

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, JULY 17, 2025, AT 3:00 P.M.

Chair Michael Harris called the work session to order at 3:03 P.M.

A call of the roll noted Chair Michael Harris, Vice-Chair Kathy Rogers, Commissioners Joe Griffith, Tracy Brooks, and Martha Mugler as present. Commissioners Trina Coleman and Brian DeProfio, were noted absent, however, Commissioner DeProfio arrived after roll call. Staff in attendance were Secretary/Interim Director Kim Mikel, Interim Deputy Director Steve Lynch, Senior Deputy City Attorney Patricia Melochick, Planning Manager Milissa Story, Deputy Zoning Administrator Chris Langaster, Zoning Official Wanda Wynn, Zoning Official Samar Ravan, City Planner Han Vu, City Planner Valerie Taylor, City Planner Quinn Heinrich, and Clerk of Boards and Commissions Arlena Cahoon.

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

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia, Chapter 14, Entitled "Reviews by the Planning Commission and City Council," Article I, Section 14-12 Entitled "Expiration of a Use Permit," to Amend the Procedure for Establishing the Expiration of a Use Permit:

Secretary Kim Mikel explained that under the current ordinance, there are three conditions that can cause a Use Permit to expire. First, if the permit is for new construction, the project must be completed within two (2) years. Second, the applicant must obtain a building permit within a specified timeframe. Third, if the approved use remains inactive for more than two years, the permit will expire. The proposed amendment would not change the existing timeframes outlined in the ordinance. However, it would introduce the option to amend those timeframes on a case-by-case basis. For example, in the case of a major development where the standard two-year timeframe may not be feasible, staff would have the discretion to modify the timeframe accordingly.

Senior Deputy City Attorney Patricia Melochick noted that the last clause was struck through because it was not necessary in the ordinance.

Use Permit Application by Trilogry Developers, LLC, to Permit Multifamily Dwellings at the Intersections of LaSalle Avenue and West Pembroke Avenue, West Pembroke Avenue and West Queen Street, and West Queen Street and Michigan Drive [LRSN: 2000401], Commonly Known as the Former Site of the Lincoln Park Housing Development:

Secretary Mikel noted that the applicant obtained a Use Permit in early 2023 for a multifamily development. As previously discussed, new construction projects must reach substantial completion within two (2) years. Given the size of the development, the project is still in the pre-development phase, therefore, the original Use Permit has expired. The applicant is now resubmitting the same project in order to obtain a new Use Permit. If the proposed zoning ordinance amendment is approved, staff recommends extending the timeframe in Condition One (1) from two (2) years to five (5) years for the project.

Use Permit Application by Fishers Landing Eats, Inc. to Permit a Restaurant 3, to Expand Outdoor Dining at 4330 Kecoughtan Road [Portion of LRSN: 2003800]:

Secretary Mikel noted that this is a Use Permit application for a Restaurant Three (3) use. The site was formerly known as The Barking Dog, which operated as a legal non-conforming use with outdoor dining. With new ownership and an expanded outdoor dining area, the property no longer qualifies as legal non-conforming and must now comply with current Restaurant Three (3) regulations, which require a Use Permit.

A few years ago, the City revised its restaurant use classifications, dividing them into three categories: Restaurant One (1), Restaurant Two (2), and Restaurant Three (3).

- Restaurant One (1) includes restaurants that do not serve alcohol.
- Restaurant Two (2) permits alcohol sales, live entertainment, outdoor dining, and the hours of 5 AM to Midnight, which are limited to certain zoning districts.
- Restaurant Three (3) includes any combination of the above uses that fall outside the limitations of Restaurant One or Two.

In this case, the use could be approved administratively as a Restaurant two (2), however, outdoor dining is not permitted in the M-2 zoning district. As a result, a Use Permit for a Restaurant Three (3) use is required.

Other Matters:

Ms. Melochick explained that the first item on the motion sheet is the Zoning Ordinance Amendment, which can be approved, denied, or deferred. If the Commissioners wish to revise its language, deferring the item would allow staff time to prepare the appropriate wording.

For Use Permit Application No. 25-0195, there are four options: approve, deny, amend, or defer. The amendment option is necessary because if the Planning Commission denies the Zoning Ordinance Amendment, the existing two (2) year timeframe would remain in place for the Use Permit rather than the staff-recommended five (5) years.

The final item, Use Permit Application No. 25-0196, can also be modified if the Commissioners wish to change any of its conditions, in which case a separate motion would need to be prepared.

In response to questions from Chair Harris, Ms. Melochick explained that the five (5)-year timeframe aligns with the validity period of the site plan. After five years, the site plan expires. Project phasing is typically addressed within the site plan itself and cannot be enforced through a Use Permit unless the Use Permit is restructured. This project is led by the Hampton Redevelopment and Housing Authority (HRHA), and the developer has faced challenges meeting the requirements imposed by HRHA.

Secretary Mikel introduced the new Commissioner, Joe Griffith, mentioning his service on the Neighborhood Commission and his many contributions to the community.

Commissioner Griffith thanked the Planning Commission for having him and is looking forward to working with them.

The work session adjourned at 3:12 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 26, 2025 AT 3:30 P.M.

I. CALL TO ORDER

Chair Michael Harris called the meeting to order at 3:32 P.M.

II. ROLL CALL

A call of the roll noted Chair Michael Harris, Vice-Chair Kathy Rogers and Commissioners Joe Griffith, Tracy Brooks, Martha Mugler, and Brian DeProfio. Commissioner Trina Coleman was noted absent. Staff in attendance were Secretary/Interim Director Kim Mikel, Interim Deputy Director Steve Lynch, Senior Deputy City Attorney Patricia Melochick, Planning Manager Milissa Story, Deputy Zoning Administrator Chris Langaster, Zoning Official Wanda Wynn, Zoning Official Samar Ravan, Chief City Planner Donald Whipple, City Planner Han Vu, City Planner Valerie Taylor, Junior Youth Planner Henry Godfrey, and Clerk of Boards and Commissions Arlena Cahoon.

III. APPROVAL OF MINUTES

A motion was made by Commissioner Martha Mugler and was seconded by Commissioner Tracy Brooks to approve the minutes from the June 26, 2025 Planning Commission Meeting as amended.

A roll call vote on the motion resulted as follows:

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

Commissioner Joe Griffith abstained from voting as he was not present at the last meeting.

IV. PUBLIC HEARING ITEMS

Secretary Mikel read the key points of the Hampton Planning Commission public hearing/comment rules.

1. Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia, Chapter 14, Entitled "Reviews by the Planning Commission and City Council," Article I, Section 14-12 Entitled "Expiration of a Use Permit," to Amend the Procedure for Establishing the Expiration of a Use Permit

City Planner Quinn Heinrich presented the staff report on the proposed ordinance amendment. Staff recommended approval of Zoning Ordinance Amendment No. 25-0199.

Chair Michael Harris opened the public hearing. There being no individuals signed up to speak, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 25-0199 by the City of Hampton to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 14, Entitled "Reviews By The Planning Commission And City Council" To Amend Article I, Section 14-12 Entitled "Expiration Of A Use Permit", To Amend The Procedure For Establishing The Expiration Of A Use Permit;

WHEREAS: the proposed amendment seeks to provide flexibility in the administration of Use Permits by allowing the standard expiration condition to be amended by City staff, the Planning Commission, and the City Council, as appropriate;

WHEREAS: this amendment would enable the expiration condition of a Use Permit to be tailored to the specific circumstances of each case, thereby enhancing consistency with the intent and purpose of the Zoning Ordinance;

WHEREAS: the proposed amendment is primarily intended to address the unique needs of multifamily Use Permits, given the scale and complexity typically associated with multifamily and other large-scale development projects;

WHEREAS: the Planning Commissioners did not have any questions on the proposed amendment; and

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

NOW, THEREFORE, on a motion by Commissioner Brian DeProfio and seconded by Vice-Chair Kathy Rogers,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 25-0199 effective immediately.

A roll call vote on the motion resulted as follows:

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

2. Use Permit Application by Trilogy Developers, LLC, to Permit Multifamily Dwellings at the Intersections of LaSalle Avenue and West Pembroke Avenue, West Pembroke Avenue and West Queen Street, and West Queen Street and Michigan Drive [LRSN: 2000401], Commonly Known as the Former Site of the Lincoln Park Housing Development

Interim Deputy Director Steve Lynch presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. 25-0195 with nine (9) conditions.

In response to a question from Chair Harris, Mr. Lynch responded that the development has been challenging due to several factors. Since the property is owned by the Hampton Redevelopment and Housing Authority (HRHA), the project must meet various requirements set by the Department of Housing and Urban Development (HUD) and also address flood-related concerns.

The applicant, Ross Vierra, stated that Mr. Lynch provided a great explanation for the delay in the project and was available to answer any questions.

Chair Harris opened the public hearing. There being no individuals signed up to speak, the Planning Commission approved the following resolution:

- WHEREAS: the Hampton Planning Commission has before it this day a use permit application by Trilogy Developers, LLC to permit Multifamily Dwellings at an unaddressed parcel, located at the intersections of LaSalle Avenue and West Pembroke Avenue, West Pembroke Avenue and West Queen Street, and West Queen Street and Michigan Drive [LRSN: 2000401], commonly known as the former site of the Lincoln Park Housing Development;
- WHEREAS: Downtown Business (DT-1) District with conditions, which would allow multifamily dwellings with an approved use permit;
- WHEREAS: the development includes a total of 380 apartment units (both general population and age-restricted senior housing) within four (4) buildings, located toward the interior of the site, flanked by 118 fee-simple townhome units along the main corridors. Proposed community amenities include a central park space, clubhouse building, fitness center pool, dog park, and washing station;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends high density residential for a majority of this property; and at approximately 22 units per acre, the proposed development would be categorized as high density residential;
- WHEREAS: in February 2023, the Hampton City Council approved the rezoning (RZ22-00008) application in conjunction with a Use Permit (UP22-00011) to permit multifamily dwellings on the site. However, the use permit has been nullified based on Condition 6, which states new construction buildings must be enclosed with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit. To date, building construction has yet to commence;
- WHEREAS: City staff recommends nine (9) conditions including compliance with the proffered conditions, management, requirement for the conversion of commercial space into multifamily dwellings, age-restricted development, and expiration/nullification;
- WHEREAS: The conditions assure that while the development does not strictly adhere to the optional incentive development standards of the DT-1 District, it does meet the intent of the district and relevant adopted policies given the context of the site;
- WHEREAS: City staff recommends approval of this use permit application; and
- WHEREAS: no members of the public spoke in opposition of this application.

NOW, THEREFORE, on a motion by Vice Chair Kathy Rogers and seconded by Commissioner Tracy Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 25-0195.

A roll call vote on the motion resulted as follows:

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

3. Use Permit Application by Fishers Landing Eats, Inc. to Permit a Restaurant 3, to Expand Outdoor Dining at 4330 Kecoughtan Road [Portion of LRSN: 2003800]

City Planner Han Vu presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. Staff recommended approval of Use Permit Application No. 25-0196 with nine (9) conditions.

Chair Harris opened the public hearing. There being no individuals signed up to speak, the Planning Commission approved the following resolution:

- WHEREAS: the Hampton Planning Commission has before it this day a Use Permit Application by Fisher's Landing Eats to permit a Restaurant 3, to include outdoor dining at 4330 Kecoughtan Road [portion of LRSN: 4002763];
- WHEREAS: the property is zoned Neighborhood Commercial District (C-1) District, which permits the restaurant 3 use subject to an approved Use Permit;
- WHEREAS: the previous use permit, Use Permit No. 21-00010, expired due to a change in ownership;
- WHEREAS: the applicant is proposing to exceed the general hours of operation with alcohol sales permitted under a Zoning Administrator Permit (ZAP) and to include live entertainment and outdoor dining, which places the proposed operation in the restaurant 3 use;
- WHEREAS: the requested general hours of operation, including outdoor dining, are 11:00 AM to 10:00 PM, Sunday and Tuesday through Thursday and 11:00 AM to 1:00 AM Friday and Saturday. The restaurant will be closed on Mondays. The requested hours for indoor live entertainment are 7PM to 10:00 PM, Sunday and Tuesday through Thursday and 7:00 PM to 1:00 AM Friday and Saturday;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial use for the subject property;
- WHEREAS: staff recommends thirteen (13) conditions based upon the proposed use's operational and land use characteristics, including issuance of permit, location of live entertainment, hours of operation, capacity, security, window transparency, dancing, sound, third party promoters, ABC license and expiration, and compliance with applicable laws;
- WHEREAS: the staff recommended hours of operation, Sunday-Thursday 10:00 AM to 12:00 AM and Friday-Saturday 10:00 AM to 2:00 AM, are more permissive than those

requested by the applicant, which are consistent with other Restaurant 3 applications of similar nature and location;

WHEREAS: City staff recommends approval of this Use Permit Application; and

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

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

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0454 with thirteen (13) conditions.

A roll call vote on the motion resulted as follows:

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

V. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Junior Youth Planner Henry Godfrey presented the Youth Planner report for July.

In response to questions from Chair Harris, Mr. Godfrey responded that recruiting typically takes place from February to March, with onboarding beginning in April. As part of the recruitment process, they post on social media and visit the local schools to engage potential candidates.

VI. ITEMS BY THE PUBLIC

There were no items by the public.

VII. MATTERS BY THE COMMISSION

Chair Harris introduced the new commissioner, Joe Griffith.

Commissioner Griffith thanked everyone for the opportunity to serve on the Planning Commission. He mentioned his past six years of service as a Neighborhood Commissioner for the Phoebus Community, as well as his involvement with the Phoebus Partnership and other neighborhood organizations. He expressed his passion for both his work and living in the City of Hampton.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:02 PM.

Respectfully Submitted,

Kimberly Mikel

Secretary to the Commission

APPROVED BY:

Michael Harris
Chairman