

ORDINANCE NO. 2485

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-15-02; PDP-15-01).

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 April 28, 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 properties shall hereafter have a zoning classification of CP-2 – Planned General Business District, in accordance with the preliminary development plan PDP-15-01 and subject to the following conditions:

1. Add the lot square footage and acreage to the front page of the PDP.
2. Correct the parking summary, total number of units and units per acre for Lot 3 on the front page of the PDP.
3. Show the large “Future Drainage Easement on the northwest corner of the property delineated as an easement rather than plat line on the PDP.
4. Add 11 additional parking stalls to Lot 3 to meet the minimum parking requirement.
5. Add a second trash facility to the apartment development for the north block of buildings.
6. Add a note to the plans that state: Sidewalk sections across the 188th Street frontage that are damaged or that exceed the ADA minimum acceptable cross slope shall be replaced by the applicant prior to issuance of occupancy permits for this development.
7. Add a note to the plan that states: “Property owner shall immediately notify the city if any spill occurs on the site that has the potential to enter into the storm water conveyance system.”
8. Add a note to the plan that states: “Site entrances may become limited to right-in/right out with the installation of a median in S. Gardner Rd in the future.”
9. Revise the preliminary development plan to show a connection from the Private Drive traffic circle located on Lot 3, along the western property line of Lot 2, to the southern property line, for future connection to 188th Street and an associated access easement.

CASE NO. Z-15-02 (PDP-15-01)

Rezoning from RP-5 – Planned Apartment House District and CP-2 – Planned General Business Districts to CP-2 – Planned General Business District.

Legal Description:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 14 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON KANSAS STATE PLANE NORTH ZONE 1501 BEARINGS, SOUTH 02°31'47" WEST, COINCIDENT WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, 660.00 FEET; THENCE SOUTH 88°35'24" WEST, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, 455.09 FEET; THENCE NORTH 02°31'47" WEST, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER 660.00 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°35'24" EAST, COINCIDENT WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER 455.09 FEET TO THE POINT OF BEGINNING. CONTAINING 300,300 SQUARE FEET OR 6.894 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 City Council and publication in the official City Newspaper.

PASSED by the City Council this 18th day of May, 2015.

SIGNED by the Mayor this 18th day of May, 2015.

CITY OF GARDNER, KANSAS

(SEAL)

/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