

AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CLASSIFICATION OF APPROXIMATELY ONE POINT ONE (1.1) ACRES OF REAL PROPERTY LOCATED AT 2314, 2318, 2326 AND 2330 EAST TIMBER OAK STREET, FROM THE 12 STONES PLANNED DEVELOPMENT DISTRICT (PDD) TO TWO-FAMILY RESIDENTIAL (R-2)

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, the City’s BUILDS Department received an Application from Wilson’s Creek Villas LLC (“Applicant”) for an amendment to the Zoning Code and Official Zoning Map by rezoning approximately 1.1 acres of real property consisting of four lots (Lots 2 through 5) within the Wilson’s Creek Villas subdivision from the 12 Stones Planned Development District (PDD) to Two-Family Residential (R-2); and

WHEREAS, the City submitted the Application to the Planning and Zoning Commission (“Commission”) and set a public hearing before the Commission for July 10, 2023; and

WHEREAS, the City published notice of the time and date of the public hearing at least fifteen (15) days in advance, on June 21, 2023, in the *Greene County Commonwealth*, a newspaper of general circulation in the City; and

WHEREAS, the City gave notice of the Application and public hearing to the record owners of all real properties within 185 feet of the Property; and

WHEREAS, the Commission conducted the public hearing as scheduled on July 10, 2023, at which all interested persons and entities were afforded the opportunity to present evidence or statement, and after which the Commission rendered written findings of fact and submitted those along with its recommendations to the Council; and

WHEREAS, the Commission, by a vote of four (4) Ayes to zero (0) Nays, recommended the approval of the Application; and

WHEREAS, the Application was submitted to the Council for first read at its regular meeting on July 18, 2023, and submitted for second read at its regular meeting on August, 2023, after which the Council voted to approve the Application 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 consisting of approximately 1.1 acres of real property consisting of four lots (Lots 2 through 5) within the Wilson’s Creek Villas subdivision, more fully identified in the legal description(s) below, from the 12 Stones Planned Development District (PDD) to Two-Family Residential (R-2:

DESCRIPTION OF AREA TO REZONE

THAT CERTAIN PARCEL OR TRACT OF LAND BEING LOCATED IN THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 23 WEST, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID EAST 1/4 OF THE WEST 1/2;
THENCE, S02°10'30"W, ALONG THE WEST LINE OF SAID EAST 1/2 OF THE WEST 1/2, A DISTANCE OF 20.00 FEET TO A POINT ON THE APPARENT SOUTH RIGHT-OF-WAY LINE OF FARM ROAD 174, AND THE POINT OF BEGINNING;
THENCE, S02°10'34"W, A DISTANCE OF 379.23 FEET;
THENCE, S01°57'44"W, A DISTANCE OF 764.20 FEET TO THE POINT OF BEGINNING;
THENCE, S88°34'08"E, A DISTANCE OF 217.61 FEET TO A POINT OF CURVATURE TO THE RIGHT;
THENCE, ALONG SAID CURVE OT THE RIGHT, SAID CURVE HAVING A RADIUS OF 475.10 FEET, AN ARC DISTANCE OF 45.99 FEET, A CENTRAL ANGLE OF 05°32'47", ALONG A CHORD BEARING S85°47'45"E, A CHORD DISTANCE OF 45.97 FEET TO A POINT OF REVERSE CURVATURE TO THE LEFT;
THENCE, ALONG SAID REVERSE CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 653.84 FEET, AN ARC DISTANCE OF 73.14 FEET, A CENTRAL ANGLE OF 06°24'33", ALONG A CHORD BEARING S84°53'54"E, A CHORD DISTANCE OF 73.10 FEET;
THENCE, S88°11'37"E, A DISTANCE OF 0.90 FEET;
THENCE, S01°48'23"W, A DISTANCE OF 141.67 FEET;
THENCE, N88°47'40"W, A DISTANCE OF 337.884 FEET;
THENCE, N01°57'44"E, A DISTANCE OF 149.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.1 ACRES, MORE OR LESS.

- Section 2:** 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 3:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 4:** 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 5:** The WHEREAS clauses above are 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.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:

A handwritten signature in blue ink, appearing to read "M. McCullough", is written over a horizontal line.

Megan McCullough, City Attorney

Final Passage and Vote: