

ORDINANCE NO. 2564

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 November 28, 2017, 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 R-1 (Single-Family Residential District) and R-3 (Garden Apartment District) for Tuscan Farms:

CASE NO. Z-17-02

Rezoning from the A (Agriculture District) to R-1 (Single-Family Residential District):

Legal Description:

All that part of Section 2, Township 15, Range 22 in the City of Gardner, Johnson County, Kansas, described as follows:

Commencing at the Southeast corner of the Southeast quarter of said Section 2; thence North 2 degrees 49 minutes 15 seconds West, along the East Line of the Southeast quarter of said Section 2, a distance of 1321.88 feet; thence South 87 degrees 10 minutes 45 seconds West, a distance of 60.00, to the point of beginning; thence South 88 degrees 19 minutes 16 seconds West, along the North lines of Lot 9, Friends and Neighbors II, a subdivision in Johnson County, Kansas and Lots 4 through 8, Friends and Neighbors, a subdivision in Johnson County, Kansas, a distance of 2,595.23 feet, to a point on the West Line of said Section 2; thence North 2 degrees 22 minutes 48 seconds West, along said West Line, a distance of 1318.21 feet, to a point on KDOT right-of-way; thence North 54 degrees 23 minutes 53 seconds East, along said KDot Right-of-way, a distance of 18.47 feet; thence North 52 degrees 01 minutes 54 seconds East, along said KDot Right-of-way, a distance of 292.85 feet; thence North 46 degrees 59 minutes 42 seconds East, along said KDot Right-of-way, a distance of 20.94 feet; thence North 34 degrees 47 minutes 25 seconds East, along said KDot Right-of-way, a distance 108.18 feet; thence North 89 degrees 00 minutes 13 seconds East, a distance of 1,376.19 feet, to a point on the West line of Nike School, a subdivision in the City of Gardner, Johnson County, Kansas; thence South 2 degrees 48 minutes 54 seconds East, along said West Line of Nike School, a distance of 608.79 feet; thence North 87 degrees 11 minutes 06 seconds East, along the South Line of said Nike School, a distance of 872.13; thence South 2 degrees 49 minutes 15 seconds East; a distance of 995.00 feet, to the point of beginning.

Except:

Commencing at the Southeast corner of the Southeast quarter of said Section 2; thence North 2 degrees 49 minutes 15 seconds West, along the East Line of the Southeast quarter of said Section 2, a distance of 1992.91 feet; thence South 87 degrees 10 minutes 45 seconds West,

a distance of 60.00, to the point of beginning; thence South 2 degrees 49 minutes 13 seconds East, a distance of 391.83 feet; thence on a curve to the right having a radius of 15.00 feet, delta 89 degrees 59 minutes 18 seconds, a distance of 23.56 feet; thence South 87 degrees 10 minutes 45 seconds West, a distance of 312.28 feet; thence on a curve to the left having a radius of 525.00 feet, delta 8 degrees 38 minutes 56 seconds, a distance of 79.25 feet; thence South 78 degrees 31 minutes 49 seconds West, a distance of 105.45 feet; thence on a curve to the right with a radius of 475.00 feet, delta 9 degrees 49 minutes 32 seconds, a distance of 81.46 feet; thence South 88 degrees 21 minutes 21 seconds West, a distance of 327.96 feet; thence on a curve to the left having a radius of 625.00 feet, delta 0 degrees 57 minutes 45 seconds, a distance of 10.50 feet; thence North 1 degree 38 minutes 39 seconds West, a distance of 159.40 feet; thence North 11 degrees 20 minutes 39 seconds West, a distance of 160.94 feet; thence North 21 degrees 10 minutes 06 seconds West, a distance of 79.12 feet; thence South 64 degrees 49 minutes 17 seconds West, a distance of 138.26 feet; thence on a Northwesterly curve having an initial tangent bearing North 26 degrees 43 minutes 38 seconds West, delta 11 degrees 35 minutes 29 seconds, a radius of 600.00 feet, a distance of 121.39 feet; thence on a curve to the Northeast, delta 93 degrees 00 minutes 22 seconds, a distance of 14.00 feet; thence on a curve to the right, delta 10 degrees 46 minutes 13 seconds, a radius of 175.00 feet, a distance of 32.90 feet; thence North 65 degrees 27 minutes 27 seconds East, a distance of 199.00 feet; thence on a curve to the right, delta 14 degrees 26 minutes 56 seconds, a radius of 275.00 feet, a distance of 69.35 feet; thence South 10 degrees 05 seconds 37 minutes East, a distance of 132.77 feet; thence North 85 degrees 33 minutes 25 seconds East, a distance of 57.92 feet; thence North 87 degrees 10 minutes 45 seconds East, a distance of 571.20 feet; thence South 86 degrees 42 minutes 20 seconds East, a distance of 140.80 feet; thence North 87 degrees 10 minutes 45 seconds East, a distance of 92.60 feet, to the point of beginning.

Rezoning from the A (Agriculture District) to R-3 (Garden Apartment District):

Legal Description:

All that part of Section 2, Township 15, Range 22 in the City of Gardner, Johnson County, Kansas, described as follows:

Commencing at the Southeast corner of the Southeast quarter of said Section 2; thence North 2 degrees 49 minutes 15 seconds West, along the East Line of the Southeast quarter of said Section 2, a distance of 1992.91 feet; thence South 87 degrees 10 minutes 45 seconds West, a distance of 60.00, to the point of beginning; thence South 2 degrees 49 minutes 13 seconds East, a distance of 391.83 feet; thence on a curve to the right having a radius of 15.00 feet, delta 89 degrees 59 minutes 18 seconds, a distance of 23.56 feet; thence South 87 degrees 10 minutes 45 seconds West, a distance of 312.28 feet; thence on a curve to the left having a radius of 525.00 feet, delta 8 degrees 38 minutes 56 seconds, a distance of 79.25 feet; thence South 78 degrees 31 minutes 49 seconds West, a distance of 105.45 feet; thence on a curve to the right with a radius of 475.00 feet, delta 9 degrees 49 minutes 32 seconds, a distance of 81.46 feet; thence South 88 degrees 21 minutes 21 seconds West, a distance of 327.96 feet; thence on a curve to the left having a radius of 625.00 feet, delta 0 degrees 57 minutes 45 seconds, a distance of 10.50 feet; thence North 1 degree 38 minutes 39 seconds West, a distance of 159.40 feet; thence North 11 degrees 20 minutes 39 seconds West, a distance of 160.94 feet; thence North 21 degrees 10 minutes 06 seconds West, a distance of 79.12 feet; thence South 64 degrees 49 minutes 17 seconds West, a distance of 138.26 feet; thence on a Northwesterly curve having an initial tangent bearing North 26 degrees 43 minutes 38 seconds West, delta 11 degrees 35 minutes 29 seconds, a radius of 600.00 feet, a distance of 121.39

feet; thence on a curve to the Northeast, delta 93 degrees 00 minutes 22 seconds, a distance of 14.00 feet; thence on a curve to the right, delta 10 degrees 46 minutes 13 seconds, a radius of 175.00 feet, a distance of 32.90 feet; thence North 65 degrees 27 minutes 27 seconds East, a distance of 199.00 feet; thence on a curve to the right, delta 14 degrees 26 minutes 56 seconds, a radius of 275.00 feet, a distance of 69.35 feet; thence South 10 degrees 05 seconds 37 minutes East, a distance of 132.77 feet; thence North 85 degrees 33 minutes 25 seconds East, a distance of 57.92 feet; thence North 87 degrees 10 minutes 45 seconds East, a distance of 571.20 feet; thence South 86 degrees 42 minutes 20 seconds East, a distance of 140.80 feet; thence North 87 degrees 10 minutes 45 seconds East, a distance of 92.60 feet, to the point of beginning, containing 10.19 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 December, 2017.

SIGNED by the Mayor this 18th day of December, 2017.

CITY OF GARDNER, KANSAS

(SEAL)

/s/
Chris Morrow, Mayor

Attest:

/s/
Amy Waller, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney