

## **BILL NO. 22-107**

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AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) AND PRELIMINARY DEVELOPMENT PLAN FOR WHATABURGER ON LAND LOCATED AT 204 SW M-150 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 #PL2022-79 submitted by Whatabrands, LLC, requesting approval of a rezoning from AG (Agricultural) to CP-2 (Planned Community Commercial) and preliminary development plan on land located at 204 SW M-150 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 April 28, 2021, 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 May 24, 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:

*PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 47, NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:*

*BEING ALL OF TRACT "A", ON THE CERTIFICATE OF SURVEY, RECORDED JULY 27, 2021 AS DOCUMENT NO. 2021E0081920 IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ALSO DESCRIBED AS FOLLOWS:*

*BEGINNING AT A 1/2" IRON PIN SET FOUND (ID:2651) AT THE RIGHT OF WAY LINE INTERSECTION OF 150 HIGHWAY AND HOLLYWOOD DRIVE; THENCE WITH THE EAST RIGHT OF WAY LINE OF SAID HOLLYWOOD DRIVE IN N02°24'42"E A DISTANCE OF 190.89 FEET TO A 1/2" IRON PIN FOUND (ID:2651); THENCE WITH THE RIGHT OF WAY LINE INTERSECTION OF SAID HOLLYWOOD DRIVE AND SUMMITCREST DRIVE WITH A CURVE TURNING TO THE RIGHT OF WAY WITH AN ARC LENGTH OF 31.05 FEET WITH A RADIUS OF 20.00 FEET WITH A CHORD BEARING ON N47°11'11"E, WITH A CHORD LENGTH OF 28.02 FEET TO A 1/2" IRON PIN FOUND (ID:2651); THENCE WITH THE SOUTH RIGHT OF WAY LINE OF SAID SUMMITCREST DRIVE S88°15'48" E A DISTANCE OF 282.03 FEET TO A 1/2" IRON PIN FOUND (ID: 2651); THENCE LEAVING SAID RIGHT OF WAY LINE WITH THE WEST LINE OF HAWKINS COMMERCIAL LOT 1, RECORDED IN DOCUMENT NO. 2000I0062550 S02°26'57"W A DISTANCE OF 208.22 FEET TO A 3/8" IRON PIN FOUND IN THE NORTH RIGHT OF WAY LINE OF SAID 150 HIGHWAY; THENCE WITH SAID NORTH*

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*RIGHT OF WAY LINE N88°42'20" W A DISTANCE OF 301.67 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 63,083 SQUARE FEET, 1.448 ACRES, MORE OR LESS.*

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated September 13, 2021, revised March 29, 2022.
2. Development shall be in accordance with the Transportation Impact Analysis by Brad Cooley, P.E., dated April 19, 2022 - 3 pages.

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 \_\_\_\_\_, 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*