

## **BILL NO. 16-257**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT THE SOUTHEAST CORNER OF SW FASCINATION DR. AND SW LONGVIEW BLVD. IN DISTRICT PMIX, NEW LONGVIEW COMMERCIAL PHASE II, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-167 submitted by Box Real Estate Development, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) on land located at the southeast corner of SW Fascination Dr. and SW Longview Blvd. was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District PMIX, by the passage of the Unified Development Ordinance, Ordinance No. 5209, on September 6, 2001, which reclassified zoning districts citywide, effective November 1, 2001; 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 November 15, 2016, and rendered a report to the City Council recommending that the preliminary development plan be approved; and,

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:

*A tract of land in the Northwest Quarter of Section 10, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri, being bounded and described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 03°15'11" East, along the West line of said Northwest Quarter, 2,043.72 feet; thence South 86°44'49" East, 491.53 feet to a point on the East right-of-way line of SW. Longview Boulevard, as now established, said point being the Point of Beginning of the tract of land to be herein described; thence North 13°46'36" East, along said East right-of-way line, 99.10 feet to the Southwest corner of Tract B, NEW LONGVIEW COMMERCIAL DISTRICT, SECOND PLAT, LOT 44, TRACTS A AND B, a subdivision in said Lee's Summit, Jackson County, Missouri; thence Easterly, along the South line of said Tract B, along a curve to the right, having an initial tangent bearing of North 61°30'57" East with a radius of 413.50 feet, a central angle of 22°20'27" and an arc distance of 161.23 feet to the Southeast corner of said Tract B; thence North 06°08'36" West, along the East line of said Tract B, 6.50 feet to the Northeast corner of said Tract B, said point also being on the South right-of-way line of SW. Fascination Drive, as*

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*now established; thence Easterly, along said South right-of-way line, along a curve to the right, having an initial tangent bearing of North 83°51'24" East with a radius of 420.00 feet, a central angle of 08°57'16" and an arc distance of 65.64 feet; thence South 87°11'20" East, continuing along said South right-of-way line, 15.46 feet to the Northwest corner of Tract D, NEW LONGVIEW COMMERCIAL DISTRICT, THIRD PLAT, LOT 42, 43, 51-54, TRACTS C, D AND E; thence South 27°36'02" East, along the West line of said Tract D, 7.54 feet to the Southwest corner of said Tract D; thence South 87°11'20" East, along the South line of said Tract D, 181.46 feet to the Southeast corner of said Tract D; thence North 02°48'40" East, along the East line of said Tract D, 6.50 feet to the Northeast corner of said Tract D, said point also being on said South right-of-way line; thence South 87°11'20" East, along said South right-of-way line, 89.03 feet to the Northwest corner of Tract E of said NEW LONGVIEW COMMERCIAL DISTRICT, THIRD PLAT, LOT 42, 43, 51-54, TRACTS C, D AND E; thence South 27°36'02" East, along the West line of said Tract E, 7.54 feet to the Southwest corner of said Tract E; thence South 87°11'20" East, along the South line of said Tract E, 211.77 feet to the Southeast corner of said Tract E; thence North 02°48'40" East, along the East line of said Tract E, 6.50 feet to the Northeast corner of said Tract E, said point also being on said South right-of-way line; thence South 87°11'20" East, along said South right-of-way line, 23.34 feet; thence South 02°48'40" West, 135.92 feet; thence Southerly, along a curve to the left, being tangent to the last described course with a radius of 250.00 feet, a central angle of 40°01'47" and an arc distance of 174.66 feet; thence South 37°13'07" East, 123.26 feet; thence Southerly, along a curve to the right, being tangent to the last described course with a radius of 250.00 feet, a central angle of 95°59'42" and an arc distance of 418.86 feet; thence South 58°46'34" West, 315.10 feet to a point on said East right-of-way line of SW. Longview Boulevard; thence North 76°13'52" West, along said East right-of-way line, 77.77 feet; thence North 31°13'52" West, continuing along said East right-of-way line, 913.19 feet to the Point of Beginning. Containing 568,651 square feet or 13.05 acres, more or less.*

SECTION 2. That development shall be in accordance with the preliminary development plan, date stamped October 4, 2016, appended hereto and made a part hereof.

SECTION 3. Nonseverability. That 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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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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 \_\_\_\_\_, 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:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian Head*