

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-4 (SINGLE-FAMILY REISENTIAL LOW DENSITY) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR FIVE PROPERTIES ALONG OLD MILL ROAD IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Jim Pollard requesting approval of a rezoning from District R-4 (Single-Family Residential Low Density) to District R-6 (Single-Family Residential) for the property at 1220, 1221, 1224, 1227 and 1233 N. Old Mill Road 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 October 24, 2023, and rendered a report to the City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on December 4, 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 properties are hereby rezoned from District R-4 (Single-Family Residential Low Density) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

That part of the East Half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West of the 5th Principal Meridian, Independence, Jackson County, Missouri, described as follows: COMMENCING at the Northeast corner of said Northwest Quarter; thence North 87 degrees 42 minutes 42 seconds West on the north line of said Northwest Quarter, 1322.44 feet to the Northwest corner of the East Half of said Northwest Quarter; thence South 02 degrees 15 minutes 58 seconds West on the west line of said East Half, 1190.55 feet to the POINT OF BEGINNING, being the angle point in the west line of Lot 49, Timber Creek Ranch 2nd Plat, a Jackson County subdivision of record; thence continuing South 02 degrees 15 minutes 58 seconds West on the west line of said East Half, 420.23 feet to the northwest corner of Lot 25, Timber Creek Ranch, a Jackson County subdivision of record; thence North 71 degrees 11 minutes 53 seconds East on the north line of said Lot 25, 113.62 feet to the northeast corner of said Lot 25 and the west right of way line of North Old Mill Road; thence northwesterly on a curve to the left on said west right of way line (said curve having an initial

tangent bearing of North 18 degrees 48 minutes 07 seconds West, a radius of 275.00 feet, a chord bearing of North 33 degrees 40 minutes 36 seconds West, a chord distance of 141.19 feet) an arc length of 142.79 feet to the southwesterly extension of the north line of Lot 26, Timber Creek Ranch; thence North 41 degrees 26 minutes 55 seconds East on said extension and said north line, 166.21 feet to northerly most corner of said Lot 26 and the west line of Lot 47, Timber Creek Ranch 2nd Plat; thence North 40 degrees 58 minutes 57 seconds West on the west line of Lots 47, 48 and 49, Timber Creek Ranch 2nd Plat, 187.05 feet to the POINT OF BEGINNING. Containing 0.663 acres more or less. All bearings herein are referenced to the recorded plat of Timber Creek Ranch, filed as document number 2008I0029531.

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:

Interim City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager