

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTIES AT 15621 E. US 24 HIGHWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted to the City of Independence requesting approval of a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and a preliminary development plan for 15621 E. US 24 Highway 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 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 public hearings for the consideration of the request on June 27, 2023, and rendered a report to the City Council with its vote to recommend approval of this application passed 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 October 2, 2023, 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 is hereby rezoned from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and shall be subject to the regulations of said district:

Record Descriptions:

"North Tract"

Highway 24 at Mayes Road Addition, Lots 1-4 in the City of Independence, Jackson County, Missouri, as Shown on Jackson County Deed Instrument Number 2022E0031760;

Or All of Lots 1, 2, 3 and 4, Highway 24 at Mayes Road Addition to the City of Independence, Missouri as Recorded in Plat Book 26 at Page 2.

As Shown as a Portion of Warranty Deed Recorded in Jackson County Deed Instrument Number 2022e0031760.

"South Tract"

Tract-1 of Lexington Road Acres and Lexington Road Acres, Pt Tr 3 Daf: Beg Sw Cor Tr Th N 232' Th E 67'; Th S 232' Th W, 67' to Pob in City of Independence Jackson County, Missouri, as Shown on Jackson County Deed Instrument Number 2022E0031760;

Or All of Tract #1 and All That Part of Tract #3, Lexington Road Acres to the City of Independence, Missouri as Recorded in Plat Book 8 at Page 101, Described as Follows: Beginning at The Southwest Corner of Said Tract #3; Thence North Along the West Line of Said Tract #3, a Distance of 232 Feet; Thence East, a Distance of 67 Feet; Thence South, a Distance of 232 Feet to the South Line of Said Tract #3; Thence West Along the South Line of Said Tract #3, a Distance of 67 Feet to the Point of Beginning.

As Shown as a Portion of Warranty Deed Recorded in Jackson County Deed Instrument Number 2022E0031760.

SECTION 2. That the Preliminary Development Plan, is attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the following conditions:

- 1) The permitted uses on the properties will include all uses permitted in C-2 (General Commercial) districts and a landscaping business with outdoor storage;
- 2) The landscape material bins shall be covered with dust canopies;
- 3) The two new lots must be properly replatted through the Minor Subdivision process (before Certificate of Occupancy) and include a cross-access agreement between them and cross-access and parking easements for access to the adjacent park;
- 4) With the Final Development, engineering and calculations for the impervious surfaces and storm water detention must be completed;
- 5) With the Final Development Plan, include four-sided elevations for all buildings and the trash enclosure;
- 6) With the Final Development Plan, provide a tree preservation/landscape plan for the project showing new plantings and how the existing tree lines along the north and east sides of the site. Plantings must include required street trees, parking lot perimeter plantings, interior parking lot plantings placed at the end of parking aisles, a landscaped area with plantings that consists of 20 percent of 20 feet around all structures;
- 7) Prior to Final Development Plan approval, the applicant must complete a Traffic Analysis as required by MoDOT and the City Engineer; any access points not permitted by MoDOT shall be removed; any access point not meeting City specifications shall be modified to comply with City specifications;
- 8) The applicant will provide on-site stormwater detention for this development;
- 9) With the Final Development Plan, indicate parking spaces for three bicycles;
- 10) The unit numbers will be assigned during the Final Development stage.

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