

ORDINANCE NO. 2522

AN ORDINANCE REVISING AN APPROVED PRELIMINARY DEVELOPMENT PLAN (PDP-16-02) FOR 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;

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

WHEREAS, on August 17, 2015 the Gardner City Council approved Ordinance 2495 via case No. Z-15-06 which rezoned the below described property to its current zoning designation of CP-2, Planned General Business District, and via case No. PDP-15-02 established the original preliminary development plan, and

WHEREAS, CVS Pharmacy, Inc. has requested that the City revise said preliminary development plan;

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 July 26, 2016, 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 preliminary development plan of Case No. PDP-15-02 for the lands legally described hereby are changed as follows:

The following described property shall hereafter have a zoning classification of CP-2 - Planned General Commercial District, in accordance with the revised preliminary development plan PDP-16-02 and subject to the following conditions:

1. The final plat shall be recorded for the subject property prior to the issuance of a building permit.
2. The applicant shall meet all standards and acquire all necessary permits from the Kansas Department of Transportation (KDOT).
3. The applicant shall provide architectural drawings showing the design and materials for the northwest corner trash enclosure and compactor for review and approval by City staff.
4. The sanitary sewer design and construction shall be approved by the Kansas Department of Health and Environment (KDHE).
5. Plans shall be revised to eliminate the electronic message boards from the building's east façade. (Individual signage can be reviewed with individual sign permit applications.)
6. The color palette is approved as presented.
7. Applicant shall submit an approved Final Storm Water Management Plan prior to issuance of a building permit.

Legal Description:

Part of the odd numbered Lots 103 thru 117, inclusive, on Shawnee Street and all of the even numbered Lots 100 thru 118, inclusive, on Main Street and that part of the vacated alley adjoining said Lots, in the Town of Gardner Plat, a subdivision of land recorded in Book 1 at Page 24, also being a part of the Southeast Quarter of Section 23, Township 14 South, Range 22 East of the 6th Principal Meridian, in Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence North 01° 52' 28" West, along the East line of said Southeast Quarter, 50.00 feet; thence South 88° 26' 04" West, 40.00 feet to the Southeast corner of said Lot 118 and the True Point of Beginning of the tract herein described;

Thence South 88° 26' 04" West, 300.00 feet along the North line of Main Street, as established by said Town of Gardner Plat, to the Southwest corner of said Lot 100; thence North 01° 52' 28" West along the West line of said Lot 100, 112.00 feet to the South line of Lot 18 in Johnson's Subdivision, a subdivision of land recorded in Book 17 at Page 44; thence North 88° 26' 04" East, 65.67 feet to the Southeast corner of said Lot 18; thence North 01° 49' 36" West along the East line of said Lot 18, 117.00 feet to the South line of Shawnee Street, as now established; thence North 88° 26' 04" East along the South line of said Shawnee Street, 234.23 feet to the East line of said Lot 117 and the West line of N. Center Street, as established by the Town of Gardner Plat; thence South 01° 52' 28" East along the West line of said N. Center Street, 229.00 feet to the True Point of Beginning.

The above described tract contains 61,010 square feet or 1.401 acres, more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above preliminary development plan shall supersede the previously approved preliminary development plan for the referenced property.

SECTION THREE: 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.

PASSED by the City Council this 15th day of August, 2016.

SIGNED by the Mayor this 15th day of August, 2016.

(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