

ORDINANCE NO. 18-3366

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC MESSAGE CENTER SIGN IN THE "C-3, GENERAL COMMERCIAL" ZONING DISTRICT LOCATED AT 1518 NORTH BUCKEYE AVENUE, IN THE CITY OF ABILENE, KANSAS.

WHEREAS, the property owner of record, ROC EM, L.L.C., has requested the City consider a Conditional Use Permit to allow for an electronic message center sign at the property generally described as 1518 North Buckeye Avenue, in Abilene, Kansas, as provided in the owner's application dated on or about September 4, 2018 ("the Application");

WHEREAS, the Planning Commission conducted a public hearing pursuant to Section 26-103 of the Zoning and Subdivision Ordinance of the City on October 9, 2018, after proper notice was given; and

WHEREAS, after public comments were received, the Planning Commission recommended the Governing Body approve a Conditional Use Permit allowing ROC EM, L.L.C. to operate a freestanding electronic message center sign at the aforementioned address.

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

Section 1. Findings of Fact. That the findings of fact, as provided in the staff report, are hereby accepted and approved by the City Commission.

Section 2. Conditional Use Permit. That a Conditional Use Permit is hereby granted to ROC EM, L.L.C. for the purposes of constructing and operating a freestanding electronic message center sign as provided in the Application, on the property legally described as follows:

A tract of land in the Southwest Quarter of Section 9, Township 13 South, Range 02 East of the Sixth Principal Meridian, City of Abilene, Dickinson County, Kansas, described as follows:

Beginning at a point that is S00° 10' 48"E 465.00 feet and N89° 33' 12" W 50.00 feet from the Northeast Corner of the Southeast Quarter of the Southwest Quarter of said Section 9, said point being on the South right of way line of NW 16th Street and the West right of way line of N. Buckeye Avenue; thence S 00° 10' 48" E 155.29 feet along the West right of way line of N Buckeye Avenue; thence N 89° 36' 37" W 171.35 feet; thence N 01° 09' 33" E 155.46 feet to the South right of way line of NW 16th Street; thence S 89° 33' 12" E 167.72 feet to the point of beginning, containing 26,339 square feet.

The Conditional Use Permit shall not be limited in time, subject to compliance with the conditions set forth in Section 3 below.

Section 3. 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:

- A. Construction of the new pharmacy and associated sign shall be initiated within one year of the Conditional Use Permit approval.
- B. The site shall be developed in general compliance with the Site Plan as submitted.
- C. The free-standing sign, including the Electronic Message Sign, shall be constructed in general compliance with the details and dimensions as submitted.
- D. The sign shall be located at a minimum of 100 feet, as measured from east edge of sign, to the front of any residential structure.
- E. Brightness limits shall be set at a maximum luminance of 3,000 nits between sunrise and sunset and at a maximum luminance of 500 nits between sunset and sunrise. Sign manufacturer shall submit specifications indicating compliance with this requirement.
- F. The Electronic Message Sign shall be equipped with a light sensing device to automatically adjust the brightness in accordance with these standards. Sign manufacturer shall submit specifications indicating compliance with this requirement.
- G. The sign owner shall provide contact information for the person who is available to be contacted at any time and who is able to turn off the electronic sign promptly if a malfunction occurs.
- H. Should any electronic message sign be found by the Zoning Administrator to compromise the safety of vehicular or pedestrian traffic, or otherwise be injurious to surrounding properties, the owner of the sign shall reduce the intensity of the sign to a level acceptable to the City.

Section 4. 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 5. 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. 18-3366 Summary

On November 13, 2018, the City Commission passed Ordinance No. 18-3366. The ordinance grants a conditional use permit to allow an electronic message center sign in the "C-3, General Commercial" zoning district located at 1518 North Buckeye Avenue, in the City of Abilene, Kansas. A complete copy of the ordinance is

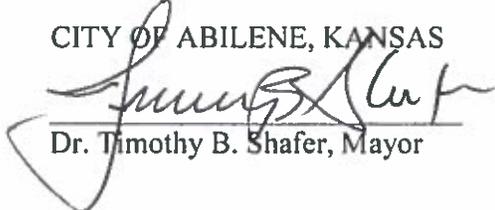
available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 13th day of November, 2018.

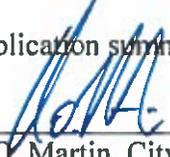
ATTEST:

Penny Soukup, CMC
City Clerk



CITY OF ABILENE, KANSAS

Dr. Timothy B. Shafer, Mayor

The publication summary set forth above is certified this 13th day of November, 2018.



Aaron O. Martin, City Attorney