

Summary of Ordinance No. 3245

On January 13, 2014, the City of Abilene, Kansas, adopted Ordinance No. 3245, An Ordinance rezoning certain property located within the City of Abilene, Kansas from "R-1, single family district" to "R-3, general residential 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. 3245

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

WHEREAS, the property owners of record have requested the City consider rezoning certain property more commonly described as 501 NE 8th Street, and as provided in **Exhibit A** as attached hereto, from "R-1, Single Family District" to "R-3 General Residential 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:

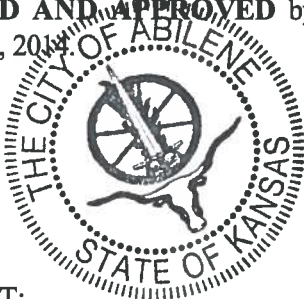
SECTION 1. Property Rezoned. That property legally described as follows is hereby rezoned from "R-1, Single Family District" to "R-3, General Residential District":

Lots 21, 22, 23, 24, 25 and 26, Block 3, Grandview Subdivision, 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

501 NE 8th Street

City of Abilene, Kansas

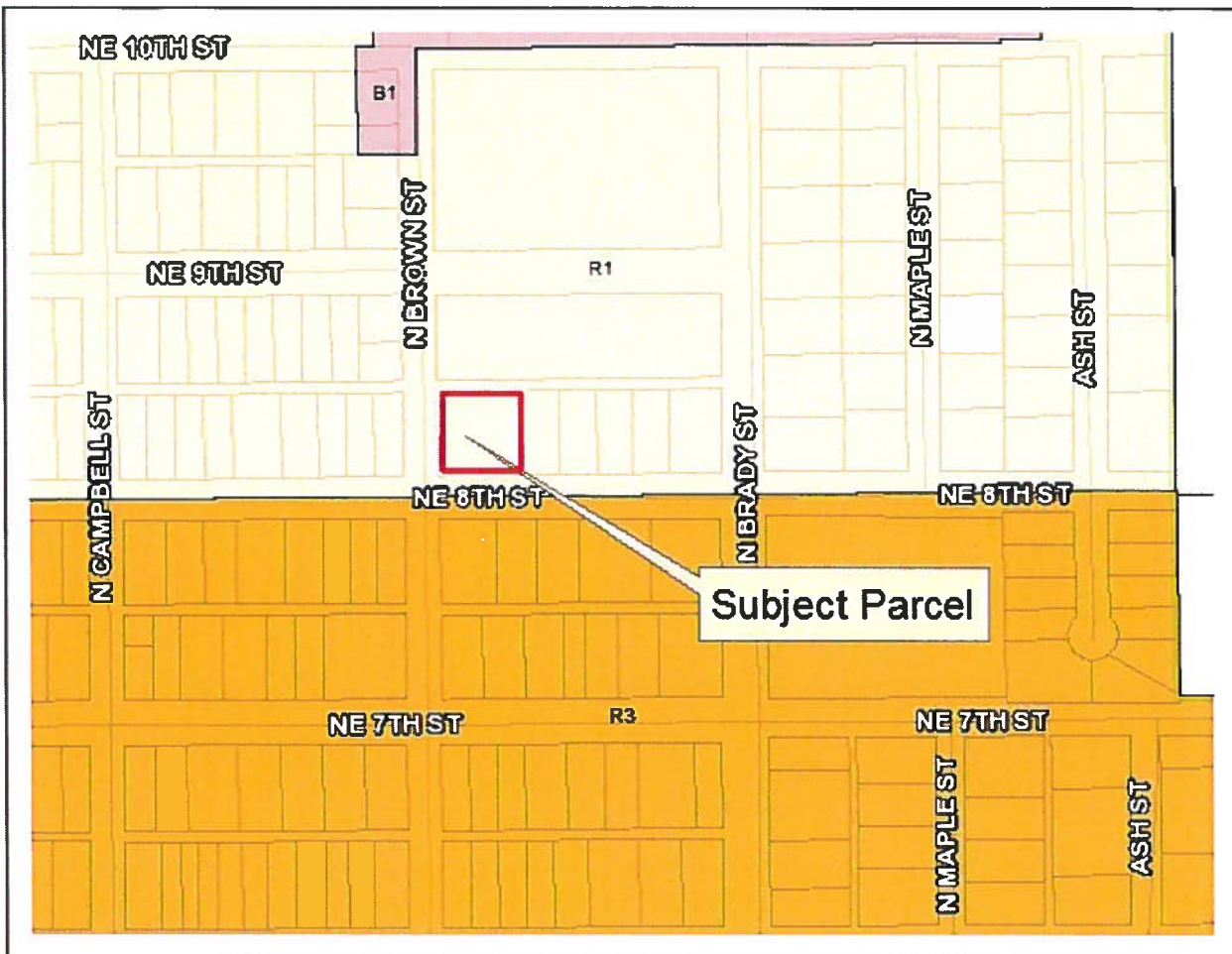
January 13, 2014

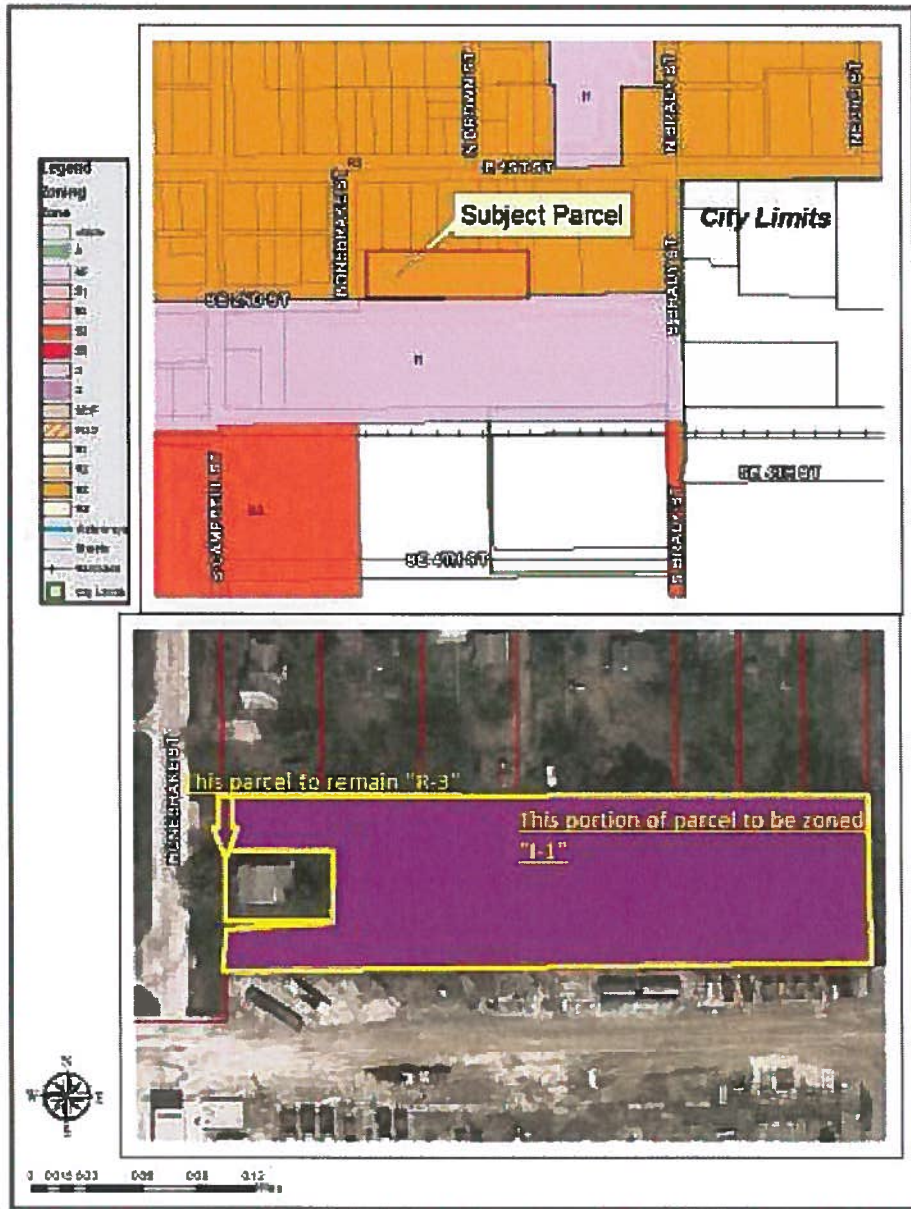
Legend

Zoning

Zone

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





Staff Report:

STAFF REPORT

PC 13-15 Rezoning of 501 NE 8th Street from "R-1, Single Family Residential District" to "R-2, Two Family Residential District" at the request of Larry Rankin

GENERAL INFORMATION

Date:	November 7, 2013								
Owner:	Larry Rankin								
Applicant:	Larry Rankin								
Requested Action:	Amend the zoning of the property.								
Purpose:	Rezone property to accommodate a Two-Family dwelling.								
Location address:	501 NE 8 th Street								
Comprehensive Plan:	Comprehensive Plan Shows this property as Low Density Residential potential (1 or 2 family dwellings).								
Sites Existing Zoning and use:	"Single Family Residential District, R-1", Residential								
Surrounding Zoning and Land Use:	<table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">North</td> <td>"R-1, Single Family Residential District" – Residential use</td> </tr> <tr> <td>South</td> <td>"R-3, General Residential District" – Residential Use</td> </tr> <tr> <td>East</td> <td>"R-1 Single Family Residential District" – Residential Use</td> </tr> <tr> <td>West</td> <td>"R-1, Single Family Residential District" – Residential Use</td> </tr> </table>	North	"R-1, Single Family Residential District" – Residential use	South	"R-3, General Residential District" – Residential Use	East	"R-1 Single Family Residential District" – Residential Use	West	"R-1, Single Family Residential District" – Residential Use
North	"R-1, Single Family Residential District" – Residential use								
South	"R-3, General Residential District" – Residential Use								
East	"R-1 Single Family Residential District" – Residential Use								
West	"R-1, Single Family Residential District" – Residential Use								
Land Area:	Lot is 150' x 150'								
Notice Date:	This project was published and noticed by mail as required by code.								

COMMENTS & FINDINGS

1. The applicant anticipates splitting the vacant portion of their lot to accommodate a two-family dwelling.
2. The lot split will be considered by the Planning Commission on January 14th.
3. The Applicant must submit in addition to the lot split, a site plan indicating off street parking requirements for the proposed district will be met (2 spaces per dwelling unit).
4. Currently the property abuts an "R-3" District to the South.
5. There is currently no "R-2" zoning within the vicinity of the property, however the Comprehensive Plan defines "Low Density Residential" as 1 and 2 family dwellings.
6. The current home at this address is a two family dwelling.
7. There are currently a number of two-family dwellings throughout the city which are located within the "R-1" District.

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: At their December 10th meeting, the Planning Commission and Staff recommended approval of a rezoning to "R-3" as opposed to "R-2" based on the following findings or considerations outlined in Article 24-404:

1. This property currently abuts an "R-3 District to the South.
2. Removal of the present zoning may not have a detrimental effect on adjacent properties.
3. One of the housing goals of the current Comprehensive Plan is to address infill development and rental housing needs.
4. The "R-3" District will allow greater flexibility allowing the Applicant to place the duplex farther West on the lot which would allow a greater buffer between the duplex and adjacent single family use.