

BILL NO. 19-27

AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT RP-4 AND PRELIMINARY DEVELOPMENT PLAN GENERALLY LOCATED AT THE NORTHEAST CORNER OF SE BLACKWELL RD AND SE BLUE PKWY, PROPOSED ARTISAN POINT APARTMENTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI

WHEREAS, Application #PL2018-079 submitted by Case Development, LLC, requesting approval of a rezoning from District AG (Agricultural District) to RP-4 (Planned Apartment Residential District) and preliminary development plan on land generally located at the northeast corner of SE Blackwell RD and SE Blue PKWY 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 public hearings for the consideration of the rezoning and preliminary development plan on October 25, 2018 and January 24, 2019 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 February 19, 2019, 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:

A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW/4) OF SECTION 11, TOWNSHIP 47 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF LEE'S SUMMIT, JACKSON COUNTY, STATE OF MISSOURI; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTH 2°19'35" WEST AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1017.99 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 2°19'35" WEST AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1496.27 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF "NORTH OUTER ROAD OF EXISTING EAST BOUND HIGHWAY NO. 50 AS DESCRIBED IN GENERAL WARRANTY DEED, RECORDED AUGUST 14, 2014 AT INSTRUMENT NO. 2014E0067092, COUNTY OF JACKSON RECORDS; THENCE ALONG SAID RIGHT OF WAY FOR THE FOLLOWING FOUR (4) COURSES; ALONG A 708.50 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 80°20'23 WEST, A CENTRAL ANGLE OF 47°23'52", A

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CHORD BEARING AND DISTANCE OF NORTH 56°38'14" WEST FOR 569.54 FEET, FOR AN ARC DISTANCE OF 586.11 FEET; THENCE SOUTH 57°03'42" WEST FOR A DISTANCE OF 31.00 FEET; THENCE ALONG A 739.50 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 32°56'31" WEST, A CENTRAL ANGLE OF 13°17'24", A CHORD BEARING AND DISTANCE OF NORTH 26°17'35" WEST FOR 171.15 FEET, FOR AN ARC DISTANCE OF 171.53 FEET; THENCE ALONG A 784.50 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10°21'29", A CHORD BEARING AND DISTANCE OF NORTH 24°49'38" WEST FOR 141.63 FEET, FOR AN ARC DISTANCE OF 141.82 FEET; THENCE NORTH 2°22'41" EAST AN DEPARTING SAID RIGHT OF WAY LINE FOR A DISTANCE OF 13.84 FEET; THENCE ALONG A 810.98 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 30°52'27" WEST, A CENTRAL ANGLE OF 3°44'06", A CHORD BEARING AND DISTANCE OF NORTH 32°44'30" WEST FOR 52.86 FEET, FOR AN ARC DISTANCE OF 52.87 FEET; THENCE ALONG A 79.33 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 34°41'05" WEST, A CENTRAL ANGLE OF 48°07'37", A CHORD BEARING AND DISTANCE OF NORTH 10°37'16" WEST FOR 64.70 FEET, FOR AN ARC DISTANCE OF 66.64 FEET; THENCE ALONG A 102.67 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 13°26'32" EAST, A CENTRAL ANGLE OF 30°45'04", A CHORD BEARING AND DISTANCE OF NORTH 1°56'00" WEST FOR 54.44 FEET, FOR AN ARC DISTANCE OF 55.10 FEET; THENCE ALONG A 84.33 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 17°18'32" WEST, A CENTRAL ANGLE OF 50°12'36", A CHORD BEARING AND DISTANCE OF NORTH 7°47'45" EAST FOR 71.56 FEET, FOR AN ARC DISTANCE OF 73.90 FEET; THENCE NORTH 32°54'03" EAST FOR A DISTANCE OF 3.62 FEET; THENCE NORTH 34°58'13" EAST FOR A DISTANCE OF 733.11 FEET; THENCE ALONG A 170.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 34°58'13" EAST, A CENTRAL ANGLE OF 57°24'26", A CHORD BEARING AND DISTANCE OF NORTH 63°40'26" WEST FOR 163.30 FEET, FOR AN ARC DISTANCE OF 170.33 FEET; THENCE SOUTH 87°37'20" EAST FOR A DISTANCE OF 161.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 752,570.76 SQUARE FEET OR 17.277 ACRES.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the maximum density requirement in the RP-4 zoning district of 12 units per acre, to allow 16.32 units per acre.
2. Development shall be in accordance with the preliminary development plan, date stamped January 15, 2019.
3. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated January 17, 2019.

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.

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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 _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian Head*