



Legislation Text

File #: 24-0045, **Version:** 1

Use Permit Application No. 24-0045 by Colonial Downs Group LLC to Amend the Conditions of an Amusement Center for an Indoor Off-Track Betting Horse Racing Facility at 1990 to 1996 Power Plant Parkway [Leasehold LRSN: 13001056, portion], Which is Within the Power Plant of Hampton Roads Shopping Center [Parcel LSRN 3004808, portion].

Background Statement:

Use Permit Application No. 24-0045 is a request to amend the use permit conditions (UP No. 21-0090) relative to the hours of operation for an established amusement center for an off-track betting, horse racing facility. More specifically, the applicant is requesting to extend the existing operational hours from 8:00AM-4:00AM, daily to 24 hours, daily. The subject property is located at 1990 to 1996 Power Plant Parkway, located within the Power Plant Shopping Center.

The off-track betting, horse racing operation, identified as an amusement center in the Zoning Ordinance, is a special gaming facility enabled by state law during the 2018 General Assembly Session, in conjunction with regulations promulgated by the Virginia Racing Commission. These policies collectively authorized the expansion of Virginia's pari-mutuel wagering laws to include "historical horse racing." Due to this special legislation, staff views this facility as a unique amusement center use that differs in operation from other entertainment venues in the city, such as movie theaters, bowling alleys, live entertainment, etc. Limitations on alcohol service hours would continue per state guidelines.

This request for extended hours was vetted by the Hampton Police Department (HPD), including the City's internal public safety committee, which expressed no concerns with expanding the hours of operation as long as the conditioned security plan continues to be effectively implemented. To date the comprehensive security plan has been effective. HPD provided City staff with a collective incident report, spanning between March 2021 and January 2024. During this time frame only minor incidents, considered typical for a commercial shopping center, were reported.

If UP 24-0045 is approved, the limitation on hours of operation (Condition No. 9 of UP No. 21-0090) would be removed, allowing the facility to operate 24 hours, daily. In addition, at the request of HPD, the security plan condition is proposed to be updated to provide greater enforcement. Additionally, the ABC compliance condition has been updated to be consistent with use permits governing uses that conduct retail alcohol sales. All other existing conditions of UP No. 21-0090 that address various operational and land use characteristics (e.g., issuance of permit, capacity, limitation on number of machines, etc.) would remain in effect.

Recommendations:

Staff Recommendation:
Approve with 16 conditions

Planning Commission Recommendation:

Approve with 16 conditions