

BILL NO. 16-138

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 TO PMIX ON LAND LOCATED AT 110 SE TODD GEORGE PARKWAY AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR LEE'S SUMMIT SENIOR APARTMENTS, 110 SE TODD GEORGE PARKWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-084 requesting a change in zoning classification from District Planned Community Commercial (CP-2) to District Planned Mixed Use (PMIX) on land located at 110 SE Todd George Parkway and requesting approval of a preliminary development plan for Lee's Summit Senior Apartments, submitted by North Star Housing, 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 June 14, 2016, and rendered a report to the City Council recommending that the zoning requested and the 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 July 7, 2016, 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 CP-2 to District PMIX:

*A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 31, IN THE CITY LIMITS OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH EAST CORNER OF LOT 5A, FINAL PLAT OF, "LANGSFORD PLAZA, LOTS 5A & 5B A REPLAT OF LOT 5, LANGSFORD PLAZA - LOTS 3, 4, AND 5S, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF: BEING THE POINT OF BEGINNING:
THENCE NORTH 01 DEGREES, 35 MINUTES, 17 SECONDS EAST A DISTANCE OF 195.75 FEET;
THENCE SOUTH 88 DEGREES, 24 MINUTES, 43 SECONDS EAST A DISTANCE OF 26.86 FEET;
THENCE NORTH 01 DEGREES, 35 MINUTES, 17 SECONDS EAST A DISTANCE OF 143.70 FEET;
THENCE NORTH 88 DEGREES, 24 MINUTES, 43 SECONDS WEST A DISTANCE OF 35.00 FEET;
THENCE NORTH 1 DEGREES, 35 MINUTES, 17 SECONDS EAST A DISTANCE OF 51.50 FEET;
THENCE NORTH 88 DEGREES, 24 MINUTES, 43 SECONDS WEST A DISTANCE OF 109.71 FEET;
THENCE NORTH 01 DEGREES, 35 MINUTES, 17 SECONDS EAST A DISTANCE OF 220.18 FEET;
THENCE NORTH 88 DEGREES, 15 MINUTES, 17 SECONDS WEST ALONG THE SOUTH ROW OF S.E. LANGSFORD ROAD A DISTANCE OF 77.03 FEET;
THENCE SOUTH 01 DEGREES, 35 MINUTES, 17 SECONDS WEST A DISTANCE OF 82.43 FEET;
THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST A DISTANCE OF 29.05 FEET;
THENCE SOUTH 01 DEGREES, 35 MINUTES, 17 SECONDS WEST A DISTANCE OF 39.39 FEET;
THENCE SOUTH 31 DEGREES, 05 MINUTES, 57 SECONDS WEST A DISTANCE OF 152.85 FEET;
THENCE SOUTH 01 DEGREES, 35 MINUTES, 17 SECONDS WEST A DISTANCE OF 357.30 FEET;
THENCE SOUTH 88 DEGREES, 24 MINUTES, 43 SECONDS EAST A DISTANCE OF 241.14 FEET;
TO THE POINT OF BEGINNING CONTAINING 2.60 ACRES.*

BILL NO. 16-138

SECTION 2. That development shall be in accordance with the preliminary development plan date stamped June 3, 2016, appended hereto and made a part hereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be granted to the high impact screening requirement along the west property line to allow the existing mature tree stand to serve as a screen, provided the trees in the creek area remain undisturbed.
2. A trail easement shall be dedicated for the realigned portions of the trail that are not within the existing 10-foot trail easement.
3. A vacation of easement shall be submitted for those portions of the existing 10-foot trail easement that are no longer intended to be utilized.
4. Development standards including density, lot area, setbacks, shall be as shown on the Preliminary Development Plan date stamped June 3, 2016.

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

BILL NO. 16-138

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