

BILL NO. 25-032

AN ORDINANCE APPROVING A REZONING FROM DISTRICT RP-3 (PLANNED RESIDENTIAL MIXED USE) AND CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT RP-4 (PLANNED RESIDENTIAL APARTMENT) AND PMIX (PLANNED MIXED USE), PRELIMINARY DEVELOPMENT PLAN AND CONCEPTUAL DEVELOPMENT PLAN FOR OVATION ON APPROXIMATELY 37.24 ACRES OF LAND LOCATED AT 325 SE M-150 HWY, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2024-025 submitted by Engineering Solutions, LLC., requesting approval of a rezoning from District RP-3 and CP-2 to District RP-4 and PMIX, preliminary development plan and conceptual development plan on land located at 325 SE M-150 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, preliminary development plan and conceptual 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, preliminary development plan and conceptual development plan on November 14, 2024, and rendered a report to the City Council recommending that the rezoning and development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on December 17, 2024, and rendered a decision to approve the rezoning, preliminary development plan and conceptual 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, preliminary development plan and conceptual development plan is hereby approved on the following described property:

REZONING TO RP-4

All that part of THE NORTH 1308.7 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

EXCEPT

Beginning at the Northwest corner of the north 1308.7 feet of the West 1/2 of the Northeast Quarter of Section 32, Township 47, Range 31, in Lee's Summit, Jackson County, Missouri; thence South along the west line of said Northeast Quarter, South 2° 05' 01" W, a distance of 376.96 feet; thence South 87° 46' 21" E, a distance of 250.54 feet; South 27° 51' 32" East, a distance of 73.96 feet; thence along a curve to the right, having a radius 50.00 feet, a distance of 102.94 feet; thence North 56° 51' 33" East, a distance of 120.28 feet; thence South 33° 08' 27" East, a distance of 342.79 feet; thence along a curve to the right, having a radius of 330.00 feet, an arc distance of 244.57 feet; thence North 70° 55' 21" East, a distance of 204.61 feet; thence along a curve to the left, having a radius of

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270.00 feet, an arc distance of 323.72 feet; thence North 2° 13' 39" East, a distance of 168.46 feet, to a point on the north line of said Northeast Quarter; thence West along said north line, North 87° 44' 55" West, a distance of 1209.54 feet, returning to the point of beginning.

REZONING TO PMIX

Beginning at the Northwest corner of the north 1308.7 feet of the West 1/2 of the Northeast Quarter of Section 32, Township 47, Range 31, in Lee's Summit, Jackson County, Missouri; thence South along the west line of said Northeast Quarter, South 2° 05' 01" W, a distance of 376.96 feet; thence South 87° 46' 21" E, a distance of 250.54 feet; South 27° 51' 32" East, a distance of 73.96 feet; thence along a curve to the right, having a radius 50.00 feet, a distance of 102.94 feet; thence North 56° 51' 33" East, a distance of 120.28 feet; thence South 33° 08' 27" East, a distance of 342.79 feet; thence along a curve to the right, having a radius of 330.00 feet, an arc distance of 244.57 feet; thence North 70° 55' 21" East, a distance of 204.61 feet; thence along a curve to the left, having a radius of 270.00 feet, an arc distance of 323.72 feet; thence North 2° 13' 39" East, a distance of 168.46 feet, to a point on the north line of said Northeast Quarter; thence West along said north line, North 87° 44' 55" West, a distance of 1209.54 feet, returning to the point of beginning.

AND

PRELIMINARY AND CONCEPTUAL DEVELOPMENT PLAN

THE NORTH 1308.7 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SUBJECT TO THAT PART IN M 150 HIGHWAY.

SECTION 2. That the following conditions of approval apply:

1. Rezoning from RP-3 and CP-2 to RP-4 and PMIX shall be in accordance with the zoning boundaries depicted on the preliminary development plan uploaded December 18, 2024.
2. Development shall be in accordance with the preliminary development plan uploaded December 18, 2024, except that Lots 1 and 2 shall receive conceptual development plan approval only. Development of Lots 1 and 2 shall be subject to separate preliminary development plan approval under future separate application.
3. Building architecture and material palette shall be consistent with the elevations uploaded December 31, 2024.
4. Road improvements shall be constructed as recommended in the Transportation Impact Analysis conducted by staff dated October 31, 2024.
- 5.

SECTION 3. That rezoning of the property from RP-3 and CP-2 to RP-4 and PMIX shall be as depicted on the rezoning exhibit, appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan uploaded November 8, 2024, appended hereto as Attachment B; townhome and clubhouse elevations uploaded November 5, 2024, appended hereto as Attachment C; and Transportation Impact Analysis dated October 31, 2024, appended hereto as Attachment D.

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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.

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 _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*