ORDINANCE NO. 2664

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 April 28, 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 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 north of the intersection of Kill Creek Rd and W 174th Street shall hereafter have a zoning classification of RP-3 (Planned Garden Apartment) District in accordance with preliminary development plan PDP-20-02 for Prairiebrooke Villas dated April 17, 2020, and subject to the following conditions:

- 1. The stormwater plan and traffic study shall be approved prior to approval of any final development plan/final plat.
- Because of the unique context and access configuration of this development which limits
 the provision of contiguous green space in the frontage area, the Buffer Edge frontage
 type will be implemented along Kill Creek Road and Pratt Street rather than on the cul-desacs to better meet Code intent.
- 3. Revise the deviation requests on Sheet 2 of the plan to reflect what has been approved, including the addition of Deviation #12 regarding the Front Entry Feature for the Duplex building type.

CASE NO. Z-20-06(PDP-20-02)

Rezoning from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Garden Apartment) District:

Legal Description:

All that part of the West Half of the Southeast Quarter of Section 22, Township 14 South, Range 22 East of the 6th Principal Meridian now in the City of Gardner, Johnson County, Kansas and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 22; thence North 88°12′50″ East along the South line of said Southeast Quarter a distance of 1310.47 feet to the Southeast corner of the West Half of the Southeast Quarter of said Section 22; thence along the East line of said West Half, said East line also being the East line of PRAIRIEBROOKE and the West line of DOUBLE GATE IV both being subdivisions of land in said City, County and State, North 02°13′55″ West a distance of 771.73 feet to the Northeast corner of said PRAIRIEBROOKE and the POINT OF BEGINNING of the herein described tract of land; thence along the North line of said PRAIRIEBROOKE the following six (6) courses; thence South 87°46′04″ West a distance of 153.26 feet; thence North 85°11′51″ West a distance of 100.00 feet; thence South 79°05′00″ West a distance of 139.93 feet; thence Northwesterly along a curve to the left whose initial tangent bears North 10°55′00″ West with a central angle of 09°34′20″ a radius of 375.00 feet and an arc length of 62.65 feet; thence South 69°30′42″ West a distance of 50.00 feet; thence South 57°08′17″ West a distance of 316.75 feet to the Northwest corner of Lot 16 of said

PRAIRIEBROOKE and the Easterly right-of-way line of Kill Creek Road as now established by PRAIRIEBROOKE VILLAGE a subdivision of land in said City, County and State; thence along the Easterly right-of-way line of said Kill Creek Road the following eight (8) courses; thence North 48°16'16" West a distance of 220.15 feet; thence along a curve to the right with a central angle of 23°19'55" a radius of 500.00 feet and an arc length of 203.61 feet; thence North 67°55'37" East a distance of 19.39 feet; thence North 22°04'23" West a distance of 50.00 feet; thence South 67°55'37" West a distance of 19.39 feet; thence along a curve to the right whose initial tangent bears North 19°12'25" West with a central of 02°45'21" a radius of 500.00 feet and an arc length of 24.05 feet; thence North 16°27'06" West a distance of 309.16 feet; thence along a curve to the left with a central angle of 14°40'35" a radius of 330.00 feet and an arc length of 84.53 feet; thence departing said right-of way line North 68°52'21" East a distance of 442.44 feet; thence South 23°21'30" East a distance of 127.78 feet; thence South 56°55'36" East a distance of 133.37 feet; thence South 69°00'43" East a distance of 603.85 feet to the East line of the West Half of said Southeast Quarter and the West line of said DOUBLE GATE IV; thence South 02°13'55" East along said lines a distance of 351.86 feet to the POINT OF BEGINNING. Containing 610,857 square feet or 14.0233 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 May, 2020.

SIGNED by the Mayor this 18th day of May, 2020.

(Case No. Z-20-06(PDP-20-02))

(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	