

ORDINANCE NO. 2714

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS;

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

SECTION ONE: That having received a recommendation from the Planning Commission on July 26, 2021, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas Land Development Code, the recommendation of the Planning Commission is hereby approved and the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located at the southeast intersection of Interstate 35 and 175th Street shall hereafter have a zoning classification of R-3 (Garden Apartment) District in accordance with the site plan SP-21-03 Treadway Apartment dated June 7, 2021 and subject to the following conditions:

1. Revise the plans to either show either a 6' 5" wide sidewalks with kick outs at 200' to meet ADA compliance on the sidewalk or a 7' sidewalk along any parking with vehicle overhangs that are backed up to a parking lot curb.
2. Revise the plan to show landscaping along the back side of all garages.
3. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.
4. Prior to the issuance of a building permit, a final plat shall be approved by the Planning Commission, with rights-of-way and easements accepted by the Governing Body.

CASE NO. Z-21-03(SP-21-03)

Rezoning from C-3 (General Commercial) District to R-3 (Garden Apartment) District:

Legal Description:

Part of the Northwest One-quarter of Section 29, Township 14 South, Range 23 East, now in the City of Gardner, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of the Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West a distance of 1052.39 feet to the Point of Beginning; thence continuing along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West a distance of 17.59 feet; thence North 56 degrees 31 minutes 28 seconds East a distance of 494.18 feet to a point of curvature; thence Northeasterly on a curve to the right tangent to the previous course, having a radius of 470.00 feet, a central angle of 31 degrees 18 minutes 58 seconds and an arc length of 256.89 feet; thence North 87 degrees 50 minutes 27 seconds East a distance of 89.84 feet; thence South 39 degrees 59 minutes 41 seconds East a distance of 30.61 feet to a point of curvature; thence Southwesterly on a curve to the left having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20

seconds West a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West a distance of 246.33 feet to the Point of Beginning.
Except that part taken or used for road right of way.
The above description contains 2.120 acres more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the Governing Body and publication in the official City Newspaper.

PASSED by the Governing Body this 16th day of August, 2021.

SIGNED by the Mayor this 16th day of August, 2021.

(SEAL)

CITY OF GARDNER, KANSAS

/s/
Steve Shute, Mayor

Attest:

/s/
Sharon Rose, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney