

BILL NO. 24-086

AN ORDINANCE APPROVING REZONING FROM DISTRICT RP-2 (PLANNED TWO-FAMILY RESIDENTIAL DISTRICT) TO DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) AND A PRELIMINARY DEVELOPMENT PLAN FOR TAKE 5 OIL CHANGE ON APPROXIMATELY 1.73 ACRES OF LAND LOCATED AT 400 NE M-291 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-357 submitted by Driven Assets, LLC, requesting approval of a rezoning from RP-2 (Planned Two-Family Residential District) to CP-2 (Planned Community Commercial District) and preliminary development plan on land located at 400 NE M-291 HWY, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and 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 rezoning and preliminary development plan on October 26, 2023, and rendered a report to the City Council recommending that the rezoning and 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 21, 2023, and rendered a decision to approve the rezoning and 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 rezoning and preliminary development plan is hereby approved on the following described property:

LEGAL DESCRIPTION PER TITLE COMMITMENT

TRACT I:

THE SOUTH 150 FEET OF THE EAST 150 FEET OF THE NORTH 300 FEET OF THE SOUTH 902 FEET OF THE EAST 880 FEET OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 5, TOWNSHIP 47, RANGE 31; THENCE SOUTH 89 DEGREES, 22 MINUTES, 09 SECONDS EAST ALONG THE SOUTH LINE OF THE WEST ONE HALF OF SAID QUARTER SECTION, A DISTANCE OF 1321.26 FEET TO THE SOUTHEAST CORNER OF SAID WEST ONE HALF; THENCE NORTH 00 DEGREES, 40 MINUTES, 00 SECONDS EAST ALONG THE EAST LINE OF SAID WEST ONE HALF, A DISTANCE OF 602.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 22 MINUTES, 09 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID WEST ONE HALF, A DISTANCE OF 150.00 FEET; THENCE NORTH 00 DEGREES, 40 MINUTES, 00 SECONDS EAST, PARALLEL WITH THE EAST LINE OF SAID WEST ONE HALF, A DISTANCE OF 150.00 FEET; THENCE SOUTH 89 DEGREES, 22 MINUTES, 09 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID WEST ONE HALF, A DISTANCE OF 150.00 FEET TO A POINT ON THE EAST LINE OF SAID WEST ONE

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HALF; THENCE SOUTH 00 DEGREES, 40 MINUTES, 00 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

TRACT II:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 47, RANGE 31, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE ALONG THE WEST LINE OF SAID 1/2 OF 1/4 SECTION NORTH 2 DEGREES, 33 MINUTES, 49 SECONDS EAST 602 FEET TO THE TRUE POINT OF BEGINNING OF THIS TRACT; THENCE ALONG SAID WEST LINE NORTH 2 DEGREES, 33 MINUTES, 49 SECONDS EAST 478.79 FEET; THENCE SOUTH 88 DEGREES, 27 MINUTES, 48 SECONDS EAST 152.53 FEET TO A POINT ON THE WEST LINE OF THE RIGHT-OF-WAY OF M-291; THENCE ALONG SAID RIGHT-OF-WAY LINE AS FOLLOWS; SOUTH 16 DEGREES, 32 MINUTES, 36 SECONDS WEST 73.03 FEET TO A POINT 135 FEET OPPOSITE CENTER LINE STATION 117+00; THENCE SOUTH 11 DEGREES, 23 MINUTES, 57 SECONDS WEST 200 FEET TO A POINT 135 FEET OPPOSITE CENTER LINE STATION 119+00; THENCE SOUTH 1 DEGREE, 11 MINUTES, 44 SECONDS WEST 101.61 FEET TO A POINT 117 FEET OPPOSITE CENTER LINE STATION 120+00; THENCE PARALLEL TO SAID CENTER LINE SOUTH 11 DEGREES, 23 MINUTES, 57 SECONDS WEST 50 FEET; THENCE SOUTH 64 DEGREES, 21 MINUTES, 40 SECONDS WEST 66.40 FEET TO A POINT 170 FEET OPPOSITE CENTER LINE STATION 120+90; THENCE PARALLEL TO SAID CENTER LINE SOUTH 11 DEGREES, 23 MINUTES, 57 SECONDS WEST 31.03 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87 DEGREES, 26 MINUTES, 43 SECONDS WEST 35.61 FEET TO THE TRUE POINT OF BEGINNING

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to allow the required six-foot high masonry wall or opaque vinyl fence for the high impact buffer requirement be installed adjacent to the retaining wall in the location as depicted on the site plan sheet C-1 dated September 8, 2023.
2. Development shall be in accordance with the preliminary development plan dated September 8, 2023, and the elevations dated August 11, 2020.

SECTION 3. That rezoning of the property from RP-2 to district CP-2 shall be as depicted on the rezoning map, set appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan dated September 8, 2023, and the elevations dated August 11, 2020, appended hereto as Attachment B.

SECTION 4. 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 5. 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.

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SECTION 6. 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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*