

ORDINANCE NO. 2146

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT (CU2023-01) ALLOWING CARGO CONTAINER STORAGE, REPAIR, OR MAINTENANCE IN THE L-P (LOGISTICS PARK) DISTRICT LOCATED AT THE NORTHWEST CORNER OF W. 199TH STREET AND HOMESTEAD LANE, EDGERTON, KANSAS

WHEREAS, the City of Edgerton, Kansas received Application CU2023-01 for a Conditional Use Permit from Whimsy Edgerton, LLC (the "Applicant") on March 7, 2023 for the property located at the northwest corner of W. 199th Street and Homestead Lane, 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 Whimsy Edgerton, LLC; and

WHEREAS, the Applicant is requesting permission to operate, pursuant to the terms of a Conditional Use Permit, a cargo container storage, repair, or maintenance facility; and

WHEREAS, the Edgerton Planning Commission held a public hearing on September 12, 2023 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, all required newspaper and mailing notifications were performed.

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 Conditional Use Permit for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of ten (10) years following the date of Governing Body approval.
2. The following conditions of UDC, Article 7.2.G.7 apply to the Conditional Use Permit:
 - a. The maximum height of cargo container stacking along the west property line is 30 feet.
 - b. No cargo containers or semi-trailers (either on or off a chassis), or a chassis may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - c. A lighting plan is to be submitted showing adequate onsite lighting.
 - d. Noise from the facility may not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. All interior driveways, parking, loading, and storage areas shall be paved with concrete or asphalt and are to be kept free of dust, dirt or other materials.
 - f. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on

- or off a chassis), chassis or similar storage devices.
- g. Cargo containers shall not be stacked more than five (5) in number.
 - h. Stacked chassis shall not be stacked more than five (5) in number
 - i. Screening comprised of fencing and landscaping or berming and landscaping will be installed along all property lines in accordance with UDC, Article 5.2 and UDC, Article 7.2.G.7.i.
 - j. All signage must comply with Article 12 of the UDC.
 - k. All site plan requirements in Article 10 and all site requirements in Section 5.2 must be met.

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.

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, Repair, or Maintenance facility is hereby approved for the property located at the northwest corner of W. 199th Street and Homestead Lane, Edgerton, Kansas.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant/Owner's strict compliance with the conditions set forth above, 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

