

BILL NO. 19-119

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED GENERALLY AT THE NORTHEAST CORNER OF NW VIEW HIGH DR. AND I-470 HWY IN DISTRICT PMIX, PROPOSED PARAGON STAR VILLAGE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-071, submitted by Paragon Star, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) on land located generally at the northeast corner of NW View High Dr. and I-470 Hwy 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 a public hearing for the consideration of the preliminary development plan on May 23, 2019, 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 June 4, 2019, and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

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 in District PMIX on the following described property:

Section 34, Township 48 South, Range 32 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

A Tract of land in the Northwest Quarter of Section 34, Township 48 South, Range 32 West, of the 5th/ P.M., in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of said Northwest Quarter; thence South $86^{\circ}26'21''$ East, along the South line of said Quarter-Quarter, a distance of 78.97 feet, to the POINT OF BEGINNING; thence North $03^{\circ}33'19''$ East, departing said South line, a distance of 81.83 feet, to a point on a non-tangent curve; thence Northwest, along a curve to the right, whose initial tangent bearing is North $75^{\circ}29'13''$ West, having a radius of 111.50 feet, and a central angle of $24^{\circ}20'06''$, a distance of 47.36 feet; to a point of compound curvature; thence Northwesterly, along a curve to the right, having a radius of 84.00 feet, and a central angle of $16^{\circ}00'54''$, a distance of 23.48 feet, to a point of reverse curvature; thence Northwesterly, along a curve to the left, having a radius of 106.00 feet, and a central angle of $07^{\circ}58'31''$, a distance of

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14.75 feet, to a point of reverse curvature; thence Northwesterly, along a curve to the right, having a radius of 84.00 feet, and a central angle of 12°03'20", a distance of 17.67 feet, to a point on a non-tangent line, said point also being a point on the West line of said Northwest Quarter; thence North 02°25'47" East, along said West line, a distance of 280.21 feet, to a point on a non-tangent curve; thence Northeasterly, departing said West line and along a curve to the right, whose initial tangent bearing is North 15°06'40" East, having a radius of 648.00 feet, and a central angle of 54°41'08" East, a distance of 618.48 feet, to a point of tangency; thence North 69°47'48" East, a distance of 235.03 feet, to a point of curvature; thence Northeasterly and Southeasterly, along a curve to the right, having a radius of 84.00 feet, and a central angle of 91°10'09", a distance of 133.66 feet, to a point of tangency; thence South 19°02'03" East, a distance of 13.19 feet, to a point of curvature; thence Southeasterly, along a curve to the left, having a radius of 616.00 feet, and a central angle of 18°21'00", a distance of 197.28 feet, to a point of compound curvature; thence Southeasterly, along a curve to the left, having a radius of 540.00 feet, and a central angle of 13°19'41", a distance of 125.61 feet, to a point of tangency; thence South 50°42'44" East, a distance of 438.70 feet, to a point of curvature; thence Southeasterly, along a curve to the right, having a radius of 370.00 feet, and a central angle of 21°49'29", a distance of 140.94 feet, to a point of compound curvature; thence Southeasterly, along a curve to the right, having a radius of 264.00 feet, and a central angle of 12°30'46", a distance of 57.67 feet, to a point compound curvature; thence Southeasterly and Southerly, along a curve to the right, having a radius of 368.00 feet, and a central angle of 13°59'23", a distance of 89.85 feet, to a point on a non-tangent line; thence South 01°25'13" East, a distance of 3.16 feet, to a point of curvature; thence Southerly and Southwesterly, along a curve to the right, having a radius of 49.00 feet, and a central angle of 31°51'42", a distance of 27.25 feet, to a point on a non-tangent line; thence South 30°27'25" West, a distance of 31.24 feet, to a point of curvature; thence Southwesterly and Southeasterly, along a curve to the left, having a radius of 71.00 feet, and a central angle of 118°13'12", a distance of 146.50 feet, to a point on a non-tangent line; thence South 03°33'39" West, a distance of 12.92 feet, to a point on said South line; thence North 86°26'21" West, along said South line, a distance of 1,357.83 feet, to the POINT OF BEGINNING, containing 967,175.04 square feet, or 22.20 acres, more or less.

And also:

TRACT 2

All of Lots 1, 2, 3 and 4, GRAHAM COMMERCIAL CENTER, a subdivision of land in the Southwest ¼ of the Northwest ¼ of Section 34, Township 48, Range 32, in Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 20 foot parking setback, to allow 0-foot parking setbacks as shown on the preliminary development plan dated April 4, 2019.
2. A modification shall be granted to the 24-foot parking lot pole lighting height maximum, to allow a maximum height of 28 foot (above finished grade) for parking lot pole lighting.

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3. Architectural metal panels shall be allowed as a conditional material as described in the design guideline handbook, date stamped April 4, 2019.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the waterline improvements, the location and construction of pedestrian trails, and the road improvements recommended in the Transportation Impact Analysis dated April 18, 2019. 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 Recorder of Deeds Office.
5. The development shall be in accordance with the preliminary development plan, dated April 4, 2019. Design standards shall be as shown in the Paragon Star Village Design Guidelines Handbook, date stamped April 4, 2019.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped April 4, 2019:

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 _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*