



## Legislation Text

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File #: 19-0003, Version: 1

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Use Permit Application No. 18-00012 by Bowman's Soul-N-The Wall to Permit Live Entertainment 2 in Conjunction with a Restaurant at 1899 N Armistead Avenue [LRSN 7001182]

### **Background Statement:**

Use Permit Application No. 18-00012 is a request for Live Entertainment 2 in conjunction with a restaurant. The subject property is located at 1899 North Armistead Avenue, which is at the corner of N Armistead Avenue and Pine Chapel Road [LRSN: 7001182]. The restaurant, Bowman's Soul-N-The-Wall, occupies 2,800± square feet. If approved, the use permit would only apply to the retail space currently leased by Bowman's Soul-N-The-Wall. It is important to note that, if the business operation changes and a new restaurant/operator occupies the subject property, the use permit remains valid so long as the approved live entertainment use does not lapse for longer than two years.

The applicant is proposing to feature live entertainment that includes: small bands, soloists, spoken word, karaoke, and similar performances. The applicant's requested operating hours for the live entertainment are as follows:

Sunday: 11AM-9PM

Monday: Closed

Tuesday-Thursday: 11AM-9PM

Friday-Saturday: 11AM-2AM

This proposal is consistent with the city's zoning ordinance as the subject site is zoned C-1 (Neighborhood Commercial) District, which allows for Live Entertainment 2 in conjunction with a restaurant subject to an approved use permit. The property also falls into the O-CC (Coliseum Central Overlay) District.

The Hampton Community Plan (2006, as amended) recommends mixed-use for the subject property and much of the surrounding area. Residential uses are recommended for properties to the east of the subject property, across Armistead Avenue. The policies in the City's comprehensive plan related to this request signify the importance of making Hampton a unique regional retail and entertainment destination by supporting the City's economic development priorities. It also underscores the need to "nurture small and start-up businesses" [pg. ED-23] to ensure their long-term sustainability. The proposed use permit is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and it will also serve as a neighborhood amenity for nearby residents. Additional policy guidance is found in the Coliseum Central Master Plan, (2015 as amended). The Master Plan recommends that subject site remain as commercial [pg. 44].

There are several conditions attached to this application. Staff recommends a condition related to the live entertainment hours be permitted from 11AM until 11PM Sunday through Thursday and 11AM until 1AM Friday and Saturday, which is consistent with other similar use permits. Other conditions relate to building capacity, sound volume, staffing, and various state and city codes and ordinances.

Per the request of the applicant, Planning Commission recommends hours of operation from Sunday through Thursday: 11AM-12AM and Friday and Saturday 11AM-2AM. Staff has no issue with the recommended change.

**Recommendations:**

Staff Recommendation:

Approve Use Permit No. 18-00012 with twelve (12) conditions, with an amendment to staff recommended condition number three (3) to allow hours of operation from Sunday through Thursday: 11AM-12AM and Friday and Saturday 11AM-2AM.

Planning Commission Recommendation:

Approve Use Permit No. 18-00012 with twelve (12) conditions, with an amendment to staff recommended condition number three (3) to allow hours of operation from Sunday through Thursday: 11AM-12AM and Friday and Saturday 11AM-2AM.