

ORDINANCE NO. 2121

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2022-02 FOR THE REZONING OF APPROXIMATELY 5.61 ACRES OF LAND LOCATED ON 8TH STREET/EDGERTON ROAD SOUTH OF NELSON STREET AND NORTH OF MERIWOOD LANE, FROM CITY OF EDGERTON "R-1" (SINGLE FAMILY RESIDENTIAL) TO CITY OF EDGERTON "R-2" (TWO FAMILY RESIDENTIAL) ZONING

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Shawn Faruqi, property owner of a parcel of land totaling approximately 5.61 acres, generally located on 8th Street/Edgerton Road south of Nelson Street and north of Meriwood Lane, to rezone that property from City of Edgerton "R-1" (Single Family Residential) to City of Edgerton "R-2" (Two Family Residential); and

WHEREAS, following a public hearing in front of the Planning Commission on September 13, 2022, the Planning Commission has recommended that the rezoning request for that property – from City of Edgerton "R-1" (Single Family Residential) to City of Edgerton "R-2" (Two Family Residential) -- 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 on 8th Street/Edgerton Road south of Nelson Street and north of Meriwood Lane, is hereby rezoned from City of Edgerton "R-1" (Single Family Residential) to City of Edgerton "R-2" (Two Family Residential), and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

A Tract of land being located in the west 370 feet of the North 660 feet of Lot 24 in County Clerks Subdivision of the Northwest Quarter of Section 7, Township 15 South, Range 22 East of the 6th P.M. in the City of Edgerton, Johnson County, Kansas.

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

- a) All infrastructure requirements of the City shall be met.

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 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 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 13th DAY OF OCTOBER, 2022.

CITY OF EDGERTON, KANSAS

By: /s/
Donald Roberts, Mayor

ATTEST:

/s/
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

/s/
Lee Hendricks, City Attorney