

ORDINANCE NO. 5439

BILL NO. 02-180

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RETIREMENT HOME IN DISTRICT CP-2 ON LAND LOCATED AT 1098 NE TUDOR ROAD FOR A PERIOD OF 20 YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #2002-176, submitted by Curry Brandaw Architects, for Lee's Summit Retirement Residence, requesting a special use permit for a retirement home, in District CP-2 on land located at 1098 NE Tudor Road 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 October 8, 2002, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 7, 2002, and rendered a decision to grant said special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the application pursuant to Section 5.310 of the Unified Development Ordinance allow a Retirement Home in District CP-2 with a Special Use Permit is hereby granted for a period of twenty (20) years, with respect to the following described property:

A tract of land in the South Quarter of Section 32, Township 48, Range 31 in Lee's Summit, Jackson County, Missouri, described as follows; Commencing at the northeast corner of said Southwest Quarter Section; thence South 01°44'25" West along the east line of said quarter section, a distance of 618.07 feet; thence North 88°26'36" West, a distance of 50.11 feet to the POINT OF BEGINNING of this tract, said point begin on the west right-of-way of Independence Avenue said point also being the northwest corner of MAPLE TREE MANOR – 1ST PLAT, a subdivision of Record; thence North 88°26'36" West (plat = North 89°49'06" East) along the north line of said subdivision, a distance of 194.88 feet; thence South 55°25'01" West (plat = 50°40'43" West) along the northwesterly line of said subdivision, a distance of 51.20 feet; said point also being the point of beginning of AMLI SUMMIT RIDGE, a subdivision of Record; thence North 34°34'59" West (plat = North 36°19'17" West) along the westerly line of said subdivision, a distance of 484.84 feet to a point on the southerly right-of-way of Tudor Road; thence North 54°37'37" East along said right-of-way, a distance of 79.36 feet; thence along a curve to the right having a radius of 745.00 feet, an arc length of 487.96 feet; thence South 87°50'42" East along said right-of-way, a distance of 5.11 feet to a point on the west right-of-way of Independence Avenue; thence South 01°44'25" West along said right-of-way, a distance of 558.41 feet to the POINT OF BEGINNING, containing 4.892 acres, 213,089.290 square feet.

BILL NO. 02-180

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of 20 years.
2. All conditions of the preliminary development plan shall also apply to the special use permit.
3. The following modifications shall be granted to allow for:
 - a) a building setback of 15 feet (instead of the required 20 feet) to the north property line
 - b) a building setback of 26 feet (instead of the required 50 feet) to the west property line.
 - c) a medium impact screen (instead of a high impact screen) along the west and south property lines since the uses are similar.
 - d) 77 parking spaces for 128 dwelling units, based on the expectation that most residents will not have vehicles and the fact that a private van is provided for resident transportation.
 - e) parking setback of 15 feet from Tudor Road right-of-way, instead of 20', since an additional 5' of right-of-way was required by the city.
4. Cement fiberboard siding shall be allowed as a conditional building material.
5. The applicant shall dedicate 5 feet of right-of-way along the entire north property line (along Tudor Road) and a 40 foot triangle at the northeast corner of the subject property.
6. The applicant shall escrow sufficient funds for the City to construct a raised median on Tudor Road.
7. The berm height along Tudor Road shall be reduced so it does not encroach into the right-of-way, and shrubs shall be used to compensate for the reduced berm height to meet the screening requirement.
8. The Tudor Road driveway shall be constructed as a temporary driveway and used for emergency vehicles only until the raised median is constructed on Tudor Road and appropriate directional signage is in place.
9. The following information shall be provided on the final development plan:
 - a) four sided architecture of all proposed structures
 - b) mechanical screening
 - c) pedestrian walkways
 - d) roof penetrations
 - e) building material colors
 - f) trash enclosure details
 - g) site lighting details, including photometric lighting plan
 - h) vision clearance triangles
 - i) easement locations
 - j) parking and driveway details
 - k) accessible parking details
 - l) proposed grading contours.

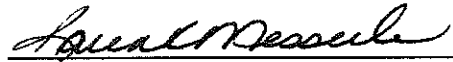
ORDINANCE NO. 5439

BILL NO. 02-180

SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City Unified Development Ordinance, No. 5209.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 21st day of November, 2002.


Mayor Karen R. Messerli

ATTEST:


City Clerk Denise R. Chisum

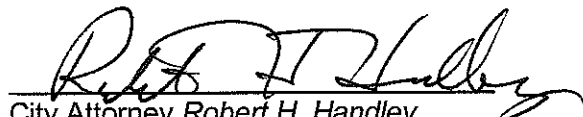
APPROVED by the Mayor of said city this 21st day of November, 2002.


Mayor Karen R. Messerli

ATTEST:


City Clerk Denise R. Chisum

APPROVED AS TO FORM:


City Attorney Robert H. Handley