



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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**To:** City Planning Commission  
**From:** Planning and Urban Design Staff  
**Date:** May 8, 2023  
**Re:** **Special Use Petition SP2022-117**

## GENERAL INFORMATION

**Applicant:**  
Jessica Betts

**Status of Applicant:**  
Property Owner  
749 Locust Avenue  
Kansas City, Kansas 66103

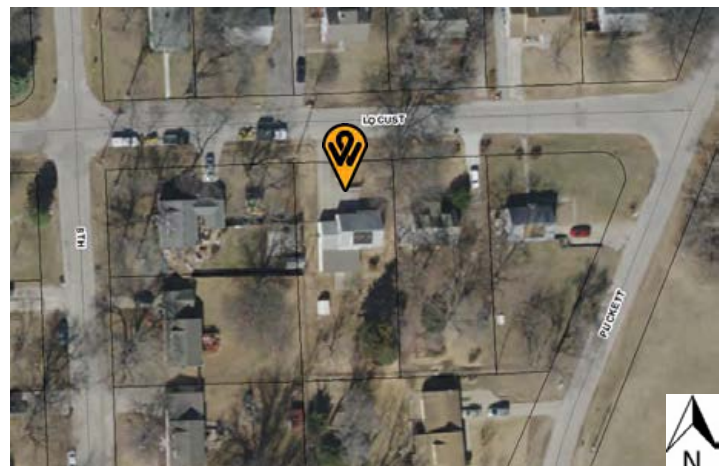
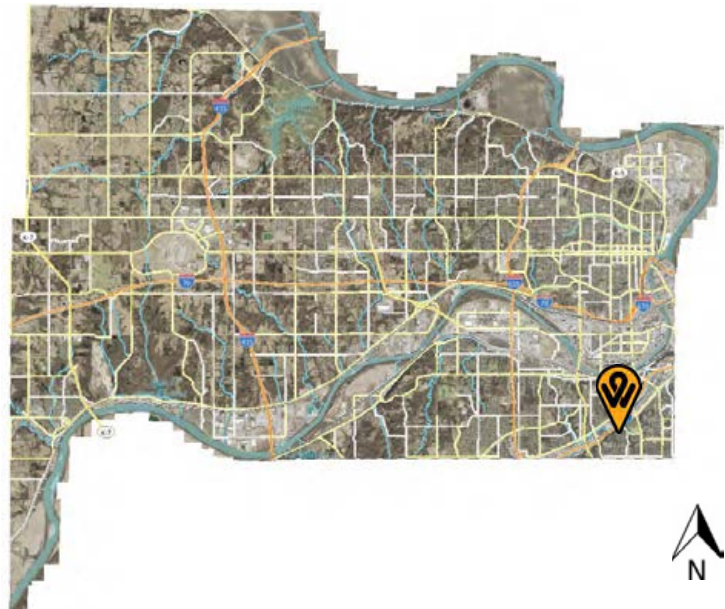
**Requested Action:**  
Renewal of a Special Use Permit.

**Date of Application:**  
December 30, 2022

**Purpose:**  
To renew a Special Use Permit (expires 2/3/2023) to continue to operate a short-term rental. This is not the applicant's primary residence.

**Property Location:**  
749 Locust Avenue  
Kansas City, Kansas 66103

**Commission Districts:**  
Commissioner At-Large District #2:  
Tom Burroughs  
District #3 Commissioner:  
Christian Ramirez



<b>Existing Zoning:</b>	R-1 Single Family District
<b>Adjacent Zoning:</b>	<b>North:</b> R-1 Single Family District <b>South:</b> R-1 Single Family District <b>East:</b> R-1 Single Family District <b>West:</b> R-1 Single Family District
<b>Adjacent Uses:</b>	<b>North:</b> Single-Family Residence <b>South:</b> Single-Family Residence <b>East:</b> Single-Family Residence <b>West:</b> Single-Family Residence
<b>Total Tract Size:</b>	0.23 Acres
<b>Master Plan Designation:</b>	The City-Wide Comprehensive Plan designates this property as Low-Density Residential, which allows for single-family homes.
<b>Major Street Plan:</b>	The Major Street Plan designates Locust Avenue as a Local Street.
<b>Parking Requirement:</b>	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage. The subject property has a one (1) car garage and extended driveway for three (3) parking spaces for a total of four (4) off-street parking spaces, which complies with the parking requirement.
<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023
<b>Public Hearing:</b>	May 8, 2023
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	None to date.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. There have been no noise or disturbance complaints since the current owner purchased the property in 2020.

### **Building, Zoning, or Code Enforcement Complaints:**

1. There are no active Notices of Violation on the subject property.

### **Outstanding or Related Permits and Cases:**

1. There are no additional outstanding or related permits and cases.

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is located within the Rosedale Statistical Neighborhood. The neighborhood is residential in nature primarily featuring single-family residences on wide and shallow lots. There are also garden-style apartment complexes located to the south and east of the subject property.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses are set out above. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

### ***3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

### ***4. The length of time the property has remained vacant as zoned.***

The property is not vacant and has been used as a short-term rental since 2021. The property was formerly used as a single-family residence.

**5. *The degree of conformance of the proposed use to the Master Plan.***

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as a Low-Density Residential. Low-Density Residential allows a single-family residence to be utilized for short-term rentals but requires a Special Use Permit to operate.

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Local Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Noise is an issue that is related to short-term rentals. There are no noise complaints to date with the current applicant at this property.

**9. *Whether the proposed use will pollute the air, land or water.***

The proposed use will not pollute the air, land, or water as it is an existing, permitted single family residence.

**10. *Whether the use would damage or destroy an irreplaceable natural resource.***

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

**11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic

benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed at one time is 7 adults with the max number of vehicles being two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

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## **PREVIOUS ACTIONS**

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Approval of a Special Use Permit (SP2021-071) for one (1) year in 2021.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on January 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Traffic  
Noise  
Parking  
Occupant Safety  
Neighborhood Character  
Trash

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## **STAFF COMMENTS AND SUGGESTIONS**

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**Planning and Urban Design Comments:**

- 1. The driveway apron must be paved with asphalt. The apron cannot be gravel.**

*Applicant Response: Why is this a requirement?*

Staff Response: Section 27-675(a) states “All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement”. The applicant is required to meet this as part of their Special Use Permit.

**2. Provide a detailed description of the areas rented for the short-term rental.**

*Applicant Response: Living room, front room, kitchen, three (3) bedrooms, and two (2) bedrooms.*

**3. How many bedrooms are in the primary residence? Provide a scaled floor plan of the unit.**

*Applicant Response: Three (3) bedrooms.*

**4. Provide updated site pictures of the property and a scale site plan.**

*Applicant Response: See provided floor plan and site plan.*

**5. What is the maximum number of vehicles allowed and where will they park? Indicate guest parking on the site plan.**

*Applicant Response: Four (4) cars.*

Staff Response: The applicant will be limited to having three (3) cars on the property.

**6. What is the maximum number of guests allowed at one (1) time?**

*Applicant Response: 8 guests.*

Staff Response: The applicant shall be limited to 7 guests at a time on the property.

**7. What is the projected annual occupancy rate?**

*Applicant Response: The property will be occupied 55% of the time.*

**8. Who will be the designated property manager? Explain the details of this arrangement?**

*Applicant Response: My neighbor Adrienne Kensinger is taking care of the property. She cleans, stocks, and helps guests if they need anything.*

**9. How will you communicate with neighbors if there are any issues?**

*Applicant Response: Phone call or text message.*

**10. How will you pay appropriate Kansas State Lodging Taxes?**

*Applicant Response: Through AirBnB.*

**11. Indicate how you will maintain the property in a safe and sanitary manner, including:**

- a. Working smoke detectors in each bedroom plus each level of the unit/house;
- b. GFCI Outlets required in bathrooms;
- c. Double keyed locks are not allowed;
- d. Copper cannot be used for gas supply lines;
- e. Windows must be operable, not blocked or boarded;
- f. Handrails are required at sets of four (4) or more stairs/risers;
- g. Hot water tank and furnace must be vented properly and operational;
- h. Electric panel and circuits must be safe; and,
- i. Facility cleaned and sanitized after each guest check-out.

*Applicant Response: Everything is safe and up to code.*

**12. Do you provide a guest manual that lists rules and regulations such as “no parties,” etc?**

*Applicant Response: Yes.*

**13. The number of guests allowed must be appropriate to the number of available rooms and bedding.**

*Applicant Response: Understood.*

**14. Will guests be allowed to bring pets to the property?**

*Applicant Response: Yes.*

**15. In the event that there is an issue on the property, how fast can the owner or manager be on-site if necessary? Please provide answer in time.**

*Applicant Response: Within five (5) minutes.*

**Planning Engineering Comments:**

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
  1. None
- B. Items that are conditions of approval:
  1. None
- C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
  1. None

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## STAFF RECOMMENDATION

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Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **SP2022-117** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The driveway apron must be paved with asphalt. The apron cannot be gravel;**
2. **Maximum number of guests shall be seven (7);**
3. **All parking must be off-street, maximum number of vehicles is three (3);**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);**
10. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
11. **The applicant has filed and maintained a current business occupation tax application;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
14. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468**



- through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
  17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
  18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

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## **ATTACHMENTS**

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Aerial Imagery  
Zoning Map  
Land Use Map  
Granicus Host Compliance Map  
Site and Floor Plan  
Neighborhood Meeting Materials  
Site Photos, Taken by Staff, Dated January 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use		

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**STAFF CONTACT:**

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Kansas City, Kansas, City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2022-117** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **SP2022-117**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

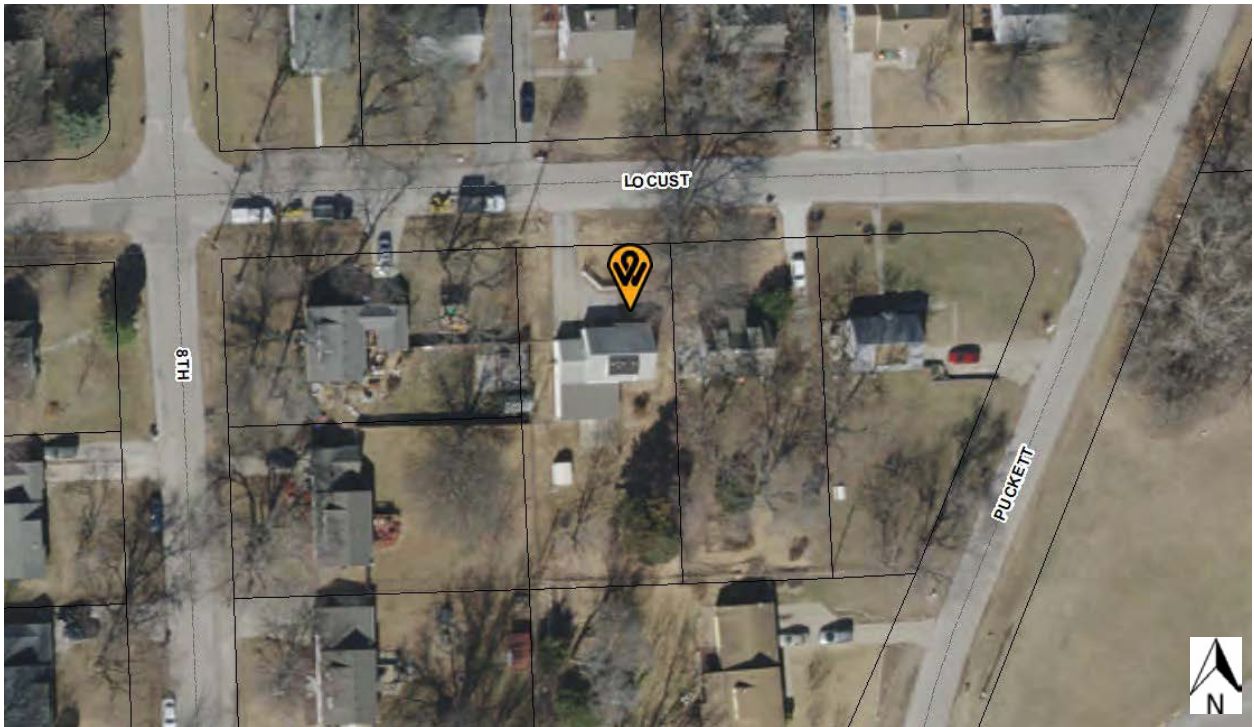
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# ATTACHMENTS

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## AERIAL IMAGERY

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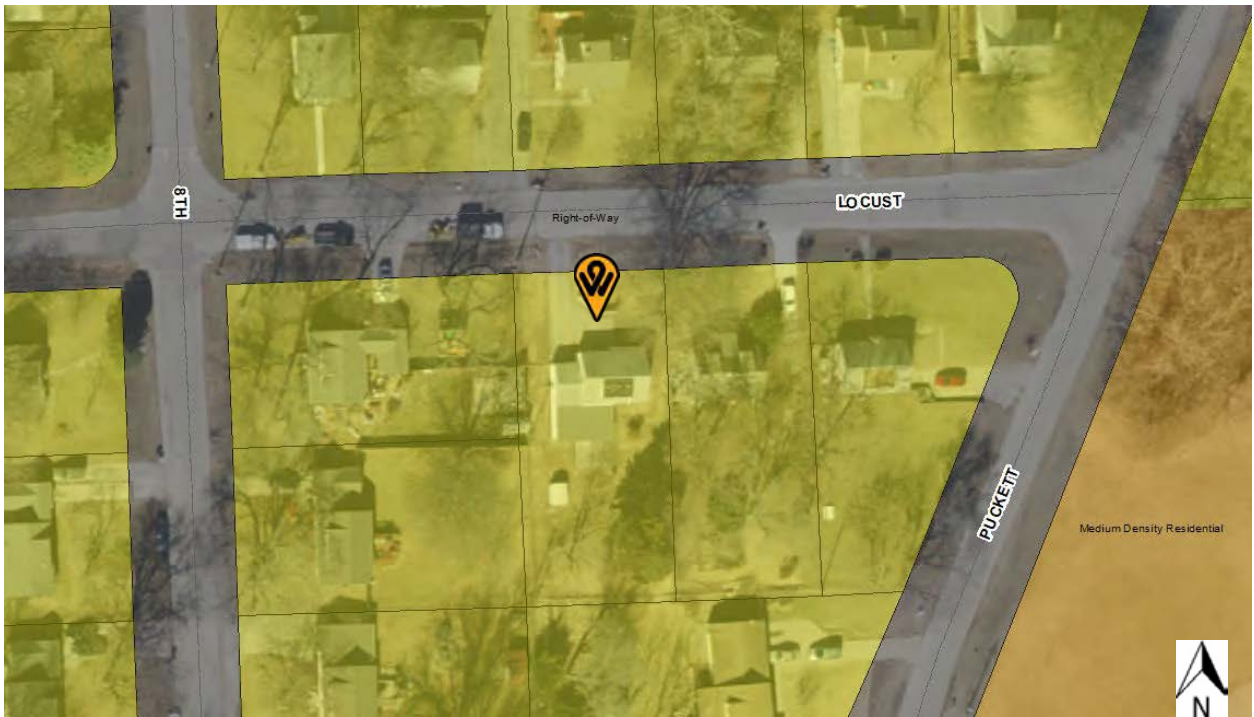
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## ZONING MAP

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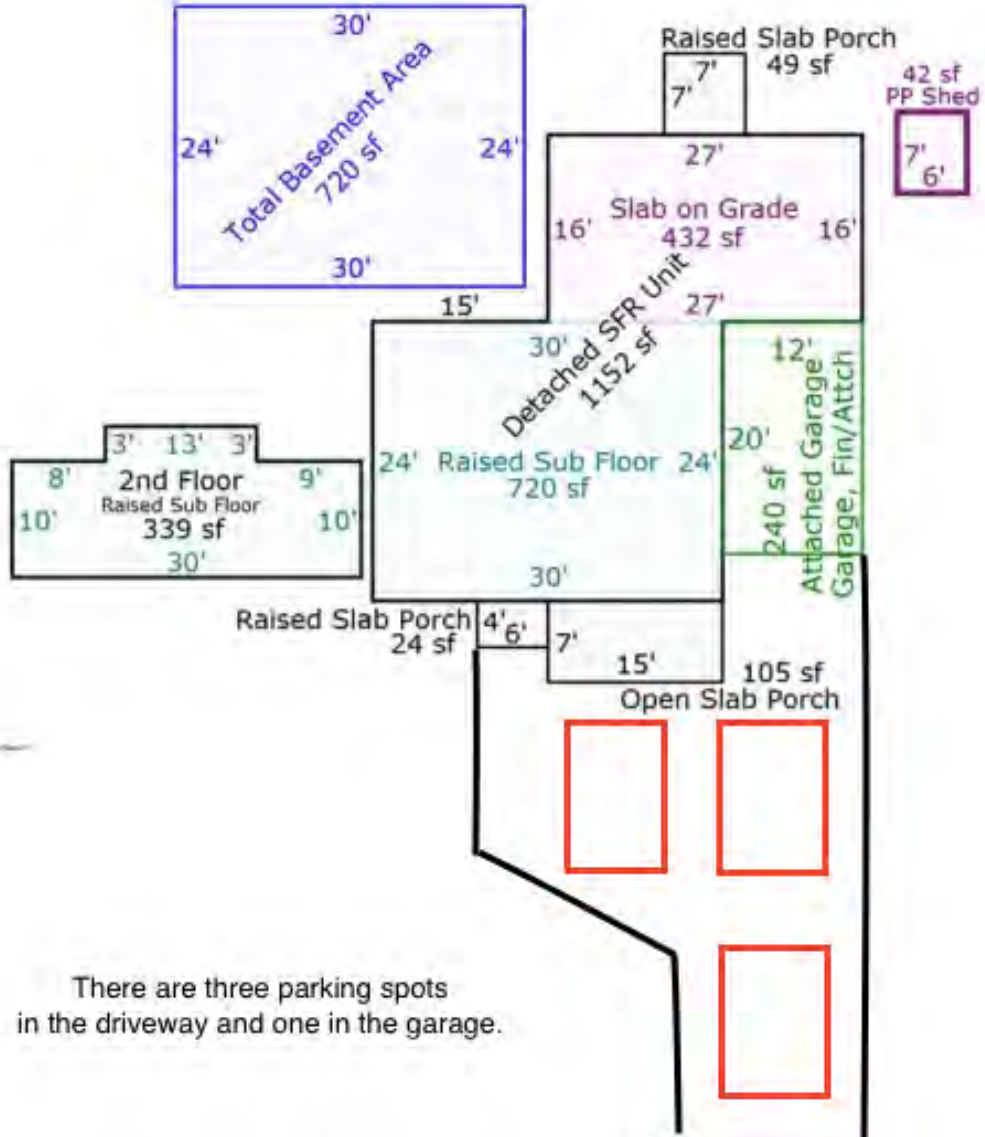
# LAND USE MAP – CITY-WIDE MASTER PLAN



# GRANICUS HOST COMPLIANCE MAP



# SITE AND FLOOR PLAN



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**SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023**

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Application Number: SP2022-117  
Date and Location: 1/25/23 on zoom.com

Meeting called to order at: 4:00pm

Names of people in attendance: Jessica Betts (property owner)

Introductions:

4:01 pm -- Started the meeting and began recording.

4:05 pm -- Explained why the meeting was being held, and that I would be available to answer questions.

4:06pm-4:30pm – Waited for attendees.

Meeting adjourned at: 4:30pm

Minutes taken by: Jessica Betts

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**SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023**

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