

## **BILL NO. 23-197**

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AN ORDINANCE APPROVING REZONING FROM DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) & RP-3 (PLANNED RESIDENTIAL MIXED-USE DISTRICT) TO DISTRICT PMIX (PLANNED MIXED USE DISTRICT) & RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT) AND A PRELIMINARY DEVELOPMENT PLAN FOR PRYOR MIXED USE ON APPROXIMATELY 18.16 ACRES OF LAND LOCATED AT 1805 SW M-150 HIGHWAY & 1905 SW M-150 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-093 submitted by Griffin Riley Property Group, requesting approval of a rezoning from CP-2 (Planned Community Commercial District) & RP-3 (Planned Residential Mixed-Use District) to district PMIX (Planned Mixed Use District) & RP-4 (Planned Apartment Residential District) and preliminary development plan on land located at 1805 SW M-150 Hwy & 1905 SW M-150 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 a public hearing for the consideration of the rezoning and preliminary development plan on August 10, 2023, 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 October 24, 2023, 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:

*A Part of the North one half of the Northwest One-Quarter of Section 36, Township 47, Range 32, in the City of Lee's Summit, Jackson County, Missouri, being described as follows:  
Commencing at the Northwest corner of the Northwest One-Quarter of said Section 36; thence along the West line of said Northwest One-Quarter South 02 degrees 08 minutes 23 seconds West a distance of 155.40 feet; thence South 87 degrees 51 minutes 37 seconds East a distance of 40.00 feet to a point on the existing East right of way line of SW Pryor Road as now established and the existing South right of way line of Missouri Highway 150 as now established, said point being the Point of Beginning; thence along said South right of way line of Missouri Highway 150 the following five courses, North 56 degrees 16 minutes 20 seconds East a distance of 111.34 feet; thence North 88 degrees 17 minutes 11 seconds East a distance of 150.33 feet; thence South 85 degrees 59 minutes 25 seconds East a distance of 150.08 feet; thence South 87 degrees 53 minutes 58 seconds East a distance of 250.00 feet; thence South 77 degrees 35 minutes 41 seconds East a distance of 47.92 feet; thence South 02 degrees 08 minutes 23 seconds West a distance of 1223.62 feet to a point on the South line of the said North one half of*

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*the Northwest One-Quarter and the North line of NAPA VALLEY-FIRST PLAT, a subdivision in the City of Lee's Summit; thence along the said South line of the North one half of the Northwest One-Quarter and the North line of NAPA VALLEY-FIRST PLAT, North 87 degrees 53 minutes 59 seconds West a distance of 687.37 feet to a point on the said East right of way line of SW Pryor Road; thence along said East right of way line, North 02 degrees 08 minutes 23 seconds East a distance of 1162.02 feet to the Point of Beginning and containing 19.37 acres more or less.*

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 13.93 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 2398.4 sf. per unit for the RP-4 district instead of 3,500 sf. per unit.
3. A modification of UDO Sec. 8.750, Acceptable plant materials, shall be granted to allow deciduous shade trees to be a minimum of 2.5" caliper at planting, evergreen trees to be a minimum height of 6' at planting and deciduous ornamental trees to be a minimum of 2" caliper at planting.
4. A modification of UDO Sec. 5.510, M-150 CDO Design Standards, shall be granted to allow parking structures (detached garages) to occupy 33% of the SW Pryor Rd perimeter public street frontage.
5. Development shall be in accordance with the preliminary development plan with a revision date of April 21, 2023.
6. Development shall be in accordance with the Transportation Impact Analysis prepared by Susan Barry, P.E., dated August 3, 2023.

SECTION 3. That rezoning of the property from CP-2 & RP-3 to district PMIX & RP-4 shall be as depicted on the rezoning map included in the plan and development shall be in accordance with the preliminary development plan set revision date April 21, 2023, set appended hereto as Attachment A. Elevations, dated June 8, 2023, appended hereto as Attachment B.

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.

SECTION 5. 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 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*