

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6/PUD (SINGLE FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT), C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) TO DISTRICT BP/PUD (BUSINESS PARK/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR PROPERTIES AROUND THE M-78 HIGHWAY, E. TRUMAN ROAD, AND THE LITTLE BLUE PARKWAY.

WHEREAS, the application submitted by NorthPoint Development LLC requesting approval of a rezoning from District R-6/PUD (Single Family Residential/Planned Unit Development), District C-2/PUD (General Commercial/Planned Unit Development) to District BP/PUD (Business Park/Planned Unit Development) and a preliminary development plan on property located at M-78 Highway, 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 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 this 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, 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 were 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 R-6/PUD (Single Family Residential/Planned Unit Development), and District C-2/PUD (General Commercial/Planned Unit Development) to District BP/PUD (Business Park/Planned Unit Development) shall be subject to the regulations of said district:

A tract of land lying in the Northwest, Northeast and Southeast quarters of Section 3, Township 49 North, Range 31 West, lying Southeast of Missouri Highway 78, North of that portion of Truman Road West of Little Blue Parkway, East of that portion of Little Blue Parkway lying South of Truman Road, 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 South 87°42'53" East, along the East-West centerline of Section 3, a distance of 2164.63 feet,

more or less, to the East right of way line of Highway 78 and the Point of Beginning of Tract A; Thence North 53°24'00" East along said right of way, a distance of 2480.11 feet; Thence South 36°35'09" East, a distance of 145.53 feet; Thence South 21°09'51" East, a distance of 583.15 feet; Thence South 53°26'03" East, a distance of 645.92 feet to the West line of Little Blue Park; Thence South 46°36'06" West along the West line of Little Blue Park, a distance of 132.54 feet; Thence South 01°44'36" West along the West line of Little Blue Park along the West line of Little Blue Park, a distance of 450.00 feet to the East-West centerline of Section 3; Thence South 20°21'01" West along the West line of Little Blue Park, a distance of 1390.97 feet; Thence North 87°42'53" West along the West line of Little Blue Park, a distance of 450.00 feet; Thence North 01°59'34" East, a distance of 748.34 feet to the East right of way of Little Blue Parkway and the beginning of a curve concave to the west having a radius of 2020.82 feet and a central angle of 15°13'34" and being subtended by a chord which bears North 10°13'19" East 535.45 feet; Thence northerly along said curve and right of way, a distance of 537.03 feet; Thence North 02°52'19" East, a distance of 84.34 feet to the North right of way of Truman Road; Thence South 87°51'55" West along said right of way, a distance of 8.18 feet; Thence North 87°42'11" West, a distance of 211.98 feet to the West right of way of Little Blue Parkway as it intersects the North right of way of Truman Road; Thence North 87°42'53" West, a distance of 372.60 feet; Thence South 02°17'07" West, a distance of 16.74 feet to the beginning of a curve concave to the southeast having a radius of 855.00 feet and a central angle of 37°25'46" and being subtended by a chord which bears South 64°04'34" West 548.67 feet; Thence westerly along said curve and the North right of way of Truman Road, a distance of 558.54 feet to a point of reverse curvature; Thence southwesterly a distance of 390.34 feet along the arc of said curve concave to the northwest having a radius of 785.00 feet and a central angle of 28°29'24" to a point of compound curvature; Thence westerly a distance of 89.65 feet along the arc of said curve concave to the north having a radius of 785.00 feet and a central angle of 06°32'37" to the beginning of a curve concave to the north having a radius of 779.94 feet and a central angle of 24°22'26" and being subtended by a chord which bears North 85°11'32" West 329.29 feet; Thence westerly along said curve, a distance of 331.79 feet to the beginning of a curve concave to the northeast having a radius of 1076.62 feet and a central angle of 09°25'32" and being subtended by a chord which bears North 64°43'30" West 176.91 feet; Thence westerly along said curve, a distance of 177.11 feet to the beginning of a curve concave to the northeast having a radius of 760.00 feet and a central angle of 19°04'37" and being subtended by a chord which bears North 52°25'58" West 251.88 feet; Thence northwesterly along said curve, a distance of 253.05 feet to a point of cusp and the Southeast right of way of Missouri Highway 78; Thence North 53°24'00" East along Highway 78, a distance of 380.79 feet to the true POINT OF BEGINNING. Said tract containing 3,532,460 square feet or 81.09 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 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. Any future improvements to Truman Road will be in accordance with the relevant development agreement between the city and developer.
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 shall 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:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager