

ORDINANCE NO. 2481

AN ORDINANCE REVISING AN APPROVED PRELIMINARY DEVELOPMENT PLAN FOR CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS; (PDP-14-02).

WHEREAS, on the 2nd day of April, 2007, Ordinance No. 2232 was passed by the Governing Body of the City of Gardner Kansas rezoning the below referenced property from R-1 Single Family Residential District zoning classification to RP-3 Planned Garden Apartment District.

WHEREAS, Ordinance No. 2232 as a stipulation to the rezoning provided that the site would be developed pursuant to the referenced and incorporated preliminary development plan (PDP-07-12);

WHEREAS, Ken Rogler of Waverly 175 LLC has requested that the City revise the preliminary development plan adopted and incorporated by Ord. No. 2232 as indicated on Ex. A attached hereto;

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 24, 2015 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 Zoning Ordinance, the preliminary development plan for the lands legally described hereby are changed as follows:

The following described properties have a zoning classification of RP-3 - Garden Apartment Planned Residential District, in accordance with the revised preliminary development plan PDP-14-02.

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 1002.72 feet to the point of beginning; thence continuing N 88°01'15" E, along the South line of the Southwest Quarter of said Section 23, a distance of 310.55 feet to the Southwest plat corner of THE RESERVE AT WAVERLY POINTE, SECOND PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence N 2°05'04" W, along the West plat line of said THE RESERVE AT WAVERLY POINTE, SECOND PLAT and the West plat line of THE RESERVE AT WAVERLY POINTE, FOURTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas, a distance of 161.07 feet to the Northwest plat corner of said THE RESERVE AT WAVERLY POINTE, FOURTH PLAT; thence N 87°50'00" E, along the North plat line of said THE RESERVE AT WAVERLY POINTE, FOURTH PLAT, a distance of 95.42 feet to the Northeast plat corner of said THE RESERVE AT WAVERLY POINTE, FOURTH PLAT, said point also being on the Westerly plat line of WAVERLY POINTE, FIRST PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the Westerly plat line of said WAVERLY POINTE, FIRST PLAT, for the following three (3) courses; thence N 1°58'45" W, a distance of 5.25 feet; thence Northerly on a curve to the left, said curve being tangent to the last described course and having a radius of 675.00 feet, an arc distance of 137.10 feet; thence Northerly on a curve to the right, said curve being tangent to the last described course and having a radius of 625.00 feet, an arc distance of 68.94 feet to the Southeast plat corner of THE RESERVE AT WAVERLY POINTE, FIFTH PLAT; thence S 87°01'00" W, along the South plat line of said THE RESERVE AT WAVERLY POINTE, FIFTH PLAT, a distance of 95.76 feet to the Southwest plat corner of said THE RESERVE AT WAVERLY POINTE, FIFTH PLAT, said point also being the Southerly 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 N 53°05'33" W, along the Southerly plat line of said THE RESERVE AT WAVERLY POINTE, EIGHTH PLAT, a distance of 275.05 feet to the Westerly most plat

corner of said THE RESERVE AT WAVERLY POINTE, EIGHTH PLAT; thence S 44°42'00" W, a distance of 29.99 feet; thence Southerly on a curve to the left, 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 S 1°58'45" E, a distance of 35.77 feet; thence S 6°40'38" E, a distance of 60.46 feet; thence S 1°58'45" E, a distance of 298.01 feet to the point of beginning, containing 3.6965 acres, more or less, of unplatted land.

SECTION TWO: That upon the taking effect of this Ordinance, the above revised preliminary development plan shall supersede the previously approved preliminary development plan for the referenced property.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

PASSED by the City Council this 16th day of March, 2015.

SIGNED by the Mayor this 16th day of March, 2015.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

ORDINANCE NO. 2232

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE. (Z-07-01; PDP-07-02).

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 12, 2007, 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, Zoning Ordinance, the zoning classification or districts of the lands legally described hereby are changed as follows:

The following described property shall hereafter have zoning classifications of R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District, subject to the following stipulations:

- a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and is incorporated by reference as if set out in full herein.
- b. The CP-2 portion of the plan shall be limited to 128,500 square feet of retail buildings.
- c. The location and geometrics of all driveways, public streets, sidewalks and parking areas are subject to review and approval by Community Development Department staff.
- d. Any access drives off of Waverly Road between 175th Street and 174th Street will be limited to right-turn-only movements in the future when Waverly Road is widened to a standard divided thoroughfare or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.
- e. Any private access drives off of 175th Street will be limited to right-turn-only movements in the future when Waverly Road is widened to a standard divided thoroughfare or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.
- f. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct a northbound right turn lane and acceleration lane on Waverly Road at 174th Street and at any private access drives between 174th Street and 175th Street, if Waverly Road has not been widened to a standard divided thoroughfare.
- g. Substantial changes to the approved preliminary development plan will require the submittal of a limited traffic study with the scope-of-work to be determined by Community Development Department staff for the analysis of nearby intersections.
- h. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations that collect and convey storm water form south of 175th Street shall be submitted for review and approval by Public Works Department staff.
- i. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for the planned zoning districts.

CASE NO. Z-07-01

Rezoning from R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District; to R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District

Legal Descriptions:

R-1 Zoning

ALL THAT PART OF THE SOUTH ONE-HALF 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 SOUTHEAST CORNER 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 1193.14 FEET; THENCE N 01°58'45" W, A DISTANCE OF 166.63 FEET; THENCE NORTHERLY AND NORTHWESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 700.00 FEET, AN ARC DISTANCE OF 142.18 FEET; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 600.00 FEET, AN ARC DISTANCE OF 206.47 FEET; THENCE N 06°06'00" E, A DISTANCE OF 213.00 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, SAID CURVE BEING TANGENT

TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 1100.00 FEET, AN ARC DISTANCE OF 9.92 FEET TO THE POINT OF BEGINNING OF LAND BEING DESCRIBED; THENCE N 84°25'00" W, A DISTANCE OF 76.00 FEET; THENCE WESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 350.00 FEET, AN ARC DISTANCE OF 30.44 FEET; THENCE N 89°24'00" W, A DISTANCE OF 184.40 FEET; THENCE N 02°15'00" E, A DISTANCE OF 7.00 FEET; THENCE N 87°45'00" W, A DISTANCE OF 144.00 FEET; THENCE N 00°54'00" E, A DISTANCE OF 135.28 FEET; THENCE N 20°42'00" W, A DISTANCE OF 132.50 FEET; THENCE N 40°00'00" W, A DISTANCE OF 73.84 FEET; THENCE N 24°00'00" W, A DISTANCE OF 52.00 FEET; THENCE N 01°48'53" W, A DISTANCE OF 189.58 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE N 88°11'07" E, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 376.73 FEET; THENCE S 31°24'00" E, A DISTANCE OF 167.50 FEET; THENCE S 71°02'00" E, A DISTANCE OF 50.00 FEET; THENCE S 14°59'00" E, A DISTANCE OF 39.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 1100.00 FEET, AN ARC DISTANCE OF 394.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.9519 ACRES, MORE OR LESS.

RP-3 Zoning

ALL THAT PART OF THE SOUTH ONE-HALF 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 SOUTHEAST CORNER 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 1193.14 FEET TO THE POINT OF BEGINNING OF LAND BEING DESCRIBED; THENCE CONTINUING S 88°01'15" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 460.63 FEET; THENCE N 01°58'45" W, A DISTANCE OF 394.04 FEET; THENCE NORTHERLY AND NORTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 200.00 FEET, AN ARC DISTANCE OF 162.94 FEET; THENCE N 45°18'00" W, A DISTANCE OF 22.00 FEET; THENCE NORTHWESTERLY AND WESTERLY ALONG A CURVE TO THE LEFT, 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 88°06'00" W, A DISTANCE OF 331.11 FEET; THENCE WESTERLY AND SOUTHWESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 450.00 FEET, AN ARC DISTANCE OF 88.75 FEET; THENCE S 76°48'00" W, A DISTANCE OF 169.86 FEET; THENCE SOUTHWESTERLY AND WESTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 475.00 FEET, AN ARC DISTANCE OF 93.74; THENCE S 88°06'24" W, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE N 01°53'36" W, ALONG THE WEST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 700.74 FEET TO THE NORTHWEST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE N 88°11'07" E, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 908.80 FEET; THENCE S 01°48'53" E, A DISTANCE OF 189.58 FEET; THENCE S 24°00'00" E, A DISTANCE OF 52.00 FEET; THENCE S 40°00'00" E, A DISTANCE OF 73.84 FEET; THENCE S 20°42'00" E, A DISTANCE OF 132.50 FEET; THENCE S 00°54'00" W, A DISTANCE OF 135.28 FEET; THENCE S 87°45'00" E, A DISTANCE OF 144.00 FEET; THENCE S 02°15'00" W, A DISTANCE OF 7.00 FEET; THENCE S 89°24'00" E, A DISTANCE OF 184.40 FEET; THENCE EASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 350.00 FEET, AN ARC DISTANCE OF 30.44 FEET; THENCE S 84°25'00" E, A DISTANCE OF 76.00 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF S 05°35'00" W AND A RADIUS OF 1100.00 FEET, AN ARC DISTANCE OF 9.92 FEET; THENCE S 06°06'00" W, A DISTANCE OF 213.00 FEET; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 600.00 FEET, AN ARC DISTANCE OF 206.47 FEET; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 700.00 FEET, AN ARC DISTANCE OF 142.18 FEET; THENCE S 01°58'45" E, A DISTANCE OF 166.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 22.4478 ACRES, MORE OR LESS.

CP-2 Zoning

ALL THAT PART OF THE SOUTH ONE-HALF 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 SOUTHEAST CORNER 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 1653.77 FEET TO THE POINT OF BEGINNING OF LAND BEING DESCRIBED; THENCE CONTINUING S 88°01'15" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 972.77 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE N 01°53'36" W, ALONG THE WEST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 630.92 FEET; THENCE N 88°06'24" E, A DISTANCE OF 50.00 FEET; THENCE EASTERLY AND NORTHEASTERLY ALONG A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 475.00 FEET, AN ARC DISTANCE OF 93.74 FEET; THENCE N 76°48'00" E, A DISTANCE OF 169.86 FEET; THENCE NORTHEASTERLY AND EASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE BEING

TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 450.00 FEET, AN ARC DISTANCE OF 88.75 FEET; THENCE N 88°06'00" E, A DISTANCE OF 331.11 FEET; THENCE EASTERLY AND SOUTHEASTERLY ALONG 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 SOUTHWESTERLY AND SOUTHERLY ALONG 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 01°58'45" E, A DISTANCE OF 394.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.9097 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 Zoning Ordinance as amended.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

PASSED and APPROVED this 2nd day of April, 2007.

ATTEST:
Teresa Anderson
Teresa Anderson, City Clerk

Carol Lehman
Carol Lehman, Mayor

(SEAL)