

AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CLASSIFICATION OF APPROXIMATELY 203.39 ACRES, LOCATED AT 1462 SOUTH STATE HIGHWAY MM, FROM AGRICULTURAL (AG) TO GARRETT FARM PLANNED DEVELOPMENT DISTRICT (PDD)

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, LPG, LLC (“Applicant”) submitted an application to the City’s BUILDS Department to rezone approximately 203.39 acres of real property located at 1462 South State Highway MM in Republic, Missouri from Agricultural (AG) to the Garrett Farm Planned Development District (PDD); and

WHEREAS, Applicant additionally sought approval of a development plan for the Garrett Farm Planned Development District, identified as PDD 23-002 (“Development Plan”); and

WHEREAS, the City submitted the application and Development Plan to the Planning and Zoning Commission and set a public hearing on the application for August 14, 2023; and

WHEREAS, a notice of the time and date of the public hearing on the application was given by publication on July 26, 2023, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least fifteen (15) days before the date set for the public hearing; and

WHEREAS, the City gave notice of the public hearing on the application to the record owners of all properties within the area proposed to be rezoned and within 185 feet of the property proposed to be rezoned; and

WHEREAS, the public hearing on the application and Development Plan was conducted by the Planning and Zoning Commission on August 14, 2023, after which the Commission rendered written findings of fact on the proposed amendment, Development Plan, and rezoning and, thereafter, submitted the same, together with its recommendations, to the Council; and

WHEREAS, the Planning and Zoning Commission, by a vote of 6 Ayes to 0 Nays, recommended the approval of the application and Development Plan for rezoning; and

WHEREAS, the application for rezoning, the Development Plan, and the request to amend the Zoning Code and Official Zoning Map was submitted to the City Council for a first reading at its regular meeting on August 15, 2023, after which the City Council hearing the second reading on August 22, 2023, voted to rezone such property approve the Development Plan, and amend the Zoning Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: The Zoning Code and Official Zoning Map are hereby amended to reflect the rezoning of the real property tract comprising of 203.39 acres located at 1462 South State Highway MM, Republic, Missouri, more fully described in the legal description herein below, from Agricultural (AG) to the Garrett Farm Planned Development District (PDD).

BOOK 2006, PAGE 068752-06:

TRACT 1: A TRACT OF LAND LOCATED IN SECTION 26, TOWNSHIP 29 NORTH, RANGE 23 WEST, ALL BEING IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 26; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, N88°26'13"E A DISTANCE OF 1,388.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°26'13"E A DISTANCE OF 2,601.23 FEET TO AN IRON PIN SET FOR CORNER; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, S01°02'11"E A DISTANCE OF 1,335.94 FEET TO AN IRON PIN SET FOR CORNER; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, S88°33'16"W A DISTANCE OF 1,334.89 FEET TO AN IRON PIN SET FOR CORNER; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER, S01°02'22"E A DISTANCE OF 1,333.20 FEET TO A RAILROAD SPIKE FOR CORNER; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER, S88°28'00"W, A DISTANCE OF 2,657.42 FEET TO AN IRON PIN FOR CORNER; THENCE ALONG THE WEST LINE OF SECTION 26, N00°58'33"W A DISTANCE OF 688.50 FEET TO A POINT FOR CORNER; THENCE N89°01'27"E A DISTANCE OF 283.00 FEET TO A POINT FOR CORNER; THENCE N00°58'33"W A DISTANCE OF 160.00 FEET TO A POINT FOR CORNER; THENCE S89°01'27"W A DISTANCE OF 283.00 FEET TO A POINT FOR CORNER; THENCE ALONG THE WEST LINE OF SECTION 26, N00°58'33"W A DISTANCE OF 481.82 FEET TO AN IRON PIN SET FOR CORNER; THENCE N88°25'25"E A DISTANCE OF 969.40 FEET TO AN IRON PIN SET FOR CORNER; THENCE N00°58'33"W A DISTANCE OF 625.87 FEET TO AN IRON PIN SET FOR CORNER; THENCE N88°59'57"E A DISTANCE OF 419.11 FEET TO AN IRON PIN SET FOR CORNER; THENCE N01°00'03"W A DISTANCE OF 712.75 FEET TO THE POINT OF BEGINNING, EXCEPT FOR THE FOLLOWING: ALL OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND ALL OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 23 WEST. AND EXCEPTING ANY PART THEREOF TAKEN OR DEEDED FOR ROAD PURPOSES AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS AND COVENANTS OF RECORD, IF ANY.

TRACT 2: ALL OF THE WEST 548 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 29, RANGE 23, EXCEPT THE WEST 140 FEET OF THE NORTH 210 FEET OF SAID 548 FEET TRACT IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART TAKEN, DEEDED OR USED FOR ROAD PURPOSES.

EXCEPT: ALL OF THAT PROPERTY DESCRIBED IN BOOK 2019, AT PAGE 034193-19, DESCRIBED AS: ALL OF THE EAST 105 FEET OF THE NORTH 210 FEET OF THE WEST 567 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-THREE (23), EXCEPT ANY PART USED FOR ROAD PURPOSES ALL IN GREENE COUNTY, MISSOURI.

TRACT 3: ALL OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 29, RANGE 23, IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART TAKEN, DEEDED OR USED FOR ROAD PURPOSES.

BOOK 2017, PAGE 050226-17:

TRACT 1: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 23 WEST; THENCE EAST 969.40 FEET TO AN EXISTING FENCE; THENCE SOUTHWESTERLY ALONG SAID FENCE 764 FEET; THENCE WEST TO THE WEST LINE OF SAID SECTION 26; THENCE NORTH 764 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. ALL BEING IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT 2: A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 23 WEST, GREENE COUNTY, MISSOURI; BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 26; THENCE N88°26'14"E A DISTANCE OF 1,388.22 FEET TO AN IRON PIN FOR CORNER; THENCE S01°00'03"E A DISTANCE OF 712.75 FEET TO AN IRON PIN FOR CORNER; THENCE S88°59'57"W A DISTANCE OF 419.11 FEET TO AN IRON PIN FOR CORNER; THENCE S00°58'33"E, A DISTANCE OF 55.14 FEET TO AN IRON PIN FOR CORNER; THENCE S88°25'25"W A DISTANCE OF 969.40 FEET TO AN IRON PIN FOR CORNER; THENCE N00°58'33"W A DISTANCE OF 764.00 FEET TO AN IRON PIN WHICH IS THE POINT OF BEGINNING, EXCEPT THAT PART CONVEYED IN WARRANTY DEED RECORDED IN BOOK 2736 AT PAGE 2607, GREENE COUNTY RECORDER'S OFFICE, GREENE COUNTY, MISSOURI,

AND EXCEPT ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES, SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

EXCEPT: ALL THAT PROPERTY DESCRIBED IN BOOK 2006, AT PAGE 043499-06, DESCRIBED AS: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 23 WEST, ALL BEING IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 26; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, SOUTH 00 DEGREES 58 MINUTES 33 SECONDS EAST, A DISTANCE OF 764.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, SOUTH 00 DEGREES 56 MINUTES 56 SECONDS EAST A DISTANCE OF 571.83 FEET TO AN IRON PIN SET FOR CORNER; THENCE NORTH 88 DEGREES 25 MINUTES 25 SECONDS EAST A DISTANCE OF 969.40 FEET TO AN IRON PIN SET FOR CORNER; THENCE NORTH 00 DEGREES 58 MINUTES 33 SECONDS WEST A DISTANCE OF 625.87 FEET TO AN IRON PIN SET FOR CORNER; THENCE SOUTH 88 DEGREES 25 MINUTES 25 SECONDS WEST, A DISTANCE OF 969.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.31 ACRES OF LAND, MORE OR LESS, EXCEPTING ANY PART THEREOF TAKEN OR DEEDED FOR ROAD PURPOSES AND SUBJECT TO EASEMENTS, RESTRICTIONS RESERVATIONS, AGREEMENTS AND COVENANTS OF RECORD, IF ANY.

Section 2: The Development Plan, as incorporated and attached to this Ordinance, is hereby approved and adopted by the Council along with any modifications and conditions imposed herein.

Section 3: Unless otherwise specifically defined by the approved Development Plan, the development of the tracts of realty contained herein will be regulated according to the requirements of the City of Republic’s Municipal Code of Ordinances.

Section 4: In all other aspects other than those herein amended, modified, or changed, the Zoning Code and Official Zoning Map shall remain the same and continue in full force and effect.

Section 5: The whereas clauses are hereby specifically incorporated herein by reference.

Section 6: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:

DocuSigned by:
Damon Phillips
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7/28/2023

Megan McCullough, City Attorney

Final Passage and Vote: