

**CITY OF LEAVENWORTH  
PLANNING COMMISSION  
COMMISSION CHAMBERS, CITY HALL  
100 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048**

**REGULAR SESSION  
Monday, September 14, 2020  
6:00 p.m.**

*A facemask (covering the mouth & nose) is required for anyone attending the meeting in-person. Citizens wishing to comment may choose to join the meeting via GoToMeeting by calling in at 6:00 p.m.:*

*Phone Number: +1 (408) 650-3123*

*Access Code: 479-247-269*

*Your call will be placed into queue for comment.*

**CALL TO ORDER:**

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: July 13, 2020**

**NEW BUSINESS:**

**1. 2020-28-REZ – 619 S. 4<sup>TH</sup> STREET**

Conduct a public hearing for Case No. 2020-28 REZ – 619 S. 4<sup>th</sup> Street. The applicant is requesting a rezoning of the property located at 619 S. 4<sup>th</sup> Street from OBD, Office Business District, to GBD, General Business District.

**2. 2020-29-SUP – 220 SPRUCE STREET**

Conduct a public hearing for Case No. 2020-29 SUP – 220 Spruce Street. The applicant is requesting a Special Use Permit to allow the operation of a Child Care Center in their home located at 220 Spruce Street. The property is currently zoned R1-6 (High Density Single Family Residential District). Child Care Centers are allowed in the R1-6 zoning district with issuance of a special use permit.

**3. 2020-30 REZ – 728 EISENHOWER RD**

Conduct a public hearing for Case No. 2020-30 REZ – 728 Eisenhower Rd. The applicant is requesting a rezoning of their property located at 728 Eisenhower from R1-25, Low Density Single Family Residential District, to GBD, General Business District.

**4. PRICE CHOPPER TIF DISTRICT**

Determine consistency of the Redevelopment Project Plan for the Price Chopper TIF District with the adopted Comprehensive Plan.

**OTHER BUSINESS:**

NONE

**ADJOURN**

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, July 13, 2020**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Mike Burke  
Sherry Hines Whitson  
Linda Bohnsack  
Claude Wiedower  
Chris Murphy

**Commissioners Absent**

**City Staff Present**

Julie Hurley  
Michelle Baragary

Mike Burke, Claude Wiedower, Julie Hurley, Jackie Porter and Michelle Baragary were present in the commission chambers. Sherry Hines Whitson, Linda Bohnsack and Chris Murphy participated via GoToMeeting.

Chairman Burke called the meeting to order at 6:05 p.m. and noted a quorum was present.

**APPROVAL OF MINUTES:** June 1, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: June 1, 2020. Mr. Wiedower moved to accept the minutes as presented, seconded by Ms. Whitson. The minutes were approved by a vote of 5-0.

**OLD BUSINESS:**

**1. 2020-09 SUP – 1019 OTTAWA**

Conduct a public hearing for Case No. 2020-09 SUP – 1019 Ottawa. The applicant, David F. Anaya, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated this item was tabled at the June 1, 2020 Planning Commission meeting for additional information/consideration. The applicant, David Anaya, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6, High Density Single-Family Residential, zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The current location is an empty lot. The property owner recently purchased the lot, and is requesting a Special Use Permit to allow the development of a two-family (duplex) structure.

At the June 1, 2020 Planning Commission meeting, the commissioners requested for the applicant to provide a conceptual site plan. Mr. Anaya has submitted some documentation for the commission to review along with a few plans and list of possible conceptual ideas.

### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*The property fills a need in the community by providing a two-family housing option.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The property currently does not have any structures on it. Any future structure will be required to meet the development regulations of the zoning district.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquires.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

### **ACTION/OPTIONS:**

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Chairman Burke called for questions from the commissioners about the staff report.

Mr. Murphy asked if the applicant plans to choose one of the three concept designs.

The applicant, David Anaya, reviewed the three various concepts and stated Concept #3 is his preferred choice.

Concept #1: Basic Design, no fireplaces, main part of the duplex will be widened by 3' on each side, timberline shingles or something alike.

Concept #2: Concept #1 plus install a double gable roof on the front (gables will be symmetrical with each other), construct two 2-car carports on the south side of the duplex close to the alley.

Concept #3: Concept #2 plus brick veneer on the front of the house, plant 4-5 trees on each side of the duplex, install a fence on the side and rear, and install a utility shed with a divider so each tenant would have their own personal space.

With no questions from the commissioners, Chairman Burke opened the public hearing. With no one wishing to speak, Chairman Burke closed the public hearing and called for a motion. Mr. Wiedower moved to recommend approval to the City Commission a Special Use Permit to allow a two-family dwelling in the R1-6 (High Density Single-Family Residential District) zoning district based on the analysis and findings presented, seconded by Mr. Murphy and approved by a vote of 5-0.

## **NEW BUSINESS:**

### **1. 2020-16 SUP – 4320 HUGHES RD**

Conduct a public hearing for Case No. 2020-16 SUP – 4320 Hughes Rd. The applicant, Network Real Estate LLC, is requesting a Special Use Permit to allow a 196' tall communication tower and related ground equipment in the R1-9, Medium Density Single-Family Residential, zoning district.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated Glen Klocke on behalf of Network Real Estate LLC and the subject property owner, are requesting a Special Use Permit to allow a 196' tall monopole type communication tower and related ground equipment. The subject property is zoned R1-9, Medium Density Single-Family Residential District, and is occupied by the residential dwelling with accessory structures.

The proposed 196' tower is commissioned by AT&T to serve customers in the Leavenworth area, with space available for 2 additional carriers to co-locate. The maximum height of a tower and antenna when two or more antennas are co-located by two or more companies on a single tower is 170'. The Planning Commission has the authority to make an exception to the height requirement as a condition to the approval of the Special Use Permit. The proposal includes a 70' x 70' fenced area to enclose the tower and related ground equipment. Access will be provided by a paved 12' wide access drive coming off Hughes Road.

There is no signage proposed except for safety and identification as required by the Federal Communications Commission. The 70' x 70' fenced enclosure will be screened with green privacy slates. Sufficient existing foliage exists around the site of the tower from adjoining properties.

The Development Regulations require that for each foot of tower height there shall be a minimum of 1.05 foot of setback from any property line. This would require a minimum 205.8' setback from all property lines for the proposed tower, which is provided.

### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

5. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations*

6. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*A communication tower will provide numerous benefits to the economic development, welfare and convenience of the public through improved cellular communication capabilities.*

7. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed communication tower will cause any substantial injury to the value of other property in the neighborhood.*

8. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The location and size of the proposed communication tower are such that it will not dominate the neighborhood and prevent development and use of neighboring properties. The proposed tower will be situated to maximize distance from and impact on any adjoining single-family residences. The subject property is bordered by a creek to the west, with dense tree growth to the north and west of the subject communication tower, minimizing visibility from surrounding properties.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request with an exception to the height regulations to allow 196' based on the analysis and findings included herein.

### **ACTION/OPTIONS:**

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Chairman Burke called for questions from the commissioners about the staff report.

Mr. Wiedower asked if staff has received any protests for the special use permit.

Ms. Porter stated two citizens in opposition called staff.

Mr. Murphy expressed concern for the need of the additional 26' for the tower.

Glen Klocke (Network Real Estate representing AT&T) stated the additional height is to reach the VA Hospital and University of Saint Mary from this location. The ground level at this location is low but the location is buffered by trees so the visual will almost be just the top of the tower.

Mr. Burke asked how many other locations were looked at before deciding on this one.

Mr. Klocke stated four to five locations where researched.

Mr. Wiedower asked other than the hospital and college, who else will benefit from this tower.

Mr. Klocke responded the radius for this tower is approximately 5 to 5.5 miles; therefore, it will benefit any AT&T user 2.5 miles in each direction of the tower.

Ms. Bohnsack asked if there will be any additional lighting on the tower (other than what is required by the FCC) and if the lighting will be switched to a red light at night.

Mr. Klocke responded in the negative. He further stated the fenced in area will not have lighting.

Mr. Wiedower asked if AT&T already has other providers to also use that tower.

Mr. Klocke stated they currently do not have another provider. Per city code the tower must be built for co-locations. Once the tower is constructed, the co-locate will be marketed.

With no further questions about the staff report, Chairman Burke opened the public hearing.

Gordon Cunning, 540 Muncie Road, asked how many cell towers are within the city limit of Leavenworth.

Ms. Porter stated staff does not have that information readily available but could get that for him.

Mr. Cunning asked if the alternative locations are still being reconsidered in case this location does not pass.

Mr. Klocke stated the alternative locations get ruled out one at a time based on the coverage objectives and how the signals carry; therefore the alternative locations are no longer being considered.

Mr. Cunning asked if other service providers can also use the tower.

Ms. Porter responded the tower will be equipped to sublet to two other providers.

Mr. Cunning stated his last concern is health related and if any consideration has been given to how electromagnetic radiation from cell towers in residential areas can impact one's health. Referring to a study done in 1998 and 2007 where 75% of those who participating in the study and lived within 900' of a cell

tower experienced over a dozen health issues. For residents who lived further from the tower, the health issues decreased.

Mr. Klocke stated the FCC controls the amount of signal coming from a cell tower. The tower will be below the allowed frequency/signal requirements mandated by the FCC. Mr. Klocke is not aware of the study Mr. Cunning is referring to; however, Mr. Klocke stated the American Cancer Society published an extensive study several years ago stating there are no health impacts.

Mr. Burke asked how often the FCC checks on the output generated from the towers.

Mr. Klocke responded he does not know; however, each company monitors their towers daily.

Mr. Cunning asked what the diameter of the tower is and if there are support cables.

Mr. Klocke stated there are no cables. The tower is a monopole, which looks like a large light structure. Mr. Klocke estimates the diameter at the top is about 3-1/2' and about 6' at the base.

Janelle Defrees, 4237 Lakeview Drive, stated not only would the tower be an eyesore and decrease the value of her property but she is also concerned with the health implications. Ms. Defrees stated she read an American Cancer Society study today stating there are findings of health implications; but they are not listed as strong implications.

Mr. Anaya asked what the size of the lot is at 550 Muncie Road.

Ms. Porter responded the lot size is 7.25 acres.

Mr. Anaya stated he is an engineer. When dealing with high voltage you must stay at least 200' away from the structure.

Mr. Klocke stated the power coming from a cell tower is very low; each antenna is less than 100 watts and is serviced by a 200 amp breaker.

David Graham, 500 Muncie Road, asked about the access road that will be install behind his property and how often that road will be used.

Mr. Klocke stated the access road will be gravel during construction of the tower with an increase in activity. Once the tower is installed, the road will be paved and will only be used approximately once every two months.

Mr. Graham asked why the applicant cannot use the tower located near Xavier Elementary School.

Mr. Klocke explained AT&T provides Network Real Estate with the search area, which was only a quarter mile. Network Real Estate gathers information, such as locations of nearby towers, and sends this to the engineers who are designing the networks to figure out what will work. Using the existing tower did not fit into AT&T's network they are trying to build and the coverage they want to improve.



With no one else wishing to speak, Chairman Burke closed the public hearing and called for discussion among the commissioners.

With no further discussion, Chairman Burke called for a motion. Mr. Wiedower stated the commission is sensitive to the concerns communicated by citizens on safety and land value. However, enhancing communication strength four to five miles to include the University of Saint Mary and VA Hospital is in the interest of the greater good. Mr. Wiedower moved to recommend approval to the City Commission for a Special Use Permit to allow a 196' monopole type communication tower and related ground equipment based on the analysis and findings presented, seconded by Mr. Murphy and passed by a vote of 4-1. Ms. Whitson voted nay.

Staff stated there is a 14-day protest period before this item goes before the City Commission.

## **2. 2020-22 SUP – 1906 CLEVELAND TER**

Conduct a public hearing for Case No. 2020-22 SUP – 1906 Cleveland Ter. The applicants, Candido and Kathleen Vazquez, are requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1906 Cleveland Ter. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated the applicants, Candido and Kathleen Vazquez, are requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1906 Cleveland Ter. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The structure on the property has been functioning as a two-family dwelling. The property owner is requesting a Special Use Permit to adequately represent the current use of the structure on the property.

### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*The property fills a need in the community by providing a two-family housing option.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*No new structures or building modification are proposed as part of this special use permit. The property will continue to function as it has in previous years.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquires.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

**ACTION/OPTIONS:**

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Chairman Burke called for questions from the commissioners about the staff report and stated this is much like the special use permit application the commission reviewed at last month's meeting.

With no questions, Chairman Burke opened the public hearing. With no one wishing to speak, Chairman Burke closed the public hearing and called for a motion. Mr. Wiedower moved to recommend approval to the City Commission a Special Use Permit to allow a two-family dwelling in the R1-6 (High Density Single-Family Residential District) zoning district based on the analysis and findings presented, seconded by Ms. Whitson and passed by a vote of 5-0.

Ms. Porter stated the next Planning Commission meeting will be September 14, 2020. There is also a joint meeting with the City Commission and Planning Commission Tuesday, July 21, 2020 to discuss the Comprehensive Plan.

With no further business, Chairman Burke adjourned the meeting.

The meeting adjourned at 6:55 p.m.

JP/mb

**OTHER BUSINESS:**

NONE

**ADJOURN**

**PLANNING COMMISSION AGENDA ITEM**

**2020-28 REZ**

**REZONING REQUEST**

**619 S. 4<sup>th</sup> Street**

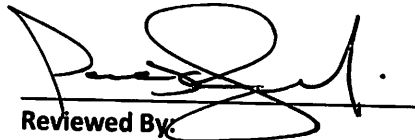
**SEPTEMBER 14, 2020**

**SUBJECT:**

A request to rezone the property located at 619 South 4<sup>th</sup> Street from OBD, Office Business District, to GBD, General Business District.

  
Prepared By

Jacquelyn Porter  
City Planner

  
Reviewed By

Paul Kramer  
City Manager

**ANALYSIS:**

The applicant Development, Inc., owned by Jeremy Greenamyre, is requesting a rezoning of the property located at 619 S. 4<sup>th</sup> Street from OBD, Office Business District, to GBD, General Business District. The office building that operated as an American Family Insurance office has been vacant for 5 to 6 years. Development, Inc. purchased the property in October 2019.

The rezoning is being requested by the property owner to allow the opportunity for a broader variety of uses to be considered at the property. This property is in close proximity to downtown commercial uses.

**CONDITIONS OF DETERMINATION**

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

*The subject property is the site of the former American Family Insurance office building, which is currently vacant. To the south is "Leavenworth Laundromat". To the southeast is a single-family home. To the west is "First United Methodist Church". To the northwest is the "First Presbyterian Church". To the north is a single family home. To the east is a single-family neighborhood. The subject property is located along South 4th Street, which is classified as arterial street and designed to handle a high volume of traffic.*

- b) The zoning and use of properties nearby;

*To the south of the subject property is a laundromat, zoned NBD (Neighborhood Business District). To the southeast is a single-family home, zoned R1-6 (High Density Single Family Residential District). To the west is church "First United Methodist Church" zoned OBD (Office Business District). To the northwest is a church "First Presbyterian Church" zoned OBD (Office Business District). To the north is a single-family home, zoned OBD (Office Business District). To the east is a single-family residential neighborhood zoned R1-6 (High Density Single Family District). OBD (Office Business District). The remainder of the neighborhood consists of single-family homes zoned R1-6, High Density Single Family District and other NBD, Neighborhood Business District.*

- c) The suitability of the subject property for the uses to which it has been restricted;  
*The subject property was built in 1970. The building has been used as an office building, and is unsuited for residential use.*
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;  
*The proposed rezoning should have little detrimental effect upon surrounding properties. The subject building has been used for office space prior to the current owner. No significant effect on nearby property is anticipated due to the rezoning.*
- e) The length of time the subject property has remained vacant as zoned;  
*The existing building has consistently operated in an office business district use since construction in 1970. The last remaining tenant vacated the building after the passing of the previous owner 5 to 6 years ago.*
- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;  
*The proposed rezoning will have a positive effect on public health and welfare by providing a correct zoning to correlate with the surrounding properties along a densely used arterial street, which has been proposed by the 2010 Comprehensive to be zoned Commercial.*
- g) The recommendations of permanent or professional staff;  
*Staff recommends approval of the rezoning request.*
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;  
*The area is identified as appropriate for commercial uses on the Future Land Use map. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.*
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.  
*No other factors*

**REZONING ACTION/OPTIONS:**

- Recommend approval of the rezoning request from R1-6 to GBD to the City Commission
- Recommend denial of the rezoning request from R1-6 to GBD to the City Commission
- Table the issue for additional information/consideration.

**Attachments:**

Application materials  
2010 Future Land Use Map  
Current Zoning Map



**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

Project No. 2020-28 REZ

Application #	<u>7793</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>6-29-20</u>
Received By	<u>UMJ on 6/29/20</u>
Hearing Date	<u>9-14-20</u>
Publication Date	<u>8-20-20</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	<u>619 S. 4th St.</u>		
Rezoning:	Present classification of <u>GBD</u> district to <u>OBD</u>		
Legal Description:	<b>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</b>		
Real Estate PID #:	<u>052-077-36-0-20-29-008.00-0</u>	Historic District:	<u>N/A</u>

I/We, \_\_\_\_\_ being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	<u>Development, Inc.</u>		
Address:	<u>2500 S. 2nd St., Leavenworth, KS 66048</u>		
Contact No. (913)-828-4440	Email Address: <u>jeremy@greenamyre.com</u>		
Signature of Owner(s):			

State of Kansas )  
County of Leavenworth )

(SEAL)  
  
 EVA WILSON  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Exp. 3/13/24

Signed or attested before me on 06/25/2020 by (name(s) of person(s))  
(date)

Notary Public: Eva Wilson My appointment expires: 3/13/24

**NOTE:** All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

**If necessary, use additional sheets to respond to the following:**

Briefly describe the present use and character of the property and of the surrounding area: Present use:  
Vacant office building, 1410 sq. ft.; Surrounding area is combination of houses, municipal  
buildings, commercial buildings.

Briefly describe the intended use and character of the property: Accomodate general business use.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: GBD is consistent with the majority of zoning for commercial buildings on K7.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: GBD is not significantly different from current zoning.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: No.

Check List:	
<input checked="" type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input type="checkbox"/>	List of the owners for property within two hundred (200) feet of the property to be rezoned
<input checked="" type="checkbox"/>	Full legal description provided by the Register of Deeds Office or a Title Company
<input checked="" type="checkbox"/>	Site plan drawn to scale (see General Instructions)
<input type="checkbox"/>	Supporting documentation (see General Instructions)

# CONCEPT 2

## 619 S. 4TH STREET

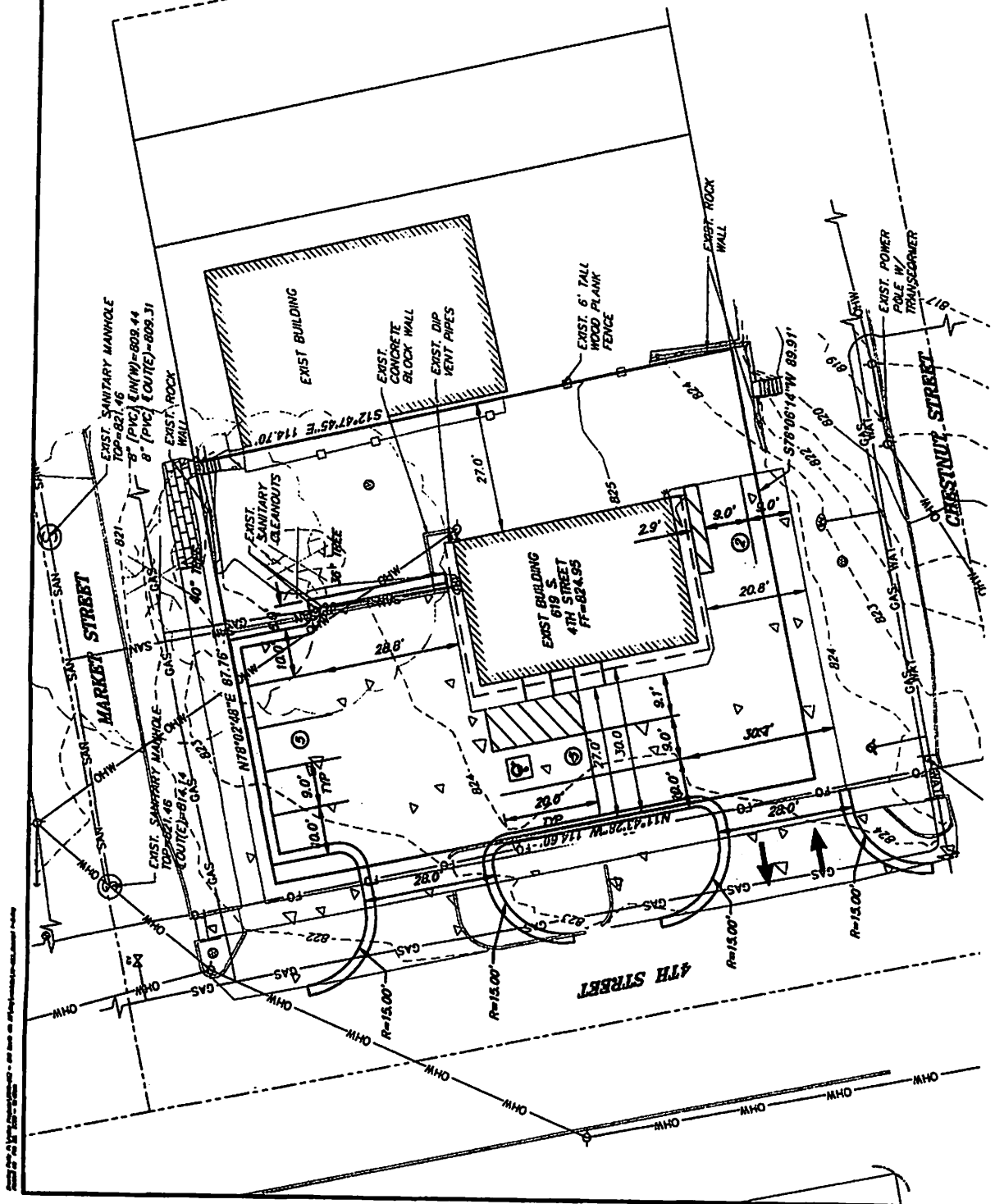
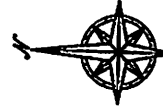
**SITE DATA:**

**PARKING CONFIGURATION:**  
 DUAL ENTRANCE WITHOUT A DRIVE-THRU AND  
 MAXIMIZED PARKING STALLS  
**REQUIRES DEVIATION FOR PAVEMENT OUTSIDE  
 PROPERTY LINE.**

**TOTAL PARKING STALLS: 12**

**EXISTING ZONING: CBD-DISTRICT A**  
**FRONT SETBACK = 0'**  
**SIDE SETBACK = 0'**  
**REAR SETBACK = 0'**

**THERE ARE NO HEIGHT RESTRICTIONS**



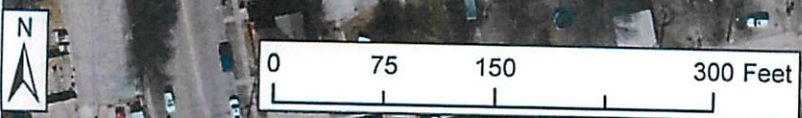


# 200' Radius Search For 619 S. 4th Street

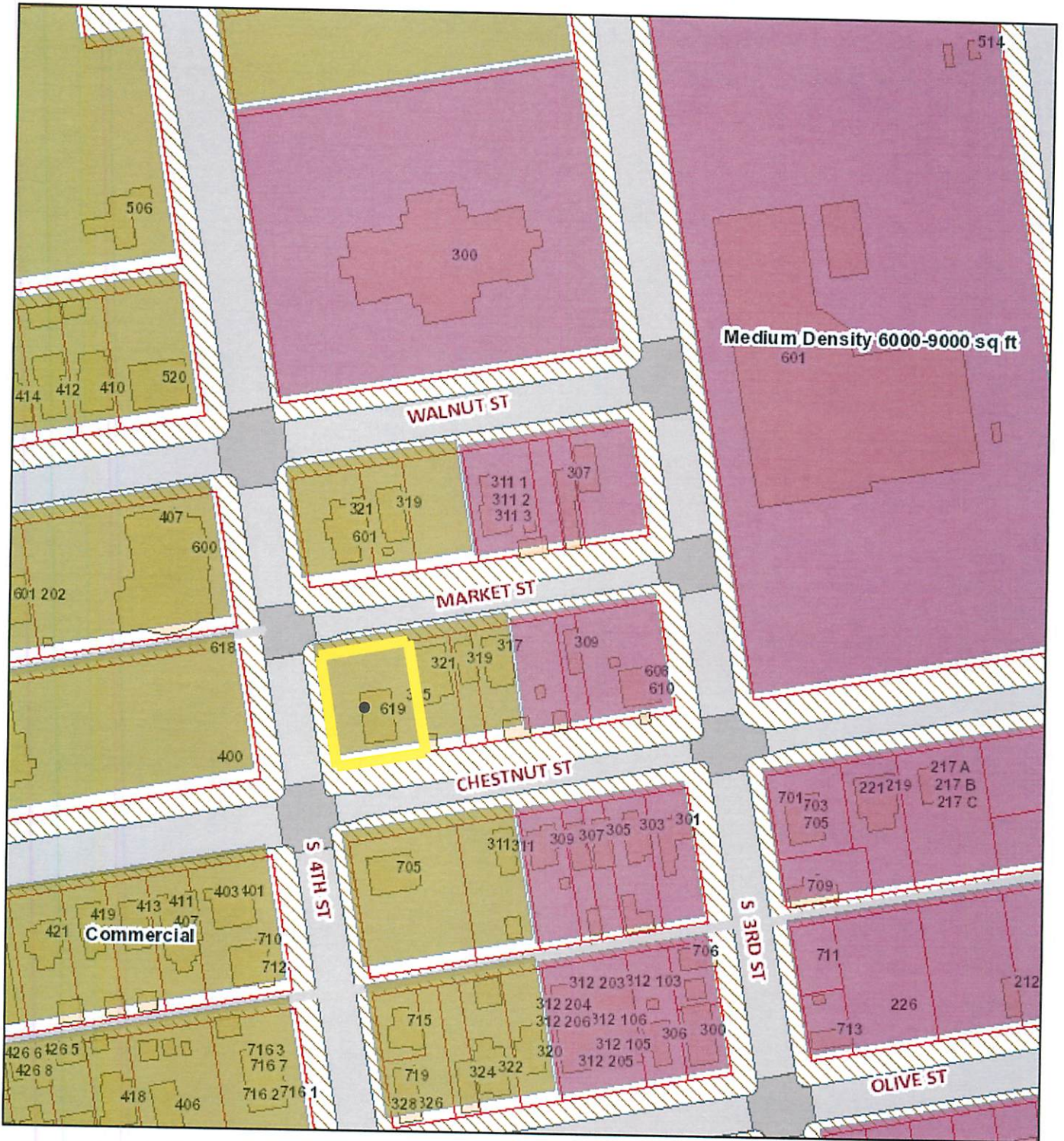


### Legend

- 619 S. 4th Street
- Buffer (200')
- Parcels Found:21



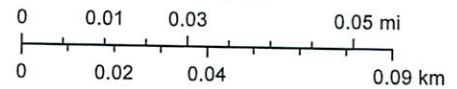
# 2010 Future Land Use Map



8/31/2020, 1:16:07 PM

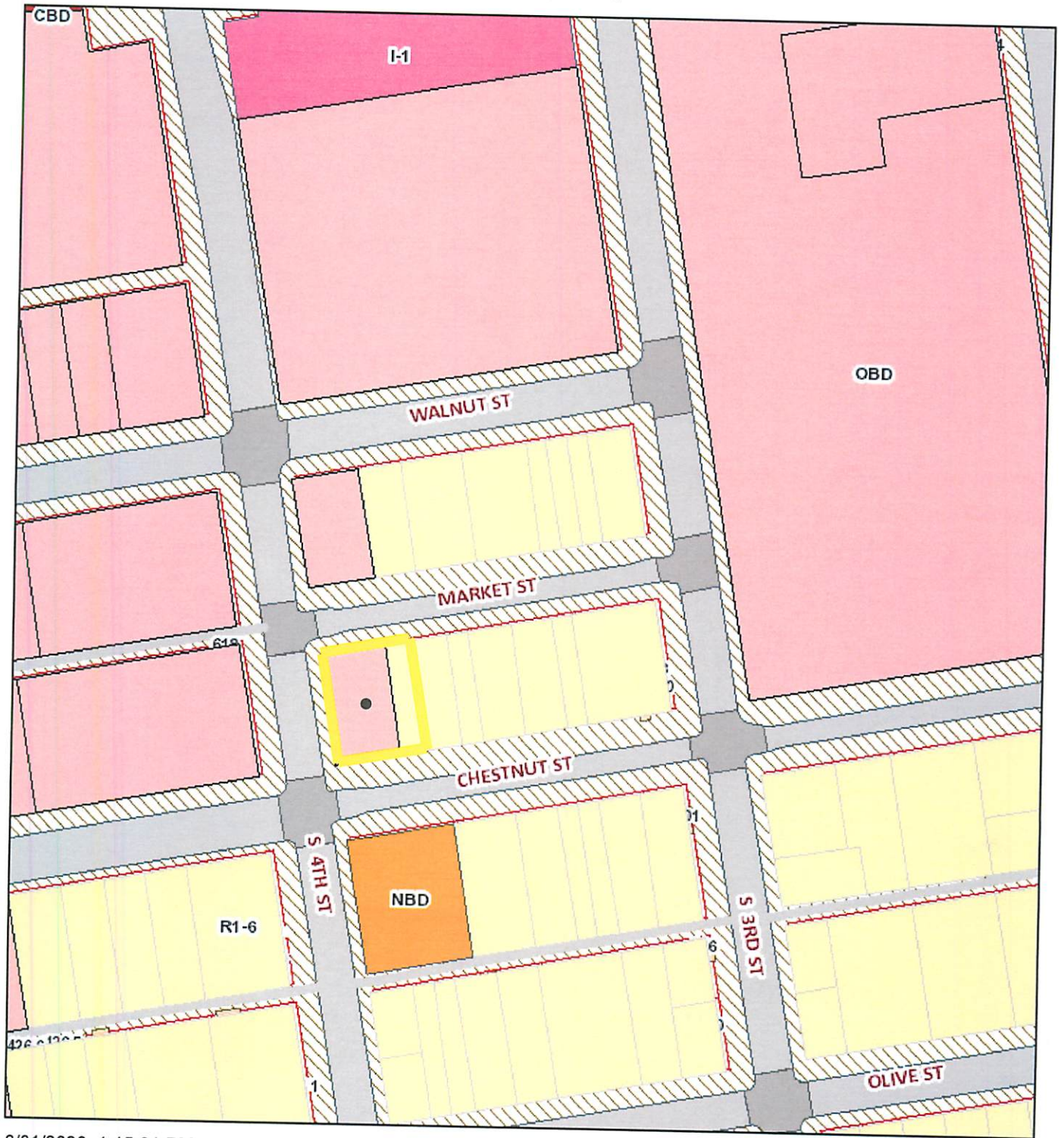
1:2,257

- Override 1
- LV National Cemetary
- Future Land Use (Comp Plan 2010)
- Commercial
- Low Density Residential 7500 - 14,000 sq ft
- Ft Leavenworth
- Medium Density 6000-9000 sq ft
- Industrial
- Multi-Family
- Institutional
- Parks



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

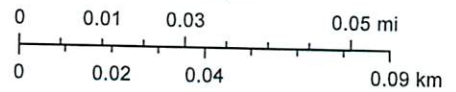
# Zoning Map



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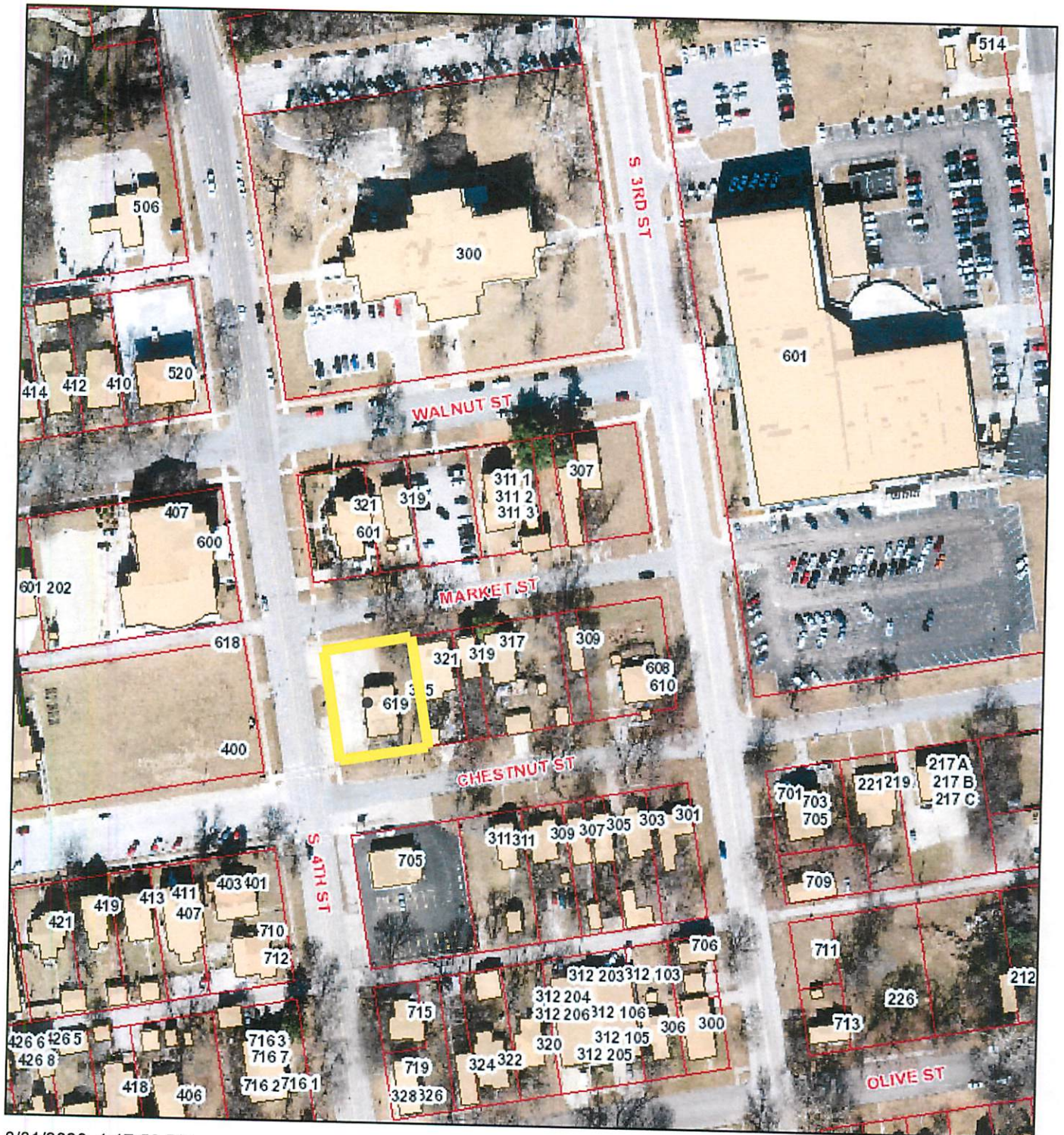
1:2,257

- Override 1
- IMP
- Zoning\_CURRENT**
- NBD
- CBD
- OBD
- GBD
- PUD
- I-1
- R-MF
- I-2



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

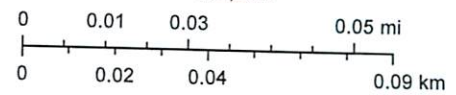
# Aerial Map



8/31/2020, 1:17:53 PM

1:2,257

- Override 1
- Buildings
- Parcels (City Owned)
- Parcels\_Current
- Address (Points)
- Ortho 2018
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- East\_of\_River\_Blank
- Streets
- Lansing City Limits



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

**PLANNING COMMISSION AGENDA ITEM  
2020-29 SUP  
220 SPRUCE STREET**


**SEPTEMBER 14, 2020**

**SUBJECT:**

A request for a Special Use Permit to allow the operation of a Child Care Center at 220 Spruce Street



Prepared By:  
Julie Hurley  
City Planner



Reviewed By:  
Paul Kramer  
City Manager

**NATURE OF REQUEST**

The applicant, Savannah Nelson, is requesting a Special Use Permit to allow the operation of Child Care Center in their home located at 220 Spruce Street. The property is currently zoned R1-6 (High Density Single Family Residential). Child Care Centers are allowed in the R1-6 zoning district with issuance of a special use permit. The applicant previously received approval of a Special Use Permit in 2018 to operate a Child Care Center in their home at 1922 5<sup>th</sup> Avenue. That structure was damaged by fire earlier this year, and the applicant has since relocated to the subject property and intends to continue her Child Care operations.

The applicant is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

**CONDITIONS OF DETERMINATION**

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

*The subject property is located along Spruce Street, which is classified as a Residential street.*

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

*The subject property includes a back yard area of approximately 2,100 sqft., enclosed by a 4' chain link fence. The back yard is adjacent to an existing alley, and there is approximately 25' from the fenced area to the edge of the paved alley.*

3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

*The subject property does not include a driveway or other paved off-street loading area. However, in the area of town in which the property is located, the majority of homes do not have a driveway or other off-street paved parking/loading area. There is ample on-street parking in front of the subject property, and access may be obtained off the rear alley if needed.*

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.

*The applicants have provided a copy of their Group Day Care Home permit from the Kansas Department of Health and Environment.*

5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.  
*The home functions as the only residence of the operator/owner.*

6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.

*The applicant is currently displaying a yard sign in the front yard of the house, within the allowable signage area.*

#### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed Child Care Center will cause any substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has not received any contact from notified property owners.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. No additional home occupations may be carried out at the residence.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

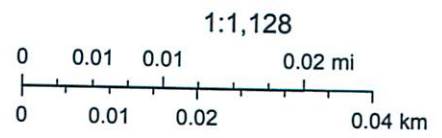
**ACTION/OPTIONS:**

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

# 2020-29-SUP



9/9/2020, 1:36:36 PM



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**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

Case No.: 2020-29 SUP  
Application No. 7794  
Fee (non-refundable) \$350.00  
Filing Date 6-29-20  
Received By CC G/za/zo  
Publication Date 8-20-20  
Hearing Date 9-14-20

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: daycare center,  
in accordance with the attached site plan on the following described property:

Address: 220 Spruce St. Leav. KS 66044  
Legal Description: (Attach a full legal description provided by the Register of Deeds Office)  
Real Estate PID #:   
Zoning: R1-C6 Historic District: N/A

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print): Savannah E Nelson  
Owner Address: 220 Spruce  
Contact No. 913-5476354 Email: SavannahSmile2017@gmail.com  
Signature of Owner(s): Savannah E Nelson

State of Kansas  
County of Leavenworth (SEAL)



Signed or attested before me on: 6/29/20

Notary Public: Michelle Baragary

My Appointment Expires: 8-16-20

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:   
Address:   
Contact No.   
Email:

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

- Non-Refundable Fee of \$350.00 is due at time of application
- City will provide list of owners for property within two hundred (200) feet of the subject property
- Attach **full** legal description (must be provided by the Register of Deeds Office)
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)

BACK YARD



220 Spruce St. Leavenworth, KS

# Kansas Department of Health and Environment License

Group Day Care Home  
License No. 0051867-006

Licensee: Savannah Esther Nelson

Facility: Savannah Smile

Located at: 220 Spruce St  
Leavenworth, KS 66048

Place sticker here

07/31/2021

In the county of: Leavenworth

Having complied with the laws and regulations of the State of Kansas governing Group Day Care Homes, Savannah Esther Nelson is hereby authorized to care for a maximum of 12 children, under one of the following options:

**MAXIMUM LICENSED CAPACITY IF ONE ADULT IS PRESENT WITH THE CHILDREN:**

- 9 children, at least 2 ½ years but under 11 years of age\*; or
- 10 children, at least 3 years but under 11 years of age\*; or
- 12 children, at least 5 years but under 11 years of age; or refer to Table I in K.A.R. 28-4-114(e) if children under 2 ½ years of age are in attendance.

**MAXIMUM LICENSED CAPACITY IF TWO ADULTS ARE PRESENT WITH THE CHILDREN:**

- 12 children, infancy to 11 years of age\*, with not more than 9 children under 5 years of age, 3 of whom may be under 18 months of age; or
- 10 children, infancy to 11 years of age\*, with not more than 8 children under 5 years of age, 4 of whom may be under 18 months of age; or
- 12 children, at least 18 months but under 11 years of age\*, with not more than 5 children, 18 months to 2½ years of age.

\*Children five years of age and over may be substituted for younger children in the license capacity. Children under 11 years of age who are related to the applicant with a temporary permit, the licensee, or any other provider shall be included in the maximum number of children in each age group. Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.

This License is effective 07/30/2020 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.

Smoking is prohibited inside the day care home during hours of operation.

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

*Lee A. Norman MD*

Secretary  
Kansas Department of Health and Environment

**PLANNING COMMISSION AGENDA ITEM  
2020-30-REZ  
728 EISENHOWER**

**SEPTEMBER 14, 2020**

**SUBJECT:**

A request to rezone the property located at 728 Eisenhower from R1-25, Low Density Single Family Residential District to GBD, General Business District.



**Prepared By:**  
Julie Hurley  
Director of Planning and  
Community Development



**Reviewed By:**  
Paul Kramer  
City Manager

**ANALYSIS:**

The applicant is requesting a rezoning of their property located at 728 Eisenhower from R1-25 to GBD. The 14.35 acre lot is currently occupied by a single family home and agricultural uses, and is located directly west of the existing Dillon's grocery store, and to the east of the existing Westside Family Church.

The rezoning is being requested in order to allow for future commercial development along the Eisenhower Road corridor, and is consistent with the 2010 Comprehensive Plan. The applicant has provided a conceptual site plan showing 3 commercial pad sites along the southern portion of the property adjacent to Eisenhower Road, with mixed-use or multi-family in the northern portion of the site to act as a transition to the single family development to the north. Dependent upon how the northern portion of the site develops in the future, it is anticipated that an additional rezoning request may be necessary.

The Development Review Committee reviewed the project at their July 23, 2020 meeting and discussed items related to platting, easements, and utilities. No major issues were identified, and all items discussed will be addressed as the site develops.

**CONDITIONS OF DETERMINATION**

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

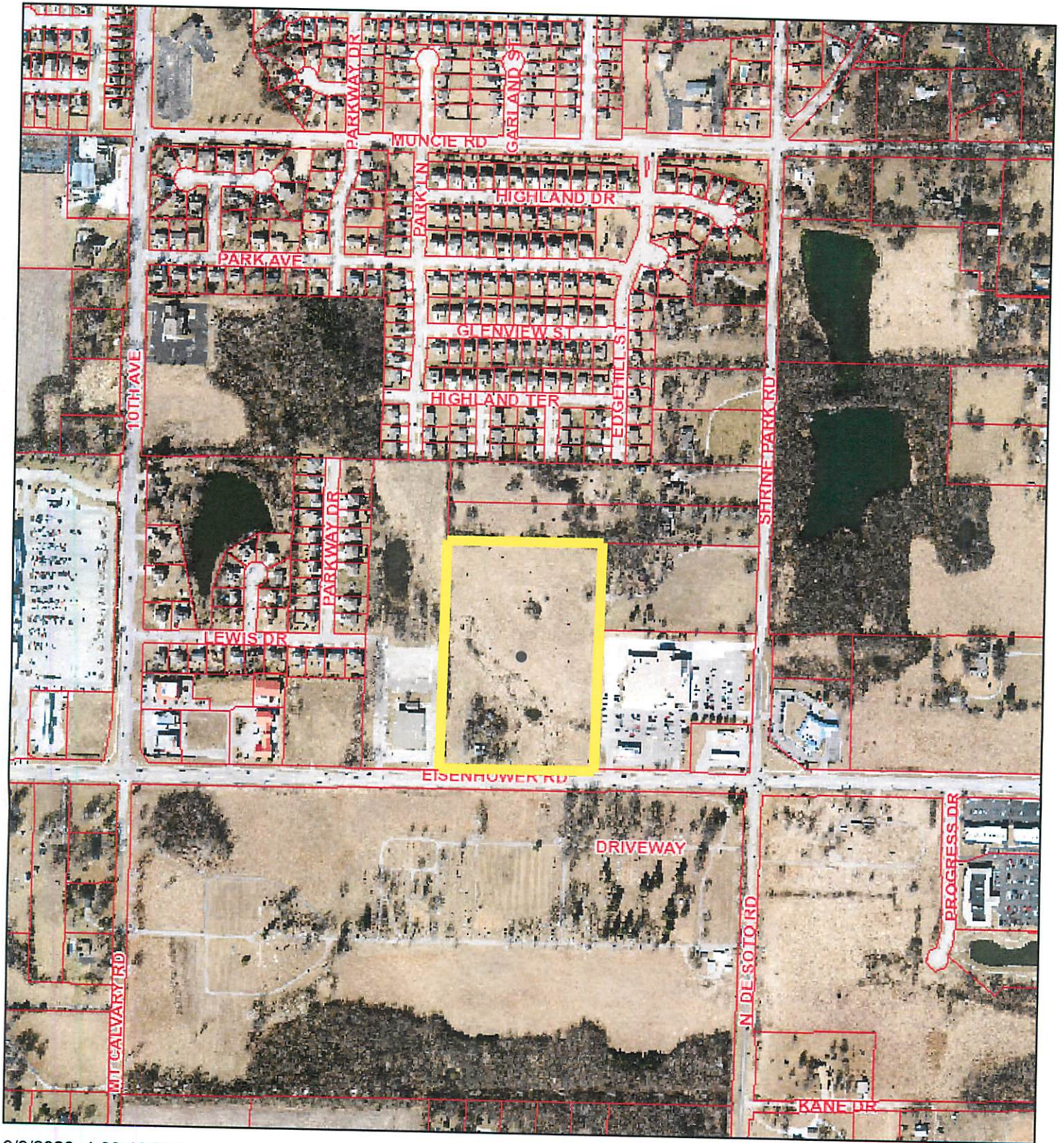
*The subject property is directly adjacent to the Eisenhower Road corridor, with an existing Dillon's grocery store to the east and Westside Family Church to the west. To the north is a single family residential development, and to the south, across Eisenhower Road in Lansing, is a cemetery. Further to the east and west is additional commercial development.*

- b) The zoning and use of properties nearby;  
*The properties to the east and west are zoned GBD, General Business District. The property to the north is zoned R1-9 Medium Density Single Family Residential.*
- c) The suitability of the subject property for the uses to which it has been restricted;  
*The subject property is currently zoned R1-25, Low Density Single Family Residential, which is typical of agricultural uses within the City and does not allow for the highest and best use of a property situated along a major thoroughfare.*
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;  
*The proposed rezoning should have little to no detrimental effect on nearby property. The majority of uses along the Eisenhower Road corridor are commercial or industrial in nature.*
- e) The length of time the subject property has remained vacant as zoned;  
*The property has always been single-family/agricultural in nature.*
- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;  
*The proposed rezoning will have a positive effect upon the economic vitality of Leavenworth by allowing for more commercial development along the Eisenhower Road corridor at a time corresponding with major road improvements to be undertaken which are intended to increase the capacity and safety of the corridor.*
- g) The recommendations of permanent or professional staff;  
*Staff recommends approval of the rezoning request.*
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;  
*The subject area is identified as appropriate for commercial uses in the Comprehensive Plan.*
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.  
*No other factors of note.*

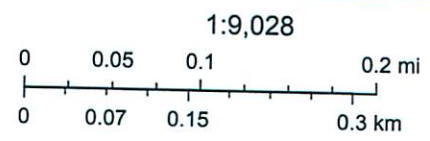
**REZONING ACTION/OPTIONS:**

- Recommend approval of the rezoning request from R1-25 to GBD to the City Commission
- Recommend denial of the rezoning request from R1-25 to GBD to the City Commission
- Table the issue for additional information/consideration.

# 2020-30-REZ

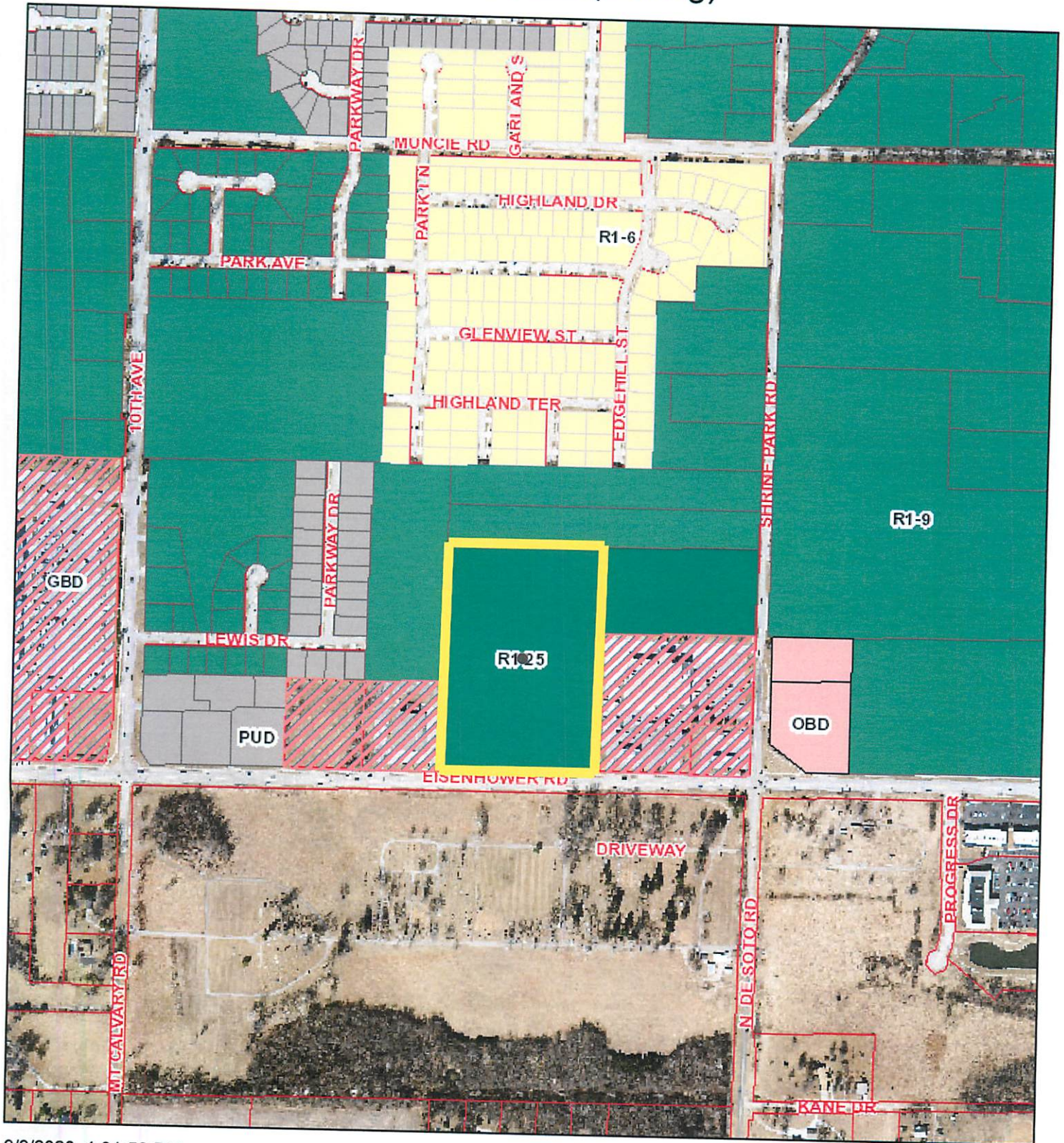


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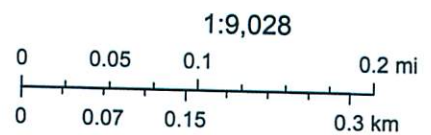


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# 2020-30-REZ (Zoning)

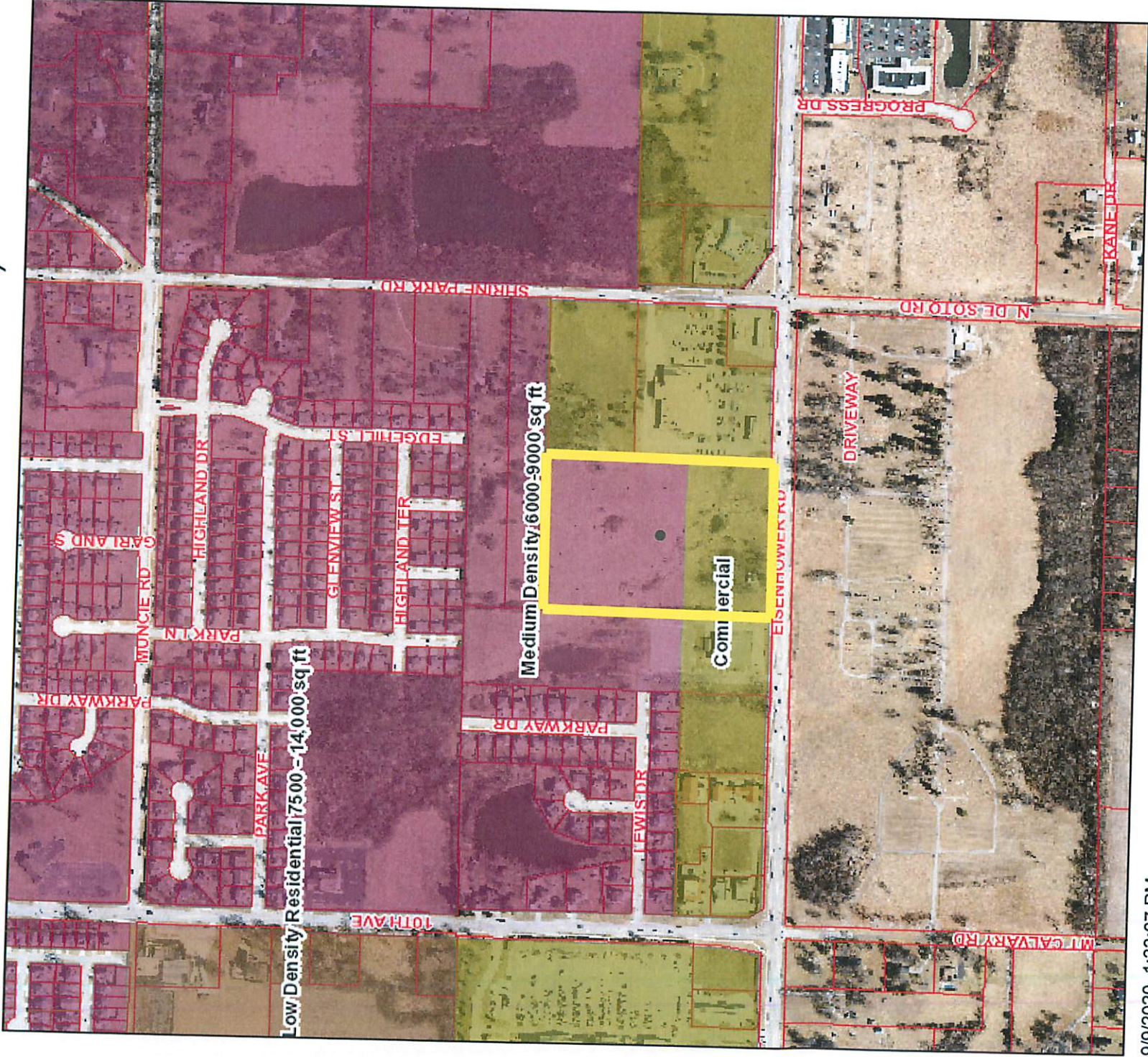


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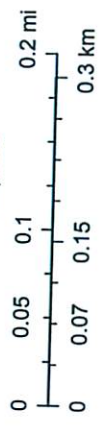
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# 2020-30-REZ (Future Land Use)



9/9/2020, 1:33:07 PM

1:9,028







## Development Review Committee Meeting Thursday, July 23, 2020

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Director Public Works Mike McDonald, Deputy Director Public Works Mike Hooper, Chief Building Inspector Hal Burdette, Police Chief Pat Kitchens, Fire Marshall Andy Brooks, City Clerk Carla Williamson, Planning Director Julie Hurley and Administrative Assistant Michelle Baragary.

### NEW BUSINESS:

- **728 Eisenhower Rd – Rezoning R1-25 to GBD (app #7846)**
  - Attendees: Kent Beck, Steve Rollins and Kevin Guffey
  - Applicant Plans: Three commercial spaces in front; possibly multi-family in the rear of the property or some type of mixed-use. Expand Lewis Dr. Disregard tenants listed on the site plan. Tenants are not known at this time. Rezoning scheduled for September 14, 2020, Planning Commission.
  - Planning & Zoning – Subject property will need to go through the full platting process. Access easement required if splitting off the north portion of the property. Applicant to send over conceptual plans without tenant info.
  - Police Department – two entrances is acceptable but has concern with east entrance near Dillons.
  - Fire – would like west access, especially is the north part of the property will be multi-family.
  - Public Works:
    - Sewer not allowed under the pond.
    - Need to provide a proposed connection to Dillons stormwater detention system.
    - Lewis Dr – public or private street? Easements?
    - Water quantity & quality – use APWA and MARC design guides.
    - Consider connecting to the NW portion of Dillons lot – cross easement
    - Concerned with entrance being too close to Dillons, especially with the new median in front of Dillons west entrance. Prefer only one entrance from Eisenhower.
  - City Manager – possible transition from single family to multi-family to commercial starting from the two long lots located to the north of the subject property (extending south from the two dead-end roads off Highland Ter).



**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Project No. 2020-30 REZ

Application #	<u>7846</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>7-7-20</u>
Received By	<u>[Signature]</u>
Hearing Date	<u>9-14-20</u>
Publication Date	<u>8-20-20</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property: 728 Eisenhower Rd Leavenworth KS 66048

Rezoning: Present classification of R125 district to GBD

Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)

Real Estate PID #: 052-106-140-00-01-010000 Historic District:

I/We, the undersigned being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

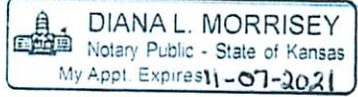
Name(s) of Owner (print or type): David P Floray, Linda K Godsil, Russell Buchanan

Address: 606 Willow Ct Lansing KS 66048

Contact No. 913 547-2688 Email Address: LindaK717@gmail.com

Signature of Owner(s):  
 1) [Signature] 2) Linda K Godsil  
 3) [Signature]

State of Kansas )  
 County of Leavenworth ) (SEAL)



David P. Floray

Signed or attested before me on June 30, 2020 by Linda K. Godsil + Russell A. Buchanan  
 (date) (name(s) of person(s))

Notary Public: Diana L. Morrisey My appointment expires: 11-07-2021

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.



**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

*Add'l page to  
secure owner  
signature*

**OFFICE USE ONLY**

Project No. 2020-30 REZ

Application #	
Fee (non-refundable)	\$350.00
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Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)

Real Estate PID #: 052-106-14-0-00-01-010-0000 Historic District: \_\_\_\_\_

I/We the undersigned being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type): Constance J Flory

Address: 606 Willow Ct Lansing, KS 66043

Contact No. ( ) Email Address: \_\_\_\_\_

Signature of Owner(s): Constance J Flory

State of Missouri ) (SEAL)

County of Taney )

JACOB SCHEIBE  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Christian County  
My Commission Expires Jan. 11, 2022  
Commission #13558650

Signed or attested before me on 7-1-2020 by Constance J. Flory  
(date) (name(s) of person(s))

Notary Public: Jacob Scheibe My appointment expires: 1/11/20

**NOTE:** All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

Property is currently zoned R1-25 and is vacant underdeveloped farmland.

Briefly describe the intended use and character of the property:

would like to re-zone property to GBD. Plan to develop site for commercial retail and (QSR) Quick service restaurant

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

The property is currently surrounded by GBD zoning. There is a church to the west, Dillards grocery to the east that are currently zoned GBD.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

Property on both sides are already zoned GBD the site will add jobs and tax revenue to the community.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

None we are aware of.

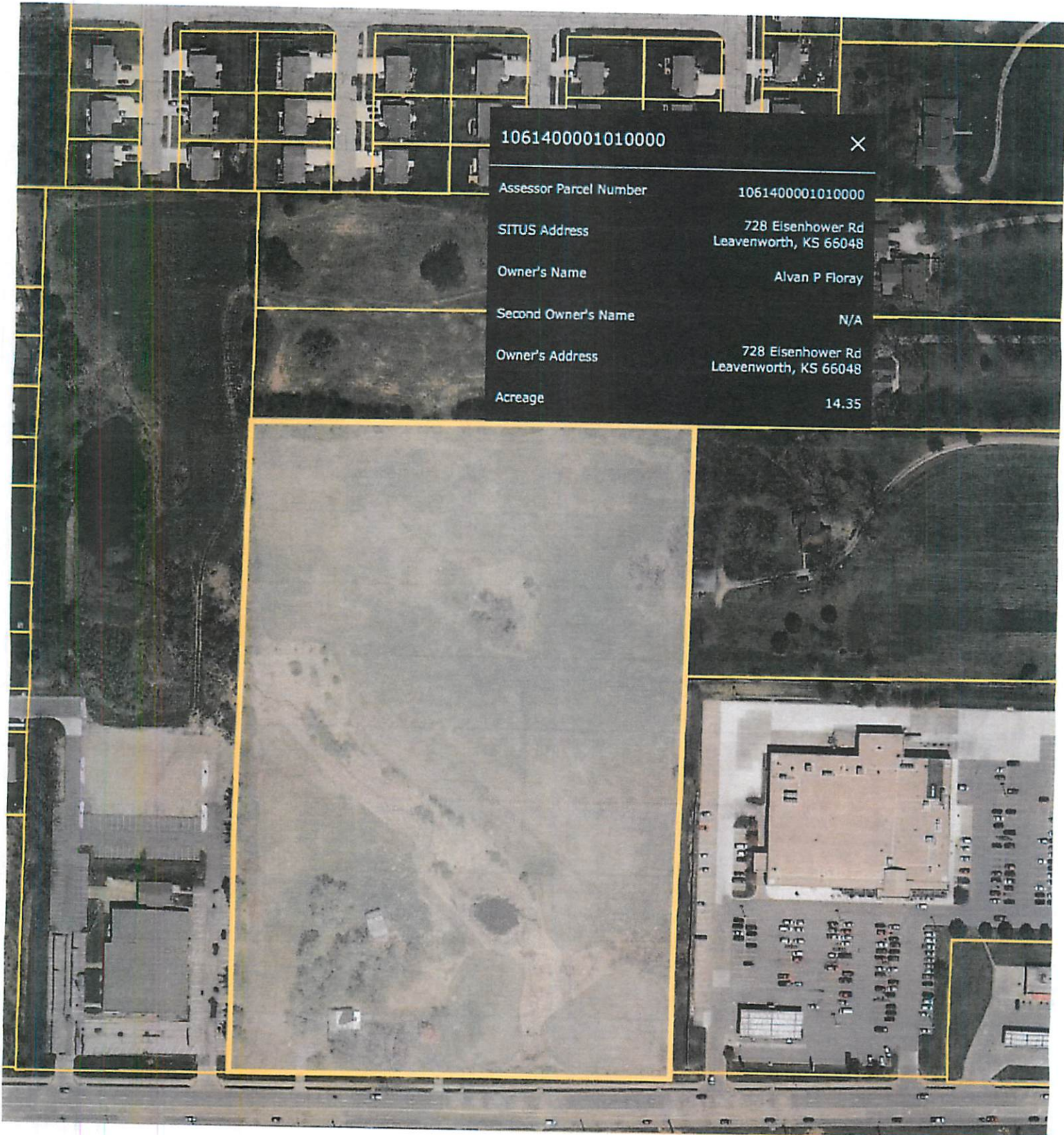
Check List:

<input checked="" type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input checked="" type="checkbox"/>	City will provide list of the property owners within two hundred (200) feet of the subject property
<input checked="" type="checkbox"/>	Full legal description provided by the Register of Deeds Office or a Title Company
<input checked="" type="checkbox"/>	Site plan drawn to scale (see General Instructions)
<input checked="" type="checkbox"/>	Supporting documentation (see General Instructions)

1061400001010000



Assessor Parcel Number	1061400001010000
SITUS Address	728 Eisenhower Rd Leavenworth, KS 66048
Owner's Name	Alvan P Floray
Second Owner's Name	N/A
Owner's Address	728 Eisenhower Rd Leavenworth, KS 66048
Acreage	14.35

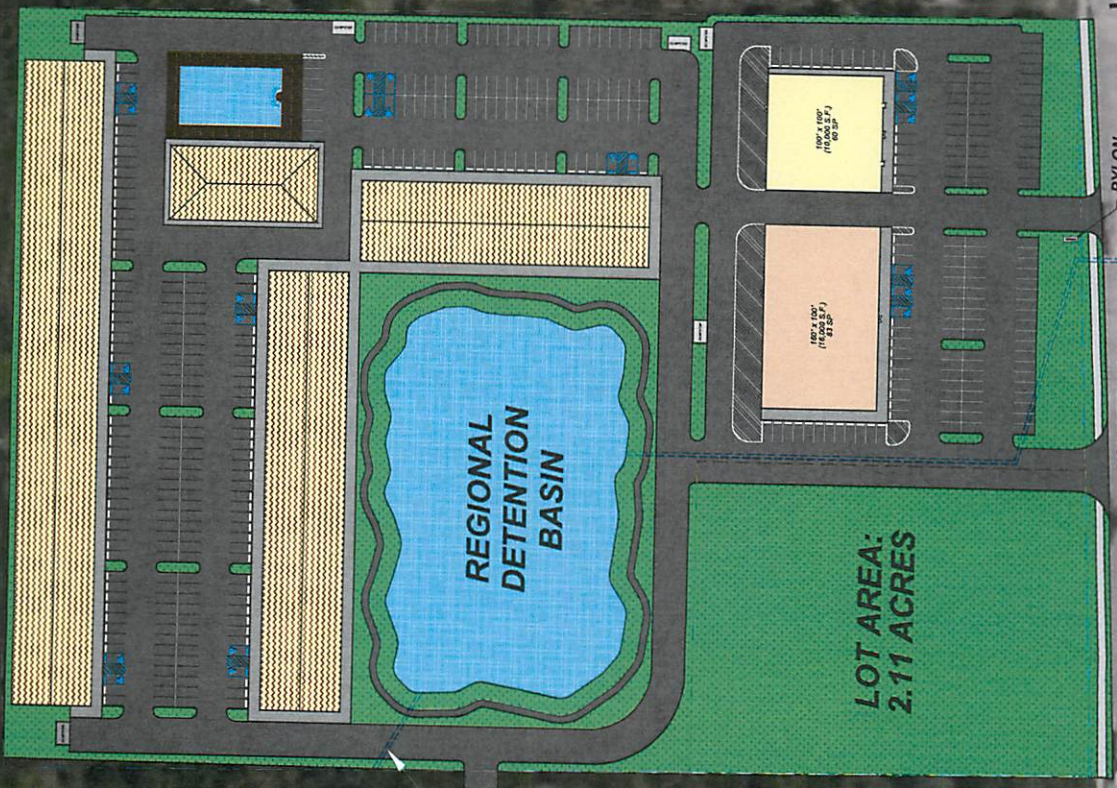




W EISENHOWER RD.

PYLON SIGN

36" STORM WATER PIPE



ARD  
American Realty & Development

Prepared by:  
**CJM**  
CJM Transportation Consultants, L.L.C.  
1901 S. MARIETTA  
LEAVENWORTH, MO 64603  
TEL: 417.948.2400  
WWW.CJMTRC.COM

PRELIMINARY  
Not for construction

COMMERCIAL DEVELOPMENT  
LEAVENWORTH, KS

Date	
DATE	07/06/2020
DRAWN BY	CJM
CHECKED	CJM
SCALE	1"=30'
SCALE UNIT	FEET
SCALE VERT.	1"=10'
DATE	
DATE	
DATE	
DATE	
DATE	
DATE	
DATE	

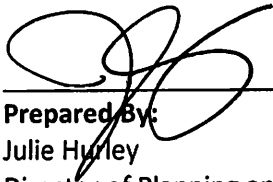
EXHIBIT  
SHEET NO.  
**01**  
CJM NO. 2004 01 OF 07

**PLANNING COMMISSION AGENDA ITEM  
REDEVELOPMENT PROJECT PLAN  
PRICE CHOPPER TIF DISTRICT**

**SEPTEMBER 14, 2020**

**SUBJECT:**

Determine consistency of the Redevelopment Project Plan for the Price Chopper TIF District with the adopted Comprehensive Plan



**Prepared By:**  
Julie Hurley  
Director of Planning and  
Community Development



**Reviewed By:**  
Paul Kramer  
City Manager

**DISCUSSION:**

On August 11, 2020, the Leavenworth City Commission adopted an ordinance establishing a Redevelopment (TIF) District encompassing the existing Price Chopper store located at 2107 S. 4<sup>th</sup> Street. The TIF District shall be in effect for 20 years from the date the Project Plan is approved by the City Commission. As part of the establishment of the TIF District, one cent of the City's sales tax and the incremental ad valorem property taxes generated from the property within the district shall constitute TIF Revenues for the developer.

The owner/developer of the property, Super Market Developers, Inc., has proposed improvements including a multi-million dollar renovation of the interior and exterior of the Price Chopper grocery store to upgrade and enhance the store layout, equipment, offerings and other features, along with improvements to the property just north of the store for parking.

Any eligible project located within a redevelopment district established pursuant to KSA 12-1770 must be found to be consistent with the intent of the adopted Comprehensive Plan of the City. While the 2011 Comprehensive Plan does not specifically address redevelopment of existing services, such as grocery stores, there are several key areas in which this proposal is in line with the Plan.

The Comprehensive Plan states that the 4<sup>th</sup> Street corridor should be enhanced and emphasized as an integral complimentary commercial corridor leading into downtown. The Plan also emphasizes that incentivizing in-fill development should be prioritized. While not strictly "in-fill", the revitalization of existing businesses that service established areas meets the same overall goal. Finally, the Comprehensive Plan identifies Tax Increment Financing (TIF) as an appropriate and desirable incentive for commercial and retail redevelopment opportunities.

Staff finds that the Redevelopment Project Plan for the Price Chopper TIF District is consistent with the overall intent of the Comprehensive Plan.

**ACTION:**

Motion finding that the Redevelopment Project Plan, Price Chopper TIF District is consistent with the intent of the Comprehensive Plan.

**ATTACHMENTS:**

Redevelopment Project Plan, Price Chopper TIF District  
2011 City of Leavenworth Comprehensive Plan (excerpt)



## Commercial

The general/service commercial land use designation incorporates mostly automobile oriented commercial businesses and services. These commercial areas are designed to be located at major interchanges or along major arterials. Typical characteristics of these commercial areas include larger setbacks, internal street systems, individual pad-sites, and an overall emphasis on auto mobility. These commercial areas should still be designed to incorporate local character and enhance the pedestrian environment. Site design should be cognizant of scale, noise, lighting, and traffic implications on surrounding residential areas.

Primary uses in this designation include more auto-oriented commercial, retail, office, and service-related business. These include general retail, drive-through and sit-down restaurants, "big box" retail, and fuel stations. Other allowable uses include parks and open spaces, public spaces, and offices. Site function should include pedestrian access when available.

The Future Land Use Plan proposes general/service commercial be at the intersection of Shrine Park Road and Eisenhower Road. Also, this area incorporates 10th and

Eisenhower, the location of the new Wal-Mart, to be primarily surrounded by similar commercial functions. The future land use plan also proposes that the 4th Street corridor be enhanced and emphasized as an integral complimentary commercial corridor leading into downtown.

## Industrial Uses

Industrial uses include those uses in which the major activity is the treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises. In Leavenworth, these activities include mining, oil and gas exploration and production, construction, manufacturing, and utility systems.

Leavenworth's industrial uses are grouped together primarily in three areas on the outer edges of the city. One is in the industrial park on the south edge of town that extends north and south of Eisenhower west of 20th Street. The South side of this park is not yet developed. The second area of industrial uses is along 4th Street primarily north and south of Marion Street to include a quarry, a moving company, Tire Town, and Great Western Manufacturing among others. The

last area of industrial use is east of 4th Street and somewhat north of Eisenhower. This area consists of another moving company, a correctional facility, and other miscellaneous like uses.

## Institutional Use

An institutional use is defined as a nonprofit or quasi-public use such as a religious institution, library, public, or private school, hospital, or government-owned or government-operated structure or land used for public purpose. In Leavenworth these uses include some city owned properties, the library, the prisons, University of Saint. Mary, the VA Hospital, Cushing Hospital, and Saint John Hospital.

The current institutional uses are spread throughout the City and the Future Land Use Plan does not expect expansion of this use type.

## Parks and Open Space

Parks, open spaces, and recreational areas help improve community health, increase land valuation, enhance the pedestrian environment, and improve the overall image of Leavenworth. The location of this designation should capitalize on existing natural features such as creeks, floodplains,

hills, and habitats. Also, park and open space areas should be connected to each other, community activity areas, and schools. Ideally, the development of a connected park and trail system will decrease dependence on automobiles for intercommunity transit.

All active and passive parks, open spaces, and outdoor recreation uses and functions are encouraged within this designation. The creation of usable, visible, and connected public spaces is the goal. This land use category should also be used within new residential developments. The development of parks and open spaces should occur at the beginning of the development and growth process. Other allowable uses and functions include golf courses, arboretums, outdoor classrooms, and cultural resource areas.

The future land use plan proposes multiple areas of park and open space that are currently tree masses throughout the city. The locations are proposed near the future residential mixed use and low-density residential use.

### **What about In-Fill Development?**

This plan believes the city's best and by no means exclusive growth option is to pursue in-fill redevelopment. The city recently developed the Downtown and North Leavenworth Redevelopment Plan. With that substantial investment in time and resources, the city has a plan and the means to return a substantial portion of the city to a state of vibrancy.

A focus on the rapid expansion of the city's footprint on to new land will serve to drain resources away from the redevelopment plan. Due to budgetary realities, the decision may come down to a choice between fixing an area that badly needs redevelopment and thus returning that area to economic productivity or allowing finite resources to go towards a lower density expansion to the west.

**This plan recommends the city provide a robust package of incentives aimed at promoting in-fill over western growth.** This proposal is not aimed at restricting growth to the west; instead, it is focused on ensuring elected and appointed officials are provided with adequate information as they consider the total investment in new growth over in-fill growth. It is still the expectation that western growth

will occur, and the key will be to ensure it pays its own way through a fair system of impact fees to support the cost of extending city services into new areas.

### **Example of New Development Costs to a City**

- Road construction
- Road maintenance
- Sewer construction
- Sewer maintenance
- Stormwater construction
- Stormwater maintenance
- Utility construction
- Utility maintenance
- Extending public safety coverage

### **Example of In-fill Costs to a City**

- Road maintenance
- Sewer maintenance
- Stormwater maintenance
- Utility construction

with nearly 80 extended stay corporate units. Additional negotiations are ongoing with the Marriott and Hilton hotel franchises. Two sites have been identified for hotel development. Interest by developers is high and discussions are favorable, even in the depressed economy.

#### **Research and Technology**

**Park** – The city is working with private development firms to create a business incubator, office and conference space, and a research center. A grant was received from the U.S. Small Business Administration and is expected to provide the funding for the overall feasibility and site plan development of this project. Additional funding sources – mostly from private developers – are also being researched.

#### **Work Force**

**Development/Job Fair** – In the down-turned economy, work force is still seemingly an issue in Leavenworth. We are working with the school system, Work Force Development, LCDC, the Chamber of Commerce and the Department of Commerce to identify ways to enhance and provide training for our current work force as well as our existing employers.

#### **North East**

**Leavenworth/Downtown Revitalization Plan** – The Northeast housing area in downtown is sprinkled with beautiful homes, dilapidated rentals, and vacant lots. As Fort Leavenworth and the surrounding metropolitan areas continue to expand, it is vital the city provide the type of housing that is being demanded. This is necessary, not only to add to our tax base, but to ensure future development of our community. Positive growth in this area can easily be achieved by adding new housing stock to existing infrastructure. Zoning changes, along with attractive planning and quality of life initiatives, will attract the housing development that is so vital to further developing our community. Increased roof tops are necessary to attract commercial and retail development in downtown and throughout the entire community. The plan that is currently underway will provide the detailed blueprint for developing several key project areas essential to attracting desirable development. Currently 60% of the people who work in our community do not live in Leavenworth; most of these commuters are the high wage earners working in Leavenworth's growing technology and medical

sectors. This is a trend that must (and can be) reversed.

**Patient Care Center** – The city has been working along with the VA to attract a new 350 employee call center called the Consolidated Patient Account Centers (CPAC). In addition to new jobs, this project will mean the redevelopment of several historic structures at the Dwight D. Eisenhower VA Medical Center. The facility is expected to be operational in the spring of 2011.

#### **Economic Development Incentives Available**

Upon request, the City Commission may consider and/or negotiate on a case-by-case basis any of the following incentives or amenities to attract housing, commercial/retail, and industrial developments to the community. Other reasonable requests may also be considered by the City Commission.

#### **Neighborhood**

##### **Revitalization Area (NRA) – Property Tax Rebate**

Certain areas of the city have been designated for property tax rebates for improvements to existing property or new development of residential, multi-family, commercial, industrial, and

historical properties. The plan provides a 95% property tax rebate for a period up to 10 years, depending upon the value of the improvements

##### **Tax Increment Financing (TIF)**

TIF is a real estate redevelopment technique applicable to industrial, commercial, and residential projects. TIF uses the anticipated increase in sales and/or property tax revenues to retire the bonds sold to finance qualifying redevelopment costs. Qualifying costs can include public improvements (streets, sanitary sewers, storm sewers, drainage improvements, underground water, gas, and electrical services in public right of way), site preparation, parking facilities, landscaping and decorative amenities, and land acquisition costs. It cannot be used for the construction of buildings or other structures to be owned or leased by a developer.

##### **Transportation Development District Financing (TDD)**

Transportation Development Districts may be created for the purpose of financing certain projects including bridges, streets, interchanges, intersections, signage,

## REDEVELOPMENT PROJECT PLAN PRICE CHOPPER TIF DISTRICT

In accordance with K.S.A. 12-1770 *et seq.*, as amended (the “**Act**”), to promote, stimulate and develop the general and economic welfare of the city of Leavenworth, Kansas (“**City**”), the Leavenworth City Council adopted Ordinance No. 8135 on August 11, 2020, establishing a Redevelopment (TIF) District (the “**Price Chopper TIF District**”). The Price Chopper TIF District includes approximately 4.11 acres located at 2107 South 4<sup>th</sup> Street, Leavenworth, Kansas and legally described in attached **Exhibit A**.

The Act allows one or more TIF projects to be undertaken by a city within an established district and any such project plan may be implemented in separate development stages.

The City desires to establish project plan in the Price Chopper TIF District. The project plan (“**Project Plan**”) area is coterminous with the Price Chopper TIF District, and the owner/developer is Super Market Developers, Inc., a corporation (the “**Developer**”). The improvements anticipated within the Project Plan Area are the redevelopment of the existing Price Chopper grocery store, which will include a multi-million dollar investment in the interior and exterior of the store to upgrade and enhance the store layout, equipment, offerings and other features to match a modern, first-class Price Chopper; the project shall also include improvements to property north of and adjacent to the Price Chopper District for parking (approximately 130 feet by 230 feet) which property is currently owned by the City and leased to the Developer (the “**Project**”).

The Project Plan shall extend for a period of twenty (20) years from the date the Project Plan is approved by the City (the “**Project Plan Term**”). One cent of the City’s sales tax and the incremental ad valorem property taxes (as defined by the Act) generated from the real property within the Project Plan Area during the Project Plan Term in excess of the amount of real property taxes collected for the base year assessed valuation shall constitute the “**TIF Revenues**”. In accordance with the Act and in cooperation with the Planning Commission, the City prepared the Project Plan.

### 1. **Comprehensive Feasibility Study.**

City Staff prepared a Financial Feasibility Study (“**Feasibility Study**”) for the Project Plan is attached hereto as **Exhibit B**. Projections on development in the Project Plan Area were provided by the Developer. The Feasibility Study incorporates a number of assumptions, including a constant mill levy of 120.6970. The mill levy may vary each year of the TIF Term based on legislative actions and budgetary decisions made by the individual taxing jurisdictions. It also assumes property tax collection at 100%, Project completion by April 1, 2021 and a 1.5% annual increase in appraised valuation after the Project is fully constructed and stabilized.

The Developer will advance funds necessary to construct the Project and to pay the costs associated with the estimated and approved, private TIF eligible reimbursable costs set forth generally on **Exhibit C** attached hereto (the “**TIF Reimbursable Costs**”), and it is contemplated that Developer will subsequently be reimbursed with TIF Revenues received by the City on a “pay-as-you-go” basis. Such advances and reimbursements will be made in accordance with the terms of a Development Agreement executed by the Developer and the City (the “**DA**”). The TIF Reimbursable Costs are set forth in more detail in the DA.

There is an estimated total of \$4,125,296 in TIF Reimbursable Costs identified with the Project Plan, but reimbursement of TIF Reimbursable Costs is dependent upon the amount of TIF Revenues generated within the Project Plan Area during the Project Plan Term and received by the City, and shall be paid in accordance with the amount, priority and duration set forth in the DA. In no event will any TIF Reimbursable Costs be reimbursed in an amount that exceeds the amount of TIF Revenues available.

The Feasibility Study indicates that if projected development, assessed values and tax revenues are accurate, TIF Revenues will be sufficient to reimburse the Developer for a portion of the approved TIF Reimbursable Costs. Other revenue sources, including but not limited to private equity, are available to meet TIF Reimbursable Costs and other private development costs associated with the Project. TIF Reimbursable Costs must (1) be reasonably approved by the City in accordance with the terms of the DA; (2) meet the definition of “redevelopment project cost” set out in K.S.A. 12-1770a(o), as amended; (3) be an eligible expense under the City’s adopted TIF Policy and/or Procedures, unless otherwise permitted in the DA; (4) be authorized in this Project Plan; and (5) be in compliance with the terms for reimbursement and prioritization described with particularity in the DA.

The City anticipates reimbursing Developer for the TIF Reimbursable Costs incurred and paid by the Developer with available TIF Revenues generated during the twenty (20) year Project Plan Term. Based on the current projections and cash flow analysis contained in the Feasibility Study, it is determined that the Project benefits, TIF Revenues and other available revenues, exceed the TIF Reimbursable Costs, and that the TIF Revenues and other available revenue sources, including private revenue sources for the private costs, should be sufficient to pay for such TIF Reimbursable Costs.

In summary, assuming Project Plan approval in spring 2020 with construction commencing the summer of 2020 and completion of all improvements by April 1, 2021, the City anticipates the captured sales tax and ad valorem property tax increment will generate approximately \$2,796,637 over the Project Plan Term (the “**Estimated Total TIF Revenue Projection**”). If the TIF Revenue does not meet the estimated total TIF Reimbursable Costs, the City shall be under no obligation to provide financial assistance to Developer beyond the TIF Revenues actually generated from the Project Plan Area in accordance with the distribution formula and term set out in the DA. A summary of the feasibility

assumptions and Estimated Total TIF Revenue Projection is included in **Exhibit D**.

**2. Map of Redevelopment Project Plan Area.**

A map of the Project Plan Area is attached as **Exhibit E**.

**3. Relocation Assistance Plan.**

No relocation will occur as a result of the Project Plan and therefore no relocation assistance plan is provided.

**4. Description of the Building and Facilities Proposed to be constructed.**

The improvements anticipated within the Project Plan Area are the redevelopment of the existing Price Chopper grocery store, which will include a multi-million dollar investment in the interior and exterior of the store to upgrade and enhance the store layout, equipment, offerings and other features to match a modern, first-class Price Chopper. TIF Reimbursable Costs incurred as a result of the Project Plan include, but are not limited to, architectural and engineering costs associated with the site improvements (except vertical structures), infrastructure improvements, site development, surface parking, lighting, landscaping, hardscape, utilities located within the right-of-way, sidewalks and related site amenities. The Private TIF Reimbursable Costs are described in more detail in the DA.

**5. Other Relevant Information.**

- a. Reimbursement of TIF Reimbursable Costs shall be made from captured sales tax and ad valorem property tax increment (as defined in the Act) actually received by the City from the Project Plan Area and deposited into the special fund established by the City in accordance with K.S.A. 12-1778 (the "**Price Chopper Project Plan Fund**").
- b. If sufficient TIF Revenues are not available to pay all of the TIF Reimbursable Costs, the City is under no obligation to reimburse TIF Reimbursable Costs from any other source.
- c. Prior to any reimbursement of TIF Reimbursable Costs, Developer shall enter into a separate, valid and enforceable DA with the City. The procedure for distribution, reimbursement and priority of payment of TIF Reimbursable Costs shall be set out in the DA and consistent with this Project Plan.

**EXHIBIT A**

**LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT  
PLAN AREA**

Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision in the City of Leavenworth,  
Leavenworth County, Kansas except that part conveyed by the deed recorded as  
Doc. No. 2015R03578

Parcel ID No 1010104002003020

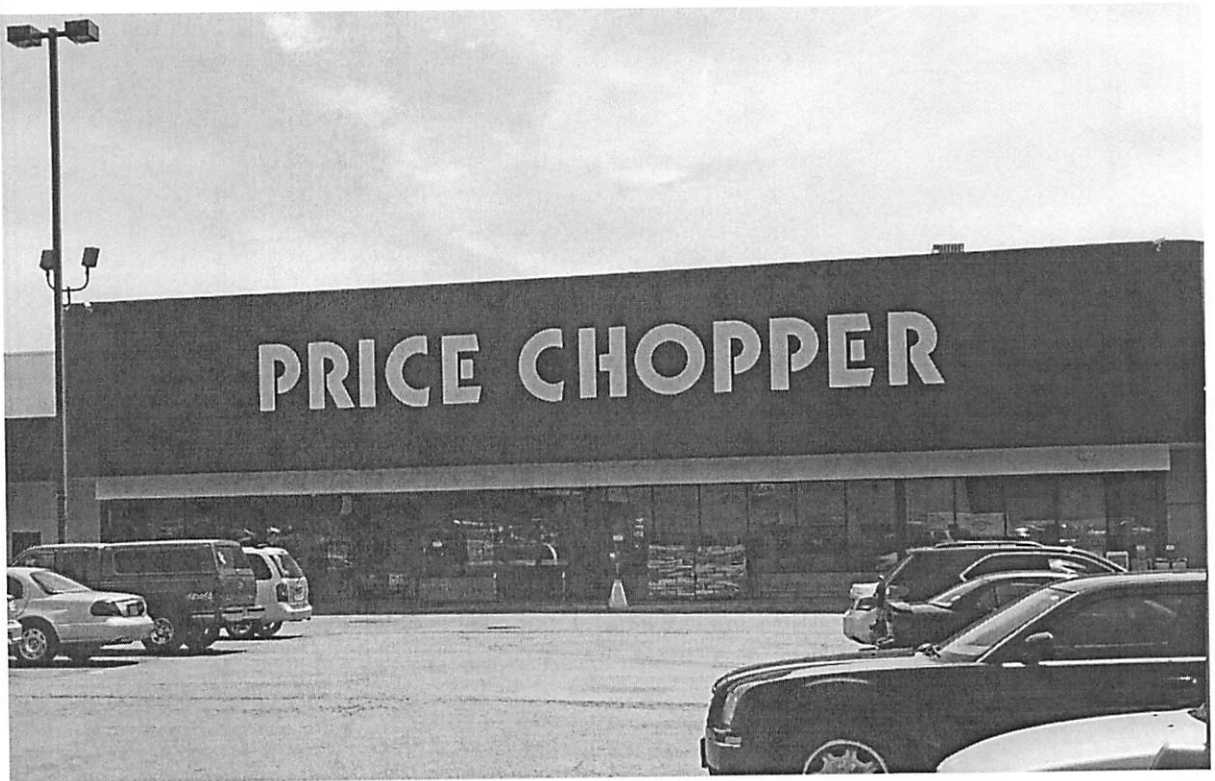
**EXHIBIT B**  
**FEASIBILITY STUDY**



# FEASIBILITY STUDY

Leavenworth Price Chopper  
2107 South 4<sup>th</sup> Street, Leavenworth, Kansas

July, 2020



## **OVERVIEW**

This Feasibility Study is to determine the economic feasibility of the renovation and improvement of the Leavenworth Price Chopper, 2107 South 4<sup>th</sup> Street, Leavenworth, Kansas (the "Project"). On July 28, 2020, the City of Leavenworth, Kansas (the "City") authorized the creation of a Tax Increment Financing District pursuant to by K.S.A. 12-1770, et. seq., as amended (the "Act"), coterminous with the Project site ("District"), for a term of up to 20 years to provide for the reimbursement of eligible Project costs. Eligible project costs under the Act include land acquisition, site preparation, parking lot improvements, landscaping, utilities and public infrastructure.

The Act states that before a project plan is approved, a feasibility study is required to determine (1) that a proposed redevelopment project's benefits and tax increment revenue and other available revenues are expected to exceed or be sufficient to pay for the redevelopment project costs and (2) the effect, if any, the redevelopment project costs will have on any outstanding special obligation bonds payable from revenues which are collected from taxpayers and users within the District.

## **PROJECT DESCRIPTION**

The Project is a \$12,340,296.00 renovation and improvement of the existing Leavenworth Price Chopper at 2107 South 4<sup>th</sup> Street, Leavenworth, Kansas, consisting of interior renovation and modernization, replacement of equipment,

façade and signage improvements, landscaping, parking lot resurfacing and new lighting; the Project will transform the store into the most modern model in the Price Chopper family and will offer products and services not currently available at the facility. The store is well-established and is the northern-most full service grocery store in the City, serving a substantial portion of the citizens of the City and surrounding areas. The owner and developer of the Project is Super Market Developers, Inc., an established grocery store developer and subsidiary of Associated Wholesale Grocers, Inc. ("Developer").

### **ESTIMATED PROJECT COST**

The cost of property acquisition by the Developer in March of 2020 was \$2,500,000.00. Site improvements will cost approximately \$830,296.00, all of which is eligible for reimbursement under TIF. Interior improvements and equipment costs, which are not reimbursable, will total approximately \$8,000,000.00 and "soft" costs (engineering, architecture, environmental, legal, etc.) are expected to total approximately \$1,000,000.00.

The Developer will fund the initial cost of construction of the Project, and receive reimbursement for eligible costs over the life of the TIF District. While its analysis is not a part of this study, the Developer has also requested that the City create a Community Improvement District ("CID") to levy a \$.004 sales tax, to be used for CID eligible costs, for a period of 22 years. This study assumes that the Developer will have the financial capability to complete the construction of the Project and await reimbursement over the life of the District.

### **FEASIBILITY STUDY REVENUE ASSUMPTIONS**

The feasibility study for this project incorporates a number of variables including:

1. Base Year Assessed value of the District;
2. City's estimate of the market value of the Price Chopper store upon completion;
3. Assumption of an assessment rate of 25.0%;
4. Assumption of 1.5% increase annually in market value during the study period;
5. Assumption that the total applicable mill levy will remain unchanged;
6. Assumption that the Price Chopper Project will be completed in 2021;
7. Assumption that current annual sales in the District are \$13,000,000.00; and
8. Assumption that annual sales upon completion of the Project will be a constant \$16,692,000.00.

This feasibility study forecasts incremental real property and sales tax revenues generated by the Project, based upon the above assumptions. The incremental property tax revenues are determined by projecting the annual tax revenues based on the estimated assessed value for the Project at the time of completion. The sales tax increment is based on historic sales and projected sales provided by the Developer.

**Property Tax Rates:** Real property tax rates may be adjusted every year. The following is the 2019/2020 base year ad valorem property tax rate assessed on properties within the District.

Taxing District	Tax Rate	TIF Captured	Not TIF Eligible
State of Kansas	1.5000	0	1.5000
Leavenworth County	37.1120	37.1120	0
City of Leavenworth	31.7540	31.7540	0
Unified School District No. 453	59.3310	59.3310	0
Totals	129.6970	128.1970	1.5000

**Assessed Valuation and Sales – Incremental Real Property and Sales Tax Revenues:** The table that follows sets forth: the current (base) assessed value of the property within the District; the projected assessed values; the tax increment produced each year; projected sales; and projected sales tax increment.

	Appraised Value (Stabilized)	Assessed Value	Appraised Value (Current)	Current Base Assessed Value	Current Sales	Projected Sales
Price Chopper 2107 S. 4th St. Leavenworth, KS	\$5,000,000	\$1,250,000	\$2,103,300	\$651,750	\$13,000,000	\$16,692,000
<b>TOTAL:</b>	<b>\$5,000,000</b>	<b>\$1,250,000</b>	<b>\$2,103,300</b>	<b>\$651,750</b>	<b>\$13,000,000</b>	<b>\$16,692,000</b>
Commercial Assessment:	25%					

Year	Base Assessed Value	Projected Assessed Value	Projected Sales	Projected Sales Tax Increment Increase	City Sales Tax Increment	Total TIF Revenue
1	\$651,750	\$1,250,000	\$16,692,000	\$3,692,000	\$36,920	\$77,591
2	\$651,750	\$1,268,750	\$16,692,000	\$3,692,000	\$36,920	\$80,023
3	\$651,750	\$1,287,781	\$16,692,000	\$3,692,000	\$36,920	\$82,491
4	\$651,750	\$1,307,098	\$16,692,000	\$3,692,000	\$36,920	\$84,997
5	\$651,750	\$1,326,704	\$16,692,000	\$3,692,000	\$36,920	\$87,540
6	\$651,750	\$1,346,605	\$16,692,000	\$3,692,000	\$36,920	\$90,121
7	\$651,750	\$1,366,804	\$16,692,000	\$3,692,000	\$36,920	\$92,740
8	\$651,750	\$1,387,306	\$16,692,000	\$3,692,000	\$36,920	\$95,399
9	\$651,750	\$1,408,116	\$16,692,000	\$3,692,000	\$36,920	\$98,098
10	\$651,750	\$1,429,237	\$16,692,000	\$3,692,000	\$36,920	\$100,838
11	\$651,750	\$1,450,676	\$16,692,000	\$3,692,000	\$36,920	\$103,618
12	\$651,750	\$1,472,436	\$16,692,000	\$3,692,000	\$36,920	\$106,441
13	\$651,750	\$1,494,523	\$16,692,000	\$3,692,000	\$36,920	\$109,305
14	\$651,750	\$1,516,941	\$16,692,000	\$3,692,000	\$36,920	\$112,213
15	\$651,750	\$1,539,695	\$16,692,000	\$3,692,000	\$36,920	\$115,164
16	\$651,750	\$1,562,790	\$16,692,000	\$3,692,000	\$36,920	\$118,159
17	\$651,750	\$1,586,232	\$16,692,000	\$3,692,000	\$36,920	\$121,200
18	\$651,750	\$1,610,025	\$16,692,000	\$3,692,000	\$36,920	\$124,285
19	\$651,750	\$1,634,176	\$16,692,000	\$3,692,000	\$36,920	\$127,418
20	\$651,750	\$1,658,688	\$16,692,000	\$3,692,000	\$36,920	\$130,597
<b>TOTALS</b>					<b>\$738,400</b>	<b>\$2,058,237</b>

The base year 2020 assessed value of the property and improvements in the District is \$651,750.00. The 2022 assessed value for the District, which includes the completed Project, is anticipated to be \$1,250,000.00. The difference creates tax increment revenues beginning in 2022 of approximately \$40,671.00 per year, and with a conservative increase in appraised value each year thereafter of 1.5%, creating a total increment of \$1,319,837.00 over the 20 year period permitted by the Act, all of which is available to reimburse the eligible Project costs.

In addition, the Developer has requested the use of the City's 1% sales tax increment for reimbursement of eligible Project costs. Historic sales within the District are approximately \$13,000,000.00, but are expected to rise to approximately \$16,692,000.00 after Project improvements are made. Without adjustment for potential increases in sales and product price adjustments, the sales tax increment is projected to generate \$738,400.00 over the 20 year period.

The District is therefore anticipated to generate a total of \$2,796,637.00 in real estate tax and sales tax increment over the life of the 20 year period.

## **SUFFICIENCY OF REVENUES**

Using conservative assumptions, it is expected that the estimated incremental real property tax revenue of \$2,058,237.00 and \$738,400.00 in incremental sales tax, totaling \$2,796,637.00, will be adequate to reimburse all of the eligible site work costs of \$655,296.00 and approximately 85% of the site acquisition costs. The addition of the revenue from the proposed CID will be more than adequate to cover the 15% shortfall in reimbursement of the acquisition cost and provide additional revenue for CID eligible costs. There are a number of

variables that may impact the eligible cost reimbursements, however the revenue projections are strong, and due to the fact that the Project is the renovation and improvement of an established grocery store with historic sales data, the Project appears economically feasible.

#### **IMPACT ON OUTSTANDING SPECIAL OBLIGATION BONDS**

There is no other impact because there are no special obligation bonds outstanding which are payable from the revenues described in K.S.A. 12-1774 (a) (1) (D), and amendments thereto.

#### **FINANCIAL FEASIBILITY SUMMARY**

Using conservative assumptions for the Project, outlined above, it is expected that the estimated incremental real estate and sales tax revenues will be adequate to reimburse most of the TIF eligible costs, all as outlined above.

## EXHIBIT C

x = eligible for reimbursement  
 Sample allocations by incentive category

Line Item	Est. Project Costs *	TIF Eligible	CID Eligible	TIF Eligible	CID Eligible	Private
<b>Site Acquisition</b>						
Purchase Price	\$2,500,000.00	X	X	\$2,500,000		
Survey	\$15,000.00	X	X	\$15,000		
Environmental/Soils	\$30,000.00	X	X	\$30,000		
Title Work	\$1,500.00	X	X	\$1,500		
Appraisal	\$2,500.00	X	X	\$2,500		
Legal & Closing Costs	\$10,000.00	X	X	\$10,000		
<b>Subtotal - Site Acquisition</b>	<b>\$2,559,000.00</b>			<b>\$2,559,000</b>		
<b>Hard Costs</b>						
Site Work - Demo, Grading, Utilities, Curbs, Sidewalks, Parking Lot, etc.	\$830,296.00	X	X		\$830,296	
Equipment	\$4,475,000.00		X			\$4,475,000
Building renovation	\$3,255,000.00		X			\$3,255,000
Tenant Improvements (Developer)	\$235,000.00		X			\$235,000
<b>Subtotal - Hard Costs</b>	<b>\$8,795,296.00</b>			<b>\$0</b>	<b>\$830,296</b>	<b>\$7,965,000</b>
<b>Soft Costs</b>						
Arch / Eng	\$450,000.00	X	X		\$450,000	
Legal	\$75,000.00	X	X		\$75,000	
Taxes Carry						
Leasing / Sales Commissions	\$0.00					
Developer & Project Management Fees	\$50,000.00					\$50,000
Contingency	\$200,000.00					\$200,000
Inspections	\$1,000.00	X	X		\$1,000	
Interest Carry	\$200,000.00	X	X		\$200,000	
Re-Surveys / Plats	\$10,000.00	X	X		\$10,000	
<b>Subtotal - Soft Costs</b>	<b>\$986,000.00</b>			<b>\$0</b>	<b>\$736,000</b>	
<b>TOTAL PROJECT COSTS</b>	<b>\$12,340,296.00</b>			<b>\$2,559,000</b>	<b>\$1,566,296</b>	<b>\$7,965,000</b>



**EXHIBIT C**  
**Page 2**

\*Project Costs shown herein are estimates only, and subject to change in the Developer's discretion.

\*\*Allocations of incentives among Project Costs are for illustrative purposes only, and may be increased, decreased and shifted among line items designated as eligible.

## EXHIBIT D PROJECTIONS

### LEAVENWORTH PRICE CHOPPER - INCENTIVE REVENUE PROJECTIONS

<b>TIF Proceeds (Reimbursement)</b>	<b>\$2,058,237</b>
<b>CID Proceeds (Reimbursement)</b>	<b>\$1,468,896</b>
<b>City Sales Tax (Reimbursement)</b>	<b>\$738,400</b>
<b>Total:</b>	<b>\$3,527,133</b>

PROJECT COMPONENT	Appraised Value (Stabilized)	Assessed Value	Appraised Value (Current)	Current Base Assessed Value	Current Sales	Projected Sales	Stabilization Year
Price Chopper 2107 S. 4th St. Leavenworth, KS	\$5,000,000	\$1,250,000	\$2,103,300	\$651,750	\$13,000,000	\$16,692,000	2022
<b>TOTAL:</b>	<b>\$5,000,000</b>	<b>\$1,250,000</b>	<b>\$2,103,300</b>	<b>\$651,750</b>	<b>\$13,000,000</b>	<b>\$16,692,000</b>	<b>#REF!</b>

Commercial Assessment: 25%

Year	Base Assessed Value	Projected Assessed Value	Projected Sales	Projected Sales Tax Increment Increase	City Sales Tax Increment	Total TIF Revenue	CID Revenue
1	\$651,750	\$1,250,000	\$16,692,000	\$3,692,000	\$36,920	\$77,591	\$66,768
2	\$651,750	\$1,268,750	\$16,692,000	\$3,692,000	\$36,920	\$80,023	\$66,768
3	\$651,750	\$1,287,781	\$16,692,000	\$3,692,000	\$36,920	\$82,491	\$66,768
4	\$651,750	\$1,307,098	\$16,692,000	\$3,692,000	\$36,920	\$84,997	\$66,768
5	\$651,750	\$1,326,704	\$16,692,000	\$3,692,000	\$36,920	\$87,540	\$66,768
6	\$651,750	\$1,346,605	\$16,692,000	\$3,692,000	\$36,920	\$90,121	\$66,768
7	\$651,750	\$1,366,804	\$16,692,000	\$3,692,000	\$36,920	\$92,740	\$66,768
8	\$651,750	\$1,387,306	\$16,692,000	\$3,692,000	\$36,920	\$95,399	\$66,768
9	\$651,750	\$1,408,116	\$16,692,000	\$3,692,000	\$36,920	\$98,098	\$66,768
10	\$651,750	\$1,429,237	\$16,692,000	\$3,692,000	\$36,920	\$100,838	\$66,768
11	\$651,750	\$1,450,676	\$16,692,000	\$3,692,000	\$36,920	\$103,618	\$66,768
12	\$651,750	\$1,472,436	\$16,692,000	\$3,692,000	\$36,920	\$106,441	\$66,768
13	\$651,750	\$1,494,523	\$16,692,000	\$3,692,000	\$36,920	\$109,305	\$66,768
14	\$651,750	\$1,516,941	\$16,692,000	\$3,692,000	\$36,920	\$112,213	\$66,768
15	\$651,750	\$1,539,695	\$16,692,000	\$3,692,000	\$36,920	\$115,164	\$66,768
16	\$651,750	\$1,562,780	\$16,692,000	\$3,692,000	\$36,920	\$118,159	\$66,768
17	\$651,750	\$1,586,232	\$16,692,000	\$3,692,000	\$36,920	\$121,200	\$66,768
18	\$651,750	\$1,610,025	\$16,692,000	\$3,692,000	\$36,920	\$124,288	\$66,768
19	\$651,750	\$1,634,176	\$16,692,000	\$3,692,000	\$36,920	\$127,418	\$66,768
20	\$651,750	\$1,658,688	\$16,692,000	\$3,692,000	\$36,920	\$130,597	\$66,768
21			\$16,692,000				\$66,768
22			\$16,692,000				\$66,768
<b>TOTALS</b>					<b>\$738,400</b>	<b>\$2,058,237</b>	<b>\$1,468,896</b>

<b>NET PRESENT VALUE</b>	6.00%				
	Gross Bond Proceeds (NPV of Revenue Divided by DSCR)	125%	\$338,776	\$895,136	\$643,194
	Less: Bond Issuance	14%	(\$47,429)	(\$126,459)	(\$30,047)
	Net Bond Proceeds		<b>\$291,347</b>	<b>\$770,677</b>	<b>\$553,147</b>

**Administrative  
\$27,657**

<b>MilLev Rates</b>		
State	15000	00000
County	37.1120	37.1120
City of Leavenworth	31.7540	31.7540
USD 453	59.3310	59.3310
<b>Total:</b>	<b>129.6970</b>	

Notes:

EXHIBIT E  
Project Site

