

**CITY OF LEAVENWORTH  
PLANNING COMMISSION  
COMMISSION CHAMBERS, CITY HALL  
100 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048**

**REGULAR SESSION  
Monday, December 4, 2017  
7:00 p.m.**

**CALL TO ORDER:**

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: November 6, 2017**

**OLD BUSINESS:**

**None**

**NEW BUSINESS:**

**1. 2017-21 SUP – 2115 RIDGEVIEW DRIVE**

Conduct a public hearing for Case No. 2017-21 SUP – 2115 Ridgeview Drive. The applicant, Arwa Habib, is requesting a Special Use Permit to allow a Residential Home-Stay in a district zoned R1-9, Medium Density Single Family Residential District. The subject property is a single family home that is part of the Cedar Ridge Drive in the same residential subdivision and is surrounded by other similar single family homes.

**OTHER BUSINESS:**

**ADJOURN:**

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, November 6, 2017**  
7:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Jay Byrne  
Mike Burke  
Claude Wiedower  
Linda Bohnsack  
John Karrasch  
Camalla Leonhard  
Sherry Hanson

**Commissioners Absent**

**City Staff Present**

Julie Hurley  
Michelle Baragary

Chairman Byrne called the meeting to order at 7:00pm and noted a quorum was present.

**Approval of Minutes:** September 11, 2017

Chairman Byrne asked for comments or a motion on the minutes presented for approval: September 11, 2017. Mr. Wiedower moved to accept the minutes as presented, seconded by Ms. Hanson. The minutes were approved by a vote of 7-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2017-22 TXT – TEXT AMENDMENTS**

Conduct a public hearing for Case No. 2017-22 TXT – Text Amendments. On September 11, 2017 the Planning Commission reviewed proposed text amendments which are now presented for public hearing and vote.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the Development Regulations were adopted by the City Commission in June 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed

in order to ensure that they remain up to date and comprehensive. On September 11, 2017 the Planning Commission reviewed proposed text amendments which are now presented for public hearing and vote.

Ms. Hurley went over the individual proposed changes.

- **Section 2.01 Text Amendments; subsection B**  
Remove language requiring that text amendments be proposed on forms established by the Director of the Planning Department and filed with the City Clerk.
- **Section 2.02 Platting; subsection B.3&4**  
Application and review processes for “Administrative Plats” and “Minor Subdivisions” are listed to be the same. Revise language to reflect the Administrative Plats shall involve lot line adjustments, lot splits or lot combinations of previously platted land and involve no new right-of-way or other public dedication, and may be approved administratively by staff. Minor Subdivisions shall involve no new right-of-way or utility easement dedication and consist of 5 or fewer lots, and shall require Planning Commission approval.
- **Section 2.04 Special Use Permits**  
Add language regarding application process for Special Use Permits, to include Protest Petition period. Kansas State Statute and prior legal rulings state that the same protest petition process applicable to Rezoning apply to Special Use Permit applications.
- **Section 4.04 Use Standards; subsection B.3.e – Yardicles**  
Change “Yardicles” to “Miscellaneous Yard Décor”.
- **Section 4.04 Use Standards; subsection B.4**  
Add language referring to definition of “commercial vehicles”. Change allowed Gross Vehicle Weight rating (GVW) from 12,000 to 10,000 per Kansas Department of Revenue definition.
- **Section 4.04 Use Standards; subsection B.5**  
Specific language regarding Home Occupations and Home Child Care Centers was inadvertently omitted in the 2016 revision. There were no intended changes to the regulations regarding Home Occupations or Home Child Care Centers, add language from 2011 Development Regulations.
- **Section 5.02 Required Parking; subsection A**  
Add required parking rate of 1 per 3 persons for “Assembly Hall”
- **Section 5.02 Required Parking; subsection A**  
Add general required parking rate of 1 space for every 200 square foot of building floor are accessible to the public for uses not specifically listed.
- **Section 5.02 Required Parking; subsection B**  
Add language to allow Development Review Committee to reduce required parking for historic properties.

Mr. Wiedower asked so when it’s reviewed the applicant would get the approval but it would not be a commitment for life; it would be approved on an as needed basis on a one-time exception.

Ms. Hurley stated it would be based on the use of the property. For example, the Carnegie building which was converted into lofts did meet the parking requirements; however, if they did not have enough space on that property to meet the parking requirements for the lofts, it would have been reviewed at that time. If they show they have x number of on-street parking within a certain vicinity and you are only having a certain number of residential lofts with this anticipated parking so this situation would be okay and they could develop the lofts without needing to add parking. Ms. Hurley stated that in this case, even if the applicant later sold the building, the parking allowance would stay as long as the use did not change (stayed as lofts).

Mr. Byrne asked if it is assumed that on-street parking (for everything other than the historic districts) will satisfy some of the requirements or is the table in addition to any on-street parking.

Mr. Hurley stated that on page 5-3, under the On-Street Parking provision, it addresses on-street parking. Stating *any site on a block containing on-street parking may reduce the required parking by up to 50% for each space within 500 feet*. Applicants are allowed to count some of that within a certain distance but they cannot reduce down to zero on-site parking but they can reduce a portion of it if they want to account for some of the on-street parking that is provided.

- **Section 5.03 General; subsection B.1**  
Add allowance for gravel parking pad in rear yard. Previously approved by ordinance, language was inadvertently omitted.
- **Section 6.08 Fences; subsection D – Commercial Areas**  
Change “Commercial Areas” to “Commercial and Industrial Areas”. Include height restriction for commercial areas.
- **Section 9.05 Administration; subsections A & C**  
Update incorrect references to sections 11.11 and 11.17.
- **Section 9.16 Procedure for Demolition, alteration or Expansion**  
Remove language exempting proposed demolition of a landmark or historic district property from review by the LPC.
- **Section 9.22 Public Hearing Process**  
Remove language exempting proposed alteration, expansion or demolition of a landmark or historic district property from public hearing process.
- **Article 12; Definitions**  
Add definition for “Assembly Hall”.  
Add definition for “Commercial Vehicle”, per adopted definition of Kansas Department of Revenue.
- **Appendix A; Use Table**  
Add “Assembly Hall” as permitted use in NBD, OBD, CBD, and GBD districts.

**ACTION/OPTIONS:**

Recommend approval or denial of proposed text amendments for final action by City Commission.

Chairman Byrne called for questions on the staff report. With no questions or comments, Chairman Byrne opened the public hearing.

With no one wishing to speak, Chairman Byrne closed the public hearing and open discussion among the commissioners.

With no questions or comments from the commissioners, Chairman Byrne called for a motion. Ms. Bohnsack moved that the proposed changes within the staff report are submitted to the City Commission for approval. The motion was seconded by Ms. Hanson and passed by a vote 7-0.

With no further business the meeting was adjourned at 7:26 pm.

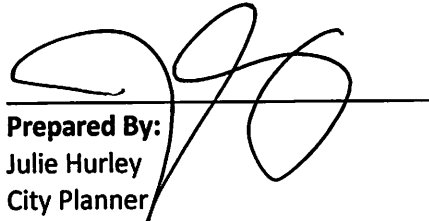
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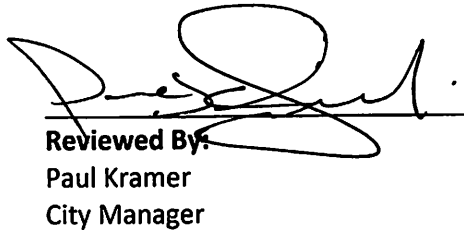
**PLANNING COMMISSION AGENDA ITEM  
2017-21-SUP  
2115 RIDGEVIEW DRIVE**

**DECEMBER 4, 2017**

**SUBJECT:**

A request for a Residential Home-Stay in a district zoned R1-9.

  
Prepared By:  
Julie Hurley  
City Planner

  
Reviewed By:  
Paul Kramer  
City Manager

**NATURE OF REQUEST**

The applicant, Arwa Habib, is requesting a Special Use Permit to allow a Residential Home-Stay in a district zoned R1-9, Medium Density Single Family Residential District. The subject property is a single family home that is part of the Cedar Ridge subdivision and is surrounded by other similar single family homes. The owner of the property resides at 2119 Cedar Ridge Drive in the same residential subdivision. The owner currently utilizes the subject property as a short term rental to cover the costs associated with maintaining the property. The subject property is advertised as available for rent on the short-term rental website Airbnb. The subject property is also currently listed for sale.

With the rise of short-term rental properties and home-sharing sites such as Airbnb, the City of Leavenworth has determined that properties identified as meeting this description be processed as a "Residential Home-Stay" as currently defined in the Development Regulations. The Development Regulations define a Residential Home Stay as follows:

***Residential Home-Stay:*** Any furnished residential structure wherein one limited-term boarder (not to exceed 180 days) is allowed the use of an entire structure and its grounds and housekeeping services are provided at least weekly. No management or owner presence is required and no meals are served. In approval of a **Residential Home Stay** the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Such a business shall be registered with the City Clerk as a rental property.

A Residential Home Stay is a permitted use in the R1-9 zoning district with the issuance of a Special Use Permit.

Since notification was sent to property owners within 200' of the subject property, staff has received contact from multiple neighbors indicating concerns with the requested Special Use Permit. Concerns involve parties being held at the property by renters, with at least one incident requiring police involvement.

**COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*A Residential Home-Stay at this location contributes to the economic development and convenience of the public by providing an alternative rental solution for individuals seeking a short-term stay in Leavenworth. However, past incidences at the subject property have indicated a negative impact on existing neighbors.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not believe that the proposed use will cause injury to the value of other property in the neighborhood. A Residential Home-Stay, as defined, is compatible with the R1-9 zoning district and existing land use within the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The proposed Residential Home-Stay is compatible with existing residential uses within the neighborhood in regards to nature and intensity. Any approval of a Special Use Permit for a Residential Home-Stay will require that the owner of the property ensure that all activities taking place at the property fall within the definition of the use. As the property is situated on a cul-de-sac, parking on the street is limited for existing neighbors. The driveway of the subject property can reasonably accommodate 4 vehicles. With the definition of a Residential Home-Stay stipulating that the property be used by just one limited term boarder, there should be no need for any activity taking place at the property to interfere with parking available to the neighbors.*

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. The owner of the property shall be registered with the City Clerk as a rental property.
2. The Special Use Permit shall become null and void upon the sale of the property.
3. The property shall be used for the boarding of one limited-term boarder (individual or family) only, and shall not function as an event venue, to include the hosting of parties attended by individuals not listed on the lease agreement.
4. Any guests of the property must park in the driveway or garage of the home.
5. Any police response to the subject property shall be reported to the City Commission, which may result in revocation of the Special Use Permit.

#### **ACTION/OPTIONS:**

- Motion, based upon findings as stated to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

#### **Attachments:**

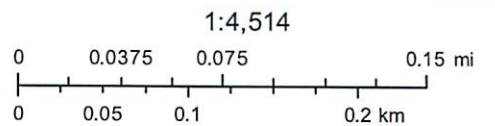
Application materials  
Location map



# 2115 Ridgeview



November 30, 2017



City of LV GIS, 2017  
LV GIS Dept 09/23/2016  
City of LV GIS  
Dave Griffith, 2013  
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the





**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

APP# 3008

Project No. 2017-21 SUP

Fee \$350.00

Filing Date 10-18-17

Fees Paid/Date \$350.00 10-18-17

Received By [Signature]

Hearing Date 12-4-17

Publication Date 11-9-17

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Residential home stay

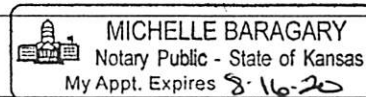
in accordance with the attached site plan on the following described property:

Address:	<u>2115 Ridgeview Dr. Leavenworth, KS 66048</u>		
Legal Description:	<i>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)</i>		
Real Estate PID #	<u>102-10-0-00-00-074-00-0</u>		
Zoning:	<u>R-1-9</u>	Historic District:	<u>N/A</u>

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print or type):	<u>Arwa Habib</u>		
Address:	<u>2119 Cedar Ridge Dr. Leavenworth, KS 66048</u>		
Contact No. <u>(913) 240 6742</u>	Email Address: <u>arwasawaf@hotmail.com</u>		
Signature of Owner(s):	<u>[Signature]</u>		

State of KANSAS )  
County of Leavenworth )



This instrument was acknowledged before me on Date: 10-6-17

Notary Public: owner - Michelle Baragary appointment expires: 8-16-20

If business is operated by someone other than the owner, provide name and address of operator(s).

Name(s) of Applicant: owner

Address:

Contact No: ( )

Email Address:

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

1. Non-Refundable Fee of \$350.00 is due at time of application
2. Attach list of the owners for property within two hundred (200) feet of the above property
3. Site Plan drawn to scale (See General Instructions)
4. Supporting documentation (see General Instructions)

October 8, 2017

Dear whomever this may concern:

I am writing you in reference of my house located on 2115 Ridgeview Drive, Leavenworth, KS 66048. This is a home that I own, and have in the past allowed my parents to reside in over the past few years. Recently, my parents have moved in with me in the house that I currently reside in. As a result, I have been renting my house a few days per month to help me cover the expenses needed to maintain the property.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arwa Habib', with a large, sweeping flourish at the end.

Arwa Habib