

MINUTES

AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION REGULAR MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, SEPTEMBER 22, 2022 AT 3:00 P.M.

Chair Ruthann Kellum called the meeting to order at 3:00 P.M.

A call of the roll noted Commissioners Trina Coleman, Vice-Chair Michael Harper, Carole Garrison, Steven Bond, and Chair Kellum as being present. Commissioners Tracy Brooks and Steven Brown were noted as absent. Staff in attendance was Secretary to the Commission/Director of Community Development Terry O'Neill, Interim Deputy Director/Deputy City Attorney Bonnie Brown, Planning & Zoning Administration Manager Michael Hayes, City Planner Olivia Askew, and Recording Secretary/Administrative Assistant Chasity Autry.

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

Election of Officers: The election of Chair and Vice-Chair will be held at this meeting. The Chair and Vice-Chair can serve up to two (2) consecutive years. Since Chair Kellum has served one (1) term as Chair, she is eligible to serve another term as Chair. The City Manager and City Council representatives cannot serve as either Chair or Vice-Chair.

Chair Kellum will turn the meeting over to Secretary O'Neill, who will preside over the election process for Planning Commission Chair. Once the Chair is elected, the meeting will be turned over to the Chair who will preside over the election process for Vice-Chair. The motions do not have to be seconded.

Zoning Ordinance Amendment No. 22-00006: by the City of Hampton to amend and re-enact Chapter 3, Section 3-3 of the Zoning Ordinance to modify the additional standards for orphanages and shelters. If approved, this ordinance amendment would reduce the separation requirement of these facilities from two (2) miles to one-half ($\frac{1}{2}$) mile. A separation requirement of two (2) miles severely limits where these facilities can operate in the city. In addition, this ordinance amendment would allow legally conforming and nonconforming shelters to relocate a single instance, exempt from the separation requirement.

Mr. O'Neill explained that when the present regulations were enacted, the community recognized the need for these kinds of houses but did not want one area to become overly concentrated. The overconcentration of these types of house in one area could also affect home values. However, after a review the current legislation, staff felt that this was an outmoded habit, and a reduction in the required separation distance to $\frac{1}{2}$ mile was warranted.

The Commissioners were reminded of the electronic meeting policy by Ms. Brown, which was adopted in June 2020. Although this hasn't been utilized in a while, all Commissioners are allowed to participate in meetings electronically twice a year as long as there is an in-person quorum.

The work session adjourned at 3:29 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 22, 2022 AT 3:30 P.M.

I. CALL TO ORDER

Chair Ruthann Kellum called the meeting to order at 3:34 P.M.

II. ROLL CALL

A call of the roll noted Commissioners Trina Coleman, Vice-Chair Michael Harper, Carole Garrison, Steven Brown, Steven Bond, and Chair Kellum as being present. Commissioner Tracy Brooks was noted as absent. Staff in attendance was Secretary to the Commission/Director of Community Development Terry O'Neill, Interim Deputy Director/Deputy City Attorney Bonnie Brown, Planning & Zoning Administration Manager Michael Hayes, Deputy Zoning Administrator Allison Jackura, City Planner Olivia Askew, Senior Youth Planner Kyra Reed, Junior Youth Planner Iyana Hollis, and Recording Secretary/Administrative Assistant Chasity Autry.

Chair Kellum turned the meeting over to Secretary O'Neill for the election of officers.

III. ELECTION OF OFFICERS

A. ELECTION OF CHAIR

Secretary O'Neill opened the floor for nominations to Chair of the Hampton Planning Commission.

A motion was made by Commissioner Carole Garrison to nominate Commissioner Ruthann Kellum as Chair of the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

AYES:	Harper, Coleman, Garrison, Brown, Bond, Kellum
NAYS:	None
ABST:	None
ABSENT:	Brooks

Mr. O'Neill turned the meeting over to Chair Ruthann Kellum. Chair Kellum opened the floor for nominations to Vice-Chair of the Hampton Planning Commission.

B. ELECTION OF VICE-CHAIR

A motion was made by Commissioner Carole Garrison to nominate Commissioner Michael Harper as Vice-Chair of the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

AYES:	Harper, Coleman, Garrison, Brown, Bond, Kellum
NAYS:	None
ABST:	None
ABSENT:	Brooks

IV. MINUTES

A. AUGUST 18, 2022 WORK SESSION & PUBLIC MEETING

A motion was made by Commissioner Steven Brown and seconded by Commissioner Trina Coleman to approve the minutes of the August 18, 2022 Work Session and Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES: Harper, Coleman, Brown, Bond, Kellum
NAYS: None
ABSTAIN: Garrison
ABSENT: Brooks

Commissioner Garrison abstained from voting on the minutes because she was not present at the August 18, 2022 meeting.

B. AUGUST 10, 2022 SPECIAL JOINT MEETING

A motion was made by Commissioner Steven Brown and seconded by Commissioner Trina Coleman to approve the minutes of the August 10, 2022 Special Joint meeting.

A roll call vote on the motion resulted as follows:

AYES: Harper, Coleman, Brown, Bond, Kellum
NAYS: None
ABSTAIN: Garrison
ABSENT: Brooks

Commissioner Garrison abstained from voting on the minutes because she was not present at the August 10, 2022 meeting.

V. SPECIAL BRIEFING

A. PARKS AND RECREATION MASTER PLAN UPDATE

Parks Planner Alison Eubank presented a special briefing on the Parks and Recreation Master Plan Update.

In response to a question from Commissioner Garrison, Mr. O'Neill stated that there are now two options for community involvement in the Parks and Recreation Master Plan Update – Resilient Hampton and place-making organizations. Ms. Eubank explained that the vision in creating the Parks and Recreation Master Plan was realistic planning which included developing, reusing, reimagining, and repurposing what currently exists in Hampton's public spaces.

In response to a question from Commissioner Coleman regarding families who do not have children enjoying public areas when there is a vast focus on family-friendly settings, Ms. Eubank responded that a middle ground exists. Currently, there are 2,400 acres of open space for everyone to enjoy.

In response to a question from Commissioner Harper on the City's plan to reach underserved areas, Ms. Eubank stated that the heat map reveals where locations are deficient in amenities. Once staff begins work on those action items, that topic would be discussed in more detail.

Commissioner Garrison thanked Ms. Eubank for her presentation and inquired as to where she could obtain a copy. Ms. Eubank advised that she would email her Ms. Garrison a copy.

In response to a question from Commissioner Garrison, Mr. O'Neill noted that there are two opportunities where the community could get involved in the process, Place Making groups and Resilient Hampton.

VI. PUBLIC HEARING ITEMS

Secretary Terry O'Neill read the key points of the Hampton Planning Commission Public Hearing/Comment.

Mr. O'Neill read the public hearing notice on the first agenda item.

A. UP 22-00007 –MICHELLE GRIFFIN, 2272 AND 2274 EXECUTIVE DRIVE [LRSN: 7001888], RESTAURANT 3 FOR LIVE ENTERTAINMENT

Use Permit Application No. 22-00007: This is a use permit application by Michelle Griffin, to permit a restaurant 3 for extended hours for live entertainment and general operation at 2272 and 2274 Executive Dr [LRSN: 7001888], which is part of the Executive Crossing Shopping Center. The property is zoned Limited Commercial (C-2) District, which permits a restaurant 3 with an approved use permit. The property is also within the Coliseum Central Overlay (O-CC) District. The Hampton Community Plan (2006, as amended) and the Coliseum Central Master Plan (2015, as amended) recommend mixed-use for this area.

City Planner Olivia Askew presented the staff report on the subject application, a copy of which is attached to the original minutes. Staff recommends approval of Use Permit Application No. 22-00007, with twelve conditions. The applicant was not available to respond to questions.

In response to a question from Vice-Chair Harper, Ms. Askew stated that there have been problems in the past at this site. There have been no problems with this operator, according to the Hampton Police Division.

In response to a question from Commissioner Coleman, Ms. Askew responded that restrictions were not implemented during the transition time from the previous owner to the present owner. Since the new operator has taken over, the new use permit has been issued. Mr. O'Neill gave a quick summary of the new requirement adopted to provide operators greater flexibility to operate for longer hours with a simpler process. Therefore, we have current operators that were approved under the old system and wish to benefit from the new laws. This application is an example. Mr. O'Neill confirmed that the use permit can be revoked if there is a pattern of issues.

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 use permit application by Michelle Griffin to permit a restaurant 3 for extended hours for live entertainment and general operation at 2272 and 2274 Executive Dr [LRSN: 7001888];

WHEREAS: Michelle Griffin manages 29th & Green Bistro, which operates under a Zoning Administrator Permit that limits the hours of operation to 6:00 AM – 10:00 PM, and live entertainment is allowed under certain circumstances;

WHEREAS: the establishment occupies two units within the Executive Crossing Shopping Center with 75 square feet of live entertainment area and there is no outdoor dining;

WHEREAS: the property is zoned Limited Commercial (C-2) District, which permits a restaurant 3 with an approved use permit;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends mixed use for the subject site;

WHEREAS: the Coliseum Central Master Plan (2015, as amended) recommends that land uses should be organized in terms of character and scale and the Hardy Cash Dr – Executive Drive intersection is identified as a mixed use node;

WHEREAS: there are twelve (12) recommended conditions limiting the hours of general operation and hours of live entertainment to Sunday through Thursday 5:00 AM to midnight and Friday through Saturday 5:00 AM to 2:00 AM; limiting the location of live entertainment; requiring security services monitor activities indoor and outside the restaurant; prohibiting third party promoters; the expiration of the use permit upon a change of ownership, a change of possession, or a change of operation or management of the facility; and compliance with applicable laws;

WHEREAS: no complaints have been received related to this establishment and no Notice of Violations have been issued;

WHEREAS: City staff recommends approval of this use permit application; and

WHEREAS: no one from the public spoke on this application.

NOW, THEREFORE, on a motion by Commissioner Steven Brown and seconded by Commissioner Trina Coleman,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 22-00007.

A roll call vote on the motion resulted as follows:

AYES:	Harper, Coleman, Garrison, Brown, Bond, Kellum
NAYS:	None
ABSTAIN:	None
ABSENT:	Brooks

Mr. O'Neill read the public hearing notice on the next agenda item.

B. UP 22-00008 – SHEILA CLARKE, 2845 NORTH ARMISTEAD AVE SUITE C [LRSN: 6000680], PRIVATE SCHOOL FOR A PRESCHOOL

Use Permit Application No. 22-00008: This is a use permit application by Sheila Clarke, to permit a private school for a preschool at 2845 North Armistead Ave Suite C [LRSN: 6000680], which is in the Russo Village Shopping Center. The subject site is zoned Limited Commercial (C-2) District and One-Family Residential (R-11) District, which permits a private school with an approved use permit. The Hampton Community Plan (2006, as amended) recommends commercial uses for this property.

City Planner Olivia Askew presented the staff report on the subject application, a copy of which is attached to the original minutes. Staff recommends approval of Use Permit Application No. 22-00008. The applicant was available to respond to questions.

The applicant, Pastor Sheila Clarke, thanked the Planning Commissioners for hearing her application and offered to answer any questions that they may have.

In response to a question from Vice-Chair Harper, Pastor Clarke responded that she did have plans to provide the children with outside play equipment. She stated that she had invested in a vehicle to transport the children on field excursions and to public parks. The children would have the opportunity to go outside to exercise daily.

In response to a question from Chairman Kellum, Pastor Clarke responded by saying that children must participate in 45 minutes of physical activity each day as required by the State.

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 use permit application by Sheila Clarke to permit a private school for a preschool at 2845 North Armistead Avenue Suite C [LRSN:6000680];
- WHEREAS: Pastor Sheila Clarke, associated with Broken Chains Ministry, operates a day care through a Zoning Administrator Permit at the location;
- WHEREAS: the establishment proposes to have ten (10) or less pupils and all activities will take place within the building; all loading and unloading will take place out of the right-of-way;
- WHEREAS: the property is zoned Neighborhood Commercial (C-1) District, which permits a private school with an approved use permit;
- WHEREAS: the property is within the Air Installation Compatible Use Zone Overlay noise zone 70 db DNL and aircraft accidental potential zone 1;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial for the subject site;
- WHEREAS: the Langley-Eustis Joint Land Use Study identifies education uses as compatible with the noise zone and Langley Air Force Base representatives were notified of the application and did not have any concerns regarding the proposal;

WHEREAS: there are seven (7) recommended conditions limiting the hours of operation Monday through Sunday 7 am to 9 pm; loading and unloading shall occur on-site and out of the right-of-way; and compliance with applicable laws;

WHEREAS: City staff recommends approval of this use permit application; and

WHEREAS: no one from the public spoke on this application.

NOW, THEREFORE, on a motion by Commissioner Trina Coleman and seconded by Vice-Chair Michael Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 21-00008, subject to seven (7) conditions.

A roll call vote on the motion resulted as follows:

AYES: Harper, Coleman, Garrison, Brown, Kellum

NAYS: None

ABSTAIN: None

ABSENT: Brooks, Bond

C. ZOA NO. 22-00006 – CITY OF HAMPTON, AMEND AND RE-ENACT CHAPTER 3, SECTION 3-3, “ADDITIONAL STANDARDS ON USES”, MODIFY ADDITIONAL STANDARDS FOR ORPHANGES AND SHELTERS

Zoning Ordinance Amendment No. 22-00006: 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 3, Section 3-3 Entitled, “Additional Standards On Uses,” to Modify the Additional Standards for Orphanages and Shelters. If approved, this ordinance amendment would reduce the separation requirement of these facilities from two (2) miles to one-half (1/2) mile. A separation requirement of two (2) miles severely limits where these facilities can operate in the city. In addition, this ordinance amendment would allow legally conforming and nonconforming shelters to relocate a single instance, exempt from the separation requirement.

Deputy Zoning Administrator Allison Jackura presented the staff report on the subject amendment, a copy of which is attached to the original minutes. Staff recommends approving Zoning Ordinance Amendment No. 22-00006.

A 2-mile distance between shelters was mandated by new regulations that were established in 1999. There were no zoning laws governing shelters before to 1999. Numerous requests to locate have had to be turned down since 1999 due to separation laws.

Proposed Standards:

- No facility shall be located within a one-half mile radius of any existing facility of the same type.
- Legally conforming and legally nonconforming shelters, which were in operation on October 12, 2022, are exempt from separation and use permit requirement, allowed to relocate one time.

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

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 22-00006 by the City of Hampton To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 3-3 Entitled, "Additional Standards On Uses," To Modify the Additional Standards for Shelters and Orphanages;

WHEREAS: staff has brought forth an ordinance amendment, which reduces the separation requirement of shelters and orphanages from two (2) miles to one-half (1/2) mile and allows current legally conforming and legally non-conforming shelters to relocate a maximum of one time, exempt from the use permit and separation requirement;

WHEREAS: the existing separation requirement between shelters and orphanages severely limits where these facilities can be located;

WHEREAS: several legally conforming and legally nonconforming shelter facilities are aging and in need of relocation;

WHEREAS: the current separation requirement between facilities and use permit requirement were established through previous neighborhood engagement efforts to prevent the concentration of facilities within neighborhoods;

WHEREAS: no members from the public spoke on the proposed amendment.

NOW, THEREFORE, on a motion by Commissioner Trina Coleman and seconded by Vice Chair Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment Application No. 22-00006.

A roll call vote on the motion resulted as follows:

AYES:	Harper, Coleman, Kellum
NAYS:	Garrison
ABSTAIN:	None
ABSENT:	Brooks, Brown, Bond

VII. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

A. YOUTH PLANNER PRESENTATION

Senior Youth Planner Kyra Reed presented the Youth Planner Report for the Hampton Youth Commission (HYC) and introduced Iyanna Hollis, the newest Junior Youth Planner.

Before providing a summary of the HYC 3-day retreat, Ms. Reed read the HYC Vision Statement. The 3-day retreat was a success. The retreat covered HYC Bylaws, previous work by the Youth Commission, leadership roles and responsibilities within the Youth Commission and committees, and new ideas for the future.

The new Junior Youth Planner, Iyana Hollis, is an 11th grader at Bethel High School. She has lived in Hampton for the past three years. Vice Chair Harper welcomed Ms. Hollis to the team.

Upcoming HYC Meetings:

- September 24th – Commission Boat Tour with the James River Association
- September 26th – Commission meeting
- October 3rd – Executive Staff meeting and Commission meeting
- October 17th – Commission Meeting

VIII. ITEMS BY THE PUBLIC

There were a number of members from the public who spoke on the upcoming Northpoint use permit application, which will be coming before the Planning Commission at the October 20, 2022.

- Reverend John Kenney is opposed to Northpoint application.
- Sheila Clarke is opposed to Northpoint application.
- Ursula Barkers is opposed to Northpoint application.
- Aaron Weaver is opposed to Northpoint application.
- Karen Weaver is opposed to Northpoint application.
- Nancy William is opposed to Northpoint application.

Chairman Kellum thanked the public for attending and reminded them that the Planning Commission has not yet heard this proposal. As a result, the Planning Commission was unable to provide comment.

IX. MATTERS BY THE COMMISSION

There were no matters by the Commission.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:28 P.M.

Respectfully Submitted,

Terry O'Neill
Secretary to the Commission

APPROVED BY:

Ruthann Kellum
Chair