

BILL NO. 17-144

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 300 SW BLUE PARKWAY IN DISTRICT PMIX, PROPOSED PINE TREE PLAZA RENOVATIONS, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-093 submitted by Pine Tree Plaza, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed-Use) on land located at 300 SW Blue Parkway was referred to the Planning Commission to hold a public hearing; and

WHEREAS, the Unified Development Ordinance provides for the approval of a 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 preliminary development plan on June 13, 2017, and rendered a report to the City Council recommending that 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 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 a preliminary development plan is hereby approved in District PMIX on the following described property:

TRACT 1:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST ONE HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7: THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF THE EAST ONE HALF OF SAID NORTHEAST QUARTER OF SAID SECTION 7, 990.24 FEET TO A POINT ON THE WEST LINE OF MISSION ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 116, OF LOTS 109 TO 117, BAYLES ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING THE NORTHEAST CORNER OF THE SECOND OF THE TWO TRACTS DESCRIBED IN DOCUMENT NO. 1-584524 IN BOOK 1-1341 AT PAGE 1036, AND BEING THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND THE WEST LINE OF MISSION ROAD, A

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DISTANCE OF 74.83 FEET TO THE NORTHWEST CORNER OF THE TRACT AS DESCRIBED IN DOCUMENT NO. I-584525 IN BOOK I-1341 AT PAGE 1037; THENCE NORTH 88 DEGREES 45 MINUTES 20 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT, 789.36 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 1 DEGREE 14 MINUTES 40 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT, 102.01 FEET TO THE NORTHWEST CORNER OF THE TRACT AS DESCRIBED IN DOCUMENT NO. I-604652 IN BOOK I-1380 AT PAGE 2240; THENCE NORTH 88 DEGREES 45 MINUTES 20 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT, 125.07 FEET; THENCE NORTH 1 DEGREE 14 MINUTES 40 SECONDS WEST, ALONG SAID NORTHERLY LINE, 11.00 FEET THENCE NORTH 88 DEGREES 45 MINUTES 20 SECONDS EAST, ALONG SAID NORTHERLY LINE 101.07 FEET TO THE NORTHEAST CORNER OF SAID TRACT, AND BEING ON THE WEST LINE OF JEFFERSON STREET; THENCE SOUTH 5 DEGREES 06 MINUTES 12 SECONDS EAST, ALONG THE WEST LINE OF JEFFERSON STREET, 169.90 FEET TO THE SOUTHEAST CORNER OF THE TRACT AS DESCRIBED IN DOCUMENT NO. 678928 IN BOOK 1226 AT PAGE 318 THENCE SOUTH 88 DEGREES 45 MINUTES 20 SECONDS WEST, ALONG THE SOUTH LINE OF SAID TRACT, 300.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND BEING ON THE EAST LINE OF THE TRACT AS DESCRIBED IN DOCUMENT NO. I-584524 IN BOOK I-1341 AT PAGE 1036; THENCE SOUTH 5 DEGREES 06 MINUTES 12 SECONDS EAST, ALONG SAID EAST LINE AND THE EAST LINE OF THE TRACT AS DESCRIBED IN DOCUMENT NO. I-344326 IN BOOK I-867 AT PAGE 1796, 323.75 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AND THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 50; THENCE SOUTH 87 DEGREES 41 MINUTES 37 SECONDS WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 9.91 FEET; THENCE SOUTH 87 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 199.27 FEET; THENCE NORTH 62 DEGREES 52 MINUTES 34 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 689.64 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTHWESTERLY ON A 5,663.65 FEET RADIUS CHORD CURVE TO THE RIGHT A DISTANCE OF 271.94 FEET (LONG CHORD = NORTH 61 DEGREES 16 MINUTES 58 SECONDS WEST 271.91 FEET) TO A POINT ON A CURVE ON THE EASTERLY LINE OF MADISON STREET; THENCE NORTHEASTERLY ON A 193.27 FEET RADIUS CURVE TO THE LEFT A DISTANCE OF 281.01 FEET (LONG CHORD = NORTH 49 DEGREES 50 MINUTES 23 SECONDS EAST 256.90 FEET) ALONG THE EAST LINE OF SAID MADISON STREET TO THE SOUTHWEST CORNER OF LOT 117 OF LOTS 109 TO 117, BAYLES ADDITION SAID POINT BEING THE NORTHWEST CORNER OF THE SECOND OF THE TWO TRACTS DESCRIBED IN DOCUMENT NO. I-584524 IN BOOK I-1341 AT PAGE 1036; THENCE NORTH 89 DEGREES 23 MINUTES 32 SECONDS EAST, ALONG THE SOUTH LINE OF LOTS 117 AND 116 A DISTANCE OF 280.63 FEET TO THE POINT OF BEGINNING EXCEPT THE FOLLOWING DESCRIBED TRACT:

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A PARCEL OF LAND IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47, RANGE 31, JACKSON COUNTY, MISSOURI DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST HALF, THENCE NORTH 00 DEGREES 00 MINUES 00 SECONDS EAST ALONG THE WEST LINE OF SAID EAST HALF A DISTANCE OF 567.89 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MISSOURI U.S. HIGHWAY 50; THENCE SOUTH 62 DEGREES 52 MINUTES 34 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE 180.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 27 DEGREES 05 MINUTES 39 SECONDS EAST A DISTANCE OF 112.00 FEET; THENCE SOUTH 62 DEGREES 52 MINUTES 34 SECONDS EAST A DISTANCE OF 75.25 FEET; THENCE SOUTH 27 DEGREES 05 MINUTES 39 SECONDS WEST A DISTANCE OF 112.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MISSOURI U.S. HIGHWAY 50; THENCE NORTH 62 DEGREES 52 MINUTES 34 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 75.25 FEET TO THE POINT OF BEGINNING.

TRACT 2

A PARCEL OF LAND IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47, RANGE 31, JACKSON COUNTY, MISSOURI DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST HALF, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID EAST HALF A DISTANCE OF 567.86 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MISSOURI U.S. HIGHWAY 50; THENCE SOUTH 62 DEGREES 52 MINUTES 34 SECONDS EAST A DISTANCE OF 75.25 FEET; THENCE SOUTH 27 DEGREES 05 MINUTES 39 SECONDS WEST A DISTANCE OF 112.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MISSOURI U.S. HIGHWAY 50; THENCE NORTH 62 DEGREES 52 MINUTES 34 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 75.25 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to Section 7.250.D.3 of the UDO to allow the existing light poles to remain at their current height of 40-feet 8-inches as shown on the preliminary development plan date stamped May 22, 2017.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped May 22, 2017, appended hereto and made a part hereof.

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.

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SECTION 5. 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 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 _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian W. Head