

**ORDINANCE NO. 2719**

**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 March 24, 2020, 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 northeast intersection of Moonlight Road and Woodson Lane shall hereafter have a zoning classification of CO-A (Neighborhood Business) District with the following conditions:

1. Future use of the property be limited to the following uses from Table 5-2: Use Table and the associated use descriptions found in Section 17.05.030 General Use Standards of the LDC:

**RESIDENTIAL DWELLINGS**

- Multi-Unit Household Living P
- Mixed-Use (apartment over commercial/service) P
- Live/Work P

**CIVIC/INSTITUTIONAL**

- Cultural and Public Service P
- Open/Civic Space P
- RETAIL
- Retail – Micro (under 1K) P
- Retail – Neighborhood (1K – 3K) P
- Retail – Small (3K – 6K) P
- Grocery – Market (under 10K) P
- Grocery – Store (10K – 45K) C\*
- Outdoor Sales – Limited A\*
- Convenience Store/Fuel Station – Limited (1-4 pumps) P\*
- Convenience Store/Fuel Station – General (5-12 pumps) C\*

**SERVICE AND EMPLOYMENT**

- Animal Care – General P
- Day Care Center P
- Food and Beverage – Accessory Outdoor A\*
- Food and Beverage – General P\*
- Food and Beverage – Mobile T\*
- Health Care – Small P
- Lodging – Bed and Breakfast (up to 5 rooms) P
- Lodging – Inn (up to 20 rooms) P
- Office – Limited (under 10K) P
- Office – General (10K – 40K) C
- Personal Services – Limited (under 3K) P

- Personal Services – General (3K – 10K) P
- Recreation/Entertainment – Indoor Minor (under 10K) P
- Temporary Use T\*

INDUSTRIAL

- Manufacturing – Limited/Artisan P

AGRICULTURAL

- None

COMMUNICATIONS AND UTILITIES

- Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way P\*
- Communication facilities designed as an architecturally compatible element mounted or collocated on nonresidential buildings A\*
- Communication facilities designed as an architecturally compatible element mounted or collocated on mixed-use or live/work buildings A\*
- Wind Energy Conversion System – Small C\*
- Solar Collector – Roof Mounted A\*
- Solar Collector – Ground Mounted C\*

A = Accessory Use; C = Conditional Use; P = Permitted Use; T = Temporary Use; \* = Supplemental Use Regulations

2. That a preliminary and final development plan be submitted, reviewed, and approved by the City Staff, Planning Commission, and City Council through the prescribed public processes for such development plans found in Section 17.05.030 within 12 months of this rezoning action to add the P (Planned District) designation to the CO-A Neighborhood Business District. If a development plan is not approved within such a timeframe then the zoning for this parcel will revert to the A - Agricultural District.

**CASE NO. Z-21-05**

Rezoning from A (Agricultural) District to CO-A (Neighborhood Business) District:

**LEGAL DESCRIPTION:**

Beginning 955.70 feet South of the Northwest corner of the North Half of the Southwest Quarter of Section 30, Township 14, Range 23, thence East 1183.7 feet; thence South 368 feet; thence West 1183.7 feet; thence North 368 feet to the point of beginning, Johnson County, Kansas.

**EXCEPT**

The East 700 feet of the following described tract: Beginning 955.70 feet South of the Northwest corner of the North Half of the Southwest Quarter of Section 30, Township 14, Range 23, thence East 1183.7 feet; thence South 368 feet; thence West 1183.7 feet; thence North 368 feet to the point of beginning, Johnson County, Kansas, except that part in road.

**AND EXCEPT**

All that part of the North Half of the Southwest Quarter of Section 30, Township 14, Range 23, Johnson County, Kansas, described as follows: Commencing at the Southwest corner of the Southwest Quarter of said Section 30, thence North 0 degrees 09 minutes 42 seconds West, along the West line of the Southwest Quarter of said Section 30, a distance of 1323.49 feet, to the point of beginning, said point being the Southwest corner of the North Half of the Southwest

Quarter of said Section 30; thence continuing North 0 degrees 09 minutes 42 seconds West, along the West line of the Southwest Quarter of said Section 30, a distance of 30.00 feet; thence South 89 degrees 57 minutes 56 seconds East, a distance of 59.93 feet; thence Easterly, along a curve to the right having a radius of 330 .00 feet a central angle of 12 degrees 00 minutes 00 seconds a distance of 69.12 feet, thence South 77 degrees 57 minutes 56 seconds East, a distance of 81.23 feet; thence Easterly, along a curve to the left having a radius of 270.00 feet a central angle of 12 degrees 00 minutes 00 seconds a distance of 56.55 feet, to a point on the South line of the North Half of the Southwest Quarter of said Section 30; thence North 89 degrees 57 minutes 56 seconds West,, along the South line of the North Half of the Southwest Quarter of said Section 30, a distance of 264.20 feet to the point of beginning.

**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 20<sup>th</sup> day of September, 2021.

SIGNED by the Mayor this 20<sup>th</sup> day of September, 2021.

CITY OF GARDNER, KANSAS

(SEAL)

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*/s/*  
Steve Shute, Mayor

Attest:

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*/s/*  
Sharon Rose, City Clerk

Approved as to form:

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*/s/*  
Ryan B. Denk, City Attorney