

SUBSTITUTE BILL NO. 20-253

AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT RLL FOR APPROXIMATELY 10 ACRES LOCATED AT 1050 NE TODD GEORGE RD, PROPOSED PINE TREE FARM ESTATES 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 #PL2020-240 submitted by Keith Foster, requesting approval of a rezoning from District AG (Agricultural) to RLL (Residential Large Lot) on land located at 1050 NE Todd George 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 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 on October 22, 2020 and December 10, 2020, and rendered a report to the City Council recommending that the rezoning be denied based upon the lack of building elevations for the future homes; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 5, 2021, and after the public hearing held the first reading of this ordinance and provided directions to City staff to prepare revisions to this ordinance that would approve the requested rezoning with additional use restrictions that were read into the record by the applicant during the public hearing; and,

WHEREAS, the applicant subsequently consented in writing to include in this ordinance the additional restrictions that were presented by the applicant during the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning to the RLL (Residential Large Lot) is hereby approved on the following described property (the "Property"):

THE NORTH 330.00 FEET OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP FORTY-EIGHT (48), RANGE THIRTY-ONE (31), IN JACKSON COUNTY, MISSOURI, CONTAINING 10.062 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF TODD GEORGE ROAD, AND SUBJECT TO AN EASEMENT TO THE CITY OF LEE'S SUMMIT OVER A 15.00 FOOT STRIP AS PREVIOUSLY CONVEYED.

SECTION 2. Conditions of approval. The following additional restrictions shall apply to use of the Property, which were provided by the applicant during the public hearing before the City Council and subsequently consented to in writing by the applicant:

A. Minimum square footage requirements, all homes shall comply with the following minimum structure sizes:

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Single Story	1,600 Square Feet
One- and One-Half Story	2,100 Square Feet
Two Story	2,000 Square Feet.

B. Minimum residence front yard setback shall be 40 feet.

C. Parking of Motor Vehicles, Boats and Trailers. No truck, commercial vehicle, trailer, commercial trailer house, recreational vehicle, all-terrain vehicle, camper, motorcycle, automobile, mobile home, boat or boat trailer shall be brought upon, stored or habitually parked on any Lot in the front setback. This shall not be construed to prohibit the temporary (a maximum of twenty-four (24) hours) (a) standing or parking of a trailer, boat, trailer house, recreation vehicle, or mobile home for short periods preparatory to take same to some other location for use; or (b) the temporary standing or parking of a truck or commercial vehicle for loading, or unloading, or (c) the parking of any operational automobile on any driveway on any Lot.

D. Accessory uses and structures. All accessory uses and structures to be in strict accordance as allowed under the Unified Development Ordinance.

E. Adjacency compatibility. All single-family detached structures constructed on any lot within the Property shall be substantially similar to single-family detached structures of adjoining neighborhoods or existing single family homes on large lots in the immediate surrounding area (within 0.25 miles of the Property). This condition shall include substantially similar architectural styles and character of structures, exterior materials and roof pitch.

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.

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 _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*