



## **TONGANOXIE PLANNING COMMISSION**

**Agenda**

**October 4, 2018**

**7:00 p.m.**

**City Council Chambers**

**321 S. Delaware St.**

\*Note – This meeting may be transmitted via Facebook Live on the City of Tonganoxie page

### **CALL TO ORDER – Planning Commission Meeting**

1. **APPROVAL OF PC MINUTES** – July 5, 2018
2. **OPEN AGENDA** – In order to speak during open agenda, you must sign in **before the meeting**. Please give your name and address to the City Clerk or designee. Comments will be limited to 3 minutes. Please wait to be recognized by the Chair and before speaking **state your name and address** for the record.
3. **NEW BUSINESS**
  - a) Public Hearing – Special Use Permit – Storage Units - 1208 Hwy 24/40– Submitted by Bright Star Properties.
4. **OLD BUSINESS**
5. **GENERAL INFORMATION**
  - a) Home Builders Association Permit Statistics - August
  - b) Market Research Statistics – August
6. **ADJOURN**

**PLANNING COMMISSION MEETING DRAFT MINUTES**

July 5, 2018

7:00 p.m. Regular Meeting



**CALL TO ORDER**

- Chairman Morgan opened the meeting at 7:04 p.m.
- Roll Call: Planning Commissioners present were Chairman John Morgan, Monica Gee, Steve Ashley, Kevin Harris, Patti Gabel and Zach Stoltenberg. Jacob Dale was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, Planning Consultant Chris Brewster with Gould Evans, City Attorney Shannon Marcano, and City Clerk Patricia Hagg were also in attendance.

**1. APPROVAL OF PC MINUTES – JUNE 7, 2018**

- **Mr. Stoltenberg made a motion to approve the minutes from the June 7, 2018 Planning Commission meeting.**
- **Mr. Ashley seconded.**
- **Vote of 5 ayes, 1 abstain (Gee), motion carried.**

**2. OPEN AGENDA**

- No members of the public signed up for public comment.
- Chairman Morgan closed the open agenda portion of the agenda.

**3. NEW BUSINESS**

**a) PUBLIC HEARING – TEXT AMENDMENTS TO ZONING REGULATIONS SECTION 16 - “I-LT” LIGHT INDUSTRIAL & APPENDIX A – USE GROUPS BY CATEGORY**

Mr. Brewster reviewed the planning staff report #2018-008A . He stated it is fairly common to see Early Education Center proposals in the industrial districts to allow for child care near work centers. He also identified the Light Industrial areas within the city limits where this change would apply. He stated staff recommends approval of adding Child Care Centers to the text amendments in the Light District Section 16 and adding Child Care Centers to the Use Group Category as a permitted use.

- The public comment portion of the agenda was opened and closed by Chairman Morgan without anyone providing comments for or against the amendments.
- Mr. Stoltenberg recused himself from discussion and voting due to a possible conflict of interest-his firm may be hired as architects for property in the Light Industrial District.
- The Commissioner’s discussed the text changes and when they had no further questions or comments
  - Ms. Gee made a motion to amend “Zoning Regulations, Chapter 16, Item 16-012.A”- Light Industrial District zoning to read “Uses shall focus upon administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods, tradesman’s workshops, and other service uses that support the employment and light manufacturing business in this district.” And update the Use Groups Table to identify Daycare: Child Care Center (or) Preschool as an allowable use by placing an “X” in the table under I-LT.

- Ms. Gable seconded the motion.
- Roll Call Vote – Gabel-aye, Ashley-aye, Gee-aye, Morgan-aye, Harris-aye. Motion carried 5/0. Stoltenberg-recused

This item will be recommended for approval to the City Council on August 6, 2018, to allow for the required 14-day protest period.

**b) DISCUSSION & REVIEW – THE SCHOOLYARD FINAL PLAT - SUBMITTED BY TONGIE 5 LLC**

- Mr. Brajkovic stated a new plat survey was required to finish the purchase agreement for the new library. The survey shows 2 acres on the south side of the plat will be split for the library land purchase and the northern portion of the plat will remain residential.
- Mr. Brewster reviewed the plat and stated after further review this plat could be addressed as a lot consolidation/lot split rather than a Final Plat. He stated the lot consolidation/lot split can be approved by staff per Section 6.01.e and per f.2 would only need a planning commission review if it is “out of character” with the surrounding area. He stated this large lot used for an institutional use meets the requirement of the planning commission review and direction to staff to review and approve the lot consolidation/lot split. He also stated the smaller lots recorded on the original Railroad Addition Plat and shown on the Schoolyard Plat could be addressed through lot consolidation/lot split process and the alleys, easements and 3<sup>rd</sup> St could be reviewed during development plan reviews.
- Ms. Gee made a motion to allow staff to review and approve the lot split/lot consolidation for the Schoolyard Plat.
- Mr. Stoltenberg seconded the motion
- All ayes, Motion carried 6/0

**c) PLANNING COMMISSION OPEN POSITIONS**

- Chairman Morgan opened discussion for the city position currently held by Steve Ashley and county position currently held by Monica Gee that are open for appointment in 2018. He explained the terms will expire in 2021. The positions were advertised and five (5) applications were received. Monica Gee submitted an application for reappointment and Steve Ashley announced his resignation. Applications for the City Position were received from Robert Bieniecki, 300 W. Washington St.; Cynthia Stewart-Grant, 1182 S Delaware St. and Crystal Henson, 411 E 1<sup>st</sup> St. Applications for the County Position were received from Monica Gee, 17685 214<sup>th</sup> St. and Howard Brewington, 20260 Parallel Rd.
- Each applicant was asked to introduce themselves to the Planning Commission. They summarized their resume and provided insight as to why they wanted to be appointed to the open planning commission positions.
- After discussion the Planning Commission agreed to recommend Crystal Henson and Monica Gee to the Mayor and City Council for appointment. The applicants were advised that all applications will be reviewed again at the City Council meeting on Monday, July 16, 2018 at 7:00pm.

**4. OLD BUSINESS**

- No items.

## 5. GENERAL INFORMATION

a) **HOMEBUILDERS ASSOCIATION PERMIT STATISTICS**

b) **MARKET RESEARCH STATISTICS**

- No action was taken.

c) **THANK YOU FOR YOUR SERVICE TO STEVE ASHLEY FOR 3 YEARS AS PLANNING COMMISSIONER**

## 6. ADJOURN

- **Ms. Gee, made a motion to adjourn the meeting.**
- **Mr. Ashley seconded the motion.**
- **Vote of all ayes, motion carried 6/0.**
- **Meeting adjourned at 7:55 p.m.**

Respectfully submitted,

Patty Hagg, Planning Clerk



## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case:** 2018-009S

**Date of Report:** September 28, 2018

**Recommendation:** Approval, based on conditions cited.

**Applicant Name:** Bright Star Properties

**Property Owner Name:** Dan Lynch

**Subject Property Address:** 1208 State Avenue

**Property Size:** 4.17 Acres

**Current Zoning:** GBD - General Business

**Legal Description:** A tract of land in the Northwest  $\frac{1}{4}$  of Section 10, Township 11 South, Range 21 East of the Sixth P.M. (for full description see Exhibit "A" of the application).

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#### I. PROJECT DESCRIPTION

- A. Subject Property. Commercial use on 4.17 acres
- B. Proposal. To construct 8 storage buildings containing 136 storage units, on the southern portion of the property to the rear of an existing commercial use, for public use.
- C. Nature of Application. Special Use Permit

#### II. BACKGROUND

Bright Star Properties has filed an application for a Special Use Permit for the construction of 8 storage buildings containing 136 individually leasable storage units. The property owned by Mr. Lynch, is zoned GDB, and is currently used as a commercial property, with a retail store. The existing lot is approximately 390 feet wide and 480 feet deep. However, the property has a frontage of only 200 feet along US-24 due to the shape of the property, typically referred to as a "key lot". Therefore, the property gains 190 feet of width behind the principal building and shares a property line to the east, south, and west with the following districts: General Business (directly east along US-24), Multi-Fam 2 (back-east), Multi-Fam 1 (south), and Moderate Industrial (I-MD; southwest), General Business (directly west along US-24), and Moderate Industrial (I-MD; directly north along US-24).

On June 18, 2018, the City Council approved amendment to the City Zoning Ordinance which included updates to Section 22 and revisions to the section for Special Use Permits. The amendment (Ordinance 1433) added, “self-service storage is allowed as a secondary use, provided it is limited in extent, scale or prominence of site and building elements to an allowed principle use in the GBD, through a special use permit.”

On June 22, 2009, the City Council approved amendments to the City Zoning Ordinance which included updates to Section 22 and revisions to the section for Special Use Permits. The amendments included the addition of procedures for the revocation of a Special Use Permit should circumstances warrant, which generally include:

- Noncompliance with any provisions of the zoning ordinance;
- Noncompliance with any provisions for special use permits;
- Noncompliance with any conditions of a specific special use permit;
- Other violations of the Municipal Code regarding buildings, property, use or activities of the owner; or
- Changes in conditions in the area that make the permit no longer appropriate.

The procedures to revoke a permit may be initiated by a majority of the Governing Body or Planning Commission.

### **III. REVIEW CRITERIA**

In accordance with Section 22, “In making a recommendation to the Governing Body, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative that the proposed use conforms with the general standards set forth in this article. In no case shall an exception be granted if the proposed use will constitute a nuisance, public health, or safety hazard to adjacent properties or to the community at large.”

In general, Special Use Permits are used for two circumstances: (1) to allow uses that are not universally appropriate for a district, but based on specific site, location, operation or design contingencies of an individual application may be appropriate; and/or (2) to allow uses that are not ideal for the long-range goals of a particular district, but are an appropriate interim improvement on a specific site that will not undermine the long-term investments on the site or in the district, consistent with plans or the district intent.

This application is considered for the first circumstance referenced above for special use permits – to enable a use that due to its limited scale and intensity, and due to the specific location and circumstances of the proposed use, it may be consistent with the zoning of the area.

Specifically, the Zoning Ordinance allows the Governing Body to approve Special Use Permits based on a review and recommendation of the Planning Commission, when in their judgment the application:

- “will not seriously injure the appropriate use or safety of neighboring property; and
- will conform to the general intent and purpose of this ordinance; and
- shall comply with the height and area regulations of the district in which it may be located.” [Section 22-020.a.]

In addition, the application must be reviewed against the following conditions as outlined in Section 22-020.b. of the Zoning Ordinance. After each consideration are staff comments. Staff has not had the benefit of hearing testimony; therefore, the Planning Commission should indicate agreement or disagreement with these criteria based on the application and record established at the hearing prior to acting on the application.

**a. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.**

The proposed use would be located on the southern and central portions of the site, with the remaining portions of the site currently being used for commercial use. Adjacent uses include commercial, light industrial and public uses within the GBD and Moderate Industrial zoning designations. However, adjacent properties to the south are planned for multi-family development (MF-1) and currently platted for residential use and well as planned to the east. Similarly, single family uses are close to the southeast corner of the subject property and near the proposed storage buildings.

The heights of the buildings are not identified on the site plan. However, typical self-storage units are one-story in height or less than 15 feet. The adjacent residential development contains a mixture of single and two-story residential dwellings. The height of the proposed buildings should be consistent with the adjacent residential development, at less than two stories.

**b. Accessibility of the property to police, fire, and refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.**

Access to the rear of the subject property is limited through an access driveway along the western edge of the property. The drive also provides access for delivery vehicles to the grocery store on the adjacent parcel to the west. If delivery vehicles block the driveway during deliveries, emergency access to the storage buildings could be an issue.

Access to the individual storage buildings is proposed through a new asphalt pavement, servicing each building and each storage unit.

The parking requirements for the commercial use of the site are adequate. The proposed use of the remainder of the site for self-storage, does not warrant a significant amount of dedicated parking. Additionally, much of the area that serves the storage units is paved and will be used for parking, making the proposed parking numbers adequate to serve the site.

**c. Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility.**

A sanitary sewer line bisects the property north to south. However, the storage units proposed do not require sewer or water service. It is assumed that electricity will be necessary to each of the proposed 8 new buildings on the site, but the location is not shown on the site plan.

**d. The location, nature and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.**

The structures and pavement proposed are adequately set back from the adjacent uses, specifically the residential uses that abut the site. However, given the commercial nature and use of the self-storage units, buffering is warranted along the southern and eastern boundaries of the property, where residential uses abut the property. The eastern edge of the property is currently a significant, mature tree stand. If this tree stand is proposed to remain, additional buffering is not needed in this area. No walls, fences or other site improvements are proposed on the site.

**e. The adequacy of required yard and open space requirements and sign provisions.**

The setbacks for the side yards, west and east property lines, abutting commercial, industrial and residential uses, and the rear yard, abutting residential uses, meet the setback standards of the GBD regulations.

No additional signs are indicated on the site plan.

**f. The general compatibility with adjacent properties, other properties in the district, and the general safety, health and comfort and general welfare of the community and surrounding neighborhood.**

The location of the proposed self-storage units on the subject property are at the southern edge of the commercial frontage of US 24/40. The development of self-storage units within this commercial district is appropriate. However, immediately adjacent to the south of this property are residential neighborhoods, both existing and planned. Because of the limited patronage and vehicular access of the storage facilities, it is an appropriate use of this land in this context. The site improvement conditions defined in the recommendations will ensure that any potential negative impacts will be mitigated.

**IV. STAFF RECOMMENDATION**

Provided that the Planning Commission finds that the review criteria have been met based on the testimony and record at the hearing, staff recommends approval of the Special Use Permit subject to the following conditions:

- a. The Special Use Permit is allowed for an unlimited amount of time based on meeting the conditions proposed.
- b. The height of the buildings not exceed two-stories in height.
- c. The project be buffered, through fencing or landscape, creating an opaque screen between the subject property and adjacent properties along the southern and eastern boundaries that are currently developed or planned for residential uses. If the tree stand along the eastern edge of the property is to remain intact, as it appears on the drawings, no additional buffering is needed along that edge of the property.
  - Fencing or landscaping of the property line along planned residential properties may occur at the time of development of the adjacent property.
- d. Site lighting, if desired, should be limited to down lighting that does not spill over to adjacent properties or produce glare on those properties.
- e. Any comments provided by the Fire Chief regarding emergency access should be addressed with the development of the site.

**V. EFFECT OF DECISION**

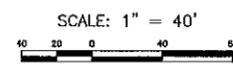
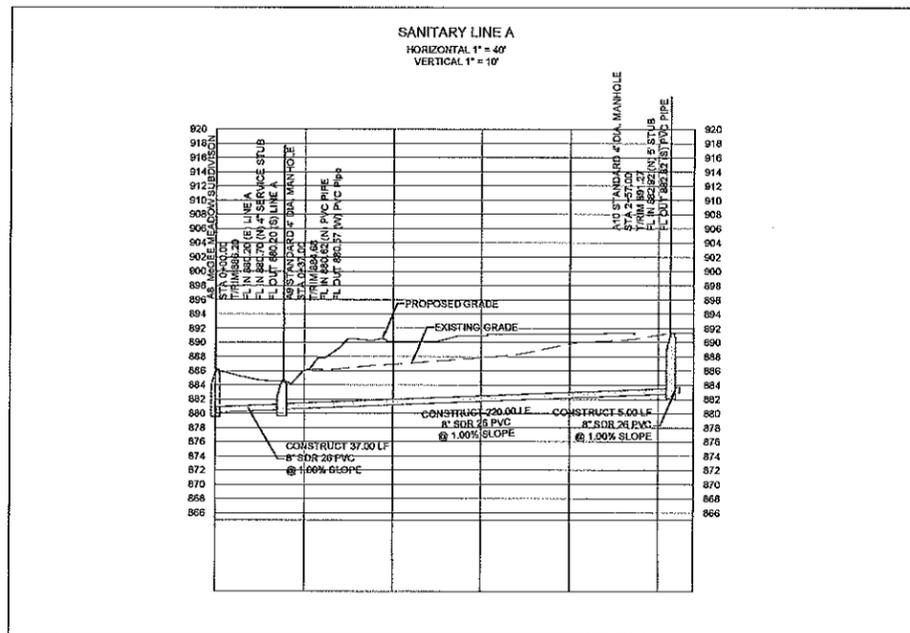
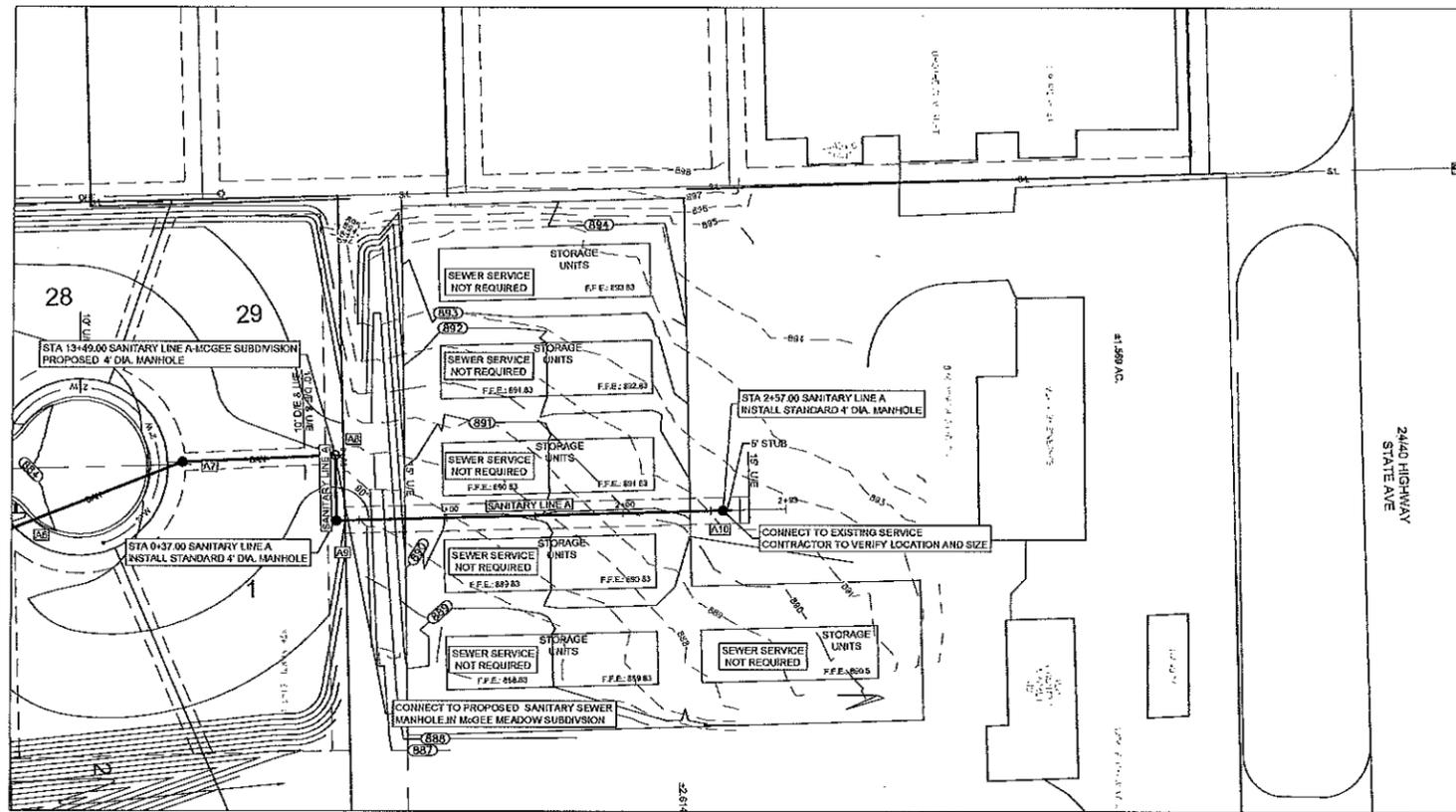
- The Planning Commission decision is a recommendation to Governing Body; final approval of the City Council is required. Following the consideration of any additional input from the applicant, City Staff, or the public, and based on the application and testimony at the hearing, the Planning Commission may take one of the following actions.
  - Recommend approval of the application;
  - Recommend approval of the application, subject to conditions;
  - Recommend denial of the application; or
  - Continue the application to another date for further consideration and additional information. If continued to a specific date, time and location, no new notice will be required.
- The City Council considers the application at the next meeting after 14 days.
- If a valid protest petition is filed with the City of Tonganoxie City Clerk within 14 days from the conclusion of the Planning Commission hearing, the City Council must approve the application by a  $\frac{3}{4}$  majority of the governing body.

**VI. PHOTOS AND MAPS (See next page)**



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Chris Brewster  
Gould Evans



**GENERAL NOTES:**

- THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE CITY OF TONGANOXIE DESIGN GUIDELINES AND STANDARDS. THE CITY ENGINEER'S REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THESE STANDARDS. THE CITY DID NOT VERIFY AND IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES. THE CITY OF TONGANOXIE AND BG CONSULTANTS SHALL BE HELD HARMLESS FOR ERRORS AND OMISSIONS AS STATED HEREIN. THE DESIGN ENGINEER IS RESPONSIBLE FOR COMPLYING WITH ALL CITY STANDARDS AS WELL AS GENERALLY ACCEPTED ENGINEERING DESIGN STANDARDS AND PRINCIPLES, INCLUDING ITEMS WHICH MAY HAVE BEEN OVERLOOKED DURING THE CITY'S REVIEW. THESE PLANS ARE ACCEPTED FOR ONE YEAR FROM THE DATE OF APPROVAL, AFTER WHICH THEY BECOME VOID UNLESS CONSTRUCTION HAS BEEN COMPLETED AND APPROVED.
- SPECIFICATIONS FOR MOST OF THE WORK TO BE PERFORMED ON THIS PROJECT ARE LOCATED IN THE "CITY OF TONGANOXIE STANDARD SPECIFICATIONS FOR SANITARY SEWER CONSTRUCTION".
- THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY SUPERINTENDENT AND REPRESENTATIVE FROM BG CONSULTANTS PRIOR TO BEGINNING CONSTRUCTION. THE CITY MANAGER SHALL ISSUE A NOTICE TO PROCEED WITH CONSTRUCTION ONCE THE PROPER BONDING IS IN PLACE AND PRE-CONSTRUCTION MEETING HAS TAKEN PLACE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING THE CITY OF TONGANOXIE WITH A PROPOSED CONSTRUCTION SCHEDULE.
- CONSTRUCTION OBSERVATION SERVICES SHALL BE PROVIDED BY THE CITY AND PAID FOR BY THE OWNER. CONTRACTOR TO PROVIDE A PROPOSED CONSTRUCTION SCHEDULE. BG CONSTRUCTION OBSERVATION STAFF WILL USE THIS INFORMATION TO PROVIDE AN ESTIMATE OF PROBABLE CONSTRUCTION OBSERVATION COST TO THE DEVELOPER BASED UPON THIS SCHEDULE.
- ALL UTILITY INFORMATION SHOWN HEREIN IS BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF DESIGN. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS AND DEPTHS PRIOR TO EXCAVATION. THE CONTRACTOR WILL NOTIFY ALL UTILITY COMPANIES REGARDING PROPOSED EXCAVATION AND PAY FOR ANY RELOCATION REQUIRED TO ACCOMMODATE THE SANITARY SEWER INSTALLATION.
- ALL CLEARING, GRUBBING AND TREE REMOVAL NECESSARY TO ACCOMPLISH THIS PROJECT SHALL BE CONSIDERED SUBSIDIARY TO SANITARY BID ITEMS. ALL CLEARING DEBRIS SHALL BE DISPOSED OF IN ACCORDANCE WITH THE CITY OF TONGANOXIE REGULATIONS.
- ALL SANITARY SEWER TRENCH EXCAVATION SHALL BE UNCLASSIFIED AND THE CONTRACTOR SHALL SATISFY HIMSELF AS TO THE ACTUAL SOIL CONDITIONS ON SITE PRIOR TO SUBMITTING HIS BID.
- ALL SANITARY SEWER TRENCH BACKFILL SHALL BE COMPACTED AS SET OUT IN CURRENT STANDARD SPECIFICATIONS AND STANDARD DETAILS UNLESS OTHERWISE NOTED.
- CONTRACTOR WILL BE RESPONSIBLE FOR ANY DEWATERING NECESSARY DURING CONSTRUCTION.
- ALL UNPAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE FERTILIZED, SEEDED AND MULCHED BY THE CONTRACTOR IN ACCORDANCE WITH THE CITY OF TONGANOXIE REQUIREMENTS.
- THE PRICE BID FOR "CONNECT EXISTING SANITARY" SHALL INCLUDE ANY PIPE (8" SDR 26 PVC), TRENCHING, BACKFILLING, GROUT, REMOVE EXISTING CLEAN OUT, ALL OTHER MATERIALS, LABOR AND EQUIPMENT NECESSARY TO COMPLETE THE CONNECTION AS SHOWN ON THE PLANS.
- ANY PROPERTY PINS DESTROYED BY THE CONTRACTOR DURING CONSTRUCTION SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING EROSION CONTROL AND DRAINAGE DURING ALL CONSTRUCTION PHASES.
- SANITARY PIPE LENGTHS SHOWN ON PLANS ARE THE HORIZONTAL LENGTHS FROM CENTER TO CENTER OF STRUCTURES, UNLESS OTHERWISE NOTED.

**SUMMARY OF QUANTITIES:**

ITEM	DESCRIPTION	UNIT	QUANTITY
1.	8" SDR 26 PVC	L.F.	262
2.	STANDARD DEPTH MANHOLE (4' DIAMETER, 6' DEEP)	EACH	2
3.	EXTRA DEPTH MANHOLE (4' DIAMETER)	V.F.	2.5
4.	CONNECT TO PROPOSED SANITARY MANHOLE	EACH	1
5.	TREE AND BRUSH REMOVAL	L.S.	1
6.	EROSION CONTROL	L.S.	1
7.	SEED, FERTILIZE AND MULCH	L.S.	1
8.	CONSTRUCTION STAKING	L.S.	1

**BENCHMARKS:**

- BENCHMARK #1:** " " SOUTHEAST CORNER OF CONCRETE PAD WITH ELECTRICAL BOX AT SOUTHEAST CORNER OF GROCERY STORE (BROTHERS MARKET) ELEVATION 897.83
- BENCHMARK #2:** TOP NUT ON FIRE HYDRANT LOCATED 45' SOUTH SOUTHWEST OF NORTHEAST CORNER OF GROCERY STORE (BROTHERS MARKET) ELEVATION 900.15
- KS NORTH 1501-STATE PLATE NAVD 60

**LANDPLAN ENGINEERING**  
 Lawrence, KS • Kansas City, MO • The Woodlands, TX  
 1310 Wacarcus Drive, Suite 100  
 Lawrence, KS 66044 | 785.843.7410  
 info@landplan-pe.com | www.landplan-pe.com

Shawn R. Bryan, P.E. is a duly licensed Professional Engineer in the State of Kansas. License No. 17899. He is also a member of the Kansas Society of Professional Engineers and the American Society of Professional Engineers.

**1208 STATE AVE STORAGE UNITS  
SANITARY SEWER IMPROVEMENTS  
SANITARY LINE A PLAN/PROFILE, GENERAL NOTES  
AND SUMMARY OF QUANTITIES**

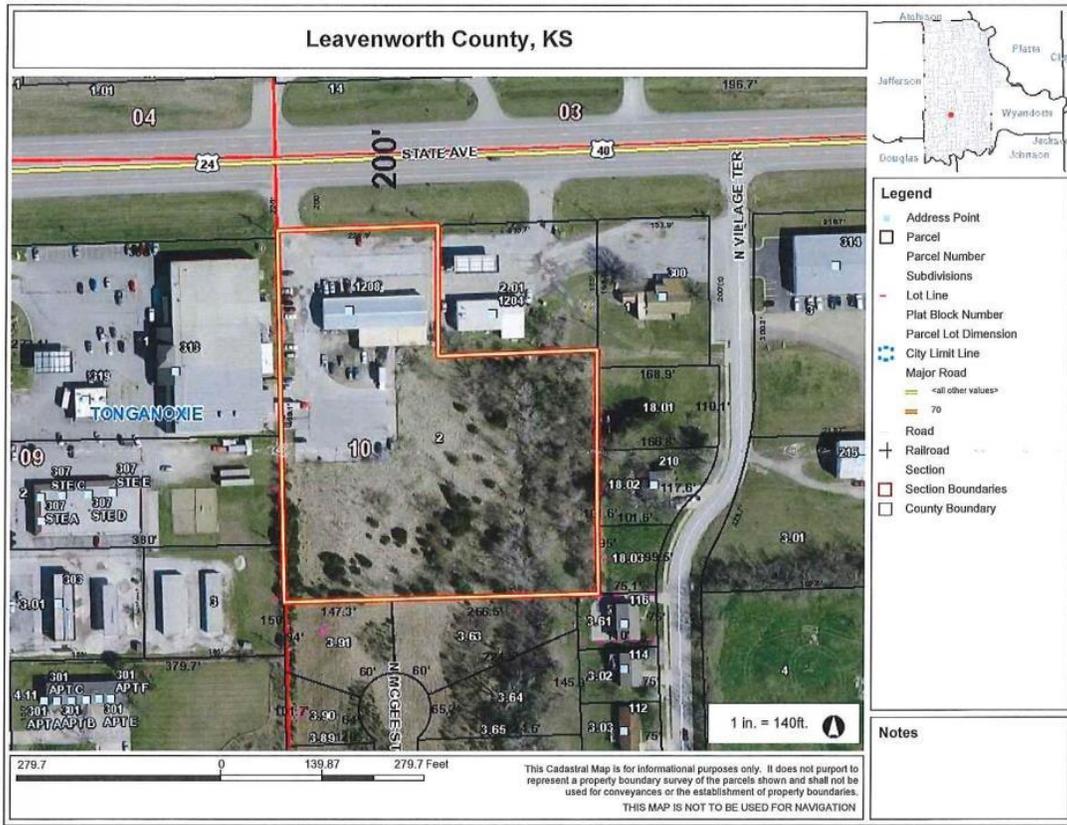
REV	DATE	DESCRIPTION

SHAWN R. BRYAN  
LICENSED  
17899  
KANSAS  
PROFESSIONAL ENGINEER

SHAWN R. BRYAN, P.E.  
17899

DATE: 07.12.2018  
 PROJECT NO.: 20182009  
 DESIGNED BY: BM  
 DRAWN BY: BM  
 CHECKED BY: SS

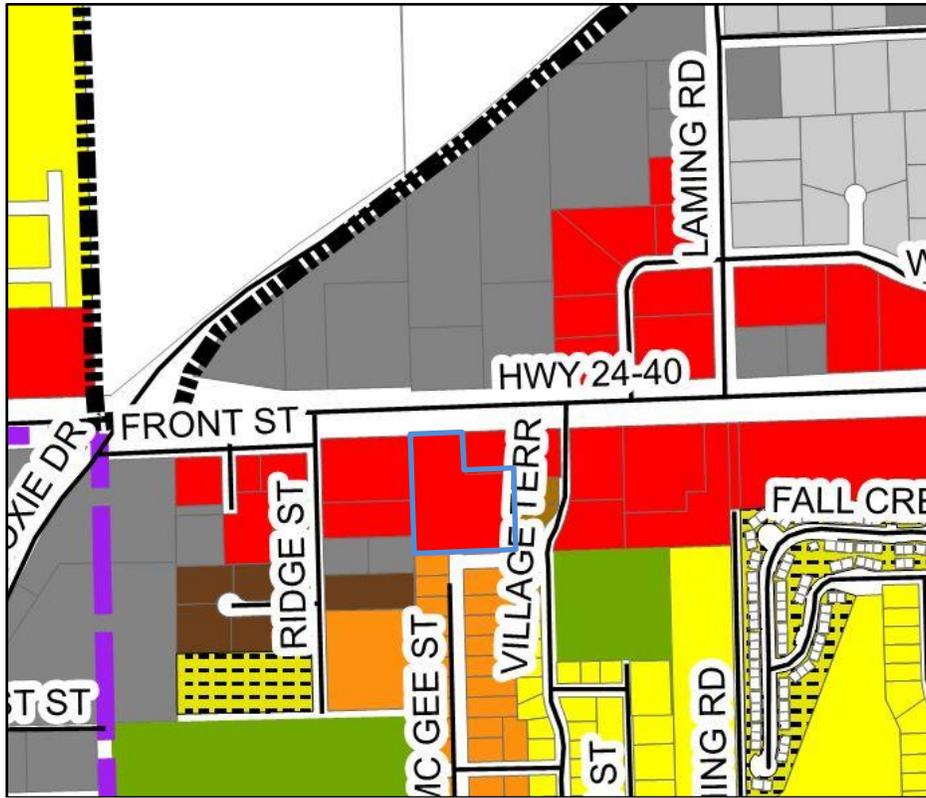
ISSUE SHEET NO.  
**A 2**  
 OF 4 SHEETS



**Property Map**



**Aerial Map**



Zoning Map



Street View Looking South on Property



**Street View Looking North Across from US-24**



**Street View Looking East on US-24**



Street View Looking West on US-24

# SPECIAL USE PERMIT APPLICATION

## Filing Fee Required

In Accordance with Section 22-013, of the City of Tonganoxie's Zoning Ordinances, an application is hereby made for a Special Use Permit:

Date application filed: 8/7/18 Permit No.: \_\_\_\_\_

Applicant: Bright Star Properties LLC

Address: 1208 State Ave City: Tonganoxie State KS Zip 66087

Telephone #: 9133693000 (Home) \_\_\_\_\_ (Work)

\_\_\_\_\_ (Cell) 9134810847 (E-mail Address)

Property Owner(s): Dan Lynch Phone 9134810847

Address: 1208 State Ave City: Tonganoxie State KS Zip 66087

Name of business proposed: \_\_\_\_\_

Address of business: \_\_\_\_\_

Description of business: Storage units for rent

Hours of operation: \_\_\_\_\_ Days: Mon Tue Wed Thu Fri Sat Sun

# of employee's \_\_\_\_\_ Family members? \_\_\_\_\_ Live on site? \_\_\_\_\_

If business is to be operated by someone other than the applicant or owner, give name and address:

\_\_\_\_\_

Briefly describe the present use and character of the property: vacant land

\_\_\_\_\_

Briefly describe the requested/proposed use of the property land to be used to house storage units for the public to rent

Briefly describe what effect the requested use will have on the property and the surrounding area:

\_\_\_\_\_

\_\_\_\_\_

Applicant Signature

Signature

Property Owner Signature if different from applicant

\_\_\_\_\_

AFFIDAVIT

CITY OF TONGANOXIE  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

WE, Dan Lynch AND \_\_\_\_\_  
(Print)  
AND \_\_\_\_\_ AND \_\_\_\_\_  
(Print)

being duly sworn, depose and say that we are the owners of said property involved in this petition and that the foregoing signatures, statements, and answers herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Signed and entered this 7 day of August, 2018

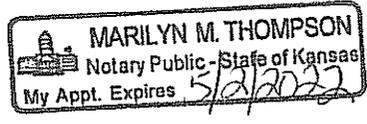
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me on this 7<sup>th</sup> day of August, 2018

Notary Public in and for the County of Leavenworth, Kansas

Marilyn M. Thompson

My Commission Expires: May 2, 2022



## Special Use Permit Applicant Checklist

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- Filing Fee \$400.00
- Parcel ID # 1921002003002000
- Parcel Size 4.1725
- Current Zoning of Property Commercial & industrial C
- Deed with legal description attached \_\_\_\_\_
- Completed affidavit attached \_\_\_\_\_
- Building Sketch with room layout \_\_\_\_\_
- Outdoor Play Areas and Lot Dimensions \_\_\_\_\_
- Location of Parking \_\_\_\_\_
- State and/or County License \_\_\_\_\_
- Number of Children Allowed \_\_\_\_\_
- Local Business License \_\_\_\_\_
- Fire Department Inspection \_\_\_\_\_
- Police Department Inspection \_\_\_\_\_
- City Building Inspection \_\_\_\_\_
- Site plan attached with location of business indicated \_\_\_\_\_
- Certified List of Property Owners within 200-foot radius \_\_\_\_\_
- Outdoor Sign Permit if applicable \_\_\_\_\_

Doc #: 2018R01788  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
03/09/2018 3:45:53 PM  
RECORDING FEE: 55.00  
PAGES: 3

Entered in the transfer record in my office this  
9 day of Mar 20 18

*Janet K. Driscoll*  
County Clerk

### CORPORATION QUIT CLAIM DEED

TX0012800

Lynch Residential, Inc., a corporation duly incorporated and existing under the laws of the State of Kansas, and having its principal place of business in the State of Kansas, hereby conveys and quitclaims to Bright Star Properties, LLC

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

The land referred to in this Deed is described as follows:

See Attached Exhibit "A" hereto and by this reference made a part hereof for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

No Real Estate Validation Transfer Questionnaire per KSA 1991 Supp. 79-1437e as amended (12).

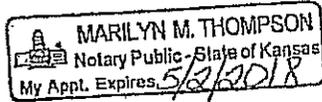
Dated this 9<sup>th</sup> day of March, 2018.

Lynch Residential, Inc.

By: [Signature]  
George Daniel Lynch, President

State of Kansas, County of LEAVENWORTH §

The foregoing instrument executed was acknowledged before me this 9<sup>th</sup> day of March, 2018, by George Daniel Lynch, President of Lynch Residential, Inc., a Kansas corporation, on behalf of the corporation.



Marilyn M. Thompson  
Notary Public

My appointment expires: May 2, 2018

EXHIBIT "A"

Parcel 1:

A tract of land in the Northwest 1/4 of Section 10, Township 11 South, Range 21 East of the Sixth P.M., more fully described as follows:  
Beginning at the Northwest corner of said Section 10; thence South 160.90 feet along the West line of said Section 10 to the South right of way line of U.S. Highway 24-40, being the true point of beginning of this tract hereinafter described; thence North 89°40' 55" East 222.99 feet along the said South right of way line; thence South 00°02' 33" West 175.00 feet; thence North 89°40' 55" East 215.75 feet parallel to the said South right of way line; thence South 00°02' 33" West 328.65 feet to the North line of Oroke's Subdivision, a subdivision of land in said Section 10; thence North 89°41' 58" West 438.38 feet along the said North line, to the East line of Tonga Ridge, a subdivision of land in the City of Tonganoxie; thence North 498.91 feet along the said East line to the true point of beginning, less any part thereof taken or used for road purposes, in LEAVENWORTH COUNTY, KANSAS.

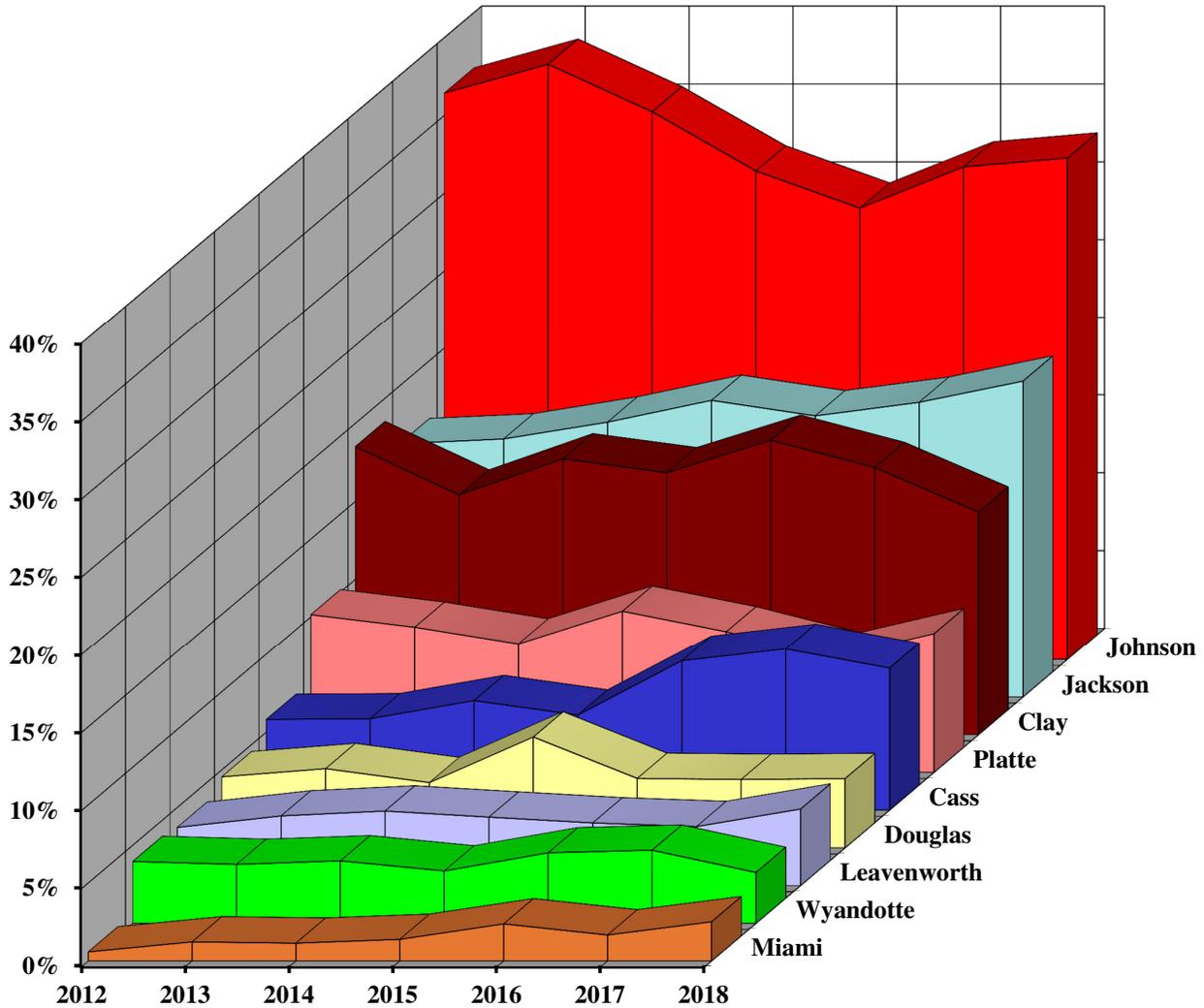
Parcel 2:

Non-Exclusive Easement for Ingress and egress created in Declaration of Cross-Easement for Ingress and egress recorded April 10, 1991, in Book 652, Page 511.

# Kansas City Metro, KS & MO (9 Counties)

## Market Share by County

(Based on Building Permits Issued)



County	2012	2013	2014	2015	2016	2017	2018
Johnson	36.43%	38.29%	35.23%	31.43%	29.04%	31.69%	32.26%
Jackson	16.28%	16.58%	17.66%	19.06%	18.06%	18.93%	20.29%
Clay	18.51%	15.40%	17.73%	16.84%	18.92%	17.17%	14.31%
Platte	10.15%	9.34%	8.27%	10.37%	9.05%	7.38%	8.93%
Cass	5.81%	5.85%	7.02%	6.09%	9.57%	10.33%	9.10%
Douglas	4.55%	5.07%	4.18%	7.10%	4.45%	4.38%	4.44%
Leavenworth	3.73%	4.46%	4.77%	4.38%	4.01%	3.78%	4.90%
Wyandotte	3.96%	3.77%	4.00%	3.35%	4.52%	4.68%	3.26%
Miami	0.59%	1.23%	1.14%	1.39%	2.38%	1.67%	2.51%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



**AUGUST 2018**

	Single Family Units <sup>A</sup>	Multi-Family Units <sup>%</sup>	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD		Single Family Units <sup>A</sup>	Multi-Family Units <sup>%</sup>	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD									
<b>CASS COUNTY</b>							<b>LEAVENWORTH COUNTY</b>															
Archie	0	0	0	0	0	0	Basehor	3	0	3	88	0	88									
Belton	0	0	0	54	0	54	Lansing	0	0	0	1	0	1									
Cass County	7	0	7	55	0	55	Leav. County	7	0	7	58	0	58									
Cleveland	0	0	0	0	0	0	Leavenworth	9	0	9	23	0	23									
Garden City	1	0	1	1	0	1	Tonganoxie	1	0	1	23	0	23									
Harrisonville	0	0	0	8	0	8		<b>20</b>	<b>0</b>	<b>20</b>	<b>193</b>	<b>0</b>	<b>193</b>									
Lake Winnebago	6	0	6	9	0	9	<b>WYANDOTTE COUNTY</b>															
Lee's Summit	4	0	4	30	0	30	Bonner Springs	3	0	3	7	0	7									
Peculiar	2	0	2	46	0	46	Edwardsville	0	0	0	1	0	1									
Pleasant Hill	0	0	0	14	0	14	KCK/Wyandotte Co	18	0	18	141	0	141									
Raymore	11	0	11	100	12	112		<b>21</b>	<b>0</b>	<b>21</b>	<b>149</b>	<b>0</b>	<b>149</b>									
Village of Loch Lloyd	0	0	0	10	0	10	<b>MIAMI COUNTY</b>															
	<b>31</b>	<b>0</b>	<b>31</b>	<b>327</b>	<b>12</b>	<b>339</b>	Louisburg	1	0	1	13	0	13									
<b>CLAY COUNTY</b>							Miami County	8	0	8	45	0	45									
Clay County	7	0	7	28	0	28	Osawatomie	0	0	0	0	0	0									
Excelsior Springs	1	0	1	12	0	12	Paola	0	0	0	3	0	3									
Gladstone	1	0	1	11	0	11	Spring Hill	1	0	1	19	0	19									
Kansas City	39	0	39	379	0	379		<b>10</b>	<b>0</b>	<b>10</b>	<b>80</b>	<b>0</b>	<b>80</b>									
Kearney	4	0	4	93	0	93	<b>Totals</b>	<b>513</b>	<b>1040</b>	<b>1553</b>	<b>4107</b>	<b>2345</b>	<b>6452</b>									
Lawson	0	0	0	0	0	0	<b>Comparison of Single Family Building Units for Greater Kansas City</b>															
Liberty	6	0	6	32	0	32	(Cass, Clay, Jackson, Platte, Johnson, Leavenworth, Miami, Wyandotte Counties)															
North Kansas City	0	0	0	1	0	1	<b>Month/Year</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>							
Pleasant Valley	0	0	0	0	0	0	January	90	188	273	287	240	274	457	425							
Smithville	48	0	48	127	0	127	February	121	182	224	216	260	408	477	461							
	<b>106</b>	<b>0</b>	<b>106</b>	<b>683</b>	<b>0</b>	<b>683</b>	March	180	270	335	362	393	542	571	550							
<b>JACKSON COUNTY</b>							April	210	277	444	439	437	523	562	502							
Blue Springs	42	0	42	308	10	318	May	230	294	337	385	395	503	504	594							
Buckner	0	0	0	0	0	0	June	262	268	333	364	438	578	567	577							
Grain Valley	23	0	23	89	0	89	July	204	288	409	375	399	494	512	485							
Grandview	0	0	0	12	156	168	August	205	260	354	352	425	536	480	513							
Greenwood	0	0	0	0	0	0	September	202	379	384	383	462	424	514								
Independence	12	0	12	110	0	110	October	205	331	369	468	459	466	583								
Jackson County	7	0	7	56	0	56	November	185	283	340	312	360	417	502								
Kansas City	6	201	207	66	971	1037	December	207	279	288	328	432	352	468								
Lake Lotawana	0	0	0	16	0	16	<b>Annual Total</b>	<b>2,301</b>	<b>3,299</b>	<b>4,090</b>	<b>4,271</b>	<b>4,700</b>	<b>5,517</b>	<b>6,197</b>	<b>4,107</b>							
Lee's Summit	19	170	189	262	180	442	<b>Comparison of Permits By Units Issued Year to Date</b>															
Oak Grove	2	0	2	15	0	15	<b>2011 - 2018</b>															
Raytown	0	0	0	0	0	0		S-F Units	M-F Units	Total Units												
Sugar Creek	0	0	0	0	0	0	2011	1502	576	2078												
	<b>111</b>	<b>371</b>	<b>482</b>	<b>934</b>	<b>1317</b>	<b>2251</b>	2012	2027	1062	3089												
<b>PLATTE COUNTY</b>							2013	2709	1881	4590												
Kansas City	19	0	19	145	0	145	2014	2780	2271	5051												
Parkville	2	0	2	64	0	64	2015	2987	1765	4752												
Platte City	0	0	0	1	0	1	2016	3858	3062	6920												
Platte County	9	0	9	131	0	131	2017	4130	1213	5343												
Riverside	1	0	1	23	0	23	2018	4107	2345	6452												
Weatherby Lake	1	0	1	11	0	11	<sup>A</sup> The Single Family number is units and includes both attached and detached units.															
Weston	0	0	0	0	0	0	%Multi-Family units are in buildings with 5 or more units.															
	<b>32</b>	<b>0</b>	<b>32</b>	<b>375</b>	<b>0</b>	<b>375</b>	# Not available at time of report															
<b>JOHNSON COUNTY</b>							Permit information reflects the most recent data at time of publication. In order to ensure accurate recording of residential building permit statistics, the HBA may revise monthly and year-to-date figures when updated data is made available. Copyright 2018 Home Builders Assoc of Greater Kansas City. All rights reserved.															
De Soto	4	0	4	25	0	25																
Edgerton	0	0	0	0	0	0																
Fairway	1	0	1	7	0	7																
Gardner	16	0	16	99	0	99																
Johnson County	8	0	8	35	0	35																
Leawood	6	0	6	37	0	37																
Lenexa	27	0	27	255	0	255																
Merriam	0	0	0	1	0	1																
Mission Hills	0	0	0	4	0	4																
Olathe	41	0	41	383	22	405																
Overland Park	39	669	708	266	994	1260																
Prairie Village	9	0	9	39	0	39																
Roeland Park	0	0	0	0	0	0																
Shawnee	16	0	16	100	0	100																
Spring Hill	14	0	14	111	0	111																
Westwood	1	0	1	4	0	4																
	<b>182</b>	<b>669</b>	<b>851</b>	<b>1366</b>	<b>1016</b>	<b>2382</b>																