

ORDINANCE NO. 1045

AN ORDINANCE ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 82 ACRES OF LAND [LOCATED EAST OF WAVERLY ROAD AND NORTH OF 183RD STREET] IN EDGERTON, KANSAS FROM CITY OF EDGERTON "A-G" AGRICULTURE ZONING DISTRICT TO CITY OF EDGERTON "L-P" LOGISTICS PARK ZONING DISTRICT

WHEREAS, the Planning Commission has recommended that a rezoning request -- from City of Edgerton "A-G" Agriculture District to City of Edgerton "L-P" Logistics Park District -- be approved (with certain conditions) for approximately 82 acres of land, located East of Waverly Road and North of 183rd Street; and

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission.

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

Section 1. That the following legally described property [located East of Waverly Road and North of 183rd Street] is hereby rezoned from City of Edgerton "A-G" Agriculture District to City of Edgerton "L-P" Logistics Park Zoning District, and City Staff is directed to reflect said rezoning in the City's Official Zoning map and other City records:

All that part of the Southwest Quarter of Section 26, Township 14 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Southwest Quarter; thence coincident with the West line of said Southwest Quarter, North 02°08'36" West, a distance of 370.26 feet; thence departing said West line North 31°46'13" East, a distance of 350.01 feet; thence North 55°20'16" East, along a line 40 feet South of and parallel with the BNSF Railroad right-of-way line, as now established, a distance of 2854.29 feet to the East line of said Southwest Quarter; thence South 02°00'12" East, along said East line, a distance of 2225.92 feet to the South line of said Southwest Quarter; thence South 88°32'09" West, along said South line, a distance of 2596.81 feet to the Point of Beginning. Containing 3,571,459 square feet, or 81.989 acres, more or less.

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

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

- c) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan 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 and be enforced 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 26th DAY OF JANUARY, 2017.

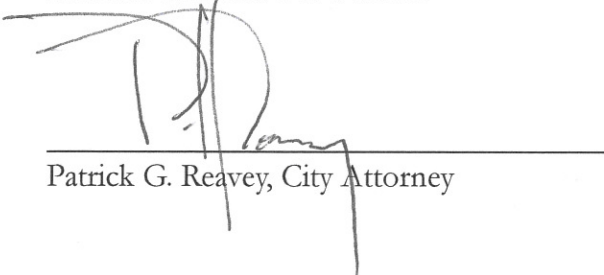
CITY OF EDGERTON, KANSAS

By: 
Donald Roberts, Mayor

ATTEST:


JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:


Patrick G. Reavey, City Attorney