AN ORDINANCE 2018-052

To amend and reordain Ord. No. 76-301-266, adopted Nov. 22, 1976, as previously amended by Ord. No. 87-265-259, adopted Dec. 21, 1987, and Ord. No. 92-81-221, adopted Jun. 23, 1992, granting authorization for a special use of the property containing 7.564 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road, to authorize the use of a portion of the existing shopping center as a restaurant with accessory entertainment and nightclub uses, under certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 26 2018 AT 6:00 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

- I. That Ordinance No. 76-301-266, adopted November 22, 1976, as previously amended by Ordinance No. 87-265-259, adopted December 21, 1987, and Ordinance No. 92-81-221, adopted_June 23, 1992, be and is hereby amended and reordained as follows:
- § 1. That the property containing 7.464 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road being more completely described as follows: beginning at the intersection of the south right-of-way line of Jahnke Road and the west right-of-way line of Blakemore Road; thence extending 428.29 feet in a southerly direction along the west

AYES:	9	NOES:	0	ABSTAIN:
_		_		
ADOPTED:	MAR 26 2018	REJECTED:		STRICKEN:

right-of-way line of Blakemore Road to a point; thence extending 793.45 feet in a westerly direction along a line of bearing S 73° 15′ 05″ W to a point; thence extending 432.00 feet in a northerly direction along a line of bearing N 18° 57′ 47″ W to the south right of way line of Jahnke Road; thence extending 773.10 feet in an easterly direction along the south right of way line of Jahnke Road to the point of beginning, is hereby permitted to be used for a neighborhood shopping center together with accessory off-street parking, substantially in accordance with the site plan, entitled "Parkway Shopping Center", prepared by E. Carlton Wilton, Inc., dated July 25, 1976 (revised September 1, 1976, September 16, 1976, and October 1, 1976) and the elevation drawing, entitled: "Sketch of North Elevation, Parkway Shopping Center", dated July 25, 1976, by E. Carlton Wilton, Inc., which plans are attached to and made a part of Ordinance No. 87-265-259, adopted December 21, 1987, and authorize the construction of said shopping center and accessory off-street parking.

- § 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.
- § 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the real estate a building permit in accordance with the above-referenced plans for such purpose, subject to the following terms and conditions:
- (a) That the acceptance of the permit and the exercise of the privileges granted by this ordinance by the owner and its successor in title shall constitute a warranty on the part of the owner and its successor that title to the land and all of the buildings will be vested in the same person or corporation;

- (b) That the owner will be bound by, observe and will comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;
- (c) That permitted uses to be located within buildings shown on the above identified plans shall be as specified in the B-1 Neighborhood Business District and set forth in the [City of Richmond Zoning Regulations] Chapter 30 of the Code of the City of Richmond (2015), as amended; but shall not include service stations. An amusement center specializing in electronic games, and having not more than five pool tables, shall be permitted within shopping center, provided that it not occupy more than 4025 square feet of floor area, substantially as shown on the floor plan entitled, "Exhibit 'A' Floor Plan 6327 Jahnke Road", a copy of which is attached to [the draft of this ordinance] Ordinance No. 92-81-221, adopted June 23, 1992, and is in addition to the plans attached to the drafts of previous ordinances. The hours of operation of the amusement center shall be as specified in [Section 4-32 of the Richmond City Code] section 3-46 of the Code of the City of Richmond (2015), as amended.

A fast food restaurant (take out orders only) may be constructed and may be operated on the property substantially as shown on the site plan, dated June 10, 1987, and revised on August 13, 1987; elevation drawings, dated June 19, 1987, and last revised on October 16, 1987; and landscape plan, dated October 14, 1987, entitled: "Fast Fox Corporation Jahnke Road Site", prepared by Hulcher and Associates, Consulting Engineers and Architectural Land Design, Landscape Architects, copies of said plans are attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987, are in addition to the plans attached to the drafts of previous ordinances;

A restaurant with accessory entertainment and accessory nightclub uses may be operated within the portion of the Shopping Center known as 6335 Jahnke Road, with Tax Parcel No. C005-0603/037 as shown in the 2018 records of the City Assessor, in accordance with the document entitled "63Thirty5 Restaurant Management Plan," prepared by an unknown preparer, and dated February 21, 2018, and substantially as shown on the plans entitled "6335 Jahnke Road, Tenant Upfit Plans," prepared by Obsidian, and dated May 26, 2015, copies of which are attached to this ordinance, provided that a platform or stage may be installed within the building located at 6335 Jahnke Road pursuant to the applicable provisions of the Virginia Uniform Statewide Building Code.

(d) That permitted signs shall be as specified in the B-1 Neighborhood Business District and set forth in section [32.1-434.2] 30-513 of the [Richmond City Code] Code of the City of Richmond (2015), as amended. In addition, the following signs shall be permitted with respect to the Safeway food store; (1) two circular (six feet in diameter) recessed, mosaic, Safeway "S" insignia signs located as shown on the drawing dated December 9, 1977, revised November 30, 1978, marked Exhibit "B", a copy of which is attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987, on the front of the building facing north; and (2) one non-illuminated Safeway letter sign (with 20-inch letters) not exceeding 64 square feet in area located as shown on [the attached] Exhibit "B" attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987, on the side of the building facing Blakemore Road. Signage for the fast food restaurant shall be subject to the B-1 Neighborhood Business district regulations in effect at the time of adoption which permits a maximum of two signs not exceeding an aggregate area of 46 square feet. In addition, two menu board signs, each not exceeding 26 square feet or 5 feet in height shall be permitted at the locations shown on the [attached plans] attached to Ordinance No. 92-81-221,

adopted June 23, 1992. Directional signs for the fast food restaurant shall not contain any advertising material;

- (e) The required number of parking spaces for the shopping center shall be as specified in Section [32-710.1] 30-710.1 of the Code of the City of Richmond [Zoning Regulations] (2015), as amended. All parking areas, access aisles and driveways shall be paved with a dust free, all-weather surface. Parking spaces shall be delineated on the pavement surface.
- (f) That driveways shall be located as shown on the above identified site plan and shall be constructed in accordance with the City Driveway Policy standards;
- (g) That land shall be dedicated to the City at no cost for the widening of Jahnke and Blakemore Roads as show on the plan;
- (h) That lease agreements for individual stores shall provide that employees be required to park in spaces at the rear of the buildings;
- (i) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works and such facilities shall be so located or screened as not to be visible from adjacent properties and public streets, residentially zoned property or public areas within the shopping center;
- (j) That evergreen vegetative or opaque structural screening not less than six feet in height shall be provided and maintained along the south and west property lines, but not within twenty-five feet of street lines;
- (k) That planting strips not less than twenty-five feet in width shall be provided and maintained along the northern and eastern property lines as shown on the above identified plans. Such planting strips shall be provided with earthen berms three to four feet in height, except where deletion of such is necessary to provide for retention of existing mature, healthy trees.

Landscaping within such planting strips shall be generally as shown on the plans and shall also include grass or other suitable ground cover;

- (l) That median strips within the shopping center shall be provided with curbing and shall be suitably landscaped with ground cover, shrubs and trees. In addition to the medians shown the plan, similarly landscaped medians shall be provided at the north ends of the parking bays located at each end of the main building. The median situated on the west side of the westernmost driveway shall be broken to enable access to the adjacent parking area. Such median break shall be located in line with the east-west access aisle through the site;
- (m) That detailed landscaping plans for planting strips, medians and planting areas adjacent to building shall be approved by the Director of Planning and [Community] Development Review prior to issuance of building permits. That landscaping shown on the plans for the fast food restaurant (copy of which is attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987) shall be installed prior to the issuances of a certificate of occupancy;
- (n) That outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of intensity or glare;
- (o) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land or buildings shall be provided and maintained at all times by the owner at its costs and expense so as not adversely affect or damage adjacent properties or public streets and alleys and the use thereof;
- (p) That final grading and drainage plans shall be approved by the Director of PublicWorks prior to the issuance of building permits;
- (q) That a fire hydrant or fire hydrants shall be provided and maintained by the owner at its cost and expense at a location or locations on the premises designated by the <u>Chief of Fire</u>

and Emergency Services and the Director of [Public Safety and] Public Utilities when such hydrant or hydrants are necessary in their opinion to provide fire fighting facilities;

- (r) Access to Jahnke Road and traffic control related thereto shall, during the time construction activity is taking place on that portion of Jahnke Road adjacent to the property, be as approved by the Director of Public Works of the City;
- (s) That [should the owner use the premises for any purpose which is not permitted by the ordinance, or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (r) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void] the privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations;
- (t) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty four consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated; and
- (u) That application for a building permit to erect the building and improvements authorized by [this amendatory ordinance] Ordinance No. 76-301-266, adopted November 22, 1976, will be made within ninety days from the effective date of this ordinance, which building

permit shall expire by limitation and become null and void if construction on the building is not commenced within one hundred eighty days form the date of the building permit, or if all work is not completed with six (6) months from the effective date of this ordinance, or if construction is suspended or abandoned for period of one hundred eighty days at any time after the work is commenced, as provided in applicable provisions of the Uniform Statewide Building Code. Should application for the building permit not be made within ninety days from the effective date of this ordinance, or should the building permit expire and become null and void, the privileges granted by the this ordinance shall terminate and the special use permit shall become null and void. The Commissioner of Buildings is authorized to issue a certificate of occupancy substantially in accordance with the plans for the restaurant with accessory entertainment and accessory nightclub uses subject to the terms and conditions set forth in this amendatory ordinance. An application for the certificate of occupancy shall be made within 730 calendar days following the date on which this amendatory ordinance becomes effective. If the application for the certificate of occupancy is not made within the time period stated in the previous sentence, this amendatory ordinance and the special use permit granted hereby shall terminate and become null and void.

- § 4. This ordinance shall be in force and effect upon adoption.
- II. This amendatory ordinance shall be in force and effect upon adoption.

City of Richmond

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.richmondgov.com

Item Request

File Number: PRE.2018.017

RECEIVED

JAN 25 2018

FEB 0 7 2018

Office of the Chief Administrative Officer

OFFICE OF CITY ATTORNEY

O & R Request

DATE:

January 24, 2018

EDITION: 1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and

Planning

FROM:

Mark A. Olinger, Director, Dept. of Planning and Development Review

RE:

To amend and reordain Ordinance No. 76-301-266, adopted November 22, 1976, as last amended by Ordinance No. 92-81-221, adopted June 23, 1992, granting authorization for a special use of the property containing 7.564 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road, to authorize use of a portion of the existing shopping center as a restaurant with accessory entertainment and nightclub uses, under certain

terms and conditions.

ORD, OR RES, No.

PURPOSE: To amend and reordain Ord. No. 76-301-266, adopted Nov. 22, 1976, as last amended by Ordinance No. 92-81-221, adopted June 23, 1992, and to authorize the special use of the property known as 6335 Jahnke Road for the purpose of permitting a restaurant with accessory entertainment and nightclub uses, upon certain terms and conditions.

REASON: The applicant has requested an amendment to the special use permit for an existing shopping center to allow a restaurant with accessory entertainment and nightclub uses.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council.

This item will be scheduled for consideration by the Commission at its March 5, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 329,314 SF, 7.6 acre parcel of land currently improved with a shopping center and located in the Jahnke neighborhood of the Midlothian planning district.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Community Commercial. As stated in the plan, "Primary uses include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas. Typical zoning classifications that may accommodate this land use category are B-2 and UB." (City of Richmond Master Plan, p. 134)

The property is currently zoned R-3 Single-Family Residential and is subject to a special use permit that was most recently amended in 1992.

Property to the north of the shopping center is zoned R-2 Single-Family Residential, property to the east is zoned B-2 Community Business, and property to the south is zoned R-3 Single-Family Residential. A mix of commercial, institutional, industrial, and residential (multi-family and single-family residential) land uses are present in the vicinity of the shopping center.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$1,800

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: February 12, 2018

CITY COUNCIL PUBLIC HEARING DATE: March 12, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 5, 2018.

File Number: PRE.2018.017

AFFECTED AGENCIES:

Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amendment of Ord. No. 92-81-221

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Application Form, Management Plan, Plan, Map, Draft Ordinance

STAFF:

Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646-5734



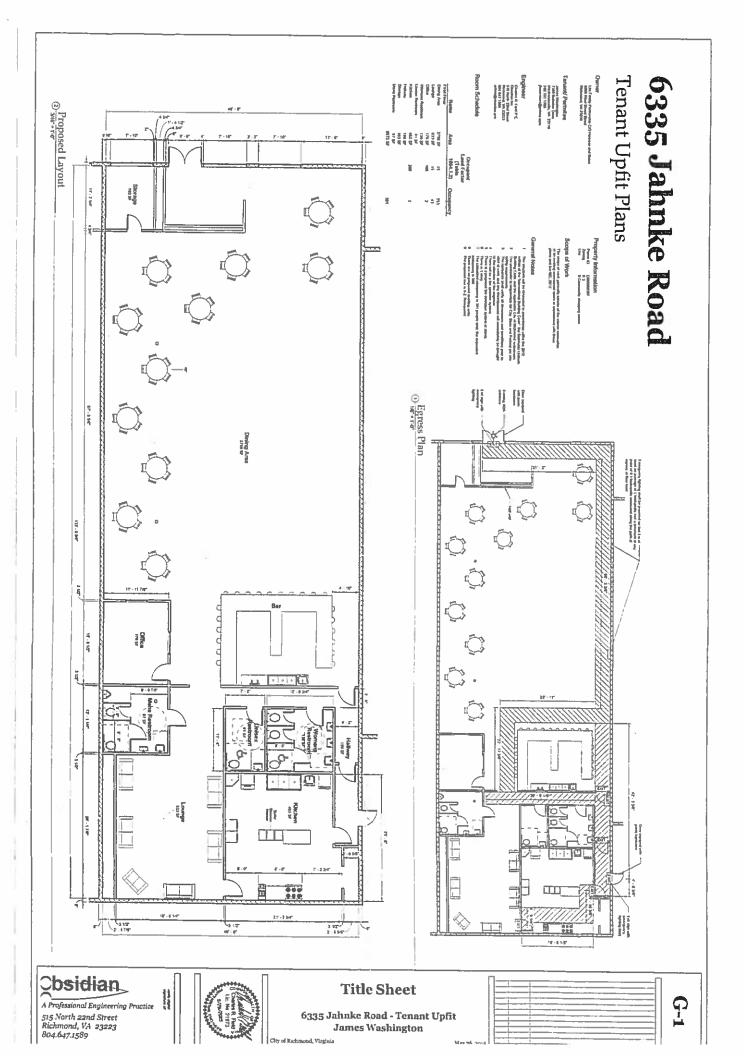
Application for SPECIAL USE PERMIT
Department of Planning and Development Review Land Usa Administration Division 900 E. Broad Street, Room S11 Richmond, Virginia 23219

(804) 646-6304 http://www.richmondopy.com/

C74(-010013-2011	120221071000000000000000000000000000000
Application is hereby submitted for (check one)	
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) special use permit, plan amendment	
Z special use parmit, text only amendment	
Harry Laws Inc.	*0.70
Project Name/Location	
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fax Map #:Fee:	Tam Caracan man op 1855
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Carrie Chila Alan January and Arthur and Art	
See page 6 for fee schedule, please make check payable to the "Cit	ty of Richmond)
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Zoning	C)XALLERON
Current Zoning: 15	
Existing Use: R3	
Existing Use: KS	
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Proposed Use	
Please include a detailed description of the proposed use in the requ	ulrad applicant's report)
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existing Use: restaurant hours of operation	
s this property subject to any previous land use cases?	
(e) No	00 01 001
If Yes, please list the Ordinance Number:	: 42-81-221
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Applicant/Contact Person: Seuna Kim	I I DEPOSIT AND LOCATION WO
Company: JSG Grap UCJ	
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	State: VA Zip Code: 2322 S
elephone: (804) 128-1768	Fax: _()
mail: Stung. Kim BOH @ amail.com	
Property Owner: Whitehard 9 Chinesa	
Business Entity, name and title of authorized signee:	Vacanta III
connects critical, include and title of both longer signing.	Yasmine Hammand/Vice Presiden
The person or persons executing or attesting the execution of this A	Agaliestina as habalf af the day
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city: Kichmond IVA	State: VA Zip Code:
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Property Owner Signature:	IN VINEY TO WILLIAM WORLDEN
A+17.00 Fee 11 at 40.00 111	11)
he names, addresses, telephone numbers and signatures of all owns	ers of the property are required. Please attach additional Land
neets as needed. It a legal representative/sions for a property owns	er please attach an executed power of attorney. Faxed or
hotocopied signatures will not be accepted.	
	H 2 3 4 3 10 5 10 5 10 5 10 5 10 5 10 5 10 5 10
IOTE: Please attach the required plans, checklist, and a check for th	ne application fee (see Filing Procedures for special use permits)

Vasmine authorizs

to sign as well



63Thirty5 Restaurant 6335 Jahnke Road, Richmond, Va 23225 804.728.1768

Applicants Report

We host several events and activities throughout the week and on some weekends that reflect the true nature of our business. We host a Networking Event once a month that has attracted the likes of the Mayor Levar Stoney, Dean of VCU, Councilman Mike Jones, Clovia Lawrence, Suntrust Community Development President and more. The Network and Nibble mission is to: "Increase the Economic output and Social influence of the community!" This event takes place on the second Thursday of each month, at the location in petition and is put on in conjunction with Lightbulb Organization a nonprofit that teaches the youth entrepreneurship, Clovia Lawrence Rolling 4 Freedom Project, and W & G Transportation, who focuses on second chance job placement and housing.

Our intentions are to continue to develop our community based events, and programs. We are starting to become more recognized as a hub for community organizations, community leaders and small-businesses as to place they can host fundraising efforts and social events.

The proposed special use will Not:

- 1. Be detrimental to the safety, health, morals and general welfare of the community involved. We have taken several precautions to assure the safety of our patron, inside and outside of our business for the following reasons:
 - A. All servers and bartenders have completed an ABC training course and have not accumulated any violations since our opening in October of 2015.
 - B. During any event in which we expect a large-crowd we hire extra security who all have law enforcement backgrounds
 - C. After 9 pm all bags and patrons are subject to be searched by our security
 - D. We have zero critical health code violations
 - E. We enforce a strict dress-code to create a more mature atmosphere
 - F. Our entertainment on weekends is geared towards the 35 plus crowd
 - G. We strictly monitor our capacity and maintain multiple pathways to both entrances

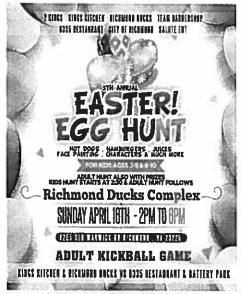
- H. Have a full-time cleaning crew that maintains the bathrooms and common areas, reducing our patrons exposure to germs and dust.
- I. We constantly visit other businesses in the shopping center to share or get any information that may be useful to our staff and patrons regarding suspicious activity around the shopping center
- 2. Tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved for the following reason.
 - J. We have a private parking lot which will accommodate large crowds and have staff that police the alleyway prevent patrons from parking there.
- 3. Create hazards from fire, panic, or other dangers for the following reason. K. We do not allow anyone over our capacity of 301.
- 4. Tend to cause overcrowding of land an undue concentration of population for the following reason.
 - L. Most of our big events are held before or after rush hour.
 - M. We enforce our capacity to ensure we do not exceed the parking spaces in the shopping center.
 - N. If necessary we have valet parking options available.
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements for the following reason.
 - O. We open at 5pm and any events that we host at our facility occur after school is Closed or on weekends when the school is on break. Our operations do not affect the bus route in front of the shopping center and the city has constant access to water mains on the property.
- 6. Interfere with adequate light and air for the following reason.
 - P. We do not obstruct any windows or air vents that would affect the quality of air or light at our location.

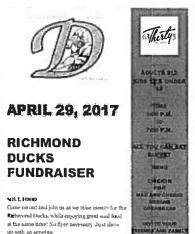
REFERENCES

Clovia Lawrence Community Activist
Early Hughes South Side Community Center|804.307.0548
Travis Varner Property Manager
Crystal Stump ABC Consultant

Myra Griffin Goodwill Project Manager|804.852.1865

UPCOMING COMMUNITY EVENTS





THURSDAY

Job Fairs@6335 Restaurant

"Hiring On the Spot"

63/hirty5

RAILCREW DIESS



Cooks. Servers, Bartenders Managers Drivers. Lead Drivers. Supervisors

April, 20th 6:30pm-8:30pm

6335 Jahnke, Road, Richmond, Va 23225

SECOND THURSDAY OF THE MONTH













NETWORK & NIBBLE

Free-Registration
Free Buffet
Giveaways
Networking Activities
Celeb Host
Vendor Tables

To Reserve vending table and for information call 804,728,1768



63Thirty5 Restaurant Management Plan February 21, 2018

63Thrity5 Restaurant is located on Jahnke Road, in Richmond, Va 23225. The main functionality of 63Thirty5 Restaurant is food services which includes a full-menu and catering, charity events and live entertainment.

After consulting with various City Departments and our Attorney we have been advised to apply for a "Special Use Permit (SUP.)" We intend to operate a restaurant with accessory entertainment and accessory nightclub uses. We would stay open and serve food with full menu options until 2am and allow our guests to dance if, they choose, and include live entertainment (Live Band, Karaoke, DJ) and usage of a dance floor that does not exceed 10% of our total square footage.

Night club use of the property will not exceed 4 events a week.

Our hours of operation will be as follows:

Sunday: 11:00 AM - 2:00 AM

Monday-Wednesday: Noon to Midnight Thursday- Friday: Noon to 2:00 AM Saturday: 11:00 AM to 2:00 AM

All patrons after 9 pm must be 30 years of age or older.

If we are granted the SUP, we will be continue to be an asset to our community and build up its individuals through our current activities and future plans.

We have a total of ten part-time staff positions. We also have a Wine and Beer On Premises, and Mixed Beverage ABC license, with a total occupant load of 301. We are fully aware of Sec. 3-73 Security Requirements and each of our events are staffed accordingly. We coordinate our security staffing with retired Richmond City Police officer, Michael Tunstall and current officer of the City of Richmond, Kimberly Drake. The usual detail is 1 security detail at the door and 2 to 3 security guards on the floor, with one consistently checking the front and back entrances. The security company we use will be certified by the Department of Criminal Justice Services. Security also makes sure patrons get to their cars in timely and orderly fashion after every event to ensure there is no loitering or potentially dangerous situations in the parking lot. Additional security measures include metal detectors and checking all bags at the door.

We operate our larger events when most businesses are closed in the shopping center to avoid long lines or patrons gathering in front of any of the other businesses. We enforce a strict dress code of no athletic sneakers, plain t-shirts, baggy clothing, or any athletic clothing of any kind. Our age requirements for our events is 30 years of age or older. We also have security cameras throughout the premises including the front and back entrances.