

ORDINANCE NO. 2130

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-01 FOR THE REZONING OF APPROXIMATELY 1.46 ACRES OF LAND LOCATED ON AT THE SOUTHEAST CORNER OF THE INTERSECTION OF E. NELSON STREET AND E. 3RD STREET, FROM CITY OF EDGERTON "R-1" (SINGLE FAMILY RESIDENTIAL) AND CITY OF EDGERTON "C-D" (DOWNTOWN COMMERCIAL) TO CITY OF EDGERTON "C-D" (DOWNTOWN COMMERCIAL) ZONING

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from the City of Edgerton, property owner of a parcel of land totaling approximately 1.46 acres, generally located at the southeast corner of the intersection of E. Nelson Street and E. 3rd Street, to rezone that property from City of Edgerton "R-1" (Single Family Residential) and "C-D" (Downtown Commercial) to City of Edgerton "C-D" (Downtown Commercial); and

WHEREAS, following a public hearing in front of the Planning Commission on February 14, 2023, the Planning Commission has recommended that the rezoning request for that property – from City of Edgerton "R-1" (Single Family Residential) and City of Edgerton "C-D" (Downtown Commercial) to City of Edgerton "C-D" (Downtown Commercial) -- 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 at the southeast corner of E. Nelson Street and E. 3rd Street, is hereby rezoned from City of Edgerton "R-1" (Single Family Residential) and "C-D" (Downtown Commercial) to City of Edgerton "C-D" (Downtown Commercial), and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

Lots 3-12, Lots 16-24, and the adjoining alley between Lots 3-9 and Lots 16-22, Block 15, City of Edgerton (Martin), Johnson County, Kansas more particularly described as follows:

Beginning at the Northeast corner of said Lot 3; thence S 01°52'04" E 129.85 feet to the Southeast Corner of said Lot 3; thence S 01°52'04" E 10.00 feet to the Northeast Corner of said Lot 22; thence N 87°59'25" E 49.96 feet to the Northeast Corner of said Lot 24; thence S 01°52'11" E 129.80 feet to the Southeast Corner of said Lot 24; thence S87°54'35" W 150.03 feet to the Southeast Corner of said Lot 18; thence S 88°01'51" W 75.06 feet to the Southwest Corner of Lot 16; thence N 01°50'07" W 129.98 feet to the Northwest Corner of said Lot 16; thence N 01°50'07" W 10.00 feet to the Southwest Corner of said Lot 9; thence S 87°59'21" W 74.73 to the Southwest Corner of said Lot 12; thence N 01°51'26" W 130.02 feet to the Northwest Corner of said Lot 12; thence N 88°01'41" E 249.75 feet to the point of beginning, containing 1.46 acres. Tim Sloan, PLS 783, January 20, 2023.

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.

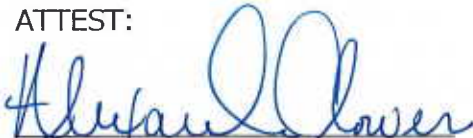
ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 9th DAY OF MARCH, 2023.

CITY OF EDGERTON, KANSAS

By: _____

Donald Roberts, Mayor

ATTEST:


Alexandria Clower, City Clerk



APPROVED AS TO FORM:


Lee Hendricks, City Attorney