

ORDINANCE NO. 2659

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 24, 2020, 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 located near the southwest corner of 175th Street and Clair Road shall hereafter have a zoning classification of RP-1 (Planned Single-Family Residential) District and RP-2 (Planned Two-Family Residential) District in accordance with preliminary development plan PDP-20-013 Prairie Trace dated March 10, 2020, and subject to the following conditions:

1. Label the following tracts and add the size in the summary tables
 - a. Trail tract between Estates Lot 177 and Lot 178.
 - b. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.
5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
6. Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.
9. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.
11. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.
12. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.

13. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
14. Revise the right-of-way for 177th Street to be at least 80' in width.
15. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
16. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.
17. Revise deviation request #4 for Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width to read 30%; 20' max at the right-of-way.

CASE NO. Z-20-01(PDP-20-01)

Rezoning from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) District to RP-1 (Planned Single-Family Residential) District:

Legal 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 North 88 degrees 39 minutes 43 seconds East, a distance of 821.65 feet to the POINT OF BEGINNING; thence North 50 degrees 05 minutes 51 seconds East, a distance of 1912.66 feet; thence South 39 degrees 53 minutes 53 seconds East, a distance of 131.66 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of South 32 degrees 21 minutes 53 seconds East, and an arc length of 105.19 feet; thence South 24 degrees 49 minutes 53 seconds East, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of South 38 degrees 14 minutes 09 seconds East, and an arc length of 233.95 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds , a chord bearing of South 64 degrees 34 minutes 48 seconds East, and an arc length of 225.84 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 263.28 feet; thence North 12 degrees 28 minutes 49 seconds East, a distance of 211.59 feet; thence North 48 degrees 57 minutes 43 seconds East, a distance of 354.16 feet; thence North 88 degrees 11 minutes 20 seconds East, a distance of 148.03 feet; thence North 37 degrees 49 minutes 31 seconds East, a distance of 152.04 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 197.43 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds , a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds , a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds , a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees

08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 46 minutes 21 seconds West, a distance of 371.79 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 719.47 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1650.81 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 2697.73 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 1882.94 feet, said point being the Point of Beginning, and containing 93.6803 acres, more or less.

AND

Rezoning from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) District to RP-2 (Planned Two-Family Residential) District:

Legal 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 North 88 degrees 39 minutes 43 seconds East, a distance of 821.65 feet; thence North 50 degrees 05 minutes 51 seconds East, a distance of 1912.66 feet to the POINT OF BEGINNING; thence North 50 degrees 05 minutes 51 seconds East, a distance of 657.95 feet to a point of curvature; thence along a curve to the right, having a radius of 500.00 feet, a central angle of 38 degrees 43 minutes 37 seconds , a chord bearing of North 69 degrees 17 minutes 55 seconds East, and an arc length of 337.96 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 569.32 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 39 degrees 36 minutes 53 seconds , a chord bearing of North 68 degrees 51 minutes 17 seconds East, and an arc length of 345.70 feet; thence South 46 degrees 37 minutes 17 seconds East, a distance of 145.32 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 45 degrees 24 minutes 44 seconds , a chord bearing of South 69 degrees 19 minutes 39 seconds East, and an arc length of 237.78 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 317.90 feet; thence South 25 degrees 46 minutes 21 seconds East, a distance of 371.79 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right, having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds , a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds , a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds , a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 197.43 feet; thence South 37 degrees 49 minutes 31 seconds West, a distance of 152.04 feet; thence South 88 degrees 11 minutes 20 seconds West, a distance of 148.03 feet; thence South 48 degrees 57 minutes 43 seconds West, a distance of 354.16 feet; thence South 12 degrees 28 minutes 49 seconds West, a distance of 211.59 feet; thence North 77 degrees 43 minutes 04 seconds West,

a distance of 263.28 feet to a point of curvature; thence along a curve to the right, having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds, a chord bearing of North 64 degrees 34 minutes 48 seconds West, and an arc length of 225.84 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of North 38 degrees 14 minutes 09 seconds West, and an arc length of 233.95 feet; thence North 24 degrees 49 minutes 53 seconds West, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of North 32 degrees 21 minutes 53 seconds West, and an arc length of 105.19 feet; thence North 39 degrees 53 minutes 53 seconds West, a distance of 131.66 feet, said point being the Point of Beginning, and containing 42.3694 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 20th day of April, 2020.

SIGNED by the Mayor this 20th day of April, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

/s/
Steve Shute, Mayor

Attest:

/s/
Sharon Rose, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney