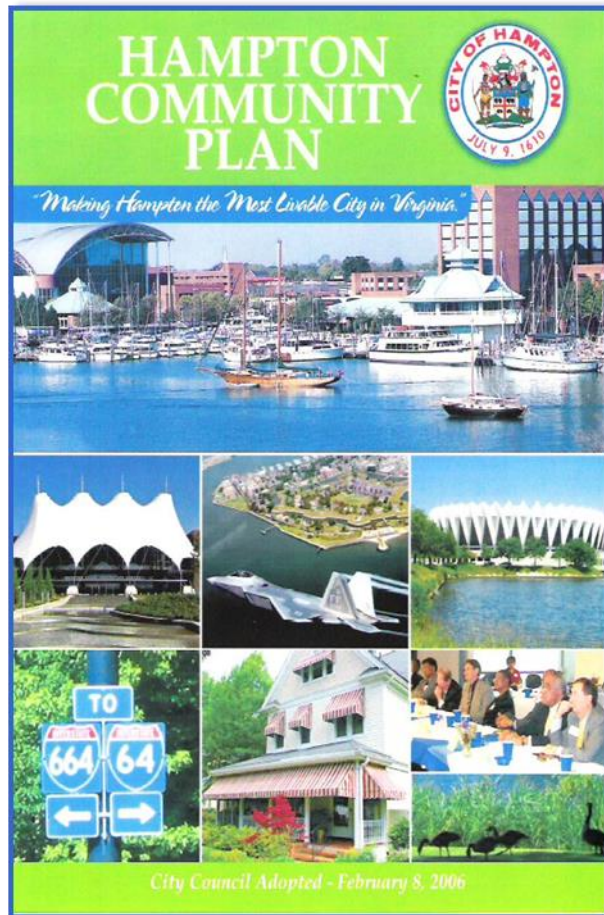
Public Policy: Hampton Community Plan



- **LU-CD Policy 36: Protect adjacent neighborhoods and promote compatible land uses within the city's residential corridors.**

Hampton Community Plan (2006, as amended)

Public Policy: Hampton Community Plan



Hampton Community Plan (2006, as amended)

- **ED Policy 4: Nurture small and start-up businesses**
- **ED Policy 10: Foster the successful redevelopment of well-situated vacant and underutilized commercial and industrial properties within the city**

Analysis

- Currently operating 10 PM, UP to extend hours to 12 AM Sun-Thurs, 2 AM Fri-Sat
- Restaurant use with ABC license was there previously, but not legal non-conforming
- Live entertainment would require new use permit
- Requested operation is entirely indoors
- Relevant agencies informed
- No neighborhood meeting to date
- Some letters of support, one speaker opposed

Analysis

- Current operating history
 - Oct 12: Began operation on ZA permit
 - Mar 6: Live entertainment occurred in restaurant
 - Mar 12: In-person meeting to discuss
 - Mar 25: Police called for noise, operating past 10 PM, under action for zoning violation
 - Apr 15: Planning Commission deferral for more operational history
 - To date: No further police calls to site
- Staff recommending denial

Interior Photos



Conditions

- No live entertainment
- No outdoor dining
- Parking
- Security
- Site access
- Hours of operation
- Special ABC licensee expiration*
- Revocation
- Nullification

*First time this authority will be used in a condition

Recommendation

Planning Commission recommends approval with 17 conditions

Staff recommends denial of
Item #21-0138

If approved, staff recommends 17 conditions