

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP AS TO TRACTS OF GROUND LOCATED AT 15804 E. COGAN LANE AND 15803 E. US 24 HIGHWAY FROM DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL), DISTRICT R-18/PUD (MODERATE DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND DISTRICT C-2 (GENREAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) AND DISTRICT C-3 (SERVICE COMMERCIAL) IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the hereinafter described property have been classified by the City Council in the Code of the City of Independence, Missouri, as lying and being within District R-6 (Single-Family Residential), District R-18/PUD (Moderate Density Residential/Planned Unit Development) and District C-2 (General Commercial) and being subject to the regulations of District R-6 (Single-Family Residential), District R-18/PUD (Moderate Density Residential/Planned Unit Development) and District C-2 (General Commercial) as specified in Sections 14-300 and 14-301 of the Code of the City of Independence, Missouri; and an application was filed on April 11, 2019 with the Community Development Department requesting that the district boundaries of the Zoning District Map be amended so that the entire said property will lie and be in District R-6 (Single-Family Residential) and District C-3 (Service Commercial) and be subject to the regulations of said district as specified in Sections 14-300 and 14-301 of the Code of the City of Independence, Missouri; and,

WHEREAS, the Independence Planning Commission did cause to be published on April 27, 2019, a notice of the time and place of such hearing notifying all interested parties that a hearing on such proposed rezoning would be held by the Planning Commission on May 14, 2019 and by the City Council on June 17, 2019, at 6:00 p.m., in the City Hall Council Chambers, at 111 E. Maple Avenue in Independence, Missouri, which said notice proposed that the property described hereinafter be so rezoned from District R-6 (Single-Family Residential), District R-18/PUD (Moderate Density Residential/Planned Unit Development) and District C-2 (General Commercial) as specified in Sections 14-300 and 14-301 of the Code of the City of Independence, Missouri, to District R-6 (Single-Family Residential) and District C-3 (Service Commercial) as specified in Sections 14-300 and 301 thereof; and,

WHEREAS, at the Independence Planning Commission public hearing, all parties in interest were given an opportunity to be heard; and,

WHEREAS, at the Independence City Council public hearing, all parties in interest and citizens with new information were given an opportunity to be heard and the matter has been duly submitted and considered by the City Council, and no legal protest was 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 City Council hereby makes the following findings:

1. That, the rezoning is consistent with the review criteria listed in Section 14-701-02 of the City Code;
2. That, a public hearing was held pursuant to a notice duly published according to law, at which time all interested parties were given the full opportunity to be heard;

3. That, the R-6 zoning classification allows for single-family dwellings and various other uses (cemeteries, schools, government facilities and some agricultural activities);
4. That, rezoning this tract to C-3 would permit contractor services, outside (screened) storage of vehicles and equipment, heavy automobile repair, warehousing, wholesaling and some light manufacturing;
5. That, at the Planning Commission hearing, no one spoke in opposition to the rezoning application;
6. That, at the hearing, no protest petition was submitted in opposition to the application;
7. That, at its May 14, 2019 Planning Commission meeting, the Commission voted 5-0 to recommend approval of this rezoning application.

SECTION 2. That the Boundaries of the Zoning District Map as incorporated in the Code of the City of Independence, Missouri, relating to the zoning of properties within the corporate limits, are hereby amended as to property legally described as follows:

Section 36, Township 50N, Range 32W; Part of the Northeast Quarter defined as follows:

Property to be Rezoned to C-3,

All that part of Lot 2, COGAN PLACE, and Lot 2A, COGAN PLACE, REPLAT A, both being subdivisions in Independence, Jackson County, Missouri, further described as follows: Commencing at the Northeast corner of said Lot 2A; thence North 86°39'48" West, along the North line thereof, 526.00 feet to the Northwest corner thereof; said point also being on the East Right-of-Way line of U.S. Highway No. 24; thence South 45°18'12" West, along said Right-of-Way line, 219.30 feet to the Southwest corner of said Lot 2A; thence South 86°39'48" East, 174.86 feet to the Northwest corner of Lot 2, COGAN PLACE; thence South 03°20'12" West, along the West line thereof, 139.88 feet; thence South 86°34'59" East, 260.00 feet; thence North 03°20'12" East, 140.24 feet to a corner on the southerly line of said Lot 2A; thence South 86°39'48" East, 233.29 feet to a point on the East line of said Lot 2; thence North 04°54'56" East, along said East line, and the East Line of said Lot 2A, 163.12 feet to the Point of Beginning.

Property to be Rezoned to R-6,

All that part of Lot 2, COGAN PLACE, a subdivision in Independence, Jackson County, Missouri, further described as follows: Commencing at the Southeast corner of said Lot 2; thence North 04°54'56" East, along the East line thereof, 290.67 feet; thence North 86°39'48" West, 233.29 feet to a corner on the North line of said Lot 2; thence South 03°20'12" West, 140.24 feet; thence North 86°34'59" West, 260.00 feet to a point on the West Line of said Lot 2, thence South 03°20'12" West, 150.00 feet to the Southwest corner thereof, said point being on the North Right-of-Way Line of Cogan Lane; thence South 86°34'59" East, along said line, 485.28 feet to the Point of Beginning.

causing the same to be zoned District R-6 (Single-Family Residential) and District C-3 (Service Commercial) as defined in Sections 14-300 and 14-301 of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2019, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

Rezoning Case #19-100-05
15804 E. Cogan Lane and 15803 E. US 24 Highway
5/23/19-bb

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager