

BILL NO. 18-149

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN GENERALLY LOCATED AT THE INTERSECTION OF SW KESSLER DRIVE AND SW FASCINATION DRIVE IN DISTRICT PMIX, PROPOSED KESSLER VIEW, 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 #PL2018-081 submitted by M-III Longview, LLC requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) on land generally located at the intersection of SW Kessler Drive and SW Fascination Drive 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 July 24, 2018, a motion was made for the application to be continued to the Planning Commission, due back on August 14, 2018. The Planning Commission held a public hearing on August 14, 2018 and rendered a report to the City Council recommending that the preliminary development plan be forwarded to City Council with a failure to recommend; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 20, 2018, 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:

Section 10, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri, being described as follows:

A tract of land in the Northwest Quarter of Section 10, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri, being bounded and described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence North 87°11'20" West, along the North line of said Northwest Quarter, 740.57 feet; thence South 03°11'10" West, 382.01 feet to a point on the West line of BRIDLEWOOD – 4th PLAT LOTS 169A-174A, a subdivision in said Lee's Summit, Jackson County, Missouri, said point also being the Southeast corner of Lot 1, NEW LONGVIEW COMMERCIAL DISTRICT, FOURTH PLAT, LOT 1, a subdivision in said Lee's Summit, Jackson County, Missouri, said point also being the Point of Beginning of the tract of land to be herein described; thence South 03°11'10" West

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along said West line and the West line of BRIDLEWOOD-5TH PLAT, a subdivision in said Lee's Summit, Jackson County, Missouri, 439.81 feet to the Northeast corner of Tract A, KESSLER RIDGE AT NEW LONGVIEW – FIRST PLAT, a subdivision in said Lee's Summit, Jackson County, Missouri; thence North 86°48'44" West, along the North line of said Tract A, 461.29 feet to the Northwest corner of said Tract A, said point also being on the East right-of-way line of SW. Kessler Drive, as now established; thence Northwesterly, along said East right-of-way line, along a curve to the left, having an initial tangent bearing of North 31°35'13" West with a radius of 310.00 feet, a central angle of 05°37'55" and an arc distance of 30.47 feet; thence North 37°13'07" West, continuing along said East right-of-way line, 123.26 feet; thence Northerly, continuing along said East right-of-way line, along a curve to the right, being tangent to the last described course with a radius of 190.00 feet, a central angle of 40°01'47" and an arc distance of 132.74 feet; thence North 02°48'40" East, continuing along said East right-of-way line, 195.92 feet to the Southwest corner of said Lot 1; thence South 87°11'20" East, along the South line of said Lot 1, 606.38 feet to the Point of Beginning. Containing 252,027 square feet or 5.79 acres, more or less.

Also,

All of Lots 1A, 1B, 1D, 1E, and Tract A, FASCINATION AT NEW LONGVIEW.

Also,

All of Lots 43, 53, and 54, NEW LONGVIEW COMMERCIAL DISTRICT, THIRD PLAT.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan (architectural elevation sheets for commercial portions only) dated July 3 and July 24, 2018.
2. Development shall be in accordance with the preliminary development plan (civil sheets omitting the townhomes) dated September 12, 2018.
3. Development standards, including density, lot area, setbacks, building separation, and impervious coverage shall be as shown on the plan.
4. Preliminary development plan approval under separate application shall be required for any development of the 4-acre area previously shown as a townhome development.
5. The SW Curry Road extension to SW Kessler Dr. shall be constructed at the time the surrounding 4-acre area is platted.
6. The development shall be subject to the recommendations of the Transportation Impact Analysis report dated July 18, 2018.

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7. Additional architectural detail shall be provided at the time of final development plan for Lot 1D, Building D, to break up the painted concrete.

8. Additional architectural detail shall be provided at the time of final development plan for Lot 1A and 1B, to break up the amount of EIFS.

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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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 _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*