

**ORDINANCE NO. 3324**

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 2200 N. BUCKEYE AVENUE, AT THE REQUEST OF TRIPLETT, INC. TO OPERATE A TRAVEL TRAILER PARK AS AN ACCESSORY USE IN THE "C-3", GENERAL COMMERCIAL DISTRICT" OF THE CITY OF ABILENE, KANSAS**

WHEREAS, the property owners of record have requested the City consider a Conditional Use Permit to allow for the operation of a travel trailer park as an accessory use to a travel center development at the property generally described as 2200 N. Buckeye Avenue in Abilene, Kansas, as provided in the PC 17-7 Staff Report;

WHEREAS, the Planning Commission conducted a public hearing on May 9, 2017 and comments were received from the public both in support of the proposed Conditional Use Permit; and

WHEREAS, the Planning Commission recommended (4-0) that the Governing Body approve a Conditional Use Permit application with findings and conditions.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:**

**SECTION ONE. Findings of Fact.** The City Commission finds that:

1. The proposed location of the travel trailer park would have a minimal impact on the neighborhood due to its location and the highway commercial nature of the property to the south.
2. The site has a full range of services in sufficient capacity to serve the use without hampering the existing level of service in the neighborhood.
3. The physical attributes of the property are appropriate for the improvements.
4. The proposed use serves the traveling public, which meets the intent of the C-3, General Commercial zoning district.

**SECTION TWO. Conditional Use Permit.** That a Conditional Use Permit is hereby granted to Triplett, Inc for the operation of a travel trailer park as an accessory use as generally provided in the Conditional Use Permit application on property legally described as follows:

**Legal Description:**

A tract of land in the Northwest Quarter of Section 9, Township 13 South, Range 2 East of the 6<sup>th</sup> P.M., in the City of Abilene, Dickinson County, Kansas, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 9; thence N 00°00'00" E 554.10 feet; thence N 90°00'00" W 80.00 feet to the true point of beginning and the point of beginning of the Ronald E. Janasek, Janice M. Janasek, Harold J. Tuma and Marjorie A. Tuma tract recorded in Book 214, Page 500, in the Dickinson County Register of Deeds Office and Corner 1, marked by a ½" rebar; thence N 89°39'19" W 149.97 feet (Deed: N 89°43' W 150 feet) to Corner 2, marked by a ½" rebar; thence S 00°00'00" W 177.00 feet to Corner 3, marked by an "X" cut in concrete; thence N 89°40'58" W 511.24 feet to Corner 4, marked by a ½" rebar; thence N 00°04'25" E 344.12 feet to Corner 5, marked by

a ½" rebar; thence N 84°47'25" E 303.69 feet (Deed: N 84°48' E 303.92 feet) to Corner 6, marked by a ¾" rebar; thence S 89°21'57" E 358.38 feet (Deed: S 89°24' E 358.28 feet) to Corner 7, marked by a ½" rebar; thence S 00°01'27" W 194.46 feet (Deed: S 00°00' E 194.4 feet) to the True Point of Beginning.

**SECTION THREE. Permit Conditions, Approval.** Per Section 26-110, the Planning Commission may impose, and City Commission may approve, reasonable conditions on approval of a Conditional Use Permit. The following conditions for this permit are approved:

1. The travel trailer park use must conform to the provisions of Section 9-11.
2. Open burning is prohibited.
3. Provide a landscape plan that provides for screening between the travel trailer park, the I-70 ROW, and the commercial truck parking area.

**SECTION FOUR. Implementation.** The Community Development Director, or designee, is hereby authorized to ensure all conditions have been reasonably met.

**SECTION FIVE. 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 ADOPTED** by the Governing Body of the City of Abilene, Kansas this 22<sup>nd</sup> day of May, 2017.



CITY OF ABILENE, KANSAS

By: Dee Marshall  
Dee Marshall, Mayor

ATTEST:

Penny Soukup, CMC  
Penny Soukup, CMC

APPROVED AS TO FORM:

Aaron C. Martin  
Aaron C. Martin  
Clark, Mize, and Linville, Chartered