

BILL NO. 22-111

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR TRISTAR AT LEE'S SUMMIT ON APPROXIMATELY 54 ACRES LOCATED ON THE EAST SIDE OF OLD 291 HWY APPROXIMATELY 1/2 NORTH 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 #PL2022-74 submitted by Engineering Solutions, LLC., requesting approval of a rezoning from AG (Agricultural) to RP-4 (Planned Apartment Residential District) and preliminary development plan on approximately 54 acres located on the east side of Old 291 Hwy approximately 1/2 north 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:

PROPERTY DESCRIPTION

(First American Title Insurance Company, Commitment No. NCS-1089404-STLO

(September 24, 2021 at 8:00 AM)

Description taken verbatim from Commitment

TRACT 1:

ALL THAT PART OF THE NORTH 1/2 OF THE SECTION 29, TOWNSHIP 47, RANGE 31, IN THE LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SECTION 29, THENCE EAST ALONG THE 1/2 SECTION LINE 659.4 FEET; THENCE NORTH 223.13 FEET; THENCE WEST 1953.62 FEET TO A POINT IN THE EAST LINE OF U.S. HIGHWAY NO. 71 BY-PASS; THENCE SOUTH ALONG SAID EAST LINE 223.13 FEET TO A POINT IN THE EAST AND WEST CENTER LINE OF SAID SECTION 29; THENCE EAST ALONG SAID CENTER LINE 1292.8 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

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*TRACT 2:
PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 47 RANGE 31, IN THE LEE'S SUMMIT, JACKSON COUNTY MISSOURI, DESCRIBED AS FOLLOWS :
BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 47, RANGE 31, RUNNING THENCE NORTH 59 POLES, THENCE WEST 120 POLES, THENCE SOUTH 59 POLES THENCE EAST 120 POLES TO THE POINT OF BEGINNING.*

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan, revised March 28, 2022; Quad (fourplex) photos, time stamped March 30, 2022; and Clubhouse photos, time stamped March 30, 2022.
2. Development shall be in accordance with the Transportation Impact Analysis, prepared by Brad Cooley, P.E., dated April 19, 2022.
3. A comprehensive plan amendment shall be submitted and approved prior to the approval of a final plat.
4. A minimum of 0.046 in. (.46 mm) vinyl siding shall be used on the exterior of the structures.
5. The courtyard ranch style façades shall be broken up through a combination of color and material changes.

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*

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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 Head*