

BILL NO. 19-144

AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT RP-4 AND CP-2, PRELIMINARY DEVELOPMENT PLAN AND CONCEPTUAL PLAN GENERALLY LOCATED AT THE NORTHWEST CORNER OF NE DOUGLAS ST AND NW COLBERN RD, PROPOSED ARIA AND SUMMIT VILLAGE NORTH DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-075 submitted by Unity Realty, LLC, requesting approval of a rezoning from District AG (Agricultural District) to RP-4 (Planned Apartment Residential District) and CP-2 (Planned Community Commercial District), preliminary development plan and conceptual plan on land generally located at the northwest corner of NE Douglas St and NW Colbern Rd was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning, preliminary development plan and conceptual 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, preliminary development plan and conceptual plan on May 23, 2019, and rendered a report to the City Council recommending that the rezoning, preliminary development plan and conceptual plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on July 9, 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, preliminary development plan and conceptual plan is hereby approved on the following described property:

Portion to be rezoned to RP-4:

A tract of land in the Northeast Quarter of Section 30 Township 48 North, Range 31 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Northeast Quarter Section; thence South 01°37'50" West, on the west line of said quarter section, 853.75 feet to a point on the southeast lot line of Lot 1, Lee's Summit Road Pump Station, a subdivision recorded in book I 51 at page 90 in the Jackson County Recorder of Deeds office; thence North 50°41'15" East, on said southeast lot line, 59.22 feet; to the Point of Beginning of the tract of land to be herein described; thence continuing North 50°41'15" East along said line, 116.89 feet; thence North 44°49'51" East, 792.38 feet to a point on the westerly right-of-way line of NW Lee's Summit Road as established by

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Document number 2015E0017982 in the Jackson County Recorder of Deeds office; thence on said westerly right-of-way line, South 54°34'12" East, 95.69 feet; thence Southeasterly along a curve to the right being tangent to the last described course with a radius of 1,142.00 feet, a central angle of 56°01'43" and an arc distance of 1,116.74 feet; thence South 01°27'31" West, 322.27 feet; thence leaving said right-of-way line, North 88°32'29" West, 375.74 feet; thence North 01°27'27" East, 62.94 feet; thence South 90°00'00" West, 195.68 feet; thence North 45°00'00" West, 889.18 feet to the Point of Beginning. Containing 979,968 square feet or 22.50 acres, more or less.

Portion to be rezoned to CP-2:

A tract of land in the Northeast Quarter of Section 30 Township 48 North, Range 31 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Northeast Quarter Section; thence South 01°37'50" West, on the west line of said quarter section, 853.75 feet to a point on the southeast lot line of Lot 1, Lee's Summit Road Pump Station, a subdivision recorded in book I 51 at page 90 in the Jackson County Recorder of Deeds office, and the Point of Beginning of the tract of land to be herein described; thence North 50°41'15" East, on said southeast lot line, 59.22 feet; thence leaving said lot line, South 45°00'00" East, 889.18 feet; thence North 90°00'00" East, 195.68 feet; thence South 01°27'27" West, 62.94 feet; thence South 88°32'29" East, 375.74 feet to a point on the westerly right-of-way line of NE Douglas Street as established by Document number 2015E0017982 in the Jackson County Recorder of Deeds office; thence on said westerly right-of-way line, South 01°27'31" West, 1,114.58 feet; thence South 46°40'17" West, 35.22 feet to the intersection of the northerly right-of-way line of NE Colburn Road as established by a survey provided by Hamilton Sterrett and Dooley, project number 99021; thence on said northerly right-of-way line North 88°06'56" West, 730.85 feet; thence Westerly along a curve to the left having an initial tangent bearing of North 87°33'04" West with a radius of 2,904.93 feet, a central angle of 10°06'02" and an arc distance of 512.10 feet to the Southwest corner of the said Northeast Quarter; thence North 01°37'22" East, on the west line of the northeast quarter of said section 30, a distance of 1,328.05 feet to the northwest corner of the southwest quarter of the said northeast quarter; thence continuing on the said west line, North 01°37'50" East, 473.96 feet to the Point of Beginning. Containing 1,717,197 square feet or 39.42 acres, more or less.

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SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the required high- and medium-impact landscape buffers along the southwest and northwest portions of the property, to allow an existing off-site, dense-treed area to serve as a buffer.
2. A modification shall be granted to the maximum allowable density of 12 dwelling units per acre in the RP-4 district, to allow 21.55 dwelling units per acre.
3. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, an off-site landscape easement, road improvements on Lee's Summit Road and possible down stream stormwater improvements. 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.
4. Development shall be in accordance with the preliminary development plan date stamped May 7, 2019.
5. Road improvements shall be provided on both sides of the street for the length of the applicant's development.

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*

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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 Head*