

ORDINANCE NO. 2730

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 April 25, 2022, 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 recommendation of the Planning Commission is hereby approved and the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located at the northwest intersection of 167th Street and White Drive shall hereafter have a zoning classification of RP-5 (Planned Apartment House) District in accordance with the preliminary development plan PDP-22-01 University Park Apartments dated March 4, 2022 and subject to the following conditions:

1. Approval of a transportation impact study and stormwater management plan by the City of Gardner Public Works Department; and
2. Construction of a 10' wide trail on the north side of 167th Street with an attachment to the proposed internal walkway system.

CASE NO. Z-22-01(PDP-22-01)

Rezoning from RP-3 (Planned Garden Apartment) District to RP-5 (Planned Apartment House) District:

Legal Description:
See Attached Exhibit A

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.

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EXHIBIT "A"

LEGAL DESCRIPTION:

UNIVERSITY PARK ADDITION NO. 1 TRACT A EXCEPT THE PART IN THE FOLLOWING DESCRIPTION: PART OF TRACT A AND TRACT B BEGINNING 525.77 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 22 EAST; EAST 253.48 FEET; NORTH 99.08 FEET EAST 118.06 FEET; SOUTH 98.86 FEET; EAST 171.21 FEET; SOUTH 84.11 FEET; EAST 124 FEET TO THE EAST LINE OF TRACT B; SOUTH 45.94 FEET; SOUTHWESTERLY ON A CURVE TO THE LEFT 423.86 FEET; SOUTHEAST 219.26 FEET TO MOST EASTERLY CORNER OF TRACT B; SOUTHWEST 408.49 FEET; NORTHWEST 324.01 FEET; WEST 466.37 FEET TO THE SOUTHWEST CORNER OF TRACT A; NORTH 726.18 FEET TO THE POINT OF BEGINNING, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS.

TOGETHER WITH:

UNIVERSITY PARK ADDITION NO. 1 TRACT B EXCEPT PART OF TRACT A AND TRACT B: BEGINNING 525.77 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 22 EAST; EAST 253.48 FEET; NORTH 99.08 FEET EAST 118.06 FEET; SOUTH 98.86 FEET; EAST 171.21 FEET; SOUTH 84.11 FEET; EAST 124 FEET TO THE EASTERLY LINE OF TRACT B; SOUTH 45.94 FEET; SOUTHEASTERLY ON A CURVE TO THE LEFT 423.86 FEET; SOUTHEAST 219.26 FEET TO MOST EASTERLY CORNER OF TRACT B; SOUTHWEST 408.49 FEET; NORTHWEST 324.01 FEET; WEST 466.37 FEET TO THE SOUTHWEST CORNER OF TRACT A; NORTH 726.18 FEET TO THE POINT OF BEGINNING, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS.

TOGETHER WITH:

PART OF TRACT A AND B, UNIVERSITY PARK ADDITION NO. 1, A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 13; THENCE ON THE PLATTED BEARING OF SOUTH 01 DEGREES 32 MINUTES 27 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 525.77 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 20 MINUTES 34 SECONDS EAST 253.48 FEET; THENCE NORTH 01 DEGREES 39 MINUTES 26 SECONDS WEST, AS MEASURED AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTH 88 DEGREES 27 MINUTES 33 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID TRACT B, 118.06 FEET; THENCE SOUTH 01 DEGREES 39 MINUTES 26 SECONDS EAST 98.86 FEET; THENCE NORTH 88 DEGREES 20 MINUTES 34 SECONDS EAST, AS MEASURED AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 171.21 FEET; THENCE SOUTH 01 DEGREES 43 MINUTES 50 SECONDS EAST 84.11 FEET; THENCE NORTH 88 DEGREES 13 MINUTES 45 SECONDS EAST 124.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT B, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF UNIVERSITY DRIVE; THENCE SOUTH 01 DEGREES 55 MINUTES 14 SECONDS EAST, ALONG SAID EAST LINE, 45.94 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY, CONTINUING ALONG SAID EAST LINE, ALONG A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 540.00 FEET AND AN ARC LENGTH OF 423.86 FEET; THENCE SOUTH 46 DEGREES 53 MINUTES 35 SECONDS EAST, CONTINUING

ALONG SAID EAST LINE 219.26 FEET TO THE MOST EASTERLY CORNER OF SAID TRACT B, ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF UNIVERSITY DRIVE AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WHITE DRIVE; THENCE SOUTH 43 DEGREES 04 MINUTES 46 SECONDS WEST CONTINUING ALONG SAID EAST LINE OF TRACT B AND THE EAST LINE OF SAID TRACT A, ALSO BEING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WHITE DRIVE 408.49 FEET; THENCE NORTH 46 DEGREES 53 MINUTES 35 SECONDS WEST, PARALLEL WITH SAID SOUTH LINE OF TRACT B, 324.01 FEET TO A POINT ON SAID SOUTH LINE OF TRACT B; THENCE SOUTH 88 DEGREES 27 MINUTES 33 SECONDS WEST, ALONG SAID SOUTH LINE OF TRACT B, 466.37 FEET TO THE SOUTHWEST CORNER OF SAID TRACT B, ALSO BEING THE NORTHWEST CORNER OF SAID TRACT A; THENCE NORTH 01 DEGREES 32 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE OF SAID SOUTHEAST QUARTER, 726.18 FEET TO THE POINT OF BEGINNING.

GROSS AREA = ±35.4554 ACRES / ±1,544,437 SQ.FT.