

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL), DISTRICT R-6/PUD (SINGLE FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT), O-1 (OFFICE RESIDENTIAL) AND DISTRICT C-1 (GENERAL COMMERCIAL) TO DISTRICT BP/PUD (BUSINESS PARK/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR TO REZONE PROPERTIES NORTH OF R. D. MIZE ROAD AND EAST OF THE LITTLE BLUE PARKWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence requesting approval of a rezoning from R-6 (Single Family Residential), R-6/PUD (Single Family Residential/ Planned Unit Development), O-1 (Office Residential) and C-1 (Neighborhood Commercial) to BP/PUD (Business Park/Planned Unit Development) and approve a preliminary development plan for properties north of R. D. Mize Road and east of 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 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 7-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 18, 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 R-6 (Single Family Residential), R-6/PUD (Single Family Residential/ Planned Unit Development), O-1 (Office Residential) and C-1 (Neighborhood Commercial) to BP/PUD (Business Park/Planned Unit Development) and shall be subject to the regulations of said district:

A tract of land lying in the Southeast quarter of Section 9 and the Southwest Quarter of Section 10, Township 49 North, Range 31 West, lying East of Necessary Road, Southeast of Little Blue Parkway and West of Little Blue Park. all in the City of Independence, Jackson County, Missouri, described as follows: Commencing at brass monument found at the South quarter corner of said Section 9; Thence South 88° 09' 31" East a distance of 1331.86 feet along the South line of said Section to a ½" iron bar found at the

East 1/16th corner between Section 9 and the adjacent Section 16; Thence departing said line, North 4° 00'26" East, for a distance of 598.22 feet to the point of beginning of the tract herein described; Thence North 02°05'30" East, a distance of 149.82 feet to Southeast right of way of Little Blue Parkway and the beginning of a curve concave to the southeast having a radius of 6483.75 feet and a central angle of 02°28'55" and being subtended by a chord which bears North 62°46'46" East 280.84 feet; Thence northeasterly along said curve, a distance of 280.86 feet; Thence North 64°01'13" East tangent to said curve, a distance of 1204.72 feet; Thence North 64°01'13" East, a distance of 1034.71 feet to the beginning of a curve concave to the northwest having a radius of 2019.86 feet and a central angle of 29°47'40" and being subtended by a chord which bears North 49°07'23" East 1038.55 feet; Thence northeasterly along said curve, a distance of 1050.35 feet to the North line of said Section 10; Thence South 87°42'45" East, a distance of 833.22 feet to the West line of Little Blue Park; Thence South 02°06'51" West, a distance of 1200.00 feet; Thence North 87°42'45" West, a distance of 570.00 feet; Thence South 53°13'19" West, a distance of 777.33 feet; Thence South 53°43'50" West, a distance of 991.13 feet; Thence North 87°59'52" West, a distance of 550.00 feet to the common line between Sections 9 and 10; Thence North 88°10'15" West, a distance of 896.50 feet; Thence North 00°20'37" East, a distance of 30.03 feet; Thence South 88°31'07" West, a distance of 3.81 feet; Thence North 02°05'30" East, a distance of 30.06 feet; Thence South 88°31'07" West, a distance of 15.65 feet to the beginning of a curve concave to the northeast having a radius of 435.17 feet and a central angle of 61°07'57" and being subtended by a chord which bears North 60°54'31" West 442.60 feet; Thence westerly along said curve, a distance of 464.31 feet to the true POINT OF BEGINNING. Said tract containing 4,152,976 square feet or 95.34 acres more or less.

And,

All that part of the North Half of Section 16, Township 49 North, Range 31 West, and all that part of the Southeast Quarter of Section 9, Township 49 North, Range 31 West, all lying in the City of Independence, Jackson County, Missouri, described as follows:

Commencing at the North Quarter corner of Section 16, Township 49 North, Range 31 West; thence South 88 degrees 09 minutes 31 seconds East along the North line of the Northeast Quarter of said Section 16 a distance of 1308.65 feet to a point on the West right of way line of Necessary Road (40 feet wide), the point of beginning; Thence South 2 degrees 20 minutes 39 seconds West along the West right of way of Necessary Road a distance of 1621.07 feet to a point; Thence North 87°43'54" West, a distance of 798.51 feet to the beginning of a curve tangent to said line; Thence westerly a distance of 275.01 feet along the curve concave to the north, having a radius of 645.00 feet and a central angle of 24°25'46"; Thence North 63°18'08" West tangent to said curve, a distance of 550.43 feet to the beginning of a curve concave to the southeast having a radius of 3709.72 feet and a central angle of 38°19'44" and being subtended by a chord which bears North 38°19'26" East 2435.66 feet; Thence northerly along said curve, a distance of 2481.68 feet; Thence South 84 degrees 27 minutes 37 seconds East a distance of 84.92 feet to a point on the West line of Necessary Road and the beginning of a curve concave to the west having a radius of 420.00 feet and a central angle of 27°11'19" and being subtended by a chord which bears South 12°06'42" East 197.44 feet; Thence southeasterly along said curve, a distance of 199.30 feet; Thence South 1 degree 28 minutes 58 seconds West along the West right of way line of Necessary Road a distance of 121.84 feet to a point; Thence South 2 degrees 21 minutes 19 seconds West along the West right of way line of Necessary Road a distance of 315.493 feet to the point of beginning, containing 54.272 acres, more or less.

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. Retail buildings in this business park phase shall not have restrictions on the maximum building size, however; the development site shall meet the BP/PUD Floor to Area Ratio for the site.
2. The permissible uses for these properties includes all BP/PUD uses permitted by right plus a grocery store and businesses with drive-through facilities. Development must follow section 14-302 of the UDO for the BP/PUD District.
3. The design guidelines attached to this staff report shall apply to all construction within the Eastgate Commerce Center.
4. Restaurant parking is established at 1 parking space per 3 seats; individual buildings containing retail and office uses shall provide at least 1 space per 500 SF. For warehouse/manufacturing, the parking ratio shall be 1/1,000 SF.
5. Provide a draft copy of the covenants and restrictions with the first final development plan.
6. In lieu of curb and gutter along Necessary Road, asphalt resurfacing of the existing roadway is required with applicable striping.
7. Each new drive or access location for this development plan will need to be evaluated and approved or denied on its own merits and the traffic impact study updated accordingly.
8. The current stream buffers and the new proposed stream buffers should be more clearly indicated on the proposed plan.

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:

Rezoning PUD/Preliminary Development Plan – LBP/R D Mize
Case #22-125-02
03/28/22 – JF

City Counselor

REVIEWED BY:

City Manager