



CITY OF POQUOSON

COMMUNITY DEVELOPMENT

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DATE: January 23, 2023
TO: The Honorable Members of the Poquoson City Council
THROUGH: Randy Wheeler, City Manager
FROM: Thomas J. Cannella II, Principal Planner
SUBJECT: **A Resolution to Approve a Conditional Use Permit for the Operation of a Tourist Home to be Located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, Zoned B-2 Business Commercial**

Introduction

Presented for your consideration this evening is a request for a Conditional Use Permit by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial.

Public Notice

This application was advertised for public hearing in the Daily Press on January 11th and January 18th. Adjacent property owners were notified of this request by letters mailed on January 10, 2023.

Applicant's Proposal

The applicant desires to operate a fully furnished tourist home to be rented by transient occupants for lodging for stays between one and thirty consecutive nights. City Code does define a Tourist Home as: "A dwelling in which overnight accommodations are provided or offered for three or more transient guests." The use however is not permitted by right in any zoning district within the City. As of now, it is the best definition for the use but as we move forward uses of the like will be permitted as Short-Term Rentals once a definition and accompanying code is adopted.

Site Character

The proposed site is a single-family home located at 430 Wythe Creek Road. The parcel is zoned B-2 Business/Commercial and is adjacent to the Wythe Creek/Little Florida Seven Eleven and across from the McDonald's and Rite Aid.

Zoning and Comprehensive Plan Considerations

The property is zoned B2, Business Commercial. The intent of the district as outlined in the City Code is to "provide sufficient space for a wide variety of business, commercial, industrial and

miscellaneous service activities.” Tourist homes are not permitted by right and shall only be permitted in the B2 District after the issuance of a Conditional Use Permit.

Surrounding Characteristics

The property is located in the City’s central business district. It is neighbored by one other residence (428 Wythe Creek Road, also owned by Overflow LLC) to the side, a residential parcel in the rear, and commercial uses.

Traffic and Access

The property has direct access to Wythe Creek Road and the anticipated traffic impact is low as the traffic generation could be expected to create that similar to a single-family home.

Relationship to the Comprehensive Plan/Staff Findings

While the Comprehensive Plan does not specifically address tourist homes or short-term rentals, it is the opinion of staff that there is an established market and demand for uses of the like within the City of Poquoson. Considering the location of the proposed site is in the central business district, it is staff’s opinion that it is a very appropriate location for the use.

Section 8-30 of the Comprehensive Plan does however address Future Land Use within the Central Planning District. It reads:

“As well as new development of commercial properties, redevelopment of commercially zoned land along Wythe Creek Road is encouraged. Residential development in the Central Planning District will vary according to the property’s location, access, attributes, and future land use designation; ranging from family subdivisions, formally planned subdivisions, clustered open-space subdivisions to moderate and high density developments.”

In reference to the Wythe Creek Road Commercial Corridor in Section 8-34 the Comprehensive Plan it says:

“Wythe Creek Road is the primary commercial corridor in Poquoson, with commercial establishments fronting the eastern and western sides of the roadway, from the Oxford Run Canal to Poquoson Fire Station 2. Both sides of Wythe Creek Road have been developed with a variety of commercial structures reflecting multiple architectural styles and designs. The shape of the Wythe Creek commercial corridor as well as the intensity of commercial uses is expected to remain constant, aside from infill development or redevelopment of existing properties.”

Staff Recommendation and Recommended Conditions

Staff recommends approval of the application as presented which was recommended for approval by the Planning Commission by a vote of 4-0 with the following conditions:

1. The business will be subject to all applicable taxes as determined by the Commissioner of Revenue to include a Transient Occupancy Tax at time of implementation.

2. All signage shall be subject to architectural review.
3. The use must comply with all local, state and federal permits, licenses and regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
4. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
5. At no such time shall more than two (2) persons per bedroom occupy the dwelling.
6. Parking for the use shall be accommodated for on-site in a paved driveway and/or parking area as approved by Community Development staff. Parking spaces shall be provided at a rate of one (1) per unit and one (1) per bedroom.
7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT FOR THE OPERATION OF A TOURIST HOME TO BE LOCATED AT 430 WYTHE CREEK ROAD, TAX MAP PARCEL 27-1-114, ZONED B-2 BUSINESS COMMERCIAL.

WHEREAS, a request was submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Rd, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on December 5, 2022; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit by a vote of 4-0; and

WHEREAS, a public hearing to receive public comments was held before City Council on January 23, 2023; and

WHEREAS, careful and thorough consideration was given the request;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1: That the request submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial is hereby approved with the following conditions:

1. The business will be subject to all applicable taxes as determined by the Commissioner of Revenue to include a Transient Occupancy Tax at time of implementation.
2. All signage shall be subject to architectural review.
3. The use must comply with all local, state and federal permits, licenses and regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
4. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
5. At no such time shall more than two (2) persons per bedroom occupy the dwelling.
6. Parking for the use shall be accommodated for on-site in a paved driveway and/or parking area as approved by Community Development staff. Parking spaces shall be provided at a rate of one (1) per unit and one (1) per bedroom.

7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk

A RESOLUTION TO DENY A CONDITIONAL USE PERMIT FOR THE OPERATION OF A TOURIST HOME TO BE LOCATED AT 430 WYTHE CREEK ROAD, TAX MAP PARCEL 27-1-114, ZONED B-2 BUSINESS COMMERCIAL.

WHEREAS, a request was submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on December 5, 2022; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit by a vote of 4-0; and

WHEREAS, a public hearing to receive public comments was held before City Council on January 23, 2023; and

WHEREAS, careful and thorough consideration was given the request;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1: That the request submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial is hereby denied, and

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk