

## **BILL NO. 16-232**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF SW VIEW HIGH DR. AND SW 3<sup>RD</sup> ST. FOR VILLAGE AT VIEW HIGH APARTMENTS, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-146 submitted by Archview Properties, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use) for Village at View High Apartments on land generally located at the northeast corner of SW View High Dr. and SW 3<sup>rd</sup> St., was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District PMIX, by the passage of Ordinance No. 8002, which rezoned this property from R-1 to PMIX, effective October 20, 2016; 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 a public hearing for the consideration of the preliminary development plan on September 27, 2016, 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 October 20, 2016, 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 in District PMIX on the following described property:

All that part of the Southwest Quarter of Section 3, Township 47 North, Range 32 West, in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows:

*Commencing at the Northwest corner of the Southwest Quarter of said Section 3; thence S 87°05'51" E, along the North line of the Southwest Quarter of said Section 3, a distance of 30.00 feet to a point on the Easterly right-of-way line of NW High View Drive, as now established, said point also being the point of beginning; thence continuing S 87°05'51" E, along the North line of the Southwest Quarter of said Section 3, a distance of 996.15 feet; thence S 21°45'29" W, a distance of 414.33 feet; thence S 22°19'08" E, a distance of 240.27 feet; thence S 03°32'46" W, a distance of 638.11 feet; thence N 86°27'14" W, a distance of 401.33 feet; thence Northwesterly on a curve to the right, said curve being tangent to the last described course and having a radius of 15.00 feet, an arc distance of 23.56 feet; thence N 3°32'32" E, a distance of 183.63 feet; thence Northwesterly on a curve*

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*to the left, said curve being tangent to the last described course and having a radius of 280.00 feet, an arc distance of 439.92 feet; thence N 86°28'37" W, a distance of 272.07 feet to a point on the Easterly right-of-way line of said NW View High Drive; thence N 3°19'41" E, along the Easterly right-of-way line of said NW View High Drive, a distance of 758.21 feet to the point of beginning, containing 21.3401 acres, more or less.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the high impact buffer requirement along the northern property line, adjacent to the portion zoned R-1, to allow the existing mature tree stand to serve as the buffer. A tree preservation plan for the northern boundary, preserving the existing mature tree stand, shall be provided at the final development plan stage. Additional landscaping, as needed, shall be provided along this boundary to fill in any gaps.
2. Development shall be in accordance with the preliminary development plan dated September 16, 2016.
3. Development standards, including density, lot area, setbacks, building separation, and impervious coverage shall be as shown on the plan.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum the required public improvements listed in the TIA dated September 22, 2016, sanitary sewer improvements, and waterline improvements. No building permit shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder' Office. All public improvements shall be substantially complete prior to issuance of any building permit within the proposed preliminary plat except where the timing of improvements are specifically noted in the description of condition.
5. The development shall be subject to the recommendations of the Transportation Impact Analysis report dated September 22, 2016.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 16, 2016, appended hereto and made a part hereof.

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,

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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*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2016.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

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*City Attorney Brian W. Head*