

BILL NO. 16-245

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE GROVE ON APPROXIMATELY 73 ACRES ZONED PLANNED MIXED USE (PMIX) LOCATED AT THE NORTHEAST AND SOUTHEAST CORNERS OF SE M-291 HWY. AND SE BAILEY RD., ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-165 requesting a change in zoning classification from District Planned Industrial (PI) to District Planned Mixed Use (PMIX) on approximately 73 acres located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd. and requesting approval of a preliminary development plan for The Grove, submitted by Westcott Investment Group, 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 October 25, 2016, and rendered a report to the City Council recommending that the zoning requested and the preliminary development plan be approved; and,

WHEREAS, since the property requested for rezoning had previously been rezoned to PMIX by a city initiated rezoning and conceptual development plan, the City Council was requested to consider the preliminary development plan; and

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 17, 2016, and rendered a decision to 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 a preliminary development plan is hereby approved in District PMIX on the following described property:

TRACT I:

LOT 1, PFIZER WAY, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 2010 AS DOCUMENT NO. 2010E0126141, Plat Book E135 and Page 50.

TRACT II:

ALL THAT PART OF THE NORTHWEST QUARTER, AND ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER: THENCE SOUTH 87 DEGREES 53 MINUTES 51 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 11.96 FEET, TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, AS NOW ESTABLISHED; THENCE SOUTH 29 DEGREES 25 MINUTES 41 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 223.09 FEET, TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 29 DEGREES 25 MINUTES 41

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SECONDS EAST, A DISTANCE OF 1323.59 FEET, TO A POINT IN THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 32 MINUTES 55 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 832.35 FEET, TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 2 DEGREES 36 MINUTES 20 SECONDS EAST, ALONG THE EAST LINE SAID NORTHWEST QUARTER AND ALONG THE EAST LINE OF MADDOX ACRES, A SUBDIVISION, A DISTANCE OF 358.00 FEET, TO THE NORTHEAST CORNER OF LOT 12 OF SAID SUBDIVISION; THENCE NORTH 87 DEGREES 49 MINUTES 43 SECONDS WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 1507.48 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY NO. 291, AS NOW ESTABLISHED; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2416.83 FEET, A CHORD BEARING OF NORTH 26 DEGREES 20 MINUTES 38 SECONDS WEST, A CENTRAL ANGLE OF 1 DEGREES 18 MINUTES 57 SECONDS, AN ARC LENGTH OF 55.50 FEET; THENCE NORTH 27 DEGREES 00 MINUTES 06 SECONDS WEST, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 256.79 FEET; THENCE NORTH 26 DEGREES 49 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 241.77 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1784.86 FEET, A CHORD BEARING OF NORTH 18 DEGREES 00 MINUTES 47 SECONDS WEST, A CENTRAL ANGLE OF 12 DEGREES 35 MINUTES 16 SECONDS, AN ARC LENGTH OF 392.13 FEET; THENCE NORTH 32 DEGREES 04 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 61.73 FEET; THENCE SOUTH 87 DEGREES 49 MINUTES 44 SECONDS EAST, A DISTANCE OF 1158.47 FEET; THENCE SOUTH 78 DEGREES 33 MINUTES 51 SECONDS EAST, A DISTANCE OF 869.58 FEET, TO THE POINT OF BEGINNING, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

EXCEPT reservation of all minerals and all mineral rights in favor of Missouri Pacific Railroad Company, a Missouri corporation, as set forth in instrument(s) recorded under Document number 197110083905 in Book I252 at Page 675, and all rights and easements appertaining thereto in favor of the holder of said interest and any party claiming by, through or under said holder. (Affects Tracts I and II)

SECTION 2. That development shall be in accordance with the preliminary development plan date stamped October 4, 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 2 inches for the ornamental trees.
2. Parking lot lighting shall not exceed 28' maximum height, measured to the top of the fixture from grade.
3. Development shall be as shown on the preliminary development plan and The Grove's Design Standards, date stamped October 4, 2016, except as otherwise noted.
4. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, sanitary sewer improvements recommended in the Sanitary Sewer Memorandum dated October 27, 2016, and the road improvements recommended in the Transportation Impact Analysis dated October 18, 2016. No building permits 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 Records' Office.

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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.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*