

BILL NO. 22-209

AN ORDINANCE APPROVING REZONING FROM DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT PI (PLANNED INDUSTRIAL) AND A PRELIMINARY DEVELOPMENT PLAN FOR LAND LOCATED AT 500 NE TOWN CENTRE DRIVE, 2201 NE TOWN CENTRE BOULEVARD, 2251 NE TOWN CENTRE BOULEVARD AND 2150 NE INDEPENDENCE AVENUE, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33 OF THE UNIFIED DEVELOPMENT ORDINANCE FROM THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-234 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from CP-2 (Planned Community Commercial) to PI (Planned Industrial) and preliminary development plan on land located at 500 NE Town Centre Dr, 2201 NE Town Centre Blvd, 2251 NE Town Centre Blvd and 2150 NE Independence Ave 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 22, 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 October 4, 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:

TRACT 1

ALL OF LOT 2, LEE'S SUMMIT TOWN CENTRE, LOT 1 & LOT 2, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.

TRACT 2, 3 AND 4

ALL THAT PART OF THE N ½ OF THE NW ¼ OF SECTION 29, TOWNSHIP 48 NORTH, RANGE 31 WEST, NOW IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW ¼ OF SECTION 29; THENCE S 1°35'52" W, ALONG THE EAST LINE OF THE N ½ OF THE NW ¼ OF SAID SECTION 29, A DISTANCE OF 990.83 FEET, TO THE EASTERLY PROLONGATION OF THE NORTH LINE OF LOT 3, LEE'S SUMMIT TOWN CENTRE; THENCE N 88°15'22" W, ALONG THE PROLONGATION OF THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 30.00 FEET, TO THE NE CORNER OF SAID LOT 3, BEING THE POINT OF BEGINNING OF SUBJECT TRACT; THENCE CONTINUING N 88°15'22" W, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 530.91 FEET TO THE NW CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE EAST LINE OF LOT 1, LEE'S SUMMIT TOWN CENTRE, LOT 1 & LOT 2; THENCE (THE FOLLOWING 5 COURSES ARE ALONG THE PERIMETER OF SAID LOT 1) N 1°42'31" E, A DISTANCE OF 255.47 FEET; THENCE N 88°17'29" W, A DISTANCE OF 57.36 FEET; THENCE N 1°42'31" E, A DISTANCE OF 151.50

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FEET; THENCE N 88°17'29" W, A DISTANCE OF 683.90 FEET; S 1°35'47" W, A DISTANCE OF 151.50 FEET, TO THE NE CORNER OF LOT 2, LEE'S SUMMIT TOWN CENTRE, LOT 1 & LOT 2; THENCE N 88°17'29" W, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 75.63 FEET, TO THE NW CORNER OF SAID LOT 2, ALSO POINT ON THE EAST RIGHT-OF-WAY LINE OF TOWN CENTRE BOULEVARD; THENCE N 1°42'31" E, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 405.81 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE EAST, SOUTHEASTERLY AND SOUTH RIGHT-OF-WAY LINE, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET FOR AN ARC LENGTH OF 424.28 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE, S 88°15'23" E, A DISTANCE OF 1075.54 FEET, TO THE POINT OF INTERSECTION OF THE SOUTH LINE OF TOWN CENTRE BOULEVARD AND THE WEST RIGHT-OF-WAY LINE OF INDEPENDENCE AVENUE; THENCE S 1°35'52" W, ALONG SAID WEST OF RIGHT-OF-WAY LINE, A DISTANCE OF 930.95 FEET TO THE POINT OF BEGINNING.

TRACTS 1-4 CONTAINS 985,741.48 SQ. FT. OR 22.63 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 August 9, 2022, and building renderings and elevations dated August 22, 2022.
2. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the off-site public sanitary sewer main extension. No permits shall be issued until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office.

SECTION 3. That development shall be in accordance with the preliminary development plan dated August 9, 2022, and building elevations dated of August 22, 2022, appended hereto as Attachment A and Attachment B, respectively, and made a part hereof.

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.

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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*