

MEETING DATE: June 27, 2023

STAFF: Joshua Garrett, Planner

PROJECT NAME: Jared Tolley Bed and Breakfast

CASE NUMBER/REQUEST: **Case 23-200-02 – Special Use Permit – 11913 E. Mar-Bec Trail – A** request by Jarod Tolley to get a Special Use permit to operate a Bed and Breakfast.

APPLICANT/OWNER: Jared Tolley

PROPERTY ADDRESS: 11913 E. Mar Bac Trail

SURROUNDING ZONING/LAND USE:

NSEW: R-6 (Single-Family Residential)...Single-Family residences

PUBLIC NOTICE:

- Letters to adjoining property owners – June 5, 2023
- Public notice published in the Independence Examiner – June 10, 2023
- Sign posted on property – June 9, 2023

FURTHER ACTION:

Following action by the Planning Commission, this Special Use Permit request is scheduled for first reading by the City Council on August 7, 2023 and the public hearing/second reading on August 21, 2023.

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. Bed and Breakfast will comply with Article 3, Chapter 5 of the City Code.
 4. The Bed and Breakfast shall secure refuse collection services from a collector who is licensed to be operating within in the City of Independence.
 5. The Bed and Breakfast shall provide the following:
 - a. Map to identify escape routes;
 - b. Carbon Monoxide detection as required by code;
 - c. Child-proofed electrical outlets;
 - d. Emergency contact information for the owner or manger shall be provided to each guest and posted in each guest room;
 - e. Fire extinguishers as required by code;
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- g. Smoke detectors as required by code.
- 6. The two bedrooms in the basement shall either be removed or the applicant shall make these bedroom building code egress compliant prior to use as a bed and breakfast.
- 7. The full kitchen in the basement shall be removed prior to use as a bed and breakfast.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Jared Tolley seeks approval to operate a operate a Bed and Breakfast at 11913 E Mar Bec Trail.

Current Zoning:	R-6	Proposed Use:	Bed and Breakfast
Current Use:	Residence	Building Square Feet:	2,237-square feet
Former Zoning:	Prior to 1980 – R-1 Prior to 2009 – R-1b		

PROPERTY HISTORY

The proposed Bed and Breakfast is in Manor Oaks, a subdivision of large ranch homes built in the early 1970s. This house has been a single-family residential use its entire existence. The applicant is currently operating a Bed and Breakfast at this location and has made an application to correct his non-compliance with the City Code concerning the operation of Bed and Breakfasts.

PHYSICAL CHARACTERISTICS OF PROPERTY

The property features two, two-car wide driveways that both lead to a garage with doors on the north and south side. The south driveway also continues to a large concrete area used for additional parking. The rear of the building features a walkout basement and an in-ground swimming pool. Additionally, there is a deck with stairs that lead to the pool on the rear of the building. The northwest corner of the property, which contains the pool, is fenced in with a privacy fence.

The building is a five bedroom and four bathroom house, with a total area of 2,237 square feet. Each of the bedrooms contains a queen-sized bed. Two of the bedrooms and two of the bathrooms are in the basement of the house. In addition to a large kitchen on the first floor, the home also features a kitchen and dining area in the basement.

CHARACTERISTICS OF THE AREA

Manor Oaks is a well-maintained, cohesive neighborhood with a diversity of architectural styles and designs. The neighborhood itself, and those surrounding, are predominantly single-family in nature.

THE PROPOSAL:

The Bed and Breakfast can accommodate eight adult guests, additionally there are children’s bunk beds in two of the rooms. Pets will not be permitted. Access to the in-ground pool on the property will not be permitted to guests.

Because the applicant’s will be living in home, they will be able to monitor guests. The applicants have outdoor security cameras to ensure guests are following rules and are respectful of the neighbors.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This proposed use could help support the economic prosperity of the nearby Chrysler Avenue corridor.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Neighborhood uses for this site. This Guiding Land Use Principle most relevant to this particular situation would be, "(p)reserve the integrity of existing neighborhoods and the historic nature of older neighborhoods."

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Public Utilities:

All utilities are present on the site and operational.

Parking:

The property has a two-car wide drive with a circle drive and a large, paved surface that can accommodate several vehicles. Parking will not be an issue.

Basement Bedrooms. In reviewing the 2 bedrooms in the basement, neither of these bedrooms are building code compliant due not meeting minimum egress requirements. The building code requires egress to the exterior to be a maximum of 42 inches from the floor and the opening must provide 5.7 square feet of open area, which must be a minimum of 20 inches wide and 24 inches high. As such, the 2 bedrooms in the basement cannot be utilized or the applicant shall make the bedroom building code compliant prior to use as a bed and breakfast.

Basement Kitchen. As mentioned above the house has a full kitchen in the basement. The UDO and the zoning of the property do not allow for 2 full kitchens in a single family residence. The full kitchen in the basement will need to be removed prior to use as a bed and breakfast.

Inspections:

The property will need to meet all applicable permitting and Fire and Life Safety Inspection requirements.

Trash Collection:

The applicants indicated they will add the guests to their own trash service.

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 neighborhood comprised primarily of single-family dwellings. The use of this house, as a Bed and Breakfast, should be compatible with this established neighborhood.

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

A Bed and Breakfast 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 use is not a significant consumer of water, sanitary sewer and electrical 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 in this R-6 residential district.

5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.

A Bed and Breakfast 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, these concerns should not be an issue.

7. The extent to which there is a need for the use in the community.

With the home's accessibility to the Independence Square, Community of Christ International Headquarters, and the Jackson County Sports Complex, there appears to be a need for this type of business.

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 Sections 14-416 and 14-420 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 polices.

The City's Comprehensive Plan envisions Residential Established Neighborhood uses for this site.

11. The extent to which the use will impact sustainability or revitalization of a given area.

This Special Use Permit creates an additional investment opportunity that provides vitality to help maintain the character of the neighborhood.

EXHIBITS

1. Applicant Letter
2. Application
3. Notification Letter
4. Address List
5. Affidavit
6. House Photos
7. Fire Exist Plan/Insurance
8. Comp Plan Map
9. Zoning map