

ORDINANCE NO. 3335

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 108 NW. 3rd STREET, AT THE REQUEST OF DP POTENTIALS, LLC, FOR A RESIDENCE ON THE FIRST FLOOR IN THE CENTRAL BUSINESS DISTRICT (C-4) ZONING DISTRICT OF THE CITY OF ABILENE, KANSAS

WHEREAS, the property owner of record have requested the City consider a Conditional Use Permit to allow a residence on the first floor at the property described as 108 NW. 3rd Street in Abilene, Kansas;

WHEREAS, the Planning Commission conducted a public hearings on July 11, 2017 and August 8, 2017 to receive comments from the public; and

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

NOW 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 continued residential use will not present a nuisance on neighboring uses or structures, provided the conditions are met.
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.

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. A separation between the commercial and residential uses must be installed and must meet fire exit safety requirements as certified by the Fire Chief;
2. ADA compliant restroom facilities are available for use by the patrons of the commercial space;
3. There shall be no outside storage of residential items;
4. The exterior of the structure must maintain a commercial design;
5. The space fronting on NW. 3rd Street must be used for commercial purposes; and
6. The permit is valid until such time as the residential use ceases for a period of 1-year.

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 11th day of September, 2017.



CITY OF ABILENE, KANSAS

By: _____

Timothy Shafer
Timothy Shafer, Mayor

ATTEST:

Shayla Moor
Shayla Moor, Deputy City Clerk

APPROVED AS TO FORM:

Mark A. Guilfoyle
Mark A. Guilfoyle, City Attorney