

## **BILL NO. 23-142**

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AN ORDINANCE APPROVING A REZONING FROM DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) TO DISTRICT PMIX (PLANNED MIXED USE DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR DISCOVERY PARK – ZONE 1 ON APPROXIMATELY 39.42 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF NE COLBERN RD AND NE DOUGLAS ST, 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 #PL2023-011 submitted by Intrinsic Development, LLC., requesting approval of a rezoning from CP-2 (Planned Community Commercial District) to PMIX (Planned Mixed Use District) and preliminary development plan on land located at the northwest corner of NE Colbern Rd. and NE Douglas 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 a public hearing for the consideration of the rezoning and preliminary development plan on June 8, 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 July 11, 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 preliminary development plan is hereby approved on the following described property:

*A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 30 TOWNSHIP 48 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI BEING BOUNDED AND DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER SECTION; THENCE SOUTH 01°37'50" WEST, ON THE WEST LINE OF SAID QUARTER SECTION, 853.75 FEET TO A POINT ON THE SOUTHEAST LOT LINE OF LOT 1, LEE'S SUMMIT ROAD PUMP STATION, A SUBDIVISION RECORDED IN BOOK I 51 AT PAGE 90 IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE NORTH 50°41'15" EAST, ON SAID SOUTHEAST LOT LINE, 59.22 FEET; THENCE LEAVING SAID LOT LINE, SOUTH 45°00'00" EAST, 889.18 FEET; THENCE NORTH 90°00'00" EAST, 195.68 FEET; THENCE SOUTH 01°27'27" WEST, 62.94 FEET; THENCE SOUTH 88°32'29" EAST, 375.74 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NE DOUGLAS STREET AS ESTABLISHED BY DOCUMENT NUMBER 2015E0017982 IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE; THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01°27'31" WEST, 1,114.58 FEET; THENCE SOUTH 46°40'17" WEST, 35.22 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-*

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*OF-WAY LINE OF NE COLBERN ROAD AS ESTABLISHED BY A SURVEY PROVIDED BY HAMILTON STERRETT AND DOOLEY, PROJECT NUMBER 99021; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 88°06'56" WEST, 730.85 FEET; THENCE WESTERLY ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 87°33'04" WEST WITH A RADIUS OF 2,904.93 FEET, A CENTRAL ANGLE OF 10°06'02" AND AN ARC DISTANCE OF 512.10 FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER; THENCE NORTH 01°37'22" EAST, ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1,328.05 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SAID NORTHEAST QUARTER; THENCE CONTINUING ON THE SAID WEST LINE, NORTH 01°37'50" EAST, 473.96 FEET TO THE POINT OF BEGINNING.*

*CONTAINING 1,717,197 SQUARE FEET OR 39.42 ACRES, MORE OR LESS. TRACT OF LAND IS CURRENTLY ZONED AS CP-2*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 200-foot separation between a pet motel or training with outdoor exercise area to a residential use, to allow a 120 foot separation.
2. Development shall be in accordance with the preliminary development plan with a revision date of May 16, 2023.
3. Development shall be in accordance with the design guidelines prepared by the developer with an upload date of April 25, 2023.
4. Comply with the Traffic Impact Analysis dated May 31, 2023, prepared by Susan Barry, P.E., City Traffic Engineer.
5. All items in the "Comments" section of the approved Design and Construction Manual Design

Modification Request signed by the City Engineer dated 5/26/23 shall be required with each associated Final Development Plan submitted.

6. Submit an updated landscape plan identifying Lot 6 in the southwest corner of the development with submittal of the final development plan.

SECTION 3. That rezoning of the property from CP-2 to PMIX shall be as depicted on the rezoning map included in the plan set appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan set dated May 16, 2023, and design guidelines with an upload date of April 25, 2023, appended hereto as Attachment B.

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.

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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*