

## ORDINANCE NO. 954

**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 PROPERTY LOCATED AT 11101 / 11115 / 11381 KAW DRIVE WITHIN THE CITY, FROM “I-1” INDUSTRIAL NON-HAZARD DISTRICT TO “C-2” COMMERCIAL EXTENSIVE DISTRICT.**

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

Section 1. Application has been made by the City of Edwardsville pursuant to the Zoning Regulations of the City of Edwardsville, Kansas, for a rezoning of 12.88 acres, more or less, located at 11101 / 11115 / 11131 / 11301 / 11381 Kaw Drive in Edwardsville, such property currently zoned “I-1” Industrial Non-Hazard District, to “C-2” Commercial Extensive District.

Section 2. As required by law, notice of the public hearing before the Edwardsville Planning Commission on the application for rezoning was posted on the property, and property owners in the rezoning area and adjoining property owners were notified by mail. A legal publication was placed in the official City newspaper notifying the public of the public hearing held by the Edwardsville Planning Commission on August 19, 2015 and September 16, 2015, on this application.

Section 3. The Edwardsville Planning Commission received the staff report prepared and presented by the City Planner, and voted 7-0 on September 16, 2015 to recommend to the Governing Body approval of the rezoning at 11101 / 11115 / 11131 / 11301 / 11381 Kaw Drive in Edwardsville.

Section 4. Findings. The Governing Body finds: (a) that this application for rezoning is properly before the Governing Body; (b) that notice was properly provided and the required public hearing held; (c) that action on the application was properly taken by the Planning Commission; (d) that a protest petition has been filed regarding this application and that the time period provided by law has elapsed for the filing of a protest petition against the requested rezoning; (e) that the Planning Commission has recommended the approval of the rezoning; and (f) that the findings of fact as prepared by the City Planner, submitted to the Planning Commission in the staff report, and recommended for approval by the Planning Commission, should be accepted and adopted as the findings of fact of the Governing Body (g) that the rezoning recommendation by the Planning Commission shall be modified in a manner that only the properties at 11101 / 11115 / 11381 Kaw Drive shall be rezoned from I-1 Industrial Non-Hazard to C-2 Commercial Extensive.

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 “I-1” Industrial Non-Hazard District, to “C-2” Commercial Extensive District

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

11101 KAW DRIVE

LAKE FOREST CLUB RES & 2013 & 2014, S27, T11, R27, ACRES 1.94, PART OF NE1/4 OF SE1/4 OF 27-11-23 AS FOLL: BEG 206.25FT E OF NW COR E1/2 SE1/4; S 1013FT, S83E-477FT, N 1056FT, W 475FT TO POB LESS RR R/W & LESS PART N OF K-32 HWY; BAL CONTG 1.64AC M/L, LESS PART TO CITY.

Parcel ID: 105-048-27-0-40-02-003.00-0

11115 KAW DRIVE

LAKE FOREST CLUB RES & 2013 & 2014, S27, T11, R27, ACRES 0.08, PART OF NE1/4 OF SE1/4 OF 27-11-23 AS FOLL: BEG 718.45FT S & 1022.87FT W OF NE COR SE1/4; S09W-20.03FT, S80E- 5FT, S09W- 40FT, N80W- 75FT, N09E- 40FT, S80E- 50FT, N09E- 17.88FT, CURVE LEFT- 20.11FT TO POB CONTG 0.07729AC M/L.

Parcel ID: 105-048-27-0-40-02-004.00-0

11381 KAW DRIVE

SEC-27 TWP-11 RNG-23, S27, T11, R23, ACRES 3.090000, 52A-A-2 BEG 385.81FT E & S18W-384.95FT TO POB ; S18W-384.08FT, N84W-330.98FT, N15E-453.32FT, CUR RT- 35.57FT, S72E-306.21FT TO POB CONTG 3AC M/L.

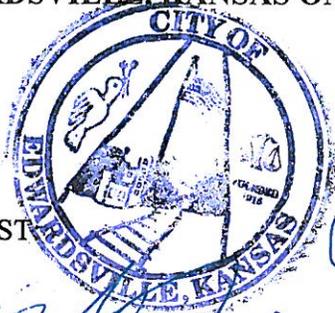
Parcel ID: 105-048-27-0-40-02-007.00-0

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.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 9<sup>th</sup> DAY OF NOVEMBER, 2015.



ATTEST

  
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ZACK DANIEL, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DAVID DUCKERS, CITY ATTORNEY

  
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JOHN McTAGGART, MAYOR