

ORDINANCE NO. 3332

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 401 COTTAGE AVENUE, AT THE REQUEST OF THE GREAT PLAINS THEATRE, FOR THE CONTINUED OPERATION OF A CINEMA AND LIVE THEATRE FACILITY IN THE LIGHT INDUSTRIAL (I-1) ZONING DISTRICT OF THE CITY OF ABILENE, KANSAS

WHEREAS, the Great Plains Theatre has operated under a conditional use permit and has requested an extension thereof as required by the original permit to allow for the operation of a cinema and live theatre facility at property described as 401 Cottage Avenue in Abilene, Kansas;

WHEREAS, the Planning Commission conducted a public hearing on July 11, 2017 to receive comments from the public of the proposed Conditional Use Permit; and

WHEREAS, the Planning Commission recommended the Governing Body approve a Conditional Use Permit at the aforementioned address.

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

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

The cinema and live theatre use has a minimal impact on the neighborhood provided the permit conditions are met.

SECTION TWO. 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. All relevant local, state, and federal regulations will be followed to include any signage and occupancy certificates.
2. All exits will be signed and lighted to the satisfaction of the Building Inspector to ensure that patrons may understand how to exit the building in the event of an emergency or other event requiring the evacuation of the building during a performance. The exit in the primary room of the proposed use leading to the north of the building shall not be used as an emergency exit due to its proximity to adjacent railroad tracks and an inaccessible entrance.
3. The applicant must adhere to the maximum occupancy limit of 200 persons for their event space as set forth by the 2003 International Building Code requirements for theaters, as previously discussed with the applicant and attached hereto.
4. Any significant change in use or physical alteration of the land or structures may require a review of this Conditional Use Permit at the determination of the Community Development Director.
5. The theatre will continue encouraging the usage of the parking lot south of the structure by its patrons and minimizing the parking impact on the residents in that area.
6. The permit is valid until August 1, 2022 or until the theatre ceases operation at this location. The theatre must request an extension prior to August 1, 2022 if the use is to continue at this location.

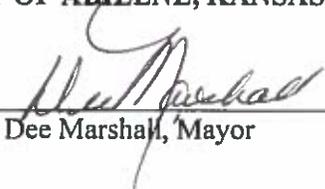
SECTION FOUR. Implementation. The Community Development Director, or designee, is hereby authorized to ensure all conditions have been reasonably met.

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 14th day of August, 2017.



CITY OF ABILENE, KANSAS

By: 
Dee Marshall, Mayor

ATTEST:


Penny Soukup, CMC

APPROVED AS TO FORM:


Mark A. Guilfoyle, City Attorney