

BILL NO. 21-211

AN ORDINANCE APPROVING A REZONING FROM DISTRICT CP-2 TO DISTRICT RLL FOR APPROXIMATELY 16.25 ACRES LOCATED AT 4871 SW RAINTREE PARKWAY IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-252 submitted by J. P. Roberts, requesting approval of a rezoning from District CP-2 ((Planned Commercial Services District) to RLL (Residential Large Lot) on land located at 4871 SW Raintree Parkway, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning 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 public hearings for the consideration of the rezoning on September 23, 2021, and rendered a report to the City Council recommending that the rezoning be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on October 19, 2021, and rendered a decision to approve the rezoning 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 from District CP-2 ((Planned Commercial Services District) to RLL (Residential Large Lot) is hereby approved on the following described property:

All that part of the Northwest Quarter of Section 5 and the East Half of Section 6, all in Township 46, Range 31, in Lee's Summit, Cass County, Missouri, described as follows:

Beginning at the West Quarter Corner of said Section 5; thence South 82 degrees 13 minutes 12 seconds West, a distance of 28.51 feet to a point on the East right-of-way line of Raintree Parkway as described in Document 58181 recorded in Book 646 at Page 358, filed at the office of the Cass County Recorder; thence in a Northwesterly direction along said East right-of-way line alone a curve to the left, to which the preceding course is radial, having a radius of 430.00 feet, an arc distance of 82.37 feet to a point of tangency; thence continuing along said East right-of-way line North 18 degrees 45 minutes 29 seconds West along a line tangent to the preceding course a distance of 14.18 feet to the Southwesterly corner of the excepted Tract 2 as described in Schedule "A" of the Warranty Deed recorded in Book 805 at Page 257; thence North 60 degrees 54 minutes 36 seconds East along the Southerly line of said Tract 2 and its prolongation, a distance of 1441.31 feet to a point on the South line of a 100 foot wide Channel Relocation Easement recorded in Book 516 at Page 172; thence South 89 degrees 34 minutes 13 seconds East along said South line, a distance of 187.65 feet, to a point on the East line of the West Half of Lot 1, of the Northwest Quarter of said Section 5; thence South 2 degrees 27 minutes 31 seconds West, along said East line, a distance of 819.44 feet to the Southeast Corner of said West Half; thence North 88 degree 44 minutes 51 seconds West along the South line of said West Half, a distance of 1360.63 feet to the Point of Beginning.

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SECTION 2. That the following conditions of approval apply:

1. A hold harmless agreement shall be executed prior to connecting to City water.
2. An appropriate on-site sanitary sewer system shall be permitted through Jackson County prior to approval of a building permit. Copy of the permit shall be provided to the City at the time of a building permit application. Alternatively, a private low-pressure system may be designed and constructed to serve the lot.

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 Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

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 _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*