

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A REZONING FROM DISTRICT BP/PUD (BUSINESS PARK/PLANNED UNIT DEVELOPMENT) AND DISTRICT C-2/PUD (GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT) TO DISTRICT B-P/PUD (BUSINESS PARK/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT THE LITTLE BLUE PARKWAY, TRUMAN ROAD AND M-78 HIGHWAY INTERSECTIONS.

WHEREAS, the application submitted to the NorthPoint Development requesting approval of a rezoning from District BP/PUD (Business Park/Planned Unit Development) and District C-2/PUD (General Commercial/Planned Unit Development) to District BP/PUD (Business Park/Planned Unit Development) and a preliminary development plan for property located at the Little Blue Parkway, Truman Road, and M-78 Highway intersections 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 January 23, 2024, and rendered a report to the City Council with its vote to recommend approval of this application passed by a vote of 3-2; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on March 4, 2024, 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 BP/PUD (Business Park/Planned Unit Development) and District C-2/PUD (General Commercial/Planned Unit Development) to District BP/PUD (Business Park/Planned Unit Development) and shall be subject to the regulations of said district:

A tract of land in Section 3, Township 49 North, Range 31 West, lying Southeast of Missouri Highway 78, all in the City of Independence, Jackson County, Missouri, described as follows: Commencing at the West Quarter Corner of said Section 3 as is monumented by a ½” iron bar with no ID cap; Thence South 87°42'53" East, along the East-West centerline of Section 3, a

distance of 2,158.93 feet, more or less, to the East right of way line of Missouri Highway 78, as now established, said point being the true Point of Beginning; Thence North 53°27'50" East along said East right of way line, a distance of 1,792.06 feet to a point of cusp on the Centerline of Little Blue Parkway, as now established, on a curve concave to the Southwest having a radius of 1909.86 feet and a central angle of 15°42'18" and being subtended by a chord which bears South 27°07'12" East 521.87 feet; Thence Southeasterly along said curve, along said Centerline, a distance of 523.50 feet; Thence North 70°43'57" East radial to said curve, a distance of 652.83 feet; Thence South 53°26'03" East, a distance of 645.92 feet; Thence South 46°36'06" West, a distance of 132.54 feet; Thence South 01°44'36" West, a distance of 450.00 feet; Thence South 20°21'01" West, a distance of 1,390.97 feet; Thence North 87°42'53" West, a distance of 698.19 feet; Thence North 50°32'23" West, a distance of 115.32 feet to a point on the East right of way line of said Little Blue Parkway, said point being the beginning of a curve concave to the West having a radius of 2020.78 feet and a central angle of 37°05'26" and being subtended by a chord which bears North 20°53'54" East 1285.44 feet; Thence Northeasterly, along said East right of way line, along said curve, a distance of 1,308.16 feet; Thence North 02°52'19" East, continuing along said East right of way line, a distance of 73.48 feet; Thence North 87°26'43" West, a distance of 220.13 feet to a point on the North right of way line of Truman Road, as now established; Thence North 87°42'53" West, along said North right of way line, a distance of 372.60 feet; Thence South 02°17'07" West, continuing along said North right of way line, a distance of 16.74 feet to the beginning of a curve concave to the Southeast having a radius of 855.00 feet and a central angle of 37°25'46" and being subtended by a chord which bears South 64°04'34" West 548.67 feet; Thence Westerly, continuing along said North right of way line, along said curve, a distance of 558.54 feet to a point of reverse curvature; Thence Southwesterly, continuing along said North right of way line, a distance of 479.99 feet along the arc of said curve concave to the Northwest having a radius of 785.00 feet and a central angle of 35°02'01" to the beginning of a curve concave to the North having a radius of 779.94 feet and a central angle of 24°22'26" and being subtended by a chord which bears North 85°11'32" West 329.29 feet; Thence Westerly, continuing along said North right of way line, along said curve, a distance of 331.79 feet to the beginning of a curve concave to the Northeast having a radius of 1076.62 feet and a central angle of 09°25'32" and being subtended by a chord which bears North 64°43'30" West 176.91 feet; Thence Westerly, continuing along said North right of way line, along said curve, a distance of 177.11 feet to the beginning of a curve concave to the Northeast having a radius of 759.98 feet and a central angle of 19°22'49" and being subtended by a chord which bears North 52°16'52" West 255.84 feet; Thence Northwesterly, continuing along said North right of way line, along said curve, a distance of 257.06 feet to a point of cusp on the East right of way line of said Missouri Highway 78; Thence North 53°27'50" East, along said East right of way line, a distance of 376.79 feet to the true POINT OF BEGINNING.

Containing 3,237,845 square feet or 74.33 acres more or less.

Note: The bearings referenced in this description are based on Missouri State Plane Grid North. All distances and bearings herein are described by Jed A.M. Baughman, Missouri PLS 2014020708 on December 5, 2023.

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) Retail buildings in this business park phase shall not have restrictions on the maximum building size, however; the development site shall meet the BP/PUD Floor to Area Ratio for the site.
- 2) The permissible uses for these properties includes all BP/PUD uses permitted by right plus businesses with drive-through facilities. Development must follow section 14-302 of the UDO for the BP/PUD District.
- 3) The previously approved design guidelines shall apply to all construction within the Eastgate Commerce Center.
- 4) Restaurant parking is established at 1 parking space per 3 seats; individual buildings containing retail and office uses shall provide at least 1 space per 500 SF. For warehouse/manufacturing, the parking ratio shall be 1/1,000 SF.
- 5) Provide a draft copy of the covenants and restrictions with the first Final Development Plan.
- 6) Conclude detailed Landscaping Plans and Elevations with the Final Development Plans.
- 7) Any future improvements to Truman Road will be in accordance with the relevant development agreement between the city and developer.
- 8) Each new drive or access location for this development plan will need to be evaluated and approved or denied on its own merits and the traffic impact study updated accordingly.
- 9) The current stream buffers and the new proposed stream buffers shall be more clearly indicated on the Final Development Plans and Final Plats.

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 \_\_\_\_\_, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

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City Counselor

REVIEWED BY:

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City Manager