

BILL NO. 16-96

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 TO RP-4 ON APPROXIMATELY 1.83 ACRES LOCATED AT 3751 NE TROON DR FOR THE PROPOSED CHAPEL RIDGE 4-PLEXES II DEVELOPMENT, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR CHAPEL RIDGE 4-PLEXES II, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-013 requesting a change in zoning classification from District CP-2 (Planned Community Commercial District) to District RP-4 (Planned Apartment Residential District) on land located at 3751 NE Troon Drive and approval of a preliminary development plan for Chapel Ridge 4-plexes II, submitted by CEAH Realtors, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District CP-2 by the passage of the Unified Development Ordinance, Ordinance No. 5209, on September 6, 2001, which reclassified zoning districts citywide, effective November 1, 2001; 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 a public hearing for the consideration of the rezoning and preliminary development plan on March 22, 2016, and rendered a report to the City Council recommending that the zoning requested 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 May 5, 2016, and rendered a decision to approve the zoning requested and preliminary development plan for said property; and,

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 CP-2 to District RP-4:

Lot 5, Fairway Village, a subdivision in Lee's Summit, Jackson County, Missouri

SECTION 2. That development shall be in accordance with the preliminary development plan date stamped February 29, 2016, appended hereto and made a part thereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be granted to the high impact buffers required to the north, west, south and east, to allow for a low impact buffer to be provided along the west, south and east property lines and the existing vegetation to remain to the north.

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SECTION 4. In granting modifications listed herein, 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 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

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