



## City of Tonganoxie City Council Meeting Agenda

**September 18, 2025**

6:15 Special Meeting

There may be an audio recording of the meeting which will be utilized to prepare meeting minutes and the meeting may be broadcast on the City of Tonganoxie YouTube Channel

Mayor: David Frese; Council Members: Jacob Dale, Lorelee Stevens, Chris Donnelly, Jennifer McCutchen, Matt Partridge

Open Special Meeting – 6:15 p.m.

### **I. New Business**

- a) Ordinance No: 1533: Consider Approval of Special Use Permit for Cedar Hills Mall located at 316 S. Main St. in Tonganoxie, Kansas 66086
- b) Ordinance No: 1534: Consider Approval of Special Use Permit for Life Preschool LLC located at 305 S. Main St. Street in Tonganoxie, Kansas 66086

### **II. Adjourn**

## REQUEST FOR SPECIAL COUNCIL MEETING

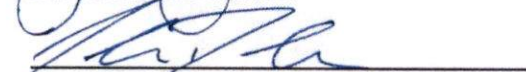
To the Honorable Mayor David Frese, of the City of Tonganoxie, Kansas, we, the undersigned, Councilmembers of the City of Tonganoxie, hereby respectfully request you to call a Special Meeting of the Governing Body, to be held at Council Chambers located at 303 S. Bury Street, Tonganoxie, Kansas 66086 on September 18, 2025, at 6:15 PM for the object and purpose of reviewing 2 Special Use Permit Applications.

We propose the following agenda:

- I. **Ordinance No. 1533: Consider Approval of Special Use Permit for Cedar Hills Mall located at 316 S. Main Street in Tonganoxie, Kansas 66086**
- II. **Ordinance No. 1534: Consider Approval of Special Use Permit for Life Preschool LLC located at 305 S. Main Street in Tonganoxie, Kansas 66086**
- III. **Adjourn**

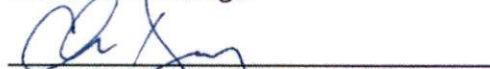
DATED: September 12, 2025

  
Jennifer McCutchen

  
Jacob Dale

\_\_\_\_\_  
Loralee Stevens

\_\_\_\_\_  
Matthew Partridge

  
Chris Donnelly



## Office of the City Manager **AGENDA STATEMENT**

**DATE:** September 18, 2025  
**TO:** Honorable Mayor David Frese and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Ordinance No. 1533: Special Use Permit for Cedar Hills Mall at 316 S. Main St.

**DISCUSSION:**

City staff received the enclosed application for an oversized sign painted on a secondary blank wall in the Historic Business District at 316 S. Main Street. The administrative provisions of the City's sign ordinance notes that some signs may be permitted by Special Use Permit (SUP). The enclosed Planning Staff Report outlines the analysis of the sign application and SUP Criteria to evaluate the application.

As demonstrated in the enclosed draft Planning Commission minutes from the September 4, 2025 meeting the Planning Commission held a public hearing on the item after completion of the required newspaper publication and notification of surrounding property owners. On September 4, 2025 the Planning Commission voted 6-0 (1 absent) to recommend that the City Council approve the Special Use Permit request inclusive of all staff recommendations and special use permit standards contained in the staff report materials.

Following the recommendation of the Planning Commission, this application was required to go through a 14-day protest petition period before consideration by the City Council. City staff did not receive a protest petition or any questions related to filing a protest petition. As a reminder, 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.

Since no protest petition has been filed the City Council can consider approval of the draft Ordinance approving the Special Use Permit.

**BUDGET IMPACT:**

None.

**ACTION NEEDED:**

1. Make a motion to accept the Planning Commission's recommendation and approve draft Ordinance 1533 approving a special use permit for Cedar Hills Mall located at 316 S. Main Street.

**ATTACHMENTS:**

Draft Ordinance 1533; Depiction of Proposed Sign; SUP Application Materials; Planning Staff Report; Draft Planning Commission Meeting Minutes from 9/4/2025 meeting date (located at the end of the agenda packet materials)

**cc:** George Brajkovic, City Manager; Lindsay Huntington, City Clerk; Kent Heskett, Public Works Director

## ORDINANCE NO. 1533

### AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CEDAR HILLS MALL SIGN AT 316 S. MAIN STREET, TONGANOXIE, LEAVENWORTH COUNTY, KANSAS.

**WHEREAS**, pursuant to Sections 22 and 27 of the Tonganoxie Zoning and Subdivision Regulations (the "Zoning Regulations"), the Governing Body of the City of Tonganoxie, Kansas (the "City") has the power to grant a special use permit ("SUP") after receipt of a recommendation by the Planning Commission;

**WHEREAS**, on July 8, 2025, Angela Faherty ("Applicant") submitted an application for SUP for an oversized painted sign on a secondary blank wall at the Cedar Hills Mall located at 316 S. Main Street in the City, as legally described on Exhibit A attached hereto (the "Property");

**WHEREAS**, the Property is zoned Historic Business District ("HBD");

**WHEREAS**, the City Clerk set a public hearing on September 4, 2025 at 7:00 p.m. at the City Council Chambers for the Planning Commission to consider Applicant's SUP request;

**WHEREAS**, on July 30, 2025, notice of the public hearing was published in *The Tonganoxie Mirror*, the official City newspaper, and notices were also mailed to all owners of record of real property within 200 feet of the Property, all in accordance with K.S.A. 12-757(b) and Section 27-011 of the Zoning Regulations;

**WHEREAS**, on August 29, 2025, the City Planner prepared a Planning Staff Report, a copy of which is attached hereto as Exhibit B (the "Staff Report");

**WHEREAS**, on September 4, 2025, the Planning Commission held a public hearing on Applicant's SUP request, provided an opportunity for interested parties to be heard, and considered the Staff Report and the matters set forth in Sections 22-011 and 27-011 of the Zoning Regulations;

**WHEREAS**, the Planning Commission recommended approval of Applicant's SUP request, and caused an accurate written summary to be made of the proceedings in the meeting minutes attached hereto as Exhibit C;

**WHEREAS**, no protest petition against the proposed SUP has been filed in the City Clerk's office within the required time period set forth in K.S.A. 12-757(f) and Section 27-012.C of the Zoning Regulations; and

**WHEREAS**, the Governing Body has considered Applicant's SUP request, reviewed the Staff Report and all testimony and evidence submitted in connection with Applicant's request, and hereby adopts the Planning Commission's recommendations.

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

**SECTION 1. Grant of SUP.** Pursuant to the Zoning Regulations, permission is hereby granted for an oversized painted sign on the Property, as described in the Staff Report.

**SECTION 2. Effective Date.** This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary thereof, in the official City newspaper.

**PASSED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, AND  
APPROVED BY THE MAYOR ON SEPTEMBER 18, 2025.**

**SEAL**

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David Frese, Mayor

ATTEST:

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Lindsay Huntington, City Clerk

APPROVED AS TO FORM:

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Anna M. Krstulic, City Attorney

## **EXHIBIT A**

### **Legal Description of the Property**

Lots 3, 4 and 5, and the East 72 feet of Lot 6, Block 10, TOWN OF TONGANOXIE, Leavenworth County, Kansas.

**EXHIBIT B**

**Planning Staff Report dated August 29, 2025**

*[Attached on following pages.]*

**EXHIBIT C**

**Excerpt of September 4, 2025 Planning Commission Minutes**

*[Attached on following pages.]*



## SPECIAL USE PERMIT APPLICATION

### Filing Fee Required

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

Date application filed: 7-8-2025 Permit No.: \_\_\_\_\_

Applicant: Angela L. Faherty

Address: [REDACTED] City: Tonganoxie State KS Zip 66086

Telephone # [REDACTED] (Home) NA (Work) \_\_\_\_\_

NA (Cell) cedarhillsmall@gmail.com (E-mail Address)

Property Owner(s): Cedar Hills Mall Phone \_\_\_\_\_

Address: 316 S. Main St. City: Tonganoxie State KS Zip 66086

Name of business proposed: Cedar Hills Mall, LLC

Address of business: 316 S. Main St. - Ste. A, Tonganoxie

Description of business: boutique / craft mall

Hours of operation: 10-6pm, 10-8, 9:5pm Days: Mon Tue Wed Thu Fri Sat Sun

# of employee's 1 Family members? NO Live on site? NO

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

Karla Nuckolls

Briefly describe the present use and character of the property: sale vendors

craft products, sale wholesale products

Briefly describe the requested/proposed use of the property to paint name  
of business on South side of building

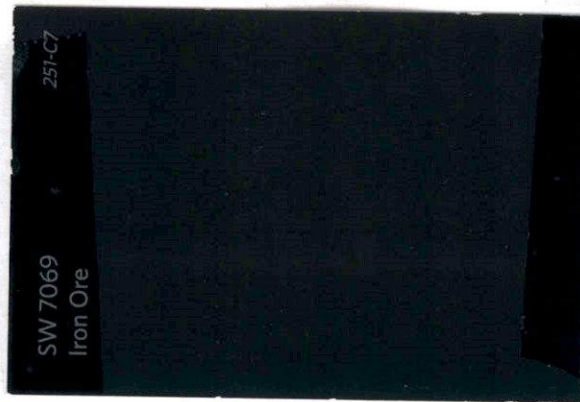
Briefly describe what effect the requested use will have on the property and the surrounding area:

show passers-by what the building is and  
show public where the business is  
located

Angela L. Faherty  
Applicant Signature

Signature

Property Owner Signature if different from applicant



Exterior  
building  
color

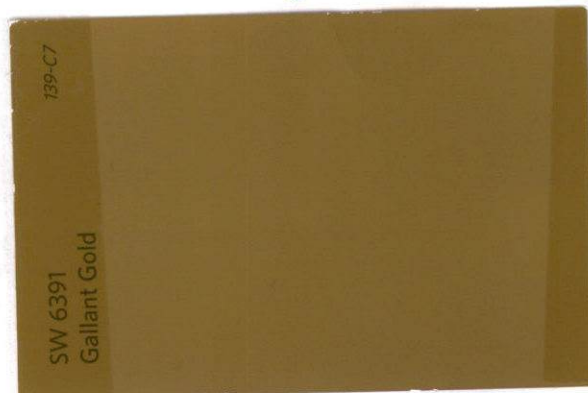


Wall is 72' Long  
Height on Left is shortest of 15'

2nd & final scale  
↓ inside letter color



↓ glitter will be added



letter  
border &  
wall  
border



Cedar 15 ft

Space 3 ft

Hills 14 ft

Space 3 ft

Mall 13 ft



1st scale



**COPY**

**RECORDATION REQUESTED BY:**

Mutual Savings Association, Tonganoxie Office, 403 E. 4th St. , Tonganoxie, KS 66086

**WHEN RECORDED MAIL TO:**

Mutual Savings Association, Tonganoxie Office, 403 E. 4th St. , Tonganoxie, KS 66086

**SEND TAX NOTICES TO:**

Mutual Savings Association, Tonganoxie Office, 403 E. 4th St. , Tonganoxie, KS 66086

**FOR RECORDER'S USE ONLY**

**MORTGAGE**

**MAXIMUM LIEN.** The lien of this Mortgage shall not exceed at any one time \$142,500.00.

**THIS MORTGAGE** dated September 2, 2022, is made and executed between Artisan Cabinet Company, a Kansas Corporation (referred to below as "Grantor") and Mutual Savings Association, whose address is 403 E. 4th St. , Tonganoxie, KS 66086 (referred to below as "Lender").

**GRANT OF MORTGAGE.** For valuable consideration, Grantor mortgages and warrants to Lender the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Leavenworth County, State of Kansas:

**Lots 3, 4 and 5, and the East 72 feet of Lot 6, Block 10, TOWN OF TONGANOXIE, Leavenworth County, Kansas.**

This mortgage is given for money loaned for the purchase of the mortgaged premises and is a purchase lien thereon.

Mortgagor, being a Kansas Corporation, wholly waives the period of redemption for foreclosure under the laws of the State of Kansas and agrees that when sale is had under any decree of foreclosure against it, the Sheriff making said sale, or his successor in office is authorized to execute at once a deed to the purchaser.

**The Real Property or its address is commonly known as 316 S. Main St., Tonganoxie, KS 66086. The Real Property tax identification number is 052-192-09-0-20-17-011.00-0.**

Grantor presently assigns to Lender all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

**FUTURE ADVANCES.** In addition to the Note, this Mortgage secures all future advances made by Lender to Grantor whether or not the advances are made pursuant to a commitment. Specifically, without limitation, this Mortgage secures, in addition to the amounts specified in the Note, all future amounts Lender in its discretion may loan to Grantor, together with all interest thereon.

**THIS MORTGAGE, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND**



AFFIDAVIT

CITY OF TONGANOXIE  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

WE, Angela L. Faherty AND \_\_\_\_\_  
(Print)  
AND \_\_\_\_\_ AND \_\_\_\_\_  
(Print)

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

Signed and entered this 8 day of July, 2025

Angela L. Faherty \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me on this 8 day of July, 2025

Notary Public in and for the County of Leavenworth, Kansas

Heather Holey



My Commission Expires: 1-22-29



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## PLANNING STAFF REPORT

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**Case #:** 2025-003P, Site Plan / SUP for Pylon Sign Cedar Hills Mall

**Date of Report:** August 29, 2025

**Application:** Site Plan & Special Use Permit

*Application Date:* 7/8/2025 (received by consultant via e-mail and updated 7/15/25)

*Meeting Date:* 9/4/2025

**Action:** *A special use permit requires the Planning Commission to evaluate facts and weigh evidence, and based on balancing the factors and criteria in the zoning ordinance against the facts and evidence, make a recommendation to the City Council.*

**Applicant Name:** Cedar Hills Mall, Angela L. Faherty

**Property Owner Name:** Artisan Cabinet Company

**Subject Property**

*Address:* 316 S. Main Street

*Property Size:* 12,456.57 s.fl

*Zoning:* HBD - General Business District; undeveloped

*Legal Description:* TONGANOXIE PALM OF BLOCK 10 LTS 3-5, & E 72' LT 6

**Surrounding Property – Zoning and Use:**

*West:* HBD - General Business District, civic/institutional hall and vacant lot

*North:* HBD - vacant lot and boutique hotel / office

*East:* HBD, City park, community center and daycare

*South:* HBD - Retail and services

**Recommendation:** Approval subject to limits described in application.

## I. SUMMARY

This is an application for an oversized sign painted on a secondary blank wall in the Historic Business District. The administrative provisions of the sign ordinances notes that some signs may be permitted by SUP [\[25-012.B\]](#)

## II. ANALYSIS – SIGN APPLICATION AND SUP CRITERIA

This property is located on the northeast edge of the Historic Business District and has frontage on South Main Street. A sign is proposed to be painted on the south side exterior wall.

The HBD district allows several signs on property and buildings, including wall signs. The wall sign limits are : [\[25-016.H.\]](#):

- 2 wall signs / 1 per wall
- 10% of area up to 50 square feet.

The application proposes an approximately 242 square foot sign - 274 square feet with total outline, with the following details:

- A boarder painted along the top of facade (0.5" high by 52.66' long (approximately 73% of the building top);
- Large letters below and within the boarder approximately 4' high;
- Lowercase letters along the bottom of the sign including 22 square feet;
- The design would be primarily gold paint with Broadway font, and with pink and gold accents used for the lower case signs.

The Tonganoxie Zoning Ordinance also has the following criteria to be considered for all special use permits. [\[22-011.A. - F.\]](#)

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

*The property is located in the northeast portion of downtown / the HBD district. The sign is proposed to be painted on a secondary building elevation that is a large brick wall and it faces an open portion of the lot next to it. The building is an older brick building that has been repurposed for downtown-appropriate uses and the front facade addresses Main Street in a downtown-appropriate way with architectural elements and human-scale details that relate to the street. It is common for larger signs to be painted on secondary blank walls on older buildings and in downtown districts.*

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

*The sign will be painted on the wall of an existing building and will not have any impacts on other site elements, including access, operations, or emergency services.*

- C. Utilities and services, including water, sewer, drainage, gas and electricity, with particular

reference to location, availability, capacity and compatibility.

*The sign will be painted on the wall of an existing building that has all necessary utilities and services and the application will not impact these elements.*

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

*The sign is significantly larger than what is permitted by the general sign ordinance. It is approximately 20% of the facade when a maximum of 10% is allowed and it is approximately 242 square feet, with a 274 entire outline, when 50 square feet is allowed - and the more restrictive of those two standards control. However, the fact that this sign is painted on the wall, the wall is a secondary facade facing an open lot area and not the street, and that this is an otherwise black wall affect the appropriateness of this sign in relation to the downtown and to adjacent property.*

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

*The sign will be painted on the wall of an existing building that meets all of the zoning district standards, other than the sign size limits. (See other factors for analysis of that issue.)*

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

*Although the proposal is significantly larger than permitted signs and may not be generally appropriate throughout downtown, there are several factors that impact the appropriateness and compatibility of this particular sign:*

- It is painted and not a structural or manufactured sign.*
- The paint scheme and font is compatible with the overall building design.*
- The sign is located on a large blank wall*
- The facade is a secondary elevation that opens on an otherwise open side lot and is not prominent to the overall streetscape.*
- The building is an existing older building that has been rehabilitated along the street frontage to have a positive, human-scale interaction with the streetscape through architectural details and enhancements.*

All special use permits are also subject to the following general considerations: [\[22-010\]](#)

- The use will not seriously injure the appropriate use or safety of neighborhood property;
- The use will comply with the general intent and purpose of the ordinance;
- And the use shall comply with other general height and area regulations of the district in which it is located.

### **III. EFFECT OF DECISION**

- The Planning Commission decision is a recommendation to Governing Body for Special Use Permits; final approval of the City Council is required. Following the consideration of any



additional input from the applicant, City Staff, or the public, and based on the application and testimony at the hearing, the Planning Commission may take one of the following actions.

- Recommend approval of the application.
  - Recommend approval of the application, subject to conditions;
  - Recommend denial of the application, or
  - Continue the application to another date for further consideration and additional information. If continued to a specific date, time and location, no new notice will be required.
- The City Council considers the application at the next meeting after 14 days.
  - The City Council may adopt the Planning Commission's recommendation by a majority; it may modify or override the Planning Commission's recommendation by a 2/3 vote of the membership of the governing body.
  - 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 ¾ majority of the governing body.

#### **IV. RECOMMENDATION.**

Absent any evidence or testimony to the contrary at the public hearing, staff feels that this application meets the special use permit criteria. Provided the Planning Commission finds that it does meet these criteria and general conditions, staff recommends that the Planning Commission recommends approval to the City Council.



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Chris Brewster  
Contract City Planner



## Office of the City Manager **AGENDA STATEMENT**

**DATE:** September 18, 2025  
**To:** Honorable Mayor David Frese and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Ordinance No. 1534: Special Use Permit for Life Preschool LLC Daycare at 305 S Main St

**DISCUSSION:**

City staff received the enclosed application for a daycare facility in the Historic Business District at 305 S. Main Street. The proposed use may be permitted by the City utilizing a Special Use Permit (SUP). The enclosed Planning Staff Report outlines the analysis of the SUP application and special criteria in the City's ordinances for the evaluation of Licensed Daycares, Group Daycares, and Child Care Centers, parking requirements, and general criteria in this application. The Planning Commission decision for SUPs is to make a recommendation to Governing Body for Special Use Permits; final approval of the City Council is required.

As demonstrated in the enclosed draft Planning Commission minutes from the September 4, 2025 meeting the Planning Commission held a public hearing on the item after completion of the required newspaper publication and notification of surrounding property owners. On September 4, 2025 the Planning Commission voted 6-0 (1 absent) to recommend that the City Council approve the Special Use Permit request inclusive of all staff recommendations and special use permit standards contained in the staff report materials.

Following the recommendation of the Planning Commission, this application was required to go through a 14-day protest petition period before consideration by the City Council. City staff did not receive a protest petition or any questions related to filing a protest petition. As a reminder, 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.

Since no protest petition has been filed the City Council can consider approval of the draft Ordinance approving the Special Use Permit.

**BUDGET IMPACT:**

None.

**ACTION NEEDED:**

1. Make a motion to accept the Planning Commission's recommendation and approve draft Ordinance 1534 approving a special use permit for Life Preschool LLC Daycare at 305 S Main Street.

**ATTACHMENTS:**

Draft Ordinance 1534; SUP Application Materials; Planning Staff Report; Engineering Staff Report; Draft Planning Commission Meeting Minutes from 9/4/2025 meeting date (located at the end of the agenda packet materials)

**cc:** George Brajkovic, City Manager; Lindsay Huntington, City Clerk; Kent Heskett, Public Works Director

## ORDINANCE NO. 1534

### AN ORDINANCE RENEWING A SPECIAL USE PERMIT FOR A CHILD CARE CENTER AT 707 E. 4<sup>TH</sup> STREET AND 305 S. MAIN STREET, TONGANOXIE, LEAVENWORTH COUNTY, KANSAS; REPEALING ORDINANCE NO. 1504.

**WHEREAS**, pursuant to Sections 22 and 27 of the Tonganoxie Zoning and Subdivision Regulations (the "Zoning Regulations"), the Governing Body of the City of Tonganoxie, Kansas (the "City") has the power to grant a special use permit ("SUP") after receipt of a recommendation by the Planning Commission;

**WHEREAS**, on June 6, 2022, the Governing Body passed Ordinance No. 1504 to grant an SUP (the "Original SUP") for a child care center at 707 E. 4<sup>th</sup> Street and 305 S. Main Street in the City, as legally described on Exhibit A attached hereto (the "Property"), and in accordance with the recommendation of the Planning Commission following the conclusion of a public hearing held on May 5, 2022;

**WHEREAS**, the Property is zoned Historic Business District ("HBD");

**WHEREAS**, Gretchen Meitler ("Applicant") submitted an application to renew the Original SUP;

**WHEREAS**, the City Clerk set a public hearing on September 4, 2025 at 7:00 p.m. at the City Council Chambers for the Planning Commission to consider Applicant's request to renew the Original SUP, and notice of such public hearing was provided in accordance with the Zoning Regulations;

**WHEREAS**, on August 6, 2025, notice of the public hearing was published in *The Tonganoxie Mirror*, the official City newspaper, and notices were also mailed to all owners of record of real property within 200 feet of the Property, all in accordance with K.S.A. 12-757(b) and Section 27-011 of the Zoning Regulations;

**WHEREAS**, on August 29, 2025, the City Planner prepared a Planning Staff Report, a copy of which is attached hereto as Exhibit B (the "Staff Report");

**WHEREAS**, on September 4, 2022, the Planning Commission held a public hearing on Applicant's request to renew the Original SUP, provided an opportunity for interested parties to be heard, and considered the Staff Report and the matters set forth in Sections 22-011 and 27-011 of the Zoning Regulations;

**WHEREAS**, the Planning Commission recommended conditional approval of Applicant's request to renew the Original SUP, and caused an accurate written summary to be made of the proceedings in the meeting minutes attached hereto as Exhibit C;

**WHEREAS**, no protest petition against the proposed renewal of the Original SUP has been filed in the City Clerk's office within the required time period set forth in K.S.A. 12-757(f) and Section 27-012.C of the Zoning Regulations; and

**WHEREAS**, the Governing Body has considered Applicant's request to renew the Original SUP, reviewed the Staff Report and all testimony and evidence submitted in connection with Applicant's request, and hereby adopts the Planning Commission's recommendations.

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

**SECTION 1. Grant of SUP; Repeal of Original SUP.** Pursuant to the Zoning Regulations and the conditions set forth herein, permission is hereby granted to continue operating the child care center on the Property, as described in the Staff Report. The Governing Body hereby finds and determines that passage of this Ordinance will repeal and replace the Original SUP in its entirety, and Ordinance No. 1504 is thus repealed.

**SECTION 2. Conditions.** The SUP granted in Section 1 is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation shall be subject to enforcement and/or penalty in accordance with Section 28 of the Zoning Regulations:

- (a) The SUP is valid for a period of five (5) years from the date of this Ordinance.
- (b) Applicant shall comply with the drop-off management plan attached hereto as **Exhibit D**; provided, however, that City staff shall monitor parking and circulation of vehicles and pedestrians in the area to ensure that the drop-off management plan meets both the practical needs of the child care center use on the Property and the parking and urban design strategies for downtown. Prior to any requirements to construct additional parking or vehicle circulation facilities, the following strategies should be considered:
  - (i) Impact of timing and typical vehicle counts at peak times;
  - (ii) Whether drop-off issues may be addressed internal to the Property, all on-street, or a combination;
  - (iii) How operational and staffing scenarios can improve drop-off or avoid any issues; and
  - (iv) Whether remote parking in the vicinity of downtown and/or other modes of parking are expected.
- (c) The per-child open space requirement of the Zoning Regulations (at least seventy-five square feet (75 sq. ft.) of outdoor play space for each child using the space at a given time, pursuant to Section 22-030.C.3) is considered sufficient due to the reconfigured fenced play area, current Kansas Department of Health and Environment ("**KDHE**") requirements, downtown context, and abutting public park, as set forth in the Staff Report.
- (d) The SUP is subject to all KDHE requirements for licensure. Applicant shall submit to the City a copy of the child care center license issued by KDHE, prior to obtaining any City-issued business license or certificate of occupancy for the child care center.
- (e) Applicant shall obtain a fire inspection on an annual basis concurrently with annual renewal of the City-issued business license for the child care center.
- (f) Operation of the child care center is limited to a maximum of 49 children, and operating hours are limited to 7:00 a.m. to 6:00 p.m., unless further limited by KDHE license requirements.

- (g) The child care center is subject to all building permit and Fire Department inspections necessary for buildings generally, and any other inspections specifically required for child care centers by the City and State of Kansas, including but not limited to exit signs, commercial-rated fire extinguishers, compliance of all electrical fixtures, and other emergency exit conditions and procedures.

**SECTION 3. Effective Date.** This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary hereof, in the official City newspaper.

*[Remainder of page intentionally left blank; signature page and exhibit follow.]*

**PASSED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, AND  
APPROVED BY THE MAYOR ON SEPTEMBER 18, 2025.**

**SEAL**

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David Frese, Mayor

ATTEST:

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Lindsay Huntington, City Clerk

APPROVED AS TO FORM:

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Anna M. Krstulic, City Attorney

## **EXHIBIT A**

### **Legal Description of the Property**

#### **Tract 1 (707 E. 4<sup>th</sup> Street):**

**A PARCEL OF LAND CONSISTING OF PARTS OF LOTS 6, 7, 8, 9, 10 & 11, BLOCK 9 OF THE ORIGINAL PLAT OF TONGANOXIE, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 21 EAST; THENCE SOUTH 89°53' WEST 180 FEET; THENCE NORTH 25 FEET TO THE SOUTHWEST CORNER OF BLOCK 9 AND TO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 147.10 FEET; THENCE NORTH 89°53' EAST 104.37 FEET; THENCE SOUTH 10°14' WEST 149.48 FEET; THENCE SOUTH 89°53' WEST, 77.81 FEET TO THE POINT OF BEGINNING, LESS ANY PART TAKEN OR USED FOR ROAD PURPOSES, IN LEAVENWORTH COUNTY, KANSAS.**

#### **Tract 2 (305 S. Main Street):**

**A TRACT OF LAND IN BLOCK 9, TOWN OF TONGANOXIE, CITY OF TONGANOXIE, DESCRIBED MORE SPECIFICALLY AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 5, WHICH IS ALSO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 89°53' EAST 105.00 FEET ALONG THE SOUTH LINE OF LOT 5; THENCE NORTH 15.00 FEET; THENCE NORTH 89°53' EAST 75.00 FEET TO THE EAST LINE OF BLOCK 9; THENCE NORTH 35.00 FEET ALONG THE EAST LINE OF BLOCK 9; THENCE SOUTH 89°53' WEST 180.00 FEET ALONG THE NORTH LINE OF LOT 4; THENCE SOUTH 50.00 FEET TO THE POINT OF BEGINNING OF THIS TRACT, IN LEAVENWORTH COUNTY, KANSAS.**

**EXHIBIT B**

**Planning Staff Report dated August 29, 2025**

*[Attached on following pages.]*



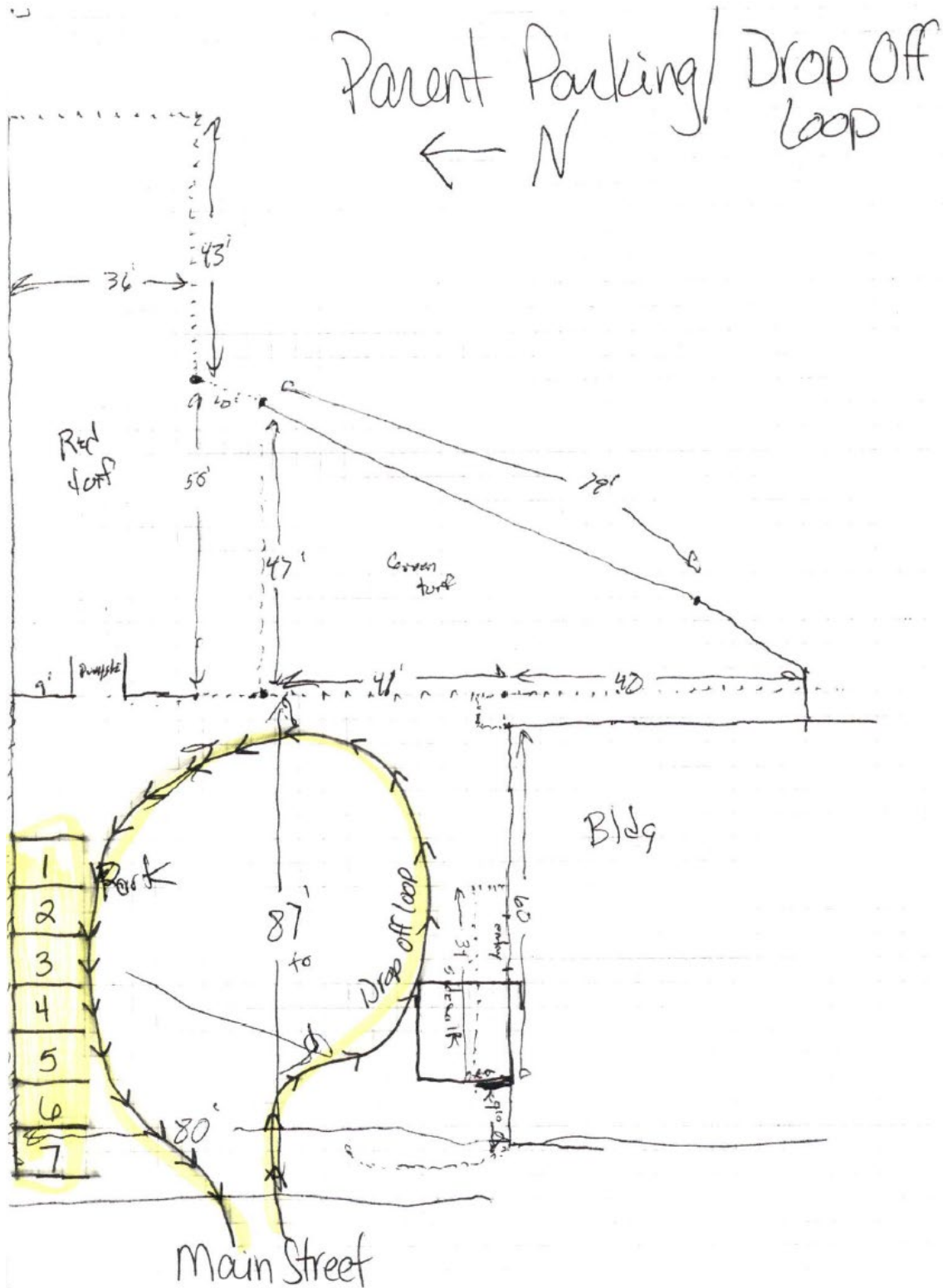
**EXHIBIT C**

**Excerpt of September 4, 2025 Planning Commission Minutes**

*[Attached on following pages.]*

**EXHIBIT D**

**Drop-Off Management Plan**



## SPECIAL USE PERMIT APPLICATION

Filing Fee Required

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

Date application filed: 07/28/2025 Permit No.: \_\_\_\_\_

Applicant: Gretchen Meitler

Address: [REDACTED] City: Tonganoxie State KS Zip 666086

Telephone #: 402.689.6339 (Home) 402.689.6339 (Work)

402-689-6339 (Cell) life preschool 2012@gmail.com (E-mail Address)

Property Owner(s): Cornerstone Family Ministries of Tonganoxie, KS Phone 816-506-3599

Address: 205 E Hwy 21/40 City: Tonganoxie State KS Zip 666086

Name of business proposed: Life Preschool LLC DBA LIFE 2.0

Address of business: 305 S. Main St.

Description of business: Child Care Center

Hours of operation: 7am-1pm Days: Mon Tue Wed Thu Fri Sat Sun

# of employee's 8-10 Family members? 0 Live on site? NA

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

Director Ashley Noster [REDACTED] Tonganoxie, KS

Briefly describe the present use and character of the property: Current use is a daycare same as our proposed use

Briefly describe the requested/proposed use of the property: Continue operating a child care center for ages 6 weeks - 12 years of age

Briefly describe what effect the requested use will have on the property and the surrounding area: None

Gretchen M Meitler  
Applicant Signature

Gretchen M Meitler  
Signature

\* Deann Olson

Property Owner Signature if different from applicant

Doc #: 201801890  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
03/13/2018 3:54:22 PM  
RECORDING FEE: 38.00  
PAGES: 2

KANSAS SECURED TITLE, INC  
PO BOX 803  
TONGANOXIE, KS 66086

TX0001867

### QUIT CLAIM DEED

Midamerican Investments, L.L.C., a limited liability company existing under the laws of the State of Kansas, and its principal place of business in the State of Kansas,

convey and quitclaim(s) to

Cornerstone Family Worship of Tonganoxie, INC.

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

TRACT I:

707 E 4th  
A PARCEL OF LAND CONSISTING OF PARTS OF LOTS 6, 7, 8, 9, 10 & 11, BLOCK 9 OF THE ORIGINAL PLAT OF TONGANOXIE, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 21 EAST; THENCE SOUTH 89°53' WEST 180 FEET; THENCE NORTH 25 FEET TO THE SOUTHWEST CORNER OF BLOCK 9 AND TO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 147.10 FEET; THENCE NORTH 89°53' EAST 104.37 FEET; THENCE SOUTH 10°14' WEST 149.48 FEET; THENCE SOUTH 89°53' WEST, 77.81 FEET TO THE POINT OF BEGINNING, LESS ANY PART TAKEN OR USED FOR ROAD PURPOSES, IN LEAVENWORTH COUNTY, KANSAS.

TRACT II:

305 S Main?  
A TRACT OF LAND IN BLOCK 9, TOWN OF TONGANOXIE, CITY OF TONGANOXIE, DESCRIBED MORE SPECIFICALLY AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 5, WHICH IS ALSO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 89°53' EAST 105.00 FEET ALONG THE SOUTH LINE OF LOT 5; THENCE NORTH 15.00 FEET; THENCE NORTH 89°53' EAST 75.00 FEET TO THE EAST LINE OF BLOCK 9; THENCE NORTH 35.00 FEET ALONG THE EAST LINE OF BLOCK 9; THENCE SOUTH 89°53' WEST 180.00 FEET ALONG THE NORTH LINE OF LOT 4; THENCE SOUTH 50.00 FEET TO THE POINT OF BEGINNING OF THIS TRACT, IN LEAVENWORTH COUNTY, KANSAS.

for the sum of one dollar and other good and valuable consideration.

Pursuant to K S A 79-1437 a real estate validation questionnaire is not required due in exception No. 12

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

Dated this 13 day of March, 2018.

Midamerican Investments, L.L.C., a  
Kansas limited liability company  
By First State Bank & Trust, Managing  
Member

By: [Signature]  
Damon L. New  
Senior Vice President of First State  
Bank & Trust

State of Kansas, County of LEAVENWORTH §

The foregoing instrument was acknowledged before me this 13 day of March, 2018 by  
Damon L. New, Senior Vice President of First State Bank & Trust, Managing Member of  
Midamerican Investments, L.L.C., a Kansas limited liability company.



[Signature]  
Notary Public  
My appointment expires: 6/7/2020

AFFIDAVIT

CITY OF TONGANOXIE  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

WE, Dean Allen AND \_\_\_\_\_  
(Print)

AND \_\_\_\_\_ AND \_\_\_\_\_  
(Print)

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

Signed and entered this 28 day of July, 2025

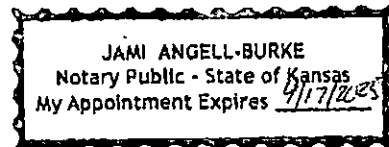
Dean Allen  
(Board member of Cornerstone Family Ministries of Tonganoxie, Inc)

Subscribed and sworn to before me on this 28 day of July, 2025

Notary Public in and for the County of Leavenworth, Kansas

Jami Angell-Burke

My Commission Expires: 9/17/2025

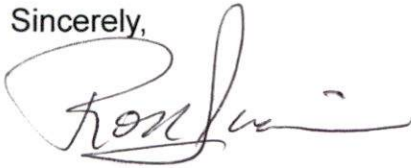


August 19, 2025

To Whom It May Concern:

This is to confirm that Dean Allen is an authorized agent of Cornerstone Family Worship Church and is working with Gretchen M. Meitler of LIFE Preschool LLC to obtain a Special Use Permit for the purpose of opening and operating a Child Care Center to be located at 305 S. Main Street in Tonganoxie, KS.

Sincerely,



Ron Swaim

Senior Pastor

State of Kansas County of Leavenworth. In witness whereof, I herunto set my hand and official seal. Witnessing or Attesting a Signature: Signed (or attested) before me this

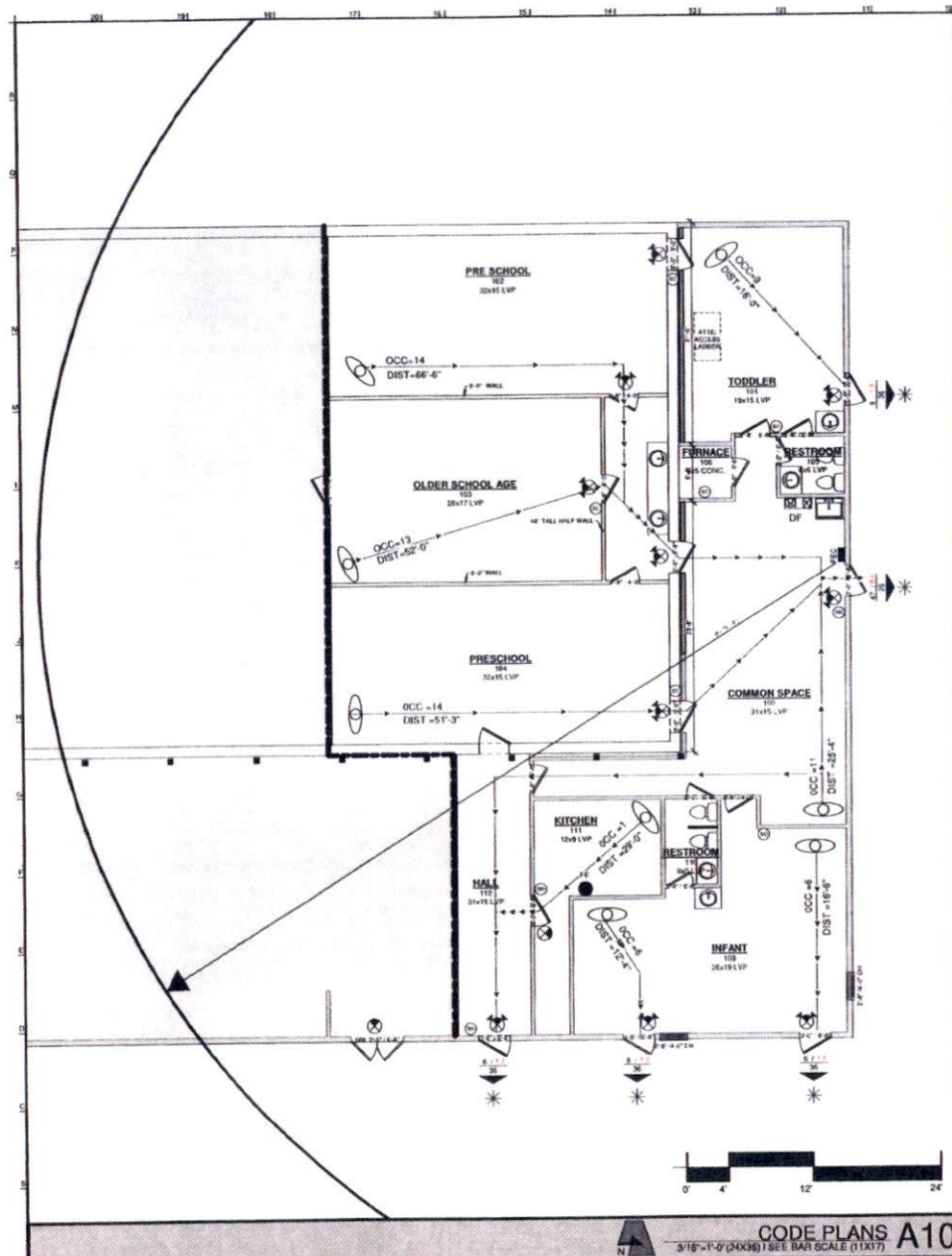
19th day of August, 20 25 by

Stacy L Bradley, Notary Public.

My Commission expires: 6-8-27







|                                    |   |  |
|------------------------------------|---|--|
| PROJECT DESCRIPTION                | PROJECT NAME AND LOCATION   |  |
|                                    | NEW YORK STATE  |  |
|                                    | 707 E. 4TH ST. TOWSON, MD 21204   |  |
|                                    | P. (410) 334-7000   |  |
| AUTHORITY HAVING JURISDICTION      | CITY OF TOWSON  |  |
|                                    | BUILDING CODES  |  |
|                                    | 2012 INTERNATIONAL BUILDING CODE  |  |
|                                    | 2012 INTERNATIONAL PLUMBING CODE  |  |
| DESIGNING FIRE DEPARTMENT          | CITY OF TOWSON FIRE DEPARTMENT  |  |
|                                    | 805 E. 4TH ST.  |  |
|                                    | TOWSON, MD 21204  |  |
|                                    | P. (410) 334-7000   |  |
| PROJECT DESCRIPTION                | CODE LIFE SAFETY PLAN FOR AN EXISTING BUILDING WILL INCORPORATE A SPACE FOR DAY CARE FOR CHILDREN IN TOWSON & PEARSONS (3 TO 400) AND 12 TODDLER SCHOOL AGE |  |
|                                    | APPLICABLE CODES  |  |
|                                    | 2012 INTERNATIONAL BUILDING CODE  |  |
|                                    | 2012 INTERNATIONAL PLUMBING CODE  |  |
| OCCUPANCY USE AND CLASSIFICATION   | SECTION 310   |  |
|                                    | EDUCATIONAL GROUP E   |  |
|                                    | SPECIAL DETAIL REQUIREMENTS BASED ON USE AND  |  |
|                                    | OCCUPANCY   |  |
| GENERAL BUILDING HEIGHTS AND AREAS | ALLOWED AREA / STOREY (HEIGHT 10 FT) / EDUCATIONAL GROUP E  |  |
|                                    | 8000 SF / 1 STOREY / 40 FT  |  |
|                                    | ACTUAL AREA / STOREY (HEIGHT 10 FT) / EDUCATIONAL GROUP E   |  |
|                                    | 2000 SF / 1 STOREY / 20 FT  |  |
| TYPE OF CONSTRUCTION               | 1601 STRUCTURAL FIRE RATING   |  |
|                                    | STRUCTURAL FRAME (INC. COLUMNS, GIRDERS, AND TRUSSES)   |  |
|                                    | BEARING WALLS   |  |
|                                    | EXTERIOR  |  |
| FIRE AND SMOKE PROTECTION FEATURES | 704 EXTERIOR WALLS  |  |
|                                    | NOT APPLICABLE  |  |
|                                    | 705 FIRE WALLS  |  |
|                                    | NOT APPLICABLE  |  |
| SECTION FINISHES                   | TABLE 601.9   |  |
|                                    | OCCUPANCY GROUP E NOT SHOWN/LED   |  |
|                                    | EXIT ENCLOSURE SPACINGS   |  |
|                                    | CORRIDORS   |  |
| LEGEND                             | COMBINATION CEREAL HAVING 11 UNBURNED EXIT  |  |
|                                    | A EMERGENCY LIGHT (BLACK SHOWING LIGHT DIRECTION)   |  |
|                                    | COMBINATION WALL MOUNTED 11 UNBURNED EXIT   |  |
|                                    | B EMERGENCY LIGHT (BLACK SHOWING LIGHT DIRECTION)   |  |
| FIRE PROTECTION SYSTEMS            | 901 FIRE PUMP & PRESS ROOM  |  |
|                                    | NOT REQUIRED  |  |
|                                    | 902 AUTOMATIC SPRINKLER SYSTEM  |  |
|                                    | NOT REQUIRED  |  |
| CHAPTER 10 - MEANS OF EGRESS       | OCCUPANT LOAD - TABLE 1004.8  |  |
|                                    | Rm Name   |  |
|                                    | Rm Area (sq ft)   |  |
|                                    | Occupancy   |  |
| CHAPTER 20 - PLUMBING              | WATER CLOSET REQUIREMENTS (TABLE 2001.1)  |  |
|                                    | CLASSIFICATION  |  |
|                                    | FACTOR  |  |
|                                    | OCC. LOAD   |  |
| CHAPTER 29 - PLUMBING              | WATER CLOSET REQUIREMENTS (TABLE 2901.1)  |  |
|                                    | CLASSIFICATION  |  |
|                                    | FACTOR  |  |
|                                    | OCC. LOAD   |  |

|                              |   |  |              |
|------------------------------|---|--|--------------|
| FIRE PROTECTION SYSTEMS      | 901 FIRE PUMP & PRESS ROOM                                |  | NOT REQUIRED |
|                              | 902 AUTOMATIC SPRINKLER SYSTEM                            |  | NOT REQUIRED |
|                              | 903 EMERGENCY ALARM SYSTEM                                |  | NOT REQUIRED |
|                              | 904 PORTABLE FIRE EXTINGUISHERS - MAX TRAVEL DIST. 75 FT. |  | NOT REQUIRED |
| CHAPTER 10 - MEANS OF EGRESS | OCCUPANT LOAD - TABLE 1004.8                              |  |              |
|                              | Rm Name   |  |              |
|                              | Rm Area (sq ft)   |  |              |
|                              | Occupancy   |  |              |
| CHAPTER 20 - PLUMBING        | WATER CLOSET REQUIREMENTS (TABLE 2001.1)                  |  |              |
|                              | CLASSIFICATION  |  |              |
|                              | FACTOR  |  |              |
|                              | OCC. LOAD   |  |              |
| CHAPTER 29 - PLUMBING        | WATER CLOSET REQUIREMENTS (TABLE 2901.1)                  |  |              |
|                              | CLASSIFICATION  |  |              |
|                              | FACTOR  |  |              |
|                              | OCC. LOAD   |  |              |

**JOWLER CREEK ARCHITECTURE**  
11010 JOWLER CREEK ROAD  
HANOVER POINT, MD 21076  
410.424.4724

ARCHITECT  
JESSICA ROMAN  
PLATE CITY, MD 21758  
410.631.2222

MEP ENGINEER  
NO ENGINEER  
1100 W 70TH STREET  
BARRABEE, KS 66214  
410.631.2222

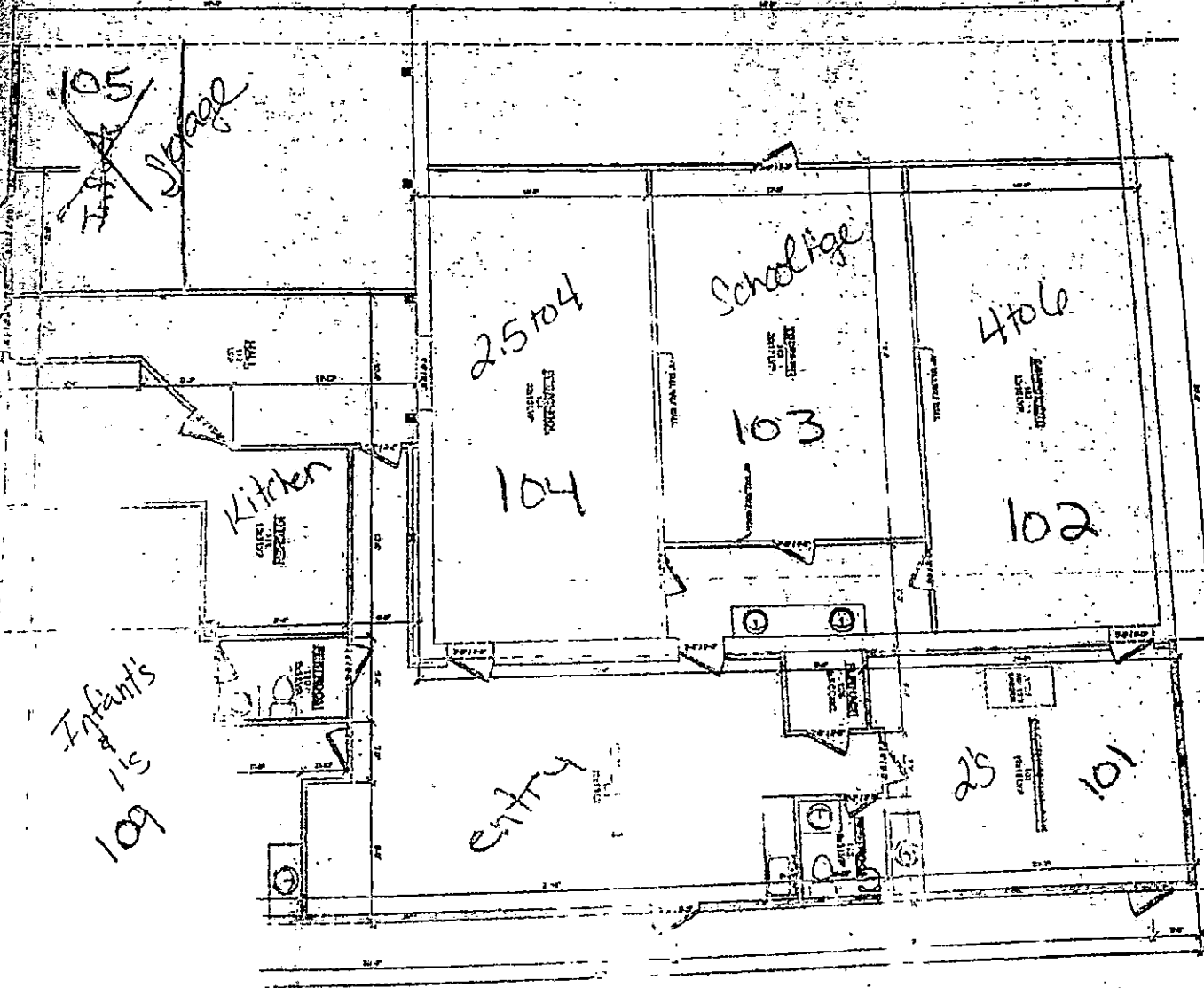
DATE: 04/11/2022

**CORNERSTONE FAMILY WORSHIP**  
CODE LIFE SAFETY PLAN  
107 E 4TH ST. TOWSON, MD 21204  
KANSAS CITY, MO 64108

NO. ISSUE REVISION DATE  
PLAN REVIEW 03/20/2024  
01 01/01/2024 02 11/11/2024

**CODE REVIEW**  
**CR100**





GENE  
1/25/1979

NO. 001100-54

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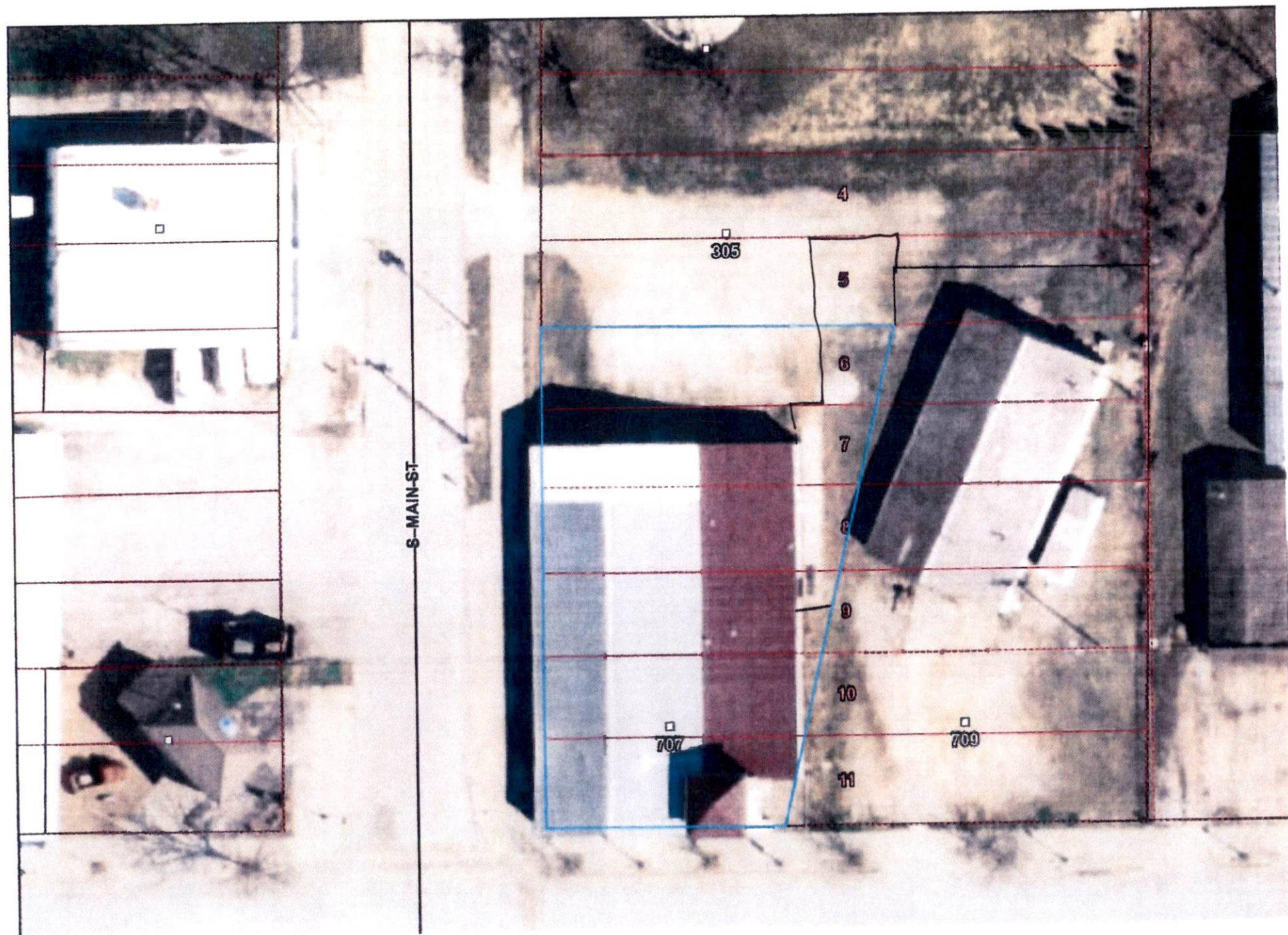
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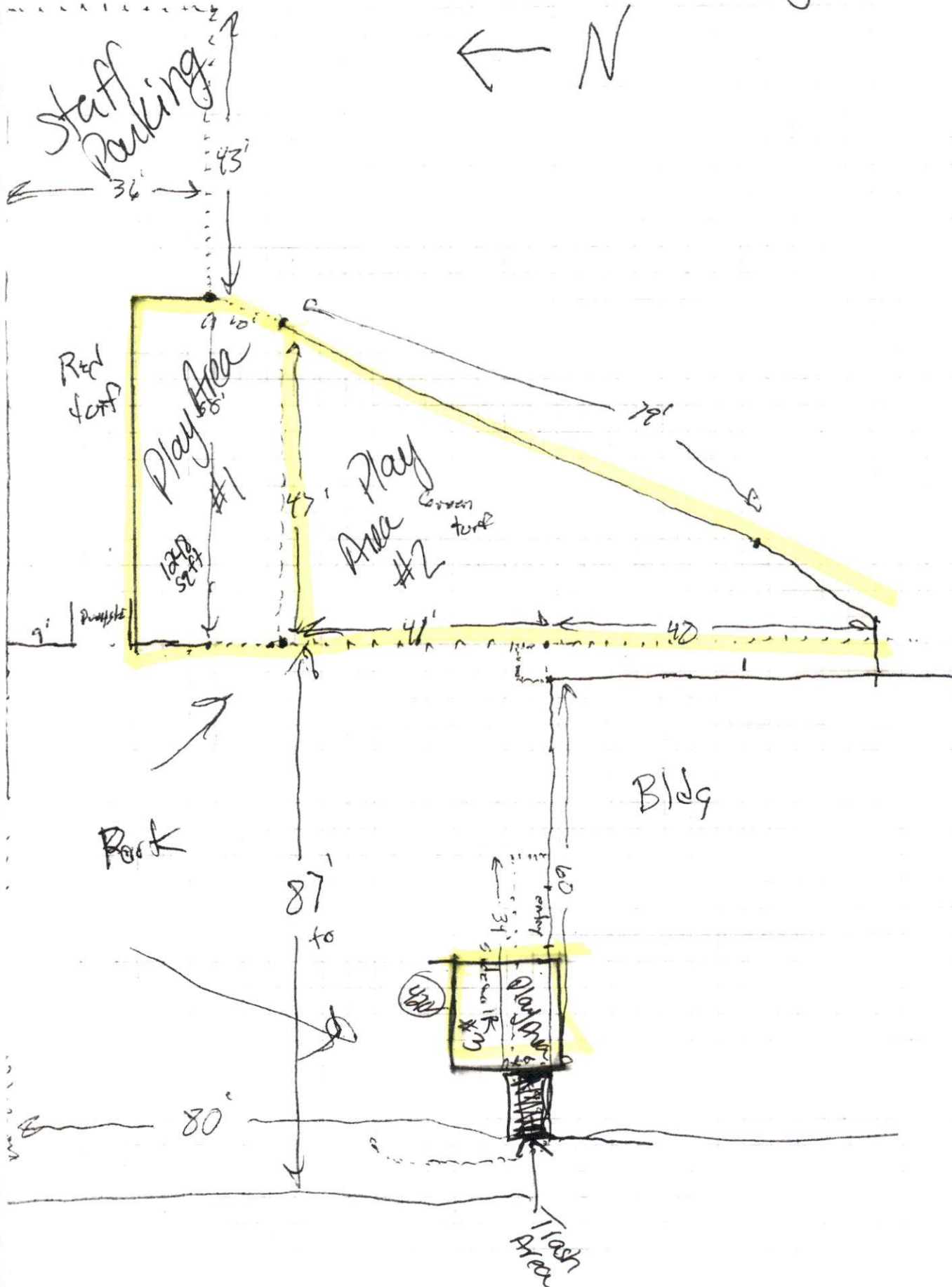
60. 001100-54

# Property Map



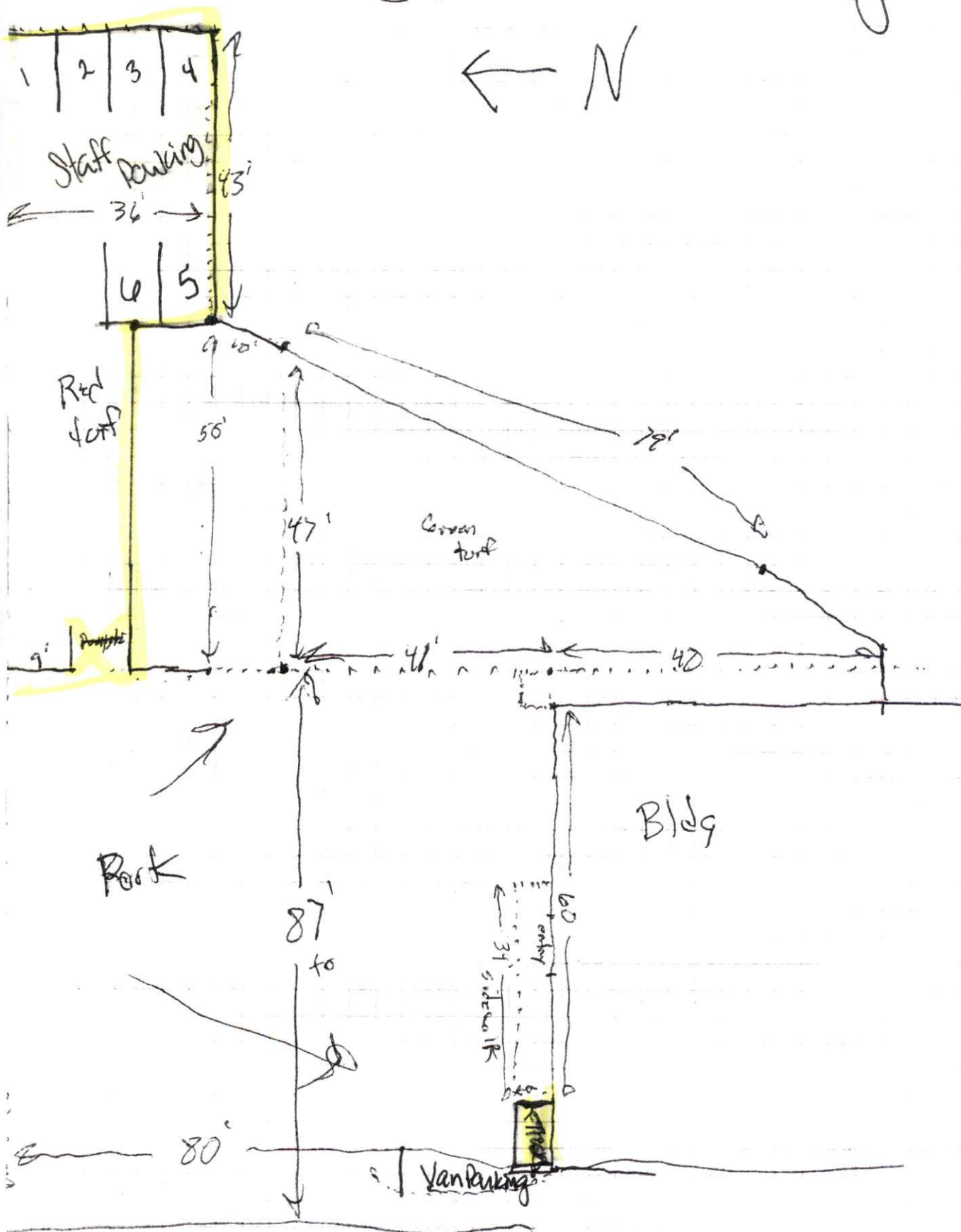


# Outdoor Play Space



# Staff Parking

← N



← N





Child Care Center  
Renewed License No. 0080688-008

Licensee: Tongie Tykes LLC

Facility: Tongie Tykes LLC

Located at: 305 S Main St  
Tonganoxie, KS 66086



09/30/2025

In the county of: Leavenworth

Having complied with the laws and regulations of the State of Kansas governing Child Care Centers, Tongie Tykes LLC is hereby authorized to care for a maximum of 61 children grouped as follows:

- Room 101      6 children two weeks to 6 years of age (maximum of 3 infants); OR  
                  5 children, 12 months (if walking alone) to 2 1/2 years of age; OR  
                  7 children, 2 to 3 years of age;
- Room 102      12 children, 2 1/2 years of age to school age; OR  
                  12 kindergarten enrollees to 16 years of age;
- Room 103      11 children, 2 1/2 years of age to school age; OR  
                  11 kindergarten enrollees to 16 years of age;
- Room 104      12 children, 2 1/2 years of age to school age; OR  
                  12 kindergarten enrollees to 16 years of age;
- Room 105      9 children, 2 weeks to 12 months of age; OR  
                  8 children two weeks to 6 years of age (maximum of 4 infants);
- Room 109      10 children, 12 months (if walking alone) to 2 1/2 years of age; OR  
                  10 children, 2 to 3 years of age.

This License is effective 10/01/2024 and remains in effect until the expiration date noted by the above sticker unless invalidated by a change of owner, operator, location or it is administratively closed.

\*\* Local codes and ordinances may prescribe other requirements for the legal operation of this facility.

A handwritten signature in black ink, reading "Janet Stanek", is positioned above a horizontal line.

Janet Stanek, Secretary  
Kansas Department of Health and Environment



Kansas Department of Health and Environment

Temporary Permit

Child Care Center  
Temporary Permit No. 0080688-004

Licensee: Tongie Tykes LLC

Facility: Tongie Tykes LLC

Located at: 305 S Main St  
Tonganoxie, KS 66086

LIFE 2.0  
owned by LIFE Preschool LLC.

In the county of: Leavenworth

Having filed an application and having agreed to comply with the laws and regulations of the State of Kansas governing Child Care Centers, Tongie Tykes LLC is hereby authorized to care for a maximum of 51 children grouped as follows:

Room 101 7 X children, ~~2 weeks to 12 months of age; OR~~ 2 years of age 12 months if walking alone to 2 1/2 years of age  
7 X children, 2 weeks to 6 years of age (maximum of 3 infants);

Room 102 11 X children, 2 1/2 years of age to school age; OR  
11 X children, kindergarten enrollees to 12 years of age;

Room 103 10 X children, 2 1/2 years of age to school age; OR  
10 X children, kindergarten enrollees to 12 years of age;

Room 104 11 X children, 2 1/2 years of age to school age; OR  
11 X children, kindergarten enrollees to 12 years of age;

Room 109 10 children, 2 wks to 12 months ~~12 months (if walking alone) to 2 1/2 years of age; OR~~  
10 children, 2 to 3 years of age.

This Temporary Permit is effective 08/08/2022 and expires on 11/06/2022.

\*\* Local codes and ordinances may prescribe other requirements for the legal operation of this facility.

Total number of Children 49

Janet Stanek

Janet Stanek, Secretary  
Kansas Department of Health and Environment

19AUG25

To Whom it May Concern,

My name is Gretchen M. Meitler and I am the owner of LIFE Preschool LLC, which started our first location located at 16979 Chieftain Road, in the Fall of 2012. Over the years we have expanded from a license capacity of 24 to over 90 currently.

We are seeking approval for a SUP for 305 S. Main Street in Tonganoxie, previously approved SUP for Tongie Tykes. Our goal is to reopen this location as quickly as possible to provide care for the families that were affected by the closure of this program and to make additional daycare available to our community.

Current regulations have changed for KDHE in the recent past, so I am attaching those changes to my packet. Outdoor space used to require 75 sq ft per child where it is now 60 sq ft per child or  $\frac{1}{2}$  of the licensed number of children.  $60 \times 49 = 2940$  sq ft of space will still be available for children to play with the proposed reconfiguration of fencing. The reconfiguration of fencing and the relocation of the trash receptacle will allow staff parking where the old playground used to be (which was not in line with the security cameras) and will allow for parents to make a loop into and out of the parking lot.

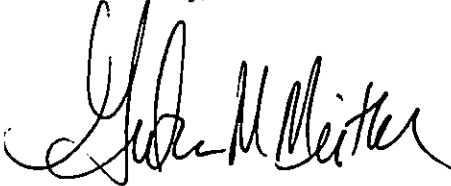
Proposed hours of operation and overall business practices will mirror our current location and will operate Monday through Friday from 7 am to 6 pm and will be closed for all major holidays (New Year's Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving plus the following day, Christmas Eve, Christmas Day and early/closed for New Years Eve.

Our current program does not close for inclement weather but may open late for the safety of staff and families.

We take pride in our facility and will do the same here in the heart of Tonganoxie. Outdoor space will be kept in a neat and orderly fashion so as not to take away from the area while still allowing children to run and play in safe area.

Please let me know if you have any additional questions or concerns and I will be happy to answer them.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gretchen M. Meitler', written in a cursive style.

Gretchen M. Meitler

LIFE Preschool LLC/Owner

402-689-6339/lifepreschool2012@gmail.com





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## PLANNING STAFF REPORT

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**Case#:** 2025-004P –Renewal/Transfer of Special Use Permit for Day Care

**Date of Report:** August 29, 2025

**Application:** Special Use Permit - Renewal/Transfer

*Application Date:* 7/28/2025 (received by consultant via e-mail 8/20/25)

*Meeting Date:* 9/4/2025

**Action:** *A special use permit requires the Planning Commission to evaluate facts and weigh evidence, and based on balancing the factors and criteria in the zoning ordinance against the facts and evidence, make a recommendation to the City Council.*

**Applicant Name:** Gretchen Meiter, Life Preschool LLC.

**Property Owner Name:** Cornerstone Family Worship of Tonganoxie Inc., Richard Olson

**Subject Property:**

*Address:* 305 S. 4<sup>th</sup> Street (Primary use & building 709 E. 4<sup>th</sup> Street)

*Property Size:* 21,404.76 (two parcels)

*Zoning:* HBD

*Legal Description:* TONGE-NOXIE, PLAT OF , BLOCK 9 , PT LTS 6-11;BEG SW COR LT 11, N147.1',E104.37',SLY149.48', W77.81' TO POB Plat Book/Page 1B /80 Lot Width: 147.1 Lot Depth: 104.3 Deed Book/Page 0879/0054 0694/1072 0606/0653

**Surrounding Property – Zoning and Use:**

*West:* HBD (retail and storage)

*South:* HBD (vacant building)

*East:* I-LT (industrial / storage lot)

*North:* I-LT (park)

**Staff Recommendation:** Approval, subject to conditions.

## I. SUMMARY:

This application proposes renew and transfer a previous daycare SUP in an existing building. The property was originally was granted a special use permit for a daycare business at 707 E. 4<sup>th</sup> Street in June 2022 (Ordinance 1504). This permit was renewed in April 2024 for a proposed expansion that did not occur. The initial application was for up to 49 kids and utilized the rear portion of the building. The other portions of the building were used for a variety of community-related services, including a worship centers and a community center for youth through other tenants of the building. The initial application was approved conditioned on a proposed parking / drop off plan, conditions for outside play areas, and other licensing requirements.

This application is for renewal of the original application and a transfer of the prior application to a new operator.

## II ANALYSIS – SPECIAL USE PERMIT FOR DAYCARE IN HBD DISTRICT

The application indicates that the proposed uses expand from the rear of the buildings occupy the rear half of the existing building (approximately the back 50 feet) to include the entire building, and be divided into infant, toddler, pre-school, and older school age rooms, and include a common space.

The Tonganoxie Zoning Ordinance has the following specific requirements for Licensed Daycares, Group Daycares, and Child Care Centers. (These do not supersede any State requirements that may apply.) [\[22-030.C.\]](#)

1. The property must have a minimum lot area of 6,000 square feet and a minimum lot width of 65 feet.

*The lot is approximately 13,000 square feet and has 72 feet of frontage on 4th Street. As a corner lot, it also has approximately 150 feet of frontage on South Main Street. The parking area addressed as 305 S. Main Street adds approximately an additional 50 feet of frontage on South Main and an additional 8, 800 square feet.*

2. In any residential zoning, side setbacks must be at least 100% greater than the minimum side setback required in the district except where the interior side yard is attached to another residential unit.

*Not applicable, as this property is in the HBD district. Further, the HBD district is intended for small-scale, mixed-use retail, entertainment and services. The historic development patterns have no minimum lot requirement, and no setbacks to promote the compact walkable pattern of downtown.*

3. At least 75 square feet of outdoor play space must be provided on the lot for each child using the space at a given time. The total outdoor space shall accommodate not less than one-half of the licensed capacity, or shall include a minimum of 750 square feet, whichever is greater.

*The city ordinance would require 3,675 square feet of play area at full capacity (49 x75 s.f.). The prior application was conditioned on a plan for outdoor play space and the rear northeast portion of the lot was fenced for this purpose. The area was fenced as part of the 2022 plan is over 3,000 square feet. This application proposes some changes to the configuration of this area to account for staff parking in the northeast corner of the site. While the proposed reconfiguration will be smaller (2,940 s.f.), this will meet the current KDHE standards (60 s.f. per*

*child at half capacity or 1,470 in this specific case) and the site is also immediately adjacent to a City Park (Gallagher Park) that is approximately 14,810 square feet.*

4. All open play areas must be completely enclosed with a fence (chain link, wood, or vinyl) at least 4 feet in height and in good repair.

*The northeast portion of the lot and play area and is fenced which occurred through prior applications. The proposed reconfiguration of the play area and parking will keep the repositioned play space enclosed, as was the case for the prior renewal.*

5. The Council may impose additional requirements such as (but not limited to),
- Limitations on the number of children
  - Additional fence requirements or setbacks
  - Hours of Operation
  - Other requirements that may affect the neighborhood or the health and safety of the children being cared for.

*The application states that up to 49 children may be accommodated and the hours of operation will be from 7AM to 6PM for daycare. State license requirements with respect to the building, employees and other operational features will also control the number of children. Additionally, the functions being incorporated under this special use permit were already occurring independent of this application and accessory to an otherwise permitted use in the remaining portion of the building. The HBD district is intended to have activity in a wide range of times, so hours of operation are not as great of a concern as in neighborhoods. Therefore, for the purposes of the SUP approvals and limits, staff does not recommend any additional conditions, provided nothing in the SUP would supersede any operational limits required through the State licensure.*

Parking requirements are established in Section 20 of the Tonganoxie zoning ordinance and have the following regarding the HBD district and daycares:

“In the Historic Business District (HBD), for the purposes of minimizing disruptive curb cuts and driveways, and to encourage the consolidation of parking space in appropriate locations, accessory off- street parking is not required unless determined necessary by the Planning Commission with approval of a site plan.” [\[20-11.W\]](#);

|   |  |  |
|---|--|--|
| Daycares (Licensed Daycares), Group Daycares, <b>Child Care Centers</b> , and non-accessory use Preschools. | Net floor area of facility is greater than 2500 square feet. | 8 spaces for the first 2,500 square feet, plus 1 space for every additional 5,000 square feet, plus 1 space for each provider on duty at any one time. |
|---|--|--|

[\[20-011.X\]](#)

The zoning ordinance has a default that all parking spaces must be on site, but allows parking to within 200’ of the site to be included in a Special Use Permit. In addition, planning and urban design policies for unique context of the HBD district promotes maximizing on-street parking along the site and on adjacent blocks as a shared resource so that sites and buildings can continue to be built in the historic, compact and walkable development pattern.

*At this rate the proposed the entire building used for daycare would require 13 to 16 parking spaces, (8 spaces for the initial 2,250 square feet; 2 additional spaces for additional building*

*square feet; and 3 to 6 additional employee spaces – application indicates 3 to 6 employees and varying staff/child ratios.*

*The existing parking area north of the building is unimproved surface and does not indicate parking spaces. However, due to the scale of the area it could accommodate approximately 16 parking spaces. This application also proposes reconfiguration of the play area in the northeast portion of the site and to provide an additional 6 staff parking spaces. There is no on-street parking currently permitted on South Main Street (future street design concepts in the Downtown Plan could change this with no impact on this site), but the front of the building has 3 designated on-street spaces on 4<sup>th</sup> Street and there is additional on-street parking in the vicinity. [Note: the unimproved nature of the parking is a nonconforming situation. The ordinance requires conformance with the city requirement to pave parking areas if there are any structural changes or a use of the property is abandoned.]*

*In general, parking is to be waived in the HBD district to account for the more compact, walkable pattern, and to acknowledge that a mix of productive, vibrant uses in close proximity is the priority rather than ensuring that each site has plentiful (and often redundant) parking. Despite this, the nature of the daycare use will require some drop-off and parking for practical purposes. The site will accommodate the required amount of parking were this not in the HBD district. The applicant has submitted a parking and drop off management plan that manages all drop off internal to the site. The circulation would reduce the 16 space primary lot during drop off hours, but is acceptable due to the overall parking plan and considering the general HBD exemption and context of on-street parking.*

The Tonganoxie Zoning Ordinance also has the following general criteria to be considered for all special use permits. [\[22-011.A. - F.\]](#)

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

*The application is a reuse of an existing building within the Historic Business District (HBD) and continuation of an existing special use. The HBD is intended for “small-scale retail, entertainment, municipal and personal service uses that meet the regular needs of the City,” and to promote the original character and integrity of the district. Adjacent uses reflect this mixed-use character.*

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

*The subject property has good access for public safety and other municipal services along the abutting streets. As analyzed above with the parking requirements, the site can take advantage of the downtown context and corner location, giving options for drop off and pick up from a variety of directions.*

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

*The site is an infill location with access to existing utilities. Connection to utilities will be reviewed through the building permits, and it is anticipated there will be no or nominal impact to utility services in the area by the daycare use.*

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

*The application is proposed reuse of an existing building within the Historic Business District, and no new improvements are included in the application.*

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

*The application is proposed reuse of an existing building within the Historic Business District, and it meets the standards of that district. (Note: the day care use does have an additional open space requirement addressed above.)*

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

*Daycare / Child Care Centers are generally compatible in business districts. The Historic Business District is a unique district in the City and specifically is concerned with (a) preserving the small-scale, compact and walkable patterns of downtown; (b) encourage a mix of uses that add vibrancy to the heart of the city; and (c) promoting long-term investments in buildings and uses that serve these goals. The use of this site for a daycare is consistent with these goals, particularly since the proposed building maintains the small-scale, compact pattern of the HBD district. The proposed uses have been occurring (under the prior permit and related accessory uses) without any issues.*

All special use permits are also subject to the following general considerations: [\[22-010\]](#)

- The use will not seriously injure the appropriate use or safety of neighborhood property;
- The use will comply with the general intent and purpose of the ordinance;
- And the use shall comply with other general height and area regulations of the district in which it is located.

### **III. EFFECT OF DECISION**

- The Planning Commission decision is a recommendation to Governing Body for Special Use Permits; final approval of the City Council is required. Following the consideration of any additional input from the applicant, City Staff, or the public, and based on the application and testimony at the hearing, the Planning Commission may take one of the following actions.
  - Recommend approval of the application.
  - Recommend approval of the application, subject to conditions;
  - Recommend denial of the application, or
  - Continue the application to another date for further consideration and additional information. If continued to a specific date, time and location, no new notice will be required.
- The City Council considers the application at the next meeting after 14 days.
- The City Council may adopt the Planning Commission's recommendation by a majority; it may modify or override the Planning Commission's recommendation by a 2/3 vote of the membership of the governing body.
- 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 ¾ majority of the governing body.

#### IV. RECOMMENDATION.

Absent any evidence or testimony to the contrary at the public hearing, staff feels that this application meets the special use permit criteria. Provided the Planning Commission finds that it does meet these criteria and general conditions, staff recommends that the Planning Commission recommends approval to the City Council subject to the following conditions:

1. The applicants proposed drop-off management strategy is acceptable; however, staff should continue to monitor parking and circulation (vehicles and pedestrians) in this area – both for this particular site and use and in the context of the downtown plan. Prior to any requirements to construct additional parking or vehicle circulations facilities the following strategies should be considered:
  - a. How timing and typical vehicle counts a peak times affect any issues.
  - b. Whether drop off issues could be addressed internal to the site, all on-street, or a combination.
  - c. How operational and staffing scenarios can improve drop off or avoid any issues
  - d. Whether remote parking in the vicinity of downtown and/or other modes of parking are expected.
2. The per child open space requirement of the zoning ordinance is considered sufficient due to the reconfigured fenced play area, the current KDHE requirements, and the downtown context, and the abutting public park.
3. The applicant submits final KDHE permit/license to the City, prior to any business license or certificate of occupancy in the building.
4. The applicant shall obtain a fire inspection on an annual basis concurrently with the annual renewal of a City Business License for the day care center.
5. The operation is limited to up to 49 children and operating hours between 7AM and 6PM, unless further limited by state license requirements.
6. The permit is valid for a period of five years from the date of approval by the City Council.
7. The building is subject to all building permit and Fire Department inspections necessary for buildings generally, and necessary for daycare facilities and state licenses – specifically exit signs, commercial rated fire extinguishers, compliance of all electrical fixtures or other emergency exit conditions and procedures.



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Chris Brewster  
Contract City Planner



# MEMO

**To:** George Brajkovic, City Manager  
City of Tonganoxie

**Cc:** Dan Porter, Asst. City Manager  
Kent Heskett, City Superintendent  
John Zimbleman, Fire Chief  
Chris Brewster, City Planner

**From:** Brian Kingsley, City Engineer

**Date:** August 29<sup>th</sup>, 2025

**Re:** Life Preschool Special Use Permit  
25-1001L

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The following are the City Engineer and staff review comments related to Engineering issues:

**Special Use Permit Application Engineering Review Comments:**

1) No engineering issues identified.

**Recommended Action:** We recommend approval of the special use permit application as submitted.

--END

For questions or comments, please contact:

**Brian Kingsley, PE**

President

T: 785.691.8978

E: [brian.kingsley@bgcons.com](mailto:brian.kingsley@bgcons.com)



**TONGANOXIE PLANNING COMMISSION**  
**Meeting Minutes**  
**September 4, 2025 7:00 p.m.**  
**303 S. Bury Street**

**CALL TO ORDER**

- Chair Monica Gee opened the meeting at 7:00 p.m.

Roll Call: Planning Commission members present were Chair Monica Gee, Vice Chair Patti Bitler, Kirsten Moreland, John Kirk, and Jamie Shurtz were present. Howie Brewington was present via phone. Brianna Irvin was absent. Assistant City Manager Dan Porter, City Clerk Lindsay Huntington, City Attorney Anna Krstulic, and City Planner Chris Brewster were also present.

**1. APPROVAL OF PC MINUTES – August 7, 2025**

- **Ms. Bitler made a motion to approve the minutes from the August 7, 2025, Commission meeting.**
- **Mr. Kirk seconded the motion.**
- **Vote of all ayes, motion carried.**

**2. OLD BUSINESS**

- Ms. Gee stated she and the owner of Life Preschool did have a discussion regarding how Planning and Zoning function, but it was not specific to any agenda items.

**3. EX PARTE COMMUNICATION**

**4. NEW BUSINESS**

- a) Public Hearing: Consider Approval of Special Use Permit/Sign Permit Application for Cedar Hills Mall generally located at 316 S. Main Street, Tonganoxie, KS 66086
  - **Ms. Gee opened the public hearing.**
  - **No Members from the public addressed the Planning Commission during the public hearing.**
  - **Ms. Gee closed the public hearing.**
- b) Consider Approval of Special Use Permit/Sign Permit Application for Cedar Hills Mall generally located at 316 S. Main Street, Tonganoxie, Kansas 66086
  - Mr. Brewster delivered the staff report for the Special Use Permit and Sign Permit for Cedar Hills Mall.
  - Mr. Brewster stated staff are recommending approval of the Special Use permit.
  - **Ms. Moreland made a motion to approve the Special Use Permit and Sign Permit application for Cedar Hills Mall generally located at 316 S. Main Street, Tonganoxie, Kansas 66086.**
  - **Ms. Bitler seconded the motion.**
  - **Roll call vote – All ayes, motion passed.**
- c) Public Hearing: Special Use Permit for Life Preschool LLC at Property located at 305 S. Main Street in Tonganoxie, Kansas 66086
  - **Ms. Gee opened the public hearing.**
  - **No Members from the public addressed the Planning Commission during the public hearing.**
  - **Ms. Gee closed the public hearing.**




- d) Consider Approval of Special Use Permit for Life Preschool LLC at property located at 305 S. Main Street in Tonganoxie, Kansas 66086
  - Mr. Brewster delivered the staff report for the Special Use Permit for Life Preschool LLC.
  - Mr. Brewster stated staff are recommending approval subject to the staff to the outlined conditions.
  - Ms. Gretchen Meitler, 22730 Hatchell Road, Tonganoxie, thanked the staff for assisting with the Special Use Permit process. Ms. Meitler addressed the number of children the facility will be licensed to have, parking, and the dumpster.
  - Ms. Meitler stated there should not be any issues during drop off with cars waiting in the street to get into the parking lot.
  - **Mr. Kirk made a motion to approve the Special Use Permit for Life Preschool LLC at 305 S. Main Street in Tonganoxie including staff recommendations.**
  - **Ms. Shurtz seconded the motion.**
  - **Roll call vote – All ayes, motion passed.**
  - Mr. Porter stated the next regularly scheduled Council meeting is September 15<sup>th</sup>, however both approved items are subject to a 14-day protest period. If a protest petition is submitted it would require a supermajority vote of the Council instead of a simple majority to approve. Staff are working with the City Council to expedite these two items and possibly have them on an agenda for a special meeting after the 14-day protest petition period.

## 5. GENERAL INFORMATION

## 6. ADJOURN

- **Ms. Moreland made a motion to adjourn the meeting.**
- **Ms. Bitler seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:21p.m.**

Respectfully submitted,



Lindsay Huntington, City Clerk