

**CITY OF ABILENE PLANNING COMMISSION
MEETING AGENDA
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
SEPTEMBER 1, 2026 - 4:00 PM**

Agenda Item

1. Call to Order

2. Roll Call:

- a. Chair Boyd, Vice Chair Sawyer, Marshall, E. Anderson, Mead, K. Anderson, Baier

3. Approval of Agenda

- a. Declaration of Conflict of Interest/Ex Parte Communication by members

4. Approval of Meeting Minutes

- a. June 2, 2026

5. Unfinished Business

- a. **Public Hearing, PC 26-9**, a request by Heritage Rail Management, LLC, on behalf of Abilene and Smoky Valley Railroad Association, for rezoning from previous railroad right-of-way to I-1 (Light Industrial District). The site address is 200 Blk SW 6th St., Abilene, KS.
 - *Staff Report
 - *Open Public Hearing
 - *Applicant/Public Comments
 - *Close Public Hearing
 - *Commission Discussion and Action

6. Comments and Staff Updates

7. Adjournment

Abilene Planning Commission Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
June 2, 2026, at 4:00 p.m.



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

2. Roll Call

Planning Commissioners Present: Vice Chair Travis Sawyer, Matt Mead, Kristyn Anderson, Eric Anderson

Absent: Chair Rod Boyd, Bill Marshall, Alan Baier

Staff Present: DCM/Community Development Director Kari Zook, Administrative Manager Kellie Olson, City Inspector Travis Steerman

Public Present: Jeff Whitworth, Barb Leckron, Randy Leckron, Mary Duey, Diane Ingrun

3. Approval of Agenda

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

Declaration of Conflict of Interest/Ex Parte Communication - None

4. Minutes

Motion by Mead to approve the April 7, 2026, minutes as written, seconded by E Anderson. Motion carried unanimously 4-0.

Business

5. Public Hearing for PC 26-6, a request by Randy Leckron and Mary Duey for rezoning from C-1 (Office and Service Business District) to R-1 (Low Density Residential District). The site addresses are 1300 Blk N Brady St and 1319 N Brady St, Abilene, KS

The staff report was discussed. Vice Chair Sawyer opened the public hearing at 4:05 p.m.

Applicants were present to discuss the rezoning request and answer questions if needed.

The public hearing was closed at 4:06 p.m.

Motion by Mead to recommend approval of the rezoning, seconded by K Anderson. Motion carried unanimously 4-0.

There is a 14-day protest period that shall expire on June 16, 2026.

This item will be presented to the City Commission for final approval on June 22, 2026.

6. Planning Commission Comments and Staff Updates

None

7. Adjournment

Motion by K Anderson to adjourn at 4:07 p.m., seconded by E Anderson. Motion carried unanimously 4-0.

ATTEST:

Planning Commission

Kari Zook
Community Development Director

Staff Report



TO: Planning Commission
FROM: Kari Zook, DCM/Com Devo Director
SUBJECT: PC 26-9, 200 BLK SW 6th St Rezoning
DATE: September 1, 2026

<u>OWNER:</u>	<u>APPLICANT:</u>	<u>APPLICATION DATE:</u>
Abilene & Smoky Valley Railroad c/o Ross Boelling 200 SE 5 th St PO Box 744 Abilene, KS 67410	Heritage Rail Management, LLC c/o Charles Smith 479 Main Ave Durango, CO 81301	August 5, 2026

BACKGROUND:

- An application for rezoning was initially submitted by Charles Smith of Heritage Rail Management, LLC, on behalf of the Abilene and Smoky Valley Railroad Association, on July 30, 2026. The application was determined complete on August 5, 2026, once all documentation and payment were received.
- The parcel requesting to be rezoned is addressed as 200 Blk SW 6th St.
- Historically, this property was a railroad right-of-way. Today, however, the property is owned outright by the ASVRR Association, which is a recreational/educational entity, and not a common rail carrier in interstate commerce. That distinction matters, because only federally regulated rail carriers receive the benefit of federal laws that preempt state and local regulation, including zoning and permitting.
- The property was never assigned a zoning classification on the City's official zoning map. As a result, the City is unable to review or issue permits for the proposed development under the current circumstances because there is no zoning district against which the project can be evaluated. The proposed zoning is I-1, Light Industrial District.
- The Future Land Use Map in the 2045 Comprehensive Plan shows this parcel staying as commercial use for the ASVRR operations.
- The intent of the rezoning is for the applicant to construct a railcar repair facility on this parcel, as shown in the below site plan. The structure will be 36' x 200' with 25' sidewall height. There is currently a contract for HRM to purchase this parcel from ASVRR upon successful rezoning.
- Noncompliance on screening of existing storage on this parcel has been difficult for city staff to enforce without a zoning classification in place. The rezoning of this parcel will assist staff in enforcing the regulations when complaints are received. HRM is aware of past nuisance violations and has agreed that the parcel will be cleaned up prior to closing on the sale of the property.
- Staff requested that all parcels owned by the Abilene and Smoky Valley Railroad Association within city limits be rezoned at this time to reflect their current operations. All parcels are labeled as previous railroad right-of-way on the zoning map. At this time, Heritage Rail Management, LLC, only has interest in developing this parcel and wish to pursue zoning on this parcel only. All other parcels remain legally nonforming under the ownership of ASVRR, and must remain as is. Any alterations to the existing business or additions to the physical operation must request rezoning at that time.

The notice of public hearing was published in the Abilene Reflector Chronicle on August 6, 2026, and written notices were sent by mail on August 6, 2026, to property owners within 200 feet of the site address as required by Article 26, Section 26-102(b) and (c) of the zoning regulations.

Direction	Zoning Classification	Land Use(s)
North	R-3/C-3	Residential/Greyhound Hall of Fame
East	P/C-3	Eisenhower Campus/ASVRR/Hitching Post
South	R-3/C-3	Residential/Liberty Gas Station
West	R-3	Residential/ASVRR

ACTION:

The Planning Commission may:

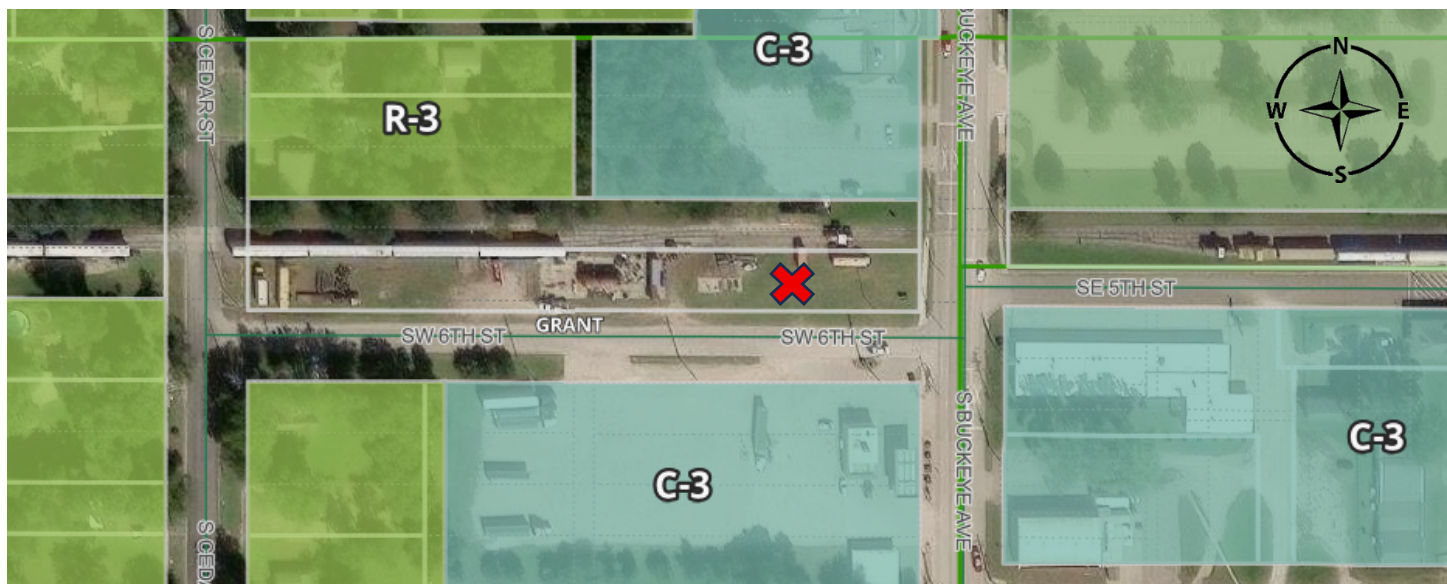
1. Recommend approval of the rezoning as requested.
2. Recommend disapproval of the rezoning with findings.

NOTES:

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

14-day Protest Period ends September 15, 2026; City Commission Meeting September 28, 2026

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.











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 | ☐ REPLAT |
| ☐ VARIANCE | ☐ PRELIMINARY PLAT |
| ☐ COMPREHENSIVE PLAN AMENDMENT | ☐ FINAL PLAT |
| ☐ CONDITIONAL USE PERMIT | ☒ REZONING |
| ☐ DEVELOPMENT CODE AMENDMENT | ☐ VACATION OF PLAT |

FOR OFFICIAL USE
ONLY

Appn Number: PC 26-9
Date Received: 7/30/26
Received By: K2

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Required for the Construction of a Railcar Repair Facility

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Charles Smith Tel: (970) 852-3435
Business Name: Heritage Rail Management LLC Fax: ()
Address: 479 Main Ave
City: Durango State: Colorado Zip Code: 81301
E-mail: csmith@americanheritagerailways.com

PROPERTY OWNER (If Different from Applicant/Agent):

Name: Ross Boelling Tel: (785) 263-0744
Business Name: Abilene & Smoky Valley Railroad Association Fax: ()
Address: 200 SE 5th, PO Box 744
City: Abilene State: Kansas Zip Code: 67410
E-mail: gm.asvrail@asvrr.org

ENGINEER/ARCHITECT/SURVEYOR:

Name: _____ Tel: ()
Business Name: _____ Fax: ()
Address: _____
City: _____ State: _____ Zip Code: _____
E-mail: _____

PROPERTY INFORMATIONPROPERTY ADDRESS: 200 BLK SW 6TH STPARCEL ID: 0211152102019009000ZONING: Existing: N/A Proposed: I-1 (Light Industrial)

LAND USE: Existing: _____ Proposed: _____

GROSS SIZE OF PLAT/LOT:Residential: _____ Commercial: _____ Industrial: _____ Other: _____ Total: 0.88 Acres**NUMBER OF LOTS:**Residential: _____ Commercial: _____ Industrial: _____ Other: _____ Total: 1**IMPROVEMENT CHARACTERISTICS:**Number of Buildings or Structures: 0Total Building Area: 0Maximum Height of Buildings or Structures: 0Total Impervious Area: 0**EXISTING PUBLIC FACILITIES:**

Public Private Other (Describe)

Water Service: ☐ ☐ ☐ _____Wastewater Service: ☐ ☐ ☐ _____Roadway Access: ☐ ☐ ☐ _____**FLOODPLAIN INFORMATION:**Floodway: ☐ Yes ☒ No

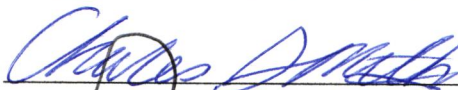
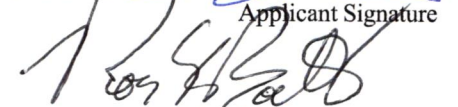
FIRM Map-Panel Number: _____

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 Signature7/30/26
Date
Property Owner Signature7/30/26
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 | |

Complete "Brief Description of Application Purpose" Section on pg 1.
7/31/26

Additional document requirements provided to applicant on 7/31/26. 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 9/1/26

FEE AMOUNT: \$ 250 **DATE FEE PAID:** pd via cc 8/5/26

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	DCM/Com Dev Director _____ Title
Kari Zook _____ Signature	8/5/26 _____ Date



Entered in transfer record in my office
this 14 day of May A.D. 2018
Barbara H Jones
Joanne Luengster
Co. Cle
Deputy Co. Cle



STATE OF KANSAS, DICKINSON COUNTY
Karen J. Freeman, Register of Deeds

Book: D260 Page: 168-169

Receipt #: 270156

Pages Recorded: 2

Cashier Initials: JFreeman

Date Recorded: 5/14/2018 2:01:23 AM

Recording Fee: \$38.00



First American

KANSAS WARRANTY DEED

Grantor(s): **Jack L. Wilson and Marlene Wilson, husband and wife**

Grantee(s): **Abilene and Smoky Valley Railroad Association, a Kansas not for profit Corporation**

Grantee(s) mailing address: **PO Box 744, Abilene, KS 67410**

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL, CONVEY AND WARRANT** to Grantee(s), the following described premises, to wit:

**A part of Lot Five (5) on Buckeye Avenue and a part of Lot Nine (9) on Cedar Street in Lebold and Fisher's Addition to Abilene, Kansas, described as follows: Beginning at the intersection of the West line of Buckeye Avenue and the North line of Southwest Sixth Street; thence West on the North line of Southwest Sixth Street a distance of 243.65 feet; thence North a distance of 46.96 feet to a line parallel and 21.5 feet South of the centerline of the main track of the Chicago, Rock Island and Pacific Railroad Company; thence East on said line a distance of 243.65 feet to the West line of Buckeye Avenue; thence South on said West line a distance of 46.96 feet to the point of beginning;
AND Beginning at the intersection of the East line of South Cedar Street and the North line of Southwest Sixth Street; thence East on the North line of Southwest Sixth, a distance of 418.13 feet; thence North a distance of 46.96 feet to a line parallel and 21.5 feet South of the centerline of the main tract of the Chicago, Rock Island and Pacific Railroad Company; thence West on said line a distance of 418.13 feet to the East line of South Cedar Street; thence South on said East line a distance of 46.96 feet to the point of beginning. Together with vacated street and alley adjoining.**

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

The Grantor(s) hereby covenanting that the Grantor(s), their heirs, successors and assigns, will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), their successors and assigns, against the lawful claims of all persons whomsoever, excepting however the general taxes for the current calendar year and thereafter, and the special taxes becoming a lien after the date of this deed.

Dated: 5-1-2015

Jack L. Wilson
Jack L. Wilson

Marlene Wilson
Marlene Wilson

STATE OF **Kansas**)
) ss.
COUNTY OF **Dickinson**)

On May 1, 2015 this deed was acknowledged before me by **Jack L. Wilson and Marlene Wilson, husband and wife**, Grantor(s).

Joleen Rankin
Notary Public

My appointment expires:

