

CITY OF LEAVENWORTH PLANNING COMMISSION

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

CALL TO ORDER:

Commissioners Present

Joe Burks
Bill Waugh
Kathy Kem
James Diggs

Commissioners Absent

Brian Stephens
Sherry Whitson
Don Homan

City Staff Present

Julie Hurley
Michelle Baragary

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

APPROVAL OF MINUTES: November 7, 2022

Chairman Burks asked for comments or a motion on the minutes presented for approval: November 7, 2022. Commissioner Waugh moved to approve the minutes as presented, seconded by Commissioner Diggs and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-34 SUP – 723 S. 10TH STREET

Conduct a public hearing for Case No. 2022-34 SUP – 723 S. 10th Street. The applicants are requesting a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district, located at 723 S. 10th Street. Residential Home Stays are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Chairman Burks called for the staff report.

Planning Director Julie Hurley stated the applicants, Christopher and Anna Wilson, are requesting a Special Use permit to allow a Residential Home Stay in the R1-6 zoning district, located at 723 S. 10th

Street. 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 a 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 single family structure for short-term rentals with a focus on providing housing for military families while locating to and from Leavenworth, as well as anyone visiting the area. The property provides a driveway for off-street parking and a fenced back yard for privacy.

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 no inquiries or comments regarding the proposed residential home stay.

Ms. Hurley further stated we have had other Residential Home-Stay Special Use Permit applications and the question has come up from the commission if these are subject to the city's transient guest tax. Staff checked with the City Clerk and found they are subject to the transient guest tax.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request for a Residential Home Stay at 723 S. 10th Street 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

Chairman Burks asked for questions from commissioners about the staff report.

Commissioner Kem asked how many residential home-stays are currently permitted in the city.

Ms. Hurley stated she believes this is the fourth request that has come through; but that does not mean there are not others operating.

Commissioner Diggs asked if approved if the special use permit is permanent.

Ms. Hurley responded the special use permit does go with the property. Any special use permit is required to renew annually with the City Clerk. When approved by the City Commission, sort of the provision that comes with that is that if there are any issues that come up throughout the year, i.e. the police are called out to the property every week, then at the time of special use permit renewal the City Commission would have the opportunity to look at the special use permit again or revoke the special use permit.

Chairman Burks asked if the owners decided the residential home-stay is not working for them, do they have the option to re-establish living in the home or exclude the special use permit.

Ms. Hurley responded just because there is a special use permit to allow a residential home-stay does not mean the structure has to function as such. Therefore, the owners could choose to live there or choose to rent it out as a standard annual rental property, etc. The special use permit just allows the residential home-stay use but not does require that use.

With no further questions about the staff report, Chairman Burks opened the public hearing.

Christopher Wilson, owner/applicant 8705 Hillview Rd Cir., KCMO, stated this is their first time with an Airbnb but they have owned several rental properties. They plan to focus on military and their families but the residential home-stay will be available to everyone.

Commissioner Diggs asked if the lease would preclude people from having parties.

Anna Wilson, owner/applicant, responded in the affirmative stating they have a lot of money in this property, and all tenants will be screened.

Chairman Burks asked if it is handicap accessible.

Mrs. Wilson responded in the affirmative.

With no one else wishing to speak, Chairman Burks closed the public hearing and asked for questions or comments from the commissioners. With no further discussion, Chairman Burks called for a motion to recommend approval of the Special Use Permit for a Residential Home-Stay to the City Commission, recommend denial or table the issue for further information/consideration. Commissioner Diggs moved to recommend approval to the City Commission based upon the findings as stated, seconded by Commissioner Kem, and approved by a vote of 4-0.

OTHER BUSINESS:

None

Ms. Hurley stated a few commissioners terms will expire May 1, 2023, and if they could let us know sometime after the first of the year if they would like to be reappointed.

Chairman Burks asked how long the terms are.

Ms. Hurley responded the terms are 3-year terms. However, we have had members in the past who do not necessarily want to do 3-years but are willing to do another year or two. In that case, the commissioner would be reappointed and then would resign during their term.

Ms. Hurley stated there are no items on the agenda for January.

The meeting adjourned at 6:12 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.