

ORDINANCE NO. 2792

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 December 19, 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 47.71 acres located approximately 700' west of the intersection of 175th St. and Osage St. shall hereafter have a zoning classification of RP-2 (Planned Two Family) District in accordance with the preliminary development plan 23-303-02 Lone Star Prairie dated December 6, 2023 and subject to the following conditions:

1. Approval of deviations 2-4 as presented in the staff report;
2. Development must meet the requirements of Gardner Municipal Code Title 14 Floodplain and Stormwater Management, including, but not limited to, stream corridor preservation and maintenance, peak flow reduction, and stormwater treatment facility provision and maintenance, where applicable. Any violation of these requirements will necessitate plan modifications as needed to conform to stormwater code criteria unless the violation has been approved as a deviation. All stormwater requirements shall be met prior to issuance of any related permits; and
3. Revise the eastern street to deter through traffic from the south as determined by Public Works.

CASE NO. 23-303-02

Rezoning from County RUR (Rural, Agriculture) District to RP-2 (Planned Two Family)

Legal Description:

All that part of the Northeast Quarter of Section 28, Township 14, Range 22, Johnson County, Kansas, described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 28; thence South 89 degrees 44 minutes 32 seconds East, along the North line of the Northeast Quarter of said Section 28, a distance of 1845.67 feet to the point of beginning; thence continuing South 89 degrees 44 minutes 32 seconds East, along the North line of the Northeast Quarter of said Section 28, a distance of 757.21 feet, to the Northeast corner of the Northeast Quarter of said Section 28; thence South 0 degrees 10 minutes 11 seconds East, along the East line of the Northeast Quarter of said Section 28, a distance of 2623.41 feet, to the Southeast corner of the Northeast Quarter of said Section 28; thence North 89 degrees 50 minutes 28 seconds West

along the South line of the Northeast Quarter of said Section 28, a distance of 824.40 feet; thence North 0 degrees 48 minutes 10 seconds East, a distance of 2204.42 feet; thence South 89 degrees 44 minutes 32 seconds East, parallel to the North line of the Northeast Quarter of said Section 28, a distance of 29.78 feet; thence North 0 degrees 10 minutes 11 seconds West, a distance of 420.42 feet to the point of beginning, except that part in streets and roads. Subject to easements and restrictions of record.

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 16th day of January, 2024.

SIGNED by the Mayor this 16th day of January, 2024.

CITY OF GARDNER, KANSAS

(SEAL)

/s/

Todd Winters, Mayor

Attest:

/s/

Renee Rich, Interim City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney