

# City of Lee's Summit

## Department of Planning & Codes Administration

September 23, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director *RM Fol RGM*  
RE: **PUBLIC HEARING – Appl. #PL2016-154 – SPECIAL USE PERMIT for a bed & breakfast inn – The Browning, 202 SW 3<sup>rd</sup> St; Harlen & Liesl Hays, applicants**

### Commentary

The applicants request a special use permit to operate a bed & breakfast inn on property proposed to be zoned RP-3 located at 202 SW 3<sup>rd</sup> St. The property is developed with a 4-bedroom, 2-story single-family residence. Three (3) bedrooms will be available for guests. The fourth bedroom will serve as living quarters for the resident manager/employee. The owners of the bed & breakfast will not reside on the premises. The applicants request a 10 year time period for the special use permit. Staff supports the requested time period.

This application is associated with Appl. #PL2016-153 for the rezoning of the subject property from RP-2 to RP-3, also on this agenda.

### Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. The special use permit for the bed & breakfast inn is contingent on approval of Appl. #PL2016-153 for the rezoning of the subject property from RP-2 to RP-3.
2. The special use permit shall be granted for a period of 10 years.

### Project Information

**Proposed Use:** bed & breakfast inn

**Current Zoning:** RP-2 (Planned Two-family Residential)

**Proposed Zoning:** RP-3 (Planned Residential Mixed Use)

**Land Area:** 0.28 acres (12,314 square feet)

**Number of Lots:** 1 lot

**Location:** 202 SW 3<sup>rd</sup> St; located on the north side of SW 3<sup>rd</sup> St, one lot west of the intersection of SW 3<sup>rd</sup> St and SW Jefferson St

#### **Surrounding zoning and use:**

**North:** RP-2 — single-family residences

**South (across SW 3<sup>rd</sup> St):** R-1 (Single-family Residential) — single-family residences; TNZ (Transitional Neighborhood Zone) – single-family residence

**East (adjacent and across SW Jefferson St):** PO (Planned Office) — office; TNZ, PMIX (Planned Mixed Use) and CP-2 (Planned Community Commercial) – office/commercial and vacant former U.S. Post Office branch

**West:** RP-2 — single-family residences

## Background

- 1889 – The existing single-family residence was constructed.

## Analysis of the Special Use Permit

The UDO has two use classifications for bed & breakfasts: a bed & breakfast homestay and a bed & breakfast inn. The table below illustrates the characteristics that differentiate the two use classifications.

	<b>Bed &amp; Breakfast Homestay</b>	<b>Bed &amp; Breakfast Inn</b>
<b>Staffing</b>	Resident owner-operator only	Resident owner-operator; Resident manager; or Resident employee
<b>Number of Guest Rooms</b>	1-3	4-12
<b>Zoning</b>	AG, RDR, RLL, R-1, RP-1, RP-2, RP-3, RP-4, PRO, NFO, TNZ, CP-1, CBD	AG, RDR, RLL, RP-3, RP-4, TNZ, CP-1, CP-2; CBD

The operation model for the proposed bed & breakfast is for a resident manager/employee to run the day-to-day onsite operations. The owners of the property will not reside on the premises. The fact that the applicants will not be resident owner-operators is what classifies the proposed bed & breakfast as an inn versus a homestay.

**Ordinance Requirement.** Under the Unified Development Ordinance (UDO), a special use permit is required for a bed & breakfast inn. Section 10.170 of the UDO lists the following conditions that apply to bed & breakfast inns:

1. **If located in an existing residence, the exterior residential appearance of the dwelling unit shall not be changed. If an addition is to be made to an existing residence or new structure is to be constructed, building elevations shall be submitted for approval, and a residential appearance shall be maintained.** The existing exterior appearance of the residence will not be changed.
2. **The owner of the residence is not required to reside on the premises. If the owner does not live on the premises, a resident manager or resident employee shall be required.** The owners of the residence will not reside on the premises. A resident manager will be onsite at all times.
3. **The maximum number of rooms shall be twelve (12).** The maximum number of guestrooms will be three (3). A fourth bedroom will be occupied by the resident manager.
4. **Parking areas shall be located on the side or rear of the property and shall be screened from adjacent residential properties by a solid screen fence or wall.** Parking is located on the side and rear of the property. Parking is screened with an existing solid fence.
5. **Restaurant facilities or food service shall be optional; and any such facilities or service shall require the approval of the Jackson County Health Department.** The applicants are working with the County Health Department to obtain the necessary approvals and permits for food service.

6. **The residence shall comply with all requirements of the Building Code and the Fire Department that bring about compliance with significant safety requirements of the Uniform Building Code, Uniform Fire Code and Life Safety Code.** The applicants will comply with applicable building and fire codes.
7. **The Fire Department and other City departments shall be permitted to perform inspections as in any other business.** The applicants will comply with required property inspections.
8. **A bed & breakfast shall be subject to the landscaping requirements of Article 14.** The property has existing landscaping consistent with a residential use. The property also has a solid privacy fence along the side and rear property lines.
9. **No person shall be an occupant of a bed & breakfast inn for more than fourteen (14) consecutive days.** No guests are allowed to stay beyond the 14 day limit.

**Ordinance Criteria.** The criteria enumerated in Article 10 were considered in analyzing this request.

- The proposed rezoning is not expected to change the character of the neighborhood. The RP-3 allows for the continued use of the property as a single-family residence, but also allows for the use of the property as a bed & breakfast inn.
- The proposed rezoning for the operation of a bed & breakfast inn is compatible with the surrounding zoning and land uses. The existing zoning surrounding the subject property is composed of R-1, RP-2, PO, TNZ and PMIX zoning. The existing land uses surrounding the subject property are composed of single-family residences and office/commercial. The proposed RP-3 zoning is appropriate in an area where a transition occurs between residential and commercial zoning and land uses.
- The subject property is suitable for a bed & breakfast under both the existing RP-2 and proposed RP-3 zoning. More specifically, a bed & breakfast homestay may be permitted with a special use permit in both the RP-2 and RP-3 zoning district. A bed & breakfast inn may be permitted with a special use in the RP-3 zoning district, but not the RP-2 zoning district.
- The proposed rezoning is not expected to negatively impact the aesthetics or use of the subject property or the neighboring properties.
- The proposed rezoning is not expected to negatively impact the values of the subject property or neighboring properties.

In considering all the criteria and regulations, and taking into considerations the facts above, staff finds the use to be appropriate and recommends the approval of the special use permit.

**Time Period.** The applicants request a special use permit for a period of 10 years. There are currently no other bed & breakfasts in Lee's Summit for which to provide a comparison for the requested time period. Ten (10) years is consistent with special use permits granted for uses operating from existing developed sites. Staff supports the requested 10 year time period.

RGM/hsj

Attachments:

1. Site Plan with Parking, date stamped August 3, 2016
2. Business Plan for Bed & Breakfast Inn, date stamped August 3, 2016 – 9 pages
3. Applicant Response to Bed & Breakfast Conditions, date stamped August 3, 2016
4. Applicant Response to SUP Criteria, date stamped August 3, 2016 – 2 pages

5. Photos of Screened Parking Area -- 4 pages
6. Photos of Surrounding Properties, date stamped August 3, 2016 -- 4 pages
7. Support Letter from Downtown Lee's Summit Main Street, dated September 13, 2016
8. Support Letter from Natural Farm Soap Co, dated September 21, 2016
9. Location Map