

BILL NO. 23-075

AN ORDINANCE APPROVING REZONING FROM DISTRICT AG (AGRICULTURAL) TO DISTRICT RP-3 (PLANNED RESIDENTIAL MIXED USE) AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 74 ACRES LOCATED ALONG THE WEST SIDE OF SE HAMBLÉN ROAD, ½ MILE SOUTH OF SE THOMPSON DRIVE, 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 #PL2022-217 submitted by Hamblen Road Project, LLC, requesting approval of a rezoning from AG (Agricultural) to RP-3 (Planned Residential Mixed Use) and preliminary development plan on approximately 74 acres located along the west side of SE Hamblen Road, ½ mile south of SE Thompson Drive 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 February 23, 2023, 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 March 21, 2023, 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:

A Tract of Land lying in the Southwest Quarter of Section 21, Township 47 North, Range 30 West, Jackson County, Missouri and being more fully described as follows:

Beginning at a 5/8" Iron Pin marking the Southwest Corner of said Section 21; thence North 02 degrees 26 minutes 51 seconds East along the West Line of said Section, a distance of 2077.84 feet to a 3/8" Iron Pin; thence South 75 degrees 57 minutes 15 seconds East leaving said West Line, a distance of 1038.43 feet to the centerline of SE Hamblen Road, from which a 5/8" Iron Pin bears North 75 degrees 57 minutes 15 seconds west, a distance of 30.00 feet; thence South 05 degrees 32 minutes 57 seconds West along said centerline 625.49 feet; thence South 56 degrees 07 minutes 03 seconds East along said centerline 657.58 feet; thence South 83 degrees 22 minutes 03 seconds East along said centerline 685.95 feet; thence South 08 degrees 52 minutes 03 seconds East along said centerline 867.06 feet to the South line of said Section, from which a 5/8" Iron Pin bears North 87 degrees 34 minutes 59 seconds West 30.00 feet; thence North 87 degrees 34 minutes 59 seconds West leaving said centerline and along said South Line 2398.69 feet to the Point of Beginning, Containing 74.1 acres, more or less, with the above described

BILL NO. 23-075

being subject to that portion now being used for public road purposes and subject to other easements and rights-of-way of record or not record, if any.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated October 20, 2022, single-family elevations upload dated December 22, 2022, duplex elevations upload dated December 22, 2022, and clubhouse elevations upload dated November 14, 2022.
2. Development shall be in accordance with the recommended road improvements addressed in the City Traffic Engineer's revised TIA dated February 14, 2023.
3. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, off-site water line improvements and off-site road improvements addressed in the City Traffic Engineer's revised TIA dated February 14, 2023. 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.

SECTION 3. That rezoning of the property from AG to RP-3 and development shall be in accordance with the preliminary development plan dated October 20, 2022, appended hereto as Attachment A; single-family elevations upload dated December 22, 2022, appended hereto as Attachment B; duplex elevations upload dated December 22, 2022, appended hereto as Attachment C; and clubhouse elevations upload dated November 14, 2022, appended hereto as Attachment D, 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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

BILL NO. 23-075

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*