

ORDINANCE NO. 1020

AN ORDINANCE ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 62 ACRES OF LAND [LOCATED WEST OF WAVERLY ROAD AND NORTH OF BURLINGTON NORTHERN SANTA FE RAILROAD] IN EDGERTON, KANSAS FROM CITY OF EDGERTON "B-P" BUSINESS PARK 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 "B-P" Business Park District to City of Edgerton "L-P" Logistics Park District -- be approved (with certain conditions) for approximately 62 acres of land, located west of Waverly Road and north of Burlington Northern Santa Fe Railroad (Rail Serve-Inland Port XL); 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 west of Waverly Road and north of Burlington Northern Santa Fe Railroad (Rail Serve-Inland Port XL)] is hereby rezoned from City of Edgerton "B-P" Business Park 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:

A tract of land in the Southeast Quarter of Section 27, Township 14 South, Range 22 East, Johnson County, Kansas being more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence N 02°08'36" W, along the East line of the Southeast Quarter of said Section 27, a distance of 915.04 feet to the Point of Beginning; thence S 87°51'30" W, departing said Section line, a distance of 40.00 feet to the West right-of-way line of Waverly Road, as now established, also being the Northeast property corner of Unplatted tract of land owned by BNSF Railway Company; thence S 55°23'51" W, departing said West right-of-way line, along said North property line, a distance of 911.59 feet; thence S 75°14'39" W, continuing along said North line, a distance of 567.91 feet; thence Southwesterly, along a curve to the left, said curve having a radius of 800.00 feet, for a distance of 277.95 feet; thence S 55°20'16" W, continuing along said North line, a distance of 646.44 feet; thence N 48°58'40" E, departing said North line, a distance of 82.85 feet; thence Northeasterly, along a curve to the left, said curve having a radius of 578.80 feet, for a distance of 203.63; thence N 28°49'10" E, a distance of 172.50 feet; thence N 26°50'41" W, a distance of 1,019.23 feet to a point on the South right-of-line of BNSF

Mainline; thence N 63°09'19" E, along said South right-of-way line, a distance of 2,535.52 feet, to said East line of the Southeast Quarter of Section 27; thence S 02°08'36" E, along said East line, a distance of 1,271.36 feet to the Point of Beginning, containing 2,700,547 square feet, or 61.996 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:

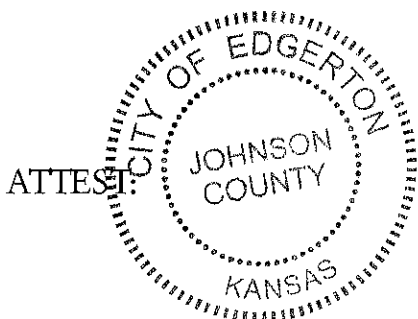
- a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- c) The 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 14th DAY OF JULY, 2016.

CITY OF EDGERTON, KANSAS

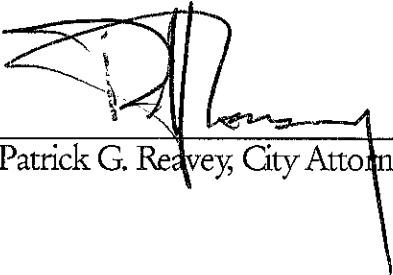
By: 
Donald Roberts, Mayor



Janeice L Rawles

JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:



Patrick G. Reavey, City Attorney