

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

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

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP AS TO THE TRACTS OF GROUND LOCATED ALONG OR NEAR WINNER ROAD BETWEEN RALSTON AVENUE AND STERLING AVENUE, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, AND CHANGING THE ZONING CLASSIFICATION THEREOF FROM DISTRICTS C-2 (GENERAL COMMERCIAL), R-12 (TWO-FAMILY RESIDENTIAL) AND R-30/PUD (HIGH-DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) TO ARTS (ARTS DISTRICT).

WHEREAS, the hereinafter described property has been classified by the City Council in the Code of the City of Independence, Missouri, as lying and being within Districts C-2 (General Commercial, R-12 (Two-Family Residential) and R-30/PUD (High-Density Residential/Planned Unit Development) and being subject to the regulations of Districts C-2 (General Commercial), R-12 (Two-Family Residential) and R-30/PUD (High-Density Residential/Planned Unit Development), as specified in Sections 14-300 and 14-301 of the Code of the City of Independence, Missouri; and an application was filed on July 6, 2011, with the Community Development Department by the City of Independence, requesting that the district boundaries of the Zoning District Map be amended and changed so that said property will lie and be in District ARTS (Arts District) and be subject to the regulations of said district as specified in Section 14-910 of the Code of the City of Independence, Missouri; and,

WHEREAS, the Independence City Planning Commission did cause to be published on July 28, 2011, a notice of the time and place of such hearing notifying all interested parties that a hearing on such proposed rezoning would be held August 23, 2011, at 6:00 p.m., in the City Hall Council Chambers, at 111 E. Maple Street in Independence, Missouri, which said notice proposed that property described hereinafter be so rezoned from Districts C-2 (General Commercial), R-12 (Two-Family Residential) and R-30/PUD (High-Density Residential/Planned Unit Development) as specified in Sections 14-300 and 14-301 of the Code of the City of Independence, Missouri, to District ARTS (Arts District) as specified in Section 14-910 thereof; and,

WHEREAS, at said public hearing, all parties in interest were given an opportunity to be heard; and,

WHEREAS, a public hearing on said application before the City Council was set and notice thereof was duly published by the City Clerk of the City of Independence, Missouri, at least fifteen days in advance thereof, setting out the time, place, and subject of said hearing; and,

WHEREAS, at said 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;

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. These tracts are designated by the Comprehensive Plan as a Neighborhood Protection Area, envisioning commercial and residential uses;
2. The properties adjoining the area to the north, south and west are zoned C-2 (General Commercial), R-12 (Two-Family Residential) and are predominantly single-family in use;
3. The properties adjoining this site to the east are zoned C-2 (General Commercial), O-1 (Office-

- Residential), R-12 (Two-Family Residential) and R-30/PUD (High Density Residential/Planned Unit Development) and are predominately commercial and multiple-family in use;
4. The proposed ARTS zoning, and its allowed uses, are compatible with zoning and character of the area;
  5. At the Planning Commission hearing, no one spoke in opposition to the rezoning;
  6. The public hearing was held by the Independence Planning Commission on August 23, 2011, pursuant to a notice duly published according to law, at which time all interested parties were given the full opportunity to be heard; and
  7. No petitions of opposition to the application have been filed with the Planning Commission.

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 property within the corporate limits, are hereby amended as to property described as follows:

Lots 10-14, Block 7, Maywood Addition; and

Lots 12-14, Block 8, Maywood Addition; and

Lots 1, 3 and the East 50 of Lot 2, Block 23, Maywood Addition; and

Lots 10-13, Block 17, Maywood Resurvey; and

Lots 1-5 and the south 65 feet of Lots 6 and 7, Kirby's Addition; and

Lot 2, Block 5, Kirby's Resurvey; and

Lots 9-14 and the South 105.6 feet of Lot 15, McQuay's Addition; and

The East 50 feet of Lot 14 and the North 100 feet and the West 100 feet of Lot 14, Block 5, Englewood Addition; and

Lot 1 and the north 10 feet of Lot 2, Block 6, Englewood Addition; and

Lot 1, Ralston Addition; and

Section 9, Township 49, Range 32, thence part of the Northwest Quarter of the Northeast Quarter Defined as Follows: Beginning 508 feet East and 250 feet South of the Northwest Corner of the Northwest Quarter of the Northeast Quarter, thence South 245 feet, thence East 202.55 feet, thence North 245 feet, thence West 194 feet to the Point of Beginning (Except part in the Right-of-Way); and

Section 9, Township 49, Range 32, thence part of the Northwest Quarter of the Northeast Quarter Defined as Follows: Beginning 585 feet, East and 50 feet South more-or-less of the Northwest Corner of the Northeast Quarter, thence South 200 feet more-or-less, thence North 118 feet more-or-less, thence West 3.5 feet more-or-less, thence North 82.5 feet, thence West to the Point of Beginning; and

Section 9, Township 49, Range 32, thence part of the Northwest Quarter of the Northeast Quarter Defined as Follows: Beginning at a point 508 feet East of the Northwest Corner of Said Quarter Quarter, thence East 74 feet, thence South 200 feet, thence West 74 feet, thence North 200 feet to the Point of Beginning; and

Section 9, Township 49, Range 32, thence part of the Northwest Quarter of the Northeast Quarter Defined as Follows: Beginning 348 feet East and 50 feet South of the Northwest Corner of the Northeast Quarter, thence East 160 feet, thence South 195 feet, thence West 160 feet, thence North 195 feet to the Point of Beginning; and

Section 9, Township 49, Range 32, thence part of the Northwest Quarter of the Northeast Quarter Defined as Follows: Beginning 248 feet East and 50 feet South of the Northwest Corner of the Northeast Quarter, thence East 60 feet, thence South 175 feet, thence West 60 feet, thence North 175 feet to the Point of Beginning; and

Section 9, Township 49, Range 32, thence part of the Northwest Quarter of the Northeast Quarter Defined as Follows: Beginning 173 feet East and 50 feet South of the Northwest Corner of the Northeast Quarter, thence East 75, thence South 175 feet, thence West 75, thence North 175 feet to the Point of Beginning;

causing the same to be zoned as District ARTS (Arts District) as defined Section 14-910 of the Code of the City of Independence, Missouri.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, 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 - FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager