

## **BILL NO. 23-206**

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AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG (AGRICULTURAL) & TO DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR COWBOY CARWASH ON APPROXIMATELY 1.5 ACRES OF LAND LOCATED AT 3601 SW HOLLYWOOD DRIVE, 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 #PL2023-130 submitted by KC Cowboy Properties, LLC, requesting approval of a rezoning from AG (Agricultural) to CP-2 (Planned Community Commercial District) and preliminary development plan on land located at 3601 SW Hollywood Drive, 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 August 24, 2023, and 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:

*PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 47, RANGE 31, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF HAWKINS' COMMERCIAL LOT 1, RECORDED AS DOCUMENT NO. 2000I0062550, BEING ALSO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF MISSOURI 150 HIGHWAY AS SHOWN IN RIGHT OF WAY DEED DOCUMENT NO. 2014E0080868 AND THE EASTERLY LINE OF THE DOCUMENT RECORDED AS 1988I0875030; THENCE NORTH 02°23'26" EAST, ALONG THE WEST LINE OF SAID HAWKINS' COMMERCIAL LOT 1, A DISTANCE OF 208.16 FEET, TO THE SOUTHEAST CORNER OF RIGHT OF WAY TAKEN OF SUMMITCREST DRIVE AS ESTABLISHED BY SAID RIGHT OF WAY DOCUMENT NO. 2014E0080868 AND PROLONGATION OF THE WEST LINE OF SAID HAWKINS' COMMERCIAL LOT 1; THENCE NORTH 02°23'26" EAST, A DISTANCE OF 60.00 FEET, TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF SAID SUMMITCREST DRIVE AND THE EASTERLY LINE OF THE DOCUMENT RECORDED AS 1988I0875030 AND THE WEST LINE OF SUMMITCREST PLAZA LOT 1 RECORDED AS DOCUMENT NO. 2001I0010320, BEING ALSO THE TRUE POINT OF BEGINNING OF TRACT B; THENCE ALONG THE WEST LINE OF SAID SUMMITCREST PLAZA, NORTH 2°23'26" EAST, A DISTANCE OF 583.70 FEET, TO THE POINT OF INTERSECTION OF KENBRIDGE CROSSING AS ESTABLISHED IN SAID RIGHT OF WAY DEED IN DOCUMENT NUMBER 2014E0080868 AND THE EASTERLY LINE OF THE SAID DOCUMENT NO. 1988I0875030, BEING ALSO SAID WEST*

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LINE OF SUMMITCREST PLAZA; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FIVE (5) COURSES: NORTH 87°54'56" WEST, A DISTANCE OF 281.79; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.31 FEET, AND A DELTA OF 89°41'48"; THENCE SOUTH 2°23'24" WEST, A DISTANCE OF 545.37 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.64 FEET, AND A DELTA OF 90°38'31"; THENCE SOUTH 88°15'20" EAST, A DISTANCE OF 281.47 FEET, TO THE POINT OF BEGINNING. ALSO KNOWN AS TRACT B, AS SHOWN ON THE CERTIFICATE OF SURVEY RECORDED 7/27/2021 AS DOCUMENT NO. 2021E0081920 IN SURVEY BOOK 51 AT PAGE 95, AND CORRECTED BY THE AFFIDAVIT RECORDED 1/10/2022 AS DOCUMENT NO. 2022E0002897.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated November 21, 2022, and revised July 25, 2023, and the elevations dated July 25, 2023.
2. The application of polycarbonate panels used in the project shall be of an equal or greater quality to the manufacturer's specifications sheets submitted on September 15, 2023.

SECTION 3. That rezoning of the property from AG to district CP-2 shall be as depicted on the rezoning map included in the plan and development shall be in accordance with the preliminary development plan set revision date July 25, 2023, set appended hereto as Attachment A. Elevations, dated July 25, 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.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

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