

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, June 18, 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 Trina Coleman as present. Vice-Chair Martha Mugler and Commissioners Tracy Brooks and Brian DeProfio were noted absent, however Vice-Chair Mugler joined the meeting remotely 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, Senior Planner Jay Randolph, City Planner Valerie Taylor, City Planner Quinn Heinrich, and Support Services Coordinator Kristie Graves

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

Virtual Meeting Attendance:

Secretary Kim Mikel noted that Vice-Chair Martha Mugler has requested to participate in this meeting remotely because she is unable to attend due to a personal matter. She is outside of the Commonwealth on previously scheduled travel. Her request was timely made in writing to the City Attorney's Office, Community Development Department, and to the Chair of the Planning Commission, provided that a physical quorum of the Commission is otherwise assembled at its meeting location. Vice-Chair Mugler's request is in compliance with Virginia Code Section 2.2-3708.3 and the Commission's remote participation policy adopted June 26, 2025. Vice-Chair Mugler will participate from a location in the state of Maryland, and the Commission has made arrangements for her voice to be heard by all persons in attendance at this meeting location.

Planning Commission Bylaws:

Assistant City Attorney Cory Wolfe requested for the second reading of the Planning Commission bylaws to not be considered at today's meeting. The city attorney took a second look at them and is concerned about the attendance language as it seems to not align with what is in the statute.

Planning Commission Training:

Planning Manager Milissa Story announced that registration is open for the Certified Planning Commissioner training, which begins in July in Richmond and is hosted by Virginia Commonwealth University (VCU). Participation is optional and that the City will cover the cost of attendance for Commissioners.

Secretary Mikel encouraged Commissioners to take advantage of the training, particularly those with little or no prior experience serving on a board or commission. The City will pay for the registration, books, and other associated costs, and that a registration link will be emailed to the Commissioners following the meeting.

Public Hearing Items:

Rezoning Application No. 26-0176:

Secretary Mikel noted that this a rezoning application to allow for the expansion of a current business, Prillaman Crane and Rigging.

Zoning Ordinance Amendment No. 26-0188:

Secretary Mikel noted that this is a zoning ordinance amendment to amend the minimum parking requirement for residential and mixed-use developments. There is also an amendment to add language permitting administrative reductions.

In response to a question from Chair Kathy Rogers, Mr. Wolfe responded that state law requires the City to adopt an administrative procedure for requesting parking reductions outside designated transit areas. While the statute requires the process to be administrative, it does not prescribe a specific procedure. Appeals of the Zoning Administrator's determination would be heard by the Board of Zoning Appeals (BZA).

Mr. Wolfe further explained that, outside transit areas, the administrative reduction process generally applies to all residential developments, including mixed-use residential developments. Staff included a provision limiting eligibility to developments requiring at least five parking spaces, as an 80 percent reduction could not be practically applied to fewer than five spaces.

In response to a question from Vice-Chair Martha Mugler, Mr. Wolfe responded that he did not believe the amendment would affect existing developments. However, he noted that property owners subject to higher parking requirements who no longer need the excess parking may be able to remove parking spaces, as applicable.

Zoning Ordinance Amendment No. 26-0193:

Secretary Mikel noted that this is a zoning ordinance amendment to reduce the minimum required lot area to 3,000 square feet for the R-4 Zoning District.

Zoning Ordinance Amendment No. 26-0194:

Secretary Mikel noted that this is a zoning ordinance amendment to amend Chapter 14, Article I, Sections 14-9 and 14-11. This would add a one year waiting period for reapplication after a revocation of a use permit. Right now, there's a one year waiting period for denial of a use permit and this would apply to revocations as well.

Zoning Ordinance Amendment No. 26-0195:

Secretary Mikel noted that this is a zoning ordinance amendment to amend the conditions of the Zoning Administrator Permit (ZAP) for a Restaurant Two (2). This involved amending security and other requirements and will be included in the presentation.

She added that there were a few revisions that staff identified after the package went out. In the redlined conditions, lines 109 and 110 contained an oversight and should be amended to remove language regarding Restaurant 2 security requirements. The current language requires one (1) Department of Criminal Justice Services (DCJS) certified security guard at each ingress and egress point, as well as one additional guard for every 100 patrons. Staff recommends revising the condition to require one (1) DCJS-certified security guard for every 100 patrons.

Secretary Mikel further explained that Section 3.13 (B) was added after the agenda package was distributed and provides additional detail regarding the required floor plan submission for the restaurant use. The updated language requires the applicant to include information such as ingress and egress points, tables, chairs and other relevant layout details.

Lastly, staff recommends removing the term "unarmed" from the requirement for DCJS-certified security guards, allowing the applicant to determine whether armed or unarmed security is appropriate.

Mr. Wolfe noted that the revised motion sheet includes a motion recommending approval of the ordinance as amended. The Planning Commission also has the option to recommend approval of the ordinance as originally included in the agenda packet.

In response to questions from Commissioner Trina Coleman, Mr. Wolfe responded that DCJS-certified security officers have authority beyond that of private citizens, including the ability to detain or remove individuals from a property on behalf of the owner. Based on the recommendation of the Hampton Police Department (HPD), staff elected not to require either armed or unarmed security, allowing each business to determine which is appropriate. He further explained that DCJS offers separate certifications for armed and unarmed security officers, each with its own training requirements, and that HPD would verify compliance with the certification requirement.

In response to questions from Chair Rogers, Mr. Wolfe clarified that DCJS-certified security officers may detain or remove individuals from the property at the owner's request.

Secretary Mikel added that the expectation is for security personnel to maintain order, de-escalate situations, and contact HPD when an incident exceeds their ability to manage.

Mr. Wolfe also explained that the proposed definition of a third-party promoter is intended to prohibit arrangements in which a promoter is compensated based on attendance, thereby discouraging incentives to maximize attendance without regard for public safety. Hiring an advertiser for a flat fee or engaging a DJ or other entertainer to perform at an establishment would not constitute third-party promotion under the ordinance. He further clarified that allowing another operator to independently conduct business within the establishment could be considered third-party commercial activity.

Lastly, Mr. Wolfe stated that an establishment's maximum occupancy is determined by the applicable building and fire codes.

Secretary Mikel added that occupancy calculations also consider factors such as public space and restroom facilities, along with other applicable code requirements.

The work session adjourned at 3:24 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, June 18, 2026 AT 3:30 P.M.

I. CALL TO ORDER

Chair Kathy Rogers called the meeting to order at 3:30 P.M.

Secretary Kim Mikel noted that Vice-Chair Martha Mugler has requested to participate in this meeting remotely because she is unable to attend due to a personal matter. She is outside of the Commonwealth on previously scheduled travel. Her request was timely made in writing to the City Attorney's Office, Community Development Department, and to the Chair of the Planning Commission, provided that a physical quorum of the Commission is otherwise assembled at its meeting location. Vice-Chair Mugler's request is in compliance with Virginia Code Section 2.2-3708.3 and the Commission's remote participation policy adopted June 26, 2025. Vice-Chair Mugler will participate from a location in the state of Maryland, and the Commission has made arrangements for her voice to be heard by all persons in attendance at this meeting location.

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 MAY 21, 2026 PLANNING COMMISSION WORK SESSION AND REGULAR MEETING

A motion was made by Commissioner Joe Griffith and was seconded by Commissioner Keisha Samuels to approve the minutes from the May 21, 2026 Planning Commission Work Session and Regular Meeting.

A roll call vote on the motion resulted as follows:

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

IV. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. June 2026 Youth Planner Report

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

Commissioner Joe Griffith thanked Mr. Godfrey for his presentations and hard work, noting that his presentations have been uplifting and that it has been a pleasure having him present before the Planning Commission.

Commissioner Keisha Samuels commended Mr. Godfrey for his engaging presentations and positive attitude. She congratulated him on graduating from both Phoebus High School and Virginia Peninsula Community College (VPCC), wished him continued success, and expressed confidence in his future accomplishments.

Commissioner Trina Coleman stated that it had been a pleasure working with Mr. Godfrey and expressed her confidence that he would continue to achieve great things.

Vice-Chair Martha Mugler thanked Mr. Godfrey for his service through the Youth Commission and congratulated him on his high school and VPCC graduations. She remarked that although this was his final presentation before the Planning Commission, she believed it would be the first of many presentations throughout his future career.

Chair Kathy Rogers noted that Mr. Godfrey has the support and encouragement of the Planning Commission and expressed her hope of seeing him again in the future. She thanked him for his contributions and wished him continued success.

V. PLANNING COMMISSION BYLAWS

1. Revised Planning Commission Bylaws – Second Reading

Assistant City Attorney Cory Wolfe requested to defer this item until next month on the suggestion of the City Attorney.

As discussed in the work session, the Planning Commission agreed to defer the discussion about the bylaws until next month.

VI. PUBLIC HEARING ITEMS

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

1. Rezoning Application 26-0176 by Prillaman's Property Management, LLC to Rezone +/- 5.19 acres at 618, 632, 634, 636, and 638 Aberdeen Road and 2303 60th Street, [LRSN: 1000303, 1000440, 1000441, 1000442, 1000443, and 1000301, Respectively] from Light Manufacturing (M-2), Limited Commercial (C-2) District and One Family Residential (R-11) Districts to Light Manufacturing (M-2) with Conditions to Expand and Operate a Crane and Rigging Business.

Rezoning Application No. 26-0095: This is a Rezoning Application by Prillaman's Property Management, LLC to rezone +/- 5.19 acres at 618, 632, 634, 636 and 638 Aberdeen Road and 303 60th Street [LRSN: 1000303, 1000440, 1000441, 1000442, 1000443, and 1000301, Respectively] from Light Manufacturing (M-2) Limited Commercial (C-2) District and One Family Residential (R-11) Districts to Light Manufacturing (M-2) with conditions to expand and operate a crane and rigging business.

Chief City Planner Donald Whipple presented the staff report on the subject application. Staff recommended approval of Rezoning Application No. 26-0095.

Tim Trant, Attorney with Kaufman & Canoles, 11815 Fountain Way, Newport News, VA, introduced himself and Mr. Paul Prillaman, owner and operator of Prillaman Crane Rigging. Mr. Trant stated that the business has operated at the site since approximately 2014 and is seeking approval to expand in response to continued business growth and increased demand for its services.

Mr. Trant noted that the proposed expansion is intended to provide additional space for equipment storage, employee parking, and business operations. Most crane and rigging work occur off-site at construction projects throughout the Hampton Roads region, with on-site activities primarily limited to equipment storage, maintenance, repair, office functions, and employee training.

Mr. Trant also noted that the business's operating hours accommodate state-issued travel permits for oversized equipment, which typically restrict travel to periods outside peak traffic hours. The company occasionally responds to emergency situations, such as vehicle recovery following highway accidents and storm-related incidents requiring crane services. In order to accommodate the business's growth while remaining at its current location, the applicant purchased four adjacent residential parcels to expand parking and equipment storage areas.

He explained that the applicant held a community meeting with representatives of the adjacent apartment communities to discuss the proposal. Based on the feedback received, the applicant worked with the neighboring property owners and their legal counsel to address their concerns through revisions to the proffered conditions and conceptual plan. These revisions include expanded fencing and landscaping, the removal of residential driveways along Big Bethel Road, and other measures intended to improve the transition between the industrial and residential uses.

Lastly, Mr. Trant stated that the proposed proffered conditions would apply not only to the expansion area but also to the existing industrial property, further limiting certain by-right uses while providing additional buffering and compatibility measures to support the business's continued growth.

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 by Prillaman's Property Management, LLC to rezone +/- 5.19 acres at 618, 632, 634, 636, and 638 Aberdeen Road and 2303 60th Street, [LRSN: 1000303, 1000440, 1000441, 1000442, 1000443, and 1000301 respectively] from Light Manufacturing (M-2), Limited Commercial (C-2) District and One Family Residential (R-11) Districts to Light Manufacturing (M-2) with conditions to expand and operate a crane and rigging business;

WHEREAS: the use consists of office uses, interior and exterior storage of equipment and materials, and equipment service and repair, currently located at 2303 60th Street. Due to the business experiencing significant growth, the applicant has acquired the single-family residential properties included in this application with the intent of expanding the operations area to be used to store additional equipment and materials as well as to provide an area to teach and train crane and rigging operators;

WHEREAS: proposed improvements would include the improved surface of the new operations area, underground stormwater facility, new site lighting, one (1) level 2 electric vehicle charging station, and a landscape buffer with opaque fencing to be provided along Aberdeen Road and the southern boundary of adjacent residences at the northeast corner of the site in order to provide appropriate screening between the uses;

WHEREAS: the applicant proposes in the short term to continue to lease the property at 618 Aberdeen to a commercial tenant; however, with the rezoning, the property may be incorporated into the crane and rigging business;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends business/industrial and low-density residential use for the subject property;

WHEREAS: the applicant has proffered fourteen (14) conditions to include substantial conformance with the concept plan, vacation of parcel lines, adherence to the Copeland Industrial Park Design Guidelines, fencing materials, landscaping guidance, resilience and sustainable elements, lighting, dust control, limitation on uses, and hours of operation;

WHEREAS: Commissioners asked questions pertaining to the types of retail businesses planned for the site;

WHEREAS: City staff recommends approval of this rezoning application; and

WHEREAS: no one from the public spoke to this application during the public hearing.

NOW, THEREFORE, on a motion by Commissioner Joe Griffith and seconded by Commissioner Trina Coleman,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Rezoning Application No. 26-0176 with fourteen (14) proffered conditions.

A roll call vote on the motion resulted as follows:

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

2. Ordinance to Amend and Re-enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 11, to Reduce Required Minimum Parking for Single-family Detached, Two-family, Duplex, or Multi-family Uses; and to Add Language Permitting Administrative Reductions in Minimum Requirements

Zoning Ordinance Amendment No. 26-0188: This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 11, to reduce required minimum parking for single-family detached, two family, duplex or multi-family uses; and to add language permitting administrative reductions in minimum requirements.

City Planner Quinn Heinrich presented the staff report on the subject amendment. Staff recommended approval of Zoning Ordinance Amendment No. 26-0188.

In response to a question from Commissioner Coleman, Secretary Mikel responded that the proposed administrative parking reduction process would apply only to developments with a minimum of five required parking spaces. As a result, she does not believe the provision would apply to a typical single-family home used as a short-term rental (STR).

Mr. Heinrich added that the parking reductions outlined in the first portion of the ordinance apply only to designated transit areas, which currently include the Downtown Transit Center. Parking reductions requested elsewhere in the City would be considered through the administrative reduction process established in the second portion of the ordinance amendment.

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

- WHEREAS: the Hampton Planning Commission has before it this day a Zoning Ordinance Amendment to reduce parking requirements in certain residential developments around public transportation facilities;
- WHEREAS: new Virginia state legislation requires all localities to reduce minimum off-street parking requirements to 0.5 spaces per multifamily dwelling unit, and 1 parking space per 1-family, 2-family, or townhouse unit, within 0.5 miles of mass transit or public transportation facilities;
- WHEREAS: the new state legislation also requires localities to create a process to reduce off-street parking administratively by at least 20% for residential uses not within 0.5 miles of mass transit or public transportation facilities;
- WHEREAS: the proposed Zoning Ordinance Amendment will create a new section in Chapter 11, reducing parking requirements to 0.5 spaces per multifamily unit in the designated areas, and 1 space per 1-family, 2-family, and townhouse unit in these areas, in compliance with the state legislation;
- WHEREAS: the Amendment defines public transportation facilities to include at least five (5) outdoor boarding areas covered by a canopy, and a building or structure containing public restrooms;
- WHEREAS: the Amendment removes language regarding transit parking credits and transit overlay districts;
- WHEREAS: the Amendment adds language on the procedure for administrative reductions, outlining that a narrative statement and parking study are required for submission, and the factors zoning staff can consider in granting an administrative reduction;
- WHEREAS: in addition to compliance with state legislation, the Amendment will increase parking options for developers while allowing for a case-by-case staff analysis of potential impacts of reduced parking;
- WHEREAS: the Amendment will promote walkability and transit-oriented development within the City of Hampton;

WHEREAS: Commissioners had questions about the impact of the Amendment on parking requirements for short-term rentals;

WHEREAS: City staff recommends approval of the Zoning Ordinance Amendment.

NOW, THEREFORE, on a motion by Commissioner Joe Griffith and seconded by Vice-Chair Martha Mugler;

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 26-0188 with eleven (11) conditions.

A roll call vote on the motion resulted as follows:

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

3. Ordinance to Amend and Re-enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 4, Article XI, Sec. 4-101, Entitled "Intent and Application of the District" to Amend the District's Application and Sec. 4-104, Entitled "Lot Area" to Reduce the Required Minimum Lot Area and the Minimum Frontage of the One-Family Residential (R-4) District

Zoning Ordinance Amendment No. 26-0193: This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 4, Article XI, Sec. 4-101, Entitled "Intent and Application of the District" to amend the district's application and Sec. 4-104, entitled "Lot Area" to reduced the required minimum lot area and the minimum frontage of the One-Family Residential (R-4) District.

Mr. Whipple presented the staff report on the subject ordinance amendment. Staff recommended approval of Zoning Ordinance Amendment No. 26-0193.

In response to questions from Chair Rogers, Mr. Whipple responded that the proposed amendment may be intended to expand housing opportunities by allowing the development of lots that are smaller than the current minimum lot size requirements, including certain existing undersized lots.

Assistant City Attorney Cory Wolfe added that, while he could not speak to the specific intent of the General Assembly, he believed the legislation was generally intended to encourage increased housing density as a means of expanding affordable housing opportunities.

Mr. Whipple further explained that the proposed amendment would likely affect only a limited number of lots. Staff recommended the R-4 district because it is a relatively new zoning classification created to implement the City's strategic master plans, primarily within established neighborhoods such as Downtown, Phoebus, Buckroe, and the Kecoughtan Corridor. The City has relatively few R-4-zoned properties, most of which were created through recent rezonings to accommodate specific redevelopment projects, leaving little undeveloped land within existing R-4 districts.

In response to a question from Commissioner Griffith, Mr. Whipple responded that the proposed amendment would not modify the existing setback requirements. The R-4 district requires 15-foot front and rear setbacks and five-foot side setbacks, which would still allow the construction of a 20-foot-wide house on a 30-foot-wide lot. Staff is also evaluating potential amendments related to infill housing, as many existing lots throughout the City are only 25 feet wide, making development more challenging under the current setback standards.

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.26-0193 to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 4, Article XI, Sec. 4-101, entitled "Intent and application of the district" to amend the district application and Sec. 4-104, entitled "Lot area" to reduce the required minimum lot area and the minimum frontage of the One-Family Residential (R-4) District;

WHEREAS: updating the development standards of the One-Family Residential (R-4) District to reduce the minimum lot size and lot frontage to comply with new state legislation [HB1212], which will take effect July 1, 2026;

WHEREAS: HB1212 requires any locality with a population of 50,000 or more to adopt, maintain, and apply to land of at least one (1) single-family zoning district that would permit a minimum lot area of 3,000 square feet and minimum lot frontage of 30 feet;

WHEREAS: the current R-4 District offers the smallest lot size and frontage of all other One-family Residential Districts and applying the new smallest lot size of 3,000 square feet would be most consistent with the existing intent and development standards of the R-4 District. In addition, the smaller lots would be most compatible with the more dense, urban neighborhood character, more commonly occurring within older neighborhoods of the City;

WHEREAS: the existing development criteria for 4,000 and 5,000 square foot lots would be retained;

WHEREAS: this amendment would expand opportunities for residential development and maintain appropriate zoning controls consistent with public necessity, convenience, general welfare, and good zoning practice;

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

NOW, THEREFORE, on a motion by Commissioner Keisha Samuels and seconded by Commissioner Trina Coleman;

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendments No. 26-0193.

A roll call vote on the motion resulted as follows:

AYES:	Samuels, Griffith, Coleman, Mugler, Rogers
NAYS:	None
ABSTAIN:	None

ABSENT: Brooks, DeProfio

4. Ordinance to Amend and Re-enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 14, Article I, Sections 14-9 and 14-11, Entitled "Violation and Revocation of Use Permit," To Update Procedures Governing the Revocation of Use Permits

Zoning Ordinance Amendment No. 26-0194: This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 14, Article I, Sections 14-9 and 14-11, entitled "Violation and Revocation of Use Permit," to update procedures governing the revocation of use permits.

Zoning Administrator Melvion Fulgham presented the staff report on the subject ordinance amendment. Staff recommended approval of Zoning Ordinance Amendment No. 26-0194.

In response to questions from Chair Kathy Rogers, Zoning Administrator Melvion Fulgham responded that the effect of a use permit revocation depends on the specific use. Following a revocation, an applicant would generally be required to wait one year before reapplying for the same use permit or seeking approval for a substantially similar use.

Ms. Fulgham further explained that, under the current regulations, an applicant whose Restaurant 3 use permit is denied or revoked may instead operate under the less intensive Restaurant 2 classification. Under the proposed amendment, however, Restaurant 2 would be considered a substantially similar use, preventing an applicant from downgrading to that classification following a denial or revocation. Instead, the applicant would be limited to operating as a Restaurant 1, which permits food and nonalcoholic beverage service without entertainment or alcohol sales.

Secretary Mikel added that the proposed amendment would not prohibit an applicant from establishing a use that is permitted by right. Instead, it would prevent the applicant from obtaining a use permit for the same or a substantially similar use during the required waiting period. The Planning Commission will hear a subsequent public hearing item addressing staff's recommendation to establish a waiting period following the revocation of a Restaurant 2 use permit.

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. 26-0194 to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 14, Article I, Section 14-11, entitled "Violation and revocation of use permit," to update procedures governing the revocation of use permits;

WHEREAS: amending Section 14-9 would authorize the inclusion of permit revocation action when the City Council reviews a use permit and determines that its terms and/or conditions have not been met on a sustained basis;

WHEREAS: additional enforcement measures provide direction and clarity regarding the actions available to the City Council during the review process;

WHEREAS: the revocation process equips the City Council with a mechanism to address situations in which noncompliance may adversely affect the public health, safety,

and general welfare, thereby helping to ensure continued adherence to approved permit conditions when warranted;

WHEREAS: by improving ordinance clarity and predictability for business owners, staff, and the public, the City can reduce interpretation disputes, support compatible economic activity, and maintain appropriate zoning controls consistent with public necessity, convenience, general welfare, and good zoning practice;

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

NOW, THEREFORE, on a motion by Commissioner Trina Coleman and seconded by Commissioner Joe Griffith;

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendments No. 26-0194.

A roll call vote on the motion resulted as follows:

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

5. Ordinance to Amend and Re-enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-3, Entitled "Additional Standards on Uses, "Subsection (13) Thereof, to Modify Security and Related Standards and Permit Revocation Procedures Applicable to Restaurant 2 Establishments

Zoning Ordinance Amendment No. 26-0195: This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 3, Section 3-3, Entitled "Additional Standards on Uses, "Subsection (13) Thereof, to modify security and related standards and permit revocation procedures applicable to Restaurant 2 establishments.

Ms. Fulgham presented the staff report on the subject ordinance amendment. Staff recommended approval of Zoning Ordinance Amendment No. 26-0195.

In response to a question from Vice-Chair Mugler, Mr. Wolfe responded that dancing is fairly included in that definition, however, if the Commissioners would like to add language to it he can assist with that.

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. 26-0195 to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 3, Section 3-3, entitled "Additional standards on uses," Subsection (13) thereof, to modify security and related standards and permit revocation procedures applicable to Restaurant 2 establishments;

- WHEREAS: the purpose of this item is to amend the Hampton City Zoning Ordinance by updating definition of live entertainment and adding definitions for disc jockeying and third-party promotion, all of which are associated with the Restaurant uses;
- WHEREAS: additional proposed changes include live entertainment, security requirements, to include window transparency, third party promotions, and security cameras connection to the Hampton Police Department Real-Time Information Center (RTIC) system, and revocation of use;
- WHEREAS: the proposed amendment includes revisions to permitted uses in the Coliseum Central Overlay (O-CC) District. More specifically, the antiquated definition of "Live entertainment 1" is recommended to be removed;
- WHEREAS: the proposed zoning ordinance amendment process is intended to promote commercial activity while providing clearer, more consistent guidance regarding the Restaurant 2 use, to include additional standards pertaining to live entertainment, security, and third-party promotions to be more consistent with the standards of the Restaurant 3 use;
- WHEREAS: by improving ordinance clarity and predictability for business owners, staff, and the public, the City can reduce interpretation disputes, support compatible economic activity, and maintain appropriate zoning controls consistent with public necessity, convenience, general welfare, and good zoning practice;
- WHEREAS: Commissioners discussed the proposed amendments and suggested members from the public spoke during the public hearing.
- WHEREAS: no members from the public spoke during the public hearing.

NOW, THEREFORE, on a motion by Vice Chair Martha Mugler and seconded by Commissioner Keisha Samuels;

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendments No. 26-0195.

A roll call vote on the motion resulted as follows:

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

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 4:43 PM.

Respectfully Submitted,

Kimberly Mikel
Secretary to the Commission

APPROVED BY:

Katherine L. Rogers
Chairperson