

BILL NO. 21-135

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT R-1 (SINGLE-FAMILY RESIDENTIAL), RP-1 (PLANNED SINGLE-FAMILY RESIDENTIAL DISTRICT), RP-2 (PLANNED TWO-FAMILY RESIDENTIAL DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 88.78 ACRES, PROPOSED BAILEY FARM, LOTS 1-251 AND TRACTS A-F, 1300 SE RANSON RD, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL202105 submitted by Summit Homes, requesting approval of a rezoning from AG (Agricultural) to R-1 (Single-Family Residential), RP-1 (Planned Single-Family Residential District), RP-2 (Planned Two-Family Residential District) and preliminary development plan on land located at 1300 SE Ranson Rd 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 public hearings for the consideration of the rezoning and preliminary development plan on June 10, 2021, 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 July 6, 2021, 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 from AG to R-1, RP-1, RP-2 and preliminary development plan is hereby approved on the following described property:

TRACT I:

The Northeast Quarter of Section 16, Township 47, Range 31, in Lee's Summit, Jackson County, Missouri, except the North 10 acres of the Northeast Quarter of the Northeast Quarter of said Section 16, and except that part in road.

AND Except that part described as follows:

Part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, being more particularly described as follows: Commencing at the Northwest corner of said Quarter Quarter Section; thence South 02 degrees 20 minutes 12 seconds West along the West line of said Quarter Quarter Section, a distance of 20.0 feet to the Point Beginning; thence South 88 degrees 07 minutes 54 seconds East parallel with and 20.0 feet perpendicular to the North line of said Quarter Quarter Section, a distance of 1350.00 feet; thence South 35 degrees 20 minutes 52 seconds West, a distance of 517.08 feet;

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thence South 07 degrees 56 minutes 47 seconds West, a distance of 320.18 feet; thence South 12 degrees 12 minutes 54 seconds West, a distance 1167.75 feet; thence South 27 degrees 41 minutes 14 seconds West, a distance of 480.35 feet to a point on a line being 300.0 feet Northerly of and perpendicular to the South line of said Quarter Quarter Section; thence North 88 degrees 05 minutes 19 seconds West parallel with the South line of said Quarter Quarter Section, a distance of 630.96 feet to a point on the West line of said Quarter Quarter Section, said point being 300.01 feet Northerly of the Southwest corner thereof; thence North 02 degrees 20 minutes seconds East, a distance of 2330.43 feet to the Point of Beginning, all being subject to easements, rights of way and restrictions of record, as shown on Certificate of Survey filed December 1, 2011 as Document No. 2011E0111965 in Book 36 at Page 84.

AND Further except that part described as follows:

The Southerly 300 feet of the Northeast Quarter of Section 16, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, except that part lying within existing road right of way, being more particularly described as follows: Commencing at the East Quarter corner of said Section 16, thence North 88 degrees 05 minutes 19 seconds West along the South line of the Northeast Quarter of said Section 16, a distance of 41.15 feet to a point on the existing Westerly right-of-way line of State Route RA (also known as Ranson Road); said point being the point of beginning for this description; thence North 88 degrees 05 minutes 19 seconds West continuing along said South line, a distance of 2613.93 feet to the Southwest corner of said Quarter Section; thence North 02 degrees 20 minutes 12 seconds East along the West line of said Quarter Section, also being the East line of "NEWBERRY FOURTH PLAT", a subdivision in Said City, County, and State, a distance of 300.01 feet to a point being 300 feet Northerly of and perpendicular to the South line of Quarter Section; thence South 88 degrees 05 minutes 19 seconds East parallel with the South line of said Quarter Section, a distance of 2618.47 feet to a point on the existing Westerly right-of-way line State Route RA (also known as Ranson Road); thence South 03 degrees 13 minutes 17 seconds West along said existing Westerly right-of-way line, a distance 294.93 feet; thence South 02 degrees 13 minutes 12 seconds West continuing along said existing Westerly right-of-way line, a distance of 5.15 feet to the Point of Beginning.

TRACT II:

The North 10 acres, more or less, of the Northeast Quarter of the Northeast Quarter of Section 16, Township 47 Range 31, in Lee's Summit, Jackson County, Missouri, except any part thereof in road.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum lot width of 60' for single family homes to allow a 40' lot width for lots 104-176 and 50' lot width for lots 177-219.

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2. A modification shall be granted to the minimum lot area of 6,000 sf. for single family homes to allow a 4,800 sf. lot area for lots 104-176.
3. A modification shall be granted to the 20' Corner lot minimum principal building setback in the RP-2 zoning district to allow a 15' corner lot minimum principal building setback for lots 104-251.
4. A modification shall be granted to the 640' maximum block length in the RP-2 district to allow a block length of 740' for SE Silo Street.
5. Development shall be in accordance with the preliminary development plan dated May 27, 2021.
6. Site development and architectural elevations shall be in accordance with plans and specifications submitted May 25, 2021 and May 28, 2021 to and on file in the Development Services Department.
7. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the traffic-related improvements included in the Transportation Impact Analysis (TIA). No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorders' Office. All public improvements shall be substantially complete prior to any occupancy.
8. A 10' wide shared use path shall be constructed along the west side of Ranson Road/Route RA from Bailey Road to the south property line in compliance with the Comprehensive Plan (Greenway Master Plan and Bicycle Transportation Plan amendments thereto) and Livable Streets Resolution unless specifically waived by the City Council.

SECTION 3. 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 4. 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 5. 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*