City Council Meeting Agenda

February 8, 2016
6:30 p.m.

Mayor:	John McTaggart		
Councilmember:	Chuck Adams	Jason Gillam	Margaret Shriver
	Craig Crider	Chuck Stites	

A WORK SESSION WILL BE HELD AT 6:30 PM, IMMEDIATELY PRIOR TO THE REGULAR CITY COUNCIL SESSION, REGARDING THE 2015 YEAR-END REPORT FOR PUBLIC SAFETY DEPARTMENTS

Please stand for the **Pledge of Allegiance**

1. Approve minutes of January 25, 2016
2. Statement of Bills paid $189,916.45
3. Requests or Comments from the public
   (As a courtesy to your fellow citizens, please try to limit your comments to three minutes)
4. Consider a contract agreement between the City of Edwardsville and Deffenbaugh Industries for solid waste residential disposal services ***(OLD BUSINESSES - Tabled from the January 25, 2016 City Council Session)***
5. Consider Ordinance No. 957 revising Article A8.000, Utility Related Fees, of Appendix A of the Code of Ordinances ***(OLD BUSINESS)***
6. Discussion regarding proposed Resolution 2016-03 regarding commercial solid waste services
7. Consider recommendation of approval from the Planning Commission regarding preliminary/final plans for 2647 S. 96th St; INX International Ink Company
8. Consider recommendation of approval from the Planning Commission regarding final plat (re-plat) for 2647 S. 96th St.; INX International Ink Company
9. Consider recommendation of approval from the Planning Commission regarding the preliminary plan for Village South – 323 / 325 North 110th St
10. Consider Ordinance No. 958 regarding Planning Commission recommendation for the rezoning a portion of properties located at 323 / 325 North 110th St.
11. Advisory Reports
    a. City Manager
    b. Chiefs (Police & Fire)
    c. Public Works
    d. City Attorney
12. Council and Mayor Comments
13. Adjournment

CITY COUNCIL MEETING MINUTES
January 25, 2016
7:00 pm

The following council members were present with Mayor John McTaggart presiding:

Jason Gillam Craig Crider
Margaret Shriver Chuck Stites
Chuck Adams

The following staff members were present:

- Michael Webb, City Manager
- Mark Mathies, Police Chief
- Tim Whitham, Fire Chief
- Peter Yazbec, Public Works Director
- David Duckers, City Attorney
- Zack Daniel, Assistant to the City Manager/City Clerk

APPROVE MINUTES OF JANUARY 11, 2015

Councilmember Crider motioned to approve the minutes. Councilmember Gillam seconded.

Mayor McTaggart requested a roll call vote. The motion passed unanimously.

STATEMENT OF BILLS PAID $138,110.39

Councilmember Stites motioned to approve the statement of bills paid. Councilmember Shriver seconded.

Mayor McTaggart requested a roll call vote. The motion passed unanimously.

REQUESTS OR COMMENTS FROM THE PUBLIC

Richard Hersman, 250 N. 110th, came and spoke in support of the LTC option to provide sewer to the north end based on the estimated costs of all the options presented. He also requested that costs be estimated for running the sewer under 110th to the west side of the street.

CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED EXEMPTION FROM AD VALOREM TAXATION FOR A PORTION OF THE PREMISES LOCATED AT 2647 S. 96TH ST.

City Manager Michael Webb introduced Scott Anderson from the City's Special Bond Counsel to make a brief presentation. Mr. Anderson outlined the public hearing/resolution/ordinance process. Mayor McTaggart opened the public hearing. Mr. Anderson gave a brief history of the INX Company in Edwardsville. He stated INX has plans to construct a 37,000 sq. ft. expansion of its current facility and has submitted an application for property tax abatement. Mr. Anderson explained why INX is pursuing the constitutional method of securing tax abatements rather than through IRBs. INX has requested a 10-year, 50% property tax abatement. He walked the Council through some of the aspects of the proposed performance agreement, including the fee schedule over the next decade, as well as the cost-benefit analysis which showed a 2.2. to 1 cost-benefit ratio benefitting the City. Mr. Anderson then introduced Chris Tucker, general manager of INX to give a brief presentation.

Mr. Tucker thanked the City Council for their consideration of INX's application. He then gave a history of INX in the Edwardsville industrial park and the business focus of INX. Mr. Tucker stated that there are currently two other manufacturing sites that are in competition for the expansion being discussed.

Councilmember Gillam made the motion to open the public hearing. Councilmember Adams seconded. Mayor McTaggart requested a roll call vote. The motion passed unanimously. Seeing no member of the public who wished to speak, Councilmember Adams moved to close the public hearing. Councilmember Gillam seconded. Mayor McTaggart requested a roll call vote. The motion passed unanimously.

CONSIDER RESOLUTION NO. 2016-02 MAKING CERTAIN FINDINGS OF FACTS WITH RESPECT TO A PROPERTY TAX EXEMPTION TO BE GRANTED TO INX INTERNATIONAL INK CO.

Mr. Anderson explained the process behind obtaining a constitutional tax abatement and the role this resolution plays in that process. The sole purpose of the resolution is to affirm that INX is engaged in the business of manufacturing goods and participates in interstate commerce.

Councilmember Adams moved to adopt Resolution No. 2016-02. Councilmember Gillam seconded. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER ORDINANCE NO. 956 EXEMPTING CERTAIN PROPERTY IN THE CITY OF EDWARDSVILLE FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT SERVICES

Mr. Anderson explained that the ordinance before the City Council exempts the property from taxation from 2017 until 2026. It also approves the performance agreement, which contains the PILOT schedule. He also clarified that the existing facility will still be taxed at the standard rate. Councilmember Stites asked if the current facility is under has any tax exemptions associated with it. Mr. Anderson answered that it does not. Mr. Webb also noted that INX had gone through a site plan process and a re-plat will be before City Council at its next regular meeting. Councilmember Shriver asked if additional employment opportunities will result from the expansion. Mr. Tucker indicated that over the life of the abatement, as many as five new jobs will be created.

Councilmember Adams moved to adopt Ordinance No. 956. Councilmember Gillam seconded. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER A CONTRACT AGREEMENT BETWEEN THE CITY OF EDWARDSVILLE AND DEFFENBAUGH INDUSTRIES FOR SOLID WASTE RESIDENTIAL DISPOSAL SERVICES

Mr. Webb outlined the contract formation process to this point. He stated that the City's current agreement with Deffenbaugh actually expired in December of last year. A new contract was developed which included the automated system that had been pilot tested over the last year. The

proposed contract is for five years for both garbage and the new recycling service for residential customers. Commercial collection could be revisited in 2018. Councilmember Gillam asked how this affected City Clean-Up Day, which Mr. Webb summarized. There was also discussion about replacement/repair of used trash bins. City Attorney David Duckers confirmed that he had reviewed the proposed agreement. Councilmember Stites expressed concerns regarding trash along I-435 between the river and I-70. John Blessing from Deffenbaugh explained the current processes Deffenbaugh has in place to keep this area free of trash. Councilmember Stites requested that some commitment from Deffenbaugh be put into writing affirming their efforts in this area. Mr. Blessing stated that a letter of commitment could be drafted and presented to City Council at its next regular meeting.

Councilmember Adams made the motion to authorize the City Manager to enter into the proposed agreement. After some additional discussion, the motion was rescinded. Councilmember Stites made the motion to table this item until the aforementioned letter of commitment regarding I-435 trash pick-up is presented at the February 8 meeting. Councilmember Adams seconded. Mayor McTaggart requested a roll call vote. The motion passed unanimously.

CONSIDER ORDINANCE NO. 957 REVISING ARTICLE A8.000, UTILITY RELATED FEES, OF APPENDIX A OF THE CODE OF ORDINANCES

Due to the previous action of the City Council, there was no action to be taken on this item.

CONSIDER AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT WITH BHC RHODES FOR FINAL DESIGN AND BIDDING SERVICES FOR NORTH END SEWER PROJECT

Mr. Webb briefly explained the reasoning behind the original tabling of this item. He introduced Randy Gorton from BHC Rhodes to present the last of the requested information related to the costs associated with all of the options discussed as well as answer any other related questions. Mr. Gorton stressed that no matter the course of action a pump station will need to be positioned in the northern area as originally discussed. Option A/B treats the LTC and the LTC watershed as its own entities with different pumping routes and processes. Option C refers to a combination approach that eliminates the need to bore twice under the highway and is based on taking the LTC East lift station and routing it to LTC lift station. Option D relates to pumping LTC into LTC East and pumping under I-435 to 98th street and tying into the UG interceptor. The primary concern with tying into the UG interceptor under I-435 is that there is indication that the UG may not approve a connection near 98th St. There is currently an organizational review going on at the UG Public Works, and their entire sewer system is under review as a result.

Mr. Gorton advised that Option C is the most cost effective solution and also does not deter other future courses of action. It also is the option with the least amount of risk to the capacity guaranteed by the Unified Government. Mr. Webb clarified that the reason the contract is being discussed is that is simply one more step in the process of providing sewer while not obligating the City to a specific course of action. The decision to come after this point relates to moving

forward with actual construction. Councilmember Gillam clarified that this will be funded out of the economic development fund, which Mr. Webb confirmed.

Councilmember Gillam made the motion to authorize the City Manager to enter into a contract with BHC Rhodes for final design and bidding services for the North End Sewer Project in addition to preliminary research related to LTC east lift station (Option C). Councilmember Adams seconded. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KCRPC/HGAC AND FIRE MASTER FIRE EQUIPMENT FOR THE PURCHASE OF NEW RESCUE AND EXTRICATION TOOLS AND ACCESSORIES

Fire Chief Tim Whitham noted that the package being presented to the City Council is nearly $10,000 under budget to what was originally conceived during the budget preparation process in 2015. The complication that arose revolved around equipment related to tool mounting. However, the local vendor has stated that any additional accessories for this issue would be provided.

Councilmember Adams made the motion to authorize the City Manager to purchase the fire equipment described. Councilmember Stites seconded. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER MAYOR MCTAGGART REAPPOINTMENTS TO THE PLANNING COMMISSION

Councilmember Gillam made the motion to approve Mayor McTaggart's reappointments to the Planning Commission (Bryan Smith and Ralph Eaton). Councilmember Shriver seconded the motion. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER A MOTION TO RECESS INTO EXECUTIVE SESSION IN ACCORDANCE WITH K.S.A. 75-4319(B)(2) REGARDING CONSULTATION WITH THE CITY ATTORNEY FOR MATTERS WHICH WOULD BE DEEMED PRIVELEGED IN THE ATTORNEY-CLIENT RELATIONSHIP

Councilmember Adams made the motion to recess into executive session, not to return until 9:35 p.m. Councilmember Crider seconded. Mayor McTaggart requested a roll call vote, which passed unanimously.

The City Council returned at 9:35 p.m. No action was taken as a result of the executive session.

ADVISORY REPORTS

CITY MANAGER

Mr. Webb noted that preliminary work has been done relating the 102nd St. Corridor. Part of this work has been a review of the STP funding cycle for 2019-2020. A preliminary survey has been completed as well as preliminary ROW alignments. The next step is to identify potential

complications related to rights-of-way. (*Note: this discussion actually took place prior to the executive session due to availability of representatives from BHC Rhodes*).

Mr. Webb also reminded City Council of the annual Chamber of Commerce Banquet taking place Friday, February 5. There was also discussion of the potential resolution related to commercial solid waste services. The earliest this would be voted on would be March 14. Finally, he noted that there will be a number of planning items that will be before the City Council at their next meeting.

CHIEFS (POLICE & FIRE)

Police Chief Mathies gave an update on the recruitment processes for EPD. Fire Chief Whitham noted that EMS has picked up new volunteer responders and EFD picked up a volunteer firefighter/EMT. He also noted that he has been invited to serve as a peer reviewer for the Assistance to Firefighters Grant Program.

PUBLIC WORKS

Public Works Director gave an update related to audio research for the City Council Chambers. He also provided an update related to recording City Council meetings. He expects work in this area to be completed over the next month once pricing for all the options come in. Mr. Webb reminded the City Council that there will be policy issues that need to be worked though related to recording City Council meetings.

COUNCIL AND MAYOR COMMENTS

Councilmember Adams congratulated public safety departments for coming in on budget. He asked what were the large expenses associated with the Community Center, which Public Works Director stated was related to the remodel.

Councilmember Gillam echoed Councilmember Adams' statements related to budget. He also congratulated staff that revenues were above estimates and costs were below estimates.

Councilmember Shriver congratulated staff on responsible budgeting.

Councilmember Stites asked about use of the skid steer. Mr. Yazbec provided some details on the equipment's use to this point.

Mayor McTaggart thanked the City Council for coming to common ground on the sewer plans and thanked staff for their efforts in this area.

ADJOURNMENT

The meeting was adjourned at 10:00
Zachary Daniel
City Clerk

ITEM #2

TO: MAYOR & CITY COUNCIL
FROM: MICHELLE BOUNDS, FINANCE MANAGER
DATE: FEBRUARY 08, 2016
SUBJECT: STATEMENT OF BILLS

FOR YOUR REVIEW

Statement of Bills, Expense and Revenue Report

RECOMMENDATION

City Council to approve the Statement of Bills from 01/22/2016 to 02/05/2016 as submitted.

FINANCIAL IMPACT

The total of the Statement of Bills from 01/22/2016 to 02/05/2016 is **$189,916.45.**

General Operating/Payroll	**$ 157,610.04**
Cash Bond	**$ 1,900.00**
Cemetery	**$ 385.22**
Electronic Funds Transfer Account (EFT)	**$ 30,021.19**
GO Bond	**$ 0.00**
Total Bills	**$ 189,916.45**

BACKGROUND

The EFT to Card Services represents purchases approved for payment with the city purchase cards. A total of 80 transactions were processed and paid.

The budgeted transfer of $15,000.00 to the Cemetery Board Operating Account was made on 02/04/2016.

IF YOU HAVE ANY QUESTIONS REGARDING THE STATEMENT OF BILLS, PLEASE FEEL FREE TO CALL PRIOR TO THE COUNCIL MEETING.

Check Register Report

EXPENSES THRU 02 05 2016

Date: 02/04/2016
Time: 9:57 am
Page: 1

City of Edwardsville

BANK: BANK MIDWEST-CHECKING

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST-CHECKING Checks							
149556	01/29/2016	Printed		EX02	EXPRESS WASH AMERICA LLC	PD FLEET CAR WASH	75.00
149557	01/29/2016	Printed		MA38	MARTIN PRINGLE ATTORNEY AT LAW	COURT JUDGE DEC 2015	795.00
149558	01/29/2016	Printed		MI60	AMY R. MITCHELL	DEC 2015 PROSECUTOR	2,315.50
149559	01/29/2016	Printed		WA03	WAL-MART COMMUNITY BRC	CITY HALL, PD OFFICE SUPPLY	92.89
149560	01/28/2016	Printed		BO02	BONNER-EDWARDSVILLE CHAMBER	JANUARY LUNCHEON	30.00
149561	01/28/2016	Printed		CI03	CITY ATTORNEYS ASSOC. OF KS	2016 CITY ATTY MEMBERSHIP DUES	35.00
149562	01/28/2016	Printed		FB02	FBINAA	FBINAA MEMBERSHIP DUES 2016	95.00
149563	01/28/2016	Printed		FR13	FRANKLIN LEGAL PUBLISHING	PREP PRINT SUP NO 6	1,618.00
149564	01/28/2016	Printed		HE22	HEARTLAND BUILDING MAINTENANCE	CITY WIDE CLEANING	1,276.55
149565	01/28/2016	Printed		DI07	JHF DIRTWORKS, LLC	SNOW REMOVAL 01 16 TO 01 19 16	4,677.50
149566	01/28/2016	Printed		KCPL	K.C. POWER & LIGHT COMPANY	PW ELECTRIC SERVICE	110.15
149567	01/28/2016	Printed		KA77	KAMINSKY, SULLENBERGER & ASSOC	FTO TRAINING, P JOHNSON	275.00
149568	01/28/2016	Printed		KA71	KANSAS ALCOHOLIC BEVERAGE CTRL	CEREAL MALT BEV STAMP RPT	25.00
149569	01/28/2016	Printed		KMIT-WC	KANSAS MUNICIPAL INSURANCE TR	WORK COMP ANNUAL PREM 2016	76,901.00
149570	01/28/2016	Printed		KC03	KCK AREA CHAMBER OF COMMERCE	CON FORUM MGR, MAYOR, CLERK	690.00
149571	01/28/2016	Printed		NA30	NATIONAL LEAGUE OF CITIES	MEMBER DUES 2016	809.00
149572	01/28/2016	Printed		TU06	TURNER CUSTOM UPHOLSTERY	UNIT 59 ARMREST WORK	75.00
149573	01/28/2016	Printed		WE16	BRIAN J WELLS	TUITION REIMBURSEMENT	324.00
149576	02/05/2016	Printed		NI04	911 CUSTOM, LLC	UNIT 59 REMOVE RADIO, CAM	125.00
149577	02/05/2016	Printed		CO07	THE J.P. COOKE CO.	2016 ANIMAL REG TAGS	54.37
149578	02/05/2016	Printed		CU10	CULLIGAN OF GREATER KANSAS CIT	PD BOTTLED WATER COOLER FEE	81.45
149579	02/05/2016	Printed		HO43	HOMESTEAD MOTORS	PD VEH MAINT UNITS 51,52,54,57	379.99
149580	02/05/2016	Printed		DI07	JHF DIRTWORKS, LLC	SNOW REMOVAL 1 20 16	618.75
149581	02/05/2016	Printed		KC14	KANSAS CITY SECURITY SYS INC	MTHLY SEC SYS MONITORING	30.99
149582	02/05/2016	Printed		MI60	AMY R. MITCHELL	CITY PROSECUTOR JAN 2016	2,717.00
149583	02/05/2016	Printed		SH29	SHAFER, KLINE & WARREN, INC	REIMB EXP INX, VILLAGE SOUTH	615.00
149584	02/05/2016	Printed		SP07	SPORTS CONDUCTOR LLC	PARKS & REC WEBSITE SUPPORT	638.55
149585	02/05/2016	Printed		TA10	TASER INTERNATIONAL	TASER ASSURANCE PLAN YR 2	1,025.00
149586	02/05/2016	Printed		TI02	TIME WARNER CABLE	BUS CABLE, INTERNET SERV	290.00
149587	02/05/2016	Printed		TO01	TOTAL ELECTRIC CONTRACTORS INC	REPAIR 104TH SCHOOL FLASHERS	251.00
					Total Checks: 30	**Checks Total (excluding void checks):**	**97,046.69**
BANK MIDWEST-CHECKING EFTs							
1148809	02/05/2016	Reconciled		AE01	JACOB AESCHLIMAN	PARAMEDIC VOLUNTEER	480.00
1148810	02/05/2016	Reconciled		AL36	THOMAS K ALLEN	EMT VOLUNTEER	440.00
1148811	02/05/2016	Reconciled		BR36	R BRITTON BROWN JR	PARAMEDIC VOLUNTEER	1,560.00
1148812	02/05/2016	Reconciled		FO19	ANTHONY C FORD	EMT VOLUNTEER	660.00
1148813	02/05/2016	Reconciled		JO33	CHRISTINA JOHNSON	PARAMEDIC VOLUNTEER	480.00
1148814	02/05/2016	Reconciled		MO21	BENJAMIN M MORROW	PARAMEDIC VOLUNTEER	360.00
1148815	02/05/2016	Reconciled		RI15	BRYAN RICE	PARAMEDIC VOLUNTEER	960.00
1148816	02/05/2016	Reconciled		RI12	JESSICA RICKERT	EMT VOLUNTEER	550.00
1148817	02/05/2016	Reconciled		YO02	BRIAN D YOUNG	PARAMEDIC VOLUNTEER	1,200.00
					Total EFTs: 9	**EFTs Total (excluding void checks):**	**6,690.00**
					Total Payments: 39	**Bank Total (excluding void checks):**	**103,736.69**

Check Register Report

EXPENSES THRU 02 05 2016

City of Edwardsville

BANK: BANK MIDWEST CASH BOND

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST CASH BOND Checks							
1365	01/28/2016	Printed		CI19	CITY OF EDWARDSVILLE, KANSAS	FORFEITED CASH BOND 45405AA	1,500.00
1366	01/28/2016	Printed		PI15	JOEY PICA	CASH BOND REFUND 45892	100.00
1367	01/28/2016	Printed		PI14	TINA PIMENTAL	CASH BOND REFUND 42806	300.00
				Total Checks: 3		**Checks Total (excluding void checks):**	**1,900.00**
				Total Payments: 3		**Bank Total (excluding void checks):**	**1,900.00**

Check Register Report

EXPENSES THRU 02 05 2016

City of Edwardsville

BANK: BANK MIDWEST CEMETERY

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST CEMETERY Checks							
2605	01/29/2016	Printed		BO01	BOARD OF PUBLIC UTILITIES	CEM WATER SERVICE	24.08
2606	01/29/2016	Printed		HE30	CONNIE HENRY	REIMB POSTAGE EXP	9.80
2607	01/29/2016	Printed		HO41	OLA HOWERTON	CEM REGISTRAR JAN MTHLY FEE	65.00
2608	01/29/2016	Printed		SN06	TAMI SNIDER	CEM GROUNDS MAINT	108.00
2609	01/29/2016	Printed		KPL0	WESTAR ENERGY	CEM ELECTRIC SERVICE	178.34
				Total Checks: 5		**Checks Total (excluding void checks):**	**385.22**
				Total Payments: 5		**Bank Total (excluding void checks):**	**385.22**

Check Register Report

EXPENSES THRU 02 05 2016

City of Edwardsville

BANK: BANK MIDWEST EFT

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST EFT Checks							
6118	02/05/2016	Printed		GR05	ATMOS ENERGY	CITY WIDE NATURAL GAS	1,938.70
6119	02/05/2016	Printed		CA34	CARD SERVICES	PURCHASE CARD PAYMENT	22,696.31
6120	02/05/2016	Printed		KA03	KANSAS DEPARTMENT OF REVENU	4TH QTR SALES TAX 2015	236.17
6121	02/05/2016	Printed		KA05	KANSAS EMPLOYMENT SECURITY C-4	4TH QTR 2015 EMS VOL SUTA	497.82
6122	02/05/2016	Printed		FL04	WEX BANK	CITY WIDE FUEL	3,832.48
6123	01/31/2016	Printed		ET01	ETS CORPORATION	PD CH CREDIT CARD MACHINES	819.71

Total Checks: 6 **Checks Total (excluding void checks): 30,021.19**

Total Payments: 6 **Bank Total (excluding void checks): 30,021.19**

Total Payments: 53 **Grand Total (excluding void checks): 136,043.10**

Check Register Report

02 05 2016 PAYROLL

Emp. Code Desc.: 01
City of Edwardsville

Date: 2/4/2016
Time: 9:59:00

Check No.	Check Date	Recon.Date	Status	Employee ID	Pay To	Check Description	Amount
149574	02/05/2016		P	PRINC	PRINCIPAL LIFE GROUP	Remittance Check	$736.74
149575	02/05/2016		P	STAND	STANDARD INS CO	Remittance Check	$756.68
702989	02/05/2016		P	IRSEF	IRS EFT	Remittance Check	$23,621.59
702990	02/05/2016		P	KS TA	KS STATE TAX	Remittance Check	$3,242.65
702991	02/05/2016		P	HSA	HSA Bank	Remittance Check	$25.00
702992	02/05/2016		P	KP&F	KP&F	Remittance Check	$19,975.97
702993	02/05/2016		P	KPERS	KPERS	Remittance Check	$3,780.75
702994	02/05/2016		P	AFAFL	AM FIDELITY FLEX ACCT	Remittance Check	$340.41
702995	02/05/2016		P	ICMA	ICMA	Remittance Check	$1,259.25
702996	02/05/2016		P	KPC	KANSAS PAYMENT CENTE	Remittance Check	$134.31

Total Checks: 10

Sub-Total: $53,873.35
Total Void/Stop Payment: $0.00
Grand Total: $53,873.35

ITEM #4

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DATE: FEBRUARY 8, 2016
SUBJECT: CONTRACT FOR SOLID WASTE

RECOMMENDATION

City Council to consider authorizing the City Manager to enter into an agreement with Deffenbaugh Industries for residential solid waste and recycling collection services.

FINANCIAL IMPACT

Residential solid waste and recycling collection services is a self-supporting fund with all charges and expenses accounted for within the fund. Solid waste and recycling services are not tax supported.

BACKGROUND

As you know, Deffenbaugh Industries is the city's current solid waste provider and has served as the sole provider of residential services for the last 10 years. After several Council discussions, workshops and pilot automated garbage and recycling collection program, the Council directed staff to negotiate a new contract with Deffenbaugh Industries for automated garbage and recycling collections. At the January 25 City Council session, there was discussion regarding Deffenbaugh's commitment to keeping areas along I-435 clear of debris. Direction was given to Deffenbaugh to provide some written statement affirming their work in this area and highlighting ongoing efforts. A letter of commitment to control debris along I-435 is attached. The content of the proposed contract agreement will remain the same.

The program will provide each residential customer with a 95 gallon tote for garbage and a 65 gallon tote for recycling. For reference, we have about 1,100 residential customers. The general conditions of the contract are a five (5) year term beginning February 1, 2016 and terminating December 31, 2020, an initial rate of $14.40 with an annual adjustment of 1.5%, a rate opener in 2018 if the city pursues contracted commercial services and provision of municipal services (i.e. city hall, fire and police departments, public works and parks) at no additional cost. A complete copy of the proposed contract is attached for your review.

In closing, staff recommends the City Council authorize the City Manager to enter into an agreement with Deffenbaugh Industries for residential solid waste and recycling collection services.

MUNICIPAL RECYCLING AND WASTE AGREEMENT

This Municipal Recycling and Waste Agreement (the "Agreement") is entered into on January 25, 2016 (the "Effective Date"), by and between the **City of Edwardsville, Kansas,** a municipal corporation created under the laws of the State of Kansas ("City"), and **Deffenbaugh Industries, Inc.** ("DII"), a Missouri corporation.

Recitals

A. The City desires to provide its citizens with environmentally sound solid waste collection and disposal and recyclable materials collection;

B. DII and its affiliates have extensive experience in providing solid waste and recyclable materials collection, disposal and processing; and

C. The City has determined that it would be in the best interests of its citizens to contract with DII for the collection of its residential solid waste and recyclable materials according to the terms and conditions contained herein.

Agreements

I. DEFINITIONS

a. Acceptable Waste – shall mean all non-hazardous solid waste generated by households in the ordinary course including food wastes and discarded papers, cardboard, plastics, cloth, glass and metal materials, but excluding Excluded Waste as defined herein. Waste shall be considered "Acceptable Waste" only if properly contained within 96-gallon Carts placed at the curbside on the proper weekly collection day, but occasional overflow of waste is permitted if properly sealed in plastic or paper garbage bags in proximity to the Cart. As used herein, the term "waste" shall mean Acceptable Waste unless the context demonstrates otherwise. Title to Acceptable Waste shall transfer to DII upon collection in DII vehicles.

b. Excluded Waste – shall mean, without limitation, any regulated quantity of a Hazardous Waste or Hazardous Substance as defined by federal, state or local laws or regulations; containerized wastes, the contents of which are not able to be identified; sludges; waste from a pollution control process or cleanup of a spill of a chemical substance or commercial product; biohazards or regulated medical waste; friable asbestos; construction and demolition waste; soil, sod, and stumps; paint; motor oil; excessive storm debris or debris resulting from weather events such as hurricanes or tropical storms; or any item too large or heavy to be contained within a 96-gallon Cart including waste tires. Title to and liability for Excluded Waste shall remain with the resident that generated the Excluded Waste at all times.

c. Recyclables or Recyclable Materials – are defined in Exhibit A. Title to Recyclable Materials shall transfer to DII upon collection in DII vehicles.

d. Residential Unit – shall mean a s single family, duplex, tri-plex and four-plex residential units within the corporate limits of the City occupied by a person or persons as a domicile. A residential unit shall be deemed occupied when either domestic water or light and power services are being supplied thereto. Apartment or condominium buildings with more than four (4) or more individual dwellings shall be considered commercial establishments and shall not be considered Residential Units.

II. TERM

The initial term of this Agreement shall be for five (5) years commencing on February 1, 2016, and expiring December 31, 2020 and thereafter may renew for successive renewal terms of one-year if mutually acceptable in writing.

On or around January 1, 2018, the City and DII shall meet and discuss DII being the exclusive service provider of commercial entities within the City. If the parties agree upon the terms and conditions governing such services, the Parties may amend and renew this Agreement to broaden its scope so as to include all commercial establishments within the City.

III. SERVICES

a. DII shall furnish, at its sole cost and expense, the labor, equipment, licenses, permits, and other requirements necessary to provide Acceptable Waste and Recyclable Materials collection to all Residents Units of the City, which currently consists of approximately 1,100 Residential Units (the "Service"). As part of the Service, DII shall:

i. Cart Supply. Each Residential Unit will be provided a 96-gallon Cart for Acceptable Waste; new Residential Units will be provided a 96-gallon Cart for Acceptable Waste as they are added to the City. Each Residential Unit will also be provided a separate 65-gallon Cart for Recyclable Materials, and new Residential Units will also receive a 65-gallon Cart for Recyclable Materials as they are added to the City. The Carts and equipment DII may furnish Residents and the City shall remain DII's property.

ii. Acceptable Waste Collection Frequency, Days and Times. Acceptable Waste shall be collected from the curbside once per week from each Residential Unit on a weekday or weekdays to be agreed by DII and City. Collections shall occur during ordinary hours but in no instance earlier than 6:00 A.M., nor later than 7:00 P.M. All Acceptable Waste must be placed at the curb for collection no later than 6:00 A.M. on scheduled day of collection.

iii. Recyclable Materials Collection Frequency, Days and Times. DII shall provide recycling collection services to Residential Units on a weekly basis, subject to the terms and conditions in Exhibit A. The City and Residential Units shall ensure that only materials acceptable in accordance with Exhibit A are placed in the recycling containers. DII reserves the right to refuse recycling services where the materials are not properly segregated from waste or other non-recyclable material. Collections shall occur during ordinary hours but in no instance earlier than 6:00 A.M., nor later than 7:00 P.M.

iv. City Facilities Collection. The equipment and services will be provided to the City for no additional charge:

City Hall 8yd recycle container plus toters serviced 1 time weekly
Fire Dept. 6yd Trash container serviced 1 time weekly
City Park 8yd Trash container and wheelchair accessible portable toilet unit, both serviced twice per week
River Park Wheelchair accessible portable toilet unit serviced twice per week
Public Works 20 yd. open top at a location to be determined with four (4) tons allowance per container. Additional tonnage beyond the 4-ton threshold shall be charged at $30 per ton. This container shall be used as the receptacle for residents' waste tires.

In addition, DII shall provide the City with two (2) 40 yd. open top containers per year with four (4) tons allowance per container. Additional tonnage beyond the 4-ton threshold shall be charged at $30 per ton. Additional boxes beyond the two containers per year shall be charged at $275 per box. DII retains ownership of the containers.

v. Exclusions from the Service – Notwithstanding anything to the contrary herein, the Service shall not include bulk or white goods collection, construction or demolition waste collection, or Christmas tree collection. The Service also shall not include commercial establishments.

vi. Disposal. DII shall dispose or arrange to dispose of the Acceptable Waste collected under this Agreement only at solid waste disposal facilities that are licensed and permitted to accept such solid waste

vii. Holiday Schedule. The following shall be designated holidays on which the Service shall not be provided: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a designated holiday falls on a regularly scheduled Service day, the Service will be performed on the next weekday

viii. Cart Replacement. DII shall replace at no charge to the City or the individual Residential Unit any Cart that becomes damaged or destroyed during the provision of the Service, or that becomes unusable because of ordinary wear and tear. However, if a Cart in the possession of a Residential Unit is lost, stolen, damaged, or destroyed through no fault of DII, the occupant of the Residential Unit shall be responsible to compensate DII the fair market value for the replacement of such Cart. The Residential Unit shall be billed separately for such replacement cost.

b. Compliance with Laws. The Service shall be performed in accordance with all applicable statutes, laws, rules, regulations and ordinances

c. Personnel and Equipment. The Service shall be performed by properly trained and licensed personnel in adequate numbers and with adequate vehicles and equipment to complete the Service in a safe and timely manner

d. Complaints and Missed Pick-Ups. All complaints as to DII's provision of the Service, including alleged missed pick-ups, shall be given prompt and courteous attention. DII shall attempt to resolve all complaints promptly, and shall cure all missed pick-ups within two (2) weekdays, conditions permitting. When DII is notified by the City via telephone, e-mail or by fax, of a missed pick-up, DII will respond to the City within one (1) day after being notified to confirm the missed pick-up was caused by DII's failure. Missed pick-ups resulting from rejected loads, force majeure or any other reasons outside the control of DII shall not be assessed a penalty. Upon confirmation by DII of a missed pick-up, the City may charge a penalty equal to $5.00 per missed pick-up, but only if the missed pick-up(s) is not remedied within two (2)

weekdays as described above. Notwithstanding any of the above, DII shall have the right to dispute and appeal any penalty assessed within five (5) days of DII's receipt of the bill.

e. Anti-Discrimination. In performing the Service, DII shall not discriminate against any person on the basis of race, religion, sex, national origin, political affiliation, or physical and mental disability.

f. Exclusive. The City grants the exclusive right to perform the Services set forth in this Agreement. The City agrees to not allow anyone other than DII to engage in the collection of residential waste within the City.

IV. HOUSE COUNT AND ADJUSTMENTS

The estimated house count at the commencement of the term hereunder shall be 1,100 Residential Units; however, the Parties shall verify this house count prior to the initial billing under this Agreement and shall adjust the house count for billing purposes accordingly. Either Party may propose a prospective adjustment to the house count at any time during the term of this Agreement upon reasonable notice to the other Party, which adjustment shall be investigated jointly by the Parties to establish a new house count to apply thereafter. DII shall keep accurate route sheets and/or a Residential Unit database that shall be provided to City promptly upon its request.

If the number of Residential Units serviced under this Agreement substantially increases as a result of residential growth during any single calendar year period, DII and the City agree to revisit the residential rates in order to determine if the recent influx of residents merits an adjustment to the residential rates due to operational and routing efficiencies attributable to the increase in City population. Any resulting adjustment to the rates must be agreed upon by both parties in writing.

V. FEES AND PAYMENTS

a. Service Fee per Residential Unit. The fees to be paid by the City to DII hereunder are based on the collection of one (1) Acceptable Waste and one (1) Recyclable Materials Cart per Residential Unit, placed at the curbside, at the frequency identified in this Agreement. The fee per Residential Unit, per month, shall be Fourteen Dollars and 40/100 ($14.40). The monthly fee paid to DII shall be calculated based upon the current house count at the time each invoice is generated, times the fee per Residential Unit [*e.g.*, Current House Count x Fee = Monthly Invoice Amount]. In the event additional 40 yard roll off containers are provided the charge shall be $275.00 per container per month and any additional tons over four (4) tons shall be assessed at Thirty Dollars ($30.00) per ton.

b. Annual Increase. The fee per Residential Unit shall be adjusted commencing on the 2nd anniversary of this Agreement (January 1, 2017) by one and one-half percent (1.5%). Any increase in the charges and/or tonnage fees for extra roll off containers commencing on the 2nd anniversary of this Agreement shall be mutually agreed to between the parties.

c. Invoices and Payment. Invoices shall be submitted by DII on a monthly basis. The City shall have thirty (30) days from the invoice date to remit payment in full. Payment by City shall be made by check or wire transfer or ACH debit. The maximum interest permitted by law shall be applied to balances due and unpaid after more than fifteen (15) days beyond the due date.

d. Changes in Law. Notwithstanding anything to the contrary in this Agreement, DII shall be entitled to pass through to, and collect from, the City any additional collection or disposal costs, taxes, or surcharges incurred by DII as a result of any mandated changes in local, state or federal laws or regulations governing the generation, collection, transportation, processing, sorting and disposal of solid waste and/or recyclable materials.

VI. DEFAULT AND TERMINATION

Except as otherwise provided in the *Force Majeure* provision of this Agreement, the failure of either Party to perform a material obligation under this Agreement shall be considered a breach of this Agreement, and the breaching Party shall be in default. In the event of default, the non-defaulting Party shall give written notice of the default, and the defaulting Party shall have: (i) ten (10) days from the receipt of the notice to cure any failure to pay money under this Agreement, or (ii) thirty (30) days from the receipt of the notice to cure any other default under this Agreement. If the defaulting Party fails to cure the breach within the allotted time, the non-defaulting Party may, at its option, immediately terminate the Agreement. In the event of a default, the defaulting Party agrees to pay all damages caused by said default, to include, without limitation reasonable attorneys' fees and costs associated with enforcement of this Agreement. Under no circumstances shall the Parties be liable for any consequential, indirect, punitive or special damages for any alleged default under this Agreement.

VII. FORCE MAJEURE

DII's performance of the Service may be suspended and its obligations hereunder excused during the pendency of a cause or causes beyond its reasonable control, such as by way of example and not limitation: acts of war, public enemy, civil disturbance, riot or disorder; epidemic or pandemic; acts of God such as landslide, lightning, earthquake, fire, storm, the impending approach of a storm, or flood; explosion; restraining orders, interference by civil or military authorities, strike, statute, ordinance, government order or ruling; or other similar causes. In the event of an occurrence of a *force majeure* event, DII shall notify the City immediately, in writing, describing the particulars of the circumstances preventing performance of the Service and its expected duration. Notice shall be provided after the effect of such occurrence has ceased.

VIII. INDEMNIFICATION

a. To the fullest extent permitted by law, the City agrees to indemnify, defend, and hold DII harmless from and against all claims and actions, suits, debts, damages, liabilities and costs whatsoever, including but not limited to attorneys' fees and costs of defense, based upon or arising out of the City's breach of this Agreement, and based upon or arising out of any injuries (including death) to persons, or damage to property, to the extent caused in whole or in part by the negligent acts or omissions of the City, or any of its directors, officers, employees, agents, or subcontractors, in the performance of this Agreement.

b. DII agrees to indemnify, defend, and hold the City harmless from and against all claims and actions, suits, debts, damages, liabilities and costs whatsoever, including but not limited to attorneys' fees and costs of defense, based upon or arising out of the breach of this Agreement, and based upon or arising out of any injuries (including death) to persons, or damage to property, to the extent caused in whole or in part by the negligent acts or omissions of DII, or

any of its directors, officers, employees, agents, or subcontractors, in the performance of this Agreement.

c. Notwithstanding any provisions to the contrary, DII shall not be responsible for any damage to pavement or curbing that is the result of ordinary wear and tear during the performance of the Service.

d. The indemnification obligations of this section shall survive the termination or expiration of this Agreement for any reason.

IX. INSURANCE

DII shall maintain at its own cost and expense the following minimum limits of occurrence-based insurance during the term of this Agreement:

	Type	Amount
A.	Worker's Compensation	Statutory
B.	Employer's Liability	$500,000
C.	Comprehensive General Liability	$500,000 per occurrence $1,000,000 aggregate
D.	Automobile Liability (owned and non-owned)	
	i. Bodily Injury	$1,000,000 per occurrence
	ii. Property Damage Liability	$500,000 per occurrence
E.	Excess/Umbrella	$500,000 per occurrence

The City, its elected and appointed officials and employees, shall be included as additional insured parties under the CGL, Automobile and Excess/Umbrella coverages. Prior to commencement of the Service, DII shall deliver to City a certificate of insurance evidencing the required coverages. This certificate shall provide that any change restricting or reducing coverage, or the cancellation of any policies under which certificates are issued, shall not be valid unless at least 30 days' written notice of cancellation is provided.

X. MISCELLANEOUS PROVISIONS

a. Independent Contractor. DII shall perform the Service as an independent contractor. DII, its officers, employees, agents, contractors or subcontractors, are not and shall not be considered employees, agents or servants of the City for any purpose whatsoever under this Agreement or otherwise. DII at all times shall have exclusive control of the performance of the Service. Nothing in this Agreement shall be construed to give the City any right or duty to supervise or control DII, its officers, employees, agents, contractors, or subcontractors, nor to determine the manner in which DII shall perform its obligations under the Agreement.

b. Amendments. No amendment to this Agreement shall be made except upon the written consent of both Parties.

c. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties hereto with respect to the subject matter and supersedes any prior and contemporaneous agreements and understandings, express or implied.

d. Waiver. A waiver by either Party of any breach of any provision hereof shall not be taken or held to be a waiver of any subsequent breach, whether similar or dissimilar, or as a waiver of any provision itself. No payment or acceptance of compensation for any period subsequent to any breach shall be deemed a waiver of any right or acceptance of defective performance.

e. Severance. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid, or unenforceable, the balance of this Agreement shall remain in effect and binding on the Parties.

f. Choice of Law. This Agreement shall be governed by the laws of the state where the services are being performed, without regard to choice of law rules.

g. Assignment. Neither Party may assign its rights and obligations under this Agreement without the prior written consent of the other Party, except that DII may assign its rights and obligations under this Agreement to any DII affiliate without the City's consent. An assignment shall not relieve the assignee of any obligations under this Agreement.

h. Notice. All notices required or permitted under this Agreement shall be in writing and shall be personally delivered, sent by certified mail, return receipt requested, or by overnight courier, with copies to counsel for the respective Parties.

IN WITNESS THEREOF, the parties have executed this Municipal Recycling and Waste Agreement as of the Effective Date indicated above.

Deffenbaugh Industries, Inc.		**Edwardsville, Kansas**	
Signature:		Signature:	
Printed Name:	John Blessing	Printed Name:	Michael Webb
Title:	Public Sector Solutions Kansas and Missouri Area	Title:	City Manager

Exhibit A
Single Stream Recycling

The list of items below represents the current materials currently being accepted by DII as Recyclables. This list may expand or contract due to market conditions.

Acceptable Recyclables ("Recyclables")	Unacceptable Materials
	Glass of any type including, but not limited to Glass food and beverage containers ; Mirrors Window or auto glass
Aluminum food and beverage containers	Microwave trays
Ferrous (Iron) cans PET plastic containers with the symbol #1 – with screw tops only, without caps	Light Bulbs
HDPE natural plastic containers with the symbol #2 – (milk and water bottles)	Ceramics
HDPE pigmented plastic containers with the symbol #2, without caps (detergent, shampoo bottles, etc.)	Porcelain
Plastics with symbols #3, #4, #5, #6, #7-narrow and screw top containers—without caps	Plastics unnumbered
Newsprint	Plastic bags
Old corrugated cardboard	Coat hangers
Magazines and Mail	Glass cookware/bakeware
Catalogs and Telephone books	Household items such as cooking pots, toasters, etc.
Cereal boxes	
Printer paper and copier paper	
All other office paper without wax liners	

I. Additional Specifications
   a. All tin cans, bi-metal cans, and aluminum cans must be empty and contain less than 5% food debris.
   b. All aerosol cans must be empty with less than 5% content
   c. All plastic containers must be empty, caps removed; less than 5% food debris.
   d. All Fiber must be dry and free of food debris and other contaminating material.
   e. Tissues, paper towels or other paper that has been in contact with food is not acceptable.

II. Recyclables may contain up to 5% Unacceptable Materials, provided however, Recyclables may not:
   a. Materially impair the strength or the durability of the DII's structures or equipment;
   b. Create flammable or explosive conditions in DII's facilities;
   c. Contain dry cell batteries of lead acid batteries;
   d. Contain chemical or other properties which are deleterious or capable of causing material damage to any part of DII's property, its personnel or the public; or,
   e. Contain Excluded Waste as defined in the Agreement.

III. If loads of the mixed recyclables materials do not meet DII's specifications for acceptable recyclables or are otherwise not properly segregated from the waste, DII shall have the right to reject the load in whole or in part, or to handle the contaminated load and impose additional reasonable charges on the City or Resident.

IV. Upon written notice to the City and Residents, DII may discontinue acceptance of any category of recyclable materials as a result of market conditions related to such materials

Deffenbaugh INDUSTRIES

ONE EARTH. ONE CHANCE.®

February 3, 2016

Members of the City Council
Edwardsville, KS

RE: Litter Collection along Interstate 435 near Johnson County Landfill

I am writing this Letter of Intent on behalf of Deffenbaugh Industries, Inc. ("Deffenbaugh") to notify the Members of the Edwardsville City Council that Deffenbaugh intends to continue to monitor and collect litter along Interstate 435 and the on/off ramps.

Please note that this Letter of Intent does not constitute a binding agreement or create any legally binding or enforceable obligations on Deffenbaugh. If you have any questions regarding the content of this letter, please contact me by email at jblessing@deffenbaughinc.com or by phone at (913) 220-8434).

Sincerely,

John Blessing
Public Sector Sales Representative
Deffenbaugh Industries, Inc.

ITEM #5

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
ZACHARY DANIEL, ASST. TO THE CITY MANAGER/CITY CLERK
DATE: FEBRUARY 8, 2016
SUBJECT: AMENDING APPENDIX A FEE SCHEDULE

RECOMMENDATION

City Council to consider Ordinance No. 957 amending Appendix A Fee Schedule of the Edwardsville Code of Ordinances

FINANCIAL IMPACT

Costs for solid waste services are covered by user fees and charges for such services and are accounted for in the solid waste fund.

BACKGROUND

This item is a holdover from the January 25, 2016 City Council session, where solid waste contract terms were originally discussed.

Utility related fees are detailed under Article A8.000 of Appendix A Fee Schedule of the Code of Ordinances for the City of Edwardsville. If the City Council approves the new contract for solid waste services discussed in the previous agenda item, then this section of City Code must be amended to match the new terms of the agreement. Service charges would be changed from $12.95 to $14.95 per month in the fee schedule.

Staff recommends adopting Ordinance No. 957 amending Appendix A Fee Schedule of the Edwardsville Code of Ordinances.

ORDINANCE NO. 957

AN ORDINANCE AMENDING THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS ("CODE"), APPENDIX A FEE SCHEDULE AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the City levies fees and charges for various municipal services; and

WHEREAS, such fees and charges are reviewed and amended from time to time to ensure the fees and charges are appropriate to cover expenses related to such municipal services; and

WHEREAS, such fees and charges are contingent on contracted terms of agreement which are from time to time amended when new agreements are developed.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS:

Section 1. Article A8.000, Utility Related Fees of Appendix A Fee Schedule of the Code of Ordinances, City of Edwardsville, Kansas is hereby amended to read as follows:

Sec. A8.001 Solid waste

(a) Service charge: $14.95 per month.

Section 2. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and are hereby repealed.

Section 3. 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 CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 25th DAY OF JANUARY, 2016.

_____
John Mctaggart, Mayor

ATTEST:

_____
Zachary Daniel, City Clerk

APPROVED AS TO FORM:

_____
David Duckers, City Attorney

ITEM #6

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
ZACHARY DANIEL, ASST. TO THE CITY MANAGER/CITY CLERK
DATE: FEBRUARY 8, 2016
SUBJECT: DISCUSSION REGARDING RESOLUTION 2016-03

RECOMMENDATION

City Council to discuss Resolution 2016-03 and the process behind establishing an organized collection service for commercial businesses.

FINANCIAL IMPACT

Not applicable.

BACKGROUND

At the January 11, 2016 City Council session, City Manager Mike Webb presented information related to the Organized Service Collection Act. During that discussion, Mr. Webb outlined the state-prescribed steps to include commercial services in contracted solid waste service agreements.

The first step to take is to hold a public hearing regarding a resolution announcing the City's intent to consider adoption of an organized collection service for commercial businesses. Resolution 2016-03 (attached) serves this purpose. Per state requirements, a public hearing must be held to discuss the resolution of intent along with a notice of the public hearing published 30 days prior to the vote. If the City Council decides to pursue this course of action, the notice of public hearing would be published in the February 11 edition of the Wyandotte Echo for a public hearing to be held at the March 14 City Council session. As stated in the resolution, this action does not obligate the City to pursue commercial solid waste services, but only provides notification of consideration of such.

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF INTENT TO CONSIDER ESTABLISHING AN ORGANIZED COMMERCIAL SOLID WASTE COLLECTION SERVICE WITHIN THE CITY LIMITS OF EDWARDSVILLE, KS

The City of Edwardsville, KS hereby gives notice that it intends to consider adopting a resolution of its intent to consider establishing an organized commercial solid waste collection service within the city limits of Edwardsville, KS in accordance with K.S.A. 12-2036.

The City of Edwardsville strives to achieve the following goals, and provides the following reasons for establishing an organized commercial solid waste collection service, to-wit;

a) Assist with ongoing efforts and programs to beautify the City and provide service to its commercial businesses;
b) Ensure that every commercial business has solid waste collection service on a regular periodic basis;
c) Establish a uniform commercial solid waste collection billing system for city businesses; and
d) Ensure the most cost efficient solid waste service rates for both commercial businesses and Edwardsville residents

The above list is not exhaustive and may be altered during the formation of the solid waste plan during the 90-day period following the adoption of this resolution.

The Governing Body shall hold a public hearing on March 14, 2016 beginning at 7:00 p.m., or as soon thereafter as the governing body's schedule allows, to consider passage of a resolution of intent to consider establishing an organized commercial solid waste collection service and inviting participation of all interested persons in the planning and establishing of the organized commercial solid waste collection service including all licensees or other persons operating solid waste or recyclables collection services in the City as of March 14, 2016

Dated: February 11, 2016.

Zachary Daniel,
Assistant to the City Manager/City Clerk of the City of Edwardsville, Kansas

RESOLUTION NO. 2016-03

A RESOLUTION OF THE CITY OF EDWARDSVILLE, KANSAS, ANNOUNCING THE CITY'S INTENT TO CONSIDER ADOPTION OF AN ORGANIZED COLLECTION SERVICE FOR COMMERCIAL SOLID WASTE SERVICES WITHIN THE CITY LIMITS OF EDWARDSVILLE, KANSAS.

WHEREAS, on February 8, 2016 the Edwardsville City Council approved a contract for solid waste services with Deffenbaugh Industries; and

WHEREAS, the governing body has the authority to establish an organized commercial solid waste collection service within the boundaries of the City of Edwardsville, Kansas; and

WHEREAS, notice of a public hearing to be held March 14, 2016 beginning at 7:00 p.m., or as soon thereafter as the governing body's schedule allows, to consider passage of a resolution of intent to consider establishing an organized commercial solid waste collection service was published in the Wyandotte Echo on February 11, 2016 and mailed to all licenses or other persons, operating solid waste or recycling collection services in the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS:

Section 1. Declaration of intent. The City of Edwardsville hereby declares its intent to consider adoption of an organized collection service plan for commercial solid waste services within the city limits of Edwardsville. The statement of intent does not obligate the City to pursue commercial solid waste services, but it provides notification of consideration of such.

Section 2. Purpose and goals. The City of Edwardsville strives to achieve the following goals, and provides the following reasons for establishing an organized commercial solid waste collection service, to-wit;

a) Assist with ongoing efforts and programs to beautify the City and provide service to its commercial businesses;
b) Ensure that every commercial business has solid waste collection service on a regular periodic basis;
c) Establish a uniform commercial solid waste collection billing system for city businesses; and
d) Ensure the most cost efficient solid waste service rates for both commercial businesses and Edwardsville residents

The above list is not exhaustive and may be altered during the formation of the solid waste plan during the 90-day period following the adoption of this resolution.

Section 3. Public participation in planning meetings. All interested parties, including licensees and other persons operating solid waste collection services in the City of Edwardsville, Kansas as of March 14, 2016 are invited to participate in the planning and establishing of the proposed organized commercial collection service. Notice of such meetings will be posted on the city's website, www.edwardsvilleks.org, as well as on the City's primary social media account, www.facebook.com/EdwardsvilleKS.

Section 4. Public hearing. The public hearing for the proposed organized commercial service plan will be held before the governing body of the City of Edwardsville, on Monday, August 22, in the City Council Chambers, City Hall 690 S. 4th St., Edwardsville, Kansas. Said hearings shall begin at 7:00 p.m. or as soon thereafter as the governing body's scheduled agenda allows

ADOPTED by the governing body of the City of Edwardsville, Kansas, this 14th day of March, 2016.

_____
John McTaggart, Mayor

[SEAL]

ATTEST:

_____
Zachary Daniel, City Clerk

ITEM # 7

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DAVE KNOPICK, CITY PLANNER
DATE: FEBRUAY 8, 2016
SUBJECT: PRELIMINARY PLAN / FINAL PLAN 2647 SOUTH 96th STREET (2015-07-PPN / 2015-08-FPN)

RECOMMENDATION

City Council to consider recommendation of approval from the Planning Commission regarding the Preliminary Plan and Final Plan for expansion of INX International Ink Company (2647 South 96th Street).

FINANCIAL IMPACT

Not applicable.

BACKGROUND

On December 9, 2015 the property Owner's agent filed a preliminary plan and a final plan application for the expansion of the existing building on approximately 8.51 acres of land located on the east side of South 96th Street. This property is adjacent to the Midpoint Corporate Centre, is proposed to be re-platted per case # 2015-09-FPT, and is located in the I-2 Industrial Hazard District / Industrial Overlay District.

Since the property is located in the Industrial Overlay District, the development is subject to architectural and site design plan review. An initial DRC, planning and engineering review of the submitted plans was conducted and comments forwarded to the applicant on December 18, 2015. On December 29, 2015 the applicant submitted revised plans along with responses to initial comments.

On January 20, 2016 the Planning Commission took into consideration the initially submitted plan (preliminary plan – dated December 9, 2015) and the revised plan / responses (final plan – dated December 29, 2015). The Planning Commission recommended approval of the preliminary plan and the final plan.

In closing, staff supports the recommendations of the Planning Commission.

Two motions are required for this item: one in regard to the preliminary plan and the second in regard to the final plan.

City of Edwardsville
Staff Analysis Report
Planning Commission January 20, 2016
Item 3a – Preliminary Plan / Final Plan INX International CO (2015-07-PPN / 2015-08-FPN)

General Information
Applicant: INX International Ink Company (Owner) – Matt Morrow / MKEC Engineering – Brian Hill (Applicant)
Location: 2647 South 96th Street
Applications: Preliminary Plan (2015-07-PPN) and Final Plan (2015-08-FPN)

Zoning & Overlay: I-2 Industrial Hard Zoning District / Industrial Overlay District
Existing Land Use: Manufacturing / Processing
Proposed Land Use: Same as above

Background
On December 9, 2015 the property Owner's agent filed a preliminary plan and a final plan application for the expansion of the existing building on approximately 8.51 acres of land located on the east side of South 96th Street. The size of the proposed expansion is 37,466 square feet extending off of the east side of the existing structure. This property is adjacent to the Midpoint Corporate Centre, is proposed to be re-platted per case # 2015-09-FPT, and is located in the I-2 Industrial Hazard District / Industrial Overlay District.

Since the property is located in the Industrial Overlay District the development is subject to architectural and site design plan review. The Design Review Committee (DRC) review of the submitted preliminary plan was conducted on December 15, 2015 and comments from the DRC and planning and engineering review were forwarded to the applicant on December 18, 2015. On December 29, 2015 the applicant submitted revised plans in response to the review comments. These revised plans serve as the proposed final development plan.

Analysis
City Staff, consultant engineer and the DRC members reviewed the application materials per Sections H-1.6 through H-1.9 of the Industrial Overlay District. Comments resulting from this review were forwarded to the applicant, and revised plans were submitted on December 29, 2015 to the City for consideration by the Planning Commission.

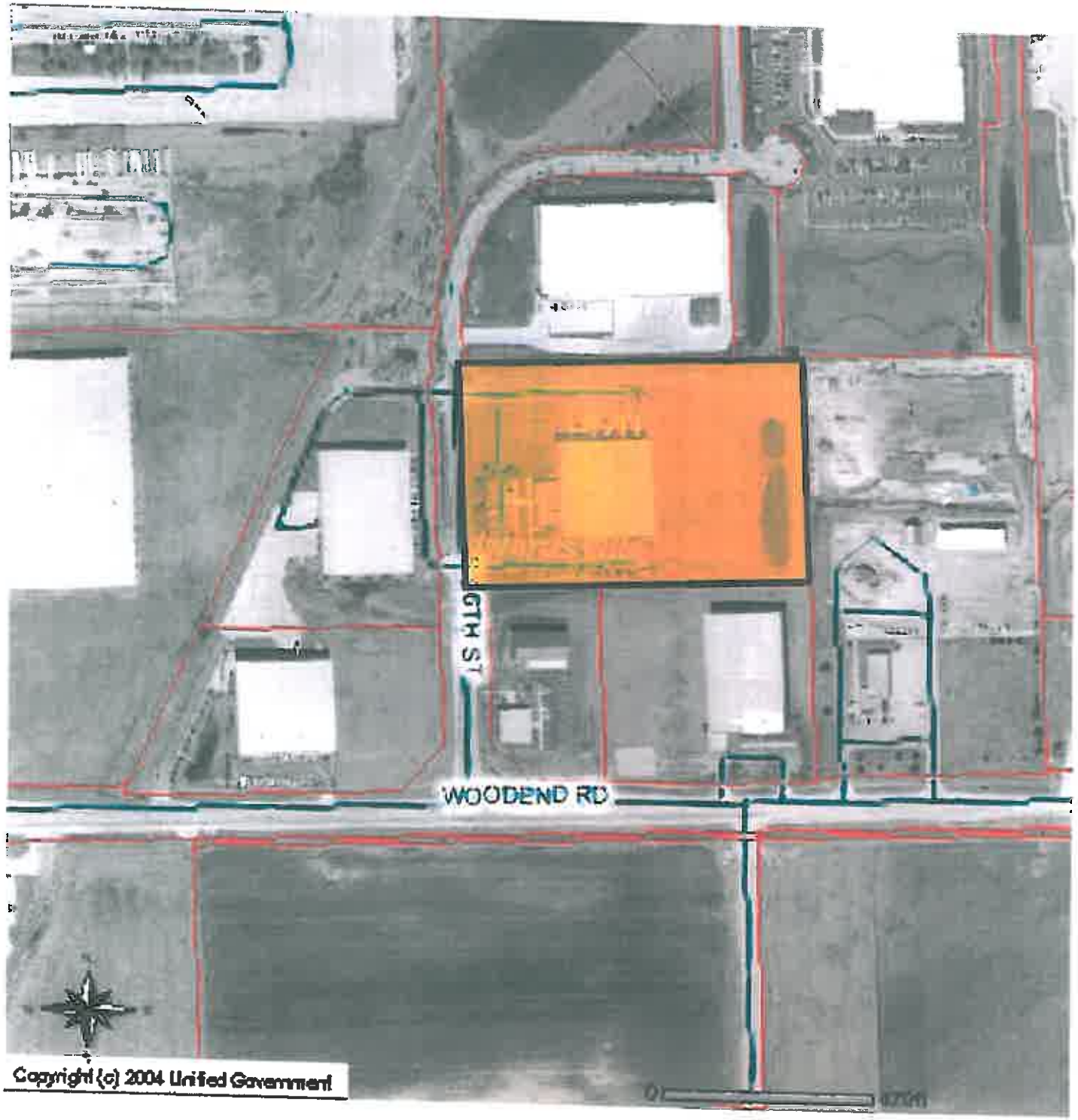
The review to date has found that the site and architectural design have met the minimum requirements of the zoning code given that the project is an expansion of an established use and existing structure. The requirement for providing a public sidewalk is recommended to be waived in light of the existing context of the property. Additional landscaping (in the form of six deciduous shade trees) is proposed as part of the project

Recommendation
As currently proposed the architectural and site design plan appear to be consistent with the review and evaluation criteria for the preliminary and final plan review process. Staff recommends that the Planning Commission recommend approval of the preliminary plan materials dated December 09, 2015 revised to address City comments dated December 18, 2015 and final plan materials dated December 29, 2015 for this project.

Two motions will be required – one in regard to the preliminary plan and another for the final plan.

Attachments

- Property Location Map
- Application Material: Preliminary and Final Plan materials



General Location Map 2647 South 96th Street Replatting

Case # 2015-07-PPN
 # 2015-08-FPN
 # 2015-09-FPT

January 20, 2016

DEVELOPMENT PLAN APPLICATION

CITY OF EDWARDSVILLE
690 South 4th Street, PO Box 13738
Edwardsville, KS 66113
913-441-3707 Phone / 913-441-3805 Fax

Date Received: _____ Case #_____

Property Location: 2647 S. 96TH STREET, EDWARDSVILLE, KS 66111

Name of Property Owner(s), Address, Phone, E-mail: INX INTERNATIONAL INK COMPANY, 2647 S. 96TH STREET EDWARDSVILLE, KS 66111, CONTACT: MATT MORROW, 1-913-667-1170, MATT.MORROW@INXINTL.COM

Name of Developer(s), Address, Phone, E-mail: SAME AS OWNER

Name of Applicant, Address, Phone, E-mail: MKEC ENGINEERING, INC., 11627 W. 112TH STREET, SUITE 200 OVERLAND PARK, KS 66210, CONTACT: BRIAN HILL, P.E., 1-913-317-9390, BHILL@MKEC.COM

Type of Development Plan and Application Fee:
_____Sketch / Concept $100 __X__Preliminary Plan $150 __X__Final Plan $150 _____Revised / Amended Plan $150

Gross Acreage of Property: 8.51 Existing Zoning: I-2

Proposed Use of Property: WAREHOUSE FACILITY

Checklist of Attachments submitted with application:
__X__Legal Description of property (hardcopy and electronic copy in Word Format)
__X__List of Consultants / Contractors with contact information
__X__Plan Drawing(s) / Study(ies) (3 full size copies; 1 half-size copy; electronic copy - PDF file: incorporating all contents required - Cover Sheet; Site Plan - Dimension Plan, Grading Plan, Storm water / Erosion Control Plan, Utility Plan, Landscape Plan, Storm water Report; Traffic / Transportation Study; Architectural Plans -Building Elevations, Building Floor Plan, Site Lighting Plan, Master Sign Plan, etc.)
_____Material / Color samples
_____Additional information (as required / requested) _____

The Applicant and Owner herein agrees to comply with the regulations for the City of Edwardsville, Kansas as amended an all other pertinent ordinances or resolutions of the City and Statutes of the State of Kansas. It is agreed that all City fees and third party review expenses shall be assumed and paid by the owner. The undersigned further states that he/she is the Owner of the property proposed for the Development Plan.

Owner's Signature: _____ Date: 12/8/2015

Applicant's Signature: _____ Date: 12/8/2015

RECEIVED
DEC 09 2015

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS
FOR
INX INTERNATIONAL PROPOSED WAREHOUSE EXPANSION
2647 S. 96TH STREET
EDWARDSVILLE, KS 66111

OWNER / DEVELOPER
INX INTERNATIONAL INK COMPANY
2647 S. 96TH STREET
EDWARDSVILLE, KS 66111
CONTACT:
MATT MORROW
FACILITY PROJECT MANAGER
1-913-667-1170
Matt.Morrow@inxintl.com

ARCHITECT
TEAM ARCHITECTURE, LLC
P.O. BOX 43
ANDOVER, KS 67002
CONTACT:
DOUG ALLISON, AIA
1-316-347-7755
Doug@teamarchitecture-llc.com

ENGINEER
MKEC ENGINEERING, INC
11627 W. 112TH ST., SUITE 200
OVERLAND PARK, KS 66210
CONTACT:
BRIAN HILL, PE
1-913-317-9360
bhill@mkec.com

SHEET LIST TABLE	
SHEET #	SHEET TITLE
C1.0	COVER SHEET
C2.0	SITE PLAN
C3.0	UTILITY PLAN
C4.0	GRADING/DRAINAGE PLAN
E1.0	PHOTOMETRIC PLAN
A2.1	EXTERIOR ELEVATIONS

THE BUILDING ADDITION AND ASSOCIATED SITE AND UTILITY IMPROVEMENTS HAVE NOT RECEIVED FINAL FUNDING APPROVAL FROM OWNER

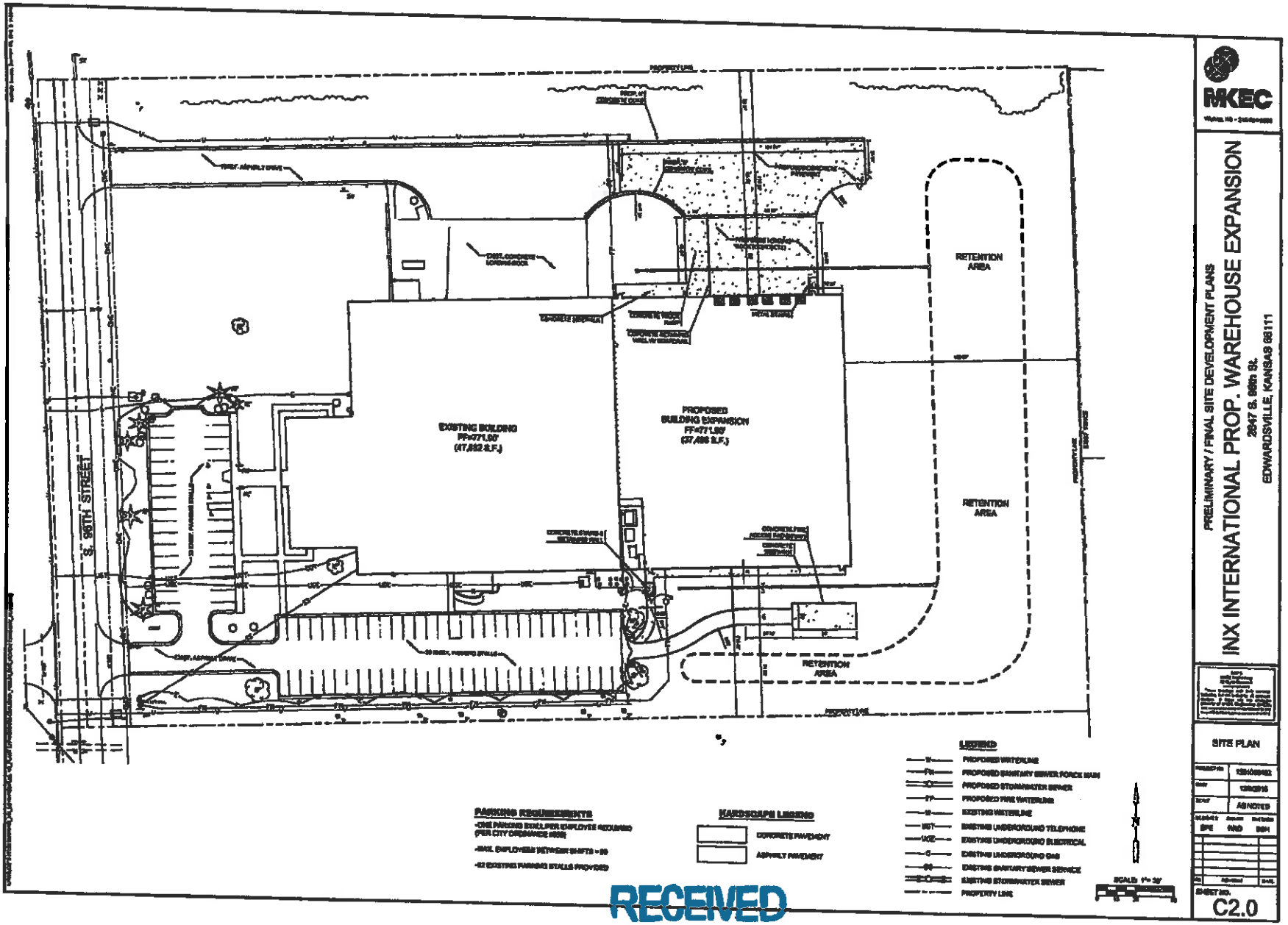
RECEIVED
DEC 0 9 2015

MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS
INX INTERNATIONAL PROP. WAREHOUSE EXPANSION
2647 S. 96th St.
EDWARDSVILLE, KANSAS 66111

COVER SHEET

SHEET NO.
C1.0



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MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

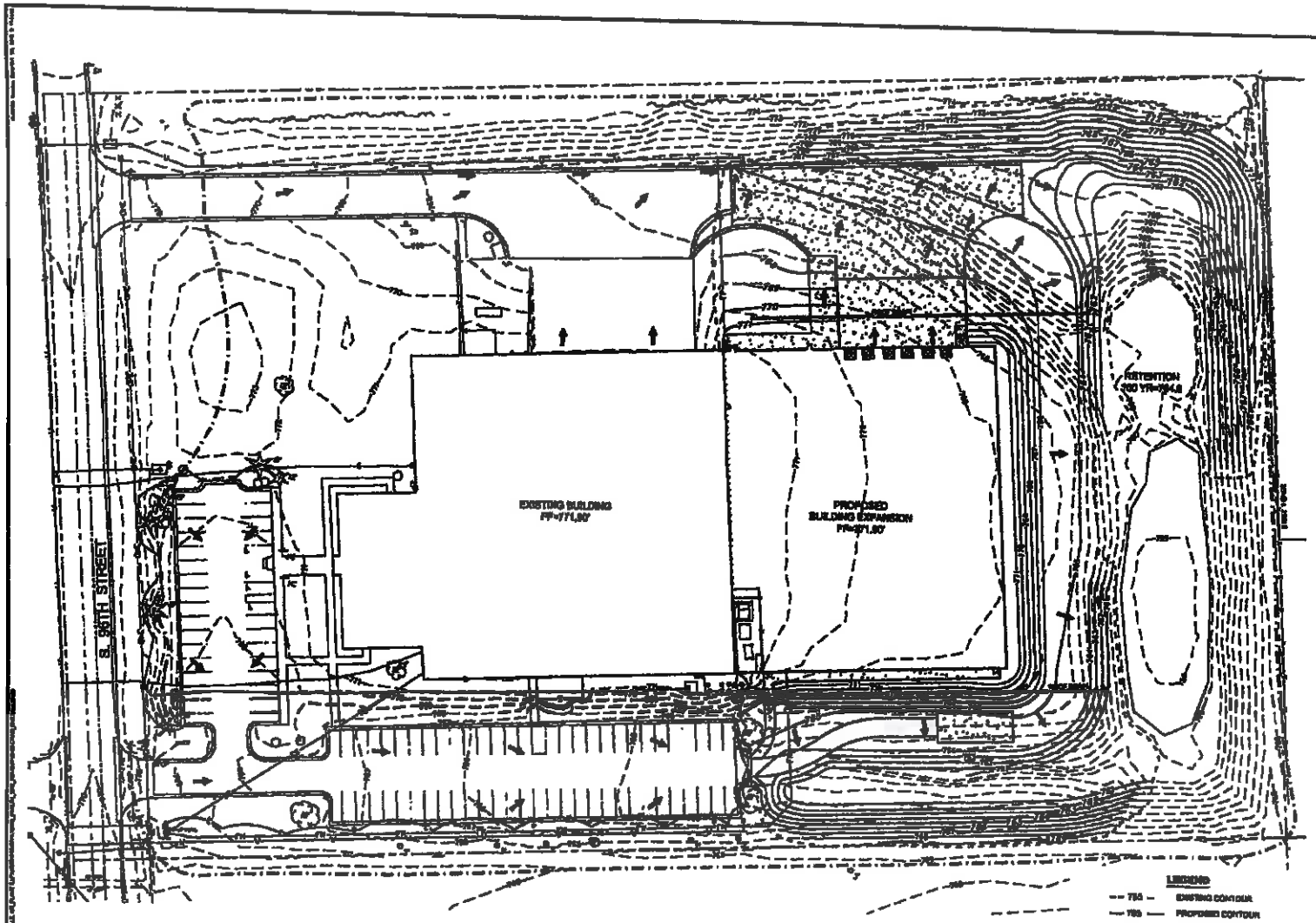
INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

2947 S. 96th St.
EDWARDSVILLE, KANSAS 66111

SITE PLAN

SHEET NO.
C2.0

RECEIVED
DEC 09 2015



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY LINE
- LIMITS OF GRADING
- DRAINAGE BASIN AREA
- DRAINAGE ARROW

NOTES:
1. VERTICAL DATUM USED IS NAVD88.
2. ALL CONTOURS REPRESENT TOP FINISHED GRADE EXCEPT AS NOTED.
3. STORM DRAINAGE STORAGE CALCULATIONS ASSUME BEGINNING WITH A DRY BASIN AND DO NOT INCLUDE LOSSES TO INFILTRATION OR EVAPORATION.

SCALE: 1"= 30'

DRAINAGE TABLE

	EXISTING	PROPOSED
DRAINAGE AREA	7.0	7.0
RUNOFF COEFFICIENT	[illegible]	[illegible]
TIME OF CONCENTRATION	[illegible]	[illegible]
RUNOFF VOLUME AC/FT.	3.5	4.1

RETENTION STAGE/STORAGE TABLE

ELEVATION	STORAGE (AC./FT.)
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

RECEIVED
DEC 09 2015

MKEC

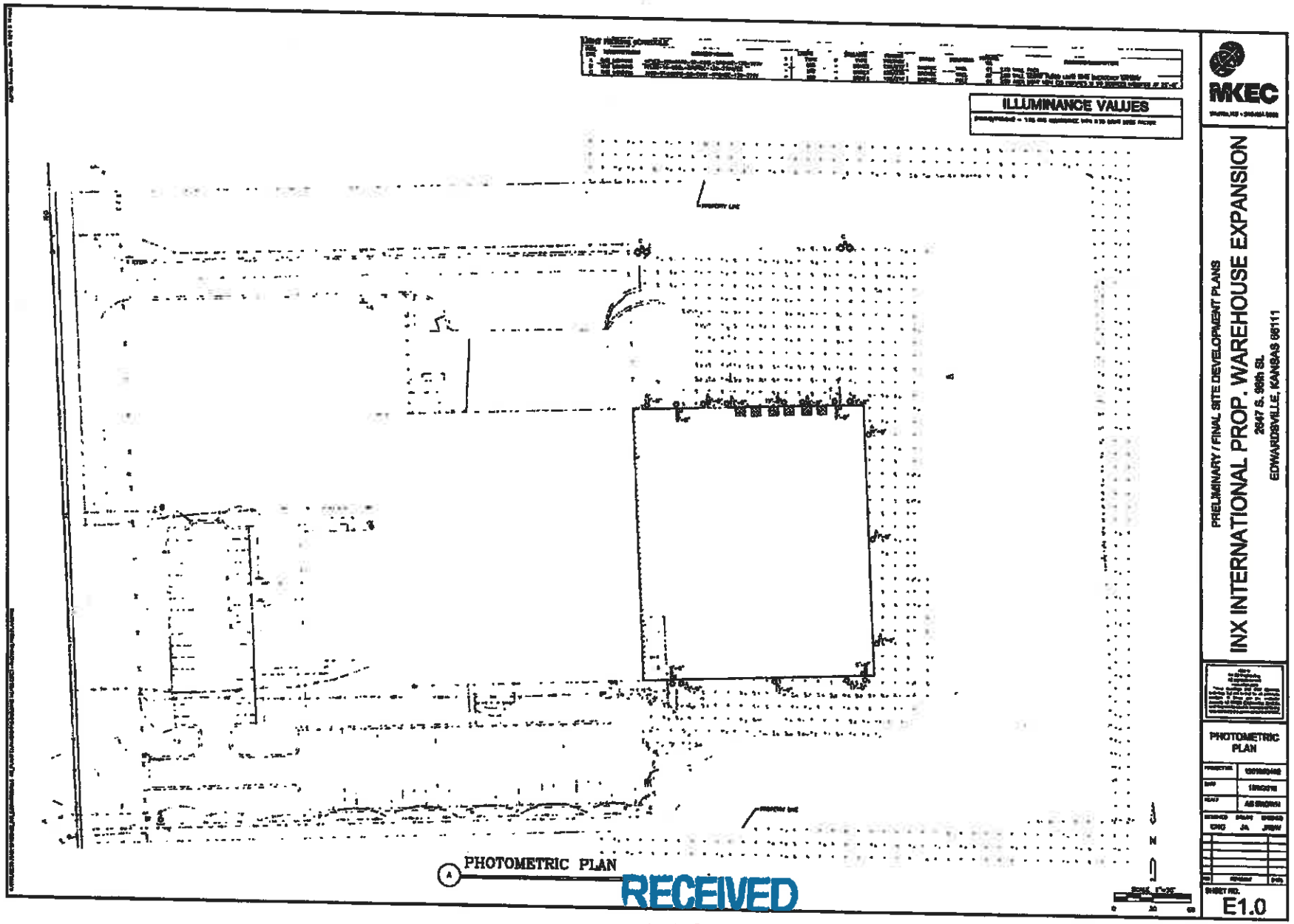
PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

2647 S. 96th St.
EDWARDSVILLE, KANSAS 66111

GRADING & DRAINAGE PLAN

SHEET NO.
C4.0



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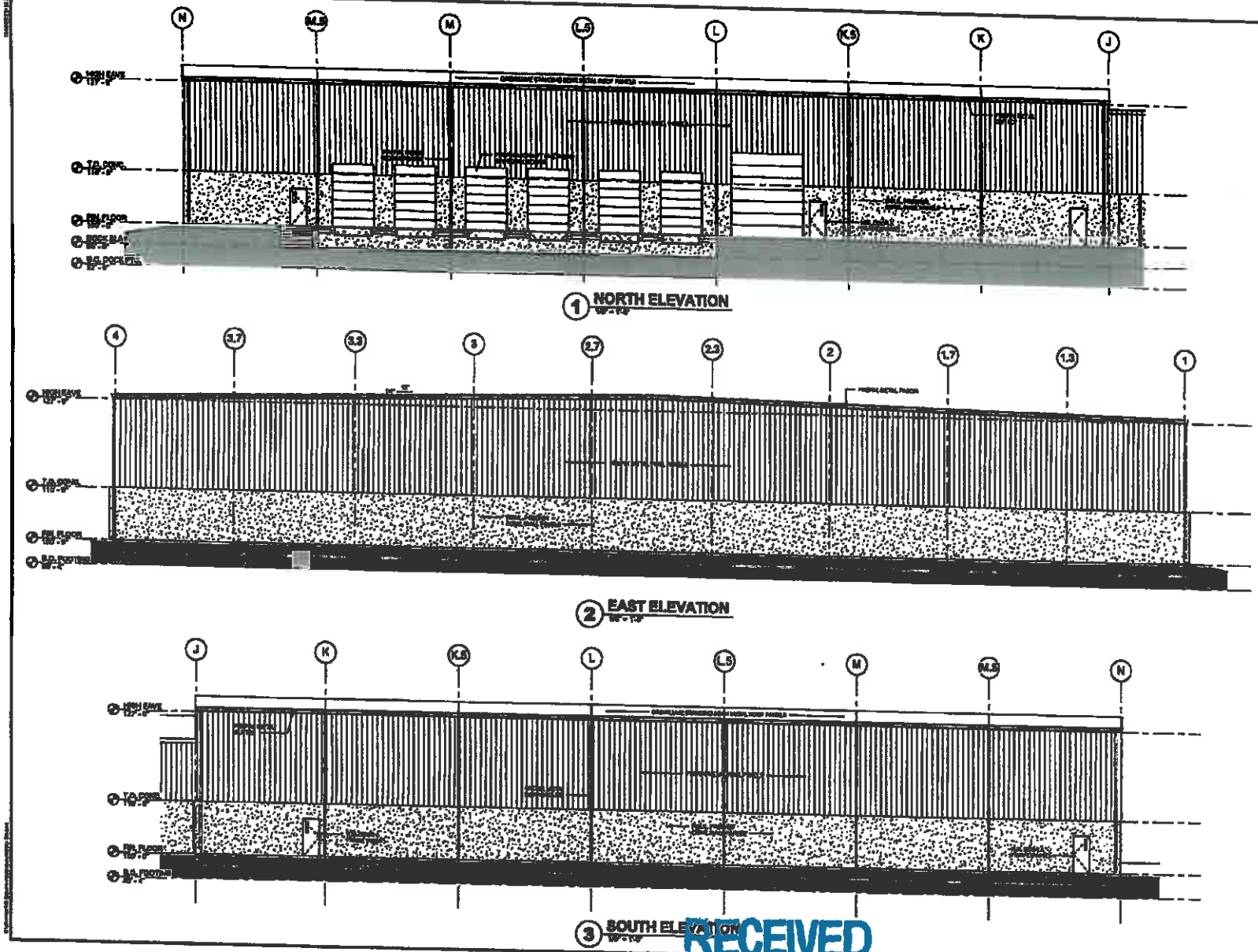


MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

2647 S. 66th St.
EDWARDSVILLE, KANSAS 66111

EXTERIOR ELEVATIONS

AS NOTED

DGA TEAM DGA

SHEET NO.
A2.1

RECEIVED
DEC 03 2015

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS
FOR
INX INTERNATIONAL PROPOSED WAREHOUSE EXPANSION
2647 S. 96TH STREET
EDWARDSVILLE, KS 66111

OWNER / DEVELOPER
INX INTERNATIONAL INK COMPANY
2647 S. 96TH STREET
EDWARDSVILLE, KS 66111
CONTACT:
MATT MORROW
FACILITY PROJECT MANAGER
1-913-857-1170
Matt.Morrow@inxintl.com

ARCHITECT
TEAM ARCHITECTURE, LLC
P.O. BOX 43
ANDOVER, KS 67002
CONTACT:
DOUG ALLISON, AIA
1-316-847-7785
Doug@teamarchitecture-llc.com

ENGINEER
MKEC ENGINEERING, INC
11627 W. 112TH ST., SUITE 200
OVERLAND PARK, KS 66210
CONTACT:
BRIAN HILL, PE
1-913-317-9360
bhill@mkec.com

SHEET LIST TABLE	
SHEET #	*SHEET TITLE*
C1.0	COVER SHEET
C2.0	SITE PLAN
C2.0	UTILITY PLAN
C4.0	GRADING/DRAINAGE PLAN
E1.0	PHOTOMETRIC PLAN
A2.1	EXTERIOR ELEVATIONS

THE BUILDING ADDITION AND ASSOCIATED SITE AND UTILITY IMPROVEMENTS HAVE NOT RECEIVED FINAL FUNDING APPROVAL FROM OWNER

RECEIVED
DEC 29 2015

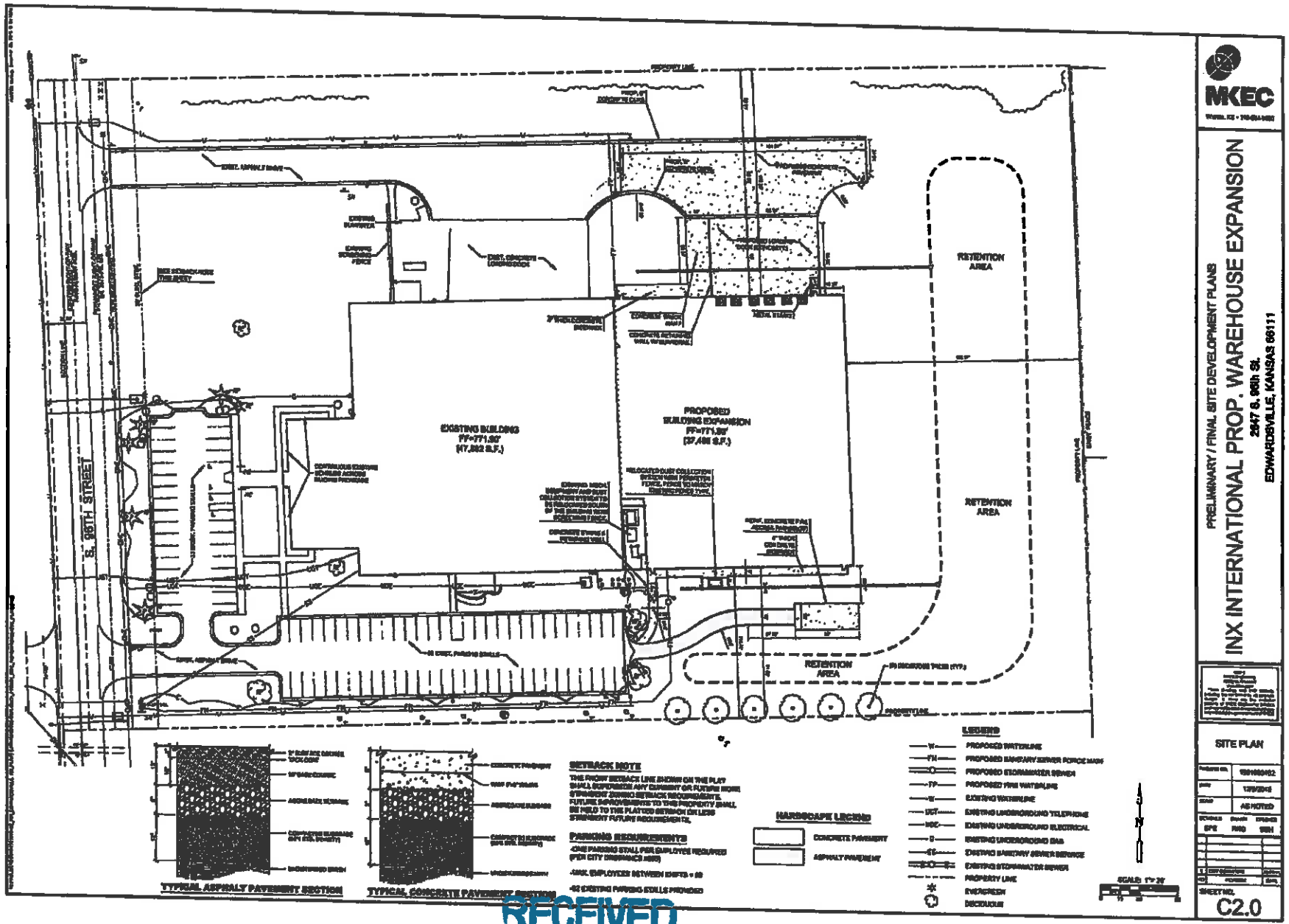
MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS
INX INTERNATIONAL PROP. WAREHOUSE EXPANSION
2647 S. 96th St.
EDWARDSVILLE, KANSAS 66111

COVER SHEET

AS NOTED

SHEET NO.
C1.0



MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

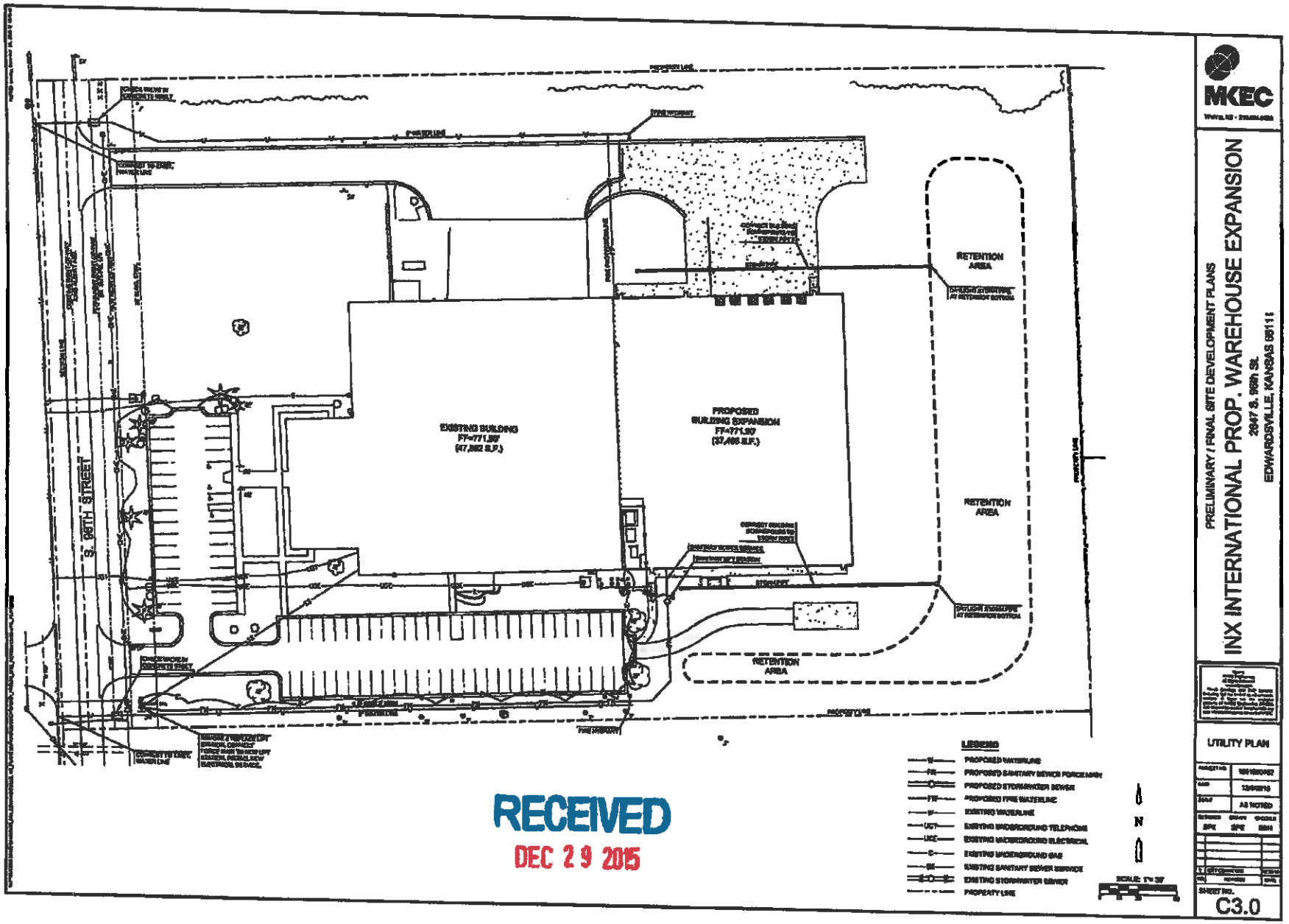
2947 S. 95th St.
EDWARDSVILLE, KANSAS 66111

SITE PLAN

Project No.	150160012
Date	12/9/2015
Scale	AS NOTED
DESIGNED	DRAWN	CHECKED
DPZ	RHD	MBH

SHEET NO.
C2.0

RECEIVED
Dec 29 2015



RECEIVED
DEC 29 2015

MKEC

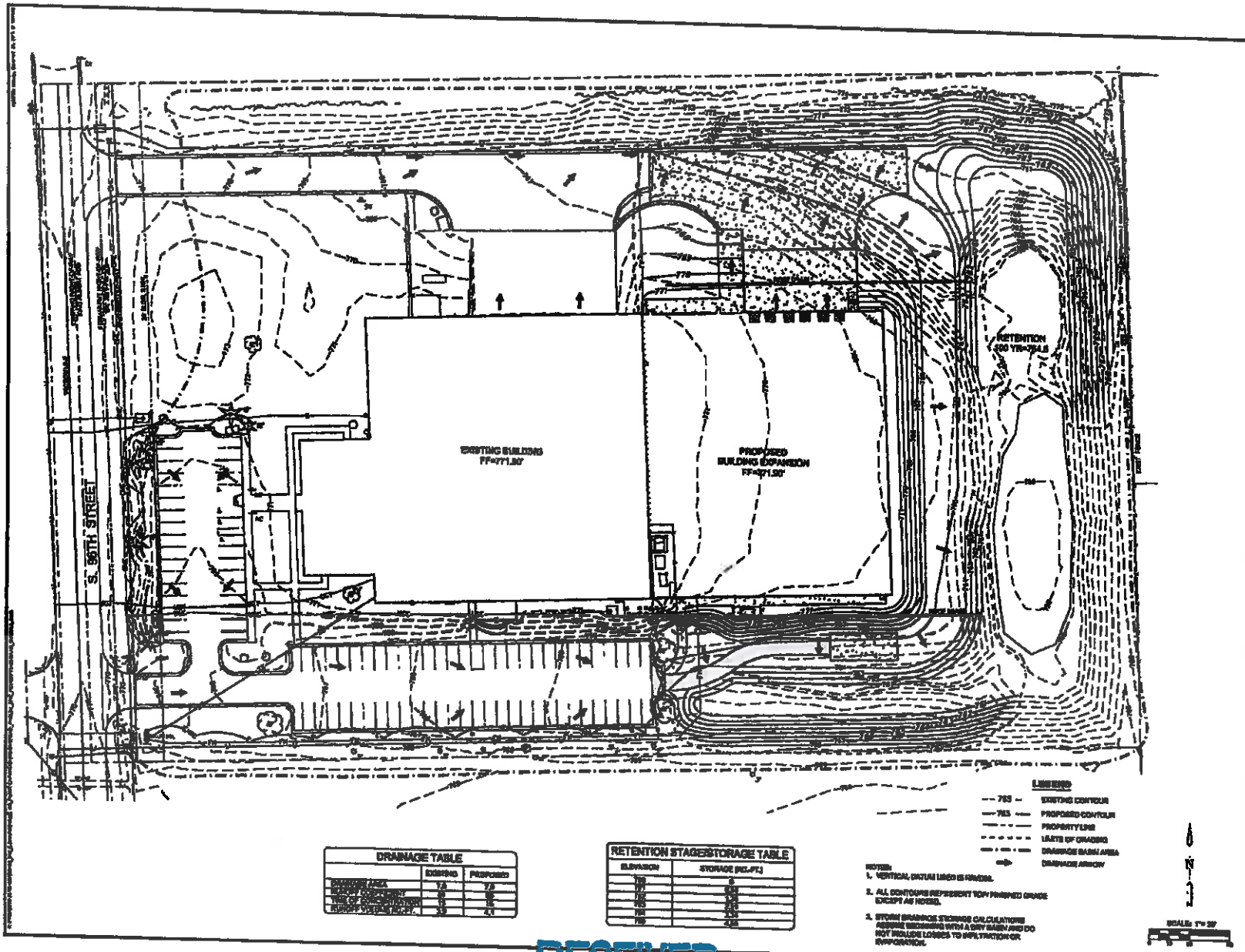
PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

2947 S. 96th St.
EDWARDSVILLE, KANSAS 66111

UTILITY PLAN

SHEET NO.
C3.0



DRAINAGE TABLE		
	EXISTING	PROPOSED
DRAINAGE AREA	7.6	7.6
RUNOFF COEFFICIENT	[illegible]	[illegible]
TIME OF CONCENTRATION	[illegible]	[illegible]
RUNOFF VOLUME (AC-FT.)	[illegible]	4.1

RETENTION STAGE/STORAGE TABLE	
ELEVATION	STORAGE (AC.-FT.)
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

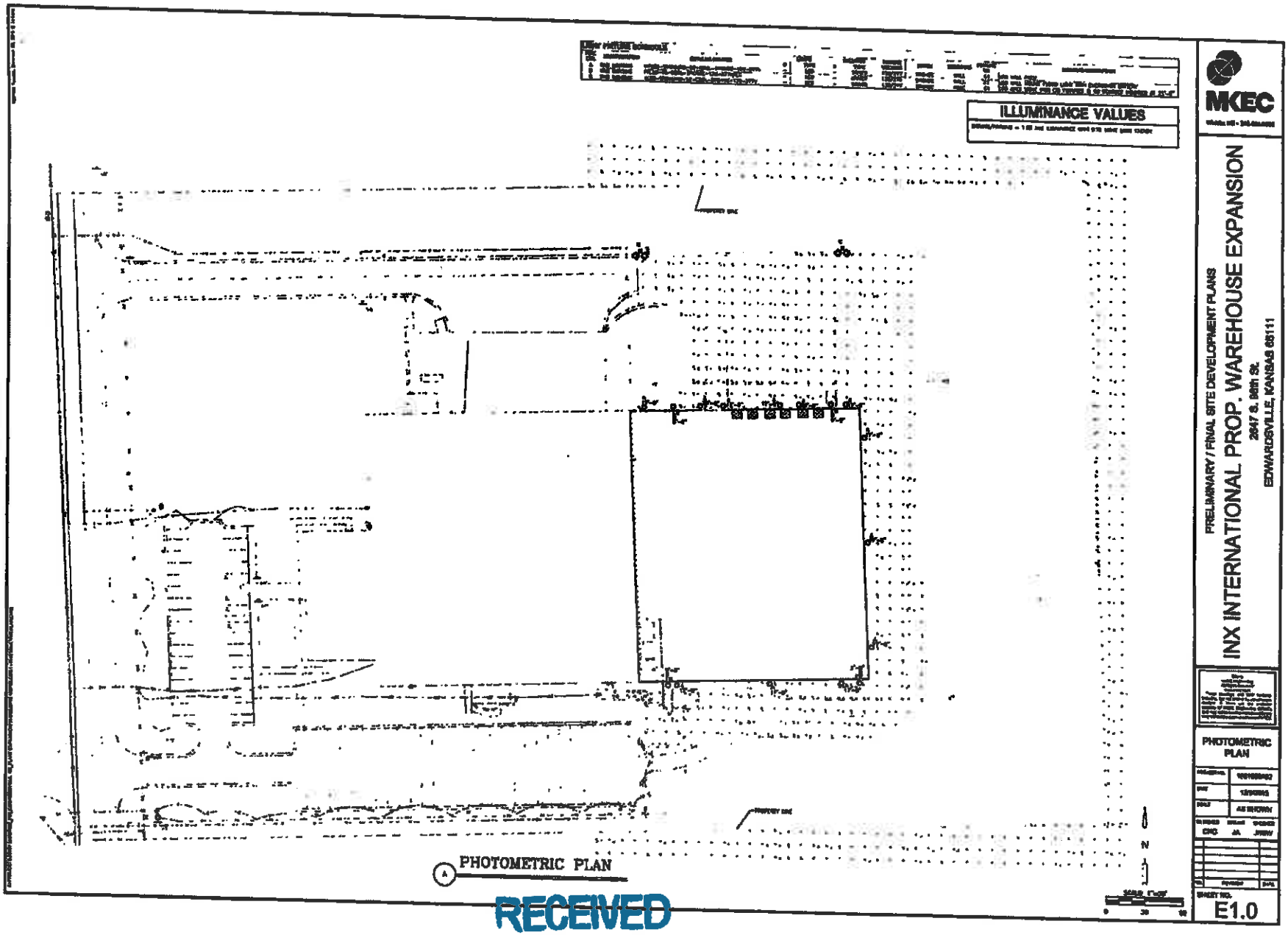
INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

2647 S. 96th St.
EDWARDSVILLE, KANSAS 66111

GRADING & DRAINAGE PLAN

SHEET NO.
C4.0

RECEIVED
DEC 29 2015



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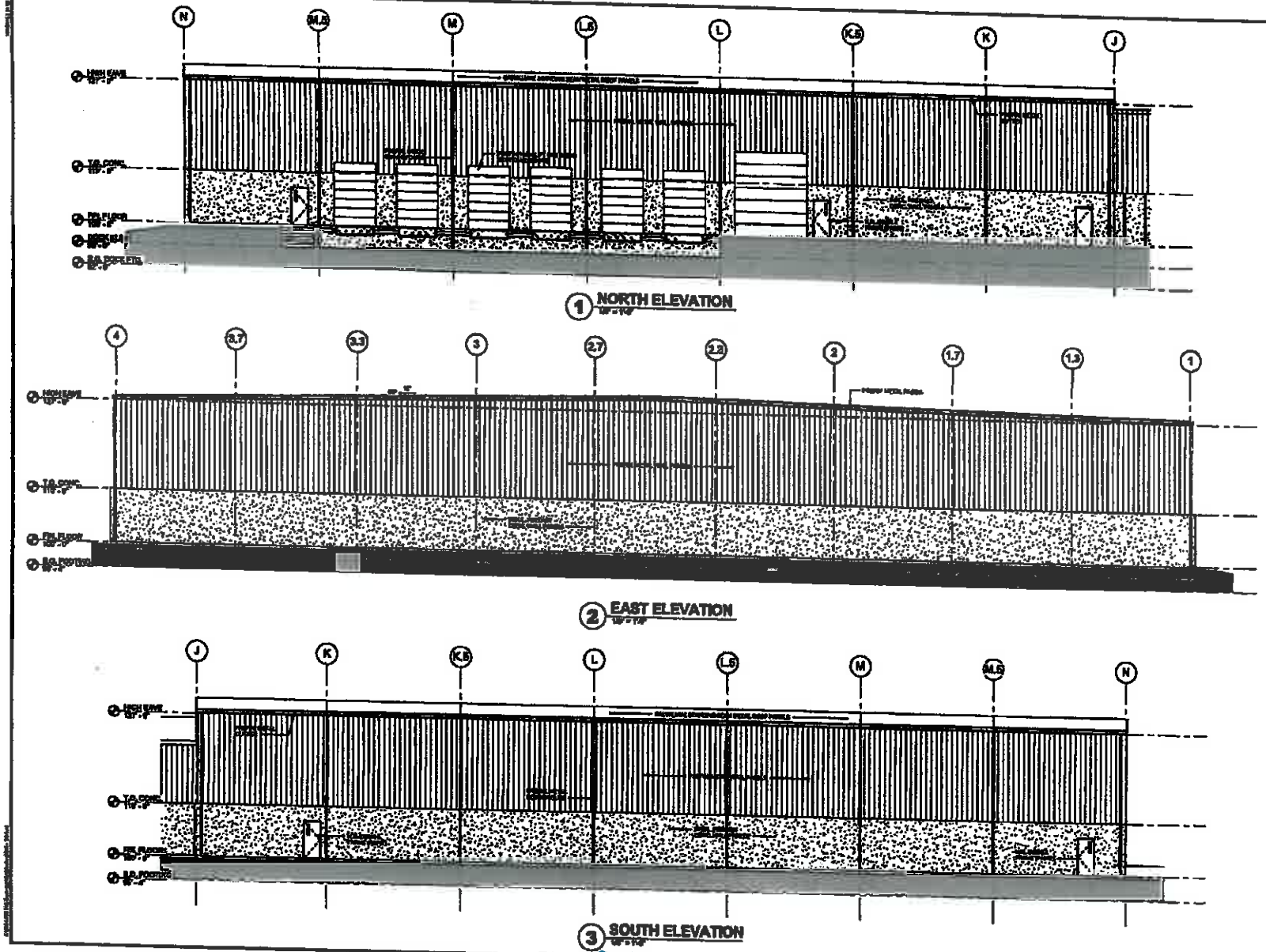
DEC 29 2015



MKEC

PRELIMINARY / FINAL SITE DEVELOPMENT PLANS

INX INTERNATIONAL PROP. WAREHOUSE EXPANSION

2847 S. 56th St.
EDWARDSVILLE, KANSAS 66111

EXTERIOR ELEVATIONS

DATE	AS NOTED
DSA	DSA

SHEET NO.
A2.1

RECEIVED
DEC 29 2015

ITEM #8

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DAVE KNOPICK, CITY PLANNER
DATE: FEBRUARY 8, 2016
SUBJECT: FINAL PLAT (RE-PLAT) 2647 SOUTH 96th STREET (2015-09-FPT)

RECOMMENDATION

City Council to consider recommendation of approval from the Planning Commission regarding the Final Plat (re-plat) and acceptance of easements / rights-of-way (INX International Ink Co Re-plat).

FINANCIAL IMPACT

Not applicable.

BACKGROUND

On January 20, 2016 the Edwardsville Planning Commission considered a re-plat application made INX International Ink Company (Owner) / MKEC Engineering (Applicant) for the property located at 2647 South 96th Street. The Planning Commission heard comments from City Staff, the Owner, and the Applicant. In consideration of the comments and conditions presented, the Planning Commission approved the re-plat as a final plat with the following conditions to be addressed prior to the filing of the plat:

1. Clean-up of any general typographical errors.
2. Meet the submittal requirements of the County Surveyor.

Staff supports the recommendation of the Planning Commission.

City of Edwardsville
Staff Analysis Report
Planning Commission January 20, 2016
Item 3b – **PUBLIC HEARING** Final Plat (Re-plat) INX International Ink CO (2015-09-FPT)

General Information
Applicant: INX International Ink Company (Owner) – Matt Morrow / MKEC Engineering – Brian Hill (Applicant)
Location: 2647 South 96th Street
Applications: Final Plat (Re-Plat)

Zoning & Overlay: I-2 Industrial Hard Zoning District / Industrial Overlay District
Existing Land Use: Manufacturing / Processing
Proposed Land Use: Same as above

Background
On December 9, 2015 the property Owner's agent filed an application for a final plat (re-plat) of approximately 8.51 acres of land located on the east side of South 96th Street. This property is adjacent to the Midpoint Corporate Centre. The property is proposed to be platted as 1 lot and is located in the I-2 Industrial Hazard District / Industrial Overlay District.

The property owner intends to expand the existing building and operations per the preliminary and final development plans submitted on December 9, 2015. These plans are also being reviewed and considered by the Planning Commission and City Council (Case # 2015– 07-PPN and 08-FPN).

Per the City of Edwardsville Subdivision Regulations, the various utility providers in the area, as well as appropriate UG representatives, have been provided copies of the final plat for review and comment. The final plat was also provided to the city consulting engineer for review and comment.

Analysis
The final plat application materials have been reviewed by the city planning and engineering consultants for conformance with the requirements of the Subdivision Regulations and other applicable polices and plans. As noted previously, the submitted final plat was also sent to the various utility providers and County surveyor for comment.

The review comments regarding the final plat were provided to the applicant on December 18, 2015. These comments were primarily technical in nature. The revised final plat submittal, dated December 29, 2015, has addressed these items.

Recommendations
Planning Commission to conduct public hearing to receive and consider public comment regarding this final plat / re-plat request.

In regard to a final plat, Article IV Section 13 of the City of Edwardsville Subdivision Regulations state:

The Planning Commission shall approve a final plat if it is:

1. *Substantially the same as the approved preliminary plat;*
2. *There has been compliance with all conditions, restrictions and requirements of this ordinance and all other applicable ordinances of the City;*
3. *There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.*

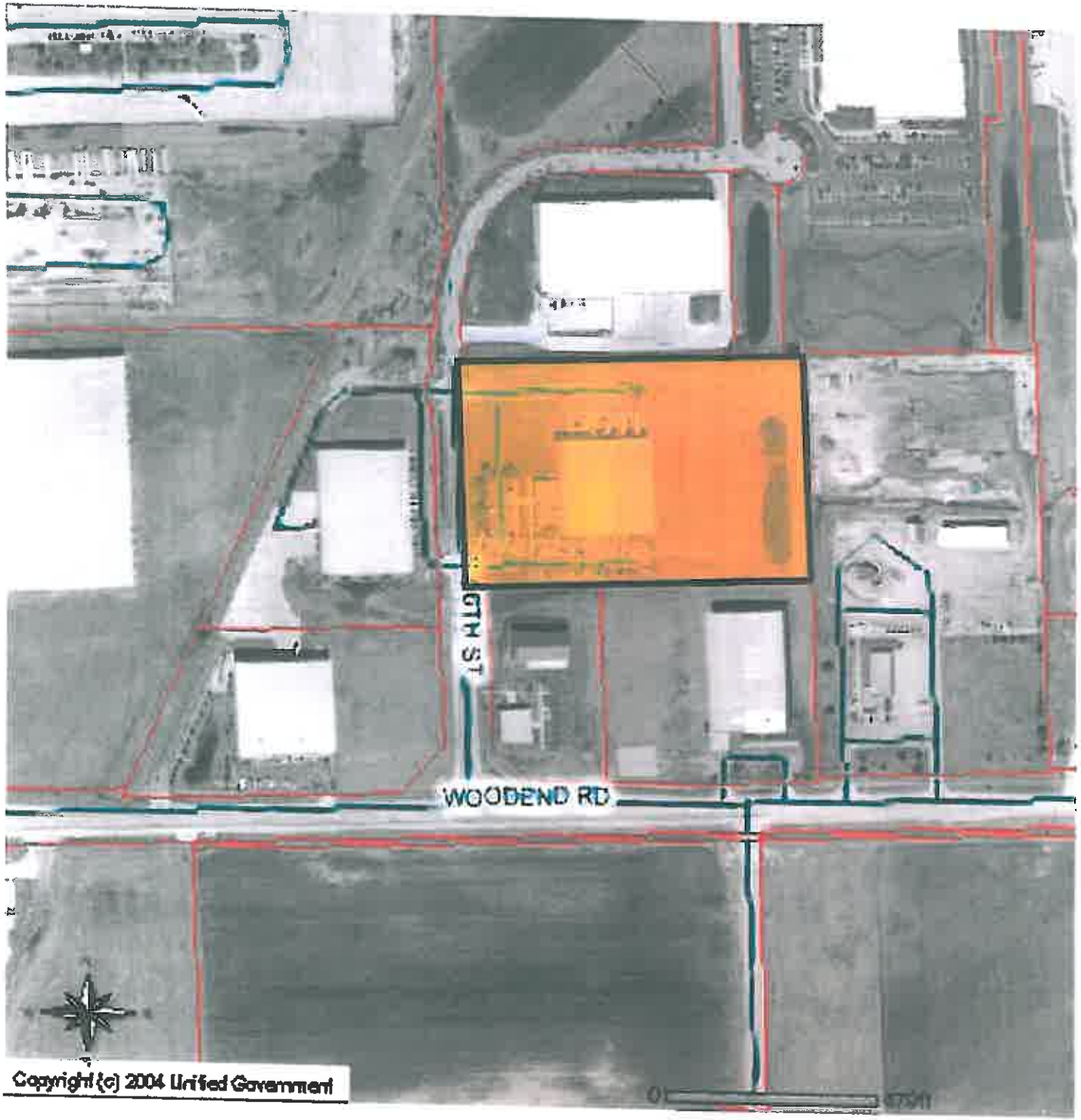
In light of the analysis and consideration of the standards for Planning Commission approval provided above, staff recommends approval of the final plat / re-plat with the following conditions:

1. Clean-up of any general typographical errors.
2. Meet the submittal and filing requirements of the County Surveyor.

If approved by the Planning Commission, this plat will be forwarded to the City Council for approval and acceptance of public rights-of-way, easements and dedications.

Attachments

- Property Location Map
- Application Material: Final Plat / Re-plat Materials



General Location Map 2647 South 96th Street Replatting

Case # 2015-07-PPN
 # 2015-08-FPN
 # 2015-09-FPT

January 20, 2016

PLAT / SUBDIVISION APPLICATION

CITY OF EDWARDSVILLE
690 South 4th Street, PO Box 13738
Edwardsville, KS 66113
913-441-3707 Phone / 913-441-3805 Fax

Date Received: _____ Case #_____

Property Owner(s), Address, Phone, E-mail: INX INTERNATIONAL INK COMPANY, 2647 S. 96TH STREET EDWARDSVILLE, KS 66111, CONTACT: MATT MORROW, 1-913-667-1170, MATT.MORROW@INXINTL.COM

Developer(s), Address, Phone, E-mail: SAME AS OWNER

Applicant, Address, Phone, E-mail: MKEC ENGINEERING, INC., 11627 W. 112TH STREET, SUITE 200 OVERLAND PARK, KS 66210, CONTACT: BRIAN HILL, P.E., 1-913-317-9390, BHILL@MKEC.COM

Type of Review Requested and Application Fee:

_____Lot Split / Lot Combination $75 _____Sketch / Concept Plat $150 _____Re-Plat $150
_____Preliminary Plat $150 __X__Final Plat $150

Name of Subdivision/Re-Plat and Location: _____

Gross Acreage of Plat: 8.51 ac

Number of Lots: 1

Minimum lot width: _____

Minimum lot depth: _____

Existing Zoning: I-2

Proposed Use of Property: WAREHOUSE

Checklist of Attachments submitted with application:

__X__Plat Drawing(s) (content per Subdivision Regulation Requirements) -- (3 full size copies; 1 half-size copy; electronic copy -PDF file)
__X__Legal Description of parcel to be platted (in Word Format)
__X__Owners Affidavit
_____Additional information (as required / requested) _____

The Applicant and Owner herein agrees to comply with the subdivision regulations for the City of Edwardsville, Kansas as amended and all other pertinent ordinances or resolutions of the City and Statutes of the State of Kansas. It is agreed that all City fees and third party review expenses shall be assumed and paid by the Applicant / Owner. It is agreed that all cost of recording and plat and supplemental documents thereto with the Register of Deeds shall be assumed and paid by the Applicant / Owner when filed. The undersigned further states that he/she is the owner of the property proposed for platting.

Owner's Signature: _____ Date: 12/8/2015

Applicant's Signature: _____ Date: 12/8/2015

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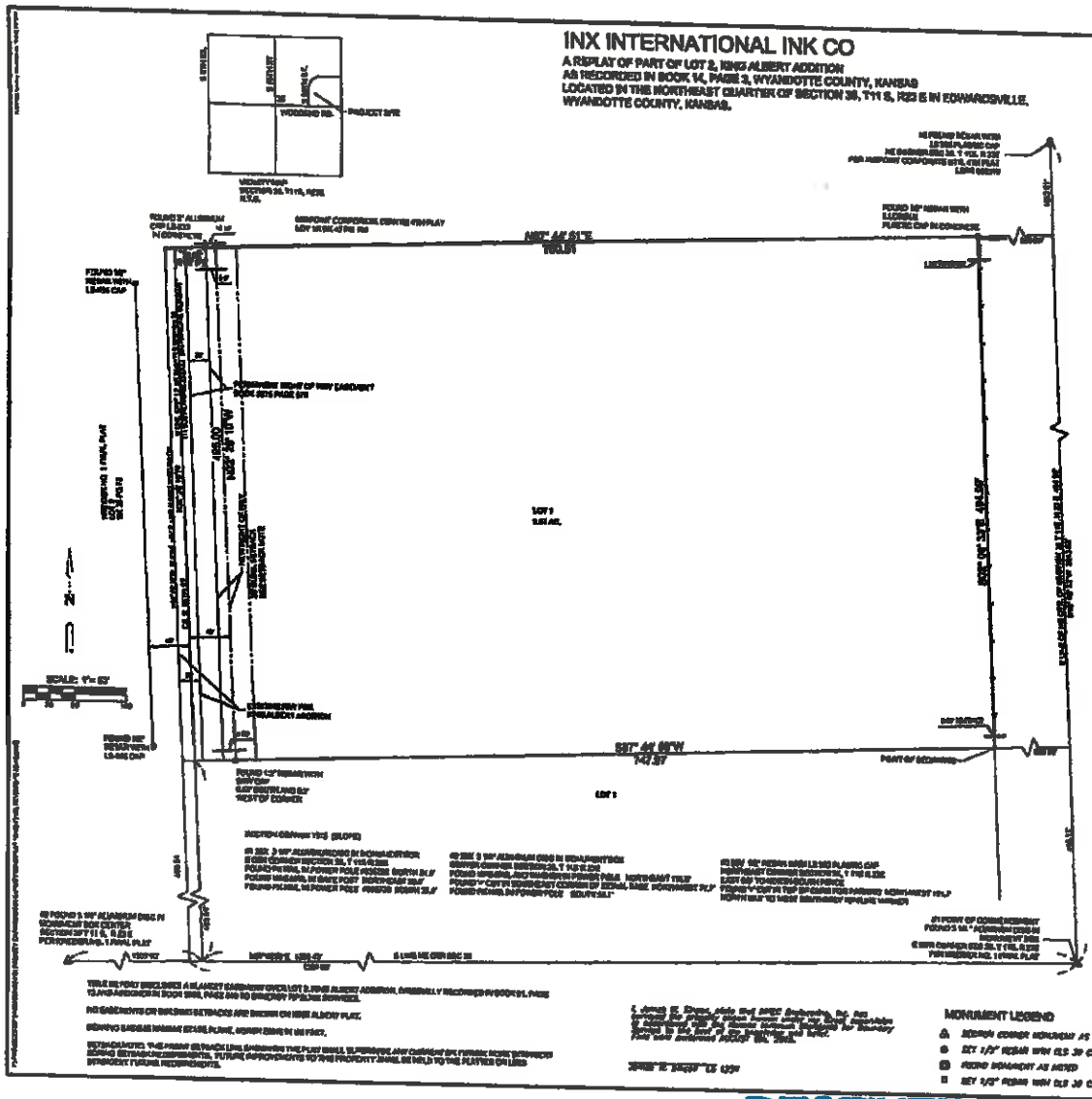
DEC 09 2015

INX INTERNATIONAL INK CO

A REPLAT OF PART OF LOT 2, KING ALBERT ADDITION
AS RECORDED IN BOOK 14, PAGE 3, WYANDOTTE COUNTY, KANSAS
LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, T11 S, R25 E IN EDWARDSVILLE,
WYANDOTTE COUNTY, KANSAS.



MONUMENT LEGEND

- FOUND CORNER MONUMENT AS NOTED
- SET 1/2" REBAR WITH CLS 39 CAP
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR WITH CLS 39 CAP IN CONCRETE

PROPERTY DESCRIPTION.

DEDICATION

PLANNING COMMISSION

CITY COUNCIL

COUNTY SURVEYOR

MKEC

FINAL PLAT

INX INTERNATIONAL INK CO

2947 S. 99TH ST, EDWARDSVILLE, KS.

PLAT

1 OF 1

RECEIVED
DEC 29 2015

ITEM # 9

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DAVE KNOPICK, CITY PLANNER
DATE: FEBRUARY 8, 2016
SUBJECT: PRELIMINARY PLAN 323 / 325 NORTH 110th STREET (2015-11-PPN)

RECOMMENDATION

City Council to consider recommendation of approval from the Planning Commission regarding the Preliminary Plan for Village South (323 / 325 North 110th Street).

FINANCIAL IMPACT

Not applicable

BACKGROUND

On December 9, 2015 the Owner's agent for the property filed an application for a preliminary plan of approximately 27.18 acres of land located on the east side of North 110th Street near the I-70 interchange. The property is located in the C-2 Commercial Extensive District / Riverview Overlay District and is proposed to be developed as a mixed-use development. The property owner intends to develop 2 Hotels (185 rooms) with a restaurant and 12,000 square feet of conference / meeting room space on approximately 7.46 acres; approximately 31,250 square feet of convenience / fast food / retail uses on approximately 4.89 acres; and 252 apartments with accessory clubhouse, pool and play areas on approximately 10.37 acres. Additionally, on-site drainage retention facilities are integrated into the preliminary development plan.

Since the property is located in the Riverview Overlay District, the development is subject to architectural and site design plan review. An initial DRC, planning and engineering review of the submitted plans was conducted and comments were forwarded to the applicant on December 18, 2015. On December 29, 2015 the applicant submitted revised plans and responses.

On January 20, 2016 the Planning Commission took into consideration the revised plans and responses. The Planning Commission recommended approval of the preliminary plans per the conditions and stipulations in the attached staff report.

In closing, staff supports the recommendation of the Planning Commission with the conditions.

City of Edwardsville
Staff Analysis Report
Planning Commission January 20, 2016
Item 3c - Preliminary Plan Village South 323 / 325 North 110th Street (2015-11-PPN)

General Information
Applicant: Big House Investments, LLC and BC Enterprise Investors LLC (Owners) / Korb Maxwell, Polsinelli (Applicant)
Location: 323 / 325 North 110th Street
Applications: Preliminary Plan

Zoning & Overlay: C-2 Commercial Extensive Zoning District / Riverview Overlay District
Existing Land Use: Vacant
Proposed Land Use: Uses permitted in C-2 / K-32 Overlay and in R-3 / Riverview Overlay

Background
On December 9, 2015 the Owner's agent for the property filed an application for a preliminary plan of approximately 27.18 acres of land located on the east side of North 110th Street near the I-70 interchange. The property is proposed to be developed as a mixed-use development including commercial uses (retail, hotel, conference, restaurant, and convenience) and multi-family use (with accessory functions) located on property currently zoned C-2 Commercial Extensive District / Riverview Overlay District.

The property owner intends to develop 2 Hotels (185 rooms) with a restaurant and 12,000 square feet of conference / meeting room space on approximately 7.46 acres; approximately 31,250 square feet of convenience / fast food / retail uses on approximately 4.89 acres; and 252 apartments with accessory clubhouse, pool and play areas on approximately 10.37 acres. Additionally, on-site drainage retention facilities are integrated into the development plan. Primary access to the site would be via a proposed public road off of 110th Street that would run in an east / southeasterly direction through the development site allowing connections to future development on adjacent properties to the south and east of the proposed development.

At this time platting of the property is not being pursued. It is anticipated that final development planning, as well as project construction, will be done in phases.

The preliminary plan submittal materials were provided to the city consulting engineer, consulting planner and the Design Review Committee (DRC) for review and comment.

Analysis
City Staff, consultant engineer and the DRC members reviewed the application materials per Sections E-1.1 through E-1.5, E-1.8 through E-1.9, and E-1.13 of the Riverview Overlay District. Comments from the DRC were forwarded to the applicant, and revised plans and responses were submitted to the City for consideration by the Planning Commission.

Initial comments from the reviewing engineer, planner and Design Review Committee related to the preliminary plan were forwarded to the applicant on December 18, 2015. The review comments were related to a number design features and requirements associated with the Riverview Overlay District including land use and intensity requirements, traffic analysis, utility provision / location (related specifically to stormwater and sanitary sewer),

and a variety of other items that will need to be addressed via final development plan submittals (such items include – anticipated plan deviations and other architectural / site elements / features, etc.).

On December 29, 2015 the applicant provided revised plans and responses to the comments. A review of the revisions and responses was conducted by the reviewing engineer and planner. In general it was found that the revised submittal and responses are in keeping with the intent of the preliminary plan process and requirements, although there are a number of items that will need to be addressed and incorporated into future final plan submittals.

All of the items identified in the review process have either been adequately addressed and/or acknowledged by the applicant to be considered / addressed as part of future final development plan submittals. One area of the project that will require further discussion and coordination is the traffic impact analysis. The traffic in this area impacts three jurisdictions – KCK / Wyandotte County UG; KDOT and the City of Edwardsville. As such it is anticipated that greater review and discussion among the applicant and these jurisdictions will be conducted and may result in potential changes to the analysis and recommended improvements.

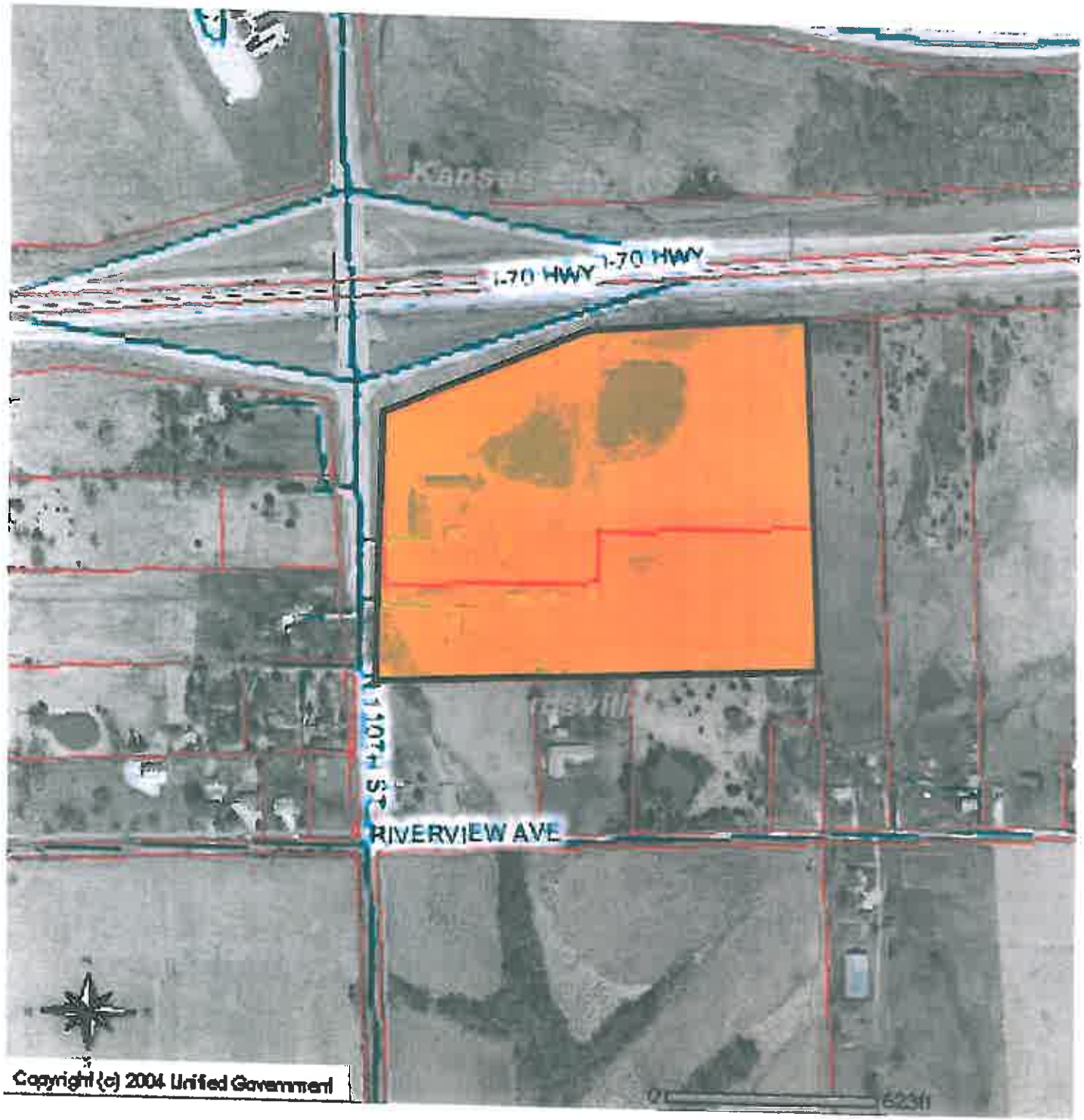
Recommendations

City staff recommends that the Planning Commission recommend approval of the preliminary plan with the following conditions:

1. That, in addition to the final development plan content and design requirements of the Riverview Overlay District, all items identified via the review / comment (December 18) / response (December 29) process, including the engineering consultant responses of January 6, 2016 be addressed in an acceptable manner as part of future final development plan submittals.
2. That the applicant pursue rezoning of the portion of the property proposed to be developed as multi-family use from C-2 to R-3, and that such zoning if approved by the City is subject to the review and approval of final development plan(s) for the use and the proposed development area.
3. That the property encompassed by the proposed development be platted as part of the development process prior to the issuance of building permits.
4. That additional traffic impact analysis be conducted as a result of further discussion and coordination with all applicable jurisdictions resulting in appropriate and acceptable improvements to address anticipated traffic patterns and volumes associated with final development plans.
5. That pedestrian and bicycle accommodations be further addressed / enhanced between proposed uses and along the existing adjacent 110th Street rights-of-way as part of final development plans.
6. That in addition to the requested 10 foot buffer for the project, which is a deviation from the Riverview Overlay requirements, appropriate enhancements such as decorative fencing, berms and landscaping be incorporated into final development plans.
7. That all sanitary sewer improvements meet or exceed the City planning and design parameters previously used to design future sanitary sewer service in this area (Little Turkey Creek).
8. That an acceptable development agreement is reached between the City and the developer / owner as part of any final development plan for the project.

Attachments

- Property Location Map
- Revised Application Material: Preliminary Plan Materials
- Riverview Overlay District regulations



General Location Map 323 / 325 North 110th Street Preliminary Plan

Case # 2015-11-PPN
January 20, 2016

DEVELOPMENT PLAN APPLICATION

CITY OF EDWARDSVILLE
690 South 4th Street, PO Box 13738
Edwardsville, KS 66113
913-441-3707 Phone / 913-441-3805 Fax

RECEIVED
DEC 09 2015

Date Received: _____ **Case #** _____

Property Location: Southeast corner of 110th Street and I-70, Edwardsville Kansas

Name of Property Owner(s), Address, Phone, E-mail: Owner #1: Big House Investments, LLC 25131 Buckskin Laguna Hills, CA 92653 Owner #2: BC Enterprise Investors, LLC 605 W 47th St. Kansas City, MO

Name of Developer(s), Address, Phone, E-mail: Lane4 Property Group, Inc. 4705 Central Street Kansas City, MO 64112, phone: 816.268.9109, email:hharris@lane4group.com

Name of Applicant, Address, Phone, E-mail: Korb Maxwell, Polsinelli, 900 W. 48th Place, Suite 900 Kansas City, MO 64112, phone: 816.753.1000, e-mail: KMaxwell@Polsinelli.com

Type of Development Plan and Application Fee:

_____ Sketch / Concept $100 __X__ Preliminary Plan $150 _____ Final Plan $150 _____ Revised / Amended Plan $150

Gross Acreage of Property: 27.10 Acres **Existing Zoning:** C-2

Proposed Use of Property: Retail, Garden Apartments, Hotel, Restaurant, ~~Convention~~ Conference and convenience store

Checklist of Attachments submitted with application:

__✓__ Legal Description of property (hardcopy and electronic copy in Word Format)

__✓__ List of Consultants / Contractors with contact information

__✓__ Plan Drawing(s) / Study(ies) (3 full size copies; 1 half-size copy; electronic copy - PDF file: incorporating all contents required - Cover Sheet; Site Plan - Dimension Plan, Grading Plan, Storm water / Erosion Control Plan, Utility Plan, Landscape Plan, Storm water Report; Traffic / Transportation Study; Architectural Plans -Building Elevations, Building Floor Plan, Site Lighting Plan, Master Sign Plan, etc.)

__N/A__ Material / Color samples

_____ Additional information (as required / requested) _____

The Applicant and Owner herein agrees to comply with the regulations for the City of Edwardsville, Kansas as amended an all other pertinent ordinances or resolutions of the City and Statutes of the State of Kansas. It is agreed that all City fees and third party review expenses shall be assumed and paid by the owner. The undersigned further states that he/she is the Owner of the property proposed for the Development Plan.

Owner's Signature: _____ Date: 12/8/15

Agent for Seller

Applicant's Signature: _____ Date: _____

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DEVELOPMENT PLAN APPLICATION

CITY OF EDWARDSVILLE
690 South 4th Street, PO Box 13738
Edwardsville, KS 66113
913-441-3707 Phone / 913-441-3805 Fax

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Type of Development Plan and Application Fee:

_____Sketch / Concept $100 __X__Preliminary Plan $150 _____Final Plan $150 _____Revised / Amended Plan $150

Gross Acreage of Property: 27.10 Acres Existing Zoning: C-2

Proposed Use of Property: Retail, Garden Apartments, Hotel, Restaurant, Conference [redacted] and convenience store

Checklist of Attachments submitted with application:

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Owner's Signature: _____ Date: 12-9-15

Applicant's Signature: _____ Date: _____

VILLAGE SOUTH
PRELIMINARY DEVELOPMENT PLAN
110TH STREET & I-70
EDWARDSVILLE, KANSAS

PART OF THE SW¼ OF
SECTION 11, TWP 11 SOUTH, RNG 23 EAST

NOT TO SCALE

SHEET INDEX

CVR	COVER SHEET
ALTA	SURVEY SHEET 1 & 2
C1.0	GENERAL LAYOUT & DIMENSION PLAN
C2.0	GRADING PLAN
C3.0	UTILITY PLAN
C4.0	EROSION CONTROL PLAN
C5.0	LANDSCAPE PLAN
C6.0	LANDSCAPE DATA
C7.0	LIGHTING PLAN
	HOTEL CONCEPT
	TENANT CONCEPT
	APARTMENTS CONCEPT
	RETAIL CONCEPT

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VILLAGE SOUTH
110TH STREET & I-70
EDWARDSVILLE, KANSAS

COVER SHEET

CVR

ALTA/ACSM Land Title Survey
110th Street & I-70
Edwardsville, Wyandotte County, Kansas
Sheet 1 of 2
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ALTA/ACSM Land Title Survey
110th Street & I-70
Edwardsville, Wyandotte County, Kansas

STRICK
& COMPANY, INC.

Sheet 2 of 2

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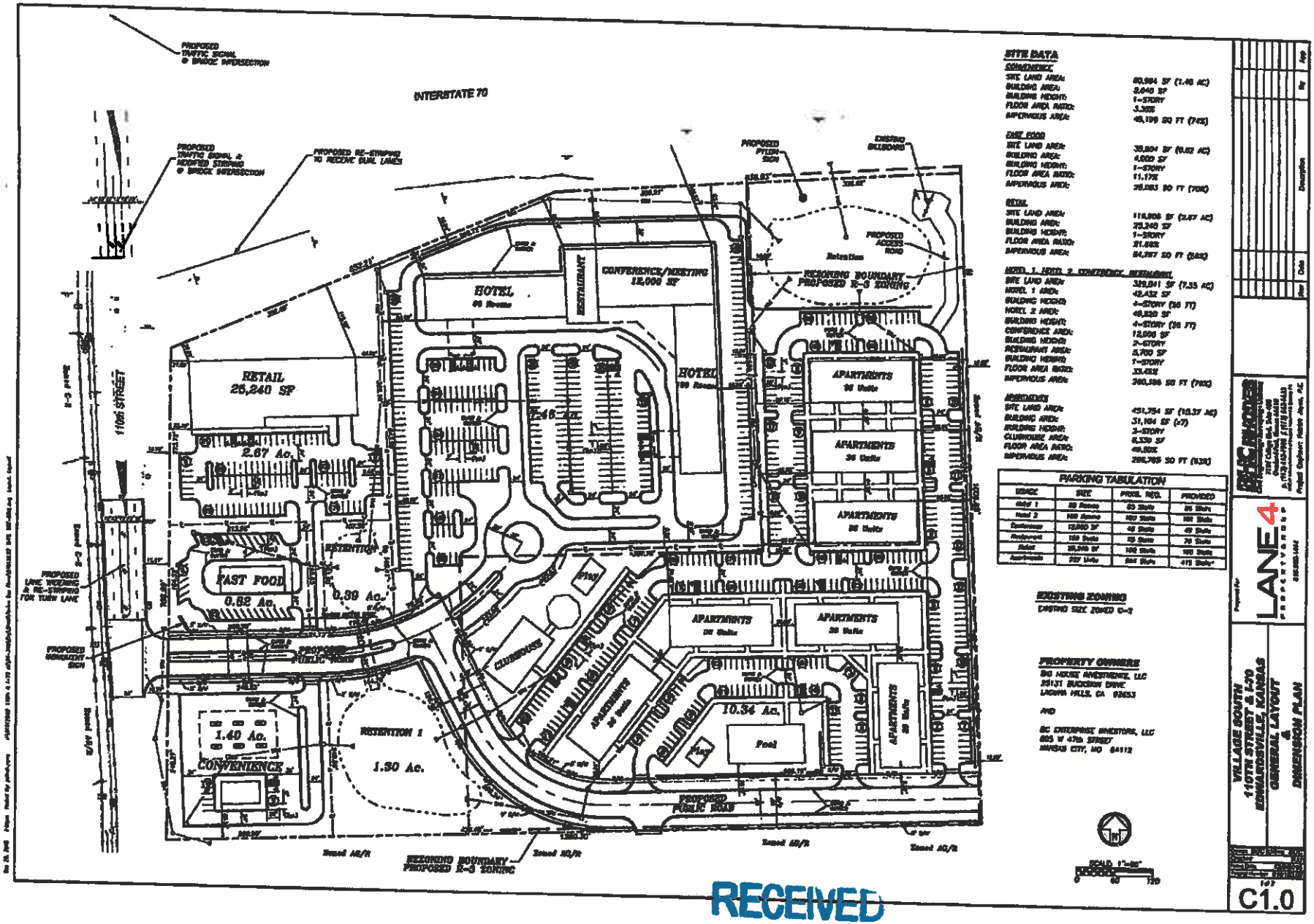

SITE DATA

CONVENIENCE

SITE LAND AREA:	60,984 SF (1.40 AC)
BUILDING AREA:	2,640 SF
BUILDING HEIGHT:	1-STORY
FLOOR AREA RATIO:	3.30%
IMPERVIOUS AREA:	49,199 SQ FT (74%)

FAST FOOD

SITE LAND AREA:	39,604 SF (0.92 AC)
BUILDING AREA:	4,000 SF
BUILDING HEIGHT:	1-STORY
FLOOR AREA RATIO:	11.17%
IMPERVIOUS AREA:	26,083 SQ FT (70%)

RETAIL

SITE LAND AREA:	116,906 SF (2.67 AC)
BUILDING AREA:	25,240 SF
BUILDING HEIGHT:	1-STORY
FLOOR AREA RATIO:	21.68%
IMPERVIOUS AREA:	84,777 SQ FT (73%)

HOTEL 1, HOTEL 2, CONFERENCE, RESTAURANT

SITE LAND AREA:	320,041 SF (7.35 AC)
HOTEL 1 AREA:	42,432 SF
BUILDING HEIGHT:	3-STORY (36 FT)
HOTEL 2 AREA:	49,830 SF
BUILDING HEIGHT:	4-STORY (36 FT)
CONFERENCE AREA:	12,000 SF
BUILDING HEIGHT:	2-STORY
RESTAURANT AREA:	5,700 SF
BUILDING HEIGHT:	1-STORY
FLOOR AREA RATIO:	33.43%
IMPERVIOUS AREA:	260,596 SQ FT (79%)

APARTMENTS

SITE LAND AREA:	451,754 SF (10.37 AC)
BUILDING AREA:	31,104 SF (x7)
BUILDING HEIGHT:	3-STORY
CLUBHOUSE AREA:	6,330 SF
FLOOR AREA RATIO:	48.80%
IMPERVIOUS AREA:	299,765 SQ FT (63%)

PARKING TABULATION

USAGE	SIZE	PKNG. REQ.	PROVIDED
Hotel 1	99 Rooms	99 Stalls	99 Stalls
Hotel 2	100 Rooms	100 Stalls	100 Stalls
Conference	12,000 SF	40 Stalls	40 Stalls
Restaurant	150 Seats	75 Stalls	75 Stalls
Retail	25,240 SF	100 Stalls	100 Stalls
Apartments	252 Units	504 Stalls	475 Stalls*

EXISTING ZONING
EXISTING SITE ZONED C-2

PROPERTY OWNERS
BIG HOUSE INVESTMENTS, LLC
25131 BUCKEYE DRIVE
LAGUNA HILLS, CA 92653

AND

BC ENTERPRISE INVESTORS, LLC
805 W 47th STREET
KANSAS CITY, MO 64112

VILLAGE SOUTH
110TH STREET & I-70
EDWARDSVILLE, KANSAS
GENERAL LAYOUT
&
DIMENSION PLAN

C1.0

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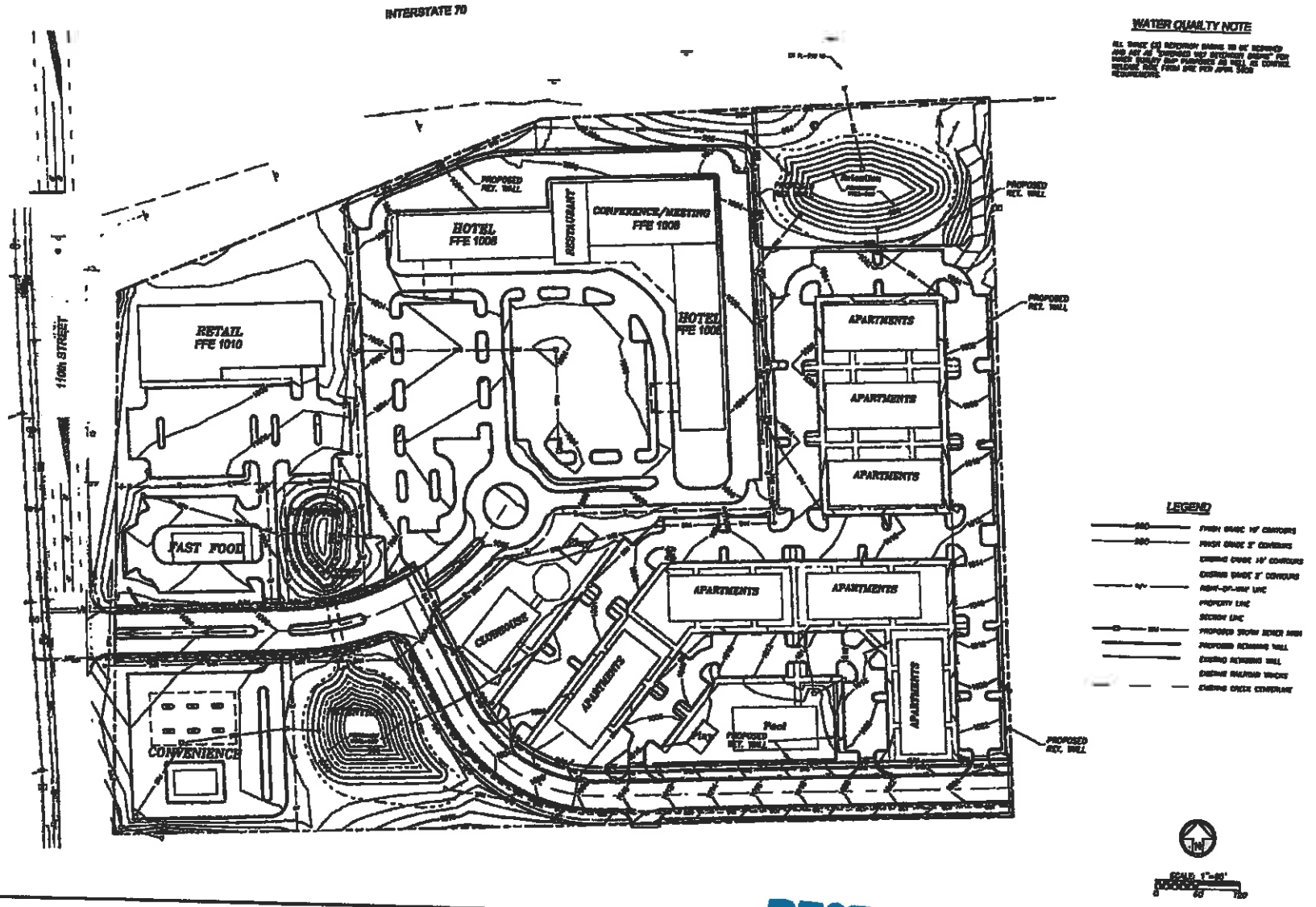

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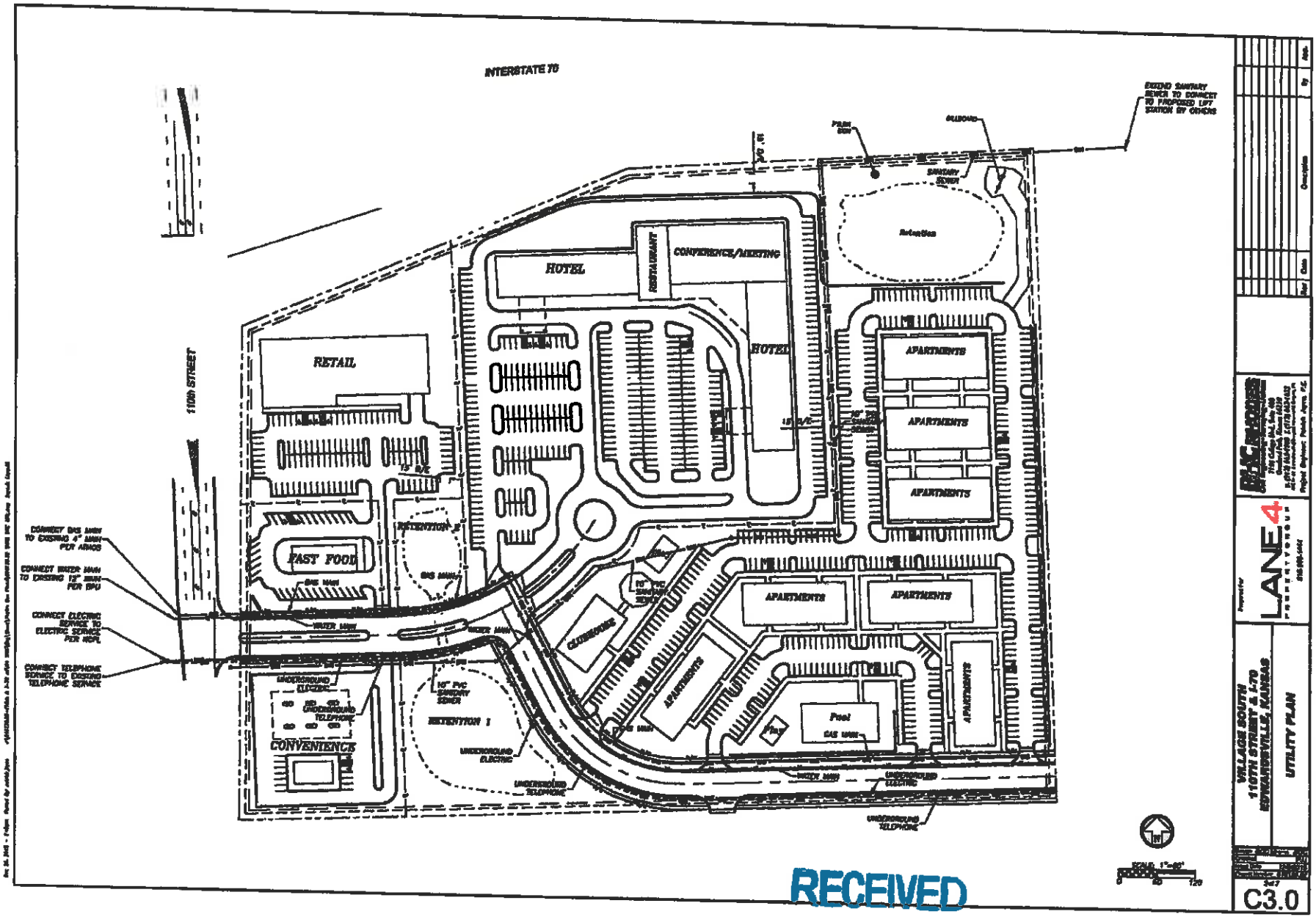

Prepared for: LANE 4 PROPERTY GROUP

VILLAGE SOUTH
110TH STREET & I-70
EDWARDSVILLE, KANSAS

UTILITY PLAN

C3.0

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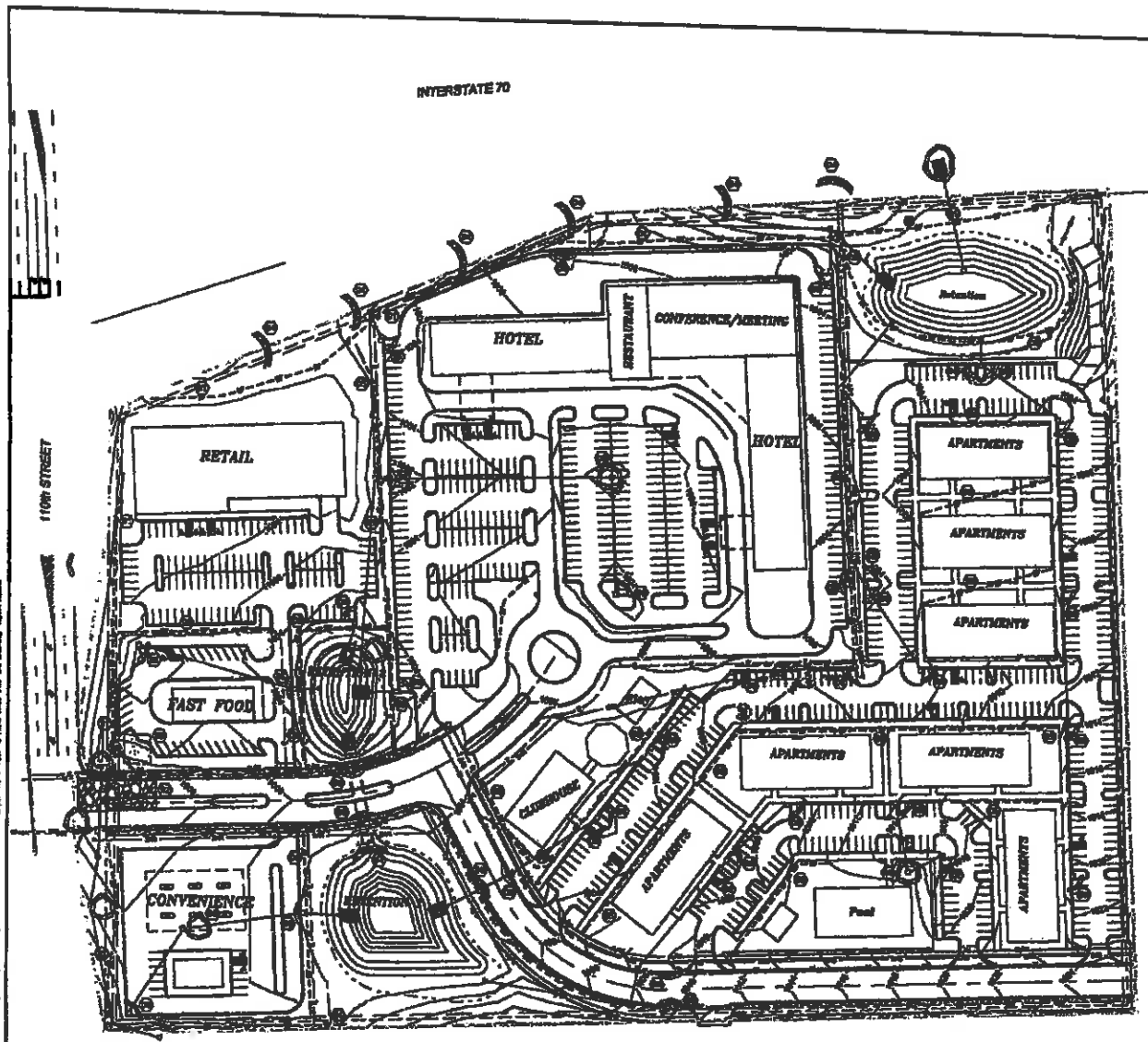

EROSION AND SEDIMENT CONTROL GENERAL NOTES

1. Prior to Land Disturbing activities, the contractor shall:
   - Delineate the outer limits of any natural stream corridor designated with construction fencing.
   - Construct a stabilized construction entrance.
   - Install perimeter controls and measures as required by the approved erosion and sediment control plan. Land disturbance shall not proceed until these are installed and functioning.
   - Have in place all materials, tools and equipment necessary to implement erosion and sediment control measures as required by the approved plan.
   - Notify the City Engineer at least 48 hours prior to commencement of land disturbance activities.
2. The contractor shall comply with all requirements of the Kansas Water Pollution Control Regulations, K.A.R. 28-16-28b through 28e, and Chapter 18 of the Overland Park Municipal Code, including but not limited to:
   - The contractor shall limit exposed areas of soil to the smallest practical area at any one time during construction.
   - All exposed areas shall be protected by seeding, mulching, or other approved methods within 14 days of the last land disturbing activity, or within 7 days of final grading, whichever occurs first.
   - During construction, all storm water inlets shall be protected with inlet protection devices.
   - Sediment shall be removed from sediment traps or sediment ponds when the design capacity has been reduced by 50%.
   - All sediment must be removed from streets by shoveling or sweeping. Streets shall not be washed down unless sediment will be trapped by inlet protection devices before reaching any inlet, ditch or drainageway.
   - Soil stockpiles must be stabilized or protected with sediment trapping measures. The applicant shall be responsible for temporary measures as directed by the City Engineer.
   - Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Slopes that are found to be eroding excessively within one year of construction may be required to be reworked and/or stabilized with additional measures as directed by the City Engineer.
3. Erosion control devices shall be inspected by the contractor at least once every 7 calendar days and within 24 hours after any storm event of 0.5 inches or greater. All erosion control devices shall be repaired, replaced or supplemented when they become nonfunctional or sediment reaches 50% of the above ground height of the device. Inspection reports shall be maintained at the construction site and available for review by the City Engineer. Reports shall be made on forms provided by the City Engineer.
4. The contractor shall maintain all erosion control devices in a manner to ensure that they will perform their intended function throughout the duration of the project. Any repairs or maintenance necessary to keep erosion control devices in effective working order shall be done immediately upon discovery, or as directed by the City Engineer.
5. The contractor is responsible for providing copies of the approved erosion control plan to all subcontractors working on the project prior to their commencing work on the project. The contractor shall be responsible for the implementation of the erosion control plan by all subcontractors.
6. Cleaning, repair, or other major maintenance, including replacement of filter fabric, shall be performed only by the contractor. Cleaning shall be performed before sediment reaches 50% of the above ground height of the device. Filter fabric shall be replaced when it becomes torn, ripped, or otherwise damaged in any way that compromises its effectiveness.
7. Chemicals or materials capable of causing water pollution shall not be stored onsite in bulk without adequate secondary containment. Any spills shall be immediately contained and cleaned up. Spills of any amount that may enter waters of the state must be reported to the Kansas Department of Health and Environment (KDHE) at 1-800-275-0005. Other spills must be reported to the City Engineer.
8. All temporary and permanent erosion control practices must be maintained and repaired as needed to assure continued performance of their intended function. All sediment removed from BMPs shall be disposed of in a manner approved by the City Engineer.
9. Vehicles tracking sediment from the site onto public streets shall be prohibited. Streets which become muddy from construction traffic shall be cleaned daily. Cleaning shall be done by shoveling or sweeping. Material removed shall be disposed of in a manner approved by the City Engineer.
10. Private Erosion & Sediment Control inspections are required in accordance with KDHE permits and regulations. After September, provide the City of Overland Park with reports and documentation.

EROSION / SEDIMENT CONTROL STAGING CHART

Project Stage	Qty.	BMP Description	Removal Allowed	Notes
A – Site Grading Prior to Land Disturbance	(1)	Construction Exit (Typ)	X	Prior to Work on Site
	(2)	Construction Entrance & Parking Area	X	Prior to Work on Site
	(3)	Concrete Wash-Out	X	Prior to Work on Site
	(4)	Inlet Drain Check	X	Prior to Work on Site
B – Mass Grading, Utilities, & Rock Excavation	(5)	Curb Inlet Protection	X	Prior to Work on Site
	(6)	Silt Fence	X	Prior to Work on Site
C – Construction of Buildings & Paving	(7)	Inlet Protection	X	Prior to Work on Site
D – Landscaping & Completion of Site	(8)	Seed, Mulch, Erosion Control Blanket, & Sodding	N/A	Prior to Work on Site

LEGEND

- 934 — PROPOSED CONTOUR
- EXISTING CONTOUR
- SEDIMENT FENCE
- DISTURBED AREA (27.4± AC)
- INLET FILTER BAGS
- ROCK INLET CHECK
- EXISTING DRAINAGE
- CONCRETE WASH-OUT

SCALE: 1"=60'
0 60 120

VILLAGE SOUTH
110TH STREET & I-70
EDGERTON, KANSAS

EROSION CONTROL PLAN

LANE4 PROPERTY GROUP

BHC RHODES

Project Engineer: Patrick Hayes, P.E.

No.	Date	Description	By	App'd

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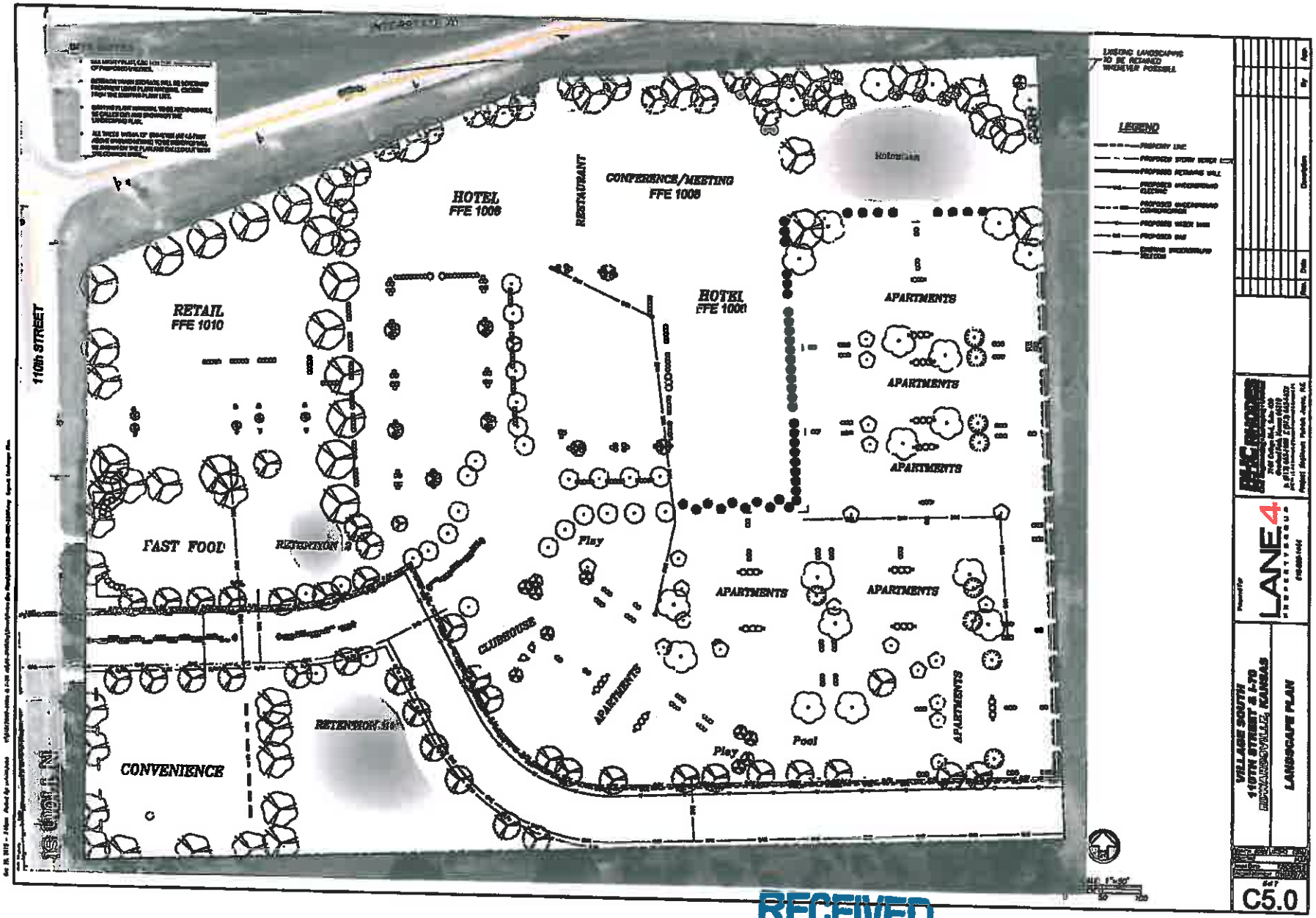

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PLANT SCHEDULE

EVERGREEN TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	PLANT HT.
	54	Juniperus virginiana 'Grenadier' / Cannedil Juniper	B & B	4'-6" H
	3	Picea abies 'Cupressina' / Norway Spruce	B & B	4'-6" H
LARGE SHADE TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL.
	24	Gleditsia triacanthos / Amerilocust Yellowwood	B & B	1.5"Cal
	26	Tilia americana / American Linden	B & B	1.5"Cal
MEDIUM SHADE TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL.
	16	Acer x freemanii 'Jeffersred' / Autumn Blaze Maple	B & B	1.5"Cal
	27	Ginkgo biloba 'Golden Colonnade' / Golden Colonnade Ginkg	B & B	1.5"Cal
	16	Ginkgo biloba 'Princeton Sentry' / Princeton Sentry Ginkgo	B & B	1"Cal
	33	Magnolia virginiana / Sweet Bay	B & B	1.5"Cal
	15	Quercus bicolor / Swamp White Oak	B & B	1.5"Cal
	33	Quercus shumardii / Shumard Red Oak	B & B	1"Cal
SMALL ORNAMENTAL TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	PLANT HT.
	9	Cercis canadensis / Eastern Redbud	B & B	6'-8" H
	5	Malus x 'Velocity' / Velocity Pear	B & B	6'-8" H
	36	Prunus serrulata 'Kwanzan' / Flowering Cherry	B & B	6'-8" H
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME / COMMON NAME	CONT	
	54	Sorghastrum nutans / Indian Grass	1 gal	
EVERGREEN SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT	PLANT HT.
	175	Euonymus alatus 'Compacta' / Little Moses Dwarf Burning Bush	B & B	18"-36" H
DECIDUOUS SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT	PLANT HT.
	59	Ilex verticillata / Winterberry	B & B	18"-24" H
	130	Ilex verticillata 'Red Sprite' / Red Sprite Winterberry	B & B	12"-18" H
	368	Physocarpus opulifolius 'Seward' / Ivory Wedge Ninebark	B & B	12"-18" H
GROUND COVER	QTY	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	200,254 sf	Festuca arundinacea 'Watchman Blend' / Watchdog Blend of Tall Fescue	sod	
	2,386	Liriope muscari 'Big Blue' / Big Blue Lilyturf	2ea	12" o.c.
	33,799	Pachysandra terminalis / Japanese Spurge	2ea	12" o.c.

LANDSCAPING NOTES

1. ALL DISTURBED AREAS SHALL BE SODDED WITH TURF-TYPE TALL FESCUE SOD WITH A MINIMUM OF THREE CULTIVARS.
2. ALL LANDSCAPED AREAS SHALL RECEIVE A MINIMUM 6-INCH DEPTH OF TOPSOIL COMPACTED TO 85% DENSITY AT OPTIMUM MOISTURE CONTENT.
3. THE ENTIRE SURFACE TO BE LANDSCAPED SHOULD BE REASONABLY SMOOTH AND FREE FROM STONES, ROOTS OR OTHER DEBRIS.
4. SOD SHALL BE HIGHLINE STRIPPED AT A UNIFORM SOIL THICKNESS OF APPROXIMATELY ONE INCH (1/2IN) OR MORE UNLESS THE IMPROVEMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND TRASH, AND SHALL BE DETERMINED AT THE TIME OF CUTTING AT THE FIELD. PRECAUTIONS SHALL BE TAKEN TO PREVENT DRYING AND HEATING. SOD DAMAGED BY HEAT AND DRY CONDITIONS, AND SOD CUT MORE THAN 48 HOURS BEFORE BEING INCORPORATED INTO THE WORK SHALL NOT BE USED.
5. HANDLING OF SOD SHALL BE DONE IN A MANNER THAT WILL PREVENT TEARING, BREAKING, BRUISING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DESICCATION. DO NOT DELIVER MORE SOD THAN CAN BE LAID WITHIN 24 HOURS.
6. MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOD, BUT NOT TO PUDDLE OR MUD. WATER SOD THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE ROLLING SOD. FERTILIZE, HARROW OR RAKE FERTILIZER IN THE TOP 1-INCH MORE OR TOPSOIL AT A UNIFORM RATE.
7. FERTILIZER SHALL BE 20-10-5 COMMERCIAL FERTILIZER OF THE GRADE, TYPE, AND NPK% SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE DEPT. OF AGRICULTURE. FERTILIZER SHALL BE DISTRIBUTED ACCORDING TO THE AMOUNT AS PER MANUFACTURER.
8. SATURATE SOD WITH FINE WATER SPRAY WITHIN TWO HOURS OF PLANTING. DURING THE FIRST WEEK AFTER PLANTING, WATER DAILY OR MORE FREQUENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A MINIMUM DEPTH OF FOUR INCHES.
9. ALL PLANTING BEDS WILL BE PREPARED WITH POLYPROPYLENE LANDSCAPE FABRIC BEFORE PLANT MATERIAL IS INSTALLED. ROCK MULCH TO BE PLACED OVER POLYPROPYLENE LANDSCAPE FABRIC AT A DEPTH OF 2"-4".
10. LANDSCAPE FABRIC SHOULD BE INSTALLED FLAT WITH ALL "FOLDS" EITHER PINNED DOWN WITH 4" LANDSCAPE PINS, OR FLAP ADJOINING SHEETS A MINIMUM OF 6". 4" STEEL LANDSCAPE EDGING TO BE USED TO PIN DOWN THE COVERED EDGES BEFORE ROCK MULCH IS INSTALLED.
11. ONLY NINE TREES OF THE VARIETY SWAMP WHITE OAK WILL BE PLANTED ON SITE FROM THE APPROVED VARIETIES IN THE PLANT LIST. ANY FEWER PLANTS WILL BE ADDED AND REPLACED AT THE CONSTRUCTION EDGING.

SITE DATA

COMMERCE
SITE LAND AREA: 60,984 SF (1.40 AC)
PARKING AREA: 27,711 SF
(2.5% OF TOTAL PARKING) 693 SF

EAST SIDE
SITE LAND AREA: 35,804 SF (0.82 AC)
PARKING AREA: 16,886 SF
(2.5% OF TOTAL PARKING) 422 SF

RETAIL
SITE LAND AREA: 119,586 SF (2.87 AC)
PARKING AREA: 33,939 SF
(2.5% OF TOTAL PARKING) 825 SF

HOTEL 1, HOTEL 2, CONFERENCE, RESTAURANT
SITE LAND AREA: 309,841 SF (7.55 AC)
PARKING AREA: 140,941 SF
(2.5% OF TOTAL PARKING) 3,643 SF

APARTMENTS
SITE LAND AREA: 451,764 SF (10.37 AC)
PARKING AREA: 125,718 SF
(2.5% OF TOTAL PARKING) 3,143 SF

PLANTING REQUIREMENTS

COMMERCE

SITE LAND AREA:	REQUIRED	PROVIDED
1 TREE/5,000 SQ FT	12.20	13
2 SHRUBS/5,000 SQ FT	24.40	54
PARKING AREA:		
1 TREE/200 SQ FT	3.46	4

EAST SIDE

SITE LAND AREA:	REQUIRED	PROVIDED
1 TREE/5,000 SQ FT	7.16	8
2 SHRUBS/5,000 SQ FT	14.32	17
PARKING AREA:		
1 TREE/200 SQ FT	2.10	2

RETAIL

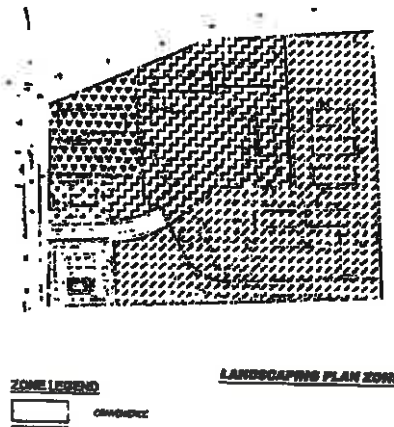
SITE LAND AREA:	REQUIRED	PROVIDED
1 TREE/5,000 SQ FT	23.30	24
2 SHRUBS/5,000 SQ FT	46.60	49
PARKING AREA:		
1 TREE/200 SQ FT	4.12	5

HOTEL 1, HOTEL 2, CONFERENCE, RESTAURANT

SITE LAND AREA:	REQUIRED	PROVIDED
1 TREE/5,000 SQ FT	63.61	62
2 SHRUBS/5,000 SQ FT	127.22	207
PARKING AREA:		
1 TREE/200 SQ FT	18.343	19

APARTMENTS

SITE LAND AREA:	REQUIRED	PROVIDED
1 TREE/5,000 SQ FT	90.35	145
2 SHRUBS/5,000 SQ FT	180.70	201
PARKING AREA:		
1 TREE/200 SQ FT	15.71	17



LANDSCAPING PLAN ZONE MAP

ZONE I FEND
- COMMERCE
- EAST SIDE
- RETAIL
- HOTEL & CONFERENCE CENTER
- APARTMENTS

SCALE: 1"=200'
0 200 400

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VILLAGE SOUTH
116TH STREET & I-70
EDWARDSVILLE, KANSAS

Landscape Beds

LANE4 PROPERTY GROUP

BHC RHODES

No.	Date	Description	By

Sheet 7 of 7
C6.0

VILLAGE SOUTH
11TH STREET & I-70
EDWARDSVILLE, KANSAS
SITE LIGHTING PLAN
C7.0
LANE4
PROPERTY GROUP
APARTMENTS
HOTEL
RESTAURANT
CONFERENCE/MEETING
RETAIL
FAST FOOD
INTERSTATE 70
110th STREET
VILLAGE SOUTH LIGHTING PLAN
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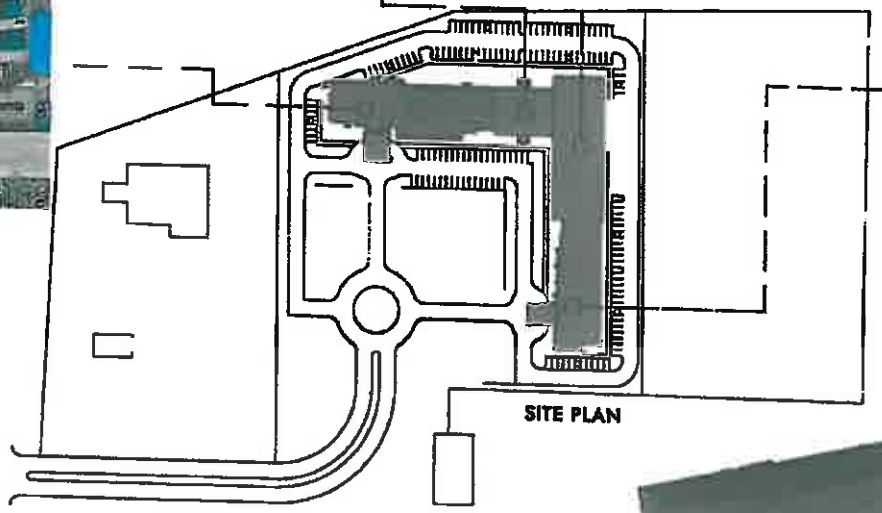
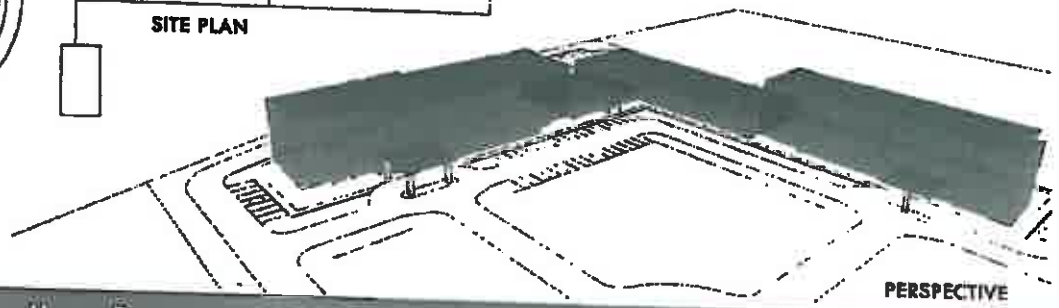
RESTAURANT

HOLIDAY INN



SITE PLAN

LA QUINTA



PERSPECTIVE

Future Hotel Development Concept

Kansas City, KS

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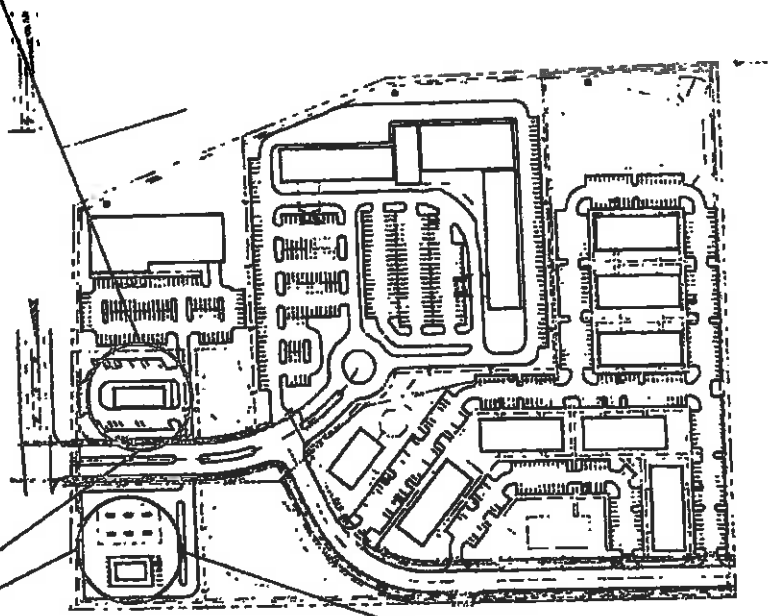
LJA

TENANT CONCEPT

REPRESENTATIVE ARCHITECTURE

FAST FOOD



CONVENIENCE

LANE4 PROPERTY GROUP

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APARTMENTS CONCEPT

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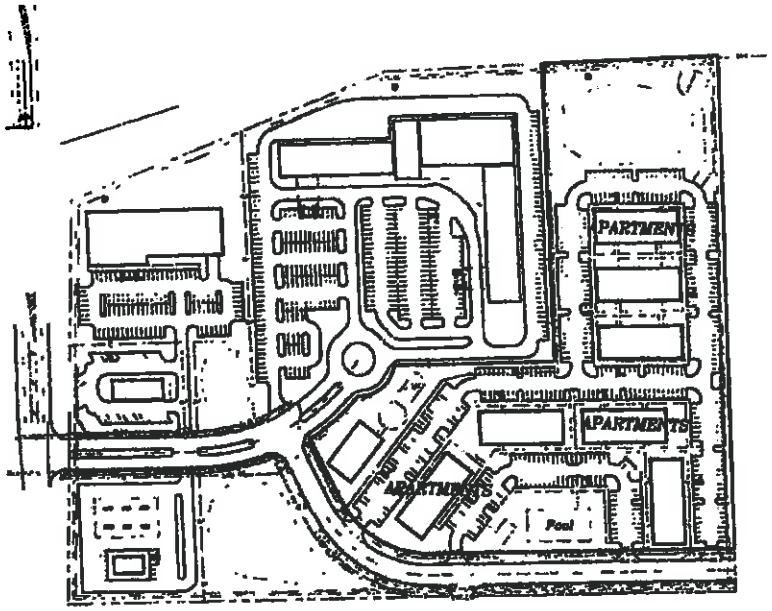

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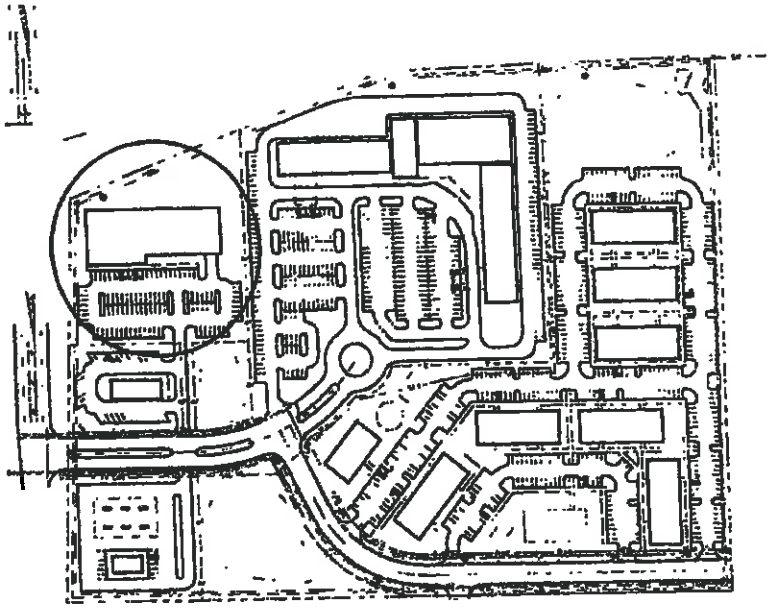

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(Published in *The Journal-World* this 4th day of January, 2008)

ORDINANCE NO. 755

A ZONING ORDINANCE RELATING TO THE "RIVERVIEW AVENUE SPECIAL DEVELOPMENT DISTRICT" (RASD).

BE IT ORDAINED by the Governing Body for the City of Edwardsville, Kansas:

SECTION 1. The Zoning Regulations of the City of Edwardsville, Kansas as incorporated by Section 16-201 of the Code of the City of Edwardsville, Kansas, are hereby amended by adding the following article and pursuant sections:

ARTICLE E-1. RIVERVIEW AVENUE SPECIAL DEVELOPMENT DISTRICT

E-1.1. INTENT. The intent of the RASD is to provide an area that may accommodate low, medium, and high density residential development, office, and retail commercial, institutional development both individually and in a mixed use setting. Light industrial and heavy industrial land uses, as specified in the Industrial Non-Hazard and Industrial Hazard Districts, are not allowed.

E-1.2. PERMITTED PRINCIPAL USES AND STRUCTURES. The following principal uses and structures shall be permitted within the RASD:

a. AGRICULTURAL. Agriculture-horticulture and animal husbandry.

b. RESIDENTIAL.
Single family residential, with a minimum floor area of 1,200 square feet
Multi-family residential, with a minimum floor area of 960 square feet.
Garden apartments, with a minimum floor area of 960 square feet.
Townhouses, with a minimum floor area of 1,200 square feet.

c. COMMERCIAL. Professional offices; theater and entertainment services; retail commercial and services; business services; medical services; personal services; financial services; food and drink services; transient lodging (hotel, motel, bed and breakfast); governmental services.

d. PUBLIC AND SEMI-PUBLIC: Places of worship; golf courses, sports facilities and clubs; governmental facilities; utility facilities; schools; medical facilities; parks and recreation.

E-1.3. PROHIBITED USES AND STRUCTURES. All other uses and structures not specifically permitted or not permissible as special uses shall be prohibited from the RASD.

E-1.4. SIGNAGE. All signage shall conform to the following guidelines:

a. Wall signs shall be limited to one per façade and shall not exceed 10 percent of the square footage of the façade, and shall not extend the top of the façade. In a development, a theme or standard for sign placement shall be developed and the area for signs shall be clearly indicated on the building sketches and plans.

b. Detached signs shall be of monument type only; no sign may be mounted on a pole or post or on multiple poses or posts; provided, this restriction shall not apply to that area of the RASD within the city limits that is immediately adjacent to Interstate Highway 70 (Kansas Turnpike); even where permitted, however, the placement or erection of signs mounted on one or more poles or posts will be subject to the provisions of Section 60.11, Ordinance 639, as amended, and to the prior review and approval of applicable authorities of the City as well as the Governing Body. One detached sign per development is allowed. This does not preclude temporary signs as allowed by Section 60.12. Monument signs shall be set back from all property or lot lines a distance equal to height of the sign and consistent with the engineering design standards.

c. An area equal to the square footage of the monument sign and support structure shall be clearly delineated and landscaped. The landscaped area shall be maintained. Landscaping shall consist of a variety of plants, ground covers, and shrubs, and shall be adequately maintained. Grass shall not constitute landscaping.

d. Flashing lights, electronic message boards, time and temperature signs that display anything besides the time and temperature shall not be allowed.

e. Engineering design standards of Section 60.13 shall apply.

f. Directional signs may be employed to direct users to appropriate areas; these are for internal circulation purposes only and not directional from any public way.

E-1.5. SITE OR LOT COVERAGE.

a. A buffer or landscaped area equal to the height of the adjacent building or width of adjacent roadway shall surround the development on all sides.

b. There shall be a minimum lot width of 150 feet, unless a city sanitary sewer line serves the lot or development.

c. There shall be a minimum lot area of one acre unless a city sanitary sewer line serves the lot or development.

d. If a city sanitary sewer line serves the lot or development, there is no minimum lot size or width.

E-1.6. ARCHITECTURAL REVIEW COMMITTEE; REQUIRED APPROVALS FOR DEVELOPMENT WITHIN THE RASD. There is hereby established an Architectural Review Committee empowered to review applications and designs proposed in respect to all proposed development in and within the RASD. At a minimum, the Architectural Review Committee shall consist of City Staff, one member of the Planning Commission, one member of the Board of Zoning Appeals, one member of the City Council, and such other persons as the Governing Body may appoint.

E-1.7. SITE PLAN REVIEW AND APPROVAL; GENERAL PROCESS. Each proposed development shall be subject to the review and approval process. The general purposes of this process are to assess the potential effects of each proposed development upon surrounding uses and activities; and to require and maintain high standards of site planning and design. The approval process shall consist of coordinated meetings and review of applications and site plans by city staff, the Development Review Committee, the Architectural Review Committee, the Planning Commission, and the Governing Body. The Governing Body shall have final authority to approve or to disapprove a proposed site plan for development within the RASD.

E-1.8. SITE PLAN –ARCHITECTURAL DESIGN CONSIDERATIONS AND STANDARDS. Each site plan must take due account of desirable design features, including views, existing vegetation, water features and courses, and other features that shall be incorporated in the site plan.

a. ARCHITECTURAL DESIGN. The site plan shall include the following in respect to architectural design as proposed for the site: Consideration of surrounding uses, building materials, styles, and size; the relationship of proposed buildings to existing site features; architectural elements or features that create a variety of scale relationships; architectural design features should be harmonious with structures on adjacent parcels or tracts; landscaping shall be required and is to be complementary to the structure(s) and the development in its entirety; views from the development and views of the development shall be considered. Variety of form, plant material, and size is required. Adequate consideration of pedestrian and bicycle circulation shall be included and at a minimum shall include the provision of sidewalks along all public roadways.

b. ARCHITECTURAL DESIGN – BUILDING MATERIALS. The following requirements shall apply to building materials within the RASD:

(1) A minimum of fifty percent (50%) of each exterior wall, excluding windows and doors, shall consist of masonry, glass walls, wood (other than plywood) or a combination thereof.

(2) The following materials shall be prohibited upon exterior walls: concrete finish or precast concrete panels, unless the finish or panels have exposed aggregate or are hammered, sandblasted, or

textured; and aluminum or metal panel or strip siding, whether painted or unpainted.

E-1.9. PRELIMINARY SITE PLAN. Each proposed development must be presented for initial review in the form of a preliminary site plan. The preliminary site plan shall depict or reflect the following:

a. Existing topography at 5-foot contour intervals, and proposed topography at 2-foot contour intervals.

b. Proposed location, height, and arrangement of buildings, including pad sites, parking areas, existing and proposed streets or internal circulation systems, open spaces, landscaped areas, storm water detention/retention areas, and drainage easements.

c. Identification of phases of development, interim phased time frame of improvements.

d. Identification on the site plan of the name, address, and telephone number of the property owner, the developer, and the person preparing the plan.

e. A project schedule that shall include a tabulation of square footage of development, floor area ratios, types of uses, parking spaces, impervious materials coverage, residential development density, and land area of each proposed usage.

f. Preliminary sketches, showing the general style, size and exterior construction material of any and all proposed buildings; in the even of several building types, a separate sketch shall be prepared for each type.

g. The relationship of the site to surrounding uses, buildings, zoning districts, existing and proposed (approved but not built) development and structures and streets and driveways within 200 feet of the exterior boundaries of the property.

h. A Traffic Impact Analysis may be required if so required by the city staff and by the Planning Commission.

i. A Parking Analysis shall be performed to demonstrate the adequacy of off-street parking that must meet applicable design or zoning code requirements in all phases of the development. Parking may be phased, provided that each development phase satisfies minimum requirements.

j. Such additional materials as may be required from time to time by city staff, by the Planning Commission, by the Architectural Review Committee, or by the Governing Body.

E-1.10. CERTAIN DEVIATIONS FROM PRELIMINARY SITE PLAN – PUBLIC NOTIFICATION PROCEDURE. The City Administrator shall notify the applicant to initiate a public notification procedure at the expense of the applicant if deviations from an approved, preliminary site plan will:

a. Increase density or intensity of residential uses by more than five percent (5%).

b. Increase the floor area of nonresidential buildings by more than ten percent (10%).

c. Increase by more than five percent (5%) the ground covered by buildings.

d. Increase the number of stories of a building.

e. Involve changes that will result in a different development concept, create less architectural harmony or quality, or impose greater loads upon streets and neighborhood facilities.

E-1.11. FINAL SITE PLAN. Upon review and approval of a preliminary site plan, the developer shall then submit a final site plan, which shall reflect or depict the following:

a. Finished grades or contours for the entire site (five- or two-foot contour intervals may be required depending upon the site).

b. All adjacent public street rights-of-way, existing and proposed, within the centerline location thereof.

c. The location, width, curb cuts and radii of all public streets and private drives, existing and proposed.

d. The location, width, and limits of all existing and proposed sidewalks.

e. The location, size, and radii of all existing and proposed median breaks and turning lanes.

f. The distance between all buildings, between buildings and property lines, and between all parking areas and property lines.

g. The location of all required building and parking setbacks.

h. The location, dimensions, number of stories, and area in square feet of proposed buildings.

i. The area of land included on the site plan, in square feet or acres.

j. The limits, location, size, and material to be used in all proposed retaining walls.

k. The location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.

l. The location, height, candle power, and type of outside lighting fixtures for buildings and parking lots.

m. The location, size, type of material, and message of all proposed monuments or detached signage.

n. Pertinent peripheral information, including adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements.

o. Preliminary drainage design, and location of existing drainage facilities.

p. Elevations of all sides of proposed buildings, including notations indicating the building materials to be used on exterior walls and roofs thereof.

q. The location, size, and materials to be used in all screening of rooftop mechanical equipment.

r. A landscaping plan or depiction that shows the size, species, location and number of all proposed landscaping material; notations depicting all areas to be seeded or sodded; and the location, size, and materials to be used for all screening or outside trash enclosure areas.

E-1.12. REVIEW PROCEDURE. The final site plan shall contain, at minimum, the information as is required by city codes and ordinance, in addition to meeting the content, filing, and submission requirements of this Article.

The City Administrator shall be responsible for coordinating review and analysis of each final site plan application by City Staff and by the Architectural Review Committee. The results of this review shall be compiled by the City Planner and shall be reported to the Planning Commission for review and consideration. Following the

Planning Commission's review and recommendation, the Governing Body shall review the application. The Governing Body may approve, disapprove, or conditionally approve the final site plan application.

E-1.13 REVIEW AND EVALUATION CRITERIA. The criteria applied in the review of an application made pursuant to this Article will include:

a. Consistency of the proposed development with the zoning district and all applicable zoning regulations.

b. Compatibility of the proposed development with existing or permitted uses on abutting or adjoining sites or properties, in respect to building height, building materials, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

c. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area, considering existing zoning and land uses in the area.

E-1.14. CONDITIONS AND RESTRICTIONS. In approving preliminary and final site plan applications, the Governing Body, upon the recommendation of the Planning Commission, may vary the standards set forth in the Zoning Ordinance, provided that the general intent of the ordinance is carried out.

The Governing Body shall use the requirements and standards set forth in the Zoning Ordinance as a guide, and may permit adjustments of those requirements and standards in the interest of efficient land development and utilization, if it is deemed that other amenities or conditions thus gained will result in a development of equal or higher quality.

In its review and approval of preliminary and final site plan applications, the Governing Body may increase the minimum requirements designated in the applicable sections of the zoning code based upon its review of the topography of the individual site, the orientation of buildings in relationship to street rights-of-way and adjoining properties, the building materials used, and the mass and height of buildings. A purpose of such increases in minimum requirements shall be to minimize any adverse impacts of the proposed development on adjoining or nearby properties and the general community.

If the Governing Body imposes conditions or restrictions upon a preliminary site plan, it shall designate specific requirements that must be met before an applicant may submit a final site plan application. If the Governing Body imposes conditions or restrictions upon a final site plan, it shall designate specific requirements that must be met before issuance of a building permit. The Governing Body may delegate to the City

Administrator the authority to determine if specifically prescribed conditions have been satisfied by an applicant.

E-1.15. PERIOD OF VALIDITY OF PRELIMINARY SITE PLAN APPROVAL. If a preliminary site plan is approved by the Governing Body, the approval shall not be valid for a period longer than twenty-four (24) months from the date of its approval, unless within such period a final site plan application is submitted. The Governing Body may grant one extension, not exceeding twelve (12) months, upon written request and resubmission of the application, provided that the application as resubmitted is substantially the same as the application originally approved; however, the Governing Body shall be authorized to impose new conditions or restrictions upon an approval of the resubmission, or to disapprove the resubmission.

E-1.16. PERIOD OF VALIDITY OF FINAL SITE PLAN APPROVAL. If a final site plan is approved by the Governing Body, the approval shall not be valid for a period longer than twelve (12) months from the date it is approved, unless within such period a building permit is obtained and substantial construction is commenced. The Governing Body may grant one extension, not to exceed twelve (12) months, upon written request of the original applicant, and resubmission of the application, provided that the application as resubmitted is substantially the same as the application originally approved; however, the Governing Body shall be authorized to impose new conditions upon an approval of the resubmission, or to disapprove the resubmission.

E-1.17. ENLARGEMENT OF THE RASD. Property owners of land situated other than within the RASD may apply for inclusion within the district only if the Comprehensive Plan for the City of Edwardsville, Kansas is amended to include the property or if the land is situated adjacent to the RASD.

SECTION 2. This ordinance will be effective upon its publication in the official city newspaper.

PASSED AND APPROVED this 26th day of December, 2000.

Luther Pickell

LUTHER PICKELL, MAYOR

ATTEST:

Phyllis Freeman

PHYLLIS FREEMAN, CITY CLERK

ITEM # 10

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DAVE KNOPICK, CITY PLANNER
DATE: FEBRUARY 8, 2016
SUBJECT: REZONING 323 / 325 NORTH 110th STREET (2015-10-Z)

RECOMMENDATION

City Council to consider Ordinance No. 958 regarding recommendation of approval from the Planning Commission to rezone a portion of the tracts of land located at 323 / 325 North 110th Street to R-3 High Density Residence.

FINANCIAL IMPACT

Not applicable

BACKGROUND

On January 20, 2016 the Planning Commission held a public hearing regarding a request to rezone a portion of the tracts of land located at 323/ 325 North 110th Street. This property is currently zoned C-2 Commercial Extensive.

The request to rezone this property is being made so that approximately 10.37 acres of the property would be zoned R-3 High Density Residence. The rezoning request is being generated by the applicant / property owner in association with a preliminary development plan to establish a use on the property which is not allowed within the C-2 zoning district. Any future use would still need to meet the requirements of the Riverview Overlay District.

The attached documentation provides the background information and analysis of the specified criteria for considering a rezoning request. Additionally, the Planning Commission heard from several members of the public during their meeting on January 20, 2016. In addition to staff and applicant comments, five citizens spoke as part of the public hearing. Three of the individuals generally spoke in support of the proposed development; one individual spoke in opposition to the proposed development; and, one individual presented several questions regarding public improvements and increased traffic concerns.

In closing, staff concurs with the recommendation of the Planning Commission to approve the rezoning request in light of the specified code criteria items 1 and 12.

ORDINANCE NO. 958

AN ORDINANCE AMENDING THE "OFFICIAL ZONING MAP" REFERRED TO AND MADE A PART OF THE ZONING REGULATIONS BY SECTION 40.01 OF ORDINANCE NO. 639 INCORPORATED BY REFERENCE BY CHAPTER 14 OF THE CODE OF THE CITY OF EDWARDSVILLE, BY PROVIDING FOR A CHANGE IN ZONING ON PORTIONS OF PROPERTY LOCATED AT 323 AND 325 NORTH 110TH STREET WITHIN THE CITY, FROM "C-2" COMMERCIAL EXTENSIVE DISTRICT TO "R-3" HIGH DENSITY RESIDENCE.

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 10.37 acres, more or less, located on portions of property at 323 and 325 North 110th Street in Edwardsville, such property currently zoned "C-2" Commercial Extensive District, to "R-3" High Density Residence.

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 January 20, 2016, on this application.

Section 3. The Edwardsville Planning Commission received the staff report prepared and presented by the City Planner, and voted 6-1 on January 20, 2016 to recommend to the Governing Body approval of the rezoning at 323 and 325 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 no protest petition has been field 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, should be accepted and adopted as the findings of fact of the Governing Body.

Section 5. Map Amendment. That the "Official Zoning Map" referred to and made a part of the Zoning Regulations by Section 40.1 of Ordinance. No. 639, incorporated by reference by Section 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 Extensive District within the Riverview Overlay District, to "R-3" High Density Residence within the Riverview Overlay District.

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

Part of Lots 1 and 2, Lustgraaf Acres, being a replat of Tract 4 and Tract 5, The Norman Farm Subdivision, in the City of Edwardsville, Wyandotte County, Kansas being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 2, Lustgraaf Acres; thence South 87°31'44" West, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983 - 2011 Adjustment, along the South line of said Lot 2 (S89°37'49"W Platted), a distance of 804.11 feet;

Thence North 02°28'16" West, departing said South line, a distance of 422.23 feet; Thence North 87°31' 44" East, a distance of 477.18 feet; Thence North 02°49'15" West, a distance of 578.08 feet to a point on the North line of said Lot 2, Lustgraaf Acres and Southerly right of way of the Kansas Turnpike, as depicted on said Plat of Lustgraaf Acres; Thence North 85°25'56" East (N87°34'00"E - Platted) along the North line of said Lot 2, a distance of 337.17 feet to the Northeast corner thereof; Thence South 02°06'15" East (S00°00'00"W - Platted), departing said Southerly right of way along the Easterly line of said Lot 2, a distance of 1012.66 feet to the POINT OF BEGINNING;

LESS AND EXCEPT (From Title Commitment):
All that part of Lot 2, Lustgraaf Acres, a replat of part of Tract 4 and Tract 5, The Norman Farm Subdivision in Edwardsville, Wyandotte County, Kansas described as follows:

COMMENCING at the Northeast corner of said Lot 2, thence South 85°25'56" West (S87°34'00"W - Deed), along the North line of said Lot 2, a distance of 76.29 feet; Thence South 04°34'04" East (S02°26'00"E - Deed), a distance of 9.17 feet to the TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; Thence South 26°06'59" East (S23°58'55"E - Deed), a distance of 52.13 feet; Thence South 76°41'41" West (S78°49'55"W - Deed), a distance of 23.03 feet; Thence North 00°35'20" West (N03°42'58"W - Computed, N01°34'54"W - Deed), a distance of 52.11 feet (52.03 feet - Deed) to the TRUE POINT OF BEGINNING.

Section 6. That the Official Zoning Map shall reflect the boundaries of the amendment as incorporated by this Ordinance.

Section 7. The prospective use and development of real property located within the boundaries of the above-described district shall be governed by Section 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 subject to the following conditions:

1. Approval of the Village South Preliminary Plan (2015-11-PPN);
2. Submission of a Final Plan for the proposed Village South development within twenty-four (24) months of the approval of the preliminary plan, and approval of such final plan;
3. Platting of the subject property;
4. The Official Zoning Map shall not be amended until the final plan and plat has been approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from the date of approval, the zoning classification shall revert back to the prior designation and classification;
5. Upon completion of all the above conditions, the City shall amend the Official Zoning Map to reflect the change approved.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 8th DAY OF FEBRUARY, 2016.

_____
JOHN McTAGGART, MAYOR

ATTEST:

_____
ZACK DANIEL, CITY CLERK

APPROVED AS TO FORM:

_____
DAVID DUCKERS, CITY ATTORNEY

City of Edwardsville
Staff Analysis Report
Planning Commission January 20, 20126
Item 3d – **PUBLIC HEARING** Rezoning – 323 / 325 North 110th Street (2015-10-Z)

General Information
Applicant: Big House Investments, LLC and BC Enterprise Investors LLC (Owners) / Korb Maxwell, Polsinelli (Applicant)
Location: 323 / 325 North 110th Street
Applications: Rezoning

Zoning & Overlay: C-2 Commercial Extensive Zoning District / Riverview Overlay District
Existing Land Use: Vacant
Proposed Zoning: R-3 High Density Residence District / Riverview Overlay District

Background
On December 9, 2015 the property owner's agent filed an application, on behalf of the property owners, to rezone a portion of two tracts of land located at 323 and 325 North 110th Street to R-3 High Density Residence. The area proposed to be rezoned is approximately 10.37 acres of land. This area corresponds with an area proposed for multi-family residential development as part of the Village South Preliminary Development Plan (Case #2015-11-PPN). The initial submittal included a legal description of the property and site drawing indicating the location of the proposed rezoning area.

The property is zoned C-2 Commercial Extensive and is located within the Riverview Overlay District which requires site / architectural review and approval prior to development. The property owners seek to develop the property for a mixture of retail, hotel, conference, restaurant and convenience commercial uses allowed within the C-2 Commercial Extensive District, as well as multi-family use that is not permitted in the C-2 Commercial Extensive District.

The intent of the C-2 Commercial Extensive District is ... *to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural and social activities of vehicle borne persons.* Permitted principal uses allowed in this district include – retail commercial, business, finance, public agency, cultural, entertainment, food and drink service, professional and personal services, transient lodging, horticulture and parks.

The proposed district, R-3 High Density Residence, is intended ... *to provide for high density residential use areas together with certain prescribed compatible uses.* Permitted principal uses include: multi-family dwellings and high rise apartments.

The Riverview Overlay District requires architectural and site plan review for uses allowed by the previously described zoning districts. These requirements would remain in place whether the property retains the C-2 Commercial Extensive designation or is rezoned R-3 High Density Residence.

Analysis

City Staff has reviewed the application in light of the following 13 criteria identified in the Zoning Ordinance Article K, Section 74(I) Amendments to Change Zoning Districts (staff comments related to each of the criteria are provided in italic):

1. Would the change in district classification be consistent with the purposes of these regulations and the intent of the district?
   The purpose and intent of the zoning ordinance is to allow for the orderly development of property within the context of the surrounding community. The I-70 / 110th Street interchange area extending to Riverview Avenue is predominately zoned C-2 commercial and AG/R agricultural / residential. R-3 zoning has been granted in the past adjacent to lower density agricultural / residential districts near I-435 in Edwardsville and used for a similar multi-family density project proposal. Additionally, the Riverview Overlay District Regulations indicate that the uses allowed in the R-3 District are allowed in the overlay district per the prescribed preliminary and final plan process and various design parameters.
2. What is the character and condition of the surrounding neighborhood?
   The character and condition of the surrounding neighborhood is best described as a rural - low density residential area. Agricultural use is primarily pasture land with single family residential uses situation on large parcels. The area is defined by a rural development character of established uses and activities, and vacant properties in average to good condition. The newest development near the subject property has been to the north of I-70. This development and the associated traffic, although outside of the City of Edwardsville, has fueled speculation regarding future development in this area. Traffic in the area is primarily automobile oriented, with greater volumes generally operating from the I-70 interchange northward with no specific pedestrian or bicycle system accommodations per se.
3. What are the uses of property nearby and their district classifications?
   The uses of property adjacent to this parcel are vacant, agricultural, residential, and institutional. AG/R – Agricultural / Residential zoning is located to the southwest, south and east of the proposed rezoning area. C-2 Commercial Extensive zoning exists to the west of the property. The I-70 rights-of-way is adjacent to the north with the city limit line being the southern edge of the rights-of-way. All nearby properties within Edwardsville are also within the Riverview Overlay District.
4. Is the proposed amendment requested because of changed or changing conditions in the area affected and, if so, what is the change?
   There are no recent or changing conditions in the area affected. In this case, the owners have purchased the subject property with the desire to develop a specific use requiring R-3 High Density Residence zoning as part of a larger development plan.
5. Is the subject property suitable for the uses to which it is restricted by the current district classification?
   Not without appropriate roadway, infrastructure and/or utility service improvements. The uses associated with the C-2 Commercial Extensive District to a scale appropriate for the size of the property could be supported by improvements to and on the subject property following appropriate design and development standards per the Riverview Overlay District and other city development requirements, and appropriate roadway / infrastructure / utility system improvements such as the sanitary sewer plans for the Little Turkey Creek Basin.
6. Is the subject property suitable for the uses that are permitted by the proposed district reclassification?
   Not without appropriate roadway, infrastructure and/or utility service improvements. The uses associated with the proposed R-3 High Density Residence to a scale appropriate for the size of the property could be supported by improvements to and

on the subject property following appropriate design and development standards per the Riverview Overlay District and other city development requirements, and appropriate roadway / infrastructure / utility system improvements such as the sanitary sewer plans for the Little Turkey Creek Basin.

7. **Would the uses permitted by the proposed district reclassification and the accompanying restrictions have a detrimental affect on nearby property?**
   Such uses would be subject to the design and development standards of the Riverview Overlay District and the findings of the architectural / site plan review process, potential detrimental affects to nearby property should be mitigated or minimized through these standards and processes prior to project approval and development. Generally, residential uses such as multi-family apartments are used as a buffer between lower density residential areas and higher intensity employment or commercial uses. Such multi-family uses have also been used as integrated residential areas within mixed-use sites or structures.
8. **Would the proposed amendment correct an error in the application of these regulations as applied to the subject property?**
   No.
9. **Should the length of time the subject property has remained vacant be a factor in the consideration for reclassification?**
   The subject property has been utilized as residential property in the past, and is vacant subject to the current owner(s) development desire and prevailing market conditions.
10. **Do adequate utilities and streets exist or will they be provided to serve the uses that would be permitted by the proposed district reclassification?**
    Adequate roadway and utility infrastructure would need to be planned and built as part of any proposed development to serve the use(s) allowed currently or through the rezoning at this location.
11. **Is there a recommendation from a professional staff or consultant?**
    See recommendation below.
12. **Would the proposed amendment be in conformance with the comprehensive plan?**
    The Edwardsville Comprehensive Plan, Future Land Use Map, indicates that this property is within an area to be utilized for mixed-use purposes. "The mixed-use designation means exactly what the name suggests: developments composed of many different types of uses. A mixed-use area may consist of a variety of uses, such as retail sales, offices, restaurants, public services and residential units, in a compact, vibrant setting at a pedestrian-oriented scale. For most mixed-used developments, the layout and appearance of the buildings are more important than the proposed use of the building. Such developments should be served by a system of connector and local streets, as well as sidewalks and pedestrian pathways. Mixed-use areas often contain a central point of activity, such as a town square or main street. The intensity of uses is highest at the central point and decreases as you move away, generally creating a transition to low density residential." A more detailed plan for the development of the property is required per the Riverview Overlay District in order to demonstrate if the development would meet this comprehensive plan guidance. Such architectural, site and development plans would need to show how the development fits with or is integrated into a larger development and/or mixture of uses.
13. **Does the relative gain to the public health, safety and welfare outweigh the hardship imposed upon the applicant by not reclassifying the property?**
    The property was purchased as commercially zoned property and is developable within the criteria of the C-2 Commercial Extensive District and the Riverview Overlay District requirements. The use of the property, as purchased, is not reduced through the denial of this request.

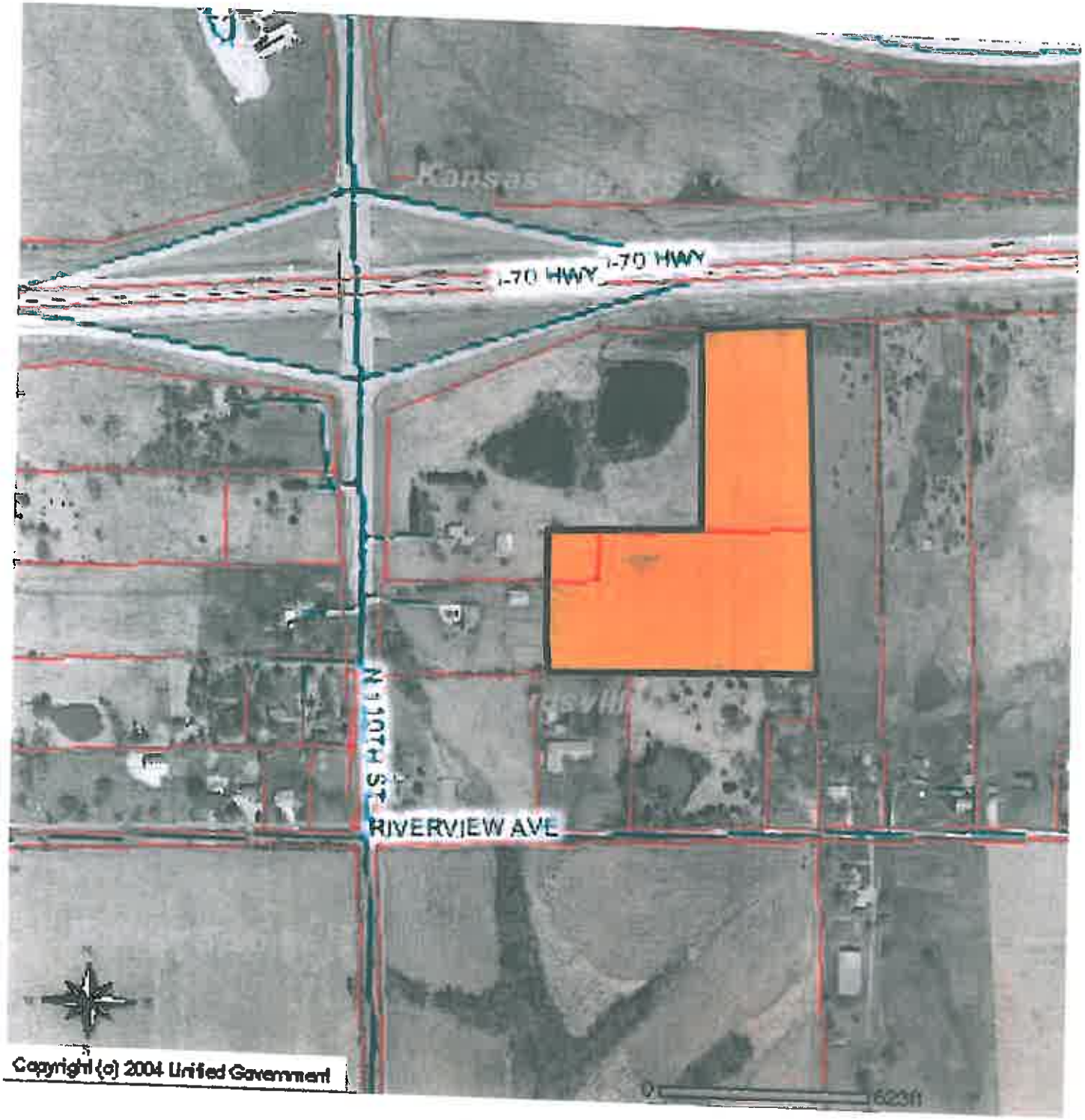
Recommendation
Planning Commission to conduct public hearing to receive and consider public comment regarding this rezoning request.

When considering a rezoning request the task of the City is not just to look at the existing use and proposed use of the property, but at the intent of and potential land uses permitted by the existing and proposed zoning districts given the existing and planned physical context of the property location.

Essentially, the approval of R-3 zoning in this case would grant the current or future property owner the right to develop any of the uses allowed in that district. The property owner would still need to meet other applicable development and building codes, such as the Riverview Overlay requirements. In this case the Planning Commission is to consider if all the allowable uses in the R-3 High Density Residence District would be acceptable or not for this location recognizing the applicable limitations and parameters of the Riverview Overlay District.

In light of the analysis above, the staff recommends approval of the rezoning request for this property from C-2 Commercial Extensive to R-3 High Density Residence based upon the desired mixed-use nature of this area in Edwardsville as reflected by the analysis associated primarily with factors 1 and 12 above. This recommendation is subject to the review and approval of preliminary and final development plans as part of the Riverview Overlay District regulations; the provision of acceptable public infrastructure provision; and the stipulations of a development agreement for any development project on this property. Staff may amend this recommendation based on information presented as part of the public hearing process.

Attachments
- Property Location Map
- Application Material
- C-2 and R-3 Zoning District Regulations (Note: the Riverview Overlay District regulations are provided in the packet materials for the preliminary plan case associated with this property.)



General Location Map 323 / 325 North 110th Street Rezoning

Case # 2015-10-Z
January 20, 2016

Map not to scale

ZONING /SPECIAL USE APPLICATION

CITY OF EDWARDSVILLE
690 South 4th Street, PO Box 13738
Edwardsville, KS 66113
913-441-3707 Phone / 913-441-3805 Fax

RECEIVED
DEC 09 2015

Date Received: _____ **Case #** _____

Property Owner(s), Address, Phone, E-mail: Owner #1: Big House Investments, LLC 25131 Buckskin Laguna Hills, CA 92653 Owner #2: BC Enterprise Investors, LLC 605 W 47th St. Kansas City, MO

Applicant, Address, Phone, E-mail: Korb Maxwell, Polsinelli, 900 W. 48th Place, Suite 900 Kansas City, MO 64112, phone: 816.753.1000.

Type of Review Requested and Application Fee:
___X___ **Rezoning $150** _____ **Special Use Permit $150**

Property Address: Southeast corner of 110th Street and I-70, Edwardsville Kansas

Legal Description: See Exhibit A

Existing Zoning: C-2

Proposed Use of Property: R-3, Garden Apartments

Checklist of Attachments submitted with application:
_____ Statement of Operation / Business Plan summary / description
_____ Site / property drawing(s) – existing condition / proposed changes
_____ Additional information (as required / requested) _____

The Applicant and Owner herein agrees to comply with the zoning regulations for the City of Edwardsville, Kansas as amended and all other pertinent ordinances or resolutions of the City and Statutes of the State of Kansas. It is agreed that all City fees and third party review expenses shall be assumed and paid by the Applicant / Owner. The undersigned further states that he/she is the owner of the property.

Owner's Signature: _____ Date: 12/9/15

Applicant's Signature: _____ Date: _____

ZONING /SPECIAL USE APPLICATION

CITY OF EDWARDSVILLE
690 South 4th Street, PO Box 13738
Edwardsville, KS 66113
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Owner's Signature: _____ **Date:** _____

Applicant's Signature: _____ **Date:** _____

EXHIBIT A

PRELIMINARY REZONING DESCRIPTION

Part of Lots 1 and 2, Lustgraaf Acres, being a replat of Tract 4 and Tract 5, The Norman Farm Subdivision, in the City of Edwardsville, Wyandotte County, Kansas being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 2, Lustgraaf Acres; thence South 87°31'44" West, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983 – 2011 Adjustment, along the South line of said Lot 2 (S89°37'49"W Platted), a distance of 804.11 feet;

Thence North 02°28'16" West, departing said South line, a distance of 422.23 feet;

Thence North 87°31'44" East, a distance of 477.18 feet;

Thence North 02°49'15" West, a distance of 578.08 feet to a point on the North line of said Lot 2, Lustgraaf Acres and Southerly right of way of the Kansas Turnpike, as depicted on said Plat of Lustgraaf Acres;

Thence North 85°25'56" East (N87°34'00"E – Platted) along the North line of said Lot 2, a distance of 337.17 feet to the Northeast corner thereof;

Thence South 02°06'15" East (S00°00'00"W – Platted), departing said Southerly right of way along the Easterly line of said Lot 2, a distance of 1012.66 feet to the POINT OF BEGINNING;

LESS AND EXCEPT (From Title Commitment):

All that part of Lot 2, Lustgraaf Acres, a replat of part of Tract 4 and Tract 5, The Norman Farm Subdivision in Edwardsville, Wyandotte County, Kansas described as follows:

COMMENCING at the Northeast corner of said Lot 2, thence South 85°25'56" West (S87°34'00"W – Deed), along the North line of said Lot 2, a distance of 76.29 feet;

Thence South 04°34'04" East (S02°26'00"E – Deed), a distance of 9.17 feet to the TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED;

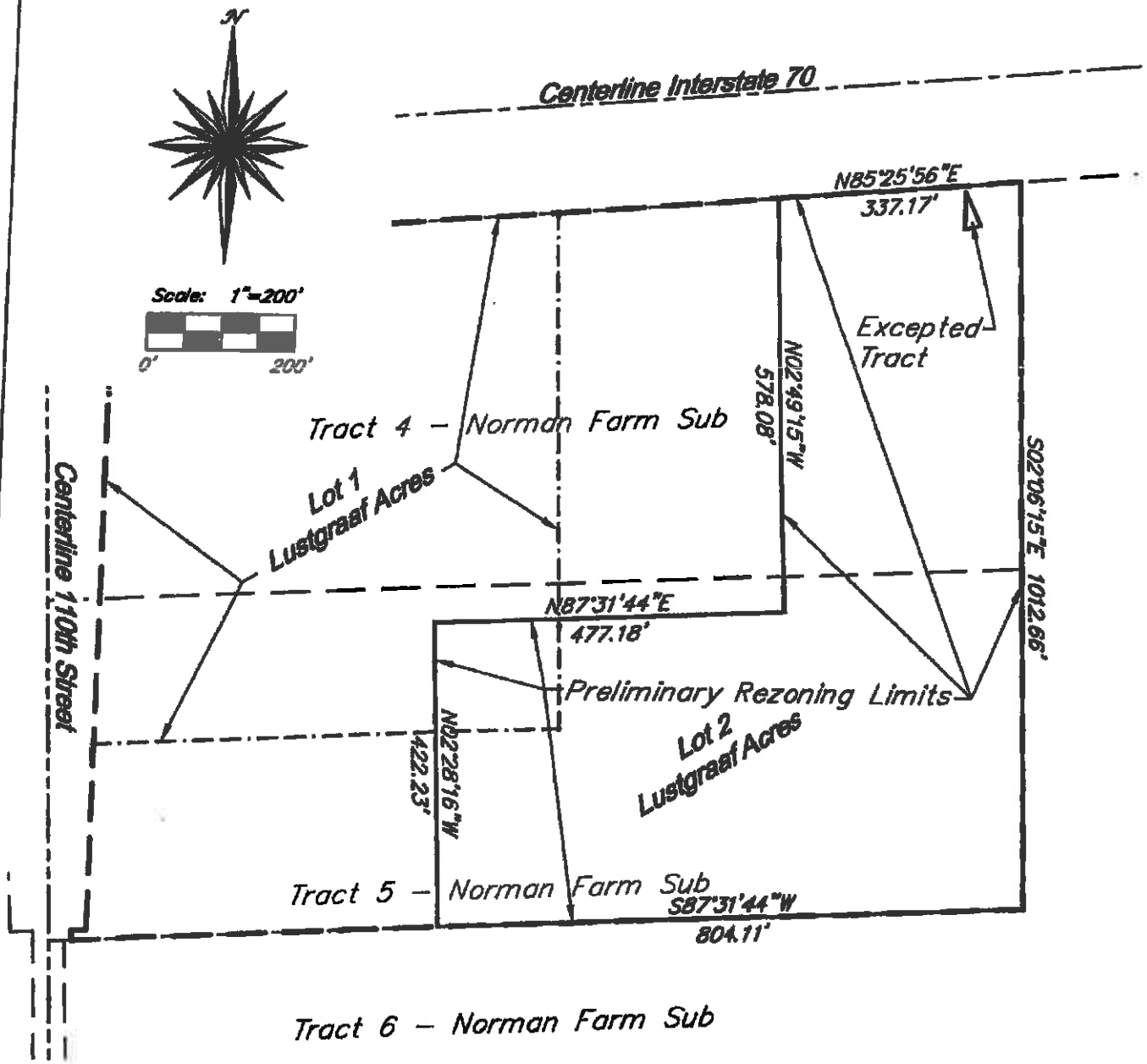
Thence South 26°06'59" East (S23°58'55"E – Deed), a distance of 52.13 feet;

Thence South 76°41'41" West (S78°49'55"W – Deed), a distance of 23.03 feet;

Thence North 00°35'20" West (N03°42'58"W – Computed, N01°34'54"W – Deed), a distance of 52.11 feet (52.03 feet – Deed) to the TRUE POINT OF BEGINNING.

Rezoning Exhibit

Part of Lot 1 & Lot 2, Lustgraaf Acres
Being a Replat of The Norman Farm Subdivision
Edwardsville, Wyandotte County, Kansas



STRICK
& COMPANY, INC.
PROFESSIONAL LAND SURVEYORS
806 S. Creekside Drive, Gardner KS 66030 • 913.856.0164 • (fax) 913.856.0165
Project No: 15097 - Rezoning Exhibit

ORDINANCE NO. 643

AN ORDINANCE AMENDING ARTICLE E ZONING DISTRICTS, SECTION 47 - PROVISIONS FOR COMMERCIAL EXTENSIVE DISTRICT (C-2) OF THE ZONING REGULATIONS OF THE CITY OF EDWARDSVILLE, EDITION OF 1994, INCORPORATED BY REFERENCE IN SECTION 16-201 OF THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS BY LISTING OPEN AIR SALES INCLUDING FLEA MARKETS AS A SPECIAL USE UNDER SECTION 47.4 OF THE COMMERCIAL EXTENSIVE DISTRICT ZONING AND REPEALING THE EXISTING SECTION 47.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS:

Section 1. Section 47 - Provisions for Commercial Extensive District (C-2), of Article E Zoning Districts, of the Zoning Regulations of the City of Edwardsville, Edition of 1994, incorporated by reference in Section 16-201 of the Code of the City of Edwardsville, Kansas is hereby amended to read as follows:

SECTION 47 - PROVISIONS FOR COMMERCIAL EXTENSIVE DISTRICT (C-2)

47.1 "Intent". The Commercial Extensive District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of vehicle borne persons.

47.2 "Permitted Principal Uses". The following uses of land, structures, and buildings shall be permitted in the Commercial Extensive District: retail commercial, business, finance, public agency, cultural, entertainment, food and drink service, professional and personal services, transient lodging, horticulture, and parks.

47.3 "Permitted Accessory Uses". The following uses of land, structures, and buildings shall be permitted within the Commercial Extensive District provided they are recognized as accessory to the performance of the uses permitted in Section 47.2: automobile parking; on and off-site outdoor advertising signs, fences, and walls.

47.4 "Special Uses". Open air sales including flea markets.
Amended Ord. 855 attached

47.5 "Maximum Height". The height of all structures shall not exceed forty-five (45) feet.

Amended Ord. 855 attached

47.6 "Permitted Structures". The following structures will be permitted:

gasoline stations; service stations, vehicular sales and service; used car lots, farm implement sales and service; mobile homes and trailer sales and service; lumber yards; drive-in restaurants, banks, theaters; hatcheries; fraternal or veterans or civic lodges; and funeral homes.

Any retail business or retail services, including the making of articles to be sold on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than fifteen (15) persons shall be employed in such manufacturing.

47.7 "Special Structure Exceptions". None.

47.8 "Minimum Lot Requirements". None.

47.9 "Minimum Yard Requirements". There shall be a front yard of not less than ten (10) feet. This front yard shall be free of all principal buildings, accessory buildings, parking areas, and loading areas. Provided, however, all buildings located on lots adjacent to a Residential District, shall be located so as to provide a minimum side and rear yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District.

47.10 "Maximum Lot Coverage". None.

Section 2. Existing Section 47 - Provisions for Commercial Extensive District (C-2), of Article E Zoning Districts, of the Zoning Regulations of the City of Edwardsville, Edition of 1994, is hereby repealed as said Section 47 is currently incorporated in Section 16-201 of the Code of the City of Edwardsville, Kansas.

Section 3. This ordinance shall be in full force and effect upon publication in the Bonner Springs-Edwardsville Chieftain.

PASSED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS THIS 27th DAY OF February, 1995.

APPROVED:

JOHN A. McTAGGART, Mayor

ATTEST:

PHYLLIS FREEMAN, City Clerk

ORDINANCE NO. 855

AN ORDINANCE AMENDING ARTICLE E, SECTION 47, ZONING REGULATIONS OF THE CITY OF EDWARDSVILLE, KANSAS.

WHEREAS, Ordinance Number 639, passed by the City Council on December 27, 1994, amended its entirety Section 16-201 of the Code of Ordinances of the City of Edwardsville, Kansas relating to zoning regulations within the City of Edwardsville; and

WHEREAS, on September 19, 2007, in accordance with such zoning regulations, the Edwardsville Planning Commission conducted public hearing regarding amendments to Article E, Section 47 regarding special uses and height regulations in the Commercial Extensive District (C-2); and

WHEREAS, the Edwardsville Planning Commission did approve and recommend amendments to Article E, Section 47 regarding special uses and height regulations in the Commercial Extensive District (C-2); and

WHEREAS, the Edwardsville Planning Commission has forwarded its recommendations to the Governing Body for consideration and action on these matters;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Edwardsville, Kansas:

Section 1. The recommendations of the Edwardsville Planning Commission in regard to the Article E, Section 47 regarding special uses and height regulations in the Commercial Extensive District (C-2) are hereby approved and adopted as follows.

Section 2. Article E, Section 47.4, Special Uses, shall be amended by adding:

47.4 "Special Uses"
b. Lottery Gaming Facility licensed by the State of Kansas

Section 3. Article E, Section 47.4, Special Uses, shall be amended to read:

47.5 "Maximum Height"
The height of all structures shall not exceed forty-five (45) feet unless permitted under provisions of Special Use.

Section 4. This ordinance will be effective upon its publication in the official city newspaper.

PASSED AND APPROVED this 8th day of October, 2007.

William 'Heinz' Rodgers, Mayor

Attest:

Phyllis Freeman, City Clerk

Approved as to Form:

H. Reed Walker, City Attorney

SECTION 45 - HIGH DENSITY RESIDENCE DISTRICT (R-3)

45.1 "Intent". The intent of the High Density Residence District (R-3) is to provide for high density residential use areas together with certain prescribed compatible uses.

45.2 "Permitted Principal Uses and Structures". The following principal uses and structures shall be permitted in the High Density Residence District (R-3):

1. Multiple family dwellings except duplexes
2. High rise apartments

45.3 "Permitted Accessory Uses and Structures". The following accessory uses and structures shall be permitted in the High Density Residence Districts (R-3):

1. Home occupations
2. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district.

45.4 "Special Uses". After the provisions of this Ordinance relating to special uses have been fulfilled, the City Council may permit as special uses in the High Density Residence District (R-3):

1. Mobile home parks
2. Funeral homes and funeral chapels
3. Churches, synagogues, and temples
4. Nursery, primary, intermediate, secondary schools, and colleges.
5. Convalescent, nursing, and rest homes
6. Medical and other health facilities
7. Public recreational and park facilities
8. Golf courses and country clubs
9. Communication and utility uses and utility substations
10. Rooming and boarding houses
11. Professional offices

45.5 "Prohibited Uses and Structures". All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the High Density Residence District (R-3).

45.6 "Minimum Lot Requirements". The minimum lot area shall be six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be one thousand (1,000) square feet, provided that for efficiency units the

minimum lot area per dwelling unit shall be eight hundred (800) square feet. The minimum lot width shall be sixty (60) feet.

45.7 "Minimum Yard Requirements". There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of fifteen (15) feet. The minimum yard on a corner lot shall be twenty-five (25) feet from all street right-of-way lines. For multiple building developments, the minimum front yard requirements shall apply to the exterior boundaries of the project, and no two (2) buildings or opposite portions of a building shall have a closer relationship than the following:

1. Back of dwelling unit to back of dwelling unit, forty (40) feet
2. Front of dwelling unit to front of dwelling unit, fifty (50) feet
3. End to end, twenty (20) feet
4. Corner to corner, fifteen (15) feet
5. End to back of dwelling unit, twenty-five (25) feet
6. End to front of dwelling unit, forty (40) feet
7. No dwelling unit shall face directly upon the rear of another dwelling unit.
8. Service areas, vestibules, porches, balconies, canopies, not extending more than ten (10) feet from the building shall be excluded from the clearance requirements of Subparagraphs 1 to 7 exclusive.
9. Where the walls of two (2) buildings face each other and the portions of the faces which overlap or are directly opposite each other do not exceed fifteen (15) feet in length, and said overlapping portions do not contain windows, the distance between the walls may not be less than nine (9) feet.

45.8 "Maximum Lot Coverage". The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total lot area.

45.9 "Maximum Height". The height of all buildings and structures shall not exceed fifty (50) feet.

45.10 "Submission of Plans". Prior to rezoning and approval for construction, plans of the proposed development shall be submitted to the City Planning Commission and the City Council for their review and approval. Said plan shall include the following:

1. Accurate plan at a suitable scale showing the

project property lines, topography, location of property lines of all abutting properties and any building located thereon; and, the widths of all butting street rights-of-way and pavements shall be indicated.

2. Accurate plan at a suitable scale showing the proposed location of buildings, playground, parking areas, drives, and accessory uses in the project.
3. Accurate plan showing proposed drainage system, including capacity
4. Preliminary plans and elevations of the proposed building or buildings.
5. Proposed landscaping, including planting schedule and size of vegetation at planting.
6. Such other information as the City Planning Commission may reasonably require in order that the project may be properly studied.

45.11 "Minimum Floor Area". Each dwelling unit shall have a floor area, exclusive of basements, open or screened porches, or garages, of not less than 410 square feet.

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