

BILL NO. 23-204

AN ORDINANCE APPROVING A REZONING FROM DISTRICT PO (PLANNED OFFICE DISTRICT) TO RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR CLOVER COMMUNITIES LEE'S SUMMIT, ON APPROXIMATELY 7.04 ACRES OF LAND LOCATED AT 830, 840 & 900 NE DOUGLAS ST, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-120 submitted by Clover Communities Lee's Summit, LLC, requesting approval of a rezoning from PO (Planned Office District) to RP-4 (Planned Apartment Residential District) and preliminary development plan on land located at 830, 840 & 900 NE Douglas St, was referred to the Planning Commission to hold a public hearing; and

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan by the City following public hearings by the Planning Commission and City Council; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the rezoning and preliminary development plan on October 12, 2023, and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 7, 2023, and rendered a decision to approve the rezoning and preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning and preliminary development plan is hereby approved on the following described property:

*TRACT 1:
THE SOUTH 3 ACRES OF THE SOUTH HALF OF LOT 4, SUMMIT PARK, A SUBDIVISION IN LEE'S SUMMIT,
JACKSON COUNTY, MISSOURI, MORE SPECIFICALLY DESCRIBED AS BEING ALL OF THE SOUTH 210.6 FEET
OF LOT 4, SUMMIT PARK, EXCEPT THAT PART TAKEN OR USED FOR ROADS.*

*TRACT 2:
THE NORTH TWO ACRES OF THE SOUTH 1/2 OF LOT 4, SUMMIT PARK, A SUBDIVISION OF LAND IN
JACKSON COUNTY, MISSOURI.
AND
THE NORTH 1/2 OF LOT 4, EXCEPT THE NORTH 3 ACRES THEREOF, IN SUMMIT PARK, A SUBDIVISION
IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.*

SECTION 2. That the following conditions of approval apply:

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1. A modification of UDO Sec. 6.030, Table 6-2, Density, shall be granted to allow 19.6 units per acre for the RP-4 district instead of 12 units to the acre.
2. A modification of UDO Sec. 6.030, Table 6-2, Minimum Lot Size, shall be granted to allow a minimum lot size of 2393 sf. per unit for the RP-4 district instead of 3,500 sf. per unit.
3. A minimum of 0.046 in. (.46 mm) vinyl siding shall be used on the exterior of the structures.
4. Development shall be in accordance with the preliminary development plan dated August 28, 2023, and the elevations dated August 15, 2023.
5. Development shall be in accordance with the Transportation Impact Analysis by Erin Ralovo, PE, dated October 5, 2023.
6. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, road improvements recommend in the Transportation Impact Analysis dated October 15, 2023.

SECTION 3. That rezoning of the property from PO to district RP-4 shall be as depicted on the rezoning map included in the plan and development shall be in accordance with the preliminary development plan set dated August 28, 2023, appended hereto as Attachment A. Elevations, dated August 15, 2023, appended hereto as Attachment B.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 5. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 6. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ___ day of _____, 2023.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian Head*