

ORDINANCE NO. 2678

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 (CUP-20-01).

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 September 22, 2020, 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:

All that part of the Northwest Quarter of Section 30, Township 14 South, Range 23 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

A part of the Southeast Quarter of Section 35, Township 14 South, Range 22 East of the 6th Principle Meridian in the City of Gardner, Johnson County, Kansas, described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 35; thence South 88 degrees, 35 minutes, 24 seconds West, along the North line of the Southeast Quarter and the North line of recorded plat "Orscheln Addition", 455.08 feet to the Northwest corner of the plat "Orscheln Addition"; thence South 02 degrees, 31 minutes, 47 seconds East, along the West line of "Orscheln Addition", 116.88 feet to the POINT OF BEGINNING; thence continuing South 02 degrees, 31 minutes, 47 seconds East, along the West line, 327.73 feet to the Southwest corner of the plat "Orscheln Addition"; thence South 87 degrees, 28 minutes, 13 seconds West, 183.78 feet; thence North 02 degrees, 31 minutes, 47 seconds West, 271.97 feet; thence North 87 degrees, 28 minutes, 13 seconds East, 70.00 feet; thence North 02 degrees, 31 minutes, 47 seconds West, 55.76 feet; thence North 87 degrees, 28 minutes, 13 seconds East, 113.78 feet, containing 56,327 square feet, or 1.29 acres, more or less.

CASE NO. CUP-20-01

A Conditional Use Permit to allow for a Daycare Center use in the RP-5 (Planned Apartment House) zoning district, solely for Regency West located on the west side of Gardner Road approximately 200' north of 188th Street with the following conditions:

1. This Conditional Use Permit request shall not be approved prior to the approval of the preliminary development plan.
2. Prior to the issuance of a Certificate of Occupancy (CO), the applicant shall submit copies of all required State of Kansas permits and licenses.
3. This conditional use permit is a permanent permit issued to the current owner of the property / initial day care provider. Any future change of ownership / management of the day care must be reported to the City and may require the issuance of a new CUP following the applicable CUP regulations / process at that time. Failure to follow all applicable local, state or federal regulations shall be grounds for reconsideration of the CUP and possible revocation of the permit.

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 19th day of October, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

/s/
Steve Shute, Mayor

Attest:

/s/
Sharon Rose, City Clerk