

ORDINANCE NO. 2075

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-06 FOR THE REZONING OF APPROXIMATELY 29.39 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request on March 4, 2021, from Omar J. Holtgraver, the owner of a parcel of land totaling approximately 29.39 acres, generally located at the southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on April 13, 2021 the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

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

Section 1. That the following legally described property generally located the southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

Deed descriptions

Book 5963, Page 691

A part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas, More Particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter; Thence North 90° East, along the North line of said Northwest Quarter, a distance of 1035.25 feet, Thence South 0° East, a distance of 740.36 feet; Thence South 90° East, a distance of 282.28 feet; Thence South 0°18'01" West, a distance of 1914.73 feet to a point on the South line of said Northwest Quarter; Thence North 89°44'38" West a distance of 1291.75 feet to the Southwest corner of said Northwest Quarter, Thence North 0°20'27" West, a distance of 2649.33 feet, to the point beginning, containing 74.72 acres.

Also, Lot1, Final PLAT of C Y EDGERTON, part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County,

Kansas

AND EXCEPT:

QUITCLAIM DEED Book 201204, Page 001961

a tract of land in the Northwest Quarter of Section 3, Township 15 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Quarter Section: First course, Thence on an assumed bearing of North 88°26'03" East, 300.63 feet along the South line of said Quarter Section; Second course, Thence North 01°49'33" West, 319.56 feet; Third course, Thence North 23°37'38" West 53.85 feet; Fourth course, Thence North 01°49'33" West, 2148.99 feet; Fifth course, Thence North 43°14'32" East, 102.62 feet; Sixth course, Thence North 88°10'23" East 666.09 feet to the West line of a tract of land described in a deed recorded in Book 3047, Page 6 in the Register of Deeds office. JOHNSON COUNTY, KANSAS; Seventh course, Thence North 01°49'37" West, 30.00 feet along said West line; Eighth course, Thence North 88°10'23" East, 306.00 feet to the East line of said tract of land; Ninth course, Thence North 01°49'37" West 30.00 feet along said East line to the North line of said Quarter Section; Tenth course, Thence South 88°10'23" West, 1341.25 feet along said North line to the Northwest corner of said Quarter Section; Eleventh course, Thence South 02°10'09" East, 2649.70 feet along the West line of said Quarter Section to the point of beginning. The above described tract contains 19.00 acres, which includes 1.82 acres of existing right of way, resulting in an acquisition of 17.18 acres, more or less.

Section 2. The above rezoning is expressly conditioned on the following:

- a) All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- b) All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- c) All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- d) Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Section 3. That the Governing Body, in making its decision on the rezoning, considered City Staff's comments and recommendations as they relate to the Golden Criteria and otherwise. The Governing Body also based its decision on the following criteria:

- a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- d) The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning

applicant from such denial.

- e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 13th DAY OF MAY, 2021.

CITY OF EDGERTON, KANSAS

By: /s/
Donald Roberts, Mayor

ATTEST:

/s/
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

/s/
Lee Hendricks, City Attorney