

**ORDINANCE NO. 2731**

**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 dated April 25, 2022 regarding Case No. Z-22-02, 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 encompassing approximately 59.82 acres located northeast of the intersection of Cedar Niles Road and Highway 56/175<sup>th</sup> Street:

A tract of land in the Southwest Quarter of Section 20, Township 14 South, Range 23 East of the 6th Principal Meridian, in the City of Gardner, Johnson County, Kansas, described as follows by James Meis, PS 1533 on March 11, 2022:

Beginning at the Northeast Corner of the Southwest Quarter of Section 20, Township 14 South, Range 23 East: Thence South 01 degrees 42 minutes 38 seconds East, along the East line of the Southwest Quarter, a distance of 1748.48 feet; Thence South 67 degrees 23 minutes 40 seconds West, a distance of 107.46 feet; Thence South 87 degrees 02 minutes 23 seconds West, a distance of 1027.10 feet; Thence North 86 degrees 02 minutes 21 seconds West, a distance of 230.14 feet; Thence North 01 degrees 41 minutes 30 seconds West, a distance of 111.67 feet; Thence South 80 degrees 14 minutes 35 seconds West, a distance of 207.13 feet; Thence South 54 degrees 20 minutes 02 seconds West, a distance of 247.41 feet; Thence South 31 degrees 19 minutes 10 seconds West, a distance of 275.67 feet; Thence South 84 degrees 28 minutes 37 seconds West, a distance of 265.78 feet; Thence North 79 degrees 57 minutes 23 seconds West, a distance of 10.97 feet; Thence North 01 degrees 40 minutes 23 seconds West, a distance of 827.26 feet to the South line of the BNSF Railway; Thence on a non-tangent curve to the left having a radius of 5829.65 feet, an arc length of 931.77 feet, a chord bearing of North 62 degrees 14 minutes 27 seconds East and a chord length of 930.78 feet; Thence continuing along the South line of the BNSF Railway on a curve to the left having a radius of 5829.65 feet, an arc length of 1405.54 feet, a chord bearing of North 50 degrees 45 minutes 19 seconds East and a chord length of 1402.14 feet to the North line of the Southwest Quarter; Thence North 88 degrees 41 minutes 20 seconds East, along the North line of the Southwest Quarter, a distance of 244.08 feet to the Point of Beginning. Said tract contains 59.82 acres.

shall change from "A" (Agricultural) District and M-1 (Restricted Industrial) District and hereafter have a zoning classification of C-3 (Heavy Commercial) District subject to 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**
    - None

- **CIVIC/INSTITUTIONAL**
  - Open/Civic Space P
- **RETAIL**
  - Retail – Micro (under 1K) P
  - Retail – Neighborhood (1K – 3K) P
  - Retail – Small (3K – 6K) P
  - Retail – General (6K -20K) P
  - Retail – Large (20K -100K) P
  - Retail - Warehouse(100K+) P
  - Grocery – Market (under 10K) P
  - Grocery – Store (10K – 45K) P
  - Grocery – Supermarket (45K+) P
  - Outdoor Sales – Limited A\*
  - Outdoor Sales – General P\*
  - Outdoor Sales – Heavy P\*
  - Convenience Store/Fuel Station – Limited (1-4 pumps) P\*
  - Convenience Store/Fuel Station – General (5-12 pumps) P\*
  - Convenience Store/Fuel Station – Heavy (13+ pumps) P\*
- **SERVICE AND EMPLOYMENT**
  - Food and Beverage – Accessory Drive Through A\*
  - Food and Beverage – Accessory Outdoor A\*
  - Food and Beverage – General P
  - Food and Beverage Heavy P
  - Food and Beverage – Mobile T\*
  - Lodging – Bed and Breakfast (up to 5 rooms) P
  - Lodging – Small (up to 100 rooms) P
  - Lodging – Large (more than 100 rooms) P
  - Temporary Use T\*
  - Vehicle/Equipment Service and Repair – Limited P
  - Vehicle/Equipment Service and Repair – General P
- **INDUSTRIAL**
  - None
- **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\*
  - Public Utility Facility – Minor P\*

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

2. That a preliminary 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 approval of this rezoning action by the Johnson County Board of County Commissioners, to add the P (Planned District) designation to the C-3 Heavy Commercial District. If a preliminary development plan is not approved within such timeframe then the zoning for these parcels will revert back to the A Agricultural District and M-1 Restricted Industrial District

