

City of Lee's Summit

Department of Planning & Codes Administration

September 23, 2016

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director *ull Fox RGM*
RE: **PUBLIC HEARING – Appl. #PL2016-153 – REZONING from RP-2 to RP-3 – 202 SW 3rd St; Harlen & Liesl Hays, applicants**

Commentary

The applicants propose to rezone an approximately 0.28 acre parcel located at 202 SW 3rd St from RP-2 (Planned Two-family Residential) to RP-3 (Planned Residential Mixed Use). The property is developed with a single-family residence. The request for rezoning stems from the applicants' proposal to operate the residence as a bed & breakfast inn. A bed & breakfast inn is not permitted under the existing RP-2 zoning, but is allowed under the proposed RP-3 zoning.

This application is associated with Appl. #PL2016-154 for a special use permit for a bed & breakfast inn on the subject property, also on this agenda.

Recommendation

Staff recommends **APPROVAL** of the rezoning.

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 3rd St; located on the north side of SW 3rd St, one lot west of the intersection of SW 3rd St and SW Jefferson St

Surrounding zoning and use:

North: RP-2 — single-family residences

South (across SW 3rd 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 Rezoning

Comprehensive Plan. The Old Lee's Summit Development Master Plan, as part of the 2005 Lee's Summit Comprehensive Plan, identifies this area as being within the Old Lee's Summit area, just outside of the Downtown Core.

Surrounding Uses. The properties to the north and west are zoned RP-2; they are comprised of single-family residences. The abutting property to the east is zoned PO; it is comprised of a single office building. The properties further to the east, across SW Jefferson St, are zoned TNZ, CP-2 and PMIX; they are comprised of office/retail and the former site of the U.S. Post Office. The properties to the south are zoned R-1, except for a single TNZ-zoned parcel at the southwest corner of SW 3rd St and SW Jefferson St; they are comprised of single-family residences.

Request. The applicant proposes to rezone 0.28 acres from RP-2 to RP-3 for the purpose of operating a bed & breakfast inn.

Recommendation. 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 a resident manager/employee to run the day-to-day onsite operations. The owners of the property will not reside on the premises. Whereas a bed & breakfast homestay is permitted under the existing RP-2 zoning, the fact that the applicants will not be resident owner-operators is what classifies the proposed bed & breakfast as an inn versus a homestay and thus necessitates the rezoning of the property to accommodate the proposed use.

The intersection of SW 3rd St and SW Jefferson St serves as a major entry point into the commercial downtown and marks a transition from residential to commercial along the SW 3rd St corridor. The subject property is located one lot west of the intersection of SW 3rd St and SW Jefferson St. The abutting property to the east has an office building and is zoned PO. From a zoning classification perspective, the proposed RP-3 zoning provides a transition from the RP-2 properties to the west, the abutting PO property and the TNZ, PMIX, CP-2 and CBD properties east of SW Jefferson St. From a land use perspective, the proposed RP-3 zoning continues to allow for a transition from single-family residential to the west, the abutting office property and the office/commercial uses east of SW Jefferson St. Staff believes the proposed rezoning to be appropriate for a transition area and therefore supports the proposed rezoning to RP-3.

Ordinance Criteria. The criteria enumerated in Article 4 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 rezoning.

RGM/hsj

Attachments:

1. Rezoning Exhibit and Site Plan, dated November 8, 1995
2. Support Letter from Downtown Lee's Summit Main Street, dated September 13, 2016
3. Support Letter from Natural Farm Soap Co, dated September 21, 2016
4. Area Zoning Map
5. Location Map