

ORDINANCE NO. 3352

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "R-1, LOW DENSITY RESIDENTIAL DISTRICT" TO "R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT"; AMENDING THE CURRENT DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF ABILENE, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Abilene, Kansas:

SECTION 1. The District Zoning Map of the City of Abilene, Kansas, adopted by Ordinance No. 2796 with all amendments thereto, is hereby amended as follows:

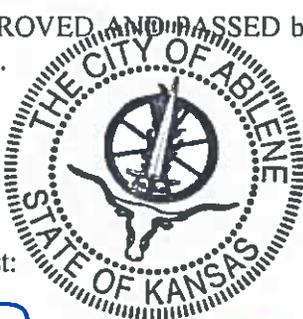
The boundary of the "R-2, Medium Density Residential District" is hereby amended to include the following described real property:

Lots 1-2, Block 1, Dawson's Cottage Addition; and Lots 3-8, Block 2, Dawson's Cottage Addition, in Abilene, Dickinson County, Kansas.

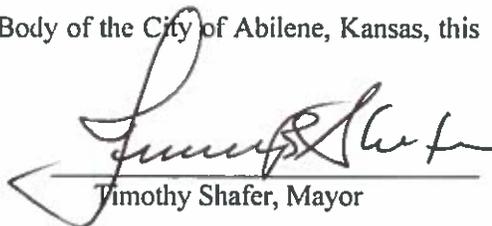
SECTION 2. A public hearing was conducted by the Planning Commission of the City of Abilene on April 10, 2018 and an approval recommendation was made to the Governing Body to approve the rezoning of the above referenced property.

SECTION 3. The District Zoning Map referred to in the Zoning Regulations Section 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.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 14th day of May, 2018.



Attest:


Timothy Shafer, Mayor


Penny L. Soukup, CMC, City Clerk

Approved As To Form:

City Attorney

PC 18-3: STAFF REPORT

PC 18-3: A request for a Zoning Change from Low Density Residential (R-1) to Medium Density Residential (R-2) for Property Located in the 200 Block of Eagle Drive.

GENERAL INFORMATION

Date:	April 10, 2018
Owner:	Scott Dawson Builders, Inc.
Applicant:	Scott Dawson Builders, Inc.
Requested Action:	Zoning Change from R-1 to R-2
Purpose:	To allow townhomes
Location address:	200 block of Eagle Drive
Comprehensive Plan:	Commercial and Multi-Family
Sites Existing Zoning:	R-1, Low Density Residential
Land Area:	3.7 ac
Notice Date:	March 20, 2018

Background

The property was replatted as the Dawson's Cottage Addition in 2013 and consists of 18 residential lots which have a full range of public facilities available. The property is zoned Low Density Residential (R-1), although at one time the western most lots on the south side of Eagle Drive were zoned General Commercial (B-3). A couple of single-family homes were built at the west end of Eagle Drive in 2013. The applicant wishes to rezone the property to allow for the construction of townhomes.

Aerial Photo



North Side of Eagle Drive



South Side of Eagle Drive



Comments

Departmental Comments: None have been received as of April 3, 2018.

Citizen Comments: A property owner in the area did not have a specific concern, but just wanted to clarify the intensity of residential uses that would be allowed.

Guidelines and Review

The standards for reviewing zoning changes requests are set forth in Section 26-108 of the Zoning Ordinance. The thirteen factors are as follows along with staff's review of each factor.

1. Consistent with the Intent of the Regulations

Statement of Facts

The purpose of the Medium Density Residential (R-2) zoning district is to provide locations for single-family and two-family dwellings. Greater dwelling density is possible with the approval of a conditional use permit. The R-2 district is also serves as a land use transition zone between single family development and commercial development.

Recommended Finding

The zoning change would be consistent with the intent of the zoning regulations in that the areas provides a transition between single-family residential and the commercial uses along Buckeye Avenue and the single family residential areas to the east and south.

2. Character of the Neighborhood

Statement of Facts

The property is a vacant remnant with parts of the original parcel being developed along Buckeye Avenue. The most recent changes in the neighborhood have been the construction of the bank, the 2 homes west of the property, the completion of Eagle Drive, and the completion of Dawson Estates subdivision. *Table 1* indicates the zoning and land use characteristics of neighboring properties.

Table 1: Zoning and Land Use of Neighboring Properties

Direction	Zoning	Land Uses
North	R-2	Vacant
South	R-1	Single Family Residential
East	R-1	Single Family Residential
West	C-3, R-1	Bank, Restaurant, 2 Homes

This property is clearly a transitional property separating commercial development to the west and existing single family residential to the south and east.

Recommended Finding

The zoning change would facilitate a logical transition of land use intensity from commercial to single-family residential.

3. Changing Conditions in the Area

Statement of Facts

As noted above, the neighborhood has experienced investments commercial, infrastructure and residential construction. The potential development of the property to the north as medium density residential would be consistent with the transitioning of commercial to residential use.

Recommended Finding

The zoning change would be consistent with the changes in the neighborhood and would facilitate neighborhood build out in a compatible manner.

4. Adjacent Zoning and Uses

Statement of Facts

See 3.

Recommended Finding

The zoning change would be consistent with the changes in the neighborhood and would facilitate neighborhood build out in a compatible manner.

5. Every Use In Zoning District Compatible

Statement of Facts

The R-2 zoning district allows residential uses of a low and medium density by right. More intense residential uses (nursing homes, 3+ dwellings, etc...) require a conditional use permit. Non-residential uses would include day cares, churches, bed and breakfast inns, and public buildings.

Recommended Finding

The zoning change would allow residential uses and potentially allow conditional uses that are common for transitional areas between commercial and residential areas.

6. Suitability of the Property to Potential Uses

Statement of Facts

The physical attributes of the property is appropriate for uses allowed in the Medium Density Residential (R-2) zoning district and building sites are prepared for construction.

Recommended Finding

The property is physically appropriate for the proposed zoning.

7. Length of Time the Property has been Vacant

Statement of Facts

The property consists of vacant lots that were part of a parcel that has never been developed.

Recommended Finding

The current zoning of R-1 hampers the property's productive use as a neighborhood transition between commercial and low density residential use.

8. Adequate Public Facilities

Statement of Facts

The lots have a full range of services with sufficient capacity to provide for full development of the site under the proposed zoning district.

Water – There is a 12” line along Eagle Drive.

Sewer – There is an 8” sewer line in Eagle Drive.

Drainage – Stormwater sheet flows to Eagle Drive and runs east to storm water inlets at the east end of Eagle Drive. This water enters a detention pond at the east end of Eagle Drive and is released at a constant pace into the natural drainage flow to the north. In the near future this water will be detained and released through the proposed retention pond north of the property.

Streets – The site is served by Eagle Drive.

Emergency Services – The site is served by a full range of emergency services and is located near the Buckeye Avenue, which affords rapid response. There are fire hydrants mid block and at the east end of Eagle Drive.

Recommended Finding

The site has a full range of public services with sufficient capacity to accommodate residential development.

9. Amount of Vacant Land in Same Zoning District in Vicinity and Special Circumstances

Statement of Facts

There are three areas zoned R-2 in the City, two of which are unplatted and slated for future development. The third areas is the well established neighborhood north of NW. 7th Street between Vine and Mulberry Streets.

Recommended Finding

There are few vacant platted lots zoned R-2 in the City, therefore there is not a glut of R-2 zoned properties that are being under used.

10. Recommendation of Staff

See Staff's Recommendation.

11. Conformance with Comprehensive Plan

Statement of Facts

The future land use plan shows the area multi-family residential with the furthest west lots being designated as highway commercial. This suggests that the area is a land use transition area and may be adjusted as demand requires. The existing Low Density Residential (R-1) zoning is not in conformance with the Comprehensive Plan.

Recommended Finding

The proposed zoning change is in greater conformance with the future land use plan than is the existing zoning district.

12. Gain to Public Interest Relative to Hardship on Property Owners

Statement of Facts

The proposed rezoning would forward the public interest by creating the land use transition previously discussed. While there are many factors affecting the demand for residential development, the existing R-1 zoning district appears to contribute to the lack of development of the property, which is a hardship on the property owner.

Recommended Finding

The net impact of this application on the private and public interest would be positive in terms of land use transitioning and offering lots for a diverse housing options.

13. Other Relevant Factors

Statement of Facts

There appear to be no other relevant factors.

Recommended Finding

Not applicable.

Recommendation

Staff is recommends **approval** of the zoning change from Low Density Residential (R-1) to Medium Density Residential (R-2).

Findings

1. The zoning change would be consistent with the intent of the zoning regulations, provides a logical transition between land uses, and is consistent with the changes in the neighborhood.
2. The zoning change would allow residential uses and potentially allow conditional uses that are common for transitional areas between commercial and residential areas.

3. The property is physically appropriate for the proposed zoning and is served with a full range of public services with adequate capacity.
4. The current zoning of R-1 hampers the property's productive use as a neighborhood transition between commercial and low density residential use.
5. There are few vacant platted lots zoned R-2 in the City, therefore there is not a glut of R-2 zoned properties that are being under used.
6. The proposed zoning change is in greater conformance with the future land use plan than is the existing zoning district.
7. The net impact of this application on the private and public interest would be positive in terms of land use transitioning and offering lots for a diverse housing options.

Planning Commission Options

1. Recommend approval of the zoning change with staff's findings;
2. Recommend approval of the zoning change with modified findings;
3. Recommend denial of the zoning change with findings; or
4. Table the item with a request for specific information.