

ORDINANCE NO. 1525

**AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS BY ADDING AN AMENDED OVERLAY DISTRICT KNOWN AS THE AMENDED MARKETPLACE COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT AND AMENDING THE ESTABLISHED AMENDED PRELIMINARY AND FINAL MARKETPLACE COMMERCIAL PLANNED UNIT DEVELOPMENT AND BEING PART OF THE CLOUD CITY PRELIMINARY PLANNED UNIT DEVELOPMENT PLANS, LOCATED IN THE CITY OF ANDOVER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY AS ORIGINALLY APPROVED BY ORDINANCE NO. 1187.**

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

SECTION 1. Having received a recommendation from the Andover City Planning Commission on Case No. Z-1997-05, and proper notice having been given and hearing held on November 20, 2012 as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No. 1187, the zoning district classification of land legally described herein as the Cloud City Subdivision Amended Preliminary General Planned Unit Development Plan is amended as follows:

The boundaries of Parcels 3. and 3.b are reconfigured as described below in the Amended Marketplace Planned Unit Development District. The revised Parcel 3.b. is modified to add the permitted uses in the R-4 Multiple-Family Residential District.

**DESCRIPTION OF PARCEL No. 3 –**

The B-4 Central Shopping District contained therein is amended to change the parcel boundary.

Permitted Uses: All uses permitted in the B-4 Central Business District.

Gross Area - 9.93 Ac.

Maximum Building Coverage - 35%

Maximum Building Height - 45 feet

Setbacks - As shown hereon and/or  
Front: 35'  
Rear: 20'  
Side: 10' (zero if developed as strip center)  
Parking Ratio - As per zoning code

A tract of land lying in the Northwest Quarter, Section 29, Township 27 South, Range 3 East, of the 6<sup>th</sup> Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows:

A tract of land lying within a portion of Lot 1, Block 3, and a portion of Reserve "C", and a portion of Cloud Avenue. Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to Andover, Butler County, Kansas, said tract collectively being more particularly described as follow:

COMMENCING at the southeast corner of said Lot 1, thence along the south line of said Lot 1 on a platted bearing of, S89°23'19"W, 50.00 feet to the POINT OF BEGINNING, continuing along said south line, S89°23'19"W, 771.67 feet to the southwest corner of said Reserve "C"; thence along the west line of said Reserve "C", N00°36'41"W, 124.87 feet; thence N89°23'19"E, 150.36 feet to the west line of said Lot 1; thence along said west line extended, N00°36'41"W, 635.13 feet to the platted centerline of Cloud Avenue; thence along said platted centerline for the next four courses, N72°31'27"E, 20.79 feet to a point on a curve to the right, having a radius of 700.00 feet, a central angle of 16°51'54", a chord bearing of N80°57'24"E, and a chord distance of 205.30 feet; thence along the arc of said curve a distance of 206.05 feet; thence N89°23'21"E, 308.89 feet to a point on a non-tangent curve to the right, having a radius of 700.00 feet, a central angle of 07°20'27", a chord bearing of S86°56'01"E, and a chord distance of 89.62 feet; thence along the arc of said curve a distance of 89.69 feet; thence parallel with and 50.00 feet west of the east line of said Lot 1, S00°36'41"E, 790.39 feet to the POINT OF BEGINNING.

CONTAINING: 510,576 square feet or 11.721 acres of land, more or less.

#### **DESCRIPTION OF PARCEL No. 3b –**

The B-4 Central Shopping District contained therein is amended to change the parcel boundary and incorporate all of the permitted uses allowed in the R-4 Multiple-Family Residential District along with the existing B-4 Central Business District with the following conditions and modifications:

A 6 foot tall screening/buffering fence shall be placed south of YMCA Drive to restrict access between Parcel 3.b. multiple family residential dwellings and the adjoining R-2 single family residential property. The construction of the 6 foot tall fence shall be completed upon development of the adjacent apartment property to the north. If the

apartment development is built in phases, the adjacent portion of the fence shall be built concurrently.

R-4 Setbacks -

Front: 20' for habitable structures

10' for accessory structures (Cloud Ave. & Yorktown St.)

Rear: 20' (YMCA Dr.)

Side: 0'

Maximum Building Coverage - 35%

Maximum Building Height - 45 feet and/or 3 story tall units

Maximum Multiple-Family Density - 16 dwelling units per acre or maximum of 210 dwelling units

Parking Ratio - As per zoning code

B-4 Setbacks -

Front: 35' (Cloud Ave. & Yorktown St.)

Rear: 20' (YMCA Dr.)

Side: 20'

40' for parcels developed as B-4 adjacent to multi-family

Maximum Building Coverage - 35%

Maximum Building Height - 45 feet

The east 50.00 feet of Lot 1, Block 3, and a portion of Cloud Avenue, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to Andover, Butler County, Kansas, TOGETHER WITH

An unplatted tract of land lying within the Northwest Quarter, of Section 29, Township 27 South, Range 3 East, Andover, Butler, Kansas, collectively being more particularly described as follow:

COMMENCING at the southeast corner of said Lot 1, thence along the south line of said Lot 1 on a platted bearing of, S89°23'19"W, 50.00 feet to the POINT OF BEGINNING, thence parallel with and 50.00 feet west of the east line of said Lot 1, N00°36'41"W, 790.39 feet to the platted centerline of Cloud Avenue being a point on a non-tangent curve to the right, having a radius of 700.00 feet, a central angle of 01°47'32", a chord bearing of S82°22'01"E, and a chord distance of 21.90 feet; thence along the arc of said curve a distance of 21.90 feet to a point on a non-tangent curve to the left, having a radius of 498.28 feet, a central angle of 16°59'27", a chord bearing of S89°56'13"E, and a chord distance of 147.22 feet; thence along the arc of said curve a distance of 147.76 feet; thence N81°35'50"E, 163.51 feet to a point on a curve to the right, having a radius of 800.00 feet, a central angle of 07°14'01", a chord bearing of N85°12'50"E, and a chord distance of 100.93 feet; thence along the arc of said curve a distance of 101.00 feet;

thence N88°49'50"E, 412.92 feet to the west line of Yorktown Street as recorded on Book 2008, Page 349; thence along said west line, S00°33'29"E, 631.17 feet to a point on a curve to the left, having a radius of 285.00 feet, a central angle of 38°58'42", a chord bearing of S20°02'50"E, and a chord distance of 190.17 feet; thence continuing along said west line and along the arc of said curve a distance of 193.89 feet to a point on a curve to the right, having a radius of 209.22 feet, a central angle of 02°56'54", a chord bearing of S38°03'44"E, and a chord distance of 10.77 feet; thence continuing along said west line and along the arc of said curve a distance of 10.77 feet to the northeast corner of the Final Planned Unit Development Plan of Reflection Lake at Cloud City 3<sup>rd</sup> Addition, a Subdivision to Andover, Butler County, Kansas; thence along the north line of said addition, S89°23'19"W, 913.68 feet to the POINT OF BEGINNING.

CONTAINING: 684,373 square feet or 15.711 acres of land, more or less.

General Location: On the west side of Yorktown Street south of Cloud Avenue.

SECTION 2. The boundaries of Parcels 3. and 3.b. as described above are also reconfigured in both the Amended Cloud City Preliminary and Marketplace Planned Unit Development Plans.

SECTION 3. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated and the applicant within 15 days of publication of this ordinance shall file a revised statement with the County Register of Deeds with all the information required by Section 4-116E2. .

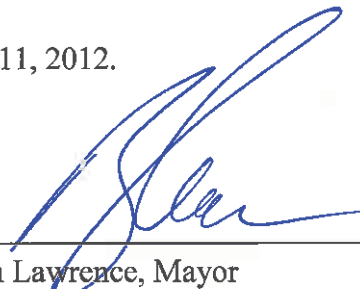
SECTION 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY ON December 11, 2012.

APPROVED BY THE MAYOR ON December 11, 2012.



/s/   
Susan C. Renner, City Clerk

/s/   
Ben Lawrence, Mayor

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 11<sup>th</sup> day of December, 2012; that the record of the final vote on its passage is found on page 7 of the minutes from December 11, 2012; that it was published in the Augusta Daily Gazette on the 15 day of December, 2012.

City Clerk 