

BILL NO. 23-003

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR BLUE JEANS GOLF ON LAND LOCATED AT 1501 NE US 40 HWY IN DISTRICT AG, CP-2 AND PI, 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 #PL2022-365 submitted by Blue Jeans Golf, LLC, requesting approval of a preliminary development plan on land located at 1501 NE US 40 Hwy 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 December 8, 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 January 10, 2023, 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:

TRACT 1:

ALL OF LOTS 1 AND 2, GOLF PARK, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF;

AND

TRACT 2:

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 49, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 02°11'16" WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1311.99 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, GOLF PARK, A SUBDIVISION OF LAND IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THEN NORTH 88°05'23" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 460.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 78°11'57" WEST, A DISTANCE OF 79.71 FEET; THENCE NORTH 33°23'37" WEST, A DISTANCE OF 39.34 FEET; THENCE NORTH 52°34'23" WEST, A DISTANCE OF 56.47 FEET; THENCE NORTH 18°48'15" WEST, A DISTANCE OF 70.47 FEET; THENCE NORTH 06°13'25" EAST, A DISTANCE OF 55.54 FEET; THENCE NORTH 46°50'20" EAST, A DISTANCE OF 49.31 FEET; THENCE NORTH 32°48'05" EAST, A DISTANCE OF 85.43 FEET; THENCE NORTH 10°46'25" EAST, A DISTANCE OF 33.83 FEET; THENCE NORTH 06°23'36" WEST, A DISTANCE OF 40.70 FEET; THENCE NORTH 26°09'29" WEST, A DISTANCE OF 46.64 FEET; THENCE NORTH 55°17'29" WEST, A DISTANCE OF 72.55 FEET; THENCE NORTH 75°31'37" WEST, A DISTANCE OF 41.70 FEET; THENCE NORTH 13°13'31" WEST, A DISTANCE OF

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50.00 FEET; THENCE NORTH 40°02'36" EAST, A DISTANCE OF 66.92 FEET; THENCE NORTH 80°54'40" EAST, A DISTANCE OF 79.36 FEET; THENCE SOUTH 70°12'55" EAST, A DISTANCE OF 82.01 FEET; THENCE SOUTH 87°48'44" EAST, A DISTANCE OF 32.09 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE SOUTH 02°11'16" WEST, ALONG SAID WEST LINE A DISTANCE OF 562.08 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING FROM TRACTS 1 AND 2 ABOVE:

ALL THAT PART OF LOT 1, GOLF PARK, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, LYING ON THE RIGHT OR SOUTHERLY SIDE OF THE FOLLOWING DESCRIBED EASTBOUND ROUTE 40 IMPROVEMENT CENTERLINE, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, GOLF PARK, WHICH IS ALSO A POINT ON THE EXISTING SOUTHWESTERLY RIGHT OF WAY LINE OF THE EASTBOUND ROUTE 40 CENTERLINE; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 AND THE EXISTING SOUTHWESTERLY RIGHT OF WAY LINE TO A POINT 19.812 METERS (65 FEET) RIGHT OF STATION 21+690; THENCE SOUTHWESTERLY TO A POINT 23 METERS (75.46 FEET) RIGHT OF STATION 21+644.844 WHICH IS ALSO A POINT ON THE WEST LINE OF SAID LOT 1, GOLF PARK; THENCE NORTHERLY ALONG SAID WEST LOT LINE OF LOT 1 TO THE POINT OF BEGINNING.

THE EASTBOUND ROUTE 40 IMPROVEMENT CENTER LINE IS LOCATED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 28, T49N, R31W; THENCE SOUTH 45 DEGREES 25'12" WEST A DISTANCE OF 109.195 METERS TO A POINT ON SAID CENTERLINE AT STATION 21+700; THENCE THE CENTERLINE EXTENDS NORTH 60 DEGREES 01'34" WEST A DISTANCE OF 170 METERS TO STATION 21+530.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated November 7, 2022, including the building elevations and renderings contained therein.

SECTION 3. Development shall be in accordance with the preliminary development plan dated November 7, 2022., as conditioned above and appended hereto as Attachment A.

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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*