



Legislation Text

File #: 23-0190, Version: 1

Use Permit Application by Loretta O'Brien-Parham to Permit a Short-Term Rental (STR) at 3808 Chesapeake Ave [LRSN: 2002617]

UPDATED BACKGROUND STATEMENT FOR SEPTEMBER 11, 2024:

Pursuant to Zoning Ordinance sec. 3-3(29)(e), short-term rental applications with a pending public hearing date as of June 30, 2024, convert to zoning Administrator Permits (ZAPs) if the requirements in Zoning Ordinance sec. 3-3(29)(a) are satisfied. This application was deferred by City Council at the June 12th meeting and satisfies the requirements set forth in Zoning Ordinance sec. 3-3(29)(a). As such, it has been converted to a ZAP and no further Council action is required. This application will be processed administratively by zoning staff.

UPDATED BACKGROUND STATEMENT FOR JUNE 12, 2024:

This item was deferred at the August 9, 2023, the November 8, 2023, and the February 28, 2024 City Council meetings.

The proposed short-term rental is located in the proposed Hampton River 6 Zone. The proposed zoning map amendments and zoning text amendments recommend a maximum of thirteen (13) STRs in the Hampton River 6 Zone. Currently, the Hampton River 6 Zone features two (2) permitted STRs. The proposed STR would not exceed the maximum number of STRs permitted in the Hampton River 6 Zone as proposed in the set of zoning map amendments and zoning text amendments. The proposed STR is also not within 500 feet of another STR and would therefore be compliant with the 500-foot buffer requirement proposed in the zoning text amendments. Additionally, the Use Permit application is eligible to convert to a Zoning Administrator Permit (ZAP) application on the day the proposed ordinance amendments go into effect.

UPDATED BACKGROUND STATEMENT FOR FEBRUARY 28, 2024

This item was deferred at the July 1, 2023, August 9, 2023, and November 8, 2023 City Council meetings.

Staff is recommending deferral of all short-term rental use permit applications on this agenda. Staff continues to work with the guidance of City Council to establish a consistent and effective land use policy for short-term rentals with goals including the protection of the community's neighborhoods and supporting opportunities for stays for visitors of Hampton.

UPDATED BACKGROUND STATEMENT FOR NOVEMBER 8, 2023:

This item was deferred at the August 9, 2023 City Council meeting.

UPDATED BACKGROUND STATEMENT FOR AUGUST 9, 2023:

This item was deferred from the July 12, 2023 City Council meeting. At this meeting, three members of the community expressed opposition to the land use application, stating that the proposal is not compatible with the quiet residential character of the neighborhood. City Council voted to defer the item to the August 9, 2023 meeting in order to give the applicant an opportunity to be present at the hearing to directly address neighbor concerns, including compliance with restrictions of the private covenant applicable to the property.

In addition, the Conditions have been amended to correct the address to which the Conditions are applicable.

Staff re-mailed individual postcard notices to all individuals within 1/10th of a mile from the subject property regarding the deferral and additional public hearing date on August 9, 2023. This notice included all of the individuals who signed up to speak at the public hearing on July 12, 2023.

Background Statement from July 12, 2023:

This is a request for a use permit for a short-term rental (STR) located at 3808 Chesapeake Ave [LRSN: 2002617]. The property is zoned One Family Residential (R-13) District.

The Hampton Community Plan (2006, as amended) designates this area as low-density residential. It sets forth the policies that a mix of land uses appropriate for the district should be encouraged, and tourism and entertainment opportunities should be expanded provided this is done in a way that safeguards the integrity of existing residential neighborhoods.

The property falls within the area governed by the Kecoughtan Road Corridor Master Plan (2006, as amended). The master plan acknowledges the role of Kecoughtan Road as a primary transportation and commercial corridor during the initial stages of Hampton's development and envisions its present and future function as a redefined neighborhood boulevard that will enhance and support the overall health of the adjacent neighborhoods. It clearly recognizes that upgrading the Corridor is more about supporting the health and vitality of the neighborhoods and less about revitalization of Kecoughtan Road as a commercial corridor.

During the Planning Commission hearing, four neighboring residents spoke in opposition of the land use application. Concerns were raised regarding threat to the safety of the neighborhood and the lack of maintenance on the subject property. Members of the Commission expressed that the nature of the Use Permit process allows for stricter regulation and enforcement to take place, and with the proposed conditions pertaining to designating a Responsible Local Person (RLP) and limiting the number of people allowed on the property, neighbor concerns would likely be limited or addressed promptly if they do arise.

Recommendations:

Staff Recommendation:

Deferral to the City Council meeting scheduled after the proposed ordinance amendments take effect