

**CITY OF ABILENE
PLANNING COMMISSION
AGENDA**

October 4, 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: ___ Bill Marshall, Chair ___ Brenda Finn-Bowers, Vice Chair ___ Rod Boyd ___ Matt Mead ___ Diana Miller ___ Helen Rose ___ Travis Sawyer
3. Approval of Agenda
4. Approval of the Meeting Minutes – September 7, 2022
Business 5. PC 22-10 Lot split request from Bill Guillian d/b/a Commercial Property Rentals, LLC, to subdivide 5.63 acres of frontage from Midwest Concrete Materials at 1101 N Portland St, Abilene, KS.
6. Planning Commission Comments and Staff Updates
7. Adjournment

Abilene Planning Commission Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
September 7, 2022 at 4:00 p.m.



1. Call to Order by Chair Marshall

2. Roll Call

Planning Commissioners Present: Chair Bill Marshall, Vice Chair Brenda Finn Bowers, Rod Boyd, Travis Sawyer, Diana Miller, Helen Rose

Absent: Matt Mead

Staff Present: City Manager Ron Marsh, Community Development Director Kari Zook, Administrative Assistant Kelsey Briand

3. Approval of Agenda

Motion by Boyd to approve the agenda, seconded by Sawyer. Motion carried unanimously 6-0.

4. Minutes

Motion by Sawyer to approve the July 6, 2022 minutes as written, seconded by Finn Bowers. Motion carried unanimously 6-0.

Business

5. Public hearing for a concurrent submission of a preliminary and final replat for Golden Belt Heights East housing development.

The staff report was presented to the commissioners regarding the changes that were made from the original plat of the East Highlands. The official name change to Golden Belt Heights East, block numbers shifting with the removal of the north end street labeled Highland Circle/Oakmont St., and a pocket park has been added to Tract B of Block 3. The public hearing was opened at 4:06 p.m. Comments and inquiries received from the public included the status update on a previously proposed roundabout on NW 14th St and Van Buren, beehive removal from the pumphouse located in Golden Belt Heights East, new housing pricing, fencing, and HOA covenants. The public hearing was closed at 4:13 p.m.

Commissioners and the City Manager made comments regarding whether the streets could be wider when new infrastructure is needed to move forward with lot sales and the RHID. There were also comments inquiring if there are any current agricultural land leases within the Golden Belt Heights housing developments. Motion by Finn Bowers to recommend approval of the final replat as presented, seconded by Boyd. Motion carried unanimously 6-0.

6. Planning Commission Comments and Staff Updates

There will be a Planning Commission meeting on October 4, 2022 with a Board of Zoning Appeals meeting immediately following. On the agendas will be a lot split and variance request.

Staff are working with two entities who will be applying for alley vacations in the near future.

The Golden Belt Heights West replat will be presented in the near future.

7. Adjournment

Motion by Finn Bowers to adjourn, seconded by Miller. Motion carried unanimously 6-0.

ATTEST:

Bill Marshall, Chair

Brenda Finn Bowers, Vice Chair

Kari Zook

Community Development Director

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: PC 22-10Date Received: 8/22/22Received By: VZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

MIDWEST CONCRETE MATERIALS INC wishes to sell to COMMERCIAL
 Property Rentals LLC 5.66+- acres to be developed as STORAGE YARD, PERMITTED US
 5.63 PRIMARILY BOAT: RV STORAGE

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Bill Guillian Tel: 602 390.4930
 Business Name: COMMERCIAL Property Rentals LLC Fax: (480) 830.3505
 Address: PO Box 1297
 City: GILBERT State: ARIZONA Zip Code: 85299
 E-mail: bguillian

PROPERTY OWNER (If Different from Applicant/Agent):

Name: MIDWEST CONCRETE MATERIALS INC Tel: 785 218.7451
 Business Name: _____ Fax: _____
 Address: PO Box 668
 City: MANHATTAN State: KANSAS Zip Code: 66505
 E-mail: Chris. Eichman@MidwestConcreteMaterials.com

ENGINEER/ARCHITECT/SURVEYOR:

Name: JEFF MILLS PE THAD REYNOLDS RLS Tel: 785.263.5523
 Business Name: SALES ENGINEERING AND INSPECTION Fax: _____
 Address: 111 N. AUGUSTUS
 City: MCDONALDSON State: KANSAS Zip Code: 67460
 E-mail: jeffmills@saleseng.com THADREYN@gmail.com

PROPERTY INFORMATION

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

1101 N. PORTLAND (14th & PORTLAND)

PROPERTY TAX IDENTIFICATION

NUMBER: 0211141802001001010

quick REF ID R4926

ZONING: Existing: COMMERCIAL / INDUSTRIAL Proposed: INDUSTRIAL

LAND USE: Existing: AGRICULTURAL Proposed: LARGE EQUIPMENT STORAGE

GROSS SIZE OF PLAT/LOT:

Residential: _____ Commercial: _____ Industrial: 5.66+
3 Other: _____ Total: 5.66+
3

NUMBER OF LOTS:

Residential: _____ Commercial: _____ Industrial: 1 Other: _____ Total: _____

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 1-3 phase I
Maximum Height of Buildings or Structures: 25'

Total Building Area: _____

Total Impervious Area: _____

EXISTING PUBLIC FACILITIES:

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

FLOODPLAIN INFORMATION:

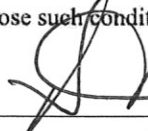
Floodway: ☐ Yes ☒ No FIRM Map-Panel Number: _____
Floodway Fringe: ☐ Yes ☒ No Zone: _____

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

8.22.2022
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 <u>MCM letter</u> | |

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): PC 10/4/22 BZA 10/4/22

FEE AMOUNT: \$200

DATE FEE PAID: 8/22/22

CHK# 3190

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.

Kari Zook

Name

Campero Director

Title

Kari Zook

Signature

8/22/22

Date

NOTE

- 1) Basis of Bearing: NAD83 Kansas North Zone.
- 2) Monuments found have an unknown origin unless otherwise noted.
- 3) Per "Kansas Minimum Standards for Boundary Surveys"; all easements evidenced by a record document which were provided at the time of this survey, were shown. No such documentation or title work were provided.
- 4) Found 5/8" bar in concrete 0.51' West and 0.06' North of true corner.

LEGAL DESCRIPTION

A parcel of land located in Lot 1, Block 1, Dunlap and Holt Addition, to the City of Abilene, Dickinson County, Kansas, more particularly described as follows by Thad C. Reynolds, L.S.#1354, on August 17, 2022:

Beginning at the Northwest corner of said Lot,
-thence N89°16'37"E along the North line of said Lot a distance of 486.46 feet;
-thence S00°30'57"E along the East line of said Lot a distance of 504.50 feet;
-thence S89°16'37"W a distance of 486.45 feet;
-thence N00°31'02"W along the West line of said Lot a distance of 504.50 feet to the Point of Beginning.

Said parcel contains 5.63 acres, more or less, and is subject to easements, reservations and restrictions of record.

SURVEYOR'S CERTIFICATE

I, the undersigned, a Registered Land Surveyor in the State of Kansas, do hereby certify that the above plat and description were performed under my supervision and are in conformance with Kansas "Minimum Standards for Boundary Surveys." This Survey does not certify ownership or the existence or location of unplatted easements.

Date of Survey: August 15, 2022



Thad C. Reynolds, L.S.#1354, _____ Date

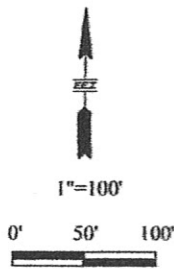
REVIEW SURVEYOR CERTIFICATE

State of Kansas)
County of Dickinson) SS

Reviewed in accordance with K.S.A. 58-2005 on this 22nd day of August A.D., 2022.

Richard D. Langley, L.S.#1332

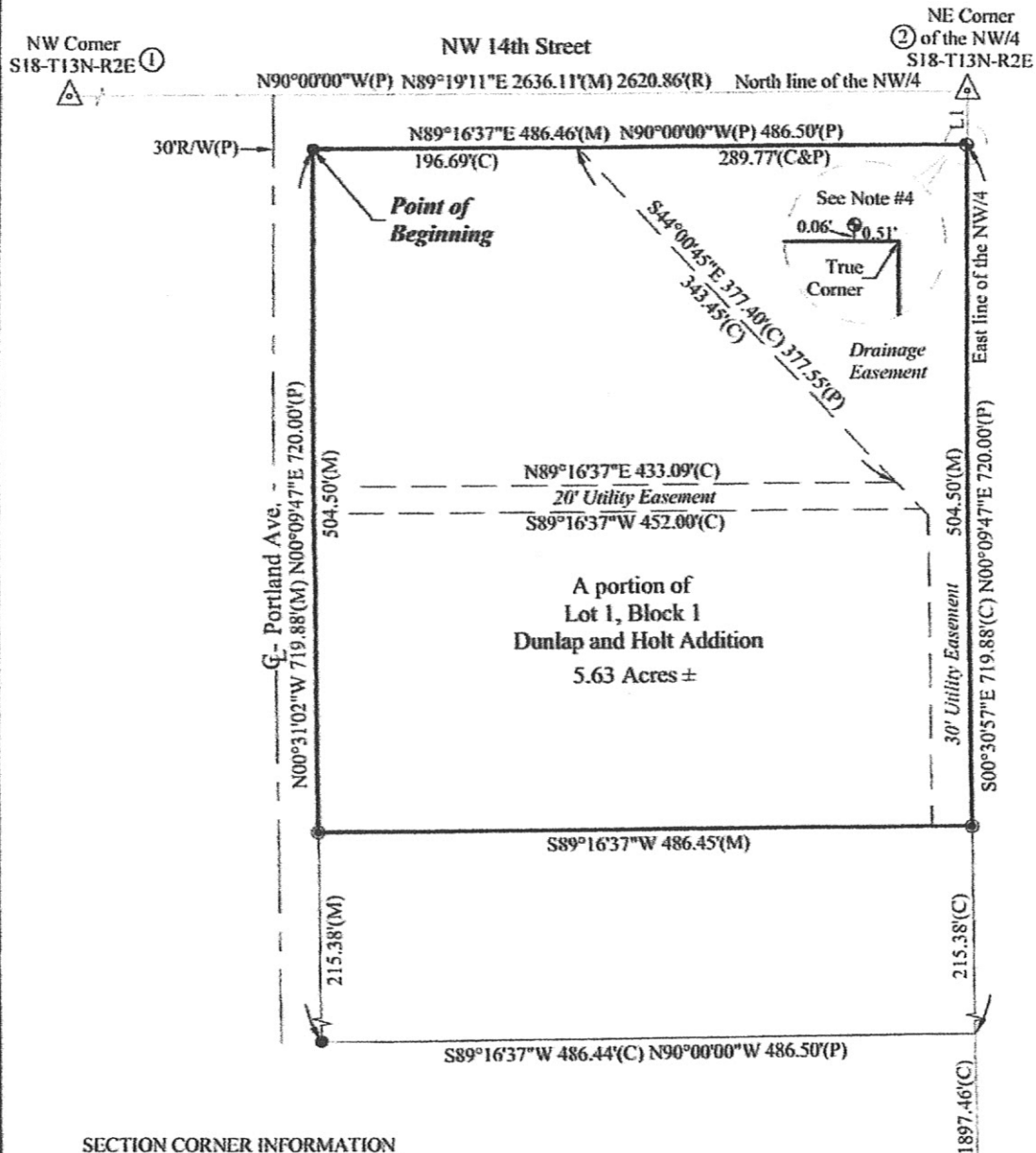
EARLES ENGINEERING & INSPECTION, INC.	
Engineers - Surveyors - Construction Inspectors	
116 N. Augustus St. McPherson, KS 67460 (785)309-1060	211 North Kansas Liberi, Kansas 67301 (620)626-8912 Email: earlesinc@earleseng.com
112 W. 4th St. Pittsburg, KS 66762 (620)308-5577	
TR	Certificate of Survey
JR	A parcel located in
TR	Lot 1, Block 1
8/17/2022	Dunlap and Holt Addition,
22-699	Abilene, Dickinson Co., KS
1 of 2	



LEGEND

- △ Section Corner
- Found 1/2" bar
- ⊕ Found 5/8" bar in concrete
- ⊙ Set 1/2"x24" Rebar w/ "EEI-1354" cap
- M Measured Distance
- C Calculated Distance
- P Platted Distance

LINE DATA		
	Bearing	Distance
L1	S00°30'57"E	40.00(P)



SECTION CORNER INFORMATION

- ① NW Corner of S18-T13S-R2E: Found Cotton Spindle
Ref. rpts by M. Schulte, L.S.#1548, filed 1/25/2017, T. Force, L.S.#811, filed 9/27/2001, D. Schmidt, L.S.#978, dated 12/1/1995, L. Osbourn, L.S.#800, filed 9/23/1987.
- ② NE Corner of the NW/4 of S18-T13S-R2E: Found Cotton Spindle
Ref. rpts by J. Loader, L.S.#1462, filed 11/12/2019, M. Schulte, L.S.#1548, filed 1/25/2017, T. Force, L.S.#811, filed 9/27/2001, D.Schmidt, L.S.#978, dated 11/16/1995, L. Osbourn, L.S.#800, filed 9/23/1987.
- ③ SE Corner of the NW/4 of S18-T13S-R2E: Found 5/8" bar
Ref. rpts by B. Delker, L.S.#1201, filed 12/28/2001 & 4/28/1999, D.Schmidt, L.S.#978, dated 1/24/1996, J. Young, L.S.#112, filed 3/6/1998.

EARLES ENGINEERING & INSPECTION, INC.	
Engineers - Surveyors - Construction Inspectors	
116 N. Augusta St. McPherson, Ks 67460 (785)309-1060	211 North Kansas Liberal, Kansas 67901 (620)626-8912 (620)308-5577 Email: earlesinc@earthlink.net
PREPARED BY: TR DRAWN BY: JR CHECKED BY: TR DATE: 8/17/2022 FILE NO: 22-699 SHEET OF: 2	Certificate of Survey A parcel located in Lot 1, Block 1 Dunlap and Holt Addition, Abilene, Dickinson Co., KS



www.MidwestConcreteMaterials.com

CORPORATE HEADQUARTERS

701 S 4th Street, PO Box 668, Manhattan, KS 66505-0668
785 776-8811 Toll Free 800 813-5195 fax 785 776-1816

8/17/2022

Kari Zook
Planning & Zoning Administrator
Abilene City Hall
419 N. Broadway Street
Abilene, KS 67410

RE: I-2 Permitted Use 28 "Storage Yard" with Alternative Dust Free Surfacing

Dear Kari,

Midwest Concrete Materials, Inc. currently owns the property and has a business that is adjacent to the property that Commercial Property Rentals, LLC is applying for a zoning change to I-2 Permitted Use 28 "Storage Yard" with Alternative Dust Free Surfacing using 2" rock, recycled crushed concrete or recycled crushed asphalt. We have no objection to this zoning use and/or variance request for alternative surfacing.

Midwest Concrete Materials, Inc. currently owns the property that is the proposed lot split with Commercial Property Rentals, LLC. We have no objection to the proposed lot split.

Sincerely,

A handwritten signature in blue ink that reads "Chris E." with a stylized flourish at the end.

Christopher J. Eichman
Vice President
Midwest Concrete Materials, Inc.

4TH GENERATION FAMILY OWNED AND OPERATED SINCE 1927

Numerical Index—Dickinson County, Kansas

LOCKWOOD CO., INC., ATCHISON, KANSAS 40881-5-98

LEGAL DESCRIPTION

LOTS 1, 2, ~~3~~, ~~4~~ AND ~~5~~, BLOCK 1, ~~DUNLAP AND HOLT~~ ADDITION TO THE CITY OF ABILENE

TOWNSHIP NAME — CITY — SUBDIVISION

SECTION OR
LOT

TWP.

RANGE OR
BLOCK

TOTAL NO. ACRES

DUNLAP AND HOLT ADDITION

1, 2, ~~3~~, ~~4~~ AND ~~5~~

1

GRANTOR

GRANTEE

NATURE OF
INSTRUMENT

DATE OF INSTRUMENT

Consideration or Stamps

DATE FILED

RECORDED

DAY

MONTH

YEAR

\$

¢

DAY

MONTH

YEAR

VOL.

PAGE

NORTHWOOD, INC.

H & P, INC.

DEED

1 JULY 1998 \$1.00 15 JULY 1998 223 357

H & P, Inc., d/b/a Abilene Concrete Supply

(North 10' of Lot 1, Block 1)
Western Resources, Inc.

Grant of
Right-of-
Way

31 Dec. 1998 \$1.00 5 Jan. 1999 240 784

H & P, Inc., d/b/a Abilene Concrete Supply

(North 15' of Lot 1, Block 1)
ONEOK, Inc., d/b/a
Kansas Gas Service

Grant of
Right-of-
Way

18 Feb. 1999 \$1.00 5 March 1999 241 323

H & P Inc.

First National Bank

Mtg.

28 May 1999 \$400,000.00 16 June 1999 221 925

Pinnacle Bank

(Lot 4) (221-925)

Partial
Rel. Mtg.

09 Oct. 2009 09 Oct. 2009 273 949

Pinnacle Bank

(Lots 1-4 Blk 1) (221-925)
H & P Inc.

Rel. Mtg.

29 Jan. 2014 \$400,000.00 13 Feb. 2014 289 445

Lockwood Unit System

Prepared by THE DICKINSON COUNTY TITLE CO., 315 Broadway, Abilene, Kansas 67410
WARRANTY DEED (following Kansas Statutory form)

STATE OF KANSAS,)
DICKINSON COUNTY,) ss: 002564

NW 418-13-2
AB00174 114-18-0-20-01-001-01
BK8

This instrument was filed for record on the
15 day of July, A.D., 1998.
at 12⁵² o'clock P M., and duly recorded in
book 223 of Deeds
at Page 357

Entered in Transfer Record
in my office this 16 day of

July, A.D. 1998

Sanford K. Emig
Co. Clerk

By Martha Kelling Dep.
Deputy Co. Clerk

Lynda Jones
Register of Deeds

Deputy

NORTHWOOD, INC., a Kansas Corporation,

CONVEYS AND WARRANTS TO

H & P, INC., a Kansas Corporation,

all the following described REAL ESTATE in the County of Dickinson and the State of Kansas, to-wit:

BLOCK 1
Lots One (1), Two (2), Three (3), Four (4) and Five (5), in the Dunlap
and Holt Addition to the City of Abilene, Dickinson County, Kansas.

for the sum of One Dollar (\$1.00) and other valuable consideration.

Subject to easements, reservations, restrictions and covenants if any, now of record.

DATED this 1st. day of July, 1998.

NORTHWOOD, INC.,

By John W. Dunlap, President

By Michael A. Holt
Michael A. Holt
Vice President

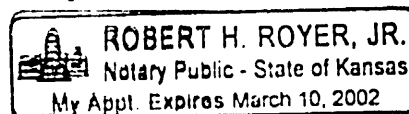
MICROFILM
THIS
REGISTER OF DEEDS
DICKINSON COUNTY

State of Kansas, County of Dickinson, SS:

The foregoing instrument was acknowledged before me this 15th day of July, 1998 by John W. Dunlap and Michael A. Holt, President and Vice President respectively of NORTHWOOD, INC., on behalf of said corporation.

Notary Public

My appointment expires:



Staff Report

TO: Planning Commission/Board of Zoning Appeals
FROM: Kari Zook, Community Development Director
SUBJECT: PC/BZA 22-10 – Lot split/Variance
DATE: October 4, 2022



APPLICANT:

Bill Guillian d/b/a Commercial Property Rentals, LLC
Application date received 8/22/22

OWNER:

H & P, Inc d/b/a Abilene Concrete Supply (Midwest Concrete Materials)
Site address: 1101 N Portland St., Abilene, KS

BACKGROUND:

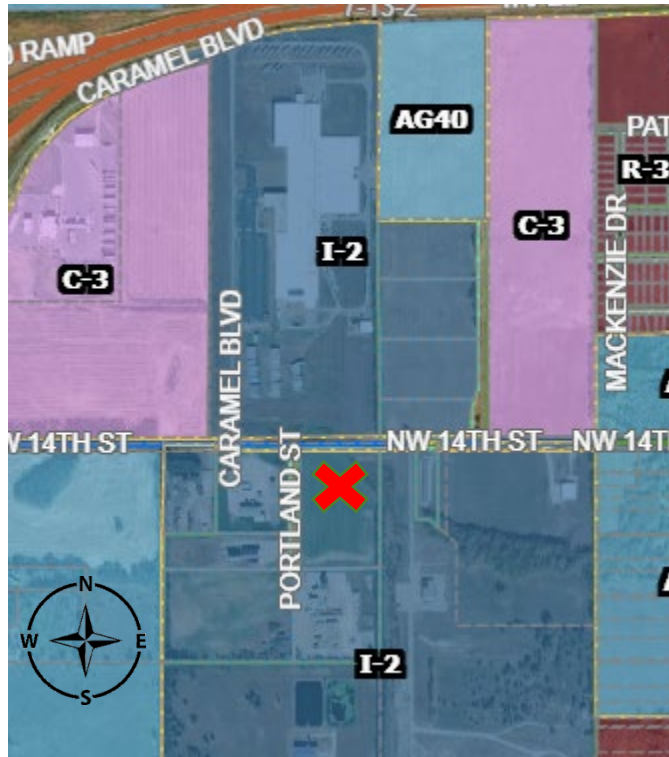
Planning Commission: The applicant is requesting an approval for a lot split of 5.63 acres of frontage on NW 14th St. from Midwest Concrete Materials. A letter from the owner with the approval and intent to sell a portion of their property is attached in the agenda packet. The land survey is also attached as reference and will be submitted to the Dickinson County Register of Deeds upon approval along with the lot split certificate.

Board of Zoning Appeals: The applicant is requesting a variance from the surfacing requirements set forth in Article 22, Section 22-305 as stated: Surfacing. All off-street parking facilities, loading areas, vehicular storage areas and drives and access to and from such areas shall be surfaced and maintained with four (4) inches of asphalt, or concrete to create a permanent all-weather, dust-free surface. Such paving must be completed prior to occupancy of the facility that the paving is intended to serve, unless temporary occupancy approval is received from the Zoning Administrator.

Section 22-602: Alternate surface. The Board of Zoning Appeals, after due public notice and hearing, may grant a variance to the surfacing materials required in this article.

The applicant will install access drive off of Portland St. and paved per city standards. The remainder of the surfacing in the intended RV & Boat Storage facility will be comprised of recycled crushed concrete and recycled crushed asphalt. Upon approval of both the lot split and the variance, the applicant will submit a building permit with site plans and all studies required by city development standards.

The written notices of the Planning Commission meeting and the public hearing for the Board of Zoning Appeals were sent by mail on September 9, 2022 to property owners within 1,000 feet of the site address as required by Article 3, Section 3-201 of the Subdivision Regulations and Article 25, Section 25-701 of the Zoning Regulations. The notice of public hearing was published in the Abilene Reflector Chronicle on September 9, 2022.



Direction	Zoning Classification	Land Use(s)
North	I-2 (Heavy Industrial)	Russell Stover/City of Abilene vacant industrial lots
East	I-2 (Heavy Industrial)	Great Plains Manufacturing entrance/Mini storage units
South	I-2 (Heavy Industrial)	Midwest Concrete Materials
West	I-2 (Heavy Industrial)	Robson Oil Company/Chisholm Trail Seed

COMMENTS:

Departmental comments: None

Citizen comments: None

STAFF RECOMMENDATION:

Staff recommends approval of the lot split and variance request.

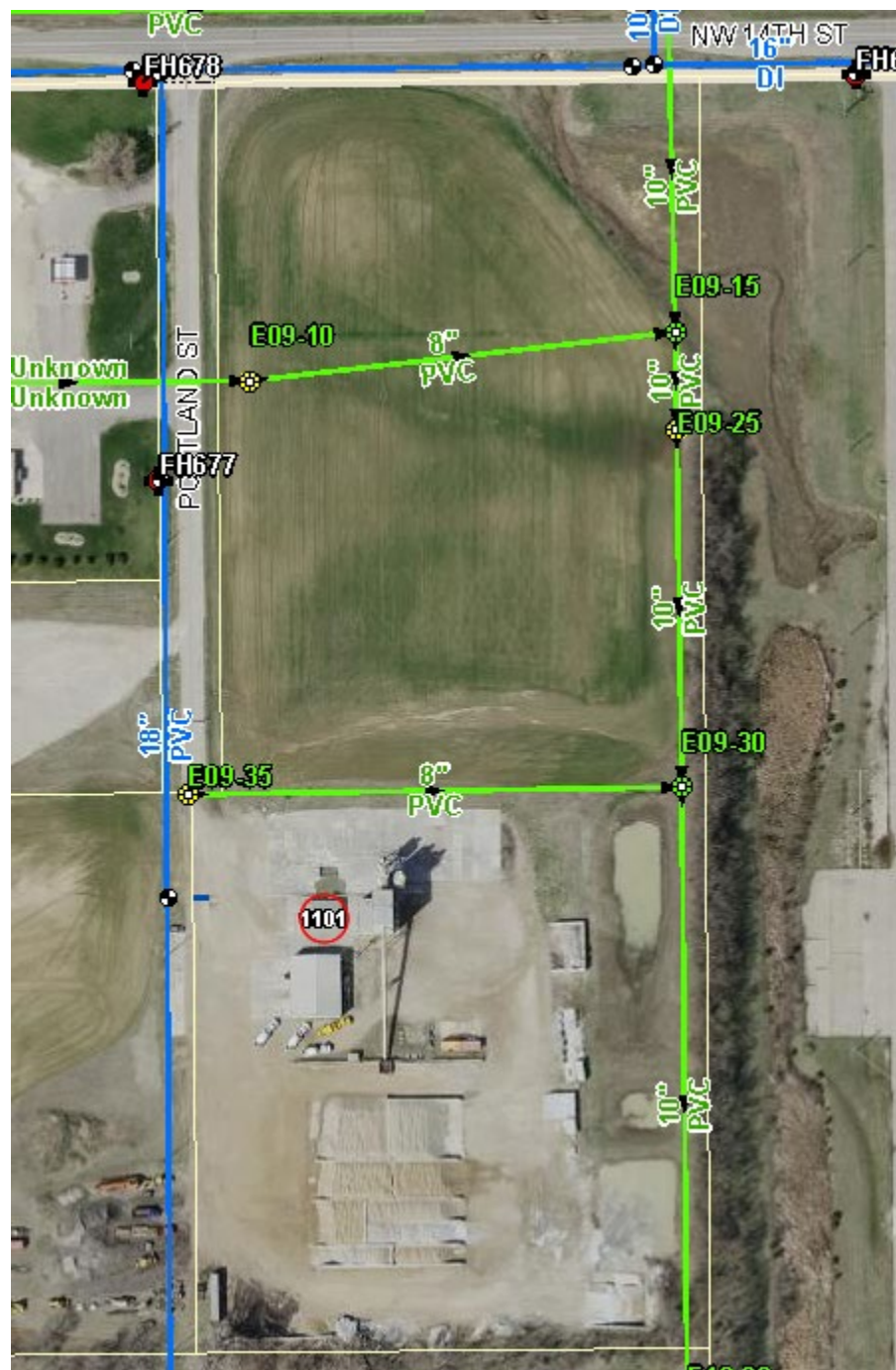
ACTION:

The Planning Commission/Board of Zoning Appeals may:

1. Approve the lot split/variance as requested.
2. Approve the lot split/variance with amendments.
3. Disapprove the lot split/variance with findings.

NOTES:

Upon conclusion of the hearing, the board will render a decision on the request. If a person is aggrieved by the decision, they may appeal the decision to the Dickinson County District Court within 30 days.



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 October 2022.

Bill Marshall
Chairman of the Abilene Planning Commission

ATTEST:

Kari Zook
Community Development Director

STATE OF KANSAS, COUNTY OF DICKINSON, ss:

This instrument was acknowledged before me on October 4, 2022, by Bill Marshall, as Chairman of the Abilene Planning Commission, and Kari Zook, as Community Development Director, of the City of Abilene, Kansas.

My appointment expires:

Notary Public

Printed Name

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS, COUNTY OF DICKINSON, ss:

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

Register of Deeds

Filing Fee of \$_____ Paid.