

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-12/PUD (TWO FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY SOUTHWEST OF SALEM DRIVE, EAST OF BAY AVENUE, NORTH OF US 24 HIGHWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence requesting approval of a rezoning from District C-2 (General Commercial) to District R-12/PUD (Two Family Residential/Planned Unit Development) and a preliminary development plan on property southwest of Salem Drive, east of Bay Avenue, north of US 24 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 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 public hearing for the consideration of the request on March 22, 2022, 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 April 18, 2022, 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-12/PUD (Two Family Residential/Planned Unit Development) and shall be subject to the regulations of said district:

A part of the Southeast Quarter of Section 20, Township 50 North, Range 31 West, Independence, Jackson County, Missouri, described as follows:

Beginning at the Northeast corner of Lot 160, ELM GROVE 6TH PLAT, a subdivision of record; thence S 81°47'24"E, along the South line of SALEM EAST, a subdivision of record, for 45.95 feet; thence N 86°40'36"E along said South line for 247.75 feet; thence N 62°34'06"E along said South line for 272.30 feet to the Southeast corner of Lot 183, SALEM EAST; thence S 38°05'23"E, along the right of way line of Salem Drive (80'r/w), for 459.89 feet to the Northeast corner of Lot 1, CORRECTED PLAT – SALEM JUNCTION, a subdivision of record; thence S 51°53'36"W along said Lot 1 for 185.77 feet;

thence S 38°05'23"E along said Lot 1 for 150.08 feet; thence S 51°53'36"W along the Northerly right of way line U.S. Highway Route 24 for 209.89 feet to the Northerly right of way line of Old Lexington Road (61'r/w); thence S 78°39'31"W along said Northerly line for 459.00 feet; thence N81°56'42"W along said Northerly line for 178.49 feet to the East line of ELM GROVE-6TH PLAT; thence N 2°22'58"E along said East line for 131.53 feet; thence N 8°49'09"W along said East line for 164.36 feet; thence N 6°48'19"E along said East line for 153.73 feet; thence N 16°33'42"E along said East line for 81.95 feet; thence N 2°22'58"E along said East line for 131.34 feet to the Point of Beginning.

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. The properties must be properly replatted through the final plat process in conjunction with approval of the engineering plans for the public improvements.
2. The front setback of the buildings shall utilize varying setbacks of 20 feet, 25 feet and 30 feet with a maximum of three building in a row using the same setback. These setbacks must be shown on the final development plan.
3. The minimum rear setback for buildings around the perimeter of the property shall be 20 feet; there's no required rear yard setback for buildings interior to the circle drive. The rear building line must be eliminated. The minimum distance between buildings shall be at least 12 feet.
4. In addition to the walking trail on the south part of the site, provide another project amenity, such as a picnic area or park amenities. All amenities shall have dedicated access.
5. The applicant must work with the City and Jackson County to ensure that the existing stormwater management system, including detention basins, meet both entities requirements.
6. Between Buildings 17 and 18, provide a parking lot of three or four spaces; between Buildings 1 and 25 add five spaces, and between Buildings 7 and 8 add five spaces to be used for temporary parking to reduce parking on the street. The City Municipal Services Department shall also review the possibility that on-street parking be allowed only on one side of the street.
7. With the final development plan, provide a tree preservation/landscape plan for the project showing new plantings and how the existing tree lines along the north and east sides of the site with be retained or improved. A landscape feature must be added around the central and northwest detention basins, show on the plans.
8. The street names and addresses will be assigned during the final development stage.
9. Modify the color palette to create a visual distinction of buildings.

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 _____, 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