

STAFF EVALUATION

Case No.: Use Permit No. 23-00019

Planning Commission Date: June 22, 2023

City Council Date: July 12, 2023

Prepared By: Davis Pemberton, City Planner 728-2040
Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Reviewed By: Patricia Melochick, Senior Deputy City Attorney

General Information

Applicant & Property Owners Jerry & Lisa Burkett

Site Location 15 Connie St. [LRSN: 12006545]



Requested Action Use Permit to allow for a *short-term rental*

Description of Proposal The applicant is proposing a short-term rental at 15 Connie St. The property is ± 0.19 acres and features a three (3) bedroom, one (1) bathroom residence that is approximately 967 square feet and was constructed in 1966.

Existing Land Use One-Family Residential

Zoning One-Family Residential (R-9); and
Flood Zone Overlay (O-FZ) District

Applicable Regulations As of December 14, 2022, City Council amended the Zoning Ordinance use table and additional standards for short-term rentals. This amendment created a definition and additional standards for short-term rentals. Short-term rentals in the R-LL, R-43,

R-R, R-33, R-22, R-15, R-13, R-11 , R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1 , C-2, LFA-5, RT-1, 88-1 , 88-2, 88-3, DT-1, DT-2, DT-3, PH-1 , PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to obtaining a use permit by city council.

Surrounding Land Use and Zoning

North: One-Family Residential (R-9) District, single-family residence
South: One-Family Residential (R-9) District, single-family residence
East: One-Family Residential (R-8) District, single-family residence
West: One-Family Residential (R-9) District, single-family residence

Surrounding Zoning Map:



Public Policy

Hampton Community Plan

The Hampton Community Plan (2006, as amended) recommends medium-density residential land-use for the subject property and adjacent and surrounding properties.

Listed below are policies related to this request:

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective.

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods.

LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

ED Policy 6: Expand tourism, entertainment, and cultural opportunities within the city.

Future Land Use

The Hampton Community Plan (2006, as amended) designates this area as low-density residential.

Land Use Plan:



Buckroe Master Plan

The property falls within the area governed by the Buckroe Master Plan (2005, as amended). The Plan does not specifically address this property or the proposed use but does recognize Buckroe's distinguished past as an evolving vacation destination and acknowledges that the visitor market is limited and seasonal due to the lack of transient accommodation (pg. 13). The Plan supports North First Street north of Buckroe Park as a primarily residential neighborhood and overall aims to maintain Buckroe as a distinctive, family-oriented community while preserving its unique and authentic character (pg. 2).

<i>Traffic/Parking</i>	Staff does not anticipate that the requested use or operation would cause a significant or negative impact on traffic.
<i>Community Meeting</i>	A community meeting has not been scheduled at this time.

Analysis:

Use Permit Application No. 23-00019 is a request for a Use Permit for a short-term rental. The subject property is located at 15 Connie St. [LRSN: 12006545] and is currently zoned One-Family Residential (R-9) District, which allows for the desired use subject to an approved Use Permit.

The applicants, Jerry & Lisa Burkett, are requesting to operate a short-term rental (STR) within a three (3) bedroom, 967 square foot single-family dwelling. This application does not propose any additions or modification to the existing home. The applicant intends to use the property for short-term rentals year-round, meaning it would not be a residence. The property is also not being proposed as a host site for events.

The property is located in the Buckroe Master Plan (2005, as amended) area with close proximity to Buckroe Beach. The Plan does not specifically address this property or the proposed use but does recognize Buckroe's distinguished past as an evolving vacation destination and acknowledges that the visitor market is limited and seasonal due to the lack of transient accommodation. The Plan supports this area of the master plan area as a primarily residential neighborhood and overall aims to maintain Buckroe as a distinctive, family-oriented community while preserving its unique and authentic character. Short-term rentals support these principles by maintaining the high-quality physical elements of the neighborhood and providing accommodations to tourists and locals.

The Hampton Community Plan (2006, as amended) calls for evaluating land use proposals from a regional, city-wide and neighborhood perspective. Furthermore, land-use and economic development policies related to this land use application includes safeguarding the integrity of existing residential neighborhoods, encouraging a mix of land uses that is appropriate and promoting the efficient use of land, and expanding tourism, entertainment, and cultural opportunities within the city. These policies can become competing, so much thought is given to the conditions under which short term rentals can operate in support of the tourism industry and welcoming visitors while maintaining the character of Hampton's neighborhoods.

A minimum of one (1) parking space per two (2) bedrooms is required for short-term rentals. An approved common space (e.g., living room, game room, family room) being offered as an overnight sleeping area shall count towards the minimum parking requirements. The current application features a driveway capable of accommodating one (1) passenger vehicle and an attached garage capable of accommodating an additional one (1) passenger vehicle. With this, the short-term rental (STR) cannot exceed a total of three (3) rentable bedrooms and one (1) common area offered as overnight sleeping area.

Per section 404.4.1 of the Virginia Property Maintenance Code (VPMC), for residential dwelling units, each bedroom shall contain at least 70 square feet of floor area, and each

bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each additional occupant. With this, the maximum occupancy shall be limited to no more than eight (8) lodgers which is reflected in the staff recommended conditions.

For events and gatherings in conjunction with a STR, it is important to consider the potential harmful impacts on adjacent properties and take into account several factors to minimize disturbances. Staff recommends that events, as defined in Hampton's Zoning Ordinance, in conjunction with a STR not be conducted without a special event permit. Additionally, for gatherings of individuals who are not overnight lodgers of a STR, the maximum number of people on property between the hours of 7:00 AM and 10:00 PM shall not exceed double (2x) the capacity limit of overnight lodgers as determined by the Building Official. In this instance, up to sixteen (16) people are permitted to be on the property between the hours of 7:00 AM and 10:00 PM. Only authorized overnight lodgers not exceeding the approved capacity limit are allowed on the property between the hours of 10:00 PM and 7:00 AM, which align with the City of Hampton's noise ordinance.

The "Short-Term Rental Fact Sheet" provided in the package, which features information pertaining to the Responsible Local Person (RLP); events and gatherings; capacity limitations; Hampton's noise ordinance; parking on lawn restrictions; and trash & recycling collection, shall be posted in a conspicuous location inside of the dwelling and visible at all times to overnight lodgers and their guests. Additionally, staff recommends that the approved floor plan(s) be posted alongside the fact sheet.

Further, staff is recommending that a ledger be maintained showing the date(s) the STR is rented, the name of the primary person(s) who booked the reservation, the number of overnight lodgers featured in the reservation, and the overnight sleeping area(s) used throughout the duration of their booking. This is a requirement for current hotels/motels and bed and breakfast establishments. The RLP shall maintain these records and shall be made available to the Zoning Administrator and the Property Maintenance Division Manager within one (1) day upon request.

In the event a STR is approved, prior to operation, the operator shall schedule an inspection through Hampton's 311 Citizen Contact Center. There shall be no STR activity prior to this inspection. Additionally, upon a change of ownership of the property, or an approved modification to the floor plan made to the dwelling, a new inspection shall be scheduled by the operator to ascertain compliance with all applicable standards and codes.

Staff recommends **APPROVAL** of the Use Permit Application No. 23-00019 with fifteen (15) conditions.