

BILL NO. 23-106

AN ORDINANCE APPROVING A REZONING FROM DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) AND CS (PLANNED COMMERCIAL SERVICES DISTRICT) TO DISTRICT PMIX (PLANNED MIXED USE DISTRICT) AND CONCEPTUAL PRELIMINARY DEVELOPMENT PLAN FOR LAND LOCATED AT 900 NE COLBERN RD, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-056 submitted by Engineering Solutions, LLC., requesting approval of a rezoning from CP-2 (Planned Community Commercial District) and CS (Planned Commercial Services District) to PMIX (Planned Mixed Use District) and conceptual preliminary development plan on land located at 900 NE Colbern Rd. 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 conceptual 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 a public hearing for the consideration of the rezoning and preliminary development plan on May 11, 2023, 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 June 6, 2023, 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 conceptual preliminary development plan is hereby approved on the following described property:

Tract 1 (Doc No. 2022E0112828)

All that part of the Northeast Quarter of Section 29 and that part of the Northwest Quarter of Section 28, all in Township 48, Range 31 in Lee's Summit, Jackson County, Missouri described as follows: commencing at the Southeast corner of said. Northeast Quarter of Section 29; thence North 88 degrees 28 minutes 52 seconds West along the South line of said Quarter Section, a distance of 1257.71 feet; thence North 01 degrees 39 minutes 46 seconds East. a distance of 53.94 feet to the intersection of the North right of way of Colbern Road as established and the East right of way of Rice Road as established, said point being the point of beginning; thence continuing North 01 degrees 39 minutes 46 seconds East along the East right of way line of said Rice Road, a distance of 599.14 feet to the Southwest corner of RICE ACRES LOT 2, a subdivision of record; thence South 88 degrees 31 minutes 22 seconds East along the South line of said subdivision, a distance of 399.53 feet to the Southeast corner thereof; thence North 01 degrees 39 minutes 46 seconds East along the East line of said subdivision and also along the East line of RICE ACRES LOT 3 AND TRACT A, a subdivision of record, a distance of 674.29 feet to the Northeast corner thereof; thence South 88 degrees 40 minutes 23 seconds East, a distance of 856.02 feet to a point on the East line of said Northeast Quarter of Section 29, said point also being on the West line of said Northeast

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Quarter of Section 28; thence South 88 degrees 31 minutes 14 seconds East, a distance of 349.15 feet; thence South 01 degrees 28 minutes 46 seconds West, a distance of 15.12 feet to a point on the edge of water of existing reservoir as located in the field on March 16, 2006; thence Southwesterly along the edge of water of said reservoir to a point on an East/West line described in Document No. 1329187 in Book 1842 at Page 401 as being 603 feet Southerly of the Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 29 of said Township and Range; thence North 87 degrees 21 minutes 17 seconds West along said line, a distance of 522.27 feet to a point on an extension of the East line of RICE ACRES LOT 1, a subdivision of Record; thence South 01 degrees 22 minutes 59 seconds West along said extension, a distance of 214.14 feet to the Northeast corner of said subdivision; thence North 88 degrees 38 minutes 46 seconds West along the North line of said subdivision, a distance of 300.00 feet to the Northwest corner thereof; thence South 01 degrees 22 minutes 59 seconds West along the West line of said subdivision, a distance of 435.83 feet to the Southwest corner thereof, said point being on said North right of way of Colbern Road; thence North 88 degrees 38 minutes 46 seconds West along said right of way line, a distance of 499.89 feet to the point of beginning. Except Lot 1 and 2, Colbern Road Investments, Lots 1 & 2, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri. (Doc No 2023E0021976)

Doc No 2022E0112992

Tract 2:

The East 231 feet of the West half of the Southwest Quarter of the Northwest Quarter of Section 28, Township 48, Range 31, in Lee's Summit, Jackson County, Missouri, except the South 414.86 feet of the East 210 feet thereof.

Tract 3:

All that part of the Northwest Quarter of Section 28, Township 48, Range 31 in Lee's Summit, Jackson County, Missouri, described as follows: commencing at the Southwest corner of the Northwest Quarter of said Section 28; thence South 88 degrees 36 minutes 04 seconds East along the South line of said Quarter Section, a distance of 431.31 feet; thence North 01 degrees 44 minutes 29 seconds East, a distance of 56.41 feet to a point on the North right of way line of Colbern Road as established, said point being the point of beginning; thence North 01 degrees 44 minutes 29 seconds East, a distance of 631.34 feet to a point on an East/West line described in Document No. 1329187 in Book 1842 at Page 410 as being 603 feet Southerly of the Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 29 of said Township and Range; thence North 87 degrees 21 minutes 15 seconds West along said East/West line, a distance of 371.09 feet to a point on the edge of water of an existing reservoir as located in the field on March 16, 2006; thence Northeasterly along the edge of water to a point being 317.16 feet West of the East line of the West half of the Southwest Quarter of the Northwest Quarter of Section 28 and 15.12 feet South of the North line of the Southwest Quarter of the Northwest Quarter of Section 28; thence North 01 degrees 28 minutes 46 seconds East, a distance of 15.12 feet to a point on said North line; thence South 88 degrees 31 minutes 14 seconds East along said North line, a distance of 317.16 feet; thence South 01 degrees 44 minutes 29 seconds West along said East line of the West half of the Southwest Quarter of the Northwest Quarter of Section 28, a distance of 864.74 feet; thence North 88 degrees 36 minutes 04 seconds West, a distance of 210.00 feet; thence South 01 degrees 44 minutes 29 seconds West. a distance of 408.51 feet to

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a point on said North right of way line of Colbern Road; thence North 88 degrees 26 minutes 53 seconds West along said right of way line, a distance of 21.00 feet to the point of beginning.

Doc No 2022E0113021

Tract 4

Lot 5, RICE ACRES, LOTS 4 & 5, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Tract 5

All that part of the northeast quarter of section 29 and the northwest quarter of section 28, township 48 north, range 31 west in Lee's Summit, Jackson County, Missouri described as follows: beginning at the intersection of the north line of the right of way of Colbern Road as recorded in Document No. 9910056412 in book 1 at page 4 and the east line of rice acres, lot 1, a subdivision in said city, county and state; thence north 00 degrees 12 minutes 18 seconds east along the east line of said subdivision and its northerly prolongation, a distance of 649.18 feet to a point on the east/west line described in document no. 1329187 in book 1842 at page 401 as being 603 feet southerly of the northwest corner of the southeast quarter of the northeast quarter of said section 29; thence south 88 degrees 48 minutes 45 seconds east along said line and its easterly prolongation, a distance of 890.15 feet to a point being 231.00 feet distant from the east line of the west half of the southwest quarter of the northwest quarter of said section 28; thence south 00 degrees 17 minutes 01 seconds west along a line parallel with and 231.00 feet perpendicular to the east line of the west half of the southwest quarter of the northwest quarter of said section 28, a distance of 630.83 feet to a point on the north right of way line of northeast Colbern Road as recorded in Document No. 9910056412 in book 1 at page 4; thence north 89 degrees 53 minutes 09 seconds west along said north line, a distance of 435.78 feet; thence continuing along said north right of way line south 89 degrees 54 minutes 09 seconds west, a distance of 453.39 feet to the point of beginning. Except any part thereof in road.

Except that part of the above-described tract of land now platted as: rice acres, Lots 4 & 5, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

SECTION 2. That the following conditions of approval apply:

1. No development may occur on any property for which only a conceptual development plan has been approved. No construction may occur on any property until one or more preliminary development plans and final development plans have been approved in accordance with the UDO.
2. Development shall require the construction of an eastbound left-turn lane on Colbern Road at Ball Drive with a storage length of 120 feet plus an appropriate taper.
3. Development shall require the construction a southbound left-turn lane on Ball Drive at Colbern Road with a storage length of 150 feet plus appropriate taper.
4. Development shall require the modification of the traffic signal at the intersection of Colbern Road and Ball Drive to provide protected-permissive left-turn phasing for east/west traffic.

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SECTION 3. That rezoning of the property from CP-2 and CS to PMIX shall be as depicted on the rezoning exhibit appended hereto as Attachment A.

SECTION 4. 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 5. 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 6. 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*

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*