

STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 18-00005

Date: September 12, 2018

General Information

Applicant/Owner Lankford and Joyce Blair

Location 232 S Armistead Avenue [LRSN 2001912]



Requested Use Use Permit to allow for a bed and breakfast 2

Description of Proposal The applicants currently operate a bed and breakfast out of their home, and are proposing to allow small wedding ceremonies in their bed and breakfast. Events are proposed to occur indoors only, and would host a maximum of 26 people.

Existing Land Use Bed and breakfast

Zoning History The property is currently zoned One-Family Residence (R-11). In 2006, the applicants applied for and received a conditional privilege for a bed and breakfast (CP 84); this application allows the applicants to include events in the bed and breakfast.

The property has also been rezoned twice: RZ 1057 from Two-Family Residence District (R-8) to Neighborhood Commercial District (C-1) to allow for commercial uses on the property, and RZ 1196, from C-1 to One-Family Residential District (R-11) to return it

to a residential use.

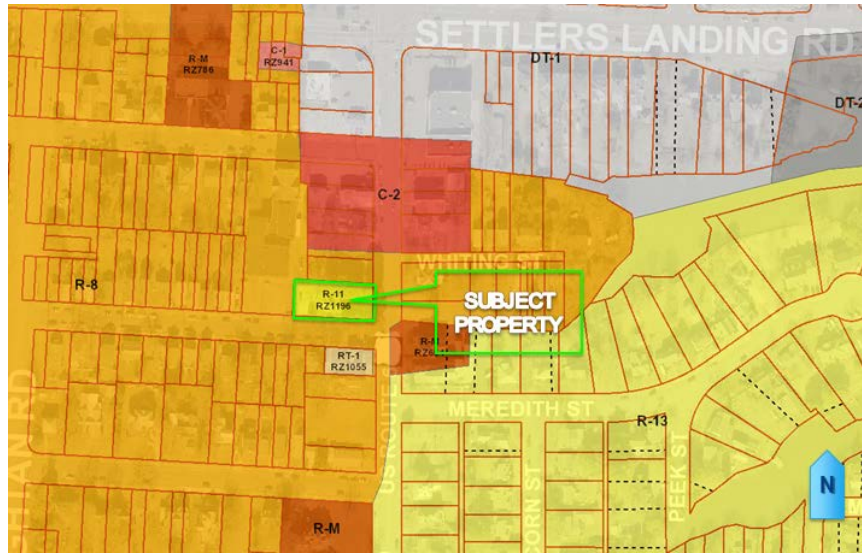
Surrounding Land Use and Zoning

North: Two-Family Residential District (R-8), Limited Commercial District (C-2) and Downtown Business District (DT-1); Commercial, church, single family homes

South: Two-Family Residential District (R-8) and One-Family Residential District (R-13); Multi-family and single family homes

East: Two-Family Residential District (R-8) and One-Family Residential District (R-13); Commercial and single family homes

West: Two-Family Residential District (R-8); Single family homes



Public Policy



The Hampton Community Plan (2006, as amended) recommends mixed development for the subject parcel and the properties to the north and east which are closer to downtown. The properties to the west and south are recommended for medium density residential use.

Policies related to this request are listed below:

LU-CD Policy 13: Encourage public and private upkeep, preservation, and adaptive reuse of buildings and other resources that have been determined to have historic value to the community.

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 4: Nurture small and start-up businesses.

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

<i>Applicable Regulations</i>	R-11 allows for a bed and breakfast 2 subject to approval of a use permit.
<i>Traffic</i>	Staff recommends that the applicant be required to complete a parking agreement with the neighboring church to mitigate any potential parking issues that may come from the events hosted in the bed and breakfast. With that agreement, there is sufficient parking for the bed and breakfast and event use.
<i>Community Meeting</i>	A community meeting has not been scheduled at this time.

Analysis

Use Permit Application No. 18-00005 is a request to permit the operation of a bed and breakfast 2 at 232 South Armistead Avenue [LRSN 2001912], which is at the corner of Armistead Avenue and Lee Street. The property is currently zoned One-Family Residential District (R-11) which allows for a bed and breakfast 2 with an approved use permit.

The applicants and property owners, Lankford and Joyce Blair, currently operate a bed and breakfast (the Magnolia House) at 232 South Armistead Avenue. This was approved in 2006 under Conditional Privilege 84. Now, the applicants seek to add events to their bed and breakfast. This was previously not allowed under the Zoning Ordinance, but in March 2018 City Council approved a Zoning Ordinance Amendment that created bed and breakfast 2, which allows for events. The application does not include a request to increase the number of guest rooms.

The Hampton Community Plan (2006, as amended) recommends mixed-use development for the subject parcel and the properties to the north and east. The properties to the west and south are recommended for medium density residential use. These land use recommendations help to illustrate that the property is in a transition area where single family neighborhoods merge with the core of Hampton's Downtown. Additionally, the Magnolia House has worked out an agreement with the adjacent church to use the church's existing parking lot for event parking. This agreement has been reviewed and approved by the Zoning Administrator as meeting all necessary requirements for such shared parking pursuant to section 11-8 of the Zoning Ordinance.

If approved, staff recommends thirteen (13) conditions be attached to the use permit to mitigate potential adverse impacts to surrounding properties and ensure compliance with applicable codes and ordinances. These conditions are recommended based on both the bed and breakfast operation and the event operation. These include requiring a property owner or manager to reside on the property, events are conducted indoors only, requiring sufficient parking during events, and limiting capacity among others.

Staff and Planning Commission recommend approval of Use Permit Application No. 18-00005 with thirteen (13) conditions.

Use Permit Application No. 18-00005
Bed and Breakfast 2
232 S Armistead Avenue, Hampton, VA 23669

1. Issuance of Permit

The Use Permit boundary applies only to the location at 232 S. Armistead Avenue [LRSN 2001912] and is not transferable to another location.

2. On-site Management

A property owner or an on-site manager is required to reside on the property.

3. Operation

- a) No more than three (3) rooms shall be used as guest bedrooms for the bed and breakfast.
- b) Room and board may only be offered to transient occupants. For the purpose of this definition, the term "transient" shall mean occupancy for periods of not more than thirty (30) days.

4. Parking

Sufficient parking shall be provided at all times to meet the minimum required parking. Prior to hosting events, a copy of the executed parking agreement created pursuant to section 11-8 of the Zoning Ordinance shall be submitted to the Community Development Department.

5. Capacity

The bed and breakfast capacity shall not exceed 26 individuals, or the number listed on the capacity certificate, whichever is fewer.

6. Ledger

The owner/operator of the bed and breakfast shall keep records of all room rentals showing the room(s) rented, the date(s) rented, and the number of persons occupying each room.

7. Events

Events may be conducted inside the building only.

8. Third Party Events

If the facility is leased, let, or used by any third party for any event, the owner/operator, or his or her employees, shall be present at all times during the event and shall be responsible for compliance with all conditions of this use permit regardless of any contract or agreement with any third party regarding the facility. Any cover charges or tickets shall be collected directly by the owner/operator.

9. Licensing and Compliance with All Laws

When required by law, the restaurant must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

10. Sound

Events located at 232 South Armistead Avenue [LRSN 2001912] shall comply with City Code section 22-9 with respect to any sound or noise.

11. Dancing

The property owner shall comply with section 4-16 of the Hampton City Code with respect to dancing on the premises and dance floor area.

12. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

13. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.