

BILL NO. 16-236

AN ORDINANCE APPROVING APPLICATION #PL2016-158 - REZONING FROM CP-2, PI, AND PMIX to PMIX AND CONCEPTUAL DEVELOPMENT PLAN - APPROXIMATELY 237 ACRES GENERALLY BOUNDED BY PINE TREE PLAZA, US 50 HWY, ADESA PROPERTY, JEFFERSON STREET (WEST OF M-291 HWY), 16TH STREET (EAST OF M-291 HWY), UNION PACIFIC RAILROAD RIGHT OF-WAY AND SOUTH M-291 HWY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-158 requesting a change in zoning classification from Districts CP-2 (Planned Community Commercial District), PI, (Planned Industrial District) and PMIX, (Planned Mixed Use District) to District PMIX (Planned Mixed Use District) on approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy, Adesa property, Jefferson Street (west of m-291 hwy), 16th Street (east of M-291 Hwy), Union Pacific Railroad right of-way and South M-291 Hwy and requesting approval of a conceptual development plan for the rezoned PMIX area, submitted by the City of Lee's Summit, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on October 11, 2016; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 3, 2016, and rendered a decision to rezone said property and approve the conceptual 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 the following described property is hereby rezoned from Districts CP-2, PI and PMIX to District PMIX:

Approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy, Adesa property, Jefferson Street (west of m-291 hwy), 16th Street (east of M-291 Hwy), Union Pacific Railroad right of-way and South M-291 Hwy and more legally described as:

(See Attachment A)

SECTION 2. That the conceptual development plan as appended hereto and made a part hereof shall serve as a framework for future development within this area.

SECTION 3. That design standards shall be prepared and brought back to the City Council for adoption thereby establishing the development criteria for the "EnVision LS" area plan.

SECTION 3. That the following conditions of approval apply:

1. A preliminary development plan shall be required for any phase of the conceptual development plan.

BILL NO. 16-236

SECTION 4. The Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. 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 6. 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 7. That this ordinance shall be in full force and effect from and after the date of November 3, 2016.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this ____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*