

AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, SEPTEMBER 19, 2024 AT 3:00 P.M.

Vice-Chair Ruthann Kellum called the work session to order at 3:02 P.M.

A call of the roll noted Commissioners Kathy Rogers, Tracy Brooks, Trina Coleman, Hope Harper, Brian DeProfio, and Vice-Chair Ruthann Kellum as being present. Chair Michael Harris was noted as absent. Staff in attendance were Secretary to the Commission/Community Development Deputy Director Kimberly Mikel, Interim Deputy Director Steven Lynch, Chief Planner Donald Whipple, Zoning Administrator Allison Jackura, Assistant City Attorney Jessica Kraus, Senior Planner Davis Pemberton, Support Services Coordinator Kristie Graves and Clerk of Boards and Commissions Arlena Cahoon.

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

Election of Chair and Vice-Chair:

Deputy Director Kim Mikel noted that elections would be held for Chair and Vice-Chair during the regular meeting.

Assistant City Attorney Jessica Kraus provided an overview of the procedures and by-laws for the election of Chair and Vice-Chair. Since Chair Michael Harris was noted absent for today's meeting, Vice-Chair Kellum would preside over the meeting until the election agenda item. Additionally, Chair Harris could be re-elected to serve another term even though he was absent. Elections are effective immediately, therefore, whomever is elected to serve as Vice-Chair will then have to run the meeting.

Vice-Chair Kellum noted that Chair Harris mentioned he is open to serving another term as Chair of the Planning Commission. She further stated that she is willing to give the opportunity to another Commissioner interested in serving as Vice-Chair.

Commissioner Kathy Rogers expressed interest in serving as Vice-Chair but was also open to another Commissioner serving if they would like to.

Approval of the Minutes from the August 22, 2024 Planning Commission Meeting:

Secretary Mikel noted two edits to the minutes from the August 22nd meeting. The first edit was on page two (2), first paragraph, line 5, where it states "Commanding Shephard Boulevard", it should read "Commander Shephard Boulevard". The second edit is on page two (2), third paragraph, line 4, should read "There will be a brief overview at tonight's meeting and it will be brought...".

Vice-Chair Kellum noted a third correction on page three (3) where the heading should read "... On Thursday, August 22, 2024...".

In response to Vice-Chair Kellum, Assistant City Attorney Kraus confirmed the edits that were discussed in this work session could be approved by reference in the motion on the item. Whoever makes the motion to approve the minutes in the public hearing, should move that the minutes be approved with the noted edits that were discussed in work session.

Disposition of Certain Public Hearing Items Deferred from March 21, 2024:

Use Permit Application No. 23-0280, Use Permit Application No. 23-0352, and Use Permit Application No. 23-0353:

Secretary Mikel noted that these three (3) Use Permit Applications were deferred from the March 21, 2024 Planning Commission meeting. Hampton City Council enacted regulations in June regarding Short-Term Rentals (STRs). They now regulate density and separation requirements, which became effective on the 1st of September. Additionally, within that time frame, staff created an administrative process to review Short-Term Rental applications to ensure that they meet those requirements. These three (3) applications were deferred to this date so that staff could analyze them under the new regulations.

Attorney Kraus added that the applicant has requested to withdraw Use Permit Application No. 23-0280 and that a motion is required to approve the withdrawal. Use Permit Application No. 23-0352 and Use Permit Application No. 23-0353 have been converted to the administrative process; there is no action needed on the applications at today's meeting. Therefore, staff is requesting to remove these applications from the agenda to maintain the legislative history of these use permits. Lastly, only two motions will be needed for these items, one for the withdrawal of Use Permit Application No. 23-0280 and one to remove both Use Permit Application No. 23-0352 and Use Permit Application No. 23-0353 from today's agenda.

Rezoning Application No 24-0399:

Secretary Mikel noted there is one (1) public hearing item on the agenda. It is a rezoning application to rezone two parcels from the R-9 zoning district to the R-4 zoning district, which will allow the applicant to subdivide the lot and develop two (2) single family detached dwelling units on the property.

In response to a question from Vice-Chair Kellum, Senior Planner Davis Pemberton responded that notices of the public hearing were sent to the neighboring property owners. He did not receive any feedback from the community.

The work session adjourned at 3:16 P.M.

AT THE REGULAR MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, SEPTEMBER 19, 2024 AT 3:30 P.M.

I. CALL TO ORDER

Vice-Chair Ruthann Kellum called the meeting to order at 3:31 P.M.

II. ROLL CALL

A call of the roll noted Commissioners Kathy Rogers, Tracy Brooks, Trina Coleman, Hope Harper, Brian DeProfio, and Vice-Chair Kellum as being present. Chair Harris was noted as absent. Staff in attendance were Secretary to the Commission/Community Development Deputy Director Kimberly Mikel, Chief Planner Donald Whipple, Zoning Administrator Allison Jackura, Assistant City Attorney Jessica Kraus, Senior Planner Davis Pemberton, City Planner Valerie Taylor, City Planner Quinn Heinrich, Senior Youth Planner Helena Folkerts, Junior Youth Planner Henry Godfrey, Support Coordinator Kristie Graves and Clerk of Boards and Commissions Arlena Cahoon.

III. ELECTION OF CHAIR AND VICE-CHAIR

Secretary to the Commission/Deputy Director Kim Mikel opened the floor for nominations to Chair and Vice-Chair of the Hampton Planning Commission.

Commissioner Brian DeProfio nominated Mr. Michael Harris to serve as Chair of the Hampton Planning Commission.

A motion was made by Commissioner Tracy Brooks and seconded by Commissioner Trina Coleman to re-elect Michael Harris to serve as Chair of the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Coleman, Harper, DeProfio, Kellum
NAYS:	None
ABSTAIN:	None
ABSENT:	Harris

Commissioner Brian DeProfio nominated Ms. Kathy Rogers to serve as Vice-Chair of the Hampton Planning Commission.

A motion was made by Commissioner Brian DeProfio and seconded by Commissioner Trina Coleman to elect Kathy Rogers to serve as Vice-Chair of the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Coleman, Harper, DeProfio, Kellum
NAYS:	None
ABSTAIN:	None
ABSENT:	Harris

Assistant City Attorney Kraus turned the meeting over to Vice-Chair Kathy Rogers.

Vice-Chair Rogers thanked her colleagues for the confidence that they have shown in her and that she was grateful for the opportunity to serve as Vice-Chair of the Hampton Planning Commission.

IV. APPROVAL OF MINUTES

A motion was made by Commissioner Ruthann Kellum and seconded by Commissioner Brian DeProfio to approve the minutes from the August 22, 2024 Planning Commission Meeting and Work Session with the edits that were discussed in the work session.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, DeProfio, Kellum
NAYS:	None
ABSTAIN:	Coleman, Harper
ABSENT:	Harris

Commissioners Trina Coleman and Hope Harper abstained from voting on the minutes as they were not present at the August 22, 2024 meeting.

V. DISPOSITION OF CERTAIN PUBLIC HEARING ITEMS DEFERRED FROM MARCH 21, 2024

Secretary Mikel made the following introduction of the agenda items:
On June 12, 2024, City Council enacted new regulations for short-term rentals (STRs) that limited the number of STRs throughout the City, as well as how close they could be to one another. Those regulations went into effect on September 1. Also included in those regulations was the creation of an administrative permitting process for short-term rentals. STRs that meet certain conditions can now be permitted under an administrative process that does not require City Council or Planning Commission action. At the March 21st meeting, Planning Commission deferred 3 Use Permits for short-term rentals to tonight's meeting so that those short-term rental applications could be analyzed under the new regulations. 2 of those 3 Use Permits met the conditions necessary for the administrative process and converted to Zoning Administrator Permits, which do not require Planning Commission or City Council action. Those applications will be processed by the zoning staff administratively and applicants will be notified of whether their application was approved or denied. The remaining Use Permit has requested withdraw of their application, so Planning Commission will need to make a motion to accept that withdraw.

2. 23-0280 Use Permit Application No. 23-0280 By Chinwendu Nnagbo to Permit a Short-Term Rental (STR) at 507 Whealton Road [LRSN 3000788]

Secretary Mikel stated that the applicant has requested withdrawal of Use Permit Application No. 23-0280.

A motion was made by Commissioner Hope Harper and seconded by Commissioner Ruthann Kellum to accept withdrawal of Use Permit Application No. 23-0280 at the request of the applicant.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Coleman, Harper, DeProfio, Kellum
NAYS:	None
ABSTAIN:	None

ABSENT: Harris

3. 23-0352 Use Permit Application No. 23-0352 by Otis Scott, Jr. to Permit a Short-Term Rental (STR) at 28 Castle Haven Rd [LRSN: 13000709]

4. 23-0353 Use Permit Application No. 23-0353 by Pamela Dessaso to Permit a Short-Term Rental (STR) at 100 Baker Farm Dr [LRSN: 6001436]

Secretary Mikel stated that in order to maintain a record of legislative history on remaining use permits, there will need to be a motion to remove Items No. 23-0352 and No. 23-0353 from the agenda.

A motion was made by Commissioner Ruthann Kellum and was seconded by Commissioner Trina Coleman to remove Items No. 23-0352 and No. 23-0353 from the agenda for the reasons described by the Secretary.

A roll call vote on the motion resulted as follows:

AYES: Rogers, Brooks, Coleman, Harper, DeProfio, Kellum
NAYS: None
ABSTAIN: None
ABSENT: Harris

VI. PUBLIC HEARING ITEMS

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

5. 24-0399 Rezoning Application No 24-0399 by Cornerstone Custom Homes LLC to Rezone the Parcel Located at 67 W Little Back River Road [LRSN 8005581], Totaling +/- 0.35 acres

Rezoning Application 24-0399: This is a rezoning application by Cornerstone Custom Homes LLC to Rezone the Parcel Located at 67 W Little Back River Road [LRSN 8005581], Totaling +/- 0.35 acres, from One-Family Residential (R-9) to One-Family Residential (R-4) District with Proffered Conditions to Construct Two (2) 1-Family Detached Dwelling Units

Senior Planner Davis Pemberton presented the staff report on the subject application. Staff recommended approval of Rezoning Application No. 24-0399 with seven (7) proffered conditions.

In response to Commissioner Harper, Mr. Pemberton stated that there was not a formal community meeting held, however, staff did provide notification to surrounding property owners and placed a sign on the lot to notify people in the area of the application. Since the notices were sent out and signs placed, staff has not received any feedback from the community.

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

WHEREAS: the Hampton Planning Commission has before it this day a rezoning application to rezone the parcel located at 67 W Little Back River Road, totaling +/- 0.35 acres, from One-Family Residential (R-9) to One-Family Residential (R-4) District with

proffered conditions. The rezoning would allow for the parcel to be subdivided into two (2) parcels for the purpose of building a single-family home on each;

WHEREAS: the applicant and property owners, Cornerstone Custom Homes, LLC, are seeking to rezone the parcel to allow for the existing parcel to be subdivided into two (2) separate parcels which would further allow for the development of two (2) 1-family detached dwellings;

WHEREAS: under current zoning regulations, lots in the R-9 District require a minimum frontage of sixty (60) feet. The surveyed parcel currently has one hundred (100) feet of street frontage, making it ineligible for subdivision under the existing base zoning district. Rezoning to the R-4 District, which requires a minimum frontage of fifty (50) feet for lots without alley access, would allow the parcel to be subdivided and developed into two (2) single-family homes. In order to qualify for the R-4 District, adherence to a "city adopted pattern book" is required [Zoning Ordinance Section 4-101(2)];

WHEREAS: the Hampton Community Plan (2006, as amended) recommends low density residential for the subject property;

WHEREAS: the property falls within the boundaries of the North King Street Master Plan (2007, as amended), which is augmented by the Hampton Pattern Book (2011, as amended). These documents were created and adopted in recognition of the uniqueness and opportunity of the area. While the subject property is not specifically highlighted or mentioned in the Master Plan, one of its primary objectives is to support and enhance the overall health of its adjacent neighborhoods, and it highlights one of the largest obstacles to achieving the potential housing market is the lack of available land and the lack of new investment;

WHEREAS: the design and construction of the proposed structures will adhere to the Hampton Pattern Book's Colonial Model style, complementing the character of the older homes in the neighborhood. Key features of the building design include the use of high-quality, durable materials on the front, side, and rear facades. The first finished floor will be raised a minimum of thirty-six (36) inches, and the foundation will be faced on all sides with full-face brick. If a garage is included, it will be set back eighteen (18) inches from the main front facade of the structure, and the garage door will feature windows and decorative hardware;

WHEREAS: the proposed rezoning is in line with the Hampton Community Plan's policies and future land use recommendation, and meets objectives of the North King Street Master Plan by utilizing available and undeveloped land while supporting and enhancing the overall health of its adjacent neighborhood. With the proposed proffered conditions in place, staff believes the proposed rezoning and subsequent development of two (2) 1-family detached dwellings built in accordance with the Hampton Pattern Book would be appropriate for this location;

WHEREAS: City staff recommends approval of this rezoning application with seven (7) proffered conditions; and

WHEREAS: no member of the public was signed up to speak on the item.

NOW, THEREFORE, on a motion by Commissioner Trina Coleman and seconded by Commissioner Tracy Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends approval of Rezoning Application No. 24-0399 with seven (7) proffered conditions.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Kellum, Harper, DeProfio
NAYS:	None
ABST:	None
ABSENT:	Harris

VII. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

6. Memorandum from the Youth Planners to the Planning Commission

Senior Youth Planner Helena Folkerts presented the Youth Planner Report for the Hampton Youth Commission (HYC).

On September 16th, HYC held its first school year meeting at the Ruppert Sargent Building-Veterans Conference Room, which primarily focused on planning for the Candidates Forum.

Upcoming Events:

- Committee Meeting – September 23rd
- Candidates Forum – October 28th

Commissioner Harper expressed her appreciation for HYC, and wished them a great year.

VIII. ITEMS BY THE PUBLIC

There were no items by the public.

IX. MATTERS BY THE COMMISSION

Commissioner Kellum recognized Vice-Chair Rogers for her willingness to serve as Vice-Chair and stepping in to run the meeting in the Chair's absence.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:54 PM.

Respectfully Submitted,

Kimberly Mikel
Secretary to the Commission

APPROVED BY:

Michael Harris
Chairman