

BILL NO. 16-211

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG AND CP-2 TO PMIX ON APPROXIMATELY 120 ACRES LOCATED AT THE NORTHEAST CORNER OF NE VIEW HIGH DRIVE AND I-470 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR PARAGON STAR, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-135 requesting a change in zoning classification from Districts Agricultural (AG) and Planned Community Commercial (CP-2) to District Planned Mixed Use (PMIX) on approximately 120 acres located at the northeast corner of NE View High Drive and I-470 and requesting approval of a preliminary development plan for Paragon Star, submitted by Paragon Star, 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 September 13, 2016, 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 October 6, 2016, 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 Districts AG and CP-2 to District PMIX:

All that part of the Northwest Quarter of Section 34, Township 48 North, Range 32 West, of the 5th P.M., and all of GRAHAM COMMERCIAL CENTER, a subdivision in the in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter of Section 34; thence South 86°33'45" East, along the North line of said Northwest Quarter, a distance of 2611.91 feet, to a point on the Westerly Right-of-Way line of Union Pacific Railroad, as now established; thence South 18°46'13" West, departing said North line, along said Westerly Right-of-Way line, a distance of 76.95 feet, to a point of curvature; thence Southwesterly and Southeasterly, continuing along said Westerly Right-of-Way line, along a curve to the left, having a radius of 2508.01 feet, and a central angle of 28°06'45", a distance of 1230.57 feet, to a point of tangency; thence South 09°20'32" East, continuing along said Westerly Right-of-Way line, a distance of 30.31 feet, to a point on the South line of the North half of said Northwest Quarter; thence South 86°26'21" East, continuing along said Westerly Right-of-Way line, and along said South line of the North half of the Northwest Quarter, a distance of 16.41 feet; thence South 09°20'32" East, departing said South line of the North half of the Northwest Quarter, continuing along said Westerly Right-of-Way line, a distance of 354.98 feet, to a point on the East line of said Northwest Quarter; thence South 02°29'17" West, continuing along said Westerly Right-of-Way line, and along said East line of the Northwest Quarter, a distance of 468.48 feet, to a point on the North Right-of-Way line of Interstate 470, as now established; thence North 85°05'37" West, departing said Westerly Right-of-Way line, along said North Right-of-Way line of Interstate 470, a distance of 899.87 feet; thence North 75°10'03" West, continuing along said North Right-of-Way line, a distance of 203.04 feet; thence South 77°15'22" West, continuing along said North Right-of-

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Way line, a distance of 228.93 feet, to a point on the East line of the Southwest Quarter of said Northwest Quarter, said point also being the Southeast corner of said GRAHAM COMMERCIAL CENTER; thence continuing South 77°15'22" West, continuing along said North Right-of-Way line, and along the South line of said subdivision, a distance of 1.94 feet; thence South 88°33'58" West, continuing along said North Right-of-Way line, and along said South line of said subdivision, a distance of 181.11 feet; thence North 85°01'31" West, continuing along said North Right-of-Way line, and said South line of said subdivision, a distance of 100.18 feet; thence North 60°06'43" West, continuing along said North Right-of-Way line, and said South line of said subdivision, a distance of 165.44 feet; thence North 85°08'16" West, continuing along said North Right-of-Way line, and said South line of said subdivision, a distance of 199.96 feet; thence South 60°28'02" West, continuing along said North Right-of-Way line, and said South line of said subdivision, a distance of 97.23 feet; thence North 69°50'05" West, continuing along said North Right-of-Way line, and said South line of said subdivision, a distance of 342.03 feet, to the Southwest corner of said subdivision; thence North 30°28'52" West, continuing along said North Right-of-Way line, and along the West line of said subdivision, a distance of 87.88 feet; thence North 07°21'08" East, continuing along said North Right-of-Way line and it's transition to the East Right-of-Way line of View High Drive, as now established, and said West line of said subdivision, a distance of 106.53 feet; thence North 20°25'39" East, departing said West line of said subdivision, continuing along said East Right-of-Way line of View High Drive, a distance of 185.39 feet; thence North 45°30'34" West, continuing along said East Right-of-Way line, a distance of 129.40 feet; thence North 12°40'32" West, continuing along said East Right-of-Way line, a distance of 278.96 feet, to a point on said South line of the North half of the Northwest Quarter; thence North 86°26'21" West, continuing along said East Right-of-Way line, and along said South line of the North half of the Northwest Quarter, a distance of 130.00 feet, to the Southwest corner of said North half of the Northwest Quarter; thence North 02°25'47" East, along the West line of said Northwest Quarter, a distance of 1316.45 feet, to the POINT OF BEGINNING, containing 5,217,462.56 square feet or 119.78 acres, more or less.

SECTION 2. That development shall be in accordance with the preliminary development plan date stamped August 23, 2016, appended hereto and made a part hereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be granted to the minimum caliper size requirement of 3 inches, to allow for 1.5 inches for the flowering/ornamental trees and 2 – 2.5 inches for the deciduous trees.
2. A modification shall be granted to the maximum mounted height of 70 feet for recreational lighting for soccer fields, to allow for a maximum mounted height of 80 feet.
3. Both Paragon Parkway and River Road shall be private streets.
4. A sound amplification system or any other noise caused by the operation shall not exceed sixty-five (65) decibels as measured at the property lines.
5. A total of 13 monument signs with overall sign areas of 90 square feet and structure areas of 138 square feet and electronic digital LED display boards shall be allowed as depicted in the preliminary development plan date stamped August 23, 2016.
6. Development shall be as shown on the preliminary development plan date stamped August 23, 2016.
7. Approval of the preliminary development plan is only for the 10 soccer fields, clubhouse and auxiliary restrooms/concession building. Development of the conceptual development plan for the fieldhouse and mixed use village shall require preliminary development plan approval under separate application.
8. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements recommended in the

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Transportation Impact Analysis dated September 9, 2016, and the water line improvements described in GBA's letter dated August 23, 2016. No building permit shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorders' Office.

- 9. Use of the fields shall not be allowed until all required infrastructure has been constructed.

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 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 _____, 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*