

ORDINANCE NO. 18-3360

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A BULK STORAGE OF USED OIL AND ANTIFREEZE USE IN THE "I-1, LIGHT INDUSTRIAL DISTRICT" LOCATED AT 307 AUGUSTINE AVENUE, IN THE CITY OF ABILENE, KANSAS

WHEREAS, the Planning Commission reviewed a request by Environmental Energy, Inc. to operate a bulk storage of used oil and antifreeze use at 307 Augustine Avenue, Abilene, Kansas; and

WHEREAS, the Planning Commission conducted a Public Hearing per Section 26-103 of the Zoning and Subdivision Ordinance of the City on May 8, 2018 after proper notice was given; and

WHEREAS, after public comments were received, the Planning Commission recommended approval of the Conditional Use Permit.

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

Section 1. Conditional Use Permit. That a Conditional Use Permit is hereby granted to Environmental Energy, Inc. for the purposes of operating a facility for the bulk storage of used oil and antifreeze in an I-1, Light Industrial District, specifically located at 307 Augustine Avenue, Abilene, Kansas and legally described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 SOUTH, RANGE 2 EAST OF THE 6TH P.M. DICKINSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;

THENCE ON AN ASSUMED BEARING OF S 00 DEGREES 00'00" E ALONG THE EAST SIDE OF SAID

SOUTHWEST QUARTER A DISTANCE OF 960.00 FEET; THENCE N 89 DEGREES 59'03" W A DISTANCE OF 370.98 FEET TO THE NORTH EAST CORNER OF A PARCEL RECORDED IN MISC. BOOK 251, PAGE 682 AT THE DICKINSON COUNTY REGISTER OF DEEDS OFFICE;

THENCE N 89 DEGREES 59'23" W A DISTANCE OF 120.00 FEET, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCES 00 DEGREES 01'07" W A DISTANCE OF 283.84 FEET; THENCE S 89 DEGREES 58'56" W A DISTANCE OF 334.08 FEET; THENCE N 00 DEGREES 01'38" E A DISTANCE OF 283.98 FEET; THENCE N 89 DEGREES 59'23" E A DISTANCE OF 334.31 FEET TO THE POINT OF THE BEGINNING

The Conditional Use Permit shall not be limited in time, subject to compliance with the conditions set forth in Section 2 below.

Section 2. Permit Conditions: Approval. Pursuant to Section 20-103 of the Zoning and Subdivision Ordinance, the Planning Commission may impose, and the City Commission may approve, reasonable conditions on the approval of a Conditional Use permit. The following conditions as imposed by the Planning Commission are approved by the City Commission:

1. The tanks remain locked when not being filled or pumped;
2. Removal and filling of the secondary containment excavation when the site is no longer used;
3. Provide a copy of all renewed KDHE permits relating to this operation;
4. The tanks must be located at the original ground level and contained within a compacted earth berm, which is built to the elevation of the 100-year floodplain; and
5. The tanks be removed from the site within 12 hours of Smoky Hill River cresting at 25' as determined by the Dickinson County Emergency Management Office.

Section 3. Certified Copy. A certified copy of this Ordinance signed by the City Clerk for the City of Abilene, Kansas, shall be recorded in the Office of the Register of Deeds, Dickinson County, Kansas.

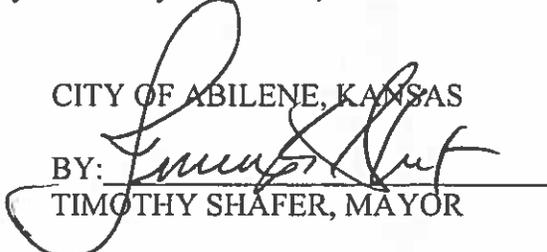
Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication once in the official newspaper by the following summary:

Ordinance No. 18-3360 Summary

On August 27, 2018, the City Commission passed Ordinance No. 18-3360. The ordinance grants a conditional use permit to allow a bulk storage of used oil and antifreeze use in the "I-1, Light Industrial District" located at 307 Augustine Avenue, in the City of Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 27th day of August, 2018.

CITY OF ABILENE, KANSAS

BY: 
TIMOTHY SHAFER, MAYOR

ATTEST:

Penny Soukup, CMC
PENNY SOUKUP, CMC
CITY CLERK



The publication summary set forth above is certified this 27th day of August, 2018.

A. O. Martin

Aaron O. Martin, City Attorney