

## **BILL NO. 19-01**

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AN ORDINANCE APPROVING REZONING FROM DISTRICT AG AND R-1 TO DISTRICT RP-3 AND PRELIMINARY DEVELOPMENT PLAN LOCATED AT THE SOUTHWEST CORNER OF SW PRYOR ROAD AND SW MO-150 HIGHWAY, PROPOSED ALLERA DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33 OF THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-184 submitted by Olsson Associates, requesting approval of a rezoning from District AG (Agricultural district) and R-1 (Single-Family Residential) to RP-3 (Planned Residential Mixed Use) and preliminary development plan on land located at the southwest corner of SW Pryor Road and SW M-150 Highway 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 December 13, 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 January 8, 2019, 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 in the Northeast Quarter of the Northeast Quarter of Section 35, Township 47 North, Range 32 West of the 5th Principal Meridian, including part of Lots 1, 2 and 3, SALVAGGIO'S RANCH, a subdivision of land, all in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 35; thence South 02°08'00" West, along the East line of said Northeast Quarter, 658.78 feet to the Southeast corner of the North Half of the Northeast Quarter of the Northeast Quarter of said Section 35; thence North 88°08'29" West, along the South line of said North Half, 50.00 feet to the Southeast Corner of said Lot 3, said point also being on the Westerly right of way line of SW Prior Road as now established and the Point of Beginning of the tract of land to be herein described; thence South 88°08'29" East, along said North Line and along said Westerly right of way line, 10.00 feet; to the Westerly right of way line of said SW Pryor Road as established by Document 1963I814460, in Book 1634, at page 487, being on a line that 40.00 West of and parallel with the East line of the Northeast Quarter of said Section 35; thence South 02°08'00" West, along last said Westerly right of way line and said parallel line, 658.80 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter

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of said Section 35; thence North 88°09'45" West, along said South line, 1280.31 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 35; thence North 02°10'22" East, along the West line of the Northeast Quarter of the Northeast Quarter of said Section 35, 659.27 feet to the Southwest corner of the North Half of the Northeast Quarter of the Northeast Quarter of said Section 35; thence South 88°08'29" East, along the South line of said North Half of the Northeast Quarter of the Northeast Quarter of said Section 35, 329.96 feet to the Southwest corner of the East Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 35; thence North 02°09'46" East, along the West line of East Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 35, 558.45 feet to a point on the Southerly right of way line of Missouri State Highway No. 150 as established by Document 2009E0064160, being 80.00 feet right of centerline Station 316+29.79 (Station 316+29.51 Deed); thence South 88°11'07" East, along said Southerly right of way line 170.21 feet to a point that is 80.00 feet right of centerline Station 318+00.00; thence South 58°26'25" East, along said Southerly right of way line, 40.31 feet to a point that is 100.00 feet right of centerline Station 318+35.00; thence South 88°11'07" East, along said Southerly right of way line, 30.00 feet to a point that is 100.00 feet right of centerline Station 318+65.00; thence North 76°55'17" East, along said Southerly right of way line, 97.27 feet to a point on the Southerly right of way line of Missouri State Highway No. 150 as established by Document 2009E0006361, being 75.00 feet right of centerline Station 319+59.00; thence South 88°11'07" East, along said Southerly right of way line, 126.00 feet to a point that is 75.00 feet right of centerline Station 320+85.00; thence North 85°28'29" East, along said Southerly right of way line, 90.55 feet to a point that is 65.00 feet right of centerline Station 321+75.00; thence South 88°11'07" East, along said Southerly right of way line and along the Southerly right of way line of Missouri State Highway No. 150 as established by Document 2009E0006351, 175.00 feet to a point that is 65.00 feet right of centerline Station 323+50.00; thence South 82°44'41" East, along said Southerly right of way line, 105.48 feet to a point that is 75.00 feet right of centerline Station 324+55.00; thence South 88°11'07" East, along said Southerly right of way line, 45.00 feet to a point that is 75.00 feet right of centerline Station 325+00.00; thence South 49°40'27" East, along said Southerly right of way line, 88.33 feet to a point that is 130.00 feet right of centerline Station 325+69.12 (Station 325+69.30 Deed), said point also being on the East line of said Lot 2, SALVAGGIO'S RANCH and on the West right of way of said SW Pryor Road as now established; thence South 02°08'00" West, along said East lot line and said West right of way line, 509.17 feet to the Point of Beginning. Containing 1,370,951 square feet or 31.473 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the required minimum lot width of 50', to allow for a minimum lot width of 38'.
2. A modification shall be granted to the required minimum 20' rear yard setback, to allow for a minimum 15' rear yard setback.
3. A modification shall be granted to the required low impact landscaping screening buffer, to allow for no landscaping screening buffer.
4. Development shall be in accordance with the preliminary development plan, date stamped November 20, 2018.
5. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated December 4, 2018.

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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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*