

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR 16912 AND 16914 E. 23RD STREET S. AND 2221 S. M-291 HIGHWAY IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Driven Assets, LLC requesting approval of a rezoning from District C-1 (Neighborhood Commercial) to District C-2 (General Commercial) for the property at 16912 and 16914 E. 23rd Street S. and 2221 S. M-291 Highway 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 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 October 12, 2021, and rendered a report to the City Council recommending that the rezoning be approved 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 November 15, 2021, and rendered a decision to approve the rezoning of the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; 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 property is hereby rezoned from District C-1 (Neighborhood Commercial) to District C-2 (General Commercial) and shall be subject to the regulations of said district:

Hwy 291 & Hwy 78 – Lot 15

All of Lot 15, Except the North 365 feet thereof, and Except that part thereof taken for Highway, Route M-78, Stayton Place, a Subdivision in Independence, Jackson County, Missouri.

Hwy 291 & Hwy 78 – Tract 1 & 2

Tract 1

Part of the Northeast Fractional Quarter of Section 7, Township 49, Range 31, in Independence, Jackson County, Missouri, described as follows: Beginning at a Point 652.4 feet East and 30 feet North of the Southwest corner of Lot No.1 of the Northwest Fractional Quarter of Section 7, Township 49, Range 31, Said Point of Beginning being the Point of Intersection of the North Line of R.D. Mize Road with the East Line of State Route 0, as Said Roads existed On May 2, 1957, running Thence North along Said East Line of State Route 0, a distance of 125 feet; Thence East parallel with Said North Line of R.D. Mize Road 95 feet; Thence South parallel with the East Line of State Route 0, a distance of 125 feet to a Point on the North Line of R.D. Mize Road; Thence West along the North Line of R.D. Mize Road 95 feet to the Point of Beginning, Except that part in 23rd Street and Highway 291.

Tract 2

Part of the Northeast Fractional Quarter Of Section 7, Township 49, Range 31 in Independence, Jackson County, Missouri, described as follows: Beginning at a Point 155 feet North and 652.4 feet East of the Southwest Corner of Lot 1 of Said Fractional Quarter; Thence North 180.5 feet; Thence 163.1 feet; Thence South 335.5 feet; Thence 68.1 feet; Thence North 155 feet; Thence West 95 feet to the Point of Beginning, Except those parts in public Rights-of-Way.

SECTION 2. Non-severability. 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 3. 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 4. 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