

AN ORDINANCE APPROVING REZONING FROM DISTRICT PI (PLANNED INDUSTRIAL DISTRICT) AND DISTRICT PMIX (PLANNED MIXED USE DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR OLDHAM VILLAGE PHASE 2 ON APPROXIMATELY 18.78 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHWEST INTERSECTION OF US 50 HWY AND SOUTH M-291 HWY, 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 #PL2024-015 submitted by Engineering Solutions, LLC., requesting approval of a rezoning from PI (Planned Industrial District) and PMIX (Planned Mixed Use District) to PMIX and preliminary development plan on land generally located at the southwest intersection of US 50 Hwy and South M-291 Hwy 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 September 12, 2024, and rendered a report to the City Council recommending that the rezoning and development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 7, 2025, 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 being located in Sections 7 & 8, Township 47, Range 31, Lee's Summit, Jackson County Missouri, being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 7; thence N87°41'40"W along the North line of said Section 7, a distance of 865.12 feet to the Point of Beginning; thence N57°07'36"W, a distance of 498.06 feet; thence S32°47'59"W, a distance of 74.98 feet; thence S2°26'55"W, a distance of 2068.05 feet; thence S87°33'04"E, a distance of 215.90 feet; thence N2°25'22"E, a distance of 555.23 feet; thence S88°17'49"E, a distance of 260.52 feet; thence S2°33'08"W, a distance of 221.84 feet; thence S87°48'02"E, a distance of 280.68 feet; thence S2°32'26"W, a distance of 303.63 feet; thence S88°04'40"E, a distance of 339.94 feet; thence S2°23'57"W, a distance of 37.99 feet; thence S87°48'18"E, a distance of 263.03 feet; thence S2°32'32"W, a distance of 35.08 feet; thence S2°26'02"W, a distance of 787.52 feet; thence S87°43'36"E, a distance of 385.11 feet; thence N23°09'32"E, a distance of 102.58 feet; thence N6°07'34"W, a distance of 1338.91 feet; thence N87°50'52"W, a distance of 62.60 feet; thence N2°37'19"E, a distance of 158.07; thence along a curve to the left tangent to the preceding

course and having a radius of 1375.94 feet, an arc distance of 490.71 feet; thence N87°25'57"W, a distance of 74.50 feet; thence along a curve to the right tangent to the preceding course and having a radius of 250.00 feet, an arc distance of 183.56 feet; thence N43°39'15"W, a distance of 495.95 feet; thence N44°17'15"W, a distance of 122.21 feet; thence N60°40'49"W, a distance of 154.60 feet; thence N57°07'36"W, a distance of 159.79 feet to the Point of Beginning.

Except for the following described areas:

SIMONIN ADDITION---S 250' W 100' LOT 4 (EX PT IN ROW)

And,

Commencing at the Southwest Corner of said Section 8; thence S87°43'36"E along the South line of said Section 8, a distance of 31.24 feet; thence N2°26'02"E, a distance of 406.95 feet to the Point of Beginning; thence N2°26'02"E, a distance of 97.27 feet; thence S87°48'35"E, a distance of 238.48 feet; thence S11°44'25"E, a distance of 100.46 feet; thence N87°45'27"W, a distance of 263.08 feet to the Point of Beginning.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 20' parking lot setback from the right-of-way, to allow parking lot setbacks ranging from 8' to 15' along the South M-291 Hwy right-of-way as depicted on the preliminary development plan.
2. A modification shall be granted to the high impact buffer requirement between the proposed PMIX-zoned development and the abutting PI zoning district, to allow no buffer along a portion of the shared north-south and east-west boundaries between Lot 11 and Abundant Life Baptist Church as depicted in the staff report.
3. A modification shall be granted to the EnVision LS overlay commercial design and architectural standards, to allow the proposed development to follow the standard design and architectural standards of Article 8 of the UDO.
4. Development shall be in accordance with the preliminary development plan dated August 13, 2024, inclusive of the development standards and building elevations uploaded August 2, 2024. However, Lot 13 (grocery), Lot 14 (drive-through restaurant), Lot 15 (drive-through restaurant) and Lot 17 (drive-through restaurant) are approved with conceptual approval only and a preliminary development plan shall be required for said lots prior to final development plan approval.
5. Road improvements for Phase 2 shall be constructed as recommended in the Transportation Impact Analysis conducted by staff dated September 10, 2024.

SECTION 3. That rezoning of the property from PI and PMIX to PMIX shall be as depicted on the preliminary development plan dated August 13, 2024, and appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan dated August 13, 2024, appended hereto as Attachment A; building elevations uploaded August 2, 2024, appended hereto as Attachment B; and the recommendations in the Transportation Impact Analysis, dated September 10, 2024, appended hereto as Attachment C.

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 14th day of January, 2025.



ATTEST:

Deputy Stacy Lombardo
City Clerk ~~Trisha Fowler Arcuri~~

William A. Baird
Mayor William A. Baird

APPROVED by the Mayor of said city this 16th day of January, 2025.

ATTEST:

Deputy Stacy Lombardo
City Clerk ~~Trisha Fowler Arcuri~~

William A. Baird
Mayor William A. Baird

APPROVED AS TO FORM:

Brian W. Head
City Attorney Brian W. Head