

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, October 3, 2022
6:00 PM

CALL TO ORDER:

Commissioners Present

James Diggs
Kathy Kem
Donald Homan
Brian Stephens
Bill Waugh

Commissioners Absent

Joe Burks
Sherry Whitson

City Staff Present

Julie Hurley
Michelle Baragary

Vice Chairman Homan called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: September 12, 2022

Vice Chairman Homan asked for comments or a motion on the minutes presented for approval: September 12, 2022. Commissioner Stephens moved to approve the minutes as presented, seconded by Commissioner Waugh and approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-22 SUP – 771 OTTAWA

Conduct a public hearing for Case No. 2022-22 SUP – 771 Ottawa. The applicant is requesting a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district, High Density Single Family Residential District. Residential Home Stays are allowed in the R1-6 zoning district with the issuance of a Special Use Permit.

Vice Chairman Homan called for the staff report.

Planning Director Julie Hurley stated the applicant, Carl Piekarski, is requesting a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district, located at 771 Ottawa. Residential Home Stays are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The Development Regulations define a Residential Home Stay as:

Residential Home-Stay: *Any furnished residential structure wherein one limited-term boarder (not to exceed 180 days) is allowed the use of an entire structure, or portion of a structure, and its grounds. No management or owner presence is required and no meals are served. In approval of a Residential Home Stay the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Such a business shall be registered with the City Clerk as a rental property.*

Per the applicant, they intend to utilize the two-bedroom structure for short-term rentals with a focus on the military and hospital sectors in Leavenworth. The property provides a driveway for off-street parking and a fenced back yard for privacy. Since purchasing the property in August 2021, the applicant has replaced windows, installed a new deck, remodeled the kitchen and bathroom, and refinished hardwood floors and installed new carpeting.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

Short-term residential rental units fill a need in the community, by allowing another lodging option for visitors to Leavenworth. Many visitors whose stay may extend beyond what would normally be served by a hotel but who do not have need to obtain a standard 12 month lease for a residential unit may prefer the comforts of a single-family dwelling. Additionally, short-term rental units may provide an important convenience for existing residents of Leavenworth who may need temporary alternative housing due to home renovations or other similar activities.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as a single-family residence.

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statute. Since notifications were mailed, staff has received one inquiry from a notified property owner who indicated no concerns with the proposal.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request for a Residential Home Stay at 771 Ottawa based on the analysis and findings included herein.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Vice Chairman Homan asked if there are any questions about the staff report.

Commissioner Diggs asked if this is similar to an Airbnb.

Ms. Hurley responded in the affirmative, further stating a residential home stay is not like a bed-and-breakfast, where the owner is there preparing meals and providing linen service. With a residential home stay, the boarder would have access to the house for the length of the rental term.

Commissioner Diggs stated the biggest problem with airbnbs is the partying that often occurs.

Ms. Hurley stated notification was sent to neighbors within 200' of the subject property. The residential home stay would be subject to any applicable noise regulations, etc.

Vice Chairman Homan asked if the rental would be limited to the number of people who can stay there.

Ms. Hurley responded a residential home stay is defined as one boarder. This would be one renter for his/her family, not for multiple groups of people staying there.

Commissioner Kem asked how this would affect the owner's ability to make this an outright rental property.

Ms. Hurley responded the city requires residential rentals to be registered with the City Clerk's office as a rental property, which is also required for a residential home stay. Even if the property owner does get approval for the special use permit for the residential home stay, he does not have to utilize that special use permit. If he were to determine he would rather just do a 6 month or 12 month lease, he is still registered as a rental property with the city and could do that.

Commissioner Stephens asked if the residential home stay would contribute to the transient guest tax.

Ms. Hurley responded that would be a question for the City Clerk's office, but she believes they do.

With no further questions about the staff report, Vice Chairman Homan opened the public hearing. With no one wishing to speak, Vice Chairman Homan closed the public hearing and called for a motion. Commissioner Waugh moved to recommend approval of the Special Use Permit for a Residential Home Stay located at 771 Ottawa to the City Commission, seconded by Commissioner Diggs and passed by a vote of 5-0.

2. 2022-26 SUB – MOONLIGHT LAKE REPLAT

Consider a final plat for Moonlight Lake Replat, Case No. 2022-26 SUB.

Vice Chairman Homan called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Thomas & Jennie Duncan, plat prepared by Hahn Surveying. The applicant is requesting approval of a replat of Lot 9 in the Moonlight Lake residential development. The property is 21.62 acres in size and developed with a single family home, zoned R1-25, Low Density Single Family Residential District.

The applicant is requesting a replat of Lots 1 and 9 in the Moonlight Lake subdivision for the purposes of combining the two lots into a single lot. The Development Regulations allow for two lots to be combined through an Administrative Plat approval process which does not require review and approval by the Planning Commission. However, Lots 1 and 9 have been the subject of multiple Administrative Plat approvals for the purposes of adjusting lot lines, in addition to one known certificate of survey that was recorded with the Leavenworth County Register of Deeds without City review. Due to the multiple previous lot line adjustments, County and City staff have determined that the current request must go through a formal platting process in order to ensure accuracy of legal descriptions, easements, etc.

The original Moonlight Lake subdivision final plat was reviewed and approved by the Planning Commission in 2020.

Staff recommends approval of the Moonlight Lake Replat.

ACTION/OPTIONS:

- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration

Vice Chairman Homan asked for questions about the staff report.

Commissioner Kem asked staff to verify that plats and replats go to the various departments for review.

Ms. Hurley responded in the affirmative stating all plats, replats, administrative plats, etc. come through the Planning & Community Development Department, and are sent to Public Works for them to review. They are also sent to the county for review. It was during this review process that the county requested Moonlight Lake Replat go through a plat process versus a lot combination because there had been so many changes with the lot lines and legal descriptions.

Commissioner Kem asked if the “Administrative Plat” wording on this replat will be removed.

Ms. Hurley responded in the affirmative stating there are a few minor things staff has notes on for the surveyor to change.

Vice Chairman Homan asked if the applicant would like to make any comments.

Thomas Duncan, applicant/owner, did not wish to speak.

Ms. Hurley stated this replat is just an approval at the Planning Commission level and will not go to the City Commission.

With no further discussion, Vice Chairman Homan called for a motion. Commissioner Stephens moved to approve the final plat Moonlight Lake Replat, seconded by Commissioner Kem and approved 5-0.

OTHER BUSINESS:

None

With no further business, Vice Chairman Homan called for a motion to adjourn. Commissioner Kem moved to adjourn, seconded by Commissioner Stephens, passed 5-0.

The meeting adjourned at 6:16 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

DRAFT