

## **BILL NO. 18-151**

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AN ORDINANCE APPROVING A REZONING FROM DISTRICT RP-3 TO DISTRICT PMIX, PRELIMINARY DEVELOPMENT PLAN AND CONCEPTUAL PLAN LOCATED AT 300 NW PRYOR, PROPOSED WEST PRYOR DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-135 submitted by The City of Lee's Summit, Missouri, requesting approval of a rezoning from District RP-3 (Planned Residential Mixed Use District) to PMIX (Planned Mixed Used District), preliminary development plan and conceptual plan on land located at 300 NW Pryor Rd was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning, preliminary development plan and conceptual 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, preliminary development plan and conceptual plan on September 11, 2018, and rendered a report to the City Council recommending that the rezoning, preliminary development plan and conceptual plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 20, 2018, 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, preliminary development plan and conceptual plan is hereby approved on the following described property:

All that part of the Southeast Quarter of Section 2, Township 47 North, Range 32 West, more particularly described as follows:

A TRACT OF LAND IN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 47 NORTH, RANGE 32 WEST OF THE 5TH PRINCIPAL MERIDIAN AND ALL OF LOT 1, JOHN KNOX RETIREMENT VILLAGE 9TH PLAT, A SUBDIVISION OF LAND, ALL LYING IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI BEING BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 02°53'56" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 1,328.34 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 87°49'43" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER, 80.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PRYOR ROAD, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING NORTH

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87°49'43" WEST, ALONG SAID SOUTH LINE, SAID LINE ALSO BEING THE NORTH LINE OF STERLING HILLS 1ST PLAT, A SUBDIVISION OF LAND IN SAID LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, 500.00 FEET; THENCE NORTH 02°53'56" EAST, 325.85 FEET; THENCE CONTINUING NORTH 02°53'56" EAST ALONG SAID LINE, 60.12 FEET; THENCE NORTH 04°27'07" EAST, 484.59 FEET; THENCE NORTH 85°32'53" WEST, 175.00 FEET; THENCE NORTH 04°27'07" EAST, 425.00 FEET; THENCE SOUTH 85°32'53" EAST, 175.00 FEET; THENCE NORTH 04°27'07" EAST, 289.53 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW O'BRIEN ROAD, AS NOW ESTABLISHED; THENCE NORTH 03°27'53" EAST, 38.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID O'BRIEN ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1, JOHN KNOX RETIREMENT VILLAGE 9TH PLAT, A SUBDIVISION OF LAND IN SAID LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE CONTINUING NORTH 03°27'53" EAST ALONG THE WEST LINE OF SAID LOT 1, 362.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 87°37'42" WEST, 200.04 FEET; THENCE NORTH 03°27'53" EAST, 221.62 FEET; THENCE SOUTH 86°32'07" EAST, 200.00 FEET; THENCE NORTH 03°27'53" EAST, 70.20 FEET; THENCE SOUTH 86°32'07" EAST, 479.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID PRYOR ROAD; THENCE SOUTH 03°27'53" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 622.51 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID NW O'BRIEN ROAD; THENCE WESTERLY, ALONG SAID NORTH RIGHT-OF-WAY LINE, ON A CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 88°53'01" WEST WITH A RADIUS OF 323.20 FEET, A CENTRAL ANGLE OF 01°46'51" AND AN ARC DISTANCE OF 10.05 FEET; THENCE SOUTH 03°27'53" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 309.93 FEET; THENCE SOUTH 02°53'56" WEST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 1,328.27 FEET TO THE POINT OF BEGINNING. CONTAINING 1,218,234 SQUARE FEET OR 27.97 ACRES, MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement for a high impact landscaping buffer along the west property line of the fire station site, to allow the landscaping buffer to be located off-site on the adjoining property to the west.
2. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated September 6, 2018.

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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_day of \_\_\_\_\_, 2018.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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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*