

ITEM NO. 12 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 921 HOLIDAY DR (MKM)

SUP-18-00572: Consider a Special Use Permit for a non-owner occupied short-term rental located at 921 Holiday Dr in PUD (Planned Unit Development) Zoning District. Submitted by Bingham Investment LLC, property owner of record.

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Ron and Carlie Bingham said they purchased the property six months ago as an investment property and have greatly improved the house.

PUBLIC COMMENT

Sheri Ellenbecker expressed concern for the safety of children walking in the neighborhood without sidewalks and increased traffic. She said she did not have an issue with owner occupied short-term rentals but saw non-owner occupied short-term rentals as hotels. She wondered who would be enforcing whether the renters were related. She said she expected to have neighbors, not a hotel with a lockbox.

APPLICANT CLOSING COMMENTS

Ron Bingham said he was only going to offer the house to a single person or single family and not rent to a different guest in each room. He said he had rented to two guests already and had no issues. He understood the concerns expressed. He said he owned other rental properties and had been thanked by neighbors for increasing the property values.

Carlie Bingham said she was very particular about who rented the house and only rented to those that have rented previously on Airbnb. She said she is available to guests but also has a local host in Lawrence that would check on the house.

COMMISSION DISCUSSION

Commissioner Struckhoff said Holiday Drive was a very nice street and this was one of the nicer properties on the street.

Willey said the concern was the property being a four unit hotel.

Bingham said the house had been rented twice and one of the families used all five bedrooms. He said parking was available in the driveway for six vehicles but it would overlap the right-of-way.

Miller said all off-street parking had to be on the property and off the right-of-way.

McCullough said the code requirement was one parking space per guest room. He said the five bedrooms was not the issue. The issues was that without seeking a variance they could not get to the five rooms with the parking on-site with two parking spots in the garage and two in the driveway.

Commissioner Carttar asked about the potential for a variance since no pedestrian traffic was being blocked with no sidewalk.

McCullough said a variance would go to the Board of Zoning Appeals.

Commissioner Willey said the intention of the parking was to try and balance additional traffic and people. She said the parking restrictions meant no more traffic in the neighborhood than if it were a long-term rental, just not the same people from week to week. She stated whether that was the right balance they were still figuring it out.

McCullough said the parking was a way to limit the scope.

Ellenbecker wondered how relatives would be verified.

McCullough said in the licensing portion of short-term rental is an acknowledgement signed form that the applicant has read and received the occupancy limits. He said it is a complaint based enforcement mechanism. He said enforcing occupancy was a challenge for staff. He stated it was enough of an issue for a proprietor that they were going to want to stay within the limits. He said if needed, staff would gather evidence and pursue enforcement similar to long-term rentals. He said it would take a little bit of observation by the neighborhood.

Commissioner Willey asked the applicant if he would be willing to share his contact information with neighbors.

Bingham said yes, the adjacent neighbors had his contact information.

Commissioner Carttar said the idea behind the language in the code was to give structure to the relationship between landlords and renters and provide enforcement structure. He said there were some areas that Code & Enforcement could not guarantee everyone was happy. He said the Bingham's cultivating a relationship with neighbors goes a long way. He said he would vote in favor of the Special Use Permit.

ACTION TAKEN

Motioned by Commissioner Butler, seconded by Commissioner Carttar, to approve a Special Use Permit, SUP-18-00572, for a non-owner occupied *Short Term Rental* use located at 921 Holiday Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned PUD-[Holiday Hills No. 7] (Planned Unit Development) District. This was an overlay district which relied on the base underlying district, in this case RS-2 (Single Family Residential) District, and the approved development plan for the permitted uses and density. The approved plan designated this area for single-family residential uses; therefore, a maximum of 3 unrelated occupants are permitted per dwelling unit.
2. Per Section 20-601 of the Land Development Code, the maximum number of available guest rooms associated with the *Non-owner Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is four spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is limited to four.
3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Unanimously approved 9-0, with Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

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