

BILL NO. 22-208

AN ORDINANCE APPROVING REZONING FROM DISTRICT PO (PLANNED OFFICE) TO RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT) AND A PRELIMINARY DEVELOPMENT PLAN FOR LAND LOCATED AT 15 NE TUDOR ROAD, 25 NW TUDOR ROAD & 908 NE DOUGLAS STREET, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33 OF THE UNIFIED DEVELOPMENT ORDINANCE FROM THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-243 submitted by Cityscape Residential, requesting approval of a rezoning from PO (Planned Office) to RP-4 (Planned Apartment Residential District) and preliminary development plan on land located at 15 NE Tudor Rd, 25 NW Tudor Rd. & 908 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 September 22, 2022, 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 October 4, 2022, 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 Southeast Quarter of Section 31, Township 48 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows:

Beginning at the Southeast corner of Lot 2A, NEW LEE'S SUMMIT POLICE AND COURT FACILITY, a subdivision of land in the City of Lee's Summit, Jackson County, Missouri; thence N 87°44'22" W, a distance of 227.00 feet; thence S 01°47'50" W, a distance of 106.00 feet; thence S 87°44'22" E, a distance of 227.10 feet, to a point on the West Right-of-Way line of NE Douglas Street, as now established;; thence S 01°47'13" W, along said West Right-of-Way line, a distance of 210.65 feet; thence N 87°44'22" W, a distance of 595.16 feet; thence S 01°39'56" W, a distance of 98.11 feet; thence N 87°41'50" W, a distance of 557.31 feet, to a point on the East Right-of-Way line of NW Commerce Drive, as now established; thence along said East Right-of-Way line for the following four (4) courses; thence Northeasterly on a curve to the left, said curve having an initial tangent bearing of N 54°18'46" E, and a radius of 280.00 feet, an arc distance of 255.67 feet; thence N 01°59'41" E, a distance of 86.24 feet; thence N 87°44'32" W, a distance of 5.00 feet; thence N 01°59'47" E, a distance of 288.45 feet, to a point on the South Right-of-Way line of NE Tudor Road, as now established; thence

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along said South Right-of-Way line for the following seven (7) courses ; thence S 89°24'16" E, a distance of 294.23 feet,; thence Easterly on a curve to the left, said curve having an initial tangent bearing of S 89°24'46" E, and a radius of 2055.00 feet, an arc distance of 53.07 feet; thence N 89°06'56" E, a distance of 401.11 feet; thence S 85°35'40" E, a distance of 117.21 feet; thence Easterly on a curve to the left, said curve having an initial tangent bearing of S 88°24'34" E and a radius of 1936.00 feet, an arc distance of 17.84 feet; thence S 87°52'53" E, a distance of 133.38 feet; thence S 43°02'31" E, a distance of 42.53 feet, to a point on the West Right-of-Way line of NE Douglas Street, as now established; thence S 01°47'50" W, along said West Right-of-Way, a distance of 181.57 feet; to the Point of Beginning, containing 567,567 square feet or 13.0295 acres, more or less, of unplatted land.

SECTION 2. That the following conditions of approval apply:

1. A modification of UDO Sec. 8.620 shall be granted to allow 168 parking stalls to have a minimum width of 8' 6" instead of 9'.
2. A modification of UDO Sec. 6.030, Table 6-2, Density, shall be granted to allow 27.47 units per acre for the RP-4 district instead of 12 units to the acre.
3. A modification of UDO Sec. 6.030, Table 6-2, Minimum Lot Size, shall be granted to allow a minimum lot size of 1,585.38 sf. per unit for the RP-4 district instead of 3,500 sf. per unit.
4. Development shall be in accordance with the preliminary development plan, dated August 9, 2022
5. Development shall be in accordance with the Transportation Impact Analysis, prepared by Brad Cooley, dated September 15, 2022.

SECTION 3. That development shall be in accordance with the rezoning exhibit dated August 9, 2022, the preliminary development plan dated August 9, 2022, building elevations dated of August 9, 2022, and landscape plan dated June 23, 2022 appended hereto as Attachment A and Attachment B, Attachment C, and Attachment D respectively, and made a part hereof.

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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*