

ORDINANCE NO. 2492

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT ON CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE (CUP-15-02).

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 June 23, 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, a Conditional Use Permit is issued on lands legally described as follows:

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 14, RANGE 22, OF JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 54 MINUTES 38 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 1922.00 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 41 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID SECTION 36 A DISTANCE OF 324.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 54 MINUTES 38 SECONDS WEST A DISTANCE OF 220.00 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 41 SECONDS EAST A DISTANCE OF 220.00 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 38 SECONDS EAST A DISTANCE OF 220.00 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 41 SECONDS WEST A DISTANCE OF 220.00 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 1.1 ACRES MORE OR LESS.

CASE NO. CUP-15-02

A Conditional Use Permit to allow for a 135 feet telecommunications tower within an A (Agricultural District) zoning district, on 1.1 acres of property located in the southeast corner of above said property, aka 29225 West 183rd Street in Gardner, Kansas, subject to the following conditions:

1. The associated rezoning (Z-15-03) shall be approved and published **prior** to the publication of the conditional use permit.
2. Revise the site plan to include additional landscaping at the southeast corner of the lease area to include three (3) evergreen trees of at least four (4) feet in height at planting per Section 18.165.060 of the *Gardner Zoning Ordinance*.

SECTION TWO: 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.

APPROVED and ADOPTED this 20th day of July, 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