

ORDINANCE 23-3427

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC MESSAGE CENTER SIGN AT 1810 N BUCKEYE AVE, IN THE C-3, GENERAL COMMERCIAL DISTRICT, IN THE CITY OF ABILENE, KANSAS.

WHEREAS, the property owner of record, Rittel's Western Wear, LLC, has requested the City consider a conditional use permit to allow for an electronic message center sign at the property generally described as 1810 N Buckeye Ave in Abilene, Kansas, as provided in the owner's application dated on December 15, 2022.

WHEREAS, the Planning Commission conducted a public hearing on February 7, 2023, after all proper notices were given per Article 26 of the Zoning Regulations of the City of Abilene, Kansas. The Planning Commission recommended approval of the conditional use permit request with a vote of 6-0.

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the City of Abilene, Kansas, as follows:

Section One. Findings of Fact. That the findings of fact are hereby accepted and approved by the Governing Body. The sign shall be constructed in general compliance with the site plan dimensions as submitted in the application. The dual-sided sign shall be operated in a manner by the property owner that provides dimming technology and brightness control for traffic safety. The scheduled messages will include a hold time of 4-5 seconds and no flashing transitions will occur.

Section Two. Conditional Use Permit. That a conditional use permit is hereby granted to Rittel's Western Wear, LLC for the purpose of constructing and operating an electronic message center sign as provided in the application on the property legally described as follows:

A tract of land described as follows: Beginning at a point 80.3 feet West of the Southeast corner of the South Half of the North Half of the Northeast Quarter of the Southwest Quarter (S½ N½ NE¼ SW¼) of Section Nine (9), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., subject to existing highways, thence West 200 feet, thence North 80 feet, thence East 200 feet, thence South to the point of beginning, all being in the City of Abilene, Dickinson County, Kansas.

Section Three. Implementation. The City Manager, or designee, is hereby authorized to issue a conditional use permit upon receiving sufficient evidence that all conditions designated for prior approval have been reasonably met. The conditional use permit shall not be limited in time.

Section Four. 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:

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On February 27, 2023, the City Commission passed Ordinance 23-3427. The ordinance grants a conditional use permit to allow an electronic message center sign at 1810 N Buckeye Ave in the C-3, General Commercial District, located 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 St, Abilene, KS, 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 February 2023.



Trevor D. Witt, Mayor

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 27th day of February 2023.

Aaron O. Martin, City Attorney