

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL), R-12 (TWO FAMILY RESIDENTIAL) AND DISTRICT C-2 (GENERAL COMMERCIAL) TO I-1 (INDUSTRIAL) FOR THE PROPERTY AT 9400 E. 23rd STREET S. IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by William Moore, agent for the property owners, requests approval of a rezoning from District R-6 (Single-Family Residential), R-12 (Two Family Residential) and District C-2 (Neighborhood Commercial) to District I-1 (Industrial) for the property at 9400 E. 23rd 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 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 May 16, 2023, and rendered a report to the City Council recommending that the rezoning 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 July 3, 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 R-6 (Single-Family Residential), R-12 (Two Family Residential) to District C-2 (General Commercial) and shall be subject to the regulations of said district:

C-2 to I-1:

All that part of QUICK'S GLENWOOD ADDITION – REPLAT A, a subdivision in the Northeast Quarter of Section 8, Township 49, Range 32 in Independence, Jackson County, Missouri described as follows: Commencing at the Center of said Section 8; Thence North 1°41'28" East, along the West Line of said Northeast Quarter-Section, a distance of 139.63 feet to a point on the North right-of-way of E. 23rd Street (78 Highway), said point also being the Southwest corner of said Plat and the Point of Beginning; Thence continuing North 1°41'28" East, along said Section Line and the West Boundary of said Plat, a distance of 244.08 feet; Thence North 63°31'29" East, a distance of 168.22 feet; Thence North 70°09'27" East, a distance of 104.63 feet; Thence North 23°46'06" West, a distance of 23.96 feet; Thence North 62°18'20" East, a distance of 50.00 feet; Thence North 32°34'41" West, a distance of 38.31 feet; Thence North 52°32'17" East, a distance of 125.82 feet; Thence South 88°23'21" East, a distance of 31.33 feet to a point on the East Boundary of said Plat; Thence South 1°31'09" West, along said East Boundary, a distance of 568.14 feet to a point on said North right-of-way of E. 23rd Street

(78 Highway); Thence North $86^{\circ}48'53''$ West, along said right-of-way, a distance of 282.44 feet; Thence North $47^{\circ}00'33''$ West, along said right-of-way, a distance of 93.72 feet; Thence South $61^{\circ}42'30''$ West, along said right-of-way, a distance of 40.59 feet to the Point of Beginning.
Containing 3.59 acres, more or less.

R-6 to I-1:

All of Lots 120 and 121, BLUE RIDGE MOUNTAIN VIEW, All of Lots 1 thru 3, and 16 thru 26, and part of Lot 15, BLUE RIDGE ORCHARD, and part of QUICK'S GLENWOOD ADDITION – REPLAT A, all being subdivisions in Section 8, Township 49, Range 32 in Independence, Jackson County, Missouri, more particularly described as follows: Commencing at the Center of said Section 8; Thence North $1^{\circ}41'28''$ East, along the West Line of the Northeast Quarter-Section, a distance of 139.63 feet to a point on the North right-of-way of E. 23rd Street (78 Highway), said point being the Point of Beginning; Thence South $61^{\circ}42'30''$ West, along said right-of-way, a distance of 74.31 feet; Thence North $86^{\circ}48'53''$ West, along said right-of-way, a distance of 60.65 feet to a point on the East right-of-way of Blue Ridge Terrace (unimproved); Thence North $1^{\circ}41'28''$ East, along said East right-of-way, a distance of 585.37 feet to the North boundary of said BLUE RIDGE ORCHARD; Thence North $86^{\circ}50'10''$ West, along said boundary, a distance of 40.01 feet; Thence South $1^{\circ}41'28''$ West, along the West right-of-way of said Blue Ridge Terrace, a distance of 145.11 feet to the Southeast corner of Lot 3, said BLUE RIDGE ORCHARD; Thence North $86^{\circ}50'10''$ West, along the South line of said Lot 3, a distance of 332.40 feet to a point on the Easterly right-of-way of Blue Ridge Boulevard; Thence North $5^{\circ}11'10''$ West, along said Easterly right-of-way, a distance of 117.39 feet to a point of curvature; Thence along said right-of-way and curve to the left, having a radius of 1950.10 feet, an arc distance of 29.26 feet to the North boundary of said BLUE RIDGE ORCHARD; Thence South $86^{\circ}50'10''$ East, along said right-of-way and North boundary, a distance of 10.13 feet to the Southwest corner of Lot 121, said BLUE RIDGE MOUNTAIN VIEW, said point also being on the said Easterly right-of-way of Blue Ridge Boulevard on a curve having a radius of 1960.10 feet; Thence Northerly, along said right-of-way and curve to the left, with an Initial Tangent Bearing of North $5^{\circ}59'54''$ West, and being concentric with the last right-of-way curve, an arc distance of 153.06 feet to the Northwest corner of Lot 120, BLUE RIDGE MOUNTAIN VIEW, said point also being the Southwest corner of BLUE RIDGE MOUNTAIN VIEW – REPLAT A, a subdivision in said City and State; Thence South $86^{\circ}50'10''$ East, along the South boundary of said plat, a distance of 531.50 feet; Thence North $1^{\circ}41'28''$ East, along the East boundary of said plat, a distance of 473.89 feet to the Northwest Corner of said QUICK'S GLENWOOD ADDITION – REPLAT A; Thence South $86^{\circ}56'41''$ East, along the North Boundary of said Plat, a distance of 384.40 feet; Thence South $1^{\circ}31'09''$ West, along the East Boundary of said Plat, a distance of 642.18 feet; Thence North $88^{\circ}23'21''$ West, a distance of 31.33 feet; Thence South $52^{\circ}32'17''$ West, a distance of 125.82 feet; Thence South $32^{\circ}34'41''$ East, a distance of 38.31 feet; Thence South $62^{\circ}18'20''$ West, a distance of 50.00 feet; Thence South $23^{\circ}46'06''$ East, a distance of 23.96 feet; Thence South $70^{\circ}09'27''$ West, a distance of 104.63 feet; Thence South $63^{\circ}31'29''$ West, a distance of 168.22 feet to a point on the West Boundary of said QUICK'S GLENWOOD ADDITION – REPLAT A; Thence South $1^{\circ}41'28''$ West, along said West Boundary, a distance of 244.08 feet to the Point of Beginning.
Containing 11.62 acres, more or less.

R-12 to I-1:

All that part of Lot 3, BLUE RIDGE MOUNTAIN VIEW – REPLAT A, a subdivision in Independence, Jackson County, Missouri described as follows: Commencing at the Center of Section 8, Township 49, Range 32; Thence North $1^{\circ}41'28''$ East, along the East Line of the Northwest Quarter of said Section 8, a distance of 836.28 feet to the Southeast corner of said Lot 3, said point being the Point of Beginning; Thence North $86^{\circ}50'10''$ West, along the South Line of said Lot 3, a distance of 531.50 feet to a point on the Easterly right-of-way of Blue Ridge Boulevard, said point also being on a curve having a radius of

1960.10 feet; Thence Northerly along said curve to the left, with an Initial Tangent Bearing of North 10°28'21" West, an arc distance of 51.62 feet; Thence South 86°50'10" East, a distance of 181.61 feet; Thence North 3°09'50" East, a distance of 101.62 feet; Thence North 9°21'08" West, a distance of 85.19 feet; Thence North 17°58'03" East, a distance of 167.50 feet; Thence North 55°54'08" East, a distance of 157.49 feet; Thence North 31°05'14" East, a distance of 129.88 feet; Thence South 43°17'13" East, a distance of 193.20 feet to an angle point in the Boundary of said Lot 3; Thence South 1°41'28" West, along the Easterly Boundary of said Lot 3, a distance of 473.89 feet to the Point of Beginning. Containing 4.28 acres, more or less.

SECTION 2. That this rezoning is hereby approved with the following conditions:

1. That the developer work on obtaining access to E. 23rd Street for construction vehicles through the Ford property in lieu of using Blue Ridge Boulevard to minimize residential disturbance.
2. That the berm buffer area along the rear of the houses on Ble Ridge Boulevard be part of the initial work done.

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 _____, 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