

STAFF EVALUATION

Case No.: Use Permit No. 24-0468

Planning Commission Date: November 21, 2024

City Council Date: December 11, 2024

Prepared By: Han Vu, City Planner

727-6252

Reviewed By: Mike Hayes, Planning & Zoning Div. Manager

728-5244

Reviewed By: Jessica Kraus, Assistant City Attorney

General Information

*Applicant &
Property Owners* Everside Properties, LLC

Site Location 1536 Morgan Dr [LRSN: 12003152]



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

*Description of
Proposal* The applicant is proposing a short-term rental at 1536 Morgan Dr. The property is ± 0.12 acres and features a two (2) bedroom, one (1) bathroom residence that is approximately 624 square feet and was constructed in 1954.

Existing Land Use One-Family Residential

Zoning One-Family Residential (R-9);
Short-term Rental Overlay (O-STR) District – Long Creek 1 Zone

Applicable Regulations

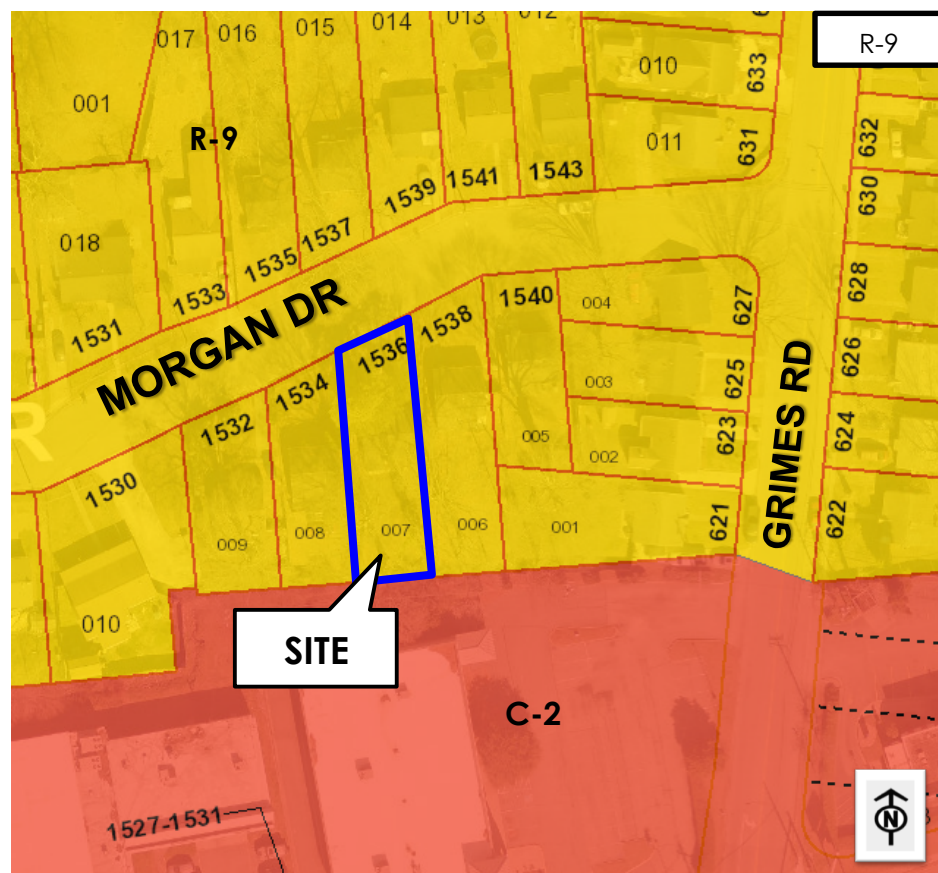
As of September 1, 2024, City Council amended the Zoning Ordinance use table and additional standards for short-term rentals. This amendment created a definition and additional standards for short-term rentals. Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are permitted subject to obtaining a use permit by City Council when certain operational standards are not met that would otherwise allow for an administrative permit.

A Use Permit is not available as a mechanism to exceed the density cap in a Short-Term Rental Zone nor is a Use Permit available as a mechanism to operate a short-term rental within or shorten the buffer of an existing short-term rental.

Surrounding Land Use and Zoning

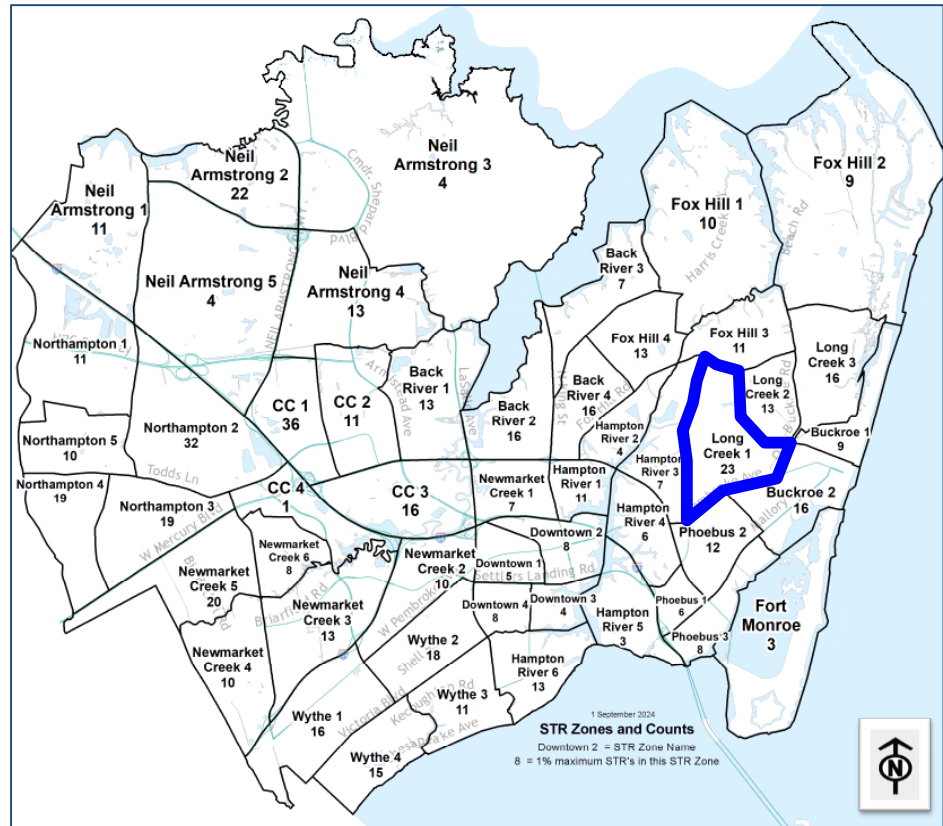
North: One-Family Residential (R-9) District; residential
South: Limited Commercial (C-2) District; commercial
East: One-Family Residential (R-9) District; residential
West: One-Family Residential (R-9) District; residential

Surrounding Zoning Map:

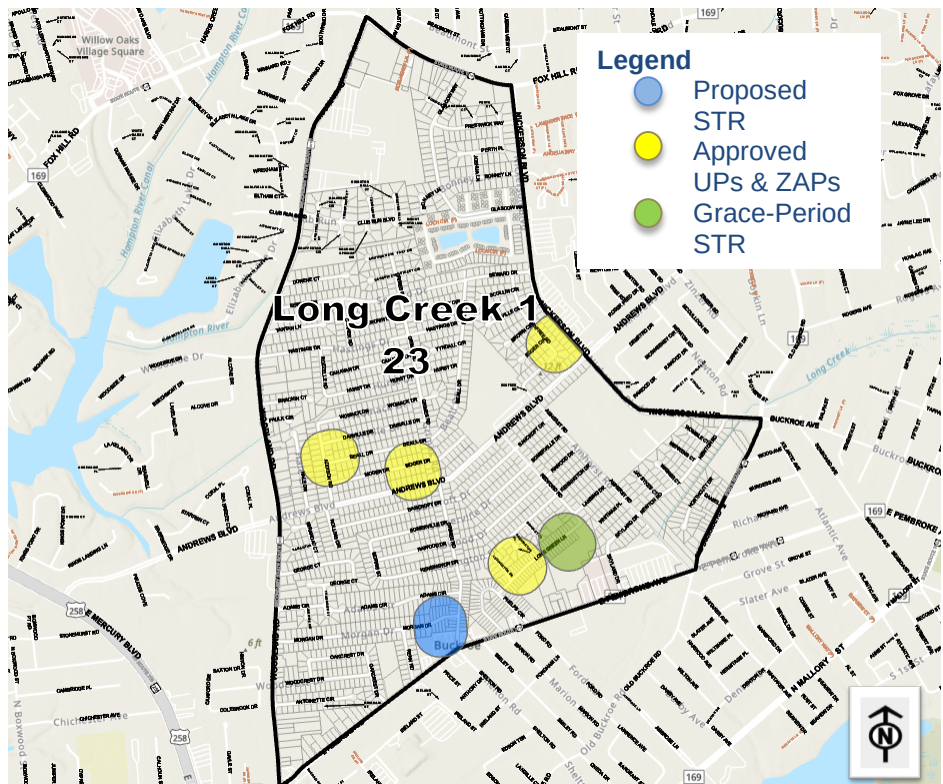


Surrounding O-STR
zones and
approved STRs

Short-term Rental Overlay (O-STR) District Map:



Surrounding approved STRs and proposed STR 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.

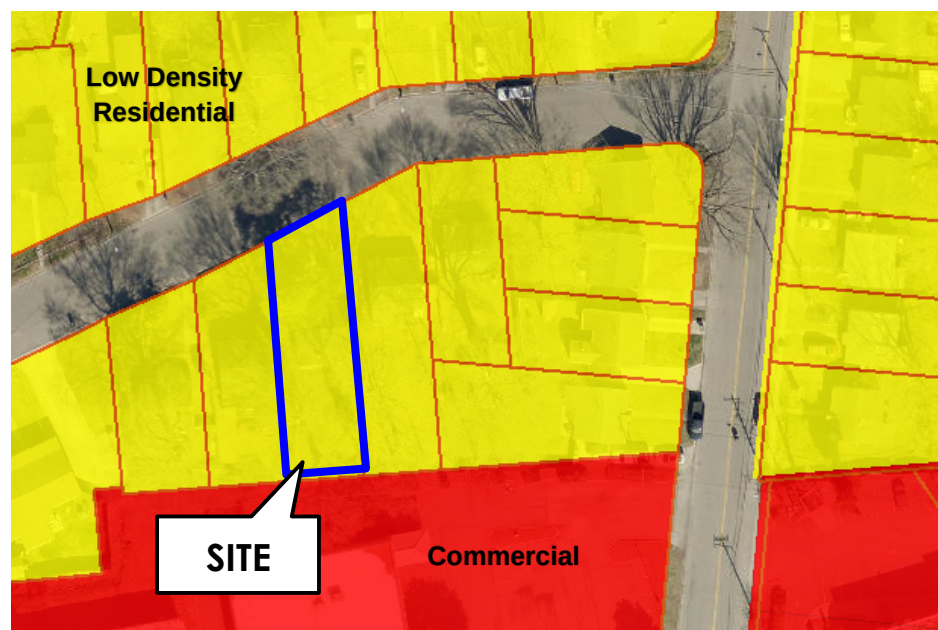
LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

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:



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. 24-0468 is a request for a use permit for a short-term rental. The subject property is located at 1536 Morgan Dr [LRSN: 12003152]. The property is zoned One-Family Residential (R-9) District. R-9 allows for a short-term rental subject to an approved use permit. The application meets the separation and density requirements as outlined in Chapter 9, Article VIII of the Zoning Ordinance. The proposed STR is located more than 300 feet from other approved STRs, measured from property boundaries, and, therefore, is in compliance with the separation requirement. Additionally, the total number of approved STRs does not exceed 1% of the total housing units in the Long Creek 1 Zone, satisfying the density requirement.

The applicants and property owners, Everside Properties, LLC, are requesting to operate a short-term rental (STR) within a two (2) bedroom, +/- 624 square foot single-family dwelling. The applicant intends to use the property for short-term rentals year-round, meaning it would not feature a primary resident. The property is also not being proposed as a host site for events. The reason that the applicant is seeking a Use Permit and unable to be approved for a Zoning Administrator Permit is that the site does not currently contain the required number of on-site parking spaces. Otherwise, as proposed the short-term rental use could be approved administratively.

A minimum of one (1) parking space per two (2) bedrooms is required for short-term rentals. The current application is proposing to accommodate the minimum required parking for the two (2) bedrooms. For additional details, please refer to the conditions.

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 include 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, and 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.

The conditions of the Use Permit application align with the standard conditions typically placed on Short-Term Rentals (STRs) through a Zoning Administrator's Permit (ZAP). These conditions are designed to ensure the safety, functionality, and appropriate operation of STRs while mitigating potential impacts on the surrounding community.

In addition to standard conditions such as posting the approved floor plan, complying with maximum occupancy, Zoning Ordinance compliance, and prohibition of conducting events, key conditions of the proposed STR application include:

- o Responsible Local Person (RLP): The application must include the designation of a Responsible Local Person (RLP), as required by the conditions. This individual must reside in Virginia and be available to address any complaints related to the STR use, such as noise, unpermitted parking, or disturbances. The RLP must respond within one hour of any issues reported to the City and must maintain updated contact information with the Zoning Administrator.

- o Parking Requirements: The application includes a condition that the required parking spaces must be installed prior to the operation of the STR. For additional details, please refer to the conditions.

The proposed STR meets all the requirements outlined in the City's zoning ordinance for a Zoning Administrator Permit (ZAP), with the exception of insufficient on-site parking.

Staff recommends **APPROVAL** of the Use Permit Application No. 24-0468 with fifteen (15) conditions.