

ORDINANCE NO. 2196

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT (CU2026-0001) ALLOWING A CARGO CONTAINER STORAGE AND MAINTENANCE FACILITY IN THE L-P (LOGISTICS PARK) DISTRICT LOCATED AT 32612 W. 191ST STREET, EDGERTON, KANSAS

WHEREAS, the City of Edgerton, Kansas received Application CU2026-0001 for a Conditional Use Permit from the Delong Company (the "Applicant") on May 26, 2026 for the property located at 32612 W. 191st Street, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the property is owned by the Applicant; and

WHEREAS, the Applicant is requesting permission to operate, pursuant to the terms of a Conditional Use Permit, a Cargo Container Storage and Maintenance Facility; and

WHEREAS, the Edgerton Planning Commission held a public hearing on July 14, 2026 regarding the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request for a period of ten (10) years, conditioned on the following being adhered to by the Applicant and any future owner or tenant of the Property within that ten-year period.

1. The noise level of the operations must not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
2. Cargo container and chassis stacking may not exceed five (5) in number at all times.
3. The setback of all stacked cargo containers or chassis must always be equal or greater than the height of the stacked cargo containers or chassis.
4. All facilities must abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
5. This Conditional Use Permit will be valid for ten (10) years from the date of approval by the City of Edgerton Governing Body.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved upon the terms described above.

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. The proposed Conditional Use Permit for a Cargo Container Storage and Maintenance Facility is hereby approved for the property located at 32612 W. 191st Street, more accurately described as follows:

All that part of the Southwest quarter of Section 34, Township 14 South, Range 22 East, and part of a tract of land described as the J. A. Pearce Tract in the 1892 Re-Survey of said Section Township and Range, City of Edgerton, Johnson County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southwest corner of the Southwest quarter of said Section 34; thence N 88° 10' 27" E along the South line of said quarter section, a distance of 232.30 feet to the Point of Beginning; thence continuing N 88° 10' 27" E along said South line and also along the South line of said J.A Pearce Tract, a distance of 1095.14 feet to the Southwest corner of the Final Plat of MIDWEST GATEWAY, a subdivision of land in the City of Edgerton, Johnson County, Kansas; thence N 2° 16' 29" W along the West line of said MIDWEST GATEWAY, a distance of 1170.30 feet to the Northwest corner of said MIDWEST GATEWAY; thence S 53° 52' 24" W, a distance of 683.46 feet to a point on the West line of said J. A. Pearce Tract; thence N 1° 52' 40" W along said West line, a distance of 85.90 feet; thence S 53° 52' 24" W, a distance of 407.79 feet to a point of curvature; thence Southwesterly along a curve to the left, having a radius of 461.00 feet, a central angle of 40° 11' 07" and an arc distance of 323.33 feet to a point of non-tangency; thence S 1° 49' 33" E, a distance of 383.68 feet to the Point of Beginning. containing 912,609± Sq. Ft. or 20.951± Acres.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant/Owner's strict compliance with the five (5) conditions set forth on the previous page, which were recommended by the Edgerton City staff, Planning Commission, and approved by the Edgerton City Council.

Section 3. The validity of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner with the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should the Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from the City to the Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, the Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. The Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official City newspaper. All Zoning Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit expires, is vacated, or is declared null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 13th DAY OF AUGUST, 2026.

CITY OF EDGERTON, KANSAS

By: 
Donald Roberts, Mayor

ATTEST:


Dusti Callahan, City Clerk

APPROVED AS TO FORM:


TODD LUCKMAN for
Stumbo Hanson, LLP, City Attorneys