

BILL NO. 16-227

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG AND CP-1 TO PMIX ON LAND LOCATED AT THE NORTHWEST CORNER OF SW M-150 HIGHWAY AND SW HOLLYWOOD DRIVE AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE RESIDENCES AT ECHELON ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-149 requesting a change in zoning classification from Districts Agricultural (AG) and Planned Neighborhood Commercial (CP-1) to District Planned Mixed Use (PMIX) on land located at the northwest corner of SW M-150 Highway and SW Hollywood Drive and requesting approval of a preliminary development plan for The Residences at Echelon, submitted by Engineering Solutions, 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 27, 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 20, 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-1 to District PMIX:

Aldersgate Methodist Church, Resurvey of Lot 1.

SECTION 2. That development shall be in accordance with the preliminary development plan date stamped September 6, 16, and 20, 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 maximum allowed wattage for parking lot lighting, Section 7.250.G.1, to allow for a maximum wattage of 204 per the Photometric Site Plan date stamped September 6, 2016.
2. All light fixtures shall be LED.
3. Development standards including density, lot area, setbacks, shall be as shown on the Preliminary Development Plan date stamped September 6, 16, and 20, 2016.
4. Unless otherwise waived by MoDOT, the existing yield sign at the intersection of M-150 Highway and SW Hollywood Drive should be changed to a stop sign and such sign shall be visible to southbound traffic on SW Hollywood Drive with any sight conflict mitigated.
5. The rezoning to PMIX shall only be limited to the 11.15 acre site of the apartment development.

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.

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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