

Summary of Ordinance No. 3246

On January 13, 2014, the City of Abilene, Kansas, adopted Ordinance No. 3246, An Ordinance rezoning certain property located within the City of Abilene, Kansas from "R-3, general residential district" to "I-1, light industrial district". A complete copy of this ordinance is available online at www.abilenecityhall.com or during normal business hours at City Hall, located at 419 N. Broadway Street in Abilene, Kansas. The ordinance is not subject to a protest petition. Questions pertaining to this ordinance may be directed to City Attorney Mark Guilfoyle at (785) 263-3070 or City Manager David Dillner at (785) 263-2550. This summary has been reviewed and certified by Mark Guilfoyle, P.A., City Attorney.



Mark Guilfoyle, City Attorney

ORDINANCE NO. 3246

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED WITHIN THE CITY OF ABILENE, KANSAS FROM "R-3, GENERAL RESIDENTIAL DISTRICT" TO "I-1, LIGHT INDUSTRIAL DISTRICT"

WHEREAS, the property owners of record have requested the City consider rezoning certain property more commonly described as 110 Bonebrake Street, and as provided in **Exhibit A** as attached hereto, from "R-3 General Residential District" to "I-1, Light Industrial District";

WHEREAS, the Planning Commission conducted a public hearing on December 10, 2013, and recommended the Governing Body approve the rezoning of the above referenced property.

THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION 1. Property Rezoned. That property legally described as follows is hereby rezoned from "R-3, General Residential District" to "I-1, Light Industrial District:

A tract of land in the NE 1/4 of the NE 1/4 of Section 21, Township 13 South, Range 2 East of the 6th Principal Meridian as described and recorded in Deed Book 203, Page 643 of the Dickinson County Register of Deeds, except for the following:

A tract of land in the NE 1/4 of the NE 1/4 of Section 21, Township 13 South, Range 2 East of the 6th Principal Meridian commencing at the Northeast Corner of said NE 1/4; thence South 00 Deg, 46' 12" E, 240 ' along the East line of Section 21; thence South 89 Deg. 17' 26" West, 401.49 ' parallel to the North line of Section 21; thence South 89 Deg. 13' 36" West, 508.01' ; thence South 00 Deg 46' 25" E. 50' to the Point of Beginning; thence North 89 Deg. 13' 36" East, 100' ; thence South 00 Deg. 46' 25" East, 50'; thence South 89 Deg. 13' 36" West, 100'; thence North 00 Deg. 46' 25" West, 50' to the Point of Beginning containing 5,000 Square Feet in Abilene, Dickinson County, Kansas.

SECTION 2. Zoning Map; Amended. That the Zoning Map of the City of Abilene, Kansas, as adopted by Ordinance No. 2796 and amendments thereto, is hereby amended to be consistent with the amendments described herein.

SECTION 3. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 13th day of January, 2014.



CITY OF ABILENE, KANSAS

By: John F. Ray
John F. Ray, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC
City Clerk

EXHIBIT A

General Rezoning Map

for

110 Bonebrake Street

City of Abilene, Kansas

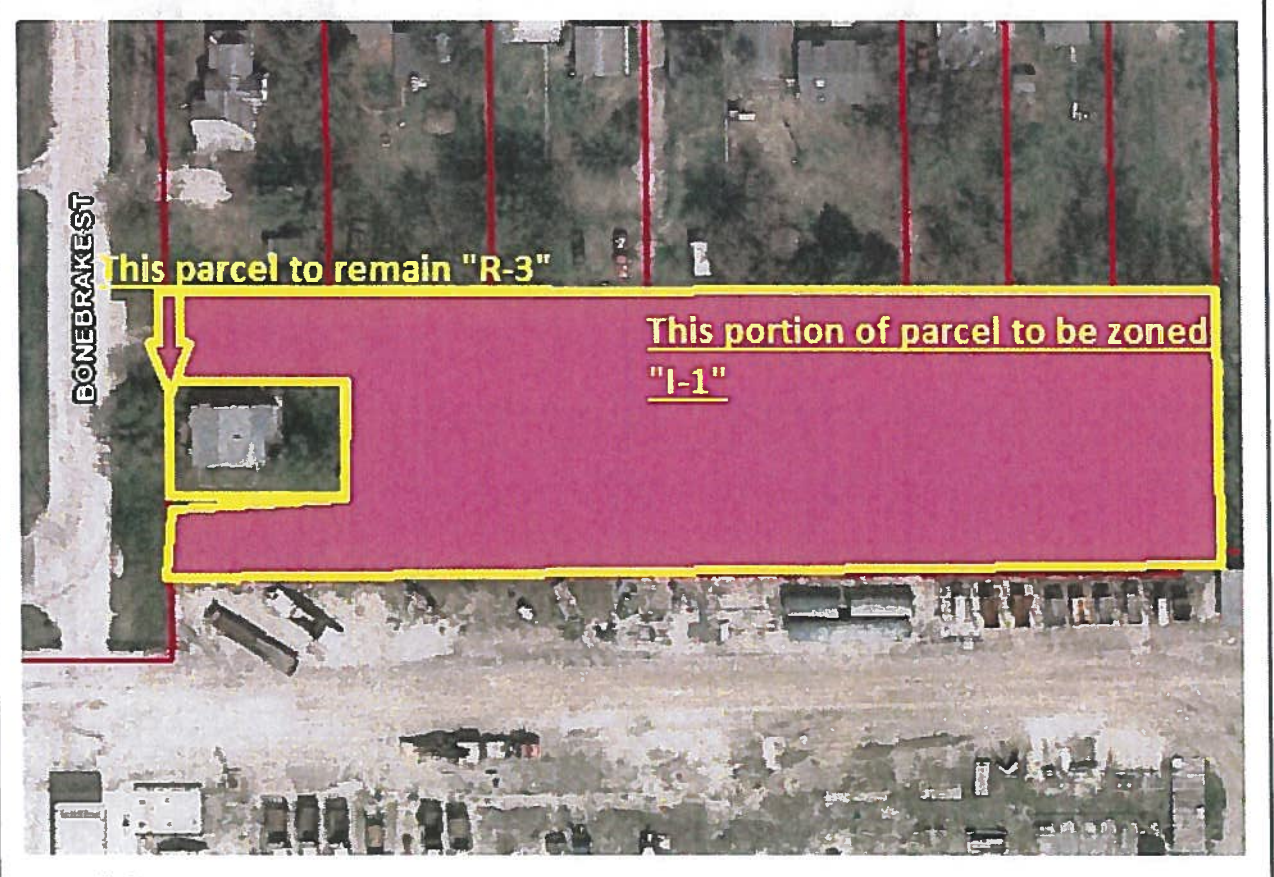
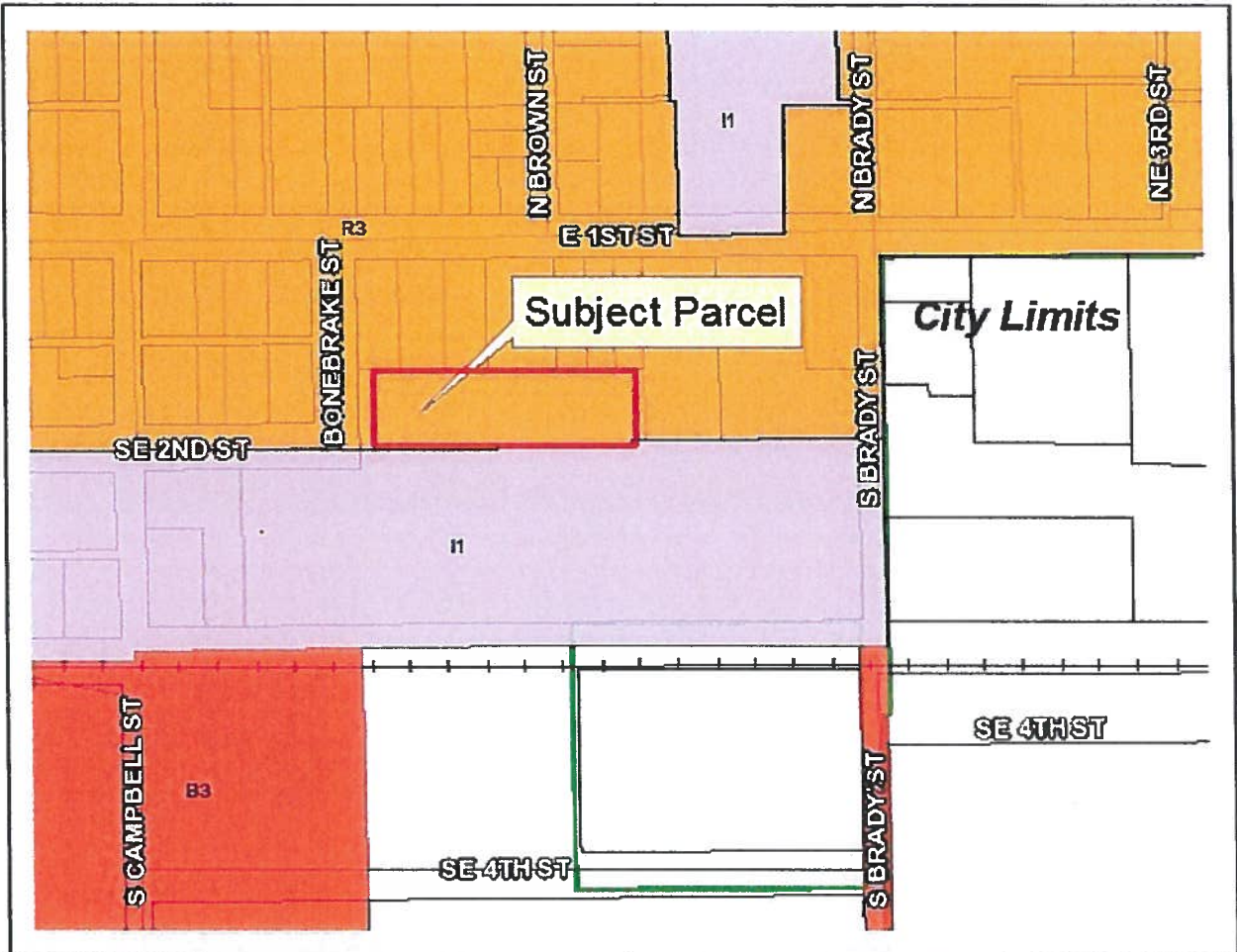
January 13, 2014

Legend

Zoning

Zone

[Light Blue]	<Null>
[Green]	A
[Light Purple]	AP
[Pink]	B1
[Light Red]	B2
[Red]	B3
[Dark Red]	B5
[Light Purple]	I1
[Purple]	I2
[Light Blue]	MHP
[Orange]	PUD
[White]	R1
[Light Orange]	R2
[Orange]	R3
[Light Orange]	RS
[Blue Line]	Waterways
[Black Line]	Streets
[Black Line with Tick]	Railroads
[Green Box]	City Limits



STAFF REPORT

PC 13-16 Rezoning of 110 Bonebrake Street from "R-3" General Residential District to "I-1" Light Industrial District at the request of Max Linder

GENERAL INFORMATION

Date:	December 6, 2013
Owner:	Max Linder
Applicant:	Max Linder
Requested Action:	Amend the zoning of the property
Purpose:	To separate the residential use currently on the parcel, and rezone the vacant portion of the property to accommodate a storage building to be used for warehousing equipment incidental to an electrical contractor.
Location address:	110 Bonebrake st.
Comprehensive Plan:	Comprehensive Plan Shows this property as Residential potential
Sites Existing Zoning and use:	"General Residential District, R-3", Vacant
Surrounding Zoning and Land Use:	North <i>"R-3, General Residential District" – Residential use</i> South <i>"I-1, Light Industrial District" – Industrial Use</i> East <i>"R-3 General Residential District" – Vacant</i> West <i>"R-3, General Residential District" – Residential Use</i>
Land Area:	Contains approximately 2 acres +/-
Notice Date:	This project was published and noticed by mail as required by code.

COMMENTS & FINDINGS

1. The applicant wants to construct a storage building for the purpose of warehousing electrical equipment incidental to his contractor business.
2. Currently the property abuts an "I-1" District to the South, and does contain a vacant residential structure.
3. The Applicant is splitting this lot in order to separate the residential use currently on the property from the proposed commercial storage use.
4. The residential lot will remain "R-3, Multiple Family Residential District", while the larger vacant lot will be zoned "I-1, Light Industrial District".
5. Setbacks for the new structure shall be as follows in the "I-1" District: Front – 25', Side – 15', Rear – 15'.
6. The residential lot created must meet all dimensional requirements of the "R-3" District.
7. There will be sufficient separation between the commercial storage and residential use.

RECOMMENDATION

As with all zoning cases, the Commission must remember that not only a proposed use, but all uses permitted in the proposed district may be allowed on a property once the new zoning is in force.

Amending the Zoning: Staff and the Planning Commission recommend approval of the rezoning to "I-1" based on the following findings or considerations outlined in Article 24-404:

1. The current residential use of the property has been vacant for longer than six months, with the majority of the parcel remaining undeveloped .
2. Removal of the present zoning may not have a detrimental effect on adjacent property.
3. Although the future land use map depicts this lot as Residential Potential, This property currently abuts an "I-1" District, which has been in place a number of years.
4. The Planning Commission at their December 10th meeting approved the lot split submitted for this parcel, and recommended approval of the rezoning to "I-1, Light Industrial District".