

ORDINANCE NO. 3263

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF A GASOLINE FUELING STATION LOCATED AT 1407 N. BUCKEYE AVENUE IN THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider a Conditional Use Permit to allow additional parking and four additional gasoline pumps at 1407 N. Buckeye Avenue in Abilene, Kansas, as provided in **Exhibit A** as attached hereto;

WHEREAS, the Planning Commission conducted a public hearing on January 23, 2015, and comments were received from the public both in support of and in opposition to the proposed Conditional Use Permit; and

WHEREAS, the Planning Commission recommended the Governing Body approve a Conditional Use Permit allowing additional parking and four additional gasoline pumps on the referenced property.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. Conditional Use Permit. That a Conditional Use Permit is hereby granted to Dillon Stores, Inc. for the placement of four additional gasoline pumps and additional parking as generally provided in the Conditional Use Permit application, as attached hereto as **Exhibit A** on property legally described as follows:

All of Lots Three (3) and Four (4) in Block A, Geauque and Brenneman's Subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., in the City of Abilene, Dickinson County, Kansas; Except that part condemned by the City of Abilene in Dickinson County District Court Case No. 15158; Subject to easements, reservations, restrictions and zonings of record, more commonly known as 1407 N. Buckeye Avenue, Abilene, Kansas.

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. Additional conditions for this permit are approved as follows: 1) the applicant will install a privacy fence made of durable material, such as composite or vinyl material, with a minimum height of eight feet; and 2) will provide landscape screening on all property lines adjacent to residential zones.

SECTION THREE. Implementation. The City Manager, or designee, is hereby authorized to issue a Conditional Use Permit once all conditions have been reasonably met.

SECTION FOUR. 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 23rd day of February, 2015.



CITY OF ABILENE, KANSAS

By: *Brenda Finn Bowers*
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC

APPROVED AS TO FORM:

Mark Guilfoyle
Mark Guilfoyle, P.A.
City Attorney

EXHIBIT A

Conditional Use Permit Application

for

1407 N. Buckeye Avenue

City of Abilene, Kansas

February 23, 2015

CITY OF ABILENE, KANSAS
DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2550 · Fax: (785) 263-2552 · www.abilenecityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

| PART I: TO BE COMPLETED BY APPLICANT | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICATION INFORMATION | |
| APPLICATION FOR (CHECK APPROPRIATE BOX): | |
| <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> ANNEXATION <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT <input checked="" type="checkbox"/> CONDITIONAL USE PERMIT <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> HOME OCCUPATION PERMIT <input type="checkbox"/> LANDMARK DESIGNATION <input type="checkbox"/> LOT SPLIT | <input type="checkbox"/> LOT SPLIT <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> PLANNED DEVELOPMENT <input checked="" type="checkbox"/> REPLAT - (NOT REQUIRED) <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT <input type="checkbox"/> SITE PLAN <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) <input type="checkbox"/> VARIANCE |
| <div style="border: 1px solid black; padding: 5px; background-color: #cccccc;"> FOR OFFICIAL USE ONLY Application Number: <u>PC 14-9</u> Date Received: <u>11/15/14</u> Received By: <u>[Signature]</u> </div> | |
| BRIEF DESCRIPTION OF APPLICATION PURPOSE: | |
| <u>Fuel expansion and additional parking.</u> | |

| APPLICANT INFORMATION | |
|------------------------------------------------------------------|-----------------------------------------|
| APPLICANT/AGENT (If Not Property Owner): | |
| Name: _____ | Tel: () _____ |
| Business Name: _____ | Fax: () _____ |
| Address: _____ | |
| City: _____ | State: _____ Zip Code: _____ |
| E-mail: _____ | |
| PROPERTY OWNER (If Different from Applicant/Agent): | |
| Name: <u>Dillon Real Estate Co., Inc</u> | Tel: <u>(620) 669-8504</u> |
| Business Name: <u>Kwik Shop</u> | Fax: <u>(620) 694-1820</u> |
| Address: <u>734 East 4th Ave</u> | |
| City: <u>Hutchinson</u> | State: <u>KS</u> Zip Code: <u>67501</u> |
| E-mail: <u>clay.brasher@kwikshop.com</u> | |
| ENGINEER/ARCHITECT/SURVEYOR: | |
| Name: <u>ISAAC KRUMME</u> | Tel: <u>(316) 262-2691</u> |
| Business Name: <u>(PEC) Professional Engineering Consultants</u> | Fax: () _____ |
| Address: <u>303 South Tapoka</u> | |
| City: <u>Wichita</u> | State: <u>KS</u> Zip Code: <u>67202</u> |
| E-mail: <u>isaac.krumme@pec1.com</u> | |

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

1401 + 1405 + 1407 North Buckeye Abilene, KS

PROPERTY TAX IDENTIFICATION NUMBER:

ZONING: Existing: Residential (1407 location) Proposed: B3

LAND USE: Existing: Proposed:

GROSS SIZE OF PLAT/LOT:

Residential: Commercial: 30,627 Industrial: Other: Total: 30,627

NUMBER OF LOTS:

Residential: 1 Commercial: 2 Industrial: Other: Total: 3

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 2 Total Building Area: 2735

Maximum Height of Buildings or Structures: Total Impervious Area:

EXISTING PUBLIC FACILITIES:

Table with columns: Public, Private, Other (Describe). Rows: Water Service, Wastewater Service, Roadway Access.

FLOODPLAIN INFORMATION:

Floodway: Yes/No, FIRM Map-Panel Number: Floodway Fringe: Yes/No, Zone:

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

Yes/No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Applicant Signature: [Signature] Date: 10/10/14

Property Owner Signature: [Signature] Date: 10/10/14

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

- Copy of Deed
- Easements and Covenants
- Location Map
- Site Plan
- Preliminary Plat
- Final Plat
- Infrastructure Plans
- Development Agreement
- Grading and Stormwater Plans
- Elevation Survey
- Traffic Impact Study
- Construction Plans
- Performance Agreement
- Proof of Notification
- Utility Plans
- Text Amendment Language
- Property Owner List
- Comprehensive Plan Amendment Justification
- Annexation Boundary Map
- Operating Characteristics Report
- Administrative Appeal Justification
- Variance Justification
- Other _____

Additional document requirements provided to applicant on _____. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

Name Title

Signature Date
11/10/14

*** Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.*

APPLICATION REVIEW

DECISION-MAKING BODY: Staff Planning Commission Board of Zoning Appeals City Commission
 Heritage Commission Other (specify): _____


DATE OF INITIAL HEARING(S): _____

FEE AMOUNT: \$100.00 **DATE FEE PAID:** 11/13/14

NOV 13 2014
CITY OF ABILENE

DETERMINATION OF COMPLETE APPLICATION:

I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This certification does not preclude the review, recommendation and/or decision-making bodies from requesting additional information as deemed necessary to serve the public interest.

Name Title

Signature Date
11/13/14

CONDITIONAL
USE SITE PLAN
NOT FOR
CONSTRUCTION



KWIK SHOP #745 1401 NORTH BUCKEYE ABILENE, KANSAS

SITE PLAN

| | |
|---------|------------|
| Job No. | 11650-745 |
| Date | 12-27-2014 |
| Drawn | CS |
| Checked | SK |
| Scale | 1" = 10' |

| NO. | DESC. | DATE |
|-----|-------|------|
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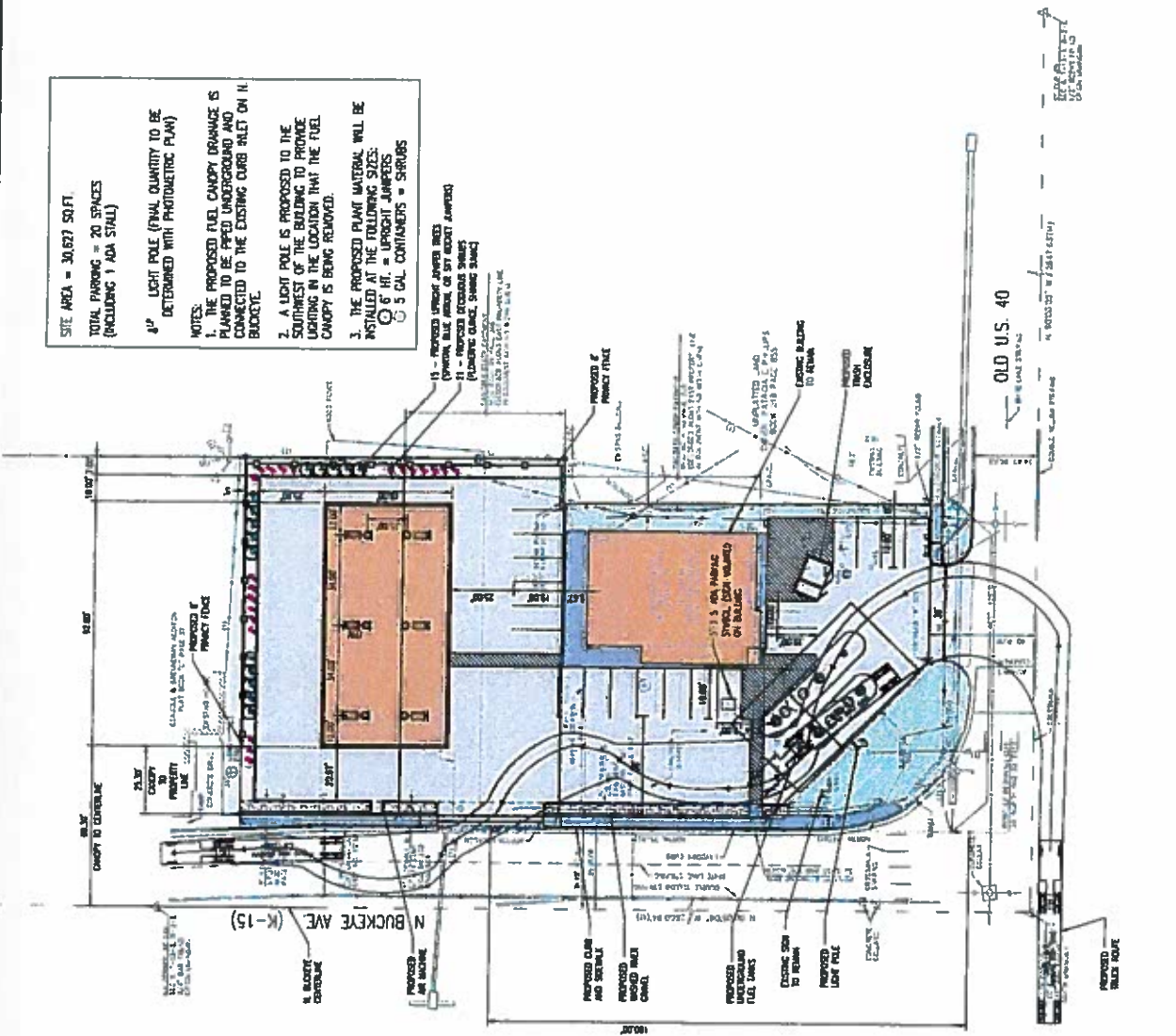
SCALE 1" = 20'
SITE PLAN CONCEPT ©

SITE AREA = 30,673 SQ. FT.
TOTAL PARKING = 20 SPACES
(INCLUDING 1 ADA STALL)

4" LIGHT POLE (FINAL QUANTITY TO BE DETERMINED WITH PHOTOGRAPHIC PLAN)

NOTES:

1. THE PROPOSED FUEL CANOPY DRAINAGE IS PLANNED TO BE PIPED UNDERGROUND AND CONNECTED TO THE EXISTING CURB INLET ON N. BUCKEYE.
2. A LIGHT POLE IS PROPOSED TO THE SOUTHWEST OF THE BUILDING TO PROVIDE LIGHTING IN THE LOCATION THAT THE FUEL CANOPY IS BEING REMOVED.
3. THE PROPOSED PLANT MATERIAL WILL BE INSTALLED AT THE FOLLOWING SIZES:
○ 6" HT. = UPRIGHT JUMPERS
○ 5 GAL CONTAINERS = SHRUBS



STATE OF KANSAS
DIVISION OF REVENUE
1117 WEST 16TH AVENUE
TOPEKA, KANSAS 66604

OLD U.S. 40
N. BUCKEYE AVENUE

11-20-2014 11:00 AM
11-20-2014 11:00 AM
11-20-2014 11:00 AM
11-20-2014 11:00 AM

CONDITIONAL
USE SITE PLAN
NOT FOR
CONSTRUCTION



KWIK SHOP #745 1401 NORTH BUCKEYE ABILENE, KANSAS

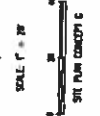
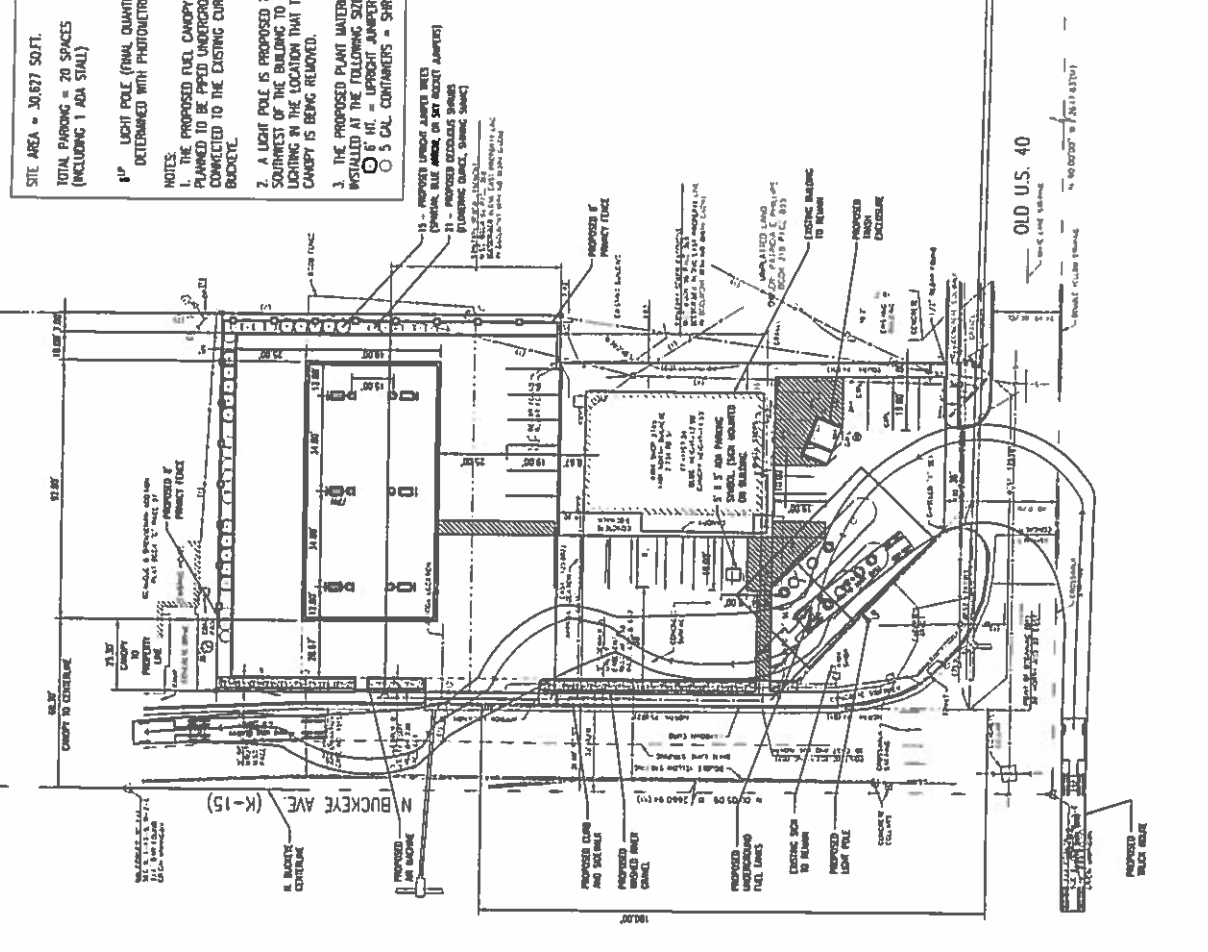
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| DATE | DESCRIPTION | BY |
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SITE PLAN

| | |
|-------------|------------|
| PROJECT NO. | 11210-745 |
| DATE | 11-22-2011 |
| DRW | |
| SCALE | |
| SHEET | 1 of 1 |

SITE AREA = 30,627 SQ. FT.
TOTAL PARKING = 20 SPACES (INCLUDING 1 ADA STALL)
8" LIGHT POLE (FINAL QUANTITY TO BE DETERMINED WITH PHOTOGRAPHIC PLANS)
NOTES:
1. THE PROPOSED FUEL CANOPY DRAINAGE IS PLANNED TO BE PIPED UNDERGROUND AND CONNECTED TO THE EXISTING CURB INLET ON N. BUCKEYE.
2. A LIGHT POLE IS PROPOSED TO THE SOUTHWEST OF THE BUILDING TO PROVIDE LIGHTING IN THE LOCATION THAT THE FUEL CANOPY IS BEING REMOVED.
3. THE PROPOSED PLANT MATERIAL WILL BE INSTALLED AT THE FOLLOWING SIZES:

- 6" HI. - UPRIGHT JUMPERS
- 3 CAL. CONTAINERS = SHRUBS



PROFESSIONAL ENGINEERING CONSULTANTS & ARCHITECTS
 1110 N. GARDEN STREET
 ABILENE, TEXAS 79601
 TEL: 325-331-0000 FAX: 325-331-0001 WWW.PECASIA.COM