



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
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To: City Planning Commission
From: Planning and Urban Design Staff
Date: May 8, 2023
Re: **Special Use Petition SP2023-016**

GENERAL INFORMATION

Applicant:
Tyler Reynolds and Justine Robles

Status of Applicant:
Property Owner
536 Tauromee Avenue
Kansas City, Kansas 66101

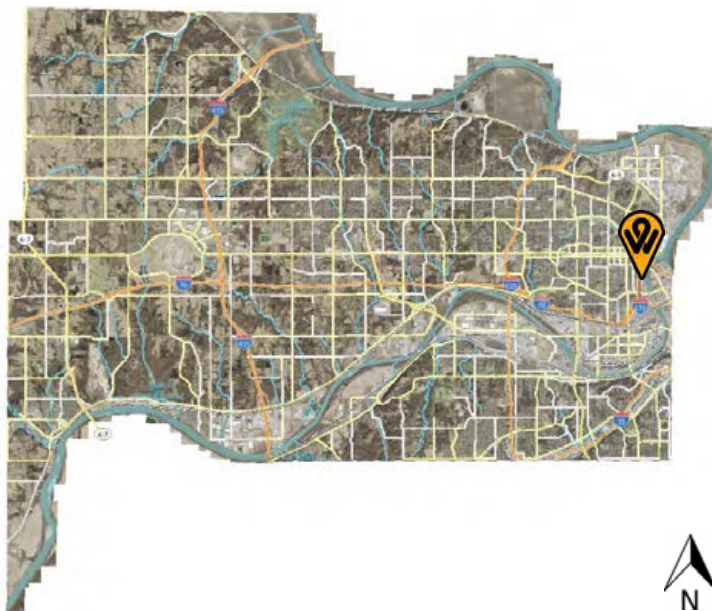
Requested Action:
Renewal of a Special Use Permit,
SP2022-012, which expired on
March 2, 2023.

Date of Application:
March 24, 2023

Purpose:
To continue to operate a short-term
rental. This is not the applicant's
primary residence.

Property Location:
527 Tenny Avenue
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
Brian McKiernan



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family and R-2(B) Two Family Districts West: R-1(B) Single Family District
Adjacent Uses:	North: Vacant Lot South: Single-Family Residence East: Single-Family Residence and Two-Family Residence West: Single-Family Residence
Total Tract Size:	0.06 Acre
Master Plan Designation:	The Central Area Plan designates this Property as Urban Density. Urban Density allows for a mix of attached and detached residential including single family homes, duplexes, triplexes, etc., and institutional uses such as churches, schools, and libraries.
Major Street Plan:	The City-Wide Master Plan designates Tenny Avenue as a Local Street.
Parking Requirement:	Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The property currently has two (2) off-street parking spaces, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearing:	May 8, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Tyler Reynolds and Justine Robles, are request a renewal of a Special Use Permit to operate a short-term rental at 527 Tenny Avenue. The subject property has been used as a rental periodically since 2001 or earlier.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has numerous previous violations as late as 2020, however they are prior to the applicant's purchase and renovations.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood and the Central Avenue Betterment Association neighborhood group. The neighborhood is urban in character. Lots are average for urban densities and are approximately 25 feet in width. Streets are mostly asphalt and there are no driveways or garages in the front of properties. Rear detached garages and parking is common. Roads typically have curbs or gutters, and sidewalks only exist on both sides of the street and are often brick. This block of Tenny Avenue is adjacent to 6th Street with a mix of uses.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. The property has been non-owner occupied since at least 2001 when records indicate it has been used as a rental. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is recently vacant and was vacant prior to purchase while the home underwent renovations. Prior to renovation, it was used as a rental since at least 2001.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Master Plan designates this property as Urban Density which allows single family homes. The proposed use conforms to the area plan if approved with a Special Use Permit.

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 has the potential to increase vehicular traffic, but should not exceed the capacity of Tenny Avenue to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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 a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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 is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP2022-012) for one (1) year in 2022.
- Withdrawn Board of Zoning Appeals Petition (BOZA2022-004) for open space requirements and gravel driveway.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of April 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Previous Conditions of Approval
Required Repairs

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. As required by the previous approval of SP2022-012, the applicant shall provide evidence or receipt of repairs for the following inspections items:
 - a. Confirm the handrail up to the front of the property is stable;
 - b. Repair or replace the inoperable window – Inspection item 7.4.1;
 - c. Adjust the toilet – Inspection Item 9.8.1;
 - d. Add expansion tank to water heater – Inspection Item 9.4.1;
 - e. Repair the ductwork as shown – Inspection Item 11.6.1;
 - f. Repair electrical conduit – Inspection Item 12.1.1;
 - g. Repair reverse polarity outlets – Inspection Item 12.3.1; and,
 - h. Add in CO2 and Smoke Detectors where missing – Inspection Item 12.7.1

2. As required per SP2022-012, the gravel lot in the rear must be replaced with a driveway consisting of two (2) required surface parking spaces in the form of concrete strips, allowing for code required open space. Upon a staff site visit on April 7, 2023, the applicant has not completed this condition of approval. Why has the applicant not completed this work?

Applicant Response: The applicant is currently scheduling this work.

3. Provide a detailed description of the areas rented for short-term rental.

Applicant Response: Entire property.

4. How many rooms are rented? Provide a scaled floor plan of the unit.

Applicant Response: Living room, kitchen, 3 bedrooms, and an office.

5. What is the maximum number of vehicles allowed and where will they park? Indicate guest parking on the site plan.

Applicant Response: Two (2) vehicles in the rear yard driveway.

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

Applicant Response: No more than six (6) guests.

7. What is the projected annual occupancy rate for this listing?

Applicant Response: Occupancy rate was 79% in 2022.

8. Who will be the designated property manager? Explain the details of this arrangement. What is their contact information? Provide the contact information to the neighbors within the notice area.

Applicant Response Summarized: It is owner managed. Contact information for guests is on the Airbnb app, contact information for neighbors was given to them.

9. How will you communicate with the neighbors if there are any issues?

Applicant Response Summarized: Contact information has been left with them.

10. Do you have a Business License/Occupational Tax Receipt from the Unified Government?

Applicant Response Summarized: Yes.

11. How will you pay appropriate Kansas State Lodging Taxes? Does AirBNB or other short-term rental platform deduct and pay these taxes?

Applicant Response Summarized: Yes, Airbnb deducts and pays.

12. Indicate how you will maintain the property in a safe and sanitary manner, including:
- a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets 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; and
 - i. Facility cleaned and sanitized after each guest check-out.

Staff Response: The applicant has completed a home inspection.

13. Note that the Unified Government uses the services of Host Compliance by Granicus to monitor issues related to short-term rentals such as noise, etc. and to address violations. Their contact information needs to be made available to all guests in the welcome packet. The Unified Government issues notices on all short-term rentals who are not compliant. 913-246-5133.

www.hostcompliance.com/tips

14. Do you provide a guest manual that lists rules and regulations such as "no parties," etc.?

Applicant Response Summarized: Yes.

15. The number of guests allowed must be appropriate to the number of available rooms and bedding.

16. Will guests be allowed to bring pets to the property?

Applicant Response Summarized: No.

17. In the event that there is an issue on the property, how fast can the owner or manager be on-site if necessary?

Applicant Response Summarized: Less than five (5) minutes.

18. Actions taken to achieve compliance:

Applicant Response Summarized: All repairs completed, new driveway scheduled to be completed this spring.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **DENIAL** of Petition **SP2023-016** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1. Staff recommends denial of this application as the applicant did not replace the gravel driveway in the rear. While the applicant has stated intent to complete this work, the work was not completed, thus not fulfilling the conditions of approval of SP2022-012.**

If the City Planning Commission recommends **approval** of this item, it shall be done so under the following conditions:

- 1. The gravel lot in the rear must be replaced with a driveway consisting of two (2) required surface parking spaces in the form, of concrete strips, allowing for code required open space;**
- 2. Maximum number of guests shall be six (6);**
- 3. All parking must be off-street, maximum number of vehicles is two (2);**
- 4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 6. Applicant is to maintain liability insurance;**
- 7. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host**

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and

- duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
 20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

Aerial Imagery
 Zoning Map
 Land Use Map
 Site Plan
 Floor Plan
 Guest Book
 Site Photos, Taken by Staff, Dated April 7, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use		

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2023-016** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. _____;
2. _____; And
3. _____.

OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **SP2023-016**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

AERIAL IMAGERY



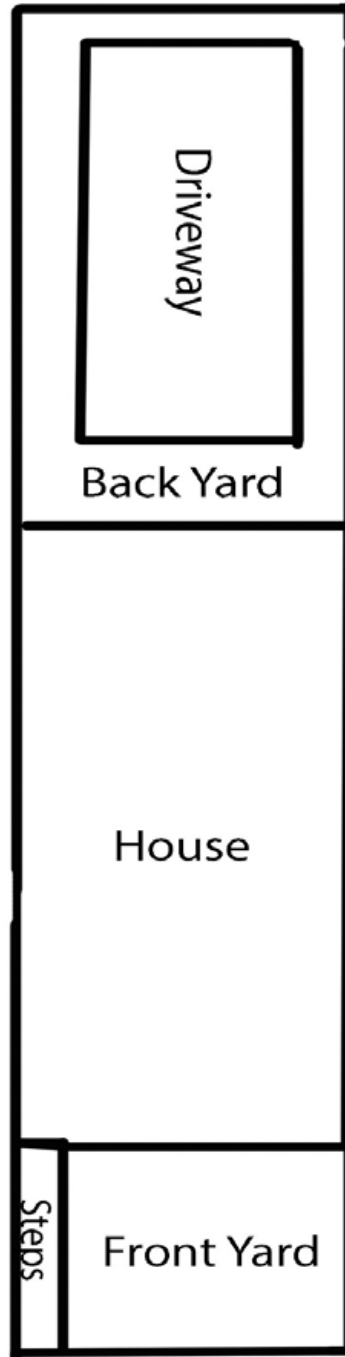
ZONING MAP



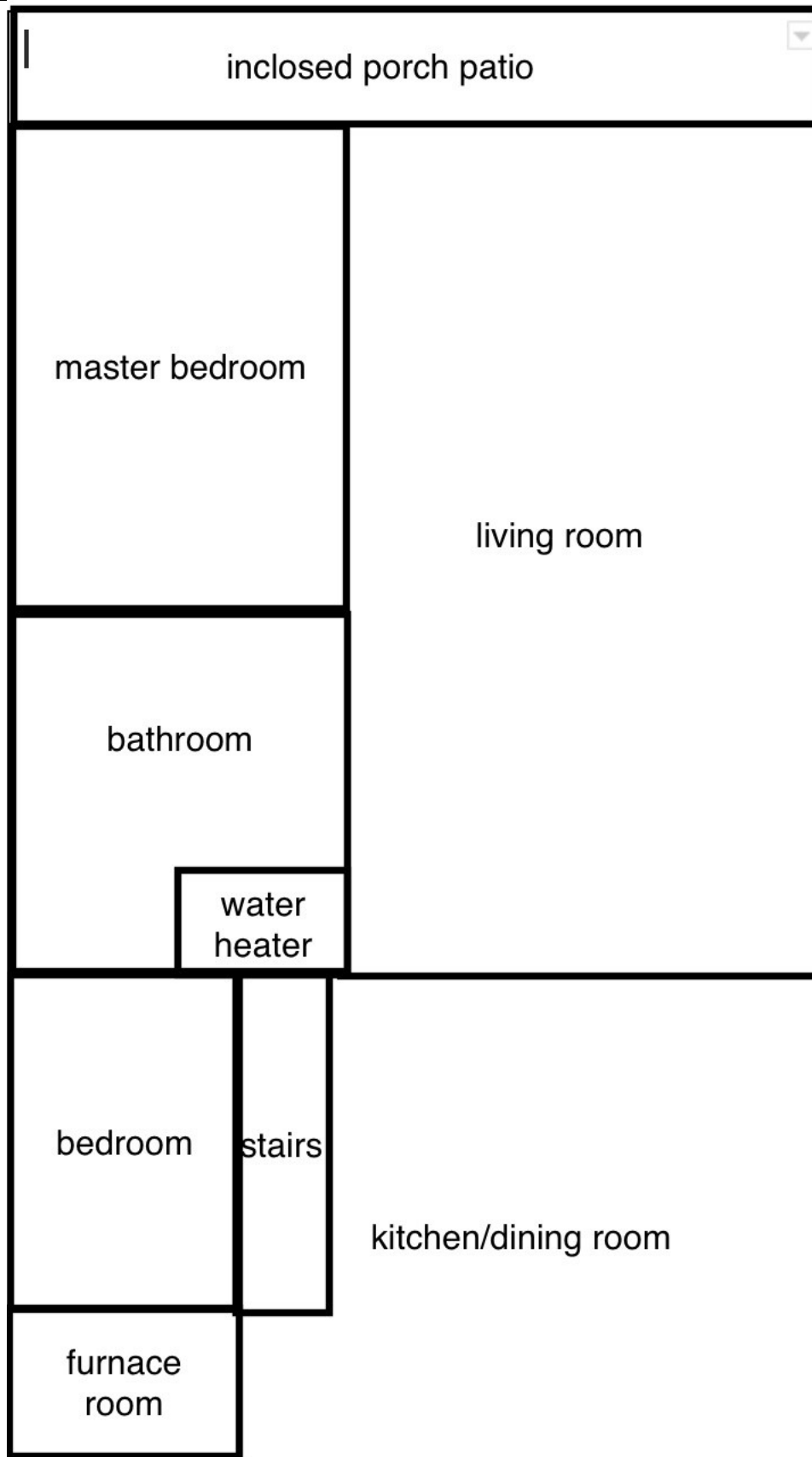
LAND USE MAP



527 Tenny Site Plan



FLOOR PLAN



GUEST BOOK

Welcome guests!

Location:

527 Tenny Ave, Kansas City, KS 66101

Owner Contact:

Justine Leah Robles (213) 400 9202

Tyler Reynolds (913) 375 6338

Max Number of Guests: 8

Welcome:

As your host, it's our goal to make your stay as comfortable as it can possibly be. Our mission is to help our guests create beautiful memories with our cozy home. For an optimal experience for us both, we've spelled out some house rules. Thank you in advance. We truly appreciate your cooperation. .

Check in & Check out

Check in:

Anytime after 3 pm

Please let us know if you are arriving earlier so we could try and accommodate you. Also please notify us if you're arriving after midnight.

Key Code XXXX. This is the code to use for the front door. If you are having any problems using it give us a call and we would be able to help you out.

You will find a towel for each guest on the beds.

WiFi Code

Network name: XXXXXXXXX

Password: XXXXXXXXX

Check out:

Check out is before 11am. Please let us know in advance if you wish to check out late and we will see if we can accommodate you.

House Rules:

- No parties or events (this is enforced by local government)
- Only the guests noted in the booking are allowed to stay overnight otherwise an extra \$15 will be added
- Please remove shoes indoors
- Do not use the premise for any illegal activities

- No smoking inside the home
- Damages exceeding the deposit amount will be billed to the guest and reported to Airbnb
- No pets
- Quiet hours after 10:00 pm
- Please put used dishes in dishwasher and start it before check out
- Please park in provided driveway in rear of house
- Host Compliance information: 913-246-5133, www.hostcompliance/tips

SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 7, 2023



SAMPLE MINUTES:

Application Number SP2023-016

Date and Location: Comments through phone and email by April 24, 2023

Meeting called to order at: _____

Names of people in attendance: 0

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at:

Minutes taken by: _____

No questions or comments were received

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Tyler Reynolds, of lawful age, sound mind and open his/her oath states as follows

1. That I am the petitioner for Petition # SP2023-016.
2. That I conducted a neighborhood meeting on Letters sent out on April 8, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department

Further affiant saith not.

Tyler Reynolds _____ Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 20__ My
commission expires _____ of _____, 20__.

Notary Public