

BILL NO. 24-180

ORDINANCE APPROVING REZONING FROM DISTRICT R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO DISTRICT PMIX (PLANNED MIXED USE DISTRICT) ON APPROXIMATELY 19.09 ACRES AND A PRELIMINARY DEVELOPMENT PLAN FOR DISCOVERY CROSSING, LOTS 1-9 ON APPROXIMATELY 17.91 ACRES OF LAND LOCATED AT 1810 NE DOUGLAS STREET AND 101 NW COLBERN ROAD, 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 #PL2024-157 submitted by Intrinsic Development, LLC., requesting approval of a rezoning from R-1 (Single-family Residential) to PMIX and preliminary development plan on land located at 1810 NE Douglas Street and 101 NW Colbern Road 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 October 8, 2024, 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:

REZONING FROM R-1 TO PMIX

All that part of Southeast Quarter of Section 30, Township 48 North, Range 31 West, in the city of Lee's Summit, Jackson County, Missouri being more particularly described as follows: commencing at the northwest corner of the Southeast Quarter of said Section 30, thence South 01 degree 36 minutes 54 seconds West, with the west line of the Southeast Quarter of said Section 30, a distance of 93.33 feet to a point on the southerly right-of-way line of NE Colbern Road, said point also being the point of beginning; thence with the southerly right-of-way line of NE Colbern Road, on a curve to the right, having a radius of 1947.00 feet, a central angle of 09 degrees 08 minutes 59 seconds, an initial tangent bearing of North 82 degrees 50 minutes 21 seconds East, an arc distance of 310.92 feet; thence South 88 degrees 00 minutes 37 seconds East, continuing with the southerly right-of-way line of NE Colbern Road, a distance of 633.63 feet; thence South 81 degrees 14 minutes 05 seconds East continuing with the southerly right-of-way line of NE Colbern Road, a distance of 101.71 feet; thence South 88 degrees 00 minutes 37 seconds East, continuing with the southerly right-of-way line of NE Colbern Road, a distance of 150.38 feet to a point on the west right-of-way line of NE Douglas Street; thence South 43 degrees 46 minutes 12 seconds East with the west right-of-way line NE Douglas Street, a distance

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of 72.29 feet; thence South 01 degree 30 minutes 09 seconds West, with the west right-of-way line of NE Douglas Street, a distance of 280.00 feet to a point on the northerly right-of-way line of Interstate Route 470; thence South 57 degrees 31 minutes 40 seconds West, with the northerly right-of-way line of Interstate Route 470, a distance of 133.88 feet; thence South 64 degrees 30 minutes 42 seconds West, continuing with the northerly right-of-way line of Interstate Route 470, a distance of 434.06 feet; thence South 63 degrees 05 minutes 07 seconds West, continuing with the northwesterly right-of-way line of Interstate Route 470, a distance of 254.50 feet; thence South 69 degrees 50 minutes 14 seconds West, continuing with the northwesterly right-of-way line of Interstate Route 470, a distance of 250.20 feet; thence South 72 degrees 07 minutes 40 seconds West, continuing with the northwesterly right-of-way line of Interstate Route 470, a distance of 311.30 feet to a point on the west line of said Southeast Quarter of Section 30; thence North 01 degree 36 minutes 54 seconds East, with the west line of the Southeast Quarter of Section 30, a distance of 916.83 feet to the point of beginning. The above described tract contains 831,550 square feet or 19.09 acres.

AND

PRELIMINARY DEVELOPMENT PLAN

All that part of Southeast Quarter and all that part of the Southwest Quarter all in Section 30, Township 48 North, Range 31 West, in the city of Lee's Summit, Jackson County, Missouri being more particularly described as follows: commencing at the northwest corner of the Southeast Quarter of said Section 30, thence South 01 degree 36 minutes 54 seconds West, with the west line of the Southeast Quarter of said Section 30, a distance of 93.33 feet to a point on the southerly right-of-way line of NE Colbern Road, said point also being the point of beginning; thence with the southerly right-of-way line of NE Colbern Road, on a curve to the right, having a radius of 1947.00 feet, a central angle of 09 degrees 08 minutes 59 seconds, with an initial tangent bearing of North 82 degrees 50 minutes 24 seconds East, an arc distance of 310.92 feet; thence South 88 degrees 00 minutes 37 seconds East, continuing with the southerly right-of-way line of NE Colbern Road, a distance of 633.63 feet; thence South 81 degrees 14 minutes 05 seconds East continuing with the southerly right-of-way line of NE Colbern Road, a distance of 101.71 feet; thence South 88 degrees 00 minutes 37 seconds East, continuing with the southerly right-of-way line of NE Colbern Road, a distance of 150.38 feet to a point on the west right-of-way line of NE Douglas Street; thence South 43 degrees 46 minutes 12 seconds East with the west right-of-way line NE Douglas Street, a distance of 72.29 feet; thence South 01 degree 30 minutes 09 seconds West, with the west right-of-way line of NE Douglas Street, a distance of 280.00 feet to a point on the northerly right-of-way line of Interstate Route 470; thence South 57 degrees 31 minutes 40 seconds West, with the northerly right-of-way line of Interstate Route 470, a distance of 133.88 feet; thence South 64 degrees 30 minutes 42 seconds West, continuing with the northerly right-of-way line of Interstate Route 470, a distance of 434.06 feet; thence South 63 degrees 05 minutes 07 seconds West, continuing with the northwesterly right-of-way line of Interstate Route 470, a distance of 254.50 feet; thence South 69 degrees 50 minutes 14 seconds West, continuing with the northwesterly right-of-way line of Interstate Route 470, a distance of 41.37 feet; thence North 17 degrees 05 minutes 47 seconds West, and no longer with the northwesterly right-of-way line of Interstate Route 470, a distance of 133.72 feet; thence North 89 degrees 00 minutes 17 seconds West, a distance of 323.18 feet; thence North

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00 degrees 59 minutes 43 seconds East, a distance of 205.40 feet; thence North 86 degrees 57 minutes 34 seconds West, a distance of 55.51 feet; thence on a curve to the left, having a radius of 75.00 feet, a central angle of 93 degrees 52 minutes 08 seconds, an initial tangent bearing of North 02 degrees 47 minutes 08 seconds East, an arc distance of 122.87 feet; thence South 88 degrees 55 minutes 00 seconds West, a distance of 74.65 feet to a point of curvature; thence on a curve to the right, having a radius of 775.00 feet, a central angle of 07 degrees 45 minutes 28 seconds, an arc distance of 104.93 feet to a point of reverse curvature; thence on a curve to the left, having a radius of 175.00 feet, a central angle of 11 degrees 40 minutes 21 seconds, an arc distance of 35.65 feet; thence North 04 degrees 59 minutes 53 seconds West, a distance of 51.69 feet; thence North 17 degrees 27 minutes 41 seconds West, a distance of 218.27 feet to a point on the southerly right-of-way line of NE Colbern Road; thence with the southerly right-of-way line of NW Colbern Road on a curve to the right, said curve having a radius of 1947.00 feet, a central angle of 09 degrees 18 minutes 13 seconds, with an initial tangent bearing of North 73 degrees 32 minutes 08 seconds East, an arc distance of 316.15 feet to the point of beginning. The above described tract contains 780,261 square feet or 17.91 acres.

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 a minimum 5.77' parking lot setback along the I-470 right-of-way.
2. Development shall be in accordance with the preliminary development plan with a revision date of July 26, 2024; landscape plan with a revision date of July 30, 2024; architectural renderings uploaded June 20, 2024; and design guidelines prepared by the developer uploaded June 20, 2024.
3. The development standards (e.g. setbacks, building heights, lot sizes, etc.) and range of allowable land uses that will govern the subject PMIX development shall be the established development standards and allowable land uses of the CP-2 zoning district.
4. Development shall be in accordance with the recommended road improvements included in the TIA dated, August 28, 2024, prepared by Erin Ralovo, P.E., Senior Staff Engineer.
- 5.

SECTION 3. That rezoning of the property from R-1 to PMIX shall be as depicted on the rezoning exhibit contained, Sheet C103, within the preliminary development plan to as Attachment A. Development shall be in accordance with the preliminary development plan set revision dated July 26, 2024, appended hereto as Attachment A; landscape plan revision dated July 30, 2024, appended hereto as Attachment B; architectural renderings uploaded June 20, 2024, appended hereto as Attachment C; and design guidelines uploaded June 20, 2024, appended hereto as Attachment D.

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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 _____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*