

**CITY OF ABILENE
PLANNING COMMISSION
AGENDA**

April 6, 2021 at 4:00 p.m.
Abilene City Hall
419 N. Broadway, Abilene, KS 67410

Agenda Item
1. Call to Order
2. Roll Call: ___ Rod Boyd ___ Jeffrey Higgins ___ Travis Sawyer ___ Brenda Finn-Bowers, Chair ___ Bill Marshall, Vice Chair
3. Approval of Agenda
4. Approval of the Meeting Minutes – February 2, 2021
Business 5. Open Public Hearing for approval of a conditional use permit application, PC 21-04-1 , from Salley Holley d/b/a Cornerstone Childcare Center Corp, 121 NE 5 th St., to allow the childcare facility to provide care for thirteen (13) or more children within the R-3 residential zoned district. *Public Comment *Commission Comment Close Public Hearing Action 6. Open Public Hearing for approval of a small subdivision plat, PC 21-04-2 , from Kevin Guffey, Guffey Properties, LLC, for future development at the site address of 1700 Blk N. Buckeye Ave. within the C-3 commercial zoned district. *Public Comment *Commission Comment Close Public Hearing Action

7. Open Public Hearing for approval of a conditional use permit application, **PC 21-04-3**, from Greg Huston d/b/a Kiddco, LLC, to allow a mini storage facility at the site address of 1309 NW 3rd St. within the C-3 commercial zoned district.

*Public Comment

*Commission Comment

Close Public Hearing

Action

8. Planning Commission Comments and Staff Updates

9. Adjournment



Abilene Planning Commission Minutes

Abilene Public Library

209 NW 4th St., Abilene, KS

February 2, 2021 @ 4:00 p.m.

1. Call to Order by Chair Sawyer

2. Roll Call – Planning Commissioners Present: Rod Boyd, Bill Marshall, Jeffrey Higgins, Vice Chair Brenda Finn-Bowers, Chair Travis Sawyer

Staff Present: City Manager Jane Foltz, Planning & Zoning Administrator Kari Zook

3. Approval of Agenda

City Manager Foltz noted an amendment to the agenda. An update with the Neighborhood Revitalization Plan will be added to the Business section. Motion by Commissioner Finn-Bowers to approve the amended agenda to add the NRP update to 6a, seconded by Commissioner Marshall. Motion carried unanimously 5-0.

4. Minutes

Motion by Commissioner Marshall to approve the November 4, 2020 minutes, seconded by Commissioner Boyd. Motion carried unanimously 5-0.

Business

5. Annual election of Chair and Vice Chair

Motion by Chair Sawyer to elect Commissioner Finn-Bowers to Chair, seconded by Commissioner Boyd. Motion carried unanimously 5-0. Chairman duties transferred to Finn-Bowers moving forward. Motion by Commissioner Sawyer to elect Commissioner Marshall to Vice Chair, seconded by Commissioner Boyd. Motion carried unanimously 5-0.

Introduction of new Commissioner, Jeffrey Higgins.

6. Updated Planning Commission Bylaws

Motion by Commissioner Sawyer to approve the Planning Commission Bylaws as written, seconded by Commissioner Boyd. Motion carried unanimously 5-0.

6a. Neighborhood Revitalization Plan update

Staff has been updating the NRP to combine all three district plans into one. All past plans and Interlocal Agreement with Dickinson County and USD 435 did sunset on December 31, 2020. No district boundaries have been amended, this is just a consolidation to include the North, Central, and Downtown districts in one plan. The plan will be presented for approval to the City Commission on February 22, 2021.

7. Planning Commission Comments and Staff Updates

Planning Commission is still looking to fill two vacant positions.

Interim City Manager: Marcus Rothchild, Finance Director, will be filling the interim position during the transition phase.

8. Adjournment

Motion by Commissioner Sawyer to adjourn, seconded by Vice Chair Marshall. Motion carried unanimously 5-0.

Brenda Finn-Bowers, Chair
Bill Marshall, Vice Chair

ATTEST:

Kari Zook
Planning & Zoning Administrator

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 |

FOR OFFICIAL USE ONLY

Appn Number: PC21-04-1
Date Received: 2/19/21
Received By: K2

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Daycare Center
to provide childcare for the community

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Sally Holley Tel: (785) 280-0962
Business Name: Cornerstone Childcare Center Corp Fax: ()
Address: 121 WE 5th St.
City: Abilene State: KS Zip Code: 67410
E-mail: cornerstonechildcarecenter2019@gmail.com

PROPERTY OWNER (If Different from Applicant/Agent):

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

ENGINEER/ARCHITECT/SURVEYOR:

Name: Travis Steerman Tel: (785) 263-2552
Business Name: City Inspector Fax: ()
Address: P.O. Box 519
City: Abilene State: KS Zip Code: 67410
E-mail: travis@abilenecityhall.com

PROPERTY INFORMATION

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

121 NE 5th St. Abilene KS 67410

PROPERTY TAX IDENTIFICATION NUMBER

001-1151604015012000

ZONING: Existing: R-3

Proposed:

LAND USE: Existing:

Proposed:

GROSS SIZE OF PLAT/LOT:

Residential: 24,467

Commercial: X

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: X

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

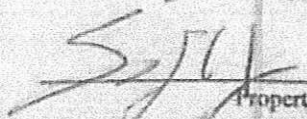
APPLICANT/PROPERTY OWNER CERTIFICATION*

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

Feb 17, 2021
Date



Property Owner Signature

Feb 17, 2021
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

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.		
<u>Kari Zook</u>	<u>Planning & Zoning Administrator</u>	
Name	Title	
<u>Kari Zook</u>	<u>2/19/21</u>	
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): <u>4/6/21</u>		
FEE AMOUNT: \$ <u>200 -</u> <u>CHKA 4463</u> DATE FEE PAID: <u>2/19/21</u>		
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		



Dickinson County

Kansas

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RMIS Detail Results for Instrument D264-194

[Print Friendly Version](#)

[Search Again](#) [Back to results](#)



General Information

Instrument Type	Book-Page	Mortgage #	Indebtedness	Reception Date	Pages	Date Signed	Doc Date	Return Date
WARRANTY DEED	D264-194		\$0.00	5/29/2020	2	05/28/2020	05/28/2020	06/01/2020

Party Information

Party Type	Name
Grantor	COMMUNITY BIBLE CHURCH OF ABILENE INC
Grantee	CORNERSTONE CHILDCARE CENTER CORP

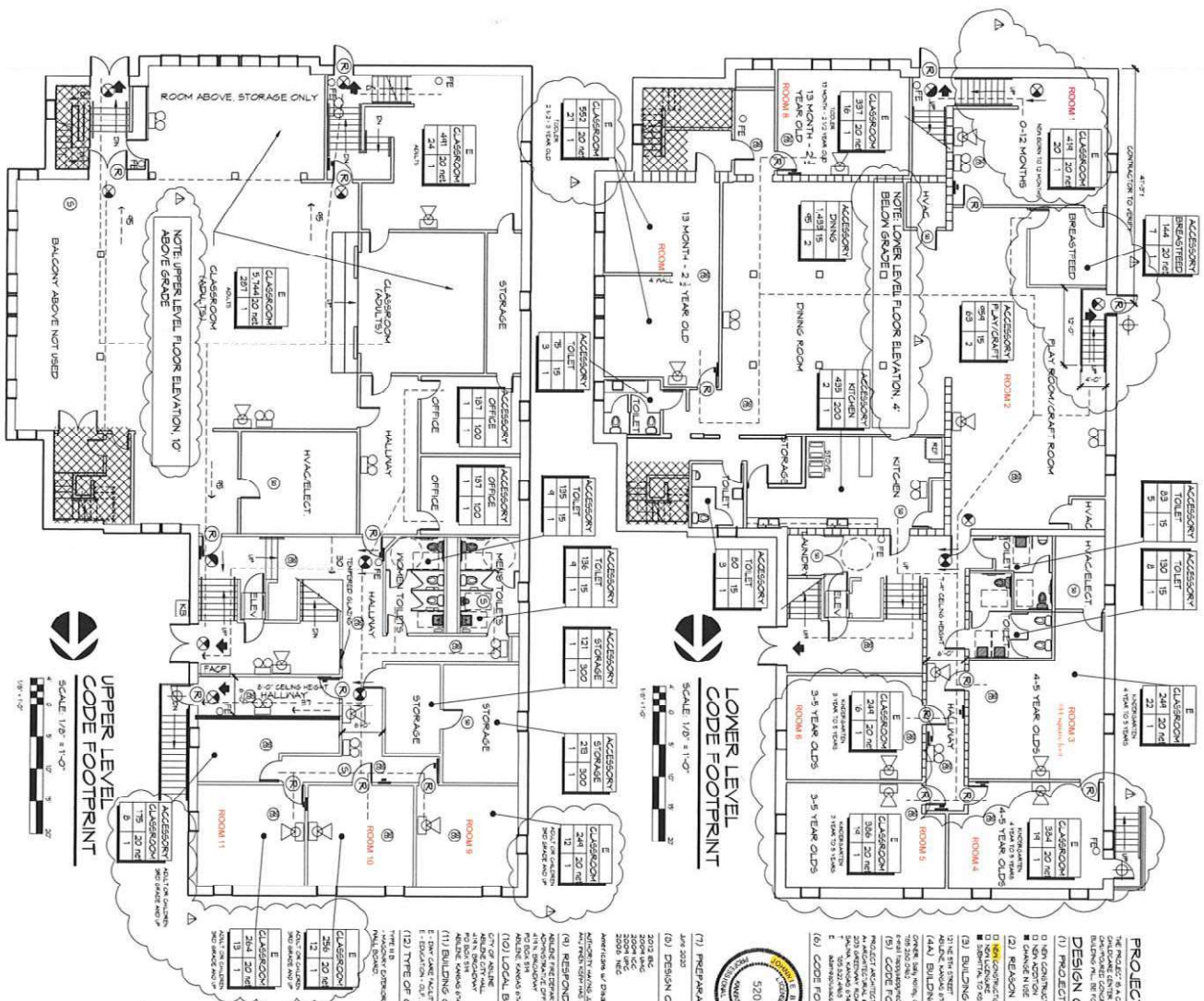
Platted Parcel Information

Plat Code	Lot	Thru Lot	Block	Parcel	Note	Consideration	Control No.	Key No.	Pin No.	Metes & Bounds
KUNEY & HODGES ADDITION	1	2	25	1151604015001000		noah parking lot			1151604015001000	LOTS ONE (1) AND TWO (2), BLOCK TWENTY-FIVE (25), LOTS TWENTY-FOUR, TWENTY-FIVE (25) AND TWENTY-SIX (25), BLOCK TWENTY-FIVE (25), AND LOTS TWELVE (12) AND THIRTEEN (13) BLOCK TWENTY-FOUR (24), ALL IN KUNEY AND HODGE'S ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS .
KUNEY & HODGES ADDITION	24	26	25	1151604015012000		facility			1151604015012000	LOTS ONE (1) AND TWO (2), BLOCK TWENTY-FIVE (25), LOTS TWENTY-FOUR, TWENTY-FIVE (25) AND TWENTY-SIX (25), BLOCK TWENTY-FIVE (25), AND LOTS TWELVE (12) AND THIRTEEN (13) BLOCK TWENTY-FOUR (24), ALL IN KUNEY AND HODGE'S ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS .
KUNEY & HODGES ADDITION	12	13	24	1151604014006000		NE parking lot			1151604014006000	LOTS ONE (1) AND TWO (2), BLOCK TWENTY-FIVE (25), LOTS TWENTY-FOUR, TWENTY-FIVE (25) AND TWENTY-SIX (25), BLOCK TWENTY-FIVE (25), AND LOTS TWELVE (12) AND THIRTEEN (13) BLOCK TWENTY-FOUR (24), ALL IN KUNEY AND HODGE'S ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS .

Return Address

Return Address	Comments
FIRST AMERICAN TITLE-ABILENE 315 N BROADWAY ABILENE, KS 67410	

This index information is for search purposes only. You may request a copy or certified copy of any document listed from the Register of Deeds Office.



PROJECT INFORMATION

THE PROJECT IS A CHILDCARE FACILITY FOR 120 CHILDREN, 12 MONTHS OF AGE TO 5 YEARS OF AGE. THE FACILITY IS LOCATED AT 121 NE 5TH STREET, ABILENE, TEXAS. THE PROJECT IS A CHILDCARE FACILITY FOR 120 CHILDREN, 12 MONTHS OF AGE TO 5 YEARS OF AGE. THE FACILITY IS LOCATED AT 121 NE 5TH STREET, ABILENE, TEXAS.

DESIGN CODES:

- (1) PROJECT CONSTRUCTION MAP/ZONE
- (2) ZONING DISTRICT
- (3) BUILDING LOCATION
- (4) BUILDING OWNER
- (5) CODE FOOTPRINT PREPARED BY
- (6) CODE FOOTPRINT PREPARED BY

- (7) PREPARATION DATE
- (8) DESIGN CODES
- (9) BUILDING LOCATION
- (10) BUILDING OWNER
- (11) CODE FOOTPRINT PREPARED BY
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FACILITY IMPROVEMENTS
CORNERSTONE CHILDCARE CENTER CORP
121 NE 5TH STREET
ABILENE, KANSAS 67410

drawing title:
CODE FOOTPRINT
PLOT SCALE: 1/4" = 1'-0"

date: 6 July 2020
project no: 20-020
drawn by: [signature]
checked by: [signature]
revisions: [signature]
date: 6 July 2020

State Fire Marshal
800 SW Jackson
Suite 104
Topeka, KS 66612-1216
PLAN REVIEW APPROVED - ICC

Friday July 31, 2020

CORNERSTONE CHILDCARE CENTER CORP
121 NE 5TH ST
ABILENE, KS 67410

We have completed a review of the design submittal received on Friday July 31, 2020

The design submittal appears to be in compliance with the fire and life safety provisions of the Kansas Fire Prevention Code thus allowing the construction and/or installation work to commence. Submittal acceptance subject to comments listed below.

Plan reviews by the Kansas State Fire Marshal are cursory in nature, and compliance to the appropriate standards is expected. Comments provided by other reviewing parties or authorities having jurisdiction shall be acknowledged. Any omission of requirements on submitted plans or any omission during plan review shall in no way authorize any violation of applicable requirements under the Kansas Fire Prevention Code. Acceptance of design submittal shall not be construed to be an acceptance of items that do not conform to Kansas Fire Prevention Code.

Construction and/or work zones shall be separated from occupied areas by one-hour rated construction (or smoke resistive if sprinkler system is maintained on both sides of separation), per OSFM guidelines. Any temporary egress must be approved by OSFM. Additionally, the OSFM has the authority to verify at any time that construction and/or installation work complies with the accepted plans and state-adopted regulations.

Each project will require an inspection at 50% completion. A request for inspection must be made to the licensing agency at least 30-days before the 50% milestone. Fire Protection System shall adhere to the engineered drawings, manufacturer requirements/listings, and the appropriate Codes and Standards. The responsible contractor shall leave a copy at the facility of the final test report verifying that the installed fire protection system is in proper and compliant working condition. The completed fire protection system installation is subject to verification by OSFM. If changes are required in construction, separation to occupied spaces, or temporary egress, these changes must be approved, in writing, by OSFM. All work on the project shall stop until an approval is obtained. If the project, at any point, cannot maintain the required separation or causes any impairment to any fire protection system, the OSFM must be notified and the facility must perform a fire watch until the conditions are corrected. Failure to comply with these requirements could result in significant penalties including citation of Immediate Jeopardy or the issuance of an order to cease and desist.

Fire alarm, automatic suppression systems, and other extinguishing system plans must be submitted separately for review and approval, before final inspection. Final inspection and referral to licensing agency are required prior to final occupancy. The Office of the State Fire Marshal has reviewed these plans for compliance with the applicable codes and standards.

State and local licensing agencies may impose additional requirements.

07/31/2020 11:35:31 AM Jesse Floyd

CODE FOOTPRINT APPROVED AS NOTED:

ROOM 1 APPROVED FOR 17 TOTAL OCCUPANTS OF ANY AGE.
ROOM 2 APPROVED FOR 64 TOTAL OCCUPANTS OF ANY AGE.
ROOM 3 APPROVED FOR 22 TOTAL OCCUPANTS 2 1/2 YEARS OF AGE AND OLDER.
ROOM 4 APPROVED FOR 19 TOTAL OCCUPANTS OF ANY AGE.
ROOM 5 APPROVED FOR 19 TOTAL OCCUPANTS 2 1/2 YEARS OF AGE AND OLDER.
ROOM 6 APPROVED FOR 16 TOTAL OCCUPANTS 2 1/2 YEARS OF AGE AND OLDER.
ROOM 7 APPROVED FOR 27 TOTAL OCCUPANTS 2 1/2 YEARS OF AGE AND OLDER.
ROOM 8 APPROVED FOR 16 TOTAL OCCUPANTS 2 1/2 YEARS OF AGE AND OLDER.

Staff Report

TO: Planning Commission
FROM: Kari Zook, Planning & Zoning Administrator
SUBJECT: PC 21-04-1 – Conditional Use Permit
DATE: April 6, 2021

APPLICANT:

Sally Holley – Cornerstone Childcare Center Corp, 121 NE 5th St., Abilene, KS 67410
 Application date received: 2/19/21

BACKGROUND:

The applicant is requesting a Conditional Use Permit (CUP) to allow the childcare facility located at 121 NE 5th St. to provide care for thirteen (13) or more children within the R-3 residential zoned district under Article 6, Section 6-301 of the zoning regulations:

TABLE 6-1

Residential Zoned Districts Permitted and Conditional Uses

P = Indicates Permitted Uses **C** = Conditional Uses

USE		R-1	R-2	R-3
5.	Day care facilities: adult day care homes, child care centers, day care homes, family day care homes, group day care homes and preschools.	P(3)	P(3)	P(3)/C(1)

Permitted Uses Footnotes:

(3) When having twelve (12) or fewer children or twelve (12) or fewer adults for whom care is provided.

Conditional Uses Footnotes:

(1) For facilities having thirteen (13) or more children or thirteen (13) or more adults for whom care is provided.

The zoning of all neighboring properties is shown below:



The notice of public hearing was published in the Abilene Reflector Chronicle on March 12, 2021 and written notices were sent by mail on March 12, 2021 to property owners within 200 feet of the area as required by Section 26-102 of the Zoning Regulations.

COMMENTS:

Departmental comments: There have been none received at this time.

Citizen comments: E-mail from James Holland – “That is an excellent use of the property and will provide a much-needed service to the community. It will not have a negative impact on my property at 206 NE 5th St.”

STAFF RECOMMENDATION:

Staff recommends approval of a conditional use permit for the Cornerstone Childcare Center Corp to be allowed thirteen (13) or more children for whom care will be provided located at the subject property in the R-3 district under the following conditions:

1. The childcare center shall comply with all applicable building codes, fire marshal regulations, and state childcare facility licensing regulations.

ACTION:

The Planning Commission may:

1. Approve the CUP with the findings and conditions as stated by staff
2. Approve the CUP with amendments to the findings and conditions submitted by staff
3. Deny the CUP with findings

All actions require stated findings by the Planning Commission. Motions may reference the findings and conditions as stated in the staff report and Section 26-110 of the zoning code (attached as reference).

NOTES:

Upon conclusion of the public hearing, there is a 14-day protest period in which a protest of the recommendation can be filed. The City Commission will review the application and issue a final approval/disapproval at the conclusion of this protest period during their next regularly scheduled meeting.

26-202: The City Commission, when approving a Conditional Use Permit, shall specify the period of time for which the permit is valid or shall state that the term of the permit is not limited in time.

26-110. Factors to be Considered in Permit Applications. The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines. The explanation of these factors, as set out in Section 26-108 for rezonings, shall also be considered in conditional use permit applications:

- a. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;
- b. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
- 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;
- d. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
- e. The length of time the subject property has remained vacant or undeveloped as zoned;
- f. Whether the applicant's property is suitable for the proposed conditional use;
- g. The recommendations of professional staff and advisors;
- h. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
- 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;
- j. For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with any adopted Solid Waste Management Plan of Dickinson County, and amendments thereto; and
- k. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

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.

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| ☐ LANDMARK DESIGNATION | ☐ VARIANCE |

FOR OFFICIAL USE ONLY

Appn Number: PC 21-04-2

Date Received: 2/23/21

Received By: KZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Small Subdivision Plat

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: _____ Tel: ()

Business Name: _____ Fax: ()

Address: _____

City: _____ State: _____ Zip Code: _____

E-mail: _____

PROPERTY OWNER (If Different from Applicant/Agent):

Name: Kevin Guffey Tel: 573 859-6998

Business Name: Guffey Properties, LLC Fax: 573 859-6962

Address: PO Box 39

City: Belle State: MO Zip Code: 65013

E-mail: Kevin@AmericanRealtyMO.com

ENGINEER/ARCHITECT/SURVEYOR:

Name: Tim Hart Tel: 785 404-3139

Business Name: Schwab Eaton Fax: 785 380-5007

Address: 631 East Crawford St, Suite 203

City: Salina State: KS Zip Code: 67401

E-mail: THart@schwab-eaton.com

PROPERTY INFORMATION

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

1709 N Buckeye Avenue

**PROPERTY TAX IDENTIFICATION
NUMBER:** _____

ZONING: Existing: C-3 Proposed: _____

LAND USE: Existing: Vacant Proposed: Commercial

GROSS SIZE OF PLAT/LOT:

Residential: _____ Commercial: 1.5 Acres Industrial: _____ Other: _____ Total: _____

NUMBER OF LOTS:

Residential: _____ Commercial: 1 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

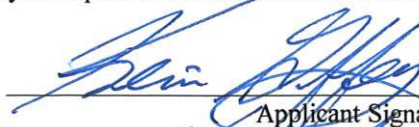
Zone: _____

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?

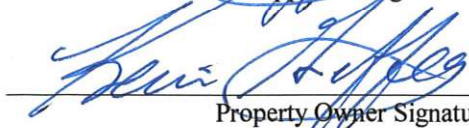
☐ Yes ☐ No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

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

2-16-21
Date


Property Owner Signature

2-16-21
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.

Kari Zook

Name

Planning & Zoning Administrator

Title

Kari Zook

Signature

3/8/21

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): 4/6/21

FEE AMOUNT: \$ 200 -

DATE FEE PAID: 2/23/21

CHK# 3346

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



Dickinson County

Kansas

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RMIS Detail Results for Instrument D265-557

[Print Friendly Version](#)

[Search Again](#) [Back to results](#)



General Information

Instrument Type	Book-Page	Mortgage #	Indebtedness	Reception Date	Pages	Date Signed	Doc Date	Return Date
WARRANTY DEED	D265-557		\$0.00	12/29/2020	3	12/15/2020	12/15/2020	12/30/2020

Party Information

Party Type	Name
Grantor	HIGHLAND HOMES LP
Grantee	GUFFEY PROPERTIES LLC

UnPlatted Parcel Information

QCode	Section	Township	Range	Quarter	Gov. Lot	Parcel	Consideration	Control No.	Key No.	Pin No.	Metes & Bounds
	9	13	2	SE		1120904001006000				1120904001006000	A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 2 EAST OF THE 6TH PRINCIPAL MERIDIAN, ABILENE, DICKINSON COUNTY KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SCHROEDER ADDITION TO THE CITY OF ABILENE; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF BUCKEYE AVE. N. 0°18'15" E. A DISTANCE OF 162.50 FEET; THENCE S. 89°30'51" E. A DISTANCE OF 402.00 FEET; THENCE S. 0°18'15" W. A DISTANCE OF 162.50 FEET TO A POINT ON THE NORTH LINE OF ASTRA BANK ADDITION TO THE CITY OF ABILENE; THENCE ALONG SAID NORTH LINE N. 89°30'51" W. A DISTANCE OF 402.00 FEET TO THE POINT OF BEGINNING.

Return Address

Return Address	Comments
SECURITY 1ST TITLE-ABILENE 209 NW 15 ABILENE, KS 67410	

This index information is for search purposes only. You may request a copy or certified copy of any document listed from the Register of Deeds Office.

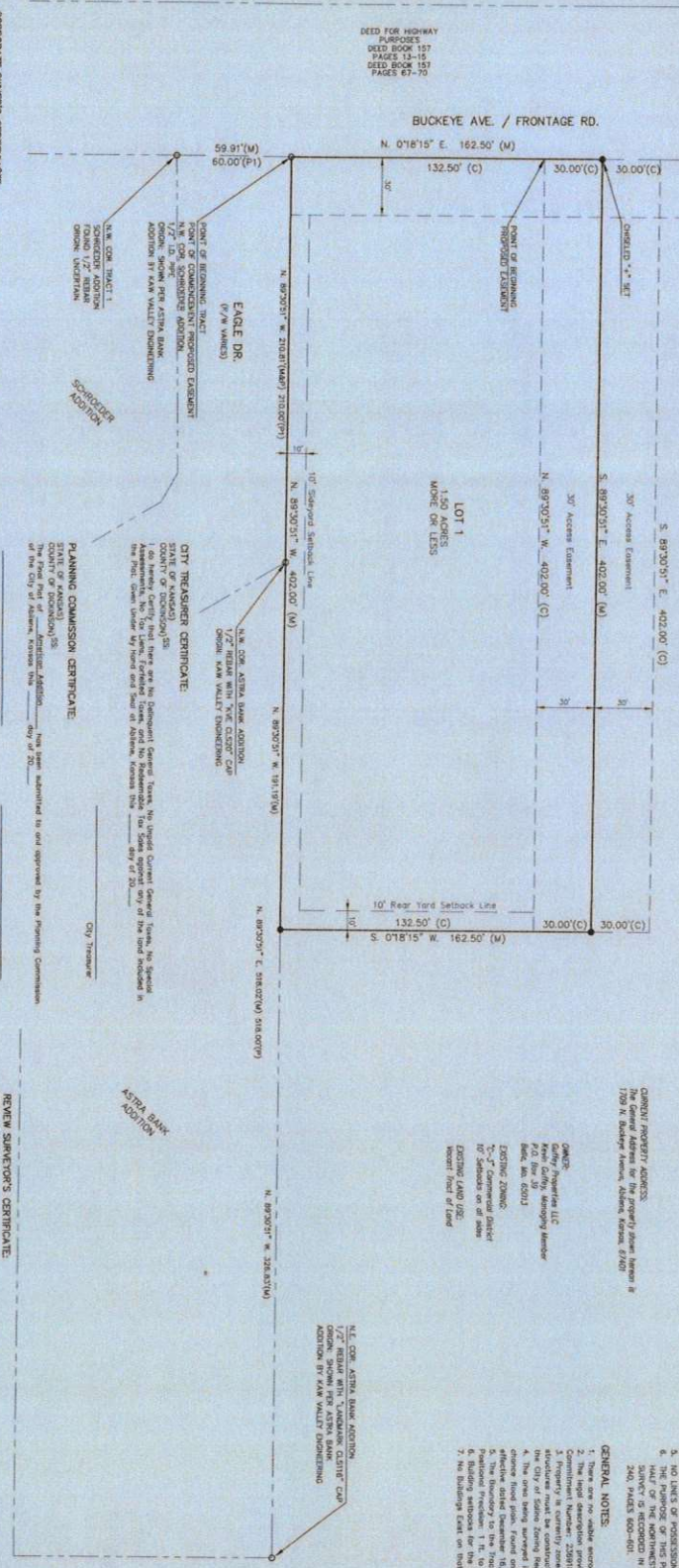
FINAL PLAT AMERICAN ADDITION

A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 2 EAST OF THE 6TH PRINCIPAL MERIDIAN, ADLER, DICKINSON COUNTY, KANSAS



LOCATION MAP
100' to Scale

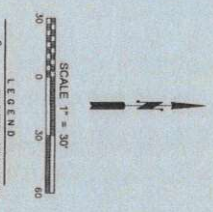
PARENT TRACT
DEED BOOK 240
PAGES 400-401



- ### LAND BOUNDARY DESCRIPTION:
1. The southeast quarter of the southeast quarter of section 9, township 13 south, range 2 east of the 6th principal meridian, adler, dickinson county, kansas, being more particularly described as follows:
- Beginning at the northwest corner of section 9, township 13 south, range 2 east of the 6th principal meridian, adler, dickinson county, kansas, and running along the east line of said section 9, township 13 south, range 2 east of the 6th principal meridian, adler, dickinson county, kansas, a distance of 1620 feet, thence S. 89°30'31\"/>

GENERAL NOTES:

 1. The plat is a final plat and is subject to the provisions of the plat act.
 2. The plat is a final plat and is subject to the provisions of the plat act.
 3. The plat is a final plat and is subject to the provisions of the plat act.
 4. The plat is a final plat and is subject to the provisions of the plat act.
 5. The plat is a final plat and is subject to the provisions of the plat act.
 6. The plat is a final plat and is subject to the provisions of the plat act.
 7. The plat is a final plat and is subject to the provisions of the plat act.



CORPORATE OWNERS CERTIFICATE

STATE OF KANSAS
COUNTY OF DICKINSON
I, the undersigned, being the duly authorized officer of the City of Adler, Kansas, do hereby certify that the foregoing plat is a true and correct copy of the original plat as the same appears in the files of the City of Adler, Kansas, and that the same is a true and correct copy of the original plat as the same appears in the files of the City of Adler, Kansas.

Attest my hand and seal of office this 15th day of February, 2021.

[Signature]
City Clerk

CITY ATTORNEY CERTIFICATE

STATE OF KANSAS
COUNTY OF DICKINSON
I, the undersigned, being the duly authorized officer of the City of Adler, Kansas, do hereby certify that the foregoing plat is a true and correct copy of the original plat as the same appears in the files of the City of Adler, Kansas, and that the same is a true and correct copy of the original plat as the same appears in the files of the City of Adler, Kansas.

Attest my hand and seal of office this 15th day of February, 2021.

[Signature]
City Attorney

NOTARY PUBLIC CERTIFICATE

STATE OF KANSAS
COUNTY OF DICKINSON
I, the undersigned, being the duly authorized officer of the State of Kansas, do hereby certify that the foregoing plat is a true and correct copy of the original plat as the same appears in the files of the State of Kansas, and that the same is a true and correct copy of the original plat as the same appears in the files of the State of Kansas.

Attest my hand and seal of office this 15th day of February, 2021.

[Signature]
Notary Public

PREPARED BY

Schwab
Eaton

CONSULTING ENGINEERS - LAND SURVEYORS - LANDSCAPE ARCHITECTS
631 E. CHAMBERS STREET, STE 203 - SALINA, KANSAS - PH 785-464-3139
FEBRUARY 2021



Staff Report

TO: Planning Commission
FROM: Kari Zook, Planning & Zoning Administrator
SUBJECT: PC 21-04-2 – Small Subdivision Plat
DATE: April 6, 2021

APPLICANT:

Kevin Guffey, Guffey Properties, LLC, P.O. Box 39, Belle, MO 65013
Application date received: 2/23/21; plat documents received 3/8/21
Property site address: 1700 Blk N Buckeye Ave. Abilene, KS

BACKGROUND:

The applicant is requesting a small subdivision plat to allow for future development within the C-3 commercial zoned district.

The zoning of all neighboring properties is shown below:



The written notices of public hearing were sent by mail on March 22, 2021 to property owners within 200 feet of the area as required by Article 2, Section 2-303 of the Subdivision Regulations.

COMMENTS:

Departmental comments: Copies of the plat were distributed to applicable city staff. The street being built the length of the property on the north side (60' access easement) will be dedicated upon plat approval. The plat has been certified by the DK County Treasurer that there are no unpaid taxes, special assessments, or tax liens outstanding against the property.

Citizen comments: There have been none received at this time.

STAFF RECOMMENDATION:

Staff recommends approval of the small subdivision plat for the future development to be allowed in the C-3 district under the following conditions:

1. The future development of retail space shall comply with all applicable building codes, zoning approvals, and development permits.

ACTION:

The Planning Commission may:

1. Approve the final plat with the findings and conditions as stated by staff
2. Approve the final plat with amendments to the findings and conditions submitted by staff
3. Disapprove the final plat with findings

NOTES:

An approved final plat shall be submitted to the City Commission for its consideration of the dedications of streets and other public ways, drainage and utility easements, and any other land dedicated for public use. The City Commission shall approve or disapprove such dedications within 30 days of the receipt of the approved final plat. They may defer an additional 30 days for the purpose of allowing modifications to comply with the requirements of the City Commission.

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 21-04-3
Date Received: 3/5/21
Received By: VZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Mini Storage Facility

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

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

PROPERTY OWNER (If Different from Applicant/Agent):

Name: Greg Huston Tel: 785-280-0260
Business Name: Kidd CO Fax: (____) _____
Address: 1650 Indyl RD Abilene
City: Abilene State: KS Zip Code: 67410
E-mail: Greg.Huston1973@gmail.com

ENGINEER/ARCHITECT/SURVEYOR:

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

PROPERTY INFORMATION**PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):**1309 NW 3rd ST.**PROPERTY TAX IDENTIFICATION**NUMBER: Quick Reference A4586ZONING: Existing: C-3 Proposed: _____

LAND USE: Existing: _____ Proposed: _____

GROSS SIZE OF PLAT/LOT:Residential: _____ Commercial: X Industrial: _____ Other: _____ Total: 15470.
110x140**NUMBER OF LOTS:**Residential: _____ Commercial: 1 Industrial: _____ Other: _____ Total: _____**IMPROVEMENT CHARACTERISTICS:**Number of Buildings or Structures: 1 Total Building Area: 9000Maximum Height of Buildings or Structures: 11.5 ft 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 Signature3-4-21
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.

Kari Zook
Name

Planning & Zoning Administrator
Title

Kari Zook
Signature

3/5/21
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): 4/6/21

FEE AMOUNT: \$ 200.00 **DATE FEE PAID:** 3/5/21 - cash

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

*Kansas*

This database was last updated on 3/5/2021 at 12:24 AM

[Return to County Website](#) | [Log Out](#)**Parcel Details for 021-114-17-0-30-10-006.00-0 - Printer Friendly Version**

Owner Information	
Owner's Name (Primary):	KIDDCO, LLC
Mailing Address:	1650 Indy Rd Abilene, KS 67410
Property Address	
Address:	0 NW 3rd St Abilene, KS 67410
General Property Information	
Property Class:	Vacant Lots - V
Living Units:	
Zoning:	
Neighborhood:	133.5
Taxing Unit:	001
Deed Information	
Document #	Document Link
248-242	View Deed Information
246-10	View Deed Information



Staff Report

TO: Planning Commission
FROM: Kari Zook, Planning & Zoning Administrator
SUBJECT: PC 21-04-3 – Conditional Use Permit
DATE: April 6, 2021

APPLICANT:

Greg Huston – Kiddco, LLC, 1650 Indy Rd., Abilene, KS 67410
Application date received: 3/5/21
Property site address: 1309 NW 3rd St., Abilene, KS

BACKGROUND:

The applicant is requesting a Conditional Use Permit (CUP) to allow a mini storage facility within the C-3 commercial zoned district under Article 9, Section 9-301 of the zoning regulations:

ARTICLE 9. COMMERCIAL ZONED DISTRICTS (C-1:C-4)

TABLE 9-1

P = Indicates Permitted Uses C = Indicates Conditional Uses

USE	C-1	C-2	C-3	C-4
26. Mini-storage, self-storage.		C	C	C

The zoning of all neighboring properties is shown below:



The notice of public hearing was published in the Abilene Reflector Chronicle on March 12, 2021 and written notices were sent by mail on March 12, 2021 to property owners within 200 feet of the area proposed to be altered as required by Section 26-102 of the Zoning Regulations.

COMMENTS:

Departmental comments: There have been none received at this time.

Citizen comments: There have been none received at this time.

STAFF RECOMMENDATION:

Staff recommends approval of a conditional use permit for the mini storage unit to be allowed in the C-3 district under the following conditions:

1. The mini storage facility shall comply with all applicable building codes.

ACTION:

The Planning Commission may:

1. Approve the CUP with the findings and conditions as stated by staff
2. Approve the CUP with amendments to the findings and conditions submitted by staff
3. Deny the CUP with findings

All actions require stated findings by the Planning Commission. Motions may reference the findings and conditions as stated in the staff report and Section 26-110 of the zoning code (attached as reference).

NOTES:

Upon conclusion of the public hearing, there is a 14-day protest period in which a protest of the recommendation can be filed. The City Commission will review the application and issue a final approval/disapproval at the conclusion of this protest period during their next regularly scheduled meeting. 26-202: The City Commission, when approving a Conditional Use Permit, shall specify the period of time for which the permit is valid or shall state that the term of the permit is not limited in time.

26-110. Factors to be Considered in Permit Applications. The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines. The explanation of these factors, as set out in Section 26-108 for rezonings, shall also be considered in conditional use permit applications.

- a. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;
- b. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
- 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;
- d. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
- e. The length of time the subject property has remained vacant or undeveloped as zoned;
- f. Whether the applicant's property is suitable for the proposed conditional use;
- g. The recommendations of professional staff and advisors;
- h. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
- 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;
- j. For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with any adopted Solid Waste Management Plan of Dickinson County, and amendments thereto; and
- k. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.