

**CITY OF ABILENE
PLANNING COMMISSION
AGENDA**

March 7, 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: ___ Travis Sawyer, Chair ___ Bill Marshall, Vice Chair ___ Rod Boyd ___ Matt Mead ___ Helen Rose ___ Brenda Finn Bowers ___ Eric Anderson
3. Approval of Agenda
4. Approval of the Meeting Minutes – February 7, 2023
Business 5. Introduction of new Planning Commissioner, Eric Anderson 6. Public Hearing for PC 23-3 , a conditional use permit request from Holt Motors, LLC, to allow a motor vehicle repair and body shop at 209 Texas St. *Staff report and recommendation *Open Public Hearing *Applicant/Public Comments *Close Public Hearing *Commission Discussion & Action 7. Comprehensive Plan – Foster Design Associates
8. Planning Commission Comments and Staff Updates
9. Adjournment

Abilene Planning Commission Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
February 7, 2023 at 4:00 p.m.



1. Call to Order by Chair Sawyer at 4:00 p.m.

2. Roll Call

Planning Commissioners Present: Chair Travis Sawyer, Vice Chair Bill Marshall, Rod Boyd (arrived after the approval of minutes), Helen Rose, Matt Mead, Brenda Finn Bowers

Absent: None

Staff Present: Community Development Director Kari Zook, Administrative Assistant Kellie Olson

Public Present: Anthony Miller, Brian Malcolm

3. Approval of Agenda

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

4. Minutes

Motion by Mead to approve the January 4, 2023 minutes as written, seconded by Rose. Motion carried unanimously 5-0.

Business

5. Public hearing for PC 23-2, a conditional use permit request from Rittel's Western Wear, LLC, to approve an electronic message center sign at 1810 N Buckeye Ave.

The staff report and recommendation were discussed. Chair Sawyer opened the public hearing at 4:06 p.m. Representatives from the sign contractor were present to answer questions. No public was in attendance; thus, no comments were received. Chair Sawyer closed the public hearing at 4:10 p.m.

Motion by Marshall to recommend approval of the conditional use permit request, seconded by Boyd. Motion carried unanimously 6-0. This recommendation will be forwarded to the City Commission for final approval. The study session will be held on February 20, 2023, at 4:00 p.m. The commission meeting will be held on February 27, 2023, at 4:00 p.m.

6. Planning Commission Comments and Staff Updates

Matt Mead will represent the Planning Commission on the Comprehensive Plan Steering Committee.

There will be a conditional use permit request and public hearing at the next meeting on March 7, 2023.

There is currently one vacancy on the Planning Commission.

Kellie Olson has joined the City of Abilene as an Administrative Assistant.

7. Adjournment

Motion by Finn Bowers to adjourn at 4:16 p.m., seconded by Boyd. Motion carried unanimously 6-0.

ATTEST:

Travis Sawyer, Chair

Kari Zook
Community Development Director



DEVELOPMENT APPROVAL APPLICATION

419 N. Broadway PO Box 519 · Abilene, KS 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 | ☐ REPLAT |
| ☐ VARIANCE | ☐ PRELIMINARY PLAT |
| ☐ COMPREHENSIVE PLAN AMENDMENT | ☐ FINAL PLAT |
| ☒ CONDITIONAL USE PERMIT | ☐ REZONING |
| ☐ DEVELOPMENT CODE AMENDMENT | ☐ VACATION (PLAT, STREET, EASEMENT) |

FOR OFFICIAL USE ONLY

App Number: PC 23-3
Date Received: 1/24/23
Received By: K2

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

motor vehicle repair

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Fred Lewis Tel: 785 263-1561
Business Name: Holt Motors LLC Fax: ()
Address: 321 N Spruce St
City: Abilene State: Kansas Zip Code: 67410
E-mail: holtmotorsLLC@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: _____ Tel: ()
Business Name: _____ Fax: ()
Address: _____
City: _____ State: _____ Zip Code: _____
E-mail: _____

PROPERTY INFORMATION

PROPERTY ADDRESS: 209 Texas St Abilene, Kansas 67410

PARCEL ID: 1151603041003000

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.

Fred J. Geln
Applicant Signature

1.24.23
Date

Property Owner Signature

Date

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

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

Additional document requirements provided to applicant on _____. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

Name

Title

Signature

Date

*** Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.*

APPLICATION REVIEW

DECISION-MAKING BODY: ☐ Staff ☒ Planning Commission
☒ City Commission ☐ Board of Zoning Appeals

DATE OF INITIAL HEARING(S): PC 3/7/23

FEE AMOUNT: \$250 **DATE FEE PAID:** 1/24/23 chk # 4000

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.

Carizook
Name

Com Dev Director
Title

Carizook
Signature

1/24/23
Date

SLB



Entered in transfer record in my office
this 9 day of December A.D. 22
Jedane Livingston Co. Clerk
Katelyn Messer Deputy Co. Clerk



STATE OF KANSAS, DICKINSON COUNTY
Rose Johns, Register of Deeds

Book: D270 Page: 168-169

Receipt #: 285567

Pages Recorded: 2

Cashier Initials: RECORD

Date Recorded: 12/9/2022 3:13:59 PM

Recording Fee: \$38.00

MAIL TO:
Holt Motors, LLC
321 N Spruce
Abilene, KS 67410

SPECIAL WARRANTY DEED

This Indenture, made this 8th day of December, 2022 by and between CT Property, LLC, a Kansas limited liability company, ("Grantor") and Holt Motors, LLC, ("Grantee"), Grantee Mailing Address: 321 N Spruce, Abilene, KS 67410.

WITNESSETH, That Grantor, in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, to us duly paid, the receipt of which is hereby acknowledged, does by these presents, Sell and Convey unto the Grantee, the Grantee's survivors, successors and assigns, all of the Grantor's interest in the following described lot, tract, or parcel of the land, lying, being and situated in the County of Dickinson and State of Kansas, to wit:

The North 60.0 feet of the West Half of Lot 15, the North 60.0 feet of Lot 17, all of Lot 19, and the East 20.0 feet of Lot 21, on First Street, Thompson and McCoy's Addition to the City of Abilene, Dickinson County, Kansas.

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

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. And Grantor for Grantor and for Grantor's survivors, successors and assigns does hereby covenant, promise and agree to and with Grantee, that at the delivery of these presents, said interest in said premises is free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments, and encumbrances, of what nature or kind whatsoever, by, through, or under Grantor except as herein above stated and except for the lien of the taxes both general and special not now due and payable and Grantor will warrant and forever defend said interest unto the Grantee's survivors, successors and assigns, against Grantor, Grantor's survivors, successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under the Grantor.

IN WITNESS WHEREOF, The Grantor has hereunto set their hands, the day and year first above written.

File No.: 3007009



Security 1st Title



Staff Report

TO: Planning Commission
FROM: Kari Zook, Community Development Director
SUBJECT: PC 23-3 - Holt Motors, LLC CUP – 209 Texas St
DATE: March 7, 2023

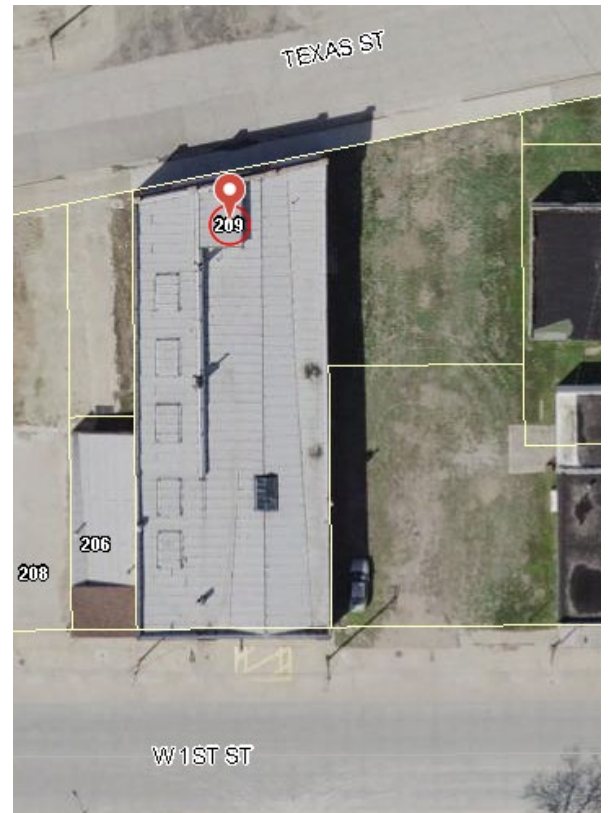
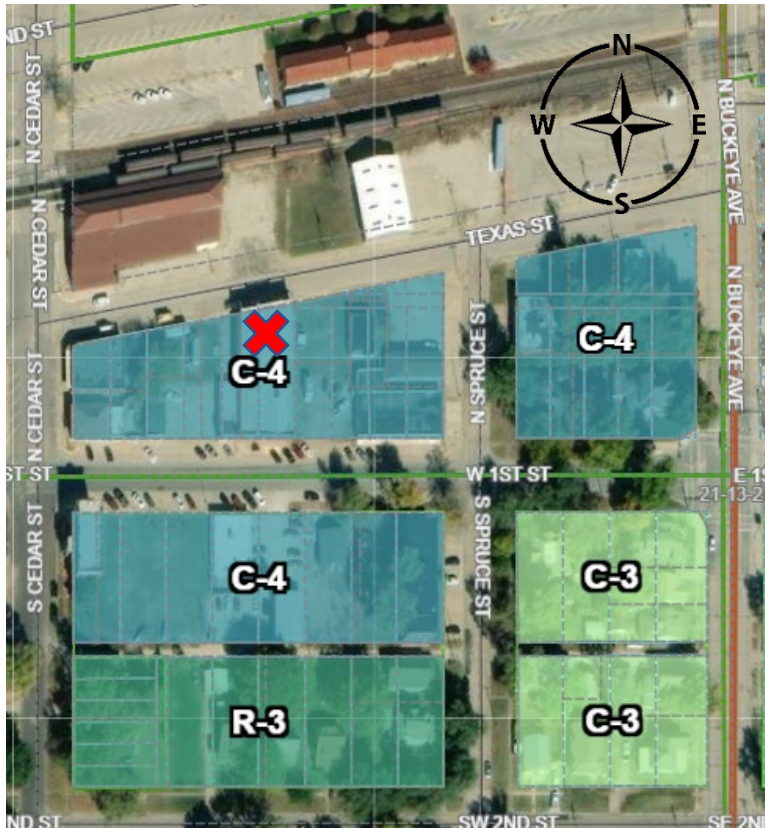


APPLICANT/OWNER:

Holt Motors, LLC – Fred Lewis
321 N Spruce St Abilene, KS 67410
Application date received: 1/24/23

BACKGROUND:

- The parcel located at 209 Texas St. is zoned C-4, Central Business District. According to our zoning regulations Article 9, Section 9-301, Table 9-1, it indicates that “Motor vehicle repair and body shops, provided all work shall be performed and all materials shall be stored within an enclosed building” as a permitted use with an approved conditional use permit.
- This parcel is a contributing structure to the Downtown Historic District. Should any modifications be done to the exterior, that building permit will have to be approved by the Heritage Commission in order to preserve the historical integrity of the structure.
- A previous owner of this parcel was issued a conditional use permit to allow automobile sales and service in February 2014, Ordinance 3248.



Direction	Zoning Classification	Land Use(s)
North	N/A	Railroad
East	C-4	Vacant lot
South	C-4	Joe Snuffy's restaurant
West	C-4	Vacant building

The notice of public hearing was published in the Abilene Reflector Chronicle on February 10, 2023, and written notices were sent by mail on February 10, 2023, to property owners within 200 feet of the site address as required by Article 26, Section 26-102(b) of the zoning regulations.

COMMENTS:

Departmental comments: None

Citizen comments: None

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit request.

ACTION:

The Planning Commission may:

1. Recommend approval of the conditional use permit as requested.
2. Recommend approval of the conditional use permit with amendments.
3. Recommend disapproval of the conditional use permit with findings.

NOTES:

Upon conclusion of the public hearing, the Planning Commission will render a recommendation to the City Commission for final approval. This request will be presented to the City Commission study session on March 20, 2023, at 4p in the library. The meeting will be held on March 27, 2023, at 4p in the library.

26-105. Protest Petition. Regardless of whether or not the Planning Commission recommends approval or disapproval of a proposed zoning amendment, revision, change, or Conditional Use Permit, if a protest petition against such amendment is filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of record of twenty (20) percent or more of the total area, excepting public streets and ways, which is located within the notification area described in Section 26-102, the ordinance adopting such amendment shall not be passed except by at least a 3/4 majority vote of all the members of the Governing Body. Upon completion of today's public hearing, the protest period shall end on March 21, 2023.

26-202. The Governing Body, 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.





