

**ORDINANCE NO. 2764**

**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 Community Development Staff on March 22, 2023, 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, and having received the Planning Commission's May 22, 2023 recommendation of approval the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located south of 183<sup>rd</sup> Street approximately 2000' west of Center Street shall hereafter have a zoning classification of RP-2 (Planned Two-Family) and RP-4 (Planned Mixed-Density Neighborhood) Districts in accordance with the revised preliminary development plan PDP-22-09 Fairfield Development dated May 12, 2023 and subject to the following conditions:

1. Approval of the deviation as presented in the staff report;
2. The stormwater management plan shall meet the conveyance, detention, water quality, and other requirements found in Title 14 of the City of Gardner Municipal Code and other incorporated documents;
3. No further development will be allowed past phase 1 unless additional access is provided to Gardner Road and/or 188<sup>th</sup> Street;
4. Correct errors within the legal description on both the Preliminary Plat and Preliminary Development Plan;
5. Correct cul-de-sac rights-of-way location for both W. 184th and W. 185th Streets; and
6. Provide street and open & civic space types to the Preliminary Development Plan.
7. Submit updated Traffic Impact Study reflecting revised Preliminary Development Plan.

**CASE NO. Z-22-09(PDP-22-09)**

R-1 (Single-family) District to RP-2 (Planned Two-family) and RP-4 (Planned Mixed Density Neighborhood) Districts:

**RP-2 Zoning Legal Description:**

All that part of the Northeast Quarter of Section 35, Township 14 South, Range 22 East of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas being originally described this 11<sup>th</sup> Day of April 2023, by me, Craig E. Chaney, Professional Survey, Kansas License No. 1141, and being more particularly described as follows:

COMMENCING at the Northwest Corner of said Northeast Quarter of Section 35; thence North 88°40'41" East, along the North Line of said quarter section, a distance of 144.34 feet to the true POINT OF BEGINNING of land being described; thence continuing North 88°40'41" East, along said North Line, a distance of 368.13 feet, more or less, to the Northwest Corner of FAIRFIELD, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence southerly along the West Line of said FAIRFIELD for the following Five (5) Courses; First Course, South 01°19'19" East, a distance of 404.36 feet to the Northeast Corner of Lot 23 of said FAIRFIELD; Second Course, North 86°19'49" West, a distance of 136.21 feet the Northwest Corner of Lot 24

of said FAIRFIELD; Third Course, South 03°40'11" West, a distance of 115.00 feet to the Southwest Corner of said Lot 24, said point being on the North Line of W. 184<sup>th</sup> Street, as now established; Fourth Course, North 86°19'49" West, along said North Line of W. 184<sup>th</sup> Street, a distance of 14.50 feet; Fifth Course, South 03°40'11" West, a distance of 165.00 feet to the Southwest Corner of Lot 25 of said FAIRFIELD, said point also being on the North Line of Lot 54 of FAIRFIELD II, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence North 87°24'07" West. Along the said North Line of Lot 54, a distance of 40.10 feet to the Northwest Corner of said Lot 54, said point also being the Northwest Plat Corner of said FAIRFIELD II; thence southerly and easterly along the West Line and the South Line of said FAIRFIELD II for the following Seven (7) Courses; First Course, South 02°24'43" East, a distance of 428.37 feet to a point on the South Line of W. 184<sup>th</sup> Terrace, as now established; Second Course, North 87°35'17" East, along said North Line of W. 184<sup>th</sup> Terrace, a distance of 35.00 feet to the Northwest Corner of Lot 58 of said FAIRFIELD II; Third Course, South 02°24'43" East, a distance of 115.00 feet to the Southwest Corner of said Lot 58, said point also being on the North Line of Lot 63 of said FAIRFIELD II; Fourth Course, South 87°35'17" West, a distance of 2.97 feet to the Northwest Corner of said Lot 63; Fifth Course, South 02°24'43" East, a distance of 280.00 feet to the Southwest Corner of Lot 72 of said FAIRFIELD II, said point also being the Southwest Plat Corner of said FAIRFIELD II; Sixth Course, North 87°35'17" East, a distance of 154.96 feet; Seventh Course, North 88°09'34" East, a distance of 158.13 feet; thence departing the South Line of said FAIRFIELD II, South 02°04'23" East, a distance of 130.27 feet; thence North 87°55'37" East, a distance of 18.07 feet; thence South 02°32'26" East, a distance of 125.00 feet; thence South 87°55'37" West, a distance of 134.00 feet; thence North 02°32'26" West, a distance of 125.00 feet; thence South 87°55'37" West, a distance of 221.12 feet; thence northerly and northwesterly along a curve to the left, said curve having an initial tangent bearing of North 16°36'58" West, a radius of 200.00 feet, a delta angle of 16°52'51", an arc length of 58.92 feet; thence North 33°29'49" West, a distance of 137.34 feet; thence northwesterly and northerly along a curve to the right, said curve being tangent to the last described course and having a radius of 200.00 feet, a delta angle of 31°04'49", an arc length of 108.49 feet; thence North 02°25'00" West, a distance of 1109.32 feet; thence northerly and northwesterly along a curve to the left, said curve being tangent to the last described course and having a radius of 300.00 feet, a delta angle of 13°56'49", an arc length of 73.03 feet; thence North 16°21'49" West, a distance of 51.01 feet; thence northwesterly and northerly along a curve to the right, said curve being tangent to the last described course and having a radius of 200.00 feet, a delta angle of 15°02'30", an arc length of 52.51 feet; thence North 01°19'19" West, a distance of 68.91 feet to the place of beginning; Containing 356,620 square feet or 8.187 acres, more or less.

#### **RP-4 Zoning Legal Description**

All that part of the Northeast Quarter of Section 35, Township 14 South, Range 22 East of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas being originally described this 11<sup>th</sup> Day of April 2023, by me, Craig E. Chaney, Professional Survey, Kansas license No. 1141, and being more particularly described as follows:

BEGINNING at the Northwest Corner of said Northeast Quarter of Section 35; thence South 02°25'00" East, along the West Line of said Northeast Quarter of Section 35, a distance of 1865.01 feet; thence departing said West Line, North 87°35'00" East, a distance of 262.65 feet; thence North 09°48'34" East, a distance of 14.48 feet; thence South 80°21'45" East, a distance of 189.43 feet; thence North 87°27'34" East, a distance of 62.93 feet; thence North 02°32'26" West, a distance of 259.07 feet; thence South 87°55'37" West, a distance of 221.12 feet; thence northerly and northwesterly along a curve to the left, said curve having an initial tangent bearing of North 16°36'58" West, a radius of 200.00 feet, a delta angle of 16°52'51", an arc length of 58.92 feet; thence North 33°29'49" West, a distance of 137.34 feet; thence northwesterly and northerly along a curve to the right, said curve being tangent to the last described course and having a radius of 200.00 feet, a delta angle of 31°04'49", an arc length of 108.49 feet; thence

