

Agenda
City of Baldwin City, Kansas Planning Commission
Tuesday, June 12, 2018 – 7:00 p.m.

- I. Call to Order

- II. Approve the minutes of the regular Planning Commission meeting held on May 8, 2018.

- III. Election of Officers (Chairperson, Vice- Chairperson and Secretary)

- IV. Unfinished Business

None

- V. New Business

To consider a Short-Term Rental ordinance and to provide a recommendation to the Governing Body amending the Zoning Regulations (Chapter 16, Article 2, Code of the City of Baldwin City) (*Action Item*)

- VI. Adjourn

**Minutes
City of Baldwin City Planning Commission
May 8, 2018 at 7:00 P.M.**

Location: Baldwin City Library, 800 7th Street, Baldwin City, Kansas

Chairperson Richard Dechant called the meeting to order at 7:01P.M.

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

Chairperson Dechant asked for a motion to approve the draft minutes of the regular meeting on March 13, 2018 and April 10, 2018. Mr. Salb made a motion and Mr. Baker seconded the motion to approve the minutes. Motion passed 4 – 0.

Chairperson Dechant opened the new business:

- A. To consider a conditional use permit for a new police station and EMS Facility addressed as 203 1st Street, situated at the NW corner of Hwy 56 and 1st Street and generally described as a portion of Lot 1, Chapel Street and Lots 2, 4, 6, 8, Baker Street. The property is +/- 37,000 sf and zoned CP-2. (*Action Item*)

Ed Courton started the discussion by noting this is a CUP for an institutional facility which is a requirement. The City is in negotiations to purchase the building and once ownership is assumed the City will start renovations.

The meeting was opened to the public for any comments at 7:07pm.

Sara Winkler, 511 N. 800 Rd., Lawrence, KS 66047, who with her husband own property in Baldwin City, KS, commended the Commission for pursuing a new police facility.

Glenn Rodden, City Administrator, stated the City is discussing with Douglas County about housing EMS in the same building. At this point, it is undetermined.

Chairperson Dechant asked for any further public comment and there being none, closed the public hearing.

Chairperson Dechant asked the Commission for their input on the regarding the CUP. The Commission expressed general support for the project.

Chairperson Dechant asked for a motion.

Mr. Salb moved to approve with staff provided recommendations a conditional use permit for the address 203 1st Street, Baldwin City, Kansas. Mr. Madl seconded the motion. Motion passed 4-0.

Chairperson Dechant opened the next agenda item:

- B. To consider a Development Plan for a new police station and EMS facility Addressed as 203 1st Street, Baldwin City, Kansas situated at the NW corner of Hwy 56 and 1st Street and generally described as a portion of Lot 1, Chapel Street and Lots 2, 4, 6, 8, Baker Street. The property is +/- 37,000 sf and zoned CP-2.

Mr. Courton described key features of the site plan, including off-street parking, landscaping, stormwater retention, and general improvements of the site. The site will be improved to meet existing development regulations. .

Mr. Madl moved and Mr. Baker seconded a motion to approve the development plan as presented. Motion passed 4-0.

Chairperson Dechant moved to open unfinished business:

Mr. Courton acknowledged Scott Schultz, 424 Washington St., Baldwin City, KS, who is the owner of Morningstar Care Facility and his request to amend the existing sign code to allow for off-premise signs. Mr. Courton stated a recent Supreme Court decision and how it affects our existing sign code. The Commission should schedule a meeting date and staff could present the key issues regarding this decision. Staff would work on scheduling a presentation for the Commission and will notify Mr. Schultz of the meeting date and time.

Chairperson Dechant moved on to the next agenda item under old business:

- A. Continue the discussion of Short-Term Rentals and Shipping Containers in anticipation of developing new ordinances.

Mr. Courton stated that the CUP for a short-term rental at 903 9th Street was approved by the City Council. This now provides an approval process for short-term rentals while the Commission is discussing and putting together a draft short-term rental ordinance.

Mr. Courton discussed the summary sheet and is seeking Commission input on the following topics: 1) Approval process; 2) Maximum length of stay; 3) Owner or non-owner occupied residences; and 4) off-street parking requirements. Commission discussion ensued. Mr. Baker noted property rented longer than 30 days issues falls under the Landlord Tenant Act.

The Commissioners support strict parking requirements that may prevent or limit the total number of short-term rentals. The off-street parking requirement for a short-term rental would be one parking space per rental room.

The Commission agreed that any short-term rental for 7 consecutive days or less could be approved administratively, as long as it passes a life safety inspection. Any rental longer than 8-days and less than 29-days would require a conditional use permit. The Commission did not want to prohibit non-owner occupied residential buildings. The Commission further wanted the inclusion of a severability clause with the ability to deny an annual renewal if non-compliant or outstanding violations. Mr. Courton would continue with the research and might have additional information to share at the next meeting.

Mr. Courton then proceeding to the continual discussion of the topic of shipping containers as storage units. The Commission was in agreement that shipping containers should be prohibited in residential zoning districts, but the City could allow them while a residence is under construction. The container must be removed from site prior to certificate of occupancy. Further discussion is necessary regarding shipping containers in commercial and industrial districts. The Commission supports a requirement that all permanent shipping containers must be placed on an appropriate surface.

The Commission has a particular concern along the Highway 56 corridor and how shipping containers could affect the appearance. Discussion ensued about requiring screening and the composition of vegetative screening compared to solid materials such as fencing. The Commission also discussed setbacks from Highway 56. An unresolved issue was determining the required setback for all containers visible from highway or arterials road classifications.

There being no further business, Chairperson Dechant stated he would entertain a motion to adjourn.

Mr. Madl moved and Mr. Salb seconded a motion to adjourn the meeting at 8:13pm. The motion passed 4-0.

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

26-112.01 Title.

This chapter shall be referred to as the "Short-Term Rental Ordinance."

26-112.02 Purpose.

The purpose of this chapter is to regulate privately-owned residential dwellings used as short-term rental units, ensure all applicable local and transient guest taxes are paid and collected, and minimize the potential negative effects of short-term rental units on surrounding residential neighborhoods.

26-112.03 Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning ascribed to them by this section:

1. **Operator** - An individual responsible for full-time in compliance with this Chapter and is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit. An operator may be the property owner or another individual responsible for the short-term rental operation.
2. **Property** - The actual single-family house or two-family residential dwelling unit, including all of its improved real property, which is used as a short-term residential rental.
3. **Short-Term Rental** – A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities may be provided and the dwelling or roomers are rented for less than 30 consecutive days.
4. **Short-Term Rental Permit** - A permit for a Short-Term Rental Unit.
5. **Short-Term Rental Unit** - A single-family or two-family residential dwelling only rented for less than 30 consecutive days.
6. **Transient** - Any person who seeks to rent or who does rent a privately-owned residential unit for a period no more than 30 consecutive days.

26-112.04 Property Owner Responsibility.

The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental unit, regardless of whether such noncompliance was committed by the operator or the occupants of the owner's short-term rental unit or their guests.

26-112.05 Short-Term Rental Permit - Required.

An owner must obtain a short-term rental permit prior to advertising or renting any privately-owned residential dwelling to any transient for a period less than 30 consecutive work days.

26-112.06 Permit Approval Process.

Prior to issuance of any short-term rental permit, as specified in Section 26-112.05, an owner or operator of a dwelling or room(s) in a dwelling must first obtain city approval by one of the two approval processes depending on the maximum consecutive length of stay at a short-term rental:

- A. Administrative – This approval process is performed by the Community Development Director or designee for rentals of one to seven consecutive days.
- B. Conditional Use Permit – This approval process is for rentals of 8 days to 29 consecutive days. The applicant must be consistent with Article 26 and must obtain a conditional use permit from the Governing Body.

26-112.07 Short-Term Rental Permit for all types - Application and processing requirements.

A. The applicant must submit the following information on an application form provided by the City:

- 1. The name, address, valid email address, and telephone number of the owner of the subject short-term rental unit.
- 2. The name, address, valid email address, and telephone number of the operator of the subject short-term rental unit.
- 3. The address of the proposed short-term rental unit.
- 4. The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short-term rental unit.
- 5. Proof of sufficient liability insurance, as determined by the City of Baldwin City.
- 6. Other information as the City deems reasonably necessary to administer this chapter.

B. The City shall review and issue a short-term rental permit if in compliance with the review criteria set forth in this Chapter. The Community Development Department shall have the authority to issue said permit administratively for rentals less than 8 consecutive days. For rentals of 8 days or more and less than 30 consecutive days, a conditional use permit is required.

C. A Short-Term Rental Permit application shall be accompanied by payment of an application processing fee established by resolution of the City Council.

D. A Short-Term Rental Permit shall not be issued or renewed if there are unresolved City code compliance cases, outstanding City fines or fees, or City liens on the property.

E. The City shall conduct an annual life-safety inspection of the short-term rental unit prior to issuing a new permit and prior to issuing any permit renewal.

F. A Short-Term Rental Permit must be renewed annually to remain valid.

G. A Short-Term Rental Permit shall be granted for single-family and two-family residential only.

H. A Short-Term Rental Permit application may be denied if the applicant has had a prior short-term rental permit suspended or revoked.

26-112.08 Short-Term Rental Permit – Prohibited.

A Short-Term Rental Permit may be allowed for a single-family or two-family residence only and shall be prohibited in all commercial and industrial zoning districts.

26-112.09 Operational requirements for all types of Short-Term Rental Permits.

A. While a short-term rental unit is rented, the owner or operator shall be available while a unit (room) is rented for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants or guests of the short-term rental unit.

B. Upon notification that any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental unit, the operator shall promptly respond in an appropriate manner to immediately halt or prevent a recurrence of such conduct by any occupants and/or guests. Failure of the operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit in an appropriate manner shall render the operator subject to all administrative, legal and equitable remedies available to the City, up to and including short-term rental permit revocation.

C. The operator shall provide proof of current transient guest tax by January 31st of each year of operation.

D. The operator shall pass a life-safety inspection by January 31st of each year in operation.

E. Occupants of the short-term rental unit shall comply with all standards and regulations of the BCMC, including Chapter XI, Article 3 “Noise Control.”

F. Maximum Number of Occupants. The maximum number of overnight guests and residents for a short-term rental unit shall not exceed two persons per bedroom.

G. A short-term rental unit shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting, or any advertising mechanism.

H. No property use shall cross over any property line.

I. All parking associated with a short-term rental unit shall be entirely on-site in the garage, carport, and driveway or otherwise off of the public street on a city-approved surface.

J. The City shall have the authority to impose additional conditions on the use of any given short-term rental unit to ensure that any potential secondary effects unique to the subject short-term rental unit are avoided or adequately mitigated. Any appeal of this Chapter shall be heard by the Governing Body.

K. The operator shall pass a life-safety inspection prior to starting business operation.

L. The Short-Term Rental Permit shall expire upon transfer of ownership.

26-112.10 Violations.

Any violation of this Chapter shall be enforced in accordance with Article 32.

A. Additional Conditions. A violation of any provision of this chapter by the owner, operator or any of the occupants shall authorize the Community Development Director to impose additional conditions on the use of any given short-term rental unit to ensure that any potential additional violations are avoided.

B. Permit Modification, Suspension and Revocation. A violation of any provision of this chapter by the owner, operator or any of the occupants may constitute grounds for modification, suspension and/or revocation of the short-term rental permit and/or any affiliated licenses or permits pursuant to the provisions set forth in this chapter.

1. Whenever an operator fails to comply with any provision of this chapter, the City Council upon hearing, after giving the owner and/or operator a 10-days written notice specifying the time and place of hearing and requiring him or her to show cause why the short-term rental permit should not be modified, suspended or revoked.
2. The Community Development Director shall give to the owner and/or operator written notice of the modification, suspension or revocation of the permit. The notices required in this section may be served personally or by mail.

C. Notice of Violation. The City may issue a notice of violation to the owner and/or operator pursuant to this chapter, if there is any violation of this chapter committed, caused or maintained by any of the above parties.

Please note: If the Commission recommends approval of this draft ordinance, staff will consult with the City Attorney regarding this ordinance. Staff requests the ability to amend the draft ordinance, as necessary, after consultation with the City Attorney. If a significant change is proposed by the City Attorney, staff will bring the draft ordinance back to the Commission for reconsideration.

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

(Published in the Lawrence
Daily Journal-World on
May 22, 2018)

Michael Brock of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 05/22/2018 with publications being made on the following dates:

05/22/2018

Michael Be

Subscribed and sworn to before me this 22nd day of May, 2018.

Allison Wilson

Notary Public

My Appointment expires: 8/19/2020

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| Notary And Affidavit | \$0.00 |
| Additional Copies | \$0.00 |
| Publication Charges | \$72.28 |
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**NOTICE OF
PUBLIC HEARING**

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on June 12, 2018, the Baldwin City Planning Commission will hold a public hearing at the Public Library meeting room, 800 7th Street, Baldwin City, Kansas, at 7:00 P.M., to consider the following applications:

1. An Ordinance amending the Zoning Regulations (Chapter 16, Article 2, Code of the City of Baldwin City) adding new provisions for Short-Term Rentals, including definitions, permitted districts, standards, limitations, procedures and review criteria.

The file and all application materials are available for review at the Community Development Department during normal hours. As provided in the Baldwin City Zoning Regulations, the above application will be discussed and considered by the Baldwin City Planning Commission, and all person interested in said matter will be heard at this time concerning their comments and all matters concerning the request and presented at the hearing will be considered. The Planning Commission may continue this matter to a later date without additional notice.

Certified, this 17th day of April, 2018

