



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

Sugar Shack LLC  
5001 S. 263<sup>rd</sup> St. W.  
Garden Plain, KS 67050

November 22, 2024

Jennifer Mai  
803 S. Glenwood St.  
Wichita, KS 67230

**RE: CON2024-00129** –A Conditional Use request to allow Short-Term Rental in the City, generally located on the northeast corner of North Perry Avenue and West Briggs Avenue (1102 North Perry Avenue).

Dear Applicant:

At its regular meeting on **November 7, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

- 1) The Applicant shall apply for and be issued a Residential Business License.
- 2) The site shall be developed in general conformance with the approved site plan, which shall indicate all required screening, landscaping, and parking.
- 3) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4864.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly  
Current Plans  
Senior Planner

CC: Maggie Ballard, Council Member District VI  
Ana Lopez, CSR, District VI  
MABCD

**CON2024-00129**  
Burt & Karen West  
3717 Sleepy Hollow Dr  
Wichita, KS 67208

**CON2024-00129**  
Winnie Chien & Jerry Keeble  
3009 E. Fairchild St.  
Park City, KS 67219

**CON2024-00129**  
Mollie Thompson  
1103 N. Perry Ave.  
Wichita, KS 67203

**CON2024-00129**  
Janet Janzen  
1147 N. Perry Ave.  
Wichita, KS 67203

**CON2024-00129**  
Anna Balthazor  
1106 N. Perry Ave.  
Wichita, KS 67203

**CON2024-00129**  
Jason Rushford  
1106 N. Perry Ave  
Wichita, KS 67203

**CON2024-00129**  
Jacqueline Cox  
1022 N Perry Ave.  
Wichita, KS 67203

**CON2024-00129**  
Margaret Mathewson  
1131 W. River Blvd  
Wichita, KS 67203

**CON2024-00129**  
Glennis & Rodney Meyer  
1057 N. Perry Ave  
Wichita, KS 67203

**CON2024-00129**  
Cody Flory-Robertson  
1135 N Perry Ave  
Wichita, KS 67203

**CON2024-00129**  
Virginia & Dustin Wacker  
1056 N. Perry Ave  
Wichita, KS 67203



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

Sugar Shack LLC  
5001 S. 263<sup>rd</sup> St. W.  
Garden Plain, KS 67050

November 12, 2024

Jennifer Mai  
803 S. Glenwood St.  
Wichita, KS 67230

**RE: CON2024-00129** –A Conditional Use request to allow Short-Term Rental in the City, generally located on the northeast corner of North Perry Avenue and West Briggs Avenue (1102 North Perry Avenue).

Dear Applicant,

At its regular meeting on **November 7, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the above captioned request.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on November 21, 2024. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **November 21, 2024, at 5:00 p.m.**

Should the request be protested, this application is scheduled to be presented to the Wichita City Council on **Tuesday, December 10, 2024**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Brad Eatherly  
Current Plans  
Senior Planner

CC: Maggie Ballard, Council Member District VI  
Ana Lopez, CSR, District VI

MABCD

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1056 N. Perry Ave  
Wichita, KS 67203

**CONDITIONAL USE RESOLUTION NO. CON2024-00129**

**WHEREAS**, Sugar Shack, LLC Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Short-Term Rental in TF-3 Two-Family Residential District zoning located at 1102 North Perry Avenue, legally described as:

Lots 146 and 148, on Perry Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of November 7, 2024, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Short-Term Rental in TF-3 Two-Family Residential District zoning located at 1102 North Perry Avenue, legally described as:

Lots 146 and 148, on Perry Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- 1) The Applicant shall apply for and be issued a Residential Business License.
- 2) The site shall be developed in general conformance with the approved site plan, which shall indicate all required screening, landscaping, and parking.
- 3) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

Adopted this 13<sup>th</sup> Day of December, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:

  
Bryan Frye, Chairman

  
Scott Wadle, Secretary

# Site Plan

1102 N PERRY AVE, WICHITA

**Description**  
1102 N PERRY AVE, WICHITA

**Details**  
Geocoded Address  
1102 N PERRY AVE, WICHITA  
Score  
92

**SITE PLAN**

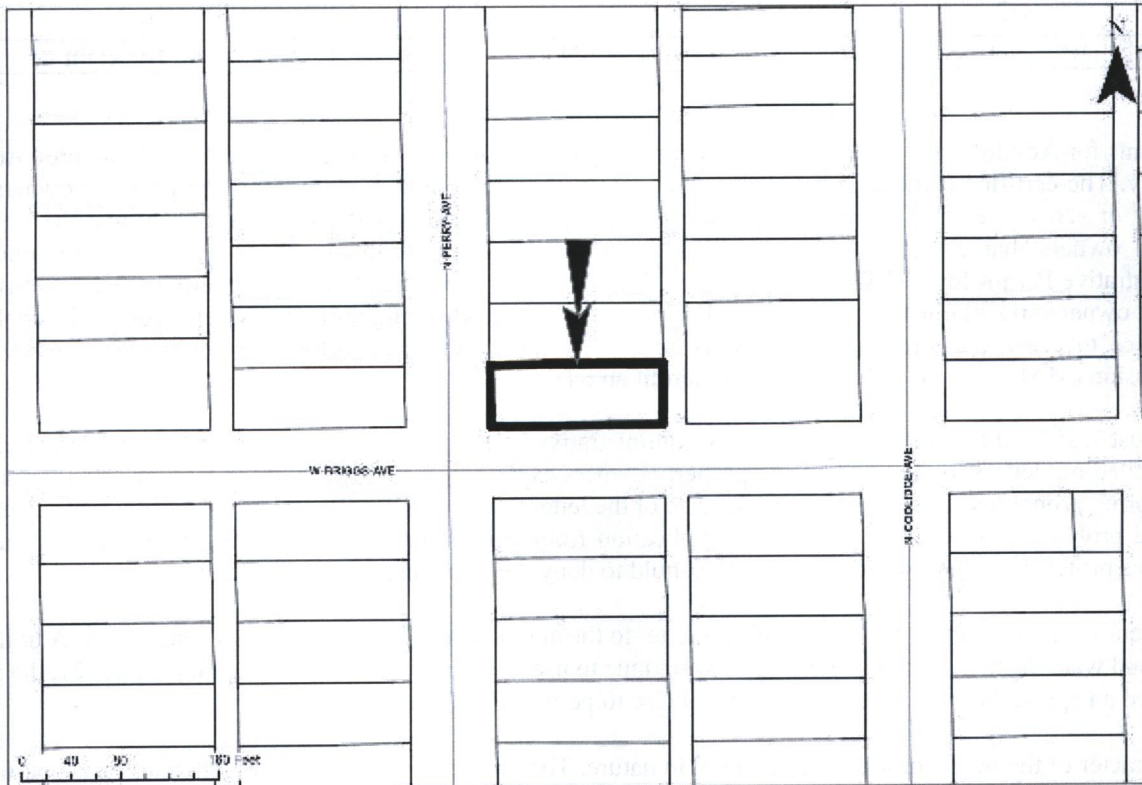
APPROVED 11/21/24 BY SBE



# STAFF REPORT

MAPC: November 7, 2024  
DAB VI: November 4, 2024

- 
- CASE NUMBER:** CON2024-00129 (City)
- APPLICANT:** Jennifer Mai / Sugar Shack LLC (Applicants)
- REQUEST:** Conditional Use to allow Short-term Rental
- CURRENT ZONING:** TF-3 Two-Family Residence
- SITE SIZE:** 0.1625 acres
- LOCATION:** Generally located on the northeast corner of North Perry Avenue and West Briggs Avenue (1102 North Perry Avenue).
- PROPOSED USE:** Short-term Rental
- RECOMMENDATION:** Approval with Conditions



**BACKGROUND:** The applicant is requesting a Conditional Use to permit a Short-Term Rental (STR) on property zoned TF-3 Two-Family Residential District (TF-3). The property is generally located on the northeast corner of North Perry Avenue and West Briggs Avenue (1102 North Perry Avenue). The site is currently in use as an STR.

An STR is defined in the City of Wichita Unified Zoning Code as “the use of a residential Dwelling Unit or structure to provide rooms for temporary lodging or lodging and meals for Transient Guests for a period of 28 days or less for which compensation is paid to the Owner or Responsible Party. The dwelling or structure may be Owner or manager occupied.” These include transient lodging offered through Airbnb, VRBO and other online platforms.

On September 12, 2023, the Wichita City Council approved changes to provide a zoning approval process for STRs in residential districts and a licensing program. As a result, STRs are required to receive approvals in the ways listed below.

1. Per the Unified Zoning Code (amended on September 22, 2023), the property must have the appropriate zoning approvals for the property to be used for STRs.
2. Per the City of Wichita Municipal Code, STR owners are required to obtain an annual license for each dwelling unit that they operate as an STR.

The Unified Zoning Code allows property owners to apply for an Administrative Permit to allow a STR in the City as a use on the property. The below table explains how an STR can be permitted as a use in the City. Please note that STR in the City at an owner-occupied property is allowed by right and does not require a zoning action.

<b>Owner Occupied?</b>	<b>Zoning Districts: SF-10, SF-5, TF-3, MF-18, MF-29</b>	<b>Permitted: (By Right or Administrative Permit)</b>
Yes	Yes	By Right
No	Yes	Administrative Permit
Yes	No	By Right
No	No	By Right

Applicants for Administrative Permits for STRs are required to submit a certified ownership list procured from a title company. The certified ownership list shall include the names and mailing addresses of all property owners that are touching or across the street or alley from the subject site. Staff sends a letter to the applicant and the neighboring property owners that explains the protest requirements should the neighbors choose to do so. In order for an Administrative Permit for an STR to be approved, less than 51% of the neighboring property owners (as listed in the certified ownership list) must not protest. If 51% or more of the neighboring property owners protest, the applicant has the choice to cease operating the property as an STR, or bring the case before the Metropolitan Area Planning Commission (MAPC) as a Conditional Use to permit an STR.

On August 7, 2024, the applicant applied for an Administrative Permit for the subject site. On August 12, 2024, Planning Staff mailed out letters to the neighboring property owners explaining how to protest the STR should they so choose. Neighboring properties have 14 days from the date of the letter to respond. By the end of the 14-day protest period, five (5) valid protests were received against the application from eligible properties, resulting in 71.42% of the eligible properties protesting. This exceeds the 51% threshold to deny the Administrative Adjustment.

On September 4, 2024, Planning Staff mailed a letter to the applicant explaining the denial result of the Administrative Permit and what the next steps were in order to continue to use the property as an STR. On September 27, the applicant submitted an application to request a Conditional Use to permit an STR on the subject site.

The character of the neighborhood is residential in nature. The property is surrounded on all sides by properties zoned TF-3 and developed with single-family dwellings.

**CASE HISTORY:** On May 25, 1886, the site was platted as part of the Riverside Addition. No other zoning cases are associated with this property.

**ADJACENT ZONING AND LAND USE:**

North:	TF-3	Single-Family dwelling
South:	TF-3	Single-Family dwelling
East:	TF-3	Single-Family dwelling
West:	TF-3	Single-Family dwelling

**PUBLIC SERVICES:** The site has access to North Perry Avenue and West Briggs Avenue, both of which are two-lane, local streets with sidewalks on both sides of both streets. Municipal water, sewer and stormwater services currently serve the site. Wichita Transit does not serve the area within one-quarter of a mile of the subject site.

**CONFORMANCE TO PLANS/POLICIES:** The Conditional Use request is in conformance with the following plans:

**Community Investments Plan:** The Conditional Use request is in conformance with the *Community Investments Plan*. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, namely the 2035 Wichita Future Growth Concept Map, identifies the site as “Residential.” The *Plan* describes “Residential” as, “*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.*”

The proposed Conditional Use is in conformance with the Land Use Compatibility Guidelines of the *Community Investments Plan*. Under the heading “*Development Pattern*,” Guideline 2.a states, “*Encourage infill development that maximizes public investment in existing and planned infrastructure and services.*”

**Wichita: Places for People Plan:** The requested zone change is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The request aligns with Strategy 5: *Encourage infill and redevelopment that is contextual to the environment in which it is occurring.*

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends **APPROVAL** of the request, subject to the following conditions:

- 1) The Applicant shall apply for and be issued a Residential Business License.
- 2) The site shall be developed in general conformance with the approved site plan, which shall indicate all required screening, landscaping, and parking.
- 3) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential in nature. The property is surrounded on all sides by properties zoned TF-3 and developed with single-family dwellings.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is zoned TF-3 and is suitable to be used as a single-family dwelling or a duplex. Dwellings can be rented for long term leases without being regulated by the UZC.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If the Conditional Use is approved, the site may see higher volumes of automobile and pedestrian traffic, increased noise levels, and potentially increased amounts of refuse on the property. The conditions of approval are designed to mitigate any possible significant detrimental impacts.
4. **Length of time the property has been vacant as currently zoned:** The subject property is not vacant. The site is developed as a single-family dwelling and has been used recently as a Short-term Rental.
5. **Relative gain to the public health, safety, and welfare compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would allow for the site to be used as a Short-Term Rental. Denial could represent economic loss or opportunity for the applicant.
6. **Impact of the proposed development on community facilities:** Staff does not anticipate significant negative impacts to community facilities.
7. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has received no public comment regarding the proposal. However, in response to the Administrative Permit application for this site, staff received five (5) protest letters and one (1) letter of support. In general, those who protested were concerned about how having a Short-Term Rental has impacted the comfort and security of their home. The letter of support identified the property as an asset to the neighborhood citing that they have never had a complaint against any of the renters at the property.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

# Site Plan

Getting Around Tools Identify Draw & Measure Tasks

Point Distance Edit

1102 N PERRY AVE, WICHITA

I want to...

1106

Description

1102 N PERRY AVE, WICHITA

Details

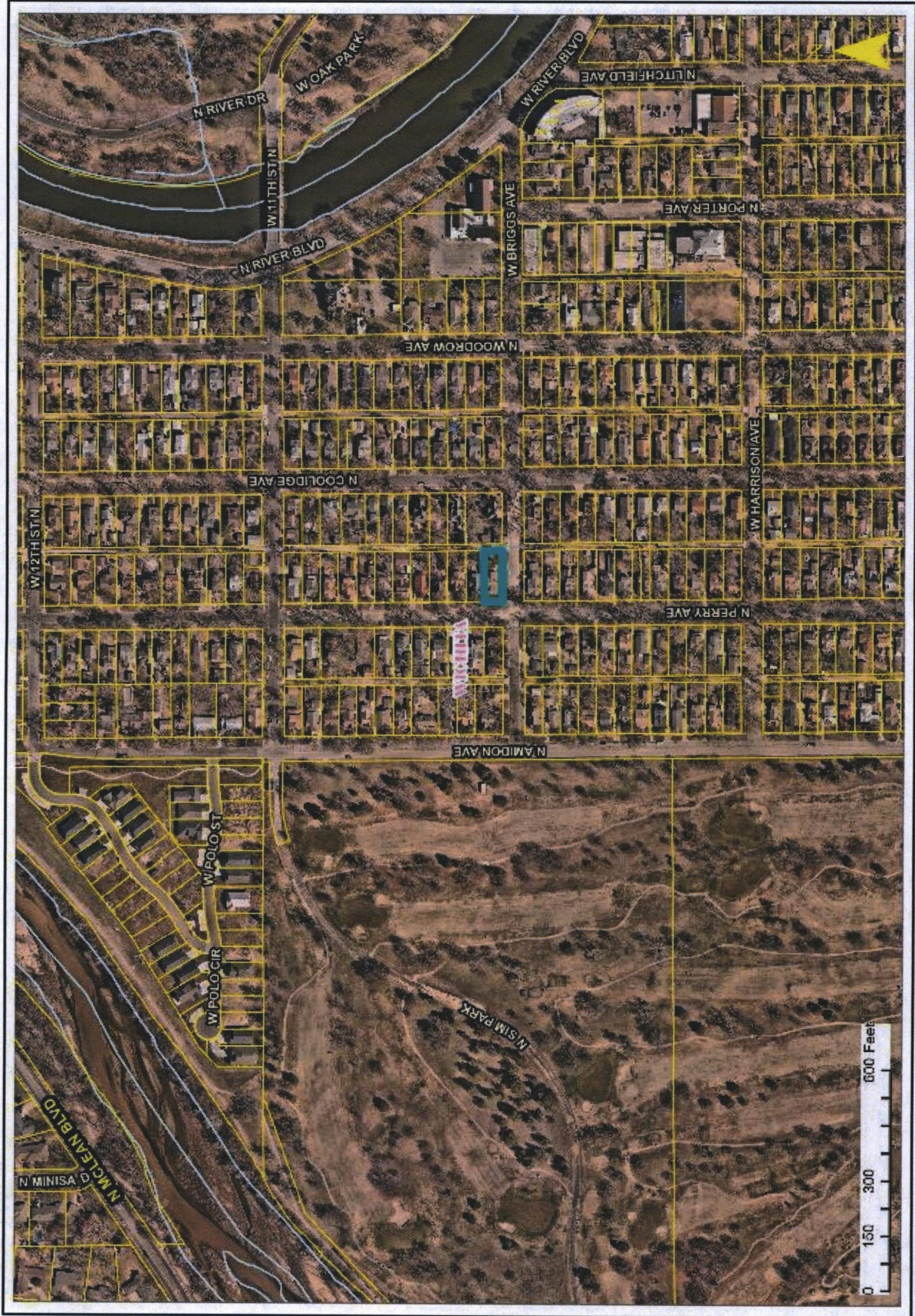
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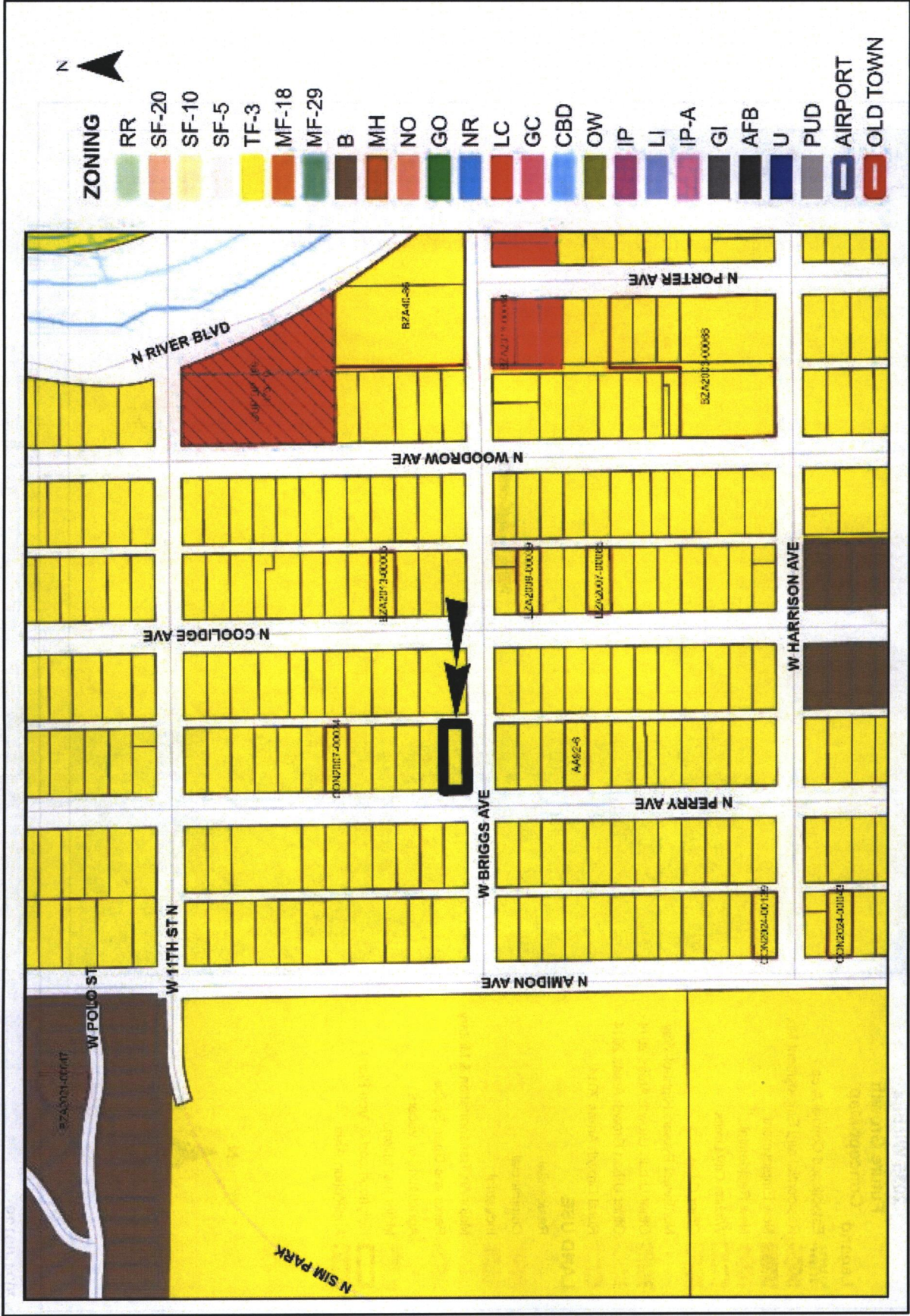
1102 N PERRY AVE, WICHITA

Score

92

Tool labels





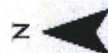
**2035 Wichita  
Future Growth  
Concept Map**

**Legend**

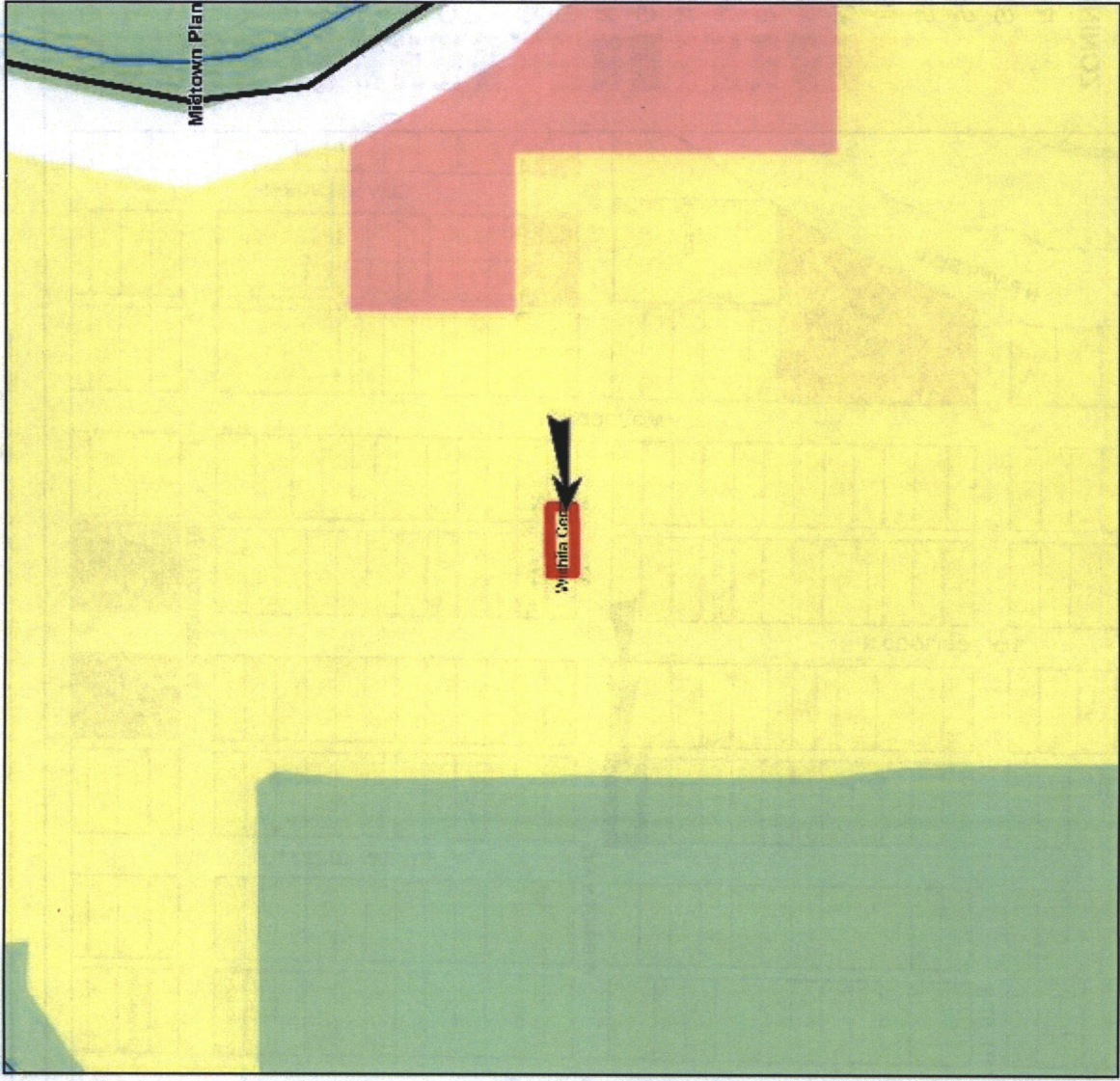
- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way
- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

**LAND USE**

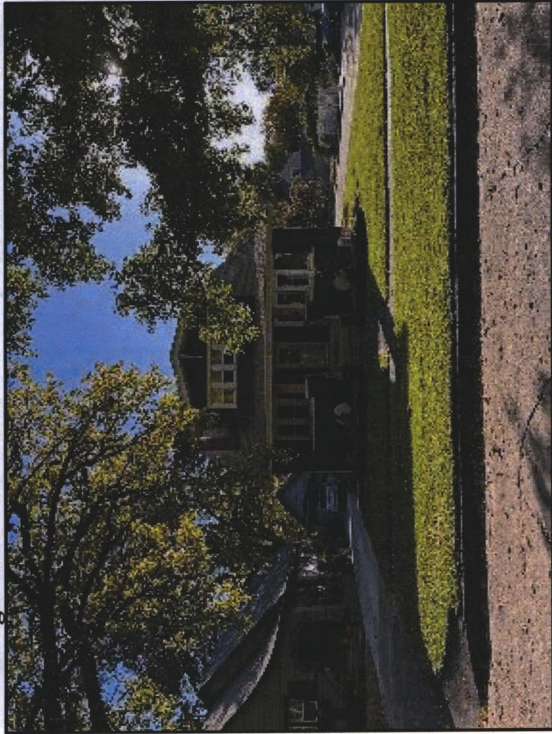
- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Neighborhood & Area Plans
- Application Area



WICHITA METROPOLITAN AREA PLANNING COMMISSION  
1000 SOUTH MAIN STREET, SUITE 1000  
WICHITA, KS 67202  
TEL: 316.261.1000 FAX: 316.261.1001  
WWW.WICHITAMPA.PLANNET.COM



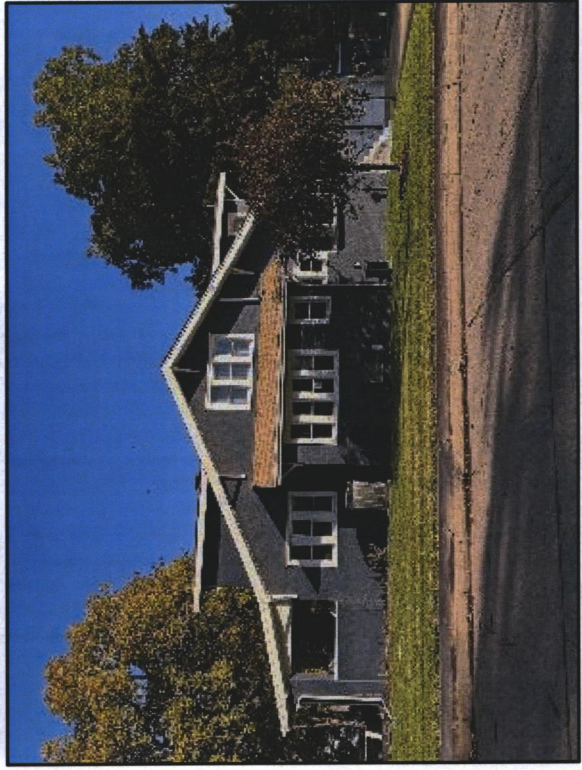
Looking east into site



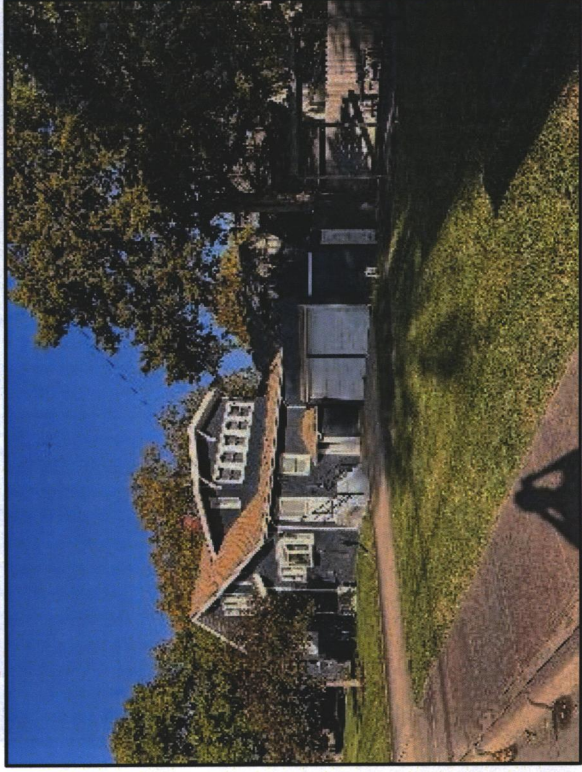
Looking southeast into site



Looking north into site

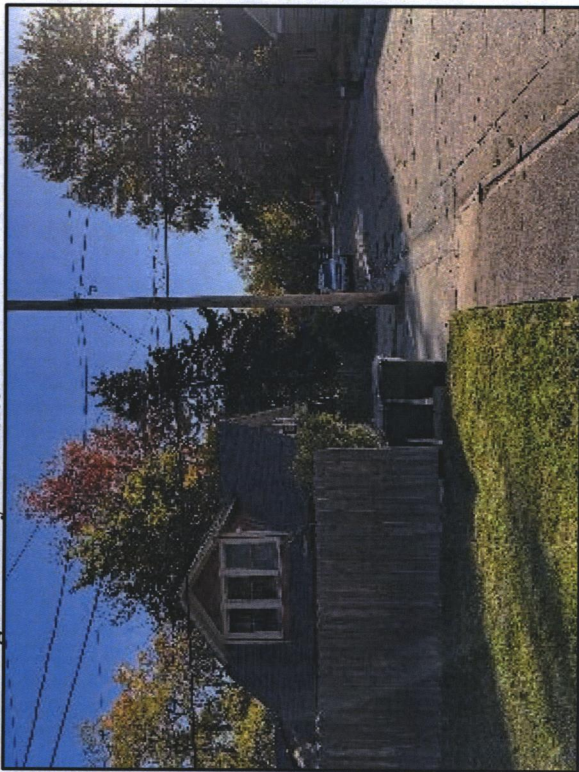


Looking northwest into site

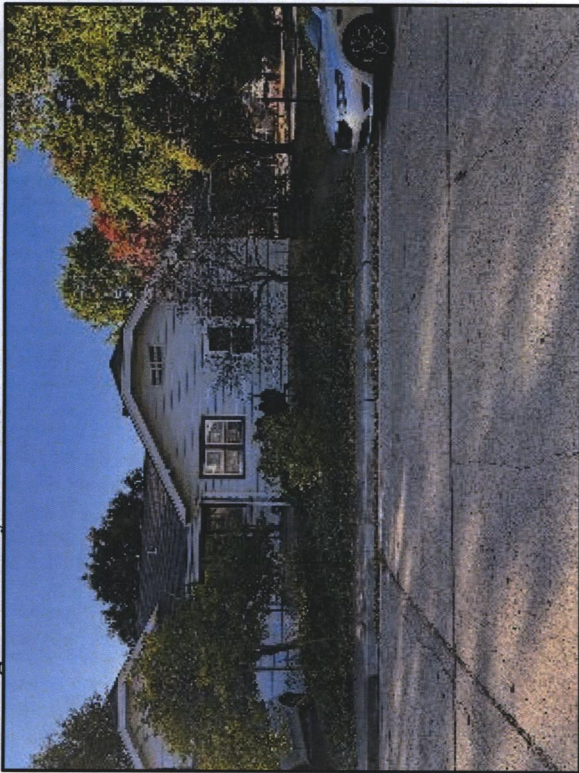


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Looking east away from site



Looking south away from site



Looking southwest away from site



Looking east away from site



Looking north away from site

