

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 PROPERTY AT 2350 S. HADEN STREET (1250 S. HADEN STREET), 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 (Medium Density Residential/Planned Unit Development) and a preliminary development plan at 2350 S. Haden Street (1250 S. Haden Street) 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 August 23, 2022, and rendered a report to the City Council with its vote to recommend approval of this application passed 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 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:

Lot 4, McBee Landing Lots 1 through 4 & Tract A, a subdivision in Independence, Jackson County, Missouri.

Lot 1 (Except the North 425-feet) and Lot 2 (Except the North 733.73-feet), Freyling Orchard Acres, a subdivision in Independence, Jackson County, Missouri.

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. Prior to the issuance of any building permits, all the tracts and lots of the Villas of Windmill Fields shall be replatted into one lot;
2. Name the new, larger lot; McBee Landing Replat Lot 4A, Replat of Lot 4;
3. Readdress the new Lot 4A, 1250 S. Haden Street;
4. For the Final Development Plan, create Medium-Intensity landscaped buffers along the periphery of the property per the landscaping section of the Unified Development Ordinance (UDO);
5. The stands of trees abutting the west, south and east sides of the property should be preserved where possible.
6. Provide parking lot parameter and end cap trees and shrubs, and trees and shrubs around the buildings (the exact number of plantings worked out with staff for the Final Development Plan);
7. The Final Development Plan should provide an elevation of a entry sign/feature;
8. Four-foot high masonry façades on the elevations of the buildings must be carried around driveway/parking facing façades;
9. The units will be addressed on the Final Development 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

Rezoning PUD/Preliminary Development Plan – Ashley Smith  
Case #22-125-09  
8/26/22-bb

REVIEWED BY:

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City Manager