

# AGENDA

## PLANNING COMMISSION EDWARDSVILLE, KANSAS

February 17, 2016  
7:00 p.m.

John Altevogt  
Jeff Martinek

Mark Bishop  
Bryan Smith  
Ralph Eaton

Erin Harves  
Tim Sweeten

- 
1. Call meeting to order
  2. Minutes from January 20, 2016 Meeting
  3. New Business:
    - a. Rezoning – 323 / 325 North 110<sup>th</sup> Street (2015-10-Z); Big House Investments, LLC and BC Enterprise Investors LLC, Owner(s) / Korb Maxwell, Polsinelli, Applicant
    - b. Calendar Change – Change Planning Commission meeting date for regularly scheduled March meeting from March 16, 2016 to March 23, 2016.
  4. Staff Reports
  5. Planning Commission Comments
  6. Adjournment

**MINUTES January 20, 2016**

**Members Present:** John Altevogt, Jeff Martinek, Bryan Smith, Erin Harves, Tim Sweeten, Mark Bishop, Ralph Eaton

**Staff Present:** Dave Knopick, City Planner  
Michael Webb, City Manager  
Zack Daniel, Assistant to the City Manager/City Clerk  
Tim Whitham, Fire Chief

**Regular Meeting**

The regular meeting was called to order by Chairman Jeff Martinek at 7:00 p.m.

**Minutes from November 18, 2015**

Commissioner John Altevogt motioned to approve the minutes November 18, 2015.

Commissioner Jeff Martinek seconded the motion.

The motioned carried 7-0

**New Business**

**(a) Preliminary/Final Plan – 2647 S. 96<sup>th</sup> St. (2015-07-PPN / 216-08-FPN); INX International Ink Company, Owner / Brian Hill, MKEC Engineering, Inc. Applicant\***

*\*Commissioner Tim Sweeten abstained from all votes involving the INX expansion due to a preexisting relationship with Kessinger & Hunter*

City Planner Dave Knopick reviewed the agenda memo for this item and explained that, due to the nature of the project, both the final plan and preliminary plan will be discussed simultaneously. The initial plan submitted by the applicant is considered the preliminary plan while the revised version with notes from staff incorporated is considered the final plan. Action will require two separate motions.

Construction Manager/Developer Dan Jenson from Kessinger & Hunter gave a brief history of INX in the City of Edwardsville. He introduced Brian Hill from the design firm to go over the details of the plans. Mr. Hill provided a general overview of the proposed improvements. Chairman Martinek asked for clarification on potential fire service issues. Fire Chief Tim Whitham stated that the current plans allow for the necessary fire protection.

City Manager Michael Webb clarified the voting procedure for this item. Commissioner Altevogt made the motion to recommend the approval of the preliminary plan. Commissioner Bishop seconded. The motion passed 6-0

Commissioner Altevogt made the motion to recommend approval of the final plan. Commissioner Eaton seconded. The motion passed 6-0.

**(b) Public Hearing – Final Plat (Re-Plat) - 2647 S. 96<sup>th</sup> St. (2015-09FPT); INX International Ink Company, Owner / Brian Hill, MKEC, Engineering, Inc., Applicant\***

Chairman Martinek opened the public hearing for the final plat for INX. Mr. Knopick provided the background of what is essentially a re-platting process. There were no public comments for this item. Commissioner Altevogt made the motion to close the public hearing. Chairman Martinek seconded. The motion passed 6-0.

Commissioner Altevogt made the motion to recommend approval of the the final plat. Commissioner Bishop seconded. The motion passed 6-0. Mr. Knopick explained hthat both items related to this development will appear before the City Council on February 8.

**(c) Preliminary Plan – Village South – 323 / 325 North 110<sup>th</sup> St. (2015-11-PPN); Big House Investments, LLC and BC Enterprise Investors LLC, Owner(s) / Korb Maxwell, Polsinelli, Applicant**

Mr. Knopick briefly explained the development, plan submission/review process, and provided a brief overview of development and requirements associated with the next agenda item, a proposed rezoning for a portion of the development. He also explained that the Riverview Overlay district triggers the preliminary plan process. He then explained that three jurisdictions (KDOT, Wyandotte County UG, and the City of Edwardsville) will need to be included in final plan development due to traffic concerns which affect the area. Additionally, the issue of sewer provision still needs to be finalized. He then turned over the presentation to Korb Maxwell, who represents the developers on behalf of Big House Investments.

Mr. Maxwell provided an overview of the proposed development, stating that he would use his presentation to cover both the proposed preliminary plan and rezoning item. The property owner intends to develop two hotels (185 rooms in total) with a restaurant and 12,000 sq. ft. of conference/meeting room spaces on approximately 7.46 acres. In addition 31,250 sq. ft. of convenience/fast food/retail would be developed on 4.89 acres and 252 apartments with accessories would be developed on 10.37 acres. Currently, the entire site is zoned C-2, but the 10.37 acres needs to be rezoned R-3 to allow for multi-family dwellings.

Mr. Maxwell explained that both Holiday Inn and La Quinta have committed to being a part of the development. These hotels, in addition to the meeting space, would target business visitors. He stressed that the apartments that are a part of the plans are for market rate, class-A apartments and not meant for section 8 or low-income housing. Mr. Maxwell presented a preliminary map of the area with the proposed developments, including the 25,000 sq. ft. destination retail area that will have an automotive focus. A consistent look for the commercial aspects of the development will be part of the design

characteristics. Mr. Maxwell stressed that retail and residential belong together for development purposes and cited several examples of such in the greater Kansas City area. Finally, Mr. Maxwell explained that the developers are able to comply with all of the conditions outlined in the staff report.

Commissioner Altevogt asked if the rental market is at risk for being flooded with this development. Mr. Maxwell responded that trends are showing that the rental market is strong and that there will be a need to answer that demand. Commissioner Altevogt asked about sewers in the area, which Mr. Maxwell responded that without sewers there is no development but that he is excited to work with the City Council on options for this in the future. City Manager Michael Webb confirmed that the most cost effective way to provide sewer at this point is to connect across I-70.

Commissioner Smith brought up some traffic concerns in the area immediately outside of the development. Mr. Maxwell briefly explained the planning process with regards to traffic and agreed that more work will need to be done looking into the issue. Mr. Maxwell also outlined the improvements that would be made to the 110<sup>th</sup> St. area and informed that the traffic study to be further considered by staff of the UG, KDOT, and Edwardsville with the applicant's consultants will guide the final shape of the improvements. Commissioner Sweeten asked if this will be a phased development, which Mr. Maxwell explained that the goal is to accomplish the entire development in one phase.

Mr. Knopick explained the 2-year sunset clause that is an ordinance requirement within the Riverview Overlay district. The governing body could extend this for a period of 12 months if the applicant presented adequate information as to the reasoning behind the extension. Mr. Webb also noted that a development agreement is required prior to final plan approval.

Chairman Martinek moved to recommend approval of the preliminary plans subject to the conditions outlined the agenda memo. Commissioner Harves seconded. The motion passed 6-1, with Commissioner Sweeten in opposition

**(d) Public Hearing – Rezoning – 323 / 325 North 110<sup>th</sup> St. (2015-10-Z); Big House Investments, LLC and BC Enterprise Investors LLC, Owner(s) / Korb Maxwell, Polsinelli, Applicant**

Mr. Knopick explained the public hearing process required as part of the rezoning process. He also reaffirmed that the Riverview Overlay district guidelines will still be in effect no matter the results of the public hearing/rezoning process. Commissioner Martinek opened the public hearing. Gary Carpenter (11030 Riverview Dr.) spoke in opposition of the rezoning. Mr. Carpenter believes rezoning will lead to adverse traffic conditions and will ultimately lead to more apartment development rather than commercial development. Heinz Rodgers (650 Edwardsville Dr.) supported the rezoning and believes that is in keeping with the City's comprehensive Plan. He did inquire about reversionary zoning if the project does not develop. Mr. Knopick noted zoning is tied to

the site plan which leads to revisionary zoning if the project does not develop. In response to a question from Commissioner Harves, Mr. Maxwell responded that there is no development without the apartment complex. Laura Birch (101 S. 118<sup>th</sup> St.) presented general questions about the nature of the public improvements and who would pay for them. She also expressed concerns over increased traffic. Robert Niffen (10323 Richland Dr.) supported the rezoning indicating that it meant additional revenue for the City that can add to current and future service. He also believes it will provide added convenience to residents. Scott Bennet (311 S. 110<sup>th</sup> St.) generally supported the rezoning but had concerns about traffic impacts south of the site. Mr. Maxwell commented that value is being created for the community and commercial development is a near certainty for the area. Commissioner Altevogt moved to close the public hearing, which Commissioner Smith seconded. The motion passed 7-0.

Commissioner Altevogt made the motion to recommend approval of the preliminary plan subject to the conditions in the staff report. Chairman Martinek seconded. The motion passed 6-1, with Commissioner Sweeten in opposition. Mr. Knopick explained that both items related to this development will appear before the City Council February 8.

### **Staff Reports**

#### **(a) Development Updates**

The K-32 corridor re-development study continues to move forward with a public meeting scheduled in Edwardsville on January 27. Staff is planning on having a public hearing on the new draft zoning ordinance as part of the March planning commission meeting agenda.

Mr. Webb announced that Zumez, which operates out of a portion of the Fastenal building, will be terminating its local operation due to a change in their business model. However, Fastenal will now be using the remaining space. Also, staff is still waiting on building plans for Plaza West II.

#### **(b) Planning Commission terms and (re)appointments**

Mr. Knopick reminded the group that Commissioner Eaton and Commissioner Smith will need to be reappointed (if willing) and new officers need to be selected. Commissioner Altevogt made a motion to retain the current leadership structure of the Commission. Commissioner Harves seconded. The vote passed 7-0 retaining Jeff Martinek as the Chairperson, Bryan Smith as the Vice Chairperson, and Erin Harves as Secretary.

#### **(c) North End Sewer Update**

Commissioner Altevogt invited City Councilmember Chuck Adams to provide an update on the process behind finalizing sewer discussions. Councilmember Adams gave a brief history of the developments which have led to this point as well as the options going forward. Mr. Webb also clarified the costs associated with the various options.

### **Planning Commission Comments**

Commissioner Altevogt made a motion to draft an official advisory statement from the Planning Commission to the City Council advocating implementation of the LTC sewer connection. Commissioner Smith seconded. The motion passed 7-0.

### **Adjournment**

Chairman Jeff Martinek adjourned the meeting at 9:50 p.m.

The next meeting is February 17, 2016.

Minutes submitted by Zack Daniel, Assistant to the City Manager/City Clerk



**City of Edwardsville  
Staff Analysis Report  
Planning Commission February 17, 20126  
Item 3a –Rezoning – 323 / 325 North 110<sup>th</sup> Street  
(2015-10-Z)**

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**General Information**

**Applicant:** Big House Investments, LLC and BC Enterprise Investors LLC (Owners) / Korb Maxwell, Polsinelli (Applicant)

**Location:** 323 / 325 North 110<sup>th</sup> 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 January 20, 2016 the Planning Commission held a public hearing regarding a rezoning request to rezone a portion of the properties at 323 and 325 North 110<sup>th</sup> Street from C-2 Commercial Extensive to R-3 High Density Residence in the Riverview Overlay District. In addition to the staff and the applicant, five individuals spoke at the hearing. Three were generally in favor of the proposed rezoning; one spoke generally against the rezoning; and one had general questions about traffic impacts and infrastructure provision.

The staff report and the application material presented on January 20, 2016 is provided as part of the packet materials for this item. Additionally, the minutes from the public hearing are provide as part of the previous agenda item.

As a result of the public hearing and the consideration of the rezoning request the Planning Commission recommended approval of the rezoning from C-2 to R-3 to the Governing Body. On February 8, 2016 the City took into consideration the recommendation of the Planning Commission as part of its regular agenda. As a result of there consideration and discussion the Governing Body voted 4 - 2 to send this item back to the Planning Commission for further consideration.

**Analysis**

Per Kansas State Statutes regarding matters of rezoning (K.S.A. 12-757) the Governing Body may elect to adopt the recommendation of the Planning Commission; override / modify the recommendation of the Planning Commission; or, return the recommendation back to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove the recommendation.

In this case, the Governing Body cited criteria 10 and 12 of the review criteria specified in the Edwardsville Zoning Ordinance Article K, Section 74(i) Amendments to Change Zoning Districts (previous staff comments related to each of the criteria are provided in *italic*):

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.*

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.*

The entire list of the 13 review criteria are provided in the support material for the item.

In light of the items above and the commentary of the Governing Body, concerns appeared to be primarily related to potential traffic generation and impacts, and to a question of if the requested rezoning district fits within the context of the intended outcomes of the Mixed-Use definition from the comprehensive plan.

### **Recommendation**

The Planning Commission, after consideration of the Governing Body request, may resubmit the original recommendation giving the reasons therefor, or may submit a new and amended recommendation. If the Planning Commission fails to deliver it's recommendation to the Governing Body following it's next regular meeting after receipt of the Governing Body's request, such inaction shall be considered a resubmission of the original recommendation. The Planning Commission may continue discussion of this item at it's March meeting in order to gather additional information prior to resubmitting the original recommendation or submitting a new and amended recommendation to the Governing Body.

At this time the staff recommendation remains the same as stated in the staff report from January 20, 2016.

### **Attachments**

- Materials from the January 20, 2016 Planning Commission Agenda Item 3d.



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

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**General Information**

**Applicant:** Big House Investments, LLC and BC Enterprise Investors LLC (Owners) / Korb Maxwell, Polsinelli (Applicant)

**Location:** 323 / 325 North 110<sup>th</sup> 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 110<sup>th</sup> 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 / 110<sup>th</sup> 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.

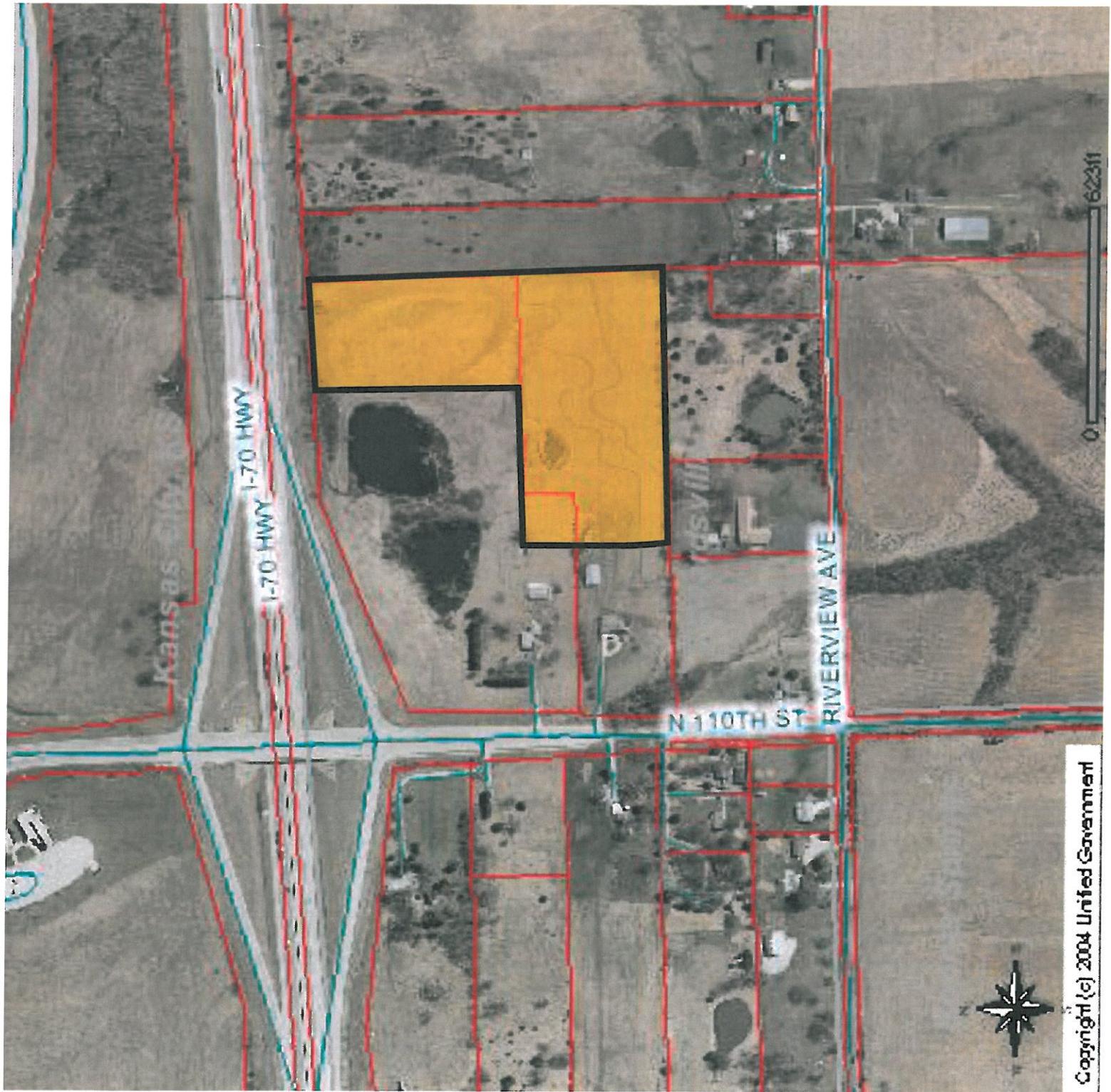
**Attachments**

- 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  
110<sup>th</sup> Street  
Rezoning**

**Case # 2015-10-Z  
January 20, 2016**

Map not to scale





# ZONING /SPECIAL USE APPLICATION

CITY OF EDWARDSVILLE  
690 South 4<sup>th</sup> 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, e-mail: KMaxwell@Polsinelli.com

Type of Review Requested and Application Fee:

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: \_\_\_\_\_

Applicant's Signature:  Date: \_\_\_\_\_



# ZONING /SPECIAL USE APPLICATION

CITY OF EDWARDSVILLE  
690 South 4<sup>th</sup> 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:** 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, e mail: KMa.well@Polsinelli.com

**Type of Review Requested and Application Fee:**

**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: [Signature] Date: 12/9/15

Applicant's Signature: [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;

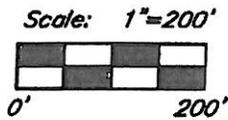
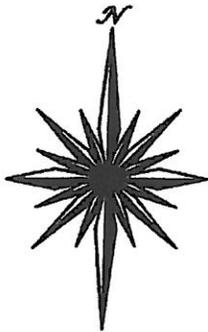
Thence North 00°35'20" West (N03°42'58"W – Computed, N01°34'54"W – Deed), a distance of 52.11 feet (52.03 feet – Deed) to the TRUE POINT OF BEGINNING.

# Rezoning Exhibit

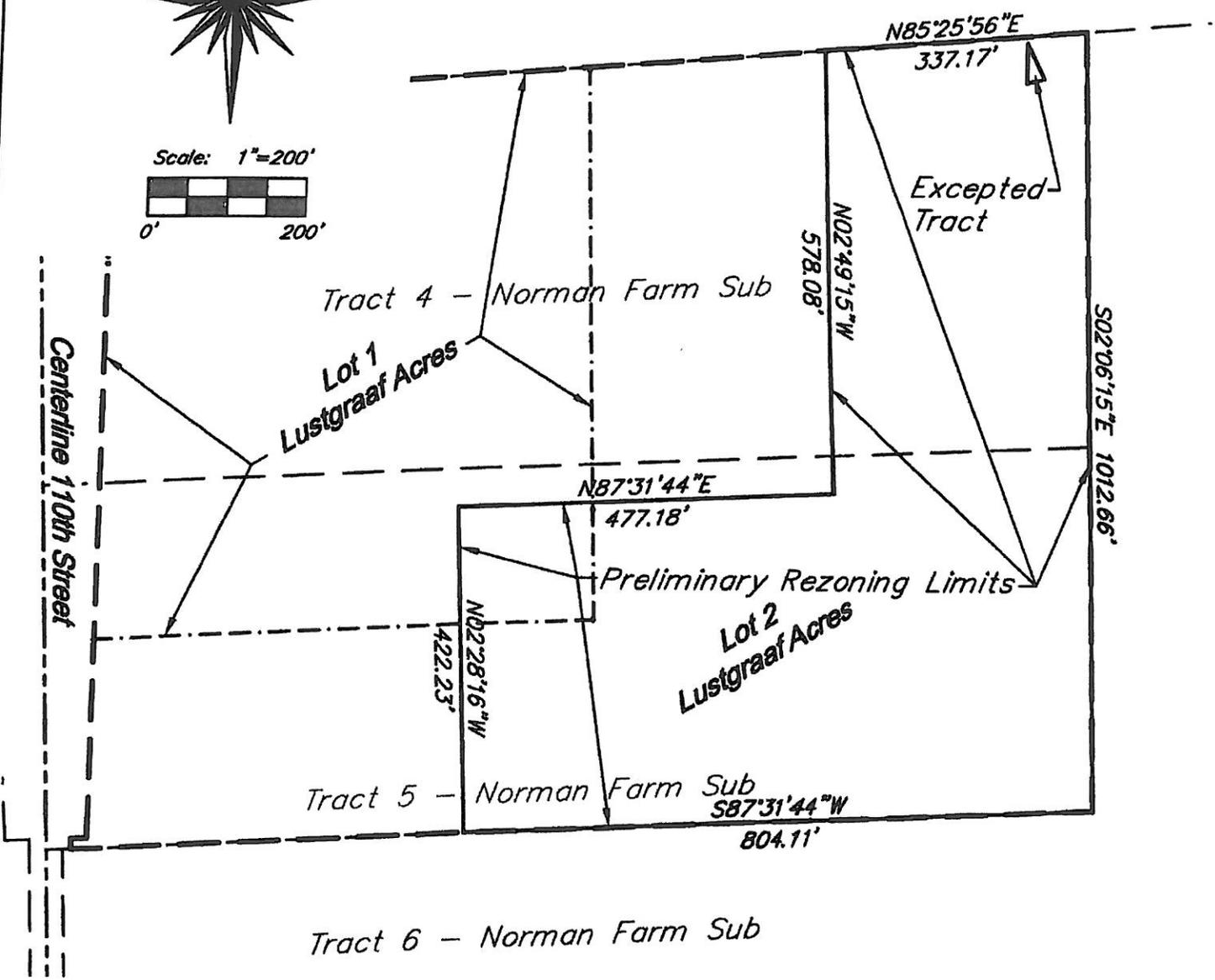
## Part of Lot 1 & Lot 2, Lustgraaf Acres

### Being a Replat of The Norman Farm Subdivision

#### Edwardsville, Wyandotte County, Kansas



Centerline Interstate 70



# 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 27<sup>th</sup> 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 8<sup>th</sup> 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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