

BILL NO. 23-002

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PERIOD OF 25 YEARS FOR A GOLF DRIVING RANGE AND OUTDOOR MINIATURE GOLF FACILITY ON LAND LOCATED AT 1501 NE US 40 HWY, ALL IN ACCORDANCE WITH THE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 33 OF THE CITY OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-338, submitted by Blue Jeans Golf, LLC, requesting approval of the special use permit for a golf driving range and outdoor miniature golf facility on land located at 1501 NE US 40 Hwy was referred to the Planning Commission to hold a public hearing; and

WHEREAS, the Unified Development Ordinance provides for the approval of a special use permit 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 request on December 8, 2022, 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 January 10, 2023, and rendered a decision to approve 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 6.620 of the Unified Development Ordinance to allow a golf driving range and outdoor miniature golf facility in District AG, CP-2 and PI with a Special Use Permit is hereby granted for a period of twenty (25) years, with respect to the following described property:

TRACT 1:

ALL OF LOTS 1 AND 2, GOLF PARK, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF;

AND

TRACT 2:

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 49, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 02°11'16" WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1311.99 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, GOLF PARK, A SUBDIVISION OF LAND IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THEN NORTH 88°05'23" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 460.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 78°11'57" WEST, A DISTANCE OF 79.71 FEET; THENCE NORTH 33°23'37" WEST, A DISTANCE OF 39.34 FEET; THENCE NORTH 52°34'23" WEST, A DISTANCE OF 56.47 FEET; THENCE NORTH 18°48'15" WEST, A DISTANCE OF 70.47 FEET; THENCE NORTH 06°13'25" EAST, A DISTANCE OF 55.54 FEET; THENCE NORTH 46°50'20" EAST, A DISTANCE OF 49.31 FEET; THENCE NORTH 32°48'05" EAST, A DISTANCE OF 85.43 FEET; THENCE NORTH 10°46'25" EAST, A DISTANCE OF 33.83 FEET; THENCE NORTH 06°23'36" WEST, A DISTANCE OF 40.70 FEET; THENCE NORTH

BILL NO. 23-002

26°09'29" WEST, A DISTANCE OF 46.64 FEET; THENCE NORTH 55°17'29" WEST, A DISTANCE OF 72.55 FEET; THENCE NORTH 75°31'37" WEST, A DISTANCE OF 41.70 FEET; THENCE NORTH 13°13'31" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 40°02'36" EAST, A DISTANCE OF 66.92 FEET; THENCE NORTH 80°54'40" EAST, A DISTANCE OF 79.36 FEET; THENCE SOUTH 70°12'55" EAST, A DISTANCE OF 82.01 FEET; THENCE SOUTH 87°48'44" EAST, A DISTANCE OF 32.09 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE SOUTH 02°11'16" WEST, ALONG SAID WEST LINE A DISTANCE OF 562.08 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING FROM TRACTS 1 AND 2 ABOVE:

ALL THAT PART OF LOT 1, GOLF PARK, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, LYING ON THE RIGHT OR SOUTHERLY SIDE OF THE FOLLOWING DESCRIBED EASTBOUND ROUTE 40 IMPROVEMENT CENTERLINE, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, GOLF PARK, WHICH IS ALSO A POINT ON THE EXISTING SOUTHWESTERLY RIGHT OF WAY LINE OF THE EASTBOUND ROUTE 40 CENTERLINE; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 AND THE EXISTING SOUTHWESTERLY RIGHT OF WAY LINE TO A POINT 19.812 METERS (65 FEET) RIGHT OF STATION 21+690; THENCE SOUTHWESTERLY TO A POINT 23 METERS (75.46 FEET) RIGHT OF STATION 21+644.844 WHICH IS ALSO A POINT ON THE WEST LINE OF SAID LOT 1, GOLF PARK; THENCE NORTHERLY ALONG SAID WEST LOT LINE OF LOT 1 TO THE POINT OF BEGINNING.

THE EASTBOUND ROUTE 40 IMPROVEMENT CENTER LINE IS LOCATED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 28, T49N, R31W; THENCE SOUTH 45 DEGREES 25'12" WEST A DISTANCE OF 109.195 METERS TO A POINT ON SAID CENTERLINE AT STATION 21+700; THENCE THE CENTERLINE EXTENDS NORTH 60 DEGREES 01'34" WEST A DISTANCE OF 170 METERS TO STATION 21+530.

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of 25 years.
2. Development shall be in accordance with the preliminary development plan dated November 7, 2022, including the building elevations and renderings contained therein.

SECTION 3. Development shall be in accordance with the preliminary development plan dated November 7, 2022., as conditioned above and appended hereto as Attachment A.

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 Unified Development Ordinance, of the Code of Ordinances of 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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

BILL NO. 23-002

APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*