

ORDINANCE NO. 2758

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 December 20, 2022, 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 32.5 acres located southwest of the intersection of I-35 and Gardner Road shall hereafter have a zoning classification of MP-1 (Planned Restricted Industrial) District in accordance with the preliminary development plan PDP-22-08 Olathe Ford RV dated December 14, 2022 and subject to the following conditions:

1. 193rd Street must be extended for any future development to occur on lot 2; and
2. The proposed use of gravel will be considered as part of the final development plan review process associated with future development of the subject parcel(s). Approval of the preliminary development plan is not an approval of the use of gravel. Details regarding the design, construction and screening of the gravel area, as well as a gravel containment and management strategy, are required as part of the final development plan application and review process for this property. It is anticipated that the containment and management strategy will address a variety of items including but not limited to – storm water management (quantity/quality); erosion control; dust control; weed/vegetation control; on-site containment, compaction, and surface maintenance measures, etc. related to any existing and proposed gravel areas as part of any future final development plan. Additionally, the Commercial Storage – Outdoor Major use of the property is subject to the additional standards as outlined in the City of Gardner Municipal Code –Chapter 17.05.050 BB and gravel will only be considered for areas used for Commercial Storage – Outdoor Major use on the site.

CASE NO. Z-22-08(PDP-22-08)

Rezoning from C-3 (Heavy Commercial) and M-1 (Restricted Industrial) to MP-1 (Planned Restricted Industrial).

Legal Description:

All of Lot 1, OLATHE FORD RV, SECOND PLAT, a subdivision of land, together with all that part of the Northeast Quarter of Section 2, Township 15 South, Range 22 East of the 6th P.M., all in the City of Gardner, Johnson County, Kansas, described as follows by Scott D. Confer, KS LS-1249, Phelps Engineering, Inc. Project Number 200901, to wit:

Beginning at the Northeast corner of said Lot 1, said point also being on the East right-of-way line of Interstate Highway 35, as now established; thence S 8° 20' 54" E, along the East line of said Lot 1, and along the East right-of-way line of said Interstate Highway 35, a distance of 415.26

