

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) TO DISTRICT R-18/PUD (MODERATE DENSITY RESIDENTIAL /PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTIES LOCATED AT 19515 & 19601 E. RD MIZE ROAD, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence requesting approval of a rezoning from District R-6 (Single-Family Residential) to District R-18/PUD (Moderate Density Residential/Planned Unit Development) and a preliminary development plan on properties located At 19515 & 19601 E. RD Mize Road 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 April 26, 2022, and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved by a vote of 5-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on June 6, 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 R-6 (Single-Family Residential) to District R-18/PUD (Moderate Density Residential/Planned Unit Development) and shall be subject to the regulations of said district:

A Part of the Southeast Quarter of Section 17, all in Township 49 North, Range 31 West, in the City of Independence, said County and State. Being now more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of aforesaid Section 17; thence North 87°29'45" West, along the South line of said Quarter Section, a distance of 417.70 feet to the Southeast corner of Tract A, MEADOW HILLS – 4th PLAT, a subdivision in aforesaid City, County and State; thence North 02°31'54" East (North 00°06'27" East, Plat) along a line 417.70 feet West of and parallel with the East line of said Quarter Section, being also along the East line of said Tract A, a distance of 117.03 feet to a point on the Northerly Right-of-Way line of South Jackson Drive as now

established by that certain instrument of Conveyance of Right-of-Way recorded June 4, 2007 in said Office of the Recorder of Deeds as Document No. 2007E0073264 and the Point of Beginning of the tract of land to be herein described; thence continuing North 02°31'54" East (North 00°06'27" East, Plats) along the last described course, being also along the East lines of MEADOW HILLS – 3rd PLAT, and MEADOW HILLS 1st PLAT and along the Northerly extension of the East line of said MEADOW HILLS 1st PLAT, each being platted subdivisions in the said City, County and State, a distance of 2,505.84 feet to a point on the Southerly Right-of-Way line of R D Mize Road, as now established by that certain instrument of Conveyance of Right-of-Way recorded November 7, 2006 in said Office of the Recorder of Deeds as Document No. 2006E0118992; thence Easterly along the Southerly Right-of-Way line of said R D Mize Road as described in said Document No. 2006E0118992 and by the Conveyance of Right-of-Way recorded June 6, 2007 in said Office of the Recorder of Deeds as Document No. 2007E0074680 and by the Conveyance of Right-of-Way recorded June 14, 2007 in said Office of the Recorder of Deeds as Document No. 2007E0078544, the following courses and distances; thence South 87°47'11" East (South 87°46'54" East, Deed 2006E0118992) along a line 40.00 feet South of and parallel with the North line of the Southeast Quarter of said Section 17, a distance of 417.71 feet to a point on the East line of said Southeast Quarter Section; thence North 02°31'54" East (North 02°27'13" East, Deed) along the East line of said Southeast Quarter Section, a distance of 1.00 foot; thence South 88°09'08" East (South 88°14'49" East, Deed 2006E0118992) along a line 39 feet South of and parallel with the North line of the Southwest Quarter of aforesaid Section 16, a distance of 40.80 feet; thence continuing South 88°09'08" East (South 88°09'36" East, Deed 2007E0074680) along a line 39 feet South of and parallel with the North line of the Southwest Quarter of aforesaid Section 16, a distance of 266.79 feet; thence South 01°50'52" West (South 01°50'24" West, Deed 2007E0074680), perpendicular to the North line of said Southwest Quarter, a distance of 55.50 feet to a point 94.50 feet South of the North line of the Southwest Quarter of said Section 16 as measured perpendicular to the North line thereof; thence South 88°09'08" East (South 88°09'36" East, Deed 2007E0074680) along a line 94.50 feet South of and parallel with the North line of said Southwest Quarter, a distance of 67.00 feet; thence North 01°50'52" East (North 01°50'24" East, Deed 2007E0074680), perpendicular to the North line of said Southwest Quarter, a distance of 55.50 feet to a point 39.00 feet South of the North line of the Southwest Quarter of said Section 17 as measured perpendicular to the North line thereof; thence South 88°09'08" East (South 88°09'36" East, Deed 2007E0074680) along a line 39 feet South of and parallel with the North line of the Southwest Quarter of said Section 16, a distance of 2.20 feet; thence South 83°09'53" East (South 83°07'42" East, Deed 2007E0078544), a distance of 122.88 feet to a point 499.30 feet East of the West line of the Southwest Quarter of said Section 16 as measured perpendicular to the West line thereof; thence South 02°31'54" East along a line 499.30 feet East of and parallel with the West line of the Southwest Quarter of said Section 16, a distance of 1,868.15 feet to a point on the Northerly Right-of-Way line of said South Jackson Drive as now established by said Conveyance of Right-of-Way recorded June 14, 2007 in said Office of the Recorder of Deeds as Document No. 2007E0078544; thence generally Southwesterly along the Northerly Right-of-Way line of said South Jackson Drive as established by said Document No. 2007E0078544 and by said Document No. 2007E0073264, the following courses and distances; thence Southwesterly along a curve to the right, having an initial tangent bearing of South 56°15'48" West, a radius of 650.00 feet and a central angle of 18°57'24" (18°56'55", Deed 2007E0078544), an arc length of 215.06 feet (214.97 feet, Deed 2007E0078544; thence South 75°13'12" West (South 75°13'05" West, Deed 2007E0078544), tangent to the last described curve, a distance of 120.19 feet; thence Southwesterly along a curve to the left, tangent to the last described course, having a radius of 750.00 feet and a central angle of 29°02'06", an arc length of 380.07 feet; thence South 46°11'06" West (South 46°11'00" West, Deed 2007E0073264), tangent to the last described curve, a distance of 422.55 feet to the Point of Beginning. This description having been prepared by Steven R. Whitaker, Missouri, P.L.S No. 2005019220. MEC Corporate Certificate / License No. 2012009395.

Containing 1,946,162 square feet or 44.678 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. The property must complete the Final Platting prior to the approval of any building permit;
2. Provide utility easements for water and sewer to serve the neighboring property to the east of the development, wherever final engineering determines is appropriate;
3. The street names and addresses will be assigned during the final development stage;
4. The Final Plat must include covenants to ensure the long-term maintenance of both portions of the two-lot development. The Final Plat should have text indicating the two-lots, when sold, must be sold together;
5. The Final Plat must provide 15-foot utility easements for both public water and public sewer utilities within the development;
6. The project shall include an additional amenity (a pergola) to serve the development;
7. The project shall adhere to established wetland strategies.

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:

Rezoning PUD/Preliminary Development Plan – Redwood
Case #22-125-05
05/05/22 – JF

City Manager