

ORDINANCE NO. 2786

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 dated November 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 property encompassing approximately 136.05 acres located southwest of the intersection of 175th Street and Clare Road shall hereafter have a zoning classification of RP-1 (Planned Single Family Residential) and RP-2 (Planned Two Family District in accordance with the preliminary development plan 23-304-09 Prairie Trace Revised dated October 23, 2023 and subject to the following conditions:

1. Approval of all deviations as presented in the staff report;
2. The applications shall be reviewed and approved by the Johnson County Airport Commission and Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body;
3. 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; and
4. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
5. The original pedestrian maps submitted with the 2020 Preliminary Development Plan be carried over

CASE NO. 23-304-09

Rezoning from RP-1 (Planned Single Family) and RP-2 (Planned Two Family) to RP-1 (Planned Single Family) and RP-2 (Planned Two Family)

Legal Descriptions:

Tract 1 RP-2 TO RP-1

DESCRIPTION:

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the South line of said Northwest One-Quarter, North 88 degrees 39 minutes 43 seconds East a distance of 815.43 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet to the Point of Beginning; thence continuing North 50 degrees 04 minutes 56 seconds East, a distance of 192.44 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 136.00 feet; thence South 46 degrees 06 minutes 03 seconds East a distance of 148.11 feet; thence South 76 degrees 23 minutes 42 seconds East a distance of 133.28 feet; thence South 88 degrees 39 minutes 43 seconds West a distance of 56.90 feet; thence South 83 degrees 01 minutes 01 seconds West a distance of 50.83 feet; thence South 88 degrees 39 minutes 43 seconds West a distance of 154.59 feet; thence North 39 degrees 55 minutes 04 seconds West a distance of 94.89 feet; thence South 50 degrees 04 minutes 56 seconds West a distance of 79.67 feet; thence North 39 degrees 54 minutes 09 seconds West a distance of 136.00 feet to the Point of Beginning and containing 1.05 acres more or less.

Tract 2 RP-2 TO RP-1

DESCRIPTION:

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the South line of said Northwest One-Quarter, North 88 degrees 39 minutes 43 seconds East a distance of 2257.78 feet; thence North 01 degrees 20 minutes 17 seconds West a distance of 360.00 feet to the Point of Beginning; thence North 58 degrees 14 minutes 46 seconds East a distance of 84.39 feet; thence South 42 degrees 18 minutes 17 seconds West a distance of 19.57 feet; thence South 58 degrees 30 minutes 42 seconds West a distance of 56.87 feet; thence South 88 degrees 39 minutes 43 seconds West a distance of 10.09 feet to the Point of Beginning and containing 371 square feet more or less.

Tract 3 RP-2 TO RP-1

DESCRIPTION:

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the South line of said Northwest One-Quarter, North 88 degrees 39 minutes 43 seconds East a distance of 2352.88 feet; thence North 01 degrees 20 minutes 17 seconds West a distance of 426.13 feet to the Point of Beginning; thence North 11 degrees 56 minutes 48 seconds East a distance of 127.71 feet; thence North 14 degrees 35 minutes 11 seconds West a distance of 115.19 feet; thence North 49 degrees 35 minutes 32 seconds East a distance of 79.33 feet; thence North 65 degrees 38 minutes 16 seconds East a distance of 53.25 feet; thence South 45 degrees 49 minutes 08 seconds West a distance of 101.35 feet; thence South 01 degrees 04 minutes 17 seconds West a distance of 154.75 feet; thence South 18 degrees 08 minutes 03 seconds West a distance of 83.25 feet; thence South 42 degrees 18 minutes 17 seconds West a distance of 7.21 feet to the Point of Beginning and containing 5145 square feet more or less.

Tract 4 RP-1 TO RP-2

DESCRIPTION:

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the South line of said Northwest One-Quarter, North 88 degrees 39 minutes 43 seconds East a distance of 2330.56 feet; thence North 01 degrees 20 minutes 17 seconds West a distance of 402.73 feet to the Point of Beginning; thence North 42 degrees 18 minutes 17 seconds East a distance of 32.35 feet; thence South 11 degrees 56 minutes 48 seconds West a distance of 12.29 feet; thence South 58 degrees 14 minutes 46 seconds West a distance of 22.61 feet to the Point of Beginning and containing 100.5 square feet more or less.

TRACT 5 RP-1 TO RP-2

DESCRIPTION:

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the South line of said Northwest One-Quarter, North 88 degrees 39 minutes 43 seconds East a distance of 2704.50 feet to the Southeast corner thereof; thence along the East line of the said Northwest One-Quarter, North 02 degrees 05 minutes 58 seconds West a distance of 572.59 feet to a point of curvature, said point being the Point of Beginning; thence Northwesterly on a curve to the right having an initial tangent bearing of North 64 degrees 09 minutes 50 seconds West, a radius of 300.00 feet, a central angle of 15 degrees 48 minutes 35 seconds and an arc length of 82.78 feet; thence North 48 degrees 21 minutes 16 seconds West a distance of 107.42 feet to a point of curvature; thence Northwesterly on a curve to the right being tangent to the previous course having a radius of 300.00 feet, a central angle of 16 degrees 31 minutes 20 seconds and an arc length of 86.51 feet; thence North 46 degrees 08 minutes 54 seconds East distance of 89.35 feet to a point of curvature; thence Southeasterly on a curve to the left having an initial tangent bearing of South 44 degrees 29 minutes 28 seconds East, a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds and an arc length of 62.39 feet; thence South 51 degrees 38 minutes 26 seconds East a distance of 65.09 feet to a point of curvature; thence Southeasterly on a curve to the left being tangent to the previous course, having a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds and an arc length of 229.30 feet; thence South 77 degrees 43 minutes 04 seconds East a distance of 259.82 feet; thence South 56 degrees 29 minutes 33 seconds West a distance of 78.15 feet; thence South 04 degrees 15 minutes 53 seconds West a distance of 83.69 feet; thence South 20 degrees 25 minutes 45 seconds East a distance of 39.32 feet; thence South 53 degrees 14 minutes 45 seconds West a distance of 142.25 feet to a point of curvature; thence Southeasterly on a curve to the left having an initial tangent bearing of South 36 degrees 45 minutes 15 seconds East, a radius of 200.00 feet, a central angle of 05 degrees 22 minutes 04 seconds and an arc length of 18.74 feet; thence South 42 degrees 07 minutes 19 seconds East a distance of 52.95 feet to a point of curvature; thence Southeasterly on a curve to the left being tangent to the previous course, having a radius of 200.00 feet, a central angle of 42 degrees 50 minutes 59 seconds and an arc length of 149.57 feet; thence South 05 degrees 01 minutes 42 seconds West a distance of 25.00 feet; thence South 18 degrees 46 minutes 3

5seconds West a distance of 129.27 feet; thence South 88 degrees 39 minutes 43 seconds West a distance of 88.18 feet; thence North 30 degrees 56 minutes 37 seconds West a distance of 28.81 feet; thence North 44 degrees 43 minutes 22 seconds West a distance of 110.69 feet; thence North 43 degrees 02 minutes 29 seconds West a distance of 55.07 feet; thence North 42 degrees 30 minutes 15 seconds West a distance of 61.88 feet; thence North 37 degrees 07 minutes 50 seconds West a distance of 69.92 feet; thence North 18 degrees 48 minutes 47 seconds West a distance of 70.32 feet; thence North 09 degrees 42 minutes 18 seconds West a distance of 70.90 feet; thence North 04 degrees 15 minutes 53 seconds East a distance of 105.69 feet to a point of curvature; thence Northwesterly on a curve to the right having an initial tangent bearing of North 74 degrees 29 minutes 11 seconds West, a radius of 300.00 feet, a central angle of 10 degrees 19 minutes 20 seconds and an arc length of 54.05 feet to the Point of Beginning and containing 3.839 acres more or less.

TRACT 6 RP-1 TO RP-2

DESCRIPTION:

Part of the Northeast One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the said Northeast One-Quarter of Section 29; thence along the West line of the said Northeast One-Quarter, North 02 degrees 05 minutes 58 seconds West a distance of 1165.04 feet; thence North 87 degrees 54 minutes 02 seconds East a distance of 259.80 feet to the Point of Beginning; thence North 50 degrees 04 minutes 56 seconds East a distance of 165.00 feet; thence North 65 degrees 01 minutes 06 seconds East a distance of 198.24 feet; thence North 87 degrees 57 minutes 59 seconds East a distance of 296.33 feet; thence South 66 degrees 34 minutes 53 seconds East a distance of 88.61 feet; thence South 20 degrees 15 minutes 20 seconds East a distance of 84.38 feet; thence South 00 degrees 15 minutes 23 seconds West a distance of 100.00 feet; thence South 29 degrees 28 minutes 37 seconds West a distance of 121.86 feet; thence South 66 degrees 40 minutes 03 seconds West a distance of 92.72 feet; thence South 89 degrees 38 minutes 27 seconds West a distance of 77.25 feet; thence South 63 degrees 03 minutes 59 seconds West a distance of 59.90 feet; thence North 80 degrees 02 minutes 14 seconds West a distance of 62.98 feet; thence South 54 degrees 50 minutes 08 seconds West a distance of 120.20 feet; thence North 34 degrees 51 minutes 53 seconds West a distance of 141.97 feet; thence North 45 degrees 02 minutes 20 seconds West a distance of 131.17 feet; thence North 71 degrees 42 minutes 56 seconds West a distance of 107.87 feet to the Point of Beginning and containing 4.645 acres more or less.

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 2nd day of January, 2024.

SIGNED by the Mayor this 2nd day of January, 2024.

