

## **BILL NO. 17-148**

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AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO RP-4 and CP-2 ON APPROXIMATELY 23 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NE BOWLIN ROAD AND NE JAMESTOWN DRIVE FOR THE PROPOSED WEST RIDGE AT THE LAKE DEVELOPMENT, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR WEST RIDGE AT THE LAKE, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-094 requesting a change in zoning classification from District AG (Agricultural) to District RP-4 (Planned Apartment Residential District) and (CP-2 Planned Community Commercial District) on approximately 23 acres located at the southeast corner of NE Bowlin Road and NE Jamestown Drive for the proposed West Ridge at the Lake development, and requesting approval of a preliminary development plan for West Ridge at the Lake, submitted by Sallee Homes, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on June 13, 2017, and rendered a report to the City Council recommending that the zoning requested and the 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 13, 2017, and rendered a decision to rezone said property and approve the 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 the following described property is hereby rezoned from District AG to District RP-4:

*A TRACT OF LAND LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 31 EAST AND THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 48 SOUTH, RANGE 31 EAST, IN THE CITY OF LEES SUMMIT, JACKSON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST ONE-QUARTER OF SAID SECTION 5; THENCE SOUTH 88 DEGREES 20 MINUTES 57 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SAID SECTION 5, A DISTANCE OF 79.01 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 83.54 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 335.00 FEET, A CENTRAL ANGLE OF 38 DEGREES 50 MINUTES 36 SECONDS AND AN ARC LENGTH OF 227.11 FEET TO A POINT; THENCE SOUTH 38 DEGREES 50 MINUTES 36 SECONDS EAST A DISTANCE OF 155.58 FEET TO A POINT; THENCE NORTH 51 DEGREES 09 MINUTES 24 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; THENCE SOUTH 38 DEGREES 50 MINUTES 36*

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SECONDS EAST A DISTANCE OF 182.04 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 820.00 FEET, A CENTRAL ANGLE OF 33 DEGREES 04 MINUTES 59 SECONDS AND AN ARC LENGTH OF 473.48 FEET TO A POINT; THENCE SOUTH 71 DEGREES 55 MINUTES 35 SECONDS EAST A DISTANCE OF 104.76 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 365.00 FEET, A CENTRAL ANGLE OF 40 DEGREES 18 MINUTES 06 SECONDS AND AN ARC LENGTH OF 256.74 FEET TO A POINT; THENCE SOUTH 02 DEGREES 12 MINUTES 15 SECONDS WEST A DISTANCE OF 364.66 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SOUTHWEST ONE-QUARTER OF SAID SECTION 4; THENCE NORTH 87 DEGREES 58 MINUTES 48 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 951.73 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST ONE-QUARTER OF SAID SOUTHWEST ONE-QUARTER OF SAID SECTION 4; THENCE NORTH 87 DEGREES 58 MINUTES 48 SECONDS WEST A DISTANCE OF 198.76 FEET TO A POINT ON THE EAST LINE OF EXECUTIVE LAKES CENTER LOTS 9C & 9D, A SUBDIVISION IN THE CITY OF LEES SUMMIT, JACKSON COUNTY, MISSOURI; THENCE NORTH 02 DEGREES 21 MINUTES 17 SECONDS EAST, ALONG THE EAST LINES OF EXECUTIVE LAKES CENTER LOTS 9C & 9D, EXECUTIVE LAKES CENTER 1ST PLAT AND EXECUTIVE LAKES CENTER LOTS 6A & 6B, SUBDIVISIONS IN THE SAID CITY OF LEES SUMMIT, A DISTANCE OF 1319.52 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SAID SECTION 5; THENCE SOUTH 88 DEGREES 20 MINUTES 57 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SAID SECTION 5, A DISTANCE OF 79.01 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING, AND CONTAINING 20.1030 ACRES, MORE OR LESS.

SECTION 2. That the following described property is hereby rezoned from District AG to District CP-2:

A TRACT OF LAND LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 31 EAST AND THE SOUTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 48 SOUTH, RANGE 31 EAST, IN THE CITY OF LEES SUMMIT, JACKSON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER OF SAID SECTION 4; THENCE SOUTH 87 DEGREES 55 MINUTES 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 290.91 FEET TO A POINT; THENCE SOUTH 02 DEGREES 04 MINUTES 17 SECONDS WEST A DISTANCE OF 250.00 FEET TO A POINT; THENCE SOUTH 51 DEGREES 09 MINUTES 24 SECONDS WEST A DISTANCE OF 242.66 FEET TO A POINT; THENCE NORTH 38 DEGREES 50 MINUTES 36 SECONDS WEST A DISTANCE OF 155.58 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 335.00 FEET, A CENTRAL ANGLE OF 38 DEGREES 50 MINUTES 36 SECONDS, AND AN ARC LENGTH OF 227.11 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 83.54 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SAID SECTION 5; THENCE SOUTH 88 DEGREES 20 MINUTES 57 SECONDS

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*EAST, ALONG SAID NORTH LINE, A DISTANCE OF 79.01 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING, AND CONTAINING 2.6255 ACRES, MORE OR LESS.*

SECTION 3. That development shall be in accordance with the preliminary development plan dated May 23, 2017 appended hereto and made a part hereof.

SECTION 4. That the following conditions of approval apply:

1. A modification shall be granted to the maximum density requirement in the RP-4 zoning district of 12 units per acre to allow 14.76 units per acre.
2. A modification shall be granted to the minimum front yard setback of twenty (20) feet for the RP-4 zoning district to allow the clubhouse to be set back ten (10) feet from NE Jamestown Drive.
3. A modification shall be granted for the RP-4 zoning district minimum rear yard setback of twenty (20) feet to allow fifteen (15) feet for Building 7.
4. A modification shall be granted to the minimum parking setback of twenty (20) feet from any public right-of-way, to allow a fifteen (15) feet parking setback for the parking lot adjacent to NE Jamestown Drive, near Building 9.
5. A high impact buffer screen with plantings six feet in height, and without a fence, shall be provided along the south and west property lines. The buffer screen shall consist of a combination of evergreen trees, deciduous trees, shrubs and ornamental grasses as depicted on the landscape plan dated June 29, 2017.
6. Elevators are suggested to be installed within the apartment buildings.
7. Development shall be in accordance with the preliminary development plan, date stamped May 23, 2017.
8. The developer shall execute a mutually satisfactory development agreement with the City, which addresses at a minimum, the required off-site transportation improvements listed in the TIA, dated June 7, 2017. No infrastructure permit shall be issued in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder' Office. All public improvements shall be substantially complete prior to issuance of any occupancy permit within the development.

SECTION 5. In granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 6. 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.

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SECTION 7. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 8. 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 \_\_\_\_\_, 2017.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2017.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

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*City Attorney Brian W. Head*