

ORDINANCE NO. 2680

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-20-02).

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:

Beginning at the Northeast corner of the Northwest Quarter of said Section 30, thence S 2°13'11" E (S 0°14'48" E deeded), along the East line of the Northwest Quarter of said Section 30, a distance of 660.37 feet (660.15 feet deeded); thence S 87°57'17" W (S 89°56'30" W deeded), a distance of 1281.25 feet; thence N 1°59'24" W (N 00°00'00" E deeded), a distance of 100.00 feet; thence S 87°57'17" W (N 89°56'30" E deeded), a distance of 100.00 feet; thence N 1°58'46" W (N 00°00'00" E deeded), a distance of 561.68 feet (561.59 feet deeded) to a point on the North line of the Northwest Quarter of said Section 30; thence N 88°00'34" E (N 90°00'00" E deeded), along the North line of the Northwest Quarter of said Section 30, a distance of 1378.50 feet to the point of beginning, containing 20.7102 acres, more or less, unplatted land, subject to that part in streets and roads.

CASE NO. CUP-20-02

A Conditional Use Permit to allow for a Mobile Home Park use in the M-P (Mobile Home Park) zoning district, solely for The Lakes at Conestoga located at the southeast corner of Santa Fe Street and Conestoga Drive with the following condition:

1. This Conditional Use Permit request shall not be approved prior to the approval of the preliminary development plan and associated rezoning.
2. This conditional use permit is a permanent permit issued to the current owner - Green Courte Acquisition IV, LLC, its affiliate and/or lender. Any change of ownership of title to the real property must be reported to the City and shall 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 applicable to the CUP 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

Attest:

/s/
Steve Shute, Mayor

/s/
Sharon Rose, City Clerk