

## **AMENDED BILL NO. 19-133**

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AN ORDINANCE APPROVING A REZONING FROM DISTRICT PI AND PMIX TO DISTRICT PMIX AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 24 ACRES LOCATED AT THE NORTHEAST CORNER OF SW WARD RD AND SW SCHERER RD, PROPOSED WOODLAND GLEN 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 #PL2018-101 submitted by John Duggan, requesting approval of a rezoning from District PI (Planned Industrial) and PMIX (Planned Mixed Use) to PMIX and preliminary development plan on land generally located at the northeast corner of SW Ward Rd and SW Scherer 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 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 May 9, 2019 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 4, 2019, 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:

*All that part of the Northwest ¼ of Northwest 1/4, Section 18, Township 47, Range 31, Jackson County, Missouri, described as follows:*

*Beginning at the Southwest Corner of the Northwest 1/4 of Northwest 1/4, said Section 18, thence North with the West line of said 1/4, 1/4 Section, 660.0 feet, thence East parallel to the South line of said 1/4, 1/4, Section, 330.0 feet, thence South parallel to the West line of said 1/4 ¼, Section, 660.0 feet to the South line of said 1/4, 1/4, Section, thence West along said South line, 330.0 fee to the point of beginning.*

*And*

*All that part of the Northwest Quarter of Section 18, Township 47 North, Range 31 West, Lee's Summit, Jackson County, Missouri, more particularly described as follows:*

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*Commencing at the Northwest corner of the Northwest Quarter of said Section 18; thence South 02 degrees 35 minutes 57 seconds West, along the west line of said Section 18, 39.67 feet to the Northeast corner of the Northeast Quarter of Section 13, Township 47 North, Range 32 West; thence South 02 degrees 48 minutes 07 seconds West, along the West line of said Section 18, 610.08 feet; thence departing said West line, South 87 degrees 27 minutes 23 seconds East, 330.00 feet to the West line of South Terminal, Lot 1, a subdivision in the City of Lee's Summit and the Point of Beginning; thence along said West line, South 87 degrees 27 minutes 23 seconds East, 100.00 feet; thence South 02 degrees 48 minutes 07 seconds West, 430.49 feet to the Northwesterly line of Woodland Glen 1st Addition, a subdivision in the City of Lee's Summit; thence along said Northwesterly line, North 87 degrees 27 minutes 36 seconds West, 100.00 feet to the East line of Freeman Addition, a subdivision in the City of Lee's Summit; thence along said East line, North 02 degrees 48 minutes 07 seconds East, 430.50 feet to the Point of Beginning.*

SECTION 2. That the following conditions of approval apply:

1. The development shall be constructed in accordance with the residential uses depicted on the preliminary development plan, date stamped September 5, 2018, and architectural elevations date stamped October 3, 2018, and February 12, 2019. Development standards (e.g. setbacks, lot area, etc.) shall be as shown on the preliminary development plan.
2. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated October 3, 2018.
3. Stucco and stone fronts shall be required on all residential facades.
4. At least two (2) gables shall be required on each residential unit for properties in the twin villas area.
5. Wrought iron fencing shall be required to be extended to the perimeter of the subject property along SW Ward Rd and SW Scherer Rd.

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.

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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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian Head*