

# STAFF EVALUATION

**Case No.:** Use Permit No. 23-00012

**Planning Commission Date:** June 22, 2023

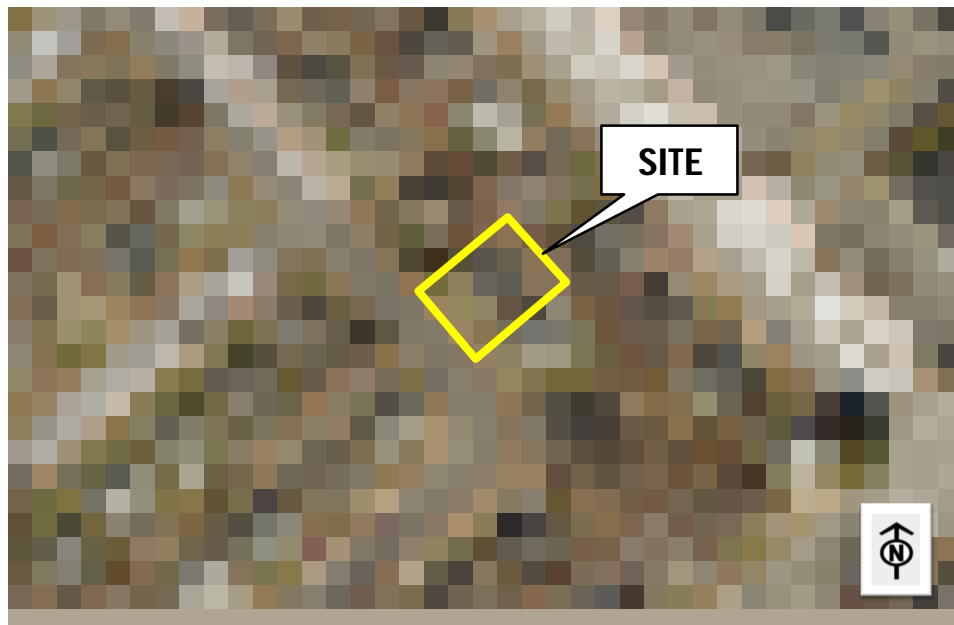
**City Council Date:** July 12, 2023

**Prepared By:** Davis Pemberton 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* Kelvin & Wanda Washington

*Site Location* 2020 Winfree Rd [LRSN: 11001827]



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

*Description of Proposal* The applicant is proposing a short-term rental at 2020 Winfree Rd. The property is  $\pm$  0.14 acres and features a four (4) bedroom, two (2) bathroom residence that is approximately 1,499 square feet and was constructed in 1964.

*Existing Land Use* One-Family Residential

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

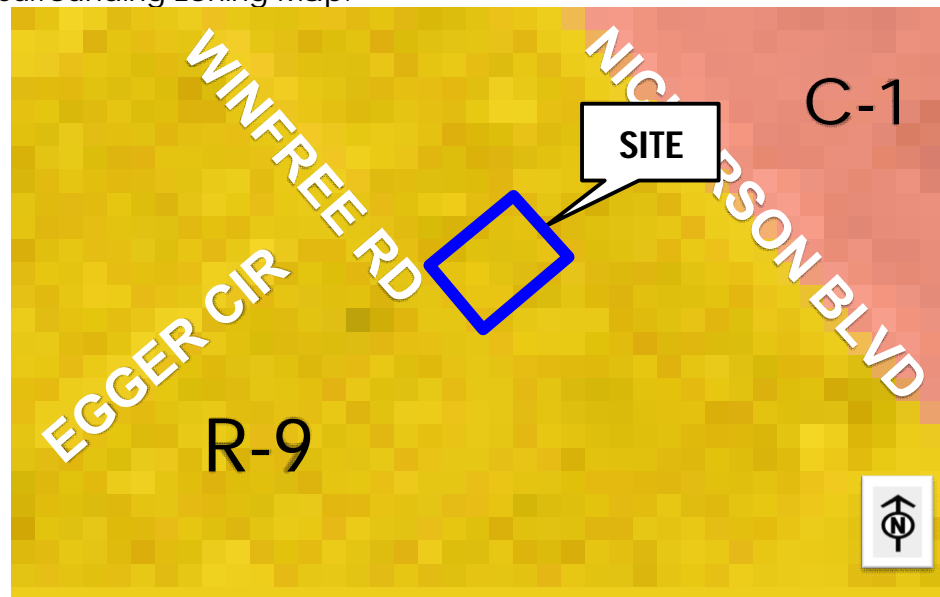
*Applicable Regulations* As of December 14, 2022, City Council amended the Zoning Ordinance use table and additional standards for short-term

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, single-family residence  
**South:** One-Family Residential (R-9) District, single-family residence  
**East:** One-Family Residential (R-9) 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.

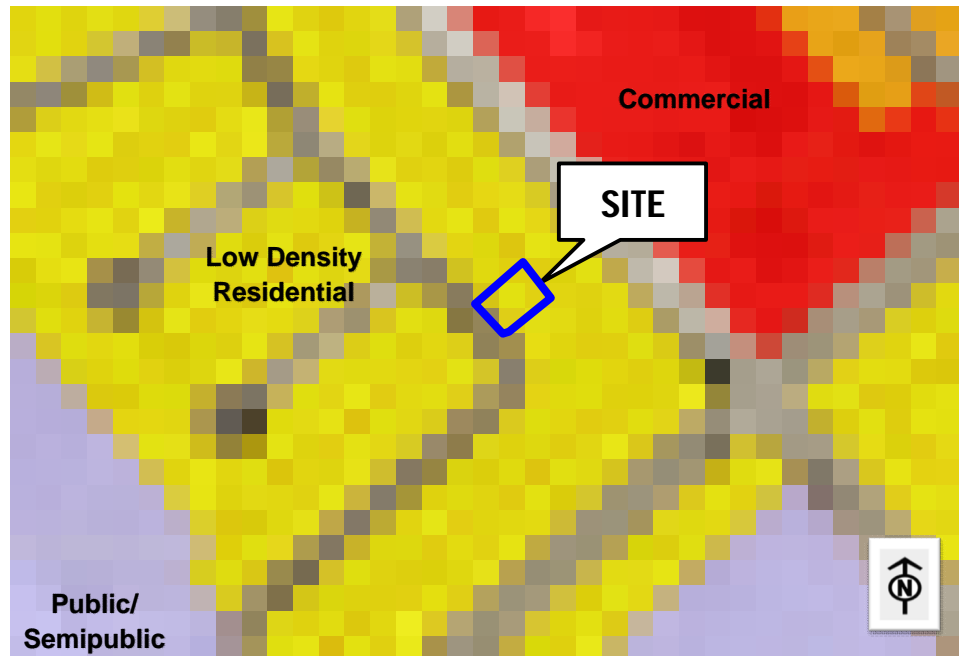
**LU-CD Policy 31:** Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

**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:

**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. 23-00012 is a request for a Use Permit for a short-term rental. The subject property is located at 2020 Winfree Road [LRSN: 11001827] and is currently zoned One-Family Residential (R-9) District. R-9 allows for the desired use subject to an approved Use Permit.

The applicants and property owners, Kelvin & Wanda Washington, are requesting to operate a short-term rental (STR) within a four (4) bedroom, ± 1,499 square foot single-family dwelling. This application does not include exterior modifications or changes to the site that would alter the residential nature of the property. 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 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.

In looking at the requirements for the proposed operation, 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 is considered the same as a bedroom for the purposes of calculating necessary parking. Currently, the application features four (4) bedrooms that would require no less than two (2) on-site parking spaces. On the property is a driveway that is approximately 10'x 32.5'. Per sec. 11-7 of Hampton's Zoning Ordinance, the minimum dimensional standard for a standard parking space shall be no less than 9'x18'. With this, the driveway is not capable of accommodating two (2) vehicles. In the event this Use Permit application is approved, staff is recommending a condition that a driveway or driveway addition be installed that meets the minimum dimensional standards in order to accommodate two vehicles prior to commencing operation of the STR.

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 five (5) 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 ten (10) 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 or their designee 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.

Based on the analysis, staff recommends **APPROVAL** of the Use Permit Application No. 23-00012 with fifteen (15) recommended conditions based upon the proposed use's operational and land use characteristics.