

ORDINANCE NO. 2778

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 27, 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, 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 properties located on the north of Grand Street, across from Grand Star Elementary shall hereafter have zoning classifications of RP-1 (Planned Single-family), RP-2 (Planned Two-family), RP-3 (Planned Garden Apartment), and RP-5 (Planned Apartment) Districts in accordance with preliminary development plan PDP-22-11 for Grand Street dated March 27, 2023.

CASE NO. Z-22-11(PDP-22-11)

RUR (Rural) District to RP-1 (Planned Single-family), RP-2 (Planned Two-family), RP-3 (Planned Garden Apartment), and RP-5 (Planned Apartment) Districts:

**LEGAL DESCRIPTION
FOR RP-1**

Part of the NW $\frac{1}{4}$ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 01, 2022, more particularly described as follows:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence N 88°15'23" E along the South line of said NW $\frac{1}{4}$, said line also being the North line of Plum Creek Estates, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being the South line of Lot 1, Bigelow Place, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 231.00 feet to the Southeast corner of said Lot 1, said corner also being the TRUE POINT OF BEGINNING; thence N 01°59'17" W along the East line of said Bigelow Place and along the East line of Lot 2, Bigelow's Subdivision, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being 231.00 feet East and parallel with the West line of said NW $\frac{1}{4}$, a distance of 1,325.49 feet to a point on the north line of the SW $\frac{1}{4}$ of said NW $\frac{1}{4}$, said line also being the South line of the Town of Gardner, Johnson County, Kansas; thence N 88°18'48" E along the North line of the SW $\frac{1}{4}$ of said NW $\frac{1}{4}$ and along the South line of said Town of Gardner, a distance of 1,094.81 feet to the Southwest corner of the NE $\frac{1}{4}$ of said NW $\frac{1}{4}$, said corner also being the Southeast corner of said Town of Gardner; thence N 02°04'14" W along the West line of the NE $\frac{1}{4}$ of said NW $\frac{1}{4}$, said line also being the East line of said Town of Gardner, a distance of 413.04 feet to a point on the Southerly right-of-way line of the BNSF Railroad as now established; thence N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 583.84 feet; thence S 01°57'58" E a distance of 525.41 feet; thence S 75°21'10" E a distance of 95.61 feet; thence S 51°51'12" E a distance of 158.29 feet; thence S 05°11'14" W a distance of 203.97 feet; thence S 11°18'29" W a distance of 95.00 feet; thence S 09°27'26" E

a distance of 52.55 feet to a point on the Northerly right-of-way line of Grand Street, as platted; thence Westerly and Southwesterly along the Northerly right-of-way line of said Grand Street, on a curve to the left having an initial tangent bearing of S 80°41'01" W and a radius of 1,454.00 feet, for a distance of 410.99 feet; thence Southwest, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the left having an initial tangent bearing of S 64°29'18" W and a radius of 630.00 feet, for a distance of 358.02 feet; thence S 31°55'42" W continuing along the Northerly right-of-way line of said Grand Street, a distance of 293.39 feet; thence Southwesterly, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the right having a radius of 570.00 feet, for a distance of 560.37 feet; thence S 88°15'23" W continuing along the Northerly right-of-way line of said Grand Street, a distance of 12.96 feet; thence Westerly, on a curve to the left having a radius of 340.00 feet, for a distance of 143.90 feet to a point on the South line of said NW¼, said point also being on the North line of said Plum Creek Estates; thence S 88°15'23" W along the South line of said NW¼, and along the North line of said Plum Creek Estates, a distance of 377.86 feet to the TRUE POINT OF BEGINNING, continuing 47.83218 acres more or less.

LEGAL DESCRIPTION FOR RP-2

Part of the North ½ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 01, 2022, more particularly described as follows:

Beginning at the Southwest corner of the NW¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence N 88°15'23" E along the South line of said NW¼, said line also being the North line of Plum Creek Estates, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being the South line of Lot 1, Bigelow Place, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 231.00 feet to the Southeast corner of said Lot 1; thence N 01°59'17" W along the East line of said Bigelow Place and along the East line of Lot 2, Bigelow's Subdivision, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being 231.00 feet East and parallel with the West line of said NW¼, a distance of 1,325.49 feet to a point on the north line of the SW¼ of said NW¼, said line also being the South line of the Town of Gardner, Johnson County, Kansas; thence N 88°18'48" E along the North line of the SW¼ of said NW¼ and along the South line of said Town of Gardner, a distance of 1,094.81 feet to the Southwest corner of the NE¼ of said NW¼, said corner also being the Southeast corner of said Town of Gardner; thence N 02°04'14" W along the West line of the NE¼ of said NW¼, said line also being the East line of said Town of Gardner, a distance of 413.04 feet to a point on the Southerly right-of-way line of the BNSF Railroad as now established; thence N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 583.84 feet to the TRUE POINT OF BEGINNING; thence continuing N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 1,316.21 feet; thence N 14°34'06" W continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 50.00 feet; thence N 75°25'45" E continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 824.37 feet to a point on the East line of the West ½ of the NE¼ of said Section 25, T14S, R22E, said point also being the Northwest corner of Lot 2, Moonlight Business Park II, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 02°04'49" E along the East line of the West ½ of said NE¼, said line also being the West line of said Moonlight Business Park II, a distance of 234.86 feet; thence S 88°10'01" W a distance of 301.56 feet; thence S 41°43'11" W a distance of 279.68 feet; thence S 00°06'12" E a distance of 65.34 feet; thence S 46°45'27" W a distance of 130.06 feet; thence S 75°11'18" W a distance of 100.36 feet; thence Southerly, on a curve to the right having an initial tangent bearing of S 62°48'08" E and a radius of 50.00 feet, for a distance of 69.63 feet; thence S 73°00'45" E a distance of 139.64 feet; thence S 35°19'56" W a distance of 155.26 feet; thence N 81°54'56" W a distance of 100.20 feet; thence S

24°34'26" W a distance of 207.24 feet; thence Westerly, on a curve to the left having an initial tangent bearing of N 65°25'34" W and a radius of 175.00 feet, for a distance of 80.66 feet; thence S 20°13'22" W a distance of 189.67 feet; thence S 02°14'16" E a distance of 341.46 feet; thence Southeasterly, on a curve to the right having an initial tangent bearing of S 76°08'55" E and a radius of 475.00 feet, for a distance of 148.74 feet; thence S 31°47'33" W a distance of 195.42 feet to a point on the Northerly right-of-way line of Grand Street, as platted; thence Northwesterly, along the Northerly right-of-way line of said Grand Street, on a curve to the left having an initial tangent bearing of N 59°44'03" W and a radius of 1,454.00 feet, for a distance of 1,004.49 feet; thence N 09°27'26" W a distance of 52.55 feet; thence N 11°18'29" E a distance of 95.00 feet; thence N 05°11'14" E a distance of 203.97 feet; thence N 51°51'12" W a distance of 158.29 feet; thence N 75°21'10" W a distance of 95.61 feet; thence N 01°57'58" W a distance of 525.41 feet to the TRUE POINT OF BEGINNING, containing 37.71111 acres more or less.

LEGAL DESCRIPTION FOR RP-3

Part of the NE¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 01, 2022, more particularly described as follows:

Beginning at the Southwest corner of the NW¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence N 88°15'23" E along the South line of said NW¼, said line also being the North line of Plum Creek Estates, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being the South line of Lot 1, Bigelow Place, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 231.00 feet to the Southeast corner of said Lot 1; thence N 01°59'17" W along the East line of said Bigelow Place and along the East line of Lot 2, Bigelow's Subdivision, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being 231.00 feet East and parallel with the West line of said NW¼, a distance of 1,325.49 feet to a point on the north line of the SW¼ of said NW¼, said line also being the South line of the Town of Gardner, Johnson County, Kansas; thence N 88°18'48" E along the North line of the SW¼ of said NW¼ and along the South line of said Town of Gardner, a distance of 1,094.81 feet to the Southwest corner of the NE¼ of said NW¼, said corner also being the Southeast corner of said Town of Gardner; thence N 02°04'14" W along the West line of the NE¼ of said NW¼, said line also being the East line of said Town of Gardner, a distance of 413.04 feet to a point on the Southerly right-of-way line of the BNSF Railroad as now established; thence N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 1,900.05 feet; thence N 14°34'06" W continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 50.00 feet; thence N 75°25'45" E continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 824.37 feet to a point on the East line of the West ½ of the NE¼ of said Section 25, T14S, R22E, said point also being the Northwest corner of Lot 2, Moonlight Business Park II, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 02°04'49" E along the East line of the West ½ of said NE¼, said line also being the West line of said Moonlight Business Park II, and the West line of Moonlight Business Park III, a subdivision in the City of Gardner, Johnson County, Kansas, and the West line of Pinewood Second Plat, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 843.21 feet to the TRUE POINT OF BEGINNING; thence continuing S 02°04'49" E along the East line of the West ½ of said NE¼ and along the West line of said Pinewood Second Plat, a distance of 369.45 feet; thence S 87°52'15" W a distance of 586.82 feet; thence S 02°14'16" E a distance of 322.89 feet; thence Southwesterly, on a curve to the right having a radius of 50.00 feet, for a distance of 33.61 feet; thence S 36°16'30" W a distance of 46.97 feet; thence S 54°53'01" E a distance of 41.61 feet; thence Southeasterly, on a curve to the left having a radius of 91.00 feet, for a distance of 37.28 feet; thence S 78°21'24" E a distance of 57.17 feet; thence Southeasterly, on a curve to the right

having a radius of 59.00 feet, for a distance of 25.36 feet; thence S 53°43'30" E a distance of 68.05 feet; thence S 73°21'55" E a distance of 86.04 feet; thence S 53°43'30" E a distance of 35.74 feet; thence N 87°45'44" E a distance of 44.43 feet; thence Northeasterly, on a curve to the right having an initial tangent bearing of N 02°14'16" W and a radius of 50.00 feet, for a distance of 111.32 feet; thence N 35°19'38" E a distance of 25.59 feet; thence N 87°58'35" E a distance of 177.92 feet to a point on the East line of the West ½ of said NE¼, said point also being on the West line of Moonlight Apartments IV, a subdivision in the City of Gardner Johnson County, Kansas; thence S 02°04'49" E along the East line of the West ½ of said NE¼ and along the West line of said Moonlight Apartments IV, a distance of 659.55 feet to a point on the Northerly right-of-way line of Grand Street, as platted; thence Westerly, along the Northerly right-of-way line of said Grand Street, on a curve to the right having an initial tangent bearing of N 85°07'09" W and a radius of 570.00 feet, for a distance of 176.54 feet; thence Northwesterly, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the right having an initial tangent bearing of N 67°22'25" W and a radius of 86.00 feet, for a distance of 86.89 feet; thence Northwesterly continuing along the Northerly right-of-way line of said Grand Street, on a curve to the left having an initial tangent bearing of N 09°28'58" W and a radius of 95.00 feet, for a distance of 156.50 feet; thence Westerly, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the right having an initial tangent bearing of S 76°07'57" W and a radius of 86.00 feet, for a distance of 75.26 feet; thence N 53°43'31" W continuing along the Northerly right-of-way line of said Grand Street, a distance of 536.01 feet; thence Northwesterly, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the left having a radius of 1,454.00 feet, for a distance of 152.49 feet; thence N 31°47'33" E a distance of 195.42 feet; thence Northwesterly, on a curve to the left having an initial tangent bearing of N 58°12'27" W and a radius of 475.00 feet, for a distance of 148.74 feet; thence N 02°14'16" W a distance of 341.46 feet; thence N 20°13'22" E a distance of 189.67 feet; thence Easterly, on a curve to the right having an initial tangent bearing of N 88°10'00" E and a radius of 175.00 feet, for a distance of 80.66 feet; thence N 24°34'26" E a distance of 207.24 feet; thence S 81°54'56" E a distance of 100.20 feet; thence S 81°54'56" E a distance of 35.92 feet; thence N 87°52'34" E a distance of 597.39 feet to the TRUE POINT OF BEGINNING, containing 19.43639 acres more or less.

LEGAL DESCRIPTION FOR RP-5 (1)

Part of the NE¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 01, 2022, more particularly described as follows:

Beginning at the Southwest corner of the NW¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence N 88°15'23" E along the South line of said NW¼, said line also being the North line of Plum Creek Estates, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being the South line of Lot 1, Bigelow Place, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 231.00 feet to the Southeast corner of said Lot 1; thence N 01°59'17" W along the East line of said Bigelow Place and along the East line of Lot 2, Bigelow's Subdivision, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being 231.00 feet East and parallel with the West line of said NW¼, a distance of 1,325.49 feet to a point on the north line of the SW¼ of said NW¼, said line also being the South line of the Town of Gardner, Johnson County, Kansas; thence N 88°18'48" E along the North line of the SW¼ of said NW¼ and along the South line of said Town of Gardner, a distance of 1,094.81 feet to the Southwest corner of the NE¼ of said NW¼, said corner also being the Southeast corner of said Town of Gardner; thence N 02°04'14" W along the West line of the NE¼ of said NW¼, said line also being the East line of said Town of Gardner, a distance of 413.04 feet to a point on the Southerly right-of-way line of the BNSF Railroad as now established; thence N 75°25'45" E along the Southerly

right-of-way line of said BNSF Railroad, a distance of 1,900.05 feet; thence N 14°34'06" W continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 50.00 feet; thence N 75°25'45" E continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 824.37 feet to a point on the East line of the West ½ of the NE¼ of said Section 25, T14S, R22E, said point also being the Northwest corner of Lot 2, Moonlight Business Park II, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 02°04'49" E along the East line of the West ½ of said NE¼, said line also being the West line of said Moonlight Business Park II, and the West line of Moonlight Business Park III, a subdivision in the City of Gardner, Johnson County, Kansas, and the West line of Pinewood Second Plat, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 1212.66 feet to the TRUE POINT OF BEGINNING; thence continuing S 02°04'49" E along the East line of the West ½ of said NE¼, and along the West line of said Pinewood Second Plat, and along the West line of Moonlight Apartments IV, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 488.94 feet; thence S 87°58'35" W a distance of 177.92 feet; thence S 35°19'38" W a distance of 25.59 feet; thence Southwesterly, on a curve to the left having an initial tangent bearing of N 54°40'22" W and a radius of 50.00 feet, for a distance of 111.32 feet; thence S 87°45'44" W a distance of 44.43 feet; thence N 53°43'30" W a distance of 35.74 feet; thence N 73°21'55" W a distance of 86.04 feet; thence N 53°43'30" W a distance of 68.05 feet; thence Northwesterly, on a curve to the left having a radius of 59.00 feet, for a distance of 25.36 feet; thence N 78°21'24" W a distance of 57.17 feet; thence Northwesterly, on a curve to the right having a radius of 91.00 feet, for a distance of 37.28 feet; thence N 54°53'01" W a distance of 41.61 feet; thence N 36°16'30" E a distance of 46.97 feet; thence Northeasterly, on a curve to the left having a radius of 50.00 feet, for a distance of 33.61 feet; thence N 02°14'16" W a distance of 322.89 feet; thence N 87°52'15" E a distance of 586.82 feet to the TRUE POINT OF BEGINNING, containing 6.65462 acres more or less.

LEGAL DESCRIPTION FOR RP-5 (2)

Part of the NE¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 01, 2022, more particularly described as follows:
Beginning at the Southwest corner of the NW¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence N 88°15'23" E along the South line of said NW¼, said line also being the North line of Plum Creek Estates, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being the South line of Lot 1, Bigelow Place, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 231.00 feet to the Southeast corner of said Lot 1; thence N 01°59'17" W along the East line of said Bigelow Place and along the East line of Lot 2, Bigelow's Subdivision, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being 231.00 feet East and parallel with the West line of said NW¼, a distance of 1,325.49 feet to a point on the north line of the SW¼ of said NW¼, said line also being the South line of the Town of Gardner, Johnson County, Kansas; thence N 88°18'48" E along the North line of the SW¼ of said NW¼ and along the South line of said Town of Gardner, a distance of 1,094.81 feet to the Southwest corner of the NE¼ of said NW¼, said corner also being the Southeast corner of said Town of Gardner; thence N 02°04'14" W along the West line of the NE¼ of said NW¼, said line also being the East line of said Town of Gardner, a distance of 413.04 feet to a point on the Southerly right-of-way line of the BNSF Railroad as now established; thence N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 1,900.05 feet; thence N 14°34'06" W continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 50.00 feet; thence N 75°25'45" E continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 824.37 feet to a point on the East line of the West ½ of the NE¼ of said Section 25, T14S, R22E, said point also being the Northwest corner of Lot 2, Moonlight Business Park II, a

