

**AN ORDINANCE OF THE CITY COUNCIL AMENDING BILL NO. 21-54 BY APPROVING AMENDMENT OF THE ZONING CODE AND OFFICIAL MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY NINETY-TWO POINT EIGHT FIVE ACRES OF PROPERTY LOCATED AT 3456 SOUTH FARM ROAD 101 FROM STONE CREEK FALLS PLANNED DEVELOPMENT DISTRICT (PDD) TO AMENDED STONE CREEK FALLS 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**, on August 3, 2021, via Bill No. 21-54, the Council approved a change to the Zoning Code and Official Map by amending the zoning classification of approximately 92.85 acres of property located at 3456 South Farm Road 101 (“the Property”) from Agricultural (AG) and General Commercial (C-2) to the Stone Creek Falls Planned Development District (PDD) (“Stone Creek Falls Planned Development”); and

**WHEREAS**, in approving of the zoning change, both the Planning and Zoning Commission (“Commission”) and Council reviewed and approved of the Development Plan for the Stone Creek Falls Planned Development; and

**WHEREAS**, following passage of Bill No. 21-54, the City received an application (“Application”) from the Property owner, Stone Creek Development LLC (“Owner”), to modify the maximum building height currently allowed under the Development Plan from three (3) stories to four (4) stories; and

**WHEREAS**, under City Code § 405.250(C), any proposed change to an approved development plan considered to be substantial as determined by City staff may be submitted to the Commission and Council for review under the same procedure required for the initial rezone and approval of the PDD;

**WHEREAS**, upon determination that the Applicant’s request constitutes a substantial change to the Development Plan, the City submitted the Application to the Commission and set a public hearing on the application for March 13, 2023; and

**WHEREAS**, the City published notice of the time and date of the public hearing at least fifteen (15) days in advance, on February 22, 2023, in the *Greene County Commonwealth*, a newspaper of general circulation in the City; and

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

**WHEREAS**, the Commission conducted the public hearing on March 13, 2023 and subsequently recommended approval of the Application by a vote of Five Ayes to Zero Nays; and

**WHEREAS**, the Commission submitted written findings of fact and its recommendation on the Application to the Council; and

**WHEREAS**, having now reviewed the Application upon first read at its regular meeting on March 21, 2023, and second read at its regular meeting on April 4, 2023, the Council finds all requirements for the Application are met and approves amendment of the Development Plan and Zoning Code accordingly.

**WHEREAS**, the Council desires to amend Bill No. 21-54 to correctly show the Zoning Code classification of the Property as the Amended Stone Creek Falls Planned Development District and to adopted the Development Plan as amended herein.

**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 approximately 92.85 acres of property located at 3456 South Farm Road 101 (“the Property”), more fully described in the legal description herein below, from the Stone Creek Falls Planned Development District (PDD) to the Amended Stone Creek Falls Planned Development District (PDD):

A TRACT OF LAND, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, AND A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2 NORTH 01°49'35" EAST, 46.90 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE NORTH 29°30'07" EAST A DISTANCE OF 1,320.77 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,559.19 FEET, A DELTA OF 00°39'49", AN ARC LENGTH OF 133.85 FEET, AND A CHORD WHICH BEARS NORTH 29°10'12" EAST HAVING A CHORD DISTANCE OF 133.85 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2; THENCE ALONG SAID NORTH LINE SOUTH 89°03'23" EAST, 646.94 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2 SOUTH 01°47'15" WEST, 1,331.77 FEET TO A POINT ON THE NORTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11; THENCE SOUTH 88°45'55" EAST ALONG SAID NORTH LINE 1,320.71 FEET TO THE NORTHEAST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11; THENCE SOUTH 01°40'20" WEST ALONG THE EAST LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11 A DISTANCE OF 388.84 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 60; THENCE SOUTH 57°27'19" WEST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 1,694.96 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE NORTH 88°52'01" WEST ALONG SAID SOUTH LINE A DISTANCE OF 806.65 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE NORTH 32°25'12" WEST ALONG SAID EAST LINE A DISTANCE OF 780.16 FEET TO A POINT ON THE WEST LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11; THENCE NORTH 01°50'57" EAST ALONG SAID WEST LINE A DISTANCE OF 683.29 FEET TO THE POINT OF BEGINNING, AND CONTAINING 92.85 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY.

**Section 2:** The Development Plan for the Amended Stone Creek Falls Planned Development District, as incorporated and attached hereto, is hereby approved and adopted

by the Council along with any modifications and conditions noted and/or imposed herein.

**Section 3:** Bill No. 21-54 is hereby amended to show the Zoning Code classification of the Property as the Amended Stone Creek Falls Planned Development District and to adopt the Development Plan as amended herein.

**Section 4:** In all other respects, Bill 21-54 shall remain unchanged and in full force and effect.

**Section 5:** Unless otherwise specifically defined by the approved Development Plan, the development of the tracts of realty contained in the Amended Stone Creek Falls Planned Development District will be regulated according to the rules and requirements of the City of Republic’s Municipal Code.

**Section 6:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

**Section 7:** The WHEREAS clauses above are specifically incorporated herein by reference.

**Section 8:** The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**Section 9:** 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.

**Attest:**

\_\_\_\_\_  
Matt Russell, Mayor

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Laura Burbridge, City Clerk

**Approved as to Form:**

  
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Megan McCullough, City Attorney