

ORDINANCE NO. 3353

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "R-3, HIGH DENSITY RESIDENTIAL DISTRICT" TO "C-3, GENERAL COMMERCIAL 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 "C-3, General Commercial District" is hereby amended to include the following described real property:

Lots 1, 2, 3, 20, 21, Block 4, Central Park Addition to the City of 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.

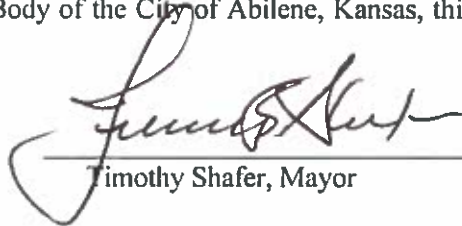
SECTION 3. The District Zoning Map referred to in the Zoning Regulations Section 3, of the City of Abilene, Kansas, adopted by Ordinance No. 2796, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

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



Attest:


Penny L. Soukup, CMC, City Clerk


Timothy Shafer, Mayor

Approved As To Form:

City Attorney

PC 18-4: STAFF REPORT

PC 18-4: A request for a Zoning Change from High Density Residential (R-3) to General Commercial (C-3) for the Property Addressed 108 SE. 6th Street.

GENERAL INFORMATION

Date:	April 10, 2018
Owner:	Roy McBride
Applicant:	Roy McBride
Requested Action:	Zoning Change from R-3 to C-3
Purpose:	To Commercial Use
Location address:	108 SE. 6 th Street
Comprehensive Plan:	Low Density Residential
Sites Existing Zoning:	R-3, High Density Residential
Land Area:	37,000 sq. ft.
Notice Date:	March 20, 2018

Background

For many years, the property had a vacant church on it. Recently the owner has invested in the building and has it fit for occupancy. He would like to operate a “convention” facility. Under the zoning ordinance, this would be an “exhibition hall”, which requires that the property be zoned General Commercial (C-3). The property is zoned High Density Residential (R-3) and will require a zoning change to operate as proposed. The property is in the 100-year floodplain (Zone AE).

Comments

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

Citizen Comments: A potential property owner in the area did not have a specific concern, but just wanted to clarify what the application was and which property it concerned.

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.

Ariel Photo



North Side of 108 SE 6th Street



1. Consistent with the Intent of the Regulations

Statement of Facts

The purpose of the General Commercial (C-3) zoning district is to provide for varied retail, service, office, and other commercial uses in locations near arterial streets. The property is located in the block adjacent to S. Buckeye Avenue, which is a principal arterial street that provides easy access for those traveling to and from town and is a logical extension of the S. Buckeye commercial corridor.

Recommended Finding

The zoning change would be consistent with the intent of the zoning regulations.

2. Character of the Neighborhood

Statement of Facts

The neighborhood has been primarily commercial and attractions since the 1950's. There are some remnant residential uses to the east, which is a waning mobile home park. A number of uninhabitable mobile homes have been moved from the property to the east and most recently the community building for the mobile home park was demolished as a result of dilapidation. The residential uses on the west side of Buckeye continue to be viable residential uses. *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	C-3	Old Abilene Town, Restaurants
South	R-1	Office, Electrical Contractor, Tire Retail and Service
East	R-3	Vacant, Aging Mobile Homes
West	C-3	Hair Salon, Restaurant, Single Family Homes

This property is clearly a transitional property separating commercial development to the west and existing residential to the east. However, the residential use directly east appear to be unviable due to age, lack of investment, and floodplain restrictions adding expense to residential development. Redevelopment of the area to the east is possible provide floodplain requirements are met.

Recommended Finding

The zoning change would facilitate a logical transition of land use intensity from commercial uses along S. Buckeye Avenue and potential redevelopment to the east.

3. Changing Conditions in the Area

Statement of Facts

Several commercial uses in the area have seen reinvestment in the past decade while the mobile home park has deteriorated signaling a shift in land use for the neighborhood towards further commercial development and removal of mobile homes.

Recommended Finding

The zoning change would be consistent with the changes in the neighborhood and would facilitate additional commercial investment potential.

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 additional commercial investment potential.

5. Every Use In Zoning District Compatible

Statement of Facts

The C-3 zoning district allows a broad range of commercial uses that serve local and regional needs along with those of the traveler. There are a number of light industrial uses that may be considered through the conditional use permit process. Among these include: mini-storage, wholesale businesses, and motor vehicle repair.

Recommended Finding

The zoning change would allow a range of commercial uses in an area that is primarily commercial with few residences to be negatively impacted beyond the existing impact.

6. Suitability of the Property to Potential Uses

Statement of Facts

The physical attributes of the property are appropriate for uses allowed in the C-3 zoning district and building sites are prepared for construction. Floodproofing requirements will add additional expense to further development.

Recommended Finding

The property is physically appropriate for uses allowed in the proposed zoning district.

7. Length of Time the Property has been Vacant

Statement of Facts

The property (building and grounds) has been vacant for several years, which results of disinvestment in the building and a lack of demand for building sites in the area.

Recommended Finding

The current zoning of R-3 hampers the property's productive use as a part of the S. Buckeye commercial corridor.

8. Adequate Public FacilitiesStatement of Facts

The property has 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 6" lines along SE. 6th and SE 7th Streets.

Sewer – There is an 8" sewer line in SE. 7th Street and a 10" sewer line in SE. 6th Street.

Drainage – Stormwater sheet flows to the adjacent streets. There are storm sewer inlets at SE. 6th and Buckeye and the 300 block of SE. 6th Street. .

Streets – The site is served by SE. 6th, SE. 7th, and S. Kuney Streets.

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 on SE. 6th Street to the east and west of the site. There is also a hydrant on the south side of SE. 7th across the street from the southern portion of the property.

Recommended Finding

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

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

The C-3 zoning district is the most abundant commercial district in the city with several vacant buildings and undeveloped land. The most of this under-utilized property has city services with no need for the extension of public facilities. The proposed zoning change does not involve any public improvements.

Recommended Finding

The amount of C-3 zoning available is not relevant to the proposed zoning change because there are no public investments being sought as a result of this zoning.

10. Recommendation of Staff

See Staff's Recommendation.

11. Conformance with Comprehensive Plan

Statement of Facts

The future land use plan, which was adopted in 2006, shows the area slated for residential use, which mirrored the existing zoning and the mobile home park. Since the development of the future land use plan there has been an adjacent rezoning to C-3 and a number of commercial investments in the area. The property is on the edge of proposed commercial land use and is part of the transitional area. While not explicitly proposed as commercial in the future land use plan, changes in the neighborhood have reduced the areas residential component.

Recommended Finding

The proposed zoning change is to specifically in accordance with the future land use plan, but changing conditions in the past 10 years have reduced the future land use plan's relevance in this neighborhood.

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

Statement of Facts

The proposed rezoning would forward the public interest by allowing the use of an existing non-residential structure and allow for additional commercial investment in a transitional area. Maintaining the R-3 zoning district would be a hardship on the property owner by limiting the uses of the non-residential structure.

Recommended Finding

The net impact of this application on the private and public interest would be positive in terms of land use transitioning and allowing commercial use of the existing non-residential building and future commercial investment.

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 High Density Residential (R-3) to General Commercial (C-3).

Findings

1. The zoning change would be consistent with the intent of the zoning regulations.
2. The zoning change would facilitate a logical transition of land use intensity from commercial uses along S. Buckeye Avenue and potential redevelopment to the east.
3. The zoning change would be consistent with the changes in the neighborhood and would facilitate additional commercial investment potential.
4. The zoning change would allow a range of commercial uses in an area that is primarily commercial with few residences to be negatively impacted beyond the existing impact.
5. The property is physically appropriate for uses allowed in the proposed zoning district and has a full range of public services with adequate capacity.
6. The current zoning of R-3 hampers the property's productive use as a part of the S. Buckeye commercial corridor.
7. The amount of C-3 zoning available is not relevant to the proposed zoning change because there are no public investments being sought as a result of this zoning.
8. The proposed zoning change is to specifically in accordance with the future land use plan, but changing conditions in the past 10 years have reduced the future land use plan's relevance in this neighborhood.
9. The net impact of this application on the private and public interest would be positive in terms of land use transitioning and allowing commercial use of the existing non-residential building and future commercial investment.

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.