

ORDINANCE NO. 2612

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 March 26, 2019, 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 located at the northeast corner of S. Gardner Road and W. 188th Street shall hereafter have a zoning classification of ACP-2 (Activity Center Planned General Business) District in accordance with preliminary development plan PDP-19-02 Plaza South dated 3/15/19, received 3/21/19, and subject to the following conditions:

1. The trail along W. 188th Street shall be constructed of concrete.
2. The applicant shall provide for a common area maintenance agreement or property maintenance agreement for all common areas at time of the first final development plan/final plat applications, including the infrastructure within all access and sidewalk easements.
3. All easements shall be approved prior to approval of any final development plan.
4. The stormwater plan and traffic study shall be approved prior to approval of any final development plan.
5. Lots 5, 6, 7, 8 and 9 – To better meet the intent of the required building frontage within this development context, shall include an acceptable vertical element along at least 35% of the front building line, either via a building, plantings, or an ornamental wall or fence complimenting the design of the buildings.

CASE NO. Z-19-02(PDP-19-02)

Rezoning from C-2 (General Business) District to ACP-2 (Activity Center Planned General Business) District:

Legal Description:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N 2°32'11" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1742.58 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING N 2°32'11" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 904.84 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N 88°21'25" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1325.49 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36, THENCE S 2°34'17" E, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A

DISTANCE OF 952.47 FEET; THENCE S 89°07'03" W, A DISTANCE OF 1125.47 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 188TH STREET AS NOW ESTABLISHED; THENCE N 2°32'11" W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 30.01 FEET; THENCE S 89°07'03" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 188TH STREET, A DISTANCE OF 201.00 FEET, TO THE POINT OF BEGINNING, SUBJECT TO THAT PART IN ROAD.

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 Governing Body this 15th day of April, 2019.

SIGNED by the Mayor this 15th day of April, 2019.

CITY OF GARDNER, KANSAS

(SEAL)

/s/

Steve Shute, Mayor

Attest:

/s/

Amy Nasta, City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney