

**AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, MAY 21, 2026 AT 3:00 P.M.**

Chair Kathy Rogers called the work session to order at 3:01 P.M.

A call of the roll noted Chair Kathy Rogers, Commissioners Keisha Samuels, Joe Griffith, and Tracy Brooks as present. Vice-Chair Martha Mugler and Commissioners Trina Coleman and Brian DeProfio were noted absent. However, Commissioner DeProfio arrived after roll call. Staff in attendance were Secretary/Interim Director Kim Mikel, Interim Deputy Director Steve Lynch, Assistant City Attorney Cory Wolfe, Planning Manager Milissa Story, Zoning Administrator Melvion Fulgham, Deputy Zoning Administrator Chris Langaster, Executive Project Manager Joshua George, Senior Planner Jay Randolph, City Planner Valerie Taylor, City Planner Quinn Heinrich, and Clerk of Boards and Commissions Arlena Cahoon.

The Commission and staff discussed the agenda items, with the following information being provided.

**Minutes from the April 16, 2026 Planning Commission Work Session and Meeting:**

Secretary Kim Mikel noted that there were minor errors on pages six and seven of the previous month's meeting minutes. She stated that "Shield Street" should include an "s" at the end and should instead read "Shields Street." Additionally, there was a question regarding the specific address of the speaker who resides on Shields Street. The sign-in sheet indicated the address as 222 Shield Street, therefore, that address would remain as listed in the minutes.

**Planning Commission Bylaws:**

Assistant City Attorney Cory Wolfe noted that there is a redline and clean draft of the updated bylaws. He did receive comments from Chair Kathy Rogers to correct the gender and some of the references to the chair. Other than that, he has received no other questions or comments. Therefore, he has prepared a motion for the Planning Commission to move that to next month's meeting for the second reading where it could be voted on to adopt it. In the meantime, if there are any other revisions, then they can be discussed as well.

In response to a question from Commissioner Tracy Brooks, Mr. Wolfe responded that the Virtual Meeting Policy is a standalone policy that will not be in the bylaws.

**Public Hearing Items:**

**Rezoning Application No. 26-0095:**

Secretary Mikel noted that this is an application by North Mallory Quay to rezone the properties from One-Family Residential (R-11) District to One-Family Residential (R-4) and Multi-Family Residential District (MD-4) to develop single-family detached dwellings as well as town homes.

**Use Permit Application No. 26-0154:**

Secretary Mikel noted that this is a Use Permit Application for 611 Copeland Drive to allow for heavy vehicle repair.

**Zoning Ordinance Amendment No. 26-0146:**

Secretary Mikel noted that in addition to this amendment, there will be several zoning ordinance amendments that will come forward in order to modernize the zoning ordinance.

In response to a question from Commissioner Joe Griffith, Mr. Wolfe responded that under the definition of amusement devices, the ordinance applies primarily to games such as Ms. Pac-Man and similar arcade-style machines. The definition distinguishes those devices from any gaming device authorized by a state agency, including the Virginia Lottery and off-track horse race betting terminals. There is also a requirement that the machines cannot be age-restricted, meaning children must be permitted to use them. This language should help future-proof the City against potential future developments in gaming law.

**Revocation of Use Permit Application No. 26-0039**

Secretary Mikel noted that this is a proposed revocation of Use Permit Application No. 26-0039, which permits a Restaurant 3 use at 2163 and 2165 Cunningham Drive. She further advised the Planning Commission that there were slides included in error at the end of the presentation and requested for them to not be taken into consideration for decision making.

The work session adjourned at 3:08 P.M.

**AT THE REGULAR MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, 8<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, MAY 21, 2026 AT 3:30 P.M.**

**I. CALL TO ORDER**

Chair Kathy Rogers called the meeting to order at 3:31 P.M.

**II. ROLL CALL**

A call of the roll noted Chair Kathy Rogers, Commissioners Keisha Samuels, Joe Griffith, Tracy Brooks, and Brian DeProfio as present. Vice-Chair Martha Mugler and Commissioner Trina Coleman were noted absent. Staff in attendance were Secretary/Interim Director Kim Mikel, Interim Deputy Director Steve Lynch, Assistant City Attorney Cory Wolfe, Planning Manager Milissa Story, Zoning Administrator Melvion Fulgham, Deputy Zoning Administrator Chris Langaster, Executive Project Manager Joshua George, Chief Neighborhood Development Specialist Travis Rash, Senior Planner Jay Randolph, City Planner Valerie Taylor, City Planner Quinn Heinrich, Senior Youth Planner Henry Godfrey, and Clerk of Boards and Commissions Arlena Cahoon.

**III. APPROVAL OF MINUTES FROM THE APRIL 16, 2026 PLANNING COMMISSION WORK SESSION AND REGULAR MEETING**

A motion was made by Commissioner Keisha Samuels and was seconded by Commissioner Joe Griffith to approve the minutes from the April 16, 2026 Planning Commission Work Session and Regular Meeting.

A roll call vote on the motion resulted as follows:

AYES:	Samuels, Griffith, Brooks, DeProfio, Rogers
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman, Mugler

**IV. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

**1. May 2026 Youth Planner Report**

Senior Youth Planner Henry Godfrey presented the May Youth Planner Report for the Hampton Youth Commission (HYC).

**V. PLANNING COMMISSION BYLAWS**

**1. Revised Planning Commission Bylaws – First Reading**

Assistant City Attorney Cory Wolfe noted that, procedurally, the Planning Commission cannot amend its bylaws at the same meeting in which they are first presented. Since the bylaws were circulated at the current meeting, this constituted their first reading. He had already received comments and proposed corrections from Chair Rogers, which had been incorporated into the draft motions. Mr. Wolfe requested that the Planning Commission consider taking action on the bylaws at the second reading in June, with the proposed amendments included.

A motion was made by Commissioner Joe Griffith and was seconded by Commissioner Tracy Brooks to take action on the Planning Commission Bylaws at the June 18, 2026 Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES: Samuels, Griffith, Brooks, DeProfio, Rogers  
NAYS: None  
ABSTAIN: None  
ABSENT: Coleman, Mugler

## **VI. PUBLIC HEARING ITEMS**

Secretary Kim Mikel read the key points of the Hampton Planning Commission Public Hearing/Comment Rules.

**1. Rezoning Application by North Mallory Quay, LLC to Rezone +/- 14.0 Acres At 1, 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, 35, 39, And 43 Sargeant Street And 1, 2, 3, 5, 9, 10, 14, 17, 18, 21, 22, 25, 26, 29, 30, 33, 34, 37, 38, 39, 41, 45, And 49 Lawrence Avenue, [LRSNs: 12006047, 12006083, 12006048, 12006084, 12006049, 12006085, 12006051, 12006086, 12006052, 12006087, 12006053, 12006088, 12006054, 12006089, 12006055, 12006090, 12006056, 12006057, 12006058, 12006059, 12006067, 12006066, 12006068, 12006069, 12006070, 12006091, 12006092, 12006072, 12006093, 12006074, 12006094, 12006075, 12006096, 12006076, 12006097, 12006077, 12006098, 12006078, 12006099, 12006079, 12006080, 12006081 & 12006082, Respectively] From One-Family Residential (R-11) District To One-Family Residential (R-4) And Multifamily Residential (Md-4) Districts With Conditions To Redevelop The Properties For One Family Detached Dwelling And Townhouse Units**

**Rezoning Application No. 26-0095:** This is a Rezoning Application by North Mallory Quay, LLC, to Rezone +/- 14.0 Acres At 1, 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, 35, 39, And 43 Sargeant Street And 1, 2, 3, 5, 9, 10, 14, 17, 18, 21, 22, 25, 26, 29, 30, 33, 34, 37, 38, 39, 41, 45, And 49 Lawrence Avenue, [LRSNs: 12006047, 12006083, 12006048, 12006084, 12006049, 12006085, 12006051, 12006086, 12006052, 12006087, 12006053, 12006088, 12006054, 12006089, 12006055, 12006090, 12006056, 12006057, 12006058, 12006059, 12006067, 12006066, 12006068, 12006069, 12006070, 12006091, 12006092, 12006072, 12006093, 12006074, 12006094, 12006075, 12006096, 12006076, 12006097, 12006077, 12006098, 12006078, 12006099, 12006079, 12006080, 12006081 & 12006082, Respectively] From One-Family Residential (R-11) District To One-Family Residential (R-4) And Multifamily Residential (Md-4) Districts With Conditions To Redevelop The Properties For One Family Detached Dwelling And Townhouse Units.

Chief City Planner Donald Whipple presented the staff report on the subject application. Staff recommended approval of Rezoning Application No. 26-0095 with eleven (11) proffered conditions.

In response to questions from Commissioner Joe Griffith, Mr. Whipple responded that the zoning ordinance generally requires two parking spaces per unit for single-family residential development, including townhouses on individual lots. The proposed concept plan includes streets with ample on-street parking on both sides, which would accommodate guest parking as well as overflow parking for individual residences.

Mr. Whipple further added that there have been no amendments to the Buckroe Pattern Book and that the proposal is intended to be consistent with the Buckroe Master Plan adopted in 2005 or shortly thereafter. The proposed infill housing development does not significantly depart from the guidance provided in either the Buckroe Pattern Book or the City's overall pattern book. Staff provided both documents to the applicant as design resources, and the applicant worked closely with staff throughout the development of the elevations presented. Staff believes the applicant has done a good job incorporating the design principles of the Buckroe Pattern Book while also reflecting what is relevant today. He added that, based on the community meeting, he was not aware of any outstanding concerns that had not been addressed through staff and applicant responses.

In response to questions from Chair Kathy Rogers, Mr. Whipple responded that the landscaping along the lake frontage bordering Mallory Street will include a three-foot landscaped berm. The berm will be partially elevated to utilize soil excavated during the creation of the lake depression and will include a mixture of trees and shrubs.

Additionally, Mr. Whipple stated that he was unsure whether a neighborhood sign would be installed along the Mallory Street frontage. He further added that the community is designed with sidewalks that connect to the existing public sidewalks along Mallory Street. While the area will be maintained by the homeowner's association (HOA), he is uncertain whether any signage would be posted restricting access by the general public. The space is intended primarily for the use of neighborhood residents; however, because it is connected to the public sidewalk, he anticipated that it may function similarly to a public park to some extent.

Lisa Murphy, representative of the applicant, North Mallory Quay LLC, explained that the project will redevelop approximately 14 contiguous acres in the former College Court subdivision in the Buckroe area. HRHA owns 37 parcels to be sold to the developer, who has also acquired or put under contract six additional parcels. The rezoning request is from R-11 to R-4 and MD-4 to allow a total of 75 for-sale units (about 40 single-family detached homes and 35 townhomes) in a neo-traditional neighborhood to be called North Mallory Quay. The design follows the Buckroe Pattern Book and Hampton community policies, emphasizing high-quality materials, varied façades, rear-loaded garages, generous porches, and preservation of existing mature street trees.

A central community lake will function both as a key amenity and as a modern stormwater management facility, with a looping trail, native landscaping, and pedestrian amenities. The developer plans a neighborhood entrance sign, new sewer and water infrastructure, curb and gutter, sidewalks, and underground utilities. An HOA will be established with restrictive covenants covering design guidelines, rental limits, and maintenance of common amenities. Unit sizes will range from approximately 1,800–2,000 sq. ft., with townhomes expected in the upper \$300,000s and single-family homes in the upper \$400,000s to low \$500,000s.

Because the proposed 75 units are below the prior duplex buildout potential, a traffic impact analysis was not required, and the project is presented as a low-density, mixed-income, coastal neighborhood that supports Buckroe's revitalization and the City's economic development and housing goals.

Chair Rogers expressed appreciation for the developer's commitment to preserving mature trees on the site. Oftentimes, many projects result in clear-cutting old trees and replacing them with saplings. She looks forward to seeing which of the existing trees will be successfully maintained.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day a Rezoning Application by North Mallory Quay, LLC to rezone +/- 14.0 acres at 1, 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, 35, 39, and 43 Sargeant Street and 1, 2, 3, 5, 9, 10, 14, 17, 18, 21, 22, 25, 26, 29, 30, 33, 34, 37, 38, 39, 41, 45, and 49 Lawrence Avenue, [LRSNs: 12006047, 12006083, 12006048, 12006084, 12006049, 12006085, 12006051, 12006086, 12006052, 12006087, 12006053, 12006088, 12006054, 12006089, 12006055, 12006090, 12006056, 12006057, 12006058, 12006059, 12006067, 12006066, 12006068, 12006069, 12006070, 12006091, 12006092, 12006072, 12006093, 12006074, 12006094, 12006075, 12006096, 12006076, 12006097, 12006077, 12006098, 12006078, 12006099, 12006079, 12006080, 12006081 & 12006082, respectively] from One-Family Residential (R-11) District to One-Family Residential (R-4) and Multifamily Residential (MD-4) Districts with conditions to redevelop the properties for one family residences and townhouse units;

WHEREAS: the proposed new residential development would consist of 40 one-family detached dwellings and 35 townhouse residences. The one-family dwellings would include 2-story structures, a minimum of 2,000 square feet of heated living area, with attached garages that front Lawrence Avenue or Sargeant Street. The townhouses would include a mix of 2-story structures with detached garages and 3-story structures with attached garages, fronting the streets or the lake amenity. Each townhome would have a minimum of 1,800 square feet of heated living area;

WHEREAS: Infrastructure improvements would include new underground utilities (e.g., water, sewer, and electrical lines), curb and gutter, sidewalks, and street trees

WHEREAS: the proposed community amenities include a paved walkway that encircles a stormwater pond and includes benches, trash receptacles, picnic tables, pet waste stations, and landscaping;

WHEREAS: the Hampton Community Plan (2006, as amended) currently recommends low density residential land use for the subject property, which prescribes 3.5 to 9 residential units per acre;

WHEREAS: the Mallory Street Initiative Area of the Buckroe Master Plan, (2005, as amended) recommends developing new housing units on this underutilized piece of property. Additional recommendations include improving the street infrastructure, sidewalks, and drainage; as well as preserving the existing mature and healthy trees;

WHEREAS: the applicant has proffered eleven (11) conditions for the rezoning, which include substantial conformance with the concept plan, substantial conformance with the elevations, provision of high-quality and durable building materials, community amenities, landscaping, and landscape buffers, and infrastructure improvements, among others;

WHEREAS: Commissioners had questions and comments pertaining to the community meeting, landscaping, adequate parking, access to the lake by the general public, and neighborhood signage;

WHEREAS: City staff recommends approval of the rezoning application;

WHEREAS: no one from the public spoke either in support or opposition of the development proposal.

NOW, THEREFORE, on a motion by Commissioner Tracy Brooks and seconded by Commissioner Joe Griffith,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Rezoning Application No. 26-0095 with eleven (11) proffered conditions.

A roll call vote on the motion resulted as follows:

AYES: Samuels, Griffith, Brooks, DeProfio, Rogers  
NAYS: None  
ABSTAIN: None  
ABSENT: Coleman, Mugler

**2. Use Permit Application 26-0154 To Allow Vehicle Repair, Heavy At 611 Copeland Drive [LRSN: 1000432]**

**Use Permit Application 26-0154:** This is a Use Permit Application to allow Vehicle Repair, Heavy at 611 Copeland Drive [LRSN: 1000432]

Senior City Planner James Randolph presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. 26-0154 with seven (7) conditions

Applicant Delwyn Cosby, owner of DJC Logistics, DJC Collision, DJC Homes, and DJC Lane Nation thanked the Planning Commission and staff for their consideration of the application. He explained that the proposed MAACO auto body franchise at 611 Copeland Drive is primarily intended to support the maintenance and repainting of his fleet of 40 to 80 Amazon delivery vans, allowing them to be serviced more efficiently and returned to operation more quickly than if outside repair facilities were used.

Mr. Cosby stated that the operation will focus on light body work and retail painting services, including minor dent repairs and repainting vehicles acquired through auctions, rather than functioning as a full-service collision repair center. Most vehicles are expected to remain on-site for less than one week. He further explained that the facility could also provide services that benefit the community, such as repainting chairs, handrails, helmets, and signage. He concluded with stating he was available to answer any questions.

There being no questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Use Permit Application No. 26-0154 at 611 Copeland Drive [LRSN: 1000432], for vehicle repair, heavy;

WHEREAS: the applicant is proposing to renovate an eleven thousand nine hundred square foot building on a .743 +/- acre parcel into a vehicle paint and repair facility;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends business and industrial use for this property;

WHEREAS: the Hampton Community Plan (2006, as amended) also includes policies encouraging support of the City's economic development priorities, focusing business expansion and attraction to strengthen industrial clusters, and nurturing small and start-up businesses;

WHEREAS: City staff's analysis of the application finds it is consistent and in alignment with the City's adopted policies and recommendations for this area;

WHEREAS: City staff recommends approval of the use permit application with seven (7) conditions, including limiting vehicles that are being serviced to a maximum of thirty (30) days on site, prohibiting vehicle storage, screening the fenced parking/servicing and issuance of a certificate of occupancy;

WHEREAS: no individuals from the public addressed the Commission during the public hearing,

NOW, THEREFORE, on a motion by Commissioner Griffith and seconded by Commissioner Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends approval of Use Permit Application No. 26-0154 with seven (7) conditions.

A roll call vote of the motion resulted as follows:

AYES:	Samuels, Griffith, Brooks, DeProfio, Rogers
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman, Mugler

**3. A Proposal by the City of Hampton to Amend and Re-enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 2, Section 2-2 entitled "Definitions" to Amend the Definition for "Amusement Centers;" "Amusement or Skill-based Devices, Accessory" "Off-track Horse Race Betting Facility;" and "Physical Recreation Facility;" Chapter 3, Section 3-2 Entitled "Table of Uses Permitted" to Add "Amusement or Skill-based Device, Accessory" and "Off-track Horse Race Betting Facility" to the Use Table; and Chapter 3, Section 3-3 Entitled "Additional Standards on Uses" to Add Additional Standards for "Amusement or Skill-based Device, Accessory" and "Amusement Centers" Uses**

**Zoning Ordinance Amendment No. 26-0146:** This is a Proposal by the City of Hampton to Amend and Re-enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 2, Section 2-2 entitled "Definitions" to Amend the Definition for "Amusement Centers;" "Amusement or Skill-based Devices, Accessory" "Off-track Horse Race Betting Facility;" and "Physical Recreation Facility;" Chapter 3, Section 3-2 Entitled "Table of Uses Permitted" to Add "Amusement or Skill-based Device, Accessory" and "Off-track Horse Race Betting Facility" to the Use Table; and Chapter 3, Section 3-3 Entitled "Additional Standards on Uses" to Add Additional Standards for "Amusement or Skill-based Device, Accessory" and "Amusement Centers" Uses.

Mr. Whipple presented the staff report on the subject ordinance amendment. Staff recommended approval of Zoning Ordinance Amendment No. 26-0146.

There being no questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No.26-0146 to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 2, Section 2-2 entitled "Definitions" to amend the definition for "Amusement centers;" "Amusement or skill-based device, accessory" and "Physical recreation facility;" Chapter 3, Section 3-2 entitled "Table of uses permitted" to add "Amusement or skill-based device, accessory" to the use table; and Chapter 3, Section 3-3 entitled "Additional standards on uses" to add additional standards for "Amusement or skill-based device, accessory" and "Amusement centers" uses;" and Chapter 9, Section 9-23 entitled "Modification to permitted uses" to add "Off-track horse race betting facility" uses;

WHEREAS: Chapter 2, Entitled "Definitions" would see amendments to the definitions of "Amusement centers;" "Amusement or skill-based device, accessory" "Physical recreation facility;" and "Off-track horse race betting facility" in Sec. 2-2;

WHEREAS: Chapter 3, Section 3-2 entitled "Table of uses permitted" to add "Amusement or skill-based device, accessory," "Physical recreation facility", and "Off-track horse race betting facility" to the use table; and Chapter 3, Section 3-3 entitled "Additional standards on uses" to add additional standards for "Amusement or skill-based device, accessory" and "Amusement centers" uses;

WHEREAS: Chapter 9, Section 9-23 entitled "Modification to permitted uses" to add "Off-track horse race betting facility" as a permitted use in Coliseum Central Overlay (O-CC) District;

WHEREAS: these amendments would promote commercial activity while providing clearer, more consistent guidance regarding the amusement devices use and how many may be permitted as an accessory use in certain establishments and zoning districts; amusement centers and expanding the districts where they are permitted; off-track horse race betting facility and where they are permitted; and physical recreation facility and expanding the districts where they are permitted;

WHEREAS: public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed amendments;

WHEREAS: the proposed amendment will allow for Smoke or Vape Shops to be permitted in all General Commercial (C-3) District, subject to an approved Use Permit;

WHEREAS: this amendment would create additional standards and regulations for Amusement or skill-based device, accessory" and "Amusement centers" uses allowing for tailored conditions or permitting requirements rather than relying on broad commercial regulations;

WHEREAS: no members from the public spoke during the public hearing.

NOW, THEREFORE, on a motion by Commissioner Tracy Brooks and seconded by Commissioner Joe Griffith;

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendments No. 25-0337.

A roll call vote on the motion resulted as follows:

AYES: Samuels, Griffith, Brooks, DeProfio, Rogers  
NAYS: None  
ABSTAIN: None  
ABSENT: Coleman, Mugler

**4. Consider Revocation of the Use Permit Issued to Southern Comfort Restaurant and Lounge for a Restaurant 3 in the Limited Commercial (C-2) Coliseum Central Overlay (O-CC) Districts, located at 2163 and 2165 Cunningham Drive [Portion of LRSN: 7001532] Due to Violations of Conditions contained in the Use Permit**

**Revocation of Use Permit Application No. 26-0039:** This is a Consideration for the Revocation of the Use Permit Issued to Southern Comfort Restaurant and Lounge for a Restaurant 3 in the Limited Commercial (C-2) Coliseum Central Overlay (O-CC) Districts, located at 2163 and 2165 Cunningham Drive [Portion of LRSN: 7001532] Due to Violations of Conditions contained in the Use Permit.

Interim Deputy Director Steve Lynch and Hampton Police Department Officer (HPD) Rausch presented the staff report on the proposed revocation. Staff recommended revocation of Use Permit No. 26-0039.

Applicant Eddie Gomez, owner of Southern Comfort Restaurant and Lounge, 2163 and 2165 Cunningham Drive, accepted full responsibility for the operational failures that led to the proposed use permit revocation and that he was not seeking to minimize the City's concerns or the seriousness of the incidents cited. He explained that Southern Comfort has operated in Hampton for five years and has served thousands of patrons during that time.

Mr. Gomez outlined several corrective measures that have already been implemented, including the termination of security personnel who failed to follow required procedures, the hiring of additional licensed security staff for weekend operations, implementation of mandatory exterior security patrols, new incident escalation procedures requiring immediate notification to the Hampton Police Division of criminal activity, and weekly security meetings to review permit requirements and reporting protocols. Communication procedures with the Hampton Police Division have been strengthened through the establishment of a dedicated email chain for coordinating off-duty officer assignments.

Mr. Gomez stated that technical issues related to the camera integration system have been addressed and that the necessary equipment has been ordered and is expected to be installed upon delivery. He further noted that window tinting has been removed in compliance with permit conditions.

Regarding the April 4 incident, Mr. Gomez acknowledged that security personnel failed to remain at their assigned exterior posts and accepted responsibility for that failure. The individuals involved are no longer employed and that additional accountability measures have been enacted. He recognized that staff failed to notify the Hampton Police Division after hearing what was believed to be a gunshot, explaining that employees were unaware an individual had been injured and had left the property before staff became aware of the circumstances. Staff now understands that any suspected violent incident must be reported immediately, regardless of the apparent severity of the situation.

Mr. Gomez also recognized a failure to ensure that required off-duty police officers had been assigned for the event in question. Although he believed the officers had been scheduled, he accepted responsibility for not verifying the assignment and stated that new procedures have been administered to ensure confirmation of officer staffing before events proceed.

Mr. Gomez concluded by requesting that the Planning Commission allow the restaurant to continue operating under enhanced oversight rather than revoke the use permit, citing the corrective actions already taken and his commitment to preventing similar issues in the future.

Chair Rogers noted that Mr. Gomez's allotted 10-minute speaking time had expired. With the consent of the Planning Commission, she granted Mr. Gomez additional time to complete his presentation.

Mr. Gomez continued to accept full responsibility of the operational deficiencies cited in the proposed revocation and has enacted numerous corrective measures to address the City's concerns. He further stated that communication and coordination with the Hampton Police Division had been strengthened, camera system issues are in the process of being resolved, and the window tinting had been removed in compliance with permit conditions. Mr. Gomez recognized some misunderstandings regarding certain permit requirements, including event notification procedures and reporting obligations, but he now fully understands those requirements and has administered procedures to ensure future compliance.

Mr. Gomez noted that Southern Comfort has worked to cooperate with City staff and the Hampton Police Division and remains committed to operating in a safe and responsible manner. He requested that the Planning Commission consider the corrective actions already taken and allow the business to continue operating under enhanced conditions and oversight rather than revoking the use permit.

In response to questions from Commissioner Keisha Samuels, Mr. Gomez responded that following the shooting incident, he met with an agent from the Virginia Alcoholic Beverage Control Authority (ABC) as part of the investigation. While he currently utilizes a contracted security company, he is actively evaluating alternative security providers. He is meeting with multiple security companies to review their procedures and oversight practices and intends to select a provider that will best ensure compliance and prevent similar incidents from occurring in the future.

He stated that that his primary misunderstandings regarding the use permit requirements involved the process for connecting the restaurant's camera system to the City's Real-Time Information Center (RTIC) and the window tinting requirements. He acknowledged responsibility for not seeking clarification through the appropriate channels and he had since worked with City staff to gain a better understanding of the applicable requirements and procedures. He now understands the importance of obtaining guidance through the proper approval process and believes that all identified use permit violations have been corrected and are being maintained in compliance with permit conditions.

Mr. Gomez further explained that the security officer present during the incident failed to intervene or communicate with other security personnel despite having a radio available. He was actively attempting to contact additional security staff to respond to the situation, but the officer did not utilize the communication equipment or follow established procedures. He recognized that the officer's lack of response contributed to the severity of the situation and accepted responsibility as the owner for the failure of security personnel to perform their duties.

In response to questions from Commissioner Brian DeProfio, Mr. Gomez responded that some of the compliance issues stemmed from misunderstandings regarding use permit requirements. Southern Comfort had operated for more than five (5) years without significant issues and that he was unfamiliar with certain processes, including the requirements associated with the City's camera connectivity system. He believed he had authorized the City's access to the camera system but did not understand that additional actions were required on his part to complete the connection. He accepted responsibility for not seeking clarification sooner and once he became aware of the requirements, he took immediate steps to bring the business into compliance. He emphasized his commitment to maintaining compliance with all City requirements moving forward.

Mr. Gomez stated that his understanding of the use permit requirements was that advance notification and related conditions primarily applied to events involving entertainers, performers, or other large gatherings. He did not realize the same requirements applied to private events such as family repasts and other community gatherings. Mr. Gomez recognized that this interpretation was incorrect and now understands the notification requirements apply more broadly. He believed he could operate the event space for routine business activities without additional notification, provided no entertainment was involved.

He added that his understanding of the use permit conditions was that notification requirements were primarily associated with special events involving entertainers, performers, or other large attractions that could draw significant crowds. The event in question was a college party and that all required security and police staffing had been arranged. Because he did not view the event as an unusual safety concern and a special entertainment event, he did not believe additional notification was required. Mr. Gomez acknowledged that this interpretation was incorrect and stated that he now understands the City's expectations regarding event notifications and use of the event space.

In response to a question from Commissioner Griffith, Mr. Gomez responded that several additional measures have been implemented to improve security and prevent future incidents. These include weekly meetings with security personnel to review procedures and incident response expectations, participation in a shared banned-patron list with another local establishment, and additional training for security staff focused on de-escalation and handling violent situations. Following the recommendations from ABC, he completed the Managers' Alcohol Responsibility Training (MART) program and required management and staff to complete recommended alcohol service training. The business has proactively adopted these measures to strengthen operations and reduce the likelihood of similar incidents occurring in the future.

In response to questions from Commissioner DeProfio, Mr. Gomez responded that most of the measures were administered following the shooting incident, particularly in relation to enhanced security standards. During that period, not all staff were able to complete the training recommended by ABC on the required timeline, but adjustments continued to be made throughout the process. These changes began after the incident in which an individual was struck by gunfire, which prompted an investigation by the ABC agent. He met with the ABC agent, who then provided a list of corrective actions, and those recommendations were proactively enacted.

Mr. Gomez stated that the second incident involved a physical altercation he had observed. He accepts responsibility for the situation but believes it may have been prevented had the assigned officer intervened earlier. Based on his observation, the situation escalated gradually, with the individuals initially talking at a distance and then moving closer without intervention. He did not observe the officer take steps to de-escalate or remind the individuals

that the behavior was not permitted. He expressed that more effective security presence or intervention at an earlier stage could have prevented the incident from occurring.

In response to a question from Commissioner Griffith, Mr. Wolfe responded that the permit holder would be allowed to pursue a lower level of restaurant use, specifically Restaurant 1 or Restaurant 2, both of which are processed administratively.

Chair Rogers opened the public hearing. There being no individuals signed up to speak, Chair Rogers closed the public hearing.

A motion was made by Commissioner Brian DeProfio and was seconded by Commissioner Tracy Brooks to recommend that Hampton City Council revoke Use Permit No. 26-0039 for a Restaurant 3 use at 2163 and 2165 Cunningham Drive.

A roll call vote on the motion resulted as follows:

AYES:	Griffith, Brooks, DeProfio, Rogers
NAYS:	Samuels
ABSTAIN:	None
ABSENT:	Coleman, Mugler

#### **VII. MATTERS BY THE PUBLIC**

There were no matters by the public.

#### **VIII. MATTERS BY THE COMMISSION**

There were no matters by the Commission.

#### **IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:41 PM.

Respectfully Submitted,

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Kimberly Mikel  
Secretary to the Commission

APPROVED BY:

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Katherine L. Rogers  
Chairwoman