

**CITY OF ABILENE
PLANNING COMMISSION
AGENDA**

January 4, 2023 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 – October 4, 2022
Business 5. Annual election of Chair and Vice Chair 6. Public Hearing for PC 23-1 , a request from St. Andrew's Church & School to approve an alley vacation directly west of the elementary school located at 311 S. Buckeye Ave and legally described in the attached land survey. *Staff report and recommendation *Open Public Hearing *Applicant/Public Comments *Close Public Hearing *Commission Discussion & Action 7. Comprehensive Plan 2023
8. Planning Commission Comments and Staff Updates
9. Adjournment

Abilene Planning Commission Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
October 4, 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, Helen Rose, Matt Mead

Absent: Travis Sawyer, Diana Miller

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

3. Approval of Agenda

Motion by Finn Bowers to approve the agenda, seconded by Rose. Motion carried unanimously 5-0.

4. Minutes

Motion by Mead to approve the September 7, 2022 minutes as written, seconded by Boyd. Motion carried unanimously 5-0.

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.

Motion by Boyd to approve the lot split request, seconded by Finn Bowers. Motion carried unanimously 5-0.

6. Planning Commission Comments and Staff Updates

There will be a Board of Zoning Appeals meeting for a variance request on November 1, 2022.

There are three commissioners whose terms will expire in January 2023: Marshall, Boyd, Miller

City Manager Marsh gave a brief update on the 2023 Comprehensive Plan timeline. This document is a planning tool for the City of Abilene and the Planning Commission will be heavily involved with the process.

The Request For Proposal (RFP) will be sent out the first week of November with interviews being conducted in December.

7. Adjournment

Motion by Mead to adjourn, seconded by Boyd. Motion carried unanimously 5-0.

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 23-1

Date Received: 11/22/22

Received By: K2

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

East/West Alleyway vacated according to agreement reached
during 8/19/22 meeting at City Hall.

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: St. Andrew Catholic Church & School Tel: 263-1570
Business Name: " Fax: 263-3570
Address: 311 S. Buckeye Ave.
City: Abilene State: KS Zip Code: 67410
E-mail: officead@sacabilene.com

ENGINEER/ARCHITECT/SURVEYOR:

Name: Kaw Valley Engineering Tel: 785-823-3400
Business Name: Atten Loren Reiter Fax: _____
Address: 742 Duvall Ave
City: Salina State: KS Zip Code: 67401
E-mail: reiter@kv-eng.com

PROPERTY INFORMATION

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

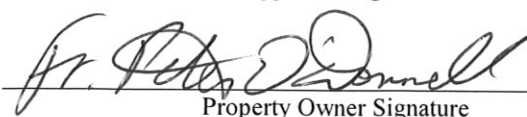
Zone: _____

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

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>utility easement access agreement - rec'd 12/21/22</u> | |

Additional document requirements provided to applicant on 11/22/22. 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

CO Director
Title

Kari Zook
Signature

11/22/22
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): Wednesday, January 4, 2023

FEE AMOUNT: \$ 200.00 chk #8253 **DATE FEE PAID:** 11/22/22

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

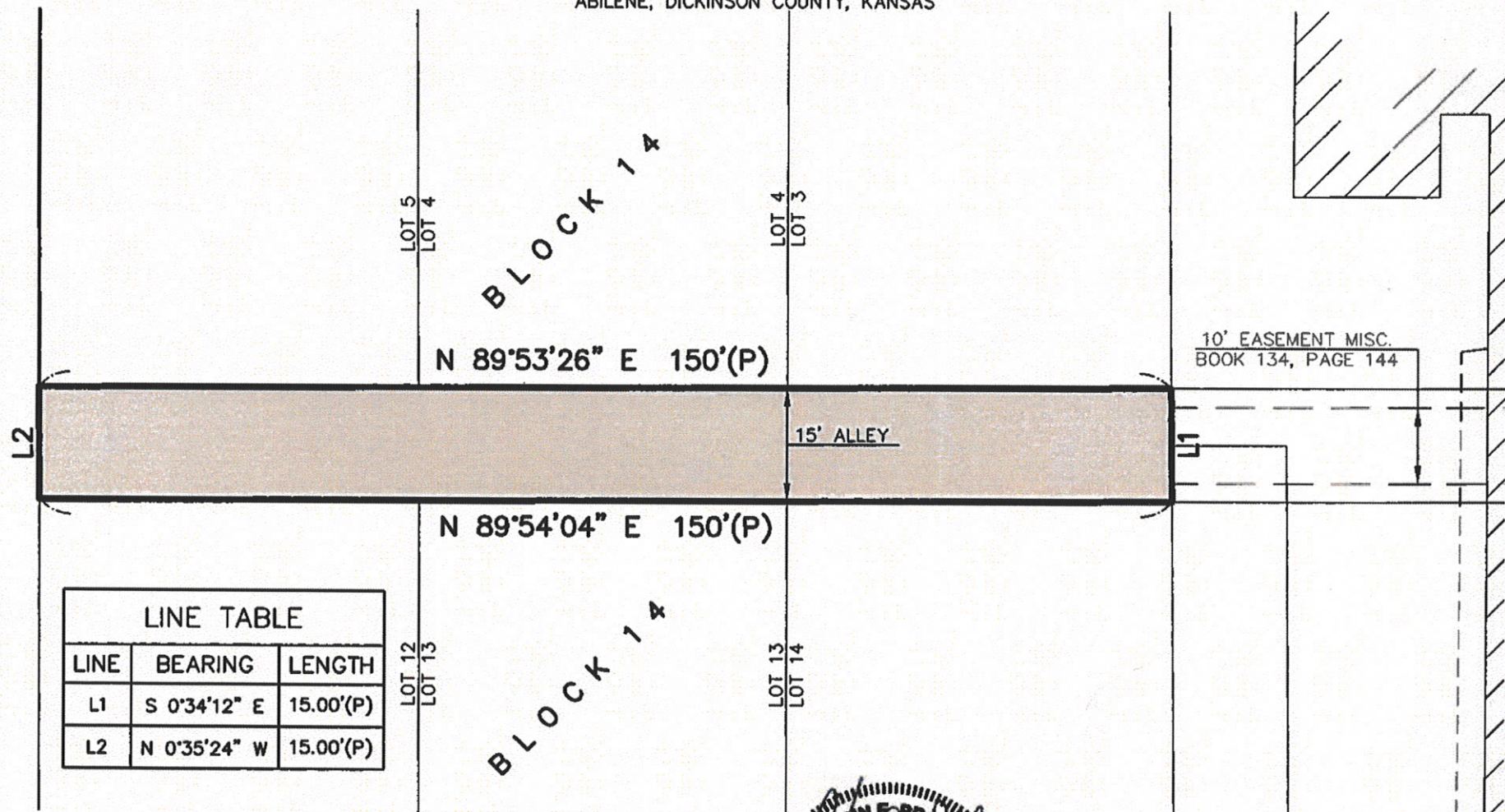
CO Director
Title

Kari Zook
Signature

12/21/22
Date

EXHIBIT B

A PORTION OF BLOCK 14, PLAT OF ORIGINAL TOWN ABILENE
ABILENE, DICKINSON COUNTY, KANSAS



LINE TABLE

LINE	BEARING	LENGTH
L1	S 0°34'12" E	15.00'(P)
L2	N 0°35'24" W	15.00'(P)



KAW VALLEY ENGINEERING

742 DUVALL AVENUE
SALINA, KANSAS 67401
PH. (785) 823-3400 | FAX (785) 823-3411
sa@kveng.com | www.kveng.com



SCALE: 1" = 20'

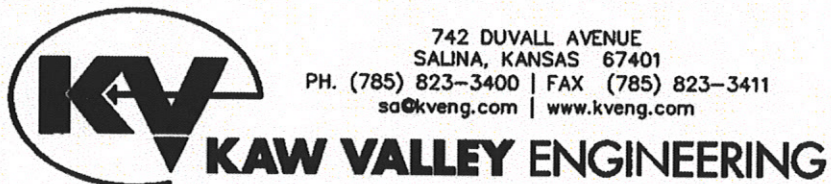
SEPTEMBER 26, 2022
3068EXB HLB 2 OF 2

EXHIBIT A

A PORTION OF BLOCK 14, PLAT OF ORIGINAL TOWN ABILENE
ABILENE, DICKINSON COUNTY, KANSAS

ALLEY DESCRIPTION:

THAT PORTION OF THE 15 FOOT ALLEY LOCATED BETWEEN LOTS 3, 4, 5, 12, 13, AND 14, BLOCK 14, ORIGINAL TOWN ABILENE, COUNTY OF DICKINSON, STATE OF KANSAS.



SEPTEMBER 26, 2022
3068EXB HLB 1 OF 2

PERMANENT UTILITY
EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the Roman Catholic Diocese of Salina, Kansas, hereinafter called Grantor, in consideration of one dollar (\$1.00) and other valuable consideration paid by The City of Abilene, Kansas, a municipal corporation, hereinafter called the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to the City, its successors, assigns, and authorized franchisees, a perpetual easement with the right to erect, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove underground utility lines and/or pipelines and appurtenances thereto over and across the following land owned by Grantor in Dickinson County, State of Kansas:

That portion of the Fifteen (15) foot alley located between Lots 3, 4, 5, 12, 13 and 14, Block 14, Original Town Abilene, County of Dickinson, State of Kansas.

Together with the right of ingress and egress over Grantor's premises for the purposes for which the above-mentioned rights are granted. The consideration recited herein shall constitute payment in full for all damages sustained by Grantor by reason of the installation of the structures referred to herein and the Grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damages will result from its use of Grantor's premises; provided, however, that the easement shall not affect Grantor's obligation to maintain the real estate.

This Agreement, together with other provisions of this grant, shall constitute a covenant running with the land for the benefit of the Grantee, its successors, assigns, and authorized franchisees. The Grantor covenants that it is the owner of the above-described lands and that said lands are free and clear of all encumbrances and liens.

IN WITNESS WHEREOF the Grantor has executed this instrument this ____ day of December, 2022 .

ROMAN CATHOLIC DIOCESE OF
SALINA
BY:

STATE OF KANSAS, COUNTY OF DICKINSON, ss:

BE IT REMEMBERED, That on this ____ day of December, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, who is personally known to me to be the same person who executed the within instrument of writing on behalf of said Diocese, and such person duly acknowledged the execution of the same.

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

Notary Public
My term expires: _____

Staff Report

TO: Planning Commission
FROM: Kari Zook, Community Development Director
SUBJECT: PC 23-1, St. Andrew's Alley Vacation Request
DATE: January 4, 2023



APPLICANT/OWNER:

Roman Catholic Church – St. Andrew's 311 S. Buckeye Ave Abilene, KS 67410

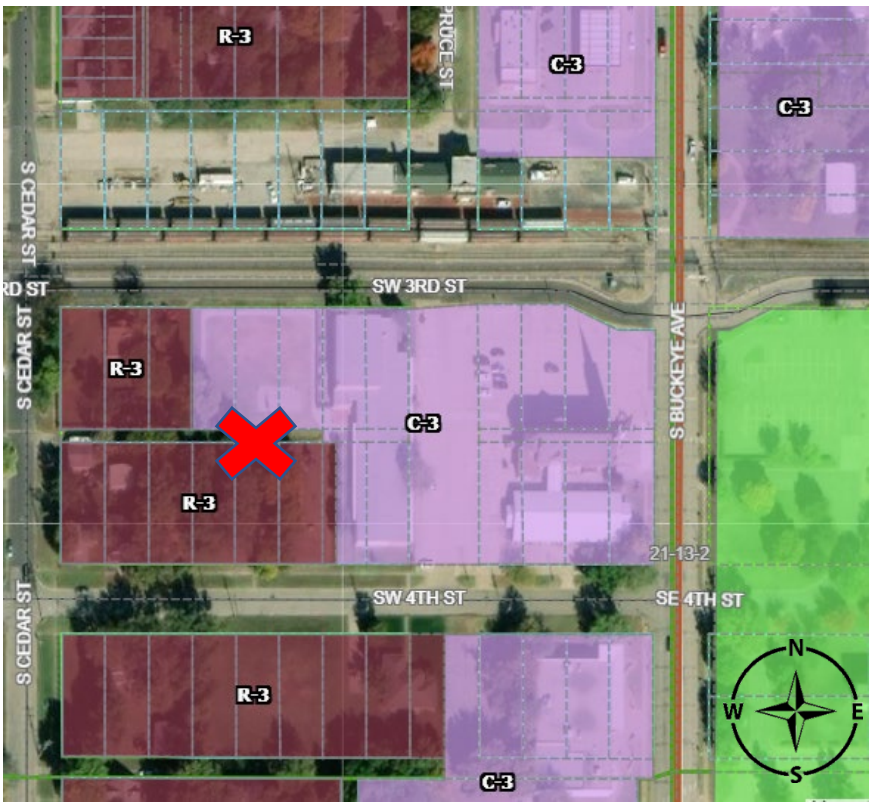
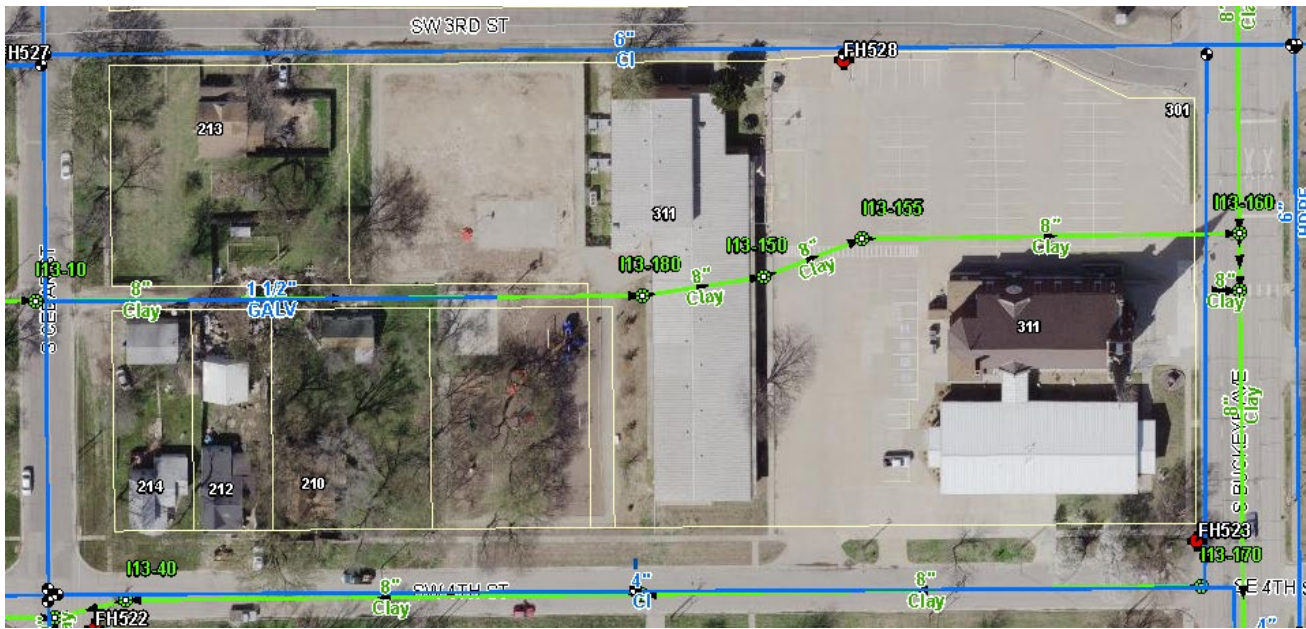
Application date received 11/22/22; received utility easement agreement from Mark Guilfoyle 12/21/22

BACKGROUND:

- A development review team meeting was held on August 19, 2022 with city staff and representatives from St. Andrew's regarding the request. The school will soon have an expansion project and multiple lots have been recently acquired (lots 10, 11 and 12 shown in the map below). Lot 15 was recently deeded to St. Andrew's from the City of Abilene. The area outlined in red below is the area of the requested alley vacation.



- An agreement to retain a utility easement within the vacated alley was requested by Public Works staff. The proposed alley vacation area will be fenced off for the school playground and there are utilities within that vicinity (shown in the map on the following page). The agreement was received on 12/21/22 and is attached for reference. Our city code states the following in Article 20, Section 20-9 of the zoning regulations: *20-901b: A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.*



Direction	Zoning Classification	Land Use(s)
North	C-3/R-3	Railroad/Casey's/High Density Residential
East	Public	Eisenhower Center
South	C-3/R-3	Greyhound Hall of Fame/High Density Residential
West	R-3	Parish-owned lots/High Density Residential

The notice of public hearing was published in the Abilene Reflector Chronicle on December 12, 2022, and written notices were sent by mail on December 12, 2022, to property owners within 200 feet of the site address as required by Chapter 6, Article 4, Section 6-403 of the city code and K.S.A. 12-504.

COMMENTS:

Departmental comments: None

Citizen comments: None

STAFF RECOMMENDATION:

Staff recommends approval of the alley vacation request.

ACTION:

The Planning Commission may:

1. Recommend approval of the alley vacation as requested.
2. Recommend approval of the alley vacation with amendments.
3. Recommend disapproval of the alley vacation with findings.

NOTES:

Upon conclusion of the public hearing, the Planning Commission will render a recommendation to the City Commission for final approval.