

BILL NO. 21-21

AN ORDINANCE APPROVING A REZONING FROM CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT RP-4 (PLANNED APARTMENT RESIDENTIAL) AND PRELIMINARY DEVELOPMENT PLAN FOR CHAPEL RIDGE, PHASE 5, LOCATED AT 3701 NE AKIN DR., 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 #PL2020-315 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from CP-2 (Planned Community Commercial) to RP-4 (Planned Apartment Residential) and preliminary development plan on land located at 3701 NE Akin Dr, 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 January 7, 2021, 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 February 2, 2021, 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:

Lot 15C, Chapel Ridge Business Park Lots 15B & 15C Lot 15C.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement for a high-impact landscape buffer between the proposed RP-4 property and the abutting CP-2 property to the east and south, to allow a medium-impact landscape buffer.
2. Development shall be in accordance with the preliminary development plan dated October 23, 2020.
3. The architectural style and building materials for the multi-family townhomes shall be consistent with the building elevations; 4-plex elevation, dated October 23, 2020 and 5-plex elevation dated January 22, 2020. The 3-plexes will follow the architectural style and materials depicted in the elevations for the 4- and 5-plexes.

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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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian W. Head