

ORDINANCE NO. 2003

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2019-01 FOR THE REZONING OF APPROXIMATELY 41.91 ACRES OF LAND [GENERALLY LOCATED AT THE NORTHEAST CORNER OF WAVERLY ROAD AND 207TH STREET] IN EDGERTON, KANSAS FROM CITY OF EDGERTON "A-G" (AGRICULTURAL) 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 January 24, 2019 from East Kansas Land & Cattle, LLC, the owner(s) of approximately 41.91 acres of land, generally located at the northeast corner of Waverly Road and 207th Street in Edgerton, Kansas to rezone that property from City of Edgerton "A-G" (Agricultural) District to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on March 12, 2019 the Planning Commission has recommended that the rezoning request for that property – from City of Edgerton "A-G" (Agricultural) 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 northeast of the intersection of Waverly Road and 207th Street) is hereby rezoned from City of Edgerton "A-G" (Agricultural) 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:

All that part of an unplatted tract of land in the Northwest ¼ of Section 11, Township 15 South, Range 22 East, in Johnson County, Kansas described as follows:

Commencing at the Northwest corner of the Northwest ¼ Section 11, Township 15 South, Range 22 East; thence North 88 degrees 20 minutes 31 seconds East, along the North line of said northwest Quarter, a distance of 1650.52 feet to a point on the East line of a deed, as established in Book 200905, Page 001098, the POINT OF BEGINNING; thence North 88 degrees 20 minutes 31 seconds East, departing the East line of said deed, continuing along said North line, a distance of 60.12 feet to a point on the West line of the East 30 Acres of Northeast Quarter of said Northwest Quarter; thence South 02 degrees 05 minutes 12 seconds East, departing said North line, along the West line of said East 30 Acres, a distance of 1316.61 feet to a point on the South line of the Northeast Quarter of the Northwest Quarter of said Section 11, said point also being the Southwest corner of said East 30 Acres; thence North 88 degrees 21 minutes 07 seconds East, along the South line of said East 30 Acres and along the south line of the Northeast Quarter of said Northwest Quarter, a distance of 992.57 feet to the Southeast corner of the Northeast Quarter of said Northwest Quarter; thence South 02 degrees 05

minutes 12 seconds East, departing the South line of said East 30 Acres along the East line of the Southeast Quarter of said Northwest Quarter, a distance of 1316.78 feet to the Southeast corner of said Northwest Quarter; thence South 88 degrees 21 minutes 42 seconds West, along the South line of said Northwest Quarter, a distance of 1346.43 feet to the Southeast corner of Mertz Addition, a subdivision in the Southwest Quarter of the Northwest Quarter of Section 11, Township 15 South, Range 22 East of the 6th Principal Meridian, Johnson County, Kansas, said corner also being the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 11; thence North 02 degrees 11 minutes 57 seconds West, departing said South line, along the West line of the Southeast Quarter of said Northwest Quarter and along the East line of said Mertz Addition, a distance of 655.62 feet to the Northeast corner of said Mertz Addition; thence North 88 degrees 22 minute 30 seconds East, along the Easterly extension of the North line of said Mertz Addition, a distance of 30.10 feet to point; thence North 01 degree 45 minutes 10 seconds West, departing said Easterly extension, a distance of 660.93 feet to a point on the south line of a deed established in said Book 200905, Page 001098, said point also lying on the South line of the Northeast Quarter of the Northwest Quarter of said Section 11; thence North 88 degrees 21 minutes 07 seconds east along the South line of said deed, and along the South line of the Northeast Quarter of said Northwest Quarter, a distance of 261.08 feet to the Southeast corner of said deed; thence North 02 degrees 05 minutes 12 seconds West, departing the South line of the Northeast Quarter of said Northwest Quarter, along the East line of said deed, a distance of 1316.60 feet to the POINT OF BEGINNING, except part in road.

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. 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 28th DAY OF MARCH 2019.



CITY OF EDGERTON, KANSAS

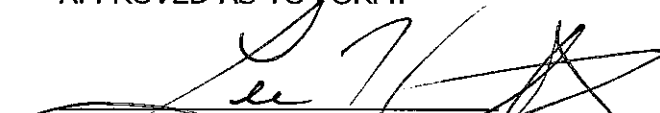
By: _____

Donald Roberts, Mayor

ATTEST:


Rachel James, City Clerk

APPROVED AS TO FORM:


Lee Hendricks, City Attorney