

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR A TRACT OF LAND LOCATED AT 3206 N. SPRING STREET IN INDEPENDENCE, MISSOURI.

WHEREAS, the hereinafter described property has been classified by the City Council in the City Code of the City of Independence, Missouri, as lying and being within District R-30/PUD (High Density Residential/Planned Unit Development) and being subject to the regulations of District R-30/PUD (High Density Residential/Planned Unit Development) as specified in Sections 14-300 and 14-902 of the City Code of the City of Independence, Missouri; and an application was filed on July 17, 2020, with the Community Development Department, by the City of Independence thereof, requesting approval of a preliminary development plan; and,

WHEREAS, the Independence Planning Commission did cause to be published on August 8, 2020, a notice of the time and place of such hearing notifying all interested parties that a hearing on such proposed preliminary development plan would be held virtually by the Planning Commission on August 25, 2020 and by the City Council on October 19, 2020, at 6:00 p.m. which said notice proposed that property described hereinafter be developed according the preliminary development plan as specified in Section 14-703 thereof; and,

WHEREAS, at the August 25, 2020 Planning Commission virtual public hearing, all parties in interest were given an opportunity to be heard; and,

WHEREAS, at the Independence City Council virtual public hearing, all parties in interest and citizens with new information were given an opportunity to be heard and the matter has been duly submitted and considered by the City Council, and 35 legal protest were signed, acknowledged, and presented for the application;

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

SECTION 1. That the City Council hereby makes the following findings:

1. That, the Preliminary Development Plan is consistent with the review criteria listed in Section 14-703-05-H of the City Code;
2. That, a virtual public hearing was held pursuant to a notice duly published according to law, at which time all interested parties were given the full opportunity to be heard;
3. That, there will be a property manager (an attorney that specializes in property management) and a maintenance staff available in the area;
4. That, the Home Owners Association (HOA) will maintain the exteriors of the structures;
5. That, the developer and property manager will maintain the development until it is turned over to the HOA;
6. That, the development can be marketed for senior use but not guaranteed for that use in the covenants;
7. That, the additional green space and amenities are needed;
8. That, the development needs a more variety in its architectural design;
9. That, there is a spring on the property, flowing southeast through property and down the N. Spring Street gutter, to a storm drain;
10. That, during the Planning Commission hearing, the owners, owner's agent and attorney spoke in

- favor of the application, and nine people spoke against the proposed plan;
11. That, at its September 15, 2020 Planning Commission meeting, the Commission failed to recommend approval of this application by a margin of 0-7 votes.

SECTION 2. That the Preliminary Development Plan for the property, generally located at 3206 N. Spring Street, is hereby approved as per the attached plan which is incorporated by reference thereto and made a part hereof as though fully set out herein.

PASSED THIS _____ DAY OF _____, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager