

ORDINANCE NO. 986

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 ON PROPERTY LOCATED AT 10648 KAW DRIVE WITHIN THE CITY, FROM "AG/R" AGRICULTURAL RESIDENTIAL DISTRICT AND "R-1" RURAL RESIDENTIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

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 27.6 acres, more or less, located at 10648 Kaw Drive in Edwardsville, such property currently zoned "AG/R" Agricultural Residential and "R-1" Rural Residential District, to "C-3" General Commercial District.

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 June 21, 2017, on this application.

Section 3. The Edwardsville Planning Commission received the staff report prepared and presented by the City Planner, and voted 5-0 on June 21, 2017 to recommend to the Governing Body approval of the rezoning at 10648 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 property at 10648 Kaw Drive from "AG/R" Agricultural Residential and "R-1" Rural Residential District, to "C-3" General Commercial 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 "AG/R" Agricultural Residential and "R-1" Rural Residential District, to "C-3" General Commercial District

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

TRACT 1

A part of the Southwest ¼ of Section 26, Township 11 South, Range 23 East in the City of Edwardsville, Wyandotte County, Kansas, more particularly described as follows: Beginning at the Northwest corner of said Southwest ¼; thence S.89°-40'-41"E. along the North line of said Southwest ¼ a distance of 2,303.52 feet; thence S.00°-02'-17"W. a distance of 352.00 feet; thence N.89°-40'-41"W. a distance of 135.29 feet; thence N.00°-05'-08"W. a distance of 88.83 feet thence on a curve to the right with a radius of 140.00 feet an arc distance of 254.18 feet; thence N. 75°-53'-22"W. a distance of 1,530.84 feet; thence on a curve to the left with a radius of 1,800.00 feet an arc distance of 433.18 feet; thence N. 89°-40'-41"W. a distance of 80.85 feet to a point on the West line of said Southwest ¼; thence N.00°-13'-48"E. along said West line a distance of 160.64 feet to the Point of Beginning, containing 18.80 acres, more or less.

And

TRACT 2

Beginning at a point on the North Line of the Southwest ¼ of Section 26, Township 11, Range 23, which point is 370 feet West of the Northeast corner of said Southwest ¼; thence S.00°-02'-17"W. to a point 81.00 feet North of the North right-of-way of highway K32 (Kaw Drive); thence Southwest to a point on the North right-of-way of K32 which point is 400 feet West of the East line of said Southwest ¼; thence Northwesterly along the North right-of-way line K32 Highway and the centerline of the abandoned right-of-way for the Kansas City Kaw Valley and Western Railway to the West line of said Southwest ¼; thence Northerly to the Northwest corner of said Southwest ¼; thence Easterly along the North line of said Southwest ¼ to the Point of Beginning, except the following:

A part of the Southwest ¼ of Section 26, Township 11 South, Range 23 East in the City of Edwardsville, Wyandotte County, Kansas, more particularly described as follows: Beginning at the Northwest corner of said Southwest ¼; thence S.89°-40'-41"E. along the North line of said Southwest ¼ a distance of 2,303.52 feet; thence S.00°-02'-17"W. a distance of 352.00 feet; thence N.89°-40'-41"W. a distance of 135.29 feet; thence N.00°-05'-08"W. a distance of 88.83 Feet; thence on a curve to the right with a radius of 140.00 feet and arc distance of 254.18 feet; thence N.75°-53'-22"W. a distance of 1,530.84 feet; thence on a curve to the left with a radius of 1,800.00 feet and arc distance of 433.18 feet; thence N.89°-40'-41"W. a distance of 80.85 feet to a point on the West line of said Southwest ¼; thence N.00°-13'-48"E. along said West line a distance of 160.64 feet to the Point of Beginning, containing 18.80 acres, more or less.

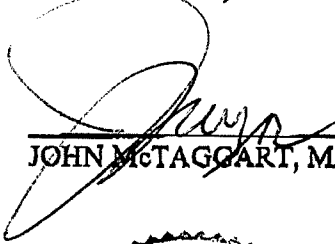
Section 6. That the Official Zoning Map shall reflect the boundaries of the amendment as incorporated by this Ordinance upon the fulfillment of the following reversionary standards:

- (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 (AG/R and R-1).
- (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 (AG/R and R-1).

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.

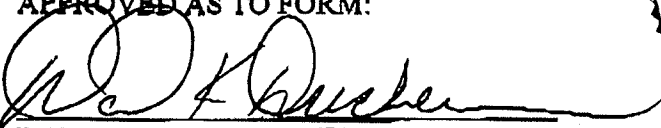
PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 14th DAY OF AUGUST, 2017.



 JOHN McTAGGART, MAYOR

ATTEST:


 ZACK DANIEL, CITY CLERK

APPROVED AS TO FORM:


 DAVID DUCKERS, CITY ATTORNEY

