

ORDINANCE NO. 2803

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 (24-305-01).

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 May 28, 2024, 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:

Lot A, except the north 75' thereof, SUBURBAN HOMES, a subdivision in the City of Gardner, Johnson County, Kansas

CASE NO. 24-305-01

A Conditional Use Permit to allow for a food truck in the C-1 (Central Business) zoning district, located on the north side of W. Main Street approximately 150' west of North Pine Street with the following conditions:

1. The Conditional Use permit shall expire on December 31, 2029;
2. The applicant shall be required to submit a Temporary Use Permit application to be reviewed and approved January 1st of each calendar year. Failure to meet all applicable regulations, obtain required licenses / permits etc. or receipt of complaints regarding this use of property could be reason for reconsideration and potential revocation of this Conditional Use Permit and 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. Hours of operation shall occur between 1 p.m. and 8 p.m. daily between the months of April and September;
5. Traffic shall not interfere with the normal operation of adjacent roadways or pedestrian activity in the public rights-of-way;
6. Trash dumpsters, equipment storage, and mechanical areas must be appropriately enclosed / screened / secured per city regulations;
7. A physical barrier shall be provided that separates the picnic table / seating area from vehicle circulation lanes and parking spots;
8. Trash receptacles shall be provided near the food truck and the picnic table / seating area;
9. 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;
10. 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);

11. 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);
12. 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
13. 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 17th day of June, 2024.

(SEAL)

CITY OF GARDNER, KANSAS

/s/

Todd Winter, Mayor

Attest:

/s/

Renee Rich, City Clerk