

BILL NO. 17-227

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND GENERALLY LOCATED AT THE NE CORNER OF SW VIEW HIGH DRIVE AND SW 3RD STREET IN DISTRICT PMIX, PROPOSED VILLAGE AT VIEW HIGH, 2ND PLAT, LOTS 4-45 AN TRACT B-E, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-167 submitted by Engineering Solutions, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed-Use) on land located generally at the NE corner of SW View High Drive and SW 3rd Street was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a 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 preliminary development plan on October 10, 2017, and rendered a report to the City Council recommending that 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 October 19, 2017, and rendered a decision to 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 a preliminary development plan is hereby approved in District PMIX on the following described property:

A tract of land in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 3; thence South 87° 05' 51" East a distance of 30.00 feet to a point on the Easterly Right of Way line of NW View High Drive, thence South 87° 05' 51" East, a distance of 1,146.07 feet; thence South 03° 29' 13" West, a distance of 391.96 feet, to the Point of Beginning; thence continuing along said previous course, South 03° 29' 13" West, a distance of 218.67 feet; thence North 86° 43' 38" West, a distance of 175.22 feet; thence South 03° 32' 46" West, a distance of 715.81 feet; thence South 87° 08' 35" East, a distance of 343.73 feet; thence North 51° 06' 06" East, a distance of 589.01 feet; thence North 01° 01' 47" East, a distance of 193.89 feet; thence North 03° 13' 16" East, a distance of 346.80 feet; thence North 87° 06' 46" West, a distance of 592.93 feet, returning to the Point of Beginning. Containing 13.78 Acres more or less.

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SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the medium impact screening along the westerly property line, to allow a modified low impact screen consisting of 51 ornamental trees and 64 shrubs within the required buffer area.
2. Development shall be in accordance with the preliminary development plan date stamped September 26, 2017
3. Development standards, including density, lot area, and setbacks, shall be as shown on the preliminary development plan date stamped September 26, 2017.
4. The approved architectural styles, building materials and colors, shall be as shown on the building elevations date stamped September 26, 2017.
5. For Lots 4-42 the front setback shall be a minimum of 15' for the living area and 20' for the garage. Side setbacks shall be a minimum of 5'; street side setbacks shall be a minimum of 15'. Rear setbacks shall be a minimum of 20'.
6. For Lots 43-45 the front setback shall be a minimum of 15' for the living area and 20' for the garage. Side setbacks shall be a minimum of 0' for interior lot lines; street side setbacks shall be a minimum of 20'; 10' between buildings, and 10' for other side yards. Rear setbacks shall be a minimum of 20'.
7. The number of dwelling units shall be limited to 50 until such time as a second point of ingress to and egress from the subdivision is provide via a street connection to Winterset Valley, or an alternate connection is provided as approved by the City Traffic Engineer and City Fire Prevention Officer, per the UDO.
8. This development shall be subject to the development agreement for Village at View High.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 26, 2017, appended hereto 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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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 _____, 2017.

Mayor *Randall L. Rhoads*

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*