

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2023-03

**AN ORDINANCE FOR THE PURPOSE OF GRANTING A CONDITIONAL USE TO PROPERTY
LOCATED IN THE CITY OF HAMPTON, GEORGIA; AND FOR OTHER PURPOSES.**

WHEREAS, Darry Lighten (hereinafter referred to as “Applicant”) requests a conditional use to operate a television, radio and film production facility located at 32 Barnett Street in the City of Hampton, Georgia, consisting of 20,455 sf (0.47-acre), Parcel Identification No. H06-03010000, which shall be hereinafter referred to as the “Property” and is described in Exhibit “A” attached hereto and incorporated herein by reference; and

WHEREAS, said property is currently zoned DT-MU (Downtown Mixed-Use); and

WHEREAS, the Applicant has submitted an application (Case No. CU-23-01-27) requesting that the Mayor and City Council of the City of Hampton (hereinafter referred to as “City”) grant a conditional use for the purpose of permitting to operate a television, radio and film production facility; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on February 14, 2023 pursuant to O.C.G.A. § 33-66-1, et seq. and local ordinances at the Hampton City Hall; and

WHEREAS, the Mayor and Council considered the request, any and all alternate proposals or amendments, the report of Staff, and all data and evidence taken at the public hearing; and

WHEREAS, the Mayor and Council have considered the applicant’s request for a conditional use thereto and the circumstances in light of those criteria for conditional use under Article XII. Section 12-5, et seq. of the Hampton Code of Ordinances, and find that the applicant’s circumstances satisfy those criteria and, therefore, a conditional use is warranted.

NOW THEREFORE, IT IS HEREBY ORDAINED after a vote by the Mayor and Council of the City of Hampton that:

The Property shall hereby be **APPROVED** for a conditional use to operate a television, radio and film production facility with the following **four (4)** conditions:

1. The property owner shall adhere to all provisions as required by City of Hampton Code of Ordinances. Appendix A. Article 4. Sec. 4-16. *Television, radio, or film production facility.*

2. The property owner shall provide one (1) accessible van parking space and access aisle in accordance with Hampton Code of Ordinance, Appendix A. Article 3. Sec.3-19(F)(7). American with Disabilities Act (ADA)(Public Law 101-136).
3. The property owner shall provide parking facilities in accordance with Hampton Code of Ordinance, Appendix A. Article 3. Sec. 3-19 (A) such that parking spaces are useable for off-street parking.
4. The property owner shall screen service equipment and trash containers from public view in accordance with Hampton Code of Ordinance, Appendix A. Article 3. Sec. 3-15.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

Section 4. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 5.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7.

The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 14th day of March, 2023.

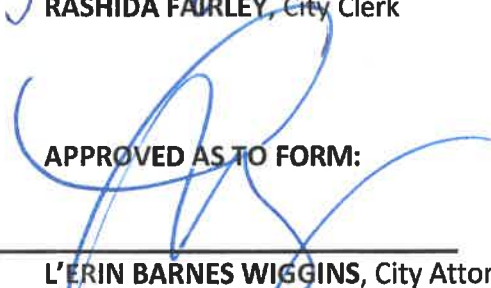
CITY OF HAMPTON, GEORGIA


ANN N. TARPLEY, Mayor

ATTEST:


RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:


L'ERIN BARNES WIGGINS, City Attorney

First Reading: 02/14/2023

Second Reading/ 03/14/2023



Application to Amend the Official Zoning Map of the City of Hampton
Evaluation Report
City of Hampton, Georgia

REZONING CASE NO.

Darry Lighten (CU-23-01-17)

City Council:

Ann N. Tarpley, Mayor
Marty Meeks, Mayor Pro Tem
Sheila Barlow
Henry Byrd
Devlin Cleveland
Mary Ann Mitcham
Willie Turner

Report prepared by:

Lucas Carter / Planner I; Wanda D. Moore / Director of Community Development

Applicant:

DigiWorld Entertainment LLC
32 Barnett St.
Hampton, GA 30228
(702) 460-9266

Location:

32 Barnett St.
City of Hampton, GA 30228

Request:

Conditional Use Permit for Television, Radio, Film Production Facility

Parcel ID:

H06-03010000

Proposed Use:

Television, Radio, Film Production Facility

Current Land Use:

DT-MU (Downtown Mixed-Use)

Future Land Use:

DT-MU (Downtown Mixed-Use)

Property Posted:

January 20th, 2023

Legal Ad:

January 21st, 2023 (*Henry Herald*)

Public Hearing:

February 14th, 2023

Property Area:

+/- 20,455 sq. ft. (0.47 acres) (*ALTA/NSPS Survey June 2, 2020-FDC, LLC*)

Road Access:

Barnett St/Tom Eason Drive

Zoning History: According to the Official Zoning Map, the property is zoned R-2 (Single-Family Residential). Staff is not aware of any prior approved zoning actions for the subject property.

Table 1.0 Illustrates the current zoning and land use(s) of adjacent properties:

Position	Current Zoning	Current Land Use
North	DT-MU	Downtown Mixed-Use
South	DT-MU	Downtown Mixed-Use
East	DT-MU	Downtown Mixed-Use
West	DT-MU	Downtown Mixed-Use

*Denotes Henry County zoning classifications, property within unincorporated Henry County



Summation: The subject property address is 32 Barnett St. The property is currently zoned DT-MU (Downtown Mixed Use) and is 0.47-acre in size and containing a 5,000 sq ft warehouse. Adjacent uses include DTMU to the east, west, north & south. The applicant, Darry Lighten, is requesting a conditional use to operate a Television, Radio, and Film Production Facility on the property.

Should the request be approved, the applicant will be able to operate a Television, Radio, and Film Production Facility at 32 Barnett Street in accordance with City of Hampton Ordinance 2022-589. Definition as follows:

Television, radio, or film production facility. The use of land, building or structure or part thereof, used for multimedia production to include creation and production of motion pictures or audio or video recordings and the associated warehousing, construction and use of prop and set design and storage as well as digital media uses such as animation studio, and associated software development.

Existing Conditions: The property has approximately 150' of road frontage along Tom Eason Drive and Barnett Street. The site contains a warehouse which is listed have 4,643 sq ft of area per records sourced from Henry County tax assessor. However, a second floor containing office workspaces was added bringing the total heated and cooled area to 5,000 sq ft which allows the applicant to host assemblies per Article 4. Section 4-11, confirmed in the field by Community Development staff. Any future improvements shall be required to meet building standards of Hampton Code of Ordinances and current IBC (International Building Code).

Development Regulations Relevant to Request:

- Article IV. Sec. 4-16. Television, radio, or film production facility.
- Article XII. Sec. 12-5. – Conditional Uses.
- Article VII. Sec. 7-2. – DT-MU (Downtown Mixed Used District)

Analysis of Request (Section 12-5. – Conditional Uses. Item C.1-7):

Criteria Point 1: *A report and recommendation has been submitted by the City of Hampton's Community Development Department.*

The City of Hampton Community Development Department has prepared the staff report and submitted recommendations to Mayor and Council for consideration for Conditional Use Application CU-23-01-17.

Criteria Point 2: *All specific requirements of Appendix A. Article 12. Conditional Uses relative to consideration of a conditional use have been met.*

Specific requirements relative to Appendix A. Article 12. Conditional Uses are met for City of Hampton Conditional Use Application CU-23-01-17.

Criteria Point 3: *The proposed shall not cause traffic congestion or conditions that will adversely affect other nearby properties.*

The proposed use is for a television, radio, film production facility. There is adequate off road and onsite parking for the proposed use. Hampton Code of Ordinances. Sec. 3-19. B. Exemptions. states; "There shall be no minimum

parking requirements for any use in DT-MU or DT-RC districts north of Rosenwald Drive, except that for new residential developments with 5 or more units, one parking space per dwelling shall be required."

Should the warehouse be improved in accordance with City of Hampton zoning and building regulations, this use is not expected to negatively impact conditions along Main Street, adjacent properties, or connecting road systems.

Criteria Point 4: The physical conditions of the site, including topography, drainage and size and shape suitable for the proposed use.

The property is currently developed with a warehouse structure and parking lot. The site setbacks requirements for DT-MU conform to current standards. As proposed, the site is suitable for the proposed use.

Criteria Point 5: The adequacy and availability of public infrastructure (water, sewer, roads, etc.) to serve the site.

The subject property has frontage along Barnett Street and Tom Eason Drive. The property is served by city water, sewer, and electricity.

Criteria Point 6: Any agreed upon specific conditions by the applicant that will enhance his/her request.

The applicant has not requested specific conditions for the proposed use.

Criteria Point 7: The request further or support the goals and objectives of the Future Land Use Plan (FLUM), protect the public interest, and assure the continued beneficial use of nearby properties.

The Comp Plan identifies downtown Hampton as a "Town Center" which include seven outlined strategies and policies and identifies Hampton Town Center LCI Study as a relevant study. Hampton's LCI recommends a balance and mix of uses for our downtown including niche markets that include destination shopping and dining, unique specialty retailers and local chains, cultural and entertainment opportunities, etc.

The conditional use, as requested, support the goals and objectives of the FLUM and as proposed should not be unduly detrimental to nearby uses. The use shall be required to adhered to Hampton Code of Ordinances in its entirety and comply with conditions of zoning as approved by Mayor and Council.

Planning staff recommends **Approval** of the requested conditional use with the following four (4) conditions:

1. The property owner shall adhere to all provisions as required by City of Hampton Code of Ordinances. Appendix A. Article 4. Sec. 4-16. *Television, radio, or film production facility.*
2. The property owner shall provide one (1) accessible van parking space and access aisle in accordance with ADA (American with Disabilities Act).
3. The property owner shall repair asphalt area and topcoat paving to create a uniform surface with striped parking spaces.
4. The property owner shall screen service equipment and trash containers from public view.

Attachments:

- Application

CU-23-0117



City of Hampton

CONDITIONAL USE APPLICATION

(Pursuant to Appendix A: Zoning, Article 12. Section 12-5)

City Hall
17 East Main Street South
PO Box 400
Hampton, GA 30228

Phone: 770.948.4306
Fax: 770.948.4368
www.hamptonga.gov

MAYOR
ANN N. TAPLEY

MAYOR PRO-TEM
MARTY MEERS

CITY COUNCIL
SHEILA BARLOW
HENRY BYRD
DEVLIN CLEVELAND
MARY ANN MITCHAM
WILLIE TURNER

CITY MANAGER
ALEX S. COHILAS

Name of Applicant: DigiWorld Entertainment LLC Tel.: [REDACTED]
Mailing Address: 32 Barnett st Hampton Ga 30228 Email: dan [REDACTED]@gmail.com
Name of Property Owner: 137 GHP, LLC Tel.: [REDACTED]
(Attach additional page for more than one owner)
Address of Property: 32 Barnett st Hampton Ga 30228 Tax Parcel No: HO6-03010000
Zoning Classification: Current: DTMU Requested: CU
Use of Property: Current: Commercial Use Requested: Television, Radio, Film
Surrounding Zoning: North DT-MU South DT-MU East DT-MU West DT-MU

Describe the proposed use and the impact the use may have within the immediate/surrounding neighborhood(s) and Hampton city-wide.
See Attachment hereto "Impact Statement"

ATTACH THE FOLLOWING DOCUMENTS:

1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit seven copies of the plat. Submit on PDF of the plat.
3. List of adjacent property owners
4. Disclosure of Campaign Contributions and Gifts Form.
5. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
6. Filing fee payable to the City of Hampton.
7. Letter of Intent, conceptual plan

I hereby authorize the staff of City of Hampton to inspect the premises of the above described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to subscribe before me
This 14th day of August, 2023.

[Signature]
Notary Public
3/14/23

[Signature]
Signature of Applicant

AUTHORIZATION OF PROPERTY OWNER

Application for Rezoning or Variance

I swear that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Henry County, Georgia.

I authorize the person named below to act as Applicant in the pursuit of rezoning or a variance of this property.

Name of Applicant: DigiWorld Entertainment LLC

Address: 32 Barnett street Hampton GA 30228

Telephone No: [REDACTED]


Signature of Owner

Personally, appeared before me

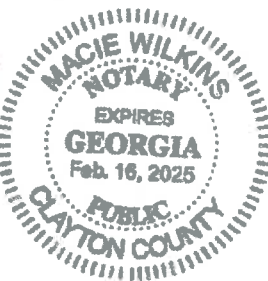
Who swears the information contained in this authorization is true and correct to the best of his or her knowledge and belief.



Notary Public

1/12/23

Date



[illegible]

Letter Of Intent

January 16, 2023

RE: DigiWorld Entertainment LLC, Conditional Use Application LOI 35 Barnett St
Hampton GA 30228

Greetings City of Hampton Officials,

Please accept this Letter of Intent on Behalf of Digiworld Entertainment LLC, located at 35 Barnett St Hampton GA 30228, with the attached conceptual plan to convert and use the existing structure as a Film, Entertainment and Production facility.

The facility will be used for the following:

- Produce, Film, Edit and Score recorded Visual and Audio Recordings in a controlled setting,
- Display and produce on stage productions for a live audience in a banquet style seating,
- Conduct, Create and Direct training session for attendees of pre-production scripted materials and training.
- Livestream social, political and newsworthy content through a livestream medium,
- Create and film scripted performances in a controlled environment for network syndications and/or distributions.
- Lease out space and equipment for contracted production and entertainment entities,

Additionally, we will be requesting, at a later date, the ability to provide food and beverages for attendees at a later part of this application process.

If you have any questions, please feel free to contact me at 702-460-9266 or email darry@digiworldentertainment.com

Best Regards

Darry Lighten
DigiWorld Entertainment LLC
35 Barnett St
Hampton GA. 30228

Impact Statement

January 16, 2023

RE: DigiWorld Entertainment LLC, "Conditional Use Application" "Describe the proposed use and the impact the use may have within the immediate/surrounding neighborhood(s) and Hampton city-wide.

The City Plan Identifies downtown Hampton as a "Town Center" inclusive of cultural and entertainment opportunities. The CU requested herein would assist in providing enjoyable live performances of entertainment to downtown Hampton within walking distance of the immediate surrounding communities as well as city-wide.

Increase inclusiveness of Entertainment attracts people downtown who normally would not visit. Digiworld will provide a wide variety of activities, from a scripted stage plays to live bands, which will in part assist in energizing the downtown economy.

With a focal point of enhancing cultural activities. It would also provide an outlet for locals interested in the field of Filming, Production and Entertainment an opportunity to develop and display skillset that may lead to advanced employment opportunities in such field in the future.

Inclusive of the lot provided on grounds and the surrounding abundance of parking. Downtown provides an abundance of inlet and outlet of roadway to this location, whereby the inclusiveness of the facility will not have a negative impact on traffic and parking.

If you have any questions, please feel free to contact me at 702-460-9266 or email darry@digiworldentertainment.com

Best Regards

Darry Lighten
DigiWorld Entertainment LLC
35 Barnett St
Hampton GA. 30228