

ABILENE CITY COMMISSION - STUDY SESSION AGENDA
ABILENE PUBLIC LIBRARY - 209 NW FOURTH STREET
February 17, 2015 - 7:00 pm

1. **PUBLIC COMMENTS.** Persons who wish to address the City Commission may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court are not permitted. Speakers are limited to three minutes. Any presentation is for informational purposes only. No action will be taken.

2. **ITEMS TO BE PLACED ON THE REGULAR AGENDA**
 - a. An Ordinance rezoning certain property, generally described as 1407 N. Buckeye Avenue, from "R-1, Single-Family Residential District" to "B-3, Highway Business District" and amending the Zoning Map of the City of Abilene, Kansas.

 - b. An Ordinance approving a Conditional Use Permit for the expansion of a gasoline fueling station located at 1401 N. Buckeye Avenue in the City of Abilene, Kansas.

 - c. A Resolution amending the Employee Benefits Plan for the City of Abilene, Kansas.

 - d. A Resolution of Support concerning the designation of the Chisholm and Great Western Trails as National Historic Trails by the National Trails System.

 - e. A Resolution amending the Airport Capital Improvement Program for the City of Abilene, Kansas.

3. **ITEMS PROPOSED FOR THE CONSENT AGENDA**
 - a. Meeting Minutes: February 9, 2015 regular meeting

 - b. 4Q, 2014 Financial Report

4. **ITEMS FOR PRESENTATION AND DISCUSSION**
 - a. Radio-Read Water Meters Proposal

 - b. City Manager's Report

5. **REPORTS**
 - a. Outstanding Ad Valorem Property Tax Abatements

6. **ANNOUNCEMENTS** *(Meetings at Abilene Public Library unless otherwise provided)*
 - a. Heritage Commission, February 19 4:00 pm
 - b. City Commission Meeting, February 23 at 4:00 pm
 - c. Convention and Visitors Bureau, February 24 at 2:00 pm (Civic Center)
 - d. Abilene Area Chamber of Commerce Annual Banquet, February 26 at 6:00 pm (Eisenhower Library)
 - e. Library Board, March 2 at 4:00 pm
 - f. Kids Council, March 2 at 6:00 pm (Frontier Estates)
 - g. Commission Study Session, March 3 at 7:00 pm

Memorandum

Date: January 20, 2015

To: Mayor and City Commission; David Dillner

From: Tim Hamilton – Community Development Director

Regarding: PC 14-5 Ordinance – Rezoning of 1407 N. Buckeye, and PC 14-9 Ordinance – Conditional Use Permit 1401 N. Buckeye Avenue.

On October 14th, a public hearing was held by the Planning Commission to consider an application submitted by Jeff and Monica Hertz for the rezoning of 1407 N. Buckeye from "R-1, Single Family Residential District" to "B-3, Highway Business District" ("C-3, General Commercial" under the new regulations) at the request of Dillon Stores, Inc. The Planning Commission in a 6 to 1 vote determined that a change in zoning would not constitute an encroachment of an inappropriate use. The Commission recommended approval of the request for rezoning based on the following considerations as outlined in Section 26-108 (24-404 under the previous regulations):

- Character of the neighborhood;
- The zoning and uses of properties nearby;
- The extent to which removal of the present zoning will have a detrimental effect on nearby property.

The Planning Commission also considered precedence established from similar cases. A protest petition was submitted of which 20 percent of the notified residents within two-hundred feet of the subject parcel signed. An approval of the rezoning request will require a three-fourths vote as opposed to a simple majority.

At the November 4th Study Session, the City Commission directed staff to have the Applicant submit a site plan to be reviewed through a Conditional Use Permit, which was required prior to adoption of the new Zoning Regulations on November 10th. On January 13th, 2015, the Planning Commission considered a request for a Conditional Use Permit, and voted unanimously to approve the submitted site plan. A protest petition was filed regarding this request, and will also require a three-fourths vote.

The Commission will be making two motions: the first to consider the rezoning of 1407 N. Buckeye from "R-1, Single Family Residential District" to "B-3, Highway Business District". The Second Motion will be for consideration of the Conditional Use Permit with attached site plan. Staff has

City of Abilene – Community Development Department

attached a copy of Section 26-108 outlining the factors to be considered in a rezoning. The factors to consider a Conditional Use Permit are attached to the staff report for PC 14-9.

OPTIONS:

1. Approve an Ordinance rezoning 1407 N. Buckeye Avenue and approve the Conditional Use Permit based on Planning Commission recommendation;

2. Deny the rezoning of 1407 N. Buckeye Avenue if it is determined that the request would constitute encroachment of an inappropriate use, or any item as outlined in Section 26-108 (If this option is chosen, then the Conditional Use Permit will automatically be denied since the attached plan is based on acquisition of 1407 N. Buckeye);

3. Approve the Rezoning, and deny the Conditional Use Permit. This should only be considered if the Commission feels there would not be a violation of the Comprehensive Plan to extend the boundaries of the "C-3" District to 1407 N. Buckeye Avenue. Furthermore, the Commission must consider all possible permitted and Conditional Uses for the "C-3, General Commercial District" which may be allowed on this lot, if so zoned.

City of Abilene City Commissioners,

It was disappointing the public did not have an opportunity to address the Conditional Use Permit and Site Plan with the City Commission at the Feb. 3 study session. The Commission got to hear brief comments from the Dillons representative and advocate of the plan Mr. Hamilton, but the residents that this greatly affects had no voice in the matter.

On January 13, the planning commission reviewed and approved a Conditional Use Permit submitted by Kwik Shop Inc. The permit will allow the construction of a rather large gas pump station next to residentially zoned properties.

As a resident and home owner in the immediate area of the proposed construction site, my wife and I are greatly concerned about our health, safety and protection of our property. The Conditional Use Permit allows Kwik Shop to construct gas pumps within 70 feet of our back door. The Kwik Shop expansion according to the site plan includes tripling the gas pump facilities. The suggested expansion item poses potential problems that can be detrimental to area residents and properties.

Careful analysis of Section 26-110 Factors to be Considered in Permit Applications is required for decisions of this magnitude. Regulation Factors b, c, f, h, and i of Section 26-110 clearly suggest the submitted Conditional Use Permit by Kwik Shop is NOT cohesive with the guidelines.

- **Factor b.** "Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood." The other land uses in the surrounding neighborhood are all single family homes. Building a gas canopy with 6 gas pumps next to properties with homes and families is not compatible. This greatly jeopardizes our health and safety. Exposure to dangerous chemicals in gas either in liquid form or toxic fumes has detrimental effects on health. Russ Wilkins, Director of Emergency Communications for Dickinson County confirmed that Abilene emergency personnel have been called upon by Kwik Shop to clean up 8 gas spills within the last 2 years. Most of the reported gas spill amounts are unknown. The largest reported amount of spilled gas at the Kwik Shop location was 3-4 gallons. I have no idea how that compares to other similar gas stations or if this is a lot or an insignificant amount. All I know is gas is being spilled and the potential of contamination is occurring. Tripling the gas pump facilities and placing it next to our homes greatly increases the risk of exposure to toxic chemicals that are directly linked to blood diseases including leukemia. It is obvious this conditional use is NOT compatible with our neighborhood.
- **Factor c.** "Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided." Again building gas pumps in a residentially zoned area places an undue burden on the residents. This can potentially affect our property values in a negative way, not to mention the potential health risks and safety hazards this will cause.
- **Factor f.** "Whether the applicant's property is suitable for the proposed conditional use." Currently the property in question is zoned for residential use. The proposed conditional use and site plan will require a rezoning and destruction of two buildings one being a single family home. This parcel of land is not suitable for a gas station. The neighborhood includes 8 single family residences and 2 commercial lots, one of which is an inactive business in a single family home and poses no threat to the character of the neighborhood, and the other being Kwik Shop. The expansion would change a large section of the block between 14th street and 15th street. This is a residential neighborhood. Expansion will destroy 2 existing single family homes for the sake of gas pumps and parking lots.
- **Factor h.** "Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan." Out of curiosity, does the City's Comprehensive Plan include the destruction of single family homes, endangering the safety and health of the city's residents, changing the neighborhood infrastructure, and devaluing properties for the sake of more gas pumps? The City's Comprehensive Plan has a mission statement that mentions boasting a quality of life reminiscent of "HOMETOWN, USA". Living next to gas pumps does not sound like Hometown USA.
- **Factor i.** "Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected." Kwik Shop

and the City Commission need to give great attention to this factor. Explain to us home owners in the area affected how this will NOT have an adverse affect on our properties. Building 6 gas pumps next to residential homes will only have an adverse affect.

Approval of the Conditional Use Permit will allow Kwik Shop to expand their gas pump service within a few feet of the homes in the neighborhood. Eight residences will be detrimentally affected by this decision. Our health, safety and protection of our investments are at risk.

If in the event the rezoning permit and the conditional use permit are approved, please consider these conditions and options.

CONDITIONS

1. The 8 foot privacy fence is not adequate. A 10-12 foot fence will create a better barrier to the Kwik Shop encroachment. The homes around Kwik Shop set higher in slop, we literally look down on the Kwik Shop facilities. My home sets at least 4-6 feet higher than Kwik Shop. Placing an 8 foot fence is essentially creating a 4 foot barrier. The fence needs to be taller!
2. In addition, a permanent fence structure needs to be constructed that requires no maintenance. A fence that requires NO waterproofing, stain, or paint. Being a neighbor to Kwik Shop for 14 years, they have not demonstrated an ability to maintain their property in terms of beautification. If they are allowed to construct a fence that requires yearly paint, stain, or waterproofing, it simply will not happen and in matter of a short time period the fence will be just another eye sore to the neighborhood. I suggest a rock wall like something you would see in Manhattan, or a brick wall, or anything else that is maintenance free, is well constructed and looks nice should be considered.
3. Reduce the gas pump amount and canopy size. Tripling the size of the gas pump service to 6 pumps is not necessary or needed. Other large gas stations in Abilene have a 4 pump service area. Kwik Shop is overcrowding the space and creating yet another problem of traffic congestion.
4. Remodeling the Kwik Shop building needs to be addressed. According to the site plan, the proposed gas pump canopy will be constructed on the back side of the building that has no visible access from within the building. This is a huge safety concern not only for the neighbors but for Kwik Shop as well. I challenge the commission to find another gas service station that has gas pumps visually closed off to the attendants working inside the building. The north side of the building needs to be remodeled to include windows, so the attendants working will have visibility of the gas pumps.
5. The residents on the block should be given a \$500-\$1000 landscaping budget to plant a visual barrier between the Kwik Shop property and our own personal property. I would like to plant trees and shrubs along the perimeter of my fence that will visually block off the Kwik Shop debacle. This sounds unreasonable, but we are not the ones creating this problem. Dillons will be destroying our neighborhood, jeopardizing the health and safety of residents, so putting up some cash for landscaping is the least they could do.

Several months ago when this nightmare started, the planning commission made a big deal about comparing this situation with what was done for Sonic. I argued the comparison is not appropriate because the type of business is completely different including the hazardous chemicals, constant noise 24 hours a day , toxic fumes, intrusive light at night, and business hours each place is open. However, since the comparison was made, lets reflect what actually happened with Sonic. After modifications to the original site plan, Sonic made appropriate changes that was much more suitable for their property. Sonic completely rebuilt which included repositioning their building and parking stalls to accommodate traffic flow and congestion. Sonic got it right! They did things correct to improve their business, making it more attractive and appropriate for their property. Kwik Shop's site plan is a hodgepodge mess. An opportunity exists for rectifying the site plan and forcing Kwik Shop to develop a plan that is much more suitable for the neighborhood and effectively addresses the need for improved access, traffic flow and lot congestion. Make Kwik Shop get it right, do not settle for second rate mediocre plan.

Last night (2-3-15) at the the city commission planning session, we heard of a flooding situation occurring in the Dawson Estates residential neighborhood. The Commission brought up the question of why only one street level drain was installed. The answer is clear, poor planning. Due to poor planning not enough drainage was installed when this area was being developed and now the residents are suffering from a poor drainage system that is causing flooding. Additionally, during the planning session, the commission was presented several options for addressing the flooding problem, something that has not happened with the Kwik Shop situation. The Kwik Shop site plan is a poor plan that is creating problems for area residents. Options to this poor plan should be explored by the planning and city commission.

OPTION

- Demolish the current building and the house immediately north of the Kwik Shop building. Build a new Kwik Shop on the lot where the brown house exists. The new building would face south toward 14th street with the canopy of gas pumps in front of the building. Repositioning the building (much like Sonic did) will allow adequate space for the larger gas pump canopy and parking. The second lot north of Kwik Shop can remain untouched and a residential home.

When faced with problems, a fair amount of creative problem solving and brainstorming options should occur. A solution should then be adapted to meet the needs of all who are affected. The solution should not create more problems. A solution should not endanger the health and safety of others. The Conditional Use Permit and Kwik Shop site plan are not effective solutions.

I ask the Commission to fully exhaust the examination of the regulations factors in Section 26-110. Use the factor guidelines to make your decision. I also ask you to consider conditions and options that may be much more suitable.

Thank you for your time and consideration,
Casey Callis
108 NE 15th Street
Abilene, KS 67410

26-108. Factors to be Considered in a Rezoning. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines:

- a. Whether the change in classification would be consistent with the intent and purpose of these regulations.
- b. The character and condition of the surrounding neighborhood and its effect on the proposed change: This entails a description of the neighborhood as to existing land uses, intensity of development, age and general condition of structures.
- c. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
- d. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification: The zoning surrounding the property at issue, along with the actual uses on those properties, is to be considered.
- e. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity: Consideration is to be given as to whether each of the permitted uses under the proposed rezoning would be compatible with existing uses. The focus is upon issues which can be addressed via zoning, such as structure height, yards and setbacks, and minimum lot sizes.
- f. The suitability of the applicant's property for the uses to which it has been restricted: How the property at issue is presently zoned, and the uses permitted under that zoning is to be considered, as well as whether those uses are appropriate given the zoning of the surrounding neighborhood. Also to be considered is whether the presently allowed uses are the only uses appropriate for the subject property.
- g. The length of time the subject property has remained vacant or undeveloped as zoned: Consideration is to be given as to whether the subject property is vacant

because its present zoning is unsuitable, or whether it is vacant for reasons unrelated to zoning, e.g., a surplus of similarly-zoned property, problems with financing, lack of infrastructure or other development problems.

- h. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- i. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.
- j. The recommendations of professional staff and advisors: Staff recommendations should be based upon the factors set out in this section, the adopted comprehensive plan, other adopted plans and reports, and the evidence in the record.
- k. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan: The question here is whether the requested rezoning is consistent with the recommendations of the adopted comprehensive plan. If it is not, is the incompatibility because the plan is outdated or have conditions changed in the area or neighborhood of the subject property?
- l. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification: This factor acknowledges that the basis for zoning is protection of public health, safety and welfare. Any rezoning request involves balancing the property owner's interests with the interests of the public.
- m. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

ORDINANCE NO. 3262

AN ORDINANCE REZONING CERTAIN PROPERTY, GENERALLY DESCRIBED AS 1407 N. BUCKEYE AVENUE, FROM "R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT" TO "B-3, HIGHWAY BUSINESS DISTRICT" AND AMENDING THE ZONING MAP OF THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider rezoning certain property more commonly described as 1407 N. Buckeye Avenue, and as provided in **Exhibit A** as attached hereto, from "R-1, Single-Family Residential District" to B-3, Highway Business District";

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2014, and comments were received from the public both in support of an in opposition to the proposed rezoning; and

WHEREAS, the Planning Commission recommended the Governing Body approve the rezoning of the above referenced property.

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

SECTION ONE. Property Rezoned. That property legally described as follows is hereby rezoned from "R-1, Single-Family Residential District" to B-3, Highway Business District":

All of Lots Three (3) and Four (4) in Block A, Geauque and Brenneman's Subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., in the City of Abilene, Dickinson County, Kansas; Except that part condemned by the City of Abilene in Dickinson County District Court Case No. 15158; Subject to easements, reservations, restrictions and zonings of record, more commonly known as 1407 N. Buckeye Avenue, Abilene, Kansas.

SECTION TWO. Zoning Map: Amended. That the Zoning Map of the City of Abilene, Kansas, as adopted by Ordinance No. 2796, and amendments thereto, is hereby amended to be consistent with the amendments described herein.

SECTION THREE. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

[REMAINDER OF PAGE LEFT BLANK]

PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

EXHIBIT A

General Rezoning Map

for

1407 N. Buckeye Avenue

City of Abilene, Kansas

February 9, 2015

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OPTION

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Thank you for your time and consideration,
Casey Callis
108 NE 15th Street
Abilene, KS 67410

STAFF REPORT

PC 14-5 Rezoning of 1407 N. Buckeye Avenue from "R-1" Single Family Residential District to "B-3" Highway Business District.

GENERAL INFORMATION

Date:	October 9, 2014								
Owner:	Jeff and Monica Hertz								
Applicant:	Kwik Shop								
Requested Action:	Amend zoning from Single Family Residential to Highway Business District.								
Purpose:	To allow expansion of an existing business.								
Location address:	1407 N. Buckeye Street								
Comprehensive Plan:	Comprehensive Plan shows this property as Low Density Residential Potential.								
Sites Existing Zoning:	Single Family Residential district "R-1"								
Surrounding Zoning:	<table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">North</td> <td>R-1 Single Family Residential District (Residential Use)</td> </tr> <tr> <td>South</td> <td>B-3 Highway Business District (Residential structure)</td> </tr> <tr> <td>East</td> <td>R-1 Single Family Residential District (Residential use)</td> </tr> <tr> <td>West</td> <td>B-3 Highway Business District (Commercial use)</td> </tr> </table>	North	R-1 Single Family Residential District (Residential Use)	South	B-3 Highway Business District (Residential structure)	East	R-1 Single Family Residential District (Residential use)	West	B-3 Highway Business District (Commercial use)
North	R-1 Single Family Residential District (Residential Use)								
South	B-3 Highway Business District (Residential structure)								
East	R-1 Single Family Residential District (Residential use)								
West	B-3 Highway Business District (Commercial use)								
Land Area:	Contains less than 1 acre								
Notice Date:	This project was published and noticed by mail as required by code.								

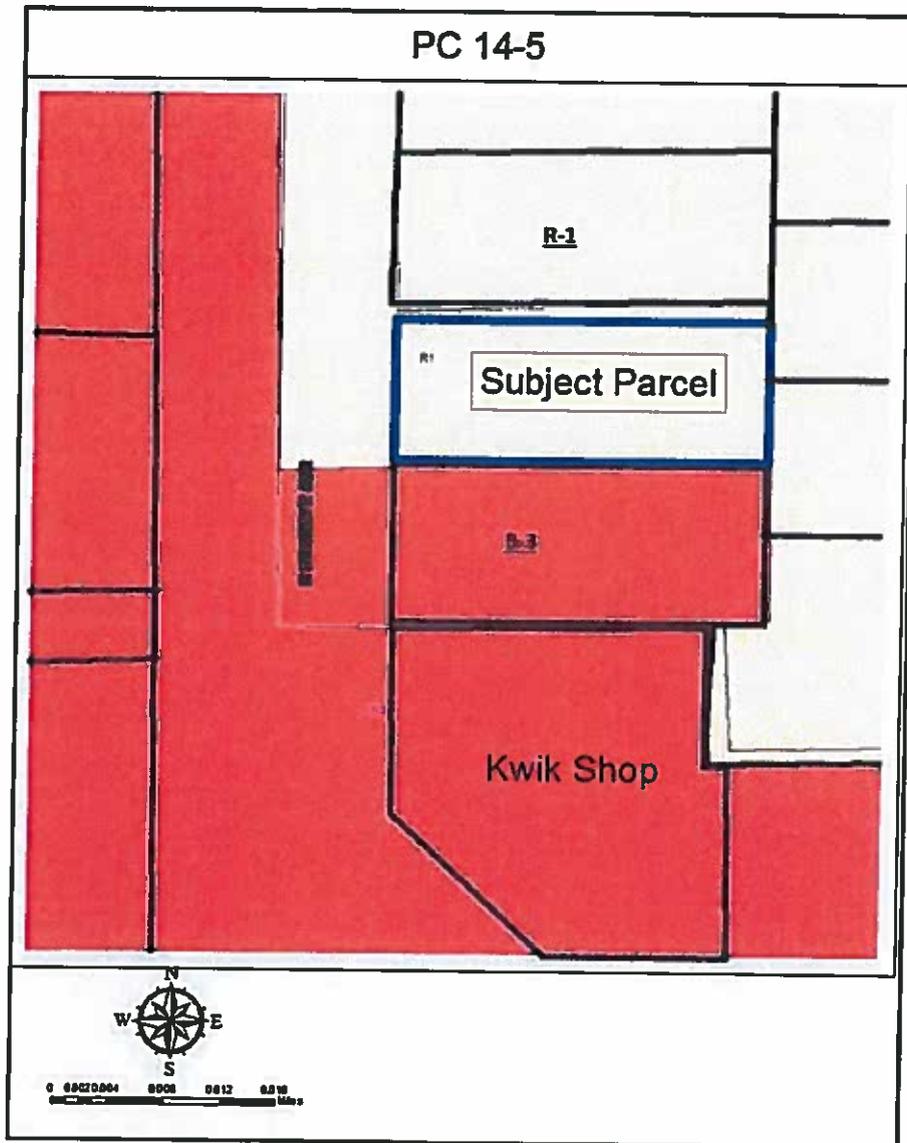
COMMENTS & FINDINGS

1. This property is currently under contract for purchase by the existing commercial property owned by Kwik Shop located at the Northeast corner of 14th Street and Buckeye.
2. Kwik Shop would like to expand and reconfigure their current arrangement to improve access to the property.
3. This property currently abuts a General Commercial District to the South and West.
4. Currently the Comprehensive Plan shows this lot as Low Density Residential Potential.
5. Chapter IX, Section "C" of the Comprehensive Plan states "Future land use plan amendments are anticipated as growth occurs and market conditions change."
6. Adequate buffering, including but not limited to an 8 foot privacy fence, and/or landscape screening between the subject property and the residential property to the North will be required on a submitted site plan through a Conditional Use Permit.
7. The applicant is proposing a reconfiguration of their lot, which may involve additional ingress and egress.
8. Because of item 7 above, the applicant will need to submit a replat of the northeast corner of the intersection of 14th Street and Buckeye to include those parcels which are currently under contract.
9. The Planning Commission recommended approval of a similar request in 2011 for the property occupied by Sonic drive in, in which they considered the most intense use for that district that could be placed on that parcel.

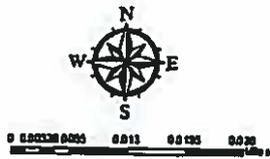
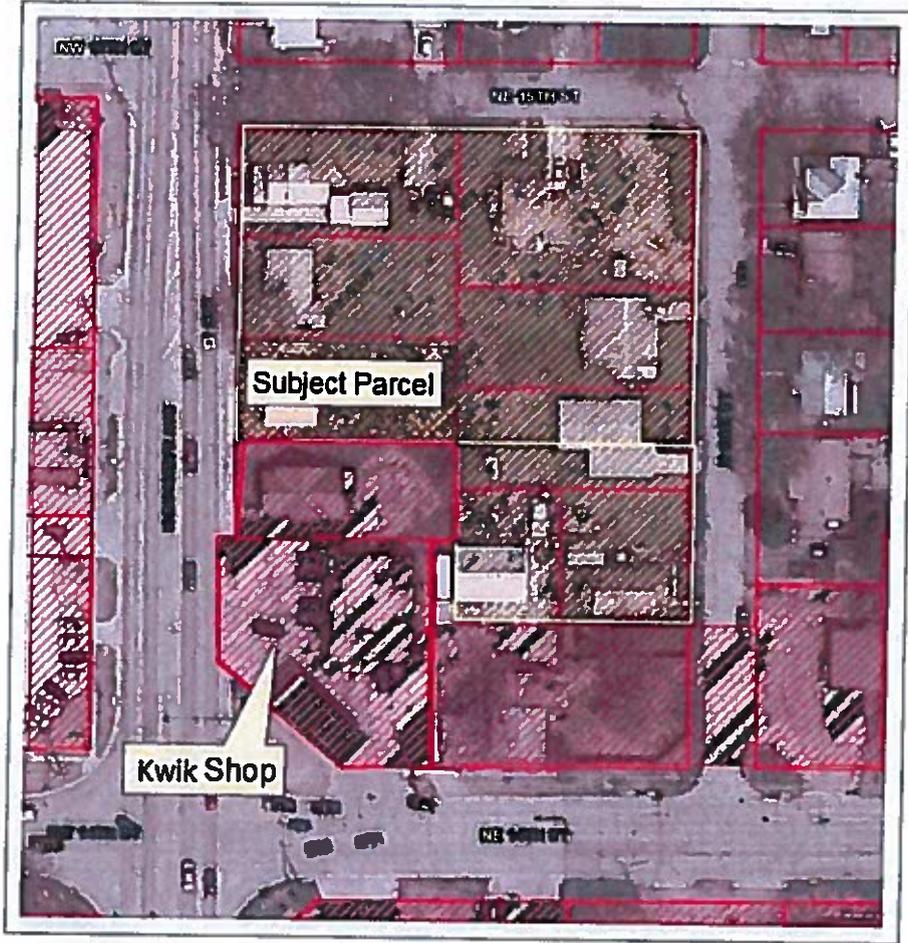
City Commission Options

1. Approve the rezoning request;
2. Deny the request – The Commission may recommend denial if it is determined that the request constitutes an encroachment of an inappropriate use, or any items as described in Section 24-404;
3. Send the case back to the Planning Commission. In such instance, the Commission must explain specific items they want the Planning Commission to consider based on the items outlined in 24-404.

Staff Report:



Staff Report:



Staff Report:

CITY OF ABILENE
PLANNING COMMISSION
MEETING MINUTES

November 12, 2014
Study Session at 4:00 p.m.
Meeting at 4:30 p.m.
Abilene Public Library
209 NW 4th Street

Members Present: Larry Coulson, Bruce Dale, Steven Olson, Travis Sawyer and Michelle Stephens.

Members Absent: Gene Bielefeld and Kyle Campbell (Chair)

Staff Present: David Dillner, Tim Hamilton and Jennie Hiatt

Others Present: Commissioner Ray (see attached list)

Call to Order.

Seeing that a quorum was present Vice-Chair Coulson called the meeting to order.

Approval of Agenda.

Dale made a motion to approve the agenda as presented. The motion was seconded by Olson. The motion passed unanimously. (5-0)

Approval of Meeting Minutes – October 14, 2014.

Sawyer made a motion to approve the minutes as written. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

Business.

1. **Public Hearing, PC 14-6**, a request by Jeff Hertz to consider a rezoning from Single-Family Residential (R-1) to Two-Family Residential (R-2) for the property addressed as 109 NE. 12th Street, Abilene, KS.

Coulson verified that the applicant was present.

Hamilton presented the staff report.

Coulson asked if there were any questions from the commissioners for staff and there were none. He then asked the applicant if they had any comments.

Monica Hertz said that they just wanted to add a second bedroom and square it off on the back corner. She added that you won't even be able to see it from the street.

Coulson asked if there would be enough parking available.

Hertz stated yes that there is a long driveway and that they had just added a two vehicle carport.

Olson asked if the other side of the duplex already has a second bedroom.

Hertz stated yes that the basement has been converted into a bedroom, but that this side of the unit does not have a basement.

Olson asked if Heritage Commission approval would be needed since it is in close proximity of the Seelye Mansion.

Hamilton replied that it is within 500 feet environs, but there is no need for review because the State no longer requires those regulations.

Coulson opened and then closed the public hearing as there were no public comments.

Sawyer made a motion to recommend approval to the City Commission. The motion was seconded by Olson. The motion passed unanimously. (5-0)

2. **Public Hearing, PC 14-7**, a request by Jeffrey & Yolanda Morton to consider a rezoning from General Residential (R-3) to Light Industrial (I-1) for the property addressed as 205 S. Madison Street, Abilene, KS.

Coulson verified that the applicant was present.

Hamilton presented the staff report.

Coulson asked if there were any questions from the commissioners for staff.

Coulson then asked Hamilton to define accessory use.

Hamilton replied that it can only be used for storage and that no sales can take place.

Coulson then asked the applicant if they had any comments.

Jeffrey Morton stated that the County already defines us as Light Industrial. We would like to just add heat and cannot currently use propane and it would also be cheaper to use propane.

versus having a gas line put in. He also added that they will not be using the building for retail sales.

The question was asked if they planned on expanding.

J. Morton replied that they anticipate that at some point in the future they might but not right now.

There was discussion.

Coulson opened the public hearing.

Lynda Alstrom, 1511 SW 2nd, stated that she expects to have houses built sometime in the future and doesn't want them storing military surplus and ammunition. None of us in the neighborhood want this zoning to change and we are definitely against this.

Joan Sims, 1515 SW 2nd, questioned the need for the property to be rezoned.

Hamilton stated that it is currently non-conforming as you can't have a building exclusively for storage in an R-3.

Sims stated that she was concerned about traffic as SW 2nd Street is narrow as well as there isn't a lot of room for expansion.

J. Morton replied that the use is not going to change and we will not be doing any retail sales and there will not be any public as we will not be selling out of the building, it is simply for storage. We travel to gun shows all over Kansas and Nebraska.

It was asked what kind of military supplies.

J. Morton stated that they do not have any ammunition or guns as they are constantly crossing state lines and that requires a special license.

Coulson asked about plans to enlarge the building.

J. Morton stated not at this time.

L. Alstrom stated there is already a lot of traffic up and down Madison and John's Avenue, plus when I go to sell my property who will want to buy near an industrial zoning. We have a brand new house to the East and she would be here, but she had to work. She then gave a brief history regarding the property.

J. Morton stated that Dickinson County already has it as Light Industrial.

Hamilton stated that the County's classification is based on the existing use.

Sims asked why do you need heat and what's stored in the building.

Yolanda Morton stated that would like to have heat because when they buy from the military I need to be able to sort and organize everything.

Stephens asked Morton if this was her only business and how you make your living.

Y. Morton stated yes to both questions.

There was discussion.

Dale made a motion to table pending further information. The motion was seconded by Olson. The motion failed (2-3) with Coulson, Sawyer & Stephens being the descending votes.

There was further discussion.

Stephens made a motion to recommend approval. The motion was seconded by Sawyer. The motion passed (3-2) with Dale & Olson as the descending votes.

3. PC 14-8, a request by Amber Culver and Heidi Kafka to vacate an 85' wide portion of South Walnut Street extending 140' from Southwest 4th Street to the City limit line in Abilene, KS.

Coulson verified that the applicant was present.

Hamilton presented the staff report.

There was a question about utilities.

Amber Culver replied that they have been told that there aren't any there.

There was discussion.

Culver stated that they have always that they owned the property as they own on both sides and found out they didn't when they came in to get a building permit for a porch. She stated that part of the carport, that was built prior to their ownership, is on the property along with their garden.

There was continued discussion.

Sawyer made a motion to recommend approval to the City Commission with the condition to locate any remaining utilities. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

4. Status Update on City Commission changes to the 2014 Zoning Code.

Hamilton reviewed the staff report regarding the changes that had been made to the 2014 Zoning Code. He stated that the City Commission has already approved the Zoning Code, with the exception of Section 17 & Section 27, which were removed by the City Commission.

Comments.

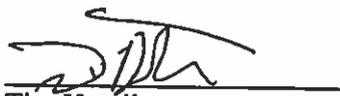
There was discussion.

The next meeting is scheduled for December 9, 2014.

Adjournment.

Stephens made a motion to adjourn the meeting. The motion was seconded by Sawyer. The motion passed unanimously. (5-0) The meeting was adjourned.

Minutes Submitted,



Tim Hamilton
Community Development Director

Minutes Approved,


Kyle Campbell, Chair
Larry Coulson, Vice-Chair

received



ZONING PROTEST PETITION ABILENE, KANSAS

Section I.

The undersigned, owners of twenty (20%) percent or more of the property proposed to be rezoned, or by the owners of twenty (20%) percent or more of the total area required to be notified, excepting public streets and ways, protest the proposed change of zoning for property described in Zoning Application FG14-6 zone change from R-1 to B-3 at 1407 N. Buckeye

Section II.

<u>Deanna Gale</u>	<u>1417 N Oak</u>
Protestor(s)	Property Owned
<u>Allen Gale</u>	<u>1417 N. Oak, Abilene</u>
<u>Jimmie Buere</u>	<u>1408 N. Oak Abilene</u>
<u>Tanner Dawson</u>	<u>1404 N oak Abilene</u>
<u>Scott Lang</u>	<u>111 N.E. 15th Abilene</u>
<u>Sharon Rutz</u>	<u>1409 N Buckeye</u>
<u>Patricia E Phillips</u>	<u>1411 N Buckeye</u>
<u>Ruth Frootie</u>	<u>109 NE 14th Abilene</u>
<u>Jim Foster</u>	<u>1405 N Oak</u>
<u>Casey L. Allen</u>	<u>1405 N OAK</u>
<u>Janette Wohlman</u>	<u>108 N.E. 15th, Abilene</u>
<u>Kent Miller</u>	<u>1419 N. Oak St. Abilene</u>
	<u>1419 N. Oak St. Abilene</u>

140 N. E. 15th Abilene

~~James~~ Edmondson

1406 N. Oak St
Abilene KS 67410

~~James~~

1406 N. Oak St.
Abilene, KS 67410

Recital of Petition Circulator

State of Kansas)
) ss:
County of Dickinson)

I, Jennifer Edmondson, of lawful age, being first duly sworn, upon my oath state:

I am the circulator of this petition. I have personally witnessed the signatures of each person whose name appears hereon.

Jennifer Edmondson
(Signature of circulator)

1406 N. Oak Abilene KS 67410
(Circulator's residence address)

Subscribed and sworn to before me on this 17th day of Oct 2014

 RACHEL TICHENOR
Notary Public - State of Kansas
My Appt. Expires 05/01/17

Rachel Tichenor
Notary Public - State of Kansas

My commission expires: 05/01/2017

City of Abilene City Commissioners,

On October 14, 2014, the City of Abilene Planning Commission considered a rezoning request by Kwik Shop of a Single-Family Residential property (R-1) to a Highway Business (B-3) property. The motion was approved despite area residents disapproval and concerns.

As a resident in the immediate area of the rezoning parcel, my wife and I are greatly concerned about our health, safety and protection of our property. The rezoning gives Kwik Shop the green light to expand within 70 feet of our back door. The expansion as purposed by the Kwik Shop representative would include installing more gas pumps along with underground fuel storage tanks, and additional parking. All of these suggested expansion items pose potential problems that can be detrimental to area residents and properties.

The Planning Commission's decision for rezoning the property to commercial use impacts the neighborhood and the residents. Decisions for rezoning are to follow the City of Abilene Zoning and Subdivision Ordinance. Section 24-404 of the zoning ordinance contains 9 factors that should be considered in rezoning matters. The Commission was reminded of the factors at the hearing, however the factors of the zoning ordinance were not considered in the final decision. The ordinance clearly states, "the Planning Commission shall consider the appropriate issues contained in a staff report, including but not limited to the following factors:"

1. Character of the neighborhood.
2. The zoning and uses of properties nearby including any changed conditions.
3. The suitability of the subject property to its present and proposed use.
4. The extent to which removal of the present zoning will detrimentally affect nearby property.
5. The length of time the subject property has remained vacant as well as nearby vacant land.
6. The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.
7. The recommendations of permanent or professional staff.
8. Change in district classification being consistent with the purposes of these regulations and the proposed district.
9. Adequacy of off streets and utilities.

The only factor considered by the Planning Commission was if rezoning the property is consistent with other rezoning of similar commercial properties in the immediate area for future growth and development. The commission discussed how the fast food business Sonic recently went through a similar situation which rezoning was approved. The issue we have is Kwik Shop was being compared with a totally different type of business. Sonic did not erect gas pumps and put potentially hazardous fuel storage tanks underground and Sonic is not open 24/7. The commission conceded to approve the rezoning because it is more advantageous and consistent for the property to be used as a commercial lot for future growth and development despite the concerns of the residents and the other factors of Section 24-404 of the Zoning and Subdivision Ordinance.

Careful analysis of the factors of Section 24-404 of the zoning ordinance is required when decisions of this magnitude for rezoning occur. The Planning Commission completely failed to do this. Factors 1, 4 and 6 of the ordinance were not considered in the final decision. Rezoning of the property to B3 clearly violates factor 1; Character of the Neighborhood. The neighborhood includes 8 single family residences and 2 commercial lots, one of which is an inactive business in a single family home and poses no threat to the character of the neighborhood, and the other being Kwik Shop. The expansion would change a large section of the block between 14th street and 15th street. This is a residential neighborhood. Expansion will destroy 2 existing single family homes for the sake of gas pumps and parking lots.

Factor number 4 of the zoning ordinance was also neglected. Factor 4 states, "the extent to which removal of the present zoning will detrimentally affect nearby property." It would be difficult for the

Commission to disprove this would be a detriment to nearby property. Destruction of nearby homes and replacing them with gas pumps, underground storage tanks, and buildings that are well lit at night will only be a detriment to nearby properties. Where it exists right now, Kwik Shop is already intrusive. Making the Kwik Shop closer in proximity will only increase the discomfort the area residents feel. It will be nothing but a detriment to our property to increase the intrusive lights, noises, and fumes of fuel. In addition to intrusion, Kwik Shop is a 24 hour business, it never shuts down. Kwik Shop has shown no evidence of maintaining a good neighbor relationship to the area residence. Currently there is no structure or fence buffering out the undesirable view, trash, lights, or noises that occurs all hours of the day and night. On the website, <http://ceds.org/convenience.html>, the Community & Environmental Defense Services outlines the characteristics of a good convenience store: an optimum convenience store-gas station location would have the following characteristics:

- At least 300 feet from the nearest home; or Buffered so the store cannot be seen or heard from the nearest home;
- For ultra-high volume gas stations, a minimum if 300 feet away;
- Not within view of historic resources;
- Away from highly sensitive ground or surface water resources;
- Accessible by foot and bike as well as cars;
- Located in a downtown or neighborhood commercial area;
- Well lit, but not to the point of causing light trespass into nearby homes;
- In an area with many passersby and few escape routes for criminals; and
- In an area where the market can accommodate a new store without putting existing ones out of business.

Currently Kwik Shop has little to none of these characteristics. The Kwik Shop location is already within the recommended 300 feet of the nearest home and are wanting to expand to within just a few feet of nearby homes. The trash dumpsters are exposed in the parking lot, bright lights invade nearby homes, landscaping and the upkeep is minimal at best. Kwik Shop landscape beautification mainly consists of grass and weeds growing through the cracks of the concrete. All of these things are a detriment to our neighborhood.

Now lets talk about property value and potential health risks that relate to factor 6 of the zoning ordinance. Factor 6 states, "The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner." Clarification may be needed here for proper interpretation of factor 6. Relative gain to health, safety and welfare pertains to this situation greatly. The question to ask, how will the expansion of Kwik Shop have a relative gain to the health, safety and welfare of the nearby property? I struggle to find any. The potential health hazards are immense. Gas pumps and underground storage tanks are an incredible risk to the neighborhood. "Underground gasoline storage tanks are a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank" (www.epa.gov); National Institutes of Health, (www.nih.gov). Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include, ground-level ozone caused in part by gasoline fumes, and groundwater hazards from petroleum products leaking into the ground. The National Library of Medicine expresses, "repeated exposure to gasoline in liquid or vapor form have detrimental affects on the body" (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15). The chemical Benzene found in gasoline is well documented to be incredibly harmful. According to the Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>), exposure to benzene has long term health effects:

- The major effect of benzene from long-term exposure is on the blood. (Long-term exposure means exposure of a year or more.) Benzene causes harmful effects on the bone marrow and can cause a

decrease in red blood cells, leading to anemia. It can also cause excessive bleeding and can affect the immune system, increasing the chance for infection.

- Some women who breathed high levels of benzene for many months had irregular menstrual periods and a decrease in the size of their ovaries. It is not known whether benzene exposure affects the developing fetus in pregnant women or fertility in men.
- Animal studies have shown low birth weights, delayed bone formation, and bone marrow damage when pregnant animals breathed benzene.
- The Department of Health and Human Services (DHHS) has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs.

In an article for the Porch Press from Atlanta, Georgia, the author cited a study by researchers on the effects of air contamination. The article states, "In December 2010, Spanish researchers at the University of Murcia released a study on the effects of air contamination from gas stations. This study found increased levels of airborne chemicals within 150 feet of gas stations due to the evaporation of gasoline during the filling process. The greater the number of pumps at the gas station, the larger the area of contamination was found to be, extending up to 300 feet from the station." (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>). Make it clear, expansion of Kwik Shop into our back yard is a potential health hazard. A risk that is much greater than the gain of potential grow and development of business.

Safety of the neighborhood is another concern. With an active business that never shuts down, comes a great responsibility to maintain a safe environment. Expansion of that business only increases the need for safe measures to ensure the local residents a sense of comfort. With the aid of our local Abilene police department, I researched how often police have been called to the Kwik Shop location to handle societal issues. From January 2013 to the present day, the Abilene police department have been called to the Kwik Shop location 140 times. Of the 140 times, only 32 were vehicle accident related. All other times were the result of criminal activity from disorderly conduct, disputes, getting gas without paying, and so forth. This is a major concern. This type of business activity jeopardizes our personal safety. Expanding Kwik Shop into our backyards brings that criminal activity closer to our back doors, something no one ever wants.

Protection of property value is also a concern. We purchased our home 13 years ago, in that time my wife and I have invested over \$25,000 dollars in upgrading and maintaining the character of our property. The Kwik Shop invasion of our property can only be assumed it will have some type of effect on our property value. I recently interviewed several local realtors from, Etherington, Haug, and Reynolds. It is their professional opinion and all mutually agree our property value may or may not decrease, but with Kwik Shop that close in proximity to our home it will most certainly affect the market of potential buyers if we choose to sale. It will take more time to find buyers who are willing to pay what our home is valued at or we may be forced to lower our asking price, essentially lowering the property value. Had we known that Kwik Show was planning encroachment of this magnitude we would have made other choices about our property. We simply would have not invested the money in our property and we would have sold so we wouldn't be living next to a convenience store.

Rezoning of the single family residence to a B-3 will give Kwik Shop the green light to expand within feet of the homes in the nearby area. Eight residences will be detrimentally affected by this decision. Our health, safety and protection of our investments are at risk. I encourage the City Commissioners to come visit us, stand in our back yards, see what we see. Experience how close the Kwik Shop invasion will be, and answer the question, would you want this in your backyard?

Thank you for taking the time to review the rezoning issue and consideration of our concerns,
Casey Callis
108 NE 15th Street
Abilene, KS 67410

- Abilene Police Department
- Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>)
- Community & Environmental Defense Services <http://ceds.org/convenience.html>
- Environmental Protection Agency www.epa.gov
- Etherington, Haug, & Reynolds Realtors
- National Institutes of Health www.nih.gov)
- National Library of Medicine (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15.)
- The Porch Press (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>)



CITY OF ABILENE, KANSAS

DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2355 · Fax: (785) 263-2552 · www.abilenecityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- | | |
|---|---|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL | <input type="checkbox"/> LOT SPLIT |
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE |
| <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS | <input type="checkbox"/> PRELIMINARY PLAT |
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT | <input type="checkbox"/> PLANNED DEVELOPMENT |
| <input type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> REPLAT |
| <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT | <input checked="" type="checkbox"/> REZONING/ZONING MAP AMENDMENT |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> SITE PLAN |
| <input type="checkbox"/> HOME OCCUPATION PERMIT | <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
| <input type="checkbox"/> LANDMARK DESIGNATION | <input type="checkbox"/> VARIANCE |

FOR OFFICIAL USE ONLY

Appn Number: 14-5

Date Received: 9/5/14

Received By: [Signature]

P R I
SEP 09 2014
CITY OF ABILENE

BRIEF DESCRIPTION OF APPLICATION PURPOSE: Parking / possible fuel expansion of existing business

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

NAME: Clay Brasher, Director of Real Estate Po Box 1927 TELEPHONE: 620 962-4692
 BUSINESS NAME: Kwik Shop, Inc. clay.brasher@kwikshop.com FAX: 6206941820
 CITY: Hutchinson 734 E. 4th Ave. STATE: KS ZIP: 67504-1927

PROPERTY OWNER (If Different from Applicant/Agent):

NAME: Jeff L. and Monica J. Hertz TELEPHONE: 479-0805
 BUSINESS NAME: hertzonahill@gmail.com FAX:
 CITY: Abilene 2228 Fair Rd. STATE: KS ZIP: 67410

ENGINEER/ARCHITECT/SURVEYOR:

NAME: Jason Loader TELEPHONE: 7857625040
 BUSINESS NAME: Kaw Valley Engineering FAX:
 CITY: Junction City STATE: KS ZIP: 66441
 E-mail: loaderj@kveng.com

Print Form

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

1407 North Buckeye Ave., Abilene, KS

PROPERTY TAX IDENTIFICATION NUMBER: 112-09-0-40-12-004.00-0

Existing Zoning Res Proposed Zoning B-3 Existing Land Use Proposed Land Use

GROSS SIZE OF PLAT/LOT:

Residential: 8400 Commercial Industrial Other Total:

NUMBER OF LOTS:

Residential: 1 Commercial Industrial Other Total:

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures Maximum Height of Buildings or Structures Total Building Area Total Impervious Area

EXISTING PUBLIC FACILITIES:

Water Service: Public Private Other (Describe)
Wastewater Service: Public Private Other (Describe)
Roadway Access: Public Private Other (Describe)

FLOODPLAIN INFORMATION:

Floodway Floodway Fringe FIRM Map-Panel Number Zone:

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

Yes No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION*

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet, and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Clay [Signature] Applicant Signature

9/15/14 Date

[Signature] Applicant Signature

9/10/14 Date

Fee: \$100.00

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

ORDINANCE NO. 3263

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF A GASOLINE FUELING STATION LOCATED AT 1407 N. BUCKEYE AVENUE IN THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider a Conditional Use Permit to allow additional parking and four additional gasoline pumps at 1407 N. Buckeye Avenue in Abilene, Kansas, as provided in Exhibit A as attached hereto;

WHEREAS, the Planning Commission conducted a public hearing on January 23, 2015, and comments were received from the public both in support of and in opposition to the proposed Conditional Use Permit; and

WHEREAS, the Planning Commission recommended the Governing Body approve a Conditional Use Permit allowing additional parking and four additional gasoline pumps on the referenced property.

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

SECTION ONE. Conditional Use Permit. That a Conditional Use Permit is hereby granted to Dillon Stores, Inc. for the placement of four additional gasoline pumps and additional parking as generally provided in the Conditional Use Permit application, as attached hereto as Exhibit A on property legally described as follows:

All of Lots Three (3) and Four (4) in Block A, Geauque and Brenneman's Subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., in the City of Abilene, Dickinson County, Kansas; Except that part condemned by the City of Abilene in Dickinson County District Court Case No. 15158; Subject to easements, reservations, restrictions and zonings of record, more commonly known as 1407 N. Buckeye Avenue, Abilene, Kansas.

SECTION TWO. Permit Conditions, Approval. Per Section 26-110, the Planning Commission may impose, and City Commission may approve, reasonable conditions on approval of a Conditional Use Permit. Additional conditions for this permit are approved as follows: 1) the applicant will install an eight-foot privacy fence and landscape screening on all property lines adjacent to residential zones.

SECTION THREE. Implementation. The City Manager, or designee, is hereby authorized to issue a Conditional Use Permit once all conditions have been reasonably met.

SECTION FOUR. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

EXHIBIT A

Conditional Use Permit Application

for

1407 N. Buckeye Avenue

City of Abilene, Kansas

February 9, 2015

CITY OF ABILENE, KANSAS
DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway • Abilene, Kansas 67410 • Tel: (785) 263-2550 • Fax: (785) 263-2552 • www.abilenecityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- | | |
|---|--|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL | <input type="checkbox"/> LOT SPLIT |
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE |
| <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS | <input type="checkbox"/> PRELIMINARY PLAT |
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT | <input type="checkbox"/> PLANNED DEVELOPMENT |
| <input checked="" type="checkbox"/> CONDITIONAL USE PERMIT | <input checked="" type="checkbox"/> REPLAT - (NOT REQUIRED) |
| <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT | <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> SITE PLAN |
| <input type="checkbox"/> HOME OCCUPATION PERMIT | <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
| <input type="checkbox"/> LANDMARK DESIGNATION | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> LOT SPLIT | |

FOR OFFICIAL USE ONLY

Appn Number: **PC 14-9**
 Date Received: **11/13/14**
 Received By: *[Signature]*

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Fuel expansion and additional parking.

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: _____ Tel: () _____
 Business Name: _____ Fax: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 E-mail: _____

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

1401 + 1405 + 1407 North Buckeye Abilene, KS

PROPERTY TAX IDENTIFICATION NUMBER:

ZONING: Existing: Residential (1407 location) Proposed: B3

LAND USE: Existing: Proposed:

GROSS SIZE OF PLAT/LOT:

Residential: Commercial: 30,627 Industrial: Other: Total: 30,627

NUMBER OF LOTS:

Residential: 1 Commercial: 2 Industrial: Other: Total: 3

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 2 Total Building Area: 2735

Maximum Height of Buildings or Structures: Total Impervious Area:

EXISTING PUBLIC FACILITIES:

Public Private Other (Describe)
Water Service: [checked] [] []
Wastewater Service: [checked] [] []
Roadway Access: [checked] [] []

FLOODPLAIN INFORMATION:

Floodway: [] Yes [checked] No FIRM Map-Panel Number:
Floodway Fringe: [] Yes [checked] No Zone:

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

[] Yes [checked] No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

[Signature] Applicant Signature

10/10/14 Date

[Signature] Property Owner Signature

10/10/14 Date

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> Easements and Covenants | <input type="checkbox"/> Location Map |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Infrastructure Plans | <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Grading and Stormwater Plans |
| <input type="checkbox"/> Elevation Survey | <input type="checkbox"/> Traffic Impact Study | <input type="checkbox"/> Construction Plans |
| <input type="checkbox"/> Performance Agreement | <input type="checkbox"/> Proof of Notification | <input type="checkbox"/> Utility Plans |
| <input type="checkbox"/> Text Amendment Language | <input type="checkbox"/> Property Owner List | <input type="checkbox"/> Comprehensive Plan Amendment Justification |
| <input type="checkbox"/> Annexation Boundary Map | <input type="checkbox"/> Operating Characteristics Report | <input type="checkbox"/> Administrative Appeal Justification |
| <input type="checkbox"/> Variance Justification | <input type="checkbox"/> Other _____ | |

Additional document requirements provided to applicant on _____. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

_____ Name	_____ Title
 Signature	11/13/14 Date

** Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.

APPLICATION REVIEW

DECISION-MAKING BODY: Staff Planning Commission Board of Zoning Appeals City Commission
 Heritage Commission Other (specify): _____

DATE OF INITIAL HEARING(S): _____

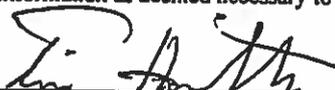
FEE AMOUNT: \$100.00

DATE FEE PAID: 11/13/14

P A I
NOV 13 2014
CITY OF ABILENE

DETERMINATION OF COMPLETE APPLICATION:

I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This certification does not preclude the review, recommendation and/or decision-making bodies from requesting additional information as deemed necessary to serve the public interest.

 Name	11/13/14 Title
_____ Signature	_____ Date

STAFF REPORT

PC 14-9 Consideration of a Conditional Use Permit, 1401 N. Buckeye Avenue (K-15 Highway) at the request of Dillon Real Estate Company, Inc. for the expansion of a convenience store with fuel pumps.

GENERAL INFORMATION

Date:	January 7, 2015								
Owner:	Dillon Real Estate Co., Inc.								
Applicant:	Kwik Shop								
Requested Action:	Approval of a Conditional Use Permit.								
Purpose:	To allow expansion of fuel pumps and additional parking on the North portion of the property.								
Location address:	1401 N. Buckeye Ave. (K-15)								
Comprehensive Plan:	Comprehensive Plan Shows this address as Commercial Potential, with an adjoining lot currently under contract for sale which is designated Low-Density Residential Potential.								
Sites Existing Zoning:	"B-3, Highway Business District" (New designation, "C-3, General Commercial")								
Surrounding Zoning and Land Use:	<table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;">North</td> <td><i>R-1 Single Family Residential District occupied by one detached single family structure.</i></td> </tr> <tr> <td style="text-align: center;">South</td> <td><i>B-3 Highway Business (C-3, General Commercial) occupied by Sonic Drive-in restaurant.</i></td> </tr> <tr> <td style="text-align: center;">East</td> <td><i>B-3 Highway Business (C-3, General Commercial) and R-1, Single Family Residential District. Occupied by two single family structures (One legally non-conforming, the other conforming) and one commercial structure.</i></td> </tr> <tr> <td style="text-align: center;">West</td> <td><i>B-3 Highway Business District (C-3, General Commercial) occupied by various Commercial structures.</i></td> </tr> </table>	North	<i>R-1 Single Family Residential District occupied by one detached single family structure.</i>	South	<i>B-3 Highway Business (C-3, General Commercial) occupied by Sonic Drive-in restaurant.</i>	East	<i>B-3 Highway Business (C-3, General Commercial) and R-1, Single Family Residential District. Occupied by two single family structures (One legally non-conforming, the other conforming) and one commercial structure.</i>	West	<i>B-3 Highway Business District (C-3, General Commercial) occupied by various Commercial structures.</i>
North	<i>R-1 Single Family Residential District occupied by one detached single family structure.</i>								
South	<i>B-3 Highway Business (C-3, General Commercial) occupied by Sonic Drive-in restaurant.</i>								
East	<i>B-3 Highway Business (C-3, General Commercial) and R-1, Single Family Residential District. Occupied by two single family structures (One legally non-conforming, the other conforming) and one commercial structure.</i>								
West	<i>B-3 Highway Business District (C-3, General Commercial) occupied by various Commercial structures.</i>								
Land Area:	Contains approximately 1 acre.								
Notice Date:	This project was published and noticed by mail as required by code.								

COMMENTS & FINDINGS

1. The Applicant is proposing a relocation of the fuel pump and canopy from their current location on the property to an adjoining lot currently under contract pending a zoning approval by the City Commission.
2. At the October 14th meeting, the Planning Commission recommended with a vote of approval, the rezoning of 1407 North Buckeye Avenue from Single Family Residential to Highway Business District.
3. Staff was directed by both the Planning Commission and City Commission to have a site plan submitted for further consideration of this proposal.
4. Because the recently adopted zoning regulations had yet to be in force at the time of this request, the site plan is being reviewed through a Conditional Use Permit.
5. The original plan provided for 2 ingress/egress curb cuts along Buckeye Avenue (K-15), however the Kansas Department of Transportation is authorizing only one such entrance.
6. The location of the curb cut along Buckeye Avenue will be determined by a traffic study required by KDOT (Please see attached options).
7. The Development Review Committee has reviewed the proposed site plan, and comments have been received with appropriate changes made to it.
8. The applicant has purchased the lot immediately north of the applicant's lot located at 1401 North Buckeye Avenue, which is currently zoned for a Commercial use with a non-conforming residence located on it.
9. In the event the City Commission denies the rezoning case, the only feasible use for this additional land would be for parking or a small accessory structure, or other permitted primary structure enlargement allowed under the current regulations.

Staff Report:

RECOMMENDATION

Staff is recommending approval of the proposed plan on the condition that the eight foot privacy fence and landscape buffer to the north and east, as proposed in the attached plan, be installed. The fence and landscaping is also recommended in the event the City Commission denies the rezoning case for 1407 N. Buckeye. All lighting must be shielded to prevent infiltration of light onto adjacent residential lots. Staff is basing its recommendation on the following criteria as outlined in Section 26-110 of the Zoning Regulations:

a. Consistency with intent and purpose of the zoning regulations – In general, this proposal is consistent with the intent and purpose as outlined in Article 1 of the regulations. Upon review by the Police Department, it is determined the plan will not necessarily reduce traffic accidents at the intersection of 14th Street and Buckeye Avenue.

b. Compatibility of proposed use with surrounding uses – This property has had the existing use established for at least two decades preceding the current owner. Prior to 1980, this was the location of an APCO station which dated from the early to mid 60's. The residential housing stock adjacent to this use dates from the 1920's to the 1970's.

c. Public infrastructure – Based on comments from the Development Review Committee, the proposal will not pose a burden on Public water or sewer. Based on consultation with the Developer's Engineer and the Public Works Director, it has been determined that there will be no adverse impact to storm sewers. The Applicant has agreed to direct storm water in a similar manner as that incorporated by the Sonic property on the southeast corner of the intersection of Buckeye Avenue and 14th Street.

d. Necessity of the proposal due to changes in the affected area – The intersection has seen increased commercial development over the past three years, including development of an infill lot west of the subject property, additional commercial office space on 15th Street, and the Sonic remodel on the southeast corner. In addition, KDOT re-configured the right-of-way along Buckeye (K-15) at the 14th Street intersection several years ago in anticipation of increased traffic. Such changes may warrant an existing business to accommodate their property accordingly for public safety and accessibility reasons.

e. Length of time the property has remained vacant – Not applicable.

f. Compatibility of the subject property for the proposed use – The property has contained the existing use, or similar intense commercial use for over fifty years (at least since the early 60's). The surrounding residential development has built up over time from the 1920's to the 1970's. The City has recognized the existence of commercial uses immediately adjacent to residential uses at least since the 1969 Comprehensive Plan.

g. Consideration of Staff recommendation – Staff is basing its recommendation on the current findings as presented.

h. Whether the Comprehensive Plan is furthered and supported by this proposal – Although the lot at 1407 North Buckeye is currently designated as "Low-Density Residential Potential" on the Future Land Use Map, the proposed extension of this existing commercial use onto the adjoining property to the north may not be inconsistent with the spirit and intent of the Comprehensive Plan. Chapter 9, Section C, states: "Future Land Use Plan amendments are anticipated as growth occurs and market conditions change". Since the intersection of Buckeye Avenue and 14th Street is a major intersection and presently contains both commercial and residential use, it is reasonable to conclude that market conditions may support either of these uses.

Staff Report:

i. Adverse impacts on adjacent properties if all conditions placed upon the request are met – The purpose for imposing conditions on a proposal is to ensure that adjacent, conflicting uses are not detrimentally affected. "Goal A" under Key Issue 11 of the Comprehensive Plan strives to "minimize the negative impacts of adjacent incompatible land uses through required site improvements". Policy #1 under this section addresses "screening, fencing and/or vegetative buffering standards" which may be incorporated into proposals where a more intense commercial use is adjacent to a more sensitive residential use. Staff is of the opinion that the proposed fencing and landscaping requirements, in combination with shielded lighting, will minimize any negative impact on adjacent residential properties.

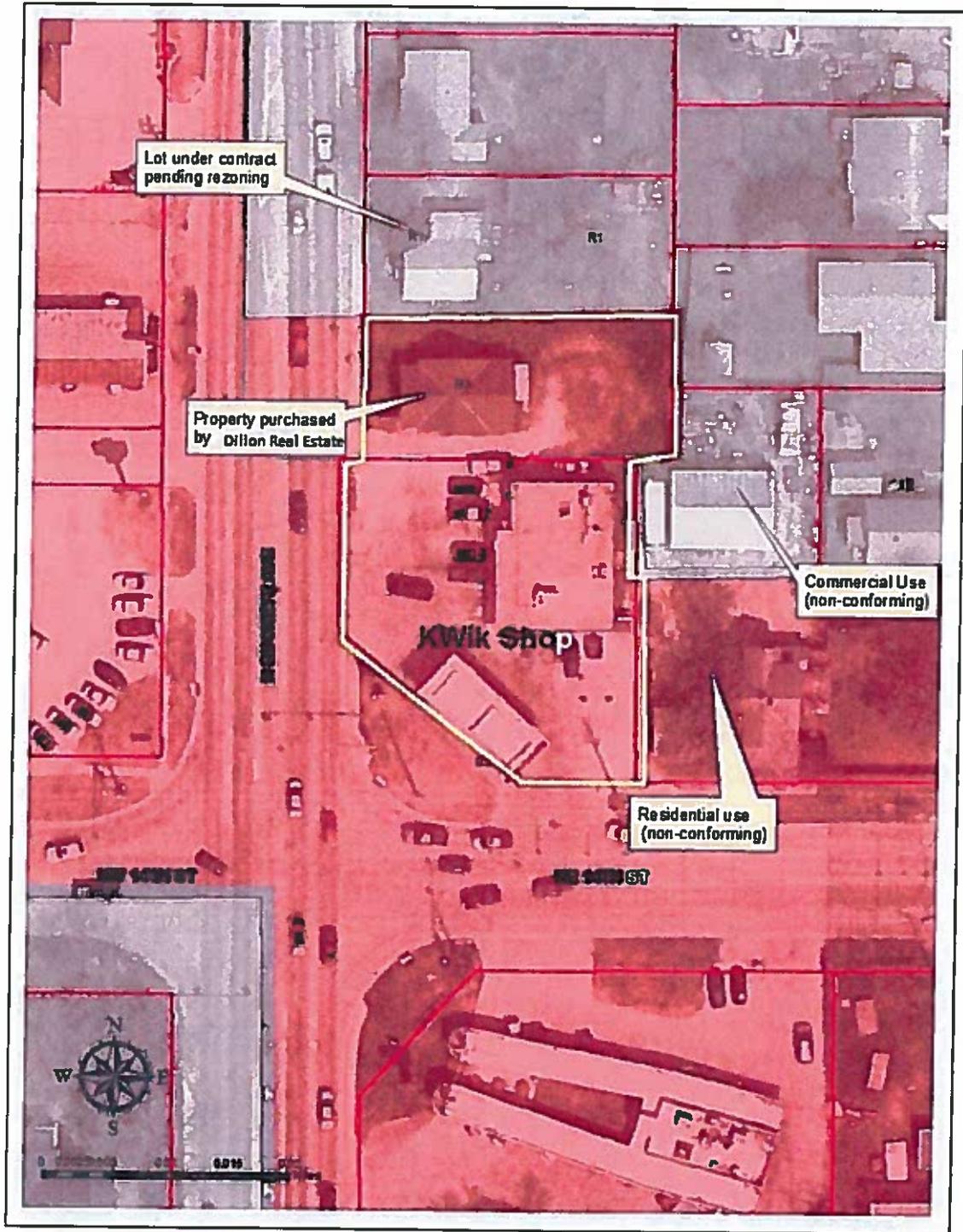
J. Solid Waste disposal facilities – Not Applicable.

K. Other items for consideration – In evaluating individual Conditional Use Permit applications, the Planning Commission may also consider the occurrence of similar land use patterns throughout the City. The subject area and its land use pattern, while not ideal, is by no means unique. There are a number of corner lots within Abilene containing convenience store/fuel dispensing uses (or other commercial uses) located adjacent to, or within proximity of residential land and zones.

PLANNING COMMISSION OPTIONS:

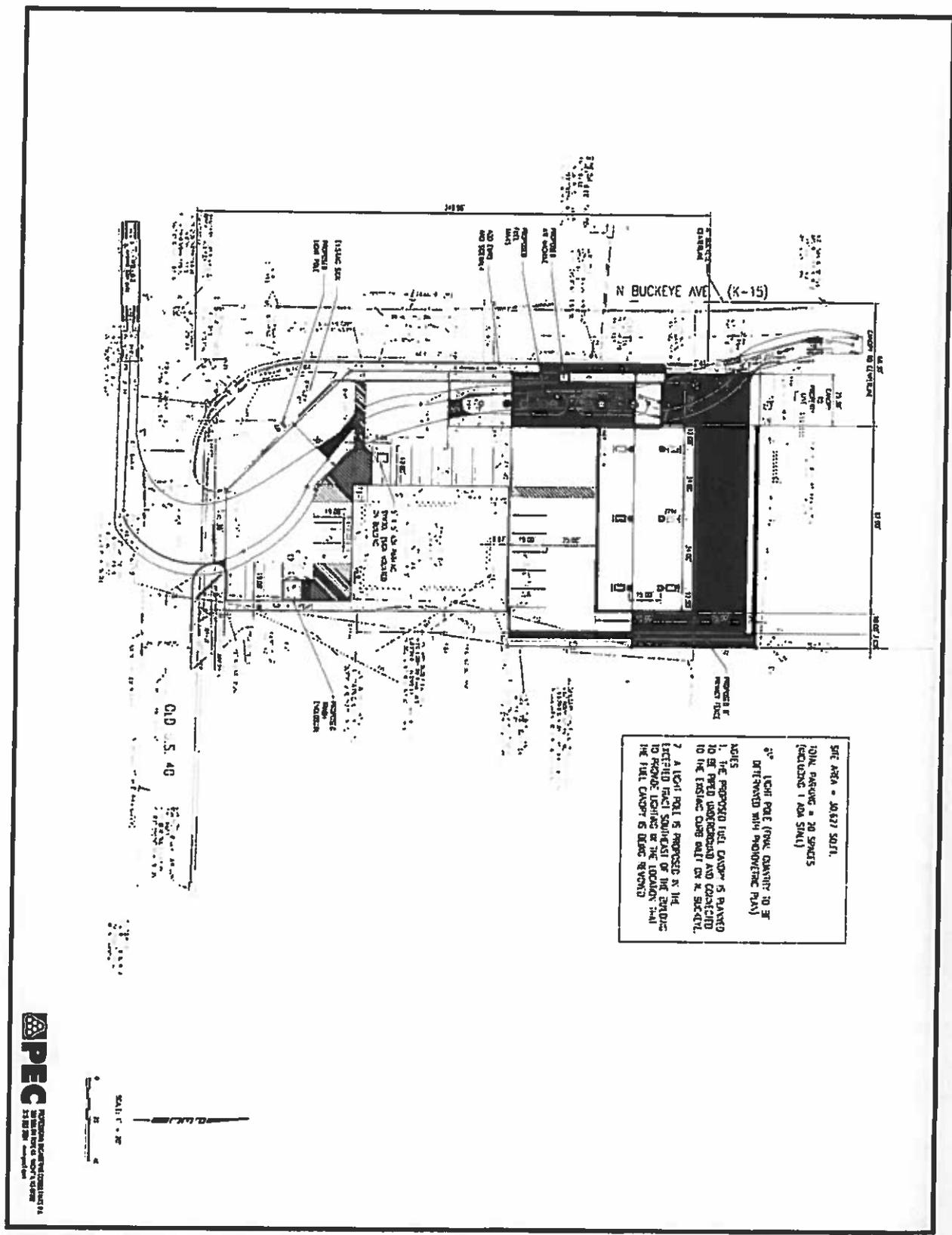
1. Recommend approval of the Conditional Use Permit with above referenced conditions, or additional conditions as deemed necessary;
2. Recommend denial of the request.

Staff Report:



Staff Report:

DATE: 11-11-11
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]



SITE AREA = 26,677 SQ.FT.
 TOTAL PARKING = 20 SPACES
 (INCLUDING 1 ADA SPACE)
 10' x 10' FUEL ISLAND TO BE
 DETACHED WITH PROPOSED PLAN

NOTES
 1. THE PROPOSED FUEL ISLAND IS PLACED
 TO BE PERM UNDERGROUND AND CONNECTED
 TO THE EXISTING CURB SIDE ON N. BUCKEYE.
 2. A 10' x 10' ISLAND IS PROPOSED IN THE
 EXISTING FUEL ISLAND OF THE BUILDING
 TO PROVIDE LIGHTING IN THE LOCATION THAT
 THE FUEL ISLAND IS BEING REMOVED



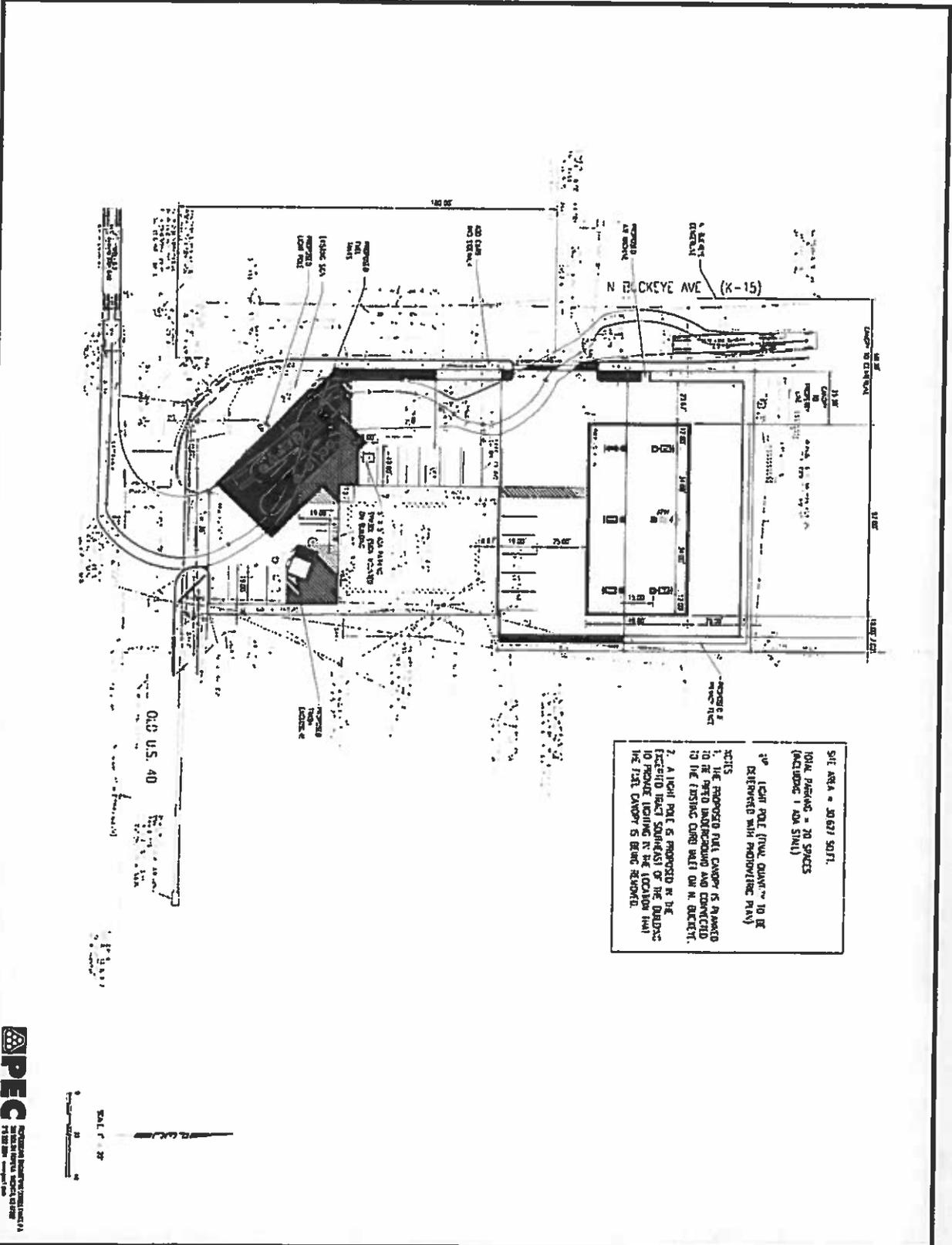
Job No. 11104-02	DATE: 11-11-11
Drawn By: [illegible]	Scale: 1" = 20'
Checked By: [illegible]	Sheet: 1 of 1

SITE PLAN
CONCEPT - F

KWIK SHOP #745
1401 NORTH BUCKEYE
ABILENE, KANSAS



11/12/2014 11:00 AM
 11/12/2014 11:00 AM
 11/12/2014 11:00 AM



SITE AREA = 20,627 SQ.FT.
 TOTAL PARKING = 70 SPACES
 (INCLUDING 1 ADA STALL)

1. "CLEAR PAINT (FLOW QUANT)" TO BE EXPERIENCED WITH MODIFIED PLAN

NOTES

1. THE PROPOSED PAINT CANOPY IS PLACED TO BE PERMITTED UNDER AND ADJUSTED TO THE EXISTING CURB WALK ON N. BUCKEYE.
2. A LIGHT POLE IS PROPOSED IN THE EXISTING TRACT (SOUTH) OF THE BUILDING TO PROVIDE LIGHTING IN THE LOCATION SHOWN. THE PAINT CANOPY IS BEING REMOVED.



DATE	11/12/14
BY	11/12/14
CHK	
APP	
NO.	1 of 1

SITE PLAN
 CONCEPT - G

NO.	DATE	REVISION

KWIK SHOP #745
 1401 NORTH BUCKEYE
 ABILENE, KANSAS



City of Abilene Planning Commissioners,

On January 13, the planning commission will be reviewing and making a recommendation for a Conditional Use Permit submitted by Kwik Shop Inc. If approved, the permit will allow the construction of a rather large gas pumping station next to residentially zoned properties.

As a resident and home owner in the immediate area of the proposed construction site, my wife and I are greatly concerned about our health, safety and protection of our property. The Conditional Use Permit gives Kwik Shop the green light to expand within 70 feet of our back door. The Kwik Shop expansion according to the site plan would include installing more gas pumps along with underground fuel storage tanks, and additional parking. All of these suggested expansion items pose potential problems that can be detrimental to area residents and properties.

Careful analysis of Section 26-110 Factors to be Considered in Permit Applications is required when decisions of this magnitude occur. The Planning Commission is obligated to consider the established factors of Section 26-110 as guidelines. Factors b, c, f, h, and i of Section 26-110 clearly suggest the submitted Conditional Use Permit by Kwik Shop is NOT cohesive with the guidelines.

- **Factor b.** "Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood." The other land uses in the surrounding neighborhood are all single family homes. The building of a gas canopy with 6 gas pumps and underground fuel storage tanks next properties with homes and families is not compatible.
- **Factor c.** "Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided." Again building gas pumps in a residentially zoned area places an undue burden on the residents. This can potentially affect our property values in a negative way, not to mention the potential health risks and safety hazards this will cause.
- **Factor f.** "Whether the applicant's property is suitable for the proposed conditional use." Currently the property in question is zoned for residential use. The proposed conditional use and site plan will require a rezoning and destruction of two buildings one being a single family home. This parcel of land is not suitable for a gas station. The neighborhood includes 8 single family residences and 2 commercial lots, one of which is an inactive business in a single family home and poses no threat to the character of the neighborhood, and the other being Kwik Shop. The expansion would change a large section of the block between 14th street and 15th street. This is a residential neighborhood. Expansion will destroy 2 existing single family homes for the sake of gas pumps and parking lots.
- **Factor h.** "Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan." Out of curiosity, does the City's Comprehensive Plan include the destruction of single family homes, endangering the safety and health of the city's residents, changing the neighborhood infrastructure, and devaluing properties for the sake of more gas pumps? The City's Comprehensive Plan has a mission statement that mentions boasting a quality of life reminiscent of "HOMETOWN, USA". Living next to gas pumps does not sound like Hometown USA.
- **Factor i.** "Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected." I would like Kwik Shop and the Planning Commission to disprove this, tell me how the property in the area affected will not be adversely affected. Again, building a canopy that has 6 gas pumps next to residential homes will only have an adverse affect.

In addition to the factor guidelines, I have personal concerns about the Kwik Shop expansion. Destruction of nearby homes and replacing them with gas pumps, underground storage tanks, and buildings that are well lit at night will only be a detriment to nearby properties. Where it exists right now, Kwik Shop is already intrusive. Making the Kwik Shop closer in proximity will only increase the discomfort the area residents feel. It will be nothing but a detriment to our property to increase the intrusive lights, noises, and fumes of fuel. In addition to intrusion, Kwik Shop is a 24 hour business, it never shuts down. Kwik Shop has shown no evidence of maintaining a good neighbor relationship to

the area residence. Currently there is no structure or fence buffering out the undesirable view, trash, lights, or noises that occurs all hours of the day and night. The site plan does include a privacy fence, however a privacy fence will not keep out the noise, the toxic fuel fumes or the intrusive lights at night. On the website, <http://ceds.org/convenience.html>, the Community & Environmental Defense Services outlines the characteristics of a good convenience store: an optimum convenience store-gas station location would have the following characteristics:

- At least 300 feet from the nearest home; or Buffered so the store cannot be seen or heard from the nearest home;
- For ultra-high volume gas stations, a minimum of 300 feet away;
- Not within view of historic resources;
- Away from highly sensitive ground or surface water resources;
- Accessible by foot and bike as well as cars;
- Located in a downtown or neighborhood commercial area;
- Well lit, but not to the point of causing light trespass into nearby homes;
- In an area with many passersby and few escape routes for criminals; and
- In an area where the market can accommodate a new store without putting existing ones out of business.

Kwik Shop has little to none of these characteristics. The Kwik Shop location is already within the recommended 300 feet of the nearest home and are wanting to expand to within just a few feet of nearby homes. The trash dumpsters are exposed in the parking lot, bright lights invade nearby homes, landscaping and the upkeep is minimal at best. Kwik Shop landscape beautification mainly consists of grass and weeds growing through the cracks of the concrete. All of these things are a detriment to our neighborhood.

Now lets talk about property value and potential health risks. The question to ask, how will the expansion of Kwik Shop have a relative gain to the health, safety and welfare of the nearby property? I struggle to find any. The potential health hazards are immense. Russ Wilkins, Director of Emergency Communications for Dickinson County confirmed that Abilene emergency personnel have been called upon by Kwik Shop to clean up 8 gas spills within the last 2 years. Most of the reported gas spill amounts are unknown. The largest reported amount of spilled gas at the Kwik Shop location was 3-4 gallons. I have no idea if this is a lot or an insignificant amount. All I know is gas is being spilled and the potential of contamination is occurring. Gas pumps and underground storage tanks are an incredible risk to the neighborhood. Gas leaking from fuel pumps and storage tanks are problematic, "Underground gasoline storage tanks are a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank" (www.epa.gov); National Institutes of Health, (www.nih.gov). Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include, ground-level ozone caused in part by gasoline fumes, and groundwater hazards from petroleum products leaking into the ground. The National Library of Medicine expresses, "repeated exposure to gasoline in liquid or vapor form have detrimental effects on the body" (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15). The chemical Benzene found in gasoline is well documented to be incredibly harmful. According to the Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>), exposure to benzene has long term health effects:

- The major effect of benzene from long-term exposure is on the blood. (Long-term exposure means exposure of a year or more.) Benzene causes harmful effects on the bone marrow and can cause a decrease in red blood cells, leading to anemia. It can also cause excessive bleeding and can affect the immune system, increasing the chance for infection.
- Some women who breathed high levels of benzene for many months had irregular menstrual periods and a decrease in the size of their ovaries. It is not known whether benzene exposure affects the developing fetus in pregnant women or fertility in men.

- Animal studies have shown low birth weights, delayed bone formation, and bone marrow damage when pregnant animals breathed benzene.
- The Department of Health and Human Services (DHHS) has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs.

In an article for the Porch Press from Atlanta, Georgia, the author cited a study by researchers on the effects of air contamination. The article states, "In December 2010, Spanish researchers at the University of Murcia released a study on the effects of air contamination from gas stations. This study found increased levels of airborne chemicals within 150 feet of gas stations due to the evaporation of gasoline during the filling process. The greater the number of pumps at the gas station, the larger the area of contamination was found to be, extending up to 300 feet from the station." (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>). Make it clear, expansion of Kwik Shop into our back yard is a potential health hazard. A risk that is much greater than the gain of potential grow and development of business.

Safety of the neighborhood is another concern. With an active business that never shuts down, comes a great responsibility to maintain a safe environment. Expansion of that business only increases the need for safety measures to ensure the local residents a sense of comfort. With the aid of our local Abilene police department, I researched how often police have been called to the Kwik Shop location to handle societal issues. From January 2013 to the present day, the Abilene police department have been called to the Kwik Shop location 140 times. Of the 140 times, only 32 were vehicle accident related. All other times were the result of criminal activity from disorderly conduct, disputes, getting gas without paying, and so forth. This is a major concern. This type of business activity jeopardizes our personal safety. Expanding Kwik Shop into our backyards brings that criminal activity closer to our back doors, something no one ever wants.

Protection of property value is also a concern. We purchased our home 13 years ago. In that time, my wife and I have invested over \$25,000 dollars in upgrading and maintaining the character or our property. The Kwik Shop invasion of our property can only be assumed it will have some type of effect on our property value. I recently interviewed several local realtors from, Etherington, Haug, and Reynolds. It is their professional opinion and all mutually agree our property value may or may not decrease, but with Kwik Shop that close in proximity to our home it will most certainly affect the market of potential buyers if we choose to sale. It will take more time to find buyers who are willing to pay what our home is valued at or we may be forced to lower our asking price, essentially lowering the property value. Had we known that Kwik Show was planning encroachment of this magnitude we would have made other choices about our property. We simply would have not invested the money in our property and we would have sold so we wouldn't be living next to a convenience store.

Approval of the Conditional Use Permit will give Kwik Shop the green light to expand within feet of the homes in the neighborhood. Eight residences will be detrimentally affected by this decision. Our health, safety and protection of our investments are at risk. I encourage the Commissioners to come visit us, stand in our back yards, see what we see. Experience how close the Kwik Shop invasion will be, and answer the question, would you want this in your backyard?

Thank you for your time and consideration of our concerns,
Casey Callis
108 NE 15th Street
Abilene, KS 67410

- Abilene Police Department
- Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>)
- Community & Environmental Defense Services <http://ceds.org/convenience.html>
- Environmental Protection Agency www.epa.gov
- Etherington, Haug, & Reynolds Realtors
- National Institutes of Health www.nih.gov.)
- National Library of Medicine (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15.)
- The Porch Press (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>)
- Russ Wilkins. Director of Emergency Communication for Dickinson County

Planning Commissioners,

The Jan. 13 2015 Conditional Use Permit decision is completely disheartening and has me question why I even live in Abilene. It is painfully apparent big business money is more important than the safety and health of the citizens.

Prior to the meeting, Mr. Hamilton reminded the commission of the new regulation guidelines and emphasized the decisions for approval should be based on fact, not speculation. The factor guidelines of Section 26-110 of the regulations clearly states what facts should be considered in a recommendation for approval. When given the chance to validate the decision, the commission overlooked the guidelines and formulated a decision on speculation, the speculation being approval for the permit based on the idea a prosperous business should be given the opportunity to grow and remain prosperous. No where in section 26-110 of the regulations does it address business prosperity. The commissions' approval does not follow the guidelines in any form. The commission simply failed to do what they asked to do. If you have guidelines and you don't follow them, what good are the guidelines?

Facts that were ignored and overlooked.

- **Fact: Important graphic information was conveniently left out of Hamiltons' picture presentation. The one area map did not depict the neighborhood accurately. The neighborhood is mostly residentially zoned.**
- **Fact: Exposure to Benzene found in gasoline in liquid or vapor form is detrimental to health, cancer causing and linked to Leukemia.**
- **Fact: 7 single family residences will be within 100 feet of gas pumps and gas storage tanks.**
- **Fact: 8 gas spills that required emergency clean-up have been reported at Kwik Shop in the last two years.**
- **Fact: Criminal activity happens frequently at Kwik Shop. Over a 107 disturbances have occurred in the last 2 years.**
- **Fact: An 8 foot fence will not buffer out noises that happen 24 hours a day 365 days a year.**
- **Fact: An 8 foot fence will not buffer out toxic gas fumes .**
- **Fact: The proposed site plan is a bad design with a gas pump structure behind the building that is not visibly accessible from within the building.**
- **Fact: The gas canopy with 6 gas pumps is not compatible to other land uses in the neighborhood.**
- **Fact: Building a gas pump station in close proximity to residential homes will place an undue burden on the existing public infrastructure.**
- **Fact: The property is not suitable for the proposed conditional use.**
- **Fact: The conditional use will adversely affect the property in the area affected.**
- **Fact: None of the commissioners would have approved this if this was happening in their neighborhood next to their homes.**

**Deeply Disappointed in the Integrity of the Planning Commission,
Casey Callis**



January 8, 2015

Abilene Planning Commission
PO Box 519
Abilene, KS 67410

CC: Abilene City Commission

Abilene Planning Commission:

The Abilene Area Chamber of Commerce believes in the power of Commerce to enable good things to happen in our Community. When Commerce grows, opportunity grows and our Community has another chance to grow.

Thus we speak on behalf of growth as it pertains to the planned expansion of the Kwik Shop store at Buckeye and 14th street. As we understand the request, it is legal, ethical and within the bounds of proper activities in that area. It increases the square footage of that business opportunity and that is a good thing. We see adding opportunity to purchase goods and services at that site enhanced by this request and also the ability for customers to enter and exit the business with greater ease.

Many community members have spoken out that with the current layout of the business, they are worried about safety because of congestion during busy times. Kwik Shop's proposed expansion of their business would seem to help alleviate this congestion and make traffic safer on such a busy intersection.

We also note that this business owner is choosing to invest capital dollars in Abilene, raising their property value and we see that as positive.

In summary, the Abilene Area of Commerce is in favor of additional Legal Commerce in the Abilene Area and would lend our vote of support to this particular effort. We would be happy to speak, and or answer questions in Public forum if you so desire.

Best Regards,

A handwritten signature in black ink, appearing to read "Torey Berndt".

Torey Berndt, Executive Director

A handwritten signature in black ink, appearing to read "Dennis Weese".

Dennis Weese, 2014 Chairman
Board of Directors

Abilene Area Chamber of Commerce
500 N. Buckeye, Abilene, KS 67410
Phone: (785) 263-1770 Fax: (785) 263-1536
chamber@abileneks.net www.abileneks.net



CUP PROTEST PETITION ABILENE, KANSAS



The undersigned, owners of twenty (20%) percent or more of the property proposed to be rezoned, or by the owners of twenty (20%) percent or more of the total area required to be notified, excepting public streets and ways, protest the proposed change of zoning for property described in Conditional Use Permit (CUP) Application PC14-9.

And generally located at 1401 N. Buckeye, Abilene, KS from as recommended by the City of Abilene Planning Commission.

Owners

Owner's Signature

Owner's Name (printed)

Owner's Address

<i>[Signature]</i>	Ryan Sprouse	1401 N. Buckeye
<i>[Signature]</i>	Scott Lang	111 N. E 15 th
<i>[Signature]</i>	Deanna Gale	1417 N Oak
<i>[Signature]</i>	Jennifer Edmondson	1406 N. Oak
<i>[Signature]</i>	Jim Foster	1405 N Oak
<i>[Signature]</i>	Sharon Rutz	1411 N Buckeye
<i>[Signature]</i>	Rob Rutz	1411 N Buckeye
<i>[Signature]</i>	Patricia E Phillips	109 14 th
<i>[Signature]</i>	Tanner Dawson	1404 N oak
<i>[Signature]</i>	Jennifer Callis	108 NE 15 th ST
<i>[Signature]</i>	Casey Callis	108 NE 15 th ST.

ACKNOWLEDGMENT

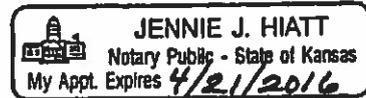
STATE OF KANSAS, COUNTY OF DICKINSON SS:

BE IT REMEMBERED, On this 26th day of January, 201st5, before me, the undersigned, a notary public in and for the County and State aforesaid, came Casey Callis such person(s) being personally know to me to be the same person(s) who executed the within instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Jennie J. Hiatt
(Notary Public)

My commission expires:



CITY OF ABILENE
PLANNING COMMISSION
MEETING MINUTES

January 13, 2015
Study Session at 4:00 p.m.
Meeting at 4:30 p.m.
Abilene Public Library
209 NW 4th Street

Members Present: Kyle Campbell (Chair), Larry Coulson, Bruce Dale, Travis Sawyer and Michelle Stephens

Members Absent: Gene Bielefeld and Steven Olson

Staff Present: David Dillner, Tim Hamilton and Jennie Hiatt

Others Present: Commissioner Ray (see attached list)

Call to Order.

Seeing that a quorum was present Chair Campbell called the meeting to order.

Approval of Agenda.

Campbell stated that item number two (2) under business was being removed from the agenda and would be under a non-action portion on February's agenda for a work session. Coulson made a motion to approve the agenda with the amended changes. The motion was seconded by Sawyer. The motion passed unanimously. (5-0)

Approval of Meeting Minutes – November 12, 2014.

Coulson made a motion to approve the minutes as written. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

Business.

1. **Public Hearing, PC 14-9**, a request for a Conditional Use Permit by Kwik Shop Inc. for the property addressed as 1401 N. Buckeye Avenue, Abilene, KS.

Campbell verified that the applicant was present. He then gave an update on the status of the rezoning of Kwik Shop and the City Commission's request to review a Conditional Use Permit

prior to their approval of the Rezoning. He stated that today's public hearing will be conducted as if the Rezoning has been approved.

Hamilton presented the staff report.

Campbell asked if there were any questions from the commissioners for staff.

Coulson asked about a fence and buffer where the property abuts the residential areas.

Hamilton replied that there will be an 8 foot fence plus vegetation.

Dale asked a question regarding the landscaping buffer.

Clay Brasher stated that the fencing would be 8 foot along the north and east sides and that the trees and shrubs will go in front of the fence. The lighting will be recessed and LED so there will be less glare. The LED lights are not as bright and don't spread out as much. He added that they weren't adding a bunch of extra poles, but would keep the lighting within the canopy. The driveway entrance has also been moved back so it won't be as close.

Isaac Krumme added additional information regarding the site plan and that they are working with KDOT to make a safer egress. There will be six (6) fuel dispensers within the new canopy along with an enclosed area for trash receptacle, which will be moved. On the south side the landscaping buffer will come out 5 feet and along the east side it will be 7 foot. There will be upright evergreens that will more than likely eventually exceed the height of the fence. The shrubs will be put in fairly tight in order to help create a noise buffer as well as aesthetics. He discussed the circulation purpose for traffic and that improving access is very important and they are working with KDOT on the issue. He referenced a recent similar project in Salina as a comparison.

Campbell then asked the commissioners if they had any questions for the applicants.

Coulson asked if there would be any changes to the store itself.

Brasher stated that nothing exterior was planned at this time, but that they would be doing an interior remodel.

Coulson asked a question for screening clarification.

Krumme stated that the buffer would be 5 feet on the north and 7 feet on the east.

Campbell opened the public hearing.

Jennifer Callis, 108 NE 15th, pointed to where her house is located in proximity to Kwik Shop and stated that 5 feet means nothing to us for a buffer. This is too close to our house. We enjoy our backyard and the gas tanks this close concerns me. It is close to a grade school and the kids walk through the neighborhood. There is also a daycare three house down.

Jennifer Edmondson, 1406 N. Oak, stated that she is a property owner and pays taxes. She showed the commissioners pictures that she brought with her as she said there weren't any pictures taken by staff of the view from her house. Kwik Shop will be there no matter what. My husband is an electrician the lights will still be bright at my house and seen. The noise is constant 24/7. When Sonic came in it's not a 24/7 business so it's not as hard on those residents. The crime will bring more of a presence into my yard and my life. My property value will go down. When I bought my house I knew Kwik Shop was there, but it was on the corner. I don't want gas tanks coming that close to my house. She commented on keeping the 14th Street entrance and that it's the most dangerous entrance currently.

Casey Callis, 108 NE 15th, commented that the pictures don't show how many residential homes are in the block. He stated that he is totally against the expansion and it should be denied as it is not appropriate and not considerate to the neighbors. The 8 foot fence won't take out the 24/7 noise, smells, crime etc. He then commented on the proposed gas canopy and stated that it will not be able to be seen from inside the store as there are no windows. He questioned who was going to be monitoring what happens. He then stated I will have better visibility of the new gas canopy from my house. He then reviewed the four page letter that he submitted to Tim Hamilton via email on January 7, 2015. (This letter was included in the Planning Commissioner's packet for this meeting.) He then stated that you should really consider Factor i as we are the property being affected. Property values will greatly decrease. Another reason to deny this is due to the health risks. Kwik Shop is tripling their size and moving closer to homes. It will be 100 feet off of our back door. He discussed the potential health problems from Benzene and the factors related to blood diseases. He stated that they won't be able to open their windows or doors in the summer because of the fumes. I also have safety concerns. The police department had 140 service calls in the last 2 years and only 32 of those were traffic related and the rest were due to criminal activity. This is inviting criminal activity to our backyards. What safety measures is Kwik Shop going to provide. I feel like it is a bad idea.

Torey Berndt, Executive Director, Abilene Area Chamber of Commerce, stated that Kwik Shop has the Chamber Board's full support as stated in a letter dated January 8, 2015 that the Planning Commission was given during Study Session prior to the meeting.

Deanna Gale, 1417 N. Oak, stated that she had a lot of the same concerns that have previously been mentioned and the expansion won't make it any safer.

Campbell closed the public hearing.

There was discussion.

Coulson stated that business improvement is important and he applauds a successful business owner for wanting to be more successful and expand. He feels the site plan is fine and that Kwik Shop has given a good faith effort in the changes they have made. The screening and fence will help.

J. Edmondson, stated that business is great. She recommended that they move to the Alco location where there will already be current gas pumps.

Campbell stated

There was discussion amongst the commissioners.

The question was asked if the buffering meets statute requirements.

Hamilton replied yes.

Campbell stated that he would entertain a motion.

Coulson made a motion to recommend approval of the Conditional Use Permit to the City Commission with the referenced conditions. The motion was seconded by Sawyer. The motion passed unanimously. (5-0)

Coulson said a thank you to the public for coming to the meeting to speak.

Comments.

There was a brief discussion.

The next meeting is scheduled for February 10, 2015.

Adjournment.

The meeting was adjourned by consensus.

Minutes Submitted,

Minutes Approved,

Tim Hamilton
Community Development Director

Kyle Campbell, Chair
Larry Coulson, Vice-Chair

1/13/2015

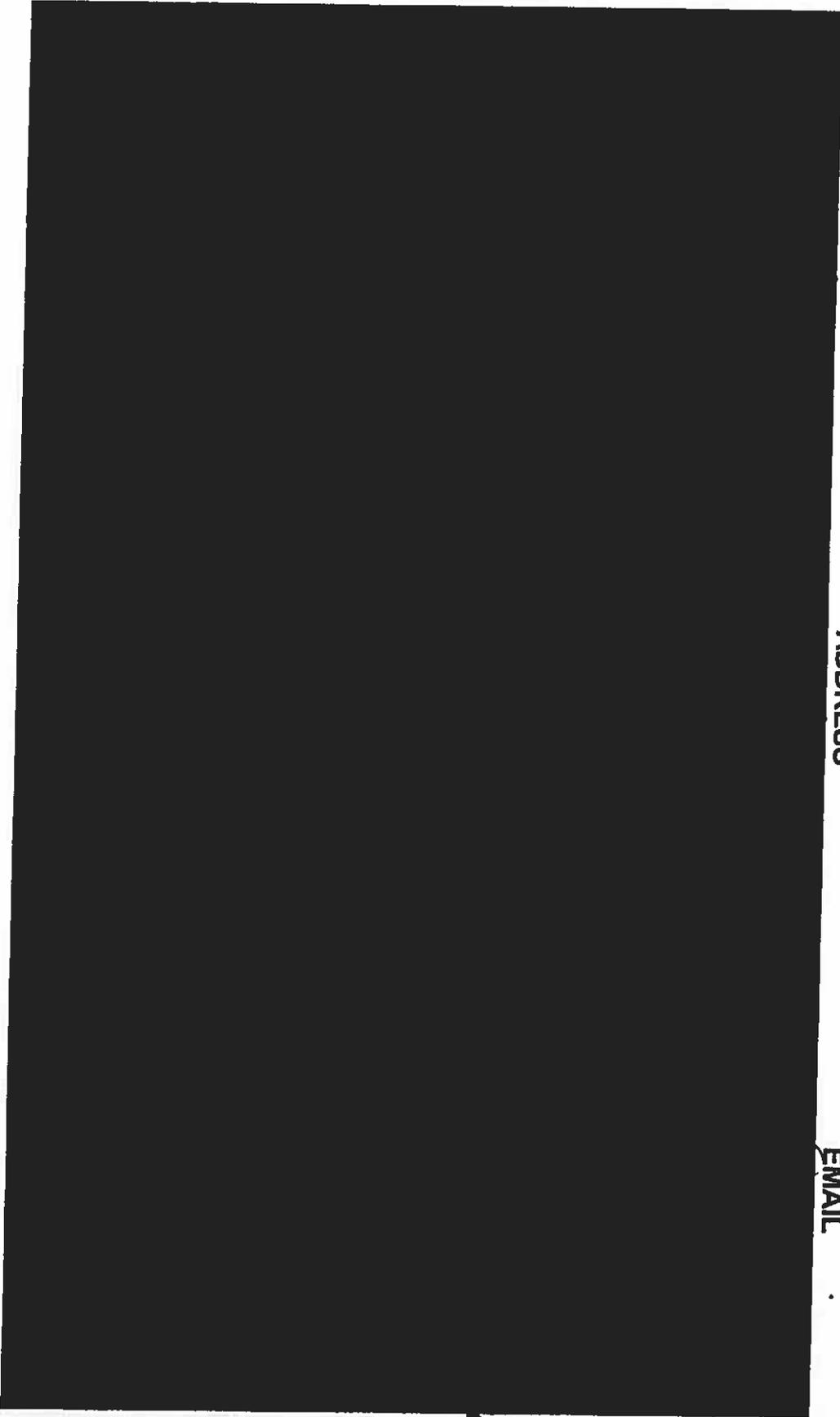
**PLEASE PRINT
PLANNING COMMISSION**

Sign in Roster Sheet

NAME

ADDRESS

EMAIL



ms

RESOLUTION NO. 022315-1

A RESOLUTION AMENDING THE EMPLOYEE BENEFITS PLAN FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the City Commission has adopted an Employee Benefits Plan providing for health insurance for employees of the City of Abilene;

WHEREAS, the City Commission recognizes the value of adopting an Employee Benefits Plan that provides for the well-being of employees and also promotes the recruitment and retention of employees;

WHEREAS, the Employee Health Insurance Committee has reviewed the Employee Benefits Plan and recommended amendments thereto for the City Commission's review and consideration.

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, as follows:

SECTION ONE. Employee Benefits Plan; Amended. That the Employee Benefits Plan, as prepared by Freedom Claims 101, shall be hereby amended as provided in **Exhibit A**.

SECTION TWO. Implementation. The City Manager is hereby authorized to implement changes to the Employee Benefits Plan as provided in the approved Employee Benefits Plan document and this Resolution as provided in applicable resolutions, ordinances, and laws.

SECTION THREE. Repeal. Adoption of this Resolution supersedes and repeals all previous Employee Benefits Plans adopted by the City of Abilene, Kansas.

SECTION FOUR. Effective Date. That the effects of this Resolution shall be in full force and effect as of March 1, 2015.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 23rd day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Employee Benefits Plan

for the

City of Abilene, Kansas

February 23, 2015

Health Benefits Plan for the Employees

City of Abilene

Effective Date:	March 1, 2014	FreedomChoice	
Base Plan Financial Program "Umbrella Plan" Insurance Carrier PPO Provider Network PPO Network Website		Freedom Claims Management, Inc. Medical Expense Reimbursement Plan Current Carrier Current Carrier	
		PPO Network	Non-Network

Base Plan	Amounts Paid By The Member...	PPO Network	Non-Network
PLAN YEAR Employee Deductible	Single	\$1,000	\$2,000
<i>Deductible Restarts every March 1st</i>	Family Limitation	\$2,000	\$4,000
Employee Cost Share Percentages after Deductible		30 %	60%
Base Plan Out-of-Pocket Maximum after Deductible	Single	\$2,000	\$3,200
<i>Before 1st \$5,000 Limit Reached</i>	Family Limitation	\$4,000	\$6,400
Copays Paid by Member "Per Visit"	Primary Care MD	\$20	Deductible
<i>"Services performed " are subject to Deductible. Deductible applies after Emergency Room Copayment made.</i>	Specialist Physician	\$40	Deductible
	Urgent Care Facility	\$40	Deductible
	Emergency Room	\$150	Deductible
	Inpatient Admission Copay	\$250	Deductible
	Chiropractic	\$20	
Prescription Drug Card Benefit	<i>Mandatory Generic</i>	Retail Copays	3 Months Supply
<i>Prescription Drug Services, administration & Mail Order under the Base Plan are provided by Serve You & their network of pharmacies</i>	Generic Drugs	\$3/\$15	\$6.00/\$30.00
	Preferred Brand	\$30	\$75.00
	Non-Preferred Brand	\$55	\$165.00
	Specialty	Deductible / Coinsurance	Deductible / Coinsurance
Routine Preventive Care	Per Person	Paid by Current Carrier	Deductible
Outpatient Lab / Radiology Expenses	Per Person	100% to \$200 at Facility	Deductible
Physician Office Visit Lab / Radiology	Per Person	Paid by Current Carrier	Deductible
Vision Exam Benefit		Exam Only	Deductible
		<small>(Employee may purchase Vision "Materials" Upgrade - On a Voluntary Basis)</small>	

Base Plan: Member pays their share of the costs. Your Employer pays the balance of these costs until the Insurance Carrier "Umbrella" Threshold is reached (e.g. \$5,000). Base Plan claims are processed by Freedom Claims Management, Inc. your Health Plan Administrator, after first being submitted to Current Carrier, the insurance company, for claim discounting and review.

Please direct ALL questions to → Freedom Claims Management, Inc. at 1-866-792-9151

Umbrella Plan	Applies to Claims Exceeding this Threshold →	\$5,000	\$10,000
Additional Copays Will Apply After Threshold Reached...		...Other Copays Continue	
		Rx Generic Copay Adjustment	
		Ambulance Copay continues at \$100	
Employee Cost Share Percentages after "Umbrella" Level Reached...		0%	30%
"Umbrella" Level Out-of-Pocket Maximum	Single	\$6,000	\$12,000
<i>(including deductible, Copayments, and Coinsurance)</i>	Family Limitation	2x	2x
Lifetime Maximum		Unlimited	

Umbrella Plan: When claim amounts reach the INSURANCE CARRIER THRESHOLD (e.g. \$5,000), the amounts exceeding the THRESHOLD are paid DIRECTLY by the carrier to the provider or member, with exceptions.

Please refer to the final Schedule of Benefits in the Summary Plan Description for FreedomChoice and the certificate of coverage from your Current Carrier for actual details on cost share amounts and all other eligible or ineligible expenses which supersede this handout. This is not a legal document.

ID CARDS: You will have two ID Cards. Present both of them to your providers and pharmacy. Current Carrier Plan will review the claim first and apply the PPO discount. Freedom Claims Management, Inc. will coordinate your reimbursement as secondary payor.

Maximum benefits are available when services are received from Current Carrier providers. Your financial responsibility is based on the provider network you select. Use of Non-Network providers increases your financial responsibility. Pre-Certification is required with Current Carrier to maximize benefit reimbursement.



Dwight D. Eisenhower Municipal Building
419 N. Broadway Street, PO Box 519
Abilene, KS 67410
www.abilenecityhall.com
Phone: (785) 263-2550
Fax: (785) 263-2552

February 23, 2015

Chief of Planning
Gretchen Ward
National Trails Intermountain Region
National Park Service
PO Box 728
Santa Fe, NM 87504

RE: Chisholm and Great Western National Historic Trails Feasibility Study and Draft Environmental Assessment

Ms. Ward:

On behalf of the City of Abilene, Kansas, I provide this letter in support of the National Park Service's draft Feasibility Study and Environmental Assessment concerning the designation of the Chisholm and Great Western Trails as National Historic Trails.

As you may know, Abilene is historically considered the terminus of Chisholm Trail. The designation of the Chisholm Trail as a National Historic Trail would provide a significant step to preserving this important story of Abilene's and the great American west's heritage. The cattle trails connected cattle with a viable market, and ultimately secured a lasting legacy for the American cowboy.

Abilene's history has been strongly shaped by the legends associated with the Chisholm Trail. Joseph McCoy, arguably one of the first agricultural entrepreneurs in the nation, built and marketed the Chisholm Trail as a way to connect cattle to metropolitan markets. This story is really about connecting people through commerce, and is indicative of the American-style capitalism that built our nation.

The City of Abilene has high aspirations that the designation of the Chisholm Trail as a National Historic Trail will provide an opportunity to share this American story with citizens throughout the nation and world. As such, Alternative B, or the designation of both the Chisholm and Great Western Trails as an administrative unit, would provide direction and guidance on a path forward to sharing this important story for Abilene and the American West.

Designation is preferred, but it is understood to be the first step in a process. At a minimum, a comprehensive management plan should be developed to provide more thorough recommendations for how the Department of Interior will assist in the implementation of preserving these important trails. The City of Abilene is willing to partner with the U.S. Department of Interior on this endeavor.



The City of Abilene believes that designating the Chisholm and Great Western Trails as National Historic Trails is in the best interests of the American public. The City is of the opinion that the Chisholm and Great Western Trails met the criteria set forth by the National Park Service for designation as National Historic Trails, and further recommends the U.S. Department of Interior to recommend Congress to designate the Chisholm and Great Western Trails as National Historic Trails based on the thorough documentation found in the Feasibility Study and Environmental Assessment.

Sincerely,

Brenda Finn Bowers
Mayor

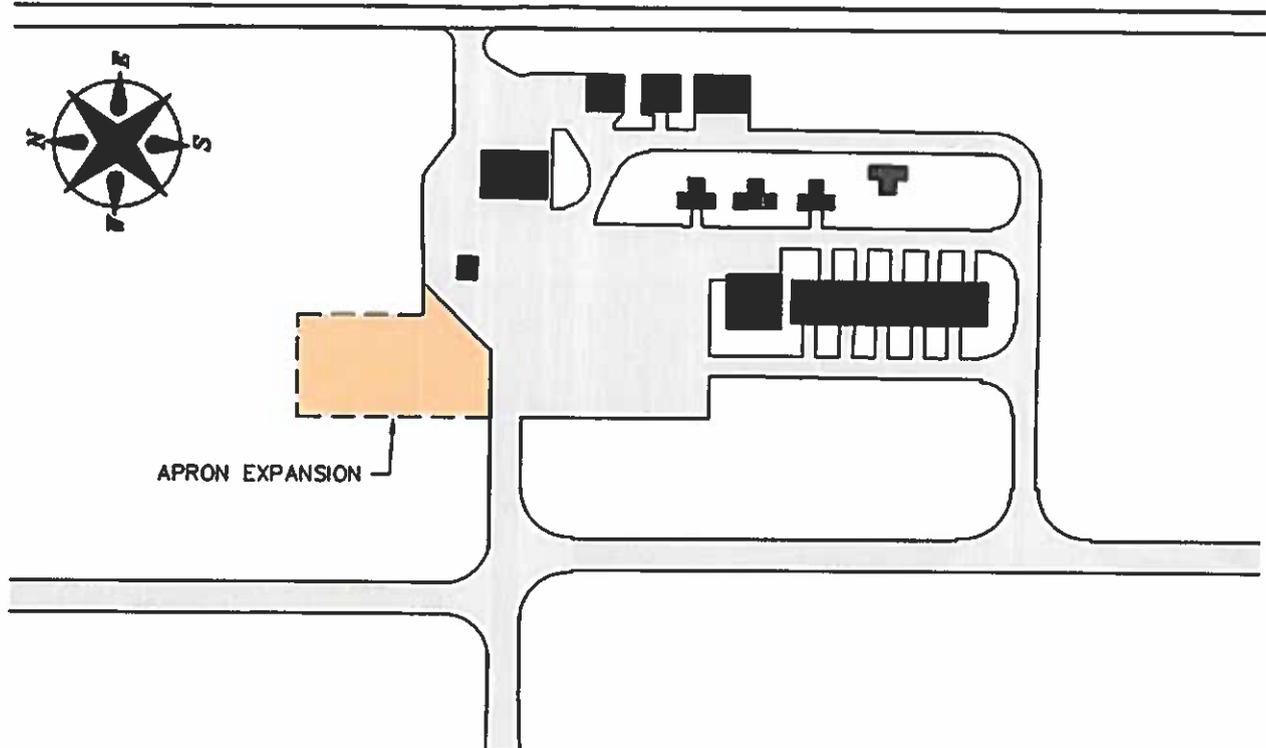
CC: Honorable Senator Pat Roberts
Honorable Senator Jerry Moran
Honorable Congressman Tim Huelskamp



ACIP DATA SHEET

AIRPORT	Abilene Municipal Airport	LOCID	K78	LOCAL PRIORITY
PROJECT DESCRIPTION	Apron Expansion			Identify FFY that you desire to construct (FFY: Oct. 1-Sept. 30)

SKETCH:



January 2015

JUSTIFICATION:

Additional tiedowns are needed for aircraft parking for transient aircraft.

COST ESTIMATE: (Attach detailed cost estimate)

Federal (90%)	\$ 351,000	State	\$ 0	Local (10%)	\$ 39,000	Total	\$ 390,000
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SPONSOR'S VERIFICATION: For each and every project as applicable	Date	(see instruction sheet)
	04-02-01	- Date of approved ALP with project shown
	CE para # 310e	- Date of environmental determination (ROD, FONSI, CE), or cite CE paragraph # (307-312) in Order 1050.1E
	N/A	- Date of land acquisition or signed purchase agreement
	N/A	- Date of pavement maintenance program
	N/A	- Snow removal equipment inventory & sizing worksheet (for SRE acquisition)
	N/A	- Apron sizing worksheet (for apron projects)
	Attached	Revenue producing facilities (for fuel farms, hangars, etc.)
	N/A	- Date statement submitted for completed airside development
	N/A	- Date statement submitted for runway approaches are clear of obstructions

SPONSOR'S SIGNATURE: _____ DATE: _____

PRINTED NAME: David Dillner TITLE: City Manager

PHONE NUMBER: (785) 263-2550

FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL S

ACIP Data Sheet Cost Estimate

Project Description: Apron Expansion

Abilene Municipal Airport
Abilene, Kansas

Date: January 2015

Item No.	Description	Estimated Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$30,000.00	\$30,000.00
2	Unclassified Excavation	2,755	CY	\$10.00	\$27,550.00
3	Subgrade	3,037	SY	\$5.00	\$15,185.00
4	Aggregate Base	2,893	SY	\$10.00	\$28,930.00
5	Concrete (6")	2,755	SY	\$60.00	\$165,300.00
6	Tiedown	12	EA	\$250.00	\$3,000.00
7	Drainage & Erosion Control	1	LS	\$25,000.00	\$25,000.00
8	Seeding/Mulching	1	AC	\$5,000.00	\$5,000.00
	Engineering and Administration	1	LS	\$90,035.00	\$90,035.00
				Total	\$390,000.00

Federal (90%)	\$351,000.00
State (0%)	\$0.00
Local (10%)	\$39,000.00

Apron Size Calculations for Transient Aircraft

Airport
Location

Existing Apron
 # square yards →

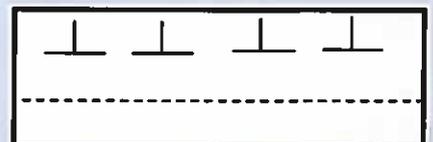
Calculations are based upon guidance established within Appendix 5 to AC 150/5300-13. User may calculate size of apron based upon total annual ops or user may develop an estimate of annual operations

	<u>Based Aircraft</u>	OR	<u>Total Annual Ops</u>
1. Calculate the total annual operations			
Enter number of based aircraft →	<input type="text" value="21"/>		
Enter number of operations per aircraft ¹ →	<input type="text" value="350"/>		
Total Annual Operations →	<input type="text" value="7,350"/>		<input type="text" value="37,800"/>
2. Busiest Month (% of Annual Ops) ²			
Enter % of Annual Ops that occur in busiest month →	<input type="text" value="20"/>		
Busiest Month Operations →	<input type="text" value="1,470"/>		<input type="text" value="7,560"/>
3. Busiest Day (10% > Avg Day)			
Enter Busiest Month (e.g. August) →	<input type="text" value="Jun"/>		
Avg Day Busy Month →	<input type="text" value="49"/>		<input type="text" value="252"/>
Busiest Day 10% > avg. day →	<input type="text" value="54"/>		<input type="text" value="277"/>
4. # Itinerant Aircraft			
Enter % of Itinerant Operations ³ →	<input type="text" value="50"/>		
# Itinerant Aircraft operations →	<input type="text" value="27"/>		<input type="text" value="139"/>
# Itinerant Aircraft Landing Operations →	<input type="text" value="13"/>		<input type="text" value="69"/>
Enter % of Itinerant Operations on ground →	<input type="text" value="45"/>		
# Itinerant AC on ground (assume 50%) →	<input type="text" value="6"/>		<input type="text" value="31"/>
5. Apron area			
# square yards per aircraft ⁴ →	<input type="text" value="1075"/>		
Apron Area (sq yds) →	<input type="text" value="6,519"/>		<input type="text" value="33,524"/>
6. Planned Apron (10% >)			
# square yards →	<input type="text" value="7,170"/>		<input type="text" value="36,876"/>

NOTES:

1. Ops/Based Aircraft:
 Small GA-250 Med GA-350 Reliever-450 Busy Reliever-750
2. Amount of activity can be determined from fuel sales or from actual operations counts. For example if month with highest fuel sales accounts for 20% of annual sales, use 20% of annual as busy month. If actual traffic counts available, use those.
3. Assume 50% of operations are itinerant if no records are available.
4. Planning areas shown assume 10' clearance between wingtips. Taxilane @ edge places taxilane on edge of apron.
5. Users requiring assistance or reasonable accommodation may contact the FAA Central Region at 816-329-2600.

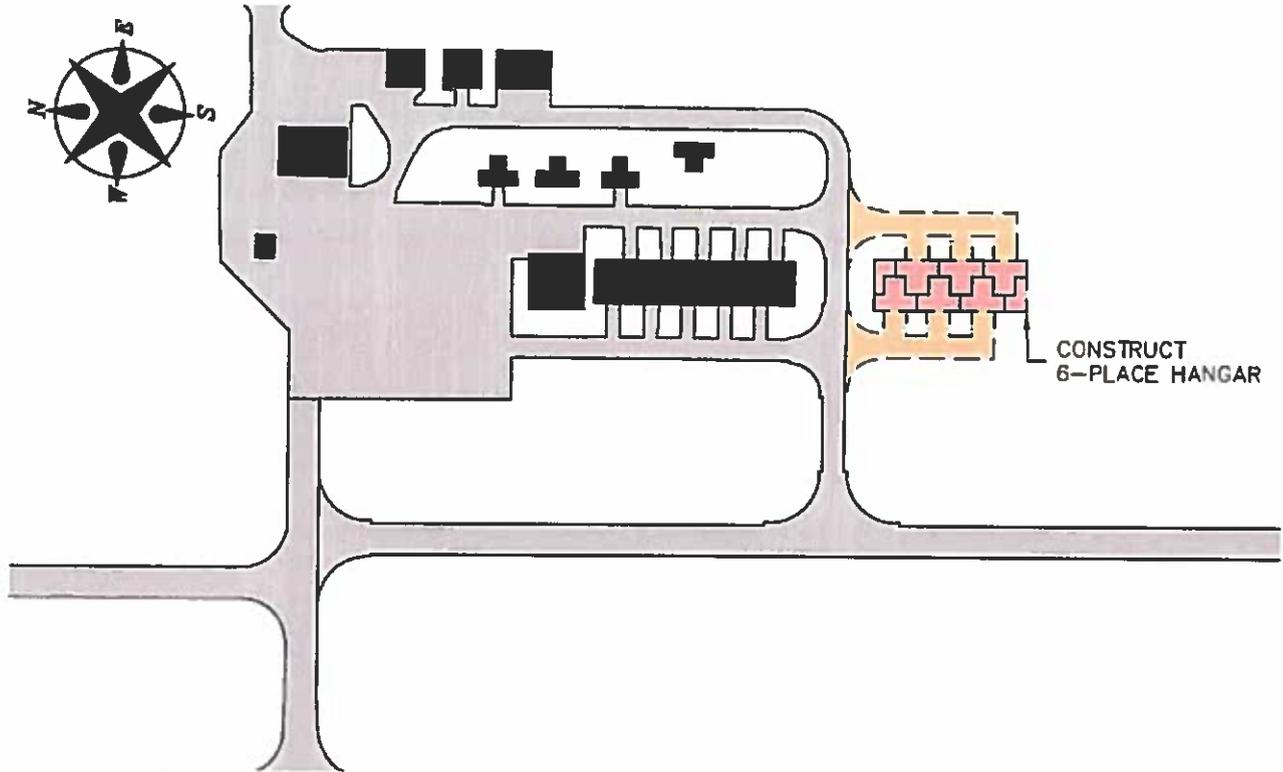
	w/o Taxilane	w/Taxilane @ edge	w/Taxilane
Apron Area			
Group I	360	755	960
Group II	490	1,075	1,385



ACIP DATA SHEET

AIRPORT	Abilene Municipal Airport	LOCID	K78	LOCAL PRIORITY
PROJECT DESCRIPTION	Construct 6-Place Hangar	Identify FFY that you desire to construct (FFY: Oct. 1-Sept. 30)		

SKETCH:



January 2015

JUSTIFICATION:

A 6-place t-hangar with 45' bi-fold doors is proposed to meet current and future demand for aircraft storage. Taxilane construction is included to provide paved access to all doors.

COST ESTIMATE: (Attach detailed cost estimate)

Federal (90%)	\$ 684,000	State	\$ 0	Local (10%)	\$ 76,000	Total	\$ 760,000
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SPONSOR'S VERIFICATION: For each and every project as applicable	Date	(see instruction sheet)
	4-2-01	- Date of approved ALP with project shown
	CE para # 310f	- Date of environmental determination (ROD, FONSI, CE), or cite CE paragraph # (307-312) in Order 1050.1E
	N/A	- Date of land acquisition or signed purchase agreement
	N/A	- Date of pavement maintenance program
	N/A	- Snow removal equipment inventory & sizing worksheet (for SRE acquisition)
	N/A	- Apron sizing worksheet (for apron projects)
	-----	Revenue producing facilities (for fuel farms, hangars, etc.)
	attached	- Date statement submitted for completed airside development
	attached	- Date statement submitted for runway approaches are clear of obstructions

SPONSOR'S SIGNATURE: _____ **DATE:** _____

PRINTED NAME: David Dillner **TITLE:** City Manager

PHONE NUMBER: (785) 263-2550

FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL S

ACIP DATA SHEET

Sponsor Verifications for Hangars

- 1) All airside development projects are complete. Runway 17/35 will be reconstructed with concrete in 2015. All pavements are in good condition.
- 2) All approach surfaces are clear of obstructions.
- 3) The project is needed to provide storage space for based aircraft. The existing 10-place T-hangar is in extremely poor condition. In addition, the existing t-hangar doors are not tall enough for some aircraft, so a building with taller doors is proposed.

ACIP Data Sheet Cost Estimate

Project Description: Construct 6-Place T-Hangar

Abilene Municipal Airport
Abilene, Kansas

Date: January 2015

Item No.	Description	Estimated Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$40,000.00	\$40,000.00
2	Subgrade	1,760	SY	\$5.00	\$8,800.00
3	Aggregate Base	1,680	SY	\$8.00	\$13,440.00
4	Concrete (6")	1,600	SY	\$60.00	\$96,000.00
5	6-Place T-hangar	1	LS	\$450,000.00	\$450,000.00
6	Seeding/Mulching	1	AC	\$5,000.00	\$5,000.00
	Engineering and Administration	1	LS	\$146,760.00	\$146,760.00
				Total	\$760,000.00

Federal (90%)	\$684,000.00
State (0%)	\$0.00
Local (10%)	\$76,000.00

CITY OF ABILENE, KANSAS

CITY TREASURER'S QUARTERLY REPORT (unaudited)

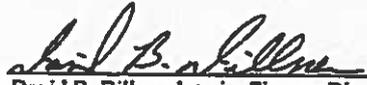
The statement below shows the standing of the various funds of the City of Abilene, Kansas for the quarter ending December 31, 2014.

		Beg Balance	Revenues	Expenses	Ending Balance
General Fund	1	\$ 1,960,470.57	\$ 494,256.75	\$ 990,038.95	\$ 1,464,688.37
Water Fund	2	\$ 192,042.39	\$ 403,305.14	\$ 298,223.83	\$ 297,123.70
Recycle Fund	3	\$ 265,379.95	\$ 19,057.74	\$ 34,969.54	\$ 249,468.15
Sewer Fund	4	\$ 1,198,971.34	\$ 335,162.95	\$ 193,855.48	\$ 1,340,278.81
Airport Fund	5	\$ 215,575.39	\$ 3,071.30	\$ 8,326.66	\$ 210,320.03
Bond & Interest	6	\$ (41,587.94)	\$ 334.61	\$ -	\$ (41,253.33)
Fire Apparatus	7	\$ 42,392.52	\$ 1.94	\$ -	\$ 42,394.46
Spec Parks & Rec	8	\$ 39,474.62	\$ 3,653.43	\$ 2,882.10	\$ 40,245.95
Spec Alcohol & Drug	9	\$ 48,640.93	\$ 2.23	\$ -	\$ 48,643.16
Self-Insured Health Account	10	\$ 74,139.21	\$ 135,902.78	\$ 126,546.17	\$ 83,495.82
Library	11	\$ 23,876.19	\$ -	\$ 23,876.19	\$ -
Tourism & Convention	13	\$ 19,764.47	\$ 67,166.91	\$ 51,682.83	\$ 35,248.55
Special Street Fund	14	\$ 103,125.34	\$ 44,795.59	\$ 183,519.41	\$ (35,598.48)
Recreation Commission	15	\$ 205,578.84	\$ 27,386.79	\$ 63,738.11	\$ 169,227.52
Capital Improvement Fund	18	\$ 484,442.56	\$ 22.09	\$ 6,056.69	\$ 478,407.96
Equipment Reserve Fund	20	\$ 38,389.86	\$ 1.78	\$ 38,812.30	\$ (420.66)
Storm Water Drainage	27	\$ 343,238.01	\$ 17,628.57	\$ 28.84	\$ 360,837.74
Equipment Reserve Fund - Water	28	\$ 162,531.05	\$ 7.49	\$ -	\$ 162,538.54
Equipment Reserve Fund - Sewer	29	\$ 630,930.04	\$ 29.02	\$ -	\$ 630,959.06
Public Building Commission-Hospita	32	\$ 1,244,847.66	\$ 826,748.75	\$ 1,372,620.11	\$ 698,976.30
Spec Revenue - Community Center	35	\$ 153,882.89	\$ 7.07	\$ -	\$ 153,889.96
Spec Revenue - Lib-Pool Renov	36	\$ 213,230.31	\$ 117,739.98	\$ 33,167.50	\$ 297,802.79
Spec Revenue - Streets	37	\$ 432,630.86	\$ 84,102.44	\$ 370,031.95	\$ 146,701.35
Dawson Cottage Addition	46	\$ 31,654.51	\$ 1.44	\$ -	\$ 31,655.95
Municipal Court Bonds	50	\$ 3,385.00	\$ 12,612.00	\$ 2,597.00	\$ 13,400.00
Clearing Fund	999	\$ -	\$ -	\$ -	\$ -
Total		\$ 8,087,006.57	\$ 2,592,998.79	\$ 3,800,973.66	\$ 6,879,031.70

INDEBTEDNESS

2008 GO Bonds	\$ 1,730,000
2008 WWTP State Loan	\$ 6,264,035
2009 GO Bonds	\$ 1,420,000
2010A GO Bonds	\$ 3,500,000
2011 GO Bonds	\$ 1,605,000
2011 PBC Bonds - Hospital	\$ 7,540,000
2012 PBC Bonds - Hospital	\$ 10,000,000
2013 GO Bonds	\$ 1,150,000
2013 Temporary Notes	\$ 380,000
Total Indebtedness	\$ 33,589,035

I hereby certify the above to be a true and correct copy of the City Treasurer's Financial Statement ending December 31, 2014.


 David B. Dillner, Interim Finance Director
 City of Abilene, Kansas

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Radio-Read Water Meters
DATE: February 10, 2015

In 2004, the City of Abilene entered into a Lease Purchase Agreement for the acquisition and installation of a turn-key Metron radio-read water meter system at a cost of \$1,052,469. An annual payment of about \$138,000 was made for ten years until the lease was paid in full in 2014.

Near the end of the lease, the Public Works Department began to assess the Metron meter system and determined that Sensus could provide a better quality product with a more robust warranty than the existing Metron meter system. A decision was made to gradually replace the existing Metron system with Sensus as meters were removed from service. This process was scheduled to take about ten or more years to complete. The City's water system includes approximately 3,400 water meters of which 90% are currently Metron meters.

Support from Metron has greatly lacked since the City began to replace part of its meter system. Technical issues have occurred whereby the radio-read terminals have not effectively captured meter data. As a result, the Public Works Department has had to manually read water meters at considerable time and cost to the City. In addition, meter reading routes may not allow certain areas to be read in a manner that allows readings to align with the monthly billing cycle. This was the primary reason for suspending the Conservation and Emergency Tiers of the City's water rates.

Unfortunately, the technical issues are not easily resolved with the current plan to gradually convert the existing Metron meters to Sensus meters. The City is unable to properly bill the "Conservation" and "Emergency" tier provisions of Section 7-901 of the City Code until all the meters are the same make and model without considerable time and expense.

The Metron meters are randomly misreading meters requiring manually reading by the Public Works Department. Manually reading meters takes approximately 2-5 days, and depends on the number of meters that have failed to properly register. In addition, the Public Works Department must re-read approximately 300 meters each month compared to 60-70 when the system was functioning properly.

Special Considerations: Replacing water meters is an on-going operational expense that must be incurred periodically in order for the City to accurately measure water usage. The estimated life span of a Metron meter is ten years. In order for the City to ensure its meters continue to measure accurately it would need to consider an aggressive replacement schedule if it elected to stay with Metron. Presently, the City replaces about 300 meters each year and would require about ten years at this rate to effectively replace all of its current stock of meters. Longer use durations lead to higher probabilities that meters will begin to read slower and less accurately over time, which will gradually reduce the City's revenue from water sales over time. In addition, the Public Works Department replaces between forty and fifty meters each year due to mechanical failure.

Budgetary Considerations: A turn-key replacement of the Metron system with a Sensus system will cost \$985,797, which is proposed to be financed over a ten-year period using the G.O. bonds. Staff estimates the annual payment for the debt service around \$130,130, assuming an interest rate of 3.5% for ten years. Actual interest rates may vary and will not be known until the bonds are approved and sold in the market. The Public Works Department would install all meters larger than one inch to help minimize the overall cost of the project. The City would budget the debt service from the Water Fund each year until the bond is repaid.

City Manager Recommendation: The City Manager recommends moving forward with a plan to borrow funds to replace all existing Metron meters with Sensus meters for the following reasons:

- Technical problems, that would require extensive time and money to address, have caused problems with water billing. As previously mentioned, the Public Works Department has had to manually read various meters each month due to random read failures. Manual reading takes considerable time and takes personnel away from other higher priority projects.
- Customer support from the existing company has been problematic and unresponsive. Even though the City has 3,100 Metron meters in the ground, the company has been very reluctant to support the City knowing that we intend on changing to the Sensus system. The lack of customer support has made it very difficult to manage the existing system.
- The City's current replacement schedule is not aggressive enough to ensure that existing meters with a 10-year lifespan are prudently replaced so as to minimize the effect of aging meters that will inevitably read less water usage over time. Accuracy helps ensure that the Water Fund has sufficient revenue to operate the Water Utility.
- Sensus meters are considered by staff to be a better product with a better warranty. The Sensus meters has no moving parts, so there is no corrosion and fewer opportunities for mechanical malfunctions. Sensus meters are also backed by a 20-year warranty instead of the 10-year warranty provided by Metron.

City Commission Actions: The City Commission will be asked to consider authorizing staff to proceed with a plan to borrow funds to replace all existing Metron meters with Sensus meters. If the Commission elects to proceed, staff will begin taking steps that will eventually require the City Commission to authorize the issuance of G.O. bonds as well as authorize the replacement project.

Memorandum

Date: January 20, 2015

To: City Commission; David Dillner; Penny Soukup

From: Tim Hamilton – Community Development Director

Regarding: 2014 Tax Exemptions

According to the City's Tax Exemption Policy and the laws of the State, the local government must annually review granted tax exemptions to ensure continued compliance. Our policy states that the City Manager and Economic Development Director will review such exemptions for compliance. If the City Commission finds continued compliance, such finding is reported to the Community Development Department. The City Clerk will then submit a letter of continued compliance to the County Appraiser, who will submit the letter, along with an annual tax exemption claim form to the State. This must be done on an annual basis in order for taxes to be exempt.

The following circumstances must continue to exist in order for the company to still be eligible for the granted tax exemption.

- The Company must still own the subject land, building and equipment;
- The property must continue to be used for an appropriate use; and
- Average monthly employment during 2014 must demonstrate a continued higher employment level.

Company	Initial Year	Final Year	Required Employment
Great Plains Manufacturing	2006	2015	128
Don's Tire, Inc.	2014	2024	18
Rawhide Portable Corral, Inc.	2014	2024	27

Great Plains Manufacturing - When the Great Plains exemption was approved in 2006 they had a monthly average of 125 employees. In 2014, Great Plains had an average monthly employment of 188, which is above their required employment. Therefore, Great Plains Manufacturing – Land Pride was in compliance with the City Tax Exemption policy for 2015. This will be their final year for exemption.

Don's Tire, Inc. – This exemption will be for the land, and new tire storage building completed in 2013. Highest employment number for 2014 was 21, with an average of 18 employees. This average is unchanged from the final year of their previous exemption which ended in 2012.

Rawhide Portable Corral, Inc. – This exemption will be for the land, the improvements on it, and machinery associated with manufacturing. Rawhide continues to expand its business and add jobs, with a current full time employee count of 29, and an average of 27 employees for 2014.

Staff is recommending approval of the above referenced tax abatements for 2015.



Corporate Office:
Great Plains Mfg., Inc.
1525 E. North St.
P.O. Box 5060
Salina, Kansas, USA
67402-5060

Phone:
785-823-3276

FAX:
785-822-5619

Internet:
www.greatplainsmfg.com
www.landpride.com
www.gptrucking.com
www.gpacfinance.com
www.simba.co.uk

Great Plains Division
Administrative Offices:
Salina, Kansas

Product Development:
Assaria, Kansas

Plants:
Salina, Kansas
Ellsworth, Kansas
Tipton, Kansas

Land Pride Division
Administrative Offices:
Salina, Kansas

Product Development:
Salina, Kansas

Plants:
Abilene, Kansas
Enterprise, Kansas
Kipp, Kansas
Lucas, Kansas

Great Plains International
Administrative Offices:
Salina, Kansas

Plant:
SIMBA Sleaford, England

Great Plains Trucking
Salina, Kansas

G.P.A.C.
Great Plains Acceptance
Corporation
Salina, Kansas

January 12, 2015

City of Abilene, Kansas
Attn: City Clerk
P.O. Box 519
Abilene, KS 67410-0519

Dear City Clerk:

Enclosed is the required information regarding the property tax exemption for our facility and equipment in Abilene, Kansas. You will notice on our employment level report attached that we have met our employment level requirements for the year.

I look forward to receiving your letter certifying that the subject property is still in compliance and eligible for the tax exemption. We understand that this is the final year of our abatement on this expansion. If you have any questions, you can reach me at 785-822-6739 or by email at curt.carpenter@greatplainsmfg.com.

Sincerely,

A handwritten signature in black ink that reads "Curt Carpenter".

Curt Carpenter
Chief Financial Officer

Great Plains Manufacturing, Inc.
Abilene, Kansas
Employment Levels by Month
2014

January	185
February	183
March	183
April	179
May	185
June	190
July	183
August	190
September	189
October	189
November	203
December	195
Average for 2014	<u>188</u>

Average 2013	176
Average 2012	158
Average 2011	144
Average 2010	130
Average 2009	119
Average 2008	156
Average 2007	141
Average 2006	142
Initial Oct 04-Sept 05	125 Application had 4 add'l jobs stated

**Great Plains Manufacturing, Inc.
Summary of Abilene Addition Costs**

BUILDINGS - DESCRIPTION OF PROJECT

We completed an 80,000 square foot addition to the existing manufacturing facility in Abilene, Kansas. This expansion was needed to house an ambitious improvement in our paint quality with the addition of a powder paint line and bake oven. It also allowed us to move and re-configure our welding department and provide room for several additional machines that allow us to increase our efficiencies. This then allowed us to provide a better layout for our assembly department housed in the original facility.

EXEMPT PERSONAL PROPERTY

Equipment purchased directly by GPM

NEW	9/30/2005 Abilene powder paint system: recondition paint booths, install necessary plant gas & air lines. Paint line renovation and conveyor upgrade	576,321.00
		<u>576,321.00</u>

Leased equipment - Lease with Commerce Bank

NEW	7/31/2005 Paint washer, dry off oven, cure oven, overhead conveyor and installation of paint booths	1,663,284.00
NEW	5/19/2005 Crane System	274,000.00
NEW	3/16/2005 Waste water treatment system	136,908.00
		<u>2,074,192.00</u>

TOTAL EQUIPMENT COST

2,650,513.00

**Don's Tire & Supply
Monthly Employees
2014**

Jan	Feb	Mar	Apr
16	16	16	16

May	June	July	Aug
17	17	17	19

Sept	Oct	Nov	Dec
19	21	21	21

AVG
18



RAWHIDE PORTABLE CORRAL, INC

900 N. Washington St | Abilene, KS 67410 | Office (785) 263-3436 | Fax (855) 301-8514

January 16, 2015

City of Abilene
Attn: Tim Hamilton
PO Box 519
Abilene, KS 67410

Re: Rawhide Portable Corral's Annual Tax Exemption Documentation

Dear Tim:

In accordance with Rawhide Portable Corral's exemption from property taxes by the City of Abilene in Ordinance #3237 please find enclosed copies of employee records for 2014 as well as average monthly employment numbers for Rawhide Portable Corral. The warranty deed for the property is also enclosed.

May this letter also serve as a detailed description of the continuous use of the property at 900 N. Washington in Abilene. Rawhide Portable Corral, Inc uses the property to research, design, develop and manufacture our product, which is the best portable corral system on the market. The majority of our employees are welders that build the main frame and panels that make up the product while others assemble the multiple component parts and pieces that are key to the corral's design.

This location in Abilene is the only location that a person may inquire about a Rawhide Portable Corral as we do not have dealers or distributors. The majority of our customers travel to Abilene to pick up their product and receive a demonstration on how the product is used and at this time there are Rawhide customers in 42 states and two countries. Copies of company flyers enclosed.

Rawhide Portable Corral is grateful for the exemption that we have been granted and gladly present all of the information requested to maintain compliance. Please let us know if you need anything else.

Respectfully,

Mary McDonald
Co-Owner

www.rawhideportablecorral.com

2014 Rawhide Employees

	Full-Time	Part-Time
January	24	1
February	23	1
March	25	1
April	25	
May	27	
June	28	
July	29	
August	31	1
September	30	1
October	28	1
November	29	1
December	29	1

Average Monthly Employment: 27.33

Description/List of Exempt Property

1. Legal Description of any land exempted and the date it was acquired.

900 N. Washington St, Abilene, KS - Date Acquired - 2/28/2013

S17 , T13 , R02 , BEG 30' W & 325' N SE COR NW4, TH N 415', W 1190', S 414', E 1190' TO POB

2. A brief description of any improvements (i.e., buildings) and the date they were completed.

Building Improvements include insulating all exterior walls with icenene spray-on foam insulation. Two interior walls were torn down in order to allow for maximum space and necessary improvements were made to the electrical work in order for the facility to handle the maximum work load of the number of welders anticipated and paint booth, air compressor, etc. Aesthetic improvements were also made to the existing locker room, break room and office space as they had not been used in quite some time.

Land improvements included dirt and gravel built up on the south side of the building so as to handle panel and corral assembly outside of the building as well as immense clean-up of the west side of the building.

3. A list of all exempt personal property setting forth for each item:

Gorbel Crane

- a. Brief Description: Gorbel freestanding workstation crane used to assist workers in material handling, specifically in moving main frames from one station to another and heavy loads of steel around the building.
- b. Purchase Date: 3/26/2013
- c. Whether the item was purchased new or used: New
- d. The age at the date of purchase: New
- e. Purchase Price (excluding sales tax or freight & installation): \$44,668.68

GFS Paint Booth

- a. Brief Description: GFS Model Crossflow Electrostatic Paint Booth used to paint product
- b. Purchase Date: 2/26/2013
- c. Whether the item was purchased new or used: New
- d. The age at the date of purchase: New
- e. Purchase Price (excluding sales tax or freight & installation): \$32,810

Alimig Air Compressor

- a. Brief Description: Alimig Rotary Screw Compressor
- b. Purchase Date: 4/9/2013
- c. Whether the item was purchased new or used: New
- d. The age at the date of purchase: New
- e. Purchase Price (excluding sales tax or freight & installation): \$23,082.44

Big Ass Fan (1)

- a. **Brief Description: Big Ass Fans 20' fan affixed to ceiling and used to circulate air in the shop.**
- b. **Purchase Date: 3/20/2013**
- c. **Whether the item was purchased new or used: New**
- d. **The age at the date of purchase: New**
- e. **Purchase Price (excluding sales tax or freight & installation): \$4,780**

Big Ass Fan (2)

- a. **Brief Description: Big Ass Fans 24' fan affixed to ceiling and used to circulate air in the shop.**
- b. **Purchase Date: 3/20/2013**
- c. **Whether the item was purchased new or used: New**
- d. **The age at the date of purchase: New**
- e. **Purchase Price (excluding sales tax or freight & installation): \$4,880**