

BILL NO. 22-23

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR PERGOLA PARK 6TH PLAT AND LUMBERMAN'S ROW AT NEW LONGVIEW LAND LOCATED AT 3221 SW PERGOLA PARK DRIVE, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-436 submitted by NLV Development Company, LLC, requesting approval of a preliminary development plan on land located at 3221 SW Pergola Park Drive was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a 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 public hearings for the consideration of the preliminary development plan on January 27, 2022, and rendered a report to the City Council recommending that 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 February 22, 2022, and rendered a decision to 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 a preliminary development plan is hereby approved on the following described property:

*A replat of Part of lot 118C, "MINOR PLAT OF PERGOLA PARK LOTS 118A, 118B AND 118C, a subdivision on the City of Lee's Summit, Jackson County, Missouri, In the Southeast One-Quarter of Section 9, the Southwest One-Quarter of Section 10 and the Northwest One-Quarter of Section 15, all in Township 57 North, Range 32 West being more particularly described as follows:
Beginning at the Southeast corner of the Southeast One-Quarter of Section 9, the Southwest corner of the Southwest One-Quarter of Section 10 and the Northwest corner of the Northwest One-Quarter of Section 15, Township 57 North, Range 32 West: thence North 21 degrees 51 minutes 36 seconds East, a distance of 125.82 feet; thence North 32 degrees 22 minutes 15 seconds West, a distance of 144.66 feet; thence North 21 degrees 51 minutes 20 seconds East, a distance of 138.20 feet to a point on the East line of said Southeast One-Quarter of Section 9, and the West line of the said Southwest One-Quarter of Section 10; thence along said line, North 03 degrees 14 minutes 50 seconds East, a distance of 1049.86 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 53 degrees 50 minutes 54 seconds West, a radius of 177.00 feet, a central angle of 14 degrees 39 minutes 05 seconds and an arc length of 45.26 feet to a point of compound curvature; thence along a curve to the right, having an initial tangent bearing of North 40 degrees 30 minutes 18 seconds West, a radius of 15.00 feet, a central angle of 88 degrees 53 minutes 00 seconds and an arc length of 23.27 feet to a point of reverse curvature; thence along a curve to the left,*

BILL NO. 22-23

having an initial tangent bearing of North 48 degrees 22 minutes 42 seconds East, a radius of 235.00 feet, a central angle of 12 degrees 20 minutes 52 seconds and an arc length of 64.22 feet to a corner point on the South line of MADISON PARK-1ST PLAT, LOTS 201 THRU 273 AND TRACTS A THRU J, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence along the South line of said subdivision the following nine courses, South 59 degrees 57 minutes 45 seconds East, a distance of 25.68 feet; thence South 89 degrees 09 minutes 15 seconds East, a distance of 180.99 feet to a point of curvature; thence along a curve to the right, tangent to the previous course, having a radius of 1589.00 feet, a central angle of 09 degrees 19 minutes 35 seconds and an arc length of 258.65 feet; thence South 79 degrees 49 minutes 40 seconds East, a distance of 59.58 feet; thence South 77 degrees 00 minutes 26 seconds East, a distance of 81.10 feet to a point of curvature; thence along a curve to the right, tangent to the previous course, having a radius of 15.00 feet, a central angle of 48 degrees 46 minutes 38 seconds and an arc length of 12.77 feet; thence South 28 degrees 13 minutes 48 seconds East, a distance of 41.96 feet; thence South 59 degrees 12 minutes 05 seconds West, a distance of 10.34 feet to a point of curvature; thence along a curve to the left, tangent to the previous course, having a radius of 476.00 feet, a central angle of 02 degrees 53 minutes 07 seconds and an arc length of 23.97 feet; thence North 33 degrees 41 minutes 04 seconds West, a distance of 5.00 feet; thence South 56 degrees 18 minutes 58 seconds West, a distance of 83.04 feet to a point of curvature; thence along a curve to the left, tangent to the previous course, having a radius of 228.00 feet, a central angle of 08 degrees 32 minutes 29 seconds and an arc length of 33.99 feet; thence North 58 degrees 55 minutes 21 seconds West, a distance of 26.70 feet to a point of curvature; thence along a curve to the left, tangent to the previous course, having a radius of 324.00 feet, a central angle of 02 degrees 45 minutes 46 seconds and an arc length of 15.62 feet; thence South 28 degrees 18 minutes 52 seconds West, a distance of 48.00 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 61 degrees 41 minutes 08 seconds East, a radius of 276.00 feet, a central angle of 02 degrees 45 minutes 46 seconds, and an arc length of 13.31 feet; thence South 58 degrees 55 minutes 21 seconds East, a distance of 17.74 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of South 35 degrees 59 minutes 41 seconds West, a radius of 478.00 feet, a central angle of 40 degrees 37 minutes 02 seconds and an arc length of 338.86 feet to a point of reverse curvature; thence along a curve to the right having an initial tangent bearing of South 04 degrees 37 minutes 21 seconds East, a radius of 247.00 feet, a central angle of 04 degrees 49 minutes 04 seconds and an arc length of 20.77 feet; thence South 41 degrees 52 minutes 13 seconds West, a distance of 78.28 feet; thence South 80 degrees 38 minutes 45 seconds West, a distance of 21.89 feet to a point of curvature; thence along a curve to the right, tangent to the previous course, having a radius of 157.00 feet, a central angle of 08 degrees 45 minutes 59 seconds and an arc length of 24.02 feet; thence South 00 degrees 36 minutes 35 seconds East, a distance of 56.00 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 89 degrees 24 minutes 23 seconds East, a radius of 213.00 feet, a central angle of 08 degrees 45 minutes 38 seconds and an arc length of 32.57 feet; thence South 27 degrees 12 minutes 52 seconds East, a distance of 20.43 feet; thence South 21 degrees 51 minutes 20 seconds West, a distance of 107.64 feet; thence South 68 degrees 08 minutes 40 seconds East, a distance of 93.00 feet; thence North 21 degrees 51 minutes 20 seconds East, a

BILL NO. 22-23

distance of 131.05 feet to a point of curvature; thence along a curve to the right, tangent to the previous course, having a radius of 76.00 feet, a central angle of 31 degrees 36 minutes 45 seconds and an arc length of 41.93 feet; thence South 68 degrees 08 minutes 40 seconds East, a distance of 216.16 feet to a point on the West line of Lot 118A of said MINOR PLAT OF PERGOLA PARK LOTS 118A, 118B AND 118C; thence along the said West line of Lot 118A the following six courses, South 20 degrees 10 minutes 48 seconds West, a distance of 95.46 feet; thence South 27 degrees 32 minutes 22 seconds West, a distance of 174.50 feet; thence South 16 degrees 19 minutes 52 seconds West, a distance of 177.48 feet; thence South 26 degrees 14 minutes 11 seconds West, a distance of 110.35 feet; thence South 17 degrees 25 minutes 19 seconds West, a distance of 65.31 feet; thence South 20 degrees 59 minutes 20 seconds West, a distance of 354.45 feet to the Southwest corner of said Lot 118A; thence North 67 degrees 13 minutes 33 seconds West, a distance of 407.71 feet to the Point of Beginning, and containing 18.20 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated January 12, 2022 attached as Exhibit A.
2. Development shall be in accordance with the design guidelines for Pergola Park 6th Plat – New Longview, attached as Exhibit B and Lumberman’s Row addendum – New Longview, dated November, 2021, attached as Exhibit C.
3. The proposed building setbacks for Pergola Park 6th and Lumberman’s Row shall be established as stated within the City Staff Letter dated January 27, 2022. The following setbacks shall apply:

Proposed Setbacks – Pergola Park, 6th Plat

Yard		Max allowable appurtenance encroachment
Front	20' (home)	8'
Side	5' (home)	2'
Street Side	12' (home)	5'
Rear	3' (home)	2'

Proposed Setbacks - Lumberman’s Row

Yard		Max allowable appurtenance encroachment
Front	50' (home)	10'
Side	5' (home)	2'
Street Side	15' (home)	5'
Rear	20' (home)	0'

BILL NO. 22-23

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 _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*