



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

Honorable Jason K. Ward, Mayor

Council Members

David Bennett

Rocky Himpel

Curtis Oroke

Kara Reed

Loralee Stevens

Additional Agenda Packet materials associated with items VI. a, b, c, d, e, and f are available at:
https://drive.google.com/drive/folders/1unTKKv_F43G4XcmTwbAIT0Rik_y7qkZQ?usp=sharing

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance

II. Approval of Minutes – Regular meeting dated April 16, 2018

III. Consent Agenda

- a) Review bill payments

IV. Open Agenda

Members of the public are welcome to use this time to comment about any matter relating to City business. The comments that are discussed under Open Agenda may or may not be acted upon by the Council during this meeting. In order to speak during open agenda, you must sign up with your name and address with the city clerk or designee **before the meeting**. Comments will be limited to 3 minutes. Please wait to be recognized by the Mayor and **state your name and address** for the record.

V. Old Business

- a) Police Department - Presentation of award from American Automobile Association (AAA) of Kansas

VI. New Business

- a) Resolution 05-18-01: Findings of Fact related to Rezoning Certain Property in the City of Tonganoxie, Kansas from R-R to GBD
- b) Ordinance 1439: Amending the “Zoning Ordinance and Subdivision Regulations” of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property in the City of Tonganoxie, Kansas from R-Rural to GBD
- c) Ordinance 1440: Granting a Special Use Permit For a RV-Resort to Certain Property in the City of Tonganoxie, Kansas
- d) Resolution 05-18-02: Findings of Fact related to Rezoning Certain Property in the City of Tonganoxie, Kansas from R-R to GBD
- e) Ordinance 1441: Amending the “Zoning Ordinance and Subdivision Regulations” of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property in the City of Tonganoxie, Kansas from R-R to GBD
- f) Ordinance 1442: Approval of Revised Final Development Plan, Lot 5 of Tonganoxie Business Park
- g) Consider authorization of Temporary Cereal Malt Beverage (CMB) license for the Abdallah Shrine Rodeo Event

- h) Consider approval of health insurance agreement with Blue Cross Blue Shield of Kansas for 2018-2019
- i) Consider approval of dental insurance agreement with Delta Dental of Kansas, Inc. for 2018-2019
- j) City Manager Agenda
 - 1. 2019 Budget Calendar
 - 2. City Council Chambers Security Update
- k) City Attorney Agenda
- l) Mayor Pro Tem Agenda
- m) City Council Agenda
- n) Mayor Agenda

VII. Information & Communications (No Action Required)

VIII. Adjourn

CITY COUNCIL MEETING DRAFT MINUTES
April 16, 2018
7:00 p.m. Regular Meeting



I. PLEDGE OF ALLEGIANCE

- Mayor Ward opened the meeting at 7:00 p.m.
- Roll Call: Council members present were Mayor Ward, Mr. Himpel, Ms. Reed, Ms. Stevens, Mr. Bennett, and Mr. Oroke. City Manager George Brajkovic, Assistant City Manager Dan Porter, Public Works Director Kent Heskett, and City Attorney Shannon Marcano were also in attendance.
- Mayor Ward led the Pledge of Allegiance.
- Mr. David Bennett completed the Oath of Office to fill the vacant City Councilperson position on City Council.

II. APPROVAL OF MINUTES – REGULAR MEETING DATED APRIL 2, 2018

- **Ms. Reed made a motion to approve the minutes from the April 2, 2018 City Council meetings.**
- **Ms. Stevens Seconded.**
- **Vote of all ayes, motion carried.**

III. APPROVAL OF CONSENT AGENDA

a) REVIEW BILL PAYMENTS

- **Ms. Reed made a motion to approve the consent agenda.**
- **Mr. Himpel Seconded.**
- Mr. Oroke asked for detail on the check report contents.
- Mayor Ward noted that question on particular items prior to the meeting can be provided to staff for follow up.
- **Vote of all ayes, motion carried.**

IV. OPEN AGENDA

- Monica Gee, 17685 214th Street, provided an update to the City Council on the outcome of the microchipping/vaccination event held on April 14.
- Cecelia Pruitt, 21800 Parallel Road, asked whether the Luxury RV Park development project would include bonding or other guarantees in the course of the project.
- Mr. Brajkovic provided a response to the question including information about the development process and current status of the project in the planning process. He noted the item is tracking to be part of the May 7, 2018 City Council meeting.
- No members of the public signed up to address the City Council in open agenda.
- Mayor Ward closed the open agenda portion of the agenda.

V. OLD BUSINESS

- No items.

VI. NEW BUSINESS

a) **ORDINANCE 1437: ADDITION OF CHAPTER XV, ARTICLE 7, ENTITLED STORM WATER MANAGEMENT PROGRAM AND UTILITY TO THE TONGANOXIE CITY CODE**

- Mr. Brajkovic explained the contents of the Ordinance and the previous steps taken to establish the City's storm water utility. He also provided an introduction of the related resolution in item VI.b.
- **Mr. Himpel made a motion to adopt Ordinance No. 1437**
- **Ms. Stevens Seconded.**
- Mr. Himpel asked when the fees would take effect.
- Mr. Porter responded that the bills issued in early May would include the storm water utility fees.
- **Vote of all ayes, motion carried.**

b) **RESOLUTION 04-18-04: ESTABLISHING THE FLAT STORM WATER UTILITY FEES FOR RESIDENTIAL AND NON-RESIDENTIAL PROPERTY**

- **Mr. Himpel made a motion to adopt Resolution 04-18-04**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

c) **ORDINANCE 1438: REPEALING ORDINANCE 1433 (VOLUNTARY ANNEXATION)**

- Mr. Brajkovic explained that the item includes repealing an annexation ordinance that was completed in error due to the need to complete a separate process with the Office of the County Surveyor before annexation of the property into City limits.
- **Ms. Reed made a motion to adopt Ordinance No. 1438**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

d) **RESOLUTION 04-18-05: APPROVING FIRST AMENDMENT TO ANTENNA SITE LEASE AT SOUTH WATER TOWER WITH T-MOBILE CENTRAL LLC**

- Ms. Marcano introduced the amendment to the existing Site Lease agreement to the City Council and outlined the elements of the amendment.
- **Mr. Oroke made a motion to adopt Resolution 04-18-05**
- **Mr. Bennett Seconded.**
- Mayor Ward mentioned his interest in further evaluating the
- **Vote of all ayes, motion carried.**

e) **RESOLUTION 04-18-06: AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES AT TONGANOXIE DAYS 2018**

- Mr. Porter introduced this item as a designation of Tonganoxie Days as a special event, which is a prerequisite to receiving a permit from the State to allow the temporary consumption of alcoholic beverages on the defined premises. He also outlined the area included in the designation.

- **Mr. Oroke made a motion to adopt Resolution 04-18-06**
- **Ms. Stevens Seconded.**
- Ms. Reed inquired whether the liquor store would make arrangements to meet to receive the extra alcoholic beverages on the day following the event.
- Mr. Oroke mentioned that he had spoken with the
- **Vote of all ayes, motion carried.**

f) RESOLUTION 04-18-07: AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES AT TONGANOXIE PUBLIC LIBRARY MONTHLY ARTIST SESSIONS IN 2018

- Mr. Porter introduced the item as a recurring event to be held on the 2nd Thursday of each month for the remainder of the year. He also noted that Nicole Holifield, Library Director, was available in the audience.
- Ms. Marcano clarified that this is the designation of a special event, not the permit to provide the alcoholic beverages.
- Mr. Himpel expressed concern with the provision of alcohol at a public library.
- **Ms. Stevens made a motion to adopt Resolution 04-18-07**
- **Ms. Reed Seconded.**
- **Vote of 4 aye to 1 nay (Himpel), motion carried.**

g) REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH TONGIE TIDAL WAVES FOR 2018 POOL SEASON

- Janet Falk, 12263 230th Street, Linwood, KS, introduced the proposed summer program to the City Council.
- **Mr. Himpel made a motion to approve lease agreement with Tongie Tidal Waves for 2018 Pool Season**
- **Ms. Stevens Seconded.**
- **Vote of all ayes, motion carried.**

h) REQUEST FOR AWARD OF BID AND AUTHORIZING AGREEMENT FOR REPAIRS TO CITY HALL ROOF

- Mr. Brajkovic introduced the item and described the bid process and outcomes for the proposed roof repairs.
- Mr. Porter described the financial background of the agreement, including the source of funding and budget authority to enable the project.
- **Mr. Himpel made a motion to authorize an agreement for repairs to City Hall roof with Midwest Coatings Inc., with the provision that lien release considerations be included or otherwise satisfied.**
- **Mr. Bennett Seconded.**
- **Vote of all ayes, motion carried.**

i) CITY MANAGER AGENDA

1. UPDATE ON INTERAGENCY DISCUSSIONS WITH LEAVENWORTH COUNTY

- Mr. Brajkovic described recent discussions with Leavenworth County staff regarding the ongoing County Road 1 Land Use study project and noted the upcoming public event to be held on May 2 at 5 PM.

2. BUSINESS PARK DEVELOPMENT UPDATE

- Mr. Brajkovic described progress on the development of public infrastructure at the Tonganoxie Business Park, including recent bids on water line materials that has come in on budget. There have also been regular meetings

with public improvement contractors. He noted that the Council had previously issued authority to the City Manager to execute contracts on the property.

3. MARCH FINANCIAL REPORT

- Mr. Porter introduced the financial report and first quarter treasurer's report and provided details on the financial standing of the City.

4. QUARTERLY TREASURER'S REPORT - Q1 2018

- Previously discussed part of item i4, no actions were taken.
- Mr. Brajkovic noted the recent vacancy of Mr. Gumm's position on the Planning Commission and described a plan to discuss the applications received with the Planning Commission on May 3 and later bring the applications before the City Council for consideration.

j) CITY ATTORNEY AGENDA

- No items.

k) MAYOR PRO TEM AGENDA

- No items.

l) CITY COUNCIL AGENDA

- Mr. Oroke noted that the Jewel building has recently changed ownership and expressed concerns about the future financial impact of the possible transition of the property to a tax exempt status.

m) MAYOR AGENDA

1. EXECUTIVE SESSION FOR THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY

- Ms. Reed made a motion to recess the City Council into executive session to discuss property acquisition pursuant to the preliminary discussion of the acquisition of real property exception, K.S.A. 75-4319 (b) (6) at 8:09 p.m. The open meeting will resume in the City Council chambers after 30 minutes. The executive session will include the City Attorney, City Manager, Assistant City Manager, Mayor, and City Council.
- Ms. Reed seconded the motion.
- Vote of all ayes, motion carried.
- ...
- Ms. Stevens made a motion to return from executive session at 8:39 p.m., noting that no action was taken during the executive session.
- Mr. Oroke seconded the motion.
- Vote of all ayes, motion carried.

VII. INFORMATION AND COMMUNICATIONS (NO ACTION REQUIRED)

VIII. ADJOURN

- Mr. Himpel made a motion to adjourn the meeting.

- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:40 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager

DRAFT



City of Tonganoxie, KS

My Check Report

By Check Number

Date Range: 04/11/2018 - 05/04/2018

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
0015	ALL SEASONS CAR WASH	04/12/2018	Regular	0.00	88.50	44726
0749	BROADVOICE	04/12/2018	Regular	0.00	142.34	44727
0070	BROTHER' S MARKET	04/12/2018	Regular	0.00	243.62	44728
0099	CITY OF LEAVENWORTH	04/12/2018	Regular	0.00	250.00	44729
0111	COLEMAN EQUIPMENT INC	04/12/2018	Regular	0.00	181.75	44730
0185	FERRELLGAS	04/12/2018	Regular	0.00	66.00	44731
0195	FORT SCOTT COMMUNITY COLLEGE	04/12/2018	Regular	0.00	142.99	44732
0205	GALL'S LLC	04/12/2018	Regular	0.00	643.26	44733
0596	GEOFF SONNTAG	04/12/2018	Regular	0.00	600.00	44734
0856	HAUPT CONSTRUCTION COMPANY	04/12/2018	Regular	0.00	131,245.93	44735
0330	KANSAS GAS SERVICE	04/12/2018	Regular	0.00	515.04	44736
0757	KC CLEAN	04/12/2018	Regular	0.00	300.00	44737
0391	LAWRENCE JOURNAL WORLD	04/12/2018	Regular	0.00	282.14	44738
0397	LEAGUE OF KANSAS MUNICIPALITIE	04/12/2018	Regular	0.00	175.00	44739
0857	MIDCONTINENT COMMUNICATIONS	04/12/2018	Regular	0.00	176.12	44740
0491	OLATHE WINWATER WORKS	04/12/2018	Regular	0.00	944.00	44741
0548	RECORDNEWS	04/12/2018	Regular	0.00	176.00	44742
0549	REEVES-WIEDEMAN COMPANY	04/12/2018	Regular	0.00	286.53	44743
0555	RICOH USA, INC.	04/12/2018	Regular	0.00	573.85	44744
0603	SPRINGSTED INCORPORATED	04/12/2018	Regular	0.00	72.00	44745
0628	TODD'S TIRE LLC	04/12/2018	Regular	0.00	32.00	44746
0639	TRI-HULL CRANE RENTAL, LLC	04/12/2018	Regular	0.00	280.30	44747
0651	USA BLUE BOOK	04/12/2018	Regular	0.00	64.68	44748
0671	WESTAR ENERGY	04/12/2018	Regular	0.00	12,222.46	44749
0732	METLIFE - GROUP BENEFITS	04/26/2018	Regular	0.00	390.96	44750
0923	ATTORNEY GENERAL'S OFFICE	05/01/2018	Regular	0.00	255.00	44751
0046	BAY BRIDGE ADMINISTRATORS, LLC	05/01/2018	Regular	0.00	284.80	44752
0051	BG CONSULTANTS INC	05/01/2018	Regular	0.00	12,981.00	44753
0056	BLUE CROSS AND BLUE SHIELD	05/01/2018	Regular	0.00	26,480.67	44754
0057	BLUE TARP FINANCIAL, INC.	05/01/2018	Regular	0.00	384.91	44755
0059	BOARD OF PUBLIC UTIL.-WATER	05/01/2018	Regular	0.00	14,824.02	44756
0064	BOUND TREE MEDICAL, LLC	05/01/2018	Regular	0.00	56.24	44757
0669	BRIAN WELSH	05/01/2018	Regular	0.00	17.27	44758
0077	CARAWAY PRINTING CO., INC.	05/01/2018	Regular	0.00	120.00	44759
0080	CARTER WATERS	05/01/2018	Regular	0.00	911.36	44760
0931	CHARLES NORMAN	05/01/2018	Regular	0.00	200.00	44761
0145	DIVISION OF ENVIRONMENT	05/01/2018	Regular	0.00	379.82	44762
0145	DIVISION OF ENVIRONMENT	05/01/2018	Regular	0.00	-379.82	44762
0157	EDWARDS CHEMICALS	05/01/2018	Regular	0.00	2,272.85	44763
0166	EMERGENCY REPORTING	05/01/2018	Regular	0.00	362.66	44764
0185	FERRELLGAS	05/01/2018	Regular	0.00	1,814.02	44765
0189	FIRST STATE BANK & TRUST	05/01/2018	Regular	0.00	1,854.89	44766
0198	FRANK ROBISON	05/01/2018	Regular	0.00	1,400.00	44767
0813	FREESTATE ELECTRIC COOPERATIVE	05/01/2018	Regular	0.00	1,563.00	44768
0217	GRAINGER	05/01/2018	Regular	0.00	111.92	44769
0229	HAYNES EQUIPMENT CO	05/01/2018	Regular	0.00	1,082.24	44770
0254	HUBER & ASSOCIATES, INC	05/01/2018	Regular	0.00	750.00	44771
0308	KANSAS STATE TREASURER	05/01/2018	Regular	0.00	1,424.50	44772
0330	KANSAS GAS SERVICE	05/01/2018	Regular	0.00	140.19	44773
0340	KANSAS STATE FIREFIGHTERS ASSO	05/01/2018	Regular	0.00	80.00	44774
0345	KATHLEEN MCBRATNEY	05/01/2018	Regular	0.00	375.00	44775
0929	KS DEPT OF HEALTH & ENVIRONMENT	05/01/2018	Regular	0.00	245.00	44776
0381	LADD SERVICE COMPANY	05/01/2018	Regular	0.00	15.30	44777
0393	LAWRENCE MEMORIAL HOSPITAL	05/01/2018	Regular	0.00	85.00	44778

My Check Report

Date Range: 04/11/2018 - 05/04/2018

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0395	LCDC	05/01/2018	Regular	0.00	10.00	44779
0404	LEAVENWORTH TIMES	05/01/2018	Regular	0.00	46.00	44780
0414	LINK-LITE NETWORKING, INC.	05/01/2018	Regular	0.00	1,422.75	44781
0426	LV COUNTY SHERIFF OFFICE	05/01/2018	Regular	0.00	275.00	44782
0930	MARY BASS	05/01/2018	Regular	0.00	75.50	44783
0857	MIDCONTINENT COMMUNICATIONS	05/01/2018	Regular	0.00	915.44	44784
0462	MILLER SIGN SHOPPE	05/01/2018	Regular	0.00	140.00	44785
0465	MOODY'S INVESTORS SERVICE	05/01/2018	Regular	0.00	12,000.00	44786
0491	OLATHE WINWATER WORKS	05/01/2018	Regular	0.00	4,548.00	44787
0542	QUILL	05/01/2018	Regular	0.00	731.72	44788
0932	RED WING SHOES	05/01/2018	Regular	0.00	298.00	44789
0549	REEVES-WIEDEMAN COMPANY	05/01/2018	Regular	0.00	109.00	44790
0578	SECURITY BENEFIT	05/01/2018	Regular	0.00	288.34	44791
0581	SHILLING ELECTRIC CO.	05/01/2018	Regular	0.00	75.00	44792
0603	SPRINGSTED INCORPORATED	05/01/2018	Regular	0.00	19,460.00	44793
0748	TNEMEC CO INC	05/01/2018	Regular	0.00	567.82	44794
0628	TODD'S TIRE LLC	05/01/2018	Regular	0.00	207.14	44795
0660	VICTORY FORD	05/01/2018	Regular	0.00	625.40	44796
0934	WHOLESALE BATTERIES	05/01/2018	Regular	0.00	161.76	44797
0677	WILLIAM PRAY	05/01/2018	Regular	0.00	600.00	44798
0692	ZEP MANUFACTURING COMPANY	05/01/2018	Regular	0.00	798.99	44799

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	104	74	0.00	263,922.99
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-379.82
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	104	75	0.00	263,543.17

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	104	74	0.00	263,922.99
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-379.82
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	104	75	0.00	263,543.17

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	4/2018	150,095.47
998	Gen Fund-Pooled Cash	5/2018	113,447.70
			263,543.17



Police Department
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jeff Brandau, Police Chief
SUBJECT: Police Acceptance of Award from American Automobile Association (AAA)

DISCUSSION:

The City of Tonganoxie Police Department received notice that it will be presented with the AAA Kansas Gold Award for Community Traffic Safety. This award, the second highest in the series of potential awards issued by the organization, is presented in recognition of the department's numerous safety initiatives that impact the lives of motorists and residents throughout the Tonganoxie community.

The purpose of the AAA Kansas Community Traffic Safety Award is to encourage Kansas communities and counties to address local traffic safety issues in a coordinated and cost-effective way, and recognize efforts accordingly. Points are assigned for the various programs conducted on traffic safety enforcement, education and engineering and emergency response - and for demonstrating success from those programs.

ACTION NEEDED:

No action needed.

CC: George Brajkovic, City Manager



Office of the City Manager
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: KCRVR Items - Resolution 05-18-01: Findings of Fact related to Rezoning from R-R to GBD & Ordinance No 1439: Rezoning from R-R to GBD

DISCUSSION:

City staff received two related applications in early 2018 proposing the rezoning of approximately 32.4 acres from "R-R" Rural District to "GBD" General Business district on the southern portion of the property and to approve a Special Use Permit for an RV Resort on approximately 120.6 acres of the northern portion of the property. The entire property encompasses the frontage area of the larger 154-acre parcel located north and east of Highway 24-40 and 206th Street. Past consideration of rezoning the property date back to October 2015, with subsequent submittals and revisions described in more detail in the Planning Staff Report.

As detailed in the approved Planning Commission minutes from April 5, 2018, the Planning Commission held a public hearing on the item after completion of the requirements for publication and notification of surrounding property owners. On April 5, 2018 the Planning Commission unanimously approved the recommendation to the City Council of the rezoning request along with the staff recommendations and zoning considerations. The staff recommendations and zoning considerations associated with this rezoning request are listed on pages 3-7 of the Planning Staff Report.

Following the recommendation of the Planning Commission, City staff received a protest petition (included as an attachment) on April 19, 2018 which was deemed valid. The requirements for a valid protest petition filed against a proposed rezoning include:

- The acknowledged signatures of 20% or more of the owners of real property within the notification area surrounding the property
- Collection of said signatures within a period of 14 days following the Planning Commission public hearing date
- Submittal of the petition to City staff within the same 14 day window.

Due to the submittal of a valid protest petition, the ordinance or resolution approving the rezoning of this property must be passed by at least a $\frac{3}{4}$ vote of the members of the Governing Body.

Several related attachments are included in the agenda packet file or available online at the link found on page 1 of the agenda packet.

BUDGET IMPACT:

None.

ACTION NEEDED:

1. Make a motion to approve Resolution 05-18-01, adopting the findings of fact and conclusions as the basis for a decision to approve the rezoning of certain property filed by KCRVR LLC.
2. Make a motion to approve Ordinance No. 1439, amending the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, by rezoning certain property in the City of Tonganoxie, Kansas generally described as north of State Ave (Hwy 24/40) and east of future 206th St. from "R-R" – R-Rural Zoning District to "GBD" – General Business Zoning District, subject to the staff recommendations and zoning consideration included in the Planning Staff Report from the May 3, 2018 Planning Commission Meeting.

ATTACHMENTS:

Resolution 05-18-01

Ordinance No. 1439

Planning Staff Report (April 5, 2018 Planning Commission Meeting)
Protest Petition received April 19, 2018

OTHER ATTACHMENTS AVAILABLE AT LINK ON PAGE 1 OF AGENDA PACKET

Approved Minutes from the April 5, 2018 Planning Commission Meeting

KCRVR Signed Rezone Application

KCRVR Combined Plans

KCRVR Design Guidelines Revised 3-19-18

cc: George Brajkovic, City Manager
Shannon Marcano, City Attorney

RESOLUTION NO. 05-18-01

A RESOLUTION ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS AS THE BASIS FOR A DECISION TO APPROVE THE REZONING

Before the Governing Body of the City of Tonganoxie, Kansas;

Findings of Fact and Conclusions concerning request to rezone certain property filed by KCRVR LLC.

Comes now the Governing Body of the City of Tonganoxie, Kansas and renders the following Findings of Fact and Conclusions regarding a request to rezone certain property within the City Limits of the City of Tonganoxie. These Findings and Conclusions represent the basis of the Governing Body's approval of the rezoning pursuant to its authority under K.S.A. 12-741 et seq., and all other applicable laws.

FINDINGS OF FACT

REQUEST TO REZONE PROPERTY

MEETING/PUBLIC HEARING DATE: Planning Commission meeting, dated April 5, 2018, at 7:00 PM at the Tonganoxie City Council Chambers.

SUBJECT: A request to rezone from "R-R" R-Rural District to "GBD" General Business District, the following described property:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH P.M., THENCE NORTH 01°19'57" WEST, A DISTANCE OF 115.94 FEET TO THE NORTH ROW LINE OF STATE AVENUE BEING THE POINT OF BEGINNING; THENCE ALONG SAID ROW LINE SOUTH 87°59'48" WEST, A DISTANCE OF 1315.16 FEET; THENCE CONTINUING ALONG SAID ROW LINE SOUTH 87°59'19" WEST, A DISTANCE OF 1051.13 FEET; THENCE CONTINUING ALONG SAID ROW LINE SOUTH 88°00'25" WEST, A DISTANCE OF 264.00 FEET; THENCE LEAVING SAID ROW LINE AND FOLLOWING THE WEST LINE OF THE SOUTH WEST 1/4 OF SECTION 2 TOWNSHIP 11 RANGE 21, NORTH 01°30'21" WEST, A DISTANCE OF 876.22 FEET; THENCE NORTH 87°59'43" EAST, A DISTANCE OF 431.35 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, AND AN ARC LENGTH OF 374.74 FEET; THENCE SOUTH 51°29'34" EAST, A DISTANCE OF 443.13 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET, AND AN ARC LENGTH OF 332.32 FEET; THENCE NORTH 87°59'43" EAST, A DISTANCE OF 1208.90 FEET; THENCE SOUTH 01°19'57" EAST, A DISTANCE OF 348.58 FEET; TO THE POINT OF BEGINNING CONTAINING APPROXIMATELY 32.39 ACRES.

This property is generally located north of State Ave (Hwy 24/40) and east of future 206th St.

1. History and Current Status of Property:

The property owner has filed an application to change the zoning classification from “R-R” (R-Rural District) to “GBD” (General Business District) for the above described property. The property owner and surrounding neighbors were notified and a Public Hearing was held by the Planning Commission on April 5, 2018. The property owner proposes to rezone the property so as to be in compliance with current zoning classifications.

Review Considerations:

The City’s zoning regulations define the “GBD” General Business District (Section 16) and permitted uses as follows:

General Description: This district is intended for retail trade shall be located along arterial and collector streets and highways within the City. The district provides access for businesses serving the local and regional market. Businesses located in this area are of a higher intensity and require a larger area than those allowed in the HBD District.

Uses Permitted: Uses shall focus upon retailing of goods and services, office groupings, large institutional uses, restaurants and temporary lodging facilities and those businesses requiring large display yards.

- A. Private, public or semi-public recreational, religious or administrative uses that is appropriate and compatible in the area due to space or intensity needs.
- B. Accessory uses as necessary to the efficient operation of the main use on the site.
- C. Please refer to Appendix A for a list of suggested, permitted uses

CONCLUSIONS

The application was also reviewed against the following considerations (*in bold italic text*) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text).

1. Character of the neighborhood:

The character of the surrounding area is a mix of agriculture and low-density residential uses; property further to the west (beyond the intervening 19.5-acre wooded lot) is a single-family residential subdivision. This property would be to the west of proposed 206th street, so that street would serve as a transition to the neighborhood. The subdivision is not completed, so development has not yet reached the east boundary of that property, but the streets have been stubbed out and planned to eventually connect to future 206th street at two locations through the intervening 19.5-acre lot. The area south of this proposed project, across State Avenue / Highway 24-40 is rural and single family homes on lots ranging in size from approximately 4 to 18 acres.

2. Zoning and uses of properties nearby:

Surrounding properties are zoned for rural and single-family in the unincorporated areas (RR-2.5). The incorporated property (within the City of Tonganoxie) to the west is zoned for a combination of single-family (R-SF), multi-family (R-MF-3) and commercial (GBD). The highway frontage is reserved for commercial, yet is currently undeveloped except

for three parcels between Stone Creek Drive and Laming Road (a service station and convenience, the County Annex, and a post office). The property immediately to the north (approximately 121.7 acres under the same ownership as this proposal) is zoned R-R Rural Residential and is conceptually planned for the RV Resort with the Special Use Permit request associated with this application.

3. *Suitability of subject property for the uses to which it has been restricted:*

This property along State Avenue / Highway 24-40 has remained open pasture but has been eligible for rural residential development under the unincorporated Leavenworth County zoning. Upon annexation into the City (initiated in late 2015; officially redone in July 2016 to clear up technicalities and legal descriptions) the “R-R” Rural District is assigned by default. That permits a similar level of lower density residential use as the most comparable zoning under the previous unincorporated Leavenworth County zoning ordinance. However, as future growth in this area occurs, that low-level of development is likely not suitable along the highway frontage and at the significant intersections of arterial and collector roads with State Avenue / Highway 24-40. The 206th Street intersection is planned as one of the few full-access signalized intersections, generally warranting higher intensity development. Similarly, any future low density residential uses in this area are typically and appropriately buffered from these intersections and the highway corridor by either extensively large setbacks and frontage buffers (as seen to the east along corridor) or transitional uses, which tend to favor higher intensity uses on the corridor (as is beginning to be implemented to the west along the corridor).

4. *Extent to which removal of the restrictions will detrimentally affect nearby property:*

Rezoning the property to the GBD should not detrimentally affect nearby property. The property has frontage on a high-speed, high-volume divided roadway. Any future development of the property will be accompanied by the required frontage road system to appropriately manage traffic and access. The system is planning for stubs to connect to the adjacent property so it can be integrated into this development pattern. As part of this overall proposal, the property to the north is proposed for an RV Resort. Should that element be approved (through Special Use Permit as outlined above, and based on all planning and engineering conditions of the attached to the previous preliminary plat), the proposed rezoning could permit compatible commercial development to support that land use and the overall development concept. However, future site development, landscape and urban design strategies on the proposed commercial lots, and the “public realm” design of the frontage road streetscape and entry points into the RV Resort should be coordinated to the greatest extent possible to create a cohesive and distinctive character for all future development in this area.

5. *Length of time the subject property has remained vacant as zoned:*

The subject property is currently undeveloped pasture. It has been zoned RR-2.5 under the unincorporated County Zoning, and became R-R Rural residential under the City’s zoning upon annexation in December, 2015; re-initiated in July, 2016.

6. *Relative gain to the public health, safety and welfare by the destruction of the value of the landowner's property as compared to the hardship imposed upon the landowner:*

If the property remains as "R-R" Rural District zoning, only very low levels of future development will be likely in this area. None of them will amount to the investment level or intensity to warrant future infrastructure investments in this area. Development patterns similar to those on the south side of State Avenue / Highway 24-40 are likely to continue indefinitely (rural, large-lot residential and agriculture related uses with lots in the 4 to 20-acre range. However, this level of development would also have very little public infrastructure investment and long-term maintenance obligations associated with infrastructure investments.

7. *Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:*

This area is located at the edge of the Near-term Growth Area according to the 2006 Comprehensive Plan and is included in the City's long-range planning area. The plan calls for a future Commercial Node at the intersection of State Avenue / 24-40 and 206th Street, with Mixed-Use Development extending east on the 24-40 corridor, and Rural Residential in the remaining areas. Further, the US 24-40 Corridor Study (2009) included comparable designations (a "T-4 General Urban" mixed use zone) at the node with rural / long-term development off of the corridor, and integrating natural amenities of the area into any future development. In general, the planning concepts in the 2006 Comprehensive Plan and the 2009 US 24-40 Corridor Study suggest some element of an integrated development that concentrates the greatest activity to the anticipated full access intersections (corner of 206th and US 24-40) and supporting or transitioning uses as you move both east and south from this intersection. Offering a unique destination, organized around the natural amenities of the area and topographic conditions of the site could be consistent with these long-range policies; particularly if this is a catalyst for a more dynamic mixed-use development along the corridor and at the Commercial Node of 206th Street and State Avenue.

However, generally all of the City plans affecting this area (Comprehensive Plan and US 24/40 plan) caution against proliferation of commercial development along the highway corridors in "strip commercial" patterns. The planning policy behind this is three-fold: (1) In general, the aesthetic and urban design impacts of several independent retail and commercial sites along a corridor begin to have cumulative negative impacts on a corridor over time, without appropriate transitions; (2) too much commercial zoning along major roads often undermines commercial zoning in other portions of the community – particularly where there are a lot of vacancies; and (3) automobile-oriented commercial development on major corridors is not efficient and often does not have "high productivity" (i.e. per-acre, long-term value compared to the per-acre infrastructure investments required and long-term maintenance obligations associated with infrastructure investments). For these reasons, commercial zoning of this property along the entire frontage should be a concern, unless it is well integrated with other complimentary uses and has a specific market rationale for this particular location. In both cases, the proposed resort can provide that rationale.

h. Recommendations of professional staff: Approval with conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

Section 1. That having considered the request for rezoning filed by KCRVR and reviewed all testimony and evidence submitted for the request, the Governing Body does hereby adopt the foregoing Findings of Fact and Conclusions as the basis for its decision to approve the Rezoning.

Section 2. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 7th day of May, 2018.

SIGNED by the Mayor this 7th day of May, 2018.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

ORDINANCE NO. 1439

AN ORDINANCE AMENDING THE “ZONING ORDINANCE AND SUBDIVISION REGULATIONS” OF THE CITY OF TONGANOXIE, KANSAS, 2003, BY REZONING CERTAIN PROPERTY IN THE CITY OF TONGANOXIE, KANSAS.

WHEREAS, under the ZONING ORDINANCE AND SUBDIVISION REGULATIONS of the City of Tonganoxie, Kansas, the Governing Body of the City of Tonganoxie, Kansas, is given the power to amend, supplement or change existing zoning regulations within said city, and;

WHEREAS, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Tonganoxie, Kansas, held a public hearing on the 5th day of April 2018, at 7:00 p.m., at the Tonganoxie City Hall Council Chambers, the official date set out as was published in the Tonganoxie Mirror newspaper; and

WHEREAS, pursuant to Resolution 05-18-01, the Governing Body adopted Findings of Fact and Conclusions supporting its decision to rezone said property.

WHEREAS, upon a motion made and duly seconded and passed, the Governing Body resolved to rezone from “R-R” (R-Rural District) to “GBD” (General Business District), the following described property:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH P.M., THENCE NORTH 01°19'57" WEST, A DISTANCE OF 115.94 FEET TO THE NORTH ROW LINE OF STATE AVENUE BEING THE POINT OF BEGINNING; THENCE ALONG SAID ROW LINE SOUTH 87°59'48" WEST, A DISTANCE OF 1315.16 FEET; THENCE CONTINUING ALONG SAID ROW LINE SOUTH 87°59'19" WEST, A DISTANCE OF 1051.13 FEET; THENCE CONTINUING ALONG SAID ROW LINE SOUTH 88°00'25" WEST, A DISTANCE OF 264.00 FEET; THENCE LEAVING SAID ROW LINE AND FOLLOWING THE WEST LINE OF THE SOUTH WEST 1/4 OF SECTION 2 TOWNSHIP 11 RANGE 21, NORTH 01°30'21" WEST, A DISTANCE OF 876.22 FEET; THENCE NORTH 87°59'43" EAST, A DISTANCE OF 431.35 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, AND AN ARC LENGTH OF 374.74 FEET; THENCE SOUTH 51°29'34" EAST, A DISTANCE OF 443.13 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET, AND AN ARC LENGTH OF 332.32 FEET; THENCE NORTH 87°59'43" EAST, A DISTANCE OF 1208.90 FEET; THENCE SOUTH 01°19'57" EAST, A DISTANCE OF 348.58 FEET; TO THE POINT OF BEGINNING CONTAINING APPROXIMATELY 32.39 ACRES. This property is generally located north of State Ave (Hwy 24/40) and east of future 206th St.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

SECTION 1. That the above-described property being in the “R-R” – R-Rural Zoning District is and the same is hereby rezoned to “GBD” – General Business Zoning District.

SECTION 2. That the “Zoning District Map” adopted under Section 1-015 of the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

SECTION 3. That this ordinance shall take effect and be in force from and after its passage, approval, and publication in the Tonganoxie Mirror, the official newspaper of the City of Tonganoxie, Kansas.

PASSED by the City Council this 7th day of May, 2018.

APPROVED by the Mayor this 7th day of May, 2018.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Haag, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney



City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2018-003P – KCRVR SUP and Commercial Rezoning

Date of Report: March 26, 2018

Applicant Name: KCRVR L.L.C., Bud Pennar, Derek Sinclair

Property Owner Name: V & S Land Company II, L.L.C., Vicki L. Schubert & Sandra Meredith

Subject Property Address: Northeast corner of 206th Street and State Avenue / Highway 24-40

Application: Special Use Permit for RV Resort (north property) and Rezoning from R-R to GBD (south property)

Zoning District: R-R Rural District

Type of Approval Desired: Rezoning from R-R to “GBD” General Business District (approximately 32.4 acres on the south portion of property) and Special Use Permit for an RV Resort in the R-R District (approximately 120.57 acres on the north portion of the property)

Date of Application: March 2, 2018

Date of Meeting: April 5, 2016

Surrounding Property – Zoning and Use:

West: RR-2.5 (unincorporated Leavenworth County); undeveloped wooded lot

South: RR-2.5 (unincorporated Leavenworth County); large lot single-family (4-18 acre lots)

East: RR – 2.5 (unincorporated Leavenworth County); undeveloped pasture

North:

- Immediately north of proposed GBD zoning: RR – RR (recently annexed property under same ownership; conceptually planned for RV Resort and pending Special Use Permit consideration)
- North of the proposed SUP for RV Resort in R-R zoning: RR – 2.5 (unincorporated Leavenworth County); undeveloped pasture

Vicinity: Just west of this area is incorporated areas zoned R-SF, R-MF-3 and GB; Stone Creek subdivision existing and unbuilt single-family and multi-family lots, with commercial frontages along State Avenue / Highway 24-40

Staff Recommendation:

Recommend approval subject to specific conditions regarding the overall development concept and design guidelines.

I. SUMMARY:

This application proposes to rezone approximately 32.4 acres from “R-R” Rural District to “GBD” General Business district on the southern portion of the property, and to approve a Special Use Permit for an RV Resort on approximately 120.6 acres of the northern portion of the property. The property encompasses the frontage area of the larger 154-acre parcel located north and east of Highway 24-40 and 206th Street.

II. BACKGROUND:

This project was originally introduced to the City in October 2015, but was never formally acted upon due to the conceptual nature of many of the various submittals. Applications were either revised or tabled throughout 2016. In October 2016, the Planning Commission conditionally approved a preliminary plat for this property, which was valid for 1 year. The conditions involved the applicant needing to complete all of the public notice, public review and approval process for all of the discretionary zoning and special use permit reviews necessary for the project. Specifically, the preliminary plat was conditionally approved subject to a number of contingencies including:

- (1) that the future zoning decisions be presented through the appropriate public review processes – specifically rezoning for the commercial portion and a Special Use Permit for the resort;
- (2) that future right-of-way and streetscape design specifications for the extension of 206th street and the extension of Woodfield Drive (frontage road) be further planned and designed for planning and engineering approvals;
- (3) further site planning and design for the relationship of the resort, the commercial frontage and the surrounding property be determined; and
- (4) a number of more detailed specifications from the City Engineers report and analysis be met prior to submission of a final plat.

This preliminary plat was renewed and continued for an additional year in October 2017. However, the plat involved 8 commercial lots, a larger open space tract related to the drainage way of the pond, and a different configuration of the proposed frontage road. This submittal has advanced many of the planning and design concepts for the RV Resort and commercial areas as suggested in the conditional approval of the plat; however, it is likely that as the project advances a new preliminary plat review and approval may be needed to address 13 commercial lots (rather than 8); the reconfiguration of the frontage road; and 3.55 acre open space tract (rather than 7.61 acres).

This specific application is for two of the required subsequent steps for the project – rezoning of the commercial portion (approximately 32.4 acres along the 24/40 frontage and proposed frontage road), and the Special Use Permit for the RV Resort.

III. ANALYSIS – REZONING FROM R-R TO GBD (APPROXIMATELY 32.4 ACRES)

This rezoning is requested for proposed Lots 1-13 and Tract A (open space) under the lot and road configuration included in this submittal. This property is between the proposed frontage road and State Avenue / Highway 24-40, except for three lots north of the frontage road near the resort entrance (proposed lots 2, 3, and 5). All lots would have access from the internal frontage road, and some of the commercial development would be intended to support the proposed RV resort.

Without any immediately proposed development or site plan, the Planning Commission must consider all potential development that could occur under the GBD zoning district. The General Business District enables a wide range of highway-oriented commercial uses. It is the City’s most intensive commercial district and does not include very extensive site design, building design or landscape standards. The

basic development standards (10,000 s.f. lot minimum; 20-30' setbacks, 2.5 story/35' building heights) enable a wide range of development patterns and building types.

The design guidelines submitted for the resort show these lots as predominantly retail with two of the lots north of the frontage road and near the resort entrance designated as hospitality/office/mixed-use. Anticipated uses include hotel, convenience store and restaurants. These lots are organized on a proposed "commercial frontage street section" that takes concepts from the character streets of the comprehensive plan update and adapts them for this particular area (including potential golf-cart lanes at the edge of the street sections). The design guidelines also include an integrated landscape plan that incorporates these streetscapes, the open spaces within the commercial areas, and the gateways and open spaces for the resort. The design guidelines include building design summaries for two building types – retail and hospitality, and architectural guidelines that address some basic massing and composition principles. These guidelines are very general, but focus primarily on the form and relationship of buildings to public spaces and larger-scale appearance from the surrounding areas. They are an adequate substitution and/or supplement to the city-wide design standards that otherwise apply in the GBD district generally.

III.A. CRITERIA. Rezoning applications must be reviewed against the following considerations (in bold italic text) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text). However, since staff has not had the benefit of considering testimony provided during the public hearing, the Planning Commission should consider each factor and the analysis in conjunction with testimony at the hearing prior to acting on the application. No one factor is necessarily controlling, nor do all factors need to be clearly established, but rather they are to be considered in balance as an overall evaluation of the application.

1. *Character of the neighborhood:*

The character of the surrounding area is a mix of agriculture and low-density residential uses; property further to the west (beyond the intervening 19.5-acre wooded lot) is a single-family residential subdivision. This property would be to the west of proposed 206th street, so that street would serve as a transition to the neighborhood. The subdivision is not completed, so development has not yet reached the east boundary of that property, but the streets have been stubbed out and planned to eventually connect to future 206th street at two locations through the intervening 19.5-acre lot. The area south of this proposed project, across State Avenue / Highway 24-40 is rural and single family homes on lots ranging in size from approximately 4 to 18 acres.

2. *Zoning and uses of properties nearby:*

Surrounding properties are zoned for rural and single-family in the unincorporated areas (RR-2.5). The incorporated property (within the City of Tonganoxie) to the west is zoned for a combination of single-family (R-SF), multi-family (R-MF-3) and commercial (GBD). The highway frontage is reserved for commercial, yet is currently undeveloped except for three parcels between Stone Creek Drive and Laming Road (a service station and convenience, the County Annex, and a post office). The property immediately to the north (approximately 121.7 acres under the same ownership as this proposal) is zoned R-R Rural Residential and is conceptually planned for the RV Resort with the Special Use Permit request associated with this application.

3. *Suitability of subject property for the uses to which it has been restricted:*

This property along State Avenue / Highway 24-40 has remained open pasture but has been eligible for rural residential development under the unincorporated Leavenworth County zoning. Upon annexation into the City (initiated in late 2015; officially redone in July 2016 to clear up technicalities and legal descriptions) the "R-R" Rural District is assigned by default. That permits

a similar level of lower density residential use as the most comparable zoning under the previous unincorporated Leavenworth County zoning ordinance. However, as future growth in this area occurs, that low-level of development is likely not suitable along the highway frontage and at the significant intersections of arterial and collector roads with State Avenue / Highway 24-40. The 206th Street intersection is planned as one of the few full-access signalized intersections, generally warranting higher intensity development. Similarly, any future low density residential uses in this area are typically and appropriately buffered from these intersections and the highway corridor by either extensively large setbacks and frontage buffers (as seen to the east along corridor) or transitional uses, which tend to favor higher intensity uses on the corridor (as is beginning to be implemented to the west along the corridor).

4. *Extent to which removal of the restrictions will detrimentally affect nearby property:*

Rezoning the property to the GBD should not detrimentally affect nearby property. The property has frontage on a high-speed, high-volume divided roadway. Any future development of the property will be accompanied by the required frontage road system to appropriately manage traffic and access. The system is planning for stubs to connect to the adjacent property so it can be integrated into this development pattern. As part of this overall proposal, the property to the north is proposed for an RV Resort. Should that element be approved (through Special Use Permit as outlined above, and based on all planning and engineering conditions of the attached to the previous preliminary plat), the proposed rezoning could permit compatible commercial development to support that land use and the overall development concept. However, future site development, landscape and urban design strategies on the proposed commercial lots, and the “public realm” design of the frontage road streetscape and entry points into the RV Resort should be coordinated to the greatest extent possible to create a cohesive and distinctive character for all future development in this area.

5. *Length of time the subject property has remained vacant as zoned:*

The subject property is currently undeveloped pasture. It has been zoned RR-2.5 under the unincorporated County Zoning, and became R-R Rural residential under the City’s zoning upon annexation in December, 2015; re-initiated in July, 2016.

6. *Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner:*

If the property remains as “R-R” Rural District zoning, only very low levels of future development will be likely in this area. None of them will amount to the investment level or intensity to warrant future infrastructure investments in this area. Development patterns similar to those on the south side of State Avenue / Highway 24-40 are likely to continue indefinitely (rural, large-lot residential and agriculture related uses with lots in the 4 to 20-acre range. However, this level of development would also have very little public infrastructure investment and long-term maintenance obligations associated with infrastructure investments.

7. *Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:*

This area is located at the edge of the Near-term Growth Area according to the 2006 Comprehensive Plan and is included in the City’s long-range planning area. The plan calls for a future Commercial Node at the intersection of State Avenue / 24-40 and 206th Street, with

Mixed-Use Development extending east on the 24-40 corridor, and Rural Residential in the remaining areas. Further, the US 24-40 Corridor Study (2009) included comparable designations (a “T-4 General Urban” mixed use zone) at the node with rural / long-term development off of the corridor, and integrating natural amenities of the area into any future development. In general, the planning concepts in the 2006 Comprehensive Plan and the 2009 US 24-40 Corridor Study suggest some element of an integrated development that concentrates the greatest activity to the anticipated full access intersections (corner of 206th and US 24-40) and supporting or transitioning uses as you move both east and south from this intersection. Offering a unique destination, organized around the natural amenities of the area and topographic conditions of the site could be consistent with these long-range policies; particularly if this is a catalyst for a more dynamic mixed-use development along the corridor and at the Commercial Node of 206th Street and State Avenue.

However, generally all of the City plans affecting this area (Comprehensive Plan and US 24/40 plan) caution against proliferation of commercial development along the highway corridors in “strip commercial” patterns. The planning policy behind this is three-fold: (1) In general, the aesthetic and urban design impacts of several independent retail and commercial sites along a corridor begin to have cumulative negative impacts on a corridor over time, without appropriate transitions; (2) too much commercial zoning along major roads often undermines commercial zoning in other portions of the community – particularly where there are a lot of vacancies; and (3) automobile-oriented commercial development on major corridors is not efficient and often does not have “high productivity” (i.e. per-acre, long-term value compared to the per-acre infrastructure investments required and long-term maintenance obligations associated with infrastructure investments). For these reasons, commercial zoning of this property along the entire frontage should be a concern, unless it is well integrated with other complimentary uses and has a specific market rationale for this particular location. In both cases, the proposed resort can provide that rationale.

8. ***Recommendations of professional staff:***
[see below]

III.B Effect of Decision – Rezoning. The Planning Commission recommends rezoning requests to the Governing Body. Based on the record and other findings of the testimony at the public hearing, the Planning Commission may:

1. Recommend approval,
2. Recommend approval with conditions
3. Recommend denial for rezoning request.

The Governing Body reviews the request in light of the Planning Commission’s recommendation. They may accept the recommendation based on a simple majority of the Governing Body, they may refer the application back to the Planning Commission with direction for specific further discussions or consideration, or they may modify or override the Planning Commission recommendation by a 2/3 vote of the entire Governing Body.

Subsequent to any decision on this particular request to rezone the following steps are also required for this project to advance:

1. A Special Use Permit for the RV resort on the north portion of the project must be reviewed and approved through the same process as this rezoning.
2. A revised preliminary plat shall be submitted according to the proposed layout (13 lots rather than 8; reduced size of Tract A; and reconfiguration of the frontage road). The actual boundary of the GBD zoning shall attach itself to the specific boundaries and how they are formally

approved in a final plat. All conditions of the conditionally approved preliminary plat must be met, specifically:

- a. The rezoning and special use permit actions must be acted upon favorably.
 - b. The future planning, design, and engineering specifications of all future roadways – and specifically the extension of proposed 206th Street and the Woodfield Drive (frontage road) must be reviewed by planning staff, the City Engineer and accepted by the City.
 - c. Each of the subsequent zoning approvals must meet the conditions for greater specificity in the “public realm” design (streetscape, gateways, entrances and frontages), and site design (lot access, building placement and design, landscape, parking and signs) in the submitted design guidelines.
 - d. All recommendations and details of the City Engineer report on the preliminary plat must be addressed – specifically utility capacity and construction; storm drainage; flood plain and grading issues; and both internal and external street construction and specifications must meet city standards.
3. A final plat that demonstrates all final engineering, construction specifications, including financial responsibilities for improvements and maintenance are detailed, and approved by the City.
 4. All future development of the commercial property in the GBD zoning shall require a site plan review through the city processes, subject to the submitted design guidelines and any other specifically applicable city standards and criteria.
 5. If for any reason after the approval of the SUP for the RV Resort, significant advancement on the completion of the resort as anticipated is in question, the City shall revisit the pattern and extent of the commercial rezoning. The City may consider rezoning the property back to R-R until such time that a practical and reasonable alternative land use concept that meets the long-range planning and urban design goals for this area exists.

III.C. Recommendation – Rezoning. Staff recommends approval of the rezoning from “R-R” Rural District to “GBD” General Business District, subject to the following:

1. The rezoning is contingent on the overall development concept advancing as an integrated project as indicated in the submitted design guidelines. Specifically:
 - a. That the preliminary plat and final plat advance subject to all recommended conditions and the adequate level of infrastructure design, streetscape design, and other integrated open spaces and landscape are incorporated into the plat and development covenants, and approved.
 - b. That the RV Resort is approved through a Special Use Permit under existing R-R zoning, subject to the same design guidelines.
 - c. Otherwise commercial zoning in this area may be premature – should these projects not advance as planned, this property should be rezoned back to R-R until other or similar projects with a complimentary critical mass to become viable.
2. Any future development on any of the lots shall require a detailed site plan review that demonstrates the following:
 - a. Consistency with the design guidelines submitted with this application and any other applicable city standards.
 - b. Access strategies shall be coordinated across all lots; access shall only be from the frontage road, and internally links that coordinate future developments on all lots – including cross access easements, stubs and other long-term circulation strategies should be considered with each site plan.
 - c. Circulation for alternative vehicles, bikes or pedestrians – particularly in relation to the proposed RV Resort and its patrons should be integrated into each site plan, in anticipation of full build-out of the entire commercial area.

- d. Bicycle, pedestrian as well as vehicle connections to adjacent areas – particularly commercial areas and the neighborhood to the west – be incorporated into each site plan.
3. Landscape plans for each site be developed to provide distinctive design themes that coordinate all sites, and designed open spaces link each site to the frontage road systems. All sides should also implement a landscape buffer along the State Avenue / 24-40 side of the lot.

IV. ANALYSIS – SPECIAL USE PERMIT IN R-R DISTRICT FOR RV RESORT (APPROXIMATELY 120.6 ACRES)

A special use permit is requested for proposed the remaining 120.6 acres of this property, currently zoned R-R. The zoning ordinance allows special use permits to be issued for “camping areas including minor and incidental concession facilities for patrons only” [Section 22]. The use table in the zoning ordinance also includes a category titled Lodging Facilities III for tourist and travelers and short-term recreational use. Specific examples are campgrounds, retreats, or RV parks. This is designated as allowed by Special Use Permit in the R-R district. The proposed RV Resort has been determined to be similar in design, extent and use to this generally anticipated use.

IV.A. General Considerations - SUP. 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.”

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;
- 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 22-010]

Special Use Permits are generally 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 particular site that will not undermine the long-term investments on the site or in the district that are consistent with plans or the district intent.

This application meets the first circumstance referenced above for special use permits – to enable a use that due to its scale and intensity, and due to the specific location and circumstances of the proposed use, it is appropriate for this particular area based on a coordinated development plan.

IV.B. Additional Standards - SUP. In addition, the application must be reviewed against the following standards. After each consideration are staff comments. Staff has not had the benefit of hearing testimony; therefore, the Planning Commission should indicate agreement or disagreement prior to acting on the application [22-011].

- i. **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 site is a large parcel on the edge of the City limits (recently annexed) and located in

the “near term growth area” of the comprehensive plan. In general, large-scale uses such as this should be proposed in areas where there are natural amenities, low potential for future growth in more compact patterns, since it will essentially reflect a barrier from coordinating development around the project. Future 206th Street does propose a potential transition between current and on-going development to the west, and the undeveloped/unincorporated areas to the east. The coordination of the frontage road is consistent with other plans for this area.

- ii. **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.**

Utilities, access and other municipal services are being reviewed through the proposed preliminary and final plat. In general, the area has good access to major traffic routes, and for extension of municipal utilities. The plan is proposing a continuation of the frontage road system anticipated along the north side of US 24/40 and stubbing of this road to the west. The access point location and specific designs will need to be coordinated through KDOT.

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

The proposed utilities and easements appear generally acceptable at a planning and conceptual level. More specific and technical comments will be provided in the City Engineer’s report and analysis, and more specific details will need to be reviewed at the revised preliminary and final plat stages.

Additionally, earlier submittals, review and discussions associated with this concept revealed that a well located in the northwest portion of this area may present some issues from the perspective of Rural Water District 9. Development of the site will need to coordinate with any well protection rights the water district may have in relation to the proposed development.

- iv. **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 proposed plan includes primarily RV locations of three levels of amenity – silver, gold and platinum, with increasing degrees of accessory amenities and structures. Conceptual plans for each amenity area are provided along with general location of the proposed sites. The sites are shown to be at least 15’ from the property boundary at all locations, however there are only performance standards dealing with the design and landscape of this buffer in relation to adjacent property. Specific plans for each level will need to be submitted along with a final development plan showing the exact location of these spaces in relation to the internal amenities and open spaces, the internal circulation network, and the buffer surrounding the project. Amenities within the site also include structures, including a proposed club house and gateway entry features and other accessory buildings. Specific locations, extent and details for these buildings are not provided beyond a conceptual level. Each of these structures shall also require a detailed site plan prior to permits, or shall require a specific location, footprint, elevation and other siting plans in a final development plan.

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

The conceptual plan and design guidelines are organized around public and private streetscapes, gateways and open space amenities, a 9-hole golf course, and individual RV slips each with their

own private landscape and outside amenity. These areas have only been planned at a conceptual level but the concept plan generally illustrates a sufficient amount of open space, provided details for the landscape and amenity designs are further developed with a final development plan.

vi. 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 general nature of the use, as a lodging site, is compatible with the adjacent uses that exist or are proposed. However, given the auto-oriented nature of the site users, and the potential for impacts from sounds and light on adjacent properties, additionally buffering at the property edges is appropriate. Additional screening and buffering on the subject site should provide a semi-opaque screen to the adjacent properties, in particular the north, east and west sides where residential uses are either present or anticipate with future development.

IV.C. Effect of Decision – SUP. 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.

1. Recommend approval of the application;
2. Recommend approval of the application, subject to conditions;
3. Recommend denial of the application; or
4. 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.

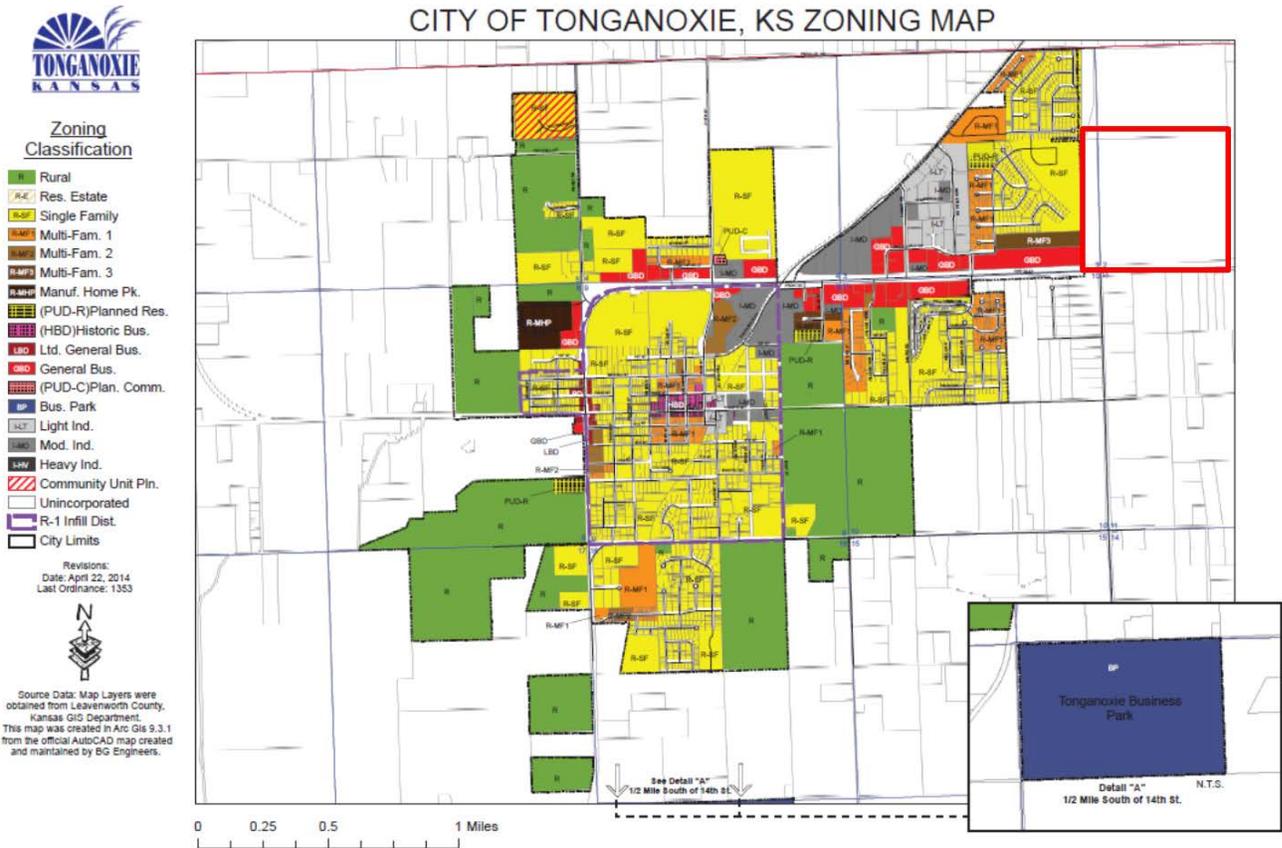
IV.D. Staff Recommendation. Staff recommends approval of the Special Use Permit for an RV Resort in the R-R zoning district subject to the following conditions:

- a. The Special Use Permit is limited to the following the from date of City Council approval in order to demonstrate progress towards the overall concept for the Resort and commercial zoning to the south:
 - 1) Final platting and completion of all engineering within 2 years, including a detailed phasing plan;
 - 2) Commencement of Phase 1 within 3 years;
 - 3) Completion of a significant portion of the resort, whether in Phase 1 or through some other phasing included with the final plat, within 5 years.Failure to reach these benchmarks may cause the City to revisit the SUP, as well as the associated commercial zoning on other parcels.
- b. Either in association with the final plat, but at least prior to commencement Phase 1, a final development plan for the resort shall be approved through the City's site plan review process, and specifically include:
 - 1) A detailed planting plan dealing with the buffer and the relationship to adjacent property;
 - 2) Details on the gateways demonstrating coordination with the streetscape and commercial area design;
 - 3) Specifications for the platinum, gold, and silver site options; and

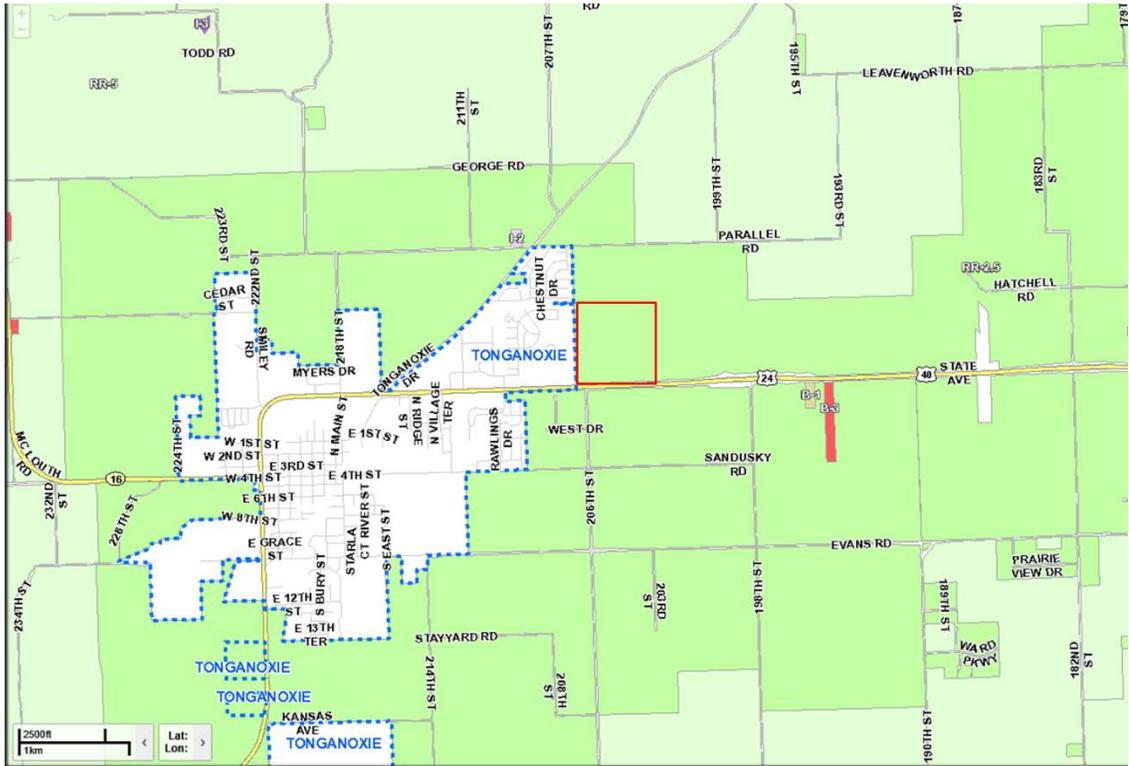
- 4) Other planting specification with the internal landscape design.
- c. The applicant shall submit final Codes, Covenants and Restrictions associated with the resort prior to approval of the final plan. The CCRs shall be subject to city review and approval to demonstrate meeting the intent of the development concepts, and to show full compliance with the design guidelines, as well as address all ongoing operation and maintenance concerns associated with the approval of the project.
- d. Any buildings or structures – particularly the proposed clubhouse, proposed gateways and gate houses, or other accessory buildings shall each require detailed site plans reviewed according to City processes, or they shall be detailed with location, extent, elevations and other planning and detailed design parameters in a final development plan.

Chris Brewster

Chris Brewster
Contract City Planner



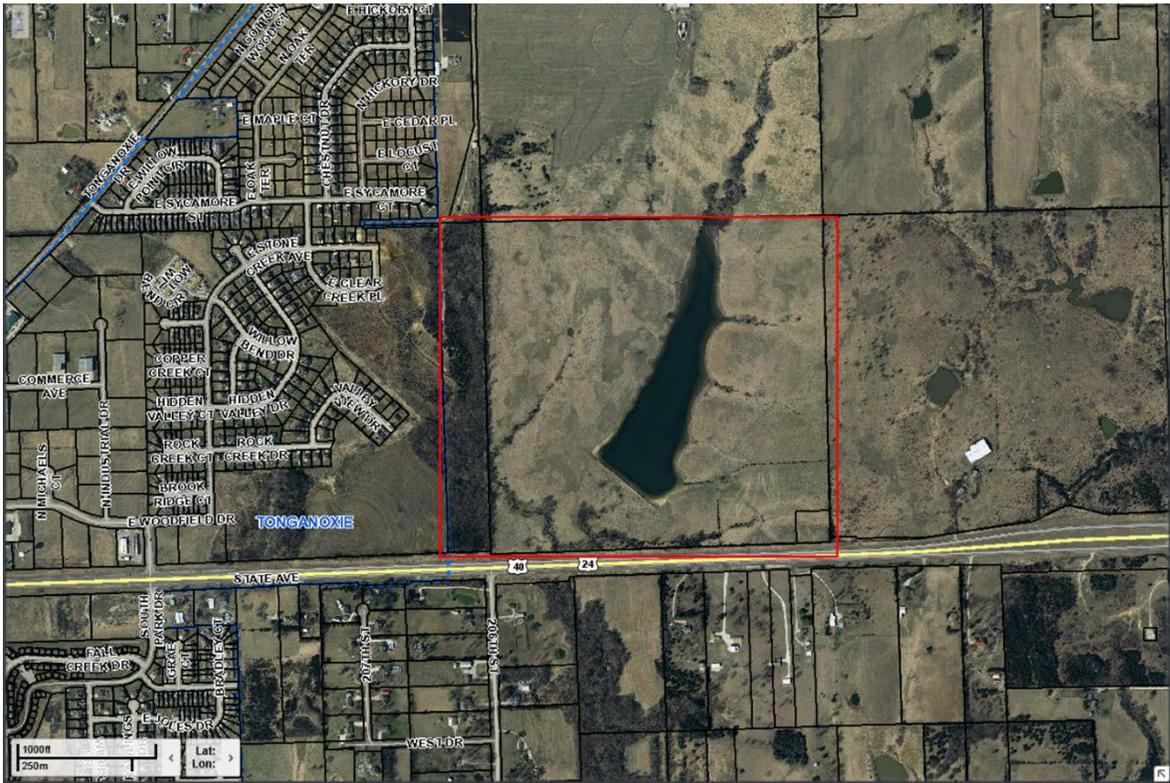
Current City Zoning (property in red box now zoned RR)



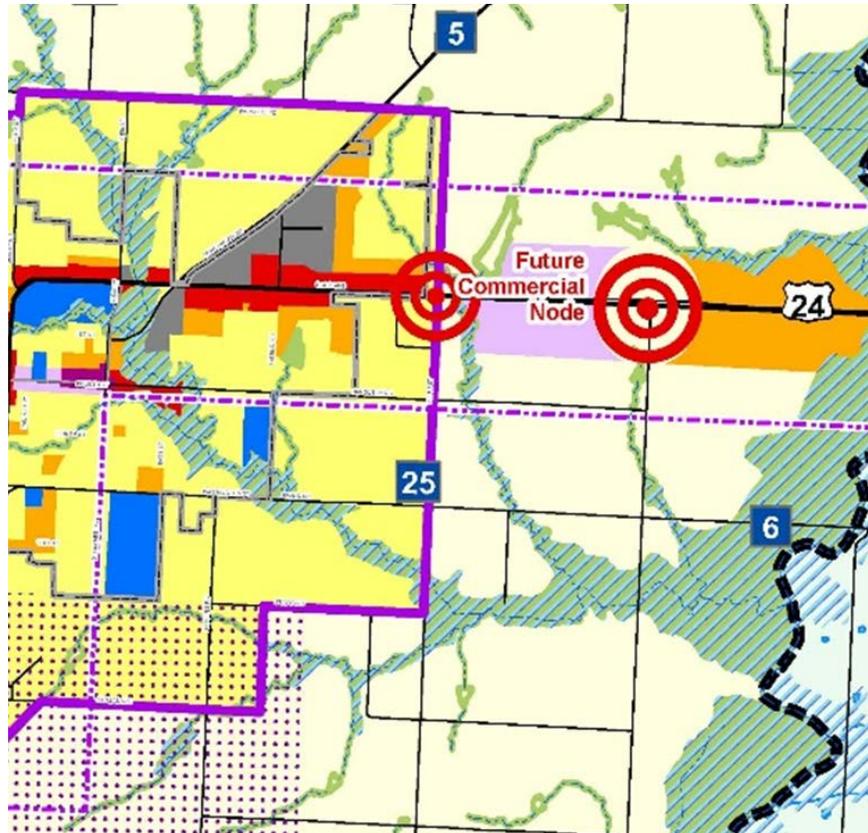
Current County Zoning (property in red box now zoned RR)



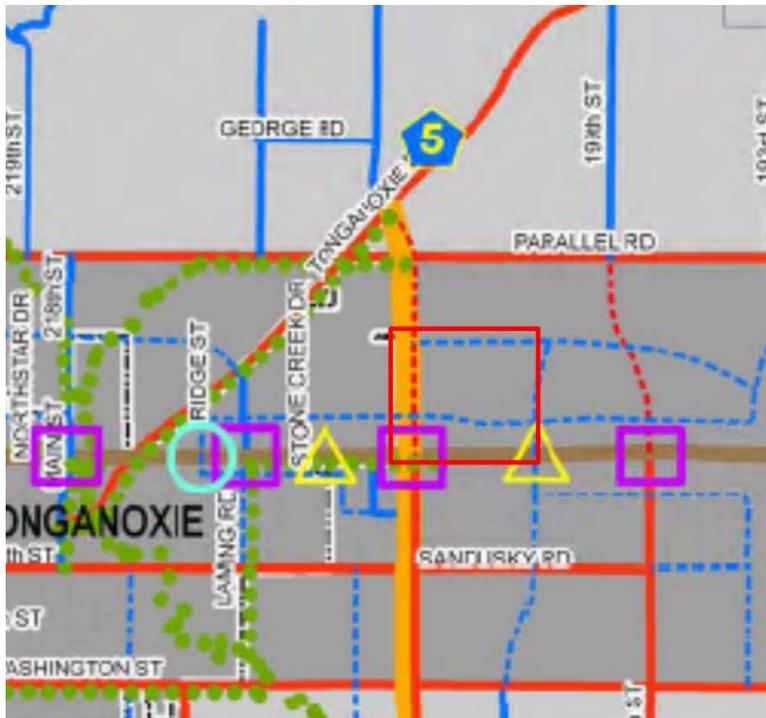
Vicinity



Area

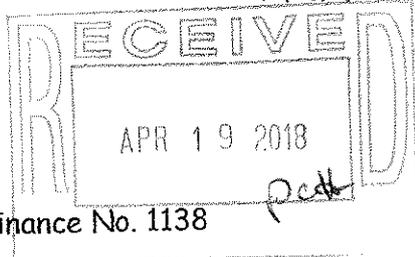


Future Land Use (Tonganoxie Comprehensive Plan 2006)



Future Transportation (US 24-40 Corridor Study 2009)

9:49am



PROTEST PETITION

We the undersigned, in accordance with Section 27-012, Part C. of Ordinance No. 1138 Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Ks, 2003, being the owners of record of the property enumerated below, protest the proposed:

- Rezoning from RR- rural residential to GBD- General Business District
- Special Use Permit _____

on the property located at North of State Ave (Hwy 24/40) and East of 206th ST

in the City of Tonganoxie. This protest petition is being filed for the following reasons:
 concerns with water for Tonganoxie Residents provided by RWD #9 to rural areas.
 concerns with all the vacant commercial properties with existing infrastructure that are in Tonganoxie and remain for sale/lease. Concern with types of businesses going in why not LBD instead of GBD.
 Concerns with traffic, noise, pollution, odor, views. Questions as to proper notification of surrounding residents and this preliminary plat has never been approved - going from 8-13 business lots.

SIGNATURE ADDRESS DATE

Douglas R Woodhead 20441 STATE AVE TONGANOXIE KS 66086 4-6-18

Patricia A. Woodhead 20441 State Ave. Tonganoxie, KS 66086 4-6-18

* Pauline Jones 20375 State Ave Tonganoxie, KS 66086 4/7/18 * see att death cer

* Charles W. Jones 20375 State Ave Tonganoxie, KS 66086 4/7/18

Carl H. Hayden 20319 STATE AVE TONGANOXIE, KS 66086 4-7-18

Patricia G. Woodhead 20261 STATE AVE TONGANOXIE, KS 66086 4-8-18

Rebecca Woodhead 20089 State Ave, Tonganoxie, KS 66086 4-8-18

John P. Hayden 18732 206th St Tonganoxie, KS 66086 4-8-18

John P. Hayden 20319 State Ave, Tonganoxie, KS 66086 4-8-18

STATE OF KANSAS)
 COUNTY OF LEAVENWORTH) ^{Johnson}

Patricia Woodhead, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and foregoing protest, and that she/he witnessed the above signatures.

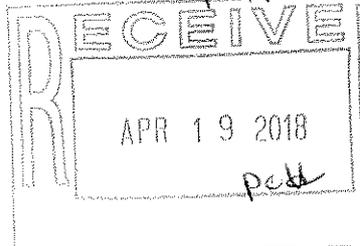
Subscribed and sworn before me the 17 day of April, 2018

[Signature]
 Notary Public

My Commission Expires 10/30/18



9:49am



Protest Petition

(Page 2 if Needed)

SIGNATURE	ADDRESS	DATE
Michael L. Bequest	18750 207 th , TONGANOXIE	4/13/18
John S. Bequest	18750 207 th , Tonganoxie, KS	4/13/18
Sandra Kay Auelo-Trust	20689 State Tonganoxie Ks.	4-14-18
Larry E. DeMott Trust	20241 STATE AVE Tonganoxie KS	4-14-18
Alice M. DeMott Trust	20241 State Ave Tonganoxie	4-14-18
George L. Healey	20171 State Ave. Tonganoxie	4-14-18
Wanda K. Healey	20171 State Ave Tonganoxie KS 66086	4-14-18
James D. Cifer	20009 STATE AVE TONGANOXIE, KS. 66086	4/16/18
Chloee	20089 STATE AVE TONGANOXIE KS 66086	4/16/18
Virginia M. Miller Trust	7996 Parallel Rd Tonganoxie KS 66086	4/16/18
John D. Brunken Chairman of the Board RWD #9	20551 Parallel, Tonganoxie, KS 66086	4/17/18
Diane Thiry - see ownership affidavit		
Patricia L. Winkler Trust - see ownership affidavit		

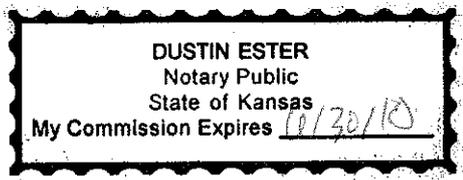
STATE OF KANSAS)
COUNTY OF LEAVENWORTH)

Patricia Woodhead Johnson, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and foregoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the 17 day of April, 2018

Dustin Ester
Notary Public

My Commission Expires 10/30/18





Office of the City Manager
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: KCRVR Item – Ordinance No. 1440 – Special Use Permit for a RV Resort

DISCUSSION:

City staff received two related applications in early 2018 proposing the rezoning of approximately 32.4 acres from “R-R” Rural District to “GBD” General Business district on the southern portion of the property and to approve a Special Use Permit for an RV Resort on approximately 120.6 acres of the northern portion of the property. The entire property encompasses the frontage area of the larger 154-acre parcel located north and east of Highway 24-40 and 206th Street. Past submittals and revisions related to this property are described in more detail in the Planning Staff Report included in the agenda packet as an attachment with Item VI.a.

As detailed in the approved Planning Commission minutes from April 5, 2018, the Planning Commission held a public hearing on the item after completion of the requirements for publication and notification of surrounding property owners. On April 5, 2018 the Planning Commission voted 3-1 to approve the recommendation to the City Council to approve the Special Use Permit request along with the staff recommendations and special use permit standards. The staff recommendations associated with this item are listed on pages 9-10 of the Planning Staff Report included in the agenda packet as an attachment with Item VI.a.

Following the recommendation of the Planning Commission, City staff received a protest petition (included as an attachment) on April 19, 2018 which was deemed valid. The requirements for a valid protest petition filed against a proposed Special Use Permit include:

- The acknowledged signatures of 20% or more of the owners of real property within the notification area surrounding the property
- Collection of said signatures within a period of 14 days following the Planning Commission public hearing date
- Submittal of the petition to City staff within the same 14 day window.

Due to the submittal of a valid protest petition, the ordinance or resolution approving the rezoning of this property must be passed by at least a ¾ vote of the members of the Governing Body.

Several related attachments are included in the agenda packet file or available online at the link found on page 1 of the agenda packet.

BUDGET IMPACT:

None.

ACTION NEEDED:

1. Make a motion to approve Ordinance No. 1440, accepting the Planning Commission’s recommendation to approve a special use permit for an RV Resort in the R-R zoning district subject to the conditions provided by staff.

ATTACHMENTS:

Ordinance No. 1440

Planning Staff Report (April 5, 2018 Planning Commission Meeting) – Attached with Item VI.a

Protest Petition received April 19, 2018

OTHER ATTACHMENTS AVAILABLE AT LINK ON PAGE 1 OF AGENDA PACKET

Approved Minutes from the April 5, 2018 Planning Commission Meeting

KCRVR Signed Special Use Permit Application

KCRVR Combined Plans

KCRVR Design Guidelines Revised 3-19-18

cc: George Brajkovic, City Manager
Shannon Marcano, City Attorney

ORDINANCE NO. 1440

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN RV-RESORT TO CERTAIN PROPERTY IN THE CITY OF TONGANOXIE, KANSAS, LOCATED ON THE NORTH PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF HWY 24/30 & 206th ST, TONGANOXIE, LEAVENWORTH COUNTY, KANSAS.

WHEREAS, under the ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE CITY OF TONGANOXIE, KANSAS, 2003, (the “Zoning Ordinance”) the Governing Body of the City of Tonganoxie, Kansas, is given the power to amend, supplement or change existing zoning regulations or grant special use permits within the City; and

WHEREAS, an application for a Special Use Permit to allow for a luxury RV Resort was received by the City and forwarded to the Tonganoxie Planning Commission in accordance with the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance requires a public hearing to be held prior to the granting of a special use permit; and

WHEREAS, a public hearing was held by the Tonganoxie Planning Commission on the 5th day of April 2018, and notice of such public hearing was provided in accordance with Kansas state law and the Zoning Ordinance; and

WHEREAS, on April 5, 2018, the Tonganoxie Planning Commission considered the application and recommended approval of the special use permit for a luxury RV Resort for the property legally described as:

A tract of land in the southwest quarter of Section 2, Township 11 south, Range 21 East of the 6th P.M., Leavenworth County, Kansas commencing at the Southeast corner of the Southwest quarter of Section 2, Township 11 south, Range 21 East of the 6th P.M., thence north 01° 19'57" west, a distance of 115.94 feet to the north ROW line of State Avenue thence north 01° 19'57" west, a distance of 348.58 feet to the second point of beginning; thence south 87° 59'43" west, a distance of 1208.90 feet; thence along a tangent curve to the right, having a radius of 470.00 feet, and an arc length of 332.32 feet; thence north 51° 29'34" west, a distance of 443.13 feet; thence along a tangent curve to the left, having a radius of 530.00 feet, and an arc length of 374.74 feet; thence south 87°59'43 west, a distance of 431.35 feet; thence along the west line of the south west ¼ of Section 2 township 11 Range 21, North 01° 30'21" west, a distance of 1693.099 feet; thence along the north line of the Southwest ¼ of Section 2 Township 11 Range 21, North 88 57'02" east, a distance of 2637.92 fee; thence south 01° 19'57" east, a distance of 2177.69 feet to the point of beginning containing approximately 121.69 acres.

With the following conditions:

- a. The Special Use Permit is limited to the following from the date of City Council

approval in order to demonstrate progress towards the overall concept for the Resort and commercial zoning to the south:

- 1) Final platting and completion of all engineering within 2 years, including a detailed phasing plan;
- 2) Commencement of Phase 1 within 3 years;
- 3) Completion of a significant portion of the resort, whether in Phase 1 or through some other phasing included with the final plat, within 5 years.

Failure to reach these benchmarks may cause the City to revisit the SUP, as well as the associated commercial zoning on other parcels.

b. Either in association with the final plat, but at least prior to commencement Phase 1, a final development plan for the resort shall be approved through the City's site plan review process, and specifically include:

- 1) A detailed planting plan dealing with the buffer and the relationship to adjacent property;
- 2) Details on the gateways demonstrating coordination with the streetscape and commercial area design;
- 3) Specifications for the platinum, gold, and silver site options; and
- 4) Other planting specification with the internal landscape design.

c. The applicant shall submit final Codes, Covenants and Restrictions associated with the resort prior to approval of the final plan. The CCRs shall be subject to city review and approval to demonstrate meeting the intent of the development concepts, and to show full compliance with the design guidelines, as well as address all ongoing operation and maintenance concerns associated with the approval of the project.

d. Any buildings or structures – particularly the proposed clubhouse, proposed gateways and gate houses, or other accessory buildings shall each require detailed site plans reviewed according to City processes, or they shall be detailed with location, extent, elevations and other planning and detailed design parameters in a final development plan.

and

Whereas, the Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on May 7th, 2018, for consideration.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

SECTION 1. That the special use permit is hereby granted for a luxury RV Resort on the property legally described as:

A tract of land in the southwest quarter of Section 2, Township 11 south, Range 21 East of the 6th P.M., Leavenworth County, Kansas commencing at the Southeast corner of the Southwest quarter of Section 2, Township 11 south, Range 21 East of the 6th P.M., thence north 01° 19'57" west, a distance of 115.94 feet to the north ROW line of State Avenue thence north 01° 19'57" west, a distance of 348.58 feet to the second point of beginning; thence south 87° 59'43" west, a distance of 1208.90 feet; thence along a tangent curve to the right, having a radius of 470.00 feet, and an arc length of 332.32 feet; thence north 51° 29'34" west, a distance of 443.13 feet; thence along a tangent curve to the left, having a radius of 530.00 feet, and an arc length of 374.74 feet; thence south 87°59'43 west, a distance of 431.35 feet; thence along the west line of the south west ¼ of Section 2 township 11 Range 21, North 01° 30'21" west, a distance of 1693.099 feet; thence along the north line of the Southwest ¼ of Section 2 Township 11 Range 21, North 88 57'02" east, a distance of 2637.92 fee; thence south 01° 19'57" east, a distance of 2177.69 feet to the point of beginning containing approximately 121.69 acres.

with the following conditions:

e. The Special Use Permit is limited to the following from the date of City Council approval in order to demonstrate progress towards the overall concept for the Resort and commercial zoning to the south:

- 1) Final platting and completion of all engineering within 2 years, including a detailed phasing plan;
- 2) Commencement of Phase 1 within 3 years;
- 3) Completion of a significant portion of the resort, whether in Phase 1 or through some other phasing included with the final plat, within 5 years.

Failure to reach these benchmarks may cause the City to revisit the SUP, as well as the associated commercial zoning on other parcels.

f. Either in association with the final plat, but at least prior to commencement Phase 1, a final development plan for the resort shall be approved through the City's site plan review process, and specifically include:

- 1) A detailed planting plan dealing with the buffer and the relationship to adjacent property;
- 2) Details on the gateways demonstrating coordination with the streetscape and commercial area design;

- 3) Specifications for the platinum, gold, and silver site options; and
- 4) Other planting specification with the internal landscape design.
- g. The applicant shall submit final Codes, Covenants and Restrictions associated with the resort prior to approval of the final plan. The CCRs shall be subject to city review and approval to demonstrate meeting the intent of the development concepts, and to show full compliance with the design guidelines, as well as address all ongoing operation and maintenance concerns associated with the approval of the project.
- h. Any buildings or structures – particularly the proposed clubhouse, proposed gateways and gate houses, or other accessory buildings shall each require detailed site plans reviewed according to City processes, or they shall be detailed with location, extent, elevations and other planning and detailed design parameters in a final development plan.

SECTION 2. That this order shall take effect and be enforced from and after its passage, approval, and publication in the Tonganoxie Mirror, the official newspaper of the City of Tonganoxie.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF MAY, 2018.

APPROVED BY THE MAYOR THIS 7th DAY OF MAY, 2018

(SEAL)

Jason K. Ward, Mayor

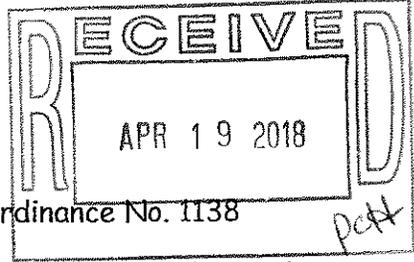
Attest:

Patricia C. Hagg, City Clerk

Approved as to form:

Shannon M. Marcano, City Attorney

9:49 am



PROTEST PETITION

We the undersigned, in accordance with Section 27-012, Part C. of Ordinance No. 1138 Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Ks, 2003, being the owners of record of the property enumerated below, protest the proposed:

- Rezoning from _____ to _____
- Special Use Permit from KCRVR, LLC to allow RV resort in the Rural Residential District on the property located at North of State Ave (Hwy 24/46) and East of 206th St.

in the City of Tonganoxie. This protest petition is being filed for the following reasons:
Concerns with water provisions for RWD#9 residents of Tonganoxie.
Concerns with noise, pollution, traffic issues, trash, odors, views. Concerns with KCRVR, LLC's
stating conflicting answers to questions, the fact that they have the luxury RV park already listed for sale
and it hasn't even been built yet. Rural water district was never notified and part of this proposed plan is on a
well servicing an entire neighborhood. Changes to preliminary plat was not approved.

SIGNATURE ADDRESS DATE

Douglas Woodhead 20441 STATE AVE TONGANOXIE KS 66086 4-6-18

Patricia A. Woodhead 20441 State Ave Tonganoxie, KS 66086 4-6-18

* Ernie Jones 20375 State Ave Tonganoxie KS 66086 4/7/18 * see attached death certificate

Charles W. Jones 20375 State Ave Tonganoxie, KS 66086 4-7-18

Carl Hayden 20319 ST AVE TONGANOXIE KS 66086 4-7-18

Janet Hayden 20319 St. Ave Tonganoxie, KS 66086 4-7-18

Betsy Howell 20261 STATE AVE TONGANOXIE KA 66086 4-7-18

Patricia A. Howell 20261 STATE AVE TONGANOXIE KS 66086 4-7-18

Rebecca Page 20089 State Ave, Tonganoxie, KS 66086 4-7-18

John 18732 206th ST Tonganoxie KS 66086 4-7-18

STATE OF KANSAS)

COUNTY OF LEAVENWORTH)

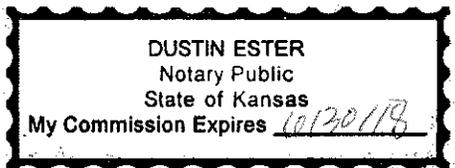
Patricia Woodhead ^{Johnson}, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and foregoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the 17 day of April, 2018

[Signature]

Notary Public

My Commission Expires 6/30/18





Office of the City Manager
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Resolution 05-18-02: Findings of Fact related to Rezoning from R-R to GBD & Ordinance No 1441: Rezoning from R-R to GBD – Casey’s Development

DISCUSSION:

City staff received three related applications in early 2018 proposing approval of rezoning from “R-R” Rural Residential District to “GBD” General Business District, a site plan, and approval of the preliminary and final plats for the property generally located on the west side of West St. (Hwy 24/40) and between 5th & 6th Streets, more commonly known as 500 West St.

The rezoning is requested for an undeveloped parcel of land located on the west side of Highway 24/40 between 5th and 6th Street. The recent annexation of the southern portion of the subject site has created a site that is zoned R-R and GBD. The site is approximately 2.3 acres, with the southern portion of 1.3 acres being recently annexed land and zoned R-R.

As detailed in the approved Planning Commission minutes from April 5, 2018, the Planning Commission held a public hearing on the rezoning item after completion of the requirements for publication and notification of surrounding property owners. On April 5, 2018 the Planning Commission unanimously approved the recommendation to the City Council of the rezoning request along with the staff recommendations and zoning considerations. The staff recommendations and zoning considerations associated with this rezoning request are listed on pages 7-10 of the attached Planning Staff Report and the approved meeting minutes.

Following the recommendation of the Planning Commission, City staff did not receive a valid protest petition within a period of 14 days following the Planning Commission public hearing date. Several related attachments are included in the agenda packet file or available online at the link found on page 1 of the agenda packet.

BUDGET IMPACT:

None.

ACTION NEEDED:

1. Make a motion to approve Resolution 05-18-02, adopting the findings of fact and conclusions as the basis for a decision to approve the rezoning of certain property filed by Casey’s Retail Company.
2. Make a motion to approve Ordinance No. 1441, amending the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, by rezoning certain property in the City of Tonganoxie, Kansas generally described as generally located on the west side of West St. (Hwy 24/40) and between 5th & 6th Streets, more commonly known as 500 West St. from “R-R” – R-Rural Zoning District to “GBD” – General Business Zoning District, subject to the staff recommendations and zoning consideration included in the Planning Staff Report from the April 5, 2018 Planning Commission Meeting.

ATTACHMENTS:

Resolution 05-18-02
Ordinance No. 1441
Planning Staff Report (April 5, 2018 Planning Commission Meeting)

OTHER ATTACHMENTS AVAILABLE AT LINK ON PAGE 1 OF AGENDA PACKET

Approved Minutes from the April 5, 2018 Planning Commission Meeting

Casey's Retail Company Signed Rezone Application

Casey's 2018-03-30 BG Consultant Engineer Review Memorandum

Casey's Revised Site Plan

GIS Aerial – Surrounding Property List

cc: George Brajkovic, City Manager
Shannon Marcano, City Attorney

RESOLUTION NO. 05-18-02

A RESOLUTION ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS AS THE BASIS FOR A DECISION TO APPROVE THE REZONING

Before the Governing Body of the City of Tonganoxie, Kansas;

Findings of Fact and Conclusions concerning request to rezone certain property filed by Casey's Retail Company, property owner.

Comes now the Governing Body of the City of Tonganoxie, Kansas and renders the following Findings of Fact and Conclusions regarding a request to rezone certain property within the City Limits of the City of Tonganoxie. These Findings and Conclusions represent the basis of the Governing Body's approval of the rezoning pursuant to its authority under K.S.A. 12-741 et seq., and all other applicable laws.

FINDINGS OF FACT

REQUEST TO REZONE PROPERTY

MEETING/PUBLIC HEARING DATE: Planning Commission meeting, dated April 5, 2018, at 7:00 PM at the Tonganoxie City Council Chambers.

SUBJECT: A request to rezone from "R-R" R-Rural District to "GBD" General Business District, the following described property:

Tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38'21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26'03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555 and reflected on survey by Richard T. Schmidt dated December 8, 2017; thence continuing South 88 degrees 26'03" West for a distance of 208.71 feet as established from survey by Richard T. Schmidt; thence North 01 degrees 39'12" West for a distance of 270.00 feet as established from survey by Richard T. Schmidt; and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26'03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39'12" East for a distance of 270.00 feet to the point of beginning.

This property is generally located on the west side of West St. (Hwy 24/40) and between 5th & 6th Streets more commonly known as 500 West St.

1. History and Current Status of Property:

The property owner has filed an application to change the zoning classification from "R-R" (R-Rural District) to "GBD" (General Business District) for the above described

property. The property owner and surrounding neighbors were notified and a Public Hearing was held by the Planning Commission on April 5, 2018. The property owner proposes to rezone the property so as to be in compliance with current zoning classifications.

Review Considerations:

The City's zoning regulations define the "GBD" General Business District (Section 16) and permitted uses as follows:

General Description: This district is intended for retail trade shall be located along arterial and collector streets and highways within the City. The district provides access for businesses serving the local and regional market. Businesses located in this area are of a higher intensity and require a larger area than those allowed in the HBD District.

Uses Permitted: Uses shall focus upon retailing of goods and services, office groupings, large institutional uses, restaurants and temporary lodging facilities and those businesses requiring large display yards.

- A. Private, public or semi-public recreational, religious or administrative uses that is appropriate and compatible in the area due to space or intensity needs.
- B. Accessory uses as necessary to the efficient operation of the main use on the site.
- C. Please refer to Appendix A for a list of suggested, permitted uses

CONCLUSIONS

The application was also be reviewed against the following considerations (*in bold italic text*) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text).

1. Character of the neighborhood.

The character of the surrounding area is a mix of smaller scale commercial buildings, residential neighborhoods, and agricultural open space. The property in question is located along US-24/40, a four-lane state highway. Uses along this street include automobile repair shops, gas stations, retail, restaurants, single-family houses and undeveloped land. Adjacent land, to the south and west, lies within Leavenworth County and is agricultural and vacant.

2. Zoning and uses of properties nearby:

Surrounding properties to the north and east are zoned for Limited Business. The property to the east is a combination of vacant land, a vacant commercial use and single-family house and a utility use. The property to the north includes a single-family house and a vacant commercial use. Rural residential zoning designations are located on currently undeveloped properties to the south and west, zoned RR 2.5 according to the Leavenworth County zoning ordinance. Other uses in the general area include general retail and food establishments and single-family homes.

The GBD zoning category requested requires the construction of a “8’ architectural screen” between commercial development and adjacent residential development according to the Zoning Ordinances, Section 14-011f. This standard would be applicable along the western and southern boundary of the subject property relating to adjacent property identified within the Comprehensive Plan for Low-Density Residential development, yet remains in Leavenworth County. Additionally, a goal of the landscape standards within the City Subdivision Regulations (Article 9, Section 4 – Landscape Requirements) is to ensure that “buffering and screening sufficiently minimizes the impact of the development upon the neighborhood.” And, identifies that screening or buffering of something short of a “completely opaque” is necessary.

3. *Suitability of subject property for the uses to which it has been restricted:*

The southern portion of the property in question has recently been annexed from the County and is zoned R-R and remains in agricultural use. The northern portion of the property is currently zoned General Business. The subject property is adjacent to properties designated for Limited Business and is located on a major road in the City (US-24/40), making the subject property suitable for uses enabled in the General Business zoning designation.

4. *Extent to which removal of the restrictions will detrimentally affect nearby property:*

Rezoning the subject property to “GBD” would not likely affect adjacent properties. The proposed zoning designation is consistent with adjacent properties within the City boundaries, notably along US-24/40. The removal of restrictions on this property would make the property more consistent with properties directly north and east along US-24/40. Property directly south and west is within Leavenworth County and undeveloped.

5. *Length of time the subject property has remained vacant as zoned:*

The subject property has not been developed in the past and has recently been annexed from Leavenworth County.

6. *Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner:*

Until recently, a portion of the subject property laid outside the City of Tonganoxie. The “GBD” zoning category enables sufficient use of the property that supports the public welfare and is consistent with adjacent property. If the property remains “RR”, the land will be limited to primarily residential uses that may not be appropriate along this section of Us 24/40.

7. *Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:*

According to the 2006 Comprehensive Plan for Tonganoxie, the area is identified as a future growth area for residential development. Additionally, nearby 4th Street is identified as a commercial corridor that feeds into the Central Business District. The comprehensive plan also states the following with regard to future commercial development in Tonganoxie:

- US-24/40: The Plan calls for careful consideration for commercial expansion along this corridor and recognizes this corridor as a location for potential growth and traditionally car-oriented uses.
- Commercial Policies:
 - The Plan calls to centralize future commercial development around major intersections, wherever possible. “Strip commercial” development is generally discouraged in the city.
 - Services and retail stores should be concentrated in the downtown area.
 - Commercial uses along US-24/40 should be compatible and sensitive to surrounding neighborhoods.
 - Commercial development proposals should be examined where there is a lack of contiguous urban development.

The use of the subject property for general business use is appropriate as an extension of the 4th Street and US-24/40 commercial node based on the current zoning and surrounding uses in the area, particularly those along the highway corridor.

8. ***Recommendations of professional staff:***

- A. Staff recommends approval of the rezoning from “RR” Rural District and “GBD” General Business District to “GBD” General Business District, with Site Plan, for Lot 1 of Casey’s Subdivision with the following conditions:
- i. The installation of a significantly opaque / solid screening or fencing along the western and southern property line of the subject property.
 - a. Such that the landscape screening as proposed in the site plan is preferred, it is recommended that a doubling of the Keteleeri Junipers, and additional lower evergreen shrubs be placed under the Honey locust trees. Additional Sea Green Junipers placed under the Honey locust trees would be recommended. These improvements would be to complete the screening to adjacent properties.
 - ii. The applicant will address the City Engineer comments regarding the Site and Utility Plans, Traffic Impact Study and Storm Water Study in his letter dated February 21, 2018 to the City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

Section 1. That having considered the request for rezoning filed by The City of Tonganoxie and reviewed all testimony and evidence submitted for the request, the

Governing Body does hereby adopt the foregoing Findings of Fact and Conclusions as the basis for its decision to approve the Rezoning.

Section 2. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 7th day of May, 2018.

SIGNED by the Mayor this 7th day of May, 2018.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

ORDINANCE NO. 1441

AN ORDINANCE AMENDING THE “ZONING ORDINANCE AND SUBDIVISION REGULATIONS” OF THE CITY OF TONGANOXIE, KANSAS, 2003, BY REZONING CERTAIN PROPERTY IN THE CITY OF TONGANOXIE, KANSAS.

WHEREAS, UNDER THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS of the City of Tonganoxie, Kansas, the Governing Body of the City of Tonganoxie, Kansas, is given the power to amend, supplement or change existing zoning regulations within said city, and;

WHEREAS, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Tonganoxie, Kansas, held a public hearing on the 5th day of April 2018, at 7:00 p.m., at the Tonganoxie City Hall Council Chambers, the official date set out as was published in the Tonganoxie Mirror newspaper; and

WHEREAS, pursuant to Resolution 05-18-02, the Governing Body adopted Findings of Fact and Conclusions supporting its decision to rezone said property.

WHEREAS, upon a motion made and duly seconded and passed, the Governing Body resolved to rezone from “R-R” (R-Rural District) to “GBD” (General Business District), the following described property:

Tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38'21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26'03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555 and reflected on survey by Richard T. Schmidt dated December 8, 2017; thence continuing South 88 degrees 26'03" West for a distance of 208.71 feet as established from survey by Richard T. Schmidt; thence North 01 degrees 39'12" West for a distance of 270.00 feet as established from survey by Richard T. Schmidt; and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26'03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39'12" East for a distance of 270.00 feet to the point of beginning.

This property is generally located on the west side of West St. (Hwy 24/40) and between 5th & 6th Streets more commonly known as 500 West St.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

SECTION 1. That the above-described property being in the “R-R” – R-Rural Zoning District is and the same is hereby rezoned to “GBD” – General Business Zoning District.

SECTION 2. That the “Zoning District Map” adopted under Section 1-015 of the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

SECTION 3. That this ordinance shall take effect and be in force from and after its passage, approval, and publication in the Tonganoxie Mirror, the official newspaper of the City of Tonganoxie, Kansas.

PASSED by the City Council this 7th day of May, 2018.

APPROVED by the Mayor this 7th day of May, 2018.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Haag, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney



Office of the City Manager
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Ordinance No. 1442; Approval of a Revised Final Development Plan, Lot 5 of Tonganoxie Business Park

DISCUSSION:

On December 4, 2017, Resolution 12-17-02 was adopted, approving the Real Estate Contract of Sale (Contract) with Unilock Chicago, Inc. for Lot 5 of the Tonganoxie Business Park. The Contract provided for a 60 day Due Diligence period for the buyer and seller to deliver items for closing. One item that is required of Unilock is Development Plan approval for the project. Although Unilock previously achieved said approval, repositioning of buildings on the site required a Revised Development Plan to be considered and approved by both Planning Commission and City Council.

On March 19 the City Council approved Resolution 03-18-03, which allowed for the following set of events to occur by adding a 45 extension to the due diligence period.

Planning Commission – May 3

Target City Council date – May 7

Due Diligence extension of 45 days = May 14

On May 3, 2018 the Planning Commission voted 5-0 to recommend approval of the Final Development Plan with the conditions proposed by staff, which are listed on page 2-5 of the attached Planning Staff Report, to the City Council. The Final Development Plan for Lot 5 of Tonganoxie Business Park is recommended for approval by staff.

BUDGET IMPACT:

None.

ACTION NEEDED:

Make a motion to approve Ordinance No. 1442, approving a Revised Final Development Plan for Lot 5 of Tonganoxie Business Park.

ATTACHMENTS:

Ordinance No. 1442

Planning Staff Report - Revised Final Development Plan (from May 3, 2018 Planning Commission Meeting)

OTHER ATTACHMENTS AVAILABLE AT LINK ON PAGE 1 OF AGENDA PACKET

Unilock Final Development Plan

Unilock FDP Storm Letter

Unilock Traffic Design Memorandum

cc: George Brajkovic, City Manager
Shannon Marciano, City Attorney

ORDINANCE 1442

AN ORDINANCE APPROVING A REVISED FINAL DEVELOPMENT PLAN FOR LOT 5 OF THE TONGANOXIE BUSINESS PARK, IN THE CITY OF TONGANOXIE, KANSAS.

WHEREAS, the property known as the “Tonganoxie Business Park” was rezoned from Rural (“R”) to Business Park District (“BP”) on May 24th, 2010, with the adoption of Ordinance 1301, and;

WHEREAS, Section 15-5 of the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie requires that a Preliminary Development Plan and a Final Development Plan be approved for property zoned BP; and

WHEREAS, a Preliminary Development Plan and a Preliminary Plat for the Tonganoxie Business Park were approved by the City Council on June 5, 2017, and a Final Development Plan was approved on or about June 5, 2017; and

WHEREAS, a Revised Final Development Plan was filed with the City and considered by the Tonganoxie Planning Commission on May 3, 2018; and

WHEREAS, on May 3rd, 2018 the Tonganoxie Planning Commission recommended approval of the Revised Final Development Plan with the following conditions:

- A. All current and future development adhere to the Business Park Design Guidelines as established for the Tonganoxie Business Park.
- B. The outdoor storage area identified be paved.
 - i. OR, at a minimum the aggregate only be allowed for a limited time, tied to the construction of the first manufacturing facility on the site, and that pavement of the outdoor stage area be paved within one-year of completion of the first manufacturing building.
 - ii. If aggregate is allowable, either permanently or temporarily, a design detail of the edging used to contain the aggregate should be provided as a design element of the plan documents.
- C. Identify the location of site lighting and demonstrate that it will not adversely affect adjacent properties.
- D. Provide dimensions of the initial building to be built prior to the issuance of a building permit.
- E. The development of all future buildings along or near the 222nd Street right-of-way, will treat the west façade, that closest to the street, as the front of the building and design it as such.

; and

WHEREAS, the Tonganoxie Planning Commission’s recommendation was presented to the Governing Body at its regularly scheduled meeting on May 7, 2018, for consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

Section 1. That the Preliminary Development Plan and Preliminary Plat for the Tonganoxie Business Park be approved with the following conditions:

- A. i. All current and future development adhere to the Business Park Design Guidelines as established for the Tonganoxie Business Park.
- B. The outdoor storage area identified be paved.
 - i. OR, at a minimum the aggregate only be allowed for a limited time, tied to the construction of the first manufacturing facility on the site, and that pavement of the outdoor stage area be paved within one-year of completion of the first manufacturing building.
 - ii. If aggregate is allowable, either permanently or temporarily, a design detail of the edging used to contain the aggregate should be provided as a design element of the plan documents.
- C. Identify the location of site lighting and demonstrate that it will not adversely affect adjacent properties.
- D. Provide dimensions of the initial building to be built prior to the issuance of a building permit.
- E. The development of all future buildings along or near the 222nd Street right-of-way, will treat the west façade, that closest to the street, as the front of the building and design it as such.

Section 2. That no building permits shall be granted before the conditions of approval are satisfied.

Section 3. That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Tonganoxie, Kansas as provided by law.

PASSED by the City Council this 7th day of May, 2018.

APPROVED by the Mayor this 7th day of May, 2018.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney



City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2018-006P

Date of Report: May 3, 2018

Applicant Name: GBA, Inc. (Harland Russell)

Property Owner Name: Unilock (Bob Moser)

Subject Property Address: Southeast Corner of 222nd Street and Kansas Avenue, Tonganoxie, KS 66086

Application:

Zoning District: BP – Business Park

Type of Approval Desired: Approval of a Revised Final Development Plan, Lot 5 of Tonganoxie Business Park

Date of Application: March 8, 2018

Date of Meeting: May 3, 2018

Surrounding Property – Zoning and Use:

West: RR-2.5 Rural District; Agriculture and Undeveloped (Leavenworth County)

South: RR-2.5 and RR-5 Rural Districts; Residential and Undeveloped (Leavenworth County)

East: BP Business Park District; Undeveloped (City of Tonganoxie)

North: BP Business Park District; Undeveloped (City of Tonganoxie)

Vicinity: The property in question represents the southwest corner of a portion of a proposed business park development, planned for light and moderate industrial and business uses. The adjacent property is proposed for future residential uses and a business park, to the east.

Staff Recommendation:

Recommend approval with conditions.

SUMMARY:

Approximately one year ago the Planning Commission and City Council approved a Preliminary Plan and Plat that established the Tonganoxie Business Park. Accompanying the establishment of the park, the property was rezoned to BP, Business Park, and a Final Development Plan was approved for the subject property for the use of the site. The proposed uses included manufacturing, storage, distribution and sales of landscape materials such as pavers, walls, fireplace features and grills for use in outdoor applications, both residential and commercial. The current application does not change the intended use of the site; however, it does change the configuration of the buildings on the site. Additionally, Design Guidelines were adopted for the Business Park as part of the Preliminary Development Plan, which are not proposed to change and remain applicable to the proposed development.

The previously approved Preliminary Development Plan rezoned approximately 140 acres from “BP” Business Park District to “BP” Business Park District with a Preliminary Development Plan. The previously approved Preliminary Plat divided the property into 6 lots and 1 tract, and establishes the rights-of-way easements and building lines. The previously approved Final Development Plan was for Lot 5 of the Tonganoxie Business Park, a 34.43-acre site located at the southwest corner of the Business Park adjacent to 222nd Street to the west. The final plan is for three buildings to be constructed over time, with the first building being located at the north central section of the site, along the new Business Park Drive, to serve as a “check-out and storage” building to support the pick-up, delivery and storage of material on-site. Subsequent buildings were proposed for the manufacturing of products on site in addition to the storage and distribution uses.

ANALYSIS:

The proposed Final Development Plan for Lot 5 of the Business Park conforms to the preliminary development plan for the Business Park. The plan identifies the immediate development of the northern portion of Lot 5 for the construction of an office, show garden, outdoor product storage area and 35 paved parking spaces. The outdoor storage area is approximately 5 acres in size (15% of the site) and is proposed to be surfaced with aggregate. The initial office building is proposed to be approximately 6,800 square feet in size and be utilized for office space and product pick-up/checkout. The show garden space is proposed to be approximately 10,700 square feet in size and be used to display company products.

Landscaping is proposed at the northern and western edges of the site along Business Park Drive and 222nd Street, where current development is proposed. Subsequent areas of landscape will be installed as construction occurs. The revised Final Development Plan identifies two additional buildings on site for future manufacturing or product. The size of the future buildings is similar to what was previously approved, however their exact size is not delineated. The location of one of the future buildings has changed to move the buildings to the north and west and move the proposed future outdoor storage to the southern and eastern portions of the site. The timing of future development on Lot 5 is governed by the real estate agreement between the City of Tonganoxie and Leavenworth County.

Staff Recommendations:

Staff recommends Approval of the Final Development Plan for Lot 5 of the Tonganoxie Business Park with the following conditions:

- A. All current and future development adhere to the Business Park Design Guidelines as established for the Tonganoxie Business Park.
- B. The outdoor storage area identified be paved.
 - i. OR, at a minimum the aggregate only be allowed for a limited time, tied to the construction of the first manufacturing facility on the site, and that pavement of the

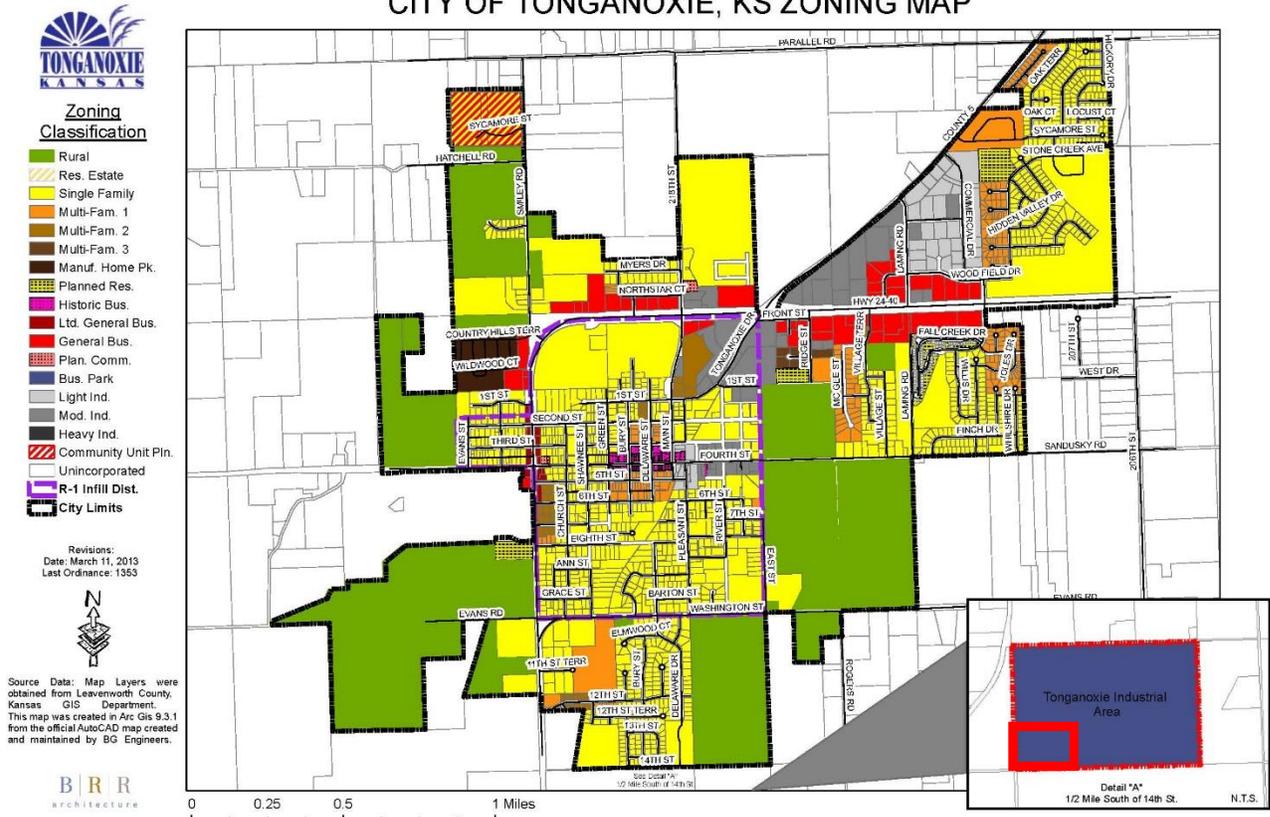
outdoor stage area be paved within one-year of completion of the first manufacturing building.

- ii. If aggregate is allowable, either permanently or temporarily, a design detail of the edging used to contain the aggregate should be provided as a design element of the plan documents.
- C. Identify the location of site lighting and demonstrate that it will not adversely affect adjacent properties.
- D. Provide dimensions of the initial building to be built prior to the issuance of a building permit.
- E. The development of all future buildings along or near the 222nd Street right-of-way, will treat the west façade, that closest to the street, as the front of the building and design it as such.

Graham Smith

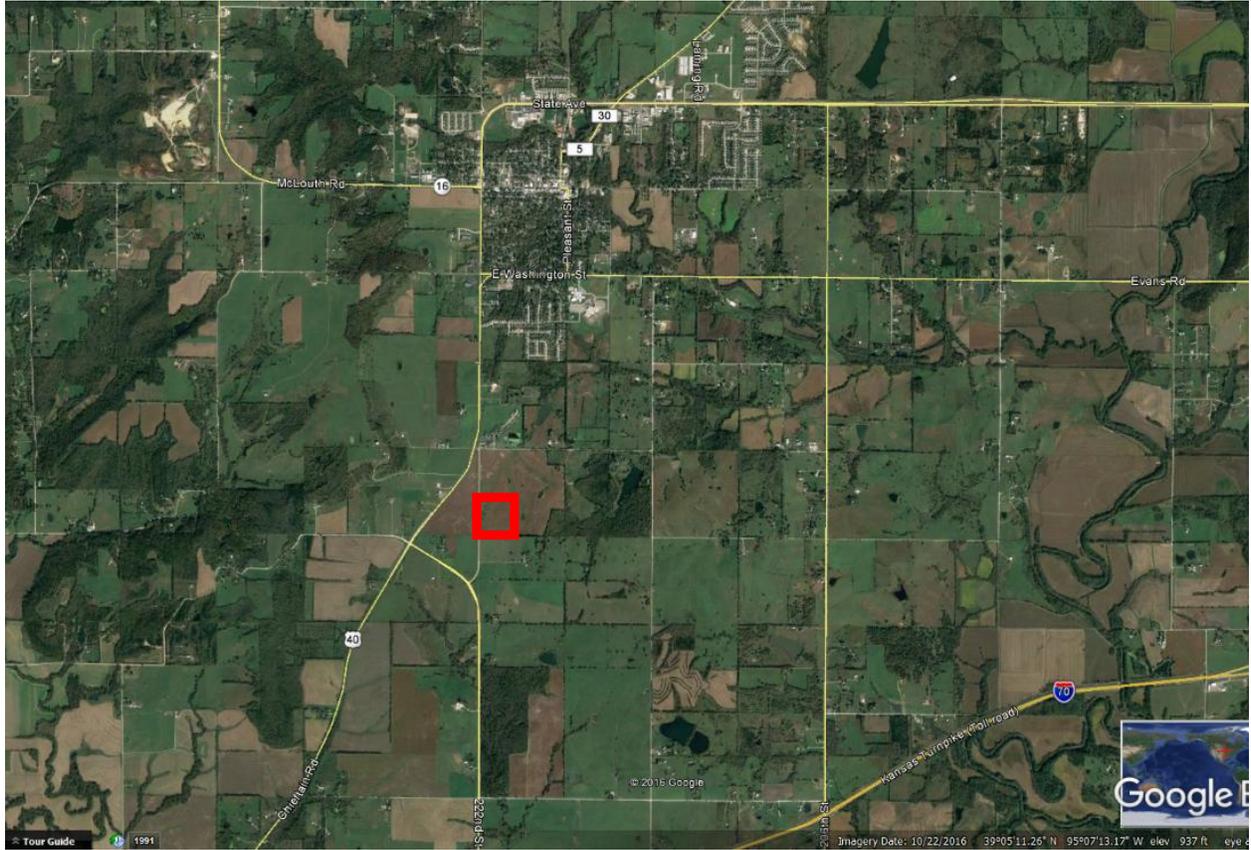
Graham Smith, AICP
Contract City Planner

CITY OF TONGANOXIE, KS ZONING MAP



Current City Zoning (property in red box now zoned I-LT)

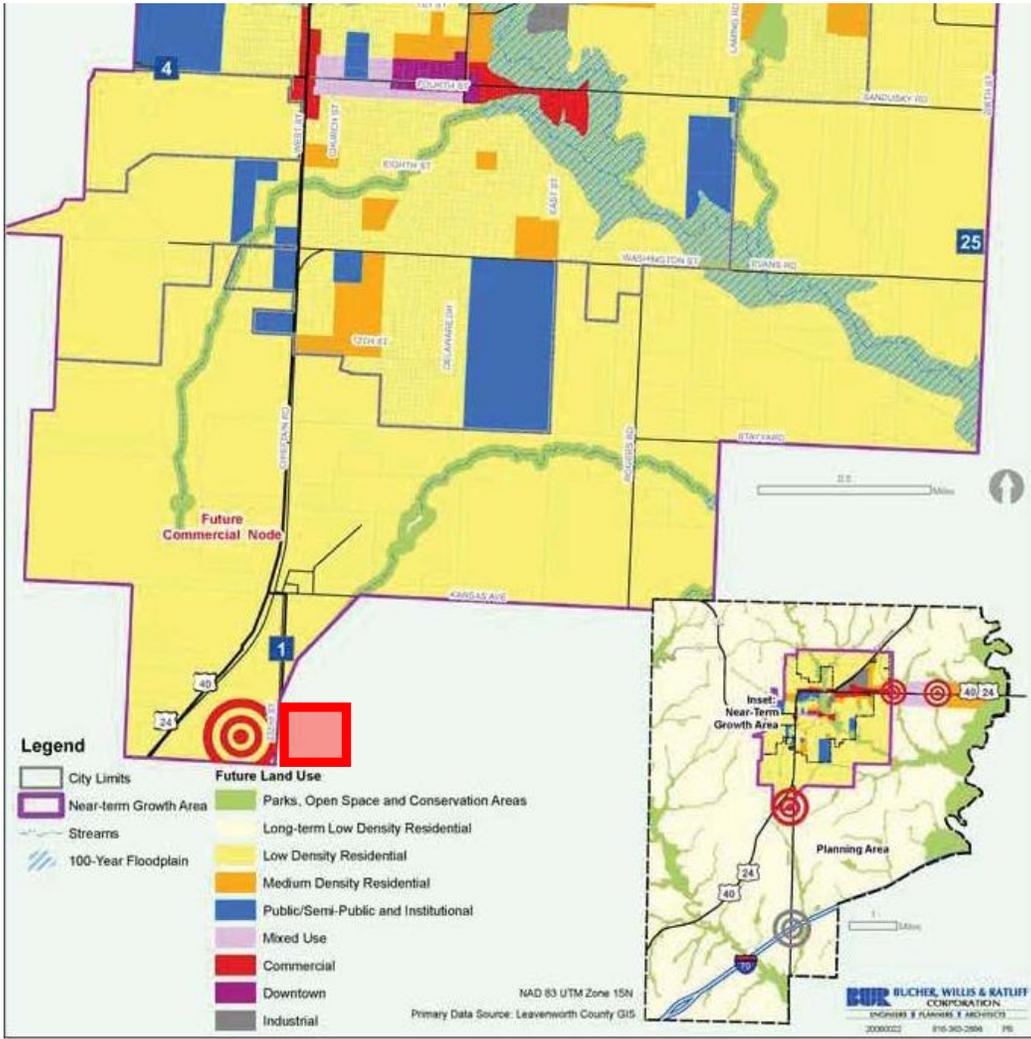
Vicinity



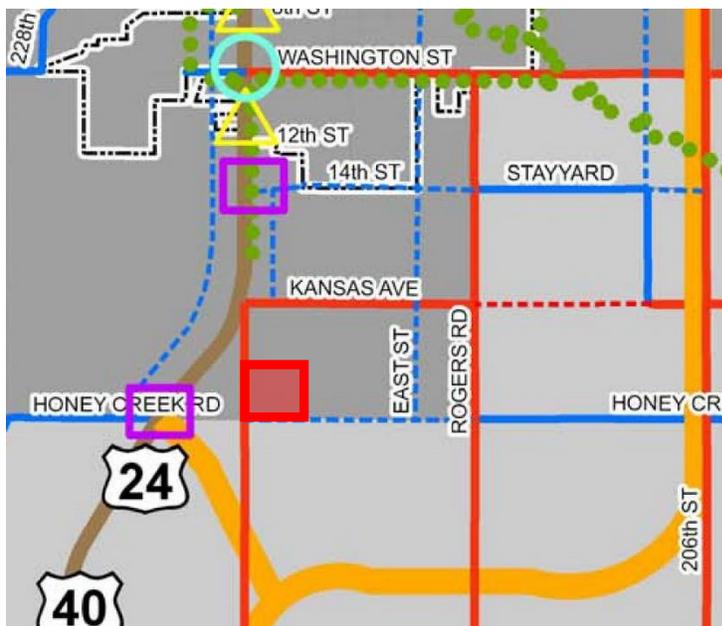
Area



Future Land Use (Tonganoxie Comprehensive Plan 2006)



Future Transportation (US 24-40 Corridor Study 2009)





Office of the City Manager
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Temporary CMB License for Abdallah Shrine Rodeo at the Leavenworth County Fairgrounds

DISCUSSION:

The Abdallah Shriners have submitted an application for a temporary cereal malt beverage (CMB) permit for the annual rodeo and demolition derby scheduled to take place at the Leavenworth County Fairgrounds May 24 - May 26 from 7 a.m. - 11 p.m. The dates requested for the permit include May 22 – May 27 in order to allow for delivery and disposal of the alcoholic beverages for the event. The applicant has paid the \$150.00 fee.

The applicant also provided:

- An Event description
- A CMB application and \$150 fee
- A copy of the lease agreement with the Leavenworth County Fair Board

BUDGET IMPACT:

None. A portion of the revenue received from CMB licenses is remitted to the State of Kansas, and the remainder is deposited in the City's General Fund. The General Fund budget anticipates this revenue each year, though it makes up a very small portion of total revenue collected in the General Fund.

ACTION NEEDED:

Make a motion to approve the temporary CMB application for Abdallah Shrine Rodeo for consumption on the Leavenworth County Fairgrounds premises.

ATTACHMENTS:

Temporary CMB Application & Attachments

cc: George Brajkovic, City Manager

The City of
Tonganoxie
KANSAS

Temporary CMB Permit Application

Name of Business/Organization Abdallah Shrine

Address/Vicinity of Proposed Event Leavenworth Co. Fairgrounds 405 W. 4th St.

Type of Event Race / Demolition Derby

Start Date 5/21/18 End Date 5/26/18 Application Date _____

Hours of Event 7am - 11pm

- \$150.00 fee is attached
- A letter is attached describing the proposed event in detail, the hours of operation, the duration of the event, anticipated attendance; and any structures, signs or attention-attraction devises used in conjunction with the event.
- A letter is attached from the property owner/manager agreeing to this special event. (Not required if applicant is the owner).

Yes No
 Anticipated need for police, fire or municipal services. If yes state what services will be needed. Services have already been arranged through Police Chief, Fire Chief, & Ambulance Service.

APPLICANT

NAME Abdallah Shrine

ADDRESS 5300 Metcalf Ave.

CITY Overland Park, KS

PHONE 913-362-5300 FAX 913-362-0776

EMAIL Office@abdallahshrine.org



Letter of Event Description – Abdallah Shrine Rodeo

Rodeo activities will begin at approximately 6:00 PM on Thursday and Friday, May 24-25, 2018, and should be completed by approximately 12:00 AM.

On Saturday May 26 there will be a demolition derby with gates opening at 6:00 PM and should be completed by approximately 12:00 AM.

Additionally, there will be a SWAP the same days, the hours of which will be from 7:00 AM to 7:00 PM on Friday and Saturday.

Anticipated attendance is between 2 to 3 thousand daily.

There will be several concession stands selling food items and soft drinks.

We are requesting a temporary cereal malt beverage license in order to sell product during the hours of operation. Wrist bands will be required and will only be issued to individuals who provide identification certifying they are of legal age to purchase and consume product.

Although cereal malt beverage will only be sold on event days, it is necessary that our license be effective from Tuesday May 22 through Sunday May 27. This will enable the selected beer distributor to legally deliver the beer to the fairgrounds during the setup days and will allow it to legally be on the premise during the cleanup and tear down day following the event.



LEAVENWORTH COUNTY FAIR ASSOCIATION FAIRGROUNDS USE AGREEMENT

1. **Fairgrounds Use Agreement:** entered into on February 1, 2018 between the Leavenworth County Fair Association, hereafter referred to in this document as the LCFA and Abdallah Shriner's, hereafter referred to in this document as SHRINER. Whereas, the LCFA maintains all authority to operate, control, and maintain the Leavenworth County Fairground located at 405 West 4th Street, Tonganoxie, KS 66086 hereafter referred to as the FAIRGROUND. Therefore, LCFA and SHRINER parties mutually agree as follows:
2. **Dates of Use:** The LCFA agrees to lease the FAIRGROUND to SHRINER to hold the Abdallah Shrine Rodeo Days at the LCFA FAIRGROUND. This agreement shall be in force from the date entered above in paragraph one (1) until December 31, 2020. The usage lease periods shall be held during the following time intervals:
 - Sunday, May 20, 2018 thru Tuesday, May 29, 2018
 - Sunday, May 19, 2019 thru Tuesday, May 28, 2019
 - Sunday, May 17, 2020 thru Tuesday, May 26, 2020Any additional activities or extended time shall require the consent of LCFA.
3. **Payment Arrangements:** SHRINER shall pay the LCFA:
 - the sum of \$5000.00 in 2018
 - the sum of \$5000.00 in 2019
 - the sum of \$5500.00 in 2020for the use of the FAIRGROUND facilities for each year described above within this agreement. Payment shall be made prior to the first date listed above for each year of this agreement. This sum shall be paid no later than July 1 of the same year as each lease period.
4. **Facilities:** LCFA agrees to allow SHRINER the use of the following buildings and facilities for the purpose of holding a rodeo event. Facilities include the approximately three thousand six hundred (3600) seat grandstand arena, parking lots, shower/restroom building located outside the southeast corner of the Grandstand Arena, Horse Arena, 4-H Building, 4-H office located in the north end of Show Arena, east campgrounds, east shower building, and the Administration Building except in the event described in number five (5) of this agreement.
5. **Exclusions:** Facility exclusions for SHRINER use includes any property not owned by LCFA, the LCFA office located within the Administration Building, copiers, printers, arena rake, and any other equipment owned or jointly owned by LCFA.
6. **Disaster:** Any disaster such as fire, tornado, excessive wind, hail, terroristic act, or any other damage of facility that affects the FAIRGROUND in any capacity shall suspend the lease periods until such repair can be made to hold safe events.
7. **Security:** SHRINER shall provide sufficient security to assure all provisions outlined in number two (2) and thirteen (13) of this agreement are followed for the duration of the lease periods.
8. **Insurance:** SHRINER shall provide LCFA with a valid insurance certificate no less than fourteen (14) days prior to first date listed above for each year of the lease periods. This insurance shall endorse LCFA as additional insured that will insure against personal injuries and damages caused by SHRINER, employees, agents, volunteers, participants, spectators, contractors, and subcontractors. SHRINER liability insurance shall be in the



amount of no less than \$1,000,000 (\$1 million) per occurrence and shall ensure against property damages in the amount of \$1,000,000 (\$1 million). SHRINER agrees to release, indemnify, and hold harmless the LCFA for any and all claims, actions, liability, loss or cost of or connected with or related to any events or activity during the duration of the lease periods.

9. **Supplies:** All single use supplies shall be provided or replaced by SHRINER including, toilet paper, paper towels; single use cleaning supplies, soap, etc. SHRINER are permitted to utilize mops, mop buckets, brooms, sweepers, floor cleaners, etc. that are not single use.
10. **Damages:** SHRINER is responsible for any and all damages to the facilities to include buildings, grounds, equipment, trolley's, bleachers, etc. and SHRINER shall leave the FAIRGROUNDS in as good or better condition prior to lease for use. This provision includes and is not limited to removal of all refuse, recycled materials, cleaning of restrooms, and all other facilities including reestablishment of damaged grass, bushes, flowers, etc. injured during the duration of the lease periods. SHRINER is responsible for all damage for any reason including the SHRINER organization, volunteers, helpers, participants, and/or spectators for the duration of the lease periods.
11. **Inspection of Premises:** Prior to the SHRINER annual lease period commencement, at least two representatives each from LCFA and SHRINER shall conduct a simultaneous inspection for the purpose of documenting any preexisting conditions. A second inspection shall take place at the conclusion of the lease periods. All damages and deficiencies shall be identified and documented. LCFA shall approve all corrective actions and document such actions. LCFA shall not hold any monetary or other responsibility for any and all indemnities and deficiencies caused for any reason during the duration of the lease periods.
12. **Repairs:** Any repair SHRINER deems necessary, must be approved by LCFA prior to any correction or modification. Work must be performed by a qualified person. Invoices for repairs must be presented to LCFA within 30 days of the date on the invoice for reimbursement.
13. **Laws:** SHRINER shall read, understand, and abide by all LCFA rules, regulations, and limitations of and by the LCFA including alcohol outside of the fenced Grandstand Arena. Additionally, SHINERS, spectators, participants, helpers, volunteers, and/or anyone present on the FAIRGROUNDS shall obey to all federal, state, and local laws. SHRINERS shall enforce all laws, rules, regulations, and limitations for the duration of the lease periods. Any violation may constitute termination of this agreement and immediate dismissal from the FAIRGROUND.
14. **Non-Discrimination Statement:** LCFA does not discriminate on the basis of race, color, religion, national origin, political affiliation, sexual orientation, sex, gender identity, marital status, disability, age, or any other discriminatory factor. LCFA will not tolerate discrimination on FAIRGROUND.
15. **Non-Compete:** LCFA shall not lease FAIRGROUNDS to any other professional rodeo company or promoter or demolition derby for up to 60 days before or 60 days after the SHRINER lease periods as specified in two (2) for the duration of this agreement.
16. **Equipment Storage:** LCFA agrees to allow SHRINER to store panels and up to two (2) panel trailers on the fairgrounds free of charge for the duration of this agreement. SHRINER will not hold LCFA liable for any injury, damages, or theft of SHRINER property. LCFA shall direct the location of the SHRINER equipment. LCFA will stage

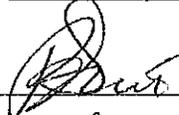


the trailers in the area north of the Grandstand Arena prior to the lease periods as described in two (2) of this agreement.

- 17. **Equipment Use:** SHRINER shall allow LCFA the use panels and pens owned by the SHRINER for rodeo performances during the annual Leavenworth County Fair free of charge. LCFA agrees to repair or replace any panels or pens damaged during these events. SHRINER shall be covered for liability insurance by the LCFA in the event of injury during a fair by the SHRINER panels and pens.
- 18. **Cancellation by SHRINER:** In the event the SHRINER ceases continuation of their event at the FAIRGROUND, LCFA must receive written notification a minimum of one hundred eighty (180) days prior to the first day of each lease period. In the event of cancellation for any reason within one hundred eighty (180) days of the lease period, SHRINER shall pay ½ of the amount due as specified in three (3) of this agreement.
- 19. **Addendums:** LCFA and SHRINER agree to additional provisions as identified and described in Attachment A of this agreement.
- 20. **Signature Binding:** LCFA and SHRINER representatives signing this agreement hold the authority by their respective entity to enter into and sign this agreement.

SHRINER Representative

SHRINER Representative

Signed: 

Signed: _____

Printed name: Bennie Smith

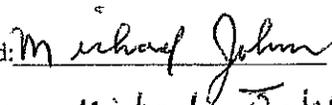
Printed name: _____

Title: Potentate

Title: _____

LCFA Representative

LCFA Representative

Signed: 

Signed: _____

Printed name: Michael Johnson

Printed name: _____

Title: President

Title: _____



Attachment A:

- a. LCFA agree to provide sufficient material for foot traffic in high traffic areas in areas around the Grandstand arena for spectators. Specifically, in 2018, LCFA will add gravel or AB-3 material in areas to prevent muddy areas for spectators.
- b. LCFA shall notify SHRINER in the event any other entity wishes to utilize any SHRINER owned equipment. Details shall be negotiated between SHRINER and the interested party. SHRINER shall notify LCFA of any agreement.
- c. LCFA and SHRINER agree to work in conjunction to provide the labor and equipment necessary to repair and rejuvenate the arena in 2018.
- d. SHRINER agree to provide ½ of new dirt for the repair of the arena damaged from the introduction of gravel into the arena.
- e. SHRINER are permitted to use the LCFA Trolleys to transport people provided SHRINER insurance certificate or other written evidence from SHRINER insurance company supports coverage of this activity.
- f. SHRINER agree to provide admission to all events for up to 5 LCFA members and spouses for the purpose of support and collaboration.
- g. LCFA will allow SHRINER to hold a rodeo, demolition derby, car show, swap meet, and craft show during the 2018, 2019, and 2020 usage lease periods. Any other event or activity is not allowed during the usage lease period without the written consent of LCFA.
- h. Two (2) sets of keys shall be provided to SHRINER for designated facilities during the pre-inspection of premises. All keys shall be returned to LCFA on or before the post-inspection as described in eleven (11) of this agreement.



Office of the City Manager
AGENDA STATEMENT

DATE: May 7, 2018
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Health Insurance Renewal Agreement for 2018-2019 Plan Year

DISCUSSION:

The City recently received our health insurance renewal rates from Blue Cross Blue Shield of Kansas for the 2018-2019 plan year, which goes from July 1, 2018 to June 30, 2019. The City's plan offerings and rate structure changed significantly last year due to requirements of the Affordable Care Act, which required groups with less than 50 full-time equivalents to pay premiums based on employee and dependent ages. As such, the City no longer can have set rates that are the same for every employee, and, instead, each employee's rates are different for each plan that is available based on their age and the age of every spouse and dependent on their plan. That approach is continued in the upcoming plan year.

City staff conducted an in-depth analysis of the new rates and determined that the most equitable way to determine the employer-paid portion of the premium was to keep the rate calculation the same that it has been in the past. The City's current package currently offers four plans, and the package in the proposed renewal agreement will continue to offer the same four plans with minor changes.

The employer-paid portion of the monthly premium is calculated as follows:

Table with 2 main sections: High-Deductible Plan and Option 3 - \$1,500 Deductible Plan. Each section has columns for Plan Type and % of Premium Paid by City.

If an employee chooses to enroll in a plan with a lower deductible (and higher premium), such as Option 2 or 1, the City will still only pay the respective percentage of the Option 3 premium, and the employee will be responsible for covering the cost difference, or "buying up." Based on this rate calculation, the City can expect to pay an additional \$28,000 per year more than the current rate of charges, for a total increase of about 11.5%. The other major changes besides premium rates is that the Co-insurance rate for Plan Option 2 and Plan Option 3 increased from 20% - 30%, and the Primary and Specialist Home & Office Visit co-pay charges each decreased for the same two plans. These changes do not compromise the applicability of the plans for the needs of City employees, and the limited level of benefit coverage changes promises to simplify the open enrollment process with employees choosing the plan that is best for their needs.

While rates experienced an increase, the level of benefit coverage offered to employees under the four plan options remained largely the same. The rate increases experienced last year came in at less than the industry average, while the renewal rates this year landed much closer to the experience of other organizations of a similar size. Based on research with similar organizations, the City is fortunate to have avoided a rate increase of closer to 15% - 20%.

Additional information regarding plan changes and how the rates have changed for each individual employee is attached.

BUDGET IMPACT:

The City budgeted a total of \$314,203 for health insurance in 2018. The new plan rates, assuming no changes in plan selections, will cost the City approximately \$272,277 over an entire year, which is a 11.5% increase from the City's current rates and can be paid with existing budget authority.

ACTION NEEDED:

Make a motion to authorize approval of a new agreement with Blue Cross Blue Shield of Kansas for employee health insurance coverage for plan year 2018-2019.

ATTACHMENTS:

Employee Premium Comparison – 2017/2018 to 2018/2019

Health Insurance Plan Offerings Comparison – 2017/2018 to 2018/2019

cc: George Brajkovic, City Manager

Current Plan Choice	Current Employer Share of Monthly Premium	Current Employee Share of Monthly Premium	Current Total Monthly Premium	2018/19 Total Monthly Premium	Total Monthly Premium - % Change	2018/19 Employer Share of Monthly Premium	2018/19 Employee Share of Monthly Premium
Option 3 - Single	357.95	18.84	376.79	404.05	7.2%	383.85	20.20
None	-	-	-	None		-	-
Option 2 - Single	527.34	39.07	566.41	618.25	9.2%	577.05	41.20
High Deductible - Single	675.74	-	675.74	731.39	8.2%	731.39	-
None	-	-	-	None		-	-
Option 1 - Employee/Family	814.28	430.70	1,244.98	1,401.35	12.6%	915.82	485.53
High Deductible - Employee/Spouse	949.91	105.54	1,055.45	1,167.98	10.7%	1,051.18	116.80
Option 2 - Employee/Family	1,090.05	393.02	1,483.07	1,779.28	20.0%	1,311.09	468.19
Option 3 - Employee/Spouse	579.39	102.24	681.63	718.19	5.4%	610.46	107.73
Option 1 - Single	270.16	55.92	326.08	341.71	4.8%	282.87	58.84
Option 2 - Single	334.45	24.78	359.23	375.19	4.4%	350.19	25.00
Option 1 - Single	293.65	60.80	354.45	382.37	7.9%	316.53	65.84
Option 3 - Employee/Spouse	1,195.03	210.89	1,405.92	1,502.77	6.9%	1,277.35	225.42
Option 1 - Employee/Family	795.52	420.76	1,216.28	1,409.89	15.9%	921.40	488.49
Option 2 - Single	776.14	57.52	833.66	894.65	7.3%	835.02	59.63
Option 3 - Employee/Children	658.59	219.53	878.12	1,040.05	18.4%	884.04	156.01
Option 2 - Employee/Spouse	790.40	158.46	948.86	1,034.06	9.0%	863.55	170.51
Option 1 - Employee/Family	646.65	342.04	988.69	1,088.34	10.1%	608.12	480.23
Option 1 - Employee/Children	443.05	154.66	597.71	676.24	13.1%	500.87	175.37
Option 2 - Employee/Spouse	1,128.08	226.15	1,354.23	1,479.26	9.2%	1,235.34	243.92
Option 1 - Single	302.30	62.59	364.89	387.84	6.3%	321.05	66.79
Option 1 - Single	482.49	99.90	582.39	637.28	9.4%	527.54	109.74
Option 1 - Single	482.49	99.90	582.39	637.28	9.4%	527.54	109.74
Option 1 - Employee/Children	592.92	118.87	711.79	826.75	16.2%	690.43	136.32
Option 2 - Single	302.30	22.40	324.70	343.98	5.9%	321.05	22.93
Option 2 - Single	283.12	20.98	304.10	329.43	8.3%	307.48	21.95
Option 1 - Employee/Family	733.03	387.72	1,120.75	1,282.09	14.4%	837.88	444.21
Option 1 - Single	270.15	55.93	326.08	341.71	4.8%	282.87	58.84
Option 1 - Single	270.15	55.93	326.08	343.07	5.2%	284.00	59.07
Option 2 - Employee/Family	948.00	341.82	1,289.82	1,575.93	22.2%	1,161.24	414.69
Option 3 - Employee/Family	966.56	322.19	1,288.75	1,579.89	22.6%	1,184.92	394.97
Option 3 - Single	330.18	17.32	347.50	366.24	5.4%	347.93	18.31
Option 3 - Employee/Children	1,139.44	201.08	1,340.52	1,432.21	6.8%	1,217.38	214.83
Option 1 - Employee/Family	920.92	487.11	1,408.03	1,564.34	11.1%	1,022.34	542.00
City Employees - Total	20,350.43	5,314.66	25,665.09	28,693.06	11.8%	22,689.78	6,003.28

2018 Annual Budget for Health Insurance (Employer Portion) - \$314,203

Total Employer Cost for Scenario 1 - \$272,277

*Total employer cost assumes no employee turnover. If an employee quits and a new employee is hired and selects different coverage, the cost could be more or less. This cost also assumes all employees stay on the plan in which they are currently enrolled.

Option 1 - Employee/Family	1,224.11	-	1,224.11	1,403.05	14.6%	1,403.05	-
Option 1 - Employee/Spouse	1,361.40	-	1,361.40	1,491.55	9.6%	1,491.55	-
Option 1 - Single	411.52	-	411.52	436.70	6.1%	436.70	-
Library Employees - Total	2,997.03	-	2,997.03	3,331.30	11.2%	3,331.30	-

Health Insurance Plans Comparison - 2017/2018 (current) to 2018/2019								
Coverage Type	Option 1		Option 2		Option 3		High Deductible	
	Current	2018-2019	Current	2018-2019	Current	2018-2019	Current	2018-2019
Deductible	\$500/\$1,000	\$500/\$1,000	\$1,000/\$2,000	\$1,000/\$2,000	\$1,500/\$3,000	\$1,500/\$3,000	\$4,000/\$8,000	\$4,000/\$8,000
Coinsurance (% paid by member)	20%	20%	20%	30%	20%	30%	0%	0%
Annual Out-Of-Pocket Max	\$1,500/\$3000	\$1,500/\$3000	\$4,000/\$8,000	\$6,350/\$12,700	\$4,000/\$8,000	\$6,350/\$12,700	\$4,000/\$8,000	\$6,350/\$12,700
Home and Office Visits - Primary	\$25	\$25	\$35	\$25	\$35	\$25	Deductible then \$0	Deductible then \$0
Home and Office Visits - Specialists	\$50	\$50	\$70	\$50	\$70	\$50	Deductible then \$0	Deductible then \$0
Emergency Room	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Deductible then \$0	Deductible then \$0
Inpatient Hospital Services	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Deductible then \$0	Deductible then \$0
Preventive Care	100% Coverage	100% Coverage	100% Coverage	100% Coverage	100% Coverage	100% Coverage	100% Coverage	100% Coverage
Immunizations	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Deductible then \$0	Deductible then \$0
Outpatient lab and radiology	\$300 paid at 100%, then subject to Deductible/Co-insurance	\$300 paid at 100%, then subject to Deductible/Co-insurance	\$300 paid at 100%, then subject to Deductible/Co-insurance	\$300 paid at 100%, then subject to Deductible/Co-insurance	\$300 paid at 100%, then subject to Deductible/Co-insurance	\$300 paid at 100%, then subject to Deductible/Co-insurance	Deductible then \$0	Deductible then \$0
Prescription Drugs - Retail	\$15/\$50/\$75/\$150	\$15/\$50/\$75/\$150 Specialty Non-Formulary: 20% Coinsurance not to exceed \$250	\$15/\$50/\$75/\$150	\$15/\$50/\$75/\$150 Specialty Non-Formulary: 20% Coinsurance not to exceed \$250	\$15/\$50/\$75/\$150	\$15/\$50/\$75/\$150 Specialty Non-Formulary: 20% Coinsurance not to exceed \$250	Deductible then \$0	Deductible then \$0
Mail Order Drugs (Specialty drugs not covered)	\$37.5/\$125/\$187.5/\$375 3 Month Supply	\$37.5/\$125/\$187.5/\$375 3 Month Supply	\$37.5/\$125/\$187.5/\$375 3 Month Supply	\$37.5/\$125/\$187.5/\$375 3 Month Supply	\$37.5/\$125/\$187.5/\$375 3 Month Supply	\$37.5/\$125/\$187.5/\$375 3 Month Supply	Deductible then \$0	Deductible then \$0
Outpatient surgery	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Subject to Deductible/Co-insurance	Deductible then \$0	Deductible then \$0

March 28, 2018

TERESA BASTRON
CITY OF TONGANOXIE
321 S DELAWARE
TONGANOXIE, KS 66086

RE: Renewal of Group Dental Contract
Group #52575-0

Dear Teresa Bastron:

Your contract with Delta Dental of Kansas will renew on **July 1, 2018**. It is our pleasure to serve you and your employees again and we are committed to our continued partnership.

Even though Delta Dental makes every effort to hold increasing dental costs to a minimum, your dental premium renewal rates for July 1, 2018 experienced an increase. Effective **July 1, 2018**, the premium for your dental coverage will be as follows:

	<u>Current Rates</u>	<u>New Rates</u>
Employee:	\$27.15	\$27.96
Family:	\$95.08	\$97.82

NOTE: The frequencies for Diagnostic & Preventive services will be changed from once (1) every six (6) months to two (2) times per Calendar year.

Enclosed is a policy endorsement to indicate your acceptance of this renewal. If options are provided, please initial the box next to your preferred option, then sign and return the endorsement via fax to (913) 381-8312, or email to ddpkc@deltadentalks.com. **This endorsement must be returned by June 1, 2018 to ensure timely submission of your group's renewal.** Please attach a copy of the endorsement to your current contract for your records. *If the signed endorsement is not returned prior to your renewal date shown above, your group will be re-enrolled at current benefit levels with the new rates noted above.*

We look forward to the continued opportunity to be of service to you and your employees. If you have any questions regarding your renewal or if you would like to see alternate plan design options, please feel free to contact your agent (if applicable) or your account management team below.

Robin Hopkins, Account Executive
913-906-9154; rhopkins@deltadentalks.com
Erin Baker, Account Manager
913-906-9373; ebaker@deltadentalks.com

cc: BUKATY COMPANIES

**RENEWAL ADDENDUM No. 3
FOR GROUP #52575-0**

Attached to and forming a part of the Agreement To Provide Dental Care Benefits between **CITY OF TONGANOXIE** (plan #52575-0) and Delta Dental of Kansas, Inc.

It is agreed and understood that effective with the **July 1, 2018** renewal, Section I, Number 5 shall read:

TO RENEW WITH CURRENT BENEFITS, INITIAL OPTION 1:	<u>OPTION 1</u>						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">RATES:</td> <td style="width: 50%;">Employee:</td> <td style="width: 40%; text-align: right;">\$27.96</td> </tr> <tr> <td></td> <td>Family:</td> <td style="text-align: right;">\$97.82</td> </tr> </table>	RATES:	Employee:	\$27.96		Family:	\$97.82	<input type="checkbox"/>
RATES:	Employee:	\$27.96					
	Family:	\$97.82					

NOTE: The frequencies for Diagnostic & Preventive services will be changed from once (1) every six (6) months to two (2) times per Calendar year.

OR

TO CHANGE DEPENDENT AGE TO 26 ALL, INITIAL OPTION 2:	<u>OPTION 2</u>						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">RATES:</td> <td style="width: 50%;">Employee:</td> <td style="width: 40%; text-align: right;">\$28.24</td> </tr> <tr> <td></td> <td>Family:</td> <td style="text-align: right;">\$98.80</td> </tr> </table>	RATES:	Employee:	\$28.24		Family:	\$98.80	<input type="checkbox"/>
RATES:	Employee:	\$28.24					
	Family:	\$98.80					

NOTE: The frequencies for Diagnostic & Preventive services will be changed from once (1) every six (6) months to two (2) times per Calendar year.

Please acknowledge acceptance of this renewal by signing below and returning the renewal confirmation by fax to (913) 381-8312 or by email to ddpkc@deltadentalks.com by **June 1, 2018**.

Dan Porter, City of Tonganoxie

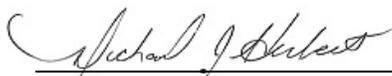
Printed Name

Date

Bukaty Companies

Signature

Agent's Name



Delta Dental of Kansas, Inc.

Please assist us in updating our records by providing the name & email address of your group administrator.

Contact: Dan Porter

Email: dporter@tonganoxie.org

WELLNESS CONNECTION – As the dental benefits experts, we're here to help educate your employees on the importance of good oral health. Visit the **Wellness Connection** on our website, www.deltadentalks.com, to download easy-to-use wellness materials.

Summary of Dental Plan Benefits

CITY OF TONGANOXIE

Group #52575

Effective for July 1, 2018

Maximum Benefit(s) Per Person:

The Maximum Benefit for all Covered Services for each Enrollee in any one Calendar Year is: One Thousand Five Hundred Dollars (\$1,500.00).

The Maximum Benefit for Orthodontic Services for each Enrollee is: One Thousand Dollars (\$1,000.00) during such person's lifetime. Payment for the Orthodontic Services shall be included in determining the Maximum Benefit for each Calendar Year.

Deductible Limitations:

Coverage for Diagnostic and Preventive Services are not subject to any Deductible amount. For all other covered benefits, the Calendar Year Deductible is:

\$50 x 3

Eligible Children Ages:

Children are eligible to age twenty-four (24).

Benefit % Paid			
Delta Dental PPO	Premier/ Non-participating		
DIAGNOSTIC & PREVENTIVE (Not Subject to Deductible)			
100%	80%	Diagnostic:	Includes the following procedures necessary to evaluate existing dental conditions and the dental care required: <ul style="list-style-type: none"> • Oral evaluations – two (2) times per Calendar Year. • <u>Bitewing x-rays</u> – bitewings two (2) times per Calendar Year for dependents under age eighteen (18) and once (1) each twelve (12) months for adults age eighteen (18) and over. • <u>Full mouth or panoramic x-rays</u> – once each five (5) years.
100%	80%	Preventive:	Provides for the following: <ul style="list-style-type: none"> • <u>Prophylaxis</u> (Cleanings) - two (2) times per Calendar Year. • <u>Topical Fluoride</u> – two (2) times per Calendar Year for dependent children under age nineteen (19). • <u>Space Maintainers</u> – for dependent children under age fourteen (14) and only for premature loss of primary molars. • <u>Sealants</u> – once (1) per tooth per lifetime for dependent children under age sixteen (16) when applied only to permanent molars with no caries (decay) or restorations on the occlusal surface and with the occlusal surface intact.
BASIC (Subject to Deductible)			
80%	60%	Ancillary:	Provides for one (1) emergency examination per Plan year by the Dentist for the relief of pain.
80%	60%	Oral Surgery:	Provides for extractions and other oral surgery including pre and post-operative care.
80%	60%	Regular Restorative:	Provides amalgam (silver) restorations; composite (white) resin restorations on all teeth; and stainless steel crowns for dependents under age twelve (12).
80%	60%	Endodontics:	Includes procedures for root canal treatments and root canal fillings. When covered, payment for root canal therapy is limited to only once (1) in any twenty-four (24) month period, per tooth.
80%	60%	Periodontics:	a. Includes procedures for the treatment of diseases of the tissues supporting the teeth. Periodontal maintenance, including evaluation, is counted toward the frequency limitation for prophylaxis cleanings. b. Surgical periodontal procedures.
80%	60%		
MAJOR (Subject to Deductible)			
50%	40%	Special Restorative:	When teeth cannot be restored with a filling material listed in Regular Restorative Dentistry, provides for individual crowns.
50%	40%	Prosthodontics:	a. Includes bridges, partial and complete dentures. b. Repairs and adjustments of bridges and dentures.
50%	40%		
ORTHODONTICS (Subject to Deductible)			
50%	50%	Orthodontics:	Includes orthodontic appliances and treatment, interceptive and corrective, for dependent children under age nineteen (19).

This is a summary of benefits only and does not bind Delta Dental of Kansas to any coverage. Please refer to the Description of Dental Care Coverage for complete coverage information, including exclusions and limitations. Coverage as described in the employer group's Agreement to Provide Dental Benefits (contract) is binding on all parties and supersedes all other written or oral communications.

Welcome to Delta Dental of Kansas

We are the champions of your smile.

With Delta Dental of Kansas you receive the expertise of the largest, most experienced dental benefits carrier in the nation, paired with our unparalleled customer service. With your employer, we have designed a dental benefit plan to help protect you and your family's oral health. Regular preventive dental care not only reduces the cost and pain generally associated with extensive dental work, but a healthy mouth also contributes to your overall well-being.

CHOOSING A DENTIST

You are free to go to any dentist of your choice, but there may be a difference in the amount you pay if the dentist is not a Delta Dental participating dentist. It is to your advantage to choose a **Delta Dental PPOSM** or **Delta Dental Premier[®]** dentist. Nearly 4 out of 5 dentists nationwide contract with Delta Dental, so chances are excellent your dentist is already a member. You can search for an in-network dentist at DeltaDentalKS.com, on the Delta Dental mobile app or by contacting customer service at 800.234.3375.

MANAGING MY BENEFITS

At DeltaDentalKS.com, you can log in to your member account to:

- Print ID cards
- Check your eligibility and benefit information
- Check your claim status
- Sign-up to receive your Explanation of Benefits electronically
- And more!

Through Delta Dental's mobile app, you can:

- Use your mobile ID card
- Find a dentist
- Utilize the Dental Care Cost Estimator
- Schedule a dentist appointment*
- Check your coverage and claims
- And more!



**Availability may vary by geographic area and individual dentist participation. Appointment scheduling is powered by our partners at Brigher™.*

Have questions about
your plan?

Call us at
800.234.3375

1/18