ORDINANCE NO. 2073

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-07 FOR THE REZONING OF APPROXIMATELY 120.006 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER 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 from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 120.006 acres, generally located southeast of the intersection of West 207th Street and South Gardner 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 January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held 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 southeast of the intersection of West 207th Street and South Gardner 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:

All that that part of Section 13, Township 15 South, Range 22 East of the Sixth Principal Meridian in Johnson County, Kansas, being more particularly described as follows: Beginning at the Northeast Corner of the Northwest Quarter of said Section 13; thence South 01°53'30" East, along the East line of said Northwest Quarter, a distance of 2,642.81 feet to the Southeast Corner of said Northwest Quarter; thence South 88°24'50" West, along the South line of said Northwest Quarter, a distance of 1,980.45 feet; thence North 01°44'26" West, a distance of 2,645.63 feet to a point on the North line of said Northwest Quarter; thence North 88°29'48" East, along said North line, a distance of 1,973.49 feet to the Point of Beginning. Containing 5,227,478 square feet or 120.006 acres, more or less.

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

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.

d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

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, and the identical recommendations of the Planning Commission. 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 22nd DAY OF APRIL, 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