

ORDINANCE NO. 2606

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 February 26, 2019, 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 zoning classification or districts of the lands legally described hereby are changed as follows:

The following described properties shall hereafter have a zoning classification of RP-3 (Planned Garden Apartment) District and CP-2 (Planned General Business) District, in accordance with preliminary development plan PDP-19-01 Waverly Plaza dated 2/26/19 and subject to the following conditions:

1. Remove the greyed fence off the property of the proposed Tract A shown on page C1 and C4.
2. Update the on-street parking count on the first parking block from the north, on the east side of Laurel St from 9 to 7 and then update the parking data on the page.
3. Update the parking count of the center east parking block along the drive on the east side of the property from 10 to 9 and then update the parking data on the page.
4. Revise any sidewalks along any parking with vehicle overhangs to be a minimum of 8' wide in the residential area.
5. Revise sidewalks which are primary routes between the street or parking area to the building entrance to be a minimum of 8' wide.

CASE NO. Z-19-01(PDP-19-01)

Rezoning from CP-2 (Planned General Business) District to CP-2 (Planned General Business):

Legal Description:

All that part of the Southwest Quarter of Section 23, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 23; thence N 1°53'36" W, along the West line of the Southwest Quarter of said Section 23, a distance of 635.92 feet; thence N 88°06'24" E, a distance of 50.00 feet; thence Easterly on a curve to the left, said curve being tangent to the last described course and having a radius of 470.00 feet, an arc distance of 92.75 feet; thence N 76°48'00" E, a distance of 169.86 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 455.00 feet, an arc distance of 89.74 feet; thence N 88°06'00" E, a distance of 148.13 feet; thence S 1°53'36" E, a distance of 686.37 feet to a point on the South line of the Southwest Quarter of said Section 23; thence S 88°01'15" W, along the South line of the Southwest Quarter of said Section 23, a distance of 546.00 feet to the point of beginning, containing 8.3440 acres, more or less.

Rezoning from CP-2 (Planned General Business) District to RP-3 (Garden Apartment) District:

Legal Description:

All that part of the Southwest Quarter of Section 23, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 23; thence N 88°01'15" E, along the South line of the Southwest Quarter of said Section 23, a distance of 546.00 feet to the point of beginning; thence N 1°53'36" W, a distance of 681.37 feet; thence N 88°06'00" E, a distance of 182.98 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 400.00 feet, an arc distance of 325.33 feet; thence S 45°18'00" E, a distance of 22.00 feet; thence Southerly on a curve to the left said curve having an initial tangent bearing of S 44°42'00" W and a radius of 200.00 feet, an arc distance of 162.94 feet; thence S 1°58'45" E, a distance of 394.04 feet to a point on the South line of the Southwest Quarter of said Section 23; thence S 88°01'15" W, along the South line of the Southwest Quarter of said Section 23, a distance of 426.77 feet to the point of beginning, containing 6.6289 acres, more or less.

Rezoning from RP-3 (Planned Garden Apartment) District and RP-3 (Planned Garden Apartment) District:

Legal Description:

All that part of the Southwest Quarter of Section 23, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the Southwest quarter of said Section 23; thence N 88°01'15" E, along the South line of the Southwest quarter of said Section 23, a distance of 1002.77 feet to the Southwest plat corner of The Reserve at Waverly Pointe, Ninth Plat, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence N 1°58'45" W, along the West plat line of said The Reserve at Waverly Pointe, Ninth Plat and along the Westerly plat line of The Reserve at Waverly Pointe, Fourteenth Plat, a platted subdivision of land in the City of Gardner, Johnson County, Kansas, a distance of 298.01 feet to the Northwest plat corner of said The Reserve at Waverly Pointe, Ninth Plat, said point also being the point of beginning; thence N 6°39'44" W, a distance of 61.25 feet; thence N 1°58'45" W, a distance of 34.99 feet; thence Northerly on a curve to the right, said curve being tangent to the last described course and having a radius of 175.00 feet, an arc distance of 142.57 feet; thence N 44°42'00" E, a distance of 29.99 feet to the West-most plat corner of The Reserve at Waverly Pointe, Eighth Plat, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence S 53°05'33" E, along the Southwesterly plat line of said The Reserve at Waverly Pointe, Eighth Plat, a distance of 259.69 feet to an angle point on the Northerly plat line of The Reserve at Waverly Pointe, Eleventh Plat, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the Northerly plat line of said The Reserve at Waverly Pointe, Ninth Plat and the Northerly plat line of said The Reserve at Waverly Pointe, Eleventh Plat and also along the Northerly plat line of The Reserve at Waverly Pointe, Fifteenth Plat, a platted subdivision of land in the City of Gardner, Johnson County, Kansas, for the following three (3) courses; thence S 86°15'48" W, a distance of 25.66 feet; thence S 70°42'18" W, a distance of 183.20 feet; thence S 68°47'47" W, a distance of 77.68 feet to the point of beginning, containing 0.8181 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 18th day of March, 2019.

SIGNED by the Mayor this 18th day of March, 2019.

(SEAL)

CITY OF GARDNER, KANSAS

/s/

Steve Shute, Mayor

Attest:

/s/

Amy Nasta, City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney