

BILL NO. 22-01

AN ORDINANCE APPROVING A REZONING FROM CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT RP-4 (PLANNED APARTMENT RESIDENTIAL) AND PRELIMINARY DEVELOPMENT PLAN FOR CHAPEL RIDGE APARTMENTS, LOCATED AT 721 NE MEADOWVIEW DRIVE, 781 NE MEADOWVIEW DRIVE, 821 NE CUSTER DRIVE, 3301 NE AKIN BOULEVARD AND 3430 NE RALPH POWELL ROAD, 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 #PL2021-382 submitted by Andrew Mackey 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 721 NE Meadowview Dr, 781 NE Meadowview Dr, 821 NE Custer Dr, 3301 NE Akin Blvd and 3430 NE Ralph Powell Rd, 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 December 2, 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 January 4, 2022, 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:

All that part of Lots 20 and 21, Chapel Ridge Business Park, Lots 19 thru 22 and Tract L & M, except a tract of ground being part of said Lot 21, being more particularly described as follows: Beginning at the Southwest corner of said Lot 21, thence North 02° 18' 33" East, a distance of 256.56 feet; thence South 87° 41' 27" East, a distance of 57.12 feet; thence North 30° 25' 46" E, a distance of 87.57 feet; thence South 59° 13' 55" East, a distance of 138.08 feet, thence North 87° 41' 27" West, a distance of 97.38 feet; thence South 02° 18' 33" West, a distance of 258.04 feet; thence North 87° 41' 27" West, a distance of 140.00 feet, returning to the Point of Beginning. (Portion of Excepted tract previously known as Tract C, Chapel Ridge Business Park, Lots 4 thru 9 and Tracts A thru G)

and

All that part of Lot 4-J, Chapel Ridge Business Park, Lots 4-I and 4-J, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri

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SECTION 2. That the following conditions of approval apply:

1. A modification of UDO Sec. 6.030, Table 6-2, Density, shall be granted to allow 23.1 units per acre for the RP-4 district instead of 12 units to the acre.
2. A modification of UDO Sec. 6.030, Table 6-2, Minimum Lot Size, shall be granted to allow a minimum lot size of 1,887.6 sf. per unit for the RP-4 district instead of 3,500 sf. per unit.
3. A modification of UDO Sec. 8.750 shall be granted to remove the required 6' high masonry wall or opaque vinyl fence from the high impact landscape buffer, with the landscape buffers to be installed in accordance with the submitted landscape plans dated November 1, 2021.
4. All sidewalks shall be installed per the requirements of the UDO and Design and Construction Manual (DCM).
5. All trash enclosure gates shall be solid steel opaque gate painted to be compatible with the color of the masonry or a steel framed semi-opaque gate with a screen mesh material approved by the Director that provides an appropriate visual barrier.
6. Development shall be in accordance with the preliminary development plan dated November 1, 2021.
7. During the Final Development Plan phase of the project, the proposed individual public water meters, for the domestic water service for each unit, shall be shown in their general location within right of way or easement, in a location that is accessible to Water Utilities staff. If the applicant decides to utilize a master meter, it too will be required to be located within the right of way or easement. Sub-meters may be utilized after the master meter, at the developer's expense.
8. During the Final Development Plan phase of the project, show all the connections along the west side of Akin Blvd. Driveway spacing and alignment shall comply with the requirements of the UDO and Design and Construction Manual (DCM).

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 _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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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*