

## **ORDINANCE NO. 3333**

### **AN ORDINANCE APPROVING THE REZONING OF LAND FROM “P, PUBLIC DISTRICT” TO “R-3, HEAVY RESIDENTIAL DISTRICT”; AMENDING THE CURRENT DISTRICT ZONING MAP OF THE CITY OF ABILENE, KANSAS.**

**WHEREAS**, a public hearing was conducted by the Planning Commission of the City of Abilene on July 11, 2017 and a recommendation was made to the Governing Body to approve the rezoning of the below referenced property.

**WHEREAS**, the District Zoning Map referred to in the Zoning Regulations Article 3, of the City of Abilene, Kansas, adopted by Ordinance No. 2796, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

**WHEREAS**, the City Commission makes the following findings regarding the proposed zoning change:

1. Redevelopment of the entire Garfield School site to residential uses will be compatible with the historic and current character of the neighborhood.
2. The zoning change would be consistent with the long-term change exhibited in the neighborhood.
3. The zoning change would be a natural extension of the R-3 zoning district to the south and compatible with neighboring uses.
4. The allowable uses in the R-3 district are compatible with the neighborhood.
5. The physical attributes of the land, building, and site improvements do not present a barrier to full development of the site under the R-3 zoning district.
6. Without a viable public use for the property, the proposed zoning change will allow redevelopment of the site rather than it remaining vacant.
7. The site has a full range of public services with sufficient capacity to accommodate redevelopment of the site.
8. Redevelopment of the site due to its size, location, and existing improvements is desirable even though there are a significant number of available lots zoned R-3.
9. The proposed rezoning implements the Comprehensive Plan by being in conformance with the future land use plan and promoting housing diversity.
10. The proposed rezoning would not create a hardship for the property owner or the general public.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the City of Abilene, Kansas, that the District Zoning Map of the City of Abilene, Kansas, is hereby amended as follows:

The boundary of the "R-3, Heavy Residential District" is hereby amended to include the following described real property:

"Lots 5, 7, 9, 11, and 13 on N. 7<sup>th</sup> Street, Southwick and Augustine's Addition; and Lots 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, and 129 on Spruce Street, Southwick and Augustine's Addition; and vacated N. Spruce right-of-way north of N. 7<sup>th</sup> Street, Abilene, Dickinson County, Kansas".

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 14<sup>th</sup> day of August, 2017.



CITY OF ABILENE, KANSAS

By: \_\_\_\_\_

*Dee Marshall*  
Dee Marshall, Mayor

ATTEST:

*Penny Soukup, CMC*  
Penny Soukup, CMC

APPROVED AS TO FORM:

*Mark A. Guilfoyle*  
Mark A. Guilfoyle, City Attorney