

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item:**

PC Staff Report  
04/21/2014

**ITEM NO. 4      SPECIAL USE PERMIT FOR BED AND BREAKFAST; 603 TENNESSEE STREET (JSC)**

**SUP-14-00049:** Consider renewal of a Special Use Permit for an adaptive reuse of a Designated Historic Property located at 603 Tennessee Street for a Bed and Breakfast. Submitted by Serina Hearn for Rainbow Works L.L.C., property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-14-00049, a renewal of a Special Use Permit for 603 Tennessee Street for use as a Bed and Breakfast, based upon the findings presented in the body of the staff report, and subject to the following conditions:

1. A Special Use Permit renewal is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing.
2. A Special Use Permit renewal is granted approval for 5 years. A new Special Use Permit shall be required to continue the Bed and Breakfast use.

**Applicant's Reason for Request:**    *Special Use Permit Renewal for a Bed and Breakfast*

**KEY POINTS**

- The existing structure is currently utilized for an existing bed and breakfast.
- No exterior alterations or site modifications are proposed at this time.

**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).

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- No written comments were received prior to the publishing of this staff report.

**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 Street and 6<sup>th</sup> Street. 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 on-site 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.*



In addition to the findings required of Section 20-1306 of the Land Development Code, additional standards of review are required for an adaptive reuse listed in section 20-501 of the Development Code. These combined findings are listed below.

### Site Plan Review:

The applicant does not propose any physical changes to the site or the approved site plan.

### Parking

Parking for this use will be accommodated by an existing driveway parking area from 6<sup>th</sup> Street and alley access in the rear of the property.

Required Parking: 1 per guest room plus 1 per 1.5 employees

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 the provisions of the Bed and Breakfast use in Section 20-504 and the Special Uses requirements in Section 20-1306. The use is allowed in the RS5 with approval of a Special Use Permit. In correspondence dated 26 March 2014, the applicant wrote to indicate the owner occupies living quarters within the structure as required in Section 20-504: "Bed and Breakfast Establishment," which requires, "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."

**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**

The applicant has indicated that the maximum rooms available at this time will be three. There will be a full-time resident manager on the property. There are no proposed changes to the site. Because of the limited use as a 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 has not adversely impacted the area. A traffic impact study has been completed by the applicant. The study indicates that the impact of this new use will be negligible. Sixth Street is a principal arterial, and Tennessee Street is a major collector street. There is parking on-site for the proposed use.

**Staff Finding** – The proposed use is compatible with the single-family residential 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 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 planning staff indicates no additional modifications or alterations are required for this site. If, in the future, additional rooms are to be included in this use, new means of egress may be required for the expansion. The increase of use from a single-family residential to a resident manager and three rooms is negligible; therefore, it does not impact transportation or utility services.

**Staff Finding** – The proposed use does not preclude the ability to service the existing uses in respect to public safety, transportation, and utilities.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

The applicant was 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, with 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. The continued use of this bed and breakfast should be monitored for impacts on the historic district as well as the 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 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 adaptive reuse of historic structures is often vital to the continued use of these structures. The National Park Service recommends the adaptive reuse of structures if the original use is no longer viable. The continued use of the structure so that it does not fall into disrepair is the key to the preservation of architectural heritage. The National Park Service also recommends that the adaptive reuse is one that will require minimal changes and that can be easily reversed.

The adaptive reuse of a single-family residence to a bed and breakfast meets these criteria and is a recommended reuse by the National Park Service, and the National Trust for Historic Preservation, for single-family structures.

The bed and breakfast use is recognized by the Land 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, a bed and breakfast use is appropriate.