

BILL NO. 17-50

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1 ON APPROXIMATELY 76 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF SW PRYOR RD. AND SW HOOK RD. FOR THE PROPOSED WHISPERING WOODS RESIDENTIAL SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR WHISPERING WOODS SUBDIVISION, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #2016-219 requesting a change in zoning classification from District AG (Agricultural) to District R-1 (Single Family Residential District) on approximately 76 acres located at the Northeast corner of SW Pryor Rd. and SW Hook Rd. for the proposed Whispering Woods residential subdivision, and requesting approval of a preliminary development plan for Whispering Woods subdivision, submitted by Whispering Wood Land, LLC, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on February 14, 2017, and rendered a report to the City Council recommending that the zoning requested and 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 March 2, 2017, and rendered a decision to rezone said property and 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 the following described property is hereby rezoned from District AG to District R-1:

Part of the Southwest Quarter of Section 24, Township 47 North of the Baseline, Range 32 West of the Fifth Principal Meridian, Lee's Summit, Jackson County, Missouri, described as follows:

COMMENCING at the Southwest Corner of said Southwest Quarter; THENCE North 2°45'31" East on the West Line of said Southwest Quarter, 949.28 feet to the Westerly Prolongation of the North Line of Lot 1, "R-7 ELEMENTARY SCHOOL AT PRYOR ROAD, LOT 1", a Subdivision recorded in Plat Book I-67, Page 68 at the Jackson County Recorder's Office; THENCE South 87°35'27" East on said Westerly Prolongation, 50.00 feet to the East Right-of-Way Line of Pryor Road, and the POINT OF BEGINNING; THENCE North 2°45'31" East on said East Right-of-Way Line, being 50.00 feet East from, and parallel with, the West line of said Southwest Quarter, 1686.19 feet to the North Line of said Southwest Quarter; THENCE South 87°40'43" East on said North Line, 2257.77 feet to the Northwest Corner of Lot 1, "R-7 HIGH SCHOOL AT WARD ROAD, LOT 1", a Subdivision recorded in Plat Book I-67, Page 67 at the Jackson County Recorder's Office;

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THENCE South 2°42'30" West on the West Line of said Lot 1, 1319.46 feet to the South Line of the North Half of said Southwest Quarter; THENCE North 87°38'05" West on said South Line, 1319.41 feet to the Northwest Corner of a Tract described in the Warranty Deed recorded as Document No. 2016-E-0032376 in the Jackson County Recorder's Office; THENCE South 2°44'00" West on the West Line of said Tract, 369.17 feet to the Northeast Corner of said Lot 1, "R-7 ELEMENTARY SCHOOL AT PRYOR ROAD, LOT 1"; THENCE North 87°35'27" West on the North Line of said Lot 1, 939.67 feet to the POINT OF BEGINNING, containing 76.315 acres more or less. All bearings herein are referenced to the Missouri State Plane Coordinate System of 1983, West Zone.

SECTION 2. That development shall be in accordance with the preliminary development plan dated February 5, 2017 appended hereto and made a part hereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be to the R-1 minimum rear setback requirement of 30 feet, to allow a 20-foot rear setback for Lots 129-144.
2. A total of sixty-eight (68) lots may be platted within Phase 1 and 2. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to a standard acceptable to the Fire Department, all in compliance with the Fire Code and Unified Development Ordinance regulations requiring a second point of access for developments in excess of fifty (50) single family homes.
3. Development shall be in accordance with the preliminary development plan, date stamped February 5, 2017.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the required off-site sanitary sewer, and waterline improvements, and off-site transportation improvements listed in the TIA, dated February 7, 2017. No infrastructure permit shall be issued in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. All public improvements shall be substantially complete prior to issuance of any building permit.

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

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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 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 _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian W. Head