

AT THE SPECIAL MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, JUNE 4, 2020 AT 3:30 P.M.

I. CALL TO ORDER

Chairman Carole Garrison called the meeting to order at 3:30 P.M. Chairman Garrison explained that due to the COVID-19 pandemic, the meeting was being conducted partially virtual and that there would be a delay in public speakers' arrival in the Council Chambers.

II. ROLL CALL

A call of the roll noted Commissioners Ruthann Kellum, Tommy Southall, Vice-Chair Christopher Carter, and Chairman Garrison as being physically present in City Council Chambers. Commissioners Trina Coleman, Steven Brown, and Steven Bond participated electronically over Zoom. Staff in attendance were Secretary to the Commission/Director of Community Development Terry O'Neill, Deputy City Attorney Bonnie Brown, Planning & Zoning Administration Manager Michael Hayes, Zoning Administrator Hannah Sabo, Senior City Planner Allison Eichele, and City Planner Frank Glover participating by Zoom, and Recording Secretary/Senior Administrative Assistant Kristie Graves, physically present in City Council Chambers.

III. RESOLUTION TO ADOPT AN ELECTRONIC MEETING PARTICIPATION POLICY

Deputy City Attorney Bonnie Brown explained that the Planning Commission must adopt a policy to allow members to participate electronically under certain conditions. As long as there is a physical quorum in the meeting location, other members can participate electronically if there is a personal or emergency matter, or a medical condition or disability that prevents a member's physical attendance.

The Planning Commission approved the following resolution:

WHEREAS: The Planning Commission of the City of Hampton, Virginia believes it is in the best interest of the City's residents that the fullest participation and attendance in all its meetings be achieved whenever possible, even if Commissioners are unable to be physically present during periods of excused absence; and

WHEREAS: Section 2.2-3708.2 of the Code of Virginia authorizes public bodies to adopt policies governing electronic participation of members of the public body in accordance with certain criteria.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Hampton, Virginia, as follows:

1. In accordance with Section 2.2-3708.2 (A) and (C) of the Code of Virginia, as amended, the Planning Commission hereby adopts the following policy governing the participation of members in a meeting by electronic communication from a remote location that is not open to members of the public, provided:
 - (a) On or before the day of the meeting, a member of the Planning Commission notifies the Chair of the Planning Commission that such member is unable to attend the meeting due to:

- (i) temporary or permanent disability or other medical condition that prevents the member's physical attendance; or
 - (ii) an emergency or personal matter provided the member identifies with specificity the nature of the emergency or personal matter. Electronic participation pursuant to this subdivision (ii) by each member shall be limited to two meetings per calendar year.
- (b) The Planning Commission shall record in its minutes the specific nature and the remote location from which each member participated. If a member's electronic participation is disapproved, such disapproval shall be recorded in the minutes.
 - (c) Electronic participation by a Planning Commission member is only authorized if approved by a majority of a quorum of the Planning Commission physically assembled at the primary or central meeting location; and
 - (d) The Planning Commission shall make arrangements for the voice of the absent Commissioner to be heard by all persons in attendance at the primary or central meeting location.

2. This resolution shall take effect immediately upon its adoption.

A motion was made by Vice-Chair Christopher Carter and seconded by Commissioner Tommy Southall to approve the resolution to adopt the Electronic Meeting Participation Policy.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Southall, Carter, Garrison
NAYS:	None
ABSTAIN:	Coleman, Brown, Bond
ABSENT:	None

IV. PLANNING COMMISSIONER REQUEST FOR APPROVAL TO PARTICIPATE ELECTRONICALLY

Commissioner Trina Coleman requested approval for electronic participation in the special meeting and public hearing today pursuant to the Planning Commission's electronic meeting policy because due to a personal matter (caregiver for sister), she is unable to be physically present. She is participating from her home in Hampton, VA.

Commissioner Steven Brown requested approval for electronic participation in the special meeting and public hearing today pursuant to the Planning Commission's electronic meeting policy because due to age and underlying health condition, he is in a category of individuals more susceptible to COVID-19. He is participating from his office in Newport News, VA.

Commissioner Steven Bond requested approval for electronic participation in the special meeting and public hearing pursuant to the Planning Commission's electronic meeting policy because due to underlying health condition, he is in a category of individuals more susceptible to COVID-19. He is participating from his home in Hampton, VA.

V. APPROVAL OF ELECTRONIC PARTICIPATION BY CERTAIN COMMISSIONERS

A motion was made by Commissioner Ruthann Kellum and seconded by Vice-Chair Christopher Carter to approve the electronic participation by Commissioners Coleman, Brown, and Bond.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Southall, Carter, Garrison
NAYS:	None
ABSTAIN:	Coleman, Brown, Bond
ABSENT:	None

VI. PUBLIC HEARING ITEMS

Due to the COVID-19 pandemic, Facilities staff was on hand to sanitize the podium in between public speakers.

Secretary O'Neill read the key points of the Hampton Planning Commission Public Hearing/Comment.

With no objection from the Planning Commission, staff would like to change the order of public items on the agenda due to the withdrawal of an application. Move Item C. Use Permit Application No. 19-00001 by Tanya O'Connor to operate a bed and breakfast 1 to the first public hearing item on the agenda. A formal vote is not required for an application withdrawal but would need to be accepted for the record.

A. UP 19-00001 – TANYA O'CONNOR, 333 SYMS STREET [LRSN: 2003418], BED AND BREAKFAST 1

Use Permit Application No. 19-00001: This is a use permit application by Tanya O'Connor to operate a bed and breakfast 1, located at **333 Syms Street [LRSN: 2003418]**. The Hampton Community Plan (2006, as amended) recommends medium density residential use for this site. This item is being concurrently advertised with the June 10, 2020 regular meeting of the Hampton City Council.

Chairman Garrison accepted the withdrawal of Use Permit Application No. 19-00001.

Chairman Garrison explained that the Planning Commission recommends approval or denial of an application to City Council. City Council makes the final vote to approve or deny an item. The Planning Commission reviews applications that relate to zoning and not the disposition of a property; that would be addressed with City Council.

Mr. O'Neill requested the public sign up if they wished to speak during the public hearing, since the meeting was nearing the time limit for public comment.

Mr. O'Neill read the public hearing notice on the first agenda item.

B. RZ 20-00004 – BLUEWATER YACHT SALES, LC, 90 & 92 MARINA ROAD [LRNS: 2002669 & 2002670, RESPECTIVELY], ONE FAMILY RESIDENCE (R-13) DISTRICT TO LIMITED MANUFACTURING (M-2) DISTRICT

Rezoning Application No. 20-00004: This is a rezoning application by Bluewater Yacht Sales, L.C. to rezone ±0.60 acres located at **90 and 92 Marina Road [LRSN: 2002669 & 2002670]** from One Family Residence (R-13) District to the Limited Manufacturing (M-2) District with proffered conditions in order to expand the boat sales, manufacturing, and repair operation located across Marina Road. The Hampton Community Plan (2006, as amended) recommends low density residential land use for this site. This item is being concurrently advertised with the June 10, 2020 regular meeting of the Hampton City Council.

Mr. O'Neill stated that staff requests that Rezoning Application No. 20-00004 be deferred to the June 25, 2020 Planning Commission meeting. There has been significant public response on the item and staff would like to provide additional time for public input and discussion. Also, the public notice of posting a sign on the property did not occur. Staff has communicated this recommendation to the applicant and to members of the public. Because staff recommends deferral of the item and the item was advertised for public hearing, the Planning Commission may decide how to proceed with the item. Traditionally, the Planning Commission has asked the public speakers if they would like to defer their comments to a future meeting, or if they wish to speak at the public hearing. The applicant concurred with deferral to the June 25, 2020 Planning Commission meeting.

Brenda Marks, 54 Marina Road, wished to defer her comments to the June 25, 2020 Planning Commission meeting.

Claire Neubert, 405 Elisabeth Lake Drive, wished to defer her comments to the June 25, 2020 Planning Commission meeting.

Jeff McMahon, 97 Alleghany Road, wished to speak at today's meeting.

Susan Kelly, 803 Park Place, wanted to know if the disposition of the property would be heard by City Council prior to the rezoning application being heard before the Planning Commission.

Ms. Brown clarified that only the rezoning of the property was being deferred to the June 25, 2020 Planning Commission meeting. The disposition of the property would still go to City Council for consideration on June 10, 2020.

Chairman Garrison requested staff to relay that information to the earlier public hearing speakers, to find out if they wished to speak during today's public hearing.

Ms. Brown further explained that City Council could also decide to defer the disposition of the property at the June 10, 2020 City Council meeting. The item would still appear on the meeting agenda although the rezoning application is being deferred at the current meeting.

Chairman Garrison noted that the four (4) public speakers did wish to speak at today's meeting.

Brenda Marks, 54 Marina Road, is opposed to the rezoning application. Ms. Marks stated that she'd emailed all of the Planning Commissioners, except Commissioner Southall whose email address on the website is incorrect. The approval of the application will have a direct financial impact on her property and five of her neighbor's properties. Ms. Marks stated that that tractor trailers become stuck and block the road. If the rezoning is approved, there needs to be restrictions on operating hours for Bluewater because she hears noise from generators and music late into the night. She also stated that the owners should relocate the fence at 25 Marina Road. Ms. Marks also suggested that the owners donate the land to the City, and the City commit to paving the road to ease the radius of the turn curve. She believes that City Council will find that the disposition and rezoning of the lots will be a mistake at the cost of the value and enjoyment of the residents.

Mr. O'Neill reminded the public speakers to hold their remarks to three (3) minutes.

Claire Neubert, 405 Elizabeth Lake Drive, is opposed to the rezoning application. She believes there should be more time for the public to comment. She uses the public ramp at Sunset Creek and does not think that the ramp at Fort Monroe is an adequate alternative. The Fort Monroe ramp requires a fee, is in poor shape and offers inadequate parking. It is her understanding that the new owners of the Old Point Comfort Marina do not intend to keep the ramp when it is renovated. Ms. Neubert provided the Commission a list of citizens and business who expressed similar concerns about the boat ramp.

Jeff McMahan, 97 Alleghany Road, is opposed to the rezoning application. Mr. McMahan stated that he did not ever see a public notice sign posted on the property. There is no other public boat ramp servicing the Hampton River and downtown Hampton waterfront; other boat ramps are not acceptable alternatives. Mr. McMahan also gave an example of how the 2014 Colonnas Shipyard expansion in Norfolk's Berkley neighborhood created noise, odor and industrial fallout problems. The Sunset Creek boat ramp provides a natural barrier between the boatyard and adjacent residences. Mr. McMahan provided the Commission with a written copy of his statement and a copy of the public notice posting information for rezoning applications.

Susan Kelly, 803 Park Place, is opposed to the rezoning application. For Bluewater to expand their business, they would have to rezone the two parcels and purchase the boat ramp from the City. She stated that she was confused about Bluewater purchasing the boat ramp property from the City unsolicited. Citizens will be losing a boat ramp and parking. She felt that closing the boat ramp would be an injustice for the citizens of Hampton. Ms. Kelly provided the Commission with a written copy of a statement from citizen who was unable to attend the meeting in person.

Mr. O'Neill stated that approximately 40 – 42 emails were received by him and Planning & Zoning Administration Manager Michael Hayes, from citizens expressing their concerns and opposition to the rezoning application.

Attorney Larry Cumming of Kauffman & Canoles, 2236 Cunningham Drive, representing the applicant, provided further information on the application. The applicant has elected to defer the formal presentation to the Commission but would like to respond to the public speaker's concerns. Bluewater is interested in the boat ramp in order to service larger vessels. Any new service work will come to Bluewater via water, and will not cause additional vehicular traffic. The Bluewater owners agree that the City needs a new boat ramp, and their plan is to purchase the Sunset Creek boat ramp, in turn providing money to the City to replace the current boat ramp. Bluewater intends to lease the boat ramp to the City until the City is able to provide an adequate replacement boat ramp.

In response to a question from Vice-Chair Carter, Mr. Cumming confirmed that Bluewater wants to purchase the boat ramp and lease it to the City until the City can find another boat ramp to replace it.

In response to a question from Commissioner Coleman, Mr. Cumming explained that Bluewater did purchase property on Camden Street when it came up for sale, but currently have no plans for improvements to the property.

Commissioner Coleman commented that she is concerned with a tractor trailer driver improperly turning off Camden Street and running into her fence.

Mr. Cumming assured Commissioner Coleman that tractor trailers would not be accessing Bluewater from Camden Street. He added that the access from Camden Street is more complex than the access from Marina Road. Access to and from all of the Bluewater facilities come through Marina Road. Cleaning of the Bluewater property on Camden Street has begun.

The public hearing for the agenda items was closed.

A motion was made by Commissioner Tommy Southall and seconded by Commissioner Trina Coleman to defer Rezoning Application No. 20-00005 to the June 25, 2020 Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES:	Coleman, Kellum, Southall, Carter, Brown, Bond, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	None

Mr. O'Neill read the public hearing notice on the next agenda item.

C. RZ 20-00008 – CITY OF HAMPTON, 231 LINCOLN STREET [A PORTION OF LRSN: 2000961], ONE FAMILY RESIDENCE (R-9) DISTRICT TO PARKS AND OPEN SPACE PO-1 DISTRICT, NEIGHBORHOOD CENTER AND PARK

Rezoning Application No. 20-00008: This is a rezoning application by the City of Hampton to rezone +3.30 acres located at **231 Lincoln Street [a portion of LRSN: 2000961]** from One Family Residence (R-9) District to the Parks and Open Space (PO-1) District for a neighborhood center and park. The Hampton Community Plan (2006, as amended) recommends public/semi-public land use for this site. This item is being concurrently advertised with the June 10, 2020 regular meeting of the Hampton City Council.

Planning & Zoning Administration Manager Mike Hayes presented the staff report on the subject application, a copy of which is attached to the original minutes. He stated that staff recommends approval of Rezoning Application No. 20-00008.

In response to a question from Commissioner Southall, Mr. Hayes explained that Grant Park would not be included in the rezoning. During the Master Plan process, it was identified that the park was difficult to access. Included in the rezoning is the idea of bringing streets to Grant Park and the possibility of new housing being introduced along those streets.

In response to a question from Commissioner Southall, Mr. Hayes pointed out to the proposed new street layout and potential new housing on the presentation.

In response to a question from Commissioner Brown, Mr. Hayes responded that the property is currently zoned R-9. In the R-9 zoning, a community center is a permitted use with an approved use permit. Once rezoned to PO-1, a community center is allowed without a use permit.

Wanda Jackson, 8704 Orcutt Avenue, is the granddaughter of Mary Jackson. Ms. Jackson stated that she did not understand the purpose of the rezoning.

Mr. Hayes explained that the previous community center was built before there was a requirement of a use permit in R-9 zoning and was considered legally non-conforming. Because it has been more than two (2) years since the community center closed, either a use permit is required or the property would need to be rezoned to a new zoning district, PO-1. The rezoning does not hinder the design of the community center or future additions or changes to the center. The City is looking to build a smaller center than the previous center. The new center would be geared towards the Old Hampton neighborhood.

In response to questions from Ms. Jackson, Commission Garrison noted that the budget for the community center is decided by City Council. Commissioner Bond explained that the budget for the neighborhood center has increased. It began as a \$3 million allocation but has increased over time.

Arnold Kee, 8 & 10 Stewart Street, stated that he was concerned if the rezoning would affect his two properties. Mr. Hayes pointed out to the proposed new street layout around the park and explained that Mr. Kee's properties would not be affected.

Commissioner Southall explained that the City is only rezoning the specific area outlined in green on the map. The remaining area of the property could potentially be rezoned in the future. Commissioner Southall suggested that Mr. Kee contact the Community Development Department directly to speak with a planner regarding the rezoning and his properties. Mr. Kee was provided a business card with the office's main number.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Rezoning Application No. 20-00008 by the City of Hampton to rezone a 3.3± acre portion of 231 Lincoln Street [LRSN 2000961] from One Family Residential (R-9) to Parks and Open Space General (PO-1);

WHEREAS: the intent is to create a new block containing an enhanced park area and the Mary Jackson Neighborhood Center;

WHEREAS: the neighborhood center concept involves developing a facility scaled for neighborhood use where residents participate in formulating programming and assist in staffing the center, forming a greater sense of ownership by the neighborhood and more responsive center;

WHEREAS: no conditions are proffered as the community works with representatives of the City to design the space;

- WHEREAS: the zoning district limits uses to those related to public parks and recreational uses;
- WHEREAS: the proposed zoning district allows for great flexibility in future programming and meeting the needs of the community;
- WHEREAS: the Hampton Community Plan (2006, as amended) recommends public/semi-public land use in this location;
- WHEREAS: the Hampton Community Plan also sets as policy involving the community in the decision making process with regard to community facilities, and using citizens as an extension of staff for these types of facilities;
- WHEREAS: a community center operated on this site until 2015; and
- WHEREAS: two members of the public spoke on this application; neither against the application.

NOW, THEREFORE, on a motion by Commissioner Ruthann Kellum and seconded by Vice-Chair Christopher Carter,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Rezoning Application No. 20-00008.

A roll call vote on the motion resulted as follows:

AYES:	Coleman, Kellum, Southall, Carter, Brown, Bond, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	None

Mr. O'Neill read the public hearing notice on the next agenda item.

D. UP 20-00001 – JEROME SIMON, 3018 W. MERCURY BOULEVARD [LRSN: 3001269], PRIVATE DRIVING SCHOOL

Use Permit Application No. 20-00001: This is a use permit application by Jerome Simon to operate a private driving school at **3018 W. Mercury Boulevard [LRSN: 3001269]**. The property is zoned Limited Commercial (C-2) District, which permits private schools with an approved use permit. The Hampton Community Plan (2006, as amended) recommends commercial use for this site. This item is being concurrently advertised with the June 10, 2020 regular meeting of the Hampton City Council.

City Planner Frank Glover presented the staff report on the subject application, a copy of which is attached to the original minutes. He stated that staff recommends approval of Use Permit Application No. 20-00001 with seven (7) conditions. The applicant was also present to respond to questions.

The applicant, Jerome Simon, 26 Towne Centre Way, #231, started the driving school approximately nine (9) years ago. He saw the need for driving instruction in Virginia. Most people do not receive any type of instruction after receiving their driver's license unless they decide to obtain a CDL license. Driving laws change constantly.

Commissioner Brown thanked Mr. Simon for staying in Hampton after the acquisition by the Economic Development Authority of the Quality Inn on Coliseum Drive. He appreciated Mr. Simon being one of Hampton's small businesses community members.

In response to questions from Commissioner Kellum, Mr. Glover responded that only one (1) classroom can be used due to the parking limitations on the property. Mr. Hayes clarified that zoning ordinance deals with parking for private schools based on the number of classrooms. Six (6) spaces are required for each classroom. If there were two classrooms permitted to operate at the same time, the site would not have enough parking to permit the driving school at this particular location.

Commissioner Kellum commented that staff may need to clarify that in the regulations. The number of students in a classroom can vary, and the applicant should have the ability to use both classrooms at the same time.

In response to a question from Chairman Garrison, Mr. Glover responded that there are twenty-six spaces in the parking strip. Chairman Garrison calculated that the driving school would only require twelve (12) spaces based on the ordinance requirements Mr. Hayes previously mentioned.

Mr. Hayes clarified that there are three (3) other businesses within the strip lot sharing the parking. There are twenty-six (26) parking spaces in the lot, including a number of unstriped spaces in the rear of the property that were approved with a previous site plan.

In response to questions from Commissioner Brown, Mr. Simon responded that his driving school does operate on Sundays and is the only business open on Sundays. The main class Mr. Simon operates is a driving improvement clinic which last eight (8) hours. The other businesses are open on Saturdays.

In response to a question from Commissioner Brown, Mr. Hayes confirmed with the City Zoning Administrator Hannah Sabo that there is the potential for parking credits for Mr. Simon's business.

In response to a question from Commissioner Brown, Ms. Brown stated that the conditions are recommendations. In past cases, restrictions have been placed on applications with the caveat that if parking credits are granted, there would be flexibility. Prior to the June 10th City Council meeting, staff will work with the applicant on creating a condition that could potentially allow for the parking credits Mr. Hayes previously described. The condition would keep the one classroom limit until such time that the parking credits are granted.

In response to a question from Commissioner Coleman, Mr. Simon stated that most people taking the classes do not have a driver's license and are dropped off at the school. Commissioner Coleman thought it was ironic that the Commission was discussing at length the parking situation for a driving school.

Commissioner Kellum questioned if it mattered that the classes are held in one or two classrooms. Putting the additional provision that the applicant can only use one classroom did not make sense and if the City's documents dictate that language, it is very confusing.

In response to Commissioner Kellum's thoughts, Mr. O'Neill responded that he can understand that the parking provision does not make sense from some perspective but it cannot be changed on the spot. The applicant has been waiting for some time to re-open his business. Staff can work on modifying the parking provision prior to City Council.

In response to a question from Commissioner Southall, staff will work on modifying the language in the use permit condition that allows flexibility after City Council takes action at the June 10th City Council meeting, to allow the applicant to pursue parking credits. It is an administrative process after City Council's action.

There being no further questions or speakers, the Planning Commission approved the following resolution:

Chairman Garrison requested that Commissioner Brown and Mr. O'Neill ask City Council to work with the property owner with the application.

WHEREAS: the Hampton Planning Commission has before it this day Use Permit Application No. 20-00001 by Jerome Simon of One Stop Driving School, LLC to permit a private driving school at 3018 West Mercury Boulevard [LRSN 3001269];

WHEREAS: this is a use permit application for a private school (driving school), which was previously located on the former Quality Inn site near the intersection of West Mercury Boulevard and Coliseum Drive;

WHEREAS: the applicant has continued offering on-line courses for his driving school until he acquires a use permit for a private school at the subject location;

WHEREAS: the new location offers space consisting of two classrooms, an office, and waiting room, totaling 2,400 square feet;

WHEREAS: the subject property is zoned C-2, Limited Commercial District, which allows for private school subject to approval of a use permit;

WHEREAS: the Hampton Community Plan (2006, as amended) includes this property in an area designated for commercial use;

WHEREAS: the Hampton Community Plan (2006, as amended) includes the policy of retaining, expanding, and attracting businesses , as well as policies related to preparing the City's youth for such responsibilities as learning to drive safely in the City of Hampton;

WHEREAS: approval of this use permit would support the continuation of an established business within the City of Hampton;

WHEREAS: staff recommends seven (7) conditions be attached to the use permit, which address location, parking, and operational aspects of the facility;

WHEREAS: the Planning Commission recommends a change to Condition No. 4, relating to parking, in order to permit additional classroom space to be used if the operation and site qualify for and have parking credits approved; and

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

NOW, THEREFORE, on a motion by Commissioner Ruthann Kellum and seconded by Commissioner Trina Coleman,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 20-00001 with seven (7) conditions.

A roll call vote on the motion resulted as follows:

AYES:	Coleman, Kellum, Southall, Carter, Brown, Bunting, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	None

The following two public hearing items are related and will be part of one presentation and public hearing. A separate motion and vote are required for each item.

Mr. O'Neill read the public hearing notices on the next two related agenda items.

E. ZOA 20-00004 – CITY OF HAMPTON, AMEND AND RE-ENACT CHAPTER 2, “DEFINITIONS”, SECTION 2-2, ADD ANIMAL DAY CARE, ANIMAL SHELTER, HOME BASED RESCUE AND VETERINARIAN OFFICE OR HOSPITAL, MODIFY DEFINITIONS OF HOME OCCUPATION, KENNEL AND ESTABLISHMENT

Zoning Ordinance Amendment No. 20-00004: This is a proposal by the City of Hampton To Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled “Definitions” By Amending Section 2-2 To Add New Definitions Of Animal Day Care, Animal Shelter, Home Based Rescue and Veterinarian Office or Hospital, and To Modify Definitions Of Home Occupation, Kennel and Establishment. Approval of this amendment would add several definitions, including animal day care, veterinary office/hospital, and amend others such as kennel. This item is being brought forward in conjunction with Zoning Ordinance Amendment No. 20-00005. This item is being concurrently advertised with the June 10, 2020 regular meeting of the Hampton City Council.

F. ZOA 20-00005 – CITY OF HAMPTON, AMEND AND RE-ENACT CHAPTER 3, SECTION 3-2, “TABLE OF USES PERMITTED” AND SECTION 3-3, “ADDITIONAL STANDARDS ON USES” MODIFY REGULATIONS PERTAINING TO HOME OCCUPATION, KENNEL AND VETERINARIAN OFFICE/HOSPITAL USES, ADD NEW USES OF ANIMAL DAY CARE, ANIMAL SHELTER, AND HOME BASED RESCUE

Zoning Ordinance Amendment No. 20-00005: This is a proposal by the City of Hampton To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Amending Sections 3-2 Entitled “Table Of Uses Permitted” and Section 3-3 Entitled “Additional Standards On Uses”, to Modify Regulations Pertaining to Home Occupation, Kennel and Veterinarian Office/Hospital Uses and to Add New Uses Of Animal Day Care, Animal Shelter, and Home Based Rescue. Approval of this amendment would add multiple new animal-related uses to the Use Table for both standard and special zoning districts, as well as modify existing ones. It would also add additional standards to operate such uses. This item is

being brought forward in conjunction with Zoning Ordinance Amendment No. 20-00004. This item is being concurrently advertised with the June 10, 2020 regular meeting of the Hampton City Council.

Senior City Planner Allison Eichele presented the staff report on the subject amendments, copies of which are attached to the original minutes. She stated that staff recommends approval of Zoning Ordinance Amendment No. 20-00004 and Zoning Ordinance Amendment No. 20-00005.

In response to a question from Commissioner Southall, Ms. Eichele responded that this ordinance does not apply to home rescue of wild animals.

In response to a question from Chairman Garrison, Ms. Eichele stated that zoning considers the use permit on individual location, not the specific entity.

Chairman Garrison wanted read for the record, conversations she had with Ms. Brown. The use permit requirement does not apply to kittens or puppies under eleven (11) months old. The zoning ordinance amendment does not affect the trap, neuter, and return process.

Ms. Eichele corrected Chairman Garrison with the age of the animals being four (4) months and not eleven (11) months old.

Chairman Garrison continued that the Cat Corner in Phoebus and other agencies like this would be grandfathered and not require a use permit to continue business. However, if they did not operate for two (2) years, they would require a use permit if they wanted to reopen their business.

Ms. Brown confirmed with Chairman Garrison that agencies such as the Cat Corner would only require a use permit if they did not remain operational for two (2) years.

In response to a question from Commissioner Brown, Ms. Eichele stated that staff worked sensibly in order to consider what is enforceable and what the public could clearly understand what is allowed. Staff also worked very closely with Property Maintenance & Zoning Enforcement inspectors as well as Hampton Animal Response Team (HART, formerly Animal Control) on what can be coordinated together in order to ensure both sections of the codes are met. Staff was very careful that the uses are clear. Staff worked with Angela Taylor and the Property Maintenance & Zoning Enforcement Manager Kim Mikel.

Ms. Eichele noted that the Cat Corner is currently zoned R-11. At their current location, if they ceased operations for more than two (2) years, they would need to submit a rezoning application, as they are an animal shelter. The R-11 zoning does permit animal shelters.

Commissioner Bond thanked that staff for their hard work. This has been an ongoing issue. He added that he appreciated the clarity for citizens and staff.

Deputy Manager of Animal Control Angela Taylor and Assistant City Attorney Olivia Wiggins joined the Planning Commission via Zoom.

Regina Quinn, 1 E. Mellen Street, is the founder of Blue Angels Advocacy & Rescue Resource. Ms. Quinn thanked staff for their hard work on the zoning ordinance amendments. She expressed a variety of questions and concerns with the zoning ordinance amendments.

In response to questions from Vice-Chair Carter, Ms. Quinn responded that she is the founder of a non-profit rescue. Her non-profit is funded from donations. She is registered with the City of Hampton, State of Virginia, IRS, and State Corporation Commission to do fundraising. She was fined by the City because she had eleven (11) dogs and was given a violation for running a kennel out of her home.

In response to a question from Chairman Garrison, Ms. Taylor responded that kennels are limited to fifty (50) dogs. Currently, there is no limit for other companion animals.

Zoning Administrator Hannah Sabo commented that Ms. Quinn's violation was noted as closed and corrected. An inspection was recently completed on Mutt Runners. By the City's definition, they are no longer boarding; they are a doggie daycare. Their violation was noted as closed and corrected, and they are in compliance. Any existing home-based rescue that is not in compliance and was not a permitted use before the zoning ordinance amendment, is not considered legally non-conforming because they were not legal before. They will have to comply with the current code.

In response to a question from Ms. Quinn, Ms. Eichele explained that the definition of a home-based rescue is specifically five (5) or more animals. If you do not meet that definition, you are not considered a home-based rescue. Less than five (5) animals may be considered a home occupation. Home occupation does not specify business versus non-profit so it would be considered on a case by case basis.

Ms. Eichele offered to speak with Ms. Quinn after the Planning Commission meeting.

In response to a question from Chairman Garrison, Ms. Quinn stated that she was in supports some of the items in the zoning ordinance amendments.

Vice-Chair Carter reiterated that Ms. Eichele would speak with Ms. Quinn at length after the Planning Commission meeting, and suggested that Ms. Quinn also reach out to Commissioner Brown, as he is the City Council representative.

Commissioner Bond stated that Ms. Quinn has been in contact with him and other staff members. She has received answers to her questions from the City but the City has not given her the responses that she wants. Staff is always willing to talk with Ms. Quinn but the Planning Commission meeting is not the forum for those conversations. Her questions are not concerning the matter that is currently before the Commission.

Chairman Garrison reminded Ms. Quinn that Planning Commission makes a recommendation to City Council, who makes the final decision.

Commissioner Southall commented that zoning ordinances are living documents that can be tweaked or changed. The amendments are moving in the right direction.

Commissioner Kellum thanked staff for all of the hard work.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00004 by the City of Hampton to Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled, "Definitions" To Add New Definitions Of Animal Day Care, Animal Shelter, Home Based Rescue And Veterinarian Office Or Hospital, And To Modify Definitions Of Home Occupation, Kennel and Establishment;

WHEREAS: this item is proposed in conjunction with Zoning Ordinance Amendment No. 20-00005;

WHEREAS: this proposal would amend Chapter 2, Section 2-2, to add new definitions for animal day care, animal shelter, veterinary office/hospital, and amend definitions for kennel, establishment, and home occupation;

WHEREAS: the purpose of this amendment is to provide definitions of companion animal related uses in a comprehensive and consistent manner for consideration of their appropriate use within the City;

WHEREAS: this proposal would allow for better alignment between the regulations and enforcement of City Code Chapter 5 and the Zoning Ordinance;

WHEREAS: there was discussion regarding regulation of kittens or puppies under the age of four (4) months of age, and an indication that those animals would not be regulated as they do not require licensure;

WHEREAS: one member of the public spoke to express a variety of questions, concerns, and general support for the updates.

NOW, THEREFORE, on a motion by Commissioner Tommy Southall and seconded by Vice-Chair Christopher Carter,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00004.

A roll call vote on the motion resulted as follows:

AYES:	Coleman, Kellum, Southall, Carter, Brown, Bond, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	None

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00005 by the City of Hampton to Amend And Re-Enact Chapter 3 of the Zoning Ordinance of the City of Hampton, Virginia Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," to Modify Regulations Pertaining to Home Occupation, Kennel, and Veterinarian Office/Hospital Uses and to Add New Uses Of Animal Day Care, Animal Shelter, and Home Based Rescue;

- WHEREAS: this item is proposed in conjunction with Zoning Ordinance Amendment No. 20-00004;
- WHEREAS: this proposal would amend Chapter 3, Sections 3-2, to add "animal day care", "animal shelter", and "home based rescue" to the table of uses permitted within the City of Hampton and amend the uses "kennel" and "veterinarian office/hospital" in the table;
- WHEREAS: this proposal would amend Chapter 3, Sections 3-3, to add additional standards for the use of animal day care, and amend additional standards for the uses of kennel, veterinarian office/hospital, and home occupation;
- WHEREAS: the purpose of this amendment is to provide clarity on the appropriate zoning for the variety of companion animal related uses within the City and provide adequate conditions for the operation of those uses to alleviate potential impacts the use may pose on neighbors;
- WHEREAS: this proposal would allow for better alignment between the regulations and enforcement of City Code Chapter 5 and the Zoning Ordinance;
- WHEREAS: one member of the public spoke to express a variety of questions, concerns, and general support for the updates.

NOW, THEREFORE, on a motion by Vice-Chair Christopher Carter and seconded by Commissioner Tommy Southall,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00005.

A roll call vote on the motion resulted as follows:

AYES:	Coleman, Kellum, Southall, Carter, Brown, Bond, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	None

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. O'Neill reminded the Commission and the public that there will be another special meeting on June 25, 2020. The reason the meetings are out of the normal sequence is because we have been affected by the Covid-19 protocols and have a backlog of public hearing items that have been waiting since February. We have been trying to service the applicants who have been patiently waiting.

Mr. O'Neill thanked the Planning Commissions for their flexibility, and the Marketing and Channel 47 team for setting up the meeting, especially with staff being in various locations throughout the City Hall building. He also thanked the Community Development Department staff and Ms. Brown for all of their hard work helping the meeting run smoothly.

Vice-Chair Carter thanked everyone for their hard work and wish for their continued safety.

Commissioner Kellum remarked that Commissioner Coleman's Zoom background was the most official looking of all the backgrounds she had seen.

Chairman Garrison thanked off of staff for their hard work.

VII. ITEMS BY THE PUBLIC

There were no items by the public.

VIII. MATTERS BY THE COMMISSION

There were no matters by the Commission.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:54 P.M.

Respectfully Submitted,



Terry O'Neill
Secretary to the Commission

APPROVED BY:



Carole Garrison
Chairman