

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) AND 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 AT 2610 and 2612 S. LEE’S SUMMIT ROAD, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence requesting approval of a rezoning from District C-1 (Neighborhood Commercial) and District R-6 (Single-Family Residential) to District R-18/PUD (Moderate-Density Residential/Planned Unit Development) and a preliminary development plan at 2610 and 2612 S. Lee’s Summit 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 July 12, 2022, and rendered a report to the City Council with its vote to recommend approval of this application failing by a vote of 3-3; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on August 15, 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 tracts of real estate are hereby rezoned from District C-1 (Neighborhood Commercial) and 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:

Section 12, Township 49, Range 32; North 7 1/3-acres of the South 13 1/3-acres of the West 1/2-acre of the Southeast 1/4-acre (Except a part in the Lee’s Summit Road right-of-way aka the Kiger Road right-of-way)

Section 12, Township 49, Range 32; South 6-acres of the West 1/2 -acre of the Southeast 1/4-acre (Except a part in the Lee’s Summit Road right-of-way aka the Kiger Road right-of-way)

SECTION 2. That the Preliminary Development Plan, in the form of photographs of the site, is attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the

following conditions:

1. For the Final Development Plan, create a denser landscaped buffer along the southern edge of the property. Create a Medium-Intensity landscape buffer per the landscaping section of the Unified Development Ordinance (UDO);
2. Provide a four-foot high berm along Lee’s Summit Road. Submit a cross-section elevation with the Final Development Plan;
3. All sidewalks provided must be 5-foot wide to meet ADA requirements;
4. Provide parking lot parameter trees and shrubs, and shrubs around the buildings (the exact number of plantings worked out with staff for the Final Development Plan);
5. The Final Development Plan should provide an elevation of a entry sign/feature;
6. Stripe a left-turn lane at the entrance to the proposed development;
7. The Masonry façades on the front elevations of the buildings must be carried for at least two feet onto the adjacent side elevations and across all right-of-way facing façades;
8. On the Final Development Plan, label the new public right-of-way, “E. 26th Terrace Court S.” The units will be addressed on the Final Development Plan as well;
9. Prior to the issuance of any building permits, a replat of the property shall be approved.

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

Rezoning PUD/Preliminary Development Plan – Joseph J. O’Loughlin
Case #22-125-08
07/25/22 – JF

REVIEWED BY:

City Manager