

***CITY OF OSAGE CITY  
PLANNING AND ZONING***

**Regular Meeting  
November 20, 2024**

**7:00 PM**

**City Council Room – 221 S. 5<sup>th</sup> – Osage City, Kansas**

***GoToMeeting Information:***

Planning & Zoning Meeting

**Please join my meeting from your computer, tablet or smartphone.**

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**I. Call To Order:**

Casey Mussatto \_\_\_\_\_ Loren DeBaun \_\_\_\_\_ Teresa Nell \_\_\_\_\_

Gail Lohmeyer \_\_\_\_\_ Maurice Koch \_\_\_\_\_

**II. Consent Agenda**

**1. Approval of October 16, 2024 Regular Meeting Minutes**

**III. Regular Business**

1. Review of the expression of interest form submitted by Colton Jenkins and potential recommendation to the City Council for appointment to the Planning and Zoning Committee
2. Public Hearing for a Conditional Use Permit for 33 Main Street—Joseph Thomas, Heartland Build + Design
3. Recommend to the City Council the approval of the conditional use permit for constructing a duplex at 33 Main Street by Joseph Thomas, Heartland Build+Design
4. Review of the Conditional Use Application for 1028 California Street submitted by Quintin and Michelle Robert and potentially set a Public Hearing
5. Discuss changing R-1 zoned districts to allow lodging houses (Air BNB's) to be permitted or through conditional use

**IV. Adjournment**

**PLANNING AND ZONING COMMISSION  
OSAGE CITY, KANSAS  
MINUTES  
October 16, 2024**

**ROLL CALL:** Now on this 16<sup>th</sup> day of October 2024 the Planning and Zoning Commission met at 7:00 p.m. at the City Council Chambers in said City, the following members being present and participating to wit, Commissioners: Casey Mussatto, Gail Lohmeyer, Loren DeBaun, and Maurice Koch. Officials present: City Clerk Amy Woodward, City Manager Katie Hodge, City Treasurer Sadie Boos, Code Administrator James Welch, and Utilities Director Dale Schwieger. Others present: Brian Muetting, Shelley Muetting, and Joseph Thomas.

**APPROVAL OF THE CONSENT AGENDA:**

**1. Approval of September 24, 2024, Regular Meeting Minutes**

*Motion by DeBaun, second by Lohmeyer to approve the consent agenda. The motion was declared carried.*

**REGULAR BUSINESS:**

**1. Review of the expression of interest submitted by Teresa Nell and potential recommendation to the City Council to appoint Teresa Nell to the Planning and Zoning Committee.**

Planning and Zoning Members reviewed Teresa's application and thanked her for her interest in joining the Planning and Zoning Committee.  
Recommendation to City Council to add Teresa Nell to the Planning and Zoning Committee.

*Motion by Koch, second by Lohmeyer to approve the recommendation to the City Council. The motion was declared carried.*

**2. Review of a Variance Application for 332 Van Buren related to storage containers that are currently on the respective property.**

The Planning and Zoning Committee discussed the only option to accommodate the storage units but agreed to not change the Planning and Zoning regulations at this time. The property owners asked for the remainder of the year to have the storage units removed from the respective property.

*Motion by Lohmeyer, second by Koch to reject the variance application due to the opinion of the City Attorney and grant the property owners 90 days to have the storage containers removed from the property. The motion was declared carried.*

**3. Review of a Conditional Use Application for 33 Main Street- Joseph Thomas, Heartland Build + Design and potentially set a Public Hearing for November 20, 2024.**

The Planning and Zoning Committee reviewed the conditional use permit for 33 Main Street. Joseph Thomas with Heartland Build + Design was present to answer questions and provide a brief overview of the Moderate Income Housing Grant awarded to the City of Osage City.

*Motion by Koch, second by DeBaun to set a public hearing on November 20, 2024, at 7:00pm for the consideration of issuing a conditional use permit to Heartland Build & Design. The motion was declared carried.*

**ADJOURN:** *Motion made by DeBaun, second by Lohmeyer to adjourn. The motion was declared carried.*

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
**Casey Mussatto, Chairman** **Amy Woodward, City Clerk**

**This 20<sup>th</sup> day of November 2024**

(SEAL)



Number \_\_\_\_\_  
OFFICIAL USE ONLY  
Received \_\_\_\_\_

**CITIZEN BOARD AND COMMISSION EXPRESSION OF INTEREST FORM**

Please Indicate with an (X) as many as meet your interests:

- CITY COUNCIL TERM VACANCY
- LIBRARY BOARD
- PLANNING AND ZONING COMMITTEE
- OSAGE CITY TREE BOARD
- INDUSTRIAL DEVELOPMENT COMMITTEE
- PARKS AND RECREATION ADVISORY BOARD
- COMMUNITY IMPROVEMENT COMMITTEE
- PUBLIC BUILDING COMMISSION
- OTHER

Specific Project: \_\_\_\_\_

Special Instructions:

- 1) Please print in black ink or type, if possible. Please do not write on the back of this form; use another sheet of paper if necessary.
- 2) Please return to: City of Osage City, City Clerk's Office, 201 S. 5<sup>th</sup> Street, P.O. Box 250, Osage City, Kansas 66523.

Please Note: All information provided by you on this form is subject to Kansas Open Public Record Statutes. As public information, it may be requested by news media representatives or discussed in public meetings.

Title  Mr.  Mrs.  Miss  Ms.  Dr.

Name: Colton Jenkins

Home Address: 1441 Brant Street, Osage City, KS, 66523

Number of Years Lived in Osage City: 27

Telephone (Cell) 785-817-2197 (Business) N/A (Email) Jenksmowing@gmail.com

Occupation Utility Coordinator Employer Kansas Department of Transportation

Business Address 101 SW Gage BLVD, Topeka, KS, 66606

Education (Highest School Year, degrees, etc.) High School Graduate

Prior Appointed or Elected Offices Held (if any) N/A

Present and Past Community Volunteer Activities: N/A

Why would you like to serve? (Please discuss specific interest, experience and qualification which would make you an effective board member.)

I would like to take a more active part within this community that I have called home for all my life.

Date: 11/7/2024 Signature:

# CITY OF OSAGE CITY

## REQUEST FOR CITY PLANNING & ZONING ACTION

DATE  
11/20/2024

TIME  
7:00 P.M.

AGENDA SECTION NO: III	ORIGINATING DEPARTMENT:  Administration	APPROVED FOR AGENDA:
ITEM NO. 2 & 3	BY: Katie Hodge, City Manager	BY: KH

### **ITEM:**

33 Main Street conditional use permit

### **BACKGROUND:**

33 Main Street is zoned as R-1 and Joseph Thomas of Heartland Build + Design will be building a duplex unit at that location. R-1 allows two family dwellings under a conditional use permit. This new duplex is supported by the Moderate-Income Housing grant the City received this past year.

We did not receive any returned Reply Forms related to this conditional use permit

Following a 14-day protest period as required by State Law, the recommendation will be presented to the City Council at the first council meeting in December for a decision on the Planning and Zoning Committee's recommendation.

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### **FISCAL NOTE:**

### **PLANNING & ZONING ACTION:**

- 1) To accept
- 2) To reject
- 3) Table the discussion until a later planning and zoning meeting

### **STAFF RECOMMENDATION:**

Recommend to the City Council to approve the conditional use permit for 33 Main Street to allow Joseph Thomas with Heartland Build + Design to construct a duplex at that location zoned as R-1.

**CONDITIONAL USE PERMIT APPLICATION PROCESS**  
**STEP-BY-STEP DIRECTIONS**

STEP 1. Submit application to the Zoning Administrator at City Hall, 201 South 5th.

**PART I: Background Information**

1. Please type or clearly print the address of the property requesting a conditional use permit.
2. The property owner must authorize submittal of the conditional use permit application.
3. Please describe as specifically as possible the present use of the property.
4. Please describe as specifically as possible how the property would be used with the approval of a conditional use permit.
5. List all of the existing and proposed structures on the property and their heights.
6. It is important that the property owner(s) sign the application. The process cannot begin without this signature.

**PART II: Conditional Use Permit**

Please answer all questions as completely as possible. If you need help, the Zoning Administrator would be glad to assist you in completing this form. The phone number is 785 528-3714.

**PART III: Document Checklist**

The application cannot be processed without each of the listed documents.

STEP 2. The Zoning Administrator sets a date for a study session and public hearing before the Planning Commission. The public hearing must be held within 60 days after the acceptance of the application. All property owners within 200 feet are notified by mail of the hearing. They, as well as members of the general public, are invited to comment.

STEP 3. The Planning Commission submits a recommendation to the City Council. The Planning Commission may recommend granting the permit, denying the permit, or granting the permit with conditions.

STEP 4. The City Council considers the application at its next regularly scheduled meeting. (The Council normally meets at 7:00 PM on the 2nd and 4th Tuesday of each month.) The City Council may only override the Planning Commission's recommendation with a 2/3 majority vote.

UNDER NORMAL CIRCUMSTANCES, A MINIMUM OF 60 DAYS IS REQUIRED FROM SUBMISSION OF COMPLETED APPLICATION TO FINAL DECISION.

**PLEASE NOTE: The applicant MUST be present at the public hearing and City Council meeting in order for this application to be considered. The application may be tabled if the applicant is not present.**

**PART II: CONDITIONAL USE PERMIT STATEMENT**

Applicants for conditional use permits are encouraged to submit a statement. This statement will become part of the application. This is an opportunity to justify approval of a conditional use permit. The information requested pertains to factors the Planning Commission and City Council consider in reaching a decision on applications.

If the space provided on this form is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed development will be in keeping with the character of the neighborhood because:

Existing residential dwellings exist to the north, east, south and west.

Existing two-story residential dwellings units exist to the north and east.

There is an existing three family dwelling located on the same corner one block to the east.

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B. The proposed use will be consistent with the zoning and uses on nearby parcels because:

Zoning to the north is C-2; Zoning to the east, south and west is R-1.

This property is on the transition from R-1 to C-2.

There is an existing three family dwelling located on the same corner one block to the east.

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C. The parcel is suitable for the proposed use because:

The proposed two family dwelling would easily be sit on the lot, well within the code required setbacks.

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D. The proposed use will have the following detrimental effects on nearby parcels:

The proposed use should not be detrimental to nearby parcels.

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E. Prior to submitting this application, the property has been vacant for:

The property has been vacant since at least 2007 based on available historical images.

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Outlook

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**RE: 33 Main - Osage City, KS - Property Taxes**

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**From** Laura Hawkins <Lhawkins@osageco.org>

**Date** Wed 10/16/2024 8:10 PM

**To** Heartland Design Build <heartlanddb@gmail.com>; Treas User <Treas@osageco.org>

**Cc** Katie Hodge <katie@osagecity.com>

Katie,

I talked to Joseph earlier and he stated that you just needed confirmation that the taxes have been paid.

Upon looking at the tax records, for 33 Main St; Osage City, there are no outstanding real estate taxes for this parcel.

Joseph, please except my apology again, that I had not returned your phone call earlier.

If you need anything else; please contact me.

May you both have a wonderful and blessed night/day.

*Laura A. Hawkins*

Laura Hawkins

Osage County Treasurer

(785) 828-4900



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**From:** Heartland Design Build <heartlanddb@gmail.com>

**Sent:** Wednesday, October 16, 2024 3:12 PM

**To:** Treas User <Treas@osageco.org>; Laura Hawkins <Lhawkins@osageco.org>

**Cc:** Katie Hodge <katie@osagecity.com>

**Subject:** 33 Main - Osage City, KS - Property Taxes

Laura,

I understand your office is currently understaffed and may take a couple days to get back to us. I left a couple messages at the office to request a confirmation that the property taxes for 33 Main Street in Osage City, KS are current. We have submitted a Conditional Use Permit for this property to Osage City to build a two family dwelling on that lot. As part of that application, the City asks for "Written and signed certifications from the Osage County Treasurer's office that all property taxes for the parcel have been paid.

By "replying all" to this email with Osage City Manager Katie Hodge, could you please confirm that the property taxes for 33 Main are current?

Thanks in advance,

**Names and mailing addresses within 200 feet of boundaries of 33 Main Street**

Quick Ref ID	Parcel Number	Address	Owner Name	Owner Address	Tract Description	Lot Dims	Deed Information
R9118	070-147-26-0-20-25-001.00-0	33 MAIN ST, Osage City, KS 66523	HEARTLAND PROPERTY DEVELOPMENT LLC	1104 W 19TH ST OTTAWA, KS 66067	OSAGE CITY ORIGINAL, BLOCK 25, Lot 1, 3, 5	Lot Width: 075.0 Lot Depth: 145.0	Deed Book/Page M 40/ 621
R9032	070-147-26-0-20-16-003.00-0	18 MAIN ST, Osage City, KS 66523	FIRST NATIONAL BANK OF KANSAS	PO BOX 398 WAVERLY, KS 66871	OSAGE CITY ORIGINAL, EVEN LOTS 10 THRU 24 & W1/2 LT 17 & LOTS 19, 21, 23 & E10' O F VAC ALLEY BETW LOTS BLK 16	Lot Width: 200.0 Lot Depth: 310.0	Deed Book/Page M 57/ 506 M 51/ 207 M 40/ 171
R9033	070-147-26-0-20-16-003.01-0	30 MAIN ST, Osage City, KS 66523	ROMERO RUSSELL, TANYA AND KYLE	30 MAIN ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, BLOCK 16, Lot 2,4,6,8	Lot Width: 100.0 Lot Depth: 145.0	Deed Book/Page N 17/202 N 15/774 M 83/578 M 68/857
R9041	070-147-26-0-20-17-006.00-0	104 MAIN ST, Osage City, KS 66523	OLSEN, ROBERT D II & G	104 MAIN ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, BLOCK 17, Lot Block Info 30,32,34,36	Lot Width: 100.0 Lot Depth: 145.0	Deed Book/Page M 57/ 736 M 37/ 925
R9120	070-147-26-0-20-25-003.00-0	17 MAIN ST, Osage City, KS 66523	WHALEN, DRAKE & WHALEN, JULIA	17 MAIN ST, Osage City, KS 66523	OSAGE CITY ORIGINAL, LTS 15, 17, 19, 21, 23, 25 BLK 25	Lot Width: 150.0 Lot Depth: 145.0	Deed Book/Page N 3 /125 M 87/971 M 76/212 M 76/211
R9119	070-147-26-0-20-25-002.00-0	27 MAIN ST, Osage City, KS 66523	WOODWARD, RICHARD C	27 MAIN ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, BLOCK 25, Lot Block Info 7, 9, 11, 13	Lot Width: 100.0 Lot Depth: 145.0	Deed Book/Page N 1/134 M 96/483 M 83/457 M 40/645
R9111	070-147-26-0-20-24-005.00-0	103 MAIN ST, Osage City, KS 66523	NILES-LUSK, NANCY & LUSK, JAMES W	7700 W 83RD ST OVERLAND PARK, KS 66204-3602	OSAGE CITY ORIGINAL, N1/2 LTS 29, 31, 33, 35 BLK 24	Lot Width: 100.0 Lot Depth: 072.5	Deed Book/Page M 42/ 677
R9112	070-147-26-0-20-24-006.00-0	210 S 1ST ST, Osage City, KS 66523	SAPP, FRANCES L	210 S 1ST ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, S1/2 LTS 29, 31, 33, 35 BLK 24	Lot Width: 072.5 Lot Depth: 100.0	Deed Book/Page N 13/931 M 60/566 M 40/106
R9110	070-147-26-0-20-24-004.00-0	111 MAIN ST, Osage City, KS 66523	O'BRIEN, LAWRENCE BERNARD	111 MAIN ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, BLOCK 24, Lot 23, 25, 27	Lot Width: 075.0 Lot Depth: 145.0	Deed Book/Page M 30/ 238 0001/0001
R9123	070-147-26-0-20-25-006.00-0	16 LORD ST, Osage City, KS 66523	RYAN, WILLIAM STEVEN	16 LORD ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, LTS 20, 22, 24, E1/2 LT 26 BLK 25	Lot Width: 100.0 Lot Depth: 145.0	Deed Book/Page M 89/824 M 75/535 M 52/200 M 35/373
R9124	070-147-26-0-20-25-007.00-0	20 LORD ST, Osage City, KS 66523	JOHN J BENNETT AND KARIN S BENNETT REVOCABLE TRUST	20 LORD ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, 12,14,16, & E1/2 18 BLK 25	Lot Width: 087.5 Lot Depth: 145.0	Deed Book/Page M 67/309 M 65/475 M 64/552 M 4/212
R9125	070-147-26-0-20-25-008.00-0	225 S 1ST ST, Osage City, KS 66523	STARK, BENJAMIN	1519 BRANT ST OSAGE CITY, KS 66523	OSAGE CITY ORIGINAL, BLOCK 25, Lot 2,4,6,8,10	Lot Width: 125.0 Lot Depth: 150.0	Deed Book/Page N 2 / 31 M 82/643 M 62/445 M 62/444

Subject Property

North Side of Main

South Side of Main

North Side of Lord

Entered in Transfer Record in my  
Office this 18 day of June  
A. B. 2024  
Michelle Morris  
County Clerk  
Kim DeFost  
By Deputy County Clerk



STATE OF KANSAS, OSAGE COUNTY, SS  
LINDA MASSEY, REGISTER OF DEEDS

Book: N65 Page: 730

Receipt #: 82556  
Pages Recorded: 2

Recording Fee: \$30.00  
Heritage Trust Fund: \$2.00  
Clerk Tech Fund: \$1.00  
Technology Fund: \$4.00  
Treasurer Tech Fund: \$1.00

Date Recorded: 6/18/2024 10:10:00 AM  
*Linda A. Massey*

ORIGINAL COMPARED WITH RECORD

ATL

## GENERAL WARRANTY DEED

AdVanced Title, LLC - File No. 202403035  
621 Topeka Ave  
Lyndon, KS 66451

THIS INDENTURE, made this 17<sup>th</sup> day of June, 2024, by and between **Lawrence A. Buenger and Susan J. Buenger, husband and wife, as GRANTOR**, and **Heartland Property Development LLC, as GRANTEE**.

WITNESSETH: THAT SAID GRANTOR, in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged by GRANTOR, does hereby **grant, bargain and sell, convey and confirm**, unto the said GRANTEE, and unto Grantee's heirs and assigns forever, the following described real property situated in the County of Osage, State of Kansas to-wit:

Lots 1, 3, and 5, in Block 25, in the Original Town of Osage City, according to the recorded Plat thereof, in Osage County, Kansas.

Subject to all easements, restrictions and reservations, if any, now of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said GRANTEE and unto Grantee's heirs and assigns forever, the said GRANTOR hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; except as stated above and except for all taxes and assessments, general and special, not now due and payable; and that it will warrant and defend the title of the said premises unto the said GRANTEE, and unto Grantee's heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

If two or more persons constitute either GRANTOR or GRANTEE, the words GRANTOR and GRANTEE shall be construed to read GRANTORS or GRANTEES, whenever the sense of this Deed requires.

# CITY OF OSAGE CITY

## REQUEST FOR CITY PLANNING & ZONING ACTION

DATE  
11/20/2024

TIME  
7:00 P.M.

AGENDA SECTION NO: III	ORIGINATING DEPARTMENT:  Administration	APPROVED FOR AGENDA:
ITEM NO. 4	BY: Katie Hodge, City Manager	BY: KH

### **ITEM:**

1028 California

### **BACKGROUND:**

Quintin and Michelle Robert are looking to use their existing barn for an Air BNB to provide additional options for those visiting Osage City. This property is in zone R-1.

Please note that the City has allowed other Air BNB's located in R-1 zones with a conditional use permit.

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### **FISCAL NOTE:**

### **PLANNING & ZONING ACTION:**

- 1) To approve the application and set a public hearing for December 18<sup>th</sup> at 7 pm
- 2) To reject the application
- 3) Table the discussion until a later planning and zoning meeting

### **STAFF RECOMMENDATION:**

Recommend setting a public hearing for a conditional use permit for 1028 California. The public hearing will need to be held on or after December 18<sup>th</sup> at 7 pm as the publication date will be November 26<sup>th</sup>.

## **CONDITIONAL USE PERMIT APPLICATION PROCESS**

### **STEP-BY-STEP DIRECTIONS**

STEP 1. Submit application to the Zoning Administrator at City Hall, 201 South 5th.

#### **PART I: Background Information**

1. Please type or clearly print the address of the property requesting a conditional use permit.
2. The property owner must authorize submittal of the conditional use permit application.
3. Please describe as specifically as possible the present use of the property.
4. Please describe as specifically as possible how the property would be used with the approval of a conditional use permit.
5. List all of the existing and proposed structures on the property and their heights.
6. It is important that the property owner(s) sign the application. The process cannot begin without this signature.

#### **PART II: Conditional Use Permit**

Please answer all questions as completely as possible. If you need help, the Zoning Administrator would be glad to assist you in completing this form. The phone number is 785 528-3714.

#### **PART III: Document Checklist**

The application cannot be processed without each of the listed documents.

STEP 2. The Zoning Administrator sets a date for a study session and public hearing before the Planning Commission. The public hearing must be held within 60 days after the acceptance of the application. All property owners within 200 feet are notified by mail of the hearing. They, as well as members of the general public, are invited to comment.

STEP 3. The Planning Commission submits a recommendation to the City Council. The Planning Commission may recommend granting the permit, denying the permit, or granting the permit with conditions.

STEP 4. The City Council considers the application at its next regularly scheduled meeting. (The Council normally meets at 7:00 PM on the 2nd and 4th Tuesday of each month.) The City Council may only override the Planning Commission's recommendation with a 2/3 majority vote.

**UNDER NORMAL CIRCUMSTANCES, A MINIMUM OF 60 DAYS IS REQUIRED FROM SUBMISSION OF COMPLETED APPLICATION TO FINAL DECISION.**

**PLEASE NOTE: The applicant MUST be present at the public hearing and City Council meeting in order for this application to be considered. The application may be tabled if the applicant is not present.**

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

Mailing Cost \_\_\_\_\_

Publication Cost \_\_\_\_\_

**CITY OF OSAGE CITY  
APPLICATION FOR CONDITIONAL USE PERMIT**

**PART I: BACKGROUND INFORMATION**

**The property to which this application applies is located at:**

Address 1028 California Street

Legal Description: S25, T16, R14E, ACRES 2.72, TR BEG 710'E & 400'N OF SWCOR NW1/4 TH N110, W50, N50, E50, N166.9, E508, S167, W283.6, S1 S160, W224 TO POB Deed Book/Page N 11/934 N 10/544

**Property Owner Information**

Name: Quintin J. and Michelle R. Robert

Address 1028 California Street

Phone 785-220-1720

E-Mail quintin@ORCBusinessconsulting.com

**Applicant Information (If different from property owner)**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

The property is currently being used for the following purposes:

Barn

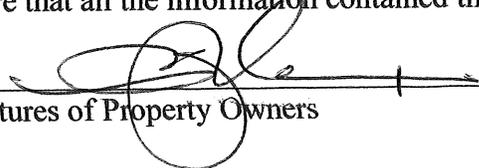
If the conditional use permit is approved, the property will be used for the following purposes:

Airbnb

List all existing and proposed structures and their heights:

The barn is 40' x 70' and was built 20 years ago. This Airbnb would be a small portion of overall barn

I do hereby certify that I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I hereby authorize the submission of this application and associated documents and declare that all the information contained therein is true and correct.



\_\_\_\_\_  
Signatures of Property Owners

## PART II: CONDITIONAL USE PERMIT STATEMENT

Applicants for conditional use permits are encouraged to submit a statement. This statement will become part of the application. This is an opportunity to justify approval of a conditional use permit. The information requested pertains to factors the Planning Commission and City Council consider in reaching a decision on applications.

If the space provided on this form is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed development will be in keeping with the character of the neighborhood because:

We own a large parcel of ground that that includes approx. 23 acres. The barn that will house the Airbnb is located in the corner of our property and there are no homes that are within 500 feet of the Airbnb location other than our own home. There is an unmet demand for overnight accommodations in Osage City that we hope to help fill. We anticipate very little impact to our neighborhood due largely to our remote location.

B. The proposed use will be consistent with the zoning and uses on nearby parcels because:

Most of our property is taxed as agricultural use. The property to our North is A Nursing Home. Three sides of this location are in Ag production. This use should have no negative impact on the area.

C. The parcel is suitable for the proposed use because:

The parcel is suitable for the proposed use as an Airbnb as the contemplated usage has no environmental, or other impacts on the area.

D. The proposed use will have the following detrimental effects on nearby parcels:

As mentioned above, the proposed location is surrounded by agricultural use on three sides and almost 500' form the closest neighborhood to the west.

E. Prior to submitting this application, the property has been vacant for:

The property has not been vacant but has not been used for this proposed usage.

F. If the application is denied, the property owner(s) will face the following hardships:

Loss of income from proposed usage and restriction placed on owned property.

G. The proposed development implements the Comprehensive Plan in the following ways:

The proposed project supports the comprehensive plan by increasing housing options in a restricted market with limited means to meet the current temporary housing needs.

H. Public facilities and utilities are adequate to serve the proposed use as follows:

The property is already in use for personal usage and connected to all required city utilities. No additional services are required to support this project.

I. Specific aspects of the proposed use which will help minimize the impact on the neighborhood, nearby properties; public health, safety and welfare; and public facilities and utilities (Examples may include landscaping, exterior building materials, sidewalks, hours of operation, buffering, and screening).

There are no homes within 500' feet of this Airbnb and the building that it is housed in has existed for more than 20 years.

### PART III: ASSOCIATED DOCUMENT CHECKLIST

This application cannot be processed until each of the following items has been submitted.

- Written and signed certifications from the Osage County Treasurer's office that all property taxes for the parcel have been paid. *1028 CALIFORNIA ST OSAGE CITY*
- Copy of deed (available from the Osage County Register of Deeds).
- Names and mailing addresses of the owners of record of real property within 200 feet of the boundaries of the parcel and the legal descriptions of each property within 200 feet of the boundaries of the parcel. (If the parcel is adjacent to the city limits, the above lists must also include all the properties outside the city but within 1,000 feet of the city limits.) Please present this information in print-out form from the Osage County Appraiser.
- A site plan drawn to scale showing the location and exterior dimensions of all existing and proposed structures, landscaping, driveways, off-street parking areas, signs, sidewalks, drainage facilities, and lighting fixtures in relation to parcel boundaries and adjacent rights-of-way.



Circle on drawing above is 200' from Airbnb

Property Owners within 200' of property boundary below:

Property #29 WILSON, EDWARD & BONNIE  
PO BOX 958 HOLCOMB, KS 67851

Property #28 BILLINGS, STEVAN & SUSAN  
17 Martinwood Dr. Osage City, KS 66523

Property #30 GINZEL, JOSEPH R & MARY D  
22 MARTINWOOD DR OSAGE CITY, KS 66523

Property #31 LINDA K. GETSINGER ETAL.  
24 MARTINWOOD DR OSAGE CITY, KS 66523

Property #32 NORTON, DANIEL  
26 MARTINWOOD DR OSAGE CITY, KS 66523

Property #1: ROSETTA, HUMBERT E & D R  
8 MARTINWOOD DR OSAGE CITY, KS 66523

Manor Property to North: OSAGE NURSING LLC  
214 N SCOTT SIKESTON, MO 63801

Property #34: Owned by Applicant

Entered in Transfer Record in my office this 22 day of September 2000



ORIGINAL COMPARED WITH RECORD STATE OF KANSAS

County of Osage J SS

This instrument Filed for Record this 22nd day of Sept A.D. 2000

at 8:00 o'clock A. M., and duly recorded in Vol M 91 Page 435

Linda L. Massey Reg. of Deeds  
Linda L. Massey

Shirley K. Seyles  
Shirley K. Seyles, Deputy

R. Linda Bault  
County Clerk

# KANSAS WARRANTY DEED

(Statutory)  
(Joint Tenancy)

David Maguire  
By Deputy County Clerk

THE GRANTOR, Gerald D. Huffman, a single person, of the County of Osage, State of Kansas,

hereby CONVEYS AND WARRANTS to

Quintin J. Robert and Michelle R. Robert, husband and wife, as Joint Tenants with full rights of survivorship and not as tenants in common, of the County of Osage, State of Kansas,

the following described real estate, situated in the County of Osage, State of Kansas, to-wit:

All of Block 2, Jennings Addition to Osage City, according to the recorded Plat thereof, in Osage County, Kansas, and

Two tracts of land in the Northwest ¼ of the Northwest ¼ of Section 25, Township 16 South, Range 14 East of the 6<sup>th</sup> P.M. described as follows:

Tract I

Beginning at the Southwest corner of Block 2, Jennings Addition to Osage City; thence East 80 feet along the North line of Market Street extended; thence North parallel to the East line of said Jennings Addition to a point 535 feet South of the North line of the Northwest Quarter of the Northwest Quarter; thence West 80 feet; thence South to the place of beginning in Osage County, Kansas, AND

Tract II

Beginning 102.00 feet West of the Southeast corner of said Northwest ¼ Northwest ¼; thence North to a point lying 200.00 feet North and 102.00 feet West of the Southeast corner of the Northwest ¼ Northwest ¼ of said Section 25; thence Westerly to a point 480.00 feet East of the center line of Tenth Street and 200.00 feet North of the center line of Main Street extended; thence South 200.00 feet parallel to the center line of Tenth Street; thence due East to the Point of beginning in Osage County, Kansas.

Except and Subject to: the easements for public streets and alleys and public utilities and, if any there be, other easements of record in the Office of the Register of Deeds of Osage County, Kansas,

for the sum of One Dollar (\$1.00) and other valuable consideration.

Dated this 21<sup>st</sup> day of September, 2000.

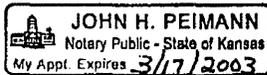
Gerald D. Huffman  
Gerald D. Huffman

### ACKNOWLEDGMENT

STATE OF Kansas, COUNTY OF Osage, ss

BE IT REMEMBERED, that on this 21<sup>st</sup> day of September, 2000, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Gerald D. Huffman, a single person, to me personally known to be the same person who executed the above and foregoing instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have subscribed my hand and Notarial Seal on the day and year last above written.



John H. Peimann  
Notary Public

My Commission Expires on \_\_\_\_\_.

Peimann Title & Escrow, Inc.  
621 Topeka Avenue  
P. O. Box 641  
Lyndon, KS 66451  
(785)828-3736

228567 \$6.00 pd PTE



# CITY OF OSAGE CITY

## REQUEST FOR CITY PLANNING & ZONING ACTION

DATE  
11/20/2024

TIME  
7:00 P.M.

AGENDA SECTION NO: III	ORIGINATING DEPARTMENT:  Administration	APPROVED FOR AGENDA:
ITEM NO. 5	BY: Katie Hodge, City Manager	BY: KH

### **ITEM:**

Table 6-1 Residential Zone Districts #12 Lodging Houses (Air BNB's)

### **BACKGROUND:**

Please refer to Table 6-1 Residential Zone Districts (next page) for permitted and conditional uses in that respective zone. Please note that #12 Lodging houses of this table is left blank under R-1. However, in the recent past the City has allowed an Air BNB located on Lakin Street, in an R-1 zone, with a conditional use permit. After visiting with the Code Administrator, I believe the interpretation at the time on this regulation was that it was silent on allowing #12 Lodging Houses (Air BNB's) in R-1 because the box was left blank. In visiting with our City Attorney, Rick Godderz, he agreed with the current City Manager that the regulation is not silent and does not allow Lodging Houses (Air BNB's).

Since we have already approved one Air BNB in an R-1 zone and have another potential Air BNB in an R-1 zone on California Street, we need to update Table 6-1 to reflect the decisions that have been made. Also, there is a great need for temporary lodging in our community, therefore changing this regulation to accommodate our community's need would add a benefit to our community.

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### **FISCAL NOTE:**

### **PLANNING & ZONING ACTION:**

- 1) To approve changes to the 6-1 Residential Zoned Districts Table #12 and recommend changes to the City Council
- 2) Table the discussion until a later planning and zoning meeting

### **STAFF RECOMMENDATION:**

Change the Table 6-1 Residential Zone Districts for permitted or conditional uses

**TABLE 6-1**

**Residential Zoned Districts**

**Permitted and Conditional Uses**

P = Indicates Permitted Uses

C = Conditional Uses

	<b>USE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
1.	Any public building or land use by any department of the City, county, state or federal government.	<b>C</b>	<b>C</b>	<b>C</b>
2.	Bed and breakfast inns.	<b>C</b>	<b>C</b>	<b>P(1) / C</b>
3.	Churches and similar places of worship	<b>P</b>	<b>P</b>	<b>P</b>
4.	Community recreation building owned and operated by a public agency.		<b>P</b>	<b>P</b>
5.	Day care facilities: adult day care homes, child care centers, day care homes, family day care homes, group day care homes and preschools.	<b>P(3)</b>	<b>P(3)</b>	<b>P(3) / C(1)</b>
6.	Dwellings: a. Single family. b. Two family. c. Three or more families. d. Metal Houses	<b>P(5)</b> <b>C(5)</b>  <b>C(5)</b>	<b>P(5)</b> <b>P(5)</b> <b>C</b> <b>C(5)</b>	<b>P(5)</b> <b>P(5)</b> <b>P</b> <b>C(5)</b>
7.	Fraternal organizations, lodges.	<b>C</b>	<b>C</b>	<b>C</b>
8.	Group boarding homes for adults or minors			<b>P(2) / C(4)</b>
9.	Group homes.	<b>P(4)</b>	<b>P(4)</b>	<b>P(4)</b>
10.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.		<b>C</b>	<b>C</b>
11.	Large group homes.		<b>C(2)</b>	<b>P(1) / C(3)</b>
12.	Lodging houses.		<b>C</b>	<b>P(1) / C</b>
13.	Nonprofit institutions of an educational, philanthropic or charitable nature.			<b>C</b>
14.	Nursing homes, rest homes, convalescent homes and similar facilities.			<b>C</b>
15.	Rehabilitation houses.			<b>C</b>

