

ORDINANCE NO. 2543

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF 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;

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 February 28, 2017, 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, the zoning classification or districts of the lands legally described hereby are changed as follows:

The following described properties shall hereafter have a zoning classification of CP-2 Planned General Business District, in accordance with preliminary development plan PDP-17-01 (Dairy Queen) and subject to the following conditions:

1. eliminate the vehicular access point for 526 East Main Street and show a shared access with appropriate easements on final development plan (FDP),
2. add five (5)-feet of land for the dedication of road right-of-way (ROW) to the north side of East Main Street in future plat work for the future expansion of US Highway 56,
3. investigate with proper authorities the possibility of widening the proposed 24-foot wide vehicle entrance off of East Main Street,
4. consider widening the proposed five-foot wide east facade sidewalk to seven-foot wide, and reducing the parking lot aisle width from 26-foot wide to 24-foot wide, and
5. investigate adding two additional ADA designed parking spaces.

CASE NO. Z-16-04 (PDP-17-01)

Rezoning from the R-2 Two-Family District to CP-2 Planned General Business District:

Legal Description:

Lots 4 and 5 of White Acres, a subdivision located in the Southeast Quarter of Section 24, Township 14 South, Range 22 East of the 6th Principal Meridian, in the City of Gardner, Johnson County, Kansas, and

Rezoning from C-2 General Business District to CP-2 Planned General Business District:

Legal Description:

All that part of Lot 2, White Acres, a subdivision located in the Southeast Quarter of Section 24, Township 14 South, Range 22 East of the 6th Principal Meridian, in the City of Gardner, Johnson County, Kansas, according to the recorded plat thereof, described as follows: Beginning at the Southeast corner of Lot 2; thence West 100 feet along the South line of said Lot 2; thence North to a point on the North line of said Lot 2; said point being 97.42 feet West of the Northeast corner of said Lot 2; thence East along said North line 97.42 feet to the Northeast corner of said Lot 2; thence Southerly along the East line of said Lot 2 to the point of beginning.

Except: A tract of land in Lot 2, White Acres, an addition to the City of Gardner, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of said Lot 2; thence West 12.1

feet along the South line of said Lot; thence North at right angles, 18.0 feet; thence East to a point on the East line of said Lot, 18.0 feet North to the place of beginning; thence South along said East line to the place of beginning.

And, White Acres Lot 3, except beginning at the Southwest corner of said Lot 3; thence East 24.9 feet; thence North 18.0 feet; thence West to the West line of said Lot 3; thence South 18.0 feet to the beginning.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

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 20th day of March, 2017.

SIGNED by the Mayor this 20th day of March, 2017.

(SEAL)

CITY OF GARDNER, KANSAS

_____/s/_____
Chris Morrow, Mayor

Attest:

_____/s/_____
Kimberly A. Garrison, City Clerk

Approved as to form:

_____/s/_____
Ryan B. Denk, City Attorney