

CITY OF ABILENE
PLANNING COMMISSION
AGENDA

November 4, 2020 at 4:00 p.m.
Abilene Public Library
209 NW 4th Street

Agenda Item
1. Call to Order
2. Roll Call: ___ Robin Black ___ Jennifer Green ___ Rod Boyd ___ Bill Marshall ___ Vice Chair: Brenda Finn-Bowers ___ Chair: Travis Sawyer
3. Approval of Agenda
4. Approval of Minutes - October 6, 2020
Business 5. Approval of lot split application from Debra Wilson at 504 NE 15 th St. 6. Approval of the change in the Planning Commission bylaws: Article VI – Meetings, Section 1 – Regular Meetings. Update from 2 nd Tuesday of the month to the 1 st Tuesday of the month. 7. Comprehensive Plan/Land Use Map updates
8. Planning Commission Comments and Staff Updates
9. Adjournment

Next Planning Commission Meeting: December 1, 2020



Abilene Planning Commission Minutes
Abilene Public Library - 209 NW Fourth Street
October 6, 2020 @ 4:00 p.m.
Abilene, Kansas

1. Call to Order

2. Roll Call – Planning Commission Present: Robin Black, Rod Boyd, Bill Marshall and by phone Chair Travis Sawyer. Absent: Jennifer Green, Vice Chair Brenda Finn-Bowers

Staff Present: Kari Zook and City Manager Jane Foltz.

3. Approval of Agenda

Motion by Commissioner Black, seconded by Commissioner Marshall to approve the agenda. Motion carried, all voting "Aye".

4. Minutes

Motion by Commissioner Black, seconded by Commissioner Boyd to approve the June 16, 2020 minutes. Motion carried, all voting "Aye".

Business Discussion

5. Open Public Hearing: for approval of an ordinance amending Section 27-401 of the Zoning Regulations for Electronic Message Center signs within the City of Abilene.

Chair Sawyer opened the public hearing at 4:15 p.m. No public attendance or comment. Public hearing closed at 4:15 p.m.

There was discussion regarding the Electronic Message Center Signs regarding dimming and the moving message. A motion was made by Commissioner Marshall, seconded by Commissioner Black to amend Section 27-401 of the Abilene Zoning Regulations, to provide for a minimum hold time of three seconds for all electronic message center signs now and hereafter approved by a conditional use permit. Motion carried, all voting "Aye".

Date to go before the City Commission: October 26, 2020

6. Open Public Hearing: for approval of an ordinance amending Section 20-14 concerning the designation and regulation of Critical Drainage Areas within the City of Abilene.

Chair Sawyer opened the public hearing at 4:31 p.m. No public attendance or comment. Public hearing closed at 4:31 p.m.

There was discussion regarding the Critical Drainage areas around the City of Abilene and how this ordinance being amended will help with future new developments having to follow guidelines that will assist in flood plain management.

A motion by Commissioner Black, seconded by Commissioner Marshall to amend Section 20-14 of the Abilene Zoning Regulations for Critical Drainage areas within the City of Abilene. Motion carried, all voting "Aye".

Date to go before City Commission: October 26, 2020

7. Discussion on updating/review Comprehensive Plan

Commissioner Black requested this be put on the agenda because the planning commission should be reviewing the comprehensive plan every year. The planning commission would like to be updated by city staff regarding items the city is looking at. They would like to have on each agenda an update on what is happening in areas of town. Commissioner Black also mentioned the land use map and updating that with the comprehensive plan.

City Manager Foltz gave an update on what is happening currently in the City of Abilene.

- Large expansion at Van Diest Supply Co.
- Don's Tire addition, upcoming property tax abatement process
- Lot split application on a duplex in town on the agenda for next month's meeting
- DK County will be adding on to their county yard and restrooms/safe room at Sterl Hall
- Highlands property grant for workforce housing
- Windy Trails RV Park off 14th St.
- New Horizons Hemp offer on land off 14th St.
- Holiday Inn Express new hotel on hold due to Covid-19
- New build in downtown Abilene to go before Heritage Commission when details are available
- 24/7 RV Park in progress
- Planning & Zoning department permits have already doubled the 2019 total as of September
- Welcome signs around town with new logo are in process
- Historic District street sign banners have been placed in Downtown, City Park, Naroma Ct and Vine St.

8. Planning Commission Comments and Staff Updates

Next month's meeting will be held on Wednesday, November 4, 2020 at 4 p.m. at the Abilene Public Library.

Planning Commission Bylaws will be amended with the new meeting date change from the second Tuesday of the month to the first Tuesday of the month, Article VI – Meetings, Section 1 – Regular Meetings.

Planning Commission is still looking for one more member.

9. Adjournment

Motion by Commissioner Marshall, seconded by Commissioner Black to adjourn. Motion carried, all voting "Aye".

Travis Sawyer, Chair
Brenda Finn-Bowers, Vice Chair

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):

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

FOR OFFICIAL USE ONLY

Appn Number: PC 20-11
 Date Received: 9/28/20
 Received By: KZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Split Duplex into two legal properties

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Debra Wilson Tel: (785) -263-5734
 Business Name: Debra's Finishing Touch Fax: ()
 Address: 1500 Saghawk Apt B
 City: Abilene State: Ks. Zip Code: 67410
 E-mail: d1fw@outlook.com

PROPERTY OWNER (If Different from Applicant/Agent):

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

ENGINEER/ARCHITECT/SURVEYOR:

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

PROPERTY INFORMATION**PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):**504 N.E 15th Abilene**PROPERTY TAX IDENTIFICATION****NUMBER:** _____**ZONING:** Existing: _____ Proposed: _____**LAND USE:** Existing: _____ Proposed: _____**GROSS SIZE OF PLAT/LOT:**

Residential: _____ Commercial: _____ Industrial: _____ Other: _____ Total: _____

NUMBER OF LOTS:

Residential: _____ Commercial: _____ Industrial: _____ Other: _____ Total: _____

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: _____

Total Building Area: _____

Maximum Height of Buildings or Structures: _____

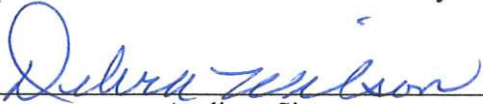
Total Impervious Area: _____

EXISTING PUBLIC FACILITIES:

Public Private Other (Describe)

Water Service: ☐ ☐ ☐ _____Wastewater Service: ☐ ☐ ☐ _____Roadway Access: ☐ ☐ ☐ _____**FLOODPLAIN INFORMATION:**Floodway: ☐ Yes ☒ No FIRM Map-Panel Number: _____Floodway Fringe: ☐ Yes ☒ 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 ☐ 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.


Applicant Signature

9/28/20
Date

Property Owner Signature

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**

- | | | |
|--|---|---|
| ☐ Copy of Deed | ☐ Easements and Covenants | ☐ Location Map |
| ☐ Site Plan | ☐ Preliminary Plat | ☐ Final Plat |
| ☐ Infrastructure Plans | ☐ Development Agreement | ☐ Grading and Stormwater Plans |
| ☐ Elevation Survey | ☐ Traffic Impact Study | ☐ Construction Plans |
| ☐ Performance Agreement | ☐ Proof of Notification | ☐ Utility Plans |
| ☐ Text Amendment Language | ☐ Property Owner List | ☐ Comprehensive Plan Amendment Justification |
| ☐ Annexation Boundary Map | ☐ Operating Characteristics Report | ☐ Administrative Appeal Justification |
| ☐ Variance Justification | ☐ 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	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): _____

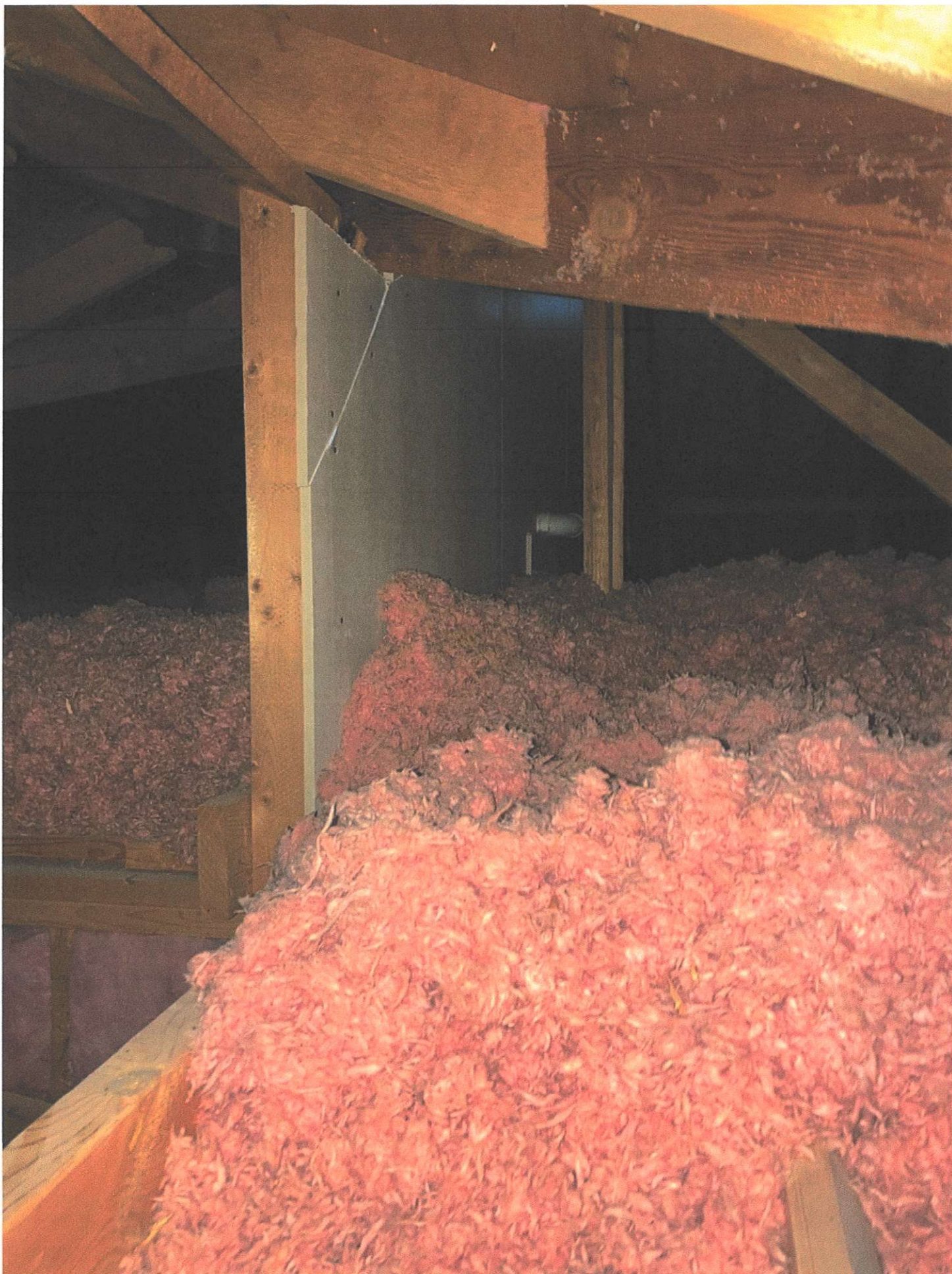
DATE OF INITIAL HEARING(S): _____

FEE AMOUNT: \$ 200- **DATE FEE PAID:** 10/6/20

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	Title
_____	_____
Signature	Date





Real Estate Information



Kansas

This database was last updated on 9/28/2020 at 12:25 AM

[Return to County Website](#) | [Log Out](#)

Parcel Details for 021-112-09-0-40-04-007.05-0 - Printer Friendly Version

Quick Reference #: R4098

Owner Information	
Owner's Name (Primary):	WILSON, DEBRA L
Mailing Address:	1500 Jayhawk Dr # Apt B Abilene, KS 67410
Property Address	
Address:	504 NE 15th St Abilene, KS 67410
General Property Information	
Property Class:	Residential - R
Living Units:	2
Zoning:	
Neighborhood:	112.1
Taxing Unit:	001
Deed Information	
Document #	Document Link
D249-223	View Deed Information
0227-0789	View Deed Information

Neighborhood / Tract Information				
Neighborhood:	112.1 Lot: 4			
Tract:	Section: 09 Township: 13 Range: 02			
Tract Description:	BUSHWOOD ADDITION, S09, T13, R02, Lot 4, LESS R/W.			
Acres:	0.24			
Market Acres:	0.24			

Land Based Classification System				
Function:	Duplex			
Activity:	Household activities			
Ownership:	Private-fee simple			
Site:	Developed site - with buildings			

Property Factors				
Topography:	Level - 1	Parking Type:	Off Street - 1	
Utilities:	All Public - 1	Parking Quantity:	Adequate - 2	
Access:	Paved Road - 1	Parking Proximity:	On Site - 3	
Fronting:	Major Strip or CBD - 1	Parking Covered:		
Location:	Neighborhood or Spot - 6	Parking Uncovered:		

Appraised Values				
Tax Year	Property Class	Land	Building	Total
2020	Residential - R	25,220	195,530	220,750

Market Land Information					
Type	Method	Area or Acres	Eff. Frontage	Eff. Depth	Est. Value
Regular Lot - 1	Sqft	10290.00			00
Influence #1:		Influence #2:	Influence Override:		
Factor:		Factor:	Depth Factor:		

Residential Information

Building #: 1

Dwelling Information

Residence Type: Combination - 5
Quality: AV+
Year Built: 1990
Effective Year:
MS Style: 1
LBCS Structure: 2 units (duplex)
of Units:
Total Living Area:
Calculated Area: 2,310
Main Floor LA: 2,310
Upper Floor LA %:
CDU: GD
Phys / Func / Econ: AV / N/A / N/A
Ovr % Good / RCN: /
Remodel:
% Complete:
Assessment Class:

MU Class #1 / %: / **MU Class #2 / %:** / **MU Class #3 / %:** /

Residential Components

Code / Description	Units	Percentage	Quality	Year
Slab Porch (SF) with Roof	144			
Attached Garage (SF)	432			
Garage Finish, Attached (SF)	432			
Frame, Plywood or Hardboard Composition Shingle		100		
Total Basement Area (SF)	2,310	100		
Raised Subfloor (% or SF)	2,310			
Minimal Finish Area (SF)	540			
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	16			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Wood Deck (SF) with Roof	85			
Wood Deck (SF) with Roof	90			
Wood Deck (SF) with Roof	144			

Component Sales Information

Architectural Style: Ranch
Basement Type: Full - 4
Total Rooms: 8
Bedrooms: 4
Family Rooms:
Full Baths: 4
Half Baths:
Garage Capacity:
Foundation: Concrete - 2

Residential Information

Building #: 1 Sketch Vector

Commercial Information [Information Not Available]

Other Building Improvement Information [Information Not Available]

Agricultural Information [Information Not Available]

This parcel record was last updated on 9/28/2020 at 6 am.

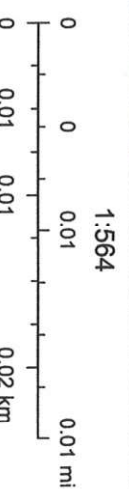
© 2020 Dickinson County, Kansas
 Version: 3.0.0.07 : 01/16/2020

Parcel Search - Reference Map



9/28/2020, 2:53:55 PM

- Parcels
- Roads - Paved
- Subdivisions
- Asphalt, Concrete, Composite or Bituminous surface, CITY
- Cadastral Line
- City Limits (Close)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

WYATT LAND TITLE SERVICES, INC.**209 NW 15th ST. - P.O. Box 503****Abilene, Kansas 67410****Phone:(785) 263-7722 Fax:(785) 263-0105****E-mail: rwwlts@eaglecom.net****INVOICE****12/23/2009**

To: ASTRA BANK
FAX: 263.1584
ABILENE, KS 67410

Attn: KENT WYATT

File No. TI-15169

Mortgagee Insurance Amount:

Fees for Services Provided As Follows:

Mortgage Title Insurance Premium
Escrow Fee
Recording Fees
Other Charges:

Total Due

\$

Legal Description: LOTS 2, 3 AND 4, BUSHWOOD ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS.

Property Address: 1500 JAYHAWK DR. / 502 & 504 NE 15TH STREET, ABILENE, KANSAS

Buyer/Borrower: WILSON

We Appreciate Your Business !

A Cancellation Fee of \$125.00 is due if this Commitment is cancelled!!

Please Call with Any Questions About This Commitment.



**Commitment for Title Insurance****File Number: TI-15169**

Issued By Old Republic National Title Insurance Company

Old Republic National Title Insurance Company, a Minnesota corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Issued through the Office of:

WYATT LAND TITLE SERVICES, INC.
209 NW 15th ST. - P.O. Box 503
Abilene, Kansas 67410
Phone: (785) 263-7722
Fax: (785) 263-0105

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 571-1111

By

President

Attest

Secretary



CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.
You may review a copy of the arbitration rules at: <http://www.alta.org/>.



COMMITMENT FOR TITLE INSURANCE**Schedule A**

File No.: TI-15169

ASTRA BANK
Attn: KENT WYATT

1. Effective Date: 12/23/2009 at 7:00 A.M.

2. Policy to be issued:

a. Loan Policy (6/17/06):

Proposed Insured:

ASTRA BANK, their respective Successors and/or Assigns, as their interests may appear3. The estate or interest in the land described or referred to in this Commitment is **FEE SIMPLE**

4. Title to the estate or interest in the land is at the Effective Date vested in:

DEBRA WILSON

5. The land referred to in this Commitment is described as follows:

LOTS 2, 3 AND 4, BUSHWOOD ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS.

Countersigned: _____

Authorized Officer or Agent

Valid only if Schedule B and Cover are Attached

Issued by:
WYATT LAND TITLE SERVICES, INC.
209 NW 15th ST. - P.O. Box 503
Abilene, Kansas 67410
Phone: (785) 263-7722
Fax: (785) 263-0105
E-mail: rwwits@eaglecom.net

Schedule B - Section 1

File No.: TI-15189

The following are the requirements to be complied with:

1. Instrument creating the estate or interest to be insured must be executed and filed for record, to-wit:
 - a. Mortgage Executed by **DEBRA WILSON, A SINGLE PERSON**, in favor of **ASTRA BANK**, in the amount of
2. Pay the full consideration to, or for the account of, the grantors or mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.
5. **RELEASE OF MORTGAGE FROM DEBRA L. WILSON, AKA DEBRA WILSON, IN FAVOR OF FIRST NATIONAL BANK IN THE AMOUNT OF \$100,000.00, DATED OCTOBER 18, 2005, AND RECORDED OCTOBER 21, 2005, IN MORTGAGE BOOK 276, PAGE 930. (LOTS 2 AND 4)**
6. **RELEASE OF MORTGAGE FROM DEBRA WILSON, A SINGLE PERSON, IN FAVOR OF SUNFLOWER BANK, N.A., IN THE AMOUNT OF \$100,000.00, DATED JULY 20, 2004, AND RECORDED JULY 26, 2004, IN MORTGAGE BOOK 264, PAGE 858. (LOT 3)**

Schedule B - Section 2

File No.: TI-15169

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Taxes and special assessments that are not shown as existing liens by the public records.
3. **GENERAL TAXES FOR THE SECOND HALF OF THE YEAR 2009, AND ALL SUBSEQUENT YEARS, AND ALL SPECIAL ASSESSMENTS DUE AND PAYABLE THEREWITH.**
4. **PUBLIC UTILITY EASEMENT OF 10.0 FEET ON THE WEST PROPERTY LINE AS SET OUT ON THE RECORDED PLAT. (LOT 2)**
5. **BUILDING SETBACK REQUIREMENT ON THE EAST PROPERTY LINE AS SET OUT ON THE RECORDED PLAT. (LOT 2)**
6. **PUBLIC UTILITY EASEMENT OF 10.0 FEET ON THE SOUTH PROPERTY LINE AS SET OUT ON THE RECORDED PLAT. (LOT 3)**
7. **BUILDING SETBACK REQUIREMENT AS SET OUT ON THE RECORDED PLAT ALONG THE FRONT PROPERTY LINE ABUTTING 15TH AND JAYHAWK STREETS. (LOT 3)**
8. **PUBLIC UTILITY EASEMENTS OF 10.0 FEET ON THE EAST AND SOUTH PROPERTY LINES AS SET OUT ON THE RECORDED PLAT. (LOT 4)**
9. **BUILDING SET BACK REQUIREMENT ON THE NORTH PROPERTY LINE AS SET OUT ON THE RECORDED PLAT. (LOT 4)**

The mortgage policy to be issued will contain the following endorsements:

- Future Advance Endorsement- ALTA 14

(FOR INFORMATIONAL PURPOSES ONLY: The 2009 tax amount is \$3,574.96/\$3,537.30/\$3,479.86. For verification parties should contact the County Treasurer in reference to Tract No. AB2924D/AB2924E/AB2924F.)

NOTE: A POLICY ISSUED IN CONNECTION WITH THIS COMMITMENT WILL CONTAIN THE FOLLOWING PRE-PRINTED EXCEPTIONS:

1. Rights or claims of parties other than Insured in actual possession of any or all of the property.
2. Unrecorded easements, discrepancies or conflicts in boundary lines, shortage in area and encroachments which an accurate and complete survey would disclose.
3. Unfiled mechanics' or materialmen's liens.

If you encounter any problems in regard to title requirements or exceptions, please do not hesitate to call us 785-263-7722. It has been a pleasure doing business with you.

ALTA Commitment
Schedule B - Section 2
Form 1004-6



ORT Form 3120



STAFF REPORT

PC 20-11 Lot Split of 504 NE 15th St.

GENERAL INFORMATION

Application Date:	September 28, 2020	Date to be submitted to PC for consideration: November 4, 2020	
Owner:	Debra Wilson		
Applicant:	Debra Wilson		
Requested Action:	Lot Split		
Purpose:	Lot split of the duplex for potential buyers to purchase one half of the property.		
Location address:	504 NE 15 th Street		
Comprehensive Plan:	Comprehensive Plan Shows this property as Low Density Residential potential (1 or 2 family dwellings).		
Sites Existing Zoning and use:	R-1, Single Family Residential		
Surrounding Zoning and Land Use:	North <i>R-1, Single Family Residential District” – Residential use</i> South <i>C-3, General Commercial District</i> East <i>R-1 Single Family Residential District” – Residential Use</i> West <i>R-1, Single Family Residential District” – Residential Use</i>		
Land Area:	Lot is 10,290 sq ft		
Notice Date:	Notice to property owners within 200 feet sent by certified mail as required by code on 9/30/20. 14 day waiting period expires 10/14/20. Follow up letter sent first class 10/14/20 to property owners within 200 feet informing them of the PC meeting date change to 11/4/20 instead of 11/3/20.		

COMMENTS & FINDINGS

1. The applicant anticipates splitting the lot down the middle of the duplex to appeal to potential buyers.
2. Currently the property abuts a C-3 District to the South.
3. The submitted lot split conforms to the dimensional requirements of the proposed R-1 zoning district.
4. No new easements or right-of-way are being proposed.

RECOMMENDATION

Lot Split: Staff is recommending approval of the lot split.

Planning Commission Options:

1. Approve the lot split.
2. Deny the lot split if it is deemed inappropriate.



Lot split consideration (black line drawn through property) for duplex at 504 NE 15th St.



Property owners map within 200 feet of property

FID	Parcel_num	Address	Owner	
2399	021-112-09-0-40-04-042.00-0	508 Ne 15th St	Wilson, Michael F	Remove
2359	021-112-09-0-40-04-006.00-0	1601 Jayhawk Dr	Miller, Wayne & Diane Tr	Remove
2365	021-112-09-0-40-04-008.00-0	1600 Jayhawk Dr	Haas, Orban L & Shirley E	Remove
2402	021-112-09-0-40-04-044.00-0	505 Ne 15th St	Wyatt, Ray E Trust	Remove
2362	021-112-09-0-40-04-007.03-0	1500 Jayhawk Dr	Wilson, Debra L	Remove
2391	021-112-09-0-40-04-034.00-0	511 Ne 14th St	Basso, Joseph A & Ellen R	Remove
2400	021-112-09-0-40-04-042.01-0	506 Ne 15th St	Wilson, Debra L	Remove
2360	021-112-09-0-40-04-007.00-0	427 Ne 14th St	Pioneer Farm & Ranch Supply, Inc	Remove
2403	021-112-09-0-40-04-045.00-0	1500 Hickok Dr	Sare, Gary A & Sherry A	Remove
2363	021-112-09-0-40-04-007.04-0	502 Ne 15th St	Wilson, Debra L	Remove
2398	021-112-09-0-40-04-041.00-0	510 Ne 15th St	Roney, Kristine A Rev Tr	Remove
2404	021-112-09-0-40-04-046.00-0	1600 Hickok Dr	Stroud, Freddie L & Stroud, Beverly J	Remove
2361	021-112-09-0-40-04-007.02-0	1502 Jayhawk Dr	Biggs, J Dennis Trust	Remove
2390	021-112-09-0-40-04-033.00-0	509 Ne 14th St	Kuntz, Robert K Rev Iv Tr	Remove
2401	021-112-09-0-40-04-043.00-0	508 Ne 15th St	Rempe, David H	Remove
2364	021-112-09-0-40-04-007.05-0	504 Ne 15th St	Wilson, Debra L	Remove

List of property owners within 200 feet receiving notice

CITY OF ABILENE, KANSAS
CERTIFICATE OF LOT SPLIT APPROVAL

I hereby certify that the lot split, as described and shown in the lot split survey attached hereto as Exhibit A, has been submitted to the City of Abilene Planning Commission and found to comply with the Subdivision Regulations of the City of Abilene, Kansas, and was, therefore, approved for recording on this 4th day of November, 2020.

By: Travis Sawyer
Chairman of the Abilene Planning Commission

ATTEST:

Penny L. Soukup, CMC, City Clerk

STATE OF KANSAS, COUNTY OF DICKINSON, ss:

This instrument was acknowledged before me on _____, 20____, by _____, as Chairman of the Abilene Planning Commission, and Penny L. Soukup, CMC, as City Clerk, of the City of Abilene, Kansas.

Notary Public

My appointment expires:

Printed Name: _____

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS, COUNTY OF DICKINSON, ss:

This instrument was filed of record in my office this ____ day of _____, 20 ____, at ____ M., and duly recorded in Book _____ at Page _____.

Register of Deeds

Filing Fee of \$_____ Paid.

Abilene, Kansas Planning Commission By-Laws

ARTICLE I - NAME AND AUTHORITY

Section 1 - Name

The Name of this organization shall be known as the Abilene Planning Commission, herein called the Commission or Planning Commission.

Section 2- Authority

Pursuant to Kansas Statutes, as amended, the Commission was established by Ordinance No. 628 of the Abilene City Commission (formerly known as the Abilene Board of Commissioners) on June 21, 1926.

ARTICLE II - POWERS AND DUTIES

The Commission shall:

- A. Prepare plans for the City of Abilene, which are directed toward the best development of the City;
- B. Hold public hearings as provided by law;
- C. Make and recommend policy to the City Commission in areas of the communities physical, infrastructure and fiscal development;
- D. Evaluate and recommend necessary rules and regulations as provided by law;
- E. Hear and make final judgement on applications for Home Occupation Permits, Preliminary Plats, and Lot Splits and other development applications as provided by ordinance;
- F. Hear and make recommendations to the City Commission on applications for Zoning Amendments, Final Plats, Text Amendments, Conditional Use Permits, amendments or addendums to the Comprehensive Plan and other development applications as provided by ordinance; and
- G. Exercise all other powers provided by law.

ARTICLE III - MEMBERS

Section 1 - Composition

The Planning Commission shall consist of seven (7) members appointed by the City Commission.

Section 2 - Term of Office

Commissioners are appointed by the City Commission to a term of office for three (3) years. In the event that a Commissioner resigns, a successor is appointed for the remainder of the term.

Section 3 - Voting

At all meetings of the Commission, each member attending shall be entitled to cast one (1) vote. Voting shall be by voice or by roll call as determined by the Chairman. The number of votes needed to adopt motions on specific items of business shall be in conformance with the following table.

Table 1: Affirmative Votes Required

Affirmative Votes Required	
6 or 7 Members Appointed (Quorum = 4)	
Number of Members Present	Votes to Approve or Make a Recommendation
7	4
6	4
5	3
4	3

In the event that an item of business receives a majority of the votes cast, but such majority does not consist of the minimum required, such action shall be considered a failure to recommend. The number of votes cast for and against each motion shall be recorded in the minutes.

Section 4 - Conflict of Interest

Any member of the Commission who feels that he or she has a conflict of interest (as defined by K.S.A. 75-4301 et. seq.) on any matter that is on the Commission's agenda shall voluntarily vacate his seat and refrain from discussion and voting on said item. Any member may raise the question of conflict of interest or possible conflict of interest with respect to any other member present. The question raised must be decided by majority vote of the members present, excluding the member in question.

Section 5 - Absences

The Commission may recommend to the City Commission replacement of any member who has three (3) consecutive absences from regular meetings.

Section 6 - Vacancy

Any vacancy of a Commission position shall be filled by City Commission appointment for the remainder of the normal term.

Section 7 - Ex-Parte Communication

The Kansas Supreme Court has ruled that recommendations and decisions made by local governments on private land use matters (Zoning Changes, Plats, Conditional Use Permits, Home Occupation Permits, Variances, Appeals, etc...) are "quasi-judicial". By their nature, quasi-judicial proceedings require that recommendations and decisions are arrived at in a fair and equitable manner, that all interested parties (pro, con, or neutral) are given ample opportunity to present their

case, and that the record clearly show all evidence that was considered in arriving at Commission recommendations and decisions.

The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. Ex-parte communications are contacts between individual commissioners and the general public in which information and evidence regarding a development application is conveyed to the commissioner. Commissioners who experience ex-parte communication must disclose the details of the communication at the Commission meeting after the introduction of the item about which the ex-parte communication pertained.

ARTICLE IV - OFFICERS

Section 1 - Positions

The officers of the Planning Commission shall be Chairman, Vice-chairman and Secretary.

Section 2 - Elections

The Chairman and Vice-Chairman shall be elected at the annual meeting and shall serve for a term of one (1) year, and until their successors are elected.

Section 3 - Secretary

The Community Development Director, or his designee, shall serve as Secretary.

Section 4 - Vacancies

Any vacancy resulting from resignation, removal or death of a member serving as Chairman, shall cause the Vice-chairman to automatically assume the position of Chairman and a new Vice-chairman shall be elected. Vacancies shall be filled by appointment by the City Commission.

Section 5 - Terms

No person shall be eligible to hold the office of Chairman or Vice-chairman for more than two (2) full consecutive one-year terms.

ARTICLE V - DUTIES OF OFFICERS

Section 1 - Chairman

The Chairman shall preside at all meetings of the Commission and shall be eligible to vote on all matters coming before the Commission. The Chairman has a right to abstain from voting. However, the Chairman must vote in the event of a tie vote or when a motion is one vote short of adoption. He shall appoint all committees and is responsible for conducting all meetings in an orderly manner. The Chairman shall sign all minutes and other approved records, papers and documents of the Commission.

Section 2 - Vice-Chairman

The Vice-Chairman shall perform the Chairman's duties in the absence of the Chairman.

Section 3 - Secretary

The Secretary shall keep accurate records of all proceedings of the Commission. He shall be responsible for issuing all necessary correspondence, notices and agendas. He shall be responsible for compiling reports and keeping attendance records. The Secretary, or his designee, shall present Commission actions and recommendations to the City Commission. The Secretary shall sign and note approval of the minutes of the Commission and shall, when required by law, authenticate the signature of the Chairman.

ARTICLE VI - MEETINGS

Section 1 - Regular Meetings

Regular meetings of the Commission shall be held on the second ^{1st} ~~(2nd)~~ Tuesday of each month, unless such date is a legal holiday, in which case the meeting will be rescheduled. Unless otherwise publicly announced by the Chairman, all meetings shall be held in the Abilene Public Library, 209 NW 4th Street, Abilene, Kansas. Any such change shall be given public notice for the convenience of persons having business before the Commission.

Section 2 - Agenda

The Secretary, or other authorized officer, shall prepare an agenda of all matters to come before the Commission no later than the Monday preceding the next regular or special meeting. All requests for inclusion on the agenda must be made known to the Secretary by 5:00 p.m. on the 30th day prior to the meeting of which the agenda pertains.

Section 3 - Special Meetings

Special meetings may be called by the Chairman, or in his absence, the Vice-chairman, or upon written request of any three (3) members of the Commission. Notice received by letter or phone by Commission members and the news media twenty-four (24) hours prior to the scheduled time shall be considered ample notice.

Section 4 - Annual Meeting

The regular February meeting shall be designated as the annual meeting, at which time officers for the coming year shall be elected. In addition, the Comprehensive Plan will be open to review at the annual meeting.

Section 5 - Quorum

A quorum shall consist of a majority of the members of the Commission appointed and qualified at any given time. In the absence of a quorum at any meeting, the presiding officer may adjourn the meeting to a specific time, date and place which shall be publicly announced.

Section 6 - Open Meetings

All meetings of the Commission shall be open to the public and to attendance by representatives of the news media.

Section 7 - Minutes Available to Public

The Secretary and the City Clerk shall prepare and permanently maintain the Commission's official minutes, which are available for public view and use.

ARTICLE VII - PARLIAMENTARY AUTHORITY

The procedure followed by the Planning Commission will be standard parliamentary procedure consisting of the following chronological events.

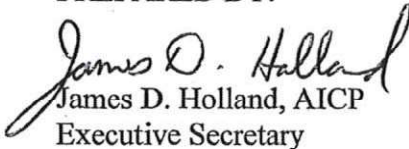
- A. Determination if the applicant or his/her representative is present.
- B. Staff report and recommendation.
- C. Open the public hearing.
- D. Comments by the applicant.
- E. Comments by interested citizens (for, against, or neutral).
- F. Additional comments by the applicant and/or citizens, as appropriate.
- G. Closing of public hearing by the Chairman.
- H. Planning Commission discussion and action.

ARTICLE IX - AMENDMENTS

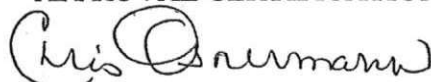
These By-Laws may be amended at any regular meeting of the Commission by a two-thirds (2/3) vote of the members present and voting, provided that any proposed amendment has been submitted in writing at the previous regular meeting.

ADOPTED BY THE CITY OF ABILENE PLANNING COMMISSION THIS 10TH DAY OF FEBRUARY, 2004.

PREPARED BY:


James D. Holland, AICP
Executive Secretary

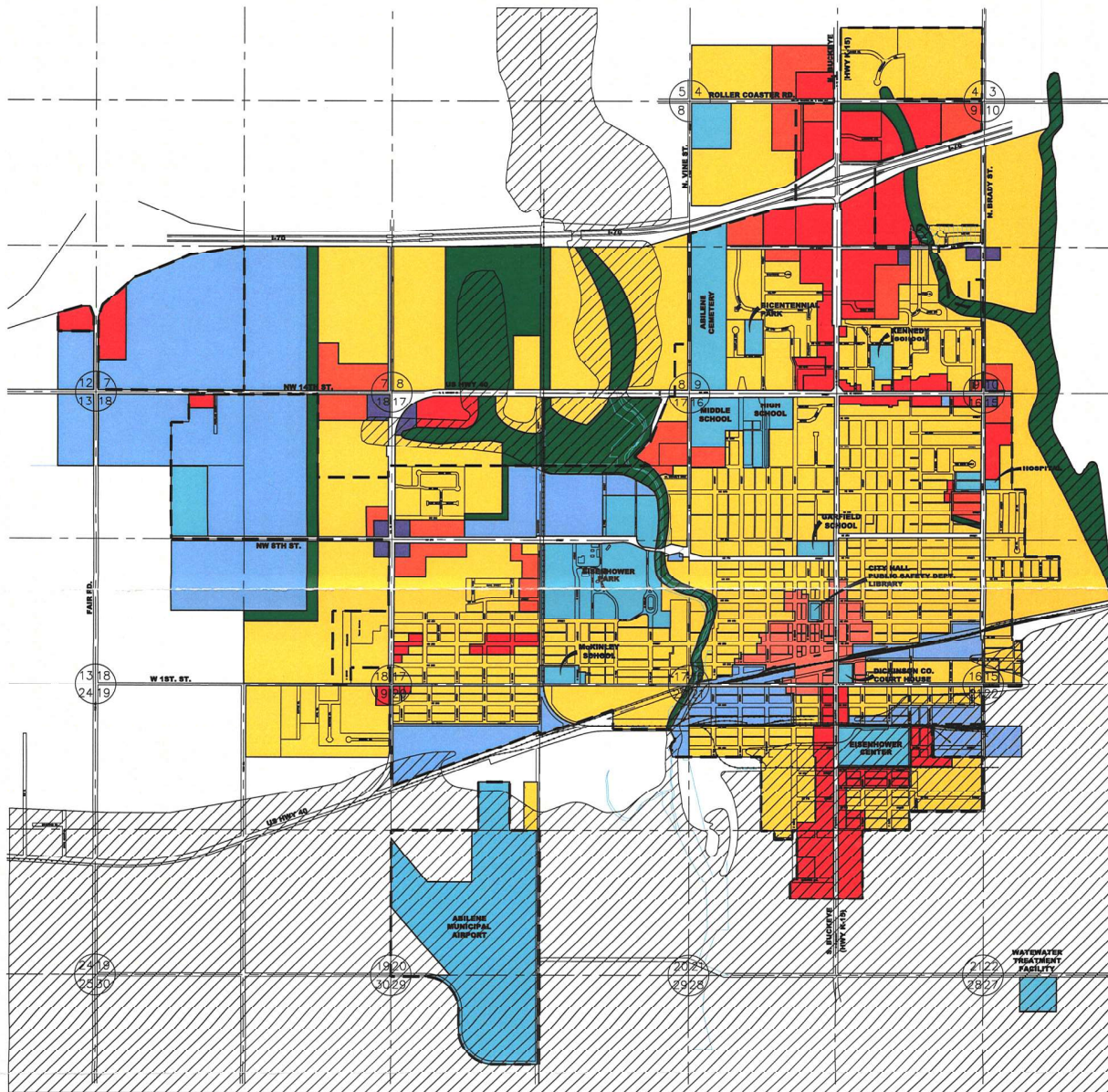
APPROVAL CERTIFICATION:


Chris Ostermann, Chairman
Planning Commission

MAP 7

Future Land Use

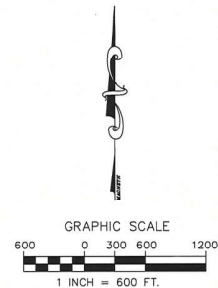
City of Abilene, Kansas



LEGEND

- Urban Growth Boundary
- City Limits
- Open Space
- Low Density Residential
- Commercial
- Central Business
- Industrial
- Public & Quasi-Public
- Multi-Family
- Neighborhood Commercial
- Highway Commercial

All map data supplied from record information that has not been verified.



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Civil & Structural Engineers - Construction Inspectors