

**CITY OF ABILENE
PLANNING COMMISSION
AGENDA**

March 1, 2022 at 4:00 p.m.
Abilene Public Library
209 NW 4th St. Abilene, KS 67410

Agenda Item
1. Call to Order
2. Roll Call: ___ Rod Boyd ___ Travis Sawyer ___ Helen Pugh ___ Matt Mead ___ Diana Miller ___ Brenda Finn-Bowers, Vice Chair ___ Bill Marshall, Chair
3. Approval of Agenda
4. Approval of the Meeting Minutes – February 1, 2022
Business
5. Introduction of new Planning Commissioners Matt Mead & Diana Miller
6. RHID/Highlands Development
7. Planning Commission Comments and Staff Updates
8. Adjournment

Abilene Planning Commission Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
February 1, 2022 at 4:00 p.m.



1. Call to Order by Chair Marshall

2. Roll Call – Planning Commissioners Present: Rod Boyd, Chair Bill Marshall, Travis Sawyer via Zoom, Helen Pugh

Absent: Vice Chair Brenda Finn-Bowers

Staff Present: Community Development Director Kari Zook

3. Approval of Agenda

Motion by Commissioner Boyd to approve the agenda, seconded by Commission Pugh. Motion carried unanimously 4-0.

4. Minutes

Motion by Commissioner Sawyer to approve the January 4, 2022 minutes, seconded by Commissioner Boyd. Motion carried unanimously 4-0.

Business

5. Introduction of new Planning Commissioner Helen Pugh

6. Planning Commission membership requirements

As stated in Section 25-101a of the city code, “All members of the Planning Commission shall be residents of the City.” Discussion was held regarding the option to amend our code to allow residents outside city limits within an urban area of influence or within the school district boundaries to serve on the Abilene Planning Commission. This item was tabled until additional information can be gathered.

7. Planning Commission Comments and Staff Updates

There are currently two vacancies on the Planning Commission.

8. Adjournment

Motion by Commissioner Boyd to adjourn, seconded by Commissioner Pugh. Motion carried unanimously 4-0.

Bill Marshall, Chair

Brenda Finn-Bowers, Vice Chair

ATTEST:

Kari Zook

Community Development Director

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF ABILENE KANSAS
HELD ON FEBRUARY 14, 2022**

The City Commission (the "Governing Body") met in regular session at the usual meeting place in the City at 4:00 p.m., the following members being present and participating, to-wit: Mayor Marshall, Vice-Mayor Witt, Commissioner Rein, Commissioner Miller and Commissioner Kollhoff.

Absent: None

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

There was presented a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (GOLDEN BELT HEIGHTS RURAL HOUSING INCENTIVE DISTRICT)

Commissioner Kollhoff moved that the Resolution be adopted. The motion was seconded by Commissioner Witt. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea: Kollhoff, Witt, Miller, Rein, Marshall.

Nay: None.

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 021422-1 and was signed by the Mayor and attested by the Clerk. The Clerk was directed to arrange for the publication of the Resolution one time in the official newspaper of the City not less than one week or more than two weeks preceding the date fixed for the public hearing.

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of the City of Abilene, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.




Clerk

RESOLUTION NO. 021422-1

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (GOLDEN BELT HEIGHTS RURAL HOUSING INCENTIVE DISTRICT)

WHEREAS, the Kansas Rural Housing Incentive District Act, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the State) with a population of less than 60,000 to designate rural housing incentive districts within such city; and

WHEREAS, the City of Abilene, Kansas (the “City”) has an estimated population under 60,000, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the governing body of the City (the “Governing Body”) has performed a Housing Needs Analysis dated May 2019 (the “Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, Resolution No. 101121-2 adopted by the Governing Body made certain findings relating to the need for financial incentives for the construction of quality housing within the City, declared it advisable to establish a rural housing incentive district pursuant to the Act and authorized the submission of such Resolution and the Analysis to the Kansas Department of Commerce in accordance with the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated December 1, 2021, authorized the City to proceed with the establishment of a rural housing incentive district pursuant to the Act; and

WHEREAS, the City has caused to be prepared a plan (the “Plan”) for the development or redevelopment of housing and public facilities in the proposed Golden Belt Heights Rural Housing Incentive District (the “District”) in accordance with the provisions of the Act; and

WHEREAS, the Plan includes:

1. The legal description and map required by K.S.A. 12-5244(a);
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;

6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;

7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows that the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the District.

WHEREAS, the Governing Body proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

THEREFORE BE IT RESOLVED by the Governing Body of the City of Abilene, Kansas as follows:

Section 1. Proposed Rural Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a rural housing incentive district. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Proposed Plan. The Governing Body hereby further declares its intent to adopt the Plan in substantially the form presented to the Governing Body on this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in *Exhibit D* attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in *Exhibit E* attached hereto.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on March 21, 2022 at the City Commission Meeting Room within the Abilene Public Library located at 209 NW Fourth Street, Abilene, Kansas 67410; the public hearing to commence at 5:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions;

1. A certified copy of this resolution shall be delivered to:
 - A. The Board of County Commissioners of Dickinson County, Kansas;
 - B. The Board of Education of Unified School District No. 435, Dickinson County, Kansas (Abilene); and
 - C. The Planning Commission of the City of Abilene, Kansas.

2. This Resolution, specifically including *Exhibits A* through *E* attached hereto, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.

3. This Resolution, including *Exhibits A* through *E* attached hereto, shall be available for inspection at the office of the clerk of the City at normal business hours. Members of the public are invited to review the plan and attend the public hearing on the date announced in this Resolution.

Section 5. Further Action. The Mayor, City Manager, City Clerk and the officials and employees of the City, including the City Attorney and Gilmore & Bell, P.C., are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

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ADOPTED by the Governing Body of the City of Abilene, Kansas on this 14th day of February, 2022.

(SEAL)

ATTEST:



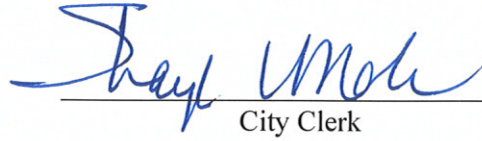
Jay Moh
City Clerk

W. Marshall
Mayor

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 021422-1 adopted by the Governing Body of the City on this 14th day of February, 2022 as the same appear of record in my office.

DATED: February 14, 2022



City Clerk



EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED GOLDEN BELT HEIGHTS RURAL HOUSING INCENTIVE DISTRICT

The following described real estate in the City of Abilene, Dickinson County, Kansas, together with public rights-of-way adjacent thereto:

Area 1 (East Highlands):

A parcel of land located in the West Half of Section 8, Township 13 South, Range 2 East of the 6th Principal Meridian in Dickinson County, Kansas, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 8; thence on an assumed bearing of N 00°00'00" E along the West line of said Southwest Quarter a distance of 668.20 feet to the Southwest Corner of the North Half of the Southwest Quarter of said Southwest Quarter, said point also being the POINT OF BEGINNING of the parcel to be described;

- thence continuing N 00°00'00" E along said West line a distance of 1021.58 feet to the South right-of-way line Interstate 70;
- thence N 90°00'00" E along said South right-of-way line distance of 30.00 feet;
- thence N 12°45'36" E along said South right-of-way line a distance of 947.27 feet;
- thence N 86°59'06" E along said South right-of-way line a distance of 956.79 feet;
- thence N 86°26'10" E along said South right-of-way line a distance of 141.67 feet;
- thence S 00°07'21" E along the East line, and extensions thereof, of the West Half of said Southwest Quarter a distance of 1996.85 feet to the Southeast Corner of said North Half of the Southwest Quarter of the Southwest Quarter;
- thence S 89°40'08" W along the South line of said North Half of the Southwest Quarter of the Southwest Quarter a distance of 1340.38 feet to the POINT OF BEGINNING;

Said parcel contains 57.53 acres, more or less, and is subject to easements, reservations and restrictions of record.

Area 2 (West Highlands):

A parcel of land located in the Southeast Quarter of Section 7, Township 13 South, Range 2 East of the 6th Principle Meridian in Dickinson County, Kansas, more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence on an assumed bearing N 00°00'00" E along the East line of said Southeast Quarter a distance of 668.02 feet to the Southeast Corner of the North Half of the Southeast Quarter of said Southeast Quarter, said point also being the POINT OF BEGINNING of the parcel to be described;

- thence S 89°39'57" W along the South line of said North Half of the Southeast Quarter of the Southeast Quarter a distance of 1322.73 feet to the Southwest corner of said North Half of the Southeast Quarter of the Southeast Quarter;
- thence N 00°04'09" W along the West line of said Southeast Quarter of the Southeast Quarter a distance 663.95 feet to the Southwest corner of the Northeast Quarter of said Southeast Quarter;

- thence continuing N 00°04'09" W along the West line of said Northeast Quarter of said Southeast Quarter a distance of 1266.69 feet to a point on the South right-of-way line of Interstate 70;
- thence N 87°48'43" E along said South right-of-way line a distance of 1205.56 feet;
- thence N 76°18'25" E along said South right-of-way line a distance of 83.57 feet;
- thence N 87°56'37" E along said South right-of-way line a distance of 39.18 feet to the Northeast corner of said Southeast Quarter;
- thence S 00°00'00" E along said East line of the Southeast Quarter a distance of 1990.14 feet to the POINT OF BEGINNING;

Said parcel contains 59.36 acres (112,596 square feet), more or less, and is subject to easements, reservations and restrictions of record.

MAP OF PROPOSED GOLDEN BELT HEIGHTS RURAL HOUSING INCENTIVE DISTRICT

[illegible]

[illegible]

EXHIBIT C

**NAMES AND ADDRESSES OF THE OWNERS OF RECORD
OF ALL REAL ESTATE PARCELS WITHIN THE PROPOSED
GOLDEN BELT HEIGHTS RURAL HOUSING INCENTIVE DISTRICT
AND THE EXISTING ASSESSED VALUATION OF SAID REAL ESTATE PARCELS
AND NAMES AND ADDRESSES OF THE DEVELOPERS**

Owner of Real Property:

City of Abilene, Kansas Land Bank
419 N. Broadway Ave.
P.O. Box 519
Abilene, Kansas 67410

Gary M. & Susan J. Longenecker
1707 Broadfoot Drive
Abilene, Kansas 67410

Larry S. Murray
1709 Broadfoot Drive
Abilene, Kansas 67410

Developer:

City of Abilene, Kansas Land Bank
419 N. Broadway Ave.
P.O. Box 519
Abilene, Kansas 67410

Existing Assessed Valuation of the District:

Land - \$1,610
Improvements - \$29,432

EXHIBIT D

DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES PROJECT OR PROJECTS THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE PROPOSED GOLDEN BELT HEIGHTS RURAL HOUSING INCENTIVE DISTRICT

Housing Facilities

The housing facilities will consist of constructing approximately 115 residences on standard residential lots, with a mix of single family homes and multi-family homes. Development is expected to be market-driven.

Public Facilities

Public facilities have previously been constructed to support the development, including water, sanitary sewer, storm water, streets, curbs, gutters, sidewalks, and other utilities. These infrastructure improvements were initially financed by special assessments levied pursuant to K.S.A. 12-6a01 et seq. (the "Benefit District Act"). Increment generated by the District is expected to be utilized for payment or reimbursement for prior payment of past, present, and future special assessments levied against property within the District pursuant to the Benefit District Act.

EXHIBIT E

SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER AND OF THE COMPREHENSIVE FEASIBILITY ANALYSIS

Contractual Assurances

The Governing Body of the City of Abilene has not received any contractual assurances from a developer regarding the proposed project. The Governing Body may consider an agreement with a third party regarding an anticipated project construction schedule, a description of services to be provided related to the District, and financial and administrative support from the City.

Feasibility Study

A comprehensive analysis was conducted to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue, would be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the property tax revenues that will be generated from the District, less existing property taxes, to determine the revenue stream available to support payment or reimbursement of all or a portion of the costs of financing the public infrastructure. The estimates indicate that the revenue realized from the project together with other sources of funds would be adequate to pay the eligible costs.