

## **BILL NO. 22-176**

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AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT RDR AND R-1 FOR APPROXIMATELY 19 ACRES LOCATED AT 1204 NE WOODS CHAPEL ROAD IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33 OF THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-185 submitted by Entres Development, LLC, requesting approval of a rezoning from District AG (Agricultural) to RDR (Rural Density Residential) and R-1 (Single-family Residential) on land located at 1204 NE Woods Chapel Road, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning 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 on August 11, 2022, and rendered a report to the City Council recommending that the rezoning be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 6, 2022, and rendered a decision to approve the rezoning 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 from District AG (Agricultural) to RDR (Rural Density Residential) is hereby approved on the following described property:

REZONING TO RDR

*ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE N 88°11'38" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 273.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 88°11'38" W, ALONG SAID SOUTH LINE, A DISTANCE OF 260.31 FEET, TO THE INTERSECTION OF THE SAID SOUTH LINE OF SAID SOUTHWEST QUARTER, AND THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF NE LAKEWOOD WAY, AS NOW ESTABLISHED; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND ITS SOUTHERLY EXTENSION, OF SAID NE LAKEWOOD WAY FOR THE FOLLOWING FOUR (4) COURSES; THENCE N 2°47'00" E, A DISTANCE OF 361.93 FEET; THENCE ALONG A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING AN RADIUS OF 760.00 FEET, AND AN ARC DISTANCE OF 48.26 FEET; THENCE S 89°08'37" W, A DISTANCE OF 20.00 FEET; THENCE NORTHERLY ON A CURVE TO THE LEFT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N 0°51'23" W, A RADIUS OF 740.00 FEET, AND AN ARC DISTANCE OF 276.45 FEET, TO A POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE, OF SAID NE LAKEWOOD WAY, AND THE EAST PLAT LINE OF CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL, A SUBDIVISION OF LAND IN THE CITY OF LEE'S*

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SUMMIT, JACKSON COUNTY, MISSOURI; THENCE N 2°22'48" E, ALONG THE EAST LINE OF SAID PLAT OF CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL, THE EAST PLAT LINE OF NORTH 2.5 MILLION GALLON TANK, A DISTANCE OF 127.34 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 65°05'27" E, A RADIUS OF 510.00, AND AN ARC DISTANCE OF 351.70 FEET; THENCE S 75°23'37" E, A DISTANCE OF 3.02 FEET; THENCE S 2°21'19" W, A DISTANCE OF 845.05 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 245,024 SQUARE FEET OR 5.6250 ACRES, MORE OR LESS, OF UNPLATTED LAND.

### REZONING TO R-1

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER, OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE N 88°11'38" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 273.05 FEET; THENCE N 2°21'19" E, A DISTANCE OF 845.05 FEET, TO THE POINT OF BEGINNING; THENCE N 75°23'37" W, A DISTANCE OF 3.02 FEET; THENCE ALONG A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING AN RADIUS OF 510.00, AN ARC DISTANCE OF 351.70 FEET, TO A POINT ON THE EAST PLAT LINE OF NORTH 2.5 MILLION GALLON TANK, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, THENCE N 2°22'48" E, ALONG THE EAST PLAT LINE OF SAID NORTH 2.5 MILLION GALLON TANK, THE EAST PLAT LINE OF LAKEWOOD BUSINESS PARK, LOTS 33A, AND 34-36, AND THE EAST PLAT LINE OF LAKEWOOD BUSINESS PARK- LOTS 25 THROUGH 33, ALL PLATTED SUBDIVISIONS OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, A DISTANCE OF 1199.28 FEET, TO A POINT ON THE SOUTH LINE OF LAKEWOOD BUSINESS PARK ANNEX, LOTS 1, 2 AND 3, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE S 88°20'38" E, ALONG THE SOUTH LINE OF SAID LAKEWOOD BUSINESS PARK ANNEX, LOTS 1, 2 AND 3, AND THE SOUTH LINE OF LAKEWOOD BUSINESS ANNEX, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, A DISTANCE OF 617.34 FEET, TO A POINT ON THE WEST LINE OF SAVANNAH RIDGE-THIRD PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE S 2°21'19" W, ALONG THE WEST PLAT LINE OF SAID SAVANNAH RIDGE-THIRD PLAT, THE WEST PLAT LINE OF SAVANNAH RIDGE-FIRST PLAT, AND THE WEST PLAT LINE OF SAVANNAH RIDGE- SECOND PLAT, ALL PLATTED SUBDIVISIONS OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, A DISTANCE OF 675.29 FEET, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER, OF THE SOUTHWEST QUARTER, SAID POINT ALSO BEING THE SOUTHWEST PLAT CORNER OF SAID SAVANNAH RIDGE- SECOND PLAT; THENCE N 88°16'35" W, A DISTANCE OF 273.07 FEET; THENCE S 2°21'19" W, A DISTANCE OF 484.12 FEET, TO THE POINT OF BEGINNING, CONTAINING 583,464 SQUARE FEET OR 13.3945 ACRES, MORE OR LESS, OF UNPLATTED LAND.

SECTION 2. That the rezoning shall be in accordance with the rezoning exhibit and legal descriptions, appended hereto as Attachment A and made a part hereof.

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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.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*