

STAFF EVALUATION

Case No.: Use Permit No. 23-00021

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 Twin Oaks Investment LLC.

Site Location 1529 Peabody Dr [LRSN: 7002026]



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

Description of Proposal The applicant is proposing a short-term rental at 1529 Peabody Dr. The property is ± 0.14 acres and features a three (3) bedroom, two and one-half (2.5) bathroom residence that is approximately 1,353 square feet and was constructed in 1986.

Existing Land Use One-Family Residential

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

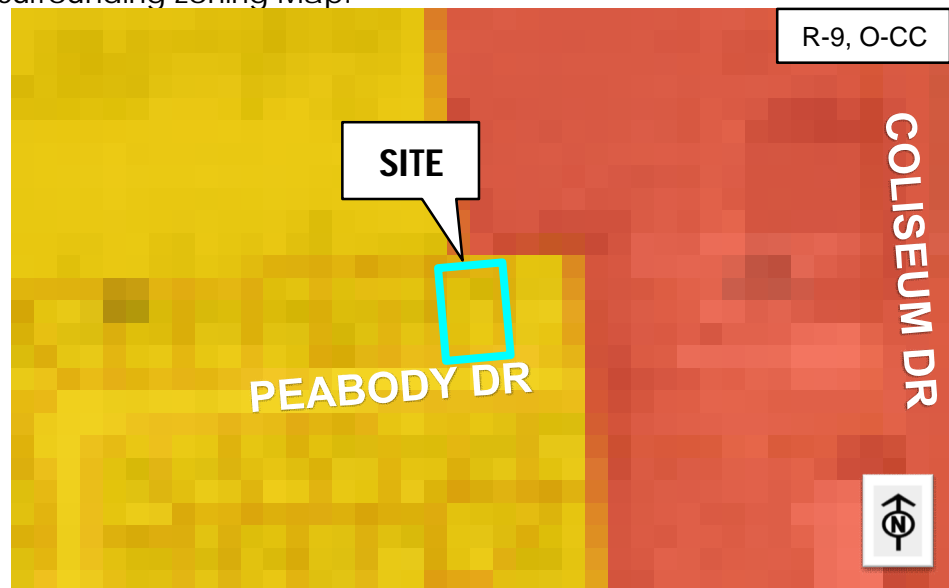
Applicable Regulations

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 and Limited Commercial (C-2) District; medical office and vacant
South: One-Family Residential (R-9) District; single-family
East: One-Family Residential (R-9) District; single-family
West: One-Family Residential (R-9) District; single-family

Surrounding Zoning Map:



Public Policy

Hampton Community Plan

The Hampton Community Plan (2006, as amended) recommends low-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.

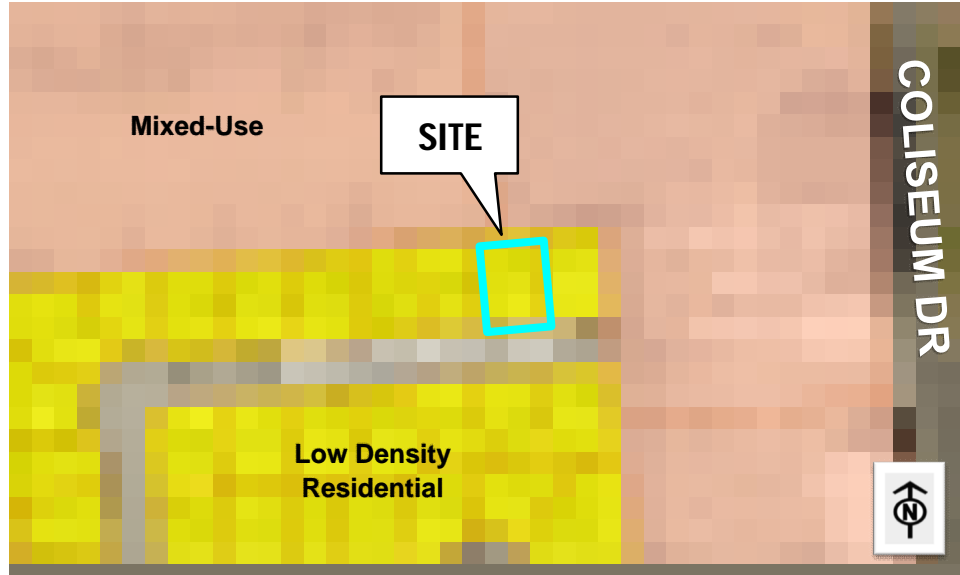
LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

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:



Coliseum Central Master Plan

The property falls within the Coliseum Central Master Plan (2015, as amended) area. The Coliseum Central Master Plan does not directly address this property or the short-term rental use, although it does call for developing high-quality lodging to support the Hampton Roads Convention Center, sports tourism, and other tourism initiatives. The principles set forth in the plan envision a fundamental change in how the District operates, shifting focus from simply commercial revitalization towards creating a unique identity founded on its stable neighborhoods and excellent regional access.

Traffic/Parking

Staff does not anticipate that the requested use or operation would cause a significant or negative impact on traffic.

Community Meeting

A community meeting has not been scheduled at this time.

Analysis:

Use Permit Application No. 23-00021 is a request for a Use Permit for a short-term rental (STR). The subject property is located at 1529 Peabody Dr [LRSN: 7002026]. The property is

currently zoned One-Family Residential (R-9) District. R-9 allows for the desired use subject to an approved use permit.

The property owner and applicant, Twin Oaks Investment LLC., has owned the property since October 2022 and is requesting to operate a short-term rental (STR) within a three (3) bedroom, ± 1,353 square foot single-family dwelling that was constructed in 1986, according to City records.

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.

The property is located within the Coliseum Central Master Plan (2015, as amended) ("CCMP") area and is within the Sentara Medical Campus initiative area. The CCMP does not directly address this property or the short-term rental use, although it does call for developing high-quality lodging to support the Hampton Roads Convention Center, sports tourism, and other tourism initiatives. The principles set forth in the plan envision a fundamental change in how the District operates, shifting focus from simply commercial revitalization towards creating a unique identity founded on its stable neighborhoods and excellent regional access.

In its analysis of the proposed short-term rental use, staff took into consideration the proximity of the property to the Coliseum Central commercial district which offers many of the amenities and destinations that attract tourists and other transient residents to Hampton. This location provides ease of access to such amenities while allowing guests to enjoy the quiet atmosphere of a residential neighborhood. In addition, the property is located near the crossroads of the regional interstate beltway system, providing easy access to the rest of the Hampton Roads region.

A minimum of one (1) parking space per two (2) bedrooms is required for short-term rentals. A 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 property features a driveway capable of accommodating one (1) vehicle and a driveway of accommodating an additional one (1) vehicle. With this, short-term rental (STR) has sufficient parking for the proposed three (3) bedrooms and one (1) common 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 seven (7) overnight 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 fourteen (14) 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" created by staff, 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. 23-00021 with fifteen (15) conditions.