

BILL NO. 20-206

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT R-1 AND PRELIMINARY DEVELOPMENT PLAN APPROXIMATELY 19.02 ACRES TO BE REZONED AND 3.55 ACRES FOR THE RESIDENTIAL SITE, LOCATED AT 2550 SW 3rd ST, PROPOSED THE RIDGE AT WINTERSET SUMMIT (FORMERLY KNOWN AS WINTERSET CEDAR CREEK), LOTS 1-5 AND TRACT A, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-219 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from AG (Agricultural) to R-1 (Single-Family Residential) and preliminary development plan on land located at 2550 SW 3rd St was referred to the Planning Commission to hold a public hearing; and

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan 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 public hearings for the consideration of the rezoning and preliminary development plan on October 22, 2020, and rendered a report to the City Council recommending that the rezoning and 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 November 17, 2020, and rendered a decision to approve the rezoning and 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 rezoning and preliminary development plan is hereby approved on the following described property:

Legal Description of Preliminary Development Plan

The Land is described as follows:

A tract of land being located in Section 2 and Section 3, Township 47 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows

Tract B2, WINTERSET VALLEY 2ND PLAT, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri,

EXCEPT

A tract of land being part of Tract B2, WINTERSET VALLEY -2ND PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, described as follows: Beginning at the Northeast corner of said Tract B2, said corner also being the Northwest corner of WINTERSET PARK, a subdivision in Lee's Summit, Jackson County, Missouri; thence South 02 degrees

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51 minutes 13 seconds West along the West line of said subdivision 89.23 feet to the Northwest corner of Lot 16 of said WINTERSET PARK; thence North 64 degrees 29 minutes 06 seconds West 108.37 feet; thence North 02 degrees 51 minutes 13 seconds East 46.37 feet to a point on the North line of said Tract B2; thence South 87 degrees 46 minutes 53 seconds East along said North line 100.01 feet to the point of beginning.

Legal Description of Rezoning:

A tract of land being located in Section 2, Township 47 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows:

Beginning at the Southeast corner of Lot 1A of CEDAR CREEK ELEMENTARY SCHOOL, a subdivision in Lee's Summit, Jackson County, Missouri, Document No. 199810003954; thence North 87°46'56" West, a distance of 284.63 feet; thence South 86°32'19" West, a distance of 202.03 feet; thence North 87°46'52" West, a distance of 174.40 feet to a point on the West line of said Section 2; thence North 2°47'25" East along said West line, a distance of 1276.44 feet; thence South 87°42'23" East, a distance of 661.37 feet; thence South 2°51'13" West, a distance of 46.37 feet; thence South 64°29'06" East, a distance of 108.37 feet to the Northwest corner of Lot 16 of WINTERSET PARK, a subdivision in said Lee's Summit; thence South 2°51'27" West along the West line of said WINTERSET PARK, a distance of 1166.36 feet to the point of beginning.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 10% maximum allowance of cul-de-sac lots in a subdivision, to allow a combined 26% cul-de-sac lots between The Ridge at Winterset Summit and Winterset Park subdivisions.
2. A modification shall be granted to the minimum 30' front yard setback requirement, to allow the requested 25' for Lots 2 and 3, and 20' for Lot 4, for The Ridge at Winterset Summit subdivision.

SECTION 3. 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 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 City's Unified Development Ordinance, of the Code of Ordinances for 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*