

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 2901-2925 S. HARVARD AVENUE IN DISTRICT R-6/PUD (SINGLE-FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by SBD Capital Development, LLC, requesting approval of a Preliminary Development Plan in District R-6/PUD (Single-Family Residential/Planned Unit Development) on property located at 2901-2925 S. Harvard Avenue 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 by the city 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 May 11, 2021, and rendered a report to the City Council recommending that the Preliminary Development Plan be approved by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on June 21, 2021, and rendered a decision to approve the Preliminary Development Plan for the said property; 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 was 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 a Preliminary Development Plan is hereby approved in District R-6/PUD (Single-Family Residential/Planned Unit Development) on the following legally described tract of real estate:

Sterling Village -2nd Plat PUD, Lots 4 through 16 and Tract B

SECTION 2. That the following conditions of approval apply:

1. *More trees and shrubs are needed for screening along S. Sterling Avenue. A detailed copy of a landscaping and screening plan meeting the screening and landscaping concerns stated in the earlier Final Development Plan is needed.*
2. *Add a note to the plan that states that all living units will be served by individual utility services.*
3. *On the Preliminary and Final Development Plans, list the following setbacks:*
 - a. *50-foot building setback along S. Sterling Avenue.*
 - b. *Driveway lengths must be at least 18 feet from the property line to provide an adequate outdoor off-street parking space for each unit.*

4. *Floor plans and building elevations shall generally conform to the drawings submitted with this development plan and contain the required below:*
 - a. *At least the lowest floor of the front building facade shall be masonry or stone (Submit drawing with the Final Development Plan),*
 - b. *Masonry/stone materials should be used as with the earlier fourplexes that have been constructed; and*
 - c. *The roof material shall be a 30-year Timberline or equivalent.*
5. *Storm water detention is required for the entire development. Storm water runoff and detention calculations must be included in the engineering plans.*
6. *Provide a walking trail with the Preliminary and Final Development Plans.*

SECTION 3. That the development shall be in accordance with the Preliminary Development Plan, date stamped February 22, 2021, and building elevations date stamped January 26, 2021, and the Conditions 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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager