

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 4580 E. BASS PRO DRIVE IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by Case Development, requesting approval of a rezoning from District C-2 (General Commercial) to District R-30/PUD (High Density Residential/Planned Unit Development) and a preliminary development plan on property at 4580 E. Bass Pro Drive 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 rezoning and 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 hybrid public hearing for the consideration of the request on December 8, 2020, and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved by a vote of 6-1; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on June 27, 2021, and rendered a decision to approve the rezoning and preliminary development plan for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning and preliminary development plan was consistent with the review criteria in Section 14-701-02 and 14-703-05 respectively; and,

WHEREAS, no legal protests 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 following legally described tract of real estate is hereby rezoned from District C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and shall be subject to the regulations of said district:

All of Lot 6B of the Replat of Lot 6, Crackerneck Creek, a subdivision in Independence, Jackson County, Missouri.

SECTION 2. That the Preliminary Development Plan, attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the following conditions:

1. On Sheets P2 and P5, the trash enclosures must be masonry, see Code Section 14-503-08.
2. On Sheet P3, the ADA sign on the post must have the '\$50-\$300 Fine' warning sign added, see Section 14-501-11.
3. On Sheet P6.2, the main entry sign is eight feet in height, but in the 'Architect's Collective' response #2 it mentions a 20 foot high sign. All signs must meet the design standards of the adopted Crackerneck Creek Special Character District.

4. Interior landscape parking islands should have three shrubs in addition to one tree per island. The landscape screen (tree line) along the western property line needs additional trees.
5. For the A5T/B5T/B6T buildings along the west side of the project, the rear elevations need more architecture features at the garage level, such as windows or contrasting brick trim.
6. The 8-inch ductile iron water main layout shown on Sheet CE05 is very general which the Water Department finds acceptable at this stage of the project. This layout is not approved for construction as we will need plan and profile sheets with all valves, all air release pits, our notes and detail sheets. This information has been provided to the developers engineer by the Water Department.
7. In order for the southern driveway to meet minimum sight distance standards for left turn movement, the foliage along the north side of Bass Pro Drive (and in particular, the extreme southwest corner of this lot) must be trimmed back to meet the minimum standard. The project's access design should confirm adequate sight distance is obtained for the drive. Maintenance of foliage should be conducted to maintain sight distance.
8. The location of the fencing around the perimeter of the site must be reviewed, and modified if necessary, to ensure not to create a sight distance issue at the driveway/street connection points.

SECTION 3. 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 4. 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 5. 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

Rezoning PUD/Preliminary Development Plan – 4580 Bass Pro Drive
Case #20-125-01
05/21/21 – JF

REVIEWED BY:

City Manager