

SUBSTITUTE BILL NO. 22-114

AN ORDINANCE APPROVING A REZONING FROM DISTRICT PMIX TO DISTRICT PI AND A PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 49.85 ACRES LOCATED AT THE SOUTHEAST CORNER OF M-291 HWY AND SE BAILEY RD, PROPOSED LS INDUSTRIAL, 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 #PL2022-122 submitted by Gary O'Dell, requesting approval of a rezoning from District PMIX (Planned Mixed Use) to PI (Planned Industrial) and preliminary development plan, approximately 49.85 acres located at the southeast corner of M-291 Hwy and SE Bailey 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 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 May 26, 2022, 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 June 7, 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 from PMIX (Planned Mixed Use) to PI (Planned Industrial) and preliminary development plan is hereby approved on the following described property:

A tract of land being part of the Northeast and Northwest Quarters of Section 17, Township 47 North, Range 31 West of the Fifth Principal Meridian, in the City of Lee's Summit, Jackson County, Missouri, said tract more particularly described as follows:

COMMENCING at the Northwest corner of said Northeast Quarter; thence South 87°43'34" East, along the North line of said Northeast Quarter, a distance of 42.89 feet; thence South 02°16' 26" West, departing said North line, a distance of 49.92 feet, to the intersection of the South line of Bailey Road established by a Right-of-Way deed recorded as Instrument Number 2010E0113177 and the Westerly line of Union Pacific Railroad (formerly Missouri Pacific Railroad Company) established by Special Warranty Deed recorded as Document Number 1971i0083905 in Book i252 at Page 675, said intersection also being the POINT OF BEGINNING; thence South 29°25'44" East, along said Westerly railroad line, a distance of 1,488.22 feet, to the intersection of said Westerly railroad line with the North line of WATT ACRES, a subdivision of land in said city, county and state, recorded in Book 18, Page 93, said line also being the South line of the Northwest Quarter, of said Northeast Quarter; thence North 87°32'47" West, departing said Westerly railroad

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line, along said North line of WATT ACRES, and along said South line, a distance of 832.35 feet, to the Southwest corner of said Northwest Quarter of the Northeast Quarter, said corner being on the East line of MADDUX ACRES, a subdivision in said city, county and state, recorded in Book 21, Page 55; thence North 02°35'45" East, departing said North line, along the West line of said Northwest Quarter of the Northeast Quarter, and along said East line, a distance of 358.32 feet, to the Northeast corner of said MADDUX ACRES; thence North 87°49'40" West, departing said West line, along the North line of said subdivision, a distance of 1,020.02 feet, to the Northeast corner of Lot 3, of said subdivision; thence South 02°34'12" West, departing said North line, along the East line of said Lot 3, a distance of 295.01 feet, to the Southeast corner of said Lot 3, said point also being a point on the North Right-of-Way line of 16th Street, as now established; thence North 87°59'13" West, departing said East lot line, along said North Right-of-Way line, a distance of 130.00 feet, to a point at the Southwest corner of said Lot 3; thence North 02°33'49" East, departing said North Right-of-Way line, along the West line of said Lot 3, a distance of 295.37 feet, to the Northwest corner of said Lot 3, said point also being on said North line of MADDUX ACRES; thence North 87°49'40" West, departing said West Lot line, along said North line a distance of 357.53 feet, to a point on the East Right-of-Way line of Missouri State Highway No. 291, as now established; thence North 26°18'22" West, along said East Right-of-Way line, a distance of 55.42 feet; thence North 26°59'32" West, continuing along said East Right-of-Way line, a distance of 256.78 feet; thence North 26°51'12" West, continuing along said East Right-of-Way line, a distance of 241.77 feet, to a point on a non-tangent curve; thence continuing along said East Right-of-Way line, along a curve to the right, having a radius of 1,707.58 feet, a chord bearing of North 18°02'37" West, a central angle of 13°09'41", and an arc length of 392.24 feet; thence North 32°13'27" East, a distance of 61.84 feet, to a point on the South Right-of-Way line of Bailey Road established by a Right-of-Way deed recorded as Instrument Number 2010E0113177; thence South 87°49'40" East, along said South Right-of-Way line, a distance of 1,930.59 feet, to the POINT OF BEGINNING, containing 2,171,524.67 square feet or 49.85 acres.

SECTION 2. That the following conditions of approval apply:

1. An updated sanitary sewer analysis will need to be submitted and approved prior to the approval of any final design / development documents.
2. The applicant shall be required to provide an offsite public sanitary sewer connection to the south at a location to be identified by City staff.
3. Development shall be in accordance with the preliminary development plan dated February 25, 2022, and building elevations with revised dates of May 16, 2022.
4. An Alternate Parking Plan shall be approved for the development as depicted on the preliminary development plan and consistent with the supporting documentation of parking for comparable industrial developments provided to staff with an upload date of May 16, 2022.
5. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements addressed in the City Traffic Engineer's TIA dated April 29, 2022. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office.

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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*