

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6/PUD (SINGLE FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) TO DISTRICT I-1 (INDUSTRIAL) FOR PROPERTIES ALONG M-78 HIGHWAY, E. TRUMAN ROAD AND LITTLE BLUE PARKWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by NorthPoint Development requesting approval of a rezoning from District R-6/PUD (Single Family Residential/Planned Unit Development) and C-2/PUD (General Commercial/Planned Unit Development) to District I-1 (Industrial) for properties along M-78 Highway, E. Truman Road, and the Little Blue Parkway 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 public hearing for the consideration of the request on March 22, 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 18, 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 R-6/PUD (Single Family Residential/Planned Unit Development) and C-2/PUD (General Commercial/Planned Unit Development) to District I-1 (Industrial) and shall be subject to the regulations of said district:

Two non-contiguous tracts of land in Sections 3 and 10, Township 49 North, Range 31 West and Sections 34 and 35, Township 50 North, Range 31 West all in the City of Independence, Jackson County, Missouri, described as follows:

South Tract: Commencing at the West Quarter Corner of said Section 3 as is monumented by a ½” iron bar with no ID cap; Thence South 87°42’53” East, along the East-West centerline of Section 3, a distance of 1783.17 feet; Thence South 02°17’07” West, 302.35 feet, more or less, to the intersection of the East right of way line of Highway 78 and the South right of way line of the realigned Truman Road, and also the Point of Beginning of the tract herein described;

Thence, along said South right of way line, from the beginning of a curve from which the radius point bears North 48°08’44” East, southeasterly a distance of 944.56 feet along the curve concave to the north,

having a radius of 865.00 feet and a central angle of 62°33'57" to a point of compound curvature and the North-South centerline of Section 3; Thence easterly a distance of 456.21 feet continuing along the arc of said curve concave to the northwest having a radius of 865.00 feet and a central angle of 30°13'06" to a point of reverse curvature;

Thence northeasterly a distance of 634.81 feet along the arc of said curve concave to the south having a radius of 775.00 feet and a central angle of 46°55'53"; Thence South 87°42'25" East tangent to said curve, a distance of 230.70 feet to the West right of way of Little Blue Parkway and a point of cusp on a curve concave to the northwest having a radius of 1799.63 feet and a central angle of 43°33'04" and being subtended by a chord which bears South 24°27'34" West 1335.23 feet; Thence southerly along said West right of way and said curve, a distance of 1367.92 feet; Thence South 46°14'01" West, a distance of 1264.25 feet to the beginning of a curve tangent to said line; Thence southwesterly a distance of 1246.98 feet along the curve concave to the southeast, having a radius of 2400.96 feet and a central angle of 29°45'27";

Thence North 87°11'29" West, a distance of 513.97 feet to the West line of the East ½ of the Northwest Quarter of Section 10; Thence North 02°11'53" East along said West line, a distance of 619.95 feet to the West 1/16th corner common to Sections 3 and 10; Thence South 87°42'53" East along the common line between said sections, a distance of 20.00 feet; Thence North 02°01'00" East, parallel to a 20 feet East of the West line of East ½ of the Southwest Quarter of Section 3, a distance of 1992.32 feet, more or less, to the East right of way of Highway 78;

Thence North 53°27'50" East along said right of way, a distance of 558.54 feet to the true POINT OF BEGINNING. Said tract containing 4,296,806 square feet or 98.641 acres more or less.

Note: The bearings referenced in this description are based on Missouri State Plane Grid North. All distances and bearings herein are described by Tobin R. Roberts, Missouri PLS 2001015269 on February 15, 2022.

Also,

North Tract: A tract of land lying in Section 35, the Southeast quarter of Section 34, Township 50 North, Range 31 West and the Northwest Quarter of Section 2 and the Northeast Quarter of 3, Township 49 North, Range 31 West, lying East of Little Blue Parkway, Southeast of the former MoPAC Railway, North and West of a parcel of land commonly addressed as 23500 East 78 Highway and known as Tax Parcel 17- 800-03-08-00-0-00-000 and West of Little Blue Park. all in the City of Independence, Jackson County, Missouri, described as follows:

Commencing at the West Quarter Corner of said Section 3 as is monumented by a ½" iron bar with no ID cap; Thence North 71°44'37" East, a distance of 3773.03 feet to a point on the Easterly right of way of Little Blue Parkway and the Northwesterly right of way of Missouri Highway 78, said point being the Point of Beginning of the tract herein described; Thence North 36°43'19" West along the east right of way of Little Blue Parkway, a distance of 271.00 feet to the beginning of a curve tangent to said line; Thence northwesterly along the east right of way of Little Blue Parkway a distance of 1835.58 feet along the curve concave to the east, having a radius of 1723.00 feet and a central angle of 61°02'22"; Thence North 24°19'03" East along the east right of way of Little Blue Parkway tangent to said curve, a distance of 366.37 feet to the beginning of a curve tangent to said line; Thence northeasterly along the east right of way of Little Blue Parkway a distance of 470.35 feet along the curve concave to the west, having a radius of 2910.00 feet and a central angle of 09°15'39" to the former right of way for the MoPAC Railway; Thence North 45°44'35" East along said railway, a distance of 1696.72 feet to the East-West centerline of Section 34; Thence South 88°04'37" East, a distance of 668.96 feet to the quarter corner common to Sections 34 and 35; Thence North 02°04'17" East, a distance of 708.03 feet to the said MoPac right of way; Thence North 45°36'00" East along said railway, a distance of 2087.53 feet to the beginning of a curve tangent to said line; Thence northeasterly a distance of 1116.48 feet along the curve concave to the southeast, having a radius of 1382.69 feet and a central angle of 46°15'53" to the North line of Section 35;

Thence South 88°08'07" East, a distance of 218.93 feet to a 2" pipe found monumenting the North quarter corner of Section 35; Thence South 88°12'02" East, a distance of 446.89 feet to the west line of Little Blue Park found to be monumented by a ½" iron bar in concrete; Thence South 01°52'28" West, a distance of 2766.40 feet; Thence South 46°38'07" West, a distance of 634.65 feet; Thence South 46°38'02" West, a distance of 401.83 feet; Thence South 01°18'38" West, a distance of 309.26 feet to the Northeast corner of the properties known as 23500 East 78 Highway as conveyed in Instrument 2021E0135303 and monumented by ½" iron bar with KVE ID cap; Thence South 81°00'09" West, a distance of 375.06 feet along the North line of said properties to a ½" iron bar with KVE ID cap; Thence South 12°58'34" East, a distance of 300.47 feet along the West line of said properties to the North right of way of Missouri Highway 78; Thence South 80°12'50" West along said right of way, a distance of 370.70 feet to the beginning of a curve concave to the south having a radius of 2959.79 feet and a central angle of 20°59'08" and being subtended by a chord which bears South 68°40'05" West 1078.03 feet; Thence westerly along said right of way and curve, a distance of 1084.08 feet; Thence South 53°27'50" West, a distance of 876.76 feet; Thence South 02°04'17" West, a distance of 12.80 feet; Thence South 53°27'50" West, a distance of 92.30 feet; Thence North 87°58'30" West, a distance of 40.11 feet; Thence South 53°27'50" West, a distance of 2108.46 feet to the true POINT OF BEGINNING. Said tract containing 17,181,321 square feet or 394.43 acres more or less.

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

Rezoning – Eastgate Commerce – I-1
Case #22-100-03
03/28/22 - JF

REVIEWED BY:

City Manager