

ORDINANCE NO. 1062

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE CONDITIONAL USE PERMIT CU-2017-002 FOR TRANSPORTATION STORAGE AND TRUCKING YARD TO TEMPORARILY ALLOW A GRAVEL LOT, SUBJECT TO CERTAIN CONDITIONS, IN THE CITY OF EDGERTON, KANSAS, LOGISTICS PARK ZONING DISTRICT, MORE SPECIFICALLY ON THE NORTH SIDE OF LPKC BUILDING XXI

WHEREAS, included in Section 5.2(K)(i) of the City of Edgerton Unified Development Code is the requirement that all parking and storage areas be paved with asphalt or concrete and be maintained in a dust-free manner; and

WHEREAS, on July 17, 2017 the City of Edgerton Planning Commission received an application from United Parcel Service (UPS), on behalf of ELHC XXI, LLC, requesting that the City consider a deviation from the requirement that all paving be concrete or asphalt to allow a temporary gravel parking lot to exist at on the north side of ELHC XI located at 19400 Essex Street; and

WHEREAS, the Edgerton Planning Commission did hold a public hearing on the request for a Conditional Use Permit on August 8, 2017 in accordance with the requirements of the Edgerton Zoning Regulations, and

WHEREAS, at that meeting the Edgerton Planning Commission voted to recommend approval of the application for Conditional Use Permit for a transportation storage and trucking yard and allow a temporary gravel parking lot at LPKC Building XXI but such vote was conditioned upon the following being adhered to by the Applicant:

1. Within twelve (12) months of the passage of this Ordinance, the parking lot shall be either:

a. Paved in accordance with Edgerton Unified Development Code (asphalt or concrete) as indicated by the approved Final Site Plan within sixty (60) days following the expiration of the twelve-month Conditional Use Permit.

OR

b. The gravel lot is returned to pre-existing condition (grass) within sixty (60) days following the expiration of the twelve-month Conditional Use Permit.

2. Applicant shall continuously monitor the surface of the gravel lot and apply dust control measures as needed/as requested by the City.

WHEREAS, the City Governing Body, after reviewing the application for Conditional Use Permit and considering the criteria set forth in the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved.

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

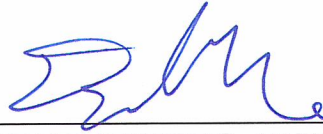
Section 1. The proposed Conditional Use Permit CU-2017-002 is hereby approved.

Section 2. The allowance of a gravel parking lot at LPKC Building XXI by the City of Edgerton is expressly conditioned on the Applicant's strict compliance with the two conditions set forth above, which were recommended by the Edgerton Planning Commission.

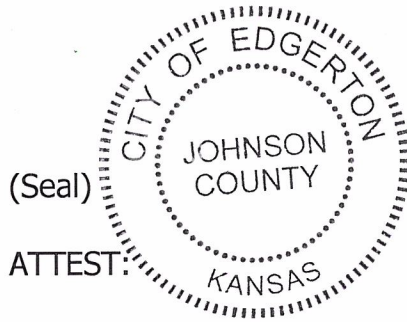
Section 3. The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the applicant with the provisions contained herein and in the City of Edgerton Zoning Regulations. Should applicant fail to comply with any term or provision thereof and shall such failure continue following notice from City to applicant specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, applicant 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 be effected by 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. Applicant 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 and Regulations of Edgerton, Kansas affecting the use of the real property heretofore described which are inconsistent with this ordinance are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 24th day of August, 2017.

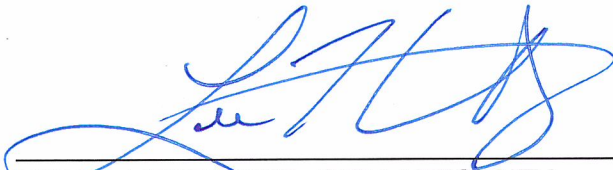


DONALD ROBERTS, MAYOR



JANEICE RAWLES, CITY CLERK

APPROVED AS TO FORM



LEE W. HENDRICKS, CITY ATTORNEY