

March 1, 2019

Lawrence City Commission

City of Lawrence

Box 708

Lawrence, KS 66044

To Members of the City Commission:

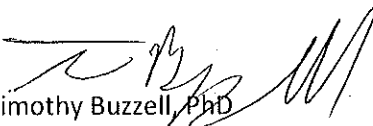
I am writing today to express my opposition to granting a Special Use Permit (SUP) to the company seeking to designate the house at 921 Holiday Drive as "rental property." There are several reasons for my opposition to the SUP.

First, I feel a bit misled by the earlier notice for Hearing that went out last month. Rentals by families seeking long-term leases in our neighborhood are quite different than rentals for air-b-and-b. There was no indication in the notice of Hearing that the company seeking the SUP was creating a "residential hotel" in our neighborhood.

Second, and speaking as a Sociologist, transient populations in neighborhoods create environments that decrease safety, and create noise and disorder problems related to the property. Our neighborhood already is trying to hold the line as there are a number of apartment complexes near this residence at 921 Holiday Drive, and a number of rental houses already in this area. These complexes over the last ten years have been areas of criminal activity. Such is the nature of transient populations with no sense of ownership in a neighborhood of family residences. The shift from complexes to "residential hotels" right next door to family homes is problematic.

Finally, when I received the notice of Hearing last month, I attempted to find more information about the company seeking the permit. Very little information was available. Moreover, I learn now that this is a company with no connections to Lawrence. This is a concern in that out of town companies, and certainly out of state companies have little interest in life at the neighborhood level. They are driven by making money, and easily ignore complaints or quality of life issues. How would they know about quality of life on Holiday Drive or this area of Lawrence? They don't live here.

I urge you to deny the Special Use Permit for the property 921 Holiday Drive in Lawrence, Kansas.

  
Timothy Buzzell, PhD

3219 W. 9<sup>th</sup> Street

Lawrence, KS 66049

785-841-9280

317 Boulder Street  
Lawrence, Kansas 666049  
March 4, 2019

Dear City Commissioners:

I am concerned about the city ordinance regarding Airbnb's, VRBO's, and other nightly rentals. The reality of life is that everyone is really busy and leaves policymaking up to those elected to do so. The time most of us become involved is when we realize the consequences of a decision as it applies to us.

A friend of mine lives on Holiday Drive and told me about the Airbnb that is being proposed for her neighborhood, so I started thinking about how I would feel if it was my neighborhood. I don't know if it is too late to express my concerns about having a non-owner occupied short-term rental home in an established neighborhood. Even a hotel has a person at a desk to check people in and help them and make sure there are no problems in the hotel.

When someone buys a house in a residential neighborhood, that person expects neighbors who live there for a relatively long period of time so that they know each other and watch out for each other. Neighbors should not have to worry each evening about who is "living" next door. If the owner of the house is there, then there is someone who has an interest in keeping the home and neighborhood safe.

Otherwise, neither the neighbors nor the owner has any idea who is renting for the night – drug dealers, human traffickers, a pastor, family of four... But each night the renters change. This doesn't sound like a home in a residential neighborhood. It is more like a commercial setting.

I hope it is possible to change the ordinance in the future, but at the least I hope this particular permit is denied so that Holiday Drive neighborhood keeps its strong relationship with each other without having to worry about who is staying in the untended home.

With concern,

Diane Grant Low

RECEIVED

1017 Holiday Drive

MAR 04 2019

Lawrence KS 66049

CITY MANAGER'S OFFICE  
LAWRENCE, KS

4 March 2019

TO: The LAWRENCE CITY COMMISSION

RE: Application for Special Use Permit for 921 Holiday Drive Bingham Investments LLC

Dear Ms. Mayor and Commissioners,

Please find a print out of the Airbnb listing for the above mentioned address attached to this letter. I printed this out on Sunday March 3, 2019. I have highlighted areas of interest. They are as follows:

- I have identified the property by the photo on the front sheet. I identify the photo of the host as Carla Bingham from the video of the planning commission meeting on this permit application.
- The home is being offered for 9 guests without regard for PUD zoning restriction of a maximum of 3 unrelated adults
- Offering 5 beds but photos only show one bed in each room. The permit application is for 4 bedrooms. (Photo of each room is in online photo array.)
- Home is being offered to "group of friends"
- Was reviewed by (and therefore rented to) nightly renters in February, January and December despite lack of permit
- Of interest to me is the lack of verification of the identity or number in the renting party as entrance is gained via a lock box entrance. (self-service check in)
- The renter in December (Melanie) stated in her review that her group of 9 utilized all 5 bedrooms.

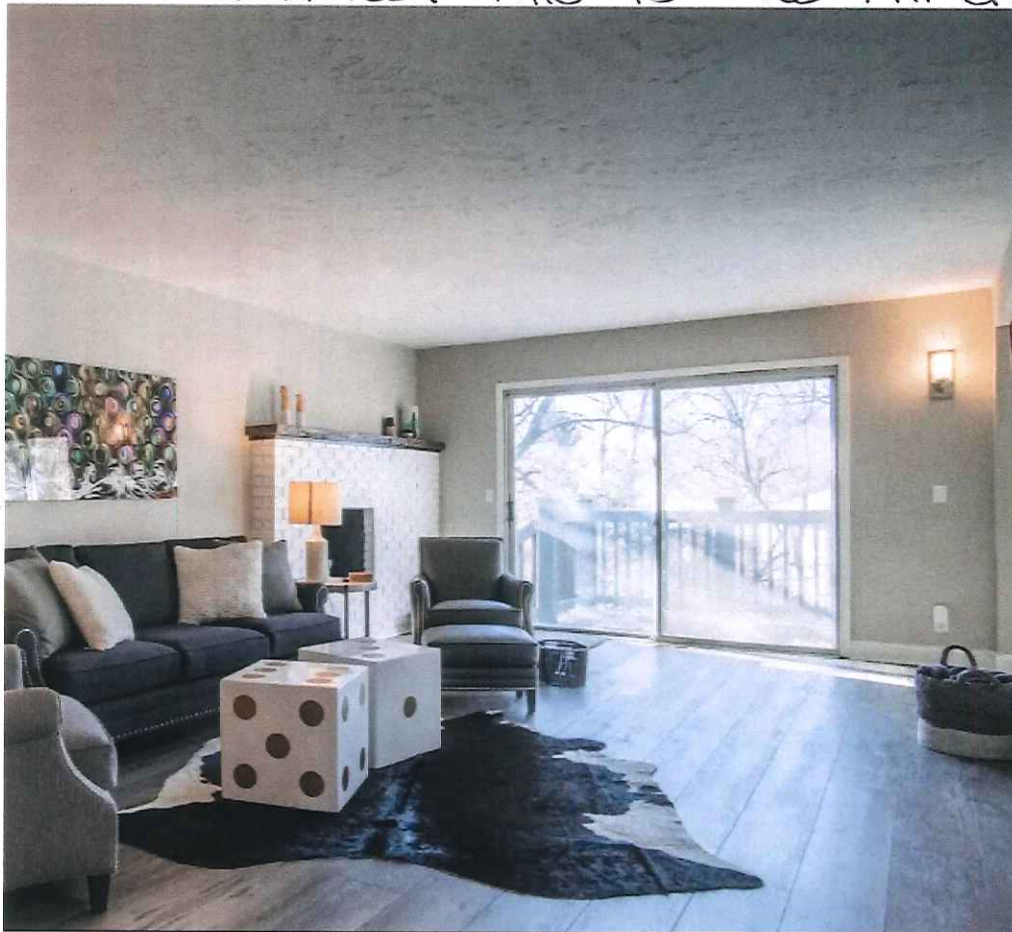
Please consider how this disregard for compliance with the permitting procedure reflects on the opinion of this property owner towards the value of our neighborhood, the safety, health and wellbeing of Holiday Hills residents, including the many children who call this neighborhood their home, as well as the rule of law in general.

Please deny this Special Use Permit application.

Thank you, 

Sheri Ellenbecer

I ATTEST THIS IS THE AIRBNB LISTING OF 921 HOLIDAY DR ON MARCH 3 2019



THIS IS CLEARLY 921 HOLIDAY DR.

ENTIRE HOUSE

# Centrally Located Modern, Spacious Home

Lawrence

🏠 Entire house  
9 guests 4 bedrooms 5 beds 2 baths

📍 Great location  
100% of recent guests gave the location a 5-star rating.

🧼 Sparkling clean  
5 recent guests said this place was sparkling clean.

👤 Great check-in experience



Carla

THIS IS CARLA BINGHAM.

\$400 per night  
★★★★★ 5

Dates  
06/18/2019 → 06/20/2019

Guests  
9 guests

\$400 x 2 nights (?)	\$800
Cleaning fee (?)	\$130
Service fee (?)	\$120





ENTIRE HOUSE

# Centrally Located Modern, Spacious Home

Lawrence



Carla

## 🏠 Entire house

9 guests 4 bedrooms 5 beds 2 baths

## 📍 Great location

100% of recent guests gave the location a 5-star rating.

## 🧼 Sparkling clean

5 recent guests said this place was sparkling clean.

## 🔑 Great check-in experience

100% of recent guests gave the check-in process a 5-star rating.

Located in a lovely Lawrence neighborhood and less than 2 miles from KU campus, our home is a short drive or walk to shops and restaurants in the area including The Merc Coop and Munchers Bakery. Our five bedroom home boasts two roomy living spaces, an open floorpan, and a large, modern kitchen. It's perfect for families or a group of friends. Newly renovated from top to bottom late 2018.


### Contact host

### Amenities

 Wifi

 Free parking on premises

 Kitchen

 Hair dryer

[Show all 32 amenities](#)

### Sleeping arrangements



**Bedroom 1**  
1 king bed



**Bedroom 2**  
1 king bed



### Availability

2 night minimum stay · Updated 9 days ago

[Clear dates](#)

← June 2019							July 2019 →						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						<b>1</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>7</b>	<b>8</b>	<b>9</b>	10	11	12	<b>13</b>
<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
<b>16</b>	<b>17</b>	18	19	20	<b>21</b>	<b>22</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>			
<b>30</b>													

# 5 Reviews ★★★★★

🔍 Search reviews

Accuracy	★★★★★
Communication	★★★★★
Cleanliness	★★★★★
Location	★★★★★
Check-in	★★★★★
Value	★★★★★



**Nate**  
February 2019



I don't have a whole lot to say because it was absolutely perfect. Plenty of room to be comfortable with a larger party. Everything is clean and as advertised. A great value if you're spending some days in Lawrence.



**Susan**  
February 2019



Super clean, wonderful amenities and convenient location. Definitely would stay there again!



**Wendi**  
January 2019



The house was nicer than shown in pictures. Stylish and clean - plenty of space for everyone. The location is ideal - close to downtown and campus. She had items in the fridge for us as well as coffee and snacks. Very responsive - would stay here again!



**Karen**  
January 2019





If you are traveling to Lawrence, Kansas, you should plan on staying at the Holiday House! What an amazing place to stay! This property has been recently renovated and is just beautiful! The host thought of so many thoughtful details: coffee and creamer available, soft sheets and blankets, plush white towels, a steamer for our clothes, and brand new, comfortable beds! The price was very reasonable for a house of this size and quality. We will stay here again!



Melanie

December 2018



Freshly renovated, Sparkling clean, with all the luxuries of home! The hosts of Holiday House, Carla and Hollie, thought of everything we might need to make our stay fabulous. Entry was super easy! **With the digital lock we had quick and easy access without having to take a key out** of a lock box. We parked in the 2 car garage which made it so nice in the cold weather. When we walked in, the home was warm and cozy and did I mention How Clean it was?! The kitchen is very well stocked with everything you might need to cook your meals. The appliances, cookware, dishes, coffee maker/Kurig, utensils, etc, were all high end and in excellent condition which is not that common with most Airbnb's! Our **group of nine, utilized all 5 bedrooms** and had plenty of room to spread out. Upstairs is the Kitchen, living room and two large bedrooms. The master bedroom is connected to the upstairs bathroom. Downstairs is the **second bathroom, laundry room, a cozy family room, two large bedrooms and one small twin room**. The beds were my personal favorite thing about Holiday House. Top of the line and probably the most comfortable bed I've ever slept in. There were lots of extra pillows and blankets in each of the bedroom closets. The bathrooms were stocked with shampoo, conditioner and body wash, as well as blow dryer and toiletries. The washer and dryer were also high end, and laundry detergent, iron, ironing board and steamer were all provided. I would ABSOLUTELY recommend Holiday House for your trip to Lawrence, KS!!



**Response from Carla:**

Thank you Melanie for this outstanding review. We are so happy you chose to stay at our newly listed home. Wishing you safe and happy travels in 2019!

December 2018

## Hosted by Carla

Overland Park, KS · Joined in September 2014

★ 7 Reviews

Response rate: **100%**

Response time: **within an hour**





Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

### About the home

When you stay in an Airbnb, you're staying in someone's home.

This is Carla's place.

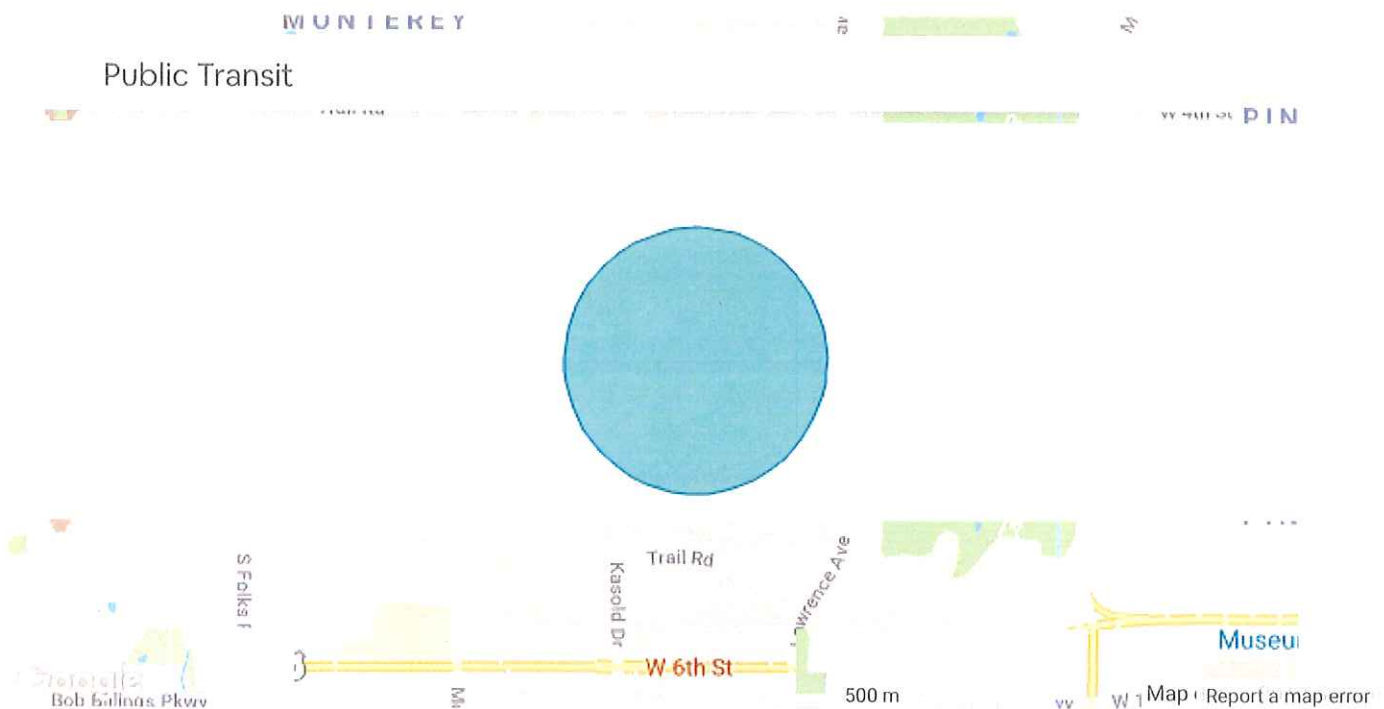


Hollie helps host.



### The neighborhood

Carla's home is located in Lawrence, Kansas, United States.



Exact location information is provided after a booking is confirmed.

## Policies

### House Rules

Not safe or suitable for infants (under 2 years) and pets - Children are welcome, we just haven't put outlet plugs in the house or secured any furnishings. We also do not have gates for stairways inside or out

No smoking, parties, or events

Check-in time is 3PM - 12AM (midnight) and check out out by 12PM (noon)

Self check-in with smart lock

### Cancellations

Moderate - Free cancellation for 48 hours

After that, cancel before 3:00PM on Jun 13 and get a full refund, minus the service fee.

## Simi

**\$400** per night

★★★★★ 5

Dates

06/18/2019 → 06/20/2019

Guests

9 guests




\$400 x 2 nights <sup>?</sup>	\$800
Cleaning fee <sup>?</sup>	\$130
Service fee <sup>?</sup>	\$120
Occupancy taxes and fees <sup>?</sup>	\$140
<b>Total</b>	<b>\$1,190</b>



Request to Book



You won't be charged yet

 Report this listing

**ENTIRE HOUSE**

**Top location! Superhost sweet spot.**

16+ guests · 3 bedrooms · 9 beds · 2.5 baths  
Free parking on premises · Wifi · Kitchen · Washer

★★★★★ 134

**\$200/night**

## Explore other options in and around Lawrence

More places to stay in Lawrence: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

- Kansas City
- Ajmer
- Trooz
- Picauville
- Nambucca Heads
- Windsor
- Propata
- Punta Rucia
- Temoaya
- Oberwambach
- Arlington
- Gressingham



Not safe or suitable for infants (under 2 years) and pets - Children are welcome, we just haven't put outlet plugs in the house or secured any furnishings. We also do not have gates for stairways inside or out

No smoking, parties, or events

Check-in time is 3PM - 12AM (midnight) and check out out by 11AM

### Cancellations

#### Moderate

Cancel before 3:00PM on Feb 20 and get a 50% refund, minus the first night and service fee.

## Explore other options in and around Lawrence

More p	<b>\$250</b> per night	
	★★★★★ 4	breakfasts · Lofts · Villas · Condominiums
Kansas		
Babind	Dates	
Santa T	02/20/2019 → 02/22/2019	
Foshan		
Caldop		
Banjul		
Coalda	Guests	
Ghviarc	9 guests	▼
Wincht		
Taliarte		
Steinw	\$250 x 2 nights ⓘ	\$500
Fortun		
Arco de	Cleaning fee ⓘ	\$130
Sangok		
Eerwah	Service fee ⓘ	\$81
null		
Bodneq	Occupancy taxes and fees ⓘ	\$95
Kurrimi		
	<b>Total</b>	<b>\$806</b>

[Request to Book](#)

You won't be charged yet

🚩 Report this listing

912 Holiday Drive  
Lawrence KS 6049  
March 4, 2019

RECEIVED  
MAR 04 2019  
CITY MANAGER'S OFFICE  
LAWRENCE, KS

Lawrence City Commission.  
6 East 6<sup>th</sup> Street  
Lawrence KS 66049

Gentlepeople:

This is to express opposition to the proposed Special Use Permit (SUP) for a transient occupancy rental (so-called bed and breakfast, or BnB) proposed for 921 Holiday Drive.

**I. THIS SUP SHOULD BE REJECTED BECAUSE THE SOCIAL COSTS IT IMPOSES ARE TOO GREAT.**

***1. Burden of proof.***

Special use permits are very different from use by right. Applicant bears the burden of proof to “ensure” that “Special Uses will not have a significant adverse impact on surrounding uses or on the community at-large.” Applicant has not done so.

On the contrary: the Planning Commission decided orally to grant all BnB SUPs that met the minimal legal conditions. In effect, that turned the BnB SUP provision into a use by right. That was legally and procedurally wrong. This SUP should be rejected for that reason alone. City code 21-2306(i) clearly states:

“(i) Review and Decision-Making Criteria

In reviewing and making decisions on proposed Special Uses, review and decision-making

bodies shall consider at least the following factors:”

[Followed by a list of factors, which include inter alia]

“(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*;

“(3) whether the proposed use will cause substantial *diminution in value* of other property in the neighborhood in which it is to be located” [Our italics].

If this SUP is not (as we propose) rejected outright on its merits, the PC should rehear the SUP request under the proper standard.

***2. Presumptive likelihood of nuisance.***

This SUP calls for what is in ordinary language a multi-unit, single suite hotel in a residential



neighborhood. Hotels are ordinarily limited to commercial zoning and subject to other controls for well-established reasons: they cause nuisance externalities in their immediate vicinity. Moreover this particular BnB is unsupervised, unlike any conventional hotel. Hence there should be a (possibly rebuttable) presumption that the nuisance is at least as great (in terms of expected average nuisance per occupant) as for any conventional hotel.

The level of nuisance could be mitigated if the BnB had an owner-occupant because

- days of rental per year would tend to be substantially limited, and
- an owner-occupant has a particularly strong incentive to vet and regulate guests.

Nuisance could also be abated by a resident manager.

Unfortunately, this particular BnB has an out-of-town owner and no resident manager.

Moreover there has been no affirmative showing of an absence of nuisance. Moreover below we will give positive evidence that a nuisance is likely. Therefore the SUP should be rejected.

### ***3. Unenforcibility of conditions and laws due to absence of responsible manager and absence of records.***

This property is notionally subject to restrictions under various ordinances and conditions, including presence of at most:

three unrelated adults  
four automobiles  
four bedrooms  
no noise nuisance

In reality, none of these limits are enforceable on this property because

- There is no responsible manager on site.
- Occupants can check in and out using a lockbox without ever meeting a responsible manager.
- Rental arrangements are made online with no opportunity to enforce regulations
- No records are kept in the City of Lawrence as to any occupants or transactions
- The property includes more than the allowed number of bedrooms
- It is impossible for neighbors to keep tabs on numbers and relationships of transient guests
- Nuisance enforcement in Lawrence is complaint-based and requires repeated calls — but transient guests do not stay around long enough to be effectively disciplined.
- In the unlikely event of citations, rental prices are high enough that the landlord can afford to pay any fines as a normal cost of business.

Moreover, see below for evidence that the existing owner may have no intention to attempt any enforcement.

#### ***4. Crime and drug risk.***

This property is situated to be a desirable location, far better than any hotel, for major drug deals. It is private, completely unsupervised, relatively inexpensive, and located far from any major police oversight. It has enclosed parking. It is by design adapted to the comings and goings of perfect strangers who raise no suspicion by their presence. It provides comfortable sleeping and cooking quarters for people waiting for a deal to go down.

In the nature of things, drug deals are dangerous for both sides of the transaction, and the participants ordinarily carry guns. Shootouts have occurred more than once at such events in Lawrence.

This property is also a desirable location for drug-user partying. Any leftover traces of drug use provide no evidence that can easily be connected with the transients, who in any case will be long gone. There is no repeated action that can be staked out.

This property is also a desirable location for allaying suspicions of an underaged minor who believes she is being taken to a gentleman's home.

#### ***5. Anti-residential character.***

Neighborhoods like ours are made liveable by the character of their residents and their activities. Neighbors know and support each other.

This commercial intrusion brings a revolving door of complete strangers into our midst without introductions and without safeguards. It also displaces a home that would otherwise house potential friends and neighbors.

Normally, some degree of commercial activity may be allowed in neighborhoods because it provides a local benefit. This particular commercial activity provides no local benefit at all, only nuisance.

#### ***6. ADA noncompliance.***

The property is not ADA compliant. We as neighbors feel ashamed and mortified to be asked to coexist with a property that discriminates against handicapped people.<sup>1</sup>

Appendix 1 gives an argument why this property is legally subject to the strictest ADA rules. It is also subject to ADA regulations under city police code. But even if that were not the case, the

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<sup>1</sup> One of the undersigned (David Burress) is wheel-chair bound, has suffered repeated discrimination as a traveler and visitor, and views the property every day from his front window.

City Commission does have the power to impose reasonable conditions on an SUP to ensure a net social benefit from its operations.

### ***7. Adverse effect on affordability.***

Our neighborhood is one of the most affordable yet comfortable neighborhoods left in Lawrence. That allowed the owner to purchase his house at a relatively modest cost. By virtue of evading commercial controls, this BnB will be (and probably already is) a highly profitable commercial undertaking.

Successful businesses of this type will lead to an unnatural and unwanted increase in general property values in our wider neighborhood. That will increase property taxes on existing residents, without any increase in their use value (or rather with a reduction in use value). It also will make it harder for new families to enter the area.

At the same time, the use value and market value of properties immediately adjacent to the BnB are likely to decline, imposing what is in effect an unfair tax on its neighbors.

### ***8. Dirty hands.***

Applicant is already renting out this property to transient guests, contrary to law. Applicant's web site at

<https://www.airbnb.com/rooms/30938825>

shows rentals in progress and includes comments on prior rentals. (A website download is referenced in Appendix 2.) Out-of-state automobiles at the property have regularly been observed by the undersigned and others. Applicant's website makes no mention of any occupancy limits and gathers no data relevant to enforcing such limits. It is reasonable to conclude that applicant is already constructively in violation of all such limits.

Because applicant is already massively violating city regulations, it is unreasonable to predict that applicant will comply in the future. Since compliance is unlikely, the SUP should not be granted.

## **II. EXPECTED NET BENEFITS TO THE CITY FROM THIS PARTICULAR SUP ARE DEMONSTRABLY NONEXISTENT OR NEGATIVE.**

### ***1. There are exactly two and only two real social benefits from allowing BnBs in residential neighborhoods:***

- Most importantly, residential owners are allowed to monetize the value of their home when they are absent. This in effect can make housing more affordable for local residents.
- BnBs also provide lower prices to transient visitors, as compared with



conventional hotels.<sup>2</sup>

***2. The price reduction for visitors is NOT a social benefit ON NET.***

The price saving is obtained in its entirety by bypassing most of the regulations and zoning requirements experienced by ordinary hotels and motels. The purpose of those regulations is mainly to control the negative local externalities (traffic, parking, blight, crime, and so on) imposed by transient housing.<sup>3</sup>

In other words, society sets policing rules on hotels because it believes the social cost of enforcing those rules is less than the social cost of not having those rules. Therefore a desire for lower prices by itself does not outweigh the need for regulation.

Hence it has been the historic judgement in our society that unregulated hotels are a net drain on society (as compared with regulated hotels). There is no shortage of regulated hotels in Lawrence. In other words

*The gained social value of a price reduction is less than the lost social value from eliminating regulations.*

It might be argued that single unit hotels have lower rates of externality (per occupant) than multi-unit hotels. That principle has never been recognized in our zoning codes and has no research basis.

***3. In this particular case, there is no residential owner who can benefit.***

The owner of this house lives out of town. This is a purely commercial operation.

***4. Consequently, essentially all positive benefits of this BnB would go to nonresidents of Lawrence.***

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<sup>2</sup> In analyzing benefits, it is important to understand displacement effects. In particular, business at BnBs will entirely displace an equivalent amount of business at regular hotels and motels. Consequently any increased employment for servicing a BnB will be directly offset on average by reduced employment for servicing hotels and motels. Similarly any increased sales of supplies will be offset on average by reduced sales at other properties. Similarly, any business profits or capital returns to the BnB owner will be offset by lost income for other owners.

Granted there could locational effects, but these do not support the owner's cause. For example, since the owner lives out-of-town, on average he is displacing business income from in-town motel owners.

<sup>3</sup> Regulations are partly intended to protect the visitors from predatory hotel operations. In any case, however, the reduction in rental price wholly represents an effect of eliminating socially beneficial regulations.

The benefit of lower prices is enjoyed by out-of-town visitors and by an out-of-town owner.

**5. Moreover total social benefits for this BnB are less than total social costs.**

The only benefit consists in lowered price, which is presumptively less than the social cost of not having regulations.

**6. Bottom line: this BnB transfers net wealth from Lawrence to out-of-towners.**

In summary:

- This transaction as a whole constitutes a transfer from Lawrencians (in the form of extra social costs) to out-of-towners (in the form of reduced price and increased profit).
- Moreover based on the social welfare argument given above, their gain is less than our loss.
- Moreover, much of the gain goes to an owner who seems to be considerably more wealthy than the local residents who are losing value.<sup>4</sup>

Each of these three effects is dead opposite to what most citizens would view as good policy.

**III. LARGER POLICY ISSUES SHOULD BE CONSIDERED.**

It will be apparent that some of the issues we raise cast considerable doubt on the wisdom of the SUP ordinance as it now stands. Presumably, the City Commission is likely to reconsider that ordinance in the reasonably near future. In the mean time, given the inadequacy of existing policies, the City Commission needs to protect its citizens by taking a strict rather than a lenient view of applicant's duty to demonstrate a positive addition to the general welfare of the City of Lawrence. Please keep in mind that any SUPs granted now will likely be grandfathered in when and if a new ordinance is adopted.

/signed



David Burress  
912 Holiday Drive Lawrence 66049



Juanita Carlson  
912 Holiday Drive Lawrence 66049

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<sup>4</sup> The owner lives in a house assessed at \$650,000. Typical neighborhood houses are in the \$150,000 to \$200,000 range.

## **Appendix 1: Federal and city ADA regulations for hotels do apply**

For a full legal brief on applicability of federal ADA regulations, see

<https://www.rockymountainada.org/wp-content/uploads/2018/08/VRP-Rapid-Response-Report.pdf>

Some key points:

1. The exception for small BnBs does not apply, because there is no owner-occupant in residence.
2. Any grandfather clause for pre-existing structures does not apply, because this structure was both rehabbed and converted to a new use, making it fully liable to all regulations.

ADA noncompliance is also contrary to Lawrence antidiscrimination policy:

10-101

... [It is] the policy of the City of Lawrence, in exercise of its police power ...to eliminate and prevent discrimination, segregation, or separation because of ... disability,... and further...to assure equal opportunity and encouragement for every person, regardless of ... disability ... and to assure equal opportunity for all persons within this city in ... housing, without distinction on account of ...disability.”

10-111.3

[It shall be unlawful] To discriminate against any person in the terms, conditions or privileges of the sale, brokerage, appraisal, assignment or rental of housing/real property or in the provision of services or facilities in connection therewith, because of ... disability.

This code should be interpreted in light of federal ADA regulations that further define housing discrimination.

## **Appendix 2: Screen capture of applicant’s advertisement for this property**

(This screen capture has been submitted separately.)

February 26, 2019

Dear Lawrence City Commission,

We are writing as 19-year residents of 928 Holiday Drive. We understand that a special use permit has been requested for 921 Holiday Drive, a house that is directly adjacent to our house. We adamantly oppose this permit for several reasons.

1. We do not want a mini-hotel in our residential neighborhood. We would prefer that the house be offered for sale or as a second option, that the house is offered as a yearly rental.
2. The Holiday Hills addition is one of the few Lawrence neighborhoods where a family can purchase a home under \$250,000 with established trees, close schools, and convenient shopping.
3. We proud ourselves in knowing our neighbors. We know their names, their kids' names, and even their pets' names. Those of us that reside on Holiday Drive love this neighborhood. Carol Kendall, who lived in our house for many years, before she had to sell it because of poor health, even included her "beloved 928 Holiday Drive" in her obituary.

While we appreciate the update of 921 Holiday Drive, we reiterate that we would prefer to see this house either sold or offered as a long-term rental. Mini-hotels do not belong in residential neighborhoods and we fear that setting that precedent will only encourage other Holiday Drive homes to be considered for special use permits. Thank you for giving our opposition your full attention.

Sincerely,

Martina M. Thompson,   
Sandra Winn Tutwiler, 

Property Owners, 928 Holiday Drive

Lawrence, KS 66049

Lawrence City Commission  
City of Lawrence  
PO Box 708  
Lawrence, Ks 66044

Dear Lawrence City Commission,

I am writing to you today to voice my opposition to the 'residential rental' at the proposed address of 921 Holiday Drive, Lawrence, Ks. I believe this type of proposed rental will lead to a decrease in property value, and possibly other more severe nuisances from the lack of owner's attention. I speak from experience not just supposition please let me explain.

In 1995 I bought my first home at 3408 West 9<sup>th</sup> Court just around the corner from this proposed transient rental. I lived in this a few years until I married, and moved further west in Lawrence with my new bride, but kept this house as a rental. Upon doing so I purposely made the effort to stop by the house on a monthly basis to collect the rent check to assure myself the house was being maintained. I can attest that if this monthly visit was not in place my house, and thereby the neighborhood, would have suffered. I often found aesthetic issues ignored that the tenant found to be inconsequential, and preferred not to be bothered with such as proper lawn care, general maintenance in regard to gutters, snow removal during winter months, proper care and maintenance of bushes/shrubs, grease spots in driveway, and trash being littered throughout the yard. I can also attest that the immediate use tenants who only planned to stay for a year were the worst offenders treating my property as simply a temporary throw away



shelter with no concern for upkeep, or respect for the neighborhood. They were moving on, and could care less. The proposed shelter would attract exactly the worst element in maintaining the integrity of the neighborhood for exactly the reasons stated above.

Due to divorce I am back living in that house now, so my concerns are pertinent. The integrity of my home, and the neighborhood are of utmost importance to me. Let me ask you three questions to help you make your decision. First, would you agree that transient tenants will not maintain the integrity of the property as a live-in owner would? Secondly, would you want this transient tenant house in your neighborhood? Maybe right next door to your house! Thirdly, would you want your young daughter knocking on that door selling girl scout cookies? Or would you tell your young daughter not to play by that house? Your answers should clearly illustrate your position on this matter. DO THE RIGHT THING and protect me the same way you would want to be protected. That's all I ask!

Please do the proper action which is not allow the wishes of one man to destroy the homes and resale values of many people living in the neighborhood. My neighborhood is full of honest, hard-working families who pay taxes, vote, obey the laws, and treat others with respect. I would like to think that Lawrence is run with integrity. Please prove me true.

Sincerely,

2/20/19



Dan Blomgren  
3408 West 9<sup>th</sup> Court  
Lawrence, Ks 66049  
785-312-0822

To: The City Commissioners of Lawrence, Kansas

From: Carolyn J. Godinez  
1001 Holiday Drive  
Lawrence, Kansas

Date: February 18, 2019

I have lived at the above address since 1981. This residential street has been a comfortable place to rear my family.

Now I have been advised that the house at 921 Holiday Drive has been approved by the Planning Commission for use as a unsupervised Mini Hotel or transient rental. I have watched with interest as work has been done on that residence, thinking that the owner was preparing it for sale to a family or single property owner. It is discouraging to realize that the neighborhood would be disrupted by a facility such as this. It is likely that property values will be negatively effected. Traffic up and down the street is likely to increase. On street parking will become more of a problem.

As a property owner / citizen of Lawrence I protest your approving a Special Use Permit for this property in my neighborhood.

Thank you for your vote to oppose this permit.

912 Holiday Dr.  
Lawrence KS 66049

LDC Planning Dept.  
6 E. 6<sup>th</sup> St  
POBOX 708  
Lawrence KS 66044

RE: SUP-18-00572

We are owner-occupants across the street from the proposed SUP.

We oppose granting the SUP because

1. This is a successful, quiet residential neighborhood. A short-term rental operation is more akin to a motel, a commercial operation that does not belong here.
2. Residential character depends on neighborliness—people know and help each other. This proposal is to put a non-neighborly hole in our neighborhood. Obviously that will tend to degrade our quality of life.
3. A short-term rental operation has less incentive to keep up the property than a long-term rental or owner-occupant. In particular a deferred maintenance business plan can be profitable. Once the property decays, the owner can propose to replace it with a higher density dwelling with e.g. a mother-in-law apartment.

Granted our neighborhood will survive this insult, if there are no further attacks on our well-being. But there is no good reason why we should have to suffer it in the first place.

  
David Burtess

  
Juanita Carlson

# RECEIVED

JAN 22 2019

Planning & Development Services  
City of Lawrence/Douglas County, KS

1017 Holiday Drive

Lawrence KS 66049

19 Jan. 2019

In Regard to Special Use Permit for 921 Holiday Drive

City of Lawrence Planning Commission

Lawrence KS 66044

Dear Members of Planning Commission,

My name is Sheri Ellenbecker. I live at 1017 Holiday Drive. My age is 61. I have lived there for quite some time, more than 30 years. My husband (deceased) and I raised three children in this home. They walked to both elementary school (Sunset) and middle school (West) as well as to the local neighborhood swimming pool when it was operating. There are many children still on this two block street walking to school. The house to my north is a family with a little girl. Next to them is also a house with a little girl. The house across the street from me has two small children. The house to the south of me has three small children. All these children are under the age of ten. I may be the only one person occupied house on the street, which is only two blocks long (from ninth to Harvard, where there is a large church). This street has no sidewalks and everyone uses the street to walk, bike, exercise their dogs, and in summer skateboard. It is not unusual to see kids walking or biking four abreast.

I write these things to give you a sense of the quality of our single family neighborhood. Now an investment corporation owns one of the neighborhood homes and has intent to open a business in this location, namely a four- bedroom AirBNB hotel which would be un-hosted. They have filed a request for a Special Use Permit. The only purpose of this house will be to act as a four unit hotel. This is not a good fit for our neighborhood in terms of being an unsupervised enterprise in a quiet family neighborhood.

By being un-hosted, this corporation is transferring the obligation of oversight to the neighborhood and will generate excess traffic in an area with no sidewalks and inadequate parking for a 4 unit hotel. This poses significant safety concerns for the residents of the neighborhood, especially the many children who live here. This four-unit hotel is not in character with the existing area and opening this business will be a negative stain to the family lifestyle of our two block street of Holiday Drive.

I am asking you to deny this request to open this business on our block.

Thank you,

  
Sheri Ellenbecker

785 550 8726