

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5432

Sponsor(s):

Date: October 19, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Conditional Use Permit – John A & Linda D England CU-2020-233</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="354 512 1435 699"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td style="text-align: right;">\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number:	\$
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Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number:	\$											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting a Conditional Use Permit for a period of 5 years to operate a Bed and Breakfast (Airbnb) at 9518 Lake Lotawana Drive, Jackson County, Missouri, aka Lot 10, Storms Center and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on September 24, 2020 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. This request conforms to the general intent and purpose of the Unified Development Code. Therefore, the Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> for a 5 year period provided the following conditions are met. (Attachment 3-List of Conditions).											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals											
ATTACHMENTS	Attachment 1: Property Description. Attachment 2: Zoning Support Documents. Attachment 3: List of Conditions											
REVIEW	<table border="1" data-bbox="342 1675 1240 1913"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td>Date: 9.30.20</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Tracy M. Schultz</i></td> <td>Date: 10-12-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan Lewis</i></td> <td>Date: 10/14/20</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works	Date: 9.30.20	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>Tracy M. Schultz</i>	Date: 10-12-2020	County Counselor's Office: <i>Bryan Lewis</i>	Date: 10/14/20		
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County Counselor's Office: <i>Bryan Lewis</i>	Date: 10/14/20											

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

CU-2020-233

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 10, Storms Center, a subdivision in Jackson County, Missouri

CU-2020-233

ATTACHMENT 2: ZONING SUPPORT DOCUMENTS

Attachments

Plan Commission Public Hearing Summary from September 24, 2020

Location Map

Map showing current zoning district in area

Staff Report

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Pictures of Property

Cover Letter

Airbnb Definition

Letter of support from adjacent property owner

Randy Diehl gave the staff report:

RE: CU-2020-233

Applicant: John A & Linda D England

Location: 9518 Lake Lotawana Drive

Area: 21,317 square feet (0.48 acre)

Request: Conditional Use Permit for a Bed and Breakfast (Airbnb)

Current Land Use and Zoning in the Area:

The applicant owns approximately 1.85 acres. The residence is on Lot 10, Storms Center, which is 0.48 acres in size. Their remaining land is within the City of Lake Lotawana, which surrounds the lot on three sides.

North of the property is a multi-family residential community, and further north is shopping center housing three restaurants. Across Colbern Road there are business offices and well as another restaurant.

Within the Unified Development Code (UDC), bed and breakfast inns are allowed as a Conditional Use within District RU.

A bed and breakfast inn is an owner-occupied or manager-occupied residential structure providing rooms for temporary lodging or transient guests on a paying basis.

If the number of bedrooms is less than five, they are not subject to licensure and inspection by the Missouri Department of Health and Senior Services (DHSS) and would not require a lodging permit to be issued by Jackson County Environmental Health. A food permit would only be required if there was a common dining room for guests.

The UDC requires one off-street parking space be provided for each guest room. The applicant is making one room available for guests.

The owner has requested a 20 year term for the application. Generally the first permit is granted for a less period. Staff is recommending a beginning term of 5 years. A longer term may be granted with the renewal of the permit.

Recommendation:

Staff recommends APPROVAL of CU-2020-233 for a five (5) year period provided the following conditions are met:

1. The bed and breakfast inn is limited to no more than 1 bedroom for temporary lodging for transient guest on a paying basis.

2. Cooking facilities shall not be permitted in individual guest rooms.
3. In addition to required residential parking, one off-street parking space shall be provided for each guest room.
4. One identification/directional sign, not to exceed eight (8) square feet in area, shall be permitted at the entrance to the bed and breakfast inn.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Antey: So the property is surrounded by the City of Lake Lotawana on three sides. Would that be the North, South and West?

Mr. Diehl: That is correct. The shaded areas on the map represent the area inside the City.

Mr. Haley: What is the reason can they have five or less and not be subject to license?)

Mr. Diehl: That is a State law. Anything over that would be subject to State licensing along with a Conditional Use Permit from the County.

Mr. Tarpley: what size is the structure?

Mr. Diehl: I'll defer that question to the applicant.

Mr. Antey: Is the applicant here?

John England: 9518 Lake Lotawana Drive.

Mr. Antey: Do you have anything to add to the report?

Mr. England: No, except that it's not a Bed and Breakfast. I'll be just an Airbnb. We are close to the commercial area along Colbern and Shrout.

Mr. Akins: Do you occupy the property?

Mr. England: Yes. The room is actually in an additional structure connected to the house by the deck.

Mr. Antey: *Is there anyone else who is in favor of this application?*

There were none

Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?*

There were none.

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Crawford seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

September 17, 2020

RE: CU-2020-233

Applicant: John A & Linda D England

Location: 9518 Lake Lotawana Drive

Area: 21,317 square feet (0.48 acre)

Request: Conditional Use Permit for a Bed and Breakfast (Airbnb)

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The owner has requested a 20 year term for the application. Generally the first permit is granted for a less period. Staff is recommending a beginning term of 5 years. A longer term may be granted with the renewal of the permit.

Recommendation:

Staff recommends APPROVAL of CU-2014-214 for a five (5) year period provided the following conditions are met:

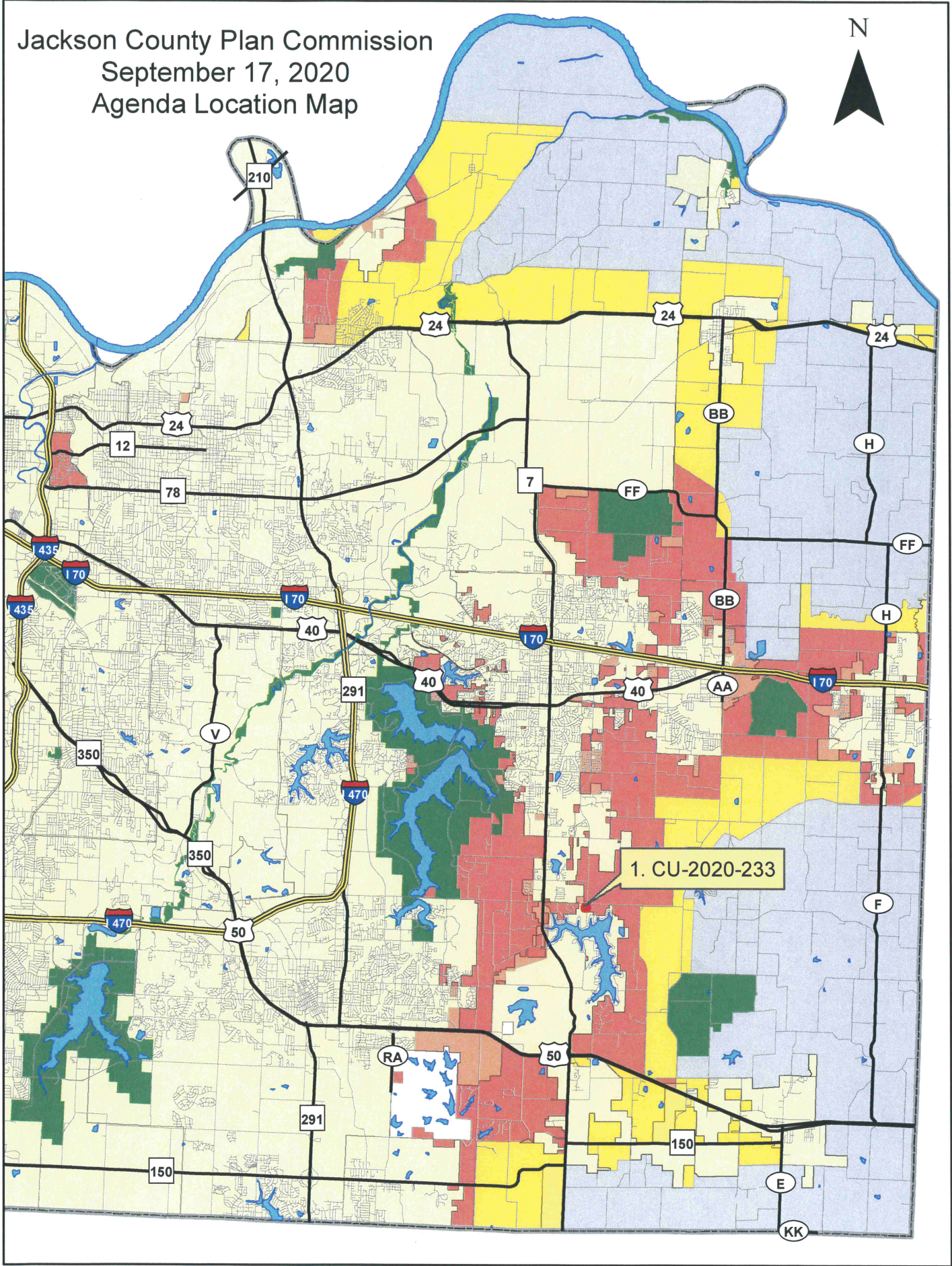
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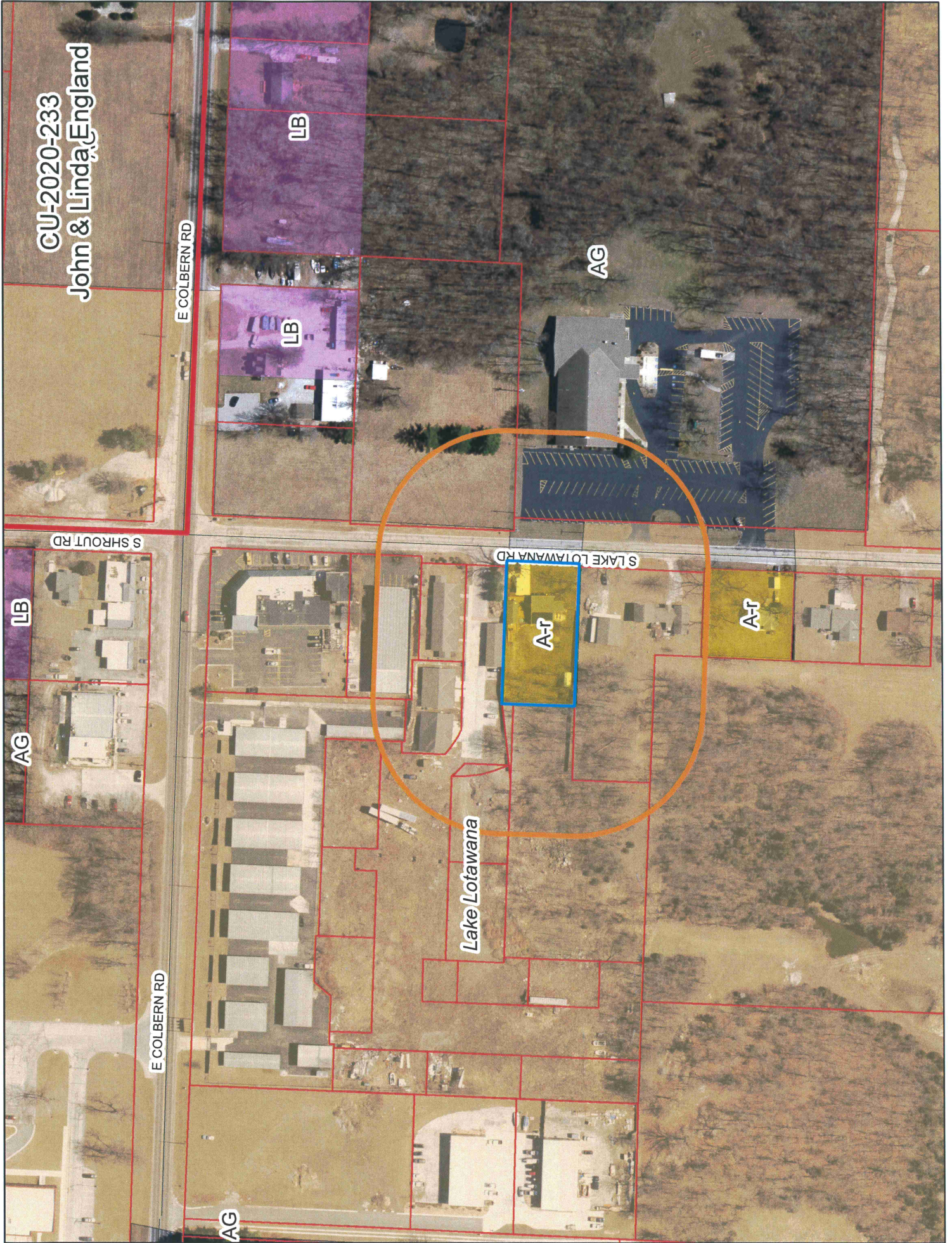
Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
September 17, 2020
Agenda Location Map



1. CU-2020-233



CU-2020-233
John & Linda England

E COLBERN RD

LB

LB

AG

S SHROUT RD

LB

AG

S LAKE LOTAWANA RD

A-T

A-T

Lake Lotawana

E COLBERN RD

AG

Plan Commission September 17, 2020

CU-2020-233

Property Owners Within 185 feet

Name	Address
54-530-02-23-02-2-00-000	EVERHART BRIAN K 9600 S MAIN ENTRANCE DR, LEES SUMMIT, MO 64086
54-530-02-34-00-0-00-000	FINE DAY LLC 9512 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-02-35-00-0-00-000	FINE DAY LLC 9512 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-02-36-00-0-00-000	FINE DAY LLC 9512 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-01-31-02-3-00-000	TAYLOR JULIE ANN 38 B ST, LAKE LOTAWANA, MO 64086
54-530-02-37-00-0-00-000	FINE DAY LLC 9512 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-02-38-00-0-00-000	O'NEILL MICHAEL & MICHELLE-TRUSTEES 9620 LAKE LOTAWANA DR, LAKE LOTAWANA, MO 64086
54-530-02-11-01-0-00-000	FINE DAY LLC 9512 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-02-08-01-0-00-000	WIECZOREK JIM 9606 S MAIN ENTRANCE DR, LEES SUMMIT, MO 64063
54-530-01-38-00-0-00-000	COLBERN RD RESTOR BR CH OF JESUS CHRIST 9525 S MAIN ENTRANCE RD, LAKE LOTAWANA, MO 64086
54-530-02-21-01-0-00-000	LOTAWANA ASSOCIATES LLC 7180 W 107TH ST UNIT 24, OVERLAND PARK, KS 66212
54-530-02-24-00-0-00-000	FINE DAY LLC 9512 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-02-09-00-0-00-000	ENGLAND JOHN ARNOLD & LINDA DIANNE-TRUST 9518 LAKE LOTAWANA RD, LAKE LOTAWANA, MO 64086
54-530-02-23-02-1-00-000	
54-530-02-23-04-0-00-000	



JACKSON COUNTY Public Works Department

Jackson County Technology Center
303 West Walnut Street
Independence, Missouri 64050
jacksongov.org

(816) 881-4530
Fax: (816) 881-4448

September 2, 2020

RE: Public Hearing: CU-2020-233
John A & Linda D England

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by John A & Linda D England requesting a Conditional Use Permit for a period of 5 years to operate a Bed and Breakfast (Airbnb) at 9518 Lake Lotawana Drive, Jackson County, Missouri.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, September 17, 2020 in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4649.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

JACKSON COUNTY, MISSOURI
CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, MO 64050 by the deadline on the Plan Commission Calendar.
2. Application must be typed or printed in a legible manner.
3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location must accompany application. Refer to Section 24003.22, pertaining to Site Plan Review within the Unified Development Code.
4. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
5. The filing fee \$350.00 (non-refundable) must accompany application.
(Check payable to: Manager of Finance)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Conditional Use Permit Number CU- 2020- 233
Date filed 7-20-20 Date of hearing 9-17-20
Date advertised 9-2-20 Date property owners notified 9-2-20
Date signs posted 8-27-20
Hearings: Heard by PC Date 9-17-20 Decision _____
Heard by LU Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: John and Linda England
Address: 9518 Lake Lotawana Drive
Lake Lotawana, MO 64086
Phone: 816-969-9456 or 816-510-6035
 - b. Owner(s) Name: John and Linda England, Trust
Address: 9518 Lake Lotawana Drive
Phone: 816-969-9456 or 816-510-6035
 - c. Agent(s) Name: None

Address: _____

Phone: _____

d. Applicant's interest in Property: Owners

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Airbnb-type home-sharing for a period of 20 years; property described as follows: a tract of land 21,317 ^{square feet} acres in size located at 9518 Lake Lotawana Dr. Road. Present Zoning District A-r

3. Legal Description of Property: (Write Below or Attached 9)
Storms Center, Lot 10

4. Present Use of Property: Private residence

5. Proposed Use of Property: Airbnb-type home-sharing

6. Estimated Time Schedule for Development: November, 2020

7. What effect will your proposed development have on the surrounding properties?

None

8. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No

If so, will any improvements be made to the property which will increase or decrease the elevation? _____

9. Describe the source/method which provides the following services, and what effect the development will have on same:

- a. Water Public Water supply Dist. #13, minimal
- b. Sewage disposal City of Lotawana, minimal
- c. Electricity Evergy, none - we are solar, independent
- d. Heating All electric, solar
- e. Fire and Police protection County, minimal

10. Describe existing road width and condition: Two-lane paved county road with good access to our property.

11. What effect will proposed development have on existing road and traffic conditions? None. Our property has an over-sized six-car paved driveway.

12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? None known.

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): _____

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature	<u>Dianne Arnold Freedom Trust</u>	Date	<u>8/13/2020</u>
Property Owner(s)	<u>Linda D. England, Trustee</u>		<u>8-13-20</u>
Applicant(s)	<u>Dianne Arnold Freedom Trust</u>		<u>8/13/2020</u>
	<u>Linda D. England, Trustee</u>		<u>8-13-20</u>

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

On this 13th day of August, in the year of 2020, before me the undersigned notary public, personally appeared John and Linda England

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public [Signature] Commission Expires 11-18-2021





June 17, 2020

To:

Planning and Development Division

Department of Public Works

303 West Walnut

Independence, MO 64050

Re: Conditional Use Permit Application, John and Linda England

I would like to offer this letter in support of the above mentioned application for John and Linda England, who would like to operate a short term rental, Airbnb-type operation at 9518 Lake Lotawana Drive, Lake Lotawana, MO, where they also reside. I own property on the north and west sides of their property, which is a multi-family development known as Village by the Lakes. I think this type of use of their property will be good for the neighborhood and will not adversely impact my property in any way.

I sold the property at 9518 Lake Lotawana Drive to them and have known and lived next door to them for several years now. They have always been good neighbors, maintained and improved their property, and are involved in the community.

Thank you,

Aaron Day

9816 Lake Lotawana Drive

Lake Lotawana, MO 64086

Airbnb - Computer Definition

(AIR B & B) A lodging reservation website from Airbnb, Inc., San Francisco, CA (www.airbnb.com) that lets property owners list their spare room, apartment or home in thousands of cities worldwide. Founded in 2008, as of 2016, Airbnb had more than two million listings worldwide. Its distinguishing feature is that the host is reviewed by the guests, and the guests are reviewed by the host. Payment is made to Airbnb, which forwards the funds to the host after the guest arrives and everything is as advertised. The name was originally Airbed & Breakfast when one of the founders rented a room in his apartment with an airbed to accommodate the guests.

A main distinction between a traditional bed and breakfast and Airbnb is that an Airbnb does not serve food, just lodging.

ATTACHMENT 3: LIST OF CONDITIONS

Condition Use Permit for a period of 5 (five) years with the following Conditions:

1. The Airbnb is limited to no more than 1 bedroom for temporary lodging for transient guest on a paying basis.
2. Cooking facilities shall not be permitted in individual guest rooms.
3. In addition to required residential parking, one off-street parking space shall be provided for each guest room.
4. One identification/directional sign, not to exceed eight (8) square feet in area, may be permitted at the entrance to the bed and breakfast inn.