

ORDINANCE NO. 2135

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 20.55 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON L-P (LOGISTICS PARK) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from the Whimsy Trucking, LLC, property owner of a parcel of land totaling approximately 39.81 acres, generally located at the northwest corner of the intersection of 199th Street and Homestead Lane, to rezone 20.55 acres of that property from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) and 19.26 acres of that property from Johnson County Rural (CTY RUR) to City of Edgerton C-2 (Heavy Service Commercial); and

WHEREAS, following a public hearing in front of the Planning Commission on April 11, 2023, the Planning Commission has recommended that the rezoning request for that property – for 20.55 acres from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) and 19.26 acres to C-2 (Heavy Service Commercial) -- be approved; 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 the northwest corner of 199th Street and Homestead Lane, is hereby rezoned from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park), 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 THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY SCOTT G CHRISMAN, LS-1306, ON MARCH 7, 2023, FOR PROJECT 220808, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S 88°29'06" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1000.04 FEET, TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH LINE OF SAID SOUTHEAST S 88°29'06" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 317.67 FEET, TO THE SOUTHWEST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE N 2°12'05" W, ALONG THE WEST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE N 2°12'05" W, ALONG THE WEST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, OF SAID SECTION 4, A DISTANCE OF 1316.77 FEET, TO THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST

QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE N 88°31'37" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 968.89 FEET; THENCE S 11°06'25" W, A DISTANCE OF 105.78 FEET; THENCE S 26°51'07" W, A DISTANCE OF 307.70 FEET; THENCE S 8°54'52" W, A DISTANCE OF 265.22 FEET; THENCE S 23°25'44" W, A DISTANCE OF 274.46 FEET; THENCE S 43°45'38" W, A DISTANCE OF 205.34 FEET; THENCE S 32°23'36" W, A DISTANCE OF 280.51 FEET; THENCE S 1°30'54" E, A DISTANCE OF 55.00 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 895,496 SQUARE FEET OR 20.5578 ACRES, MORE OR LESS, OF UNPLATTED LAND.

Subject to easements and restrictions of record.

Section 2. The above rezoning is approved with no stipulations.

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

- a) The extent to which there is a need in the community for the uses allowed in the proposed zoning.
- b) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- c) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- d) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- 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 11th DAY OF MAY, 2023.

CITY OF EDGERTON, KANSAS

By: /s/
Donald Roberts, Mayor

ATTEST:

/s/

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

/s/

Lee Hendricks, City Attorney