



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: City Planning Commission
From: Planning and Urban Design Staff
Date: November 13, 2023
Re: **Special Use Petition SP2023-097**

GENERAL INFORMATION

Applicant:

Wingfu Aaron Lau DBA Eternal Investing LLC

Status of Applicant:

Property Owner
4110 South Minnie Street
Kansas City, Kansas 66103

Requested Action:

Approval of a Short-Term Rental Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

To approve a Special Use Permit for a Short-Term Rental. This is not the applicant's primary residence.

Property Location:

September 29, 2023

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



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 District West: RP-5 Planned Apartment District
Adjacent Uses:	North: Vacant lot South: Single-family residence East: Single-family residence West: Multi-family apartments
Total Tract Size:	0.16 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the subject property as General Urban, which allows rowhouses, townhomes, and single-family houses.
Major Street Plan:	The goDotte Mobility Plan designates South Thompson Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearing:	November 13, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron Lau, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4110 South Minnie Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4100 block of South Minnie Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of residential uses, including single-family residences, duplexes, fourplexes, and garden style apartments.

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 the R-1(B) Single Family District and RP-5 Planned Apartment District. 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 currently not suitable to be used as a single-family residence as the applicant's home inspection demonstrated that the property is unfit to live in. The property could be suitable for use as a short-term rental if properly managed and rehabilitated properly. 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.

It is unclear how long the property has been vacant.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The designates the subject property as General Urban, which allows for rowhouses, townhouses, with single-family residences. The use as a short-term rental conforms to the Area Plan.

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 South Minnie Street, a local street, 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, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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 and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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 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 six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. The property owner must provide a plan set and full scope of work for the rehabilitation of the residence. The home inspection report deems that the property is not suitable to be inhabited. The applicant has stated that they will remodel the residence if approved for a Special Use Permit. The applicant must provide a plan set and scope of work prior to the hearing of this Special Use Permit.

Applicant Response: The scope of work of the rehab include kitchen, bathroom update & remodel, new fresh paint inside the whole house, and refinished floor, and new appliances, new fixtures, new furniture to bring it up to today's short term rental standard.

Staff Response: The applicant did not provide a plan set. This will be required when obtaining a building permit.

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

Applicant Response: The whole house.

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

Applicant Response: Two (2) bedrooms.

4. 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 with one (1) in the garage.

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

Applicant Response: Six (6) people.

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

Applicant Response: 90%.

7. 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: I'm an experienced Airbnb super-host. I will be self-managing it. I live about 20 mins from the property in overland park. I can easily get to the property if any problem.

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

Applicant Response: Currently, there is no house on either side of the house. And a huge tree area separated the house from the back. I'm happy to exchange phone number with any neighbor for any issue

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

Applicant Response: I have not obtained business license/Occupational Tax receipt. I'd certainly get obtain this document before operating.

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

Applicant Response: Yes Airbnb will deduct and pay for these tax once it's listed on their platform.

11. Indicate how you will maintain the property in a safe and sanitary manner, including:
- Working smoke detectors in each bedroom plus each level of the unit/house
 - GFCI outlets required in bathrooms
 - Double keyed locks are not allowed
 - Copper cannot be used for gas supply lines
 - Windows must be operable, not blocked or boarded
 - Handrails are required at sets of 4 or more stairs/ risers
 - Hot water tank and furnace must be vented properly and operational
 - Electric panel and circuits must be safe; and
 - Facility cleaned and sanitized after each guest check-out.

Staff Response: The applicant has completed a home inspection.

12. 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

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

Applicant Response: Yes. It will be spelled out clearly on airbnb platform, " Absolutely No party, No smoking, No Loud music. And please be respectful to all the neighbors".

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

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

Applicant Response: Yes.

16. 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: I can get to the house in 20 minutes if any issues.

17. Actions taken to achieve compliance:

Applicant Response: Yes. I will make sure the house is compliance to the city rules and regulations for short term rentals purpose. Thank you for your consideration.

Planning Engineering Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1. None.
- B. Items that are conditions of approval:
 - 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.

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 **APPROVAL** of Petition **SP2023-097** subject to all comments and suggestions outlined in this staff report.

1. **The applicant has six (6) months to pull a building permit for a residential remodel. The applicant shall contact Building Inspections at BuildingInspection@wycokck.org or (913) 573-8620 to begin this process;**
2. **Maximum number of guests shall be six (6);**
3. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
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 six (6) months 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; and,
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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

Aerial Imagery
 Zoning Map
 Land Use Map – Rosedale Area Plan
 Neighborhood Meeting Documents
 Home Inspection Report
 Floor Plan
 Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use	November 13, 2023	November 30, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Kansas City, Kansas, City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2023-097** 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 **SP2023-097**, 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

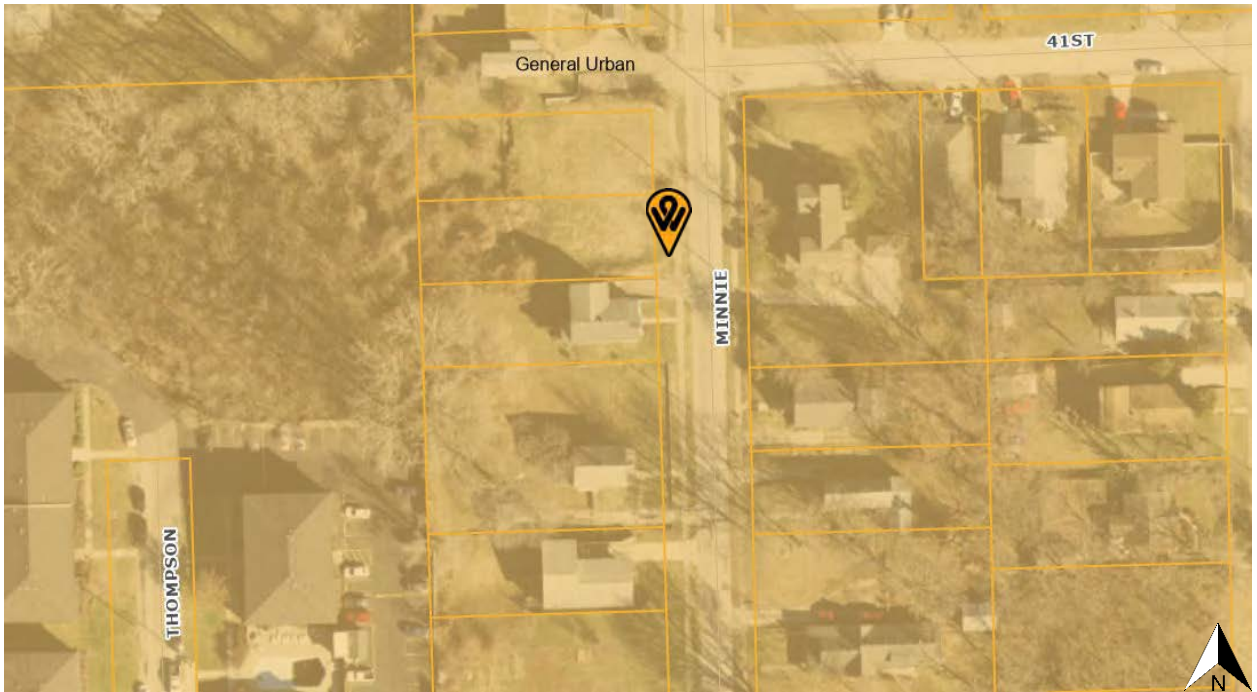
AERIAL IMAGERY



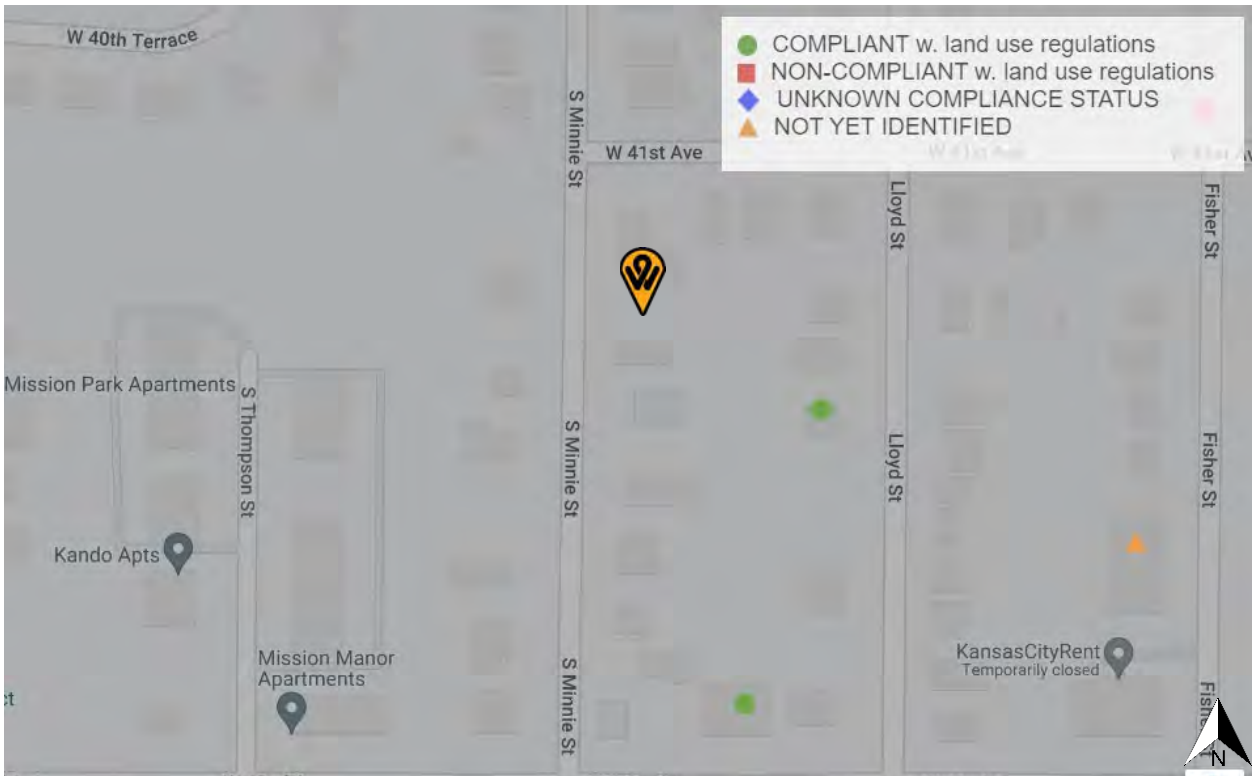
ZONING MAP



LAND USE MAP – ROSEDALE AREA PLAN



HOST COMPLIANCE MAP – OCTOBER 18, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Johnson) SS:

Comes now Winifred Aaron Lan, of lawful age, sound mind and upon his/her oath states as follows:

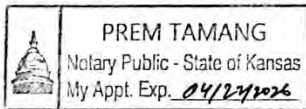
1. That I am the petitioner for Petition # SP2023-097
2. That I conducted a neighborhood meeting on 10/30/23 Burpinking
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Winifred Aaron Lan
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of OCTOBER, 2023.

My commission expires 22nd of APRIL, 2026



Prem Tamang
Notary Public

Date: 10/17/2023

Name: Wingfu Aaron Lau
Address: 4110 S minnie st, kansas city, KS 66103
Subject: Neighborhood meeting

I/We have filed an application with the department of Urban Planning and land use # SP2023-097 . The purpose of this is

Special Use Permit to operate a short-term rental at 4110 South Minnie Street.

I/We have neighborhood meeting on 10/30/2023 at 5pm at the following address
4004 Rainbow Blvd, Kansas City, KS 66103, Burger King

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address/phone number listed below.

alau.buildwealth@gmail.com
650 504 2992

Sincerely,

Wingfu Aaron Lau

4110 S
MINUTE ST.
KC KS 66103

Name and Contact Information

~~SAMPLE~~ MINUTES:

Application Number SP 2023-097

Date and Location: 10/30/23. Burj King. 4004 Rainbow Blvd

Meeting called to order at: 5 pm

Names of people in attendance: ∅

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: 5:40 pm

Minutes taken by: Aaron Lou

No one contact me thru email / phone call.
No one come to the meeting.

Thank you.

Priority 1 Home Inspections, LLC



September 20th 2023, 6:35 am

Inspection performed by:

Cait Kinman

6602150837

cait.priority1homeinspections@gmail.com

General Information

BUILDING ADDRESS: 4110 Minnie Street
CITY: Kansas City
STATE: Kansas
ZIP CODE:
INSPECTION DESCRIPTION: Safety Inspection for short term rental application.
SQUARE FOOTAGE:
Picture:
Has the PRE-INSPECTION AGREEMENT been signed by the client?

Is the client present for the inspection?

Is the real estate agent present for the inspection?

Priority 1 Home Inspections, LLC Confidential -for client use only. Use by any unauthorized persons is prohibited

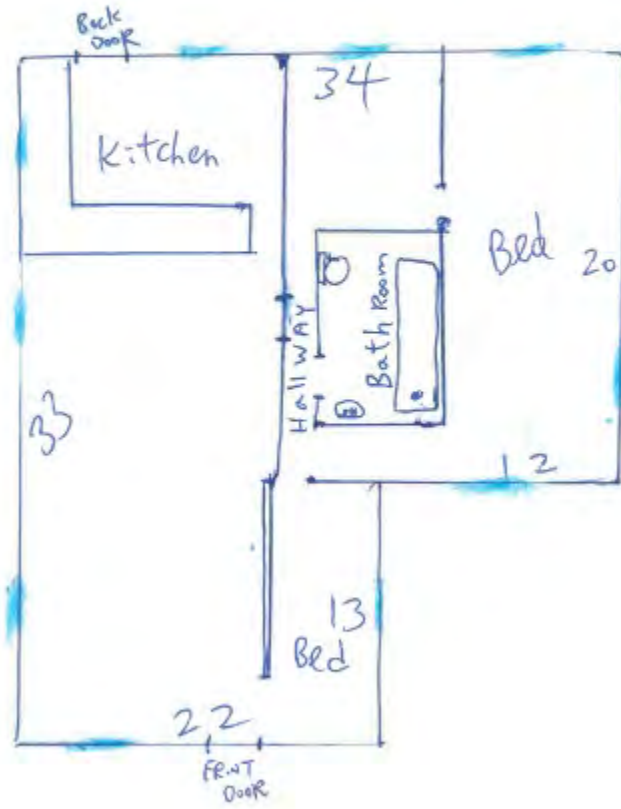
1

SUMMARY:

The safety inspection for this property resulted in a failing status at this time. There is an outdated electrical panel in the basement. The wiring is not up to safety standards. There is a water source in the basement level, but there is not plumbing that runs through the home. Most of the pipes are extremely old or missing sections and they are not to a satisfactory grade for safety standards. The water heater has an extreme amount of rust at all of the connections and piping is not up to safety standards. The floorboards in the kitchen have an extreme amount of water damage from the underside and display signs of mold. The back porch was inaccessible to inspect closely, but there were signs of structural damage. The stairway to the basement is extremely narrow and not up to safety standards. The overall state of the property at this time is not up to safety standards. The owner has advised they are doing extensive repairs and remodeling to bring the property up to standards.

FLOOR PLAN

Dimensioned PLAN



T.t.l Living Area:
966

— Window

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 18, 2023

