

BILL NO. 23-221

AN ORDINANCE APPROVING REZONING FROM DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) TO DISTRICT CBD (CENTRAL BUSINESS DISTRICT) AND A PRELIMINARY DEVELOPMENT PLAN FOR THE DOWNTOWN MARKET PLAZA ON APPROXIMATELY 4 ACRES OF LAND LOCATED AT 201, 205, AND 220 SE GREEN STREET; 205 AND 208 SE JOHNSON STREET; AND 200 AND 202 SE 3RD STREET, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-196 submitted by Lane4 Property Group, requesting approval of a rezoning from CP-2 (Planned Community Commercial District) to CBD (Central Business District) and preliminary development plan on land located at 201, 205, and 220 SE Green Street; 205 and 208 SE Johnson Street; and 200 and 202 SE 3rd Street, 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 a public hearing for the consideration of the rezoning and preliminary development plan on October 26, 2023, 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 November 21, 2023, 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 and preliminary development plan is hereby approved on the following described property:

PROPERTY DESCRIPTION

All of Lot 1, Lee's Summit City Hall, together with all of Lots 5 through 10, together with part of Lot 4, together with all of the adjacent 20-foot-wide Alley, together with all of Green Street right of way, all in Block 18 of W.B. Howard's Addition to the Town of Strother, both subdivisions in the City of Lee's Summit, Jackson County, Missouri, lying in the Southwest Quarter of Section 5, Township 47 North, Range 31 West, described by Patrick Ethan Ward, PLS-2005000071 of Olsson, Inc., LC-366, on July 28, 2023, as follows:

BEGINNING at the Southernmost corner of said Lot 1; thence North 28 degrees 53 minutes 39 seconds West, on the Southwesterly line of said Lot 1, a distance of 520.09 feet to Westernmost corner of said Lot 1; thence North 60 degrees 57 minutes 02 seconds East, on the Northwesterly line of said Lot 1, and on the Northwesterly line of said Block 18, a distance of 700.34 feet to the Northernmost corner of said Block 18; thence South 29 degrees 04 minutes 41

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seconds East, on the Northeasterly line of said Block 18, a distance of 270.98 feet to the Easternmost corner of said 20-foot-wide Alley; thence South 61 degrees 04 minutes 19 seconds West, on the Southeasterly line of said Alley, a distance of 240.27 feet to a point on the Northernmost corner of said Lot 4; thence South 28 degrees 55 minutes 51 seconds East, departing said Southeasterly line, on the Northeasterly line of said Lot 4, a distance of 9.74 feet to a point; thence South 60 degrees 38 minutes 25 seconds West, departing said Northeasterly line, a distance of 32.63 feet to a point; thence South 10 degrees 58 minutes 02 seconds West a distance of 26.69 feet to a point; thence South 28 degrees 58 minutes 15 seconds East a distance of 219.45 feet to a point on the Southeasterly line of said Block 18; thence South 60 degrees 58 minutes 38 seconds West, on said Southeasterly line, and on the Southeasterly line of said Lot 1, a distance of 411.51 feet to the POINT OF BEGINNING, containing 292,983 square feet or 6.7260 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the Design Standards for the Downtown Core Area's requirement that first and second floor elevations of street facing facades consist of brick, to allow for the façade on the second level to include the use of use of fiber cement panels, consistent with the preliminary development plan date stamped August 29, 2023.
2. A modification of UDO Sec. 8.750, Acceptable plant materials, shall be granted to allow deciduous shade trees to be a minimum of 2.5" caliper at planting, evergreen trees to be a minimum height of 6' at planting and deciduous ornamental trees to be a minimum of 2" caliper at planting.
3. Development shall be in accordance with the preliminary development plan dated August 29, 2023, and the elevations dated August 29, 2023.
4. Development shall be in accordance with the Transportation Impact Analysis dated October 17, 2023.

SECTION 3. That rezoning of the property from CP-2 to district CBD shall be as depicted on the rezoning map included in the plan and development shall be in accordance with the preliminary development plan dated August 29, 2023, and the elevations dated August 29, 2023, set appended hereto as Attachment A

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.

SECTION 5. 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.

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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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*