

AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CLASSIFICATION OF APPROXIMATELY 40 ACRES OF REAL PROPERTY LOCATED AT THE INTERSECTION OF SOUTH FARM ROAD 101 AND WEST FARM ROAD 170, FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO BOYCE MIXED-USE 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, Jeffrey Boyce Enterprises LLC (“Applicant”) submitted an application to the City’s BUILDS Department to rezone approximately 40 acres of real property located at the Intersection of South Farm Road 101 and West Farm Road 170 in Republic, Missouri (“Property”) from Planned Development District (PDD) to the Boyce Mixed-Use Planned Development District (PDD); and

WHEREAS, Applicant additionally sought approval of a development plan for the Boyce Mixed-Use Planned Development District, identified as PDD 23-003 (“Development Plan”); and

WHEREAS, the City submitted the application and Development Plan to the Planning and Zoning Commission (“PZ Commission”) and set a public hearing on the application for September 11, 2023; and

WHEREAS, pursuant to Republic Municipal Code § 405.980, the City published notice of the time and date for the public hearing on the application on August 23, 2023, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least fifteen (15) days before the public hearing; and

WHEREAS, pursuant to Republic Municipal Code § 405.980, the City gave notice of the public hearing on the application to the record owners of all properties located within 185 feet of the Property, consistent with the information shown by the Greene County Assessor’s Office; and

WHEREAS, the PZ Commission conducted the public hearing on the application and Development on September 11, 2023, after which the PZ Commission rendered written findings of fact on the application, Development Plan, and rezoning and, thereafter, submitted the same, together with its recommendations, to the Council; and

WHEREAS, the PZ Commission, by a vote of 5 Ayes to 0 Nays, recommended approval of the application for rezoning and the Development Plan; 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 September 19, 2023, and a second reading at its regular meeting on October 3, 2023, after which the City Council voted to approve the Development Plan and amend the Zoning Code consistent with the application.

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 40 acres located at the

Intersection of South Farm Road 101 and West Farm Road 170, Republic, Missouri, more fully described in the legal description herein below, from Planned Development District (PDD) to the Boyce Mixed-Use Planned Development District (PDD):

ALL OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TEN (10), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), IN GREENE COUNTY, MISSOURI, EXCEPTING THEREFROM 6.5 ACRES, MORE OR LESS, CONVEYED TO THE STATE OF MISSOURI BY DEED RECORDED IN BOOK 981 AT PAGE 470, IN THE RECORDER'S OFFICE OF GREENE COUNTY, MISSOURI, AND DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TEN (10), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23) LYING NORTHEASTERLY OF THE RIGHT OF WAY ROUTE SN AS DESCRIBED IN DEED RECORDED IN BOOK 620 AT PAGE 634 IN THE RECORDER'S OFFICE OF GREENE COUNTY, MISSOURI, EXCEPTING THEREFROM ANY PART NOW IN THE COUNTY ROAD ALONG THE EAST SIDE OF WITHIN DESCRIBED TRACT. EXCEPT ANY PART THEREOF TAKEN, DEEDED, OR USED FOR ROAD PURPOSES.

SAVE AND EXCEPT:

PART OF THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, GREENE COUNTY, MISSOURI, BEGINNING ON THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER 588.4 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, THENCE EAST ALONG SAID SOUTH LINE 1390 FEET, THENCE NORTH PARALLEL TO THE EAST LING OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER 660 FEET. THENCE WEST 1390 FEET, THENCE SOUTH 660 FEET TO THE POINT OF BEGENNING. CONTAINING 21.06 ACRES MORE OR LESS.

SAVE AND EXCEPT:

ALL OF THE SOUTH 888.3 FEET OF THE WEST 588.4 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (SE1/4), OF SECTION TEN (10), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST, IN GREENE COUNTY, MISSOURI CONTAINS 12 ACRES MORE OR LESS.

- Section 2:** The Development Plan, attached to this Ordinance and labeled "Attachment 1," 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:



Megan McCullough, City Attorney

Final Passage and Vote: