

**ORDINANCE NO. 2765**

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT ON 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 27, 2023, 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, a Conditional Use Permit is issued on lands legally described as follows:

TOWN OF GARDNER (MAIN STREET) Lots 167, 169, 171, & 173 GAC 154

**CASE NO. 23-305-01**

A Conditional Use Permit to allow for a food truck in the C-1 (Central Business) zoning district, located on the south side of E. Main Street approximately 250' east of Elm Street with the following conditions:

1. The Conditional Use Permit shall expire on December 31, 2027;
2. The applicant shall be required to submit a Temporary Use Permit application to be reviewed and approved by January 1st of each calendar year. Failure to meet all applicable regulations, obtain required licenses / permits etc. or complaints regarding this use of property could be reason for reconsideration and potential revocation of this Conditional Use Permit and/or the issuance of subsequent Temporary Use Permit(s);
3. All utility connections must meet the standards and specifications of the Utilities Department and all applicable Building Codes;
4. Any on-site changes from that differ from the layout depicted in the site plan provided as part of this Conditional Use Permit are subject to the review and approval of the City staff and/or the Planning Commission. Failure to submit a site plan and support materials for such changes may be cause for reconsideration and revocation of this Conditional Use Permit and subsequent Temporary Use Permit(s);
5. Traffic shall not interfere with the normal operation of adjacent roadways or pedestrian activity in the public rights-of-way;
6. Trash dumpsters, used oil / equipment storage, and mechanical areas must be appropriately enclosed / screened / secured;
7. A physical barrier shall be provided that separates the seating area from vehicle circulation lanes and parking spots;
8. Any signage and lighting is subject to further review and approval by the City prior to installation. The site plan for this Conditional Use Permit does not indicate any signage or lighting;
9. This Conditional Use Permit is issued to the property owner and mobile food / beverage vendor at this location only as identified through the application and review process. Any change in property ownership and/or mobile food and beverage vendor

will require a resubmittal of updated information to the Community Development Department at the City of Gardner and may require an application for and consideration of a replacement Conditional Use Permit and subsequent Temporary Use Permit(s);

10. The property cannot be used for the storage or parking of any equipment, vehicles, trailers, etc. that are not directly associated with or accessory to the daily business operations / functions of the mobile food and beverage use identified with this Conditional Use Permit; and
11. Any further development of the property is limited to the parameters of this Conditional Use Permit and subject all applicable regulations and policies of the City of Gardner.

**SECTION TWO:** 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.

APPROVED and ADOPTED this 17<sup>th</sup> day of April, 2023.

(SEAL)

CITY OF GARDNER, KANSAS

\_\_\_\_\_  
/s/  
Todd Winter, Mayor

Attest:

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/s/  
Sharon Rose, City Clerk