

BILL NO. 18-106

AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT PMIX AND PRELIMINARY DEVELOPMENT PLAN LOCATED AT 500 SE M-150 HWY, PROPOSED COBEY CREEK DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-050 submitted by JCM Development, LLC, requesting approval of a rezoning from District AG (Agricultural district) to District PMIX (Planned Mixed Use District) and preliminary development plan on land located at 500 SE M-150 Hwy 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 June 12, 2018, 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 July 12, 2018, 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:

All that part of the Southeast Quarter of Section 29, Township 47 North, Range 31 West, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 02°30'29" East, along the East line of the Southeast Quarter of said Section 29, a distance of 58.62 feet; thence departing said East line, North 87°29'31" West, a distance of 40.00 feet to the North right-of-way line of Missouri State Highway No. 150, as now established, and the Point of Beginning; thence South 85°26'23" West, along the North right-of-way line of said Missouri State Highway No. 150, a distance of 142.47 feet; thence South 65°50'12" West, continuing along said North right-of-way line, a distance of 27.99 feet; thence continuing along said North right-of-way line, North 87°54'10" West, along a line 30 feet North of and parallel with the South line of said Southeast Quarter, a distance of 1436.75 feet; thence departing said North right-of-way line, North 02°32'36" East, a distance of 2613.35 feet to the North line of said Southeast Quarter; thence South 87°44'49" East, along the North line of said Southeast Quarter, a distance of 1641.53 feet to the Northeast corner of said Southeast Quarter; thence South 02°30'29" West, along the East line of said Southeast Quarter, a distance of 1081.05 feet; thence departing said East line, North 87°29'31" West, a distance of 30.00 feet; thence South 02°30'29" West, along a line 30 feet West of and parallel with the East line of said Southeast Quarter, a distance of

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1302.74 feet; thence South 08°13'07" West, a distance of 100.51 feet; thence South 02°30'29" West, along a line 40 feet West of and parallel with the East line of said Southeast Quarter, a distance of 96.45 feet to the Point of Beginning. Containing 4,237,595.37 square feet or 97.28 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 700-foot maximum block length, to allow an approximate block length of 835 feet for Road "C" (north/south, adjacent to lots 1-23) and Road "D".
2. A modification shall be granted to the 700-foot maximum block length, to allow an approximate block length of 1160 feet for Road "J", Road "K" and Road "C" (east/west, adjacent to lots 32-58), subject to the provision of a 15-foot wide pedestrian way connecting Road "J" through Road "K" to Road "C".
3. A modification shall be granted to the maximum allowance of 50 dwelling units on a single point of access, to allow 51 lots be platted as part of the first phase of the subdivision with one (1) point of ingress and egress.
4. Development shall be in accordance with the preliminary development plan, date stamped May 22, 2018.
5. Development standards (e.g. setbacks, lot widths, lot size, building height, etc.) for the commercial pad sites shall follow the CP-2 district standards. Development standards for the premiere and villa style single-family residential lots shall follow the RP-1 district standards. Development standards for the two-family residential area shall follow the RP-2 district standards.
6. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated June 6, 2018.

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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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 _____, 2018.

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Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2018.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian Head*