



## Legislation Text

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File #: 21-0326, Version: 2

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Use Permit Application by Charlotte Tucker for a Restaurant with Alcoholic Beverage License and Live Entertainment 2 at 1144 Big Bethel Road [LRSN: 4002763]

### **Background Statement:**

The current business, MealOne Hampton and Moe's Cigar Bar, is operating under zoning administrator permits (ZAPs) which allow the restaurant to operate with live entertainment and an alcoholic beverage license when the hours of operation do not extend past 10:00 p.m. The applicant wishes to operate the restaurant with live entertainment and an alcoholic beverage license beyond 10:00 PM. The business location is in a leased space within the Hampton Woods Plaza Shopping Center which is zoned Neighborhood Commercial District (C-1). A copy of each of the active zoning administrator permits, including one each for restaurant with an alcoholic beverage license, live entertainment 1, and outdoor dining 1 are included in this package.

The Hampton Community Plan (2006, as amended) recommends commercial use for the subject property.

The existing restaurant is also permitted outdoor dining through a separate zoning administrator permit. If approved, this request would not affect the hours of outdoor dining nor would it permit live entertainment to be performed outside.

The existing business has been found to be in violation of their operating hours twice within the past six months. The property owner was sent a notice of violation on May 18, 2021. On September 2, 2021, the operator was sent follow-up written notification pertaining to hours of operation after a City inspector observed another violation. The City also issued a second Notice of Violation to the operator on September 14, 2021. Since that time, no violations have been observed. A record of the notices of violation is included in this package.

Staff recommends deferral of this use permit in order to allow the applicant to demonstrate they can operate within the parameters of the applicable codes and ordinances for at least six months from the date of the last Notice of Violation, September 14, 2021. Such a deferral would allow this application to be reheard by the City Council on March 9, 2022 with the benefit of six total months of data reflecting the applicant's capabilities to operate within the applicable codes and ordinances.

The Planning Commission did not recommend deferral. In making its decision to recommend approval with conditions, the Planning Commission was deferential toward the confusion stemming from the live entertainment ZAP having an 11:59PM end time and the restaurant with alcoholic beverage license ZAP having a 10:00PM end time as well as considering the operational characteristics of this particular business, including the absence of a dance floor and the live entertainment being conduct wholly inside the establishment.

One neighbor spoke on the application. The neighbor made it clear that she came to the meeting to

express opposition to the application but upon hearing the case and understanding conditions would be in place to govern the noise level and security and that the use permit was revocable should the conditions be broken, she was supportive of approval with the proposed conditions.

**Recommendations:**

Staff Recommendation:

Deferral until March 9, 2022

Planning Commission Recommendation:

Approval with 12 conditions