

BILL NO. 17-236

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 TO RP-3 ON APPROXIMATELY 2.78 ACRES GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SW 16TH ST. AND SW CORINTH DR. FOR THE PROPOSED FINAL PHASE OF THE SIENA AT LONGVIEW RESIDENTIAL SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR SIENA AT LONGVIEW, LOT 291, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-174 requesting a change in zoning classification from District CP-2 (Planned Community Commercial District) to District RP-3 (Planned Residential Mixed Use District) on approximately 2.78 acres located south of the intersection of SW 16th St. and SW Corinth Dr. for the proposed final phase of the Siena at Longview residential subdivision, and requesting approval of a preliminary development plan for Siena at Longview, Lot 291 subdivision, submitted by Engineering Solutions 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 October 10, 2017, 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 November 2, 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 CP-2 to District RP-3:

All of lot 291, Siena at Longview Farms 2nd Plat, Lots 200-291 & Tracts A-2, D, E & F

SECTION 2. That development shall be in accordance with the preliminary development plan dated September 8, 2017 appended hereto and made a part hereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be granted to the RP-3 minimum front setback requirement of 25 feet, to allow a 22-foot front yard setback for Lots 217, 218, 224 & 320-328.
2. A modification shall be granted to the required high impact landscape screen along the south property line, to require no landscape screen.

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

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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 _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*