ORDINANCE 23-3434

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE ELEMENTARY SCHOOL AT TRINITY LUTHERAN CHURCH, 320 N CEDAR ST, IN THE C-4, CENTRAL BUSINESS DISTRICT, IN THE CITY OF ABILENE, KANSAS.

WHEREAS, the property owner of record, Trinity Lutheran Church, has requested the City consider a conditional use permit to allow for a private elementary school at the property generally described as 320 N Cedar St. in Abilene, Kansas, as provided in the owner's application dated June 30, 2023.

WHEREAS, the Planning Commission conducted a public hearing on August 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 4-0.

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

Section One. Conditions. That the following conditions are hereby accepted and approved by the Governing Body.

1. Applicant shall pursue within sixty (60) days of the conditional use permit approval a request for school zone signage, which shall include speed limit signs and pedestrian crosswalk signage at the intersections of NW 4th St and Cedar St, and NW 4th St and Mulberry St.
2. During both school drop-off and pick-up times, all traffic shall enter the school at the existing driveway on NW 4th St. and exit through the alley, turning west towards Mulberry St.
3. The applicant is encouraged to create a green space or playground area for children's outdoor activities.

Section Two. Conditional Use Permit. That a conditional use permit is hereby granted to Trinity Lutheran Church for the purpose of operating a private elementary school on the property legally described as follows:

Lots Twenty-six (26) and twenty-eight (28) on Cedar Street in Augustine and Lebold's Sub-division of Thompson and McCoy's Addition to Abilene, Kansas.
Lot Thirty (30) on Cedar Street in Augustine and Lebold's Sub-division of Thompson and McCoy's Addition to the City of Abilene, Kansas.
Lot No. 32, 34 and 36 on Cedar Street in Augustine and Lebold's Subdivision of Thompson and McCoy's Addition to Abilene.

Lots 38 and the South 70 Ft. of the West One-Half (W ½) of evacuated Alley On 4th St. Thompson-McCoy Addition to Abilene, Kansas, and Lot 36 on Fourth Street of Augustine and Lebold's Sub-Division of Thompson and McCoy's Addition to Abilene, Kansas.

That the alley which lies between lots 26, 28, 30, 32, 34 and 36 on Cedar Street, and Lot 36 on Fourth Street, all in Augustine and Lebold's Sub-division of Thompson and McCoy's Addition to Abilene, Kansas, be and the same is hereby vacated.

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 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:

Ordinance 23-3434

On August 28, 2023, the City Commission passed Ordinance 23-3434. The ordinance grants a conditional use permit to allow a private elementary school at Trinity Lutheran Church, 320 N Cedar St in the C-4, Central Business 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 28th day of August 2023.

ATTEST:

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Shayla L. Mohr, City Clerk

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Trevor D. Witt, Mayor

The publication summary set forth above is certified this 28th day of August 2023.

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Aaron O. Martin, City Attorney