

AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION SPECIAL MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, JANUARY 18, 2024 AT 3:00 P.M.

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

A call of the roll noted Commissioners Kathy Rogers, Tracy Brooks, Ruthann Kellum, Hope Harper, Brian DeProfio, and Vice-Chair Michael Harris as being present. Commissioner Trina Coleman was noted as absent. Staff in attendance was Secretary to the Commission/Community Development Director Bonnie Brown, Planning & Zoning Administration Manager Mike Hayes, Zoning Administrator Allison Jackura, Assistant City Attorney Jessica Kraus, City Planner Davis Pemberton, City Planner Urvi Patel, Director of Federal Facilities Clint Ross, and Recording Clerk/Support Services Administrative Coordinator Kristie Graves.

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

Introduction and Welcome of New Staff: Secretary Brown introduced new Planning Commissioner Brian DeProfio to the Planning Commission. Mr. DeProfio will be representing the City Manager's Office on the Commission. Clint Ross, Director of Federal Facilities was also introduced.

Election of Officers: The election of Chair will be held at this meeting, to fill the remaining term of Steve Bond. Mr. Bond was appointed to the position of Interim City Attorney effective December 30, 2023. If Vice-Chair Harris is elected to serve as Chair, the Commission will be required to elect another Vice-Chair to replace Mr. Harris. Vice-Chair Harris will turn the meeting over to Secretary Brown, who will preside over the election process. Ms. Brown will then turn the meeting over to the newly elected Chair to preside over the remainder of the meeting.

Use Permit Application No. 23-0350: This is a use permit application by Hampton University (the University) to permit a private university at 2 Eaton Street [LRSN: 2003199]. The University is requesting to use the top floor of the Harbour Centre for an event space. The events may be hosted by the University and related entities or leased out by the University to others.

Zoning Ordinance Amendment No. 24-0007 and Zoning Ordinance Amendment No. 24-0006: The items are related regarding mitigation banks. Mitigation banks are commercial enterprises which receive money from developers to create new wetlands in order to offset loss of wetlands from development in other areas. Mitigation banks are regulated at the state level by either the Virginia Department of Environmental Quality or the Virginia Marine Resources Commission, depending on the type of wetlands being created.

Real Estate Disclosure Form: The Real Estate Disclosure and Conflict of Interest forms are due to the City Manager's office by February 1, 2024. If the required forms are not submitted by the deadline, the member cannot participate in the board meeting

Minutes of December Planning Commission Meeting: A correction was noted for the minutes from the December 14, 2023 meeting. Vice-Chair Harris' votes were omitted from items 3, 4, 5, and 6. The minutes can be approved as corrected, with the corrections noted in the minutes.

The work session adjourned at 3:23 P.M.

AT THE SPECIAL 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, JANUARY 18, 2024 AT 3:30 P.M.

I. CALL TO ORDER

Vice-Chair Michael Harris called the meeting to order at 3:30 P.M.

II. ROLL CALL

A call of the roll noted Commissioners Kathy Rogers, Tracy Brooks, Ruthann Kellum, Hope Harper, Brian DeProfio, and Vice-Chair Michael Harris as being present. Commissioner Trina Coleman was noted as absent. Staff in attendance was Secretary to the Commission/Community Development Director Bonnie Brown, Planning & Zoning Administration Manager Mike Hayes, Zoning Administrator Allison Jackura, Assistant City Attorney Jessica Kraus, City Planner Davis Pemberton, City Planner Urvi Patel, Junior Youth Planner Iyanna Hollis, and Recording Clerk/Support Services Administrative Coordinator Kristie Graves.

III. APPROVAL OF MINUTES

2. 24-0037 – DECEMBER 14, 2023 PLANNING COMMISSION MEETING

A motion was made by Commissioner Hope Harper and seconded by Commissioner Brian DeProfio to approve the minutes of the December 14, 2023 Work Session and Planning Commission meeting, as corrected. The noted correction is to add Vice-Chair Michael Harris' vote for items IV-3, IV-4, IV-5 and IV-6.

A roll call vote on the motion resulted as follows:

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

Vice-Chair Harris turned the meeting over to Secretary Brown for the election of officers. The election of Chair is being held to fill the remaining term of Steve Bond, which ends September 2024. If Vice-Chair Harris is elected to serve as Chair, the Commission will be required to elect another Vice-Chair to replace Mr. Harris.

IV. ELECTION OF OFFICERS

A. ELECTION OF CHAIR

A motion was made by Commissioner Kathy Rogers to nominate Vice-Chair Michael Harris as Chair of the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

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

B. ELECTION OF VICE-CHAIR

A motion was made by Commissioner Tracy Brooks to nominate Commissioner Ruthann Kellum as Vice-Chair of the Hampton Planning Commission.

A roll call vote on the motion resulted as follows:

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

Ms. Brown turned the meeting over to Chair Michael Harris.

V. PUBLIC HEARING ITEMS

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

3. UP 23-0350 – HAMPTON UNIVERSITY, PRIVATE UNIVERSITY, 2 EATON STREET [LRSN: 2003199], UNIVERSITY, PRIVATE USE

Use Permit Application No. 23-0350 by Hampton University to Permit a Private University at 2 Eaton Street [LRSN: 2003199] for a University, Private Use

City Planner Urvi Patel presented the staff report on the subject application. Staff recommends approval of Use Permit Application No. 23-0350 with fourteen (14) conditions.

In response to a question from Commissioner Harper, Ms. Patel responded that postcards were sent out to residents in the surrounding area as part of the public notification process. Staff did not receive feedback from any citizens. The application was also presented to the Night Club Task Force, and the conditions were modified to address concerns that they had.

In response to a question from Vice-Chair Kellum, Ms. Patel stated that there is not a hard line between what counts as a third-party promoter as opposed to an event by a non-profit or public entity. The request by Hampton University (HU) was to allow for weddings, school events, fundraising events, etc. Ms. Brown further stated that HU can determine if it wants to limit events to alumni or HU affiliated entities, or they can rent to people not affiliated with HU. They are not restricted as to who they rent to. However, the conditions prohibit HU from having a third-party promoter hold an event; the event must be through HU. The City will not regulate the rental.

In response to a question from Chair Harris, Ms. Patel stated that there is currently an open rooftop but HU has proposed to covert the space into a roof lounge. The conditions restrict live entertainment in an outdoor space at the location.

William H. Milligan, III, President of The Livas Group architectural firm, provided further information and was available to respond to questions on the proposed project for HU. Civil Engineer Doug Will was also available to respond to questions. Mr. Milligan stated that his firm is working with HU on the project and both concur with the conditions for the application. The space will have the occupancy required per code. There will also be safety height railings installed on the outside area.

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 Hampton University to permit a private university in the Downtown Waterfront (DT-2) District for the purpose of establishing an event venue;

WHEREAS: the parcel is located at 2 Eaton St [LRSN: 2003199] and zoned DT-2 District;

WHEREAS: the use is proposed on the 14th floor of the Harbour Centre building, and the use permit, if granted, would apply only to this portion of the building;

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 Downtown Hampton Master Plan (2017, as amended) calls for creating opportunities for connection to the water and pursuing options for additional development atop and around Waterfront parking garages;

WHEREAS: staff recommends fourteen (14) conditions pertaining to limitations on amplified sound and live entertainment, along with security and the standard prohibition on third party promoters.; and

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

WHEREAS: no one from the public spoke for or against this application.

NOW, THEREFORE, on a motion by Commissioner Ruthann Kellum and seconded by Commissioner Hope Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 23-0350 with fourteen (14) conditions.

A roll call vote on the motion resulted as follows:

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

The next two (2) pubic hearing items are related and will be part of one presentation and public hearing item. A separate motion and vote are required for each item.

Ms. Brown read the public hearing notice on the next two agenda items.

4. ZOA 24-0007 – CHAPTER 2, SECTION 2-2, “DEFINITIONS”, ADD “MITIGATION BANK”

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 2, Section 2-2 Entitled, “Definitions” to Add a Definition of “Mitigation Bank”

5. ZOA 24-0006 – CHAPTER 3, SECTION 3-2, “TABLE OF USES PERMITTED”, ADD “MITIGATION BANK”

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-2 Entitled, “Table of Uses Permitted” to Add “Mitigation Bank” as a Permitted Use Within all Zoning Districts

Zoning Administrator Allison Jackura presented the staff report on the subject amendments. Staff recommends approval of Zoning Ordinance Amendment No. 24-0007 and Zoning Ordinance Amendment No. 24-0006.

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. 24-0007 by the City of Hampton to Amend And Re-Enact the Zoning Ordinance of the City of Hampton, Virginia By Amending Chapter 2, Entitled “Definitions” to Add a Definition of “Mitigation Bank”;

WHEREAS: staff has brought forth an ordinance amendment which defines the term “Mitigation Bank” to include mitigation banks which are regulated by the federal and state governments;

WHEREAS: this amendment is accompanied by another zoning ordinance amendment to establish mitigation bank as a permitted use within all zoning districts subject to approval of a Use Permit; and

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

NOW, THEREFORE, on a motion by Commissioner Kathy Rogers and seconded by Commissioner Hope Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 24-0007.

A roll call vote on the motion resulted as follows:

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

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 24-0006 by the City of Hampton to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-2 Entitled “Table of Uses Permitted” to Add “Mitigation Bank” as a Permitted Use, subject to approval of a use permit, within all Zoning Districts;

WHEREAS: staff has brought forth an ordinance amendment which establishes “Mitigation Bank” as a new use within the City requiring issuance of a use permit in all districts;

WHEREAS: the proposed amendment enables the establishment of mitigation banks within the city, providing a local option for the replacement of wetlands which are unavoidably lost due to development;

WHEREAS: this amendment is accompanied by another zoning ordinance amendment to establish a definition of mitigation bank within Chapter 2 of the Zoning Ordinance; and

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

NOW, THEREFORE, on a motion by Commissioner Ruthann Kellum and seconded by Commissioner Tracy Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 24-0006.

A roll call vote on the motion resulted as follows:

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

The next four (4) public hearing items are related and will be part of one presentation and public hearing item. A separate motion and vote are required for each item.

Ms. Brown read the public hearing notice on the next four related agenda items.

6. ZOA 24-0016 – CHAPTER 9, ARTICLE III, SECTION 9-23, “MODIFICATION TO PERMITTED USES”, PERMIT OUTDOOR PLAY AREAS ASSOCIATED WITH DAY CARE 1, COMMERCIAL AND DAY CARE 2, COMMERCIAL USES IN THE OVERLAY – COLISEUM CENTRAL (O-CC) DISTRICT

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 9, Article III, Section 9-23 Entitled, “Modification to Permitted Uses” to Permit Outdoor Play Areas Associated with Day Care 1, Commercial and day Care 2, Commercial Uses in the Overlay – Coliseum Central (O-CC) District

7. ZOA 24-0014 – CHAPTER 6, ARTICLE I, SECTION 6-2, “DEVELOPMENT STANDARDS IN GENERAL”, PERMIT OUTDOOR DINING AND OUTDOOR PLAY AREAS ASSOCIATED WITH DAY CARE 1, COMMERCIAL AND DAY CARE 2, COMMERCIAL USES IN THE NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 6, Article I, Section 6-2 Entitled, “Development Standards in General” to Permit Outdoor Dining and Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Neighborhood Commercial (C-1) District

8. ZOA 24-0013 – CHAPTER 3, SECTION 3-3, “ADDITIONAL STANDARDS ON USES”, INCLUDE LIMITATION ON THE HOURS OF ALL OUTDDOR PLAY ACTIVITIES FOR DAY CARE 1, COMMERCIAL, IN THE NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT

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” to Include a Limitation on the Hours of All Outdoor Play Activities for Day Care 1, Commercial in the Neighborhood Commercial (C-1) District

9. ZOA 24-0015 – CHAPTER 8, ARTICLE V, “DOWNTOWN DISTRICTS”, PERMIT OUTDOOR PLAY AREAS ASSOCIATED WITH DAY CARE 1, COMMERCIAL USES IN THE DOWNTOWN DISTRICTS

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article V Entitled, “Downtown Districts” to Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Downtown Districts

City Planner Davis Pemberton presented the staff report on the subject amendments. Staff recommends approval of Zoning Ordinance Amendment No. 24-0016, Zoning Ordinance Amendment No. 24-0014, Zoning Ordinance Amendment No. 24-0013 and Zoning Ordinance Amendment No. 24-0015.

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. 24-0016 by the City of Hampton to Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 9, Article III, Section 9-23 Entitled “Modification to Permitted Uses” To Permit Outdoor Play Areas Associated With Day Care 1, Commercial and Day Care 2, Commercial Uses In The Overlay – Coliseum Central (O-CC) District;

WHEREAS: the proposed amendment adds outdoor play areas associated with Day Care 1, Commercial and Day Care 2 Commercial to the list of uses permitted to operate partially or wholly outdoors within the Overlay – Coliseum Central (O-CC) District;

WHEREAS: this amendment is accompanied by three (3) other zoning ordinance amendments to amend Chapters 3, 6, 8, and 9 to modify the list of permitted outdoor uses to permit outdoor play areas associated with day care centers with additional standards in multiple districts, and to permit outdoor dining in the Neighborhood Commercial (C-1) District; and

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

NOW, THEREFORE, on a motion by Commissioner Tracy Brooks and seconded by Commissioner Ruthann Kellum,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 24-0016.

A roll call vote on the motion resulted as follows:

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

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 24-0014 by the City of Hampton to Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 6, Article I, Section 6-2 Entitled "Development Standards In General" To Permit Outdoor Dining And Outdoor Play Areas Associated With Day Care 1, Commercial and Day Care 2, Commercial Uses In The Neighborhood Commercial (C-1) District;

WHEREAS: the proposed amendment adds outdoor play areas associated with Day Care 1, Commercial and Day Care 2 Commercial to the list of uses permitted to operate partially or wholly outdoors within the Downtown Business (DT-1) District and the Downtown Waterfront (DT-2) District;

WHEREAS: this amendment is accompanied by three (3) other zoning ordinance amendments to amend Chapters 3, 6, 8, and 9 to modify the list of permitted outdoor uses to permit outdoor play areas associated with day care centers with additional standards in multiple districts, and to permit outdoor dining in the Neighborhood Commercial (C-1) District; and

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

NOW, THEREFORE, on a motion by Commissioner Ruthann Kellum and seconded by Commissioner Tracy Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 24-0014.

A roll call vote on the motion resulted as follows:

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

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 24-0013 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 Include A Limitation On The Hours Of All Outdoor Play Activities For Day Care 1, Commercial In The Neighborhood Commercial (C-1) District;

WHEREAS: the proposed amendment adds a limitation of hours between 8:00 a.m. and 6:00 p.m. Monday through Sunday for all outdoor play activities associated with Day Care 1, Commercial uses in the C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3 and PO-1 districts;

WHEREAS: this amendment is accompanied by three (3) other zoning ordinance amendments to amend Chapters 3, 6, 8, and 9 to modify the list of permitted outdoor uses to permit outdoor play areas associated with day care centers with additional standards in multiple districts, and to permit outdoor dining in the Neighborhood Commercial (C-1) District; and

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

NOW, THEREFORE, on a motion by Commissioner Hope Harper and seconded by Commissioner Ruthann Kellum,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 24-0013.

A roll call vote on the motion resulted as follows:

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

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 24-0015 by the City of Hampton to Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 8, Article V Entitled "Downtown Districts" To Permit Outdoor Play Areas Associated With Day Care 1, Commercial and Day Care 2, Commercial Uses In The Downtown Districts;

WHEREAS: the proposed amendment adds outdoor play areas associated with Day Care 1, Commercial and Day Care 2 Commercial to the list of uses permitted to operate partially or wholly outdoors within the Downtown Business (DT-1) District and the Downtown Waterfront (DT-2) District;

WHEREAS: this amendment is accompanied by three (3) other zoning ordinance amendments to amend Chapters 3, 6, 8, and 9 to modify the list of permitted outdoor uses to permit outdoor play areas associated with day care centers with additional standards in multiple districts, and to permit outdoor dining in the Neighborhood Commercial (C-1) District; and

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

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

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 24-0015.

A roll call vote on the motion resulted as follows:

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

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

10. 24-0033 – MONTHLY YOUTH PLANNER REPORT

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

On December 18th, the Hampton Youth Commission held the annual Grants public hearing. There were 15 applicants. Due to the high volume of applicants, 4 were referred to the Hampton City Schools (HCS) Academy representative for project-based learning events. One applicant withdrew their application. Nine of the 10 applications were granted their requested budget, totaling \$16,025. The 10th application was denied by the Commission.

On January 8th, the HYC held a joint meeting with the Hampton Neighborhood Commission. The purpose of the meeting was to help the youth commissioners understand how they can make a difference within their neighborhoods. The meeting also informed the Neighborhood Commission of the work of the HYC.

- January 22nd – Executive & Commission Meetings
Joint Youth Commission/Youth Advisory Group

In response to a question from Vice-Chair Kellum, Ms. Folkerts responded that many of the grant applications were for project-based learning projects.

Chair Harris thanked Ms. Folkerts for her presentation.

VII. ITEMS BY THE PUBLIC

There were no items 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 4:05 P.M.

Respectfully Submitted,

Bonnie N. Brown
Secretary to the Commission

APPROVED BY:

Michael Harris
Chairman