

BILL NO. 25-052

AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG (AGRICULTURAL) TO DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) AND PRELIMINARY DEVELOPMENT PLAN FOR VIEW HIGH SPORTS COMPLEX ON APPROXIMATELY 17.18 ACRES OF LAND LOCATED AT 3350 NW ASHURST DRIVE, 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 #PL2024-283 submitted by Engineering Solutions, LLC., requesting approval of a rezoning from AG (Agricultural) to CP-2 (Planned Community Commercial) and preliminary development plan on land located at 3350 NW Ashurst Drive 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 January 23, 2025, 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 25, 2025, 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:

REZONING FROM AG TO CP-2

Lot 2:

All that part of the west one half of Lot 2 of the northwest quarter of Section 3, Township 47 N, Range 32 W, in Lee's Summit, Jackson County, Missouri, described as follows:

Commencing at the NW corner of Lot 2, NW ¼ of said Section 3; thence S3°15' 59" W, a distance of 602.53 feet; thence S 87° 28' 59" E, a distance of 30.00 feet to the point of beginning; thence S 86° 41' 01" E, a distance of 289.44 feet; thence S 03° 18' 59" W, a distance of 38.20 feet; thence along a curve to the left tangent to the preceding course and having a radius of 525.00 feet, an arc distance of 39.78 feet; thence S 01° 01' 29" E, a distance of 101.53 feet; thence along a curve to the right tangent to the preceding course and having a radius of 475.00 feet, an arc distance of 35.95 feet; thence S 03° 18' 43" W, a distance of 79.80 feet; thence N 86° 41' 01" W, a distance of 300.00 feet; thence N 3° 18' 59" W, a distance of 294.89 feet to the point of beginning.

Containing 87,119.17 SF or 2.00 acres more or less.

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Lot 3:

All that part of the west one half of Lot 2 of the northwest quarter of Section 3, Township 47 N, Range 32 W, in Lee's Summit, Jackson County, Missouri, described as follows:

Commencing at the SW corner of Lot 2, NW $\frac{1}{4}$ of said Section 3; thence S $87^{\circ} 25' 59''$ E, a distance of 30.00 feet to the point of beginning; thence N $3^{\circ} 18' 59''$ E, a distance of 507.42 feet; thence S $86^{\circ} 41' 01''$ E, a distance of 837.95 feet; thence along a curve to the left tangent to the preceding course and having a radius of 245.00 feet, an arc distance of 139.16 feet; thence N $60^{\circ} 46' 19''$ E, a distance of 3.75 feet; thence along a curve to the right tangent to the preceding course and having a radius of 185.00 feet, an arc distance of 129.62 feet; thence S $79^{\circ} 04' 57''$ E, a distance of 204.08 feet; thence S $03^{\circ} 22' 09''$ W, a distance of 534.78 feet; thence N $87^{\circ} 16' 57''$ W, a distance of 1298.77 feet to the point of beginning.

Containing 670,737.34 SF or 15.40 acres more or less.

AND

PRELIMINARY DEVELOPMENT PLAN

Tracts 1 and 2:

All that part of the west one half of Lot 2 of the northwest quarter of Section 3, Township 47 N, Range 32 W, in Lee's Summit, Jackson County, Missouri; except the east 16.5 feet, and except that part in existing street right of way, more particularly described as follows:

Commencing at the northwest corner of said Section 3; thence S $86^{\circ} 41' 55''$ E along the north line of said quarter section, a distance of 30.00 feet; thence S $03^{\circ} 18' 59''$ W, a distance of 30.00 feet to the point of beginning, said point being the intersection of the existing right of way of View High Drive and the south line of the existing right of way line of Chipman Road; thence S $86^{\circ} 41' 55''$ E parallel with the north line of said quarter section, a distance of 337.94 feet; thence S $86^{\circ} 35' 42''$ E parallel with the north line of said quarter section, a distance of 945.57 feet; thence S $03^{\circ} 22' 09''$ W, west of, parallel with and 16.5 feet distant from the east line of the west half of said Lot 2, a distance of 1420.09 feet to a point on the south line of the west half of said Lot 2; thence N $87^{\circ} 16' 57''$ W along said south line, a distance of 1282.27 feet; thence N $03^{\circ} 15' 59''$ E along a line, east of, parallel with and 30.00 feet distant from the west of said Lot 2, a distance of 1434.84 feet to the point of beginning.

Tract 3:

A strip one rod wide off the east end of the northwest quarter of the northwest quarter of Section 3, Township 47 N, Range 32, in Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan with an upload date of January 3, 2025.
2. A modification shall be granted to UDO Se. 8.170.A to allow for architectural metal panels on more than 40% of all facades as depicted on the plan set uploaded on January 3, 2025.

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3. A modification shall be granted to UDO Sec. 8.900.A to waive the requirement for a six-foot high masonry wall, opaque vinyl fence, or three-foot high berm within the southern and eastern buffer yards.

SECTION 3. That rezoning of the property from AG to CP-2 shall be as depicted on the rezoning exhibit appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan set and building elevations revision dated January 3, 2025, 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.

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