

BILL NO. 22-149

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR EAGLE CREEK VILLAS ON LAND LOCATED AT 2101 SW EAGLE VIEW DR AND 2250 SW PRYOR RD, 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 #PL2022-151 submitted by Hunt Midwest Real Estate Development, Inc, requesting approval of a preliminary development plan on land located at 2101 SW Eagle View Dr. and 2250 SW Pryor Rd. was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a 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 public hearings for the consideration of the preliminary development plan on July 14, 2022, and rendered a report to the City Council recommending that the 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 July 26, 2022, and rendered a decision to approve the 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 preliminary development plan is hereby approved on the following described property:

NORTH AREA LEGAL DESCRIPTION:

PART OF THE NE 1/4 OF SECTION 23, TOWNSHIP 47 NORTH, RANGE 32 WEST: BEGINNING AT THE NORTHEAST CORNER THENCE WEST ALONG NORTH LINE OF SAID SECTION 75' MORE OR LESS TO THE TRUE POINT OF BEGINNING THENCE SOUTH 2 DEGREES 46 MINUTES 08 SECONDS WEST 636.07' THENCE ALONG CURVE RIGHT RADIUS 25' DISTANCE 39.27' THENCE NORTH 87 DEGREES 13 MINUTES 52 SECONDS WEST; 291.02' THENCE NORTH 88 DEGREES 8 MINUTES 52 SECONDS WEST 132' MORE OR LESS THENCE NORTH 0 DEGREES 25 MINUTES 27 SECONDS EAST 331.38' THENCE NORTH 65 DEGREES 49 MINUTES 2 SECONDS WEST 78.96' THENCE NORTH 3 DEGREES 10 MINUTES 35 SECONDS WEST 169.46' THENCE SOUTH 86 DEGREES 49 MINUTES 25 SECONDS WEST 15.68' THENCE NORTH 3 DEGREES 10 MINUTES 35 SECONDS WEST 133.02' THENCE EAST 581' MORE OR LESS TO TRUE POINT OF BEGINNING

SOUTH AREA LEGAL DESCRIPTION:

PART OF THE NE 1/4 OF SECTION 23, TOWNSHIP 47 NORTH, RANGE 32 WEST: BEGINNING AT THE NE CORNER OF LOT 206 EAGLE CREEK 5TH PLAT THENCE NORTH 87 DEGREES 41 MINUTES 31 SECONDS WEST 1965.4' THENCE NORTH 2 DEGREES 46 SECONDS 08 MINUTES EAST 197.92' THENCE NORTHEASTERLY ALONG CURVE LEFT RADIUS 830' DISTANCE 429.57' THENCE NORTH 63 DEGREES 26 MINUTES 11 SECONDS EAST 285.62' THENCE NORTHLY ALONG CURVE TO RIGHT RADIUS 1270' DISTANCE 688.40' THENCE SOUTH 85 DEGREES 30 MINUTES 24 SECONDS EAST 328.06' THENCE NORTH 87 DEGREES 13 MINUTES 52 SECONDS EAST 290.91' THENCE SOUTHEASTERLY ALONG CURVE RIGHT RADIUS 25' DISTANCE 39.27' THENCE SOUTH 2 DEGREES 46 MINUTES 08 SECONDS WEST 555.81' TO POINT OF BEGINNING.

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SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan with elevations, revised date for staff comments May 23, 2022 and revised date for elevations June 2, 2022 (attached to this ordinance as Exhibit A).
2. All right-of-way and any other easements, including temporary construction easements, necessary for the construction of the City's Pryor Road Capital Improvement Project adjacent to Eagle Creek shall be donated.
3. Any private improvements that will encroach the right-of-way following the City's Pryor Road Capital Improvement Project will require a license agreement to stay in place.

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.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*