

## **BILL NO. 17-145**

---

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT THE SOUTHWEST CORNER OF SE SHENANDOAH DR. AND SE BATTERY DR. IN DISTRICT CP-2, PROPOSED BLOOM LIVING, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-095 submitted by Complete, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial) on land located at the southwest corner of SE Shenandoah Dr. and SE Battery Dr. 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 June 13, 2017, and rendered a report to the City Council recommending that the 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 July 13, 2017, 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 CP-2 on the following described property:

*A Tract of Land in the North Half of Section 10, Township 47, Range 31, in Lee's Summit, Jackson County, Missouri more fully described as follows:  
Commencing at the Southwest Corner of the Northwest Quarter of Said Section 10;  
Thence North 02 degrees 08 Minutes 13" East a distance of 827.10 feet along the west line of said Northwest Quarter; Thence South 87 degrees 52 minutes 00 seconds East, 74.22 feet to the Northwest Corner of Tract B in Charleston Park 3rd Plat, a Subdivision in Lee's Summit, Jackson County, Missouri; Thence North 02 degrees 08 minutes 00 seconds East a distance of 236.73 feet along the East right of Way Line of Todd George Road to the South Right of Way Line of Shenandoah Drive; Thence South 87 degrees 41 minutes 11 seconds East a distance of 225.97 feet along the South Line of Ashton at Charleston Park 1st plat, as subdivision in Lee's Summit, Jackson County, Missouri; Thence North 83 degrees 00 minutes 25 seconds East a distance of 111.30 feet along the south line of said 1st plat; Thence South 87 degrees 41 minutes 11 seconds East a distance of 400.03 feet along the south line of said 1st Plat; Thence Easterly 364.00 feet along a Tangent Curve to the Right Having a Radius of 1738.00 feet along the South line of said 1st Plat and Ashton At Charleston Park 2nd Plat a subdivision in Lee's Summit, Jackson County, Missouri; Thence South 75 degrees 41 minutes 11 seconds east 106.47 feet along the south line of said 2nd plat; Thence Easterly 377.41 feet along a tangent curve to the left having a radius*

## BILL NO. 17-145

---

*of 1802.00 feet along the south line of said 2nd plat and Ashton at Charleston Park 3rd Plat a subdivision in Lee's Summit, Jackson County, Missouri; Thence South 87 degrees 41 minutes 11 seconds East a distance of 738.82 feet along the South Line of Ashton at Charleston Park 3rd Plat through 6th Plat, Subdivisions all of Record in Lee's Summit, Jackson County, Missouri; Thence continuing South 87 degrees 41 minutes 11 seconds East a distance of 149.25 feet along the South line of said 3rd Plat to the Point of Beginning;*

*Thence South 87 degrees 41 minutes 11 seconds East, a distance of 195.75 feet along the South line of said 3rd Plat; Thence South 02 degrees 13 minutes 32 seconds West, a distance of 360.52 feet to a point of curvature; thence along a curve to the left having a radius of 100.00 feet, a central angle of 01 degrees 15 minutes 59 seconds, a chord bearing of North 69 degrees 43 minutes 05 seconds East, a chord length of 2.21 feet and an arc length of 2.21 feet to a point of curvature; thence along a curve to the right having a radius of 100.00 feet, a central angle of 51 degrees 12 minutes 46 seconds, a chord bearing of South 85 degrees 18 minutes 31 seconds East, a chord length of 86.44 feet and an arc length of 89.38 feet to a point of curvature; thence along a curve to the left having a radius of 225.00 feet, a central angle of 13 degrees 04 minutes 47 seconds, a chord bearing of South 29 degrees 22 minutes 09 seconds West, a chord length of 51.25 feet and an arc length of 51.36 feet to a point; Thence North 87 degrees 37 minutes 03 seconds West, a distance of 65.02 feet; Thence North 87 degrees 37 minutes 03 seconds West, a distance of 315.00 feet; Thence North 02 degrees 13 minutes 32 seconds East, a distance of 156.69 feet; Thence North 72 degrees 23 minutes 02 seconds East, a distance of 126.44 feet; Thence North 02 degrees 18 minutes 49 seconds East, a distance of 208.66 feet, said point being the Point of Beginning, and containing 2.4217 acres, more or less.*

*And Tract A, Magnolia Place at Charleston Park 1st Plat containing 0.9106 acres more or less.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum allowed plant size, Section 14.050 of the UDO, to allow for ornamental trees with a minimum caliper of 2 inches and evergreen trees with a minimum height of 6 feet per the Landscape Plan date stamped May 23, 2017.
2. The proposed driveway onto SE Shenandoah Drive shall be subject to the recommendations of the City Traffic Engineer outlined in the Transportation Impact Analysis (TIA) dated June 8, 2017.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped April 21, 2017 and May 23, 2017, appended hereto and made a part hereof.

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.

**BILL NO. 17-145**

---

SECTION 5. 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 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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

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