

ORDINANCE NO. 996

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 A PORTION OF THE PROPERTY LOCATED AT 323 NORTH 110th STREET WITHIN THE CITY, FROM "C-2" COMMERCIAL RETAIL 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 9.3 acres, more or less, located on a portion of property at 323 North 110th Street in Edwardsville, such property currently zoned "C-2" Commercial Retail 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 May 9, 2018, 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 May 9, 2018 to recommend to the Governing Body approval of rezoning a portion of the property at 323 North 110th Street 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 a portion of the property at 323 North 110th Street from "C-2" Commercial Retail 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 "C-2" Commercial Retail District, to "C-3" General Commercial District

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

Part of Lots 1 & 2, Lustgraaf Acres, said lots being a replat of part of Tract 4 and Tract 5, the Norman Farms Subdivision, AND part of the Southeast Quarter of the Southwest Quarter, all in Section 11, Township 11 South, Range 23 East, City of Edwardsville, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 11; thence North 02°06'15" West, along the West line of the Southwest Quarter of said Section 11, a distance of 706.58 feet; thence North 87°53'45" East, perpendicularly departing said West line, a distance of 59.36 feet to a point on the East line of 110th Street and West line of Lot 2, said Lustgraaf Acres; thence North 00°17'22" East, (Measured - North 02°24'03" East, Platted), along the Easterly line of said 110th Street and Westerly line of Lot 2 and Lot 1, said Lustgraaf Acres, a distance of 92.11 feet; thence North 87°29'30" East, a distance of 355.74 feet to the POINT OF BEGINNING; thence North 02°51'38" West, a distance of 555.68 feet to a point on the Southerly line of Right of Way conveyed to the City of Kansas City, Kansas by Document No. 1197804, recorded in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County; thence North 66°44'54" East, along said Southerly Right of Way, a distance of 301.64 feet to the Southerly right of way of the Kansas Turnpike, said point being on the Northwest Corner of Lot 2, Lustgraaf Acres; thence North 85°25'56" East (Measured, North 87°34'00" East, Platted) along the North line of said Lot 2 and South line of said Turnpike, a distance of 338.77 feet; thence South 02°49'04" East, a distance of 683.69 feet; thence South 87°29'30" West, a distance of 620.86 feet; thence North 02°51'38" West, a distance of 9.00 feet to the POINT OF BEGINNING and containing 404,037 square feet or 9.28 acres, more or less.

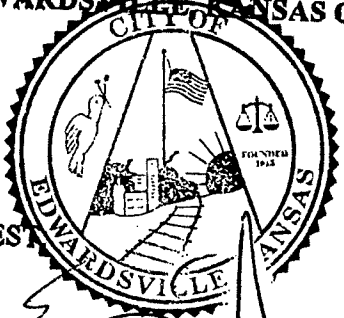
Section 6. That the Official Zoning Map shall reflect the boundaries of the amendment as incorporated by this Ordinance upon the fulfillment of the following reversionary standards:

- (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 (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 ON THIS 29th DAY OF MAY, 2018.



ATTEST

[Signature]
JOHN McTAGGART, MAYOR

[Signature]
ZACK DANIEL, CITY CLERK

APPROVED AS TO FORM:

[Signature]
DAVID DUCKERS, CITY ATTORNEY