

ORDINANCE NO. 2596

AN ORDINANCE ADOPTING AN AMENDMENT TO THE CITY OF GARDNER COMPREHENSIVE PLAN, UPDATING CHAPTER 12 CAPITAL IMPROVEMENTS ELEMENT.

WHEREAS, the City of Gardner has a duly constituted Planning Commission as provided by K.S.A 12-744; and

WHEREAS, pursuant to K.S.A. 12-747(a), the Gardner Planning Commission is authorized to make or cause to be made a comprehensive plan for the development of the City of Gardner and any unincorporated territory lying outside of the City but within the same County in which the City is located, which in the opinion of the Planning Commission, forms the total community of which the City is a part; and

WHEREAS, pursuant to K.S.A. 12-747(b), the Gardner Planning Commission is authorized to make recommendations to the Governing Body of the City relating to the adoption and amendment of a comprehensive plan by a single resolution or by successive resolutions and is further authorized to adopt or amend parts of the comprehensive plan for the City of Gardner; and

WHEREAS, the City of Gardner adopted a Comprehensive Plan titled "City of Gardner Comprehensive Plan", approved with Ordinance 2457 on September 15, 2014; and amended with Ordinance No. 2517 on June 20, 2016, and Ordinance No. 2553 on September 18, 2017, Ordinance No. 2554 on September 18, 2017; and Ordinance No. 2574 on April 16, 2018; and

WHEREAS, the Planning Commission has determined a need to amend the adopted comprehensive plan; and

WHEREAS, the Planning Commission has proposed a new chapter regarding the Capital Improvements Element to assist in implementation of the plan in accordance with K.S.A. 12-747; and

WHEREAS, proper notice was published in the official City newspaper once at least twenty (20) days prior to the public hearing on the proposed amendment to the City of Gardner Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on the proposed Amendment to the City of Gardner Comprehensive Plan adding Chapter 12 Capital Improvements on September 25, 2018 at which public comments were encouraged; and

WHEREAS, on September 25, 2018 the Planning Commission adopted Resolution No. PC-18-03, titled "A RESOLUTION ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE CITY OF GARDNER, KANSAS AMENDING CHAPTER 12 CAPITAL IMPROVEMENTS ELEMENT", providing recommended amendments to the City of Gardner Comprehensive Plan to the Governing Body of the City; and

WHEREAS, pursuant to K.S.A. 12-747(b), upon receipt of the Planning Commission's recommendation to adopt amendments to the City of Gardner Comprehensive Plan, the Governing Body of the City has considered the Planning Commission's recommendation and does hereby take the following action upon such recommendation;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: The amendments to the City of Gardner Comprehensive Plan for the City of Gardner, Kansas, amending Chapter 12 Capital Improvements Element, and the findings identified in Planning Commission Resolution PC-18-03, are approved and adopted.

SECTION TWO: The adopted amendment will be incorporated as Chapter 12 Capital Improvements.

SECTION THREE: This Ordinance shall take effect and be in force from and after its publication in the Gardner News, and official City newspaper.

PASSED and APPROVED this 17th day of December 2018.

(SEAL)

CITY OF GARDNER, KANSAS

/s/

Steve Shute, Mayor

Attest:

/s/

Amy Nasta, City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney