

## **BILL NO. 17-279**

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AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-203 requesting a change in zoning classification from District AG (Agricultural) to District CP-2 (Planned Community Commercial District) and approving a preliminary development plan on approximately 4.3 acres abutting 1850 NE US 40 Highway, submitted by IAC Life 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 November 14, 2017, and December 12, 2017, and rendered a report to the City Council recommending that the zoning requested and the preliminary development plan be denied; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on December 21, 2017, and rendered a decision to rezone said property and approve the 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 the following described property is hereby rezoned from District AG to CP-2:

*All that part of Lot 1, Tarmac Place, Lee's Summit, Jackson County, Missouri, beginning at the most westerly corner of Lot 1 Tarmac Place; thence North 67 degrees 27 minutes 9 seconds East a distance of 274.96 feet; thence North 67 degrees 6 minutes 33 seconds East a distance of 23.08 feet; thence South 43 degrees 47 minutes 24 seconds East a distance of 80.62 feet; thence along a curve to the left with a radius of 975 feet and a length of 320.46 feet; thence South 62 degrees 37 minutes 17 seconds East a distance of 83.21 feet; thence along a curve to the right with an initial tangent bearing of South 62 degrees 32 minutes 1 second East, a radius of 325 feet and a length of 90.98 feet; thence South 46 degrees 34 minutes 57 seconds East a distance of 56.32; thence along a curve to the right with a radius of 325 feet and a length of 50.46 feet; thence South 37 degrees 41 minutes 15 seconds East a distance of 110.56 feet; thence along a curve to the right with a radius of 325.00 feet and a length of 55.86 feet; thence South 27 degrees 50 minutes 24 seconds East a distance of 57.31 feet; thence North 71 degrees 40 minutes 41 seconds West a distance of 503.57 feet; thence North 57 degrees 29 minutes 28 seconds West a distance of 142.54 feet; thence along a curve to the right having a radius of 2824.80 feet and a length of 282.68 feet; thence North 51 degrees 45 minutes 28 seconds East a distance of 8.4 feet; thence along a curve to*

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*the right with a radius of 1870.00 feet and a length of 128.77 feet to the point of beginning. Containing 188,415.02 square feet.*

SECTION 2. That the following conditions of approval apply:

1. Development of any portion of the subject 4.3 acres shall require approval of a preliminary development plan submitted under separate application.

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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2017.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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*City Attorney Brian W. Head*