

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1, RP-1, RP-3, AND CP-2 ON LAND LOCATED WEST OF I-470, NORTH OF WOODS CHAPEL ROAD, AND WEST OF RALPH POWELL ROAD, SOUTH OF WOODS CHAPEL ROAD AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR CHAPEL RIDGE MIXED USE DEVELOPMENT, WEST OF I-470, NORTH OF WOODS CHAPEL ROAD, AND WEST OF RALPH POWELL ROAD, SOUTH OF WOODS CHAPEL ROAD, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #2005-275 requesting a change in zoning classification from District AG (Agricultural) to District R-1, RP-1, RP-3, RP-4 and CP-2 (Single-Family Residential, Planned Single-Family Residential, Planned Residential Mixed Use, Planned Apartment Residential District, and Planned Community Commercial District) on land located west of I-470, north of Woods Chapel Road, and west of Ralph Powell Road, south of Woods Chapel Road and Application #2005-277, requesting approval of a preliminary development plan for Chapel Ridge Mixed Use Development, submitted by Golf America, LLC, 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 November 22, 2005, and rendered a report to the City Council recommending that the zoning requested be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on December 1, 2005, and rendered a decision to rezone said property, excluding the proposed RP-4 area.

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 R-1:

All that part of the SW1/4 and that part of the SE1/4 of Section 8, Township 48, Range 31, Lee's Summit, Jackson County, Missouri, being more particularly described as follows: Commencing at the SW corner of the SE1/4 of said Section 8; thence N 02°-30'-10" E, along the West line of said SE1/4, 340.73 feet to the NW corner of Chapel Ridge, a subdivision in said City, County and State; thence S 88°-10'-27" E, along the North line of said Chapel Ridge subdivision, 235.12 feet to the point of beginning; thence N 43°-27'-11" W, 732.72 feet; thence N 27°-41'-10" W, 105.95 feet; thence N 01°-45'-08" E, 376.28 feet to a point on the North line of the SE1/4 of the SW1/4 of said Section 8, said point being S 88°-07'-55" E, 969.54 feet from the NW corner thereof; thence S 88°-07'-55" E, along the North line of the SE1/4 of said SW1/4, 349.81 feet to the NE corner thereof, said point being the NW corner of the SW1/4 of the SE1/4 of said Section 8; thence S 88°-14'-30" E, along the North line of the SW1/4 of said SE1/4, 1052.80 feet; thence S 03°-02'-00" W, 327.12 feet; thence Southwesterly on a curve to the left, having a radius of 300.00 feet and an initial tangent bearing of S 73°-30'-09" W, an arc distance of 18.46 feet; thence S 69°-58'-35" W, 104.02 feet; thence Southwesterly on a curve to the right, having a radius of 300.00 feet, an arc distance of 35.41 feet; thence S 76°-44'-21" W, 65.54 feet; thence Southwesterly on a curve to the left, having a radius of 325.00 feet, an arc distance of 424.93 feet; thence S 01°-49'-33" W, 140.72 feet; thence N 88°-10'-46" W, 191.32 feet; thence Westerly on a curve to the right, having a radius of 325.00 feet, an arc distance of 112.83 feet; thence S 26°-42'-52" W, 164.83 feet to the point of beginning. Containing 20.997 acres.

SECTION 2. That the following described property is hereby rezoned from District AG to District RP-1:

All that part of the SW1/4 and that part of the SE1/4 of Section 8, Township 48, Range 31, Lee's Summit, Jackson County, Missouri, being more particularly described as follows: Commencing at the SE corner of the SW1/4 of said Section 8; thence N 02°-30'-10" E, along the East line of said SW1/4, 40.00 feet to a point on the North right-of-way line of Woods Chapel Road as now established, said point being the point of beginning; thence N 88°-09'-20" W, along the North right-of-way line of said Woods Chapel Road, being parallel with and 40 feet North of the South line of said SW1/4, 1319.57 feet to a point on the West line of the SE1/4 of said SW1/4, said point being N 02°-30'-45" E, 40.00 feet from the SW corner thereof; thence N 02°-30'-45" E, along the West line of the SE1/4 of said SW1/4, 1285.15 feet to the NW corner thereof; thence S 88°-07'-55" E, along the North line of the SE1/4 of said SW1/4, 969.54 feet to a point N 88°-07'-55" W, 349.81 feet from the NE corner thereof; thence S 01°-45'-08" W, 376.28 feet; thence S 27°-41'-10" E, 105.95 feet; thence S 43°-27'-11" E, 732.72 feet to the North line of Chapel Ridge, a subdivision in said City, County and State; thence N 88°-10'-27" W, along the North line of said Chapel Ridge subdivision, 235.12 feet to the NW corner thereof, said point being on the West line of the SE1/4 of said Section 8; thence S 02°-30'-10" W, along the West line of said SE1/4, 300.73 feet to the point of beginning. Containing 34.910 acres

SECTION 3. That the following described property is hereby rezoned from District AG to District RP-3:

All that part of the SE1/4 of Section 8, Township 48, Range 31, Lee's Summit, Jackson County, Missouri, being more particularly described as follows: Commencing at the SW corner of the SE1/4 of said Section 8; thence N 02°-30'-10" E, along the West line of said SE1/4, 340.73 feet to the NW corner of Chapel Ridge, a subdivision in said City, County and State; thence S 88°-10'-27" E, along the North line of said Chapel Ridge subdivision, 606.39 feet to the center line of Ralph Powell Road, said point being the point of beginning; thence N 01°-49'-33" E, 270.88 feet; thence Northeasterly on a curve to the right, having a radius of 325.00 feet, an arc distance of 424.93 feet; thence N 76°-44'-21" E, 65.54 feet; thence Northeasterly on a curve to the left, having a radius of 300.00 feet, an arc distance of 35.41 feet; thence N 69°-58'-35" E, 104.02 feet; thence Northeasterly on a curve to the right, having a radius of 300.00 feet, an arc distance of 18.46 feet; thence N 03°-02'-00" E, 327.12 feet to a point on the North line of the SW1/4 of the SE1/4 of said Section 8, said point being S 88°-14'-30" E, 1052.80 feet from the NW corner thereof; thence S 88°-14'-30" E, along the North line of the SW1/4 of said SE1/4, 200.05 feet to the West right-of-way line of Old Missouri Route 291 (formerly Route OO) as described by Document No. 653855 in Book 1302 at Page 92; thence S 03°-02'-00" W, along the West right-of-way line of said Old Missouri Route 291 (60 feet from the center line thereof), 468.20 feet to a point 60 feet opposite center line Station 169+00; thence continuing along the West right-of-way line of said Missouri Route 291 the following courses and distance: S 05°-53'-45" W, 100.12 feet to a point 65 feet opposite center line Station 170+00; thence S 03°-02'-00" W, 100.00 feet to a point 65 feet opposite center line station 171+00; thence S 00°-10'-15" W, 100.12 feet to a point 60 feet opposite center line Station 172+00; thence S 03°-02'-00" W, 139.78 feet to a point 60 feet opposite center line P.I. Station 173+39.3; thence continuing along the West right-of-way line of said Old Missouri Route 291 (60 feet from the center line thereof), S 02°-07'-00" W, 77.50 feet to the Northeast corner of said Chapel Ridge subdivision; thence leaving the West right-of-way line of said Old Missouri Route 291, N 88°-10'-27" W, along the North line of said Chapel Ridge subdivision, 638.56 feet (plat= 642.03 feet) to the point of beginning. Containing 10.165 acres.

SECTION 4. That the following described property is hereby rezoned from District AG to District CP-2:

South of Woods Chapel Road - All of the NE 1/4 of Section 17-T.48-R.31 lying South and West of Chapel Ridge - 1st Plat, a subdivision in Lee's Summit, Jackson County, Missouri being described as

follows: Beginning at the SW corner of Lot 5, said Chapel Ridge; thence S 88°-10'-27" E, (this and the following bearings are based on the Missouri Coordinate System of 1983, 2003 Adjustment), along the South line of Lots 5 and 6, 592.11 feet (Plat = 592.01') to the Westerly right-of-way line of Ralph Powell Road; thence Southeasterly, along said line along a curve to the left having a radius of 810.00 feet and an initial tangent bearing of S 16°-18'-45" E, a arc distance of 553.94 feet; thence Southerly, continuing along said line along a curve to the right having a radius of 690.00 feet and tangent to the last described curve, an arc distance of 693.64 feet; thence S 02°-06'-09" W, continuing along said line, 256.84 feet; thence S 01°-35'-46" W, continuing along said line, 153.35 feet to the NE corner of Lot 1, Chapel Ridge Business Park – 1st Plat, a subdivision in said Lee's Summit; thence S 80°-56'-23" W, along the North line of said lot, 678.05 feet to the Nw corner of said lot; thence N 88°-21'-22" W, 581.80 feet to a point on the West line of said NE 1/4, said point being N 02°-03'-31" E, along said line, 764.92 feet from the SW corner of said NE 1/4; thence N 02°-03'-31" E, along said line, 1553.83 feet to the point of beginning. Containing 1,610,645 square feet or 36.9753 acres

North of Woods Chapel Road - All that part of the SE1/4 of Section 8, Township 48, Range 31, Lee's Summit, Jackson County, Missouri, being more particularly described as follows: Commencing at the SW corner of the SE1/4 of said Section 8; thence N 02°-30'-10" E, along the West line of said SE1/4, 340.73 feet to the NW corner of Chapel Ridge, a subdivision in said City, County and State; thence S 88°-10'-27" E, along the North line of said Chapel Ridge subdivision, 235.12 feet to the point of beginning; thence N 26°-42'-52" E, 164.83 feet; thence Easterly on a curve to the left, having a radius of 325.00 feet and an initial tangent bearing of S 68°-17'-16" E, an arc distance of 112.83 feet; thence S 88°-10'-46" E, 191.32 feet; thence S 01°-49'-33" W, 130.16 feet to a point on the North line of said Chapel Ridge subdivision, said point being on the center line of Ralph Powell Road; thence N 88°-10'-27" W, along the North line of said Chapel Ridge subdivision, 371.27 feet to the point of beginning. Containing 1.037 acres.

SECTION 5. That development shall be in accordance with the preliminary development plan dated September 19, 2005 appended hereto and made a part hereof. The development standards shall be as shown on the preliminary development plan.

SECTION 6. That the following conditions of approval apply:

1. The developer shall agree to pay their proportionate share of costs associated with the remedy to the regional sanitary sewer capacity deficiency in the Maybrook subwatershed basin in which the development is located (sewer impact fee). Payments resulting from said impact fee shall be made in accordance with the condition of the ordinance adopting the impact fee.
2. Final development plans and final plats may be subject to an analysis of the sewer capacity at the time of application at the determination of City Staff. The developer shall be responsible for all costs associated with the sewer analysis.
3. The developer shall execute a mutually satisfactory development agreement, which addresses, at a minimum, the road improvements recommended in the Transportation Impact Analysis form dated October 20, 2005. No building permits shall be issued for any structure in the development until written proof that the development agreement has been recorded in the Jackson County Records' Office is provided to the City.
4. A modification shall be granted to the 500' maximum allowable length for a dead end street, to temporarily allow the combined 1000' length of Lone Hill Drive and Sundown

Drive serving Lots 32-53 as part of the first phase of the Estates of Chapel Ridge. The second phase of the Estates of Chapel Ridge shall extend and connect Sundown Drive with other streets to the east, providing a second means of access to these lots.

5. A modification shall be granted to the required 100' offset for streets entering the opposite sides of a cross-street, to allow the proposed 80' offset between Sundown Drive and Burroughs Drive.
6. The right-of-way width and pavement width from back-of-curb to back-of-curb shown for Independence Avenue shall be corrected from 50' and 28', respectively, to 60' and 36' as drawn on the plans.
7. To meet the requirements of a collector street, 5' sidewalks shall be provided on both sides of Independence Avenue.
8. The Developer shall file and use its best efforts to insure the adoption of an amendment to the Chapel Ridge Tax Increment Financing Plan which provides that all revenue generated by real property tax levies against residential property located within the redevelopment area will be declared surplus funds by the City and distributed annually to taxing districts in an amount proportionate to the real estate tax levies of the respective districts.

SECTION 7. That in granting modifications listed in Section 6, 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 8. 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 No. 5209.

SECTION 9. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 12th day of January, 2006.



Mayor Karen R. Messerli

ATTEST:



City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 24 day of January, 2006.



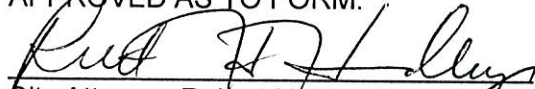
Mayor Karen R. Messerli

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:



City Attorney Robert H. Handley

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