

ORDINANCE NO. 2047

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-01 FOR THE REZONING OF APPROXIMATELY 11.2 ACRES OF LAND AT 33364 W. 191ST STREET [GENERALLY LOCATED SOUTH AND WEST OF THE INTERSECTION OF 191ST STREET AND WAVERLY ROAD] 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 July 29, 2020, from Fire District #1 Johnson County, the owner of two parcels of land totaling approximately 11.2 acres, generally located at 33364 W. 191st Street (south and west of the intersection of 191st Street and Waverly Road) 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 September 8, 2020 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 at 33364 W. 191st Street (south and west of the intersection of 191st Street and Waverly Road) 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:

THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 15, RANGE 22

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 02°10'55" EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 462.00 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF WEST 191ST STREET AS NOW ESTABLISHED BY EMINENT DOMAIN CASE NO. 11CV09595 RECORDED IN BOOK 201111 AT PAGE 006124, WITH THE NEXT 4 COURSES; NORTH 87°49'37" EAST 253.39 FEET; A CURVE TO THE LEFT HAVING A RADIUS OF 1021.00 FEET AND AN ARC LENGTH OF 321.62 FEET; NORTH 69°46'54" EAST 1194.35 FEET TO A POINT 20.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER; NORTH 01°26'31" WEST 20.00 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 88°33'32" WEST 1705.79 FEET TO THE POINT OF BEGINNING. CONTAINING 11.41 ACRES OF LAND MORE OR LESS.

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

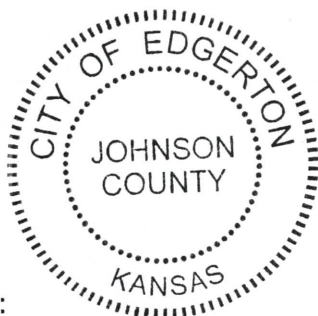
- a) All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- b) All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- c) All Site Plan application requirements of the City for a 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. 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 24th DAY OF SEPTEMBER 2020.



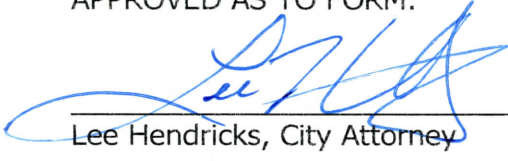
CITY OF EDGERTON, KANSAS

By: 
Donald Roberts, Mayor

ATTEST:


Christopher Clinton, City Clerk

APPROVED AS TO FORM:



Lee Hendricks, City Attorney