

BILL NO. 20-252

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) AND R-1 (SINGLE-FAMILY RESIDENTIAL) TO DISTRICT R-1 AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 24.8 ACRES, PROPOSED WINTERSET VALLEY, 14TH PLAT, LOTS 1488-1521 & TRACTS A-E, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-308 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from AG (Agricultural) and R-1 (Single-Family Residential) to R-1 and preliminary development plan on land located approximately ¼ mile north of SW 3rd St and ¼ mile east of SW View High Dr 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 public hearings for the consideration of the rezoning and preliminary development plan on December 10, 2020, 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 January 5, 2021, 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 from AG and R-1 to R-1 and preliminary development plan is hereby approved on the following described property:

Legal Description of Rezoning and Preliminary Development Plan

ALL THAT PART OF THE WEST ½ OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT A OF VILLAGE AT VIEW HIGH 1ST PLAT, A SUBDIVISION IN SAID LEE'S SUMMIT, RECORDED AS DOCUMENT NO. 2017E0079146, SAID POINT BEING ON THE NORTH LINE OF THE SW ¼ OF SAID SECTION 3; THENCE NORTH 87°06'21" WEST ALONG SAID NORTH LINE, A DISTANCE OF 21.95 FEET; THENCE NORTH 17°30'28" EAST, A DISTANCE OF 258.55 FEET; THENCE NORTH 55°31'40" EAST, A DISTANCE OF 125.55 FEET; THENCE SOUTH 87°05'51" EAST, A DISTANCE OF 1345.11 FEET; THENCE SOUTH 3°29'54" WEST, A DISTANCE OF 368.42 FEET; THENCE NORTH 76°49'41" WEST, A DISTANCE OF 20.10 FEET; THENCE SOUTH 61°04'56" WEST, A DISTANCE OF 37.34 FEET; THENCE SOUTH 14°29'31" WEST, A DISTANCE OF 115.00 FEET; THENCE NORTH 76°49'41" WEST, A DISTANCE OF 5.00 FEET; THENCE NORTH 78°23'35" WEST, A DISTANCE OF 9.56 FEET; THENCE NORTH 79°57'24" WEST, A DISTANCE

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OF 106.19 FEET; THENCE SOUTH 43°32'14" WEST, A DISTANCE OF 254.74 FEET; THENCE SOUTH 59°31'49" WEST, A DISTANCE OF 156.03 FEET; THENCE SOUTH 48°56'01" WEST, A DISTANCE OF 83.15 FEET; THENCE SOUTH 8°03'22" WEST, A DISTANCE OF 83.25 FEET; THENCE SOUTH 0°15'48" EAST, A DISTANCE OF 134.79 FEET; THENCE NORTH 82°25'41" WEST, A DISTANCE OF 43.22 FEET; THENCE SOUTH 7°34'19" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 82°25'41" WEST, A DISTANCE OF 86.81 FEET; THENCE SOUTH 51°04'50" WEST, A DISTANCE OF 46.68 FEET; THENCE SOUTH 9°16'04" WEST, A DISTANCE OF 52.84 FEET; THENCE SOUTH 40°29'14" WEST, A DISTANCE OF 82.48 FEET; THENCE SOUTH 51°15'48" WEST, A DISTANCE OF 4.15 FEET; THENCE NORTH 1°00'49" EAST, A DISTANCE OF 110.27 FEET; THENCE NORTH 0°57'09" EAST, A DISTANCE OF 83.34 FEET; THENCE NORTH 3°14'03" EAST, A DISTANCE OF 347.03 FEET; THENCE NORTH 87°06'29" WEST, A DISTANCE OF 600.25 FEET; THENCE NORTH 3°29'22" EAST, A DISTANCE OF 391.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1,073,998.34 SQUARE FEET (24.65 ACRES) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS AND RIGHTS OF WAY, RECORDED OR UNRECORDED, IF ANY.,

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the maximum allowable 1,000 foot cul-de-sac length, to allow a cul-de-sac length of approximately 1,170 ft.

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 Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

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 _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian Head*