

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, MARCH 20, 2025, AT 3:00 P.M.

Chair Michael Harris called the work session to order at 3:02 P.M.

A call of the roll noted Chair Michael Harris, Vice-Chair Kathy Rogers, Commissioners Tracy Brooks, Trina Coleman and Ruthann Kellum as being present. Commissioners Martha Mugler and Brian DeProfio were noted absent. Staff in attendance were Secretary/Deputy Director Kim Mikel, Interim Deputy Director Steve Lynch, Deputy Zoning Administrator Christopher Langaster, 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.

2025 Planning Commission Meeting Calendar:

Secretary Kim Mikel noted that there were some adjustments made to the 2025 Planning Commission Meeting Calendar. For the month of May, staff typically moves the meeting from the third Thursday of the month to the fourth Thursday to avoid the Planning Commission meeting falling on the same week as the City Council meeting. Therefore, the May Planning Commission meeting is scheduled for May 22, 2025. For the month of June, the third Thursday is Juneteenth, therefore, staff is looking to schedule the June Planning Commission meeting on the fourth Thursday, June 26, 2025. She further asked the Commissioners if the revised dates work for their schedules.

Commissioner Tracy Brooks stated that she is unable to attend the May date.

Commissioner Trina Coleman stated that she is unable to attend the June date.

The Secretary notified the Commissioners that if the proposed dates do not work for them, then staff can make adjustments accordingly.

Rezoning Application No. 24-0526, Use Permit Application No. 24-0527, Use Permit Application No. 24-0528 and Use Permit Application No. 24-0529:

Secretary Mikel noted that the first four (4) public hearing items will be combined into one presentation. The items are for a rezoning and three (3) use permits at 3200 Neil Armstrong Parkway. It is a proposal for a mixed-use commercial development. The rezoning would allow for the subdivision and redevelopment of the site to be a mixed-use commercial center. The use permits would allow a Storage Facility use on site B and a Retail Sales General use on sites A and B.

Rezoning Application No. 25-0010 and Use Permit Application No. 25-0011:

Secretary Mikel noted that these two (2) items will also be combined into one (1) presentation. The items are for a rezoning and use permit for 1612 and 1616 N Armistead Avenue. The rezoning is to change from R-11 to MD-4, which will allow a multi-family development under the use permit. This proposal aligns with the policies stated in the Hampton Community Plan (2006, as amended).

Use Permit Application No. 24-0530:

Secretary Mikel noted that this is a use permit for 2 Tall Pine Drive to allow construction of a four (4) story building. This is an existing apartment complex that is proposing an additional

building. As use permits are required for all multi-family developments, this proposal requires a new use permit. The new use permit would apply to the whole apartment complex.

In response to Commissioner Coleman, Secretary Mikel responded that the City now requires use permits for all multi-family developments. When it was previously developed, a use permit was not required.

Use Permit Application No. 25-0079:

Secretary Mikel noted that this is a use permit application for a Short-term Rental (STR).

Chair Michael Harris disclosed that he knows the attorney representing this case as a colleague in the legal field and wanted to make sure that it is not a Conflict of Interest.

In response to Chair Harris, Assistant City Attorney Jessica Kraus responded that he is in the clear under the Conflict-of-Interest Act (COIA).

In response to a question from Vice-Chair Rogers, Secretary Mikel responded that there has only been one (1) complaint that was received through email.

City Planner Han Vu provided the Commissioners with copies of the email.

Secretary Mikel added that staff responded to the email, informing the citizen that they be able to speak during the public hearing at the Planning Commission meeting.

In response to Commissioner Ruthann Kellum, Secretary Mikel responded that there is an approved STR at 127 N Fourth Street, which is right next to the proposed STR. The ordinance allows no more than two (2) STRs to be next to each other, regardless if it is multi-family or not.

Ms. Kraus added that if two (2) STRs are next to each other, then the buffer zone is determined from both of the properties.

In response to questions from Commissioner Coleman, Ms. Kraus responded that when an application is received, staff first confirms if the STR meets the density and separation requirements. If it does not satisfy those requirements, it is denied immediately. However, if it does satisfy those requirements, staff will determine if the STR application can be approved through a Zoning Administrator Permit (ZAP) or if it will require a use permit. To be approved through a ZAP, the STR is required to have all of the parking on-site, no more than five bedrooms or ten (10) overnight guests, and cannot offer events. If the application does not meet one or more of those requirements, it will move forward as a use permit. It is then up to the Planning Commission to consider any additional conditions that may be necessary, and analyze the compatibility of the use in the neighborhood. Ms. Kraus further responded that use permits for STRs still come to Planning Commission because staff was given direction from City Council that they still may be a compatible use in a location. For the ZAP process, the conditions are already written in the ordinance and apply to all properties that get approved for a ZAP. However, for the use permit process, the Planning Commission can modify the conditions for that specific use on that specific property.

The work session adjourned at 3:18 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, MARCH 20, 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 Tracy Brooks, Trina Coleman, Ruthann Kellum, and Brian DeProfio as being present. Commissioner Martha Mugler was noted absent. Staff in attendance were Secretary/Deputy Director Kim Mikel, Interim Deputy Director Steve Lynch, Assistant City Attorney Jessica Kraus, Deputy Zoning Administrator Christopher Langaster, 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 Commissioner Trina Coleman and was seconded Commissioner Tracy Brooks to approve the minutes from the January 16, 2025, Hampton Planning Commission meeting.

A roll call vote on the motion resulted as follows:

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

IV. CEREMONIAL RESOLUTIONS

Chair Harris noted that this agenda item was an error, and the Planning Commission and staff proceeded to the Public Hearing Items.

V. PUBLIC HEARING ITEMS

Secretary Kim Mikel read the key points of the Hampton Planning Commission Public Hearing/Comment Rules and noted that the first four (4) items on the agenda will be combined into one presentation and will have a joint public hearing.

1. Rezoning Application No. 24-0526 by Magruder Holdings, LLC to Rezone +/-5.29 Acres at 3200 Neil Armstrong Parkway [LRSN: 6000997] from General Commercial (C-3) District with Conditions to Langley Business Park (LBP) District with Conditions for a Mixed-Use Commercial Development

Rezoning Application No. 24-0526: This is a rezoning application by Magruder Holdings, LLC to rezone +/-5.29 acres at 3200 Neil Armstrong Parkway [LRSN: 6000997] from General Commercial (C-3) district with conditions to Langley Business Park (LBP) district with conditions for a Mixed-Use Commercial Development.

2. Use Permit Application No. 24-0527 by Magruder Holdings, LLC to Permit a Storage Facility 2 on a Portion of 3200 Neil Armstrong Parkway [LRSN: 6000997]

Use Permit Application No. 24-0527: This is a Use Permit Application by Magruder Holdings, LLC to permit a Storage Facility 2 on a portion of 3200 Neil Armstrong Parkway [LRSN: 6000997].

3. Use Permit Application No. 24-0528 by Magruder Holdings, LLC to Permit Retail Sales, General on a Portion of 3200 Neil Armstrong Parkway [LRSN: 6000997]

Use Permit Application No. 24-0528: This is a Use Permit Application by Magruder Holdings, LLC to permit a Retail Sales, General on a portion of 3200 Neil Armstrong Parkway [LRSN: 6000997].

4. Use Permit Application No. 24-0529 by Magruder Holdings, LLC to Permit Retail Sales, General on a Portion of 3200 Neil Armstrong Parkway [LRSN: 6000997]

Use Permit Application No. 24-0529: This is a Use Permit Application by Magruder Holdings, LLC to permit Retail Sales, General on a portion of 3200 Neil Armstrong Parkway [LRSN: 6000997]

Chief City Planner Donald Whipple presented the joint staff report on the subject applications. Staff recommended approval of Rezoning Application No. 24-0526 with ten (10) proffered conditions, Use Permit Application No. 24-0527 with seven (7) conditions, Use Permit Application No. 24-0528 with five (5) conditions and Use Permit Application No. 24-0529 with five (5) conditions.

Chair Harris invited the applicant to speak.

Mr. David Pittman, representative of Vierra Construction, mentioned that as a citizen of Hampton for the past 25 years, he is excited for the opportunity of this development on Neil Armstrong Parkway.

In response to a question from Commissioner Ruthann Kellum, Mr. Pittman responded that the retail suites will consist of small businesses.

Chair Harris opened and closed the public hearing.

There being no individuals signed up to speak, the Planning Commission approved the following Resolutions:

WHEREAS: the Hampton Planning Commission has before it this day a Rezoning Application by Magruder Holdings, LLC to rezone +/-5.29 acres at 3200 Neil Armstrong Parkway [LRSN: 6000997] from General Commercial (C-3) District with conditions to Langley Business Park (LBP) District with conditions for a mixed-use commercial development;

WHEREAS: the applicant is proposing the subdivision and redevelopment of the site into a mixed-use commercial center planned to include warehouse/manufacturing, indoor storage facility (storage facility 2), general retail sales, and general office uses;

- WHEREAS: on proposed Site A, located in the eastern portion of the parcel near the intersection of Research Drive and Floyd Thompson Drive, the existing structure, approximately 25,000 square feet, will be renovated to accommodate the expansion of Threat Tec (13,700 square feet for warehouse and machining/manufacturing use), and the remaining 11,300 square feet will be utilized for general retail sales;
- WHEREAS: on Site B, located in the western portion of the parcel near the intersection of Neil Armstrong Parkway and Floyd Thompson Drive, the existing structure will be demolished and replaced with a three-story, multi-use building. The majority of this building will feature a climate-controlled storage facility with over 500 units with approximately 21,000 square feet of floor area on the ground level and 30,000 square feet on both the second and third levels, totaling approximately 79,000 square feet dedicated to the storage facility use. The ground level will also include 650 square feet for a storage office, 3,000 square feet for future retail use, and 5,700 square feet for coworking space;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial use for the subject property;
- WHEREAS: the applicant has proffered ten (10) conditions to include substantial conformance with the concept plan, substantial conformance with the elevations, conformance with the Copeland Industrial Park Design Guidelines, limiting the square footage of the office/retail uses within the proposed new building on Site B, limiting the square footage of the storage facility use, landscaping and buffering along the rights-of-way, screening of outdoor storage and loading areas, and the screening of rooftop equipment and ground mounted equipment;
- WHEREAS: the LBP District requires an approved use permit for the proposed storage facility 2 and retail sales, general uses;
- WHEREAS: this application is in conjunction with Use Permit Application Nos. 24-0527, 24-0528, and 24-0529, which would permit a storage facility 2 on Site B, and retail sales, general on Site A and B, respectively, within the Langley Business Park (LBP) District with an approved use permit;
- WHEREAS: Commissioners asked questions pertaining to the types of retail businesses planned for the site;
- WHEREAS: City staff recommends approval of this rezoning application; and
- WHEREAS: no one from the public spoke to this application 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 Rezoning Application No. 24-0526 with ten (10) proffered conditions.

A roll call vote on the motion resulted as follows:

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

WHEREAS: the Hampton Planning Commission has before it this day a Use Permit Application by Magruder Holdings, LLC to permit a Storage Facility 2 on a portion of 3200 Neil Armstrong Parkway [LRSN: 6000997];

WHEREAS: the proposal includes the demolition of the existing structure to be replaced with a new three-story, multi-use building on proposed Site B, located in the western portion of the parcel near the intersection of Neil Armstrong Parkway and Floyd Thompson Drive. The majority of this building will feature a climate-controlled storage facility with over 500 units with approximately 21,000 square feet of floor area on the ground level and 30,000 square feet on both the second and third levels, totaling approximately 79,000 square feet dedicated to the storage facility use. The ground level will also include 650 square feet for a storage office;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial land use for the subject property;

WHEREAS: staff recommends seven (7) conditions to include compliance with the rezoning proffers, limitations on outdoors storage, and surveillance;

WHEREAS: the proposed storage facility 2 is permitted within the Langley Business Park (LBP) District, subject to an approved use permit;

WHEREAS: this application is in conjunction with Rezoning Application No. 24-0526 and Use Permit Application Nos. 24-0528 and 24-0529, which would permit retail sales, general on Site A and B, respectively within the Langley Business Park (LBP) District with an approved use permit

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 Vice Chair Kathy Rogers and seconded by Commissioner Trina Coleman,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0527 with seven (7) conditions.

A roll call vote on the motion resulted as follows:

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

WHEREAS: the Hampton Planning Commission has before it this day a Use Permit Application by Magruder Holdings, LLC to permit Retail Sales, general on a portion of 3200 Neil Armstrong Parkway [LRSN: 6000997];

- WHEREAS: the proposal includes the significant renovation of the existing 25,000 square feet structure on proposed Site A, located in the eastern portion of the parcel near the intersection of Research Drive and Floyd Thompson Drive. Additionally, the renovation will accommodate the expansion of Threat Tec, approximately 13,700 square feet for warehouse and machining/manufacturing use, and the remaining 11,300 square feet will be utilized for general retail sales;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial land use for the subject property;
- WHEREAS: staff recommends five (5) conditions to include compliance with the rezoning proffers and limitation on retail uses that do not forward the purpose and intent of the LBP District;
- WHEREAS: the proposed retail sales, general use is permitted within the Langley Business Park (LBP) District, subject to an approved use permit;
- WHEREAS: this application is in conjunction with Rezoning Application No. 24-0526 and Use Permit Application Nos. 24-0527 and 24-0529, which would permit a storage facility 2 and retail sales, general on Site B, respectively within the Langley Business Park (LBP) District with an approved use permit;
- 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 Ruthann Kellum and seconded by Commissioner Tracy Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0528 with five (5) conditions.

A roll call vote on the motion resulted as follows:

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

- WHEREAS: the Hampton Planning Commission has before it this day a Use Permit Application by Magruder Holdings, LLC to permit Retail Sales, general on a portion of 3200 Neil Armstrong Parkway [LRSN: 6000997];
- WHEREAS: the proposal includes replacing the existing structure with a three-story, multi-use building on proposed Site B. The majority of this building will feature a climate-controlled storage facility with over 500 units with approximately 21,000 square feet of floor area on the ground level and 30,000 square feet on both the second and third levels, totaling approximately 79,000 square feet dedicated to the storage facility use. The ground level will also include 650 square feet for a storage office, 3,000 square feet for future retail use, and 5,700 square feet for coworking space;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial land use for the subject property;

WHEREAS: staff recommends five (5) conditions to include compliance with the rezoning proffers and limitation on retail uses that do not forward the purpose and intent of the LBP District;

WHEREAS: the proposed retail sales, general use is permitted within the Langley Business Park (LBP) District, subject to an approved use permit;

WHEREAS: this application is in conjunction with Rezoning Application No. 24-0526 and Use Permit Application Nos. 24-0527 and 24-0528, which would permit a storage facility 2 and retail sales, general on Site B and Site A, respectively within the Langley Business Park (LBP) District with an approved use permit;

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 Ruthann Kellum,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0529 with five (5) conditions.

A roll call vote on the motion resulted as follows:

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

5. Rezoning Application No. 25-0010 by Franklin Johnston Group Management & Development, LLC to Rezone +/-16.9 Acres at 1616, 1616B, and 1612 N Armistead Avenue [LRSN: 7000335, 7000336, and 7000337] from One Family Residential (R-11) District to Multifamily Residential (MD-4) District with Conditions for a Multifamily Development

Rezoning Application No. 25-0010: This is a Rezoning Application by Franklin Johnston Group Management & Development, LLC to rezone +/- 16.9 acres at 1616, 1616B, and 1612N Armistead Avenue [LRSN: 7000335, 7000336, and 7000337] from One Family Residential (R-11) District to Multifamily Residential (MD-4) District with conditions for a multifamily development.

6. Use Permit Application No. 25-0011 by Franklin Johnston Group Management & Development, LLC to Permit Multifamily Dwellings at 1616, 1616B, and 1612 N Armistead Avenue [LRSN: 7000335, 7000336, and 7000337]

Use Permit Application No. 25-0011: This is a Use Permit Application by Franklin Johnston Group Management & Development, LLC to permit multifamily dwellings at 1616, 1616B, and 1612 N Armistead Avenue [LRSN: 7000335, 7000336, and 7000337]

Secretary Mikel noted that Rezoning Application No. 25-0010 and Use Permit Application No. 25-0011 will also be combined into one presentation and have a joint public hearing.

Chief City Planner Donald Whipple presented the joint staff report on the subject applications. Staff recommended approval of Rezoning Application No. 25-0010 with thirteen (13) proffered conditions and Use Permit Application No. 25-0011 with eight (8) conditions.

In response to a question from Commissioner Ruthann Kellum, Mr. Whipple responded that the property has three (3) parcels that are associated with the ownership. In the past, the property may have wanted to maintain access to the nearby creek, so the property was platted in that manner to have that access.

Assistant City Attorney Jessica Kraus clarified that the whole outline is private property. Therefore, the public would not be able to access that area without permission from the property owner.

In response to a question from Commissioner Trina Coleman, Mr. Whipple indicated on the presentation that the white area is the delineated wetland area and the undeveloped part is the 100-foot resource protection area buffer. No development can happen in within the white area or the 100-foot buffer.

In response to another question from Commissioner Coleman, Mr. Whipple responded that it is standard practice to rezone the whole property under the same zoning district. The environmental regulations would prevent any development in that area.

In response to questions from Vice-Chair Kathy Rogers, Mr. Whipple responded that while going through the Coliseum Master Plan process in 2004, this site was identified for resiliency practices. It was then decided that it would be best suited for it to be developed as multifamily. At the time, staff did not know the implications of how the site would be impacted by environmental constraints. However, with the delineation outlined in this development, staff knows where the boundaries and areas of concern are. Staff worked with the applicant in getting development as dense as possible to be away from the environmentally sensitive area, which is why it is more confined to the front of the lot instead of it being spread out throughout the property. In regards to the road raising projects, the applicant has worked directly with the Public Works Department to see the plans of how the road raising would look in front of the property. While the timing of the project is currently unknown, it appears that it should begin construction during the road raising projects. As far as the on-site stormwater management, the majority will be underground and dispersed into ditches on the side of the property for infiltration. In addition,, the developer will be utilizing permeable pavements. Mr. Whipple further responded that the community meeting was well attended. The attendees were overall curious about the proposed development and there was not anyone opposed to it.

In response to questions from Commissioner Coleman, Mr. Whipple responded that the projected rent appears to be on par with the recent developments in the area. In regards to single-family residential developments, staff is working on several projects that involve single-family residential housing throughout the City.

In response to questions from Chair Harris, Mr. Whipple responded that staff has observed a drive in the market towards multifamily developments. Most are rentals, but some are for sale. Staff does not require the applicant to do a market analysis.

Chair Harris invited the applicant to speak.

Mr. Tim Trant, representative of the applicant, mentioned that representatives from Franklin Johnston Management and Development, Timmons Group, Cox Kliewer & Company, and Thalhimer are available to respond to any questions. Mr. Trant further provided a presentation on the details of the proposed development.

Chair Harris opened and closed the public hearing.

There being no individuals signed up to speak, the Planning Commission approved the following Resolutions:

- WHEREAS: the Hampton Planning Commission has before it this day a Rezoning Application by Franklin Johnston Group Management & Development, LLC to rezone +/-16.9 acres at 1616, 1616B, and 1612 N Armistead Avenue [LRSN: 7000335, 7000336, and 7000337] from One Family Residential (R-11) District to Multifamily Residential (MD-4) District with conditions for a multifamily development;
- WHEREAS: the proposed multifamily residential project includes 215 apartment units within five (5) buildings: three (3), 3-story buildings and two (2), 4-story buildings; and includes 346 parking spaces, including five (5) Level 2 electric vehicle charging stations;
- WHEREAS: the proposed community amenities include community bike racks, indoor bike storage, sidewalks throughout the development, a clubhouse with a pool, a fitness center, an outdoor grilling area, and a pedestrian trail;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends mixed-use land use for the subject property;
- WHEREAS: the applicant has proffered thirteen (13) conditions to include substantial conformance with the concept plan, a maximum of 215 units, substantial conformance with the elevations, provision of high-quality and durable building materials, community amenities, resiliency and sustainability elements, fencing materials, landscaping, lighting, and screening of HVAC systems;
- WHEREAS: the MD-4 District requires an approved use permit for the proposed multifamily development;
- WHEREAS: this application is in conjunction with Use Permit Application No. 25-0011, which would allow multifamily dwellings within the Multifamily Residential (MD-4) District with an approved use permit;
- WHEREAS: Commissioners had questions pertaining to environmental sensitivity of the proposed development, potential access to and from Newmarket Creek, stormwater management provisions, coordination with the proposed N. Armistead Avenue road raising project, saturation of the rental market, and price points;
- WHEREAS: City staff recommends approval of this rezoning application; and
- WHEREAS: no one from the public spoke to this application 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 Rezoning Application No. 25-0010 with thirteen (13) proffered conditions.

A roll call vote on the motion resulted as follows:

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

WHEREAS: the Hampton Planning Commission has before it this day a Use Permit Application by Franklin Johnston Group Management & Development, LLC to permit Multifamily Dwellings at 1616, 1616B, and 1612 N Armistead Avenue [LRSN: 7000335, 7000336, and 7000337];

WHEREAS: the proposed multifamily residential project includes 215 apartment units within five (5) buildings: three (3), 3-story buildings and two (2), 4-story buildings; and includes 346 parking spaces, including five (5) Level 2 electric vehicle charging stations;

WHEREAS: the proposed community amenities include community bike racks, indoor bike storage, sidewalks throughout the development, a clubhouse with a pool, a fitness center, an outdoor grilling area, and a pedestrian trail;

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

WHEREAS: staff recommends eight (8) conditions to include issuance of permits, compliance with the proffered conditions, Coliseum Central Design Standards, on-site management, dumpster screening, and certificate of occupancy;

WHEREAS: the proposed multifamily development is permitted within the MD-4 District, subject to an approved use permit;

WHEREAS: this application is in conjunction with Rezoning Application No. 25-0010, which proposes to rezone the property to Multifamily Residential (MD-4) District with conditions;

WHEREAS: Commissioners had questions pertaining to environmental sensitivity of the proposed development, potential access to and from Newmarket Creek, stormwater management provisions, coordination with the proposed N. Armistead Avenue road raising project, saturation of the rental market, and price points;

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

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

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 Use Permit Application No. 25-0011 with eight (8) conditions.

A roll call vote on the motion resulted as follows:

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

7. Rezoning Application No. 25-0076 by the Hampton Redevelopment and Housing Authority to Rezone +/- 0.795 Acres at 1644 Briarfield Road [LRSN: 1007646] from Multifamily Residential (MD-1) District with Conditions to Multifamily Residential (MD-1) District with Conditions for a Group Home, Juvenile Residence, or Shelter

Rezoning Application No. 25-0076: This is a Rezoning Application by the Hampton Redevelopment and Housing Authority to rezone +/-0.795 acres at 1644 Briarfield Road [LRSN: 1007646] from Multifamily Residential (MD-1) district with conditions to Multifamily (MD-1) district with conditions for a group home, juvenile residence or shelter.

Chief City Planner Donald Whipple presented the staff report on the subject application. Staff recommended approval of Rezoning Application No. 25-0076 with ten (10) proffered conditions.

Chair Harris opened and closed 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 Rezoning Application by the Hampton Redevelopment and Housing Authority to rezone +/- 0.795 acres at 1644 Briarfield Road [LRSN: 1007646] from Multifamily Residential (MD-1) District with conditions to Multifamily Residential (MD-1) District with conditions for a group home, juvenile residence, or shelter;
- WHEREAS: the purpose of the rezoning is to amend the existing proffers that currently limit the use of the property to a Group Home 2 and public/private educational or recreational uses to permit the following uses: group home 1, group house 2, juvenile residence, or shelter;
- WHEREAS: the existing 7,969 square foot facility includes living spaces, common areas, kitchen and dining area, laundry facilities, and office space. Although some exterior and interior renovations are expected, there will not be significant changes to the building overall;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends public/semi-public land use for the subject property;
- WHEREAS: the applicant has proffered ten (10) conditions to include limitation on permitted uses to group home 1, group home 2, juvenile residence, or shelter; architectural site and quality building materials; fencing; lighting; and compliance with all ordinances;

WHEREAS: the MD-1 District permits group home 1, group home 2, juvenile residence, or shelter with an approved use permit;

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

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

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

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Rezoning Application No. 25-0076 with ten (10) proffered conditions.

A roll call vote on the motion resulted as follows:

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

8. Use Permit Application No. 24-0530 by Pinewood Apartments Owner LLC et al to Permit Multifamily Dwellings at 2 Tall Pine Drive and an Unaddressed Parcel on W. Queen Street [LRSNs: 3004827, 3004828]

Use Permit Application No. 24-0530: This is a Use Permit Application by Pinewood Apartments Owner LLC et al to permit multifamily dwellings at 2 Tall Pine Drive and an unaddressed parcel on W. Queen Street [LRSNs:3004827, 3004828]

Chief City Planner Donald Whipple presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. 24-0530 with twelve (12) conditions.

In response to a question from Commissioner Coleman, Mr. Whipple responded that they are not proposing any external renovations to the existing buildings. Although, there will be sidewalk connections from the existing buildings to the new features, such as the dog park and the outdoor covered pavilion.

In response to a question from Commissioner Brooks, Mr. Whipple responded that there were not any concerns expressed at the community meeting.

In response to a question from Chair Harris, Mr. Whipple responded that there was a traffic impact analysis done. He indicated on the concept plan that there is a full median that is right in and out. As far as the site plan process, the applicant will have to construct a sidewalk on the property that parallels with Power Plant Parkway. Even if a sidewalk is not currently there, they are required to have one as part of the site plan ordinance.

In response to a question from Commissioner Coleman, Mr. Whipple responded that fortunately for this project and the surrounding businesses, there is a City project in place that is going to implement a road diet on W Queen Street. It is currently four (4) lanes, but it will be reduced to a travel lane in each direction with a center turn lane. On the apartment and hotel side of the street, the one lane will become a 10-foot-wide multipurpose path that will go down and connect to a multiuse path that is underway along W Queen Street. With this project in place, there will also be safe access to the water walk trail that ends at Blue Bird Gap Farm.

Chair Harris invited the applicant to speak.

Mr. Robert Lang, the developer, stated that Pinewood Apartments is an older project that currently does not have any amenities. As mentioned in the previous presentations, apartment neighborhoods today are similar to resorts. People who live in these neighborhoods want amenities such as having a place to take their dog or a place to hang out with friends and family. The restrictions they have been limited to is the land size and how to best utilize it. The undeveloped portion of the property is an old laundry facility that has not been used for many years and is planned for demolition. Additionally, the existing units on the property currently have upgrades in progress, with most of them being interior. The interior has received new appliances, kitchen and bathroom renovations, new air conditioning and heating, and in-unit washer and dryers. Standard maintenance such as roof repairs have been done on the exterior. The first objective of the project was to have a better thruway. Where the current entrance is located, there is only right-in and right-out. The drive aisle has now been expanded to 26 feet, making it easily accessible to the existing residents, the proposed new residents, and emergency management services. Mr. Lang further stated that he is available to answer any questions.

In response to a question from Chair Harris, Mr. Lang responded that this project will not affect the existing tenants' current annual rent. However, it may not be the same in a few years as there are still plans to upgrade the existing buildings.

Chair Harris opened and closed the public hearing.

Chair Harris commented on the importance of developments, while not driving away current residents from the City due to rent increases from new developments.

There being no individuals signed up to speak, the Planning Commission approved the following Resolutions:

- WHEREAS: the Hampton Planning Commission has before it this day a Use Permit Application by Pinewood Apartments Owner, LLC et al. to permit Multifamily Dwellings at 2 Tall Pine Drive and an unaddressed parcel on W. Queen Street [LRSNs: 3004827, 3004828];
- WHEREAS: the proposed multifamily residential project includes the addition of 51 new multifamily dwelling units within one (1) new four-story multifamily building located on the northwest portion of the Pinewood Apartments property. Additionally, a new entrance would provide access from Power Plant Parkway and the existing parking area would be redesigned to include approximately 76 new parking spaces, totaling 207 parking spaces for the overall site, including two (2) new Level 2 electric vehicle charging stations and two (2) new double dumpster enclosures;
- WHEREAS: the proposed community amenities include an indoor fitness center, and a community room, outdoor grilling/picnic area with covered pavilion and a dog park;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends mixed-use land use for the subject property;
- WHEREAS: staff recommends twelve (12) conditions to include issuance of permits, compliance with Coliseum Central Design Standards, concept plan, landscape

plan, and building elevations; community amenities; on-site management; dumpster location and screening; certificate of occupancy; and compliance with all laws;

WHEREAS: the proposed multifamily development is permitted within the Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts, subject to an approved use permit;

WHEREAS: Commissioners had questions pertaining to renovation of existing multifamily buildings, pedestrian connectivity to Power Plant Pkwy. And W. Queen Street, and Power Plant Parkway access;

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 Vice Chair Kathy Rogers and seconded by Commissioner Ruthann Kellum,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0530 with twelve (12) conditions.

A roll call vote on the motion resulted as follows:

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

9. Use Permit Application by Jason Valentine to Permit a Short-Term Rental (STR) at 125 N Fourth St [LRSN:12006962]

Use Permit Application No. 25-0079: This is a Use Permit Application by Jason Valentine to permit a Short-Term Rental (STR) at 125 N Fourth St [LRSN: 12006962]

City Planner Han Vu presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. 25-0079 with fifteen (15) conditions.

In response to questions from Vice-Chair Rogers, Ms. Vu responded that based on the property maintenance code, this property can hold up to twelve (12) overnight guests. However, the applicant chose to have a maximum capacity to ten (10) overnight guests. The City can enforce the maximum capacity and a neighbor or bystander can call and report if there are more overnight guests than permitted.

Ms. Kraus added that there is a condition that requires the Short-Term Rental (STR) to be advertised in compliance with the conditions. That is something the City will be actively monitoring to ensure the approved STRs are being advertised with the correct number bedrooms and maximum capacity.

Ms. Vu added that staff has also required the applicant to have a ledger for record purposes.

Chair Harris invited the applicant to speak.

John McCormick, attorney for the applicant, mentioned that prior to the new regulations on STRs, Mr. Valentine had been operating his STR without a conditional use permit. When Mr. Valentine realized that he needed a conditional use permit, he contacted the City and was told to hold off as there was discussion on the new regulations. When he was operating his STR, Mr. Valentine never received any complaints and operated it in a professional manner. Besides, the number of bedrooms, it meets the other requirements needed for administrative approval.

Mr. Jason Valentine, the applicant stated that he takes pride in the hospitality industry with striving to provide the best property on the peninsula. He is a credited investor and upholds the community standards with respect to the conditions.

In response to questions from Vice-Chair Rogers, Mr. Valentine responded that he does have future reservations in place that he needs to confirm if the guests are ten (10) people or less. Additionally, with respect to the conditions, he does work closely with the advertiser and can contact the guests in the event that the reservation is over ten (10) people. When canceling the reservations, he will justify the laws and conditions as well as refer them to another location that could accommodate the size. Along with that, he has surveillance across the property in case any guests disregard the capacity limit.

Mr. McCormick suggested modifying the conditions to require that any current reservations are corrected to reflect ten (10) guests or less moving forward.

Ms. Kraus clarified that if the Commissioners are in favor for amending the conditions, the Commissioners can discuss whether it is acceptable to be in writing or based on this discussion before the motion is heard.

In response to Commissioner Brian DeProfio, Ms. Kraus responded that if this was approved then the applicant would be in violation if he exceeds ten (10) guests.

Commissioner Kellum mentioned that from a procedural standpoint, it would be favorable to clarify adding this condition.

In response to Commissioner Kellum, Ms. Kraus responded that either way the enforcement is going to happen the same way of making sure that it is only ten (10) people on the property. The condition could be amended, but it would not change much regarding the enforcement.

Vice-Chair Rogers stated that she would prefer having the change written as an amended condition.

In response to a question from Chair Harris, Ms. Kraus responded that the applicant did have a spot in the queue. Staff then evaluated whether it could be administratively approved or if it will have to go through a use permit process. The way the residential capacity requirement is written, is that if a structure has more than five (5) bedrooms or more than a capacity of ten (10), then it would need to go through the use permit process.

Commissioner DeProfio recommended the advertisement be amended before the City Council meeting to show that the applicant has proactively done what has been requested by the Commissioners.

Chair Harris opened and closed the public hearing.

Vice-Chair Rogers commented that she is conflicted about the possibility of there being guests that bring additional people than what is allowed. Based on reviews, the applicant appears to be an excellent host. However, she is concerned about the eight (8) bedrooms and would feel more comfortable if he was limited to the five (5) bedrooms. Going forward, she would like for people to consider the impact of an STR with this nature on the neighborhoods. For the record, she wanted to clarify that she is concerned but cannot support a "No" vote. She is hopeful that the operation will go well for Mr. Valentine and that neighbors will be responsive if there are issues happening that he is not aware of. Buckroe Beach is a neighborhood of people that live there and that it is a small community in that section. The residents want to be welcoming, but they also need people to be respectful and have the STRs properly managed.

Commissioner DeProfio asked if the action on the floor includes the amendment that Vice-Chair Rogers requested.

Commissioner Kellum stated that she was satisfied with the comments of adding the condition stating that any reservations exceeding ten (10) people be reduced or canceled.

Chair Harris stated that previously, the Planning Commission had approved a use permit with adding a note for City Council to review without changing the proffered conditions and asked if that would be acceptable.

In response to Chair Harris, Ms. Kraus responded that the note would be conveyed to City Council. How it was done before, it was sent forward with the recommended conditions amended by the Planning Commission, so that could be done too. If the Commissioners desire to add the language to help with clarity, then she would recommend sending the note through with the conditions.

Commissioner Coleman stated that she is in favor of adding a note and not amending the current 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 Jason Valentine to permit a short-term rental in the Two-Family Residential (R-8) District;
- WHEREAS: the parcel is located at 125 N Fourth St [LRSN: 12006962] 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 125 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: during the Planning Commission meeting, the applicant proposed an amendment to the staff-recommended conditions to require the cancellation or amendment of all currently reserved bookings exceeding the ten (10) overnight lodger maximum established in the conditions;

WHEREAS: the Planning Commissioners discussed the proposed amendment and determined that it would be unnecessary;

WHEREAS: that the Planning Commission acknowledges the applicant's current reserved bookings for more than ten (10) overnight lodgers and wishes to bring this concern to the attention of the City Council;

WHEREAS: the Planning Commission recommends that the applicant cancel or amend all reserved bookings exceeding the ten (10) overnight lodger maximum, and modify all advertisements for the Short-term Rental to accurately reflect the conditioned number of overnight lodgers, in accordance with the established conditions;

WHEREAS: no one spoke either for or against the application during the community meeting; 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 Tracy Brooks,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 25-0079 with fifteen (15) conditions.

A roll call vote on the motion resulted as follows:

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

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

March 2025 Youth Planner Report to the Planning Commission

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

The Commissioners praised Mr. Godfrey for his enthusiasm while presenting the Youth Planner report.

VII. ITEMS BY THE PUBLIC

There were no items by the public.

VIII. MATTERS BY THE COMMISSION

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:44 PM.

Respectfully Submitted,

Kimberly Mikel
Secretary to the Commission

APPROVED BY:

Michael Harris
Chairman