

**AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, OCTOBER 16, 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 Joe Griffith, Tracy Brooks, and Brian DeProfio as present. Commissioner Trina Coleman was noted absent. Staff in attendance were Secretary/Interim Director Kim Mikel, Interim Deputy Director Steve Lynch, City Attorney Courtney Sydnor, Assistant City Attorney Cory Wolfe, Planning Manager Milissa Story, Deputy Zoning Administrator Chris Langaster, Zoning Official Samar Ravan, Chief City Planner Donald Whipple, 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.

**Minutes from the September 18, 2025 Planning Commission Work Session and Regular meeting and Minutes from the September 24, 2025 Special Joint Meeting:**

Secretary Kim Mikel noted that there are two (2) sets of minutes from September that will need approval. The first set are the minutes from the Regular Planning Commission Meeting and Work Session and the second are from the Special Joint Meeting.

**Use Permit Application by Margaret Lefranc Art Foundation, Inc. to Permit the Development of a Private Museum at 1609 and 1611 Aberdeen Rd [LRSNs: 3003863 and 3003862]:**

Secretary Mikel noted that this is a Use Permit application for a private museum located within the C-2 District. The use of the property is permitted as long as the applicant obtains a use permit. The proposal includes an art gallery, classrooms, and a gift shop.

**Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Adding And Amending Section 1-37 Entitled, "Accessory Dwelling Units" To Create Regulations and Standards For Accessory Dwelling Units:**

**Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 2-2 Entitled, "Definitions" To Add A Definition of "Accessory Dwelling Unit (ADU)" and to amend the definition of "Dwelling Area":**

**Ordinance To Amend And Re-Enact Chapter 4 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "One- And Two-Family Residential Districts" To Eliminate The Permitted Additional Standards And Uses In The R-R District And To Add Language Regarding The Required Minimum Dwelling Area For All Principal Dwellings In All One-and Two-Family Residential Districts:**

**Ordinance To Amend And Re-Enact Chapter 11 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Parking" To Amend The Parking Requirements For Accessory Dwelling Units In All One- and Two-Family Residential Districts:**

Secretary Mikel noted that there were a few questions that were sent to staff by a Commissioner.

In response to the first question, Secretary Mikel noted that when an ordinance is first introduced, it is typically written in a more restrictive manner because it is easier to relax regulations later than to tighten them. The reference to a "phased approach" does not necessarily mean a second phase is planned. Instead, it allows the ordinance to move forward while providing the opportunity to revisit its effectiveness in the future and make amendments as needed.

In response to the second question, Secretary Mikel noted that existing, permitted Accessory Dwelling Units (ADUs) that are currently active will not be required to obtain a Zoning Administrator Permit (ZAP). As long as the ADU remains in use without a period of inactivity greater than two (2) years, a ZAP will not be required for continued operation.

In response to the third question, Secretary Mikel noted that if a property owner wishes to establish a Short-Term Rental (STR) in an existing ADU after the ordinance is adopted, they would not be permitted to do so. In order to operate as an STR under the new ordinance, the ADU would already need to be a permitted STR and actively in use before the amendment takes effect.

In response to the fourth question, Secretary Mikel noted that there are a few properties in the City that currently have permitted STRs in an ADU. Therefore, they will be allowed to continue the use as long as they do not cease operation for more than two (2) years.

In response to the last question, Secretary Mikel noted that the standards in the proposed ordinance differ from those in the Buckroe Bay Front District. The intention is for the proposed regulations to supersede the Buckroe Bay Front standards. However, the draft text does not clearly state this. If the Commission wishes, staff can revise the language for clarity, and the Commission may move to adopt the ordinance as amended during the discussion.

In response to a question from Vice-Chair Kathy Rogers, Secretary Mikel responded that the Buckroe Bay Front Districts, BB-1, BB-2, and BB-3, are a small area within Buckroe and currently the only districts in the City that allow ADUs. Their regulations are similar to the proposed amendment; however, they differ in two ways. In the current ordinance, ADUs are permitted on single-family and duplex lots and the maximum ADU size is limited to 500 square feet, which creates an inconsistency with the proposed citywide ordinance.

Secretary Mikel noted that there will be a correction to the text amendment 1-37.5. It currently states "Minimum Dwelling Area" and it should be corrected to "Maximum Dwelling Area."

In response to a question from Commissioner Martha Mugler, Secretary Mikel responded that staff spent significant time discussing appropriate setback requirements. Ultimately, staff recommended maintaining consistency with the existing ordinance. Therefore, detached ADUs would retain setbacks of three (3) feet and five (5) feet, and attached ADUs would follow the setbacks required for a primary structure.

Commissioner Mugler expressed concern about potential impacts to neighboring properties under the proposed setbacks and indicated she would like to change them.

In response to Commissioner Mugler, City Attorney Courtney Sydnor responded that if the Planning Commission wishes to modify the proposed ordinance language, the motion will need to specify that it was amended.

In response to Commissioner Brian DeProfio, Secretary Mikel clarified that the current draft indicates three(3)-foot and five(5)-foot setbacks, and Commissioner Mugler's request would change the three(3)-foot setback to five (5) feet.

In response to questions from Commissioner Mugler, Secretary Mikel responded that allowing significantly larger ADUs, such as 1,500 square feet, would basically permit two full-sized primary homes on a single lot, as the average home in Hampton is approximately 1,600 square feet. This would undermine the distinction between a primary structure and an accessory structure.

Additionally, the ordinance prevents property owners from subdividing a lot once an ADU has been established. If a property is large enough to be legally subdivided under existing regulations and can accommodate two primary structures, a subdivision may occur. However, the resulting structures would need to be two primary dwellings, not a primary home and an ADU on separate lots.

**Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 14, Titled "Reviews by the Planning Commission and City Council", by Adding a New Article III, Titled "Community Meetings":**

Secretary Mikel noted that when applications are submitted for a rezoning or a use permit, staff strongly encourages applicants to hold a community meeting. Staff typically attends these meetings to gather public feedback, which is then presented to the Planning Commission and City Council. Due to the importance of community engagement, staff was asked to formalize this process by drafting a proposed ordinance amendment that would make community meetings a requirement for applicants.

Secretary Mikel noted that there were a few questions that were sent to staff by a Commissioner.

In response to the first question, Secretary Mikel noted that there is no specific data quantifying the percentage of applicants who currently comply with staff's requests to hold community meetings. However, the majority of applicants have done so when asked.

In response to the second question, Secretary Mikel noted that the City of Norfolk is the only other locality staff is aware of that requires applicants to hold a community meeting.

In response to the third question, Secretary Mikel noted that under existing requirements, the City is only obligated to notify immediately adjacent property owners of rezoning or use permit applications, which is a one-tenth-mile radius. However, staff has recommended that applicants notify property owners within a one-quarter-mile radius. This distance was selected because it is more practical and legally defensible to reduce the notification radius in the future than to expand it. Additionally, based on experience, a one-tenth-mile radius does not typically include enough property owners to gather meaningful community feedback.

In response to a question from Commissioner DeProfio, Secretary Mikel responded that there is not a requirement for applicants to advertise the community meeting.

**Consider Revocation of the Use Permit Issued to Chance's Restaurant and Lounge for a Restaurant 3 in the Downtown Business (DT-1) District at 555 Settlers Landing Road, Suite M and N [Portion of LRSN: 2002960] Due to Violations of Conditions contained in the Use Permit:**

Secretary Mikel noted that staff is recommending the revocation of the approved Use Permit issued to Chance's Restaurant and Lounge. Staff has provided copies of the previously approved conditions and the Alcoholic Beverage Control (ABC) restrictions associated with the

establishment. Additionally, she clarified a correction to the date on the notice of violation regarding window transparency. It should read May 6, 2025, rather than May 16, 2025.

#### **Agenda Item Order:**

Chair Michael Harris requested for Agenda Item No. 25-0305 to be heard after Agenda Item No. 25-0266, as he will be leaving the meeting early.

In response to Chair Harris, Assistant City Attorney Cory Wolfe responded that he recommends that once the two (2) sets of minutes are voted on, a Commissioner will need to make a motion to amend the agenda order.

Secretary Mikel requested that the Community Development Director's report, specifically the Youth Planner Presentation, be moved to the beginning of the agenda, given the expectation of a longer meeting. This adjustment would allow the Youth Planner to present and depart before the lengthier agenda items are discussed.

The Planning Commission agreed to moving the Community Development Director's Report at the beginning of the agenda.

#### **Planning Commission Attendance Policy:**

Chair Harris referenced the Planning Commission's Attendance policy mentioning how the number of absences is limited to seven (7) times a year or three (3) in a row. After that, the Clerk of Council is notified of the Commissioner's absences for possible removal from the Planning Commission. He asked if this is something that can be discussed since there is a member that has missed four (4) consecutive meetings.

In response to a question from Commissioner DeProffio, Chair Harris responded that he is not aware whether the Commissioner has notified staff the reasoning for their absences.

Mr. Wolfe noted that if the Planning Commission wishes to take action on this tonight, then then they would need to make a motion to notify the Clerk of Council.

Ms. Sydnor noted that the Code of Virginia only allows absences four (4) times in a twelve (12) month period, therefore, the Planning Commission Bylaws are more lenient. However, if the Planning Commission would like to propose a change, then it would revert to the standard outlined in the state code.

In response to a question from Commissioner Tracy Brooks, Mr. Wolfe responded that the current Bylaws are from 2015.

In response to a question from Vice-Chair Rogers, Chair Harris responded that the action could be postponed to the next Planning Commission meeting. In the meantime, he will reach out to the Commissioner to notify them.

Commissioner Mugler noted that the Clerk of Council usually sends a letter out to the individual to see if there are any ongoing issues or reasons to why they have not been able to attend the meetings.

Clerk of Boards and Commissions Arlena Cahoon mentioned that she is responsible for reporting the attendance records to the Clerk of Council. She added that if the Planning

Commission wishes, she can proceed with reporting any members who have exceeded the allowable number of absences.

Commissioner DeProfio noted that he believes the reporting of exceeding absences is supposed to be done administratively to the Clerk of Council for all of the Boards and Commissions in the City of Hampton.

In response to Commissioner DeProfio, Chair Harris responded that if the reporting could be done administratively, then that would be preferred.

The work session adjourned at 3:28 P.M.

**AT THE REGULAR MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, 8<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, OCTOBER 16, 2025 AT 3:30 P.M.**

**I. CALL TO ORDER**

Chair Michael Harris called the meeting to order at 3:38 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, City Attorney Courtney Sydnor, Assistant City Attorney Cory Wolfe, Planning Manager Milissa Story, Executive Project Manager Joshua George, Deputy Zoning Administrator Chris Langaster, , Zoning Official Samar Ravan, Chief City Planner Donald Whipple, City Planner Han Vu, City Planner Valerie Taylor, 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 Martha Mugler and was seconded by Commissioner Brian DeProfio to approve the minutes from the September 18, 2025 Planning Commission meeting and work session.

A roll call vote on the motion resulted as follows:

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

A motion was made by Vice-Chair Kathy Rogers and was seconded by Commissioner Tracy Brooks to approve the minutes from the Special Joint Meeting held on September 24, 2025.

A roll call vote on the motion resulted as follows:

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

A motion was made by Commissioner Joe Griffith and was seconded by Commissioner Tracy Brooks to move the Community Development Director's report prior to the Public Hearing Items and move Agenda Item No. 25-0305 to immediately after Agenda Item No. 25-0266

A roll call vote on the motion resulted as follows:

|          |                                                    |
|----------|----------------------------------------------------|
| AYES:    | Griffith, Rogers, Brooks, Mugler, DeProfio, Harris |
| NAYS:    | None                                               |
| ABSTAIN: | None                                               |

ABSENT: Coleman

## **V. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

### **October 2025 Youth Planner Report**

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

Chair Michael Harris thanked Mr. Godfrey for the October Youth Planner report and recognized Hampton City Schools, Emergency Management Services, and Hampton City Police for effectively evacuating the students from the incident at Kecoughtan High School.

## **IV. PUBLIC HEARING ITEMS**

Secretary Kim Mikel read the key points of the Hampton Planning Commission Public Hearing/Comment Rules.

### **1. Use Permit Application by Margaret Lefranc Art Foundation, Inc. to Permit the Development of a Private Museum at 1609 and 1611 Aberdeen Rd [LRSNs: 3003863 and 3003862]**

**Use Permit Application No. 25-0266:** This is a use permit application by Margaret LeFranc Art Foundation, Inc. to permit the development of a private museum at 1609 and 1611 Aberdeen Rd [LRSNs: 3003863 and 3003862]

City Planner Han Vu presented the staff report on the subject application. Staff recommended approval of Use Permit Application No. 25-0266 with fifteen (15) conditions.

In response to a question from Commissioner Joe Griffith, Ms. Vu responded that the lot is currently vacant and is zoned Commercial (C-2).

The applicant, Sandra McKenzie, 736 Bellwoord Road, President of the Margaret Lefranc Art Foundation, provided an overview on the history of Margaret Lefranc's artwork and the purpose of the museum. She noted that the proposed museum is a humanitarian initiative of the foundation that will provide internships for students at Virginia Peninsula Community College (VPCC). It will give students hands-on exposure across all areas of museum studies. Ms. McKenzie further thanked the Planning Commission for the opportunity to present and was available to answer any questions.

In response to a question from Commissioner Griffith, Ms. McKenzie responded that Margaret Lefranc's connection to the City of Hampton is through her connection. She had the opportunity of bringing it to either Santa Fe, New Mexico, where there are already a lot of museums and art galleries, or bringing it to the City of Hampton for the community.

In response to questions from Chair Harris, Ms. McKenzie responded that the reason she chose that particular location was because she felt that there are opportunities for growth, such as the close proximity to High Schools and VPCC. She further shared that in 1990, she spent considerable time with Margaret Lefranc, which allowed her to learn extensively about Lefranc's artwork and life. Through that experience, she produced a book, film, and several articles to help promote Lefranc's legacy, which is why she considers her an adopted grandmother.

Chair Harris opened the public hearing.

A Hampton Citizen, Jamie Joyner, 20 Edgewood Drive, expressed concern about the potential traffic impact the proposed museum may have on the surrounding neighborhood. She also inquired about Ms. McKenzie's interest in the properties located at 1 and 2 Edgewood Drive. She added that while the neighbors generally support the idea of the proposed museum, they would like more information regarding its potential effects on traffic and accessibility as the neighborhood is situated on a one-way street with a small cul-de-sac

In response to Ms. Joyner, Chair Harris responded that she is welcome to stay after the meeting to speak with staff regarding the concerns.

In response to a question from Vice-Chair Kathy Rogers, Ms. Vu responded that within the conditions, staff has included that all drop-offs and traffic circulation must happen in the parking lot of the proposed museum to avoid impact to Edgewood Drive.

Chair Harris recognized the importance of having the museum of Margaret Lefranc, as she is an important person in art history. However, he expressed concern that the proposed location within a shopping center is not an ideal or appropriate use of the property. For that reason, he would be voting no in regards to planning and location considerations.

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 Margaret Lefranc Art Foundation, Inc. to permit a private museum at 1609 & 1611 Aberdeen Rd [LRSNs: 3003863 & 3003862];
- WHEREAS: the property is zoned Limited Commercial District (C-2) District, which permits the private museum use subject to an approved Use Permit;
- WHEREAS: the applicant is requesting to construct a 3,750 sq. ft. building to establish a private museum, including galleries, a café, a giftshop, and an outdoor deck;
- WHEREAS: the proposed private museum would offer free admission, anticipates having 6 employees and additional security guards on night exhibitions and special events;
- WHEREAS: the proposed hours of operation are 10:00 AM to 8:00 PM, Tuesday through Saturday. The proposed museum is intended to be closed on Sunday and Monday;
- WHEREAS: The Hampton Community Plan (2006, as amended) and the Coliseum Central Master Plan (2015, as amended) recommends mixed-use for the subject property;
- WHEREAS: staff recommends fifteen (15) conditions based upon the proposed use's operational and land use characteristics, including issuance of permit, conceptual plan, property line vacation, landscape plan, Coliseum Central Design Standards, elevation and building materials, fencing & screening, exterior lighting, hours of operation, traffic circulation, capacity, Certification of Occupancy, and compliance with applicable laws;
- WHEREAS: the staff recommended hours of operation Monday - Sunday 10:00 AM to 8:00 PM;



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

WHEREAS: a member from the public spoke to this application with concerns to additional traffic of the proposed museum would exacerbate the existing heavy traffic flow from adjacent commercial properties.

NOW, THEREFORE, on a motion by Commissioner Brian DeProfio and seconded by Commissioner Martha Mugler,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 25-0266 with fifteen (15) conditions.

A roll call vote on the motion resulted as follows:

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

**7. Consider Revocation of the Use Permit Issued to Chance's Restaurant and Lounge for a Restaurant 3 in the Downtown Business (DT-1) District at 555 Settlers Landing Road, Suite M and N [Portion of LRSN: 2002960] Due to Violations of Conditions contained in the Use Permit**

**Consider Revocation of Use Permit No. 24-0028:** This is a consideration for the revocation of the Use Permit issued to Chance's Restaurant and Lounge for a Restaurant 3 in the Downtown Business (DT-1) District at 555 Settlers Landing Road, Suite M and N [Portion of LRSN: 2002960] due to violations of conditions contained in the Use Permit.

Interim Deputy Director Steve Lynch and Hampton Police Department (HPD) Officer Tyler Zminkowski presented the staff report and HPD analysis on the proposed revocation of Use Permit No. 24-0028.

Chair Harris opened the public hearing.

Owner of the property, Howard Smith, 555 Settlers Landing Rd Suite M and N, apologized for the incidents that occurred at Chance's Restaurant and Lounge. He noted that the two gentlemen he worked with were always pleasant and had invested a significant amount of money into the establishment, which was well done. Unfortunately, the clientele became unruly, particularly late at night. Mr. Smith added that he had begun the process of terminating their lease, as the arrangement was no longer working out. He also expressed concern about how the Planning Commission's actions might affect future prospective tenants.

Assistant City Attorney Cory Wolfe provided a brief overview on the procedure for recommending revocation of a use permit. The Planning Commission can recommend revocation for violation of any of the conditions in the Use Permit. The procedure is the same for granting a use permit, except that the vote will be on a recommendation to City Council to either revoke or to not revoke the Use Permit.

In response to a question from Vice-Chair Rogers, Mr. Wolfe responded that if City Council chooses to revoke the permit, the decision may be appealed to the Circuit Court. He added that the establishment should not be able to operate in the meantime, as its Alcohol Beverage Control

(ABC) license has been revoked and its access to the premises has been rescinded by the Commissioner of Revenue.

A motion was made by Commissioner Brian DeProfio and was seconded by Vice-Chair Kathy Rogers to recommend revocation of Use Permit No. 24-0028.

Chair Harris commented that this situation is unfortunate, as HPD has tried to work with the establishment. In Hampton, the goal is to be a place to bring business and keep businesses open. However, it is important to keep the City safe and it is necessary for the Planning Commission to take action on this. He further recognized staff and HPD for their hard work on this matter.

A roll call vote on the motion resulted as follows:

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

Vice-Chair Rogers presided over the meeting.

**2. Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Adding And Amending Section 1-37 Entitled, "Accessory Dwelling Units" To Create Regulations and Standards For Accessory Dwelling Units.**

**Zoning Ordinance Amendment No. 25-0018:** This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by adding and amending Section 1-37 entitled, "Accessory Dwelling Units" to create regulations and standards for Accessory Dwelling Units.

**3. Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 2-2 Entitled, "Definitions" To Add A Definition of "Accessory Dwelling Unit (ADU)" and to amend the definition of "Dwelling Area".**

**Zoning Ordinance Amendment No. 25-0019:** This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Section 2-2 entitled, "Definitions" to add a definition of "Accessory Dwelling Unit (ADU)" and to amend the definition of "Dwelling Area".

**4. Ordinance To Amend And Re-Enact Chapter 4 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "One- And Two-Family Residential Districts" To Eliminate The Permitted Additional Standards And Uses In The R-R District And To Add Language Regarding The Required Minimum Dwelling Area For All Principal Dwellings In All One-and Two-Family Residential Districts.**

**Zoning Ordinance Amendment No. 25-0268:** This is an ordinance to amend and re-enact Chapter 4 of the Zoning Ordinance of the City of Hampton, Virginia entitled "One-and-Two-Family Residential Districts" to eliminate the permitted additional standards and uses in the R-R District and to add language regarding the required minimum dwelling area for all principal dwellings in all One-and-Two-Family Residential Districts.

**5. Ordinance To Amend And Re-Enact Chapter 11 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Parking" To Amend The Parking Requirements For Accessory Dwelling Units In All One- and Two-Family Residential Districts.**

**Zoning Ordinance Amendment No. 25-0269:** This is an ordinance to amend and re-enact Chapter 11 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Parking" to amend the parking requirements for accessory dwelling units in all One-and-Two-Family Residential Districts.

City Planner Quinn Heinrich and Chief City Planner Donald Whipple presented the joint staff report on the subject amendments. Staff recommended approval of Zoning Ordinance Amendment Nos. 25-0018, 25-0019, 25-0268, and 25-0269.

Vice-Chair Rogers opened the public hearing. There being no individuals signed up to speak, Vice-Chair Rogers closed the public hearing.

A motion was made by Commissioner Joe Griffith and was seconded by Commissioner Brian DeProfio to approve Zoning Ordinance Amendment Nos. 25-0018, 25-0019, 25-0268, and 25-0269.

Commissioner DeProfio noted that the motion should reflect the proposed amendments that were discussed in the work session.

Commissioner Martha Mugler stated that she would like to propose an amendment to Item No. 3 regarding the "Setbacks of Any Accessory Dwelling Unit (ADU)." Specifically, where the ordinance states a minimum setback of three (3) feet on the side lot and five (5) feet on the rear lot, she recommended increasing the side setback requirement from three (3) feet to five (5) feet for detached ADUs.

In response to Commissioner Mugler, Mr. Wolfe asked for clarification on whether the proposed amendment was regarding the text provided to the Planning Commission.

Commissioner Mugler confirmed.

Commissioner Joe Griffith and Commissioner Brian DeProfio accepted Commissioner Martha Mugler's amendment to the motion.

Mr. Wolfe proposed a couple of corrections to the text before it is sent to City Council. The first change would be in proposed section 137.5, where the first line should read "Dwellings shall comply with the following maximum dwelling area requirements." The second proposed change is to add a new Section, 137.13, specifying that the standards outlined in the amendment will supersede the standards in the Buckroe Bay District.

Commissioner Joe Griffith and Commissioner Brian DeProfio accepted Assistant City Attorney Cory Wolfe's amendment into the motion.

A motion was made by Commissioner Joe Griffith and was seconded by Commissioner Brian DeProfio to recommend approval of Zoning Ordinance Amendment Nos. 25-0018, 25-0019, 25-0268, 25-0269 with the following amendments:

- Proposed section 1-37(3)(b): Revise the first line to read "A detached ADU shall have a minimum setback a minimum of five (5) feet of the side lot line."

- Proposed section 1-37(5): In the first line, strike the word “minimum” and replace with “maximum.”
- Add new section 1-37(13) to provide that the standards for ADUs supersede any contrary standards in the Buckroe Bayfront Districts.

A roll call vote on the motion resulted as follows:

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

**6. Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 14, Titled “Reviews by the Planning Commission and City Council”, by Adding a New Article III, Titled “Community Meetings”.**

**Zoning Ordinance Amendment No. 25-0267:** This is an ordinance to amend and re-enact the Zoning Ordinance of the City of Hampton, Virginia by amending Chapter 14, titled “Reviews by the Planning Commission and City Council”, by adding a new Article III, titled “Community Meetings”.

Mr. Heinrich presented the staff report on the subject amendment. Staff recommended approval of Zoning Ordinance Amendment No. 25-0267.

In response to a question from Commissioner Griffith, Secretary Mikel responded that currently in the proposed ordinance, the ways of communication are through email and mail.

City Attorney Courtney Sydnor greeted the Planning Commission and explained that she assisted in drafting the proposed ordinance. She clarified that the ordinance specifies communication from applicants will be conducted by mail. Additionally, staff will provide applicants with the email addresses of any community organizations they are able to identify, that will allow applicants to send notifications directly to those organizations. This approach was designed to ensure that applicants are not burdened with locating email addresses they may not have access to. However, if staff provides the email addresses of community organizations, applicants will be required to send notifications to them via email.

In response to a question from Vice-Chair Rogers, Mr. Heinrich responded that he is not aware whether citizens have requested for community meetings to be a requirement. In most cases, majority of the applicants have held community meetings in the past.

Commissioner DeProfio added that there have been occasions where citizens expressed that they have not been notified.

Vice-Chair Rogers expressed concern as the City has been known for having a lot of hurdles to overcome for people who want to bring business to Hampton. While most applicants currently comply with staff’s request to hold community meetings, making it a formal requirement could add another layer of what many would consider “red tape” to the process of opening a business or constructing a building. She referenced the requirements outlined in the proposed ordinance and acknowledged that she appreciates how majority of applicants comply with this. However, she questioned whether this proposed ordinance aligns with the City’s broader goal of simplifying procedures for applicants or if it creates an unnecessary obligation.

In response to Vice-Chair Rogers, Mr. Heinrich responded that this is something that can be done concurrently with the other steps of the application process. The applicant would not have to pause other phases of the application in order to complete the community meeting.

Commissioner Mugler added that the intent of the proposed requirement is to streamline the process, as most applicants already hold community meetings. When applicants have not done so, it often delays the process once the application reaches City Council and they question whether the applicant held a community meeting. By making the meetings an established expectation rather than an optional step, applicants will be aware of the requirement from the start, which will help expedite the overall process. The goal is to ensure that citizens and nearby property owners are informed in advance and have an opportunity to understand and provide input on proposed projects.

Vice-Chair Rogers stated that she recognizes that what one person views as red tape may be considered guardrails by another. While she understands the merit of the proposed requirement, she expressed concern about Hampton's ongoing efforts to be a business-friendly city. She questioned whether this constitutes excessive regulation, given that most applicants are already holding community meetings when requested.

Commissioner DeProfio explained that the proposed requirement helps prevent situations where applicants avoid holding a community meeting because they anticipate community opposition. Oftentimes, applicants may appear before the Planning Commission or City Council, and when asked if they held a community meeting and they respond no, this results in a deferral until the meeting occurs. By establishing the expectation upfront, all applicants are aware of the rules at the start of the process, which would reduce delays and ensure that neighborhood impacts are addressed proactively rather than retroactively during Planning Commission or City Council review.

Commissioner Tracy Brooks stated that, based on prior meetings, the Planning Commission has consistently asked applicants whether they held a community meeting. For this reason, she believes it should be established as an expectation, therefore, she is in support for the proposed requirement.

Commissioner Griffith mentioned that a couple of years ago, he personally experienced being on the other side of the microphone, explaining how he had gone through the neighborhood to gauge stakeholders' opinions on an upcoming use permit application as that outreach had not been conducted. While he acknowledged that community meetings are not held for every use permit, he emphasized the importance of community engagement. He believes the proposed requirement will facilitate meaningful interaction with stakeholders, therefore, for that reason, he supports it.

Vice-Chair Rogers opened the public hearing. There being no individuals signed up to speak, Vice-Chair Rogers closed the public hearing.

A motion was made by Commissioner Brian DeProfio and was seconded by Commissioner Tracy Brooks to approve Zoning Ordinance Amendment No. 25-0267.

A roll call vote on the motion resulted as follows:

|          |                                            |
|----------|--------------------------------------------|
| AYES:    | Griffith, Rogers, Brooks, Mugler, DeProfio |
| NAYS:    | None                                       |
| ABSTAIN: | None                                       |

ABSENT: Coleman, Harris

**VI. ITEMS BY THE PUBLIC**

There were no items by the public.

**VII. MATTERS BY THE COMMISSION**

There were no items by the Commission.

**IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:11 PM.

Respectfully Submitted,

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Kimberly Mikel  
Secretary to the Commission

APPROVED BY:

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Michael Harris  
Chairman