

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 3232 S. NOLAND ROAD IN DISTRICT C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by Dan Jensen for Cargo Largo requesting approval of a preliminary development plan in District C-2/PUD (General Commercial/Planned Unit Development) on property at 3232 S. Noland Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a preliminary development plan following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a virtual public hearing for the consideration of the request on April 13, 2021 and rendered a report to the City Council recommending that the preliminary development plan be approved, with the conditions listed below, by a vote of 7-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on May 17, 2021 and rendered a decision to approve the preliminary development plan for the said property with the conditions listed below; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the preliminary development plan was consistent with the review criteria in Section 14-703-05; and,

WHEREAS, no legal protest petitions were signed, acknowledged, and presented against the application.

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

SECTION 1. That a preliminary development plan is hereby approved in District C-2/PUD (General Commercial/Planned Unit Development) on the following legally described tracts of real estate:

TRACT A

A TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 49 NORTH, RANGE 32 WEST, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 14, THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER NORTH 87 DEGREES, 16 MINUTES 47 SECONDS WEST, 177.04 FEET; THENCE SOUTH 02 DEGREES, 00 MINUTES, 34 SECONDS WEST, 25.00 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE SOUTH 02 DEGREES, 00 MINUTES, 34 SECONDS WEST, 1600.53 FEET; THENCE SOUTH 09 DEGREES, 07 MINUTES, 21 SECONDS WEST, 160.16 FEET; THENCE NORTH 86 DEGREES, 29 MINUTES, 52 SECONDS WEST, 313.29 FEET; THENCE SOUTH 03 DEGREES, 30 MINUTES, 08 SECONDS WEST, 10.00 FEET; THENCE NORTH 86 DEGREES, 29 MINUTES, 52 SECONDS WEST, 321.55 FEET; THENCE WESTERLY, ON A CURVE TO THE LEFT HAVING A RADIUS OF 430.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 39.64 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY AND NORTHWESTERLY, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 30.53 FEET TO A POINT OF TANGENT; THENCE NORTH 04 DEGREES, 19 MINUTES, 38

SECONDS WEST, 39.73 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 430.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 52.88 FEET TO A POINT TANGENT; THENCE NORTH 11 DEGREES, 22 MINUTES, 25 SECONDS WEST, 275.37 FEET; THENCE NORTHERLY, ALONG A CURVE TO RIGHT HAVING A RADIUS OF 270.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 63.07 FEET TO A POINT OF TANGENT; THENCE NORTH 02 DEGREES, 00 MINUTES, 34 SECONDS EAST, 60.90 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 430.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 237.08 FEET TO A POINT TANGENT; THENCE NORTH 39 DEGREES 09 MINUTES 10 SECONDS WEST, 309.42 FEET; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 198.26 FEET TO A POINT TANGENT; THENCE NORTH 02 DEGREES, 55 MINUTES, 09 SECONDS EAST, 196.66 FEET; THENCE SOUTH 87 DEGREES, 16 MINUTES, 47 SECONDS EAST, 244.56 FEET; THENCE NORTH 02 DEGREES, 52 MINUTES, 07 SECONDS EAST, 13.52 FEET; THENCE SOUTH 87 DEGREES, 05 MINUTES, 11 SECONDS EAST, 50.00 FEET; THENCE NORTH 02 DEGREES, 52 MINUTES, 07 SECONDS EAST, 74.62 FEET; THENCE SOUTH 87 DEGREES, 16 MINUTES, 47 SECONDS EAST, 774.70 FEET; THENCE NORTH 02 DEGREES, 43 MINUTES, 13 SECONDS EAST, 350.48 FEET; THENCE SOUTH 87 DEGREES, 16 MINUTES, 47 SECONDS EAST, 73.94 FEET TO THE POINT OF BEGINNING OF THIS TRACT, CONTAINING 30.212 ACRES MORE OR LESS.

and,

TRACT B

A TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 49 NORTH, RANGE 32 WEST, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 14, THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SECTION NORTH 87 DEGREES, 16 MINUTES 47 SECONDS WEST, 177.04 FEET; THENCE SOUTH 02 DEGREES, 00 MINUTES, 34 SECONDS WEST, 1625.53 FEET; THENCE SOUTH 09 DEGREES, 07 MINUTES, 21 SECONDS WEST, 241.21 FEET; THENCE NORTH 86 DEGREES 29 MINUTES 52 SECONDS WEST, 4.19 FEET; THENCE NORTH 83 DEGREES, 23 MINUTES, 00 SECONDS WEST, 196.33 FEET; THENCE NORTH 86 DEGREES, 29 MINUTES, 52 SECONDS WEST, 433.60 FEET; THENCE SOUTH 48 DEGREES, 12 MINUTES, 17 SECONDS WEST, 7.03 FEET; THENCE SOUTH 02 DEGREES, 54 MINUTES, 27 SECONDS WEST, 268.02 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN INITIAL TANGENT BEARING OF SOUTH 50 DEGREES 13 MINUTES 08 SECONDS EAST, 98.72 FEET TO A POINT; THENCE NORTH 87 DEGREES 05 MINUTES 34 SECONDS WEST, 50.00 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 87 DEGREES, 05 MINUTES, 07 SECONDS WEST, 161.68 FEET; THENCE NORTH 02 DEGREES, 54 MINUTES, 19 SECONDS EAST, 231.78 FEET; THENCE NORTH 87 DEGREES, 05 MINUTES, 11 SECONDS WEST, 70.00 FEET; THENCE NORTH 02 DEGREES, 53 MINUTES, 40 SECONDS EAST, 244.89 FEET; THENCE NORTH 33 DEGREES, 09 MINUTES, 19 SECONDS EAST, 188.41 FEET; THENCE SOUTH 87 DEGREES, 06 MINUTES, 20 SECONDS EAST, 19.29 FEET; THENCE NORTH 02 DEGREES, 53 MINUTES, 40 SECONDS EAST, 49.65 FEET; THENCE NORTH 87 DEGREES, 06 MINUTES, 20 SECONDS WEST, 114.23 FEET; THENCE NORTH 02 DEGREES, 53 MINUTES, 40 SECONDS EAST, 418.94 FEET; THENCE SOUTH 39 DEGREES, 09 MINUTES, 10 SECONDS EAST, 25.17 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 193.67 FEET TO A POINT TANGENT; THENCE SOUTH 02 DEGREES, 00 MINUTES, 34 SECONDS WEST, 60.90 FEET; THENCE SOUTHERLY, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 77.08 FEET TO A POINT OF TANGENT; THENCE SOUTH 11 DEGREES, 22 MINUTES, 25 SECONDS EAST, 275.37 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 370.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 45.50 FEET TO A POINT TANGENT; THENCE SOUTH 04 DEGREES, 19 MINUTES, 38 SECONDS WEST, 387.36 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND AN INITIAL TANGENT BEARING OF SOUTH 49 DEGREES 42 MINUTES 56 SECONDS WEST, 93.21 FEET TO THE POINT OF BEGINNING OF THIS TRACT, CONTAINING 2.980 ACRES MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. The north elevation wall needs some variation in color and/or design to break up the wall expanse.
2. While most required plantings have been provided, the plan needs to be updated to current standards and include the landscaped open space requirement of Section 14-503-04.
3. Bicycle racks must be provided, see Code Section 14-501-08.
4. The permissible uses for the property includes all C-2 and I-1 uses permitted by right plus any C-2 Special Uses granted by the City Council in accordance with City Code procedures. Update this restriction noted on Sheet C1.1 of the plan set.
5. Cargo Largo must negotiate and enter into a development agreement with the City pertaining to the construction of public streets and traffic facilities associated with the project. Such agreement must be executed prior to the issuance of any construction permits for the building and site improvements.
6. Independence Power & Light will need an easement for the transformer serving the building and the conduit installed on S. Weatherford Road and E. 33rd Street for streetlights and street light installation. Cargo Largo is to have their engineering firm contact IPL for a pre-building permit submittal to work out details.
7. The proposed 35th Street Court/Weatherford Road cross section should extend down to E 35th Street. Traffic signal plans must also be submitted.
8. Five-foot sidewalks must be provided along all street frontages.
9. The access road to the north must be 26 feet wide or greater due to ladder tower placement and fire hydrants.
10. The street improvements, as listed below in this report, are to be constructed in conjunction with the construction of the new building and site improvements.

SECTION 3. That the development shall be in accordance with the attached preliminary development plan and building elevations dated February 11, 2021 and the undated color elevation as described in the staff report.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 6. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

PDP Case #21-810-01
3232 S. Noland Rd.
4/23/21-bb

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager