

**ORDINANCE NO. 1045**

**AN ORDINANCE AMENDING THE “OFFICIAL ZONING MAP” REFERRED TO AND MADE A PART OF THE ZONING REGULATIONS BY ORDINANCE NO. 963 INCORPORATED BY REFERENCE BY CHAPTER 14 OF THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS, BY PROVIDING FOR A CHANGE IN ZONING OF THE PROPERTIES LOCATED AT 10600 KAW DRIVE WITHIN THE CITY, FROM “C-2” COMMERCIAL RETAIL TO “C-3” COMMERCIAL GENERAL**

**BE IT ORDAINED** by the Governing Body of the City of Edwardsville:

**Section 1.** Application has been made by the City of Edwardsville pursuant to the Zoning Regulations of the City of Edwardsville, Kansas, for a rezoning of 12.94 acres, more or less, located at 10600 Kaw Drive in Edwardsville, such properties currently zoned “C-2” – Commercial Retail to “C-3” Commercial General.

**Section 2.** As required by law, notice of the public hearing before the Edwardsville Planning Commission on the application for rezoning was posted on the property, and property owners in the rezoning area and adjoining property owners were notified by mail. A legal publication was placed in the official City newspaper notifying the public of the public hearing held by the Edwardsville Planning Commission on September 15, 2021, on this application.

**Section 3.** The Edwardsville Planning Commission received the staff report prepared and presented by the City Planner, conducted a public hearing, and voted 6-0 on September 15, 2021 to recommend to the Governing Body approval of rezoning of the properties at 10600 Kaw Drive in Edwardsville.

**Section 4.** Findings. The Governing Body finds: (a) that this application for rezoning is properly before the Governing Body; (b) that notice was properly provided and the required public hearing held; (c) that action on the application was properly taken by the Planning Commission; (d) that a protest petition has not been filed regarding this application and that the time period provided by law has elapsed for the filing of a protest petition against the requested rezoning; (e) that the Planning Commission has recommended the approval of the rezoning; and (f) that the findings of fact as prepared by the City Planner, submitted to the Planning Commission in the staff report, and recommended for approval by the Planning Commission, shall be accepted and adopted as the findings of fact of the Governing Body, resulting in the approval of the rezoning of the property at 10600 Kaw Drive from “C-2” Commercial Retail District to “C-3” Commercial General District subject to the reversionary standards identified in Section 6 below.

**Section 5.** Map Amendment. That the “Official Zoning Map” referred to and made a part of the Zoning Regulations by Ordinance. No. 963, incorporated by reference by Chapter 14 of

the Code of the City of Edwardsville (“Code”), is hereby amended to make the following change in zoning classification:

Zoning Change from “C-2” Commercial Retail District to “C-3” Commercial General District

Parcel located in the City of Edwardsville, Wyandotte County, Kansas.

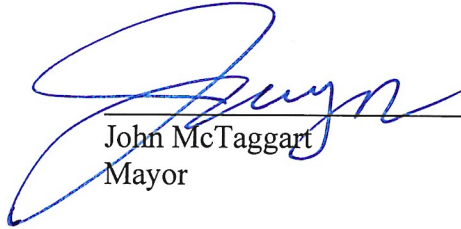
THAT PART OF LOT 3, WILLIAMSON FARMS, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 23 EAST; THENCE NORTH 1115 FEET TO THE CENTER OF THE H.B. HUNT ROAD; THENCE SOUTHEAST ALONG THE CENTER OF SAID ROAD TO A POINT WHICH IS 436 FEET, MEASURED AT RIGHT ANGLE FROM WEST LINE OF NORTHEAST ¼ OF SAID SECTION 26; THENCE SOUTH TO THE NORTHERLY OF THE RIGHT OF WAY OF THE K.C.K.V. & W RAILWAY; THEN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE TO A POINT SOUTH OF THE BEGINNING; THENCE NORTH 878 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART DESCRIBED IN THE FOLLOWING WARRANTY DEEDS RECORDED IN BOOK 1195 AT PAGE 73, BOOK 1200 AT PAGE 119, BOOK 1407 AT PAGE 76, BOOK 197 AT PAGE 17 AND BOOK 1232 AT PAGE 135, AND ALSO EXCEPT THAT PART TAKEN FOR HIGHWAY PURPOSES, IN EDWARDSVILLE, WYANDOTTE COUNTY, KANSAS.

**Section 6.** That the Official Zoning Map shall reflect the boundaries of the amendment as incorporated by this Ordinance upon the fulfillment of the following reversionary standards: (a) Platting of the subject property. The Zoning Map shall not be amended until a final plat is approved by the City and filed with the Unified Government (UG). Such filing must occur within one (1) year of the date of the approval of the zoning change by the Governing Body. If the final plat is not filed within the one (1) year period the zoning will revert back to the prior designation / classification (C-2). (b) Development plan for the subject property. The Zoning Map shall not be amended until a final development plan is approved by the City. A final development plan must be approved within one (1) year of the date of the approval of the zoning change by the Governing Body. If the final development plan is not approved within the one (1) year period the zoning will revert back to the prior designation / classification (C-2).

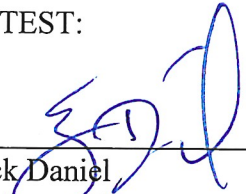
**Section 7.** The prospective use and development of real property located within the boundaries of the above-described district shall be governed by Chapter 14 of the Code, provided said real property was in conformity with zoning regulations in existence prior to the adoption of this Ordinance.

**Section 8.** This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

**PASSED AND APPROVED** by the Governing Body of the City of Edwardsville, Kansas this 11<sup>th</sup> day of October, 2021.

  
John McTaggart  
Mayor

ATTEST:

  
Zack Daniel  
Assistant City Manager/City Clerk

