

**CITY OF ABILENE
PLANNING COMMISSION
AGENDA**

February 7, 2023 at 4:00 p.m.
Abilene Public Library
209 NW 4th St. Abilene, KS 67410

Agenda Item
1. Call to Order
2. Roll Call: ___ Travis Sawyer, Chair ___ Bill Marshall, Vice Chair ___ Rod Boyd ___ Matt Mead ___ Helen Rose ___ Brenda Finn Bowers
3. Approval of Agenda
4. Approval of the Meeting Minutes – January 4, 2023
Business 5. Public Hearing for PC 23-2 , a request from Rittel’s Western Wear, LLC, to approve an electronic message center sign at 1810 N Buckeye Ave. *Staff report and recommendation *Open Public Hearing *Applicant/Public Comments *Close Public Hearing *Commission Discussion & Action
6. Planning Commission Comments and Staff Updates
7. Adjournment

Abilene Planning Commission Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
January 4, 2023 at 4:00 p.m.



1. Call to Order by Chair Marshall at 4:00 p.m.

2. Roll Call

Planning Commissioners Present: Chair Bill Marshall, Rod Boyd, Helen Rose, Matt Mead, Travis Sawyer

Absent: Vice Chair Brenda Finn Bowers, Diana Miller

Staff Present: City Manager Ron Marsh, Community Development Director Kari Zook, Court Administrator Kelsey Briand

Public Present: Fr. Peter O'Donnell

3. Approval of Agenda

Motion by Sawyer to approve the agenda, seconded by Mead. Motion carried unanimously 5-0.

4. Minutes

Motion by Boyd to approve the October 4, 2022 minutes as written, seconded by Rose. Motion carried unanimously 5-0.

Business

5. Annual election of Chair and Vice Chair

Motion by Rose to elect Sawyer as Chair, seconded by Boyd. Motion carried unanimously 5-0.

Motion by Boyd to elect Marshall as Vice Chair, seconded by Mead. Motion carried unanimously 5-0.

6. Public hearing for PC 23-1, a request from St. Andrew's Church & School to approve an alley vacation directly west of the elementary school located at 311 S. Buckeye Ave and legally described in the attached land survey.

The staff report and recommendation were discussed. Chair Sawyer opened the public hearing at 4:09 p.m. Fr. Peter O'Donnell was present to discuss the school expansion project and how they are creating a safer, cleaner neighborhood for the children. No public were in attendance, thus no comments received. Chair Sawyer closed the public hearing at 4:11 p.m.

Motion by Marshall to recommend approval of the alley vacation request, seconded by Boyd. Motion carried unanimously 5-0. This recommendation will be forwarded to the City Commission for final approval. The study session will be held on January 17, 2023, at 6:00 p.m. The commission meeting will be held on January 23, 2023, at 4:00 p.m.

7. Comprehensive Plan 2023

Discussion was held regarding the three proposals that were received from the RFP (Request For Proposal) and the recommendation from city staff. Staff then discussed the status of the Steering Committee and the process to move that forward.

Motion by Rose to recommend Foster Design Associates LLC, seconded by Marshall. Motion carried unanimously 5-0. This recommendation will be forwarded to the City Commission for final approval. The study session will be held on January 17, 2023, at 6:00 p.m. The commission meeting will be held on January 23, 2023, at 4:00 p.m.

8. Planning Commission Comments and Staff Updates

Reappointment forms for another three-year term were received from Marshall and Boyd. Those reappointments will be presented to the City Commission on January 9, 2023, for final approval. That leaves one vacancy on the Planning Commission.

Kelsey Briand has accepted a position in the police department. We have a new administrative assistant, Kellie Olson, starting Monday, January 9, 2023.

Staff would like to take a group photo during a future meeting for the website and social media.

9. Adjournment

Motion by Marshall to adjourn at 4:22 p.m., seconded by Mead. Motion carried unanimously 5-0.

ATTEST:

Travis Sawyer, Chair

Kari Zook
Community Development Director

CITY OF ABILENE, KANSAS
DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2355 · 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):

- | | |
|--|--|
| ☐ ADMINISTRATIVE APPEAL | ☐ LOT SPLIT |
| ☐ ANNEXATION | ☐ NON-CONFORMING USE CERTIFICATE |
| ☐ CERTIFICATE OF APPROPRIATENESS | ☐ PRELIMINARY PLAT |
| ☐ COMPREHENSIVE PLAN AMENDMENT | ☐ PLANNED DEVELOPMENT |
| ☒ CONDITIONAL USE PERMIT | ☐ REPLAT |
| ☐ DEVELOPMENT CODE AMENDMENT | ☐ REZONING / ZONING MAP AMENDMENT |
| ☐ FINAL PLAT | ☐ SITE PLAN |
| ☐ HOME OCCUPATION PERMIT | ☐ VACATION (PLAT, STREET, EASEMENT) |
| ☐ LANDMARK DESIGNATION | ☐ VARIANCE |

FOR OFFICIAL USE ONLY

Appn Number: PC 23-2

Date Received: 12/15/22

Received By: KZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Remediation of Rittels Western Wear

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: Jaeger, Karl Tel: (785) 263-1800

Business Name: Rittels Western Wear LLC Fax: (____) _____

Address: 1810 W. Buckeye Ave. PO Box 276

City: Abilene State: KS Zip Code: 67410-0276

E-mail: rittels.westernwearllc@earthlink.net

ENGINEER/ARCHITECT/SURVEYOR:

Name: _____ Tel: (____) _____

Business Name: _____ Fax: (____) _____

Address: _____

City: _____ State: _____ Zip Code: _____

E-mail: _____

PROPERTY INFORMATION

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

1810 W. Buckner Ave Abilene, TX

PROPERTY TAX IDENTIFICATION NUMBER:

ZONING: Existing: C-3 Proposed: _____

LAND USE: Existing: _____ Proposed: _____

GROSS SIZE OF PLAT/LOT:

Residential: _____ Commercial: _____ Industrial: _____ Other: _____ Total: _____

NUMBER OF LOTS:

Residential: _____ Commercial: _____ Industrial: _____ Other: _____ Total: _____

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: _____

Total Building Area: _____

Maximum Height of Buildings or Structures: _____

Total Impervious Area: _____

EXISTING PUBLIC FACILITIES:

Public Private Other (Describe)

Water Service: ☐ ☒ ☐ _____

Wastewater Service: ☐ ☒ ☐ _____

Roadway Access: ☐ ☒ ☐ _____

FLOODPLAIN INFORMATION:

Floodway: ☐ Yes ☐ No FIRM Map-Panel Number: _____

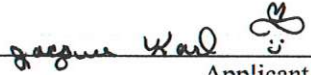
Floodway Fringe: ☐ Yes ☐ No Zone: _____

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

12-15-22
Date

Property Owner Signature

Date

* 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 - <i>sign</i> | ☐ 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

** 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): PC 2/7/23

FEE AMOUNT: \$ 200.00 *cc* **DATE FEE PAID:** 12/15/22

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.

<u>Kari Zook</u> Name	<u>CO Director</u> Title
<u><i>[Signature]</i></u> Signature	<u>12/15/22</u> Date



Entered in Transfer Record in my
office this 2 day of May
2014 A.D.
Barbara M. Jones Clerk
Brandyn Jones Deputy Clerk



STATE OF KANSAS, DICKINSON COUNTY
Karen J. Freeman, Register of Deeds
Book: D252 Page: 68-69

Receipt #: 255922
Pages Recorded: 2
Cashier Initials: JF

Recording Fee: \$12.00
Authorized By K. J. Freeman

Date Recorded: 5/2/2014 2:20:14 PM

K. J. Freeman



First American

KANSAS WARRANTY DEED

Grantor(s): **Jerold D. Rittel as Trustee of the Jerold D. Rittel Trust U/A dated September 18, 2007**

Grantee(s): **Rittel's Western Wear, LLC, a Kansas limited liability company**
Grantee(s) mailing address: **1810 N Buckeye Ave, Abilene, KS 67410**

The Trust is in full force and effect and has not terminated or been revoked, and Grantor(s) is/are duly appointed, qualified and currently acting trustee(s) under the above referenced trust.

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL, CONVEY AND WARRANT** to Grantee(s), the following described premises, to wit:

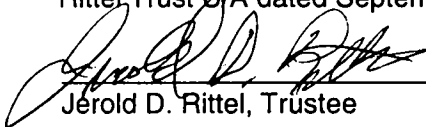
A tract of land described as follows: Beginning at a point 80.3 feet West of the Southeast corner of the South Half of the North Half of the Northeast Quarter of the Southwest Quarter (S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine (9), Township Thirteen (13) South, 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.

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), their successors and assigns, will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), their successors and assigns, against the lawful claims of all persons whomsoever, excepting however the general taxes for the current calendar year and thereafter, and the special taxes becoming a lien after the date of this deed.

Dated: 5-2-2014

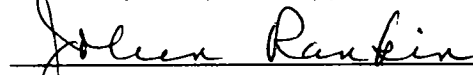
Jerold D. Rittel as Trustee of the Jerold D.
Rittel Trust U/A dated September 18, 2007



Jerold D. Rittel, Trustee

STATE OF **Kansas**)
) ss.
COUNTY OF **Dickinson**)

On 5-2-2014 this deed was acknowledged before me by **Jerold D. Rittel as Trustee of the Jerold D. Rittel Trust U/A dated September 18, 2007**, Grantor(s).



Notary Public

My appointment expires:





Rittel's Western Wear, LLC
1810 N Buckeye Ave., PO Box 276
Abilene, KS 67410-0276
785-263-1800 Fax 785-200-6820
rittelswesternwearllc@eaglecom.net

PERMIT NO.

APPLICATION FOR SIGN PERMIT

Address of Sign Location: 1810 N Buckeye Ave. Abilene, KS. 67410-0276

Name-Address of Sign Owner: Jacqueline Karl Rittel's Western Wear LLC PO Box 276

Name-Address Sign Contractor: Anthony Miller PO Box 50 Farmersburg, IN 47850

Owner/Contractor Email Address: millerssignman@gmail.com Phone #: 217-264-3761

Check Type of sign:

☐ Wall Sign ☐ Projecting Sign ☐ Free Standing ☐ Roof Sign

☐ Memorial Sign ☐ Window Sign ☐ Ground Sign ☐ Portable

☐ Tablets or Plaques ☒ Other (Describe) metal Pole Sign electronic media center sign

How many signs: _____ Area of proposed sign(s) (Sq. Ft.) 32

Total Area of Existing Signs (Sq. Ft.) _____

Total (Sq. Ft.) _____

Distance sign projects from wall _____ How is sign secured: _____

Height between grade line and bottom of sign _____

Width of right-of-way from back of curb to building _____

Size of Sign(s)	1.) Width _____	2.) Width _____	3.) Width _____
	Length _____	Length _____	Length _____
	Depth _____	Depth _____	Depth _____
	Weight _____	Weight _____	Weight _____

Footings & Base information for free standing sign(s) Attached to existing signs

Of what material is sign constructed? _____

Is sign illuminated? ☒ If yes, how? _____

Do sign obstruct any window or exit? _____

ON BACK OF APPLICATION, WRITE MESSAGE & ALL SYMBOLS ON SIGN!

This is to certify that I agree that the provisions of the zoning ordinance, Section 22, will be complied with whether the same are specified herein or not.

Applicant Signature: Jacqueline Karl  Date: 12-15-22

FOR OFFICE USE ONLY

Total Sq. Ft. of Lot _____ Zoning District _____ Sign Area to Lot Area Ration _____

Allowable Sign Area _____ Approved _____ Disapproved _____

Minimum Permit Fee is \$25.00 up to 25 sq. ft. and \$.20 per sq. ft. thereafter PERMITS FEE _____

City Inspector: _____ Date: _____



4ft 5inch



7ft 6inch



Staff Report

TO: Planning Commission
FROM: Kari Zook, Community Development Director
SUBJECT: PC 23-2, Rittel's Western Wear - CUP for EMC sign
DATE: February 7, 2023



APPLICANT/OWNER:

Rittel's Western Wear, LLC - Jacque Karl
1810 N Buckeye Ave Abilene, KS 67410
Application date received: 12/15/22

BACKGROUND:

- A sign permit application was submitted to city staff on 12/15/22 for an electronic message center (EMC) sign to be located at Rittel's Western Wear at 1810 N Buckeye Ave. That application and site plan are attached for reference. This parcel is zoned C-3 and EMC signs are permitted in commercial districts through an issuance of a conditional use permit per Article 27 of the zoning regulations.
 - Section 27-401(c): Electronic Message Centers shall be permitted in Commercial and Industrial Districts only upon issuance of a conditional use permit in accordance with Article 26.
 - In considering a conditional use permit application the Planning Commission and Governing Body may impose requirements related to size, maximum illumination (including incorporating automatic dimmer controls), and hours of operation, or other conditions as deemed necessary and appropriate by the Planning Commission and Governing Body; provided, however, that all Electronic Message Centers now or hereafter approved by conditional use permit shall be allowed to have a minimum message hold time of three (3) seconds, and in considering a conditional use permit application, the Planning Commission and Governing Body shall not require a message hold time of greater than three (3) seconds.
- The intended double-sided EMC sign will be 4'5" tall and 7'6" wide and placed on the existing Rittel's Western Wear sign.



Direction	Zoning Classification	Land Use(s)
North	C-3	Previously Auburn Pharmacy/West's Country Mart parking lot
East	C-3	Lumber House True Value
South	C-3	Trails End carwash
West	C-3	West's Country Mart/Tesla EV charging stations

*Parcels located southwest of Rittel's Western Wear are zoned R-1, low-density residential.

The notice of public hearing was published in the Abilene Reflector Chronicle on January 13, 2023, and written notices were sent by mail on January 13, 2023, to property owners within 200 feet of the site address as required by Article 26, Section 26-102(b) of the zoning regulations.

COMMENTS:

Departmental comments: None

Citizen comments: None

STAFF RECOMMENDATION:

Staff recommends approval of this conditional use permit request. The Planning Commission may impose such conditions as they see fit as referenced in Section 27-401(c) of Article 27: Sign Regulations.

ACTION:

The Planning Commission may:

1. Recommend approval of the conditional use permit as requested.
2. Recommend approval of the conditional use permit with amendments.
3. Recommend disapproval of the conditional use permit with findings.

NOTES:

Upon conclusion of the public hearing, the Planning Commission will render a recommendation to the City Commission for final approval.

26-202. The Governing Body, when approving a Conditional Use Permit, shall specify the period of time for which the permit is valid or shall state that the term of the permit is not limited in time.

26-110. Factors to be Considered in Permit Applications. The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines. The explanation of these factors, as set out in Section 26-108 for rezonings, shall also be considered in conditional use permit applications.

- a. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;
- b. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
- c. Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided;
- d. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
- e. The length of time the subject property has remained vacant or undeveloped as zoned;
- f. Whether the applicant's property is suitable for the proposed conditional use;
- g. The recommendations of professional staff and advisors;
- h. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
- i. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;
- j. For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with any adopted Solid Waste Management Plan of Dickinson County, and amendments thereto; and
- k. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

