

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR THE PROPERTY AT 3300 BLUE RIDGE CUT-OFF IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by SMJ Realty LLC requesting approval of a rezoning from District C-1 (Neighborhood Commercial) to District C-2 (General Commercial) for the property at 3300 Blue Ridge Cut-Off 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 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 February 14, 2023 and rendered a report to the City Council recommending that the rezoning be approved by a vote of 4-1; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 5, 2023 and rendered a decision to approve the rezoning of the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; 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 property is hereby rezoned from District C-1 (Neighborhood Commercial) to District C-2 (General Commercial) and shall be subject to the regulations of said district:

All that part of the South ½ of Section 17, Township 49 North, Range 32 West, in Independence, Jackson County, Missouri, more particularly described as follows: Beginning at a point on the West line of Blue Ridge Cut-Off said point being South 1157.73 feet from the North line of Southeast ¼ of said Section 17; thence North 81 degrees 49 minutes 18 seconds West, 120.0 feet to the True Point of Beginning; thence continuing North 81 degrees 49 minutes 18 seconds West, 32.50 feet; thence South 09 degrees 49 minutes 12 seconds West, 70.03 feet; thence South 88 degrees 46 minutes 12 seconds West, 133.13 feet; thence South 04 degrees 25 minutes 56 seconds West 418.46 feet; thence North 77 degrees 25 minutes 56 seconds East, 135.05 feet to the intersection of the North right-of-way of Westport Road (Pitcher Road) and the West right-of-way line of Blue Ridge Cut-Off; thence North 29 degrees 52 minutes 37 seconds East along said West right-of-way line 201.60 feet; thence continuing along said West right-of-way line following a radius of 532.96 feet a distance of 136.37 feet; thence North 73 degrees 46 minutes 25 seconds West 120.00 feet; thence North 13 degrees 23 minutes 59 seconds East, 134.03 feet to the True Point of Beginning.

SECTION 2. 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 3. 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 4. 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 _____, 2023, 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