

## **BILL NO. 21-235**

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AN ORDINANCE APPROVING A REZONING FROM CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT RP-4 (PLANNED APARTMENT RESIDENTIAL) AND PRELIMINARY DEVELOPMENT PLAN FOR DOUGLAS STATION APARTMENTS, LOCATED AT 3 NE SYCAMORE ST AND 1141 NW SLOAN ST., 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 #PL2021-262 submitted by Cave State Development requesting approval of a rezoning from CP-2 (Planned Community Commercial) to RP-4 (Planned Apartment Residential) and preliminary development plan on land located at 3 NE Sycamore St. and 1141 NW Sloan 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 public hearings for the consideration of the rezoning and preliminary development plan on September 9, 2021, and October 22, 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 November 16, 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 and preliminary development plan is hereby approved on the following described property:

*LOTS 10A & 10B OF "MINOR PLAT OF DOUGLAS STATION COMMERCIAL PARK LOTS 10A & 10B" A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the maximum allowable density of 12 units per acre in RP-4 district, to allow a density of 23.38 units per acre.
2. Development shall be in accordance with the preliminary development plan, consisting of 18 total pages:
  - Preliminary Development Plan, dated September 21, 2021
  - Preliminary Site Details, dated August 9, 2021
  - Preliminary Grading Plan, dated August 9, 2021
  - Preliminary Utility Plan, dated August 31, 2021
  - Lighting Plan, dated July 2, 2021
  - Photometric Plan, dated July 2, 2021
  - Landscape Plan, dated August 10, 2021
  - Floor Plans, dated August 10, 2021 - 7 pages
  - Architectural Elevations, dated September 1, 2021 - 4 pages

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3. The future reconfiguration of the right of way at the intersection of NW Sloan St and NE Sycamore St shall require the subject development's southern entrance along NW Sloan St to become a right in/right out entrance, to be managed by the construction of a center median to prevent left-hand turns either from the public road or the entrance.
4. The applicant shall submit, and the Planning Commission shall consider, an application for comprehensive plan amendment for a change in land use category from Industrial to Residential 3 prior to the issuance of any building permits.

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.

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

ATTEST:

\_\_\_\_\_  
*Mayor William A. Baird*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

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

ATTEST:

\_\_\_\_\_  
*Mayor William A. Baird*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*