

ORDINANCE NO. 2499

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-15-07; PDP-15-03).

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 September 22, 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 RP-2 - Planned Two-Family District, in accordance with the preliminary development plan PDP-15-03 and subject to the following conditions:

1. Construction of four (4)-feet wide concrete sidewalks shall be completed along both sides of Creekside Drive and Stone Creek Drive as well as along the entire frontage of the south side of Woodson Lane.
2. Revise the preliminary development plan to delete the words, "Future", where it appears above the wording, "10' Asphalt Trail," and delete the wording, "By Others," where it appears beneath the wording, "10' Asphalt Trail," with the understanding the trail will be built by the applicant/developer.
3. Revise the preliminary development plan to include a 4-foot wide pedestrian connection path somewhere in the southern portion of the development westerly to the 10-foot wide trail running along South Moonlight Road.
4. The applicant shall submit a perpetual private maintenance agreement, acceptable to the City, which assigns maintenance responsibility to the owners of each individual unit and access easements across the properties for water lines, sewer lines, and for driveways. This agreement shall be executed and filed with the Johnson County Register of Deeds prior to issuance of building permits. If an acceptable agreement is not submitted, each unit shall have a separate service line connected directly to the public main line, this includes the sanitary sewer system where each unit would then need to be connected to a City sanitary sewer main line and then provide sanitary sewer easements for the City to be able to perform maintenance on these main lines
5. Revise the preliminary development plan to include existing electrical power boxes.

CASE NO. Z-15-07 (PDP-15-03)

Rezoning from M-1 - Restricted Industrial District, to RP- 2 - Planned Two-Family District.

Legal Description:

Part of the Southwest Quarter of Section 30, Township 14 South, Range 23 East of the 6th Principal Meridian, in Johnson County, Kansas, more particularly described as follows:

All of Lots, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the Moonlight Business Center III, a subdivision in the City of Gardner, Johnson County, Kansas; except the West 10.00 feet of Lot 2 and except the West 10.00 feet of the North 242.66 feet of Lot 3, containing 21.73 acres more or less, except that part for roads or easements.

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 19th day of October, 2015.

SIGNED by the Mayor this 19th day of October, 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