



Urban Planning and Land Use

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To: City Planning Commission
From: City Staff
Date: January 8, 2018
Re: Petition #SP-2018-3

GENERAL INFORMATION

Applicant:
Nga D. Le

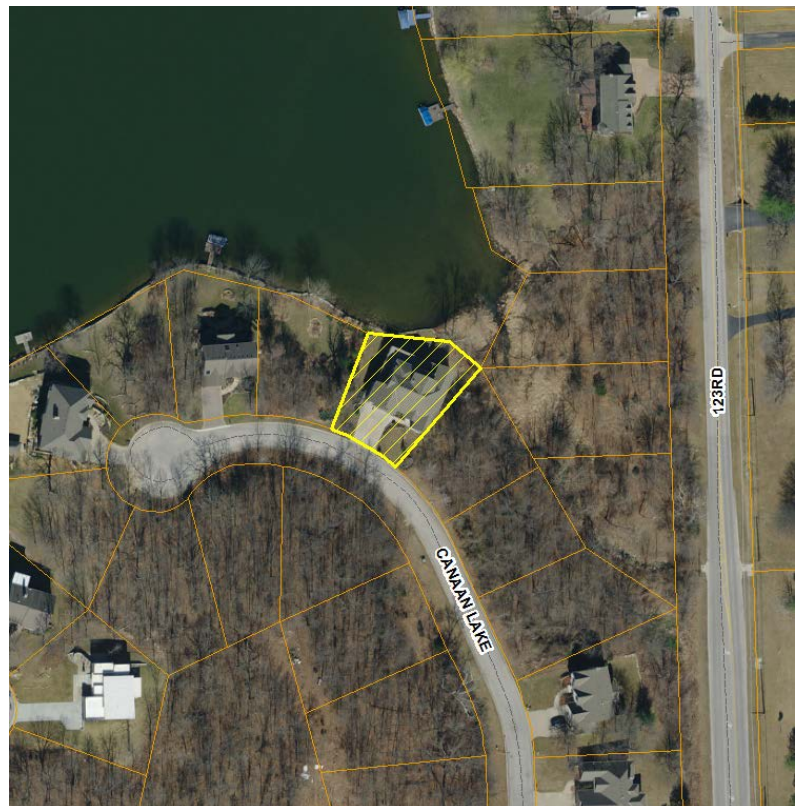
Status of Applicant:
Owner
4721 Canaan Lake Drive
Kansas City, KS 66109

Requested Action:
Approval of a Special Use Permit to use a residential property for commercial purposes

Date of Application:
November 21, 2017

Purpose:
To operate a Bed and Breakfast

Property Location:
4721 Canaan lake Drive



Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** AG Agriculture (WYCO) District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Lake
South: Single Family Houses
East: Single Family Houses
West: Single Family Houses

Total Tract Size: 0.28 acre

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Low-Density Residential.

Major Street Plan: The City-wide Master Plan designates Canaan lake Drive as a local street.

Advertisement: The Wyandotte Echo – December 14, 2017
Letters to Property Owner – December 14, 2017

Public Hearing: January 8, 2018

Public Opposition: Several area residents expressed opposition at the neighborhood meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Nga D. Le, is applying to use the property at 4721 Canaan Lake Drive as a Bed and Breakfast. This is not the applicant's primary residence, and the entire property will be used for this use.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is comprised of single family residences around a lake (Canaan Lake).

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of the properties are set out above. The proposed use may create compatibility issues with the surrounding single-family houses due to the

number of people staying at the residence. This may create issues with overcrowding, noise, parking, etc.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

Removal of the restrictions may detrimentally affect nearby property due to the issues related to having 10 or more people occupying the home at one time such as noise and parking.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

The Master Plan does not address special use permits.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will not likely increase vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it. There is potential that on-street parking could create issues with emergency access.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides convenient lodging for the public. The proposed use has some potential to substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property due to the number of people staying at the home at one time.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise could be an issue due to the number of people staying at the home at one time.

9. *Whether the proposed use will pollute the air, land or water.*

This is not foreseen to be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not foreseen to be an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

This proposed use could negative effect the public welfare due to overcrowding, noise, parking, etc. If denied the landowner would not be able to use the property as a bed and breakfast, but he may use the property as a single-family house.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use may cause overcrowding compared to the surrounding single-family neighborhood area.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 22, 2017. A copy of the sign-in sheet, meeting minutes, and affidavit are attached to this report. A number of area residents expressed opposition at the neighborhood meeting.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. How long has the business been in operation?

Applicant Response: The bnb short term rental began in January 2017

2. Were neighbors consulted prior to opening the business?

Applicant Response: Yes, Mr. & Mrs. Steven Sudekum at 4737 Canaan Lake

Dr., Kansas City, KS 66109.

3. Do you have a business license?

Applicant Response: *I do not have a bnb business license, which shall be granted after city approval of my SP-2018-3 petition. However, I do have a regular rental permit and a lodging tax identification.*

Staff Note: *The applicant will be required to obtain a business license (see stipulations of approval).*

4. Have you paid appropriate lodging taxes?

Applicant Response: *Yes. Lodging tax at 17.25% was collected by Airbnb, who then remitted the taxes directly to local and state authority without my involvement. Same tax rate was also collected by VRBO, then the tax is filed by Alara, who is my paid accountant, to the city and State of Kansas on monthly or quarterly basis.*

Staff Note: *Airbnb now collects and remits taxes on behalf of the host in the State of Kansas. Airbnb collects the following taxes: Kansas Retailers' Sales Tax, Local Sales Tax, and Transient Guest Tax.*

5. How many rooms are rented?

Applicant Response: *There are 6 main bedrooms with full baths equipped with 2 king, 4 queen, and 3 twin beds for 12 adults and 3 children. There is also a queen bed on media room for extra 2 guests or children, if any. Since an extra guest over 10 was charged at \$20 per night, there has been rare that we could have over an average of 10 guests per night.*

6. What is the maximum number of people that will be staying at any one time?

Applicant Response: *I do not stay there when guests are staying. Therefore, I do not know exact number of people, who have been or will be staying at one time. However, in the listing for bnb rental, I stated that any party over 20 people at any time will need my approval. The house is big (i.e., over 7300 sqft of living space, in addition to large balcony, upper/lower deck wrapped around the house, concrete patio, etc..) guests have commented that party of more than 20 people was nothing as crowded for such a large house.*

7. What is the maximum number of vehicles & where will they park?

Applicant Response: *The listing required 3 cars parking inside the garage, and up to 4 cars on the driveway. If parking along the street, cars are suggested to park either along north side of the street or on grass area beyond the curb at vacant lot in front of the house. As such, there will be a minimal impact on the traffic. I think most guests have followed such guideline for parking. In fact, guests are tourists, who fly in and were picked up by friends or Uber/taxi to the*

house.

Staff Response: All parking must be on improved surfaces and on the property. (See stipulations of approval.)

8. How often are guests in the residence?

Applicant Response: More guests were during peak season from June through September. Average number of guests were in April – May, and October – December. Low guests were in January through March. As such, it can say that there has been about 10 days per month leased to guests.

9. Where is your primary residence?

Applicant Response: I am residing at 14838 Melrose Street, Overland Park, KS 66221.

10. Who maintains the property on a daily basis?

Applicant Response: I, myself, am doing routine maintenance for the house. Occasionally, professionals, such as plumber, carpenter, handyman, electrician, painter, were hired for job that is beyond my capability to handle.

11. Do you have a rental license from the Unified Government for the facility?

Applicant Response: Yes, I do. Please see the copy of the Rental License for 2017.

12. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bed rooms, bathrooms common areas etc.

Applicant Response:

- a. The above ground has two levels, the ground floor and upstairs for a total of 4300 sqft of living space.
- b. The ground floor has a Master Bedroom with sitting room, a master bath with jacuzzi tub, shower, and a walk-in closet. It also has a second bedroom with full bath and walk-in closet. The common area includes a high ceiling foyer, a dining room, living room, and full kitchen with a half bath, pantry, and laundry room opened to 3-car garage. The sitting room in Master Bedroom and kitchen has access to a wrapped around deck, which is estimated around 1000 sqft, overlooked the lake.
- c. The upstairs has a Master Bedroom, a Master Bath with Jacuzzi tub on a built-in shower, in addition to a walk-in closet. This second Master Bedroom has access to a balcony (around over 200 sqft) overlooked the lake. This level has another bedroom, a bath room and a walk-in closet. Both bedrooms share a common sitting room equipped with chairs, table, TV and book cases.
- d. The basement is around 3000 sqft of living space. It is connected to ground floor via a common stair inside. Alternatively, it has a step-sown

staircase and decks on the west and north side of the house to provide access to two double doors on this level. In case of the fire, there are 2 exits directly to the yards from this level. It has a Master Bedroom with full bath and walk-in closet, in addition to another bedroom w/ a full bath and walk-in closet. Common area in this lower level includes a living room, a small dining room, a media room with queen bed for additional children, if any. The basement also has a pool table, projection TV, aquarium, and wine cellar, in addition to full functioning kitchen with a half bath and a utility room with AC, heating, washer and dryer.

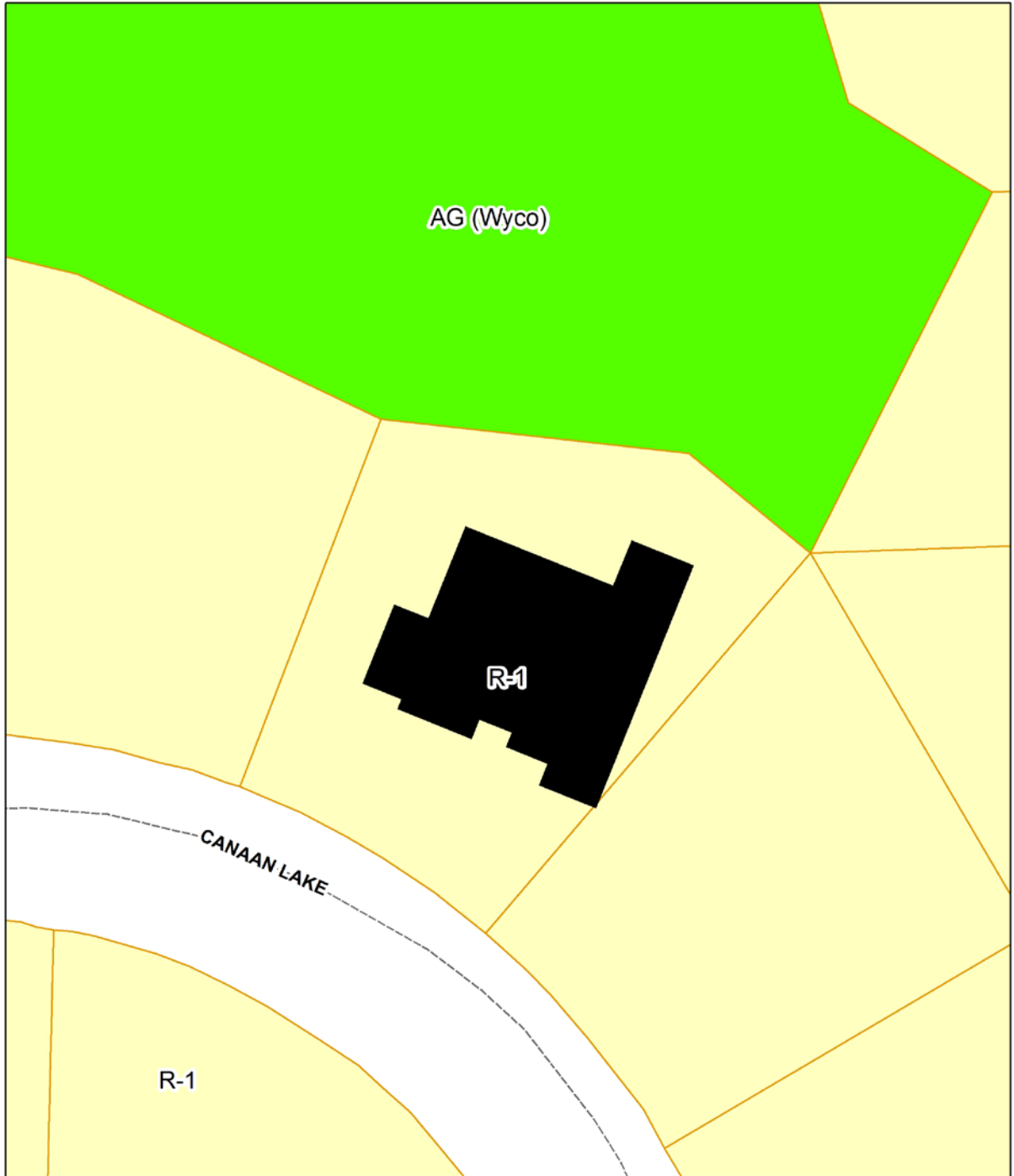
- e. In summary, the house is over 7300 sqft of living space, 6 bedrooms with 6 full bath and walk-in closet, and two half baths, 2 separate and full functioning kitchens, 2 separate laundry rooms, 3 zone AC and heating (one zone for each level), a new hybrid water heater with heat pump, and water softening device, in addition to great area of decks, balcony, and concrete patio. All Master Beds have king size beds, other bedrooms have at least queen size beds.
- f. Immediate neighbor houses are located at least one wooded lot (estimated 100 ft. away). There is no house in front of the house, and lake is on its back. Adjacent lots were bought by neighbors with intension to keep as wooded lot without building new house.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Stipulations of Approval:

- 1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
- 2. Host will obtain a business license with the City.
- 3. The maximum number of guests is limited to 5 people.
- 4. All parking will be on improved surfaces on the property.
- 5. Approval will be for 2 years.



SP-2018-3

Zoning Map





SP-2018-3
Aerial Imagery





FRONT VIEW



MAIN VIEW GROUND FLOOR

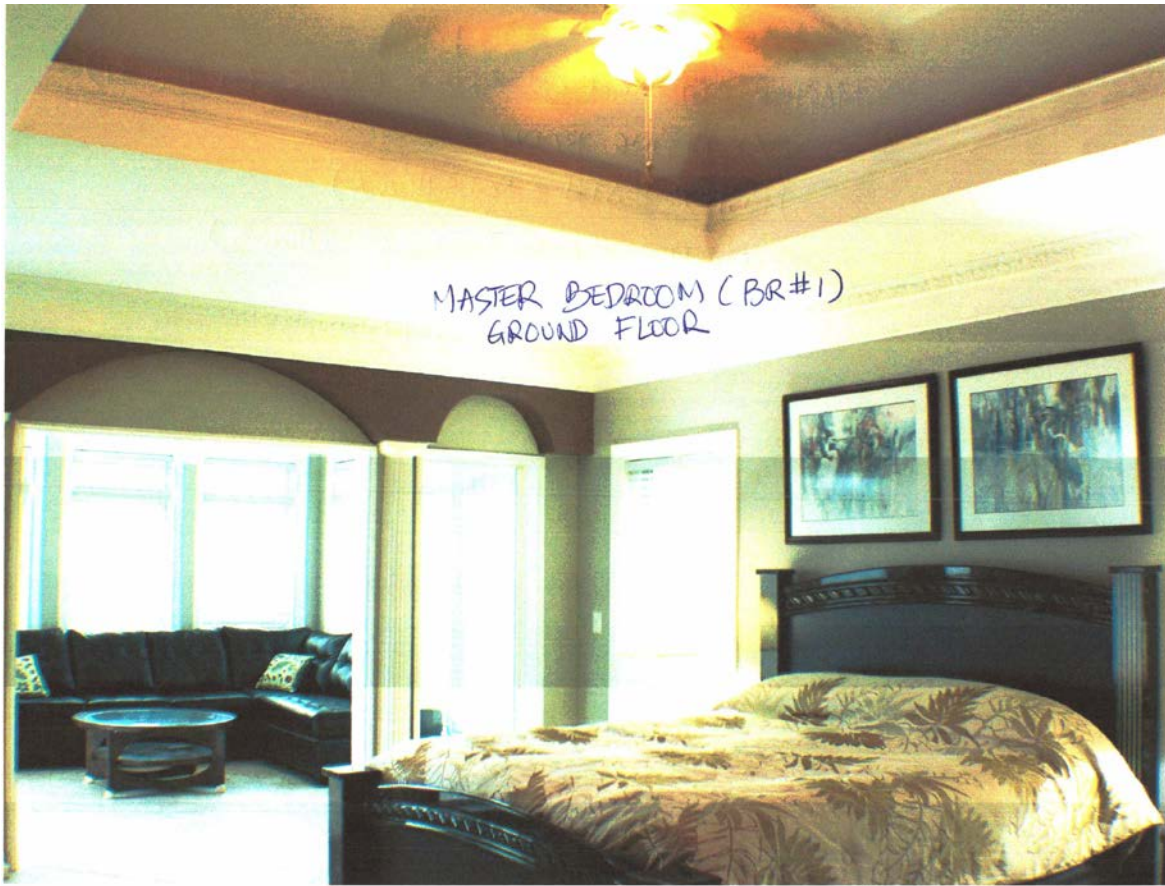
- FRONT DOOR
- DINING ROOM
- STAIR TO UPSTAIRS FLOOR



KITCHEN ON GROUND FLOOR



LAUNDRY ROOM
ON GROUND FLOOR
BETWEEN KITCHEN
& GARAGE

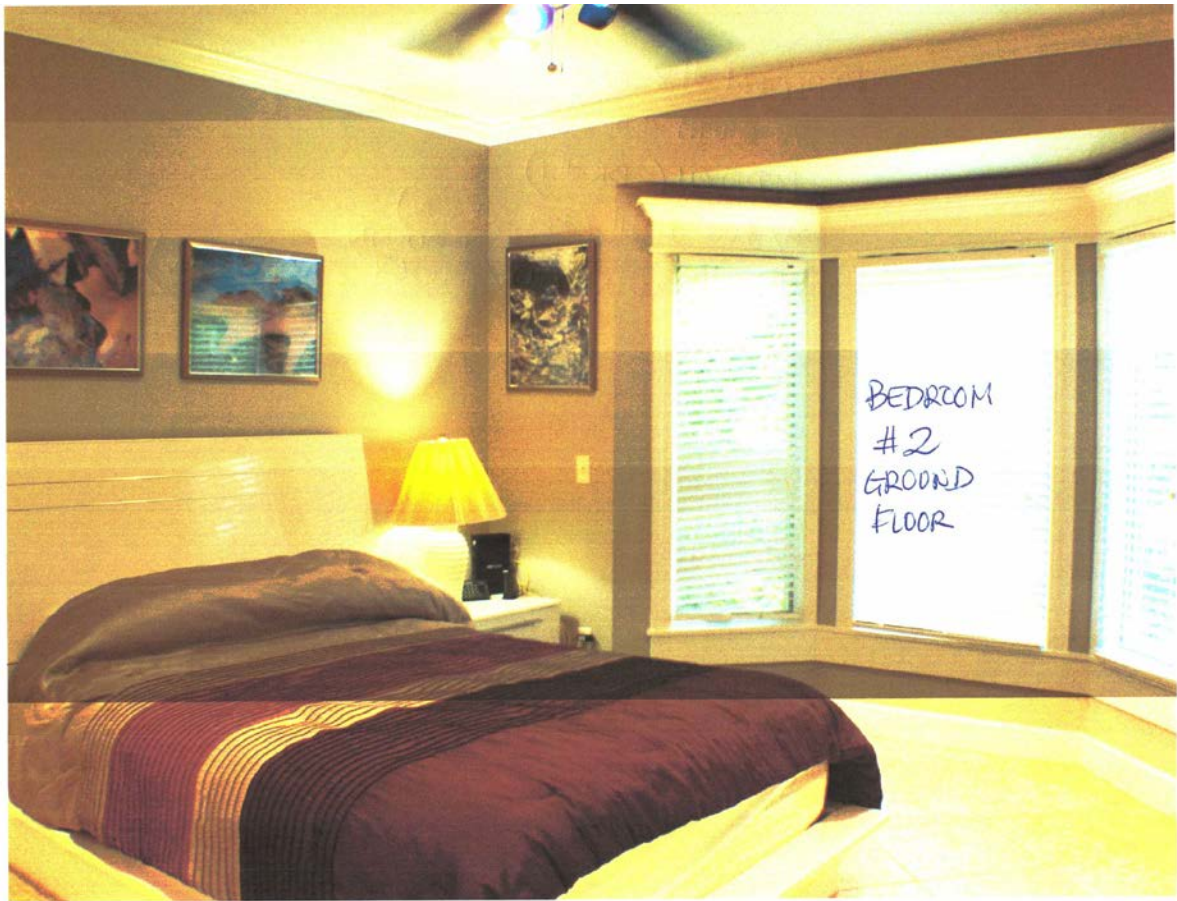


MASTER BEDROOM ON GROUND FLOOR (BEDROOM #1)
w/ SITTING ROOM
MASTER BATH (NOT SHOWN)
& MASTER CLOSET (NOT SHOWN)



MASTER BATH OFF BR #1
GROUND FLOOR

MASTER BATH W/
TUB & SHOWER
& ~~THE~~ TWO SINKS (NOT SHOWN)



BEDROOM #2 ON GROUND FLOOR
AT SOUTH SIDE OF MASTER
BEDROOM (BR #1)
w/ FULL BATH (NOT SHOWN)
w/ BAY WINDOW / CLOSET (NOT SHOWN)
WALK-IN



- REAR VIEW - GROUND FLOOR FROM UPPER DECK
- MASTER BEDROOM UPSTAIRS W/ BALCONY
 - MASTER BR DOOR ON GROUND FLOOR (LEFT)
 - KITCHEN GLASS WINDOWS (RIGHT)
 - UPPER DECK UNDER BALCONY W/
ACCESS DOOR TO MASTER BR & KITCHEN



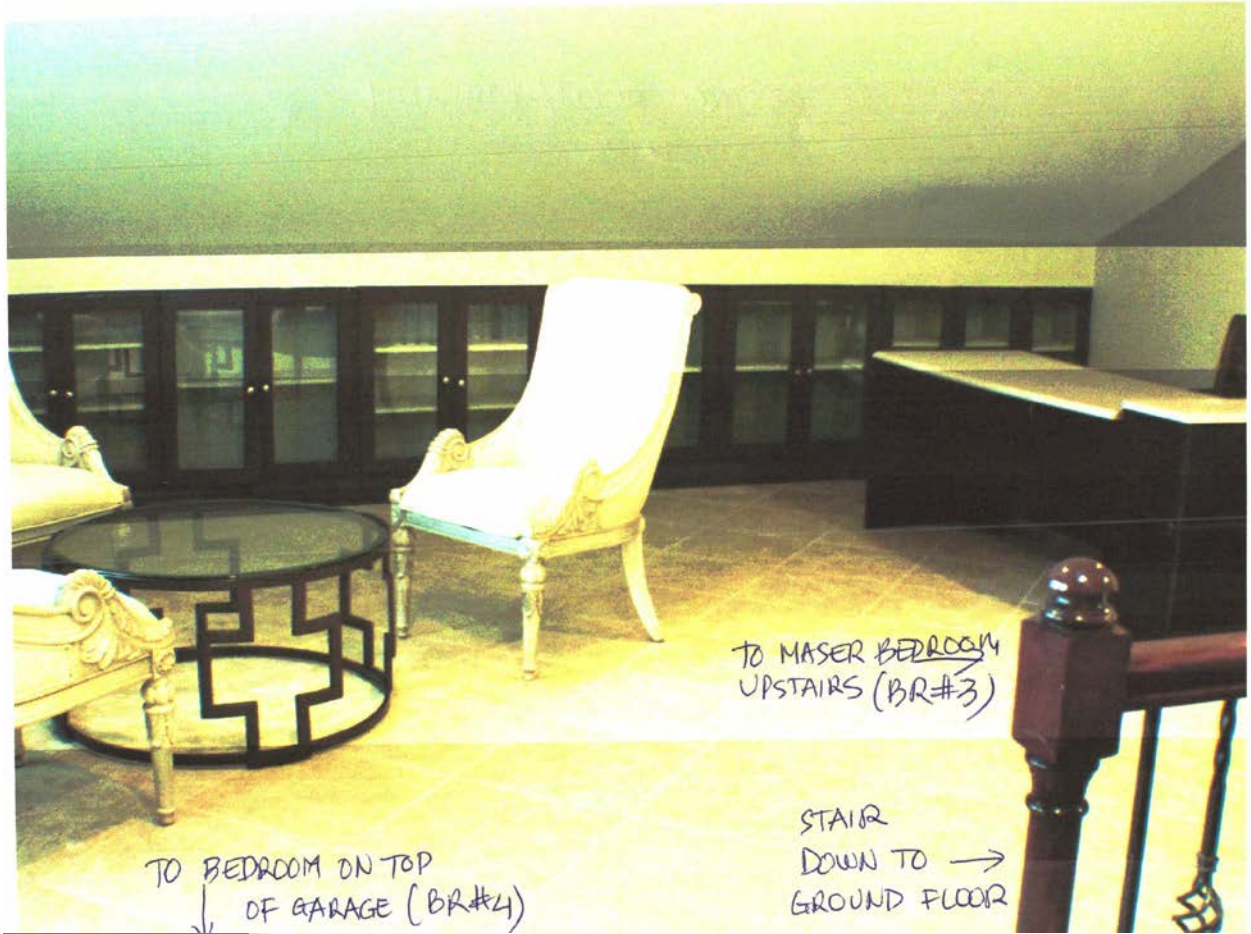
UPPER DECK OFF GROUND FLOOR



UPSTAIRS MASTER BEDROOM (BEDROOM #3)
W/ BALCONY, MAIN BATH,
& WALK-IN CLOSET



UPSTAIR BEDROOM (BEDROOM #4)
ON TOP OF 3-CAR GARAGE
W/ FULL BATH/ WALK-IN CLOSET
& ACCESS TO SITTING ROOM / LIBRARY ROOM



SITING ROOM/ LIBRARY
UPSTAIRS



STAIRCASE DOWN SLOPE TO BASEMENT DOOR
CONCRETE PATIO

BASEMENT ACCESS FROM OUTSIDE
THE HOUSE TO LOWER DECK
CONCRETE PATIO / ACCESS DOOR
TO BASEMENT LIVING ROOM



BASEMENT
CONCRETE PATIO
LOWER DECK



BASEMENT MAIN DOOR
& GYM ROOM/STORAGE



BASEMENT LIVING ROOM
& DINING ROOM



BASEMENT KITCHEN
HALF BATH
POOL TABLE
LAUNDRY ROOM (BEHIND)



BASEMENT
LIVING ROOM
KITCHEN
DOOR TO MASTER BR
DOOR TO MEDIA ROOM
STAIR TO GROUND FLOOR

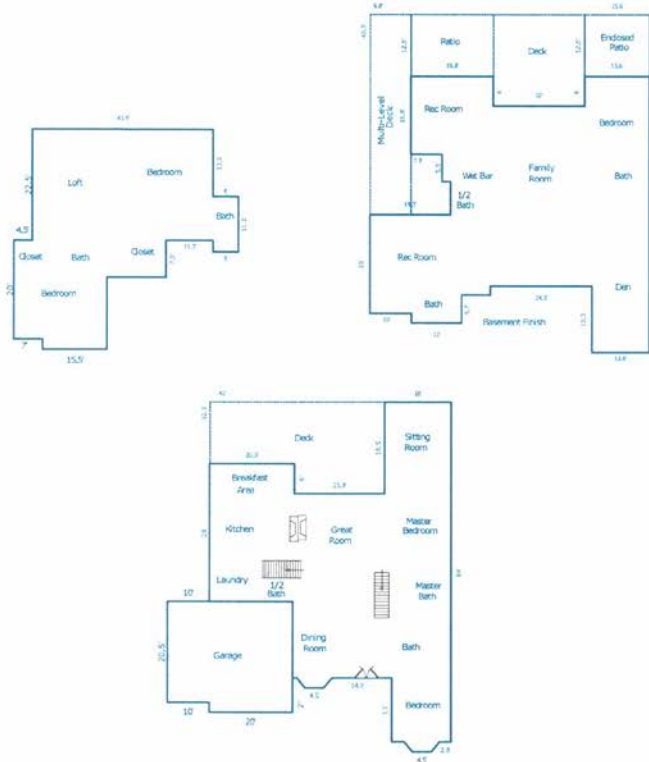


BASEMENT MASTER BEDROOM (BEDROOM #5)
w/ 6 WINDOWS, WALK-IN CLOSET
& A FULL BATH

PROPERTY FLOOR PLAN

SKETCH ADDENDUM

Borrower or Owner: Angie & Nga D. Le
 Property Address: 4721 Canaan Lake Rd
 City: Kansas City County: Wyandotte State: KS Zip Code: 66109-3840
 Client: First Federal Bank, FSB



Sketch by Apex Sketch & Standard™
 Comments:

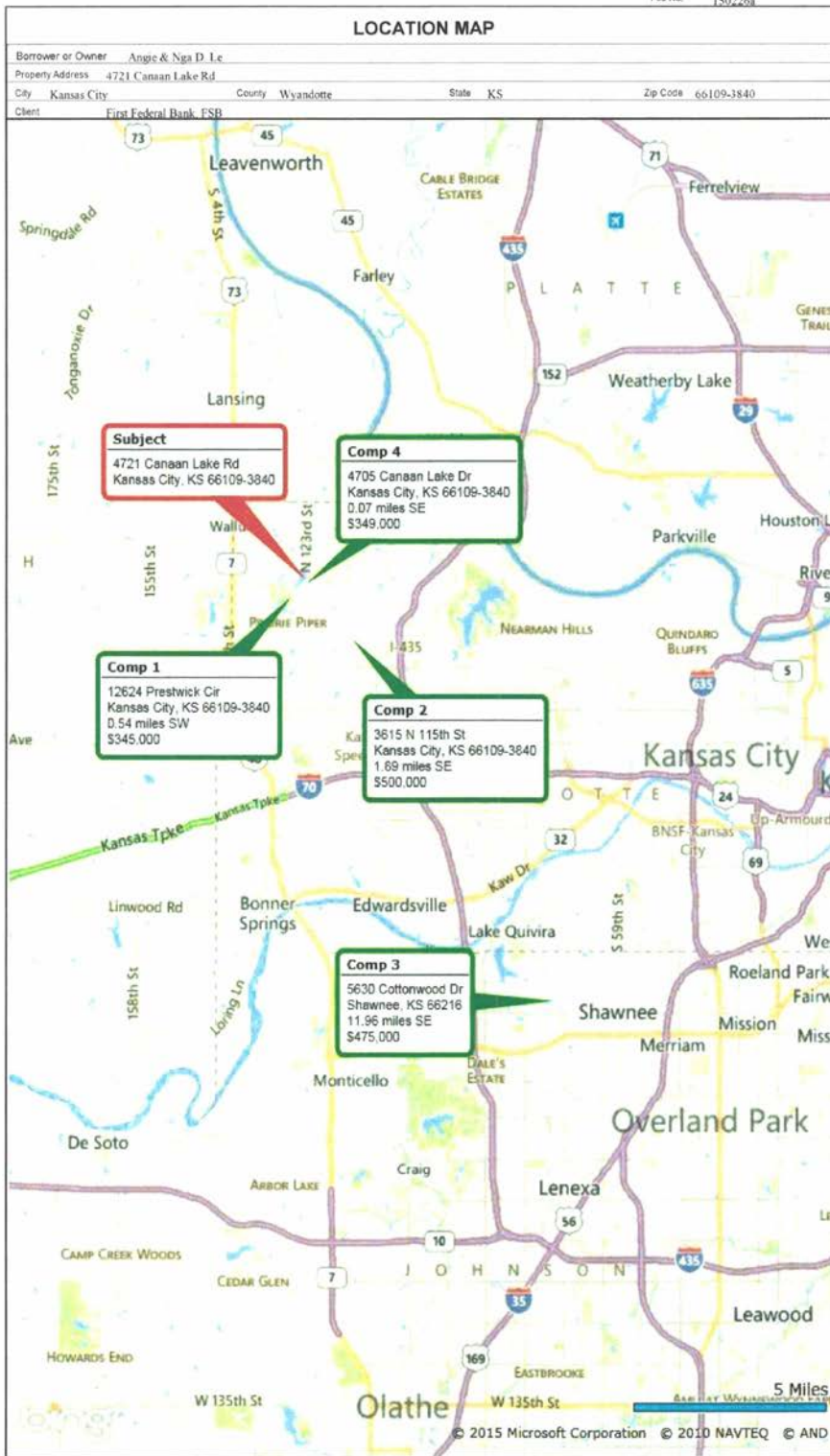
AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GLA1	First Floor	2496.44	2496.44	First Floor		590.29
GLA2	Second Floor	1632.66	1632.66	38.1 x 15.5		590.29
BSMT	Basement	2683.47	2683.47	0.5 x 2.0 x 2.0		2.00
GAR	Garage	655.00	655.00	13.0 x 14.3		185.25
P/P	Enclosed Porch	194.38		18.5 x 16.0		296.00
	Wood Deck	407.00		6.0 x 20.3		121.80
	Patio	247.50		22.0 x 58.1		1277.10
	Wood Deck	396.22		4.5 x 2.0		9.00
	Wood Deck	654.88	1899.97	0.5 x 2.0 x 2.0		2.00
				0.5 x 2.0 x 2.0		2.00
				0.5 x 4.5 x 2.0		9.00
				0.5 x 2.0 x 2.0		2.00
				Second Floor		
				0.5 x 43.5 x 0.0		1.09
				36.7 x 7.5		275.25
				2.3 x 6.0		13.80
				9.0 x 49.5		443.03
				13.5 x 43.5		587.25
				2.0 x 15.5		31.00
				12.5 x 22.5		281.25
	Net LIVABLE Area	(rounded)	4129	18 Items	(rounded)	4129

ARIAL IMAGERY SITE PLAN

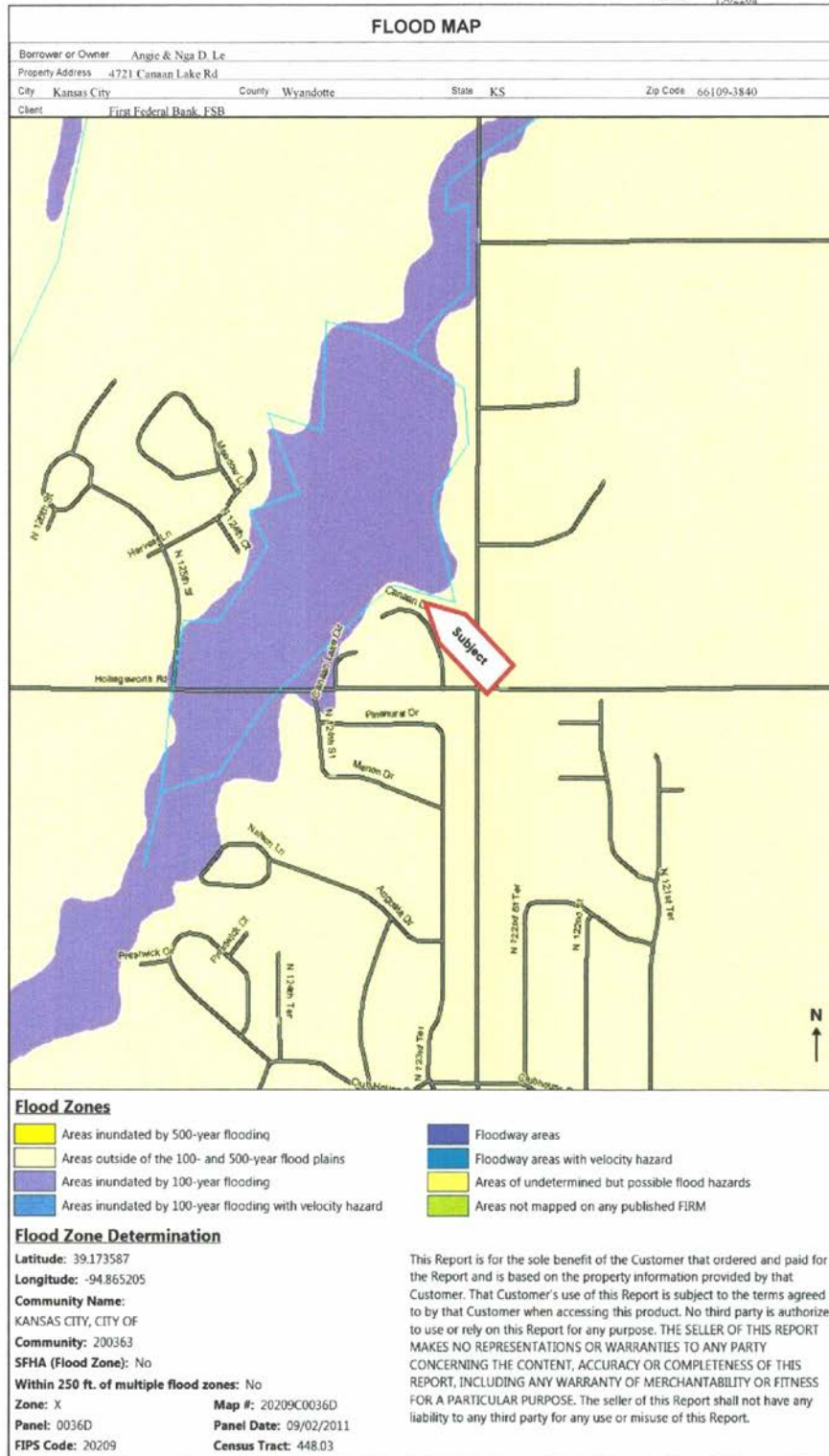
Borrower or Owner Angie & Nga D. Le							
Property Address 4721 Canaan Lake Rd							
City	Kansas City	County	Wyandotte	State	KS	Zip Code	66109-3840
Client	First Federal Bank, FSB						



Stanley Appraisal, Inc.



Stanley Appraisal, Inc.



Stanley Appraisal, Inc.



RENTAL LICENSING AND INSPECTION DIVISION
Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Avenue, Kansas City, Kansas 66102
p. (913) 573-8649 | f. (913) 573-8731 | www.wycokck.org/rentallicensing

2017 Rental License

Owner Address

NGA DAC LE & ANGIE LE TRUST
14838 MELROSE ST
OVERLAND PARK KS 66221

Date Issued: 5/3/2017

This certifies that

NGA DAC LE HOUSE 4721 CANAAN LAKE DR
4721 CANAAN LAKE DR
KANSAS CITY, KS 66109

has paid the Unified Government Rental License Fee of \$55.00. This entitles the owner
to rent residential property in the City of Kansas City, Kansas

The status of the License is: **Annual**

The Rental License expires on 04/30/2018.

Rachel Miskec

License # **10990-00697**

Rachel Miskec
Rental License Program Coordinator

THIS RECEIPT MUST BE PRESENTED UPON REQUEST.
NO REFUNDS AVAILABLE.

STAFF COMMENTS & SUGGESTIONS

Ref. SP-2018-3

- 1) Question: How long has the business been in operation?
Answer: The bnb short term rental began in January 2017
- 2) Question: Were neighbors consulted prior to opening the business?
Answer: Yes, Mr. & Mrs. Steven Sudekum at 4737 Canaan Lake Dr., Kansas City, KS 66109.
- 3) Question: Do you have business license?
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PUBLIC WORK COMMENTS

Ref. SP 2018-3

A) Items that requires plan revision or additional documentation before engineering can recommend approval:

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However, in the listing for bnb rental, I stated that any party over 20 people at any time will need my approval. The house is big (i.e., over 7300 sqft of living space, in addition to large balcony, upper/lower deck wrapped around the house, concrete patio, etc..) guests have commented that party of more than 20 people was nothing as crowded for such a large house.

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Applicant: Nga D. Le



Kindly submitted on December 18, 2017 for your consideration.