

City of Lee's Summit

Development Services Department

July 7, 2017

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director of Planning and Special Projects *RMG FOC RGM*
RE: **PUBLIC HEARING – Appl. #PL2017-116 – SPECIAL USE PERMIT for a bed & breakfast homestay – 2710 SW Monarch Ct; Anthony Blogumas, applicant**

Commentary

The City received a nuisance complaint on March 28, 2017, stemming from the subject property being offered as lodging through Airbnb. The City's Neighborhood Services Division issued a Notice of Violation letter on March 28, 2017, due to the lack of a special use permit to operate a bed and breakfast.

The applicant requests a special use permit to operate a bed & breakfast homestay on property located at 2710 SW Monarch Ct. 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 owner. The applicant requests a 10 year time period for the special use permit. Staff recommends a 10 year time period for consistency with previously approved special use permits for bed & breakfasts.

Recommendation

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

1. A modification shall be granted to the requirement that parking areas shall be located on the side or rear of the property and screened from adjacent residential properties, to allow parking on the unscreened driveway on the front of the property.
2. The bed and breakfast homestay shall be subject to the conditions of Section 10.160 of the UDO, except for parking as allowed under Condition #1.
3. The special use permit shall be granted for a period of 10 years.

Project Information

Proposed Use: bed & breakfast homestay

Land Area: 0.38 acres (16,731 square feet)

Building Area: 4,347 square feet

Location: 2710 SW Monarch Ct (Lot 54, *Monarch View*, 2nd Plat, Lots 40-74)

Zoning: R-1 (Single-family Residential)

Surrounding zoning and use:

North: R-1 – single-family residences

South (across SW Monarch Ct): R-1 — single-family residences

East (across SW Monarch Dr): R-1 — single-family residences

West: R-1 — single-family residences

Background

- November 10, 1997 – The Planning Commission approved a preliminary plat (Appl. #1997-265) for *Monarch View, Lots 1-244*.
- January 20, 1998 – The City Council approved a rezoning (Appl. #1997-026) from AG (Agricultural) to R-1 by Ordinance No. 4562.
- December 2, 1999 – The City Council approved a final plat (Appl. #1999-263) for *Monarch View, 2nd Plat, Lots 40-74* by Ordinance No. 4891.
- August 8, 2001 – A building permit (#B0101325) was issued by the City for construction of a 3-bedroom single-family home.
- January 30, 2013 – A building permit (#PRRES20130128) was issued by the City for a finished basement.
- March 28, 2017 – The City received a complaint (#CEZO20170265) from the Monarch View HOA regarding the rental of the subject property through Airbnb. The City’s Neighborhood Services Division issued a Notice of Violation letter to the applicant advising of a zoning violation due to the lack of a special use permit for the bed and breakfast.

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.

	Bed & Breakfast Homestay	Bed & Breakfast Inn
Staffing	Resident owner-operator only	Resident owner-operator; Resident manager; or Resident employee
Number of Guest Rooms	1-3	4-12
Zoning	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 the owner to reside in the house and run the day-to-day onsite operations. The number of guest rooms and the fact that the applicant will be resident owner-operator is what classifies the proposed bed & breakfast as a homestay versus an inn.

Ordinance Requirement. Under the Unified Development Ordinance (UDO), a special use permit is required for a bed & breakfast homestay. Section 10.160 of the UDO lists the following conditions that apply to a bed & breakfast homestay:

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 maximum number of rooms shall be three (3). **The current Airbnb listing for the property lists a total of four (4) bedrooms available for lodging. To comply with**

requirements of the UDO, no more than three (3) bedrooms will be available for guests. The fourth bedroom will be occupied by the resident owner-operator.

3. 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. ***A modification is requested. Parking is provided in the front of the property by a 3-car garage and a 3-car wide driveway that allows for stacked parking. Exterior parking is not screened. Staff supports the requested modification.***

The existing driveway in the front of the property is typical of a more modern residential construction style. While the subject corner lot allows for access to the side and rear of the property to provide parking in those areas, it would create a condition that is out of character with the surrounding neighborhood. The conditions to accommodate parking to the side or rear of the property are more likely to exist in older residential areas where long driveways accessing detached garages in the back yard are common, such as the Old Lee's Summit area.

4. Food service may be provided to guest rooms. No cooking or food preparation will be allowed in guest rooms. Approval must be received from the Jackson County Health Department. **The applicant does not intend to provide food service to guest rooms. The applicant will be required to comply with an Jackson County Health Department requirements.**
5. 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 applicant will comply with applicable building and fire codes.**
6. The Fire Department and other City departments shall be permitted to perform inspections as in any other business. **The applicant will comply with required property inspections.**
7. 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 picket fence along the side and rear property lines.**
8. No person shall be an occupant of a bed & breakfast homestay for more than fourteen (14) consecutive days. ***A modification is requested. The applicant requests the ability to allow stays longer than 14 consecutive days. Staff does not support the requested modification.***

The intent of a bed and breakfast is to allow for short-term lodging accommodations, which is supported by the UDO's definition of the use as "...a transient abiding place of individuals or groups of individuals...." The demand for both short-term and long-term lodging accommodations is intended to be satisfied by hotels located in the appropriate commercial areas.

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

- The proposed use is not expected to change the built character of the neighborhood. The R-1 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 homestay.
- The proposed operation of a bed and breakfast homestay is compatible with the surrounding zoning and land uses. Bed and breakfast homestays are required to be owner-operated and owner-occupied, and so maintains its primary purpose as a place of permanent

residence for the owner. The existing zoning surrounding the subject property is composed of R-1 zoning. The existing land uses surrounding the subject property are composed of single-family residences.

- The subject property is suitable for a bed and breakfast under the existing R-1 zoning. More specifically, a bed & breakfast homestay may be permitted with a special use permit in the R-1 zoning district.
- The proposed use is not expected to negatively impact the aesthetics or use of the subject property or the neighboring properties. No physical changes to the existing residence that are out of character with the area are proposed.
- The proposed use is not expected to negatively impact the values of the subject property or neighboring properties. The primary use of the property will continue to be a single-family residence.

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 applicant requests a special use permit for a period of 10 years. Staff supports the requested 10 year time period. Ten (10) years is consistent with recently approved special use permits granted for bed and breakfasts.

RGM/hsj

Attachments:

1. Applicant Response to Bed and Breakfast conditions, date stamped June 21, 2017 – 2 pages
2. Applicant Response to Special Use Permit criteria, date stamped June 21, 2017 – 2 pages
3. Photos of 2710 SW Monarch Ct, date stamped July 7, 2017 – 4 pages
4. Photos of Surrounding Properties, date stamped July 7, 2017 – 4 pages
5. Location Map