

Agenda
City of Baldwin City, Kansas Planning Commission
Tuesday, April 10th, 2018 – 7:00 p.m.

- I. Call to Order

- II. Approve the minutes of the regular Planning Commission meeting held Tuesday, March 13, 2018.

- III. Unfinished Business
 - A. Continued discussion of Short-Term Rentals and Shipping Containers in anticipation of developing new ordinances.

- IV. New Business
 - A. Agenda item removed by staff. A conditional use permit to allow for residential use on the ground floor in the CP-3 zoning district addressed as 813 8th Street. (*Applicant withdrew application*)
 - B. Public comment regarding off-premise signage

- VI. Adjourn

Minutes
City of Baldwin City Planning Commission
March 13, 2018 at 7:00 P.M.

Location: American Legion Hall, 803 High Street, Baldwin City, Kansas

Chairperson Richard Dechant called the meeting to order at 7:00P.M.

Members present included Dustin Baker, Ted Madl, and Richard Dechant. Baldwin City staff present: Ed Courton, Community Development Director and Tamara Hageman, Administrative Assistant. Members not present: Matt Kirby and Joe Salb.

Chairperson Dechant asked for a motion to approve the draft minutes of the regular meeting held on January 9, 2018. Ted Madl moved and Dustin Baker seconded a motion to approve the minutes. The motion passed 2-0.

There being no unfinished business, Chairperson Dechant opened the public hearing with the first item under New Business:

- A. To consider a conditional use permit request for a short-term residential rental addressed as 703 9th Street and generally described as a portion of Lots 72 & 74 Grove Street Subdivision and to provide the Governing Body with a recommendation.

Ed Courton presented a summary of the request and stated that there has been no public comment.

Mr. Dechant asked the applicant, Cat Henry, if she wished to discuss her request and she reminded the commission that she had brought this same request before the Commission approximately two years ago and was hoping for a recommendation for approval to the City Council.

Chairperson Dechant asked if there was any further public comment from the audience and seeing none, then turned to the Commission and staff for discussion.

Mr. Courton stated since the original request, there has been a dramatic change in how short-term rentals are addressed at the local level and by some of the booking companies. Ms. Henry is proposing to book rentals through AirBnB and the company will pay the transient guest tax for all rentals. This was a major objection from the public and staff from the original request. Discussion ensued about the merits of the request and staff's recommended conditions of approval.

Mr. Madl is in favor of the request, but felt the property should be rezoned to commercial, so the property owner would pay commercial taxes. This would make any short-term rental taxed similar to a bed and breakfast or hotel establishments.

Mr. Courton stated that this request would be tied to the proprietor, Ms. Henry, and not the property owner. If the Ms. Henry decided to close business, then the conditional use permit would cease and couldn't be transferred if the Commission agreed with staff's proposed condition of approval.

Chairperson Dechant asked if there was any further discussion, and there being none, he would entertain a motion.

Mr. Baker moved and Mr. Madl seconded to forward a recommendation to the Governing Body to approve the request for a Conditional Use Permit at 703 9th Street and attach staff's recommended ten conditions of approval, including a one year review process. The motion passed 2-0.

- B. To approve a development plan for a short-term residential rental addressed as 703 9th Street, and generally described as a portion of Lots 72 & 74 Grove Street.

Mr. Courton explained the proposed development plan showed the interior layout and safety features, including locations of fire extinguishers, smoke detectors, an emergency exit plan for the residence, and off-street parking.

Chairperson Dechant asked for a motion.

Mr. Baker moved and Mr. Madl seconded a motion to approve a development plan for a short-term residential rental addressed as 703 9th Street, and generally described as a portion of Lots 72 & 74 Grove Street. The motion passed 2-0.

- C. Discussion of two new ordinances: Short-Term Rentals and Cargo Containers

Mr. Courton asked the Commission if they were interested in discussing short-term rentals (STR) and/or cargo containers at a future meeting. The Commission was interested and asked Mr. Courton to gather information together and present it at the next meeting.

Discussion ensued from the Commission members regarding approval criteria for STR's including off-street parking, taxation, onsite living by the property owner, business licensure and an administrative approval process.

Mr. Courton stated that the city could adopt a business license program similar to other communities, which would track all businesses, including home occupations and STR's. The City doesn't have a license program at this time and the Council has been reluctant to approve such a program in the past.

Mr. Courton also noted he had received a proposal to allow for the sale and rental of cargo containers in Baldwin City. This could lead to residential storage and he was not in favor of this kind of use.

The Commission agreed some type of ordinance would need to be created and it should cover the size allowed, exterior appearance and a timeline to track cargo containers. The Commission was not opposed to a permanent use, if the exterior appearance was consistent with the neighborhood and be placed in an appropriate location onsite.

Seeing no further business on the agenda, Chairperson Dechant asked for a motion to adjourn.

Mr. Madl moved and Mr. Baker seconded a motion to adjourn, the meeting ended at 7:50pm. The motion passed 2-0.

Respectfully submitted by:
Tamara Hagerman, CPT
Administrative Assistant
City of Baldwin City

Draft

Short-Term Rental Ordinance

Issues:

Compatibility, Taxation, Off-Street Parking, Owner-Occupied or Non-Occupied Residences, Length of Stay, Licensure and Approval Process (Administrative or Discretionary - PC or Council)

Recommended Review Criteria:

1. The subject residence shall be owner-occupied or have a full-time renter (proprietor)?
2. Off-street parking only? (No parking in the City's rights-of-way (ROW) and there must be sufficient off-street parking for the residence in addition to a STR – Staff Comment: This will make many properties ineligible)
3. 2-3 rooms maximum rental units, unless approved by a CUP?
4. Proof of Transit Guest Tax is current by January 31st of each year.
5. Require life-safety inspection performed by the City.
6. Annual life-safety inspection performed by January 31st of each year.
7. Approval process: CUP or Administrative?
8. The maximum length of stay 2-3 weeks per occasion?
9. Licensure?
10. The Approval (CUP or Administrative) contingent upon continual compliance with all conditions of approval and application materials, as amended.

Draft

Shipping Container Ordinance

Issues:

Compatibility, Appearance, Size, Materials and Site Placement

Definitions:

- Shipping Container - Any temporary structure that is a reusable, enclosed, semi-closed or open vessel, cargo container, or truck trailer which is used for the storage of freight, articles, goods, solid waste, personal belongs, commodities, or the like. Shipping containers consist primarily of a steel exterior, are manufactured to transport goods, and have external measurements of twenty (20) or forty (40) feet in length by eight (8) feet six (6) inches in height by eight (8) feet in width.
- Temporary Storage Unit – A structure installed, used, or erected for a period less than one hundred and eighty (180) days.

Primary Questions Addressing Shipping Containers and Temporary Storage Units:

1. Allowed in all commercial and industrial districts?
2. Allowed or prohibited allowed in all or some residential zoning districts?
3. Maximum timeframe allowed in all residential zoning districts - thirty (30) days or longer? Or until the residence is finalized?
4. Should we address temporary storage units and shipping containers in same ordinance for simplicity and clarification?

Recommended Temporary Storage Units Review Criteria:

1. The size of the unit shall not exceed 150 square feet in residential districts?
2. The timeframe shall not exceed thirty (30) days, unless approved by the Community Development Director and the total timeframe shall not exceed 60-90 days?
3. Unit may be located in front yards and driveways?
4. Unit may not be located in rights-of-way, access, utility or drainage easements.

Recommended Shipping Container Review Criteria:

Temporary Use of Shipping Containers:

- Timeframe? 30 days or at building permit certificate of occupancy of residence?
- Maximum size: 1,360 cubic feet (8x8.5x20)?
- Maximum height: 8.5 feet?
- Administrative permit for placement?
- No more than one shipping container shall be permitted to be placed on any residential property. This standard shall not be required for commercial and industrial zoned properties. However, the containers must meet IBC standards.
- Stacking of shipping containers is prohibited in all districts, excluding industrial?
- No placement on rights-of-ways or in any manner that creates a traffic visibility obstruction.
- Placement shall be on asphalt, concrete, gravel or other city-approved surfaces. Free from weeds, grass and muddy surfaces?
- Placement shall be in conformance with all accessory structure setbacks?
- No placement shall be located on drainage and/or utility easements
- Placement shall not block any drive lane or shall not be placed in any required parking space?
- In all residential districts, no commercial or business products, equipment or materials shall be stored in a container – only residential storage?

Permanent Use of Shipping Containers:

(Depending on the zoning district, all or some of the above-referenced criteria may apply, including the following:)

- Building permit required/
- No placement unless it is on the same lot as the residence or abutting it.
- All signage on the shipping container shall be removed and the container shall be maintained in good condition and painted a color complementary to the primary structure or residence.
- Adequate fire and emergency access shall be required.
- Permanent placement shall be screened from public view with sight-obscuring fencing and/or vegetation?
- Setbacks in conformance with existing setbacks or should the City consider greater distances such as a minimum of twenty (20) feet?
- Shall not be used for human or animal habitation.
- Shall not be interpreted to allow truck bodies, semi-trailers or permanent placement of temporary storage units.

Ed Courton

From: amy <amy@livingspacellc.co>
Sent: Wednesday, April 4, 2018 9:15 PM
To: Ed Courton
Subject: Re: Withdrawl of CUP request

Yes Ed please withdraw at this time because we have rented to a commercial tenant. Thank you,

Amy Wright

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Ed Courton <ecourton@baldwincity.org>
Date: 4/4/18 9:47 AM (GMT-06:00)
To: amy@livingspacellc.co
Subject: Withdrawl of CUP request

Amy,

Please confirm that you want to withdraw your request from the April Planning Commission. I will place the request "on-hold" for up to a year.

Thanks,

Ed Courton

Community Development Director

803 8th Street

Baldwin City, Kansas 66006

785-594-6427

ecourton@baldwincity.org