

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR 16813 E. 23RD STREET S. (A.K.A. 16801 E. 23RD STREET S. and 2304 S. M-291 HIGHWAY), IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Quick Trip Corporation requesting approval of a rezoning from District C-1 (Neighborhood Commercial) to C-2 (General Commercial) to District C-2 (General Commercial) for 16801 E. 23rd Street S. (a.k.a. 16801 E. 23rd Street S. and 2304 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 March 8, 2022, 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 April 4, 2022, 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) and District C-2 (General Commercial) to District C-2 (General Commercial) and shall be subject to the regulations of said district:

All that part of the Northeast Quarter of the Southwest Quarter of Section 7, Township 49 North, Range 31 West, situate in the City of Independence, Jackson County, Missouri, being described as follows:

Commencing at a 5/8" rebar at the Northeast corner of said Northeast Quarter; thence North 87°45'36" West, along the North line of said Northeast Quarter, a distance of 962.58 feet; thence South 2°12'46" West, departing the North line of said Northeast Quarter, a distance of 30.00 feet to a point which bears North 87°45'36" West a distance of 176.28 feet from the intersection of the South right-of-way line of 23rd Street and the West right-of-way line of U.S. Highway 71 By-Pass (now Missouri Route 291), as they existed in 1969; thence continuing South 2°12'46" West, a distance of 35.00 feet to a point on the current South right-of-way line of E. 23rd Street, as now established and as described in a General Warranty Deed filed with the Jackson County Register of Deeds as Instrument No.

199211114078 on June 12, 1992, said point being monumented by a ½” rebar with a cap stamped ‘MO 2019043127’, and also being the Point of Beginning; thence South 2°12’46” West, departing said South right-of-way line of E. 23rd Street, a distance of 149.13 feet to a ½” rebar; thence South 87°53’42” East a distance of 52.03 feet to a ½” rebar with a cap stamped ‘LS 123D’; thence South 45°13’07” East a distance of 40.03 feet to a ½” rebar with a cap stamped ‘LS 123D’; thence South 71°52’42” East a distance of 93.88 feet to a point on the West right-of-way line of Missouri Route 291, as now established, and monumented by a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; thence along said West right-of-way line of Missouri Route 291 the following four (4) courses: 1) South 0°42’33” East a distance of 2.34 feet to a ½” rebar; 2) Southerly along a curve to the left that is tangent with the exit of the last described course, having a radius of 5,161.63 feet, a central angle of 0°48’41”, and an arc distance of 73.10 feet to a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; 3) South 3°57’53” East a distance of 50.76 feet to a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; 4) South 1°07’25” West a distance of 50.70 feet to a cotton gin spindle; thence North 87°44’53” West, departing said West right-of-way line of Missouri Route 291, a distance of 155.88 feet to a ½” rebar; thence South 1°36’04” West a distance of 39.69 feet to a ½” rebar; thence North 88°25’37” West a distance of 231.68 feet to a point on the East right-of-way line of S. Hub Drive, as now established, and monumented by a ½” rebar with a cap stamped ‘LS 123D’; thence along said East right-of-way line of S. Hub Drive the following six (6) courses: 1) North 2°07’19” East a distance of 42.60 feet to a ½” rebar with an unreadable cap; 2) North 87°38’43” West a distance of 10.03 feet to a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; 3) North 2°14’53” East a distance of 48.40 feet to a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; 4) North 88°07’14” West a distance of 2.40 feet to a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; 5) Westerly and Northwesterly along a curve to the right that is tangent with the exit of the last described course, having a radius of 45.40 feet, a central angle of 50°06’54”, and an arc distance of 39.71 feet to a ½” rebar with a cap stamped ‘MEC KS 336 2012009395’; 6) North 38°00’20” West a distance of 37.47 feet to a ½” rebar with a cap stamped ‘MO 2019043127’; thence North 2°10’10” East, departing said East right-of-way line of S. Hub Drive, a distance of 304.95 feet to a point on said South right-of-way line of E. 23rd Street and monumented by a ½” rebar; thence along said South right-of-way line of E. 23rd Street the following three (3) courses: South 87°43’20” East a distance of 66.80 feet to a chiseled “+” above two scribed dashes; 2) South 78°15’08” East a distance of 121.66 feet to a chiseled “+” with two scribed dashes; 3) South 87°53’30” East a distance of 93.30 feet to the Point of Beginning.
Containing 149,921 square feet or 3.44 acres, more or less.

The bearings in this description are based on the Missouri Coordinate System of 1983, West Zone, NAD83.

SECTION 2. 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 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 _____, 2022, 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