

Plan would help Beach regulate bars and nightclubs  
By DEIRDRE FERNANDES, The Virginian-Pilot  
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Last updated: 11:56 AM

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VIRGINIA BEACH – A city plan to rein in bars and nightclubs, especially at the Oceanfront, won a unanimous endorsement Wednesday from the city Planning Commission.

The proposal would allow the city to use zoning tools to control businesses that sell alcohol.

Under the proposed ordinance, bars and nightclubs would have to apply for a conditional-use permit from the City Council to open in Virginia Beach. That would allow the city to place restrictions, such as how loud music can be played and when doors can be open, on establishments.

The city would be able to revoke a permit if a business did not comply.

"We've searched very hard for a solution," Commissioner Ronald Ripley said. "This appears to be a very practical solution."

The City Council is scheduled to vote on the proposal Oct. 10.

The city has tried for four years to come up with a way to limit noise and rowdy behavior at businesses that serve alcohol. Previous attempts to use zoning tools were stymied by restaurant owners and their association.

This proposal, however, is backed by the Virginia Beach Restaurant Association. Nobody spoke against it at Wednesday's meeting.

"We came up with a great compromise," said Mike Standing, president of the restaurant association and owner of Waterman's restaurant. "It's not a silver bullet, by any means."

Some business owners, however, said their silence at Wednesday's meeting should not be interpreted as consent.

Kevin Martingayle, an attorney who represents the owners of Chicho's, Crazy Charlie's and Hammerhead's – three Oceanfront bars that police have often complained about – said, "It appears to me that what is proposed is a power grab by local government."

With conditional-use permits, Martingayle said, the City Council could decide which restrictions to place on each establishment.

In addition, Martingayle said, the city is overstepping state law by defining bars and nightclubs. Virginia law does not have a definition for bars.

Christopher Savvides, owner of Black Angus on Atlantic Avenue, said the proposal raises possibilities for conflicts between state and local rules. The state's Department of Alcoholic Beverage Control could issue a liquor license to a business, but the city could refuse a conditional-use permit or force restrictions, Savvides said.

City officials are pursuing the proposal because they currently have little control over how bars and nightclubs affect neighborhoods, said Karen Lasley, the city's zoning administrator.

The proposal would separate bars and nightclubs from restaurants based on how many people are allowed in and when alcohol is served.

New bars and nightclubs would have to get a conditional-use permit. Owners of existing bars and nightclubs could expand or renovate their businesses at least once, as long as they don't increase the occupancy, without having to get a permit.

Businesses risk having their permits revoked for not following the rules, but the city has never revoked a conditional-use permit, Deputy City Attorney Bill Macali said.

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