

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 810 E. WALNUT IN DISTRICT R-18/PUD (MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by Mick Slutter for CH MO Property Holdings LLC requesting approval of a preliminary development plan for a dialysis center in District R-18/PUD (Medium Density Residential/Planned Unit Development) on property at 810 E. Walnut 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 preliminary development plan for a dialysis center 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 August 23, 2022 and rendered a report to the City Council recommending that the preliminary development plan be approved, with the conditions listed below, 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 September 19, 2022 and rendered a decision to approve the preliminary development plan for the said property with the conditions listed below; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the preliminary development plan was consistent with the review criteria in Section 14-703-05; and,

WHEREAS, no legal protest petitions were signed, acknowledged, and presented against the application.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That a preliminary development plan is hereby approved in District R-18/PUD (Medium Density Residential/Planned Unit Development) on the following legally described tracts of real estate:

Stevens Ridge, Lots 3, 17, and Lot 23 (except part in ROW and except beginning at Southeast corner of Lot 29; thence South 20 feet; thence West 195 feet; thence North 20 feet; thence East 195 feet to the point of beginning and except beginning Northeast corner of Lot 21; thence West 150 feet; thence South 135 feet; thence West 44 feet; thence Northwest along a curve 39.27 feet; thence North 136 feet; thence East 219 feet; thence South 26' to point of beginning).

SECTION 2. That the following conditions of approval apply:

1. The use of this proposed addition for dialysis patients that are not residents of this facility is acceptable.
2. Additional screening/buffering is needed along the eastern and north sides of the property, which may include fencing and/or additional plantings. The applicant shall work with City staff to finalize a landscape plan for additional buffering on this end of the site.

3. The ADA parking spaces throughout the parking lot need to be updated with proper marking and signage.

SECTION 3. That the development shall be in accordance with the attached preliminary development plan and building elevations as described in the staff report.

SECTION 4. 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 5. 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 6. 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