

**AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION SPECIAL MEETING HELD IN THE LAWSON CONFERENCE ROOM, 8<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, JULY 23, 2020 AT 3:00 P.M.**

Chairman Carole Garrison called the meeting to order at 3:03 p.m. A call of the roll noted Commissioners Trina Coleman, Ruthann Kellum, Steven Bond, and Chairman Garrison as being present. Vice-Chair Christopher Carter, Commissioners Tommy Southall, and Steven Brown were noted as absent; however Commissioners Southall and Brown arrived after the roll call. 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, Property Maintenance & Zoning Enforcement Manager Kimberly Mikel, Assistant City Attorney Shannon Jones, and Recording Secretary/Senior Administrative Assistant Kristie Graves.

The Commission and staff discussed the following information:

**Zoning Ordinance Amendment No. 20-00012:** the City of Hampton to Amend and Re-Enact Chapter 12 of the Zoning Ordinance of the City of Hampton, Virginia Entitled, "Nonconformities" to restrict the expansion of commercial nonconforming uses and permit the expansion of one family, two family, and duplex uses within certain conditions. Nonconforming structures would be permitted to expand so long as the expansion would not further the nonconformity.

This amendment originated from City Council to look into regulating junk yards and salvage yards. Staff was directed to look at Hampton's codes and ordinances compared to the State's code. Virginia localities are subject to the same legal nonconforming statute, which limits the extent to which localities can regulate. Hampton's code is very permissive compared to what the State code allows the City to regulate.

**Briefing on Parking on Lawns and RV Parking:** This item is one of City Council's priorities. Council would like the regulations to be tied into the City resiliency goals. Stakeholder meetings were held as well as a focus group to get ideas and opinions from the community.

**City Council Package:** The Chairman suggested listing the names of public speakers in the item packages to City Council to make Council aware of people who were in support of or opposed to items. The Planning Commission resolution notes how many people were in support of or opposed to an item but it can be added to the Agenda Review background statement in the package. The number of people in support or opposition can possibly be added to a separate slide in the item presentation. The public speakers names are listed in the Planning Commission minutes, which is part of the legal record.

Commissioner Southall also suggested adding a note stating the Planning Commission's recommendation to the last slide in the City Council presentation. This request is in alignment with existing standard practice, and the desire of City Council.

**Use Permit Application No. 19-00012:** by Vui Nguyen to permit vehicle storage at 199 E Mercury Boulevard. The applicant has hired Attorney Larry Cummings. Staff has met with Mr. Cummings concerning questions on the permitted uses and staff is continuing to work with the applicant.

**Youth Planners:** The youth planners participated in a virtual graduate level Public Administration class at ODU. They gave a presentation on youth in government and civic engagement. Secretary O'Neill thanked the Planning Commission for their support of the youth and for giving them a forum to talk about what they do for the community.

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

**AT THE SPECIAL MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, 8<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, JULY 23, 2020 AT 3:30 P.M.**

**I. CALL TO ORDER**

Chairman Carole Garrison called the meeting to order at 3:30 P.M.

**II. ROLL CALL**

A call of the roll noted Commissioners Trina Coleman, Ruthann Kellum, Tommy Southall, Steven Brown, Steven Bond, and Chairman Garrison as being present. Vice-Chair Christopher Carter was noted as absent. Staff in attendance were Secretary to the Commission/Director of Community Development Terry O'Neill, Deputy Director of Community Development Steve Shapiro, Deputy City Attorney Bonnie Brown, Planning & Zoning Administration Manager Michael Hayes, Zoning Administrator Hannah Sabo, Property Maintenance & Zoning Enforcement Manager Kimberly Mikel, Assistant City Attorney Shannon Jones, and Recording Secretary/Senior Administrative Assistant Kristie Graves.

**III. MINUTES – JUNE 23, 2020 WORK SESSION & PUBLIC MEETING**

A motion was made by Commissioner Trina Coleman and seconded by Commissioner Ruthann Kellum to approve the minutes of the June 23, 2020 Work Session and Planning Commission meeting.

A roll call vote on the motion resulted as follows:

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

**IV. PUBLIC HEARING ITEMS**

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

**A. ZOA 20-00012 – CITY OF HAMPTON, AMEND AND RE-ENACT CHAPTER 12, "NONCONFORMITIES", RESTRICT EXPANSION OF LEGALLY NONCONFORMING USES**

**Zoning Ordinance Amendment No. 20-00012:** This is a proposal by the City of Hampton To Amend And Re-Enact Chapter 12 of the Zoning Ordinance of the City of Hampton, Virginia Entitled, "Nonconformities" to restrict the expansion of legally nonconforming uses. If approved, this amendment would restrict the expansion of legally nonconforming uses to the area which the legally nonconforming use occupied on the date of the adoption of this ordinance; it would permit legally nonconforming one family, two family, and duplex residential uses to expand the use to an area not greater than the boundaries of the parcel at the time of adoption of this ordinance. This amendment would also prevent legally nonconforming structures from enlarging their nonconformity or creating a new nonconformity. This proposed ordinance includes exceptions to allow for the expansion of legally nonconforming one family, two family, and duplex residences.

Zoning Administrator Hannah Sabo presented the staff report on the subject amendment, a copy of which is attached to the original minutes. She stated that staff recommends approval of Zoning Ordinance Amendment No. 20-00012.

In response to a question from Commissioner Southall, Ms. Sabo responded that if a property owner wanted to add on to a current garage, the addition would have to comply with the current setbacks.

In response to a questions from Chairman Garrison, Ms. Sabo stated that a restaurant cannot expand a legally nonconforming use without coming into conformance with the current ordinance. They would have to submit a rezoning or use permit application to comply with the current ordinance. If a restaurant had an outdoor dining area, they could close the outdoor dining area without applying for a rezoning or use permit.

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. 20-00012 by the City of Hampton to Amend And Re-Enact Chapter 12 of the Zoning Ordinance Of The City of Hampton, Virginia Entitled, "Nonconformities";

WHEREAS: this amendment restricts the expansion of legally nonconforming uses. Legally nonconforming uses are those uses which were legally established but do not conform to the current zoning regulations prescribed to the district in which they are situated;

WHEREAS: the City's current zoning ordinance allows for the expansion of nonconforming uses in a manner that is more permissive than is required by Section 15.2-2307 of the Code of Virginia;

WHEREAS: this amendment would allow legally nonconforming one family, two family, and duplex residential uses to expand only within the area of the legally platted parcel occupied by the use as of August 12, 2020, assuming City Council adoption on this date;

WHEREAS: this amendment would prevent commercial and all other legally nonconforming uses from expanding beyond the land area which was occupied by the nonconforming use as of August 12, 2020, assuming City Council adoption on this date;

WHEREAS: this amendment includes minimum setbacks to legally nonconforming one family, two family, and duplex residential uses; 15' front yard setback, 5' side yard setback, 20' rear yard setback; where the existing base district has a smaller and at times, no setback requirement;

WHEREAS: the Infill Housing Overlay District references substandard lots, which is defined in our Zoning Ordinance;

WHEREAS: this amendment also restricts the expansion of legally nonconforming structures. Legally nonconforming structures are those structures which were legally established but do not conform to the zoning prescribed to the district in which they are situated;

WHEREAS: this amendment would prevent a legally nonconforming structure from being altered, enlarged, or extended in a way which increases its nonconformance or creates a new nonconformity; and

WHEREAS: no members of the public spoke.

NOW, THEREFORE, on a motion by Commissioner Tommy Southall and seconded by Commissioner Ruthann Kellum,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00012.

A roll call vote on the motion resulted as follows:

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

Zoning Ordinance Amendment No. 20-00012 passed unanimously, and would be heard by City Council at the August 12, 2020 meeting.

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

### **A. BRIEFING ON UPCOMING ZONING ORDINANCE AMENDMENT PROPOSALS**

Secretary O'Neill advised that the Planning Commission would be briefed on Parking on Lawns and RV Parking. The Commission would not take action at today's meeting. Any questions or concerns would be addressed at today's meeting. The items would come before the Planning Commission for vote on August 20, 2020.

Planning & Zoning Administration Manager Mike Hayes provided the Planning Commission with a briefing on Parking on Lawns, a copy of which is attached to the original minutes.

In response to a question from Commissioner Kellum, Mr. Hayes responded that City staff does not have a specific count on the number of vehicles that are consistently parked on lawns. Some areas are more prevalent than others are.

Commissioner Kellum commented that the City could be more sensitive to areas that are more prevalent; consider the hardships for those areas to accommodate what those citizens need.

Mr. Hayes commented that staff is considering neighborhood outreach to assist citizens in complying with the parking regulation. Citizens can explore the option of applying for no parking signs.

Secretary O'Neill shared that over the four (4) years of discussion, staff met with neighborhood stakeholders multiple times to discuss reasonable exceptions. Over time, the City can modify the ordinance or enforcement if needed.

In response to questions from Commissioner Coleman, Mr. Hayes stated that inoperable vehicles are designated under a different section of the city code. The parking regulation would only affect vehicles parked between the house and street; vehicles in the rear of the house would not be affected by the ordinance.

In response to questions from Commissioner Southall, Mr. Hayes gave the definition of green area as defined in the zoning ordinance. If a property owner created a pervious surface to park, it would not be considered as green area. Mr. Southall stated that it is implied that citizens can park in their back yards which would cause more damage to the front yards, as they would need to drive through the front yard to get to the back yards. That would defeat what the City is trying to accomplish. The issue is not prevalent in the City but would cause a hardship on citizens to create driveways in order to park on their property. Mr. Southall noted that the issue was discussed when he was on the Neighborhood Commission.

Commissioner Kellum commented that she questions how prevalent the problem is in the City, and if it is more prevalent in certain neighborhoods.

In response to Commissioner Kellum's comments, Secretary O'Neill indicated that the problem came to light from various neighborhoods requesting the City to resolve the issue. City Council expects that staff will work on finding a solution that is within the framework of the ordinance that is legal and accommodating to our citizens. This issue is a City Council priority.

Commissioner Coleman stated that a vehicle cannot be parked within 30 feet of a stop sign at a corner lot. She noted that the large number of subdivisions that have been built in the City over the past 25 years. The sizes of those lots lower the amount of green space in a neighborhood. The parking problem should be looked at on a neighborhood basis rather than City-wide.

Commissioner Kellum remarked that she noticed that in downtown Hampton there are lines for vehicles parking within 30 feet of stop signs, which shows that some parking is regulated on a neighborhood basis rather than regulate City-wide.

Chairman Garrison pointed out that the street where she lives is wide enough for vehicles to park on each side and two-way traffic; whereas, two streets over is not. She suggested that the City send notices to citizens who live on narrow streets.

Mr. Hayes commented that the City has a history of working with citizens when they receive violation notices.

Mr. Hayes presented the Planning Commission with a briefing on RV Parking, a copy of which is attached to the original minutes.

In response to a question from Commissioner Southall, vehicles are not part of the principle structure, whereas an enclosed porch is. Mr. Southall stated that his concern was that an RV would inhibit the front yard setback of the property where it is parked, and also the rear yard setback if the property is waterfront.

Secretary O'Neill stated that staff has gone back and forth deciding whether a motorhome should be allowed in the front yard. A majority of the information presented is from the focus group input and Council's perspective.

Mr. Hayes responded that a self-powered motorhome would not be allowed to be parked in the front yard; however, the pull behind could be parked.

Commissioner Southall remarked that it is still the same issue. Mr. Southall also noted that an RV parked in front of a home prohibits the natural surveillance, or being able to see your neighbor's home.

In response to a question from Commissioner Coleman, Mr. Hayes replied that there are some storage facilities that will lease space if a person is unable to park their RV in their rear yard. Ms. Coleman commented that the Community Development Department is tasked with making Hampton as livable and beautiful as it can be; however some of the codes and ordinances do not take certain situations into account (e.g. a person inheriting a house or motorhome).

In response to a question from Commissioner Kellum, Mr. Hayes stated that there are storage facilities within the City limits which lease spaces for RV parking.

Secretary O'Neill elaborated that during the dialogue, some RV and boat owners shared that these types of storage facilities are scarce in the City and can be expensive. They were also concerned that the new regulations would force some owners to incur a monetary cost, or travel outside the City to other locales to find storage for their property.

Commissioner Coleman suggested a possible incentivized reduction in property taxes or fees for RV or boat owners who incur additional costs based on the new ordinance.

**VII. ITEMS BY THE PUBLIC**

There were no items by the public.

**VIII. MATTERS BY THE COMMISSION**

Chairman Garrison thanked Commissioner Brown for his service to the Planning Commission.

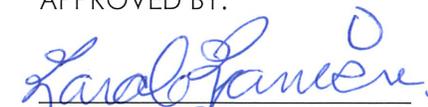
**IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:52 P.M.

Respectfully Submitted,

  
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Terry O'Neill  
Secretary to the Commission

APPROVED BY:

  
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Carole Garrison  
Chairman