

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
8/24/2009

ITEM NO. 1 SPECIAL USE PERMIT FOR BED AND BREAKFAST; 603 TENNESSEE STREET (LBZ)

SUP-4-3-09: Consider an amended Special Use Permit application, repealing the Adaptive Reuse of a Historic Property element of the application, for property located at 603 Tennessee Street for a Bed & Breakfast. Submitted by Rainbow Works LLC, property owner of record. *Deferred from the 7/20/09 Planning Commission meeting.*

STAFF RECOMMENDATION: Staff recommends approval of SUP-4-3-09, a Special Use Permit for a Bed and Breakfast located at 603 Tennessee Street based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Final Inspection and approval by the Fire Department before occupancy as a Bed and Breakfast.
4. Applicant shall provide a revised site plan to show the following changes:
 - a. existing fencing
 - b. site summary table
 - c. existing building elevations
 - d. correct the following text on the face of the site plan:
 1. remove "with On-Site Manager" from Occupancy – Proposed
 2. remove Employees – (1)
 3. add DR-7-88-09 under Historic Resources Commission
 4. removed "Caretaker's Suite" under Floor Areas and Uses. Identify as 'Owners Suite'
5. Applicant shall provide a revised site plan to include the following notes:
 - a. "SUP is granted approval for 5 years. A new SUP shall be required before July 2014 to continue the Bed and Breakfast use."
 - b. "SUP is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing."
6. Any signage associated with the bed and breakfast must be reviewed and approved by the Historic Resources Administrator prior to installation.

Applicant's Reason for Request: *Bed and Breakfast is desired*

KEY POINTS

- Structure is an existing residence.
- No exterior alterations are proposed at this time.
- The proposed use requires the addition of a fire suppression system to the structure.

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Publication of a Special Use Permit ordinance per Section 20-1306(j).
- DR-7-88-09 administratively approved by the Historic Resources Administrator on August 13, 2009. The Historic Resources Commission is scheduled to confirm this approval on August 20, 2009.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

Comments via phone and email were received and submitted to the Planning Commission as communications for SUP-04-03-09, Item No. 1 on the July 20, 2009 Planning Commission agenda.

ATTACHMENTS

- Area Map
- Site Plan
- Staff report for Historic Resources review.

GENERAL INFORMATION

Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District; existing residence.

Surrounding Zoning and Land Use: To the north, south, and west RS5 (Single-Dwelling) Residential District; existing single family residences.

To the east OS (Open Space) Buford M. Watson Jr. Park.

Summary of Special Use

The property is located on the southwest corner of Tennessee and 6th Streets. The property is developed with a two and a half story house with two detached garage structures. The proposed use is for the operation of a Bed and Breakfast with an resident owner manager and three guest rooms. The proposed use is defined in section 20-1763 of the Development Code as:

20-1763 BED AND BREAKFAST. An establishment located within a Detached Dwelling that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

The Development Code also identifies in 20-504 *Bed and Breakfast Establishment*:

(1) A Bed and Breakfast with 3 or fewer guest bedrooms shall be operated as an incidental use to the Principal Use of an Owner-occupied Structure.

The owner of the property has advised staff that she will live in the structure as her principal residence and operate the Bed and Breakfast as an incidental use.



Site Plan Review:

The applicant does not propose any physical changes to the site. Staff has identified several items that must be noted on the face of the site plan and are reflected as conditions of approval. Included in these items are the alterations required to remove the Adaptive Reuse/Resident Manager portion of the project.

Parking

Parking for this use will be accommodated with existing driveway parking area from 6th Street and alley access in the rear of the property. 20-902 identifies the parking requirement for a Bed and Breakfast as 1 per guest room plus 1 per 1.5 employees. The applicant is proposing four total parking spaces for the three guest rooms and the owner as the only "employee" who will live at 603 Tennessee and operate the Bed and Breakfast.

Required Parking: 1 per guest room plus 1 per 1.5 employees; 4 spaces.

Parking Proposed: Four total spaces.

Review and Decision-Making Criteria (20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Staff Finding – The proposed use complies with all of the provisions of the Bed and Breakfast use in 20-1763 and the Special Use Section 20-1306. The use is allowed in the RS5 with a Special Use Permit.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Currently, there is an operating bed and breakfast within the same block (northwest corner of 7th and Tennessee Streets) as this proposed bed and breakfast. The applicant has indicated that

the maximum rooms available at this time will be three. The applicant has revised the original application to remove the caretaker/resident manager. The applicant now proposes that the owner will live on the property and will operate the Bed and Breakfast as an accessory use. There are no proposed changes to the site. Because of the limited use of the bed and breakfast, there will be minimal impact in terms of scale and operating characteristics. The lighting proposed for the structure is residential in scale and will not adversely impact the area. The applicant has not provided hours of operation. A traffic impact study has been completed by the applicant. The study indicates that the impact of this new use will be negligible. 6th Street is a principle arterial and Tennessee Street is a major collector street. There is ample parking on site for the proposed use.

Staff Finding – The proposed use is compatible with the single family use and public park that exists in the neighborhood.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

The information that is available to staff indicates that the introduction of a bed and breakfast use into a historic district does not diminish the property values of the district. In addition, there is no evidence that the existing bed and breakfast on the same block has had any negative impact on the value of property in the area.

Staff Finding – The proposed use will not cause substantial diminution in the values of other property in the neighborhood.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Review of this project by City staff indicates the applicant will be required to install a fire suppression system and upgrading of the fire alarm system. If in the future additional rooms are to be included in the use, new means of egress may be required for the expansion. The increase of use from a single family to a three room bed and breakfast is negligible and will therefore not impact transportation or utility services.

Staff Finding – The proposed use will not preclude the ability to service the existing uses in respect to public safety, transportation and utilities. The applicant will need to add the fire suppression system to the structure before it can be occupied as a bed and breakfast.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The applicant will be required to sign a site plan performance agreement before the release of the site plan.

Staff Finding – Adequate assurances of continuing maintenance will be address with the site plan performance agreement.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

The property is developed with an existing residence and two single story garages. No physical changes to the site are proposed.

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

The introduction of new uses into a residential neighborhood should be done with careful consideration to the unique aspects and character defining elements of the neighborhood. This is particularly important in a designated historic district. While there is an existing bed and breakfast in the same block, the introduction of this additional bed and breakfast should be monitored for its impact on the historic district and neighborhood. Because of the uniqueness of this area, the bed and breakfast special use should be reviewed at five year intervals. In addition, any alterations to the approved special use plan, including the use of additional bed rooms over three, should be reviewed and approved by the Historic Resources Commission, Planning Commission and the Lawrence City Commission at public hearings to determine the overall impact of the change on this historic neighborhood.

Staff Finding – The proposed use should be reviewed by the Historic Resources Commission, the Planning Commission, and the City Commission every five years to evaluate the impact of the special use on the character-defining and neighborhood quality of this important historic neighborhood.

Conclusion

The bed and breakfast use is recognized by the Development Code as a use that can be compatible with the RS5 District with a Special Use Permit. Due to the corner location and size of this structure, the bed and breakfast use appears appropriate. The applicant has worked with staff and surrounding neighbors to try and mitigate any perceived negative impacts associated with the proposed special use. Because Special Use Permits are granted with special consideration and are not intended to have a significant adverse impact on the surrounding uses or on the community at-large, the Development Code identifies in 20-1306 (I) the procedures for amendment, suspension and revocation of Special Use Permits.