

BILL NO. 16-226

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM R-1 TO PMIX ON APPROXIMATELY 74 ACRES LOCATED AT THE NORTHEAST CORNER OF SW VIEW HIGH DRIVE AND SW 3RD STREET AND APPROVING A CONCEPTUAL DEVELOPMENT PLAN FOR VILLAGE AT VIEW HIGH, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-145 requesting a change in zoning classification from District Single-family Residential (R-1) to District Planned Mixed Use (PMIX) on approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street and requesting approval of a conceptual development plan for Village at View High, submitted by Engineering Solutions, LLC, 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 September 27, 2016, and rendered a report to the City Council recommending that the zoning requested and the conceptual 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 20, 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 District R-1 to District PMIX:

A tract of land in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 3; thence South 87° 05' 51" East a distance of 30.00 feet to a point on the Easterly Right of Way line of NW View High Drive, said point also being the Point of Beginning; thence South 03° 19' 41" West, along said Easterly Right of Way line, a distance of 2,387.57 feet; thence South 87° 11' 19" East, a distance of 272.50 feet; thence South 03° 19' 41" West, a distance of 189.50 feet; thence South 87° 11' 19" East, a distance of 40.82 feet; thence South 73° 09' 08" East, a distance of 61.85 feet; thence South 87° 11' 19" East, a distance of 265.00 feet; thence South 02° 48' 41" West, a distance of 10.00 feet; thence South 87° 11' 19" East, a distance 503.61 feet; thence North 16° 28' 44" West, a distance of 772.55 feet; thence North 03° 29' 20" East, a distance of 160.00 feet; thence North 51° 06' 06" East, a distance of 1168.89 feet; thence North 01° 00' 49" East, a distance of 193.84 feet; thence North 03° 13' 16" East, a distance of 346.80 feet; thence North 87° 06' 29" West, a distance of 600.25 feet; thence North 03° 29' 21"

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East, a distance of 391.91 feet; thence North 87° 05' 51" West, a distance of 1138.76 feet, returning to the Point of Beginning. Containing 3,225,414.85 sq. ft. (74.05 Acres)

SECTION 2. That the following conditions of approval apply to the rezoning of the property described in Section 1 and to the conceptual development plan date stamped September 16, 2016 appended hereto and made a part hereof:

1. Preliminary development plan approval shall be required for the development of any phase of the conceptual development plan.
2. The development shall be subject to the recommendations of the Transportation Impact Analysis report dated September 22, 2016.

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 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 _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

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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*