

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI APPROVING A CHANGE IN ZONING FROM THE NU NON-URBAN RESIDENCE DISTRICT TO THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 21,600 SQUARE FOOT TRACT OF LAND THAT IS LOCATED ON THE WEST SIDE OF CENTER AVENUE, SOUTH OF MANCHESTER ROAD - P. Z. 7-18, Mike Whalen, Whalen Custom Homes, Inc. (Ward Eight)**

**WHEREAS**, Whalen Custom Homes, Inc. is the owner of this legal lot of record that is part of the early platting history of the Grover Area, from approximately 1912, and located on the west side of Center Avenue, south of Manchester Road (formerly Route 66); and

**WHEREAS**, the petitioner purchased this lot with the intent to remove the dilapidated structure from it and construct a new single family dwelling in its place, similar to those residences that have been developed by his company in the Old Towne Parc and the Stonemill Subdivisions; and

**WHEREAS**, the petitioner submitted a petition for a change in the property's zoning, which requested the current NU Non-Urban Residence District be changed to the R-3 10,000 square foot Residence District, given it is located within the Town Center Area, and designated "Neighborhood Edge" District, under the Regulating Plan of the Town Center Plan; and

**WHEREAS**, the petitioner's requested R-3 10,000 square foot Residence District, if allowed, would accommodate the type and size of the desired dwelling on this lot and meet all required building and structure setbacks of this new designation; and

**WHEREAS**, the Planning and Zoning Commission considered this request at its September 4, 2018 Executive Meeting and a discussion was held about a range of considerations and issues, including the compliance of the lot's design to the Town Center Plan, roadway improvements to Center Avenue, and architectural issues relating to the dwelling, particularly garage access; and

**WHEREAS**, after consideration of this matter and responding to the Department of Planning's report, the Planning and Zoning Commission recommended approval of the request seeking the change in zoning from the NU Non-Urban Residence District to the R-3 10,000 square foot Residence District, the specifics of such approval and recommendation being set forth in the letter of the Planning and Zoning Commission submitted to the City Council dated September 17, 2018, and regarding **P. Z. 7-18 2607 Center Avenue, Mike Whalen, Whalen Custom Homes, Inc.**, a copy of which is on file in the office of the City Clerk and incorporated by reference herein; and

**WHEREAS**, the City Council held a public hearing to consider the amendment on October 8, 2018, at which interested persons were offered an opportunity to speak; and

**WHEREAS**, at the City Council meeting on October 8, 2018 its members directed the Department of Planning to prepare draft legislation for consideration by the City Council consistent with the Planning and Zoning Commission's recommendation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:**

**Section One.** That after proper notice in accordance with the ordinances of this City and applicable laws of the State of Missouri, a public hearing was held with regard to the rezoning of a certain 21,600 +/- square foot tract of land more particularly described below, first before the



Planning and Zoning Commission and then the City Council of the City of Wildwood, Missouri, and approval is hereby granted to rezone such 21,600 square foot tract of land from NU Non-Urban Residence District to the R-3 10,000 square foot Residence District, pursuant to the Municipal Code of the City of Wildwood, Missouri, and the City of Wildwood's Zoning Ordinance and Official Zoning District Maps of the City of Wildwood, Missouri, all made a part hereof and incorporated by reference herein, are hereby amended consistent with this Section One for the Property described here:

A PART OF LOTS 13 AND 14 OF GROVER HEIGHTS AS RECORDED IN PB20 PG35, A SUBDIVISION IN SECTION 12, TOWNSHIP 44 NORTH RANGE 3 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT 13, 90 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WESTWARDLY AND PARALLEL TO THE SOUTH LINE OF SAID LOT 13 AND 14  $589^{\circ} 42' 36''$ W A DISTANCE OF 240 FEET TO A POINT IN THE WEST LINE OF SAID LOT 14; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 14,  $NO^{\circ} 33' 53''$ E A DISTANCE OF 90 FEET TO A POINT; THENCE EASTWARDLY AND PARALLEL TO THE SOUTH LINE OF LOTS 13 AND 14  $589^{\circ} 42' 36''$ W, 240 FEET TO A POINT IN THE EAST LINE OF SAID LOT 13 AND THENCE SOUTHWARDLY ALONG THE EAST LINE OF LOT 13  $SO^{\circ} 33' 53''$ E TO THE POINT OF BEGINNING.

**Section Two.** The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations, as may be amended from time to time, and the conditions of this ordinance, except as may be modified herein.

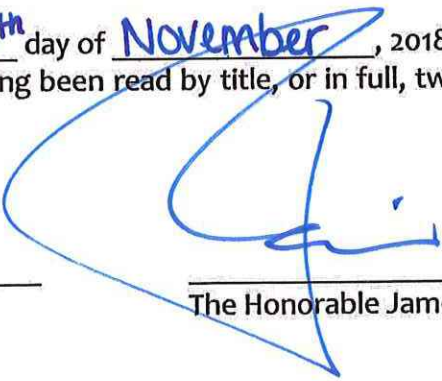
**Section Three.** This ordinance shall be in full force and effect on and after its passage and approval.

**Section Four.** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**Section Five.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

This Bill was passed and approved this 13<sup>th</sup> day of November, 2018, by the City Council of the City of Wildwood, Missouri, after having been read by title, or in full, two (2) times prior to its passage.

  
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Presiding Officer

  
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The Honorable James R. Bowlin, Mayor

**ATTEST:**

*Amanda Fost*

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Amanda Foster, City Clerk

**ATTEST:**

*Amanda Fost*

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Amanda Foster, City Clerk