

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, AUGUST 17, 2023 AT 2:00 P.M.

Chair Ruthann Kellum called the meeting to order at 2:10 P.M.

A call of the roll noted Commissioners Michael Harris, Tracy Brooks, Trina Coleman, Carole Garrison, Vice-Chair Steven Bond and Chair Ruthann Kellum as being present. Commissioner Hope Harper was noted as absent. Staff in attendance was Secretary to the Commission/Community Development Director Bonnie Brown, Deputy Director/Code Official Kim Mikel, Planning & Zoning Administration Manager Michael Hayes, Zoning Administrator Allison Jackura, Senior Deputy City Attorney Patricia Melochick, Assistant City Attorney Jessica Kraus, Chief Planner Donald Whipple, Resiliency Specialist Olivia Askew, City Planner Urvi Patel, City Attorney Cheran Ivery, Incoming Planning Commissioner Kathy Rogers and Recording Clerk/Administrative Assistant Laura Walker.

CLOSED SESSION

A motion was made by Vice-Chair Steven Bond and seconded by Commissioner Tracy Brooks that the Hampton Planning Commission convene a closed session, pursuant to Virginia Code §2.2-3711(A)(8) to consult legal counsel employed or retained by the City regarding the Conflict of Interest Acts and legal parameters related to Use Permits, both of which require the provision of legal advice by such counsel.

A roll call vote on the motion resulted as follows:

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

The closed session convened in the Community Development Department Conference Room.

CERTIFICATION OF CLOSED SESSION

At the conclusion of the closed work session, the regular work session reconvened in the Community Development Department Conference Room and the closed session was certified.

A motion was made by Vice-Chair Steven Bond and seconded by Commissioner Trina Coleman to certify the validity of topics discussed in the closed session and confidentiality of Planning Commissioners and staff in attendance: (1) Only public business matters lawfully excepted from open meeting requirements under Virginia law were discussed, and (2) Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

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

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

Training and Discussion Related to the Use of Robert's Rules of Order: Assistant City Attorney Jessica Kraus lead the training for Commission members and staff. Training included reviewing determinations of a quorum, rules on discussion times and management, and voting rules. In addition, staff reminded the Commission of discussions to consider holding smaller, special meetings to address the anticipated short-term rental applications, to avoid extremely long public hearings.

Discussion Related to the Planning Commission Schedule: Staff reminded the Commission of the December meeting falling close to the Christmas holiday. The Commission has the option to reschedule the public hearing to a week prior to the holiday, in order to avoid attendance concerns by staff, Commission members, and applicants. Commissioners agreed to change the December Planning Commission meeting December 14, 2023. A motion and vote are not required.

Rezoning Application No. 22-00006: This is a rezoning application by Langley Storage Associates, LLC to rezone +/-15.17 acres at 16, 18, and 20 Potter Lane [LRSN: 6000829, 6000830, and 6000828, respectively] from One Family Residential (R-9) District and General Commercial (C-3) District with conditions to Langley Flight Approach Mixed-Use & Manufacturing (LFA-2) District with conditions. Commissioners received a letter from the applicants. Members were reminded that the application was deferred. Code Official Kim Mikel and Chief Planner Donald Whipple will be presenting the application. Noting no further concerns, City staff is prepared to move forward with the application. Senior Deputy City Attorney Melochick reminded the Commission that the proffers in the application are final, and will also be presented to City Council.

Planning Commission members discussed various topics including the upcoming bar examination results for Commissioner Michael Harris and Assistant City Attorney Jessica Kraus.

The work session adjourned at 3:28 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, AUGUST 17, 2023 AT 3:30 P.M.

I. CALL TO ORDER

Chair Ruthann Kellum called the meeting to order at 3:36 P.M.

II. ROLL CALL

A call of the roll noted Commissioners Michael Harris, Tracy Brooks, Trina Coleman, Carole Garrison, Hope Harper, Vice-Chair Steven Bond, and Chair Ruthann Kellum as being present. Staff in attendance was Secretary to the Commission/Community Development Director Bonnie Brown, Deputy Director/Code Official Kim Mikel, Planning & Zoning Administration Manager Michael Hayes, Zoning Administrator Allison Jackura, Senior Deputy City Attorney Patricia Melochick, Assistant City Attorney Jessica Kraus, Chief Planner Donald Whipple, City Planner Urvi Patel, and Recording Clerk/Administrative Assistant Laura Walker.

III-A. MINUTES OF JULY 20, 2023 PLANNING COMMISSION MEETING

A motion was made by Commissioner Trina Coleman and seconded by Commissioner Tracy Brooks to approve the minutes of the July 20, 2023 Planning Commission meeting.

A roll call vote on the motion resulted as follows:

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

Commissioner Harris abstained from voting on the minutes because he was not in attendance at the July 20, 2023 Planning Commission meeting.

IV. PUBLIC HEARING ITEMS

Secretary Bonnie Brown advised the Commission and attendees that agenda items IV-A. Use Permit Application No. 23-00002 and IV-B. Use Permit Application No. 23-00069 are use permit applications involving short term rentals. City Council has deferred all short-term rental applications from the August 9, 2023 City Council meeting to City Council's November meeting. At the City Council meeting, Mayor Donnie Tuck explained that the reason for deferral is to allow City staff to develop legal and policy regulations related to limiting density and permitted locations of short-term rentals in the City. It is recommended that the two agenda items be deferred to the December 14, 2023 Planning Commission meeting. Attendees signed up to speak at today's public hearing are welcomed to address the Commission at the Planning Commission's December 14, 2023 public hearing or today under agenda item VI. Items by the Public.

Ms. Brown instructed that a separate motion and vote would be required to defer each agenda items.

A. UP 23-00002 – OTIS SCOTT, JR, 28 CASTLE HAVEN ROAD [LRSN 13000709]

Use Permit Application No. 23-00002: This is a use permit application b Otis Scott, Jr, to permit a short-term rental (STR) at 28 Castle Haven Road [LRSN: 13000709]. The property is currently zoned One-Family Residential (R-11) District, which permits a short-term rental subject to an approved use permit. This application was deferred from July 20, 2023 Planning Commission meeting.

A motion was made by Commissioner Carole Garrison and seconded by Commissioner Trina Coleman to defer Use Permit Application No. 23-00002 to the December 14, 2023 Planning Commission meeting.

A roll call vote on the motion resulted as follows:

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

B. UP 23-00069 – PAMELA DESSASO, 100 BAKER FARM DRIVE [LRSN: 6001436]

Use Permit Application No. 23-00069: This is a use permit application by Pamela Dessaso to permit a short-term rental (STR) at 100 Baker Farm Drive [LRSN: 6001436]. The property is zoned One-Family Residential (R-11) District, which permits a short-term rental subject to an approved use permit.

A motion to was made by Commissioner Carole Garrison and seconded by Commissioner Hope Harper to defer Use Permit Application 23-00069 to the December 14, 2023 Planning Commission meeting

A roll call vote on the motion resulted as follows:

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

Chair Kellum reiterated that attendees signed up to speak on agenda items IV-A. Use Permit Application No. 23-00002 and IV-B. Use Permit Application No. 23-00069 are welcomed to address the Commission under agenda item VI. Items by the Public.

Ms. Brown read the key points of the Hampton Planning Commission Public Hearing/Comment.

Ms. Brown read the public hearing notice on the next agenda item.

C. RZ 22-00006 – LANGLEY STORAGE ASSOCIATES, LLC, 16, 18, AND 20 POTTER LAND [LRSN: 6000829, 6000830, AND 6000828, RESPECTIVELY], ONE FAMILY RESIDENTIAL (R-9) DISTRICT AND GENERAL COMMERCIAL (C-3) TO LANGLEY FLIGHT APPROACH MIXED-USE & MANUFACTURING (LFA-2) DISTRICT

Rezoning Application No. 22-00006: This is a rezoning application by Langley Storage Associates, LLC to rezone +/-15.17 acres at 16, 18, & 20 Potter Lane [LRSN: 6000829, 6000830, 6000828] from One Family Residential (R-9) District and General Commercial (C-3) District with conditions to Langley Flight Approach Mixed-Use & Manufacturing (LFA-2) District with conditions. Approval of this application would permit the proposed use: storage facility 3 specifically for outdoor storage of recreational vehicles at 16 & 18 Potter Lane. This application was deferred from the July 20, 2023 Planning Commission meeting.

Chief Planner Donald Whipple 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. 22-00006 with five (5) conditions. The applicant hosted a community meeting on June 20, 2023, and two (2) representatives from the Deer Park community attended. The applicant was also available to respond to questions on the subject application.

The applicant, Craig Allen, Managing Partner of Langley Storage Associates, addressed the Commission. He thanked staff for working diligently with his team to assist them in preparing for the public hearing. He confirmed their goal is to provide storage for RVs at the location.

At the conclusion of Mr. Allen's address to the Commission, Chair Kellum confirmed there were no questions to the applicant from Commissioners and opened the floor for the public to address the application. Secretary Brown advised there was one member from the public signed up to address the Commission in reference to the subject application.

Robert Moore is opposed to the application, citing concerns that the proposed project will have a negative impact on the environment. Mr. Moore provided documents to the Planning Commission.

In response to a question from Chair Kellum, Mr. Moore confirmed his address is which aligns to the left of Potter Lane.

In response to a question from Commissioner Coleman, Mr. Whipple confirmed the proposed landscaping is intended to utilize the buffer and additional landscaping to create a screen between the establishment and residents.

In response to a question from Commissioner Garrison, Mr. Whipple referenced the proposed concept plan showing the location of a ditch near the site that collects water run-off. He also confirmed there would be an office on site to manage the operation of the facility with bathroom facilities at the office.

In response to a question from Commissioner Coleman, Ms. Brown stated that she is not aware of any violations stemming from the applicant's clean-up of the property and area. She advised that the item can be deferred if the Planning Commission would like staff to investigate the concerns of the public speaker. The site was inspected for violations by the Property Maintenance & Code Enforcement team.

Mr. Allen commented that his team hired a contractor to remove some of the salvage on the site. Once it was realized that the contractor was causing more damage, the contractor was stopped immediately. The City's Environmental Department walked through the site with the applicant. Mr. Allen offered to complete any necessary mitigation.

In response to a question from Commissioner Coleman, Senior Deputy City Attorney Patricia Melochick confirmed that the property would still remain subject to the proffers even when the property lines for parcels 16, 18, and 20 are vacated.

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

WHEREAS: by Langley Storage Associates, LLC to rezone ± 15.17 acres, located at 16, 18, & 20 Potter Lane [LRSN: 6000829, 6000830, 6000828] from One Family Residential (R-9) District and General Commercial (C-3) District with conditions to Langley Flight Approach Mixed Use & Manufacturing (LFA-2) District with conditions. Approval of this application would permit the proposed use: storage facility 3, but limited to outdoor storage of motorhomes, recreational vehicles, and vehicle storage, which would require an approved use permit for that purpose at 16 & 18 Potter Lane;

WHEREAS: the proposed development includes approximately 165 paved parking spaces of varying sizes for motorhomes and recreational vehicles, such as campers, boats, jet skis, trailers, etc., as well as stormwater management facilities, landscaping, and fencing;

WHEREAS: the proposed outdoor storage area would be integrated operationally with the existing indoor self-storage facility at 20 Potter Lane which would remain;

WHEREAS: the purpose and intent of the Langley Flight Approach Mixed Use & Manufacturing (LFA-2) District is for industrial and commercial uses which, by their nature, require large amounts of land but are minimally populated by either employees or customers;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends business/industrial land use for this property. The Plan defines business/industrial as existing and future areas appropriate for employment centers, business parks, research and development and manufacturing;

WHEREAS: this proposal is consistent with the City's adopted land use policy as articulated in the adopted Hampton Community Plan (2006, as amended). These policies address land use and community design, transportation, environmental stewardship, and economic development policies;

WHEREAS: the proposal includes five (5) proffered conditions that include substantial conformance with the concept plan, boundary line vacation for the outdoor storage parcels, site lighting directed inward and away from residential properties so as to not interfere with operating aircraft from, to, or around JBLE – Langley architectural style and quality of materials of new buildings on the existing storage parcel, preserving the natural vegetated buffer adjacent to residential properties, and all new landscaping will comply with the “Native Plants for Southeast Virginia” Guide;

WHEREAS: Joint Base Langley-Eustis (JBLE) – Langley staff has indicated their general agreement with the proposal and proffers/conditions as submitted and finds that there appears to be no negative impact to the JBLE – Langley installation/mission;

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

WHEREAS: one (1) member of the public spoke in opposition of this application.

NOW, THEREFORE, on a motion by Vice-Chair Steven Bond and seconded by Commissioner Hope Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Rezoning Application No. 22-00006 with five (5) proffered conditions.

A roll call vote on the motion resulted as follows:

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

Ms. Brown read the public hearing notice on the next agenda item.

D. UP 23-00030 – STEPHEN HARTLEY, 26 COLISEUM CROSSING [LRSN: 7001360], VETERINARY OFFICE

Use Permit Application No. 23-00030: This is a use permit application by Stephen Hartley to permit a veterinary office at 26 Coliseum Crossing [LRSN: 7001360]. The property is zoned Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts, which permit a veterinary office/hospital subject to an approved use permit.

City Planner Urvi Patel 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. 23-00030 with six (6) conditions. Ms. Patel confirmed the applicant was not present at the meeting.

In response to a question from Commissioner Garrison, Ms. Patel confirmed that the applicant will conduct the surgeries on occasion and is working with other animal medical facilities to provide overnight stay if needed. Overnight stays will not be permitted at the proposed facility.

In response to a question from Commissioner Coleman, Ms. Patel confirmed that there would not be overnight border services for animals, except in the event of medical procedures. She further stated that staff recently received confirmation from the applicant that arrangements have been made with outside facilities to avoid overnight stays at their facility, even if the condition allows them to do so only in the case of medical emergencies.

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 Stephen Hartley to permit a veterinarian office/hospital in the Limited Commercial (C-2) District;

WHEREAS: the parcel is located at 26 Coliseum Crossing [LRSN: 7001360] and zoned C-2 District;

WHEREAS: the use is proposed within an existing retail shopping center, would have minimal impact on surrounding uses and would provide much needed veterinarian services in the City;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends mixed use for this property. The Plan defines mixed use as development of two or more compatible land uses and densities as the primary uses within one parcel, building structure, or the same block;

WHEREAS: the Coliseum Central Master Plan (2015, as amended) specifically addresses the Coliseum Crossing Shopping Center, recognizing its potential for redevelopment as a pedestrian-friendly center offering various lifestyle services;

WHEREAS: staff recommends six (6) conditions governing issuance of the permit, limitations on the operation of use, licensure requirements, and compliance with the Hampton City Code; and

WHEREAS: City staff recommends approval of this use permit application.

NOW, THEREFORE, on a motion by Vice-Chair Steven Bond and seconded by Commissioner Hope Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 23-00030 with six (6) conditions.

A roll call vote on the motion resulted as follows:

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

V. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

A. YOUTH PLANNER REPORT

Senior Youth Planner Iyanna Hollis presented the Youth Planner Report for the Hampton Youth Commission (HYC).

On July 24th – 26th, the Hampton Youth Commission held the annual Bootcamp at the Fox Hill Neighborhood Center. The annual retreat was held on August 7th – 9th at the Fox Hill Neighborhood Center.

The Youth Commission has increased by 8 new Youth Commissioners, bringing their total membership to 25 Youth Commissioners.

Chair Kellum thanked Ms. Hollis for the presentation.

VI. ITEMS BY THE PUBLIC

Ms. Brown confirmed that the floor can be opened to public attendees who want to address the Planning Commission on the now deferred short-term rental applications. She noted

with no public hearing item for short-term rental on the agenda, the Commission could allow her to call the names of those who signed up to speak if they still chose to, although the applications they signed up to speak on were deferred.

Chair Kellum opened the floor to the public speakers signed up to address Use Permit Application No. 23-00002 for 28 Castle Haven Road.

Joyce Strawn, 23 Castle Haven Road, is opposed to any short-term rental proposal in the Farmington neighborhood.

Clarence Johnson, 17 Castle Haven Road, is opposed to the short-term rental application for 28 Castle Haven Road.

Concluding Mr. Johnson's comments to the Planning Commission, Commissioner Harris requested permission to address the Commission in reference to his earlier vote against deferring the two short-term rental applications. Commissioner Harris referred to the role of Neighborhood HOA's and their covenants as his reason for voting against the deferral. He noted that the Planning Commission has the role of an advisory board to City Council, and feels that the Commission should consider how HOA's affect the Commission's approach to short-term rentals.

Rashan Woods Jones-Pickens, spoke as a representative of the Farmington Neighborhood. Ms. Woods Jones-Pickens is opposed to short-term rentals in the community. She reiterated details of the community's covenant in supporting her opposition for short-term rental applications in Farmington

Doris Bullock, 38 Diamond Hill Road, is opposed to the short-term rental application, reiterating the low-density requirements pointed out in the Hampton City Plan, as well as, the covenant statements of the Farmington Civic Association, advising all structures should be used for residential purposes only.

Frances Makamson, 52 Estate Drive, is opposed to the short-term rental application. She reminded the Commission of stipulations in the Hampton City Plan that support quality of life. She suggested the Commission consider other options for short-term rentals in other parts of the City of Hampton, to avoid negatively impacting residential neighborhoods in the City.

Ruth Cunningham, 35 Castle Haven Road, is opposed to short-term rentals in the Farmington Neighborhood. She suggested the City focus on obtaining and retaining commercial businesses to obtain revenue from visitors as opposed to investing in short-term rentals.

Lee Makamson, 52 Estate Drive, is opposed to the proposed short-term rental in the Farmington Neighborhood. Mr. Makamson advised that he wrote a letter to the Planning Commission explaining his opposition of the application. He further advised his belief that the Farmington Civic Association covenant has the power to approve or disapprove use of residential homes in the community for commercial use.

James H. Mixon, 12 Manor Hill Court, is opposed to short-term rental use in the Farmington Neighborhood. He reiterated points made by the previous speakers and reinforced his opposition to the application.

There being no further speakers listed for the previous short-term rental application, Ms. Brown called public speakers signed up to address Use Permit Application No. 23-00069 for 100 Baker Farm Drive.

Less Ordain is opposed to the application for short-term rental, citing a possible increase in traffic and trash. He informed the Commission that there is no covenant for their neighborhood but is still opposed. He believes that the residence is currently being used illegally as a short-term rental.

Mark Rodriguez is opposed to the short-term rental application.

Dr. Adrienne E. Cosby is opposed to the short-term rental application echoing her neighbors' expressions in reference to the use.

There being no further speakers, Chair Kellum closed the floor to Items by the Public.

VII. MATTERS BY THE COMMISSION

Commissioners Brooks, Harris, Coleman, Vice-Chair Bond and Chair Kellum recognized Commissioner Garrison for her contribution to the Planning Commission, acknowledging her resignation from the Commission.

Ms. Brown reminded the Planning Commission and the public that the December 21, 2023 Planning Commission meeting was rescheduled to December 14, 2023.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:08 P.M.

Respectfully Submitted,

Bonnie N. Brown
Secretary to the Commission

APPROVED BY:

Ruthann Kellum
Chairman