

ORDINANCE NO. 3270

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 1118 NW 2ND STREET, AT THE REQUEST OF SCOTT DAWSON BUILDERS, INC., FOR THE CONSTRUCTION OF A DUPLEX IN AN "R-1, LOW DENSITY RESIDENTIAL DISTRICT" IN THE CITY OF ABILENE, KANSAS

WHEREAS, the Planning Commission reviewed a request from Scott Dawson Builders, Inc. concerning a Conditional Use Permit for the construction of a duplex in an "R-1, Low Density Residential District" at property generally located at 1118 NW 2nd Street in Abilene, Kansas;

WHEREAS, the Planning Commission conducted a Public Hearing per Article 26 of the Zoning Regulations of the City of Abilene, Kansas, on April 14, 2015, and following public comment recommended approval of a Conditional Use Permit allowing the construction of a duplex on the above referenced property.

NOW, THEREFORE BE IT ORDAINED, by the City Commission of the City of Abilene, as follows:

SECTION ONE. Conditional Use Permit. That a Conditional Use Permit is hereby issued to Scott Dawson Builders, Inc. for the construction of a duplex as generally provided in the Conditional Use Permit application as provided in **Exhibit A**, attached hereto.

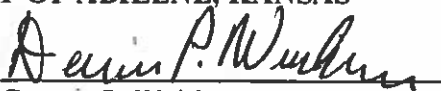
SECTION TWO. Permit Conditions. Approval. Per Section 26-110 of the Zoning Regulations, the Planning Commission may impose, and the City Commission may approve, reasonable conditions on the approval of a Conditional Use Permit. There are no specific conditions for this Permit.

SECTION THREE. Implementation. The City Manager, or designee, is hereby authorized to issue a Conditional Use Permit once all conditions have been reasonably met.

SECTION FOUR. 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 11th day of May, 2015.

CITY OF ABILENE, KANSAS

By: 
Dennis P. Weishaar, Mayor

ATTEST:


Penny Soukup CMC
City Clerk

EXHIBIT A

Conditional Use Permit Application

Scott Dawson Builders, Inc.

1118 NW 2nd Street

Abilene, KS

May 11, 2015

STAFF REPORT

PC 14-9 Consideration of a Conditional Use Permit, 1118 NW 2nd Street at the request of Scott Dawson Builders, Inc. for the construction of a duplex in an "R-1, Low Density Residential District".

GENERAL INFORMATION

Date:	April 7, 2015
Owner:	Scott and Maureen Dawson
Applicant:	Scott Dawson Builders, Inc.
Requested Action:	Approval of a Conditional Use Permit.
Purpose:	To allow construction of a duplex
Location address:	1118 NW 2 nd Street.
Comprehensive Plan:	Comprehensive Plan Shows this address as Low Density Residential potential (includes single family and possible two-family units).
Sites Existing Zoning:	"R-1, Low Density Residential District"
Surrounding Zoning and Land Use:	North <i>R-1 Low Density Residential District occupied by one detached single family structure.</i> South <i>C-2 Restricted Commercial District occupied by public use (USD 435 property).</i> East <i>R-1 Low Density Residential District occupied by a single family home.</i> West <i>R-1 Low Density Residential District occupied by a single family home.</i>
Land Area:	Contains approximately 1 acre. (120' x 140')
Notice Date:	This project was published and noticed by mail as required by code.

COMMENTS

1. The Applicant is proposing a duplex on a vacant lot with dimensions 120 by 140 feet.
2. The duplex will be similar to those built by the Applicant located on North Elm Street adjacent to Mud Creek.
3. The duplex will be 63' by 72'.

RECOMMENDATION AND FINDINGS

Staff and the Planning Commission are recommending approval of the proposed duplex based on the following criteria as outlined in Section 26-110 of the Zoning Regulations:

a. Consistency with intent and purpose of the zoning regulations – In general, this proposal is consistent with the intent and purpose as outlined in Article 1 of the regulations.

b. Compatibility of proposed use with surrounding uses – Although there are no two family units within the immediate vicinity of this property, the future land use map designation of "Low Density Residential Potential" includes both single family and two family uses.

c. Public infrastructure – This proposal may not pose a burden on Public water or sewer. It has also been determined that there may be no adverse impact to storm sewers. Since this lot could potentially be legally split to accommodate two single family homes which would have the same impact as one two-family unit.

d. Necessity of the proposal due to changes in the affected area – There have been no appreciable changes to the affected area other than the number of infill lots for the City as a whole have increased in recent years.

e. Length of time the property has remained vacant – This property has remained vacant at least since 2010.

f. Compatibility of the subject property for the proposed use – The duplex would be consistent and compatible with the surrounding residential uses.

h. Whether the Comprehensive Plan is furthered and supported by this proposal – This proposal is consistent with the goals and objectives for diversity of housing outlined in the Comprehensive Plan.

i. Adverse impacts on adjacent properties if all conditions placed upon the request are met – The purpose for imposing conditions on a proposal is to ensure that adjacent, conflicting uses are not detrimentally affected. It is staff opinion that this proposed use may not have an adverse impact on adjacent properties.

J. Solid Waste disposal facilities – Not Applicable.

K. Other items for consideration – In evaluating individual Conditional Use Permit applications, the Planning Commission may also consider the occurrence of similar land use patterns throughout the City. The proposal is by no means unique. There are a number of infill lots within Abilene which are currently zoned “R-1” which could by reason of their size accommodate a duplex.

COMMISSION OPTIONS:

1. Approve the Conditional Use Permit with conditions as deemed necessary;
2. Deny the request.

CITY OF ABILENE, KANSAS
DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway • Abilene, Kansas 67410 • Tel: (785) 263-2550 • Fax: (785) 263-2552 • www.abilencityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- | | |
|--|--|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL | <input type="checkbox"/> LOT SPLIT |
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE |
| <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS | <input type="checkbox"/> PRELIMINARY PLAT |
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT | <input type="checkbox"/> PLANNED DEVELOPMENT |
| <input checked="" type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> REPLAT |
| <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT | <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> SITE PLAN |
| <input type="checkbox"/> HOME OCCUPATION PERMIT | <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
| <input type="checkbox"/> LANDMARK DESIGNATION | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> LOT SPLIT | |

FOR OFFICIAL USE ONLY

Appn Number: PC15-3
 Date Received: 3/10/15
 Received By: [Signature]

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Maureen Dawson Tel: (785) 263-7731
 Business Name: Scott Dawson Builders, Inc. Fax: () 11
 Address: 2458 Gulp Rd
 City: Abilene State: Ks Zip Code: 67410
 E-mail: scottdawsonbuilders@gmail.com.

PROPERTY OWNER (If Different from Applicant/Agent):

Name: _____ Tel: () _____
 Business Name: _____ Fax: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 E-mail: _____

ENGINEER/ARCHITECT/SURVEYOR:

Name: _____ Tel: () _____
 Business Name: _____ Fax: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 E-mail: _____

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

X 1118 NW 2nd

PROPERTY TAX IDENTIFICATION NUMBER: _____

ZONING: Existing: R-1 (Low Density Res) Proposed: _____
LAND USE: Existing: Vacant Proposed: Duplex Residential

GROSS SIZE OF PLAT/LOT: 120' x 140'
 Residential: Commercial: _____ Industrial: _____ Other: _____ Total: _____

NUMBER OF LOTS:
 Residential: 1 Commercial: _____ Industrial: _____ Other: _____ Total: _____

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 1 Total Building Area: 3,666'
 Maximum Height of Buildings or Structures: 18' Total Impervious Area: 1,092'

EXISTING PUBLIC FACILITIES:

	Public	Private	Other (Describe)
Water Service:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Wastewater Service:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Roadway Access:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

FLOODPLAIN INFORMATION:

Floodway: Yes No FIRM Map-Panel Number: _____
 Floodway Fringe: Yes No Zone: X

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

Yes No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION*

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

[Signature]
 Applicant Signature

3/10/15
 Date

 Property Owner Signature

 Date

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> Easements and Covenants | <input type="checkbox"/> Location Map |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Infrastructure Plans | <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Grading and Stormwater Plans |
| <input type="checkbox"/> Elevation Survey | <input type="checkbox"/> Traffic Impact Study | <input type="checkbox"/> Construction Plans |
| <input type="checkbox"/> Performance Agreement | <input type="checkbox"/> Proof of Notification | <input type="checkbox"/> Utility Plans |
| <input type="checkbox"/> Text Amendment Language | <input type="checkbox"/> Property Owner List | <input type="checkbox"/> Comprehensive Plan Amendment Justification |
| <input type="checkbox"/> Annexation Boundary Map | <input type="checkbox"/> Operating Characteristics Report | <input type="checkbox"/> Administrative Appeal Justification |
| <input type="checkbox"/> Variance Justification | <input type="checkbox"/> Other _____ | |

Additional document requirements provided to applicant on _____. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

_____	_____
Name	Title
_____	_____
Signature	Date

*** Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.*

APPLICATION REVIEW

DECISION-MAKING BODY: Staff Planning Commission Board of Zoning Appeals City Commission
 Heritage Commission Other (specify): _____

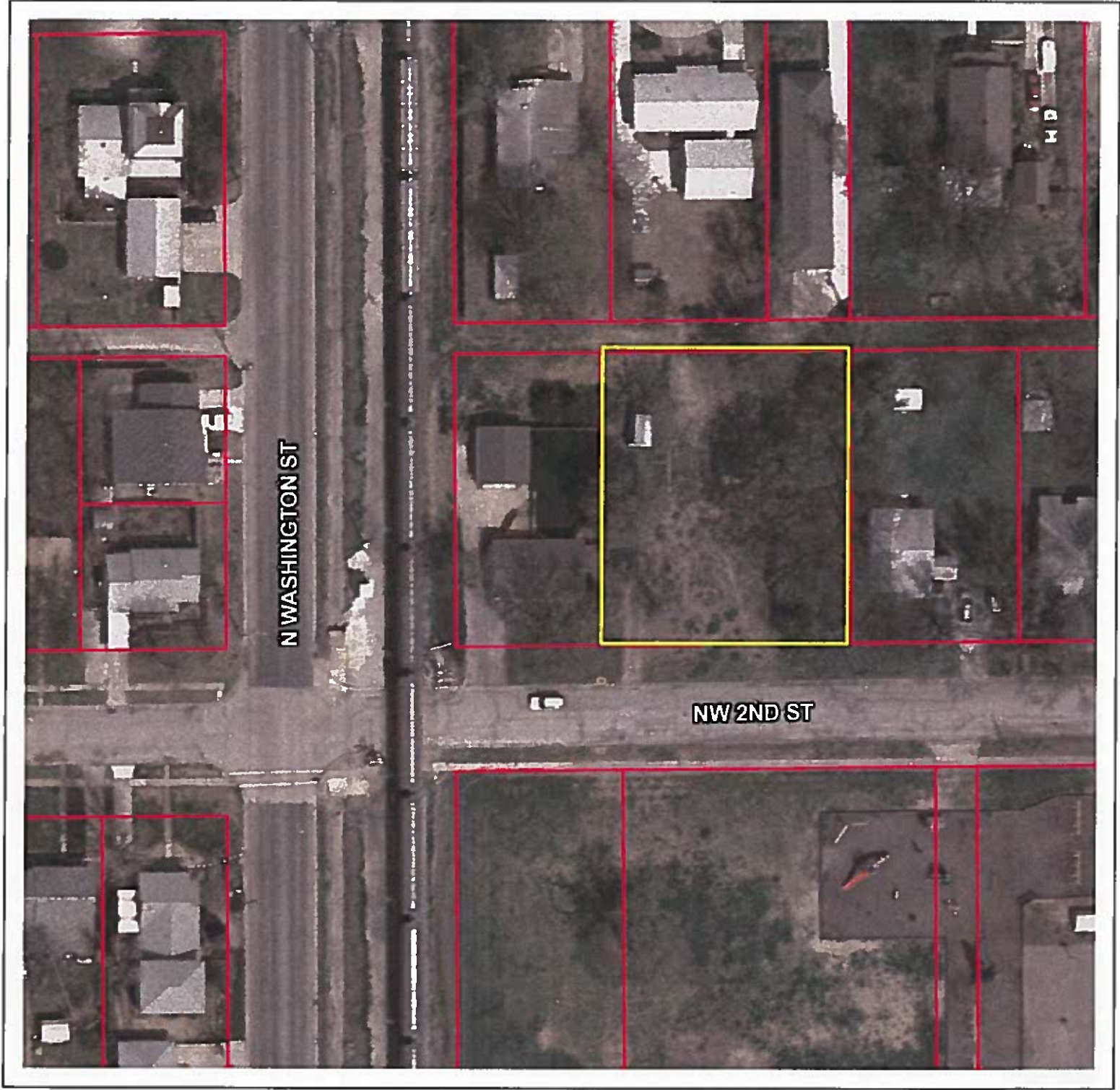
DATE OF INITIAL HEARING(S): PC 4/14/15 ca 5/11/15

FEE AMOUNT: \$100.00 DATE FEE PAID: \$100.00 3/10/15

DETERMINATION OF COMPLETE APPLICATION:

I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This certification does not preclude the review, recommendation and/or decision-making bodies from requesting additional information as deemed necessary to serve the public interest.

<u>Tim Hamilton</u>	<u>Director</u>
Name	Title
<u>[Signature]</u>	<u>3/10/15</u>
Signature	Date

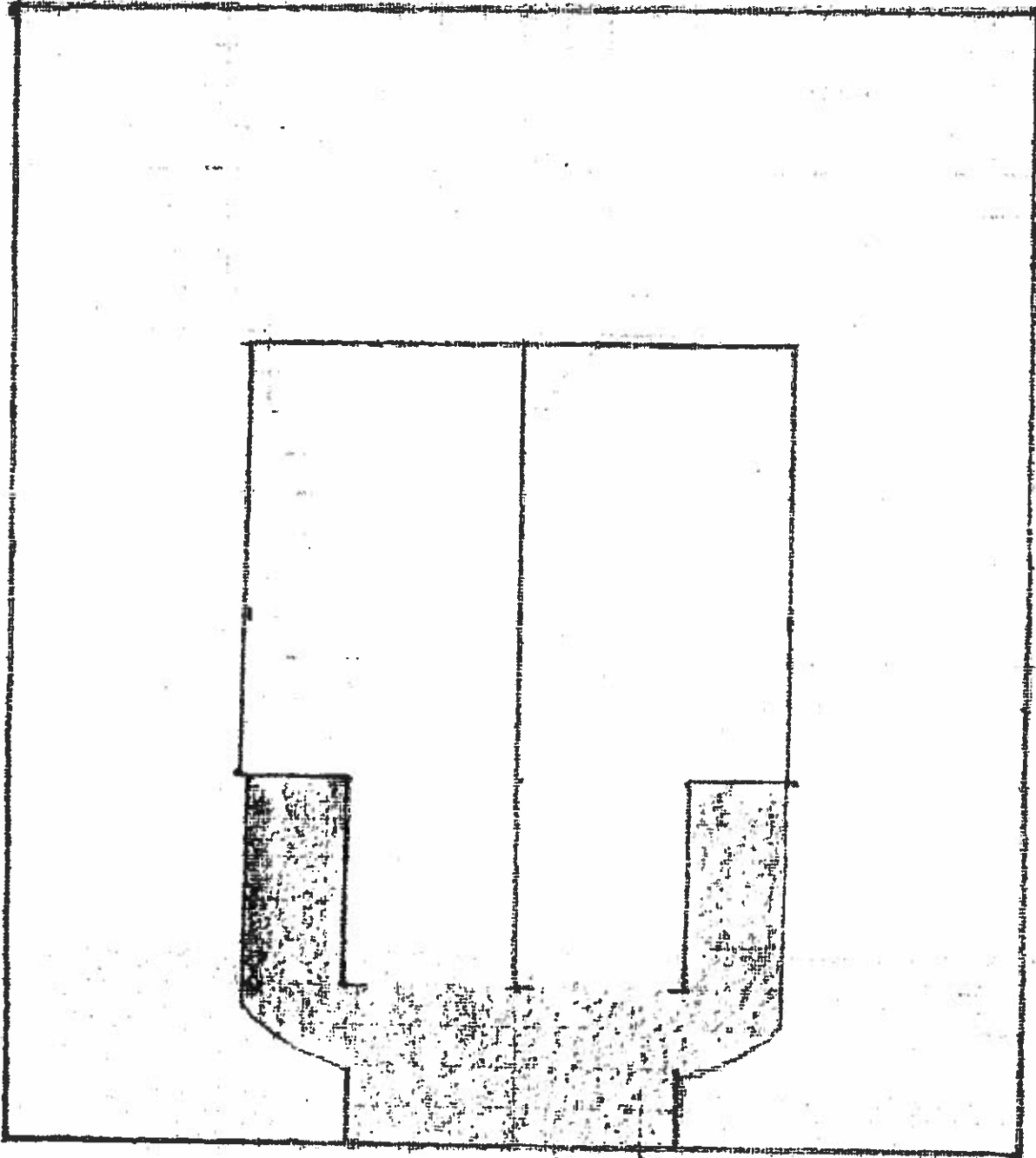


0 0.00350.007 0.014 0.021 0.028 Miles

Site plan

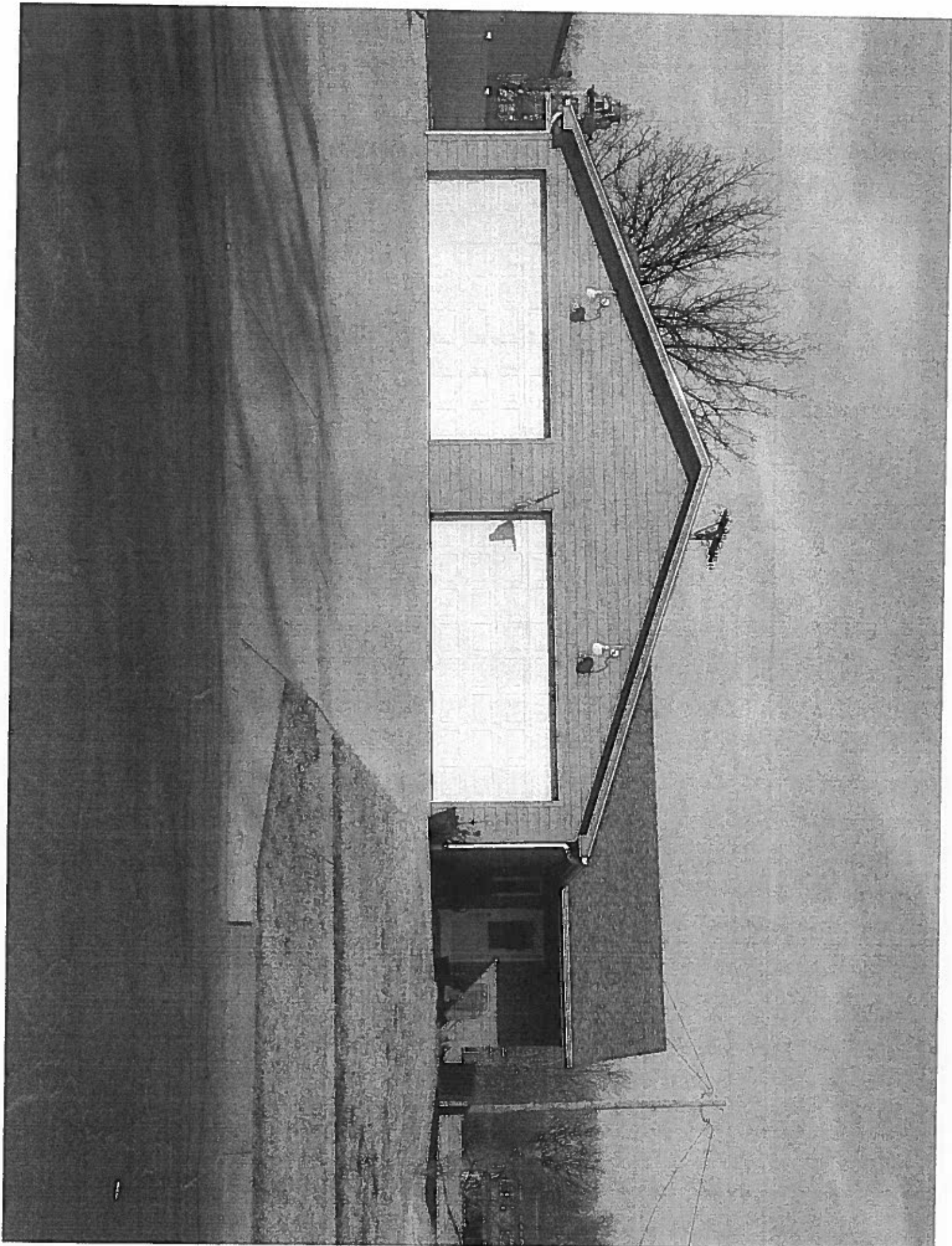
Dawson 1118 N W 2nd

26' Front setback.
28' 3" Side setbacks
42' Back yard.



Lot 126' x 140'

Duplex 63' x 72'



Entered in Transfer Record in my
office this 1 day of Aug
2013 A.D.
Barbara M Jones
Jeanne L. Funderburk
Clerk
Deputy Co. Clerk



STATE OF KANSAS, DICKINSON COUNTY
Karen J. Freeman, Register of Deeds
Book: D250 Page: 637-638

Receipt #: 253458
Pages Recorded: 2
Cashier Initials: JF

Recording Fee: \$12.00
Authorized By [Signature]

Date Recorded: 8/1/2013 2:21:52 PM



X ✓ ✓ ✓



First American

KANSAS WARRANTY DEED

Grantor(s): **Vernon D. Howard, a single person**

Grantee(s): **Scott A. Dawson and Maureen L. Dawson, Trustees of the Maureen Dawson Trust under Agreement dated February 3, 1993**

Grantee(s) mailing address: **2458 Gulf Rd, Abilene, KS 67410**

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL, CONVEY AND WARRANT** to Grantee(s), the following described premises, to wit:

Lots Twenty-five (25), Twenty-seven (27) and Twenty-nine (29), on North Second Street, Lebold's Fourth Addition to the City of Abilene, Dickinson County, Kansas.

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), their heirs, successors and assigns, will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), their successors and assigns, against the lawful claims of all persons whomsoever, excepting however the general taxes for the current calendar year and thereafter, and the special taxes becoming a lien after the date of this deed.