

ORDINANCE NO. 2495

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS; (Z-15-06; PDP-15-02).

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 29, 2015, 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 Zoning Ordinance, the zoning classification or districts of the lands legally described hereby are changed as follows:

The following described property shall hereafter have a zoning classification of CP-2 - Planned General Commercial District , in accordance with the preliminary development plan PDP-15-02 and subject to the following conditions:

1. Revise the preliminary development plan to show overhead power lines as underground electric lines.
2. Revise the preliminary development plan to include an ADA pedestrian access from the sidewalk along Shawnee Street into the site.

CASE NO. Z-15-06 (PDP-15-02)

Rezoning from C-1 - Central Business District, R-1 - Single-Family Residential District and R-5 - Apartment House District to CP- 2 - Planned General Commercial District.

Legal Description:

All that part of the Southeast Quarter of Section 23, Township 14 South, Range 22 East of the 6th Principal Meridian, in Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence South 88°26'04" West along the south line of said Southeast Quarter, 30.57 feet; thence North 01°33'56" West, 38.41 feet to the North line of West Main Street, as now established, and the True Point of Beginning of the tract herein described;

Thence South 88°33'39" West along said North line, 82.03 feet; thence North 88°43'43" West along said North line, 93.25 feet; thence South 88°11'00" West along said North line, 134.50 feet; thence North 01°52'28" West, 119.38 feet to the South line of Lot 18 of Johnson's Subdivision, an addition to Gardner, recorded in Plat Book 17 at Page 44; thence North 88°26'04" East along said South line, 65.67 feet to the Southeast Corner of said Lot 18; thence North 01°49'36" West, 117.00 feet to the South line of West Shawnee Street, as now established; thence North 88°26'04" East along said South line, 254.23 feet to the West line of Center Street, as now established; thence South 01°52'28" East along said West line, 131.00

feet; thence South 88°26'04" West along said West line, 4.00 feet; thence South 01°52'28" East along said West line, 96.46 feet; thence South 24°02'09" West, 14.55 feet to the True Point of Beginning.

The above described tract contains 67,974 square feet or 1.56 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 Zoning Ordinance 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 City Council this 17th day of August, 2015.

SIGNED by the Mayor this 17th day of August, 2015.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

Approved as to form:

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