ORDINANCE NO. 2898

AN ORDINANCE RE-APPROVING THE REZONING OF CERTAIN LAND LOCATED WITHIN THE CITY OF GARDNER TO RP-3 (PLANNED GARDEN APARTMENT), RP-5 (PLANNED APARTMENT), AND CP-3 (PLANNED HEAVY COMMERCIAL) DISTRICTS AND RE-APPROVING THE ASSOCIATED PRELIMINARY DEVELOPMENT PLAN FOR THE CLARE CROSSING DEVELOPMENT

WHEREAS, on February 19, 2024, the Governing Body adopted Ordinance 2793 rezoning the subject property to RP-3, (Planned Garden Apartment), RP-5 (Planned Apartment), and CP-3 (Planned Heavy Commercial) Districts under a single legal description; and

WHEREAS, it is necessary to provide a separate legal description for each zoning district; and

WHEREAS, this error came to city staff's attention during a conversation with a potential developer; and

WHEREAS, on September 28, 2026, after proper notice having been given, the Gardner Planning Commission held a public hearing and considered the request to re-approve the rezoning and preliminary development plan for the Clare Crossing development; and

WHEREAS, on October 19, 2026, the Governing Body considered the rezoning request along with the associated preliminary development plan and the Planning Commission recommendation, as reflected in the minute record of such meeting.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: The rezoning to RP-3, (Planned Garden Apartment), RP-5 (Planned Apartment), and CP-3 (Planned Heavy Commercial) for the property described below shall be reapproved:

RP-3 Description

A tract of land in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East of the 6th Principal Meridian, Johnson County, Kansas, described as follows:

Beginning at the intersection of the centerline of 177th Street, Clare Crossing, First Plat, and the West line of the Northwest Quarter of Section 28, Township 14 South, Range 23 East; Thence North 89 degrees 53 minutes 48 seconds East, along the centerline of 177th Street, 441.00 feet; Thence South 00 degrees 06 minutes 12 seconds East, parallel with the West of the Northwest Quarter, 984.62 feet to the South line of Clare

Crossing, First Plat; Thence South 89 degrees 03 minutes 30 seconds West, along the South line of Clare Crossing, First Plat, 441.05 feet to the West line of the Northwest Quarter; Thence North 00 degrees 06 minutes 12 seconds West, along the West line of the Northwest Quarter, First Plat, 990.18 feet to the Point of Beginning.

RP-5 Description

A tract of land in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East of the 6th Principal Meridian, Johnson County, Kansas, described as follows:

Beginning at the intersection of the centerline of 177th Street and the East line of the West Half of the Northwest Quarter; Thence South 00 degrees 24 minutes 21 seconds East, along the East line of the West Half of the Northwest Quarter, 972.05 feet to the Southeast corner of Clare Crossing, First Plat; Thence South 89 degrees 03 minutes 30 seconds West, along the South line of Clare Crossing, First Plat, 860.05 feet; Thence North 00 degrees 06 minutes 12 seconds West, parallel with the West of the Northwest Quarter, 984.62 feet to the centerline of 177th Street; Thence North 89 degrees 53 minutes 48 seconds East, along the centerline of 177th Street, 854.83 feet to the Point of Beginning.

CP-3 Description

A tract of land in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East of the 6th Principal Meridian, Johnson County, Kansas, described as follows:

Beginning at the intersection of 177th Street, Clare Crossing, First Plat, and the West line of the Northwest Quarter of Section 28, Township 14 South, Range 23 East; Thence North 00 degrees 06 minutes 12 seconds West, along the West line of the Northwest Quarter, 842.00 feet; Thence North 89 degrees 53 minutes 48 seconds East, along the North line of Clare Crossing, First Plat, 20.00 feet; Thence North 16 degrees 35 minutes 45 seconds East, along the North line of Clare Crossing, First Plat, 104.40 feet; Thence North 53 degrees 12 minutes 47 seconds East, along the North line of Clare Crossing, First Plat, 50.36 feet; Thence North 88 degrees 53 minutes 18 seconds East, along the North line of Clare Crossing, First Plat, 600.08 feet; Thence North 89 degrees 50 minutes 36 seconds East, along the North line of Clare Crossing, First Plat, 600.26 feet to the East line of the West Half of the Northwest Quarter; Thence South 00 degrees 24 minutes 21 seconds East, along the East line of the West Half of the Northwest Quarter, 983.22 feet to the centerline of 177th Street, Clare Crossing, First Plat; Thence South 89 degrees 53 minutes 48 seconds West, along the centerline of 177th Street, Clare Crossing, First Plat, 1295.83 feet to the Point of Beginning.

As generally shown in Exhibits A-1 and A-2, attached and incorporated herein.

SECTION TWO: Such property shall be subject to the Clare Crossing Preliminary Development Plan, including the following conditions:

1. Internal street alignments / connections are subject to separation standards along arterial roads (175th Street and Clare Road) adopted by Public Works. Current locations are subject to further adjustment per Public Works staff in order to promote compliance with the adopted separation standards as part of the final development plan and final plat;
2. Development must meet the requirements of Gardner Municipal Code Title 14 Floodplain and Stormwater Management, including, but not limited to, stream corridor preservation and maintenance, peak flow reduction, and stormwater treatment facility provision and maintenance, where applicable. Any violation of these requirements will necessitate plan modifications as needed to conform to stormwater code criteria unless the violation has been approved as a deviation. All stormwater requirements shall be met prior to issuance of any related permits; and
3. Future associated development plans and plat applications may be subject to review by the Johnson County Airport Commission and approval of the Johnson County Board of Commissioners as required.

A copy of the District Overview Plan from the preliminary development plan application is attached and incorporated herein as Exhibit B.

SECTION THREE: Ordinance 2793 shall be repealed.

SECTION FOUR: The zoning changes stated above shall be incorporated and shown on the zoning map for the City of Gardner, Kansas previously adopted by reference and said zoning map is hereby reincorporated as a part of the Land Development Code.

SECTION FIVE: 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 on October 19, 2026.

SIGNED by the Mayor on October 19, 2026.

CITY OF GARDNER, KANSAS

(SEAL)

/s/
Todd Winters, Mayor

Attest:

/s/
Renee Rich, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney

Exhibit A-1

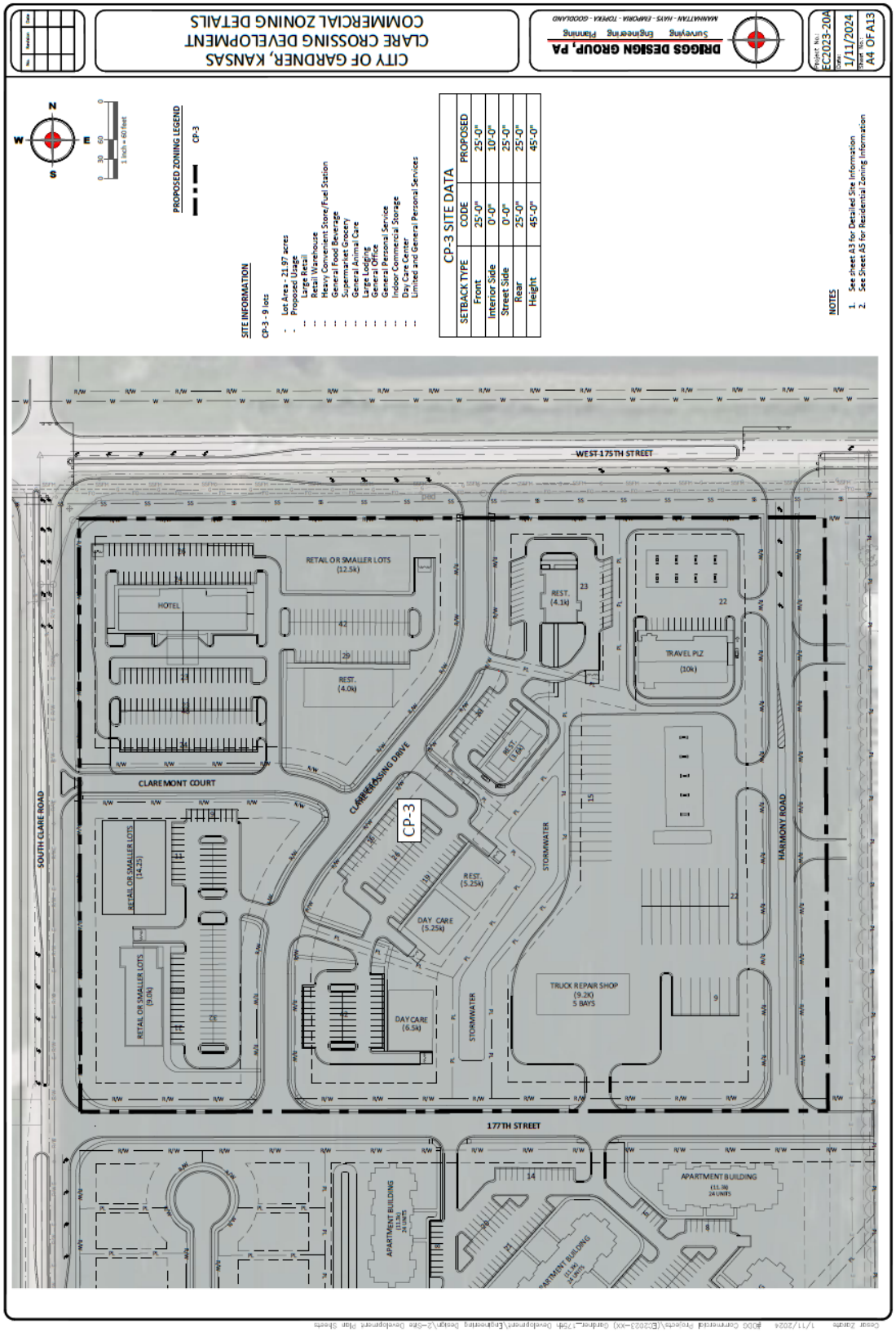
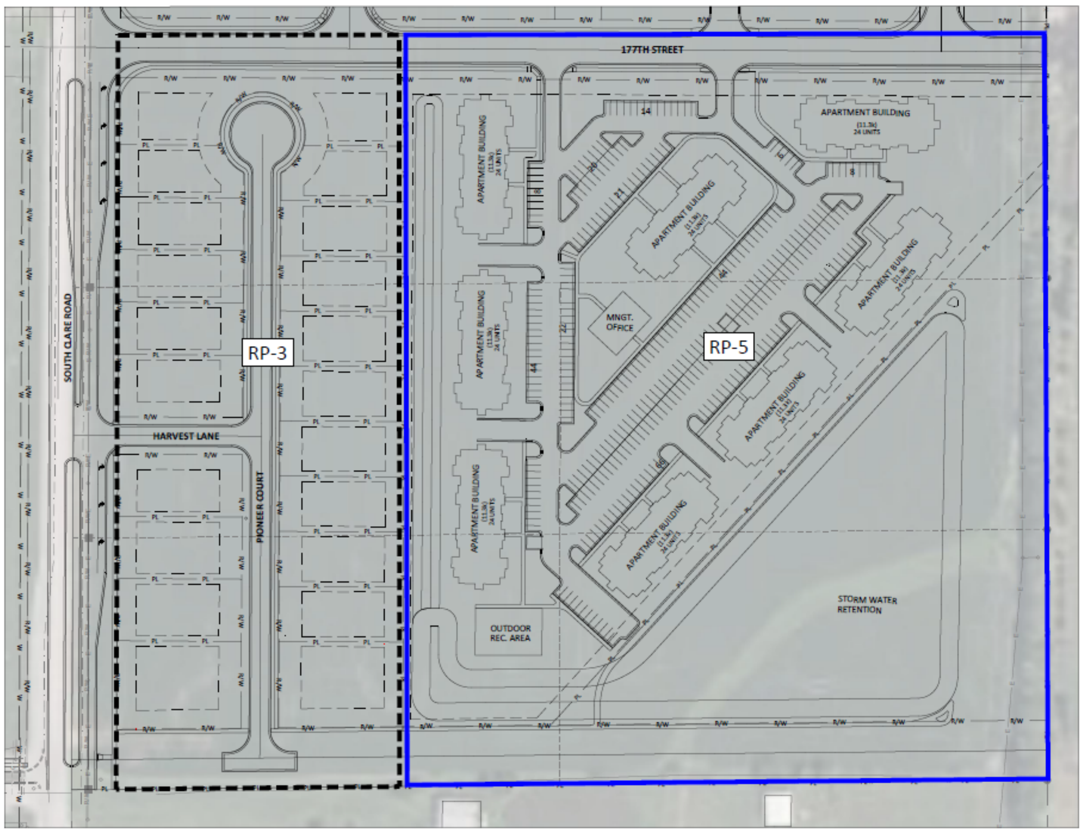

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
COMMERCIAL ZONING DETAILS
DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND
Project No.: EC2023-204
Date: 1/11/2024
Sheet No.: A4 OF A13
N
W
E
S
0 30 60
1 inch = 60 feet
PROPOSED ZONING LEGEND
CP-3
SITE INFORMATION
CP-3 - 9 lots
- Lot Area - 21.97 acres
- Proposed Usage
- Large Retail
- Retail Warehouse
- Heavy Convenient Store/Fuel Station
- General Food Beverage
- Supermarket Grocery
- General Animal Care
- General Offices
- Large Lodging
- General Personal Service
- Indoor Commercial Storage
- Day Care Center
- Limited and General Personal Services
CP-3 SITE DATA
SETBACK TYPE | CODE | PROPOSED
Front | 25'-0" | 25'-0"
Interior Side | 0'-0" | 10'-0"
Street Side | 0'-0" | 25'-0"
Rear | 25'-0" | 25'-0"
Height | 45'-0" | 45'-0"
NOTES
1. See sheet A3 for Detailed Site Information
2. See Sheet A5 for Residential Zoning Information
WEST 175TH STREET
177TH STREET
SOUTH CLARE ROAD
HARMONY ROAD
CLAREMONT COURT
CLARE CROSSING DRIVE
CP-3
HOTEL
RETAIL OR SMALLER LOTS (12.5k)
REST. (4.0k)
REST. (4.1k)
REST. (3.6k)
TRAVEL PLZ (10k)
RETAIL OR SMALLER LOTS (14.25)
RETAIL OR SMALLER LOTS (3.0k)
REST. (5.25k)
DAY CARE (5.25k)
DAY CARE (6.5k)
STORMWATER
TRUCK REPAIR SHOP (9.2K) 5 BAYS
APARTMENT BUILDING (11.9K) 24 UNITS
APARTMENT BUILDING (11.9K) 24 UNITS
APARTMENT BUILDING (11.9K) 24 UNITS

Exhibit A-2

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
RESIDENTIAL ZONING DETAILS

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

Project No.: EC2023-20A
Date: 1/11/2024
Sheet No.: A5 OF A13



N W E S
0 30 60
1 inch = 60 feet

PROPOSED ZONING LEGEND

- RP-3 (dashed black line)
- RP-5 (blue line)

SITE INFORMATION

RP-3 - 21 lots

- Lot Area - 6.86 acres
- Building Type - Duplex

RP-3 SITE DATA		
SETBACK TYPE	CODE	PROPOSED
Front	30'-0"	30'-0"
Interior Side	7'-0"	7'-0"
Street Side	20'-0"	20'-0"
Rear	25'-0"	25'-0"
Height	35'-0"	35'-0"
Lot Width	70'-0"	70'-0"

SITE INFORMATION

RP-5 - 1 lot

- Lot Area - 17.51 acres
- Building Type - Multi-Unit Household Living

RP-5 SITE DATA		
SETBACK TYPE	CODE	PROPOSED
Front	25'-0"	25'-0"
Interior Side	7'-0"	7'-0"
Street Side	20'-0"	20'-0"
Rear	25'-0"	25'-0"
Height	*45'-0"	45'-0"
Lot Width	80'-0"	855'-0"

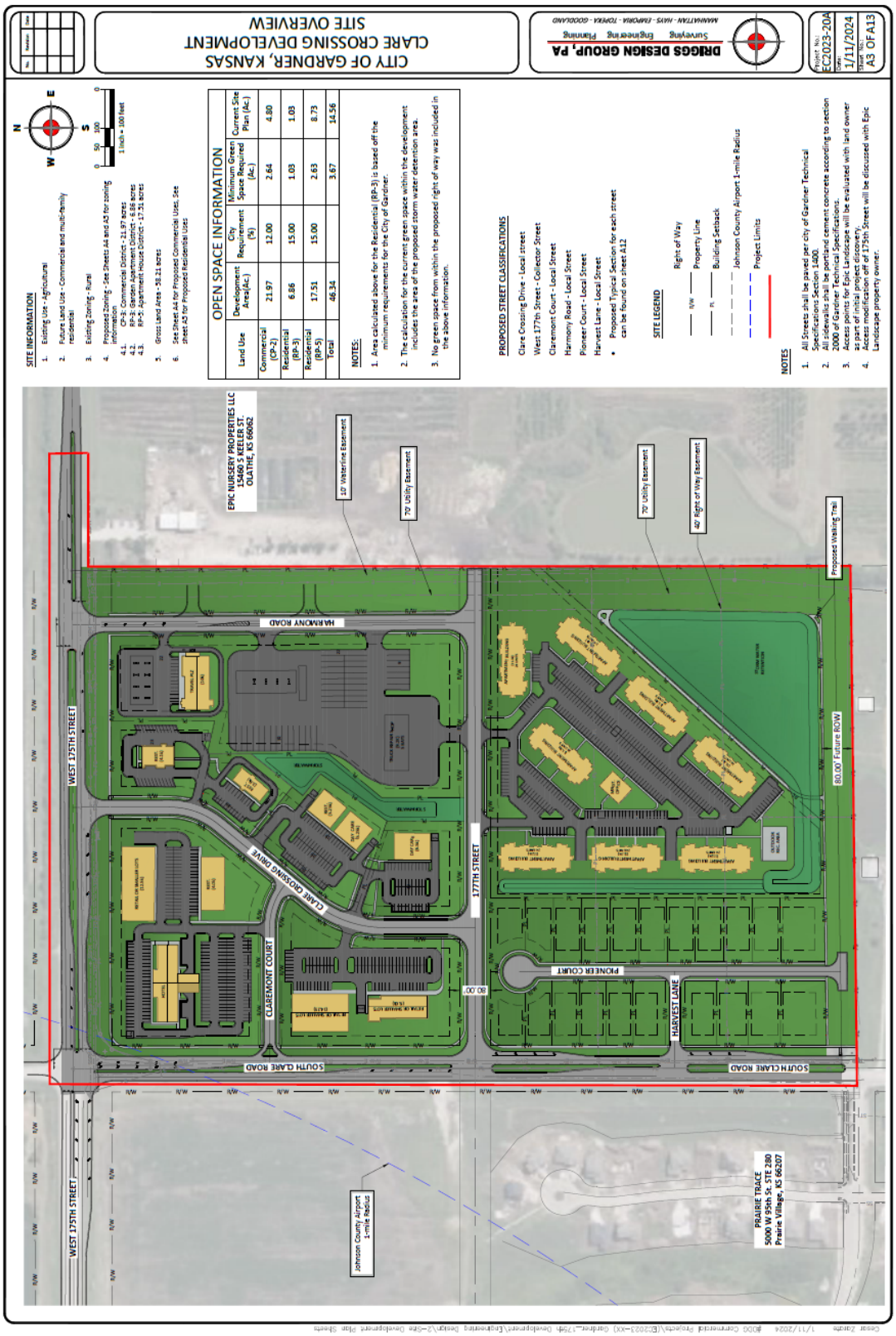
* Height Requirement is 45' or 4 stories whichever is greater

NOTES

1. See sheet A3 for Detailed Site Information
2. See Sheet A4 for Commercial Zoning Information

Cesar Zarate 1/11/2024 #DDG Commercial Projects\(EC2023-XX) Gardner_175th Development\Engineering Design\2-Site Development Plan Sheets

Exhibit B


CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
SITE OVERVIEW
DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - MAYS - TAHOMA - TOPEKA - GOODLAND
Project No. EC2023-20A
Date 1/11/2024
Sheet No. A3 OF A13
SITE INFORMATION
1. Existing Use - Agricultural
2. Future Land Use - Commercial and multi-family residential
3. Existing Zoning - Rural
4. Proposed Zoning - See Sheets A4 and A5 for zoning information
4.1. CP-3: Commercial District - 21.97 acres
4.2. RP-3: Garden Apartment District - 6.86 acres
4.3. RP-5: Apartment House District - 17.51 acres
5. Gross Land Area - 58.21 acres
6. See Sheet A4 for Proposed Commercial Uses. See sheet A5 for Proposed Residential Uses
N W E S
0 50 100
1 inch = 100 feet
OPEN SPACE INFORMATION
Land Use | Development Area(Ac.) | City Requirement (%) | Minimum Green Space Required (Ac.) | Current Site Plan (Ac.)
Commercial (CP-2) | 21.97 | 12.00 | 2.64 | 4.80
Residential (RP-3) | 6.86 | 15.00 | 1.03 | 1.03
Residential (RP-5) | 17.51 | 15.00 | 2.63 | 8.73
Total | 46.34 | | 3.67 | 14.56
NOTES:
1. Area calculated above for the Residential (RP-3) is based off the minimum requirements for the City of Gardner.
2. The calculation for the current green space within the development includes the area of the proposed storm water detention area.
3. No green space from within the proposed right of way was included in the above information.
PROPOSED STREET CLASSIFICATIONS
Clare Crossing Drive - Local street
West 177th Street - Collector Street
Claremont Court - Local Street
Harmony Road - Local Street
Pioneer Court - Local Street
Harvest Lane - Local Street
• Proposed Typical Section for each street can be found on sheet A12
SITE LEGEND
Right of Way
R/W
Property Line
PL
Building Setback
Johnson County Airport 1-mile Radius
Project Limits
NOTES
1. All Streets shall be paved per city of Gardner Technical Specifications Section 1400.
2. All sidewalks shall be portland cement concrete according to section 2000 of Gardner Technical Specifications.
3. Access points for Epic Landscape will be evaluated with land owner as part of initial project discovery.
4. Access modification off of 175th Street will be discussed with Epic Landscape property owner.
EPIC NURSERY PROPERTIES LLC
15460 S KEELER ST.
OLATHE, KS 66062
10' Waterline Easement
70' Utility Easement
70' Utility Easement
40' Right of Way Easement
Proposed Walking Trail
HARMONY ROAD
WEST 175TH STREET
CLARE CROSSING DRIVE
177TH STREET
CLAREMONT COURT
PIONEER COURT
HARVEST LANE
SOUTH CLARE ROAD
80.00' Future ROW
Johnson County Airport 1-mile Radius
PRAIRIE TRACE
5000 W 95th St. STE 280
Prairie Village, KS 66207