

## **BILL NO. 20-226**

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AN ORDINANCE APPROVING A REZONING FROM CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT RP-3 (PLANNED RESIDENTIAL MIXED USE) AND PRELIMINARY DEVELOPMENT PLAN FOR MULTI-FAMILY LOTS 1-53 & TRACTS A-C, 3817 & 4001 SE OLD M-291 HWY, 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 #PL2020-067 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from CP-2 (Planned Community Commercial) to RP-3 (Planned Residential Mixed Use) and preliminary development plan on land located at 3817 & 4001 SE Old M-291 Hwy 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 November 12, 2020, 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 December 8, 2020, 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:

*Legal Description of Rezoning and Preliminary Development Plan*

*TRACT 1:*

*ALL THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 47 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING BOUNDED AND DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE NORTH 87 DEGREES 40 MINUTES 14 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, 1221.69 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY ROUTE 291, AS NOW ESTABLISHED; THENCE NORTH 22 DEGREES 48 MINUTES 30 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, 60.19 FEET (STATION 6+098.389, 297.12 FEET LT); THENCE NORTH 33 DEGREES 49 MINUTES 44 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 147.52 FEET (STATION 6+060.053, 374.19 FEET LT);*

**BILL NO. 20-226**

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THENCE NORTH 43 DEGREES 26 MINUTES 19 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 147.75 FEET (STATION 6+026.121, 471.33 FEET LT.); THENCE NORTH 55 DEGREES 23 MINUTES 44 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 151.68 FEET TO THE SOUTHWEST CORNER OF LOT 2, "BORDNER SQUARE", A SUBDIVISION OF LAND IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE SOUTH 87 DEGREES 40 MINUTES 14 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING 363.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, 933.62 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 02 DEGREES 16 MINUTES 46 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, 363.00 FEET TO THE POINT OF BEGINNING.

TRACT 2:

ALL OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, EXCEPT PART IN HIGHWAY AND EXCEPT THAT PART THEREOF CONVEYED TO MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION BY THE DOCUMENT FILED JUNE 19, 1998 AS DOCUMENT NO. 98-1-47512 IN BOOK 1-3220 AT PAGE 647; BEING ALSO DESCRIBED AS:

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 47 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 87 DEGREES 40 MINUTES 05 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, 1295.72 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY ROUTE 291, AS NOW ESTABLISHED AND RECORDED WITHIN DOCUMENT NO. 98-1-475 12 IN BOOK 1-3220 AT PAGE 647; THENCE NORTH 02 DEGREES 15 MINUTES 34 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, 549.49 FEET (STATION 6+351.380-202.54 LT.); THENCE NORTH 02 DEGREES 25 MINUTES 48 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 82.02 FEET (STATION 6+326.380-202.68 LT.); THENCE CONTINUING NORTH 02 DEGREES 25 MINUTES 48 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 217.98 FEET (STATION 6+259.939-203.06 LT.); THENCE SOUTH 87 DEGREES 40 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 25.01 FEET (STATION 6+259.939-223.07 LT.); THENCE NORTH 02 DEGREES 19 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 248.1 FEET (STATION 6+184.298-228.07 LT.); THENCE NORTH 05 DEGREES 12 MINUTES 52 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 54.74 FEET (STATION 6+167.635-230.82 LT.); THENCE NORTH 11 DEGREES 34 MINUTES 50 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 89.18 FEET (STATION 6+140.805-245.16 LT.); THENCE NORTH 22 DEGREES 48 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, 88.35 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST

**BILL NO. 20-226**

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QUARTER; THENCE SOUTH 87 DEGREES 40 MINUTES 14 SECONDS EAST, ALONG SAID NORTH LINE, 1221.69 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE SOUTH 02 DEGREES 16 MINUTES 46 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, 1323.16 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the following conditions of approval apply:

1. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, any required off-site sanitary sewer improvements. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office.
2. Two sanitary sewer line segments (MH 62-034 to MH 62-035 and MH 62-035 to MH 62-036) constituting approximately 524 linear feet shall be increased from a 15-inch sewer to an 18-inch sewer. The City is willing to participate in an upsizing agreement to further increase the pipe from an 18-inch to a 24-inch sewer in order to accommodate projected ultimate build-out conditions.

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 \_\_\_\_\_, 2020.

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Mayor *William A. Baird*

ATTEST:

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

**BILL NO. 20-226**

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APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2020.

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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*