

**CITY OF ABILENE  
PLANNING COMMISSION  
AGENDA**

September 5, 2023 at 4:00 p.m.  
Abilene Public Library  
209 NW 4<sup>th</sup> St. Abilene, KS 67410

<b>Agenda Item</b>
1. Call to Order
2. Roll Call: ___ Travis Sawyer, Chair ___ Bill Marshall, Vice Chair ___ Rod Boyd ___ Matt Mead ___ Helen Rose ___ Eric Anderson
3. Approval of Agenda
4. Approval of the Meeting Minutes – August 7, 2023
<b>Business</b> 5. Public Hearing for <b>PC 23-9</b> , a request by Mennonite Housing for rezoning from C-3 (General Commercial District) to R-3 (High-Density Residential District) at the site address currently located within 2005 N Buckeye Ave. *Staff Report and Recommendation *Open Public Hearing *Applicant/Public Comments *Close Public Hearing *Commission Discussion & Action
6. Planning Commission Comments and Staff Updates
7. Adjournment

**Abilene Planning Commission Minutes**  
**Abilene Public Library**  
**209 NW 4<sup>th</sup> St., Abilene, KS**  
**August 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, Matt Mead, Eric Anderson

Absent: Rod Boyd, Helen Rose

Staff Present: Community Development Director Kari Zook, Administrative Assistant Kellie Olson, City Manager Ron Marsh, City Inspector Travis Steerman

Public Present: Dan Reynolds, Attila & Tara Wolfe Fazekas, David Strong, Charlie Busch

**3. Approval of Agenda**

Motion by Marshall to approve the agenda, seconded by Mead. Motion carried unanimously 4-0.

**4. Minutes**

Motion by Mead to approve the March 7, 2023 minutes as written, seconded by Anderson. Motion carried unanimously 4-0.

**Business**

**5. Public hearing for PC 23-8, a conditional use permit request from Trinity Lutheran Church to allow a private elementary school in the C-4 district at 320 N Cedar St.**

The staff report and recommendations were discussed. Per the City of Abilene Zoning Regulations, Article 9, Section 9-3, Table 9-1, public and private elementary schools require a conditional use permit to operate in the C-4 district. Chair Sawyer opened the public hearing at 4:07 p.m. Dan Reynolds, council president of Trinity Lutheran Church, was present to discuss the project and to answer questions. No comments were received from the public. Chair Sawyer closed the public hearing at 4:14 p.m.

Motion by Marshall to recommend approval of the conditional use permit request with the following conditions:

1. Applicant shall pursue within sixty (60) days of the conditional use permit approval a request for school zone signage, which shall include speed limit signs and pedestrian crosswalk signage at the intersections of NW 4<sup>th</sup> St and Cedar St, and NW 4<sup>th</sup> St and Mulberry St.
2. During both school drop-off and pick-up times, all traffic shall enter the school at the existing driveway on NW 4<sup>th</sup> St. and exit through the alley, turning west towards Mulberry St. With children's safety as the number one priority, this will eliminate creating more congestion on Cedar St. and allow a steady flow of traffic.
3. The applicant is encouraged to create a green space or playground area for children's outdoor activities.

The motion was seconded by Anderson. Motion carried unanimously 4-0. This recommendation will be forwarded to the City Commission for final approval. The study session will be held on August 14, 2023, at 4:00 p.m. The commission meeting will be held on August 28, 2023, at 4:00 p.m. The 14-day protest period shall end on August 21, 2023.

**6. Public hearing for PC 23-8-2, a concurrent submission of a preliminary and final replat for Golden Belt Heights West housing development.**

The staff report and recommendations were discussed. Chair Sawyer opened the public hearing at 4:33 p.m. Charlie Busch, McCullough Development Inc, was present to discuss future plans of developing an apartment complex in this subdivision. No comments were received from the public. Chair Sawyer closed the public hearing at 4:36 p.m.

Motion by Marshall to recommend approval of the Golden Belt Heights West replat, seconded by Mead. Motion carried unanimously 4-0. This recommendation will be forwarded to the City Commission for final approval on August 14, 2023.

**7. Planning Commission Comments and Staff Updates**

- The Planning Commission currently has one vacancy.
- A reminder of the Comprehensive Plan Steering Committee/Planning Commission meeting this Wednesday, August 9, 2023, at 6 p.m. in the library.

**8. Adjournment**

Motion by Marshall to adjourn at 4:40 p.m., seconded by Anderson. Motion carried unanimously 4-0.

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):**

- |   |   |
|---|---|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL<br><input type="checkbox"/> ANNEXATION<br><input type="checkbox"/> VARIANCE<br><input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT<br><input type="checkbox"/> CONDITIONAL USE PERMIT<br><input type="checkbox"/> DEVELOPMENT CODE AMENDMENT | <input type="checkbox"/> LOT SPLIT<br><input type="checkbox"/> REPLAT<br><input checked="" type="checkbox"/> PRELIMINARY PLAT<br><input checked="" type="checkbox"/> FINAL PLAT<br><input checked="" type="checkbox"/> REZONING<br><input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
|---|---|

**FOR OFFICIAL USE ONLY**

App Number: PC 23-9  
 Date Received: 8/7/23  
 Received By: K2

**BRIEF DESCRIPTION OF APPLICATION PURPOSE:**

Development of a 32-unit senior LIHTC project on vacant lot just east of Holm Automotive on East 21st Street.

### APPLICANT INFORMATION

**APPLICANT/AGENT (If Not Property Owner):**

Name: Byron Adrian Tel: (316) 737-7859  
 Business Name: Mennonite Housing Rehabilitation Services, Inc. Fax: (316) 942-0190  
 Address: 2145 N Topeka  
 City: Wichita State: KS Zip Code: 67214  
 E-mail: badrian@mhrsi.org

**PROPERTY OWNER (If Different from Applicant/Agent):**

Name: Tim Holm Tel: (785) 200-9343  
 Business Name: Holm Real Estate Abilene, LLC Fax: (785) 263-9010  
 Address: PO Box 428  
 City: Abilene State: KS Zip Code: 67410  
 E-mail: tholm@holmauto.com

**ENGINEER/ARCHITECT/SURVEYOR:**

Name: Mark Bachamp Tel: (785) 539-6900  
 Business Name: Olsson Fax: (785) 539-6901  
 Address: 302 S Fourth St, Suite 110  
 City: Manhattan State: KS Zip Code: 66502  
 E-mail: mbachamp@olsson.com

PROPERTY INFORMATION

PROPERTY ADDRESS: 2005 N Buckeye Ave

PARCEL ID: 0211120904001005.000

ZONING: Existing: C-3 General Commercial District Proposed: R-3 High Density Residential District

LAND USE: Existing: Commercial Proposed: Residential

GROSS SIZE OF PLAT/LOT:

Residential: 4.49 A Commercial: Industrial: Other: Total:

NUMBER OF LOTS:

Residential: 1 Commercial: Industrial: Other: Total:

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 18 Total Building Area: 48,412 sq ft
Maximum Height of Buildings or Structures: 21' Total Impervious Area: 104,880 sq ft

EXISTING PUBLIC FACILITIES: Public Private Other (Describe)

Water Service: Wastewater Service: Roadway Access: [checkbox] [checkbox] [checkbox]

FLOODPLAIN INFORMATION:

Floodway: Floodway Fringe: FIRM Map-Panel Number: 20041C0070C 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?

[checkbox] Yes [checkbox] 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.

[Handwritten Signature]

Applicant Signature

8/7/23

Date

[Handwritten Signature]

Property Owner Signature

8.7.23

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

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> Easements and Covenants          | <input type="checkbox"/> Location Map                               |
| <input checked="" type="checkbox"/> Site Plan    | <input type="checkbox"/> Preliminary Plat                 | <input type="checkbox"/> Final Plat                                 |
| <input type="checkbox"/> Infrastructure Plans    | <input type="checkbox"/> Development Agreement            | <input type="checkbox"/> Grading and Stormwater Plans               |
| <input type="checkbox"/> Elevation Survey        | <input type="checkbox"/> Traffic Impact Study             | <input type="checkbox"/> Construction Plans                         |
| <input type="checkbox"/> Performance Agreement   | <input type="checkbox"/> Proof of Notification            | <input type="checkbox"/> Utility Plans                              |
| <input type="checkbox"/> Text Amendment Language | <input type="checkbox"/> Property Owner List              | <input type="checkbox"/> Comprehensive Plan Amendment Justification |
| <input type="checkbox"/> Annexation Boundary Map | <input type="checkbox"/> Operating Characteristics Report | <input type="checkbox"/> Administrative Appeal Justification        |
| <input type="checkbox"/> Variance Justification  | <input type="checkbox"/> 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 9/5/23

FEE AMOUNT: \$250 DATE FEE PAID: 8/7/23

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.


<u>Kari Zook</u>	<u>Community Director</u>
Name	Title
<u>[Signature]</u>	<u>8/7/23</u>
Signature	Date

## Development Approval Application

Byron Adrian <badrian@mhrsi.org>

Mon 8/7/2023 1:40 PM

To: Kari Zook <kari@abilenecityhall.com>

 3 attachments (1 MB)

Development Approval Application.pdf; olsson legal description.docx; 07-AbileneCourt-ThresholdEligibility-DesignRequirements-SitePlanSA1.1.pdf;

Kari,

Attached is the development approval application form, legal description and proposed project site plan for the for the land to be used for Abilene Court.

The surveyor will be Olsson and their information is included on the application form.

The engineer will be:

Phil Meyer  
Baughman Company  
315 S Ellis  
Wichita, KS 67211  
316-262-7271 (ph)  
316-262-0149 (fax)  
[pmeyer@baughmanco.com](mailto:pmeyer@baughmanco.com)

The architect will be:

Jeff Krehbiel  
Krehbiel Architecture  
1300 E Lewis  
Wichita, KS 67211  
316-267-8233 (ph)  
316-267-8566 (fax)  
[Jeff.krehbiel@krehbielarchitecture.com](mailto:Jeff.krehbiel@krehbielarchitecture.com)

I will call shortly to make the application fee payment. Please let me know if you need anything else.

Thanks,  
Byron

## DESCRIPTION

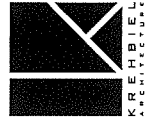
A tract of land located in the North half of the North half of the Northwest Quarter of the Southeast Quarter of Section 9, Township 13 South, Range 2 East of the 6<sup>th</sup> Principal Meridian, Dickinson County, Abilene, Kansas, being described by Gregory Chad Weller, Kansas PLS-1417, of Olsson KSLC-114, on August 4, 2023.

Commencing at the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 9, Township 13 South, Range 2 East; thence S00°33'58"E on the East line of said Northwest Quarter a distance of 40.00 feet to a point on the South Right of Way line of NE 21<sup>st</sup> Street as it now exists, said point also being the Point of Beginning; thence continuing S00°33'58"E along said East line a distance of 292.31 feet to a point on the South line of the North half of the North half of said Northwest Quarter of the Southeast Quarter; thence S89°30'29"W on said South line a distance of 670.00 feet to a point; thence N00°33'58"W a distance of 292.47 feet to a point on said South Right of Way line; thence N89°31'18"E along said South Right of Way line a distance of 670.00 feet to the Point of Beginning. Contains 195,901.95 Sq. Ft. or 4.49 acres More or Less. Subject to Easements, Restrictions and Reservations now of record.

Olsson Inc.  
302 S. 4<sup>th</sup> Street, Suite 110  
Manhattan, KS 66502  
(785) 539-6900

DATE DRAWN  
1/26/23  
DRAWN BY  
JLW/MS  
CHECKED BY  
JLW/MS  
OWNER TELEPHONE  
303.523.2323

ISSUANCE ISSUED  
2/15/23



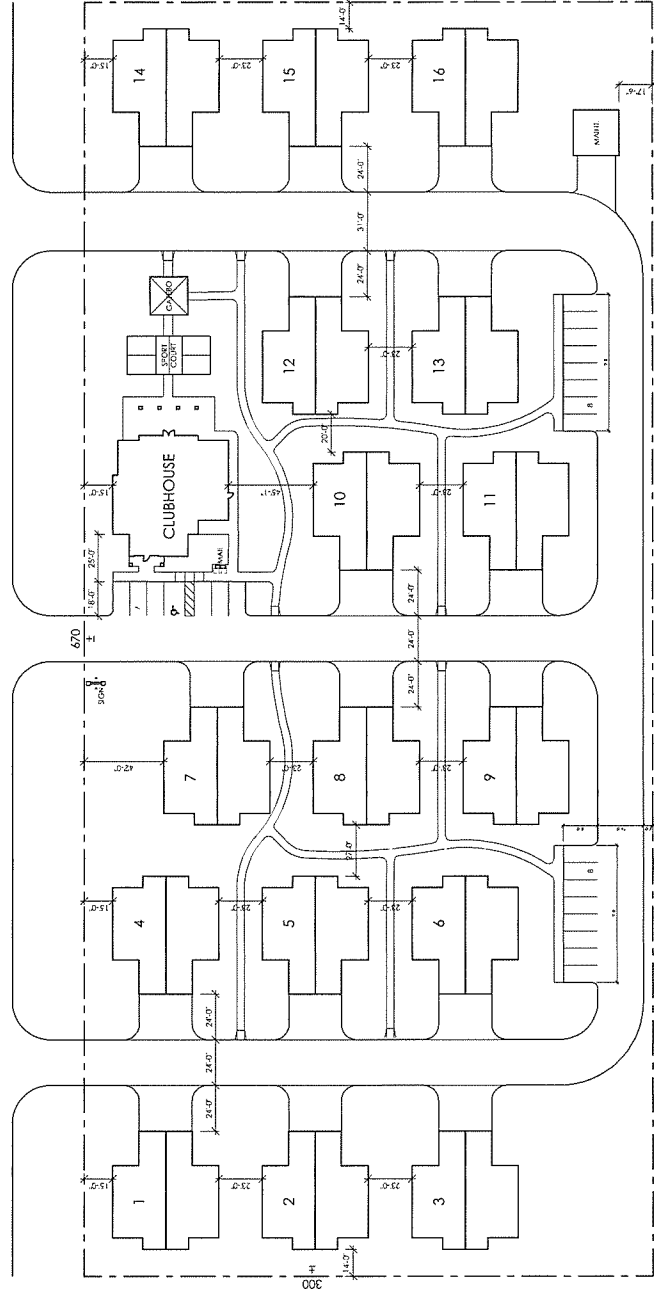
KREHBIEL  
ARCHITECTURE  
1308 E. 10th  
ABILENE, TX 79610  
314.242.8333  
314.242.8446 FAX  
www.krehbielarchitecture.com

ABILENE COURT  
ABILENE, KS

PROJECT NO.  
2301  
SHEET TITLE  
SITE PLAN

SHEET NO.  
**SA1.1**

NE 21st STREET



SITE DATA  
16 UNITS, 46,000 SQ. FT. GRS  
23 CAR, PARKING STALLS



SITE DEVELOPMENT PLAN  
1/15/2023

ABILENE COURT  
PROJECT DESCRIPTION

Abilene Court is a proposed 32-unit senior affordable housing project in Abilene on NE 21<sup>st</sup> Street. Abilene Court is comprised of 16 duplex buildings, with all units having 2 bedrooms. Each unit is approximately 1,070 square feet and will have a 1-car garage with a garage door opener and a safe room. The units will be constructed in an energy efficient manner and include a stove, refrigerator, space saver microwave, dishwasher and washer/dryer. The furnace and tankless hot water heater will be gas. The air conditioner and appliances will be electric. Residents will be responsible for electric and gas utilities and the property responsible for water, sewer and trash. The proposed project includes a clubhouse, which will have a manager's office, community room, kitchen, rest rooms, computer room, exercise room, craft room and a covered rear patio where residents can congregate. The rear patio area will include a BBQ grill. Free WIFI will be available in the clubhouse. Walking paths and a raised garden area will be included.

The proposed project is for individuals who are age 55 and older with annual gross household income below 60% of area median income (AMI). A limited number of units are available at lower monthly rent amounts for households with annual gross household income below 30% or 50% of AMI as follows:

	30%	50%	60%
Annual gross household income			
1-person household	16,200	27,000	32,400
2-person household	18,510	30,850	37,020
Monthly rent amount	250	450	625
Number of units	3	12	17

# Staff Report



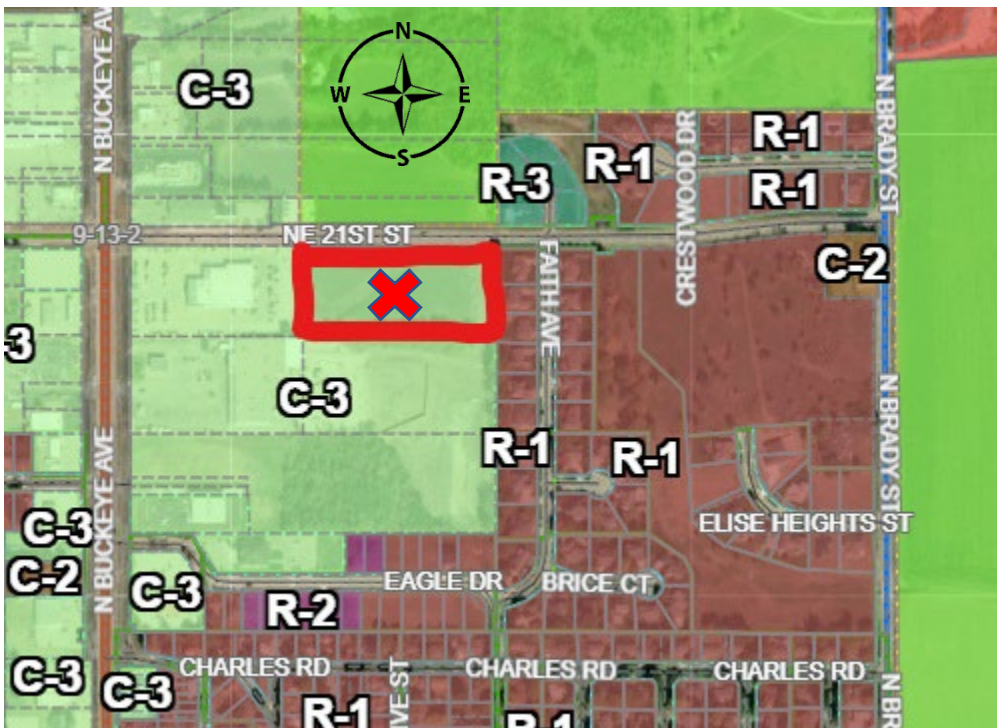
**TO:** Planning Commission  
**FROM:** Kari Zook, Community Development Director  
**SUBJECT:** PC 23-9, Mennonite Housing rezoning  
**DATE:** September 5, 2023

**APPLICANT:** Application date received: 8/7/23  
Mennonite Housing Rehabilitation Services, Inc.  
2145 N Topeka  
Wichita, KS 67214

**OWNER:**  
Holm Real Estate Abilene, LLC  
PO Box 428  
Abilene, KS 67410

## BACKGROUND:

- An application for rezoning was submitted by Mennonite Housing for the future purchase (sale of property contingent upon successful approvals of rezoning and plating) of 4.5 acres of the rear lot currently owned by Holm Automotive at 2005 N Buckeye Ave.
- Current zoning is C-3 (General Commercial District). The proposed zoning is R-3 (High-Density Residential District).
- Future development of a 32-unit senior LIHTC (Low-Income Housing Tax Credit) project.
  - KHRC (Kansas Housing Resources Corporation) awarded Mennonite Housing \$695,000.
- Future land use map in the 2006 Comprehensive Plan shows this parcel staying zoned commercial. The 2024 Comprehensive Plan update is currently in progress; the future land use map is to be determined.
- Mennonite Housing hosted a public meeting and presentation on August 26, 2023.



<b>Direction</b>	<b>Zoning Classification</b>	<b>Land Use(s)</b>
North	AG40	Farm ground (outside city limits)
East	R-1	Low-density residential (Faith Ave)
South	C-3	Detention basin, Rear of Lumberhouse
West	C-3	Holm Automotive

The notice of public hearing was published in the Abilene Reflector Chronicle on August 11, 2023, and written notices were sent by mail on August 11, 2023, to property owners within 1,000 feet of the site address as required by Article 26, Section 26-102(b) and (c) of the zoning regulations.

**COMMENTS:**

Departmental comments: None

Citizen comments: None

**ACTION:**

The Planning Commission may:

1. Recommend approval of the rezoning as requested.
2. Recommend disapproval of the rezoning with findings.

**NOTES:**

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

Section 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.

Protest Period ends 9/19/23

City Commission Study Session 9/11/23

City Commission Meeting 9/25/23

26-108. Factors to be Considered in a Rezoning. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines:

- a. Whether the change in classification would be consistent with the intent and purpose of these regulations.
- b. The character and condition of the surrounding neighborhood and its effect on the proposed change: This entails a description of the neighborhood as to existing land uses, intensity of development, age and general condition of structures.
- c. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
- d. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification: The zoning surrounding the property at issue, along with the actual uses on those properties, is to be considered.
- e. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity: Consideration is to be given as to whether each of the permitted uses under the proposed rezoning would be compatible with existing uses. The focus is upon issues which can be addressed via zoning, such as structure height, yards and setbacks, and minimum lot sizes.
- f. The suitability of the applicant's property for the uses to which it has been restricted: How the property at issue is presently zoned, and the uses permitted under that zoning is to be considered, as well as whether those uses are appropriate given the zoning of the surrounding neighborhood. Also to be considered is whether the presently allowed uses are the only uses appropriate for the subject property.
- g. The length of time the subject property has remained vacant or undeveloped as zoned: Consideration is to be given as to whether the subject property is vacant because its present zoning is unsuitable, or whether it is vacant for reasons unrelated to zoning, e.g., a surplus of similarly-zoned property, problems with financing, lack of infrastructure or other development problems.
- h. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- i. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.
- j. The recommendations of professional staff and advisors: Staff recommendations should be based upon the factors set out in this section, the adopted comprehensive plan, other adopted plans and reports, and the evidence in the record.
- k. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan: The question here is whether the requested rezoning is consistent with the recommendations of the adopted comprehensive plan. If it is not, is the incompatibility because the plan is outdated or have conditions changed in the area or neighborhood of the subject property?
- l. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification: This factor acknowledges that the basis for zoning is protection of public health, safety and welfare. Any rezoning request involves balancing the property owner's interests with the interests of the public.
- m. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.



