

**MEETING DATE:** September 14, 2021

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** The Hawthorn Bed & Breakfast

**CASE NUMBER / REQUEST:** Case 21-200-05 – Special Use Permit – 1 Hawthorne Place – Pamela Wells requests approval to operate a bed and breakfast

**APPLICANT/OWNER:** Ken and Pamela Wells

**PROPERTY ADDRESS:** 1 Hawthorne Place

**SURROUNDING ZONING / LAND USE:**

**North:** R-12 (Two Family Residential), church property, Hope House

**S/E/W:** R-12; single family homes, duplexes

**PUBLIC NOTICE:**

- Letters to adjoining property owners – August 24, 2021
- Public notice published in the Independence Examiner – August 28, 2021
- Sign posted on property – August 26, 2021

**FURTHER ACTION:**

Following action by the Planning Commission, this Special Use Permit request is scheduled for first reading by the City Council on October 4, 2021 and the public hearing/second reading on October 18, 2021.

### RECOMMENDATION

Staff recommends **APPROVAL** of this application with the following conditions:

1. The Bed and Breakfast shall obtain a business license in accordance with all City Code and comply with Section 5.01.004 (Article 1, Chapter 5) of the City Code. The business license number shall be listed on all advertisements and online platforms.
2. The business must comply with all safety and other standards required by Section 14-420 of the City Code.
3. All outdoor activities shall cease at 9:00 pm on weekdays and 10:00 pm on weekends.
4. The pertinent items listed on the fire inspection report must be resolved prior to the business license being issued.
4. All backflow preventers on site must be tested by a MODNR Certified Backflow Tester and a copy of the report must be sent to the Water Dept.'s Engineering Division. A list of approved testers can be

found on the Department's website at <http://www.ci.independence.mo.us/Water/BackflowPrev>. These tests must be completed prior to the business license being issued.

5. The drive/parking lot on the east side of the building must be cleaned, re-sealed and restriped with proper striping and signage, with at least one ADA space provided. This work must be completed prior to the business license being issued.

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:**

Ken and Pamela Wells seeks approval to operate a bed and breakfast at 1 Hawthorne Place on Winner Road, west of the ARTS District.

<b>Current Zoning:</b>	R-12		
<b>Current Use:</b>	Vacant residential building	<b>Proposed Use:</b>	Bed and breakfast
<b>Acreage:</b>	1.60 acres +/-	<b>Building Square Foot:</b>	7,005 SF+/-

**BACKGROUND & HISTORY:**

Until it closed a couple of years ago, the ‘Hawthorn Bed & Breakfast’ operated on this stately 1.60 estate. At the time, it operated as a home business, receiving Planning Commission approval in July 2006. The Wells recently purchased the property and seek to re-establish the business.

*Business operations* - Unlike a traditional bed and breakfast, the Wells’ business model will function differently in two ways. First, instead of the owner/manager living on-site at all times, the Wells’ will reside on the property only part-time and will hire a local company to manage the property when they are not on-site. Secondly, they plan to only rent out the entire facility to large families, groups, and organizations in lieu of renting out individual rooms to guests. Like the previous business, they will also promote the facility to be used for family reunions, anniversaries, receptions, group retreats, birthdays, and so forth.

Security will be managed by the Wells when they are on-site, and by the local management company, or local family members, when they are not. Outdoor security cameras, noise detection monitors, and a Ring doorbell will also be installed.

*Site improvements* – The site contains a large, three-story, fieldstone house containing roughly 7,000 SF was built in the early 1900’s. The house faces east and has a drive connecting the property to the street Hawthorne Place on the east and south. The nine-bedroom home features one bedroom on the first floor; four on the second floor; three on the top floor; and finally, a single room above the attached garage on the west side of the house. The first floor also contains the kitchen, living room, and dining room.

*Parking* – On-site parking for six to seven vehicles is provided via a driveway on the south side of the house with another 10+ spaces in a lot on the east side of the building. However, this east parking lot is in poor condition and requires resealing, proper striping, and signage for ADA parking. This number

of spaces were provided by the previous owners (and will be used by the Wells) for special events (weddings, birthdays, anniversaries) scheduled from time to time.

The City Fire Department recently inspected the premises and found that the sprinkler system, fire alarm system and fire extinguishers are all past due for their annual inspections. These items must be resolved prior to the business license being issued.

## ANALYSIS

### **Consistency with *Independence for All*, Strategic Plan:**

This proposed use could help support the economic prosperity of the nearby ARTS District by giving tourists a place to reside while close to the district.

### **Comprehensive Plan Guiding Land Use Principles:**

The City Comprehensive Plan recommends Residential Established Neighborhood use for this site. This segment of E. Winner Road has had residential zoning and uses for decades and is expected to remain as such for the foreseeable future.

**Historic and Archeological Sites:** While this is an older home, it is not in a city or national historic district nor does it have a historic landmark designation.

**Public Utilities:** All utilities are present on the site and operational. However, the City Water Department states that the building needs to be brought up to code with the City's backflow/cross connection requirements.

## REVIEW CRITERIA

Recommendations and decisions on special use permit applications must be based on consideration of all of the following criteria:

### **1. Compatibility of the proposed use with the character of the neighborhood.**

*This is a residential comprised primarily of single-family dwellings albeit with a few duplexes and civic uses (churches, Hope House). The re-use of this house as planned by the applicant, should be compatible with these less intensive uses in the this established neighborhood.*

### **2. The extent to which the proposed use is compatible with the adjacent zoning and uses.**

*A bed and breakfast operated here for years without incident and this proposed use should have minimal impact on the area.*

### **3. The impact of the proposed use on public facilities.**

*All public facilities are in place here and this proposed business is not a significant consumer of water, sanitary sewer, and electricity services.*

### **4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**

*This special use permit would allow an additional land use not already permitted by right in this R-12 residential district.*

- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**  
*Based upon the site's previous use as a bed and breakfast, it is not expected to affect any of these issues.*
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**  
*As this is a developed site and there will be no change of site or the business operations, these concerns should not be an issue.*
- 7. The extent to which there is a need for the use in the community.**  
*With over 25 applications for short term rentals in the past three years (with 17 of those approved or are under review) along with multiple traditional bed and breakfast establishments, there seems to be a need for this type of business in the city.*
- 8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**  
*If approved with a special use permit, the application appears to satisfy the requirements Section 14-416 of the Unified Development Ordinance.*
- 9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**  
*This is an long existing property, all public facilities in place and operational.*
- 10. Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.**  
*The City's updated Comprehensive Plan envisions Residential Established Neighborhood use for this site.*
- 11. The extent to which the use will impact sustainability or revitalization of a given area.**  
*As mentioned previously, this special use permit would allow the utilize a now vacant home that will help to sustain the historic character of the neighborhood.*

## **EXHIBITS**

1. Applicant Letter
2. Affidavit
3. Notification Letter
4. Mailing List
5. Aerial Site Plan
6. Site Area
7. Inspection Report
8. Comp Plan Map
9. Zoning map