

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, JANUARY 16, 2025, AT 3:00 P.M.

Vice-Chair Kathy Rogers called the work session to order at 3:04 P.M.

A call of the roll noted Vice-Chair Kathy Rogers, Commissioners Tracy Brooks, Brian DeProfio, and Ruthann Kellum as being present. Chair Michael Harris and Commissioners Hope Harper and Trina Coleman were noted absent; however, Chair Harris and Commissioner Coleman arrived after roll call. Staff in attendance were Acting Secretary/Interim Deputy Director Steve Lynch, Planning Division Manager Mike Hayes, Assistant City Attorney Jessica Kraus, Chief City Planner Donald Whipple, City Planner Han Vu and Clerk of Boards and Commissions Arlena Cahoon.

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

Use Permit Application No. 24-0539-

In response to questions from Commissioner Kathy Rogers, Planning Division Manager Mike Hayes responded that in order to be approved for a Short-term Rental (STR) under the previous ordinance and interpretation, the operator would have to reside at the property for at least six (6) months out of the year and the property would have to be their primary residence. Before October 1, 2024, enforcement of STRs was based upon calls for issues. After that date, enforcement has been implemented by the City, citing STRs that are operating without a permit.

Assistant City Attorney Jessica Kraus added that once the application is under the review process, an STR may operate for the time being. They will not be penalized since they're taking the initiative to become compliant.

Mr. Hayes explained that there is also a time limit for operators to submit an application. After being cited, the applicant will have thirty (30) days to submit an application. Once the application is received, the applicant will have another thirty (30) days to complete the application with the required documents. The process is the same for all applications to prevent holding up the line. In this particular case, the application was the first in line to be heard by the Planning Commission and City Council. However, there are instances where the application is lower in the queue for review and other applications are being reviewed before them. Therefore, it may be longer than sixty (60) days before the STR is approved.

In response to another question from Vice-Chair Rogers, Mr. Hayes confirmed that an STR can still operate if they have submitted their application and are actively pursuing approval. However, if there are calls for service to the STR or other violations, the enforcement process will still apply, and will be considered when determining the decision for the application.

Ms. Kraus explained that when the use of the property is determined, it is evaluated on whether the use is appropriate for that specific area and the property itself. The process can become complex when the same operator has multiple STRs; however, the sole determination is based upon whether the use is appropriate for that location, regardless of the operator.

In response to questions from Vice-Chair Rogers, Mr. Hayes responded that staff regularly meets with a representative from the Hampton Police Department (HPD) that has been proactive in updating staff regarding any STR issues. Additionally, this case is coming before the Planning

Commission due to the number of bedrooms and the size of the operation. The decision can be determined by whether the number of bedrooms and size of the operation is appropriate for the location. The City is not currently penalizing applicants for operating unpermitted STRs in the past, although it may be considered in the next few years.

City Planner Han Vu provided the Commissioners with the updated amended conditions.

Ms. Kraus explained that during the application process, the applicant had the option to use a common space as a sleeping area or living area. They also had to identify it in the application, floor plan, and narrative statement. In this case, one of the common areas is being used as a sleeping area. Condition 4(c) was amended to reflect that no other common space shall be used as a sleeping area except the one that was indicated.

In response to Vice-Chair Rogers, Ms. Vu explained that the public hearing notifications are sent out to properties within one-tenth of a mile from the subject property. When staff recommends a community meeting, staff provides the applicant with the same list of property owners as well as a template to compose the invitation.

Mr. Hayes added that staff cannot control who attends the community meetings, and property owners outside that radius are welcome to attend as well. He further agreed to Vice-Chair Roger's suggestion of including neighborhood representatives in the list of invites to the community meetings.

In response to Vice-Chair Rogers, Mr. Hayes responded that the STR buffer requirement does not apply to multi-family residences. Since the ordinance is still new, changes to the regulation of multi-family residences may be considered in the future.

In response to Commissioner Ruthann Kellum, Mr. Hayes responded that regulation of STRs in Accessory Dwelling Units (ADUs) will be a part of adopting an ordinance governing ADUs. Later this year, staff will be engaging with the community regarding ADUs and how the City should handle them. The state currently has legislation pushing for ADUs to be permitted, and staff is working on developing the regulations at the City level.

In response to Vice-Chair Rogers, Mr. Hayes responded that the three (3) units on this property can be rented by separate entities. Staff researched this topic when developing the ordinance and came to the conclusion that it would be difficult to keep track of who the property is being rented out to. Additionally, if the number of people staying at the property does not change from the number of people allowed, there will not be a different impact on the surrounding area.

Matters by staff:

Ms. Kraus reminded the Commissioners of the attendance policy as written in the by-laws. Members of the Commission cannot miss more than four (4) meetings within a calendar year and cannot miss three (3) consecutive meetings.

Minutes from the December 19, 2024, Hampton Planning Commission meeting:

Acting Secretary Steve Lynch noted edits to the minutes. On page 7, line 8, where it reads "he also opposed to the new provision ..." it should read "he also was opposed to the new provision." On page 10, line 46, where it reads "compromising a security plan" it should read "compromising on a security plan."

The work session adjourned at 3:30 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, JANUARY 16, 2025 AT 3:30 P.M.

I. CALL TO ORDER

Chair Michael Harris called the meeting to order at 3:37 P.M.

II. ROLL CALL

A call of the roll noted Chair Michael Harris, Vice-Chair Kathy Rogers and Commissioners Tracy Brooks, Trina Coleman, Ruthann Kellum, Brian DeProfio and Hope Harper as being present. Staff in attendance were Acting Secretary/Interim Deputy Director Steve Lynch, Planning Division Manager Mike Hayes, Assistant City Attorney Jessica Kraus, Chief City Planner Donald Whipple, City Planner Han Vu, City Planner Quinn Heinrich, Junior Youth Planner Henry Godfrey, and Clerk of Boards and Commissions Arlena Cahoon.

III. APPROVAL OF MINUTES

A motion was made by Vice-Chair Kathy Rogers and was seconded by Commissioner Tracy Brooks to approve the minutes from the December 19, 2024 Hampton Planning Commission meeting, as amended in the work session.

A roll call vote on the motion resulted as follows:

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

Commissioner Coleman abstained from voting on the minutes as she was not present at the December 19, 2024 Planning Commission meeting.

V. PUBLIC HEARING ITEMS

Acting Secretary Steve Lynch read the key points of the Hampton Planning Commission Public Hearing/Comment Rules.

1. Use Permit Application No. 24-0539 by Overflow LLC, to Permit a Short-term Rental (STR) at 127 N Fourth St [LRSN 12006963]

Use Permit Application No. 24-0539: This is a Use Permit Application by Overflow LLC, to permit a Short-term Rental (STR) at 127 N Fourth St [LRSN 12006963]

City Planner Han Vu presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. 24-0539 with fifteen (15) conditions.

In response to a question from Commissioner Hope Harper, Ms. Vu responded that the person who attended the community meeting was only interested in how the process works and how the community meeting turns out.

Assistant City Attorney Jessica Kraus noted that the conditions displayed on the slide are the amended conditions, which are different from the conditions that were provided in the Planning Commission Package. Condition 4(c) was amended after package publication to include "unless indicated otherwise herein" to avoid a conflict within the conditions.

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 Overflow, LLC to permit a short-term rental in the Two-Family Residential (R-8) District;

WHEREAS: the parcel is located at 127 N Fourth St [LRSN: 12006963] and currently zoned R-8 District and in the Buckroe 1 Zone of the Short-term Rental Overlay (O-STR) District;

WHEREAS: the applicant is proposing to operate a short-term rental at 127 N Fourth St;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends medium-density residential land use for this property. The Plan defines medium density residential to include older neighborhoods and residential areas around districts that are dominated by single family units on relatively small lots;

WHEREAS: staff recommends fifteen (15) proposed conditions including overnight lodging capacity, parking requirements, additional posting of information inside of the dwelling, responsible local person (RLP) requirements, ledgers, events and gatherings restrictions, inspection stipulations, advertising requirements, and compliance with the Hampton City Code;

WHEREAS: the Planning Commission understands that the proposal meets all of the requirements for administrative approval in the form of a Zoning Administrator Permit, except for exceeding the maximum number of rentable sleeping rooms that can be approved via a Zoning Administrator Permit;

WHEREAS: Planning Commissioners questioned the outcome of the community meeting and if there was opposition from the community regarding the short-term rental;

WHEREAS: no one spoke either for or against the application during the public hearing; and

WHEREAS: City staff recommends approval of this use permit application, subject to fifteen (15) conditions.

NOW, THEREFORE, on a motion by Commissioner Trina Coleman and seconded by Commissioner Brian DeProfio,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0539 with fifteen (15) conditions as amended.

A roll call vote on the motion resulted as follows:

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

ABSENT: None

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

January 2025 Youth Planner Report to the Planning Commission

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

Upcoming Events:

- January 27th – Committee Meeting: Discussion of Youth Master Plan
- February 13th – Preparation for the YAG (Youth Advisory Group) Unity Awards Rehearsal

VII. ITEMS BY THE PUBLIC

There were no items by the public.

VIII. MATTERS BY THE COMMISSION

Commissioner Harper announced that this will be her last Planning Commission meeting as she was re-elected to the Hampton City Council. When new members are elected to Hampton City Council, it is a tradition to appoint a new Council member to the Planning Commission. She thanked the City and the Commissioners for the opportunity to serve over the past two (2) years. She has learned a lot after serving on the Planning Commission, and will use that knowledge while she serves on City Council. She also expressed her appreciation to the citizens of the City for giving her the opportunity to serve them and how it is an honor to continue serving them.

Chair Harris congratulated Commissioner Harper on her re-election to Hampton City Council and thanked her for her service on the Planning Commission.

Chair Harris announced a farewell to Planning Division Manager Mike Hayes, who has served the City for a long time and has been the backbone for the Planning Commission. This will be Mr. Hayes' last meeting, as he is departing the City. He thanked Mr. Hayes for his service, patience, and knowledge he has brought to the City and the Planning Commission.

Mr. Hayes recollected on how fast twenty (20) years of service has gone by and that he enjoyed his time with the City. He further expressed his appreciation for the experience and opportunities that the City has provided him.

Commissioner Ruthann Kellum recognized Mr. Hayes and stated that he is always welcomed to come back to the City. She wished him the best of luck and thanked him for his time and dedication to his work for the Planning Commission.

Commissioner Harper recognized Mr. Hayes for his patience and thoroughness when the Commission was finalizing the regulations on STRs. She wished him well and is certain that he will do a great job in his future endeavors as he did with the City of Hampton. As Commissioner Kellum stated, he is always welcome to come back to the City.

Commissioner Brian DeProfio thanked Mr. Hayes for his twenty (20) years of service and the contributions he made to the City.

Chair Harris congratulated Channel 47 Video Production Specialist Woube Gebre, who was inducted into the Hampton Roads Media Sports Hall of Fame.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:03 PM.

Respectfully Submitted,

Kimberly Mikel
Secretary to the Commission

APPROVED BY:

Michael Harris
Chairman