

BILL NO. 17-98

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 TO R-1 ON APPROXIMATELY 9 ACRES LOCATED ON THE EAST SIDE OF SW RAINTREE PKWY APPROXIMATELY 1/3 MILE SOUTH OF SW RAINTREE DR. FOR THE PROPOSED POTTER LOT 1 SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-033 requesting a change in zoning classification from District CP-2 (Planned Community Commercial District) to District R-1 (Single Family Residential District) on approximately 9 acres located on the east side of SW Raintree Pkwy approximately 1/3 mile south of SW Raintree Dr. for the proposed Potter Lot 1 subdivision, and requesting approval of a preliminary development plan, submitted by Chad and Joann Potter, 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 April 11, 2017, 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 May 4, 2017, 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 District CP-2 to District R-1:

*ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 5 AND THE EAST HALF OF SECTION 6, ALL IN TOWNSHIP 46 NORTH, RANGE 31 WEST, LEE'S SUMMIT, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE S82°13'12"W, 28.51 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RAINTREE PARKWAY AS DESCRIBED IN DOCUMENT NO. 58181 RECORDED IN BOOK 646 AT PAGE 358, FILED AT THE OFFICE OF THE CASS COUNTY RECORDER; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID EAST RIGHT-OF-WAY LINE, ON A CURVE TO THE LEFT, TO WHICH THE PRECEDING COURSE IS RADIAL, HAVING A RADIUS OF 430.00 FEET, AN ARC DISTANCE OF 82.37 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, N18°45'29"W, ALONG A LINE TANGENT TO THE PRECEDING COURSE, 14.18 FEET TO THE SOUTHWESTERLY CORNER OF THE EXCEPTED TRACT 2 AS DESCRIBED IN SCHEDULE "A" OF THE WARRANTY DEED RECORDED IN BOOK 805 AT PAGE 257; THENCE N60°54'36"E, 582.02 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT 2 AND THE POINT OF BEGINNING; THENCE N29°05'24"W, 180.00 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT 2; THENCE S60°54'36"W, 549.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID RAINTREE PARKWAY, SAID POINT BEING THE NORTHWEST CORNER OF SAID TRACT 2 AND THE SOUTHWESTERLY CORNER OF TRACT 3 AS DESCRIBED IN SCHEDULE "A" OF THE WARRANTY DEED RECORDED IN BOOK 805 AT PAGE 257; THENCE ALONG THE EASTERLY LINE OF SAID TRACT 3, N10°08'46"E, 187.55 FEET; THENCE N23°17'35"E, 257.96 FEET; THENCE N54°06'32"E, 96.83 FEET; THENCE N18°17'22"E, 142.44 FEET; THENCE DEPARTING THE EASTERLY LINE OF*

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SAID TRACT 3, S77°29'10"E, 601.46 FEET; THENCE N62°33'00"E, 251.86 FEET; THENCE S89°34'13"E, 440.09 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE S02°27'31"W, ALONG SAID EAST LINE, 70.04 FEET; THENCE DEPARTING SAID EAST LINE, N89°34'13"W, 187.65 FEET; THENCE S60°54'36"W, 859.29 FEET TO THE POINT OF BEGINNING. CONTAINING 379,384 SQUARE FEET, MORE OR LESS.

SECTION 2. That development shall be in accordance with the preliminary development plan dated March 21, 2017 appended hereto and made a part hereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 50' street frontage requirement, to allow the subject property to have no street frontage onto SW Raintree Pkwy. The subject property shall gain access to and from SW Raintree Pkwy via a permanent 50' ingress/egress easement obtained from the Raintree Lake Property Owners Association.
2. Development shall be in accordance with the preliminary development plan, date stamped March 21, 2017.

SECTION 4. That 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.

SECTION 5. Nonseverability. That 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 _____, 2017.

Mayor Randall L. Rhoads

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ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*