

ORDINANCE NO. 3011 - 2025

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS SUPPLEMENTING THE LEGAL DESCRIPTION OF A PREVIOUSLY APPROVED REZONING ORDINANCE THAT REZONED CERTAIN LAND IN THE CORPORATE LIMITS OF GARDEN CITY, KANSAS FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "I-3" HEAVY INDUSTRIAL DISTRICT THAT IS COMMONLY KNOWN AND NUMBERED AS 209 E. SANTA FE ST., GARDEN CITY, KANSAS, PURSUANT TO A REQUEST SUBMITTED BY THE GARDEN CITY CO-OP INC., A KANSAS FOR PROFIT CORPORATION; AMENDING THE ZONING ORDINANCE, ZONING REGULATIONS, AND DISTRICT ZONING MAP OF THE CITY OF GARDEN CITY, KANSAS; AND REPEALING THE CURRENT ZONING ORDINANCE, ZONING REGULATIONS, AND DISTRICT ZONING MAP OF THE SAME; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

**WHEREAS**, the purpose of this Ordinance is to supplement the legal description contained in a previously passed ordinance to reflect the original intent of the rezoning item; and

**WHEREAS**, on July 20, 2023, the Holcomb-Garden City-Finney County Area Planning Commission ("Planning Commission") held a public hearing to consider the rezoning of "209 E. Santa Fe St., Garden City, Kansas" from "R-3" Multiple Family Residential District to "I-3" Heavy Industrial District ("Public Hearing") and thereafter recommended the approval of such rezoning item; and

**WHEREAS**, on August 15, 2023, the Governing Body of the City of Garden City, Kansas ("Governing Body") considered the recommendation of the Planning Commission and, in doing so, passed and approved Ordinance No. 2962-2023 approving an amendment to the zoning classification of certain land located in Garden City, Kansas from "R-3" Multiple Family Residential District to "I-3" Heavy Industrial District ("Original Ordinance"); and

**WHEREAS**, pursuant to subsection (b) of K.S.A. 12-757, a rezoning item may designate the real property to be rezoned by legal description or by a general description sufficient to identify the property under consideration; and

**WHEREAS**, the rezoning item considered and recommended by the Planning Commission at the Public Hearing, including all legal notices related thereto, used a general description to designate the real property as "209 E. Santa Fe St., Garden City, Kansas"; and

**WHEREAS**, the Original Ordinance designated the real property by legal description as follows:

The South One Hundred Twenty-Five Feet (125') of Lots Four (4), Five (5), and Six (6), Block Forty-Nine (49) of the Original Plat to the City of Garden City, Finney County, Kansas, according to the recorded plat thereof, which is commonly known and numbered as 209 East Santa Fe Street in Garden City, Finney County, Kansas;

**WHEREAS**, subsequent thereto, it was learned that the address of "209 E. Santa Fe St., Garden City, Kansas" included an additional tract of land in addition to the South 125' of Lots 4, 5, and 6 designated in the Original Ordinance, i.e. the North 25' of the same lots that was conveyed to the applicant by separate deed; and

**WHEREAS**, the Original Ordinance inadvertently omitted the North 25' feet of said lots from its legal description; and

**WHEREAS**, when the Original Ordinance was passed and approved, it was the Governing Body's intent to rezone all real property within the scope of "209 E. Santa Fe St., Garden City, Kansas" to include both the North 25' and the South 125' of said lots and the Original Ordinance would have included both the North 25' and the South 125' of said lots but for the inadvertent omission; and

**WHEREAS**, the legal description contained within the Original Ordinance can be supplemented without further action by the Planning Commission because the rezoning item considered and recommended by the Planning Commission at the Public Hearing designated the real property to be rezoned by the general description of "209 E. Santa Fe St., Garden City, Kansas", which includes both the North 25' and the South 125' of said lots; and

**WHEREAS**, the correct legal description for the rezoning should, therefore, be as follows:

All of Lots Four (4), Five (5), and Six (6), Block Forty-Nine (49) of the Original Plat to the City of Garden City, Finney County, Kansas, according to the recorded plat thereof, which is commonly known and numbered as 209 East Santa Fe Street in Garden City, Finney County, Kansas;

**WHEREAS**, the Governing Body desires to herein adopt this Ordinance to supplement the above legal description as set forth herein and to recognize its intent to rezone all real property within the scope of "209 E. Santa Fe St.", including both the North 25' and the South 125' of said lots; and

**WHEREAS**, it is not the intent of the Governing Body for this Ordinance to, in any way, repeal or otherwise affect the Original Ordinance; and

**WHEREAS**, the Governing Body desires for the Original Ordinance to remain in full force and effect, independent of this Ordinance.

**BE IT ORDAINED** by the Governing Body of the City of Garden City, Kansas:

**SECTION 1.** The Zoning Ordinance of the City of Garden City, Kansas, adopted by Ordinance No. 2813-2018, with all amendments thereto, is hereby amended to rezone the below described real property from "R-3" Multiple Family Residential District to "I-3" Heavy Industrial District:

All of Lots Four (4), Five (5), and Six (6), Block Forty-Nine (49) of the Original Plat to the City of Garden City, Finney County, Kansas, according to the recorded plat thereof, which is commonly known and numbered as 209 East Santa Fe Street in Garden City, Finney County, Kansas.

**SECTION 2.** The District Zoning Map of the City of Garden City, Kansas, referred to in Article 3, Section 3.020 of the Zoning Regulations of the City of Garden City, Kansas, adopted by Ordinance No. 2813-2018, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

**SECTION 3.** The current Zoning Ordinance, Zoning Regulations, and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same are hereby repealed, to be replaced as specified in this ordinance. All sections of said Zoning Ordinance, Zoning Regulations, District Zoning Map not specifically amended herein, shall remain in full force and effect.

**SECTION 5.** This Ordinance shall take effect and be in full force and effect from and after: (a) the passage and signature hereof; (b) the publication of a summary hereof in The Garden City Telegram, the official city newspaper; and (c) the publication of the full text hereof on the City's website in compliance with subsection (b) of K.S.A. 12-3007.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 18<sup>th</sup> day of March, 2025.

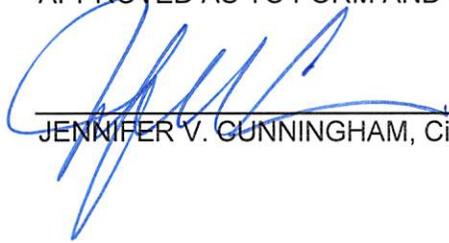
  
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ROY CESSNA, Mayor

ATTEST:

  
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CELYN N. HURTADO, City Clerk  
KORI A. LONGORIA, Deputy City Clerk



APPROVED AS TO FORM AND CONTENT:

  
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JENNIFER V. CUNNINGHAM, City Attorney